

At an IAS Term of the Supreme Court of the State of New York held in and for the County of Westchester, at the Courthouse thereof located in White Plains, New York.

PRESENT:

HON. BRUCE E. TOLBERT,

Justice.

In the Matter of the Application of

THE APAWAMIS CLUB,

Petitioner,

-against-

THE ASSESSOR OF THE CITY OF RYE, THE
THE BOARD OF REVIEW OF THE CITY OF RYE,
and THE CITY OF RYE,

Respondents,

For Review Under Article 7 of the RPTL.

**CONSENT
JUDGMENT**

Index Nos.

15393/11 ✓
66013/12 ✓
66537/13 ✓
67363/14 ✓
67650/15 ✓
65168/16 ✓

RECEIVED

JAN 03 2017

CHAMBERS OF
HON. BRUCE E. TOLBERT

The above Petitioner having heretofore served and filed the Petitions and Notices to review the tax assessments fixed by the City of Rye for the assessment years 2011 through 2016, upon certain real property located at 105 Highland Road, City of Rye and designated as Section 139.18, Block 1, Lot 25 on the Official Assessment Map of the City of Rye, and upon certain real property located at Club Road, City of Rye and designated as Section 139.18, Block 1, Lot 26 on the Official Assessment Map of the City of Rye, and upon certain real property located at Club Road, City of Rye and designated as Section 139.18, Block 1, Lot 27 on the Official Assessment Map of the City of Rye, and

upon certain real property located at Back Lot Hunter Lane, City of Rye and designated as Section 140.06, Block 1, Lot 50 on the Official Assessment Map of the City of Rye, and

The issues of these proceedings having duly come on for trial at an IAS Term of this Court, and the petitioner having appeared by **WILLIAM E. SULZER, ESQ.**, of Griffin, Coogan, Sulzer & Horgan, P.C., and the respondents having appeared by, **CHRISTOPHER H. FELDMAN, ESQ.**, of Harris Beach, PLLC and the parties having made their settlement, it is

ORDERED, ADJUDGED AND DECREED, that the assessments on the above-referenced property, be and the same are hereby reduced, corrected and fixed for the assessment years as follows:

Section 139.18, Block 1, Lot 25

<u>Assess. Year</u>	<u>Assessed Valuation Reduced From</u>	<u>Assessed Valuation Reduced To</u>	<u>Amount of Reduction</u>
2011	31,900	31,900	-0-
2012	31,900	31,900	-0-
2013	31,900	31,900	-0-
2014	31,900	31,900	-0-
2015	31,900	31,900	-0-
2016	31,900	31,900	-0-

*1.04 acre
1 family*

Section 139.18, Block 1, Lot 26

<u>Assess. Year</u>	<u>Assessed Valuation Reduced From</u>	<u>Assessed Valuation Reduced To</u>	<u>Amount of Reduction</u>
2011	3,300	3,300	-0-

2.3 acres

2012	3,300	3,300	-0-
2013	3,300	3,300	-0-
2014	3,300	3,300	-0-
2015	3,300	3,300	-0-
2016	1,000	1,000	-0-

Section 139.18, Block 1, Lot 27

<u>Assess. Year</u>	<u>Assessed Valuation Reduced From</u>	<u>Assessed Valuation Reduced To</u>	<u>Amount of Reduction</u>
2011	217,100	119,981	97,119
2012	217,100	112,875	104,225
2013	217,100	100,575	116,525
2014	217,100	92,775	124,325
2015	217,100	83,970	133,130
2016	103,050	103,050	-0-

40.18 acres

Section 140.06, Block 1, Lot 50

<u>Assess. Year</u>	<u>Assessed Valuation Reduced From</u>	<u>Assessed Valuation Reduced To</u>	<u>Amount of Reduction</u>
2011	29,600	29,600	-0-
2012	29,600	29,600	-0-
2013	29,600	29,600	-0-
2014	29,600	29,600	-0-
2015	29,600	29,600	-0-
2016	5,000	5,000	-0-

11.3 acres

and so reduced and confirmed, it is further

ORDERED, ADJUDGED AND DECREED, that the officer or officers having custody of the assessment rolls upon which the above-mentioned assessments and any taxes levied thereon are entered shall correct the said entries in conformity with this Order and shall note upon the margin of said rolls, opposite of said entries, that the same have

been corrected by the authority of this order, and it is further

ORDERED, ADJUDGED AND DECREED, that there shall be audited, allowed and paid to the petitioner by the **CITY OF RYE** the amount of all City taxes and collection fees, together with the proportionate share of any interest or penalty paid by reason of delinquent payment of any excess taxes, paid by the petitioner as taxes against the said erroneous assessments in excess of what the taxes would have been if the said assessments made in the aforesaid years had been determined by this Order, together with interest thereon from the date of payment thereof as provided by statute, and it is further

