

# **Bond Case Briefs**

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## **Highbridge Broadway, LLC v. Assessor of City of Schenectady**

**Court of Appeals of New York - May 5, 2016 - N.E.3d - 2016 WL 2350154 - 2016 N.Y. Slip Op. 03544**

Owner of commercial property in city brought proceeding alleging that property was overassessed in first year for which business investment property tax exemption had been granted, because the exemption had been undervalued.

The Supreme Court, Schenectady County, granted summary judgment to owner, and ordered city, city school district, and county to issue refunds for multiple years. Thereafter, the Supreme Court denied owner's motion to hold city school board in civil contempt for failing to pay refunds for multiple years. On cross-appeals, the Supreme Court, Appellate Division affirmed as modified. Owner appealed.

The Court of Appeals held that owner's single petition alleging that property was overassessed in first year and that exemption had been undervalued preserved right to obtain tax refunds in subsequent years for taxes paid based on the initial assessment.