

# Niagara Frontier Transportation Authority

## Real Property Annual Report Fiscal Year 2008-2009

All dispositions and acquisitions of real property with a value over \$15,000 completed in this fiscal year have been entered into the PARIS system. These include the following:

- 1500 Abbott Road, Lackawanna, New York

This property was formerly the Greenwood Abbott Bus Loop and is no longer used by Metro Bus. The appraised value of the property was \$40,200 as of 1/29/07. The sale to Abbott Glass of WNY, Inc. was closed on May 6, 2008 at a price of \$50,000.

- 215 Ensminger Road, Tonawanda, New York

This property was formerly the Ensminger Bus Loop and is no longer used by Metro Bus. The appraised value of the property was \$46,000 as of 1/16/08. The sale to the SPCA was closed on December 16, 2008 at a price of \$46,000.

- Aero Drive at Youngs Road, Cheektowaga, New York

This property was purchased when purchasing property for the Buffalo Niagara International Airport. However it is outside of the Airfield Operating Area. Erie County required these two parcels for construction work at this intersection. The \$19,300 settlement offered by the County for the acquisition of this property was based on the appraised value. This sale was closed on March 5, 2009 at a price of \$19,300.

Attached is an inventory of all NFTA owned properties listed by location; Buffalo Niagara International Airport, Niagara Falls International Airport, Port/Waterfront, and Metro Bus and Rail. Also attached is the NFTA's Guidelines for Acquisitions and Dispositions of Real Property.

Currently the NFTA is working towards the disposition of four properties. These properties are described below:

- Outer Harbor/Port, Fuhrmann Boulevard, Buffalo, New York

The NFTA has had negotiations with the Erie Canal Harbor Development Corporation, a subsidiary of the Empire State Development Corporation regarding the potential transfer of this property.

- Railroad Right of Way from the LaSalle Station to Starin Avenue, Buffalo, New York

Interest has been shown in the purchase of this property for residential development while leaving an easement for future Light Rail Rapid Transit expansion. The NFTA executed a Contract of Sale with the City of Buffalo for their purchase of this property. The appraised value of this property was \$130,000 as of 9/28/05.

- Railroad Right of Way City Branch, Buffalo, New York

This property runs from Moore Street south to the Buffalo River near Smith Street. It has been determined by Metro that this property would not be used for any future LRRT Extension and is therefore excess property. A request for proposals is currently being completed.

# NFTA OWNED PROPERTIES

5/11/2009

BNIA

	NAME	ADDRESS	SIZE
	1 AIRPORT TERMINAL	4200 GENESEE STREET	275,898 S.F.
	2 BNIA PARKING	245 CAYUGA ROAD	3 ACRES
	3 MULTI-TENANT OFFICE BUILDING	247 CAYUGA ROAD	80,000 S.F.
	4 DRS (Sierra Research)	485 CAYUGA ROAD	235,000 S.F.
	5 QUONSET HUT	485 CAYUGA ROAD	4,000 S.F.
	6 AIR CARGO FACILITY	266-307 CAYUGA ROAD	30 ACRES
	7 AIRPORT COMMERCE PARK	425-475 CAYUGA ROAD	14 ACRES
	8 ENGINEERING FIELD OFFICE	251 CAYUGA ROAD	2,000 S.F.
	9 NFTA FIELD OFFICE	251 CAYUGA ROAD	3,200 S.F.
	10 BNIA MAINTENANCE FACILITY	251 CAYUGA ROAD	30,240 S.F.
	11 CRASH/FIRE/RESCUE	251 CAYUGA ROAD	
	12 PRIOR AVIATION HANGAR 1	50 NORTH AIRPORT DRIVE	21,400 S.F.
	13 PRIOR AVIATION HANGAR 2	50 NORTH AIRPORT DRIVE	29,350 S.F.
	14 PRIOR AVIATION HANGAR 3	50 NORTH AIRPORT DRIVE	20,965 S.F.
	15 PRIOR TERMINAL BUILDING	50 NORTH AIRPORT DRIVE	9,000 S.F.
	16 AUTO FLIGHT SERVICE STATION	175 AERO DRIVE	12,000 S.F.
	17 NFTA FACILITIES MAINTENANCE	199 AERO DRIVE	15,623 S.F.
	18 BNIA FUEL FARM	AERO DRIVE	
	19 DENTAL TECH	235 AERO DRIVE	16,000 S.F.
	20 NWS WEATHER FORECAST OFFICE	587 AERO DRIVE	
	21 MERCY FLIGHT	100 AMHERST VILLA RD	3 ACRES
	22 WEATHER STATION	AMHERST VILLA ROAD	2 ACRES
	23 HOLTZ FRONTAGE	HOLTZ DRIVE	2 ACRES
	24 195 HOLTZ DRIVE (A) (VACANT)	195 HOLTZ DRIVE	26,613 S.F.
	25 195 HOLTZ DRIVE (B) (VACANT)	195 HOLTZ DRIVE	9,000 S.F.
	26 68 CAYUGA ROAD (NOISE STUDY)	68 CAYUGA ROAD	6,960 S.F.
	27 74 CAYUGA ROAD (NOISE STUDY)	74 CAYUGA ROAD	7,232 S.F.
	28 CLEAR ZONE PROPERTIES		
NFIA	1 TERMINAL BUILDING	PORTER ROAD	16,100 S.F.
	2 MAINTENANCE BUILDING	PORTER ROAD	8,400 S.F.
	3 ADMINISTRATION BUILDING	PORTER ROAD	877 S.F.
	4 US CUSTOMS BUILDING	PORTER ROAD	8,600 S.F.
	5 HEUSSLER AVIATION	9900 PORTER ROAD	12,000 S.F.

