

**Albany County Legislative Resolution No. 29 of 2019
SEALED BID
BIDDER SUBMISSION FORM**

INSTRUCTIONS

**THIS PROCESS WILL BE CONDUCTED ONLINE ONLY AT
WWW.ALBANYCOUNTY.COM/SEALEDBIDS**

PLEASE REVIEW PROPERTY FOLDER SHOWN ON WEBSITE

PLEASE READ ALL TERMS OF SALE CAREFULLY BEFORE BIDDING

**FILL IN ALL INFORMATION RELATIVE TO YOUR BID ON THIS BID SUBMISSION FORM.
INCOMPLETE FORMS CAN BE REJECTED.**

**PLEASE SIGN THE BIDDER CERTIFICATION ON THE BID SUBMISSION FORM OR
YOUR BID WILL BE REJECTED**

**THIS SUBMISSION MUST BE EMAILED WITHIN THE ALLOTTED TIME AS
SPECIFIED ON WWW.ALBANYCOUNTY.COM/SEALEDBIDS
TO SEALEDID@ALBANYCOUNTYNY.GOV**

**ANY QUESTIONS CONCERNING THIS FORM CAN BE EMAILED TO
BIDINFO@ALBANYCOUNTYNY.GOV**

ALBANY COUNTY DISPOSITION PLAN

“Properties which will be discretionally conveyed by the County to individuals or entities for economic development purposes.”

Adopted per Albany County Legislative Resolution No. 29 of 2019

B. If they have been withdrawn from foreclosure, these properties shall be conditionally offered for sale via sealed bid for either its appraised value, outstanding delinquent tax liability (inclusive of interest, penalties and legal charges) prior to foreclosure, or an amount which reflects the benefit to the community stemming from the proposed use of the property with disclosure of the reasons for their withdrawal. It shall be the bidder's responsibility to research all information in the County's property file in this regard. Written notice to the local municipality(s) in which the property is located shall be required no less than 30 days prior to consideration by the County Legislature of such property transfer. Proof of compliance with the aforementioned written notice requirement shall be provided to the Legislature as a pre-condition to the Legislature's consideration of any conveyance falling under this section. Upon bid approval by the County Legislature, the full amount of the sale price and closing costs must be submitted to the County in escrow prior to and as a prerequisite to the completion of the foreclosure process. A signed statement by the bidder acknowledging receipt of full disclosure regarding the condition of the property in so far as known to the County will be required at that time. The County shall not be liable for any conditions known or unknown on these properties, and the purchaser will be required to execute a release, hold harmless, and indemnification agreement in this regard at the closing on the sale. Deed title will be transferred directly to the successful bidder pursuant to assignment without recourse

§ 1138. Withdrawal of parcels from foreclosure

“The enforcing officer of any tax district may at any time prior to final judgment withdraw any parcel of real property from a foreclosure proceeding under this title for one or more of the following reasons if the tax district were to acquire the parcel, there is a significant risk that it might be exposed to a liability substantially in excess of the amount that could be recovered by enforcing the tax lien “

TERMS AND CONDITIONS OF SEALED BID PROPERTY SALES

A. Bidding Process and Procedure:

1. All bids shall be sealed with collusive bidding being prohibited.
2. All bids shall be submitted and processed online using the electronic bid submission form annexed hereto.
3. A bidder is permitted to submit only one bid per property being offered for sale.
4. All sections of the bid submission form shall be completed and the bid submitted together with all required back-up materials within the allowable timeframe for bidding indicated on the "Sealed Auction Bids" page of the Albany County website: www.albanycounty.com/sealedbids.
5. The length of time a sealed bid shall be required to remain open will be indicated on the bid submission form and will also be indicated on the website.

