

00/00/20

RESOLUTION NO. _____

AUTHORIZING THE CANCELLATION AND CHARGE BACK OF AN UNENFORCEABLE DELINQUENT REAL PROPERTY TAX LIEN ON 99 CEDARVIEW LANE, TOWN OF COLONIE

Introduced: 00/00/20

By Audit and Finance Committee:

WHEREAS, the Director of the County Real Property Tax Services Agency has advised the Commissioner of the County Department of Management and Budget as Enforcing Officer of the Albany County Tax District ("Tax District Enforcing Officer") that the three year time limit for use of the ordinary "correction of errors" process provided by Real Property Tax Law, §554 to cancel and charge back the amount credited or guaranteed by the Tax District in connection with the following unenforceable delinquent pursuant to RPTL, §1138 which was returned to the Tax District for enforcement,

<u>Town of Colonie</u>				
<u>Parcel Location</u>	<u>Tax Map No.</u>	<u>Tax Lien Year(s)</u>	<u>Charge Back Amount</u>	<u>Reason</u>
99 Cedarview Ln.	32.3-1-7.1	2015 Property	\$29.44	This parcel appearing on the List of Delinquent Taxes, which is located on the common grounds of a condominium complex, had no land value and assessed value listed. It appears that due to a clerical error a sewer charge was imposed on the property.

, and

WHEREAS, pursuant to Real Property Tax Law, §1138 the County Legislature in its capacity as the governing body of the Tax District is authorized to without time limit cancel and charge back all amounts credited or guaranteed by the Tax District to any municipal corporation in connection with delinquent real property tax liens returned to the

Tax District for enforcement as to which there is no practical method to enforce the collection of said delinquent tax liens and that a supplementary proceeding to enforce collection of the taxes involved would not be effective, and

WHEREAS, the Tax District Enforcing Officer has as required by RPTL, §1138 (subds. 1 (a) and 2) duly issued and filed with the Albany County Clerk and the Clerk of the Albany County Legislature as the governing body of the Tax District a Certificate of Withdrawal of the above said parcel from the "In Rem" delinquent real property tax lien foreclosure proceeding brought by the Tax District to enforce the said delinquent real property tax lien against it, and

WHEREAS, the County Legislature has based upon the information in this regard provided to it by the Tax District Enforcing Officer determined pursuant to RPTL, §1138 (subd. 6 (a)) that under the circumstances presented there no practical method to enforce the collection of the above said delinquent tax lien and that a supplementary proceeding to enforce collection of the tax involved would not be effective , it is therefore hereby

RESOLVED, that pursuant to RPTL, §1138 (subd.6(a)) the above said delinquent real property tax lien is hereby cancelled and the Tax District Enforcing Officer is hereby directed to issue and within 10 days thereafter file with the Albany County Clerk a Certificate of Cancellation of the above said delinquent real property tax lien, and, be it further

RESOLVED, that the Tax District Enforcing Officer is pursuant to RPTL, §1138 (subd.6(c)) hereby authorized and directed to following the filing of said Certificate of Cancellation charge back all amounts credited or guaranteed by the Tax District to any municipal corporation in connection with the above said cancelled delinquent real property tax lien.

CERTIFICATE OF WITHDRAWAL

(Real Property Tax Law, §1138 (subds.1, 2 and 3))

INDEX NO. 05419-16

TO THE ALBANY COUNTY CLERK:

PLEASE TAKE NOTICE that the following parcel of real property included on the List of Delinquent Taxes for the "In Rem" delinquent tax lien foreclosure proceeding filed by the County of Albany, New York, Tax District in your Office under the above Index No. on December 14, 2016 covering the Town of Colonie in Albany County:

PARCEL No. 05419-16-000204
OWNER(S) Shaker Commons Realty Corp
ADDRESS 99 Cedarview Lane
Town of Colonie
TAX MAP No. 03200300010070040000

RECEIVED
2016 SEP 15 AM 8:39
ALBANY COUNTY CLERK

is hereby **WITHDRAWN** from said foreclosure proceeding by me for one or more of the following reasons (check all that apply):

There is reason to believe that there may be a legal impediment to the enforcement of the tax lien(s) affecting said parcel.

The tax lien(s) on said parcel has/have been canceled or is/are subject to cancellation pursuant to section 558 of the Real Property Tax Law.

