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Board of Educ. of Poughkeepsie City School Dist. v. City of Poughkeepsie

Supreme Court, Appellate Division, Second Department, New York - January 29, 2014 - N.Y.S.2d - 2014 N.Y. Slip Op. 00472

Board of education for city's school district brought action against city, seeking declaration that city was required to pay school taxes on real property it had acquired through tax deeds. The Supreme Court, Dutchess County, upon an order of same court denied board's motion for summary judgment and granted city's cross-motion for summary judgment. Board appealed.

The Supreme Court, Appellate Division, held that:

- City code provisions clearly and unambiguously exempted city from obligation to pay school taxes, and
- Statutory provisions did not supersede those city code provisions.

Provisions of city's administrative code clearly and unambiguously exempted city from any obligation to pay school taxes on real property it had acquired through tax deeds. Although subject property was not held for public use, provisions contained broad language stating that "[a]ll property belonging to the city shall be exempt from taxation for any purpose, except as provided in the charter or this administrative code," and there was no express requirement that such property be held for public use.

Statutory provisions exempting, to some extent, municipal property held for public use from payment of special ad valorem levies and special assessments, and specifically stating that municipal property acquired by tax deed "shall be deemed to be held by it for a public use" and exempt only from "taxation and special ad valorem levies," but not from "taxes for school purposes and special assessments," did not supersede provisions of city's administrative code that exempted city from any obligation to pay school taxes on real property it had acquired through tax deeds. Statutory provisions were not to be "deemed to repeal or otherwise affect the provisions of any special or local law or ordinance," barring amendment or repeal, and city had neither amended nor repealed its exemption.