

 <p><b>NEW YORK</b> STATE OF OPPORTUNITY.</p> <p><b>Parks, Recreation and Historic Preservation</b></p> <p>Section: <b>Governance</b></p>	<p>Policy Title: <b>Use of Third Parties in the Acquisition of Property</b></p> <p>Directive: <b>GOV-POL-003</b></p> <p>Effective Date: <b>11/05/2014</b></p>
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**Summary**

The use of third parties and/or not for profit organizations for land acquisition projects by the NYS Office of Parks, Recreation and Historic Preservation has been instrumental in saving many recreational, scenic and environmentally sensitive parcels of land. Napeague Bay, a section of Lake Minnewaska State Park, and portions of the Albany Pine Bush are prime examples of land transactions where the agency successfully combined forces with a third party to effect a successful acquisition. There are many other examples of such cooperation with OPRHP and with our sister agency, the Department of Environmental Conservation.

The information below outlines the agency’s policy regarding the use of third parties to negotiate for and/or purchase property on the agency’s behalf.

**Policy**

The use of third parties may be considered appropriate when some or all of the following conditions exist:

- The use of a third party is appropriate in transactions where time is of the essence. This factor is probably the most compelling reason for the use of third parties in land acquisition projects. The use of non-profit organizations or third parties is a vital resource when a cash closing must be accomplished in a short period of time.
- The use of third parties may be appropriate where special tax packaging is required. Non-profit organizations such as the Nature Conservancy and the Trust for Public Land specialize in bargain sale transactions and have legal staffs who are specialists in real estate tax law.
- In transactions where costly eminent domain proceedings can be avoided, the use of a third party may be warranted. Statistics compiled by OPRHP for Court of Claims actions from 1972 to 1980 indicate that the average award in the Court of Claims was approximately 210% of our original offer of fair market value.

- It may be proper to use a non-profit organization or a third party when OPRHP's goals parallel those of a third party. For example, The Nature Conservancy has been active in saving land in the Albany Pine Bush for years. They have accumulated much experience, knowledge and expertise on that project. OPRHP, the Department Environmental Conservation, the City of Albany, and the Towns of Guilderland and Colonie have all been interested in participating in this ongoing project. In situations of this kind, it would seem prudent to rely on a third party organization.
- Where "packaging" for cooperative actions between several governmental agencies are involved, the non-profit organization can help to acquire the property, then convey undivided interest to the participating parties involved on a percentage basis. For example, in the Hither Woods acquisition, OPRHP, Suffolk County, and the Town of East Hampton all contributed toward the acquisition.
- When the Commissioner of NYS Parks, Recreation and Historic Preservation approves the need and priority for the acquisition of a property for Parks purposes and deems the use of a third party is in the best interest of the agency.

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#### **Other Related Information**

No other related information.

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#### **History**

09/02/1988 Original policy released

11/05/2014 The 1988 policy was reviewed and has been reissued with formatting and minor language changes. No material changes were made.