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MANUAL 500-2

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

Thruway Real Property Management Policy (25-6-02)

## **3. Introduction**

Pursuant to Title 9 of Article 2 of the Public Authorities Law, the New York State Thruway Authority (Authority) is responsible for the financing, construction, reconstruction, improvement, development, maintenance and operation of the highway system known as the Thruway. In furtherance of such responsibilities, the Authority has the power to acquire and hold in the name of the State, by purchase or appropriation, real property, or rights or easements therein such real property, and to sell, exchange or otherwise dispose of real property not necessary for its corporate purposes, or whenever the Board shall determine that it is in the interest of the Authority. The Authority also has the power to lease, or to grant Permits to occupy, real property not presently required for Thruway purposes but held for future use in carrying out its corporate purposes, upon such terms and conditions and uses as the Board shall determine.

As part of the Public Authorities Accountability Act of 2005 (PAAA) and 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 Authority.

4.1.2. An annual inventory report shall be submitted by Finance to the State Comptroller, the 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 Authority; and
- The name of the purchaser.

#### **4.2. Explanatory Statement**

4.2.1. An EXPLANATORY STATEMENT<sup>+</sup> must be prepared by the Bureau of Real Property Management (BRPM) 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. BRPM 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.

+ Exhibit 1

4.2.3. A copy of the statement and any responses will be kept in the Transaction 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 THRUWAY TRANSACTION ANALYSIS/RECOMMENDATION (TTAR) form (TA-N5116) 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**

BRPM 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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EXHIBIT 1  
EXPLANATORY STATEMENT

*Content under development*