S T A T E  O F  N E W  Y O R K

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I N  A S S E M B L Y

March 10, 2010

Introduced by M. of A. CASTRO -- read once and referred to the Committee on Cities

AN ACT authorizing the city of New York to reconvey its interest in certain real property acquired by in rem tax foreclosure in the borough of the Bronx to former owner Davmoricio Co. Inc., notwithstanding expiration of the two year period within which application may be made to the city to release its interest in property thus acquired; Block No. 3194, lot No. 27 on tax map for the borough of Bronx

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Findings. On July 11, 1984, through a Bronx in rem tax foreclosure action, the city of New York acquired title to premises designated as lot 27 in tax block 3194, also known as 2146 Grand Avenue, in the borough of the Bronx, based on non-payment of taxes due to inadvertence by Gillisonville Corp., a former owner of such property. Davmoricio Co. Inc. purchased the property from Gillisonville Corp. as was the last owner of record. Pursuant to sections 11-424 and 11-424.1 of the administrative code of the city of New York, the city may release its interest in property thus acquired if an application for such a release is filed with the city's department of citywide administrative services within two years of the date on which the city's deed is recorded and if such application is approved by the in rem foreclosure release board. Since that period has now elapsed, and pending the effectiveness of a chapter of the laws of 2010 authorizing the in rem foreclosure release board to authorize the release of property where an application for such release is made more than two years after the date of the city's acquisition thereof, state legislation is necessary to restore said property to the aforesaid former owner. In addition, since the New York city charter requires that the sale of city owned property be at public auction or by sealed bids (except as otherwise provided by law), state legislative authorization is necessary to permit said reconveyance.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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S 2. Notwithstanding any other provision of general, special or local law, charter or administrative code to the contrary and subject to section three of this act, the city of New York is hereby authorized to release its interest in and reconvey the real property designated as tax block 3194, lot 27, on the tax map of the city for the borough of the Bronx as said map was in 1982, to Davmoricio Co. Inc., the former record owner of said property on such date.

S 3. Such release and reconveyance may be made only upon the approval of the in rem foreclosure release board established by section 11-424.1 of the administrative code of the city of New York, subject to the grantees meeting the following conditions precedent:

(a) Submit an application for release in writing to the city commissioner of citywide administrative services accompanied by a certified title search, affidavit of ownership, and all fees and payments as otherwise required by section 11-424 of the administrative code of the city of New York.

(b) Pay all taxes, interest, penalties and charges otherwise required by section 11-424 of the administrative code of the city of New York upon approval of the application by the in rem foreclosure release board.

S 4. This act shall not be deemed to be the chapter upon the effectiveness of which paragraph 2 of subdivision a of section 11-424 of the administrative code of the city of New York, under local law, depends. Accordingly, the provisions of such paragraph 2 shall not apply to the release and reconveyance authorized to be made herein.

S 5. This act shall take effect immediately.