

MEMORANDUM

TO: Board of Directors, Buffalo Erie Niagara Land Improvement Corporation
FROM: Thomas Dearing, Chairperson
SUBJECT: **Resolution #2015-16** Authorization to Bid at City of Lackawanna Auction 2015
DATE: **October 23, 2015**

DISCUSSION:

As part of BENLIC's annual Request for Foreclosure (RFF) process, representatives from all County municipalities review eligible tax-delinquent parcels and are invited to present candidates to the BENLIC Board for acquisition. The RFF process is outlined in the Rules and Procedures of the Corporation. As part of a grant award made by the New York State Office of the Attorney General's (OAG) Community Revitalization Initiative, BENLIC engaged in the RFF process with the intent to obtain an inventory of properties for the purpose of achieving the deliverables outlined in the grant award contract – in particular, rehabilitation of residential property.

In December 2015 ahead of the deadline for municipal property submissions, the Corporation received from the City of Lackawanna requisite Standardized Inspector Reports and Maintenance Disposition and Reuse Plans for two (2) tax-delinquent, vacant and distressed residential properties:

- 53 Nelson Place (SBL# 142.45-2-14)
- 69 Dona Street (SBL# 141.67-3-20)

BENLIC's Property Selection Subcommittee has reviewed and approved the properties for submission to the Board of Directors for acquisition. At this time, the BENLIC Board awaits the required Resolution, adopted by Lackawanna City Council, which specifically identifies the properties it would like the Corporation to acquire. Such Resolution is required to be produced by the City and received by the Corporation 60 days prior to the desired date of acquisition according to the Corporation's Rules and Procedures.

BENLIC, which is subject to the State Environmental Quality Review Act (SEQRA), has performed environmental reviews of both properties, with comment that proposed actions to acquire properties are Type II actions with no changes in capacity, and are not subject to SEQRA.

ACTION:

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

RESOLVED, that the BENLIC Board of Directors hereby waives section II (4) (ii) (f) of its Rules and Procedures for the purpose of considering a request, to acquire the above property, from the City of Lackawanna via a certified Resolution submitted to the Corporation at a date prior to the date of the City's 2015 In Rem tax foreclosure auction; and be it further,

RESOLVED, that BENLIC authorizes Jocelyn Gordon, as BENLIC Executive Director, upon the Corporation's receipt of a certified Resolution only, to attend the City of Lackawanna's 2015 In Rem tax foreclosure auction and bid the amount of the back taxes and fees of above properties upon; and be it further,

RESOLVED, that Jocelyn Gordon and BENLIC legal counsel are authorized to take whatever actions are necessary subsequent to this City of Lackawanna In Rem Public Auction to execute an agreement with the City of Lackawanna, close on the properties, and ensure that BENLIC holds clear title to the properties.