

# **ERIENET LOCAL DEVELOPMENT CORPORATION**

## **REAL PROPERTY ACQUISITION POLICY**

This Real Property Acquisition Policy ("Policy") shall apply to the ErieNet Local Development Corporation (the "Corporation").

### **SECTION 1. PURPOSE AND AUTHORITY**

The purpose of this property acquisition policy (the "Policy") is to implement Section 2824(1)(e) of Title Two of Article 9 of the Public Authorities Law (the "Regulatory Act"), which requires that the members of the Corporation establish written policies and procedures applicable to the acquisition of real property by the Corporation.

### **SECTION 2. DEFINITIONS**

(A) "Acquire" or "acquisition" shall mean acquisition of title or any other beneficial interest in real property by the Corporation, but shall not include the acquisition of any interest in property to secure a loan or other financial obligation of another party.

(B) "Contracting Officer" shall mean the Executive Director of the Corporation or such other officer or employee of the Corporation who shall be appointed by resolution of the members of the Corporation to be responsible for the acquisition of real property by the Corporation.

### **SECTION 3. DUTIES**

(A) Inventory Controls. The Corporation shall maintain adequate inventory controls and accountability systems for all real property owned by the Corporation and under its control.

(B) Property List. The Corporation shall prepare, not less frequently than annually, a report listing all real property owned by the Corporation. Such report shall consist of a list and full description of all real and personal property acquired during such period. The report shall contain the price paid by the Corporation and the name of the seller for all such real property acquired by the Corporation during such period.

### **SECTION 4. ACQUISITION OF PROPERTY**

(A) Supervision and Direction. Except as otherwise provided herein, the duly appointed Contracting Officer shall have supervision and direction over the acquisition of real property of the Corporation. The Corporation shall have the right to acquire its real property for any valid corporate purpose.

(B) Appraisal Report. An independent appraiser shall be hired to provide an opinion of fair market value before the Corporation shall make an offer with respect to the acquisition of the real property. The appraiser should have a professional affiliation with a national appraisal

organization and must not have an interest in the property (or be retained as an agent to sell the property). The appraisal report shall be in form and substance satisfactory to the Corporation and shall be included in the record of the transaction.

Notwithstanding the foregoing, the preparation of an appraisal report shall not be required where the Corporation is acquiring the real property pursuant to a donation, or if the valuation of the real property is uncomplicated in the reasonable judgment of the Corporation and the fair market value is determined to be less than \$10,000.

#### SECTION 5. METHOD OF ACQUISITION

Unless otherwise permitted by applicable law or this Policy, the Corporation shall acquire real property for not more than its fair market value by sale, exchange, or transfer, for cash, credit, or other property, with or without warranty, and upon such other terms and conditions as the Corporation and/or contracting officer deems proper. The Corporation may execute such documents for the acquisition of title or other interest in real property and take such other action as it deems necessary or proper to acquire such real property under the provisions of this Policy. Provided, however, the Corporation may acquire real property for more than its fair market value, as described in an appraisal report reviewed by the Corporation, upon a finding by the Corporation pursuant to a resolution of the members of the Corporation that the acquisition of such real property at such price is necessary for the Corporation to further its corporate purpose.

#### SECTION 6. VALIDITY OF DEED, BILL OF SALE, LEASE, OR OTHER INSTRUMENT

A deed, bill of sale, lease, or other instrument executed by or on behalf of the seller of the real property and accepted by the Corporation, purporting to transfer title or any other interest in the real property of the seller to the Corporation in accordance herewith shall be conclusive evidence of compliance with the provisions of this Policy and all applicable law insofar as concerns title or other interest of any bona fide grantor or transferor who has received valuable consideration for such title or other interest and has not received actual or constructive notice of lack of such compliance prior to closing.

Adopted this 12 day of September, 2022