



Date: July 30, 2015

To: THE TRUSTEES

From: THE PRESIDENT and CHIEF EXECUTIVE OFFICER

Subject: Niagara Power Project – Transfer of Real Property to the New York State Office of Parks, Recreation and Historic Preservation – City Of Niagara Falls – Map No. 331c, Parcel No. 3275

SUMMARY

The Trustees are requested to approve the conveyance of approximately 1.5 acres of real property, as shown on the attached Exhibit "A," located in the City of Niagara Falls, Niagara County, ("Site"), to the New York State Office of Parks, Recreation and Historic Preservation ("OPRHP") for a consideration of \$1.00, said payment to be waived.

BACKGROUND

The Authority's Real Property Expenditure Authorization Procedures require the Trustees' approval of any disposition of real property where the appraised value is in excess of \$10,000.00.

Title 5-A of Article 9 of the Public Authorities Law (the "Act") and the Authority's Guidelines for the Disposal of Real Property (the "Guidelines") allow the Authority, with the approval of the Trustees, to dispose of Authority property by negotiation and for less than fair market value when the transferee is a government or other public entity, and the terms and conditions of the transfer require that the ownership and use of the asset will remain with the government or any other public entity. The deed for the contemplated transfer of title to OPRHP will include language to this effect.

DISCUSSION

As part of the relicensing of the Niagara Power Project ("NPP"), the Authority entered into an agreement with local municipalities, including the City of Niagara Falls, titled the "Host Community Relicensing Agreement" ("Agreement"). This Agreement, among other things, called for the transfer of ownership of certain surplus lands to various local governmental and private entities. Among the properties to be transferred was a 1.2 acre parcel located along the Robert Moses Parkway in the City of Niagara Falls and identified as Map No. 331C, Parcel No. 3275. Pursuant to the Agreement, the Authority agreed to transfer this property to the City of Niagara Falls for consideration of \$1.00.

At its meeting of May 22, 2007, the Authority's Board of Trustees authorized acceptance of the new Federal Energy Regulatory Commission ("FERC") license for the NPP and the conveyance of the surplus properties identified in the Agreement.

Subsequently, OPRHP identified the property as a potential location for its new police barracks. In order to facilitate this use by OPRHP, the City of Niagara Falls, by resolution of its City Council dated July 21, 2014, declined the Authority's offer to convey the subject property.

During preliminary discussions with OPRHP, it was determined that the inclusion of an additional 0.30 acres of property, immediately adjacent to the original surplus land, would provide greater access to the Robert Moses Parkway and would thus be beneficial to OPRHP's project. This additional parcel has been determined by the Licensing Group and the Regional Manager, Western New York, to be surplus. Unlike the original parcel, which was purchased by the Authority in fee, this additional parcel was acquired by appropriation and its conveyance requires prior approval by the Department of Law. Also, as the additional parcel is "project land" (within the NPP's FERC license boundary), prior to any conveyance, the Authority is required to consult with federal and state fish and wildlife or recreation agencies as well as the State Historic Preservation Officer, and to notify FERC.

Relocation of OPRHP's police barracks to the Site will be of significant public benefit and is in keeping with the Authority's obligations to the community and Western New York economic development.

Based on an independently-appraised value of \$225,000.00 per acre, the value of the 1.50 acres to be conveyed is \$337,500.00. In light of the significant public benefit anticipated as a result of OPRHP's police barracks project, it is proposed that the consideration for this transfer be \$1.00 and that said consideration be waived.

FISCAL INFORMATION

In accordance with the foregoing, the Authority will transfer title to approximately 1.5 acres of real property located in the City of Niagara Falls to the New York State Office of Parks, Recreation and Historic Preservation without payment to the Authority.

RECOMMENDATION

The Vice President – Procurement and the Director – Site Purchasing, Materials Management and Real Estate, recommend that the Trustees approve the transfer of title of approximately 1.5 acres of real property, located in the City of Niagara Falls, Niagara County, to the New York State Office of Parks, Recreation and Historic Preservation ("OPRHP") for a consideration of \$1.00, said payment to be waived, in accordance with the foregoing and with Exhibit "A" attached hereto.

For the reasons stated, I recommend the approval of the above-requested action by adoption of the resolution below.

Gil C. Quiniones
President and Chief Executive Officer

RESOLUTION

RESOLVED, that the President and Chief Executive Officer, the Vice President – Procurement, and the Director of Site Purchasing, Materials Management and Real Estate be, and hereby are, authorized to transfer title to approximately 1.5 acres of real property located in the City of Niagara Falls, Niagara County, to the Office of Parks, Recreation and Historic Preservation (OPRHP), for a consideration of \$1.00, said payment to be waived; and be it further

RESOLVED, That the Vice President – Procurement or the Director of Site Purchasing, Materials Management and Real Estate is hereby authorized to execute any and all other agreements, papers or instruments on behalf of the Authority that may be deemed necessary or desirable to carry out the foregoing, subject to the approval by the Executive Vice President and General Counsel; and be it further

RESOLVED, that the Chairman, the President and Chief Executive Officer, the Chief Operating Officer, the Executive Vice President and Chief Financial Officer and all other officers of the Authority are, and each of them hereby is, authorized on behalf of the Authority to do any and all things and take any and all actions and execute and deliver any and all agreements, certificates and other documents to effectuate the foregoing resolution subject to the approval of the form thereof by the Executive Vice President and General Counsel.

**New York Power Authority
Niagara Power Project
Parcels to be Conveyed
to OPRHP
City of Niagara Falls
Niagara County**

EXHIBIT A

Legend

-  Proposed Conveyance Boundaries
-  FERC Project Boundary
-  NYPA Owned Lands
-  Interstate Highway
-  Primary Highways
-  Other Roads



1 inch = 100 feet

