



1234 Market St., 16th Floor, Philadelphia PA 19107
philadelphialandbank.org

Board of Director's Meeting

March 22, 2018

(postponed from March 8, 2018 and March 15, 2018)

3:30 PM

Agenda

1. Roll Call
2. Public Comment
3. Approval of Minutes for the Meeting of February 15, 2018
4. Executive Director Report
5. Property Dispositions
 - a. 1728 Marlton Ave
6. Resolution Authorizing Contract with Law Firm of Linebarger, Goggan, Blair, and Sampson, LLP
7. Resolution Regarding Spending Authority to Acquire Tax Delinquent Properties
8. Update on Property Transfers, Acquisition, and Sales
9. Adjournment

This meeting is open to the public

PHILADELPHIA LAND BANK

BOARD MEETING MINUTES

A Rescheduled Regular Meeting of the Board of Directors of the Philadelphia Land Bank was held on Thursday, February 15, 2018 commencing at 3:32 p.m. in the offices of the Philadelphia Housing Development Corporation, being its regular meeting place, 17th Floor, 1234 Market Street, Philadelphia, Pennsylvania, pursuant to proper notices.

CALL TO ORDER

Mr. Dunbar called the meeting to order at 3:32 p.m.

ANNOUNCEMENT

Steve Cusano, Senior Counsel, announced that prior to today's Public Session, the Board held an Executive Session regarding (1) that certain litigation matter entitled "Ori C Feibush and OCF Holdings LLC v. Kenyatta Johnson, the Philadelphia Land Bank, and the City of Philadelphia", filed in the U.S. District Court for the Eastern District of Pennsylvania, case number 2017-CV03134 WB; and (2) that certain litigation matter entitled "City of Philadelphia v. Sinchi Brothers Construction, Inc." filed in the Philadelphia Court of Common Pleas, Case No. 1702T0276, involving a Petition to Set Aside Sheriff's Sale. During Executive Session, Mr. Cusano advised the Board on the Sunshine Act.

Agenda Item 1 Roll Call

The following members of the Board of Directors reported present: Christian Dunbar, Michael Koonce (arrived subsequent to roll call), Rick Sauer, Majeedah Rashid, Courtney Voss, and Richard DeMarco, Lauren Vidas.

The following members of the Board of Directors were not present: Jennifer Kates, Paulette Adams, Dominique Casimir, and Blane Stoddard.

The following staff members were present: Angel Rodriguez, Steve Cusano, Esq., Christi Jackson, Andrea Saah, Brian Romano and Elizabeth Bonaccorso.

Public Attendees: The list of public attendees is attached to these minutes.

A quorum of directors was present and the meeting, having been duly convened, proceeded with business.

Agenda Item 2 Public Comment

Mr. Dunbar asked if any member of the public wished to comment upon any item on the Board's agenda. There were no comments from the public.

Agenda Item 3
Approval of Board Minutes

Mr. Dunbar called for a motion to approve the minutes of the Board meeting of January 11, 2018.

Richard DeMarco made a motion to approve the minutes of the Board meeting of January 11, 2018. The motion was seconded by Rick Sauer.

Upon motion made and duly seconded, the Board approved the minutes of the January 11, 2018 Board meeting as presented.

Agenda Item 4
Executive Director Report

Mr. Rodriguez updated the Board on staffing. Mr. Rodriguez stated that the Real Estate Specialist position was filled and that the Land Bank is negotiating with PRA regarding a staff person on loan from PRA to conduct settlements.

Next, Mr. Rodriguez stated that with regards to the Senior Development Specialist position that, on January 18, 2018, two (2) candidates scored high on the proficiency test and there are ongoing negotiations with potential candidates. Mr. Rodriguez further stated that there is a fourth candidate who is at a different point in their career; however, has the same type of skills.

Next, Mr. Rodriguez stated that two (2) candidates were hired internally for the Clerk III position.

Then, Mr. Rodriguez informed the Board members that he is in the process of issuing a new organizational chart.

Mr. Sauer asked if Land Bank has been fully staffed. Mr. Rodriguez replied no. There is one (1) exempt position yet to fill.

