

County of Putnam
Local Law #10 of 2012
(Passed at the July 3, 2012 Full Meeting)

**APPROVAL/LOCAL LAW/AMEND CHAPTER 31/CODE OF PUTNAM COUNTY ENTITLED
“COUNTY PROPERTY”**

A Local Law to Amend Chapter 31 of the Code of Putnam County entitled “County Property”

BE IT ENACTED BY THE LEGISLATURE OF THE COUNTY OF PUTNAM, as follows:

Section 1.

Section 31-4 of Chapter 31 of the Code of Putnam County entitled “Sale by resolution” is hereby amended to read as follows:

§ 31-4. Sale by resolution.

A. When the County Legislature shall determine that any County real or personal property is no longer necessary for public use, it may, by resolution adopted by the affirmative vote of two-thirds of the total membership of the Legislature taken by roll call and entered in the minutes, sell or otherwise convey all the right, title and interest of the County therein and declare the terms governing said transaction, including the consideration therefore. The documents of conveyance shall be approved by the County Attorney and executed by the County Executive. A contract of sale preceding the conveyance shall be desirable but not mandatory, and the absence of a contract shall not negate or otherwise impair the conveyance itself once there has been execution and delivery. A resolution authorizing a conveyance shall not be deemed to be a contract, nor to be contractual in nature, and may be rescinded and revoked by subsequent resolution of the Legislature at any time prior to the actual consummation of the conveyance. Property sold or otherwise conveyed pursuant to this provision shall be to the highest responsible bidder after public advertisement, except that the Legislature shall have the option to approve the transfer of a parcel of real property without having first advertised for bids, by a two-thirds vote of its membership, in the following instances:

(1) Where it has been determined by the Legislature that an environmental condition may exist on said parcel, such that it would likely be unmarketable to the general public. In such instance, the Legislature may approve said transfer upon such conditions as it may deem to be in the best interests of the County; or

(2) Where a not-for-profit agency/entity has approached the County with respect to a particular parcel of real property, and has requested that said parcel be transferred to it for a charitable purpose. Any such transfer shall be subject to the retention of a reversionary interest by the County, the terms of which shall be determined by the Legislature; together with any/all other conditions as the Legislature may deem to be in the best interests of the County; or

(3) Where a not-for-profit agency/entity has approached the County with respect to a particular parcel of real property, and has requested that said parcel be transferred to it for future use by the general public for a legitimate public purpose. Any such transfer shall be subject to the retention of a reversionary interest by the County, the terms of which shall be determined by the Legislature; together with any/all other conditions as the Legislature may deem to be in the best interests of the County.

(4) Where it has first been determined by the Legislature that it would be most financially advantageous to the County to offer the property for sale through the applicable Multiple Listing Service by utilizing the services of a licensed real estate broker selected in accordance with the applicable provisions of Chapter 140 of the Putnam County Code. In such instance, the Legislature may thereafter approve said transfer upon such conditions as it may deem to be in the best interests of the County. The initial offer amount, and any subsequent modifications thereto, shall be determined by the County Executive based upon a certified appraisal and/or a comparative market analysis, and with the advice and recommendation of the Legislature and the licensed real estate broker so retained.

B. In no event shall the Legislature approve the transfer of any property pursuant to this sub-article for the purpose of promoting economic development, except when sold either to the highest responsible bidder after public advertisement, or through the applicable Multiple Listing Service by utilizing the services of a licensed real estate broker.

C . The income and proceeds of the sale of any County property no longer necessary for public use may be applied toward the payment of the cost of new sites and buildings or expended for other lawful County purposes.

D . Nothing herein shall be construed to authorize the sale of any County property where such disposition is prohibited or restricted by law.

E . All other provisions of N.Y.S. County Law § 215 and other statutes not the subject of this legislation shall remain in full force and effect.

Section 2.

