



REAL PROPERTY DONATION POLICY

SECTION 1. PURPOSE AND AUTHORITY.

The purpose of this Policy on the Donation of Real Property (the "Policy") is to set forth the requirements applicable to the acceptance by the Rochester Land Bank Corporation (the "Land Bank" or "RLBC") of real property which is proposed to be donated to the Land Bank. This Policy expands upon the Land Bank's Real Property Acquisition Policy as it pertains to donated properties.

SECTION 2. DEFINITIONS.

As used herein, the following terms shall have the meaning set forth below.

- A. "Board" shall mean the Board of Directors of the Land Bank.
- B. "Chair" shall mean the Chair of the Board.
- C. "Executive Director" shall mean the Executive Director of the Land Bank, or in the event of a vacancy or unavailability, the Chair.
- D. "Land Bank" or "RLBC" shall mean the Rochester Land Bank Corporation.

SECTION 3. CRITERIA FOR DONATION OF REAL PROPERTY.

- A. RLBC may accept donations of real property subject to the discretion of the Board.
- B. The acquisition of real property via donation by the RLBC shall not be limited to real property that is tax delinquent, tax foreclosed, vacant, abandoned, or for which acquisition is consistent with an approved redevelopment plan prepared by the RLBC. However, the RLBC will likely not consider a property that is occupied by tenants.
- C. Prior to recommending to the Board that the RLBC accept title to property, the Land Bank shall evaluate whether acquisition of said property is in accordance with the RLBC's mission and interests by reviewing items that may include, but are not limited to:
 - i. Whether the property possesses potential for redevelopment that furthers the goals and objectives of the RLBC;
 - ii. Proximity to other real property owned by the RLBC or in close proximity to development or properties owned by the City of Rochester ("the City") in which the subject property could be an asset in the further development or stabilization efforts;
 - iii. Potential for combining the property with adjacent properties, whether such property is currently owned by the RLBC or the City or under consideration to be acquired by the RLBC or the City;
 - iv. Proximity to targeted redevelopment plans;
 - v. Whether the property is occupied;

- vi. Whether any taxes are owed, or liens are filed against the property;
 - vii. Whether there are defects in title and the ability to obtain title insurance;
 - viii. Condition and market value of the property;
 - ix. Cost to remediate hazards or nuisances posed by the property;
 - x. Whether the property is accompanied by a cash donation [to mitigate the costs of ownership and redevelopment];
 - xi. Cost to fully redevelop the property;
 - xii. Financial resources available to redevelop the property;
 - xiii. Whether there exists an interested buyer or similar factors related to marketability.
- D. A Phase I environmental assessment may be required depending on the type and location of the property. The cost of a Phase I environmental assessment, if requested, is the responsibility of the potential donor; provided however, if the Board determines that the property is of strategic importance to the RLBC and the donor demonstrates financial hardship or inability to pay for the Phase I assessment, the RLBC may agree to bear this cost. The RLBC, at its sole discretion, shall determine if a Phase II investigation or other testing mechanisms are needed, prior to acceptance.

SECTION 4. BOARD APPROVAL AND ACCEPTANCE

- A. Upon a recommendation by the Executive Director to accept property, the Board shall undertake meaningful analysis to determine whether acceptance of such donation is in the best interest of the RLBC.
- B. RLBC will not determine a donation value for the purpose of tax benefits, but the Executive Director shall be authorized to provide a letter describing the property donated as a written acknowledgement under section 170(f)(8) of the Internal Revenue Code.