

MEMORANDUM

TO: Board of Directors, Buffalo Erie Niagara Land Improvement Corporation

FROM: Brendan Mehaffy, Chairperson

SUBJECT: **Resolution #2017-29** Disposition of 310 Wagner Ave, Sloan

DATE: May 18, 2017

DISCUSSION:

The Buffalo Erie Niagara Land Improvement Corporation (BENLIC) acquired the property of 310 Wagner, Village of Sloan via Erie County In-Rem Auction in 2015. BENLIC used funding from the New York State Attorney General's (OAG) Office Community Revitalization Initiative grant award to rehabilitate the home.

BENLIC listed the property for sale in April of 2017 at a price of \$92,900. By Resolution #2017-21, the BENLIC Board of Directors approved the sale of 310 Wagner at their monthly Board of Directors Meeting occurring on April 26th, 2017. The originally approved offeror declined to purchase the property shortly thereafter. BENLIC staff and officials reviewed previous comparable offers at their Real Estate-Subcommittee meeting and selected a new purchaser.

The Real Estate-Subcommittee recommends the Board of Directors approve the disposition of 310 Wagner with first priority to Christopher Spence. Mr. Spence will occupy the house and falls within the income threshold as a homebuyer under the OAG agreement. The Real Estate Subcommittee recommends the Board of Directors approve the disposition of 310 Wagner with second priority to Frank Simmeth. Mr. Simmeth would operate property as rental and as such would not qualify as homebuyer under OAG agreement.



BUFFALO ERIE NIAGARA LAND IMPROVEMENT CORPORATION

BENLIC staff has reviewed the offers including respective Property Purchase Applications. The purpose of the proposed disposition is congruent with BENLIC’s mission to return property to productive use.

Disposition Guidelines of BENLIC, section 4.2(A), the Corporation may dispose of real property by negotiation. The following offers have been received:

Offeror	Value Offered	Comments
Christopher Spence	Original: \$100,000 Counter: \$105,000	FHA Loan. 45 Day Close. Owner Occupant.
Frank Simmeth	\$105,000	Conventional. 60 Day Close. Will operate as rental.

BENLIC Investment
\$74,871

ACTION:

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

RESOLVED, that Resolution # 2017-21 is hereby rescinded in its entirety, and be it further,

RESOLVED that the BENLIC Board of Directors authorizes the disposition of the property of 310 Wagner Avenue, Village of Sloan, NY (SBL# 112.27-1-15) in the amount of \$105,000 by an Agreement of Sale of Real Property with first priority to offeror, Christopher Spence, 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; and be it further,

RESOLVED, that in the event that BENLIC and Mr. Spence are unable to complete the sale of the property,- the BENLIC Board of Directors authorizes the disposition of the property of 310 Wagner Avenue, Village of Sloan, NY (SBL# 112.27-1-15) in the amount of \$105,000 by an Agreement of Sale of Real Property with second priority to offeror Frank Simmeth, without further Board approval, and in doing so follows the proper procedure for disposal of real property negotiation as described in the Property Disposition Guidelines of the Corporation; and be it further,

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