Next, Mr. Rodriguez discussed tax acquisitions. Mr. Rodriguez then discussed the number of properties with and without TICs and also explained how GRB and Linebarger are limited on the number of properties they can bring for a decree each month and the number of properties they can list for tax sale each month.

Mr. Rodriguez informed the Board that staff is requesting that one (1) judge be assigned for Land Bank acquisition properties to move as many properties as possible to acquisition.

Mr. Sauer stated that the number of properties is not realistic with Land Bank's acquisition goals. Mr. Cusano informed the Board that we are reviewing a draft engagement letter with Linebarger. Mr. Cusano stated that he is reviewing the draft to incorporate the same terms as in the GRB engagement letter. Mr. Cusano informed the Board that the Linebarger engagement letter should be coming for Board approval at the March meeting.

The next topic that Mr. Rodriguez discussed was Land Bank dispositions. Mr. Rodriguez stated that staff is proposing disposing of 77 properties. Staff is reviewing the list to determine the use of these properties, and market value, and to receive input from City Council members. Ms. Jackson stated that at this time there are thirteen (13) properties that fall under competitive bid. On March 9th, the review team will review and make recommendations. There are two (2) bids going out at the end of February ranging from \$80,000 to \$100,000 for new construction. Mr. Rodriguez further stated that these settlements would likely not occur until May or June, at the earliest.

Mr. Rodriguez stated that with regards to competitive bids the idea is to submit and incorporate into Land Bank's budget to generate income of \$2.9 million in sales. Mr. DeMarco asked about affordable housing and Mr. Rodriguez responded.

Next, Mr. Rodriguez stated the Land Bank will be issuing Requests for Proposals; three in the 3rd Council District, two on Market Street, and one on 40th Street, Bodine Street, and 33rd and Berks Streets. Mr. Sauer asked if the RFPs will be market rate housing. Ms. Vidas and Mr. Koonce asked about the ultimate use for these properties. Mr. Rodriguez replied staff is discussing this with the appropriate City Council members.

Mr. DeMarco asked if the Planning Commission is involved and about their involvement with RFPs. Ms. Jackson stated that staff does consider the Planning Commission's recommendations.

Mr. Koonce asked about the number of properties designated for affordable housing. Mr. Rodriguez responded between 60-80 properties.

Mr. Sauer stated that when putting out an RFP for affordable housing the main concern would be to generate enough funding for few affordable housing units. Mr. Koonce pointed out that staff needs to identify sites for affordable housing as well as a subsidy.

Mr. Dunbar asked about guaranteeing subsidy. Mr. Koonce replied it is capped at \$1.5 million. Mr. Rodriguez pointed out that the cap has increased to \$2 million that Land Bank can set aside.

Agenda Item 5 **Property Dispositions**

A. 1433 N. Dover Street (Side Yard)

Brian Romano, Project Manager, requested that the Board authorize the disposition of 1443 N. Dover Street to Oscar Johnson, the adjacent property owner. Mr. Romano informed the Board that (i) Mr. Johnson is maintaining the property; (ii) the disposition price is nominal since this qualifies as side yard eligible; (iii) this project received VPRC approval on October 10, 2017 and City Council Resolution on January 25, 2018 and (iv) applicant is compliant with the City of Philadelphia Revenue Department and has no outstanding tax obligations, conflicts of interest or unresolved violations of city and L & I codes.

Mr. Dunbar called for a motion to approve the Resolution Authorizing Conveyance of 1443 N. Dover Street to Oscar Johnson.

Lauren Vidas made a motion to approve this resolution. Richard DeMarco seconded the motion.

Upon motion made and duly seconded, the Board approved the Resolution Authorizing Conveyance of 1443 N. Dover Street to Oscar Johnson as follows:

RESOLUTION NO. 2018 – 2

**RESOLUTION AUTHORIZING CONVEYANCE OF
1443 N. DOVER STREET TO OSCAR JOHNSON**

WHEREAS, Section 16-707 of the Philadelphia Code authorizes the Philadelphia Land Bank (“**Land Bank**”) to convey, exchange, sell, transfer, lease, grant or mortgage interests in real property of the Land Bank, subject to approval of the Vacant Property Review Committee and resolution by Philadelphia City Council, and subject further to the terms and conditions of Section 16-707; and

WHEREAS, the Vacant Property Review Committee reviewed the proposed transfer of 1443 N. Dover Street (the “**Property**”) at its public meeting held on October 10, 2017 and Philadelphia City Council approved conveyance of the Property by Resolution No. 171136 adopted on January 25, 2018.

