

MEMORANDUM

TO: Board of Directors, Buffalo Erie Niagara Land Improvement Corporation
FROM: Brendan Mehaffy, Chairperson
SUBJECT: **Resolution #2022-8** Approve Erie County In-Rem Vacant Acquisitions and Legal Fees
DATE: April 21, 2022

DISCUSSION:

Buffalo Erie Niagara Land Improvement Corporation (BENLIC) conducts an annual Request for Foreclosure (RFF) Process. As part of this process, representatives from municipalities within Erie County review eligible tax-delinquent parcels and are invited to present tax-delinquent property “candidates” to the BENLIC Board for possible acquisition and return to productive use. The RFF process is described in the Rules and Procedures of the Corporation. BENLIC engages in the RFF process with the intent to obtain an inventory of properties for the purpose of achieving the return of the selected properties to productive use including, but not limited to, the stabilization, improvement and resale of residential property, sale of property to municipalities and sale of side lots to adjacent owners.

Historically, BENLICs RFF Process and subsequent Erie County In-Rem Auction occurs on an annual basis. Due to legal and health related constraints caused by the COVID-19 pandemic, the Erie County In-Rem Auction has not occurred since the Fall of 2019. Thus, BENLIC has been unable to add real property to its inventory via the in-rem foreclosure process and the use of its statutory super bid authority for approximately two- and one-half years.

BENLIC has worked with Lippes Mathias Wexler LLP and the Erie County Office of Real Property Tax Services to hold a separate sale of tax-delinquent, vacant, and abandoned properties for the benefit of BENLIC only. All of the properties which are the subject of this Resolution have been previously identified through the RFF Process. Lippes Mathias anticipates a cost per parcel of approximately \$1,250.00 to conduct the BENLIC-only sale. In total, it is estimated that a BENLIC only sale will cost BENLIC approximately \$56,250.00 (“Proposal”).

NOW, THEREFORE, BE IT RESOLVED BY THE BUFFALO ERIE NIAGARA LAND IMPROVEMENT CORPORATION AS FOLLOWS:

RESOLVED, that BENLIC is hereby authorized to acquire title to the parcels of real property identified on the Properties List attached hereto as Schedule A (individually a “Property” and collectively the “Properties”) at [Erie County In Rem 169 and prior tax foreclosure auctions; and be it further,

RESOLVED, that BENLIC authorizes Jocelyn Gordon, BENLIC Executive Director, and BENLIC Staff, to attend the Vacant Erie County In Rem Tax Foreclosure Auction and bid up to the amount of back taxes on the Properties; and be it further,

RESOLVED, that BENLIC authorizes the engagement of Lippes Mathias Wexler Friedman, LLP upon the rates provided in the Proposal to perform the legal services necessary to complete the tax foreclosure auction for the benefit of BENLIC; and be it further,

BUFFALO ERIE NIAGARA LAND IMPROVEMENT CORPORATION

RESOLVED, that Jocelyn Gordon and the other officers, employees and agents of BENLIC are hereby authorized and directed for and in the name and on behalf of BENLIC to execute and deliver all such certificates, instruments and documents, to pay all such fees, charges and expenses and to do all such further acts and things as may be necessary or, in the opinion of the officer, employee or agent acting, desirable and proper to effect the purposes of the foregoing Resolution.

BUFFALO ERIE NIAGARA LAND IMPROVEMENT CORPORATION

SCHEDULE A

Property Address	Municipality	State
173 Grace	Buffalo	NY
249 East	Buffalo	NY
293 Purdy	Buffalo	NY
28 Wade	Buffalo	NY
137 Carl	Buffalo	NY
1357 Jefferson	Buffalo	NY
244 Purdy	Buffalo	NY
135 Riverside	Buffalo	NY
116 Block	Buffalo	NY
1302 Michigan	Buffalo	NY
115 Thompson	Buffalo	NY
33 Schuele	Buffalo	NY
34 Schuele	Buffalo	NY
702 Norfolk	Buffalo	NY
878 Kehr	Buffalo	NY
849 E. Ferry	Buffalo	NY
101 Eaton	Buffalo	NY
93 Bissel	Buffalo	NY
23 Oxford	Buffalo	NY
54 W. Balcom	Buffalo	NY
233 Masten	Buffalo	NY
1357 Jefferson	Buffalo	NY
149 Northland	Buffalo	NY
236 Brunswick	Buffalo	NY
2070 Sherman Ave	North Collins	NY
92 Railroad Ave	Angola	NY
10544 Main St	North Collins	NY

Property Address	Municipality	State
288 Lackawanna Ave	Sloan	NY
149 Lake St	Angola	NY
11 Halstead Ave	Sloan	NY
9345 Sisson Highway	Eden	NY
0 Carl Street	Cheektowaga	NY
0 Carl Street	Cheektowaga	NY
0 Carl Street	Cheektowaga	NY
0 Hyland Road	Cheektowaga	NY
0 Hyland Road	Cheektowaga	NY
0 Walden Avenue	Cheektowaga	NY
305 Hyland Road	Cheektowaga	NY
1182 Walden Avenue	Cheektowaga	NY
1192 Walden Avenue	Cheektowaga	NY
9679 Sisson Highway	Eden	NY
273 Dawn Avenue	Evans	NY
9838 Utica St	Evans	NY
6884 Revere Drive	Evans	NY
25 Center St	Angola	NY
La Salle St	Angola	NY
La Salle St	Angola	NY
29 Marne Rd	Cheektowaga	NY
37 McNaughton Ave	Cheektowaga	NY
78 Diane Dr	Cheektowaga	NY
80 Preston Rd	Cheektowaga	NY
181 Lemoine Ave	Cheektowaga	NY
39 Long Beach Ln	Evans	NY
146 Potomac Ave	Evans	NY
138 Lancaster Ave	Evans	NY
0 Hillcrest	Holland	NY
0 Hillcrest	Holland	NY