



**ROCKLAND COUNTY
SOLID WASTE MANAGEMENT AUTHORITY**

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Guidelines for Acquisition of Real Property by the Authority

The Rockland County Solid Waste Management Authority is authorized by Public Authorities Law Section 2053-e (3) to acquire real property or any interest therein, without limitation for its corporate purposes. These guidelines apply to any such Authority real estate purchases.

I. BASIC AUTHORITY ACQUISITION PRINCIPLES

A. Purchase Alternatives

1. The Authority will generally make any real estate purchases by bargain and sale in accordance with the options set forth below.
2. The Authority has the power of eminent domain (PAL 2053-e (4)).
3. If the Authority proposes to acquire or lease any interest in real property, the Rockland County Legislature must be given forty five (45) days prior notice of the acquisition or lease of such interest and no objection, by resolution of the County Legislature shall have been made within such 45 days. (PAL 2053-f)

B. Authority Direct Acquisition Approach.

1. The Authority will make a determination of the size and other particulars of the real property needed.
2. The Authority will then review the availability of government owned real property in the County to determine if a suitable parcel can be located and acquired by an inter-municipal transfer.

3. A suitable surplus parcel may be purchased without a competitive solicitation from the federal government, the State of New York or from any other political subdivision, district or public benefit corporation.

4. If a suitable government owned parcel cannot be located, a search process for parcel acquisition should be instituted which may include any of the following approaches, depending on the need for confidentiality:

a. Advertising the Authority's real property purchase requirements in the official Authority newspaper and other news media soliciting parcel proposals, or

b. Advising local commercial real estate brokers of the Authority's parcel acquisition need, or

c. Soliciting available parcels through third parties or blind solicitation when the ultimate proposed parcel use might make an open or public solicitation impractical.

5. Once potentially acceptable parcels have been identified, a process of evaluating those parcels internally should be done under the direction of the Executive Director. This will ultimately result in a short list of potentially suitable parcels for more rigorous evaluation.

a. The Executive Director and staff, with the assistance of outside engineering consultants, if needed, should then conduct a more rigorous evaluation of those parcels on the short list, examining such issues as:

1. Wetlands and their impact on parcel use.
2. Flood plains.
3. Proximity to schools, residences, churches, cemeteries, airports and other facilities.
4. Surrounding zoning.
5. Road access—including access to interstates.
6. Parcel acreage/useable acreage.
7. Parcel history
8. Easements and other encumbrances.
9. Recent sales history.
10. Proximity to environmentally compromised areas.
11. Potential government funding sources for parcel remediation or developments.
12. Parcel owner.

13. Market availability.
14. Recent appraisals.
15. Brokerage arrangements/fees.
16. Any existing tenants and the terms and conditions of their leases.

b. Identifying the parcel most suitable to the Authority's needs.

c. Obtain two appraisals by Licensed Appraisers as to the Fair Market Value of the parcel selected.

6. The Authority should then, with prior Board authorization, undertake negotiations with the property owner (s) or their representatives regarding the purchase price and purchase terms. Upon successful completion of those negotiations, the Authority can enter into a Purchase Agreement or Purchase Option, as appropriate.

7. If the negotiations fail, the Authority can seek to obtain ownership by eminent domain under I. A., above, or consider other alternate sites.

8. Examination of Title — the Authority should select an appropriate title insurance company by a competitive process and have a title and tax search conducted to assure that clear and marketable title to the property can be obtained and the title to the premises secured by an appropriate A rated title insurance policy.

9. Prior to the closing on the purchase of the subject property, the Authority should conduct a further detailed inspection of the premises to ensure that conditions have not changed.

10. Environmental inspection — the property should be examined for environmental conditions that would affect the value, use or marketability of the property .

11. Survey of Premises — a detailed survey and map of the premises should be obtained from a licensed land surveyor.

12. Closing—the closing should be conducted after all encumbrances affecting marketable and insurable title have been removed.

13. Authority Counsel shall approve all deeds, mortgages and title insurance as to form, warranties, content, or coverage.