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MANUAL 900-1

SECTION 01.3

REAL PROPERTY MANAGEMENT REPORTS

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BUREAU OF MANAGEMENT ANALYSIS AND PROJECTS

1. Purpose

This procedure describes the reports that must be prepared for real property transactions.

2. Applicable Law and/or Guidance

New York State Finance Law §139-j, §139-k

New York State Public Authorities Accountability Act of 2005

Canal Real Property Management Policy (25-6-01C)

3. Introduction

The New York State Canal Corporation (Corporation) is responsible for the maintenance, operation, construction, reconstruction, improvement, development, financing and promotion of the Canal System and for implementation of the Canal Recreationway Plan (CRP). In accordance with the provisions of the Canal Law, the Corporation has the authority to acquire, hold and dispose of real property to advance the purposes of the Corporation and thus, the interest of the State.

As part of the Public Authorities Accountability Act of 2005 (PAAA) and the State Finance Law §139-j and §139-k (Lobbying Law), various reports related to land use transactions must be filed as described in this procedure.

4. Procedure

4.1. Real Property Inventory Report

- 4.1.1. Finance shall maintain an inventory of all real property under the jurisdiction of the Corporation.
- 4.1.2. An annual inventory report shall be submitted by Finance to the State Comptroller, Director of the Budget, the Commissioner of General Services and the Legislature.

4.1.3. The annual report shall contain the following information for all real property:

- A list and full description of all real property disposed of during the year;
- The price received by the Corporation; and
- The name of the purchaser.

4.2. Explanatory Statement

4.2.1. An EXPLANATORY STATEMENT⁺ must be prepared by the Office of Land Management (OLM) for disposals by negotiation at least ninety (90) days in advance of any disposal that exceeds the following thresholds:

- Real property that has an estimated fair market value in excess of \$100,000, except by lease or exchange;
- Real property disposed of by lease for a term of five (5) years or less, if the estimated fair market annual rent is in excess of \$100,000 for any of such years;
- Real property disposed of by lease for a term of more than five (5) years, if the total estimated rent over the term of the lease is in excess of \$100,000; or
- Any real property or real and related personal property disposed of by exchange, regardless of value, or any property any part of the consideration for which is real property.

4.2.2. OLM will submit a copy of the EXPLANATORY STATEMENT to the State Comptroller, the Director of the Budget, the Commissioner of General Services and the Legislature.

4.2.3. A copy of the statement and any responses will be kept in the Project Record.

5. Complying with §139-j and §139-k of the State Finance Law (Lobbying Law)

Any contact (inquiry, etc.) made regarding a real property transaction following the TRANSACTION ANALYSIS/RECOMMENDATION (TAR) form (TA-N99116) approval for negotiated sales and subsequent to the first notice of a competitive process for disposal of such real property (solicitation, RFP, etc.) is subject to the Lobbying Law and must be recorded. See the Executive Instruction entitled INAPPROPRIATE LOBBYING INFLUENCE IN AUTHORITY/CORPORATION PROCUREMENTS.

6. Responsibilities

OLM shall coordinate the submittal of EXPLANATORY STATEMENTS.

Finance shall maintain the real property inventory and coordinate submission of the annual report.

REAL PROPERTY MANAGEMENT
REPORTS

September 2006

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4

EXHIBIT 1
EXPLANATORY STATEMENT

Content under development