

ALBANY PORT DISTRICT COMMISSION

PROPERTY ACQUISITION POLICY

SECTION 1. DEFINITIONS.

(A) “Acquire” or “acquisition” shall mean acquisition of title or any other beneficial interest in personal or real property.

(B) “Contracting officer” shall mean the officer or employee of Albany Port District Commission (hereinafter, the “Commission”) who shall be appointed by resolution to be responsible for the acquisition of property.

(C) “Property” shall mean personal property in excess of five thousand dollars (\$5,000.00) in value, and real property, and any inchoate or other interest in such Property, to the extent that such interest may be conveyed to another person for any purpose, excluding an interest securing a loan or other financial obligation of another party.

SECTION 2. DUTIES.

(A) The Commission shall maintain adequate inventory controls and accountability systems for all Property owned by the Commission and under its control.

(B) The Commission shall prepare, not less frequently than annually, a report listing all real property owned in fee by the Commission. Such report shall consist of a list and full description of all real property acquired of during such period. The report shall contain the price paid by the Commission and the name of the seller for all such real property acquired by the Commission during such period.

SECTION 3. ACQUISITION OF PROPERTY.

(A) Supervision and Direction. Except as otherwise provided herein, the duly appointed contracting officer (the “Contracting Officer”) shall have supervision and direction over the acquisition of Property of the Commission. The Commission shall have the right to acquire its Property for any valid corporate purpose.

(B) Appraisal Report. An independent appraiser shall be hired to provide an opinion of fair market value before the Commission shall make an offer with respect to the acquisition of the Property. The appraiser should have a professional affiliation with a national appraisal organization and must not have an interest in the Property (or be retained as an agent to sell the property). The appraisal report shall be in form and substance satisfactory to the Commission and shall be included in the record of the transaction.

Notwithstanding the foregoing, the preparation of an appraisal report shall not be required where the Commission is acquiring the Property pursuant to a donation, its

procurement policy, or if the valuation of the Property is uncomplicated and the fair market value is reasonably determined to be less than \$10,000.

(C) Method of Acquisition.

(1) Voluntary Acquisition: Unless otherwise permitted by applicable law, the Commission shall acquire Property for not more than its fair market value by sale, exchange, or transfer, for cash, credit, or other Property, with or without warranty, and upon such other terms and conditions as the Commission and/or contracting officer deems proper. The Commission may execute such documents for the acquisition of title or other interest in Property and take such other action as it deems necessary or proper to acquire such Property under the provisions of this section. Provided, however, the Commission may acquire Property for more than its fair market value, as described in an appraisal report reviewed by the Commission or without such appraisal being conducted, upon a finding pursuant to resolution of the Commission that the acquisition of such Property at such price is necessary for the Commission to further its corporate purpose.

(D) Validity of Deed, Bill of Sale, Lease, or Other Instrument. A deed, bill of sale, lease, or other instrument executed by or on behalf of the seller of the Property and accepted by the Commission, purporting to transfer title or any other interest in Property of the seller to the Commission in accordance herewith shall be conclusive evidence of compliance with the provisions of these guidelines and all applicable law insofar as concerns title or other interest of any bona fide grantor or transferor who has received valuable consideration for such title or other interest and has not received actual or constructive notice of lack of such compliance prior to closing.

(E) Insurance. The Commission must ensure that all insurable real and personal Property under its control is insured against physical loss or damage.

This Policy is subject to modification and amendment at the discretion of the Commission.