

**ORLEANS COUNTY LOCAL DEVELOPMENT CORPORATION  
REAL PROPERTY ACQUISITION POLICY**

The Orleans County Local Development Corporation (the “Corporation”), a New York not-for-profit local development corporation, in compliance with the New York State Public Authorities Law, has established these Guidelines for the Acquisition of Real Property (the “Guidelines”).

These Guidelines shall apply to the acquisition of real property throughout the year following their adoption and until such time as the Corporation adopts new or revised Guidelines. The Members of the Corporation shall review and approve of these Guidelines, with any necessary modifications and revisions, on a no less than annual basis.

**1. Designation of Contracting Officer**

The Corporation hereby designates the Corporation’s CFO as the Corporation’s Contracting Officer, in compliance with the provisions of New York State Public Authorities Law. The Contracting Officer shall hold this position until the Members of the Corporation designate a new Contracting Officer or until such time as the Members adopt new Real Property Acquisition Guidelines.

The Contracting Officer shall be responsible for the administration and implementation of these Guidelines. The Contracting Officer shall cause these Guidelines to be posted on the Corporation’s website so that they are available to the general public.

**2. Application of Guidelines**

The procedures outlined in these Guidelines shall apply to the Corporation’s acquisition of all interests in real property except for acquisitions of interests in real property where the Corporation is involved for the benefit of a third party. As used in these Guidelines, “property” shall include all interests in real property.

The Corporation shall acquire real property in a prudent manner. All acquisitions of real property shall be made in accordance with the policy and applicable law and shall be approved by the Corporation's Board of Directors.

**3. Purpose**

The Corporation has adopted these Guidelines to comply with the provisions of New York Public Authorities Law and to protect the interests of the Corporation in the acquisition of real property by the Corporation for its own benefit. The purpose of the acquisition of real property by the Corporation shall be to further the purposes of the Corporation, as authorized by the Corporation’s certificate of incorporation, by-laws, or

resolutions adopted by the Board of Directors of the Corporation, or for a purpose otherwise permitted under applicable State law.

#### **4. Fair Market Value**

Prior to acquiring any parcel of real property except for property being gifted to the Corporation, the Contracting Officer shall take reasonable measures to determine the fair market value of the property to be acquired. Fair market value of property that is unique in nature and therefore not subject to fair market value pricing shall be determined through an appraisal by a qualified professional. Prior to its acquisition, the fair market value of all real property shall be established by an appraisal conducted by a qualified professional. In the case of real property donated to the Corporation, an appraisal shall not be required. The Corporation shall negotiate the purchase price after determination of the fair market value.

The Corporation shall endeavor not to pay more than fair market value for any property being acquired. Where the property is such that it is required for Corporation purposes and other property will not suffice, the Corporation may under such circumstances pay such reasonable amount in excess of what it has determined to be fair market price in order to purchase the property. In such case the Corporation shall document the reasons why it is necessary to acquire such property for a price in excess of what it determined to be fair market price and shall include in its annual report required by Section 2800(2) of the Public Authorities Law, a detailed explanation of the justification for making the purchase for a price in excess of fair market value and a certificate by the Corporation's CEO and CFO that they have reviewed the terms of the acquisition and determined that it complies with applicable law and this policy.

#### **5. Environmental and Title Review**

Prior to the acquisition of any interest in real property covered by this policy, the Corporation shall take necessary steps to determine whether there are any environmental concerns including, if appropriate, obtaining a Phase I Environmental Report or conducting other environmental due diligence. The Agency shall comply with the New York State Environmental Quality Review Act, to the extent applicable to any property purchase.

The Corporation shall have its General Counsel review the title documents supplied in connection with the acquisition and shall require fee title insurance unless the General Counsel shall determine that title insurance should not be required.

The General Counsel shall handle the purchase on behalf of the Corporation and the Corporation shall pay such reasonable fees as are required in connection with such purchase.

## **6. Yearly Property Report**

Each year the Contracting Officer shall publish a report listing all real property acquired by the Corporation during the previous twelve-month period.

The report shall contain a full description of each parcel of real property purchased, the price paid by the Authority, and the name of the individual(s) or entity that sold the property.

The Contracting Officer shall cause the report to be delivered to the Comptroller, the Director of the Budget, the Commissioner of General Services, and the New York State Legislature c/o the Speaker of the House and the Senate Majority Leader.

The Contracting Officer shall cause the report to be published on the Corporation's website.