

OGDENSBURG CITY SCHOOL DISTRICT
OGDENSBURG, NEW YORK

SUBJECT: Toped Development, LLC Tax Certiorari Settlement Resolution

DATE: September 19, 2016

REASON FOR BOARD CONSIDERATION:

The Board of Education of the Ogdensburg City School District must approve all authorizations required for the expenditure of district funds.

FACTS AND ANALYSIS:

The firm of Ferrara Fiorenza P.C., the district's attorneys, have submitted the following resolution to be adopted by majority vote of the Board of Education to execute a settlement agreement with Toped Development, LLC, regarding the current Tax Certiorari. (Resolution attached)

RECOMMENDED ACTION:

Moved by _____ and supported by _____
that, having the approval of the Superintendent of Schools, the Board of Education of the Ogdensburg City School District does hereby adopt the attached resolution on this 19th day of September, 2016.

APPROVED FOR PRESENTATION TO THE BOARD:


Superintendent

TMV/alf
Attachment

RESOLUTION

At a Regular Meeting of the Board of Education of the Ogdensburg City School District (the "Board of Education"), held on September 19, 2016 at 1100 State Street, County of St. Lawrence, State of New York;

The meeting was called to order by _____, and upon roll being called, the following members were:

PRESENT:

ABSENT:

OTHERS ALSO PRESENT:

The following Resolution was offered by _____, and seconded by _____.

WHEREAS, Toped Development, LLC commenced a tax certiorari proceeding challenging the assessment of vacant property located on Patterson Street in the City of Ogdensburg, New York, in the County of St. Lawrence, for assessment years 2012 through 2014; and

WHEREAS, in or about August 2015, the City of Ogdensburg took possession of this property due to the property owner's failure to pay taxes; and

WHEREAS, the property owner commenced a legal challenge against the City of Ogdensburg alleging its taking of the property was illegal; and

WHEREAS, Toped Development, LLC has proposed settlement of all litigation upon the following terms:

- a. Discontinue all pending litigation;
- b. Conveyance of the property to Toped Development, LLC;
- c. The assessment for 2012-13, 2013-14, and 2014-15 tax years is reduced to \$665,000;
- d. The taxing jurisdictions pay \$85,000 in total real property tax refunds to be split pro rata; and
- e. Set the 2016 assessment at \$280,000; and

WHEREAS, the City has approved the settlement proposal; and

WHEREAS, the Board of Education is willing to settle the proceedings pursuant to the terms outlined above.

NOW, THEREFORE, BE IT RESOLVED that:

1. The Board of Education agrees to settle the tax certiorari proceeding commenced by Toped Development, LLC in accordance with the terms set forth above and in the form approved by Ferrara Fiorenza PC.
2. This Resolution shall take effect immediately.

The question of the adoption of the foregoing Resolution was duly put to a vote, which resulted as follows:

AYES: _____

NAYS: _____

The Resolution was thereupon declared adopted.

Dated: 9/19/2016

School District Clerk
Ogdensburg City School District