

ORDINANCE NO. 9685

**AUTHORIZING THE MAYOR OF THE CITY OF ROME TO AMEND THE
TRANSFERS OF 902 OAKWOOD STREET, 904 OAKWOOD STREET AND 508
CLINTON STREET TO ROME BUILDING CONTRACTORS, INC.**

By Councilor Sparace:

WHEREAS, New York State Real Property Tax Law Section 1166 and Rome Charter Laws, Title A, Section 33(3) allow the City of Rome to sell and convey real property obtained by virtue of a tax foreclosure proceeding, upon approval and confirmation of a five-sevenths (5/7) vote of the Rome Common Council, with or without advertising for bids; and

WHEREAS, at regularly scheduled meetings the Common Council and the Board of Estimate and Contract, said bodies adopted legislation authorizing the sales of 902 Oakwood Street, 904 Oakwood Street and 508 Clinton Street to Rome Building Contractors, Inc. (hereinafter "RBCI"); and

WHEREAS, pursuant to the legislative authorization, the properties contain a deed restriction that "shall at no time be sold, transferred, titled or conveyed to any person who was a record owner and/or mortgagee of the property within the five (5) year period immediately preceding the date on which the property was taken by the City for nonpayment of taxes. If such prohibited conveyance shall be made by any party in the succeeding chain of title, then immediately thereon (a) this conveyance shall become null and void to the purchaser, their successors and/or assigns, and (b) the title to the above property shall revert back to the City of Rome, New York."; and

WHEREAS, said deed restriction is preventing RBCI from being able to sell the properties because prospective purchasers are unable to obtain title insurance, rendering the title to the properties potentially unmarketable; and

WHEREAS, the Common Council is of the opinion that it is in the best interest of the City of Rome that this rehabilitated property be sold so it is returned to an active use on the tax roll; now, therefore,

BE IT ORDAINED, relative to the sales of 902 Oakwood Street, 904 Oakwood Street and 508 Clinton Street, that the Mayor of the City of Rome is authorized to amend the transfer documents so as to remove the deed restriction that "shall at no time be sold, transferred, titled or conveyed to any person who was a record owner and/or mortgagee of the property within the five (5) year period immediately preceding the date on which the property was taken by the City for nonpayment of taxes. If such prohibited conveyance shall be made by any party in the succeeding chain of title, then immediately thereon (a) this conveyance shall become null and void to the purchaser, their successors and/or assigns, and (b) the title to the above property shall revert back to the City of Rome, New York" from the deeds conveying the properties to Rome Building Contractors, Inc.; and

BE IT FURTHER ORDAINED, that the Mayor is hereby authorized to execute any and all deeds or other documents necessary to complete the transfer of title of said parcel of land.

Seconded by Councilor Anderson.

By Councilor Mortise:

RESOLVED, that the unanimous consent of this Common Council be, and the same hereby is given to the consideration of Ordinance No. 9685.

Seconded by Councilor Sbaraglia.

AYES: Sparace, Mortise, Fazio, Smith, Dursi, Anderson, Sbaraglia

NAYS: None

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AYES: Sparace, Mortise, Fazio, Smith, Dursi, Anderson, Sbaraglia

NAYS: None

ADOPTED: March 28, 2024