

MEMORANDUM

TO: Board of Directors, Buffalo Erie Niagara Land Improvement Corporation
FROM: Scott Bylewski, Chairperson
SUBJECT: **Resolution #2026-4** Authorize Acquisition and Non-Competitive Disposition of City-Owned Vacant Lots for 5/14 Memorial Project
DATE: July 16th, 2026

DISCUSSION:

The City of Buffalo Common Council has authorized the transfer of fourteen (14) City-owned vacant lots to BENLIC for use in connection with the 5/14 Memorial Project.

The fourteen (14) vacant lots identified in Schedule A are recommended for acquisition from the City of Buffalo and subsequent disposition to the 5/14 Memorial Foundation, or its designated affiliated entity, for development and use consistent with the 5/14 Memorial project.

The transfer is intended to support a City of Buffalo collaboration with BENLIC and the 5/14 Memorial Foundation. The proposed acquisition and disposition by BENLIC to the 5/14 Foundation will be critical in assisting the Foundation with moving development of its permanent memorial forward.

Under Section 1608(c) of the New York Land Bank Act, a land bank may acquire real property by purchase, contract, lease purchase agreement, installment sales contract, land contract, or transfer from a municipality upon terms and conditions agreed to by the land bank and the municipality.

BENLIC's Property Disposition Guidelines permit a noncompetitive sale when the Board determines that the sale will provide a community benefit consistent with the Land Bank's mission and purpose and upon a demonstration that the buyer is uniquely qualified to own, develop, or otherwise return the property to productive use.

ACTION:

The Board of Directors hereby approves the following resolution:

WHEREAS, the Buffalo Erie Niagara Land Improvement Corporation ("BENLIC") is a land bank corporation organized under Article 16 of the New York Not-for-Profit Corporation Law and is authorized to acquire, hold, manage, develop, dispose of, and return vacant, abandoned, tax-delinquent, or otherwise underutilized property to productive use;

WHEREAS, Section 1608(c) of the New York Land Bank Act authorizes a land bank to acquire real property by transfer from a municipality upon terms and conditions agreed to by the land bank and the municipality;

WHEREAS, the City of Buffalo Common Council has authorized the transfer of the Properties identified in Schedule A to BENLIC for a token dollar, subject to BENLIC paying closing costs, recording fees,

transfer tax, title search costs, survey costs, and other necessary transfer-related costs, and subject to any additional terms deemed necessary by the City of Buffalo Office of Strategic Planning and the City of Buffalo Corporation Counsel's Office;

WHEREAS, Section 4.2 of BENLIC's Property Disposition Guidelines identifies the available procedures for the disposal of real property, including negotiation, sealed bid, public auction, and noncompetitive sale;

WHEREAS, Section 4.2(D) of BENLIC's Property Disposition Guidelines provides that the Board of Directors may authorize the sale of property to a buyer without first undertaking the other methods of disposition when the Board determines that a benefit to the community will result from authorizing such sale without competitive procedures for reasons consistent with the Land Bank's mission and purpose and upon a demonstration that the buyer is uniquely qualified to own, develop, or otherwise return the property to productive use;

WHEREAS, Section 5.1 of BENLIC's Property Disposition Guidelines identifies the information to be provided to the Board when approving a disposition, including a description of the asset, the purpose of the transfer, the public benefit resulting from the transfer, the value received compared to fair market value, and the names of private parties participating in the transfer;

WHEREAS, based on the information presented, including the property sale information set forth in Schedule A, the Board has determined, pursuant to Section 4.2(D) of BENLIC's Property Disposition Guidelines, that disposition of the Properties for the 5/14 Memorial project will provide a community benefit consistent with BENLIC's mission by supporting development of a permanent memorial and related public, educational, and community-serving improvements;

WHEREAS, the Board has further determined, based on the information presented in Schedule A, that the 5/14 Memorial Foundation, or its designated affiliated entity approved by BENLIC counsel, is uniquely qualified to own, develop, maintain, and utilize the Properties for the 5/14 Memorial project; and

