

GENESEE VALLEY REGIONAL MARKET AUTHORITY
PROPERTY ACQUISITION POLICY

1. Purpose

Pursuant to Title 4, Section 879 of the New York Public Authorities Law, the Genesee Valley Regional Market Authority (the “Authority”) has the power to acquire, hold, lease, sell, convey, and dispose of property real or personal, or interest therein, for its corporate purpose.

This policy (“Policy”), which is adopted in accordance with Section 2824(1)(e) of the New York Public Authorities Law, sets forth the rules and the manner by which the Authority will go about the process of acquiring real property and any interest therein.

2. Definitions

“Real Property” shall mean lands, waters, rights in lands and waters, structures, franchises and interests in land, lands under water, riparian rights and air rights and any and all things and rights included within said term and includes not only fees simple absolute but also any and all intangible lesser interests including but not limited to easements, rights of way, uses, leases, licenses and every estate, interest or right, legal or equitable.

“Acquisition” or “Acquire” shall mean to obtain title to or any other beneficial interest in Real Property in accordance with applicable statutes and this Policy.

“Fair Market Value” shall mean the estimated dollar amount that a willing buyer would pay to a willing seller for the Real Property in an arms-length transaction in the appropriate marketplace and under similar circumstances.

3. Acquisition Authority

3.1 The Authority may acquire Real Property for use, development, resale, leasing or other purposes designated by the Authority in accordance with Section 879 of the New York Public Authorities Law. The Authority may additionally lease Real Property for use, subleasing, or other uses designated by the Authority.

3.2 All acquisitions of Real Property shall be conducted in accordance with this Policy and applicable law or regulation.

3.3 The Administrator or their designee is hereby authorized to negotiate the terms and conditions of the acquisition of Real Property necessary to accomplish the Authority’s purposes and consistent with this Policy. The Administrator may procure any outside professional services, such as title insurance and commercial real estate brokerage services, to assist with such negotiations. With the approval of the Authority’s Board of Directors, the Administrator may acquire in the name of the Authority by purchase or condemnation, gift or grant, real property or rights therein, including but not limited to by lease, license and easement, on terms necessary or

convenient in furtherance of its purposes; the Administrator may execute such documents for the transfer of title or other interest in real property and take such other action as is required or deemed necessary and proper to acquire such real property.

3.4 The Authority may enter into a contract to obtain the right to enter onto real property being considered for acquisition for the purposes of conducting archeological, environmental, geotechnical, and any other relevant studies and investigations of such property, either separately or as part of a contract for acquisition of such property.

3.5 Acquisitions of Real Property are intended to be made for no greater than the Fair Market Value of the Real Property. In the event circumstances exist in which an acquisition of Real Property is made where the contract price to be paid by the Authority exceeds the Fair Market Value of the Real Property, the Authority shall include in its annual report required by Section 2800(2)(a)(16) of the New York Public Authorities Law a detailed explanation of the justification for making the purchase without competitive bidding and a certification by the Board of Directors that they have reviewed the terms of the acquisition and determined that it complies with applicable law and this Policy.

4. Acquisition Process

4.1 The Authority staff shall identify potential parcels for acquisition that are located within the district set forth in Section 879 of the New York Public Authorities Law.

4.2 Once potentially acceptable Real Property has been identified, such Real Property shall be evaluated internally under the direction of the Administrator. When necessary or convenient, the Administrator may seek participation from the Authority staff, real estate counsel, engineering, environmental, archeological, and other consultants, title insurance company and a licensed commercial real estate broker or brokers. Any evaluation of the affected real property shall include due diligence review of such issues as ownership; zoning; road access, including access to interstates; easements and other encumbrances; title and parcel history; recent sales history; proximity to environmentally compromised areas; potential government funding sources for parcel remediation or developments; market availability; recent appraisals; brokerage arrangements; existing tenants and the terms and conditions of their leases; and environmental review.

4.3 Prior to approval for the acquisition of Real Property, the Authority shall obtain two appraisals by Members of the Appraisal Institute or other reasonable and professionally prepared valuation projections consistent with then-current industry standards and practices. If the appraisals are materially different, the Authority may attempt to reconcile the differences in value through determining an average of the two appraisals, or by seeking a third review appraisal which shall constitute the final determination of value. The contract price for acquiring Real Property is subject to approval of the Board of Directors.

4.4 Acquisitions of Real Property shall be presented to the Board of Directors for approval or other appropriate action. Notwithstanding any other provision of this Policy, no

contract for the acquisition of Real Property shall be binding on the Authority until first approved by the Board of Directors.

5. Reports

5.1 The Authority shall maintain a record for each transaction that documents its compliance with this Policy.

5.2 The Authority shall maintain a system of inventory for all Real Property under its control.

5.3 The Authority will publish, not less frequently than annually, a report listing all Real Property of the Authority, including but not limited to all Real Property acquired during such period, pursuant to Section 878 of the New York Public Authorities Law. The report will contain the price paid by the Authority and the name of the seller for all such Real Property acquired by the Authority during such period.

6. Annual Review and Amendments of the Policy

The Policy is subject to modification and amendment at the discretion of the Authority in accordance with Sections 2824(1)(e) and 879 of the New York Public Authorities Law. On or before March 31 of each year, the Authority will review and approve this Policy annually. On or before March 31 of each year, this Policy most recently reviewed and approved will be filed with the Comptroller of the State, posted on the Authority's website, and maintained on the Authority's website until an amended policy is posted.