

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

~~County~~

City of PLATTSBURGH

~~Town~~

~~Village~~

Local Law No. 1 of the year 1998

A local law FOR SALE OF REAL PROPERTY ACQUIRED BY THE CITY OF PLATTSBURGH FOR NON-PAYMENT OF REAL PROPERTY TAXES
(Insert Title)

Be it enacted by the COMMON COUNCIL of the
(Name of Legislative Body)

~~County~~

City of PLATTSBURGH as follows:

~~Town~~

~~Village~~

1. Applicability: This law applies to the sale or other disposition of real property acquired by the City of Plattsburgh for non-payment of real property taxes.
2. Definitions: The following terms have the following meanings within the context of this Chapter.
 - .1 The terms "Delinquent tax", "Lien date", "Person" have the meanings set forth in section 1102 of the Real Property Tax Law.
 - .2 "Tax Foreclosed Property" means real property where title has passed to the City of Plattsburgh by virtue of non payment of real property taxes and other charges levied against the property.
 - .3 "Record Owner" means the person(s) who, as evidenced by the real property records of the Clinton County Clerk, was the record owner(s) of the tax foreclosed property on the Lien date. If title to the tax foreclosed property was jointly held or in a partnership or corporation on the lien date, and after the lien date title was transferred to a joint owner, or a person who on the lien date owned more than fifty one percent of the partnership interests or outstanding shares in the corporation, such transferee shall be considered a record owner.
2. Retention for Municipal Use: The Common Council may retain title to tax foreclosed property for public use.
3. Public Sale. The Common Council may by resolution authorize the sale of tax foreclosed property at public auction to the highest bidder, provided, the Common Council shall reserve the right to reject any and all bids.
4. Private Sale to Public. The Common Council may by resolution authorize the private sale of tax foreclosed property on the following conditions :

(If additional space is needed, attach pages the same size as this sheet, and number each.)

- .1 Tax foreclosed property may be listed for sale with a licensed real estate broker. A preference may be given to brokers whose principal place of business is located in the City of Plattsburgh.
 - .2 Tax foreclosed property may be sold directly to any person provided the property is advertised for sale in the official newspaper of the City of Plattsburgh not less than three times over ten consecutive days prior to the City's acceptance of an offer to purchase. Such advertisement is not required to be published in the legal notice section of the newspaper.
 - .3 Tax foreclosed property shall not be offered for sale for less than its assessed value unless the City obtains an appraisal report establishing a lower value that is approved by the City Assessor as a reliable indicator of market value.
 - .4 All purchase offers shall be accepted by resolution of the Common Council. The Common Council may not accept an offer to purchase property for a price that is less than the price determined pursuant to section 4.3, except by the affirmative vote of five Council members.
 - .5 Title to tax foreclosed property shall be conveyed by quit claim deed.
 - .6 The resolution of the Common Council authorizing the sale of such property, or accepting an offer to purchase such property, may include such other terms and conditions as the Common Council deems appropriate.
5. Private Sale to Record Owner: The Common Council may by ordinance authorize the sale of tax foreclosed property to the record owner on the following conditions:
- .1 A record owner requesting to purchase tax foreclosed property shall pay a non-refundable fee in an amount determined by the Common Council to be sufficient to pay the cost of staff time and expenses incurred in processing the purchase request.
 - .2 The purchase price shall be equal to: (1) the amount of unpaid real property taxes,

penalties, interest and costs levied against the property; (2) the amount of any grant or loan made by the City to improve the property which is in default, together with interest, costs or expenses incurred as provided in the grant or loan agreement; (3) the amount of any delinquent electric utility, water and sewer, or refuse bill on any account with the City in the name of the record owner; (4) legal costs or expenses incurred by the City in connection with the foreclosure of a tax lien on the property or a conveyance by the City to the owner.

- .3 The purchase price shall be paid in bank certified funds within 90 days of approval of the sale by ordinance of the Common Council.
- .4 Tax foreclosed property may be sold on such other terms and conditions as the Common Council determines.

6. Invalidity: If any part of this Chapter is held to be unauthorized, illegal or otherwise invalid it shall not affect the validity of the remaining sections.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 1998 of the ~~(County)~~(City)(~~Town~~)(Village) of PLATTSBURGH was duly passed by the COMMON COUNCIL on 19 MARCH 1998, and was (approved)(~~not disapproved~~)(~~repassed after~~
(Name of Legislative Body) ~~disapproval~~) by the MAYOR and was deemed duly adopted on 20 MARCH 1998,
(Elective Chief Executive Officer*)
in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after
(Name of Legislative Body) disapproval) by the _____ on _____ 19____. Such local law was
(Elective Chief Executive Officer*)
submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 19____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after
(Name of Legislative Body) disapproval) by the _____ on _____ 19____. Such local law was subject to
(Elective Chief Executive Officer*)
permissive referendum and no valid petition requesting such referendum was filed as of _____ 19____, in accordance with the applicable provisions of law.

*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairman of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 19____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the County of _____, State of New York, having been submitted to the electors at the General Election of November _____ 19____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 2, above.

KATHA HERKALO, CITY CLERK
Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body

Date: 31 MARCH 1998

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)

STATE OF NEW YORK
COUNTY OF CLINTON

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Signature _____ JOHN E. CLUTE
Title _____ CORPORATION COUNSEL

~~County~~
City of PLATTSBURGH
~~Town~~
~~Village~~

Date: 31 MARCH 1998