WHEREAS, the Board of Directors has determined that it is in the best interest of the Land Bank to convey the Property; and

NOW THEREFORE, BE IT HEREBY RESOLVED by the Board of Directors of the Philadelphia Land Bank that:

1. The conveyance of the Property to Oscar Johnson for One Dollar (\$1.00) is in the best interests of the Land Bank and is hereby approved.
2. The conveyance of the Property complies with all terms and conditions of Section 16-707 of the Philadelphia Code.
3. The Executive Director, Director of Property Management, and Senior Counsel are each hereby authorized, in the name of and on behalf of the Land Bank, to prepare, execute, deliver, and perform any and all agreements, deeds, and other documents as may be necessary or desirable to consummate the conveyance of the Property, which shall contain such terms and conditions as the Executive Director and Senior Counsel shall deem necessary or appropriate, and, when so executed and delivered by the Land Bank shall constitute the valid and binding obligations of the Land Bank.
4. The Executive Director with the advice of Senior Counsel may modify this Resolution as may be necessary or desirable to carry out its purposes and intents.
5. This Resolution shall take effect immediately upon adoption by the Board.

B. 4546 N. Marvine Street (Side Yard)

Mr. Dunbar informed staff and public that 4526 N. Marvine Street did not yet go to City Council for resolution; therefore, it's being tabled.

C. 2520 Potter Street (Side Yard)

Brian Romano, Project Manager, requested that the Board authorize the disposition of 2520 Potter Street to Katherine Messano, the adjacent property owner. Mr. Romano informed the Board that (i) Ms. Messano is maintaining the property; (ii) the disposition price is nominal since this qualifies as side yard eligible; (iii) the project received VPRC approval on December 12, 2017 and City Council Resolution on February 1, 2018; and (iv) applicant is compliant with the Revenue Department and has no outstanding tax obligations, conflicts of interest or unresolved violations of city and L & I codes.

Mr. Dunbar called for a motion to approve the Resolution Authorizing Conveyance of 2520 Potter Street to Katherine Messano.

Majeedah Rashid made a motion to approve this resolution. Richard DeMarco seconded the motion.

Upon motion made and duly seconded, the Board approved the Resolution Authorizing Conveyance of 2520 Potter Street to Katherine Messano as follows:

RESOLUTION NO. 2017 – 3

**RESOLUTION AUTHORIZING CONVEYANCE OF
2520 POTTER STREET TO KATHERINE MESSANO**

WHEREAS, Section 16-707 of the Philadelphia Code authorizes the Philadelphia Land Bank (“**Land Bank**”) to convey, exchange, sell, transfer, lease, grant or mortgage interests in real property of the Land Bank, subject to approval of the Vacant Property Review Committee and resolution by Philadelphia City Council, and subject further to the terms and conditions of Section 16-707; and

WHEREAS, the Vacant Property Review Committee reviewed the proposed transfer of 2520 Potter Street (the “**Property**”) at its public meeting held on December 12, 2017 and Philadelphia City Council approved conveyance of the Property by Resolution No. 180039 adopted on February 1, 2018.

WHEREAS, the Board of Directors has determined that it is in the best interest of the Land Bank to convey the Property; and

NOW THEREFORE, BE IT HEREBY RESOLVED by the Board of Directors of the Philadelphia Land Bank that:

1. The conveyance of the Property to Katherine Messano for One Dollar (\$1.00) is in the best interests of the Land Bank and is hereby approved.
2. The conveyance of the Property complies with all terms and conditions of Section 16-707 of the Philadelphia Code.

