Guidelines for Acquisition of Real Property By the Agency

The Onondaga County Resource Recovery Agency ("Agency") is authorized by Public Authorities Law Section 2045-e (3) to acquire real property, or any interest therein, without limitation for its corporate purposes. These guidelines apply to any such Agency real estate purchases.

I. BASIC AGENCY ACQUISITION PRINCIPLES

A. Purchase Alternatives
   1. The Agency will generally make any real estate purchases by bargain and sale in accordance with the options set forth below.
   2. The Agency does not have the power of eminent domain (PAL 2045-e (3)).
   3. If the Agency proposes to site a "facility", the acquisition of any real property designated as the site for any facility must first be approved by the Onondaga County Legislature. (PAL 2045-e (3)).
      a. "Facility" as used above references any solid waste management resource recovery facility and includes any real property to be used, occupied or employed beyond the initial solid waste collection process for the receiving, transporting, storage, processing or disposal of solid waste or the recovery by any means of any material or energy product or resource therefrom including but not limited to recycling centers, transfer stations baling facilities, rail haul or maritime facilities, processing systems, resource recovery facilities, steam and electric generating and transmission facilities, including auxiliary facilities to supplement or temporarily replace such facilities, steam distribution facilities, sanitary landfills, plants and facilities for composting, composting or pyrolization of solid wastes, incinerators and other solid waste disposal, reduction or conversion facilities and resource recovery equipment and disposal equipment.

B. The Agency may rely on the County of Onondaga or the Onondaga County Industrial Development Authority or other public entity to acquire any property needed for a "facility" by eminent domain if the property cannot be purchased by bargain and sale on the open market. The property would then be conveyed to the Agency for its public use and purposes.

C. Agency Direct Acquisition Approach.
   1. The Agency will make a determination of the size and other particulars of the real property needed.
   2. The Agency 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 Agency's real property purchase requirements in the official Agency newspaper and other news media soliciting parcel proposals, or
   b. Advising local commercial real estate brokers of the Agency's parcel acquisition need, or
   c. Identifying potentially suitable parcels from the Onondaga County Geographical Information System on the Internet and from other sources, or
   d. 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 Agency's 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 Agency's needs.
   c. Obtain two appraisals by Licensed Appraisers as to the Fair Market Value of the parcel selected.
6. The Agency 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 Agency can enter into a Purchase Agreement or Purchase

7. Option, as appropriate. If the negotiations fail, the Agency can seek to obtain ownership by eminent domain under I. B., above, or consider other alternate sites.
8. Examination of Title – the Agency 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 Agency 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. Agency Counsel shall approve all deeds, mortgages and title insurance as to form, warranties, content, or coverage.