# NFTA OWNED PROPERTIES

5/11/2009

PORT

	NAME	ADDRESS	SIZE
1	HARBOR LAND AREA (incl. underwater)	1111 FUHRMANN BLVD	143.5 ACRES
2	BH RESTAURANT	1111 FUHRMANN BLVD	2,618 S.F.
3	BAIT SHOP	1111 FUHRMANN BLVD	750 S.F.
4	MARINE SUPPLY BUILDING	1111 FUHRMANN BLVD	6,662 S.F.
5	FILBIN BUILDING	901 FUHRMANN BLVD	10,584 S.F.
6	BOAT HARBOR MAINTENANCE BLDG	901 FUHRMANN BLVD	36,000 S.F.
7	TERMINAL A	901 FUHRMANN BLVD	548,000 S.F.
8	TERMINAL B	897 FUHRMANN BLVD	95,000 S.F.
9	VACANT PORT PROPERTY	INCL. UNDERWATER	138.4 ACRES
10	SEAWAY PIERS	251 FUHRMANN BLVD	25 ACRES

METRO

1	METRO TRANSPORTATION CENTER	181 ELLICOTT STREET	93,050 S.F.
2	OPERATIONS CONTROL CENTER	93 OAK STREET	18,720 S.F.
3	TRANSIT POLICE STATION	1404 MAIN STREET	7,700 S.F.
4	TAPD PARKING	1408 MAIN STREET	.28 ACRE
5	FRONTIER BUS GARAGE	1000 MILITARY ROAD	154,424 S.F.
6	GISEL/WOLFORD GARAGE	721 BABCOCK STREET	112,015 S.F.
7	COLD SPRINGS SHOP & STORE	1581 MICHIGAN AVENUE	93,600 S.F.
8	COLD SPRINGS GARAGE	558 MASTEN AVENUE	112,800 S.F.
9	LRRT YARDS & SHOPS	164 OHIO STREET	280,000 S.F.
10	ALLEN/HOSPITAL STATION	929 MAIN STREET	
11	SUMMER/BEST STATION	1145 MAIN STREET	
12	UTICA STATION	1391 MAIN STREET	
13	DELAVAN/COLLEGE STATION	1853 MAIN STREET	
14	HUMBOLDT/HOSPITAL STATION	2085 MAIN STREET	
15	AMHERST STREET STATION	2646 MAIN STREET	
16	LASALLE STATION	3030 MAIN STREET	
17	SOUTH CAMPUS STATION	3383 MAIN STREET	
18	MAIN & JEFFERSON LOOP	1953 MAIN STREET	7,812.5 S.F.
19	BAILEY & ABBOTT LOOP	8 BAILEY AVENUE	15,000 S.F.
20	BROADWAY & MICHAEL LOOP	2157 BROADWAY	10,312.5 S.F.
21	KENSINGTON CITY LINE LOOP	1545 KENSINGTON	65,000 S.F.
22	CLINTON & FERNWOOD LOOP	2191 CLINTON STREET	22,500 S.F.
23	DELAWARE & ORCHARD LOOP	3825 DELAWARE AVENUE	11,250 S.F.
24	DELAVAN & PRESTON LOOP	1630 EAST DELAVAN	11,250 S.F.
25	ANDREWS & GENESEE LOOP	2340 GENESEE STREET	
26	SENECA & MAYWOOD LOOP	2441 SENECA STREET	16,250 S.F.