3. The Executive Director, Director of Property Management, and Senior Counsel are each hereby authorized, in the name of and on behalf of the Land Bank, to prepare, execute, deliver, and perform any and all agreements, deeds, and other documents as may be necessary or desirable to consummate the conveyance of the Property, which shall contain such terms and conditions as the Executive Director and Senior Counsel shall deem necessary or appropriate, and, when so executed and delivered by the Land Bank shall constitute the valid and binding obligations of the Land Bank.
4. The Executive Director with the advice of Senior Counsel may modify this Resolution as may be necessary or desirable to carry out its purposes and intents.
5. This Resolution shall take effect immediately upon adoption by the Board.

Agenda Item 6
Resolution Amending the Bylaws

Mr. Cusano reminded the Board that amendments to the Bylaws were discussed at last month's meeting. He also informed the Board that a meeting with the Policy Committee was held to discuss the amendments initially proposed.

Mr. Cusano then explained each amendment to clarify what was changing and why. The Board asked questions and deliberated. Mr. Koonce asked about issues with regards to Section 106. Mr. Cusano replied that there were no issues; however, Mr. Stoddard had requested at the last Board meeting that the 2/3 requirement not be changed, but this change is to comply with the PA Land Bank Act.

Mr. Koonce asked if City Council requested the change in section 102. Mr. Cusano replied that the language was added to comply with the State Land Bank Act and the City's Land Bank Ordinance.

Mr. Koonce pointed out that he still has concerns with Section 106 pertaining to the enforcement of ethics violations and removal and reappointment to the Board. Mr. Cusano discussed these changes with the Board.

Mr. Dunbar called for a motion to approve the Resolution Amending the Bylaws.

Lauren Vidas made a motion to approve this resolution. Richard DeMarco seconded the motion.

Upon motion made and duly seconded, the Board approved the Resolution Amending the Bylaws as follows:

RESOLUTION NO. 2018 - 4

**RESOLUTION AMENDING THE BYLAWS
OF THE PHILADELPHIA LAND BANK**

WHEREAS, section 309 of the Bylaws of the Philadelphia Land Bank (the "**Bylaws**") provides that the Bylaws may be amended by a majority of the entire Board of Directors.

WHEREAS, the Board of Directors of the Philadelphia Land Bank (the "**Board**") deems it necessary and in the best interest of the Philadelphia Land Bank to amend the Bylaws pursuant to this Resolution.

WHEREAS, each member of the Board was provided this Resolution at least ten (10) days prior to the meeting at which this Resolution is to be voted upon in accordance with Article VI of the Bylaws.

NOW THEREFORE, BE IT HEREBY RESOLVED by the Board of Directors of the Philadelphia Land Bank that:

1. This Resolution shall take effect immediately upon adoption by the Board.
2. The Executive Director with the advice of Senior Counsel may modify this Resolution as may be necessary or desirable to carry out its purposes and intents.
3. All words shown with a strikethrough (~~strikethrough~~) are hereby removed from the Bylaws. All words underlined and italicized (*underlined and italicized*) are hereby added to the Bylaws.
4. Sections 101, 102, 104, 106, 204, 205, 206, 303, 305, 309, and 310 of the Bylaws are hereby amended as follows:

101. Powers; Number and Appointment

The affairs and activities of the Philadelphia Land Bank ("Land Bank") shall be managed and controlled and its powers exercised by a Board of Directors (the "Board"), except as otherwise provided by statute or these Bylaws. The Board shall be composed of eleven (11) members: five (5) members shall be appointed by the Mayor of the City of Philadelphia ("Mayor"); five (5) members shall be appointed by majority vote of all the members of the Council of the City of Philadelphia ("City Council"); and one (1) member shall be appointed by majority vote of the other members of the Board. As used in these bylaws, *(i) the phrase* "~~the~~ entire Board of Directors" means the total number of *Board members* ~~Directors~~ that the Land Bank would have if there were no vacancies.

102. Qualifications

Members shall include individuals with expertise in relevant areas, including but not limited to planning, real estate development, open space, and architecture. Members must live or have a primary office in the City of Philadelphia *and may not be an elected public official*. At least four (4) members must be employees, members, or board members of nonprofit or advocacy organizations working in the field of housing or community development, or of civic associations, with each appointing authority to appoint two (2) such members. These members must have particular knowledge of conditions and needs in neighborhoods with significant rates of vacant and/or publicly-owned properties.

