

County of Albany

Harold L. Joyce
Albany County Office Building
112 State Street - Albany, NY 12207



Meeting Agenda

Monday, March 11, 2024

6:00 PM

**William J. Conboy II Legislative Chambers
Albany County Courthouse**

Audit and Finance Committee

CURRENT BUSINESS:

1. AUTHORIZING THE RELEASE OF RIGHT OF REVERTER AND RE-ENTRY OF TITLE TO 43 MYRTLE AVENUE IN THE CITY OF ALBANY



DANIEL P. MCCOY
COUNTY EXECUTIVE

COUNTY OF ALBANY
OFFICE OF THE EXECUTIVE
112 STATE STREET
ALBANY, NEW YORK 12207-2021
(518) 447-7040 - FAX (518) 447-5589
WWW.ALBANYCOUNTY.COM

MICHAEL P. MCLAUGHLIN, JR.
DEPUTY COUNTY EXECUTIVE

March, 4th, 2024

Honorable Joanne Cunningham
Chair, Albany County Legislature
112 State St., Rm. 710
Albany, NY 12207

Dear Chairwoman Cunningham,

Legislative authorization is requested to release the Right of Reverter as stated in the deed enclosed as part of this submission for the property located at 43 Myrtle Avenue in the City of Albany.

If you have any questions regarding this request, I can make myself available at your earliest convenience.

Thank you for your consideration.

Sincerley,

Daniel P. McCoy
Albany County Executive

cc: Hon. Dennis Feeney, Majority Leader
Hon. Frank Mauriello, Minority Leader
Rebekah Kennedy, Majority Counsel
Arnis Zilgme, Minority Counsel



County of Albany

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Building
112 State Street - Albany,
NY 12207

Legislation Text

File #: TMP-5178, **Version:** 1

REQUEST FOR LEGISLATIVE ACTION

Description (e.g., Contract Authorization for Information Services):

Requesting Legislative Action to authorize the Release of Right of Reverter at 43 Myrtle Avenue

Date:	Patrick Curran
Submitted By:	2/14/2024
Department:	CEO
Title:	Policy Analyst
Phone:	518-447-5639
Department Rep.	
Attending Meeting:	Click or tap here to enter text.

Purpose of Request:

- Adopting of Local Law
- Amendment of Prior Legislation
- Approval/Adoption of Plan/Procedure
- Bond Approval
- Budget Amendment
- Contract Authorization
- Countywide Services
- Environmental Impact/SEQR
- Home Rule Request
- Property Conveyance
- Other: (state if not listed) Release of reverter

CONCERNING BUDGET AMENDMENTS

Increase/decrease category (choose all that apply):

- Contractual
- Equipment
- Fringe
- Personnel

- Personnel Non-Individual
- Revenue

Increase Account/Line No.: Click or tap here to enter text.
Source of Funds: Click or tap here to enter text.
Title Change: Click or tap here to enter text.

CONCERNING CONTRACT AUTHORIZATIONS

Type of Contract:

- Change Order/Contract Amendment
- Purchase (Equipment/Supplies)
- Lease (Equipment/Supplies)
- Requirements
- Professional Services
- Education/Training
- Grant

Choose an item.

Submission Date Deadline Click or tap to enter a date.

- Settlement of a Claim
- Release of Liability
- Other: (state if not listed) Click or tap here to enter text.

Contract Terms/Conditions:

Party (Name/address):
Click or tap here to enter text.

Additional Parties (Names/addresses):
Click or tap here to enter text.

Amount/Raise Schedule/Fee: Click or tap here to enter text.
Scope of Services: Click or tap here to enter text.

Bond Res. No.: Click or tap here to enter text.
Date of Adoption: Click or tap here to enter text.

CONCERNING ALL REQUESTS

Mandated Program/Service: Yes No
If Mandated Cite Authority: Click or tap here to enter text.

Is there a Fiscal Impact: Yes No
Anticipated in Current Budget: Yes No

County Budget Accounts:

Revenue Account and Line: Click or tap here to enter text.

Revenue Amount: Click or tap here to enter text.

Appropriation Account and Line: Click or tap here to enter text.

Appropriation Amount: Click or tap here to enter text.

Source of Funding - (Percentages)

Federal: Click or tap here to enter text.

State: Click or tap here to enter text.

County: Click or tap here to enter text.

Local: Click or tap here to enter text.

Original Awarding Agency / Funder:

Click or tap here to enter text.

New York State Pass-Through Agency (if applicable):

Click or tap here to enter text.

