

BUFFALO ERIE NIAGARA LAND IMPROVEMENT CORPORATION

MEMORANDUM

TO: Board of Directors, Buffalo Erie Niagara Land Improvement Corporation
FROM: Maria R. Whyte
SUBJECT: **Resolution #: 2014-12**, Request to Adjust Resolution #: 2014 – 8
100 Sawyer Avenue
DATE: September 19, 2014

DISCUSSION

BENLIC's mission is to return vacant, abandoned and tax delinquent property to productive use. The staff of Erie County DEP, the BENLIC Working Group and the BENLIC Property Selection Sub-Committee has worked with municipalities to select properties appropriate for acquisition by the Corporation. On July 18, 2014, a slate of properties recommended for acquisition by the Property Selection Sub-Committee was presented to the Board of Directors. The Board of Directors was requested to approve Resolution 2014 – 8, authorizing the Executive Director to bid on the properties at In Rem 162. The presented Resolution was first amended and then adopted by the Board of Directors. The amendment regards specifically the property of 100 Sawyer Avenue, Tonawanda.

The back taxes owed on this property are \$358,712.65. As is its function BENLIC may proceed to acquire the property and have the above amount extinguished. There is no interest in this property in the marketplace, considering the amount of back taxes and the appraised value of this property. Therefore, presently and into the foreseeable future, BENLIC's explicit function to clear the back taxes represents the only feasible course of action that returns the property to productive use.

The adopted Resolution reads as follows; the amendment was made within the second **RESOLVED** (*emphasis*):

The Board of Directors is hereby requested to approve the following resolution:

RESOLVED, that the BENLIC Board of Directors accepts the recommendation of the Property Selection Subcommittee with the intent to acquire the above referenced parcels; and be it further

RESOLVED, that the BENLIC Board of Directors authorizes Jocelyn Gordon, as BENLIC Executive Director, to attend In Rem 162 and bid the amount of the back taxes on the slate of approved properties *provided that the purchaser and interest of 100 Sawyer Avenue, SBL# 64.12-3-16, agrees in writing to indemnify, defend and release BENLIC from any and all past, present and future environmental liabilities while also committing to consummate the sale with BENLIC in advance of the In Rem 162 auction*, and be it further

RESOLVED, that Jocelyn Gordon, BENLIC Executive Director, is authorized to take whatever actions are necessary subsequent to In Rem 162 to execute an agreement with the County, close on the properties and ensure that BENLIC holds clear title to the properties.

ACTION

The Board of Directors is hereby requested to amend Resolution 2014 – 8 as adopted on the meeting of July 18, 2014 to remove the addendum to the second Resolved, reverting the Resolution to its original form - as follows: Following the recommendation of the BENLIC Property Selection Subcommittee to acquire the properties of:

- 8820 State Road, Colden SBL# 243.03-2-6
- 100 Sawyer Avenue, Tonawanda SBL# 64.12-3-16
- 53 West Main Street, Springville SBL# 335.15-5-18

The Board of Directors is hereby requested to approve the following resolution:

RESOLVED, that the BENLIC Board of Directors accepts the recommendation of the Property Selection Subcommittee with the intent to acquire the above referenced parcels; and be it further

RESOLVED, that BENLIC authorizes Jocelyn Gordon, as BENLIC Executive Director, to attend In Rem 162 and bid the amount of the back taxes on the slate of approved properties; and be it further

RESOLVED, that BENLIC is authorized to take whatever actions are necessary subsequent to In Rem 162 to execute an agreement with the County, close on the properties, and ensure that BENLIC holds clear title to the properties.