



## **CORTLAND COUNTY ATTORNEY**

**VICTORIA J. MONTY**

CORTLAND COUNTY OFFICE BUILDING

60 CENTRAL AVENUE, CORTLAND NY 13045

TEL: 607-753-5095

FAX: 607-756-3489

Wendy Franklin  
*Chief Assistant County Attorney*

Jeri DuVall  
*Assistant County Attorney*

M. Tabitha Palladino  
*Legal Associate*

Maria P. Adsit  
*Confidential Secretary*

Megan Southworth  
*Secretary II*

To: John Banewicz, Kellie Green, Andrea Herzog, Victoria J. Monty, Rob Corpora, Tabitha Palladino  
From: Wendy Franklin  
Date: May 5, 2022  
Re: In rem Tax Foreclosure of 6735 NYS Route 41, Homer, NY (Town of Scott)  
Tax Map No. 25.01-02-09.000  
DEC Spill No. 1902432

The above property is set to be sold at this year's In rem Tax Foreclosure Sale. This property required clean-up and the County was able to work with the State to accomplish the clean-up through the State Oil Spill Fund. As a property corrected by the State Oil Spill Fund, the County entered into an agreement with the State in which the County agreed to pay the State Oil Fund fifty percent (50%) of the auction sale price. Here are the requirements that must be followed for the sale of this property under the agreement:

- I. The County will pay the Fund fifty percent (50%) of the auction sale price;
  - A. The County must pay the State within sixty (60) days following the County's tax auction and completion of the sale;
  - B. The check from the County must be made payable to: "Comptroller, State of New York";
  - C. The check memo line must reference: "DEC Spill No. 1902432";
  - D. The check must be sent to:  
Patrick J. Holloway, Manager  
New York Environmental Protection and  
Spill Compensation Fund  
Office of the State Comptroller  
110 State Street  
Albany, New York 12236
- II. The County will require the purchaser of the property to sign a sworn affidavit at the time of the auction verifying they did not contribute to the spill, understand that the DEC has the right to enter the property to make any additional clean-up efforts necessary and finally agree that they will not interfere with any clean-up efforts or disturb any remediation equipment or monitoring wells without the express prior written consent of the NYSDEC. (A copy of the Purchaser

Affidavit for this property is included with this memo). **THIS PURCHASER AFFIDAVIT SHOULD BE SIGNED AT THE TIME OF THE SALE AND MUST BE A PART OF THE PERMANENT FILE REGARDING THIS PROPERTY.**

- III. The County must provide the purchaser of the property with a copy of the agreement between the County and the State. The reason for this is that there is typically a strict liability holding against the property owner regarding this type of issue; however, because of the County's agreement with the State, the State released the County from liability and that release is transferable to subsequent property owners. (A copy of the agreement is included with this memo and should be provided to the purchaser after the County has recorded the deed transferring the property to the purchaser).
  - A. Please keep in mind that the recording fee to the purchaser of this property will be significantly higher because the agreement between the County and the State will need to be recorded with the deed to the purchaser in order for the purchaser and each successive owner to have the release from liability connected with the property.
  - B. The agreement is 13 pages long when tabulating recording fees.

I hope that I have been clear in outlining our additional requirements for the sale of this parcel at the tax auction but should you have any questions please let me know. Thanks - Wendy