

MEMORANDUM

TO: Board of Directors, Buffalo Erie Niagara Land Improvement Corporation
FROM: Maria R. Whyte, Chairperson
SUBJECT: **Resolution #2015-3 Disposition of 79 Ellen Dr.**
DATE: February 20, 2015

DISCUSSION: The Buffalo Erie Niagara Land Improvement Corporation (BENLIC) acquired the property of 79 Ellen Drive, Cheektowaga as part of its PILOT-REO (Real Estate-Owned) Project. BENLIC acquired the property via donation from Wells Fargo Bank (Wells Fargo). Included as part of the Donation Agreement executed between Wells Fargo and BENLIC, was a cash amount of \$15,000; BENLIC utilized approximately eighty percent of the cash amount to make improvements on the property including replacing the structure's main and garage roof and doors. After the made improvements, BENLIC entered into a Realtor's Agreement with a local realtor to market and sell the property. As of this date, six offers have been received and reviewed by BENLIC Executive Director Jocelyn Gordon and staff.

BENLIC proposes to transfer the property by sale for a negotiated amount of \$80,200.00 cash to David Schwalenberg. Mr Schwalenberg submitted the requisite Property Purchase Application and an additional list of intended improvements to be made to the structure on the property.

Pursuant to the Property Disposition Guidelines of the Corporation, section 4.2(C)(3) the Corporation may dispose of real property by negotiation when, "[p]ursuant to PAL § 2897(6)(c)(v) and PAL 2897(7)(ii) when the purpose of the transfer is within the purpose, mission, or governing statute of the Corporation. 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 property. The Corporation believes that the proposed disposal to a private individual of the property of 79 Ellen Dr. – a vacant and distressed property – is within the mission and purpose of BENLIC as the disposal will result not only in the return of the property to productive use but will result in the return of the property to productive *long-term* use.

ACTION:

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

RESOLVED that the BENLIC Board of Directors authorizes the disposition of the property of 79 Ellen Drive SBL #80.20-3-33, subject to the Corporation's receipt and the Executive Director's review upon receipt and her finding satisfactory an appraisal of the property prepared by an independent appraiser, in the amount of \$80,200 by an Agreement of Sale of Real Property and in so doing follows the proper procedure for disposal of real property by negotiation as described in the Property Disposition Guidelines of the Corporation; 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-reference property.