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**GUIDELINES**

**AND**

**PROCEDURES**

**FOR THE**

**ACQUISITION OF REAL PROPERTY**

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# GUIDELINES AND PROCEDURES FOR THE ACQUISITION OF REAL PROPERTY

## I. PURPOSE

1.1 These Guidelines and Procedures for the Acquisition of Real Property (“Guidelines”), which comply with Title 2, Article 9 of the Public Authorities Law, establish the procedures which detail the Authority’s policy and instructions regarding the acquisition of real property and designate a Contracting Officer who is responsible for the Authority’s compliance with, and enforcement of, such Guidelines.

## II. DEFINITIONS

2.1 “Contracting Officer” shall mean the officer or employee of the Authority who shall ~~be appointed by resolution of the Authority’s Trustees to~~ be responsible for enforcement of the Guidelines for the acquisition of real property. The “Contracting Officer” is hereby designated to be the Senior Vice President – Enterprise Shared Services~~Vice President – Procurement and Real Estate, or the equivalent(s),~~ or his designee ~~so stated in writing.~~

2.2 “Acquisition” or “Acquire” shall mean to obtain title to or any other beneficial interest in real property in accordance with applicable statutes and these Guidelines.

~~2.3 — 2.3 —~~ “Real Property” ~~or “Lands” shall be coextensive in meaning with “Lands”~~ “Tenements”, “hereditaments” and shall mean real property, including land,

tenements and hereditaments owned by the Authority, and any other interest in such real property, to the extent that such interest may be conveyed to another person or entity for any purpose, excluding an interest securing a loan or other financial obligation of another party.

2.4 “Relative” is any person living in the same household as the Authority employee or any person who is a direct descendant of the Authority employee’s grandparents or the spouse of such descendant, as referred to in Article 5 of these Guidelines.

### **III. CONTROLLING LEGISLATION**

- 3.1 These Guidelines are being adopted consistent with the Public Authorities Accountability Act of 2005 (“PAAA”).
- 3.2 The Authority may Acquire Real Property through purchase, eminent domain, sState transfers of jurisdiction, lease and by other legal means.
- 3.3 The Authority’s New York statutory authority for land acquisition includes, without limitation, the Public Authorities Law, the Real Property Law, the Public Lands Law, the Eminent Domain Procedure Law and the Highway Law, as amended.

### **IV. DUTIES OF THE DIRECTOR OF REAL ESTATE**

- 4.1 The Director of Real Estate or the equivalent(s) or designee will maintain adequate inventory controls and accountability systems for all Real Property under the Authority’s control.

4.2 Real Property~~Lands~~ to be Acquired by the Authority will be in support of existing operating and transmission facilities or in support of new initiatives being pursued by the Authority. The Director of Real Estate or the equivalent(s) or designee will, in consultation with the other appropriate Authority staff (by oral or written communication), determine what Lands are necessary or convenient for Acquisition by the Authority.

4.3 The compensation for and the procedure for such Acquisition must be consistent with these Guidelines and the Authority's Real Estate Expenditure Authorization Procedures as amended.

~~4.4 — The Director of Real Estate will produce for publishing written reports of such Real Property Acquired in the last calendar year by March 1st of the following year, as set forth in Section VI of these Guidelines.~~

4.45 The Director of Real Estate or the equivalent(s) or designee will arrange for the transfer or Acquisition of any Real Property identified for Acquisition by the Authority in accordance with these Guidelines and the Authority's Real Estate Expenditure Authorization Procedures and as soon as reasonably practical under the circumstances.

4.56 The Director of Real Estate or the equivalent(s) or designee will provide all relevant documentation to the Authority's Environmental Division to determine whether the Acquisition of Real Property is in compliance with the State Environmental Quality

Review Act, and whether it adheres to the American Society of Testing and Material's Guidelines for Environmental Site Assessments, if applicable.

**V. ETHICAL CONSIDERATIONS**

5.1 No Authority employee who is involved in the Acquisition of Real Property, may ask any purchaser, grantor, lessor or officers, directors or employees of such current or prospective purchaser, grantor or lessor to reveal: (a) the political party affiliation of the individual; (b) whether the individual or entity has made campaign contributions to any political party, elected official, or candidate for elective office; or (c) whether the individual voted for or against any political party, elected official or candidate for elective office.

5.2 No Authority employee may take part in any Acquisition decision involving the payment of more than \$1,000: (i) to a Relative; or (ii) to any entity in which a Relative owns or controls 10% or more of the stock of such entity (or 1% in the case of a corporation whose stock is regularly traded on an established securities exchange); or serves as an officer, director or partner of that entity. If such situation arises, an Acquisition matter arises relating to this Section 5.2, then the employee must advise his or her supervisor of the relationship, and must be recused from any and all discussions or decisions relating to the matter.

5.2.1 For purposes of this Section 5.2, the term "Relative" is defined in Section 2.4 of these Guidelines, shall mean any person living in the same household as the Authority employee or any person who is a

~~direct descendant of the Authority employee's grandparents or the spouse of such descendant.~~

## **VI. ACQUISITION REPORTS BY THE AUTHORITY**

~~6.1 The Director of Real Estate will publish, at each meeting of the Authority's Governance Committee, a report detailing the Acquisitions of Real Property occurring in accordance with these Guidelines since the prior Governance Committee meeting.~~

6.1 The Authority may be called upon periodically to submit information regarding the Acquisition of Real Property to organizations implementing the PAAA or other statutes regulating the Acquisition of Real Property, such as the Authority Budget Office through the Public Authorities Reporting System ("PARIS").

6.2 The Authority's Governance Committee meets at least three times per year and staff from Enterprise Shared Services – Real Estate or the equivalent may, upon request, prepare and present ongoing reports regarding the Acquisition of Real Property.

## **~~VII. APPROVAL OF GUIDELINES BY THE AUTHORITY'S TRUSTEES~~**

~~7.1 The Guidelines shall be annually reviewed and approved by the Authority's Trustees.~~

## **VIII. REFERENCES**

8.1 Chapter 766 of the Laws of 2005

8.2 Public Lands Law §3 (4)