Section 31-8 of Chapter 31 of the Code of Putnam County entitled "Sale of property acquired by County" is hereby amended to read as follows:

§ 31-8. Sale of property acquired by County.

A. Public auction.

(1) Within a reasonable time after the Court renders judgment in favor of the County, authorizing the Enforcing Officer to convey title to the County, the Enforcing Officer and the County Attorney shall establish a date for a public auction. The County shall endeavor to hold at least one public auction each year, or when otherwise needed, as is determined by the Enforcing Officer and the County Attorney. Such auction or auctions shall be conducted on behalf of the County by the Enforcing Officer and the County Attorney. The Enforcing Officer and the County Executive may execute a contract from time to time with an auction company to assist with the auction. All parcels, except those sold through a private sale pursuant to the provisions herein, or retained for public use,

or retained by the County of Putnam for future determination, or conveyed to another municipality for public use, shall be subject to a public auction. Public notice of such auction shall be made at such times, places and manner in the discretion of the Enforcing Officer and the County Attorney who may seek the advice of the auction company, if any, hired by the County to assist with the auction.

(2) The terms of sale for the annual public auction shall be prepared, and modified from time to time, by the Enforcing Officer and the County Attorney, who may seek the advice of the auction company, if any, hired to assist in the auction. Bids made at such auction shall be subject to final approval by resolution of the Legislature, and any bid may be rejected by resolution of the Legislature in its sole discretion.

(3) The Enforcing Officer and the County Attorney shall have the authority to make any and all decisions of a ministerial or procedural nature which may arise during the course of the conduct of said public auction,

(4) The Enforcing Officer and the County Attorney shall be authorized to conduct more than one public auction annually, if necessary.

(5) After all unredeemed parcels have been offered for sale at not less than two (2) public auctions, the County shall attempt to sell any unsold parcels at private sale or subsequent public auction or retain one or more specific parcels for public use.

B. Private sale.

(1) Anything above to the contrary notwithstanding, a private sale may be authorized on a case-by-case basis by resolution of the Legislature after considering the recommendation of the Enforcing Officer, the County Attorney and the Director of Real Property Tax Services. Any such private sale agreement must be approved by a resolution adopted by the affirmative vote of two-thirds of the total membership of the Legislature.

(2) The Legislature retains sole discretion to approve a private sale, or not, in the best interest of the County, keeping in mind that it is otherwise the policy of the County, as expressed herein above, that real property not retained for public use shall be sold at public auction. The following are examples of criteria to be used to approve a private sale, but this list is not intended to be exhaustive:

(a) Sale of property when it has been determined by the Legislature that an environmental condition may exist on said property, such that it would likely be unmarketable to the general public.

(b) Sale of property to a governmental entity for public use.

(c) Sale of property when physical or legal conditions exist which would make the sale thereof at public auction impractical or unadvisable.

(d) Sale of property to a contiguous owner:

[i] To provide access to a landlocked property.

[ii] To resolve a problem created by an encroachment, shared well or septic system, or common driveway, etc.

[iii] If the parcel cannot be otherwise improved under existing zoning regulations.

(e) Sale of property where it has first been determined by the Legislature that it would be most financially advantageous to the County to offer said property for sale through the applicable Multiple Listing Service by utilizing the services of a licensed real estate broker, selected in accordance with the applicable provisions of Chapter 140 of the Putnam County Code. The initial offer amount, and any subsequent modifications thereto, shall be determined by the Enforcing Officer, based upon a certified appraisal and/or a comparative market analysis, and with the advice and recommendation of the Legislature, the County Attorney, the Director of Real Property Tax Services, and the licensed real estate broker so retained.

(3) In no event shall any property be sold at private sale pursuant to this article for the purpose of promoting economic development, except for a sale through the applicable Multiple Listing Service by utilizing the services of a license real estate broker.

(4) In addition to the sales price, the purchaser shall pay to the County of Putnam all other lawful charges and fees.

Section 3.

This Local Law shall take effect immediately.