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January 13, 2025

Hon. Timothy J. Meyers
Chairman Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Re: 5690 Camp Rd., Hamburg, NY 14075

Dear Chairman Meyers:

I represent Cheektowaga Concrete LLC in connection with the sale of approximately 1.3 acres out of the total 52 acre parcel located at 5690 Camp Road, Hamburg, New York. Enclosed is a copy of the Purchase and Sale Agreement between the Buyer, Sean Schindler, and my client with a purchase price of \$50,000 with the exact metes and bounds description for the 1.3 acre parcel in the Purchase and Sale Agreement.

There is a substantial amount of Real Property Taxes due and owing on the entire 52 acre parcel, in addition to a judgment lien and two mortgages. The Seller acknowledges it is not expecting, or requesting to receive any portion of the sale proceeds. Despite that fact, we would like to pay a fair amount toward Erie County property taxes, the two mortgages and the judgment lien. In consideration for those payments, we would like a release of the 1.3 acres of property from all of those encumbrances so we can convey clear title to the 1.3 acres out of the 52 acre total parcel.

We respectfully propose to pay Erie County \$38,500 toward the total property taxes due on the entire 52 acres so that the desired 1.3 acres may be sold, for the following reasons:

1. The 1.3 acres to be sold are vacant and there are no buildings or improvements on it unlike the rest of the 52 acres. We request that the value of the 1.3 acres be considered and suggest that \$38,500 is a fair representation of the percentage of taxes allocated to the 1.3 acres out of the total taxes due on the 52 acre master parcel.
2. The sale does not violate or adversely affect any zoning, or municipal building or fire safety codes or any restrictions on the parcel to be sold or the remaining master parcel.

3. The buyer is a long-standing and well-respected business resident of the community and would obtain a separate SBL number and begin to pay its own real property taxes.
4. The balance of the 52-acre parcel, (50.7 acres) containing various improvements, will continue to be encumbered by the unpaid taxes owed, until they are eventually sold and the taxes paid by the Seller.

Several disbursements and expenses are required to be paid out of the \$50,000 sale price so that the Seller may convey clear and marketable title to the Buyer. Those disbursements and expenses are as follows:

I.)	Purchase Price.....		\$50,000.00
II.)	Less customary closing costs:		
	A. Creation of title search for premises.....	\$1,200.00	
	B. Survey for new parcel	\$ 750.00	
	C. Recording of Erie County Release	\$ 75.00	
	D. NYS and Erie County Transfer Tax ...	\$ 450.00	
	E. New York State TP-584.....	\$ 10.00	
	F. Legal Fee.....	<u>\$1,950.00</u>	
	Total Closing Costs	\$4,450.00.....	<u>-\$ 4,450.00</u>
		BALANCE.....	\$45,550.00
		BALANCE	\$45,550.00
III.)	Payment for Release of Liens from creditors:		
	A. Wells Fargo Mortgage.....	\$5,000.00	
	B. SBA Mortgage.....	\$1,050.00	
	C. M&T Bank Judgments.....	<u>\$1,000.00</u>	
		\$7,050.00.....	<u>-\$ 7,050.00</u>
		BALANCE.....	\$38,500.00
IV.)	Entire Remaining Balance to be paid to Erie County.....		\$38,500.00

Based upon all of the above, and the Erie County Legislature's authority to compromise and cancel taxes under Article XII of the Erie County Tax Act, we would respectfully request you consider presenting a motion to the Legislature to take the following action:

- a.) allocate \$38,500 in County taxes owed, (both current and arrears) to the 1.3-acre parcel under Contract for Sale out of the total owed on the 52 acres; and
- b.) accept payment of \$38,500.00, as payment in full for the fair allocation of the taxes owed on the 1.3 acres; and
- c.) ultimately, upon payment of the \$38,500, provide a release in recordable form of the 1.3 acres to be sold, from the balance of the total taxes due and owing on the entire remaining acreage located at 5690 Camp Road, Hamburg, New York.

Thank you for your time and the Legislature's in considering our request.

Very Truly Yours,



Domenic J. Migliaccio