B. Bidder Eligibility and Implied Representations.

1. A prospective bidder is ineligible to bid if:
 - a) The bidder has failed to satisfactorily comply with any material representation made to Albany County with respect to the bidder's plans for the use, rehabilitation or economic development of any property previously purchased by the bidder from Albany County.
 - b) The bidder or the bidder's immediate family member(s), or anyone bidding on the bidder's behalf is/are the tax delinquent owner(s) or former owner(s) of any property located within Albany County.
 - c) The bidder has lost title to property to Albany County by reason of delinquent tax foreclosure within the preceding 24 month time period.
 - d) The bidder has an unresolved building construction and fire safety code violation in connection with another property located within Albany County.

C. Terms of Sale Relating to Condition of Sealed Bid Properties Being Offered for Sale.

1. All sales are subject to non-reviewable discretionary approval of the County Executive and the Albany County Legislature, which approvals may for any reason be denied.
2. All properties offered for sale through the Sealed Bid process are sold without recourse in “where is” and “as is” condition as per its assessment roll description at the time it was foreclosed upon by Albany County with no representations or warranties of any kind made regarding the property’s actual location, physical condition, title or legally permissible use.
3. Albany County shall not be liable for any conditions known or unknown on these properties, and the selected bidder shall be required to execute a release, hold harmless, and indemnification agreement in this regard at the closing on the sale thereof.
4. Properties offered for sale through the Sealed Bid process shall be sold with disclosure of the reasons for its withdrawal for either its appraised value, outstanding delinquent tax liability (inclusive of interest, penalties and legal charges) prior to its foreclosure, or an amount which in the sole non-reviewable discretionary opinion of Albany County reflects the best benefit to the community as a whole stemming from its proposed use.
5. A signed statement by the selected bidder will be required at the time of sale acknowledging bidder’s receipt of full disclosure regarding the condition of the property offered for sale in so far as known to Albany County.
6. Deed title to the property will be transferred directly to the selected bidder pursuant to assignment without recourse.

D. Bidder’s Due Diligence Requirements with Respect to “Sealed Bid” Properties.

1. The bidder assumes all responsibility to investigate the physical condition of the property or of any structures or improvements located thereon.
2. By making a bid, bidder certifies the bidder has made an on-site inspection of the property and has reviewed the online folder containing all information known to Albany County concerning the property available on the Albany County website page [Sealed Auctions Bids](http://www.albanycounty.com/sealedbids) (www.albanycounty.com/sealedbids).

E. Bid Payment Process and Procedure

Upon notification, the bidder chosen by the Commissioner of Management and Budget or his assignees shall immediately deposit the full bid amount with the Albany County Division of Finance, 112 State Street, Room 1340, Albany, New York 12207 either by certified mail or in person. Checks are to be made payable to Albany County Department of Management and Budget. No request for conveyance will be forwarded to the Albany County Legislature unless these funds are received. Upon Legislative approval, the approved bidder shall be responsible for any and all closing costs.

F. Sale Closing and Property Conveyance Process and Procedure

1. The selected bidder shall provide the information necessary to complete the required forms and documents for recording the deed from the County of Albany in the Albany County Clerk's office.
2. All real estate taxes not in the collection process of the Albany County Division of Finance at the scheduled date of closing are the responsibility of the selected bidder to pay.
3. All current and past due water bills not in the collection process of the Albany County Division of Finance at the scheduled date of closing are the responsibility of the selected bidder to pay.
4. All municipal charges or fees not in the collection process of the Albany County Division of Finance at the scheduled date of closing are the responsibility of the selected bidder to pay.
5. The County Legislature may set the responsibility for the Real Estate Taxes, Water Bills and Municipal Charges for the selected bidder by resolution.
6. All recording fees are the responsibility of the selected bidder.

