

**MEMORANDUM**

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

**FROM:** Brendan Mehaffy, Chairperson

**SUBJECT:** **Resolution #2018-44** Disposition of 106 Wilshire Drive, Cheektowaga

**DATE:** July 19, 2018

---

**DISCUSSION:**

The Buffalo Erie Niagara Land Improvement Corporation (BENLIC) acquired the property of 106 Wilshire Drive, Town of Cheektowaga via the 2017 Erie County In-Rem Foreclosure Auction. BENLIC listed the property for sale in June 2018 at a price of \$59,900. This property was selected for BENLIC in-house sales. BENLIC staff held property showings, collected offers, and fielded property inquiries as opposed to third-party realtors.



BENLIC staff has reviewed all offers on the property including respective Property Purchase Applications. No improvements to the property have been made and is being sold under BENLIC's "Note & Mortgage" program. Therefore, there are no income limit requirements for potential buyers. The purpose of the proposed disposition is congruent with BENLIC's mission to return property to productive use.

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

**BUFFALO ERIE NIAGARA LAND IMPROVEMENT CORPORATION**

| <b>Offeror</b>  | <b>Offer Price</b> | <b>Offer Details :</b>   |
|---|--------------------|--|
| <b>Jenna Mcdonald &amp; Christopher Kirk<br/>(Owner Occupant)</b> | \$50,000           | FHA Financing. Will Use 203K Renovation Loan. 60+ Day Close. First time Homebuyer. |
| ERZ Real Estate Holdings LLC.<br>(Renovate and Resale)            | \$49,929           | Private Financing. Planned Investment of \$40,000. Has Renovation Experience.      |

| <b>BENLIC Investment</b> | <b>Estimated Cost of Repairs</b> | <b>Lien Value</b> |
|--------------------------|----------------------------------|-------------------|
| <b>\$1,205</b>           | <b>\$39,750</b>                  | <b>\$19,188</b>   |

BENLIC Real Estate Subcommittee Members have reviewed all offers and support a disposition by BENLIC Board of Director vote to Jenna Mcdonald and Christopher Kirk.

**ACTION:**

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

RESOLVED that the BENLIC Board of Directors authorizes the disposition of the property of 106 Wilshire Drive, NY (SBL#80.19-3-2) in the amount of \$50,000 by an Agreement of Sale of Real Property with first priority to offeror, Jenna Mcdonald and Christopher Kirk, 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,

RESOLVED: that the disposition of the property include a Note and Mortgage held by BENLIC exclusive only to second priority offeror, ERZ Real Estate Holdings, to ensure the development of the property in an amount equal to 82% of the work cost estimate prepared by BENLIC, \$19,188; and be it further,

RESOLVED, that in the event that BENLIC and Jenna Mcdonald and Christopher Kirk are unable to complete the sale of the property, the BENLIC Board of Directors authorizes the disposition of the property of 106 Wilshire Drive, NY (SBL#80.19-3-2) in the amount of \$49,929 by an Agreement of Sale with second priority to offeror ERZ Real Estate Holdings LLC., 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 Executive Director Jocelyn Gordon and BENLIC legal counsel are authorized to take any and all necessary actions and execute the necessary documents to close on the sale of the above-referenced property.