

DEPARTMENT OF LAW
Telephone: (716) 286-4420

December 6, 2019

The City Council
Niagara Falls, New York

RE: Status of 424 Memorial Parkway, Niagara Falls, NY (the "Premises")

Council Members:

Please recall that earlier this year an issue was presented as a result of the transfer of the above referenced Premises by Matthew B. Melcher and Ryan P. Cali to Karen Mock and Noah Munoz because the transfer was not authorized by the City Council. This was an issue because the City's conveyance of the property to Matthew B. Melcher and Ryan P. Cali was specifically approved by the City Council with certain conditions as a result of the transfer which was accomplished pursuant to a Department of Community Development "Home Ownership" auction process.

As requested, this office sent a demand letter to all parties requesting that the Premises be conveyed back to the City because the conditions contained in the deed had not been met and the City Council did not approve the transfer to Karen Mock and Noah Munoz. Rather than deed the property back to the City pursuant to the demand, an attorney was retained by Karen Mock and Noah Munoz and a dialogue has gone back and forth between this office and the attorney for Karen Mock and Noah Munoz that articulated the various defenses Karen Mock and Noah Munoz would set forth in the event the City proceeded to commence an action against the parties to recover the Premises.

The attorney for Karen Mock and Noah Munoz has advised that in an effort to settle this matter, Noah Munoz will agree to abide by the original conditions imposed on the purchasers of the property at the Department of Community Development auction. That is to say that:

1. Noah Munoz only will take title to the Premises immediately and within sixty (60) days of the recording of that deed, he will submit a detailed repair/rehabilitation plan to the City Department of Community Development.
2. Noah Munoz must repair/rehabilitate the property up to code within one (1) year of the date of the recording of the deed and must reside in the Premises for not less than five (5) years from the date of completion of rehabilitation of the property up to code.
3. In the event that Noah Munoz fails to abide by the above mentioned conditions, the Premises will revert to the City.
4. This will be memorialized in the form of a written settlement agreement.

Since these are the conditions that were originally imposed on the original purchasers of the Premises, Matthew B. Melcher and Ryan P. Cali, rather than engage in litigation which may or may not be successful, it is recommended that the City Council approve the detail contained herein. The desired result will be the repair/rehabilitation of the Premises and be owner occupied.

Will the Council so approve?

Respectfully submitted,

CRAIG H. JOHNSON
Corporation Counsel

Kennedy _____ Scott _____ Tompkins _____ Voccio _____ Touma _____