Term

Term: (Start and end date) Click or tap here to enter text.

Length of Contract: Click or tap here to enter text.

Impact on Pending Litigation

Yes No

If yes, explain: Click or tap here to enter text.

Previous requests for Identical or Similar Action:

Resolution/Law Number: 264

Date of Adoption: 07/11/2022

Justification: (state briefly why legislative action is requested)

Legislative action is requested to release the reverter located at 43 Myrtle Avenue in the City of Albany. As per this deed, conditions were set allowing the County to release the reverter upon the owner of this property indicating that the property was in good condition. The deed provided indicates that 41 and 43 Myrtle Avenue are both subject to the reverter. 41 Myrtle Avenue was merged into 43 Myrtle Avenue indicated by the image submitted.

Based on the information received, the County Executive's Office has qualified this as sufficient proof that the property is in good condition and is requesting legislative authority to release the reverter to the respective property owner.



DEPARTMENT OF MANGEMENT AND BUDGET

Property Review

PROPERTY INFORMATION

Municipality — City of Albany

Address of Properties —43 Myrtle Avenue

Tax Map Number-76.49-1-87

Property Descriptions- Two Family Residence

Owner Information

Rebecca Geer

CODE ENFORCEMENT INFORMATION

There are no outstanding violations-Verified through Albany Buildings - Citizen Self Portal 2/15/2024

DELINQUENT TAX INFORMATION

No delinquent taxes-Verified 1/29/2024

COUNTY FORECLOSURE INFORMATION

NA

Signed- ¹

ANTHONY DILELLA

Property Manager

DATE---February 15, 2024



TIME RECEIVED
January 17, 2024 at 11:52:11 AM EST

REMOTE CSID
15182524623

DURATION
490

PAGES
9

STATUS
Received

To:

Page: 1 of 9

2024-01-17 16:43:47 GMT

15182524623

From: J Michael Boxley

FAX COVER SHEET

TO	
COMPANY	
FAX NUMBER	15184475564
FROM	J Michael Boxley
DATE	2024-01-17 16:43:13 GMT
RE	43 Myrtle Albany JMB Esq County Atty Reverter Release.pdf

COVER MESSAGE

Office of the County Attorney Eugenia Condon,
 County Attorney
 Harold L. Joyce Albany County Office Building
 112 State Street, Room 600
 Albany, NY 12207
 Via: Fax (518) 447-5564

Hon. County Attorney:

Kindly the attached requesting County release of Reverter language concerning 1984 conveyance.

If you have any questions, please present.
Copied hereto, Examining Counsel for Chicago Title.

Thank you for considering.

J. Michael Boxley, Esq.
mboxley@diversestrategiesgroup.com

1980 Western Ave, STE 1A3
Albany, NY 12203

518-461-4230 (Mobile)
1-518-252-4623 (e-Fax)

Professional Profile
<https://diversestrategiesgroup.leapweb.us/>

J. Michael Boxley, Esq.

1980 Western Ave., STER 1A3
Albany, New York 12203
518-461-4230 (M) 15182524623 (e-Fax)

January 17, 2024

Via Facsimile

Office of the County Attorney Eugenia Condon,
County Attorney
Harold L. Joyce Albany County Office Building
112 State Street, Room 600
Albany, NY 12207
Via: Fax (518) 447-5564

**Re: Geer-Burden & Burden's sale to Bautista
43 Myrtle Ave, Albany, NY 12202**

Dear County Attorney:

I am the Attorney for the Burden Family, Owners and Sellers of 43 Myrtle Ave., Albany New York. As referenced in the attached Reverter Deed, in 1984, the County of Albany conveyed the property to prior Owners, with the below reverenced reverter:

That the party of the second part shall not transfer title to the premises herein for a period of not less than three years following the date of this instrument.


The Title Company's Attached Schedule A shows that the subject property was not conveyed to the Burden Family until 1994, well beyond the 3-year reverter timeframe. The Buyer's Title Company is requesting a Release of the Reverter—

9. Restriction and Right of Reverter in Deed Liber 2266 at page 464. A Release must be provided and Recorded per Reverter language.

On behalf of Sellers, we respectfully request the Release, for Title to record at the Closing.

Thank you for considering.

Very truly yours,


J. Michael Boxley, Esq.
mboxley@diversestrategiesgroup.com

Rebecca Geer-Burden & Curtis Burden
January 17, 2024

Page 2 of 2

JMB/jmb
Encl.

CC: Block Longo LaMarca & Brezeinski

LIBER 2266 466

Page 2

second part for the purpose of rehabilitating said premises, whichever shall occur first.