104. Required Attendance at Meetings

A member who fails to attend three (3) consecutive meetings of the Board, ~~without good cause,~~ may be removed by a majority vote of the other members ~~entire Board of Directors~~ at any time up to, and including, the date of the second (2nd) regular meeting of the Board following sixty (60) days after the date of the third (3rd) consecutive missed meeting. If a member is removed pursuant to this Section 104, the Board shall request the appointing authority for that member to appoint a new member or, in the event that ~~it the Board~~ the Board is the appointing authority, the Board shall appoint a new member in accordance with Section 101 of these Bylaws. A member removed under this Section 104 shall be ineligible for reappointment to the Board unless the reappointment is confirmed unanimously by the Board.

106. Removal

In addition to removal as permitted in Section 104, a member may be removed from the Board by a ~~two-thirds~~ majority vote of the other members ~~entire Board of Directors held at two (2) consecutive regular Board meetings~~ for (i) conviction of a felony, (ii) misdemeanor involving moral turpitude, or (iii) a violation of any ~~the ethical law, rule, regulation, or standard as~~ determined pursuant to a final decision by the Philadelphia Ethics Board, the Pennsylvania Ethics Commission, any other judicial or quasi-judicial body, or, with respect to ethical rules and standards adopted by the Board, the Board for which the adopted by the Board. All members shall be provided with written notice by email of any proposed action pursuant to this Section 106 at least fifteen (15) days before the action is taken. The notice shall include the name of the member proposed for removal and the reason(s) for removal. If a member is removed pursuant to this Section 106, the Board shall request the appointing authority for that member to appoint a new member or, in the event that the Board is the appointing authority, the Board shall appoint a new member in accordance with Section 101 of these Bylaws. A member removed under ~~Section 104 or this~~ Section 106 shall be ineligible for reappointment to the Board unless the reappointment is confirmed unanimously by the ~~entire Board of Directors.~~

204. Secretary

The Secretary shall supervise the preparation and maintenance of the books and records of the Land Bank, shall supervise the preparation of minutes, and record votes of and attendance at all meetings ~~of the Board and its committees as required by law,~~ shall supervise the service of all notices required to be given by the Land Bank, shall maintain a current list of the all members, ~~shall supervise the preparation and maintenance of a record of the proceedings of the Board and its committees in a journal of proceedings to be kept for such purpose,~~ and shall perform ~~all other duties incident to the office of Secretary and~~ such other duties as may be assigned to him or her by the Board or the Chair. The Secretary shall ensure the safe custody of the seal of the Land Bank which may be affixed to all proceedings and resolutions of the Board and to all contracts, deeds and other instruments executed by the Land Bank. The Secretary shall preside at all meetings of the Board when the Chair and Vice Chair are not present.

205. Treasurer

The Treasurer shall have general supervisory authority over the financial affairs of the Land Bank. The Treasurer, or such other person as authorized by resolution of the Board, shall (i) supervise the preparation and maintenance of the annual financial audit ~~report~~ of the Land Bank, (ii) supervise the filing of all required financial tax returns and other regulatory reports, (iii) be

responsible for the care and custody of all funds of the Land Bank and deposit the same in the name of the Land Bank in such bank or banks as the Board may select, (iv) sign all orders and checks for the payment of money, and shall pay out and disburse such monies under the direction of the Board, (v) keep regular books, written or computerized, of accounts showing receipts and expenditures, and (vi) render to the Board, when requested, an account of the Treasurer's transactions and also of the financial condition of the Land Bank. Except as otherwise authorized by resolution of the Board, all such orders and checks shall be countersigned by the Chair or Vice Chair. The Treasurer shall perform such other duties as may be assigned to him or her by the Board or the Chair. **The Treasurer shall preside at all meetings of the Board when the Chair, Vice Chair, and Secretary are not present.**

206. Additional Personnel

The Land Bank may **employ** or engage through a management **or other** agreement, an executive director, counsel and legal staff, technical experts, and other individuals and may approve the qualifications, compensation, and benefits of those performing such services for the Land Bank. Such individuals shall be deemed to be staff of the Land Bank.