ORDERED, ADJUDGED AND DECREED, that there shall be audited, allowed and paid to the petitioner by the **RYE CITY SCHOOL DISTRICT** the amount of all School and Library taxes paid by the petitioner as taxes against the said erroneous assessments in excess of what the taxes would have been if the said assessments made in the aforesaid years had been determined by this Order, together with interest thereon from the date of payment thereof as provided by statute, and it is further,

ORDERED, ADJUDGED AND DECREED, that the County Legislators of the **COUNTY OF WESTCHESTER**, State of New York, be and are hereby directed and authorized to audit, allow and pay to the petitioner the amount, if any, of all State, County, Judiciary, Refuse and Sewer District taxes paid by the petitioner as taxes against the

erroneous assessments in excess of what the taxes would have been if the said assessments had been determined by this Order, together with interest thereon from the date of payment thereof as provided by statute, and it is further

ORDERED, ADJUDGED AND DECREED, that the Commissioner of Finance of Westchester County be served with a copy of this judgment, together with proof of payment of State, County, Judiciary, Sewer, Refuse and any other Westchester County special district taxes, and it is further

ORDERED, ADJUDGED AND DECREED, that the 2016 assessments set forth in this Judgment reflect the negotiated values as agreed to by the parties, and it is further

ORDERED, ADJUDGED AND DECREED, that all tax refunds are to be paid with interest pursuant to §726 of the Real Property Tax Law of the State of New York; provided, however, interest shall be waived in the event that payment is made within sixty (60) days from the date of service of this Order, time of the essence, with notice of entry, and it is further

ORDERED, ADJUDGED AND DECREED, that all tax refunds hereinabove directed to be made by respondent, the CITY OF RYE and/or any of the various taxing authorities, be made by check or draft payable to the order of **GRIFFIN, COOGAN**,

SULZER & HORGAN, P.C., as attorneys for the petitioners, who are to hold the proceeds as trust funds for appropriate distribution, and who are to remain subject to the further jurisdiction of this Court in regard to their attorney's lien, pursuant to Judiciary Law §475 and it is further

ORDERED, ADJUDGED AND DECREED, that the provisions of Real Property Tax Law § 727 shall apply to this settlement.

ORDERED, ADJUDGED AND DECREED, that this Order hereby constitutes and represents full settlement of each of the tax review proceedings herein, and there are no costs or allowances awarded to, by or against any of the parties, and that upon compliance with the terms of this Order, the above-entitled proceedings be and the same are settled and discontinued.

Dated:

*January 4 2017
White Plains NY*

ENTER,

Bruce E. Tolbert

HON. BRUCE E. TOLBERT, J.S.C.

**SIGNING AND ENTRY OF THE WITHIN
ORDER IS HEREBY CONSENTED TO:**

Trenty C. ...
01-04-2017

Christopher H. Feldman

CHRISTOPHER H. FELDMAN, ESQ.
Harris Beach, PLLC
Special Counsel for the Respondent
445 Hamilton Avenue, Suite 1206
White Plains, New York 10601
(914) 683-1200

William E. Sulzer

WILLIAM E. SULZER, ESQ.
Griffin, Coogan, Sulzer & Horgan, P.C.
Attorneys for Petitioner
51 Pondfield Road
Bronxville, New York 10708
(914) 961-1300

THE OFFICE OF THE WESTCHESTER
COUNTY ATTORNEY HAS NO OBJECTION
TO THE ENTERING OF THE WITHIN
ORDER.
DATED: 12/23/16
DATE

7 David A. Field

Asst COUNTY ATTORNEY
THE COUNTY OF WESTCHESTER
TO COUNTY OF W.

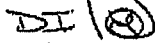


Office of the County Attorney

December 23, 2016

TO: HON. BRUCE E. TOLBERT
Tax Certiorari Part
Richard J. Daronco Courthouse
111 Dr. Martin Luther King, Jr. Blvd., Rm. 1618
White Plains, New York 10601

Attn: Kathleen Stradling
Clerk

FROM: Daniela Infield *DI* 
Assistant County Attorney

RE: **Apawamis Club vs City of Rye (CON106863)**
Index Nos.: 15393-11, 66013-12, 66537-13, 67363-14, 67650-15,
65168-16
105 Highland Road, City of Rye
Section 139.18, Block 1, Lot 25

The Office of the Westchester County Attorney has no objection to the entering of the within order.

DI/fc
Attachment