BIDDER INFORMATION - CONTACT AND DEED INFORMATION

*Bidder Name: _____
*As it will appear on County deed

Address: _____

Phone: _____ Email: _____

Preferred method of contact: ☐ Phone ☐ Email

TYPE OF ENTITY

☐ Individual

☐ Corporation

Incorporated in what state: _____ Date incorporated: _____

Authorized to do business in New York State? ☐ Yes ☐ No

☐ Partnership

Indicate type of partnership: _____

Number of general partners: _____ Number of limited partners: _____

☐ Not-for-profit

Incorporated in what state: _____ Date incorporated: _____

☐ Limited Liability Company

Formed in what state: _____ Date incorporated: _____

Authorized to do business in New York State? ☐ Yes ☐ No

☐ Sole Proprietorship

Name of Sole Proprietor: _____

PROPERTY INFORMATION AND BID AMOUNT OFFERED

COUNTY USE ONLY

PROPERTY INFORMATION

Property Address: _____

Municipality: _____ Tax map No: _____

Description: _____

Reason for Withdrawal from Foreclosure:

Environmental Concerns

“If the tax district were to acquire the parcel, there is a significant risk that it might be exposed to a liability substantially in excess of the amount that could be recovered by enforcing the tax lien.”

Disposition plan excerpt being invoked:

An amount which reflects the benefit to the community stemming from the proposed use of the property.

Amount offered by bidder: \$ _____

REASON FOR BIDDING ON PROPERTY

COMPLETE THIS SECTION IF YOU ARE SEEKING TO PURCHASE A BUILDING

- | | | |
|---|-----|--|
| <input type="checkbox"/> Renovate | N/A | <input type="checkbox"/> Occupy as owner occupant (use as primary residence) |
| <input type="checkbox"/> Rehabilitate | | <input type="checkbox"/> Occupy this property as a rental |
| <input type="checkbox"/> Occupy/operate As Is | | <input type="checkbox"/> Redevelop and re-sell |
| <input type="checkbox"/> Demolish/deconstruct | | <input type="checkbox"/> Other _____ |
| <input type="checkbox"/> New construction | | |

COMPLETE THIS SECTION IF YOU ARE SEEKING TO PURCHASE A LOT

- ☐ New Construction
- ☐ Property Improvements (example: fencing, landscaping, garden/green space)
- ☐ Other _____

COMPLETE THIS SECTION IF YOU ARE SEEKING TO PURCHASE A SIDE-LOT*

- | | | |
|--------------------------------------|-----|--------------------------------------|
| <input type="checkbox"/> Fence | N/A | <input type="checkbox"/> Deck/Patio |
| <input type="checkbox"/> Landscaping | | <input type="checkbox"/> Garage |
| <input type="checkbox"/> Driveway | | <input type="checkbox"/> Other _____ |

Note: Bidders are responsible for verifying their respective property plan is compliant with local zoning. If the property plan does not comply with current zoning or land use laws, additional approvals may be required and are the sole responsibility of the bidder. Contact the appropriate municipality to find out more information.

This image shows a blank sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

This location, conveniently located immediately off I-787 and 378 and in the heart of the Capitol Region
is ideally suited for business use.

GENERAL COST ESTIMATE

Complete this section if bidding on a BUILDING

N/A

Estimated MATERIAL Cost: \$ _____ Estimated LABOR Cost: \$ _____

Total: \$ _____

Complete this section if bidding on a VACANT LOT

Estimated MATERIAL Cost: \$ _____ Estimated LABOR Cost: \$ _____

Total: \$ ~~XXXX~~ \$4,500,000 _____

Explanation of costs:

Rental of excavator

Payment of Excavator Operation

Removal of contaminated soil (\$80/ton haul & dispose)

Geologist/Environmental Engineer Services

Lot Remediation \$100,000

Lot Cleaning \$150,000

Senior Housing if approved by NYS Office of Homes & Community Renewal \$4,250,000

PROPERTY OWNERSHIP HISTORY

If you answer YES to any of these questions, attach an explanation. Please provide complete, accurate and current information. Please be advised information provided will be independently verified.