303. Annual Meeting

The Annual Meeting of the Board shall be held on such date and time designated by the Chair, but shall be held no later than January of each Fiscal Year unless otherwise extended by **majority vote of the entire Board of Directors**. At the Annual Meeting, the Land Bank shall establish a schedule of its regularly scheduled monthly meetings for the year which will be published on the Land Bank's website, elect officers of the Board from among themselves and such other officers as the Board may determine.

305. Special Meetings

The Chair may, when he or she deems it expedient, and shall upon the written request of a majority of the **entire Board of Directors**, call a Special Meeting of the Board for the purpose of transacting any business designated in the call. The call for a Special Meeting may be mailed (via electronic mail) or delivered to each member of the Board or may be mailed (via regular mail) to the business or home address of each member. Such notice must be posted to the Land Bank's website and be sent in a manner ensuring that it will be received at least 24 hours in advance of the time of the Special Meeting. The call shall state the purposes, time and place of the Special Meeting and that no business shall be considered other than as designated in the call.

309. Quorum

At all meetings of the Board, a majority of the Board of Directors shall constitute a quorum for the purpose of transacting business. If at any meeting of the Board, there shall be less than a quorum present, a majority of those members present may adjourn the meeting from time to time until a quorum shall be present. Except as set forth below, all actions of the Board may be taken by a vote of the majority of the members present and voting at any meeting where a quorum exists. Action of the Board on the following matters must be approved by a majority of the entire Board of Directors

- (i) adoption, repeal, or amendment of bylaws **(subject to Article VI)**;
- (ii) adoption, repeal, or amendment of rules **governing the conduct of the Land Bank**;

- (iii) hiring or firing of an employee or contractor of the Land Bank (this function may, by majority vote of the entire Board of Directors, be delegated by the Board to a specified officer or committee of the Land Bank);
- (iv) incurring of debt;
- (v) adoption or amendment of the annual budget;
- (vi) sale, lease, encumbrance or alienation of real property or personal property with a value of more than Fifty Thousand Dollars (\$50,000).

A resolution relating to dissolution of the Land Bank must be approved by a vote of two-thirds of the entire Board of Directors. A member may request a recorded vote on any resolution or action of the Land Bank.

310. Committees

The Board ~~by a majority vote of the entire Board of Directors~~ may designate one or more standing ~~advisory~~ and ad hoc committees, with each committee consisting of one or more members and may include individuals who are not members of the Board. The Board may designate one or more members as alternate members of a committee, who may replace an absent or disqualified member at a meeting of the committee. ~~In the absence or disqualification of a member of a committee, the members thereof present at a meeting and not disqualified from voting, whether or not they constitute a quorum, may unanimously appoint another member to act at the meeting in place of such absent or disqualified member. Members of advisory committees may include members and individuals who are not members.~~

Agenda Item 7

Resolution Delegating Secretary and Treasurer Duties

Mr. Cusano requested the Board to authorize a resolution delegating Secretary and Treasurer duties to the Executive Director, which duties are specifically set forth in sections 204 and 205 of the Bylaws. This resolution would also allow the Executive Director to delegate these duties in whole or in part to any and all Land Bank staff.

Mr. Sauer raised a concern pertaining to delegation of treasurer duties to sign checks. Mr. Cusano responded that the Board adopted Resolution No. 2017-45 on October 12, 2017 that requires all orders and checks for the payment of money by the Land Bank be signed by at least two (2) authorized persons and that the authorized persons are Mr. Rodriguez, Mr. Williams and himself. Mr. Cusano also stated that that this resolution does not affect Resolution No. 2017-45 which would continue in effect.

Mr. Dunbar called for a motion to approve the Resolution Delegating Secretary and Treasurer Duties to the Executive Director.

Rick Sauer made a motion to approve this resolution. Lauren Vidas seconded the motion.

Upon motion made and duly seconded, the Board approved the Resolution Delegating Secretary and Treasurer Duties to the Executive Director as follows:

RESOLUTION NO. 2018 - 5

RESOLUTION DELEGATING SECRETARY AND TREASURER DUTIES TO THE EXECUTIVE DIRECTOR

WHEREAS, sections 204 and 205 of the Bylaws of the Philadelphia Land Bank (the "Bylaws") respectively assign certain duties to the Treasurer and Secretary of the Philadelphia Land Bank (the "**Land Bank**").

