

# Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE  
41 STATE STREET, ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

~~COUNTY~~  
City  
~~TOWN~~  
~~VILLAGE~~

of ..... Plattsburgh .....

Local Law No. .... 6 ..... of the year 2008 .....

A local law ..... REPEALING CITY CODE CHAPTER 241-1 AND ENACTING A NEW  
(Insert Title)  
..... CHAPTER 241-1 AUTHORIZING THE SALE OF SURPLUS PROPERTY  
.....  
.....

Be it enacted by the ..... Common Council ..... of the  
(Name of Legislative Body)

~~COUNTY~~  
City  
~~TOWN~~  
~~VILLAGE~~

of ..... Plattsburgh ..... as follows:

1. City Code Chapter §241-1, Sale of Surplus Property, is hereby repealed.
2. A new Chapter §241-1, Sale of Surplus Property, is enacted which reads as follows:

§ 241-1. Definitions.

As used in this chapter, the following terms shall have the following meanings:

**REAL PROPERTY.** Means fee title, easements and other interests in real property that may be granted or conveyed by the owner of the fee title.

**REAL PROPERTY TAKEN BY TAX SALE** — Any real property within the City of Plattsburgh which, as a result of nonpayment of taxes, has been conveyed indefeasibly to the City of Plattsburgh.

§ 241-2. Sale of real property acquired by tax sale. The Common Council of the City of Plattsburgh may by resolution establish such criterion as it deems in the best interest of the people of the City of Plattsburgh for the disposal of parcels of real property owned by the city as a result of title having been acquired through a tax sale. The Council may make such transfers for consideration or without consideration on such terms as it deems proper.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

§ 241-3. Sale of other real property.

A. The Common Council of the City of Plattsburgh may by resolution establish such criterion as it deems in the best interest of the people of the City of Plattsburgh for the disposal of real property owned by the city. Such resolution shall include the following findings:

1) The property is not park, recreation or other property that is inalienable under the New York Constitution.

2) The property is surplus property in that it is not needed for a public purpose, now or in the foreseeable future.

3) The consideration to be paid or given by the person acquiring the property is fair and reasonable and the transfer does not constitute an unconstitutional gift of public property. In determining whether the consideration is fair and reasonable, the Common Council may consider the following.

a. The cost savings the City will realize by not having to maintain the property.

b. The value of improvements and maintenance to the property made by the person to whom the property is conveyed, or his predecessor in title.

B. The Council may make such transfers for consideration or without consideration on such terms as it deems proper, only upon a 3/4 majority vote of all of the members of the Common Council.

3. The authority to dispose of City owned property under chapter is not exclusive, but in addition to the authority given under state law and other City laws.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ 6 \_\_\_\_\_ of 2008 of the ~~(County)~~(City)(~~Town~~)(~~Village~~) of \_\_\_\_\_ Plattsburgh \_\_\_\_\_ was duly passed by the \_\_\_\_\_ Common Council \_\_\_\_\_ on 8 Oct \_\_\_\_\_ 2008, and was (approved)(~~not approved~~)(~~repassed after~~ ~~disapproval~~) by the \_\_\_\_\_ Mayor \_\_\_\_\_ and was deemed duly adopted on 17 Oct \_\_\_\_\_ 2008, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*  
*(Elective Chief Executive Officer\*)*

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*  
*(Elective Chief Executive Officer\*)*

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*  
*(Elective Chief Executive Officer\*)*

\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20\_\_\_\_, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph \_\_\_\_\_ 2\_\_\_\_, above.

\_\_\_\_\_  
Clerk of the County legislative body, City, Town or Village Clerk  
or officer designated by local legislative body Keith A. Herkalo

(Seal)

Date: 21 October 2008

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK  
COUNTY OF Clinton

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Signature \_\_\_\_\_  
John E. Clute

\_\_\_\_\_  
Corporation Counsel  
Title

~~COUNTY~~  
City of Plattsburgh  
~~TOWN~~  
~~VILLAGE~~

Date: 21 October 2008