WHEREAS, the Board desires to authorize BENLIC to acquire the Properties from the City of Buffalo and to authorize the subsequent noncompetitive disposition of the Properties for development and use consistent with the 5/14 Memorial project.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Buffalo Erie Niagara Land Improvement Corporation hereby approves the acquisition of the Properties identified in Schedule A from the City of Buffalo; and be it further

RESOLVED, that pursuant to Section 4.2(D) of BENLIC's Property Disposition Guidelines, and based on the Board's findings of community benefit, mission consistency, and the unique qualifications of the proposed transferee as reflected in Schedule A, the Board hereby authorizes the noncompetitive disposition of the Properties identified in Schedule A to the 5/14 Memorial Foundation, or its designated affiliated entity approved by BENLIC counsel, for a token dollar for development and use consistent with the 5/14 Memorial project;

RESOLVED, that any disposition agreement shall include such development commitments, restrictive covenants, enforcement mechanisms, reporting obligations, or other terms and conditions deemed

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necessary by the City of Buffalo to ensure the Properties are developed and used for the authorized public purpose and consistent with the 5/14 Memorial Project;

RESOLVED, that the Executive Director and BENLIC counsel are authorized to negotiate, prepare, execute, and deliver any and all agreements, instruments of conveyance, closing documents, certificates, filings, and other documents necessary or desirable to carry out the acquisition and disposition of the Properties identified in Schedule A as authorized by this Resolution; and be it further

RESOLVED, that this Resolution shall take effect immediately.

SCHEDULE A

PROPERTY SALE INFORMATION SHEET

Property Address and Tax Parcel Number:

<u>Address</u>	<u>Tax Parcel Number</u>	<u>Type</u>
1022 Jefferson	100.73-3-14	Vacant Land
9999 Jefferson	100.73-3-13.1	Vacant Land
1026 Jefferson	100.73-3-12	Vacant Land
1028 Jefferson	100.73-3-11	Vacant Land
1030 Jefferson	100.73-3-10	Vacant Land
1032 Jefferson	100.73-3-9	Vacant Land
1048 Jefferson	100.73-3-6	Vacant Land
1050 Jefferson	100.73-3-5	Vacant Land
359 Best Street	100.73-3-2	Vacant Land
361 Best Street	100.73-3-3	Vacant Land
363 Best Street	100.73-3-4.1	Vacant Land
365 Best Street	100.73-3-4.4	Vacant Land
367 Best Street	100.73-3-4.3	Vacant Land
369 Best Street	100.73-3-4.2	Vacant Land

Buyer's Name:

5/14 Memorial Foundation

Purchase Price:

Token Dollar

Benefit to the Community Resulting from the Sale

The proposed disposition will facilitate development of the 5/14 Memorial Project, an initiative intended to create a permanent memorial and associated community space honoring the victims of the May 14, 2022 tragedy while supporting ongoing community remembrance, education, public engagement, and healing.

The proposed use is consistent with BENLIC's mission of returning vacant and underutilized property to productive use while supporting neighborhood stabilization and community revitalization.

The Board has determined that authorizing a noncompetitive disposition of these properties advances a significant public purpose and provides a direct and substantial benefit to the community.

Purchaser's Unique Qualifications for Returning the Property to Productive Use:

The 5/14 Memorial Foundation was established specifically to plan, develop, maintain, and steward the permanent 5/14 Memorial. The Foundation's sole organizational purpose is to advance and implement the memorial project and related ongoing educational and community initiatives.

The Foundation is governed by individuals selected to lead and support development of the memorial project and has assembled partnerships and resources dedicated specifically to this purpose. The Foundation has received support from philanthropic organizations, institutions, and governmental entities for the planning and development of the memorial project.

Because the Foundation was created specifically to develop and steward the memorial project, the Board finds that no other purchaser is similarly positioned to carry out the intended public purpose for which these properties are being assembled.

Therefore, the Board finds that the Foundation is uniquely qualified to own, develop, maintain, and utilize the properties in furtherance of the 5/14 Memorial Project.