# NFTA OWNED PROPERTIES

5/11/2009

ROW

	NAME	ADDRESS	SIZE
27	TONAWANDA & VULCAN LOOP	176 VULCAN STREET	22,500 S.F.
27	WALDEN & BAILEY LOOP	579 WALDEN AVENUE	13,125 S.F.
28	ATHOL SPRINGS PARK & RIDE	3380 BIG TREE ROAD	1.3 ACRES
1	BLACK ROCK BRANCH	MERRIMAC ST. IN BFLO TO STARIN AVENUE	.6 MILE
2	NIAGARA FALLS SECONDARY	MAIN & HERTEL TO NORTH TONAWANDA	7.4 MILES
3	OAKFIELD SECONDARY TRACK	HARLEM & WALDEN IN CHEEK TO WEST OF DICK ROAD	2.5 MILES
4	INT'L INDUSTRIAL TRACK	MERRIMAC STREET TO STARIN AVENUE	.6 MILE
5	CITY BRANCH	MICHIGAN NEAR S. PARK TO M.P. 393.2 ON BFLO RIVER	1.6 MILES
6	BEACH TRACK SEGMENT #7	SBH TO RAILROAD YARD	1.5 MILES

**NIAGARA FRONTIER TRANSPORTATION AUTHORITY  
NIAGARA FRONTIER TRANSIT METRO SYSTEM, INC.**

**GUIDELINES FOR ACQUISITIONS AND DISPOSITIONS OF REAL PROPERTY**

These Guidelines set forth the policies and procedures to be followed for the acquisition and/or disposition of real property for the Niagara Frontier Transportation Authority and the Niagara Frontier Transit Metro System, Inc. (collectively referred to as "NFTA").

Definitions

For the purpose of these Guidelines, an "Acquisition" is a conveyance of real property to the NFTA as title in fee simple, title subject to retention of a life estate or a life use, lease where the lease term including options is fifty years or more or permanent easement.

For the purpose of these Guidelines, a "Disposition" is a conveyance of real property from the NFTA as title in fee simple, title subject to retention of a life estate or a life use, leasehold or permanent easement.

Purpose

The NFTA's enabling legislation provides that the NFTA may acquire, hold and dispose of real property in the exercise of the NFTA's powers. The purpose for any potential Acquisition or Disposition should be examined in the context of the NFTA's statutory powers to determine whether this standard has been met.

Compliance

Any Acquisition or Disposition must be made in accordance with all applicable laws, including section 2896 of the Public Authorities Law and the NFTA's enabling legislation, rules, regulations and grant agreements, including associated grant application and management guidelines. All Acquisitions and Dispositions are subject to Board approval, except that the Executive Director has the authority to execute Agreements for easements over and under NFTA real property to provide utility services for the NFTA or tenants of the NFTA.

Procedure

The Manager, Real Property, is the contracting officer responsible for the NFTA's compliance with and enforcement of these Guidelines. Acquisitions and Dispositions will be managed by the Real Property Department in accordance with the following procedures.

1. Requests for Acquisitions or Dispositions may be generated by Director, Aviation, Director, Surface Transportation or Manager, Real Property, depending on where the real property is located and which business unit is responsible for that area. Requests made by the Director, Aviation must be coordinated with, and generally consistent to, the current Airport Layout Plan and Master Plan. Requests must be documented in the form "Request for Disposal of Capital and Non-Capital Assets" and the relevant procedures followed as set forth in the Guidelines of Disposal of Capital and Non-Capital Assets.
2. The Real Property Department shall notify the Grants Department of the request. The Grants Department shall ascertain if any funding is available, whether any grant agreements need to be complied with, and/or determine whether the approval of a Grantor must be obtained. The Real Property Department shall provide sufficient information to the Grants Department to satisfy the request of any Grantor.
3. The Real Property Department shall notify the Greater Buffalo-Niagara Regional Transportation Council ("GBNRTC") of all requests for Dispositions of real property located in former railroad

right-of-way corridors that have been identified for potential transportation infrastructure development so that the GBNRTC can seek comments in order to maintain the objectives of the regional planning process.