Being Parcels #W-4-19-79 and #W-4-20-79 on List of Delinquent Taxes filed in the Albany County Clerk's Office May 30, 1980 in an action entitled, "In the Matter of Foreclosure of Tax Liens pursuant to Article Eleven, Title Three of the Real Property Tax Law by County of Albany, New York" duly brought in the County Court of Albany County, State of New York by the County of Albany for the foreclosure of certain tax liens on said May 30, 1980.

Said premises being included in deed executed by Robert A. Hammond, Director of Finance of the County of Albany, New York to County of Albany dated November 6, 1980 in Book 2196 of Deeds at Page 657.

Subject to a prorated share of the 1983 State, County and City Taxes payable January 1, 1984. Also subject to a prorated share of the 1983-84 School Tax payable September 1, 1983. Also subject to any street and sewer assessments unpaid or payable to the municipality in which the premises are situated. Also subject to any water and sewer charges unpaid or payable to the municipality in which the premises are situated.

Subject to easements, restrictions, covenants and conditions of record affecting said premises and to such state of facts as an accurate survey would disclose.

This conveyance is made pursuant to Resolution No. 76 of the County Legislature adopted March 12, 1984 authorizing conveyance at Public Auction of certain parcels of real property acquired by the County of Albany as a result of completion of its in rem Foreclosure Proceedings.

STATE OF NEW YORK
COUNTY OF ALBANY)
Recorded in DEEDS
As from Deed and
Exhibit
J. J. [Signature]
CLERK
ALBANY COUNTY CLERK

USE 2266 465

Together with the appurtenances and all the estate and rights of the party of the first part in and to said premises,

To have and to hold the premises herein granted unto the part ies of the second part, their heirs and assigns forever.

And the party of the first part covenants that it has not done or suffered anything whereby the said premises have been incumbered in any way whatever.

Third, That, in Compliance with Sec. 13 of the Lien Law, the grantor will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

In Witness Whereof, the party of the first part has caused its corporate seal to be hereunto affixed, and these presents to be signed by its duly authorized officer this 3rd day of April Nineteen Hundred and Eighty-four

COUNTY OF ALBANY

By Cathy Brower Connors
DIRECTOR OF FINANCE

State of New York County of Albany - -) ss. On this 3rd day of April before me personally came - Nineteen Hundred and Eighty-four

Cathy Brower Connors

to me personally known, who, being by me duly sworn, did depose and say that s he resides in 18 Sturbridge Court, Voorheesville, NY that s he is the Director of Finance of Albany County the corporation described in, and which is called, the within instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said corporation; and that, she signed her name thereto by like order.

MARY A. BRADY
Notary Public, State of New York
My Comm. Expires Dec 31, 1985

Margaret Melagrano

RECORDED

COUNTY OF ALBANY

TO
MICHAEL KEATING,
GRANT P. STINCHFIELD
AND
MARGARETE MELAGRANO

Dated, April 2, 1984

State of New York
County of Albany

RECORDED ON THE
day of April 1984
at Albany in
the 11th of DEPT'S
of Albany and numbered

RETURN TO: Box 18
Court House

AUG 15 1984

CLOSING REQUIREMENTS

(Continued)

4. NOTE: Searches have been run vs. the certified owner(s) herein and proposed purchaser(s) for judgments and federal tax liens. Returns, if any, appear herein.
5. NOTE: Patriot searches have been run vs. certified owner(s) herein and proposed purchaser(s),
6. NOTE: Bankruptcy searches have been run vs. the certified owner(s) herein and proposed purchaser(s). Returns, if any, appear herein.
7. Company must be provided with a copy of Proposed Deed prior to closing.
8. If seller is a non-resident of New York State, Form IT-2663 must be fully completed and provided at closing with any funds due.
9. Restriction and Right of Reverter in Deed Liber 2266 at page 464. A Release must be provided and Recorded per Reverter language.
10. If the credit line mortgage recorded in Liber 6863 of Mortgages at page 173 is to be discharged, current final pay-off figures closing the account must be obtained together with the necessary consents from the mortgagor to the mortgagee directing that said loan not be readvanced and is to be discharged of record. If applicable, all remaining checks from EQUITY CHECKING ACCOUNTS must be surrendered at closing.
11. The 2024 City Tax is currently due.

Please be advised that Fidelity National Title Group has implemented a rate calculator for your convenience to enable you to calculate your title insurance rates. The website can be access at www.nyrates.fntg.com.