THIS INFORMATION APPLIES TO ALL MEMBERS, PARTNERS AND SHAREHOLDERS

- Do you own any properties in Albany County? ☐ Yes ☐ No
(attach a list with addresses, property type and year acquired)
- Does any property you own currently have code violations? ☐ Yes ☐ No
- Are you an owner of tax delinquent property? ☐ Yes ☐ No
- Have you filed for bankruptcy within the past 7 years? ☐ Yes ☐ No
- Have you owned property foreclosed on for tax-delinquency? ☐ Yes ☐ No
- Have you or a family member previously owned the property for which you are applying? ☐ Yes ☐ No

PROPERTIES OWNED IN ALBANY COUNTY BY AFFILIATES OF NIKO VENTURES, LLC & IMPROVEMENTS/INVESTMENTS MADE:

- 1) 240 Broadway, Menands - purchased 12/16/2019 (North New York Holdings, LLC); replaced leaking roof on this property; at company expense replaced rotted, dilapidated wooden border fence between 240 Broadway and neighboring properties located at 6, 8, and 10 Brookside Ave, Menands at company sole expense coordinating with neighbors permission and consent to do the same thereby improving not only the property at 240 Broadway but adding enhancement to the immediate neighborhood / borders of 6, 8, and 10 Brookside Ave, Menands. We have also begun the process of readying the property for paving by filling long neglected pot holes with crushed stone and will complete paving in the near future. We have reached out to NYS DOT and the Village of Menands in an effort to partner with them improving the sidewalks along Broadway (Rt. 32) when we pave the lot.
- 2) 242 Broadway, Menands - purchased 9/26/2019 (242 Broadway Holdings, LLC); replaced leaking roof of this foreclosed and long abandoned property; replaced flooring, updated doors.
- 3) 291 Broadway, Menands - purchased 9/16/2019 (SPR Group Holdings, LLC) - upgraded the HVAC system; installed sidewalk; prepped and painted interior

Our investment in the local community is evidenced by our capital investments in the surrounding community. We have a vested interest in increasing the surrounding property values.

Our primary company, Alvion Group Inc. is in the business of construction, remediation of asbestos/lead abatement and mold removal. We have been the successful general contractor on multiple bids improving state and federal owned properties including the abatement of lead in armories across the state; abatement of asbestos in the Corning Tower, Albany and in the SUNY Geneseo Library among other projects. We employ dozens of workers on these projects.

BIDDER CERTIFICATION (PLEASE READ CAREFULLY BEFORE SIGNING)

I HEREBY CERTIFY THAT:

1. I understand that by submitting a bid on the listed parcel, I am accepting the terms and conditions stated in the Albany County Disposition Plan adopted by Albany County Legislative Resolution No. 29 of 2019 "Properties which will be discretionally conveyed by the County to individuals or entities for economic development purposes" section B and all terms and conditions for the Sealed Bid process.
2. I also understand that all properties offered though the "Sealed Bid" process by Albany County are sold in "as is" condition and no warranties are made regarding property condition. The bidder assumes all responsibility to investigate, and if necessary, repair the physical condition of the properties or of any structures or improvements located on any of the properties
3. I have reviewed the online folder with information concerning this property listed on the Albany County website page www.albanycounty.com/sealedbids.
4. I understand that the Albany County Executive or the Albany County Legislature may decline my offer to acquire this property for any reason.
5. If I am the approved Bidder, upon notification I will immediately deposit the full purchase price via certified funds with the Albany County Division of Finance either by certified mail or in person as without this deposit my bid will not be forwarded to the Albany County Legislature for review.
6. I understand that all real estate taxes, past due water bills and municipal charges not in the collection of Albany County at the date of closing are my responsibly to pay. I also understand that any and all closing costs are also my responsibility.

BY ENTERING YOUR NAME(S) BELOW, YOU CERTIFY THAT YOU HAVE READ, UNDERSTAND AND AGREE TO BE BOUND BY ALL TERMS CONTAINED HEREIN AND YOU FURTHER CERTIFY THAT ALL OF THE STATEMENTS SET FORTH BY YOU IN THIS DOCUMENT ARE COMPLETE AND TRUE.

Nick Sparakis
Applicant Name (Print)

Nick Sparakis
Signature

11/16/2020
Date

Co-Applicant Name (Print)

Signature

Date

THIS ENTIRE FORM MUST BE SUBMITTED BY EMAIL TO SEALEDID@ALBANYCOUNTYNY.GOV
BY THE FOLLOWING DATE: _____