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MANUAL 900-1

SECTION 03.1

GLOSSARY

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BUREAU OF MANAGEMENT ANALYSIS AND PROJECTS

DEFINITIONS

Account Owners are those individuals or entities that have been issued permits by, or entered into leases with, the Canal Corporation (Corporation).

Advertising Plan is a part of the Auction Plan that describes how the auction will be marketed (e.g., such as through letters, newspaper advertisements and other means) in order to reach as many potentially interested parties as possible to permit full and free competition consistent with the value and nature of the property.

Acquisitions are transactions whereby the Corporation acquires and holds in the name of the State, by purchase or appropriation, real property or rights or easements therein. Acquisitions also include permits and contracts entered into by the Corporation to use real property not under the jurisdiction of the Corporation.

Auction Plan is a plan developed for an auction and approved by the Contracting Officer. It contains the terms and conditions of the sale, registration and deposit requirements, auction information package, and advertising plan.

Canal Recreationway is a linear park to be developed for boating and other recreational use, taking advantage of the Canal's historic heritage, conserving its beauty and natural character, and utilizing recreationway improvements to enhance the economic development potential of the Canal.

Canal Recreationway Commission (CRC) is a 24-member body consisting of State, local and private citizens who are broadly representative of the diverse canal interests and geographic areas of the Canal System. The CRC was constituted to prepare and periodically revise the statewide Canal Recreationway Plan, and to advise the Corporation in carrying out its duties related to the Canal System.

Canal Recreationway Plan (CRP) is a comprehensive plan for development of the Canal System that was prepared by the CRC and adopted by the Corporation Board in 1995.

Delinquent Account is any permittee or lessee who has not made payments due under the permit or lease terms.

Disposals include the sale of real property, the transfer of any beneficial interest in real property such as leases or easements, and the exchange of real property of at least equal value, in the public interest and necessary for Canal purposes. Disposals do not include the transfer of real property secured by a loan or other financial obligation of another party. Disposals do not include Permits or Transfers of Jurisdiction.

Encroachment is when a building or structure or part thereof is erected, placed, maintained, or otherwise occupying Corporation property as a result of (i) a revoked permit or terminated lease, or (ii) an illegal occupation without an earlier permit or lease.

Environmental Concern is any on-site condition which could potentially cause a detrimental environmental impact. These conditions include, but are not limited to: improper or unpermitted storage tanks; unpermitted operations including boat, car or other maintenance operations; unauthorized removal of vegetation; soil and sediment erosion (including gullying); and unpermitted discharges (non-SPDES permit), etc.

Fair Market Value is the amount at which property would change hands between a willing buyer and willing seller, neither being under any compulsion to buy or sell and both having reasonable knowledge of relevant facts. Fair market value is the price in cash or equivalent that the property would have brought at the time of taking, considering its highest and most profitable use, if then offered for sale in the open market, in competition with other similar properties at or near the location of the property taken, with a reasonable time allowed to find a purchaser. Normally, the fair market value is the appraised value.

Navigability Concern is any on-site activity or structure which could potentially impede the safe navigation of the Canal. This includes, but is not limited to: unauthorized docks, moorings or structures; unpermitted signs and lights; and unpermitted water withdrawals.

Permits issued by the Corporation are agreements granting temporary occupancy or use of lands or structures of the Canal System. Permits are used for Transactions where the real property has not been declared surplus to the Corporation's needs, but may be used on a revocable basis as specified in the permit. Permits do not transfer a beneficial interest in real property. Permits are revocable in part to assure availability upon demand of the real property for Corporation or public purposes. Permits include Occupancy and Work Permits.

An **Occupancy Permit** is a revocable permit that authorizes the temporary, restricted use of real property under the jurisdiction of the Corporation.

A **Work Permit** is a revocable permit that authorizes construction, maintenance, inspection, survey or other type of work on real property under the jurisdiction of the Corporation.

Project Reference Number is a number assigned to a transaction by the Division Secretary for tracking purposes that consists of eight (8) characters, beginning with a letter for the Division (A-Albany, B-Buffalo, S-Syracuse), followed by a C (for Canals), then the 2 digit year (06-for 2006)) and a 4 digit sequential number (Example: The first number assigned in 2006 by the Albany Canal Division would be AC060001).

Rate Schedule Fee is an occupancy permit fee based on a preauthorized list of fees for specific types of uses and size of uses.

Request for Interest (RFI) is an issued document that solicits expression of interest or ideas for a parcel(s) of property under the jurisdiction of the Corporation. RFIs are used when it is not clear whether there is interest in the parcel or when input or ideas are desirable. RFIs do not result in the selection of a proposal.

Request for Proposal (RFP) solicits competitive proposals from prospective contractors for particular work or services, such as development of a particular parcel of property under the jurisdiction of the Corporation.

Sale Notice describes auction logistics including the time, place and location of the auction, registration requirements, property information and relevant information related to the auction of the real property parcel.

SEQRA is the State Environmental Quality Review Act.

Surplus Real Property is surplus Canal lands or structures that include lands or structures which, in the opinion of the Canal Corporation, have or may become no longer necessary or useful as a part of the Canal system, as an aid to navigation thereon, or for Canal terminal purposes. In general, lands and structures may not be deemed surplus and abandoned if they include the Canal prism, locks, dams, lift bridges, terminal walls, retaining walls, spillways, waste weirs, gates, feeders, reservoirs, culverts, buildings, embankments, a portion of the Canalway Trail, land needed to access Canal structures or lands, or other amenities or features critical to the mission of the Canal Corporation. It may also be determined that a distance of land beyond the outboard toe of slope, top of slope, banks along the river or in cut sections of the Canal system, is necessary for Canal purposes and may not be deemed surplus. The maps produced and published in the December 2005 "Report on the Future of New York State Canals" may be used as a guide in determining whether lands or structures may be deemed surplus and abandoned.

Transactions shall include, but not be limited to, acquisitions, disposals, the issuance of permits and transfers of jurisdiction.

Transaction Analysis is a review conducted prior to carrying out a transaction to determine whether the property is needed for Corporation purposes, if the proposed use is consistent with the CRP and Corporation goals, the best type of transaction, and if a competitive process, survey and/or appraisal is required.

Transfers of Jurisdiction are transactions between the Corporation and other State governmental entities where jurisdiction over the real property is transferred and reassigned, but the title to the real property remains in the name of the People of the State.