

Village of Fairport
Office of Community + Economic Development

31 South Main Street
Fairport, New York 14450

REAL PROPERTY ACQUISITION POLICY

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1. Definitions

- a. "Contracting Officer" shall mean the Executive Director of the Office of Community + Economic Development (hereinafter, "OCED") who shall be appointed by resolution to be responsible for the disposition of property.
- b. "Acquire" or "acquisition" shall mean acquisition of title or any other beneficial interest in real property in accordance with the applicable provisions of Article 18-A of the New York State General Municipal Law.
- c. "Property" shall mean real property, and any inchoate or other interest in such property, to the extent that such interest may be conveyed to another person for any purpose, excluding an interest securing a loan or other financial obligation of another party.

2. Duties

- a. OCED shall maintain adequate inventory controls and accountability systems for all property owned by OCED and under its control;
- b. OCED shall prepare, not less frequently than annually, a report listing all real property owned in fee by OCED. Such report shall consist of a list and full description of all real property acquired during such period. The report shall contain the price paid by OCED and the name of the seller for all such property acquired by OCED during such period.

3. Acquisition of Property

- a. Supervision and Direction
Except as otherwise provided herein, the duly appointed contracting officer (the "Contracting Officer") shall have supervision and direction over the acquisition of property of OCED. OCED shall have the right to acquire its property for any valid corporate purpose.

b. Appraisal Report

An independent appraiser shall be hired to provide an opinion of fair market value before OCED shall make an offer with respect to the acquisition of the property. The appraiser should have a professional affiliation with a national appraisal organization and must not have an interest in the property (or be retained as an agent to sell the property). The appraisal report shall be in form and substance satisfactory to OCED and shall be included in the record of transaction. Notwithstanding the foregoing, the preparation of an appraisal report shall not be required where OCED is acquiring property pursuant to a donation, or if the valuation of the property is uncomplicated in the reasonable judgment of OCED and the fair market value is determined to be less than \$10,000.

c. Environmental Review

Prior to the acquisition of any interest in real property covered by this policy, OCED shall take necessary steps to determine whether there are any environmental concerns and shall order a Phase I Environmental Report and if warranted by the results of the Phase I, a Phase II Environmental Report. OCED shall comply with the New York State Environmental Quality Review Act in any property purchases.

d. Method of Acquisition

(i) Voluntary Acquisition: Unless otherwise permitted by applicable law or this policy, OCED shall acquire property for not more than its fair market value by sale, exchange, or transfer, for cash, credit, or other property, with or without warranty, and upon such other terms and conditions as OCED and/or contracting officer deems proper. OCED may execute such documents for the acquisition of title or other interest in property and take such other action, as it deems necessary or proper to acquire such property under the provisions of this section. Provided, however, OCED may acquire property for more than its fair market value, as described in an appraisal report reviewed by OCED, upon a finding by OCED pursuant to resolution of OCED that the acquisition of such property at such price is necessary for OCED to (x) further its corporate purpose, and/or (y) avoid the expense and delay of condemnation.

(ii) Condemnation: Unless otherwise prohibited by applicable law, OCED may acquire property by condemnation pursuant to the applicable provisions of New York law. OCED shall initiate any condemnation proceedings by resolution of OCED and such resolution shall include findings and determinations made by OCED in connection with the decision by OCED to initiate such condemnation proceeding.

Such findings and determinations may include the following: That the owner of the property has not responded to a reasonable offer for the acquisition of the property, that OCED has negotiated for a reasonable amount of time with the owner of the property, and that the property is necessary to further the corporate purposes of OCED.

e. Validity of Deed, Bill of Sale, Lease, or Other Instrument

A deed, bill of sale, lease, or other instrument executed by or on behalf of the seller of the property and accepted by OCED, purporting to transfer title or any other interest in property of the seller to OCED in accordance herewith shall be conclusive evidence of compliance with the provisions of these guidelines and all applicable law insofar as concerns title or other interest of any bona fide grantor or transferor who has received valuable consideration for such title or other interest and has not received actual or constructive notice of lack of such compliance prior to the closing.

f. Insurance

OCED will ensure that all insurable real property under its control is insured against physical loss or damage.