4. The Real Property Department shall have the number of appraisals prepared that the Manager, Real Property, deems sufficient to establish the fair market value of the real property, unless the provisions of 49 CFR Part 24, Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs, or any grant agreement, if applicable, require a specific appraisal process, in which case that process will be followed. Real property may not be sold for less than its fair market value except as specified in paragraph 6 of this section.
5. All Dispositions shall be made by publicly advertising for bids, except as set forth in paragraph 6 of this section. The advertisement for bids shall be made at such time prior to the Disposition or contract for Disposition, through such methods, and on such terms and conditions as shall permit full and free competition consistent with the value and nature of the real property. All bids shall be publicly disclosed at the time and place stated in the advertisement. The award shall be made with reasonable promptness by notice to the responsible bidder whose bid, conforming to the invitation for bids, will be the most advantageous to the NFTA, price and other factors considered. The NFTA retains the right to reject all bids when it is in the public interest to do so.
6. Dispositions may be negotiated or made by public auction without public advertising for bids but subject to obtaining such competition as is feasible under the circumstances, if:
  - (a) the fair market value of the real property does not exceed \$15,000;
  - (b) bid prices after advertising are not reasonable, either as to all or some part of the real property, or have not been independently arrived at in open competition;
  - (c) the Disposition will be to New York State or any political subdivision, and the estimated fair market value of the real property and other satisfactory terms of the Disposition are obtained by negotiation;
  - (d) the Disposition is for an amount less than the estimated fair market value of the real property, the terms of the Disposition are obtained by public auction or negotiation, the Disposition of the real property is intended to further the public health, safety or welfare or an economic development interest of New York State or a political subdivision (to include but not be limited to, the prevention or remediation of a substantial threat to public health or safety, the creation or retention of a substantial number of job opportunities, or the creation or retention of a substantial source of revenues, or where the NFTA's enabling legislation permits), the purpose and the terms of such disposition are documented in writing and approved by resolution of the Board; or
  - (e) such action is otherwise authorized by law.

An explanatory statement shall be prepared of the circumstances of each Disposition by negotiation of:

- (a) real property that has an estimated fair market value in excess of \$100,000, except that any real property disposed of by lease or exchange shall only be subject to clauses (b) through (d) of this subparagraph; or
- (b) any real property disposed of by lease for a term of five years or less, if the estimated fair annual rent is in excess of \$100,000 for any of such years; or
- (c) any real property disposed of by lease for a term of more than five years, if the total estimated rent over the term of the lease is in excess of \$100,000; or

- (d) any real property disposed of by exchange, regardless of value.

Each such statement shall be transmitted to the New York State Comptroller, Director of the Budget, Commissioner of General Services and Legislature not less than ninety days in advance of the disposition, and a copy thereof shall be preserved in the files of the NFTA.

7. The Real Property Department shall provide sufficient information to the Health, Safety and Environmental Quality ("HSEQ") Department to enable the HSEQ Department to issue a recommendation as to the level of environmental review necessary for any Acquisition or Disposition. The HSEQ Department shall be responsible for conducting the review and providing the results and recommendation to the Manager, Real Property, and the Manager, Grants, if necessary to comply with a Grantor's environmental review requirements.
8. The Real Property Department shall obtain Board approval for the Acquisition or Disposition.
9. The Real Property Department shall provide the Legal Department with sufficient information to prepare the documents necessary to effectuate the Acquisition or Disposition.
10. The Real Property Department shall coordinate payment for any Acquisitions with the Grants and Accounting Departments.
11. The Real Property Department shall advise the Property Accountant and Manager, Risk Management, of all Acquisitions and Dispositions and coordinate the appropriate accounts for the deposit of any payments with the Grants and Accounting Departments.
12. The Real Property Department shall coordinate any relocation activities required by 49 CFR Part 24.

#### Guidelines

The Guidelines shall be annually reviewed and approved by the Board. The Manager, Real Property, shall ensure that a copy of the Guidelines as reviewed and approved by the Board is filed with the New York State Comptroller no later than March 31 each year and is posted on the NFTA website.

#### Inventory and Reporting

The Manager, Real Property, is responsible for ensuring that the NFTA maintains adequate inventory controls and accountability systems of all real property under its control. The real property shall be inventoried periodically to determine which real property shall be disposed of. A written report of such real property shall be included with the annual report on real property.

The Manager, Real Property, is responsible for preparing an annual report listing all real property of the NFTA and all real property having an estimated fair market value in excess of \$15,000 that the NFTA intends to dispose of and all such property disposed of during such period. The report must also include the fair market value of all real property having an estimated fair market value in excess of \$15,000 that the NFTA intends to dispose of, a list and full description of all real property disposed of during such period, the price received by the NFTA and the name of the purchaser. The report shall be delivered to the New York State Comptroller, Director of Budget, Commissioner of General Services and the Legislature within 90 days after the end of the NFTA's fiscal year.