The enforcement of the tax lien(s) on said parcel has/have been stayed by the filing of a petition pursuant to the Bankruptcy Code of 1978 (Title 11 of the United States Code).

If the Tax District were to acquire said 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 said tax lien(s).

_____ The owner of said parcel has entered into an agreement to pay said tax lien(s) in installments pursuant to section 1184 of the Real Property Tax Law and has not defaulted thereon.

_____ Said parcel was included in the Petition for Foreclosure in said proceeding, but it has since been demonstrated to my satisfaction as Enforcing Officer that said parcel is residential or farm property, and as such, said parcel is not yet subject to inclusion in such a Petition.


The facts which render said parcel eligible for withdrawal from said proceeding are as follows: Legal Impediment - Erroneous Tax

PLEASE TAKE FURTHER NOTICE that pursuant to Real Property Tax Law, §1138 (sub. 2 (b) you are therefore required and directed to upon the filing of this Certificate of Withdrawal in your Office enter on said List of Delinquent Taxes the word "withdrawn" and the date of such filing opposite the description of said parcel.

PLEASE TAKE FURTHER NOTICE that pursuant to Real Property Tax Law, §1138 (subd. 3) the filing of this Certificate of Withdrawal has no effect upon the delinquent real property tax lien(s) against said parcel, or upon the notice of pendency of said proceeding as to said parcel, unless such lien(s) are canceled and, if said lien(s) are not canceled, said proceeding may be reinstated against said parcel.

DATED: September 11, 2020

TAX ENFORCING OFFICER
COUNTY OF ALBANY, NEW YORK, TAX DISTRICT



SHAWN A. THELEN, Albany County
Commissioner of Management and Budget

Town of Colonie
General Tax Bill - 2015
Duplicate Tax Bill

Tax Map No. 012689 32.3-1-7.1 Location Cedarview Ln Dimensions 0.00 by 0.00 10.90 Acres	School Dist 012605 North Colonie Prop Class 312 RES Vacant Land Addl Desc Common Condo Land		
O w n e r Shaker Commons Realty Corp 343A Watervliet Shaker Rd Latham, NY 12110	Bill No. 008465 Roll Section Account No. Mortgage NO. Bank Code Assessed Value 0		
Levy Description	Tax Value	Tax Rate	Tax Amount
Albany County Tax	0	5.620954	0.00
Alb Co Elect Chrgbk	0	0.017422	0.00
Town of Colonie Tax	0	3.592482	0.00
Boght community f.d.	OTO	2.514692	0.00
Sewer a land payment	2.00UN	12.620000	25.24
Sewer d debt payment	42.00UN	0.100000	4.20
Latham water dist	OTO	0.282138	0.00
Payment Schedule		Tax Amount Due:	\$29.44
Due Date	01/31/2015	02/28/2015	03/31/2015
Penalty	0.00	0.29	0.59
Total Due	\$29.44	\$29.73	\$30.03



32.3-1-7.1

012689 Colonie

Active

R/S:1

School: North Colonie

Shaker Commons Realty Corp
99 Cedarview Ln

Roll Year: 2014 Prior Year

Vac w/imprv /Condo

Land AV:

Land Size: 10.90 acres

Total AV:

Parcel 32.3-1-7.1

- Notes
- Assessment
 - Spec Dist(s)
 - Notes
- Description
- Owner(s)
- Images
- Gis
- Site (1) Res
 - Land(s)
 - Imprvmt(s)
 - Valuation

Prop Class:	512 Vac w/imprv	Desc 1:	Common Condo Land
Ownership Code:	C Condo	Desc 2:	
Roll Section:	1 Taxable	Desc 3:	
Roll Subsection:		Desc Print Code:	P = Print on Roll & Bill
School Code:	012605 North Colonie	Land Com Code:	
Cons. School:		Land Com Year:	
Easement Code:		Ag District:	<input type="checkbox"/> Ag Dist No:
Allocation Factor:	.0000	Arrears:	<input type="checkbox"/> SSI Recipient:
Appraisal No:		Date Last Phy Insp:	00/00/0000
Tax Code:			

Run RPS440 Edits: Major Type: C

Total 1 Roll Years:				
Roll Yr	Prop Class	Roll Section	Owner Code	Tax Code
2014	Vac w/imprv	Taxable	Condo	