

OFFICE OF THE MAYOR
Telephone: (716) 286-4310

January 29, 2021

The City Council
Niagara Falls, New York

RE: Approval of Status of 424 Memorial Parkway

Council Members:

On the recommendation of former Director of Community Development Seth Piccirillo, the City Council authorized the conveyance of 424 Memorial Parkway to Matthew Melcher and Ryan Cali for \$1,000.00 on July 3, 2017. The deed from the City required Melcher and Cali to rehabilitate the property and reside in it for 5 years or “[t]he Premises shall revert to Grantor upon failure of Grantees to comply with these conditions.”

Due to unforeseen circumstances, Melcher and Cali were unable to comply; however Mr. Piccirillo was aware of their problems and, even though he had no authority to do so, assured them that they could sell the property to someone else willing to fulfill the requirements. Melcher and Cali sold the property for \$10,000 to Karen Mock and Noah Munoz in December 2018.

On April 30, 2019, Mr. Piccirillo appeared before the City Council and attempted to explain his actions and justify the sale of the property to Mock and Munoz; the Council unanimously voted against approving the sale. The former Corporation Counsel was then instructed to initiate proceedings to enforce the reverter clause in the original deed. Mock and Munoz and retained an attorney to protect their interests.

Subsequently, on December 11, 2019, the matter of the sale of the property to Mock and Munoz was presented to the Council for a second time where it was again recommended that the Council approve the conveyance. During the meeting, the Council voted 4 to 2 against the approval.

This matter is now being brought before you again in hopes of finally resolving this issue. Mr. Piccirillo did not have authority to approve the sale of the property to Mock and Munoz and, as a consequence, has created a situation that appears destined for litigation. As he had done on several other occasions, Mr. Piccirillo misled the City Council, attempting to use it to justify his actions by approving the second sale of the property.

After conferring with Corporation Council Chris Mazur, this Administration believes that it is in the best interests of the City to recommend that the Council approve the second conveyance and settle this matter. According to the parameters of the settlement, Noah Munoz, individually, will agree to abide by the original conditions imposed on the purchasers of the property at the Department of Community Development auction. Mr. Munoz will take title to the property

Kennedy _____ Spanbauer _____ Touma _____ Voccio _____ Tompkins _____

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. Further, Mr. Munoz will repair/rehabilitate the property up to all appropriate codes 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. Additionally, in the event that Noah Munoz fails to abide by the above mentioned conditions, the 424 Memorial Parkway will revert to the City.

These conditions will be memorialized in the form of a written settlement agreement. Since these are the conditions that were originally imposed on the original purchasers, Melcher and Cali, rather than engage in litigation which may or may not be successful, it is recommended that the City Council approve the above. The desired result will be the repair/rehabilitation of the Premises and be owner occupied

Will the Council so approve and authorize the Mayor to execute an agreement satisfactory to the Corporation Counsel in both form and content?

Respectfully submitted,

ROBERT M. RESTAINO
Mayor