BUFFALO ERIE NIAGARA LAND IMPROVEMENT CORPORATION

MEMORANDUM

TO:	Board of Directors, Buffalo Erie Niagara Land Improvement Corporation
FROM:	Maria R. Whyte, Chairperson
SUBJECT:	**Resolution #2014-25** Disposition of 3-7 Lardner Court
DATE:	December 12, 2014

DISCUSSION:

BENLIC, at the request of the Town of Tonawanda, acquired the property of 3-7 Lardner Court Tonawanda NY as part of the Corporation's 2014 "slate" of properties by placing a bid for the back taxes in the amount of $35,408.56 at the County's auction, In Rem 162 on September 24, 2014. A deed for the property was recorded with the Erie County Clerk on December 1, 2014 and since then BENLIC has held clear title to the property.

The appraisal of the property by an independent appraiser was completed on October 4, 2014. The value of the property as determined by the appraiser on that date was $15,000. The Property Disposition Guidelines of the Corporation require that an appraisal be made prior to disposal regardless of the procedure for disposal. The appraisal for the property of 3-7 Lardner Court is available and held in the record of transaction.

BENLIC proposes to transfer the property to the Town by sale for a negotiated amount of $8,000. The Town, as indicated in its re-use plan and in a letter accompanying its formal resolution submitted to BENLIC (*attached)*, desires to hold title to the property in order to further its adopted neighborhood revitalization plan in the Sheridan- Parkside neighborhood.

Pursuant to the Property Disposition Guidelines, section 5.1(B) the Corporation may dispose of real property for less than fair market value when,"[p]ursuant to PAL § 2897(7)(ii) the purpose of the disposal is within the purpose, mission, or governing statute of the Corporation", provided that the information as described in section 5.2 of the Property Disposition Guidelines is presented and provided to the Board and that, pursuant to section 5.3 of the Property Disposition Guidelines, the board considers such information. This proposed disposal is within the Corporation's mission to "confront and alleviate the problems distressed properties cause to communities by supporting municipal and regional revitalization efforts and strategically acquiring, improving, assembling, and selling distressed, vacant, abandoned, and/or tax-delinquent properties."

ACTION:

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

RESOLVED that BENLIC, authorizes the disposition of the property of 3-7 Lardner Court SBL# 52.83-1-19 in the Town of Tonawanda for the amount of $8,000 by an Agreement of Sale of Real Property and in so doing follows the proper procedure for disposal of real property for less than fair market value as described in the Property Disposition Guidelines of the Corporation; and be it further

RESOLVED that the Board determines that as a Town-held parcel-type transfer there is no reasonable alternative to the proposed below fair market transfer that would achieve the same purpose of such a transfer; and be it further

RESOLVED, that the Executive Director and BENLIC legal counsel are authorized to execute documents and take any necessary actions to close on the sale of the above-referenced property.

<u>Information for Less than Fair Market Value Asset Disposition:</u>   3-7 Lardner

(a) Description of asset – *the property of 3-7 Lardner Court Tonawanda NY SBL# 52. 83-1-19; residential vacant land measuring in dimension, 111' by 69'.*

(b) Appraisal - *<u>attached</u>*

(c) Description of the purpose of the transfer and statement of the kind and amount of benefit to the public – *attached (letter from Town of Tonawanda Community Development Director)*

(d) Statement of the value received compared to the fair market value – *Offer of $8,000 from Town. Appraised value of $15,000; $8,000/ $15,000, 0.53 (53%)*

(e) The names of any private parties participating in the transfer – *NO private parties are involved in the proposed disposition.*

(f) The names of other private parties who have made an offer for such an asset, the value offered, and the purpose for which the asset was sought to be used - *None*