

SULLIVAN COUNTY LAND BANK CORPORATION

ACCEPTANCE OF DONATED REAL PROPERTY POLICY

SECTION 1. PURPOSE AND AUTHORITY.

The purpose of this Policy on the Donation of Real Property (the “Policy”) is to set forth the requirements applicable to the acceptance by the Land Bank of real property which is proposed to be donated to the Land Bank.

This Policy has been developed to comply with the New York Public Authorities Law §2824(1)(e).

SECTION 2. DEFINITIONS.

As used herein, the following terms shall have the meaning set forth below.

- A. “Board” shall mean the Board of Directors of the Land Bank.
- B. “Chair” shall mean the Chair of the Board.
- C. “Executive Director” shall mean the Executive Director of the Land Bank, or in the event of a vacancy, the Chair.
- D. “Land Bank” or “SCLBC” shall mean the Sullivan County Land Bank Corporation.

SECTION 3. CRITERIA FOR DONATION OF REAL PROPERTY.

- A. SCLBC may accept donations of real property subject to the discretion of the Board.
- B. The acquisition of real property by the SCLBC is limited to real property that is tax delinquent, tax foreclosed, vacant, abandoned, or for which acquisition is consistent with an approved redevelopment plan prepared by the SCLBC.
- C. Prior to recommending to the Board that the SCLBC accept title to property, the Executive Director shall evaluate:
 - i. Whether the property possesses potential for redevelopment that furthers the goals and objectives of the SCLBC;
 - ii. Proximity to other real property owned by the SCLBC;
 - iii. Potential for combining the property with adjacent properties, whether such property is currently owned by the SCLBC or under consideration to be acquired by the SCLBC;
 - iv. Proximity to targeted redevelopment plans;
 - v. Whether the property is occupied;
 - vi. Whether any taxes are owed or liens are filed against the property;
 - vii. Whether there are defects in title and the ability to obtain title insurance;
 - viii. Condition and market value of the property;
 - ix. Cost to remediate hazards or nuisances posed by the property;
 - x. Whether the property is accompanied by a cash donation [to mitigate the costs of ownership and redevelopment];
 - xi. Cost to fully redevelop the property;
 - xii. Financial resources available to redevelop the property;

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- xiii. Whether there exists an interested buyer or similar factors related to marketability.
- D. A Phase I environmental assessment may be required depending on the type and location of the property. The cost of a Phase I environmental assessment, if requested, is the responsibility of the potential donor; provided however, if the Board determines that the property is of strategic importance to the SCLBC and the donor demonstrates financial hardship or inability to pay for the Phase I assessment, the SCLBC may agree to bear this cost.

SECTION 3. BOARD APPROVAL AND ACCEPTANCE

- A. Upon a recommendation by the Executive Director to accept property, the Board shall undertake meaningful analysis to determine whether acceptance of such donation is in the best interest of the SCLBC.
- B. SCLBC will not determine a donation value for the purpose of tax benefits, but the Executive Director shall be authorized to provide a letter describing the property donated as a contemporaneous written acknowledgement under section 170(f)(8) of the Internal Revenue Code.