



October 8, 2021

Authorities Budget Office

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New York State Assembly
State Capital
Albany, New York 12224

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New York State Senate
State Capital
Albany, New York 12224

State of New York
Authorities Budget Office
P.O. Box 2076
Albany, New York 12220-0076

**RE: Buffalo and Erie County Industrial Land Development Corporation
Notice of Disposition of Property by Negotiation**

To Whom It May Concern:

Pursuant to subparagraph (ii) of paragraph (d) of subdivision (6) of section 2897 of Title 5-A of the Public Authorities Law (“PAL”), the following explanatory statement is being provided at least 90 days prior to the disposal of real property by negotiation:

EXPLANATORY STATEMENT. The Buffalo and Erie County Industrial Land Development Corporation’s (the “ILDC”) proposed disposition of real property as described herein is within the purpose, mission, and governing statutes of the ILDC and is thereby exempted from publicly advertising for bids pursuant to PAL §2897(6)(c)(v). As authorized by PAL §2897(6)(c) and because the property that is the subject of this correspondence is the type of property described in PAL §2897(6)(d)(i)(B), the ILDC intends to dispose of the property as described herein by negotiation not less than 90 days from the date of this notice.

The ILDC is the owner of a certain 10.75+/- acre parcel of real property located at 2303 Hamburg Turnpike, Lackawanna, Erie County, New York. (the "Real Property"). The Real Property is located within a larger approximately 230 acre parcel of real property constituting the Renaissance Commerce Park, formerly known as the Bethlehem Steel Site, the vast majority of which is owned by, or under contract to be purchased by, the ILDC.

The ILDC has prepared a Master Plan and a Generic Environmental Impact Statement for the Renaissance Commerce Park to ultimately allow for its remediation, redevelopment and re-use with related new private sector investment and job creation. Concurrent with the master planning process, the ILDC undertook a request for proposals process and publicly solicited bid proposals to purchase a parcel of real property located immediately to the south of the Real Property (the "RFP Parcel"). The ILDC received one complete bid proposal for the RFP Parcel, from Uniland Development Company (or an entity controlled by or under common control with it (the "Purchaser")), and said proposal also requested that the ILDC provide a purchase option agreement to Purchaser permitting Purchaser to purchase the Real Property, in addition to the RFP Parcel.¹ In order to appropriately accommodate the needs of the ILDC to properly dispose of the Real Property consistent with its mission and purpose, it was necessary for the ILDC to negotiate the final terms of the contemplated transfer of both the RFP Parcel and the Real Property, rather than accept the responding bid from the Purchaser, outright.

In accordance with applicable provisions of the PAL and Policy Guidance No. 15-03 issued by the State of New York Authorities Budget Office, the following details regarding the Disposition of the Real Property are provided:

1) Description of the parties involved in the Transaction

Owner: Buffalo and Erie County Industrial Land Development Corporation
Purchaser: Uniland Development Company or an entity formed or to be formed on its behalf

2) Justification for disposing of Property by negotiation:

The ILDC desires to remediate, redevelop, and re-use the Renaissance Commerce Park, in an effort to encourage new investment and job creation. Prior to completing the Bethlehem Steel Site master planning process, the ILDC, in an effort to jump-start interest and potential new investment, solicited public bids to dispose of the RFP Parcel, as identified above, consistent with the goals of the master planning process as identified above. The Purchaser provided a timely and appropriate response to the publically advertised request for proposals for the RFP Parcel, and the response also included a request to obtain an option to purchase the Real Property. However, in the best interest of the ILDC and its mission and purpose, it was necessary for the ILDC to negotiate the final terms of the contemplated disposition of both the RFP Parcel and the Real Property.

As such, the Purchaser has offered to purchase the Real Property for approximately \$268,750.00, being a purchase price above fair market value as discussed below. The total acreage of the Real Property to be ultimately purchased may be slightly less than the acreage amount as identified herein, in which case, the purchase price may decrease on a per acre basis actually purchased. Purchaser will, upon taking title to the Real Property, complete the environmental remediation of the Real Property and construct a new approximately 168,000 square foot light manufacturing/warehouse facility thereon, thus increasing the local tax base, and resulting in the creation of new jobs, all for the benefit of Erie County.

¹ The ILDC provided the required Notice of Disposition of Property by Negotiation with respect to the RFP Parcel on December 30, 2020, and submitted a requested supplemental notice re same on January 15, 2021, to the parties hereto.

3) Identification of Property:

10.75+/- acres of vacant land located at 2303 Hamburg Turnpike, Lackawanna, Erie County, New York and located within a portion of Tax Lot Number 141.11-1-51.

4) Estimated Fair Market Value of Property:

The ILDC obtained an independent appraisal from KLV Appraisal Group, Inc., that determined the fair market value of the Real Property to be \$198,853.50 (approximately \$18,498 per acre).

5) Proposed Sale Price:

The Purchaser will pay \$268,750.00 for the Real Property (\$25,000 per acre).

6) Size of the Property:

10.75 acres. However, this represents the maximum acreage of the Real Property that may be purchased. The ILDC contemplates that a certain portion of the Real Property may be dedicated as public right of way for public roadway and utility construction (collectively, the "Public Right of Way"). The actual acreage to be purchased may be less than 10.75 acres based upon the final design and dimensions the Public Right of Way, said Public Right of Way acreage to be removed from the Real Property at time of closing. Notwithstanding a decrease in the size of the Real Property to be purchased, and a resulting decrease in the total purchase price as otherwise disclosed in Paragraph 5, above, the per acre purchase price will remain the same at \$25,000 per acre.

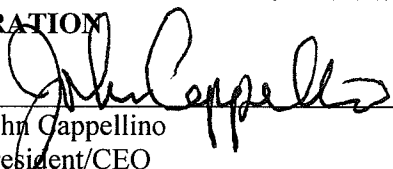
7) Expected Date of Sale of the Property:

Pursuant to and in accordance with applicable laws and regulations, and subject to applicable governmental approvals and permitting timeframes, the ILDC reasonably expects that the closing will occur on or after April 15, 2022.

Any questions or comments relating to the proposed disposition may be sent to the ILDC at the address noted above.

Sincerely,

**BUFFALO AND ERIE COUNTY
INDUSTRIAL LAND DEVELOPMENT
CORPORATION**

By: 
Name: John Cappellino
Title: President/CEO