WHEREAS, Section 108 of the Bylaws allows the Board of Directors of the Land Bank (the "**Board**") to delegate to staff, through resolutions with proper oversight, the performance of Land Bank functions and operations, including the powers and responsibilities assigned to the Officers of the Land Bank.

WHEREAS, the Board deems it necessary and in the best interest of the Land Bank to delegate the Treasurer's and Secretary's duties to the Executive Director of the Land Bank pursuant to this Resolution.

NOW THEREFORE, BE IT HEREBY RESOLVED by the Board of Directors of the Philadelphia Land Bank that:

1. This Resolution shall take effect immediately upon adoption by the Board and shall continue in effect until rescinded by the Board.
2. The Executive Director is hereby delegated the duties of the Treasurer and Secretary as more specifically set forth in sections 204 and 205 of the Bylaws, as may be amended (the "**Duties**").
3. The Executive Director may delegate the Duties, in whole or in part, to any and all Land Bank staff.
4. Nothing in this Resolution shall, or be deemed to, interpret, limit, expand, or have any other effect on the authority granted in Resolution 2017-45, adopted by the Board on October 12, 2017.
5. The Executive Director with the advice of Senior Counsel may modify this Resolution as may be necessary or desirable to carry out its purposes and intents.

Agenda Item 8

Resolution Authorizing a Request for Proposal for Appraisers in Conjunction with PRA

Mr. Cusano requested the Board approve a resolution authorizing a Request for Proposal for Appraisers in conjunction with the Philadelphia Redevelopment Authority ("PRA"). Mr. Cusano stated that PRA will be issuing an RFP for appraisal services and that the Land Bank would like to piggyback on PRA's RFP rather than issue a separate RFP.

Mr. Dunbar called for a motion to approve the Resolution Authorizing Issuance of a Request for Proposal for Appraisal Services.

Lauren Vidas made a motion to approve this resolution. Rick Sauer seconded the motion.

Upon motion made and duly seconded, the Board approved the Resolution Authorizing Issuance of a Request for Proposal for Appraisal Services as follows:

RESOLUTION NO. 2018 - 6

**RESOLUTION AUTHORIZING ISSUANCE OF A
REQUEST FOR PROPOSAL FOR APPRAISAL SERVICES**

WHEREAS, the Board of Directors ("**Board**") of the Philadelphia Land Bank ("**Land Bank**") deems it necessary and in the best interest of the Land Bank to authorize the Executive Director to issue a Request for Proposal to seek an individual or firm to provide appraisal services.

NOW THEREFORE, BE IT HEREBY RESOLVED by the Board of Directors of the Philadelphia Land Bank that:

1. The Executive Director is hereby authorized to issue a Request for Proposal to seek an individual or firm to provide appraisal services to the Land Bank in accordance with the Land Bank's procurement policy.
2. The Executive Director is hereby further authorized to issue a Request for Proposal for appraisal services in conjunction with the Philadelphia Redevelopment Authority.
3. The Executive Director with the advice of Senior Counsel may modify this Resolution as may be necessary or desirable to carry out its purposes and intents.
4. This Resolution shall take effect immediately upon adoption by the Board.

Agenda Item 9

**Resolution Authorizing Payment of Past Due Amounts to the Philadelphia Water
Department**

Mr. Cusano requested the Board to approve a resolution authorizing payment of past due amount to the Philadelphia Water Department that accrued during the Land Bank's ownership of its properties, up to a maximum amount of \$550,000. Mr. Cusano stated that payment of delinquent stormwater fees accrued prior to December 2017 billing period.

Mr. Cusano advised the members of the Board that staff was informed by the Water Department and Revenue Department it would be beneficial to the Land Bank's request for a zero rate at the upcoming water rate hearing if all delinquent stormwater fees were paid prior to the hearing.

Mr. Cusano pointed out that prior to the December 2017 billing period storm water fees were not paid and that beginning with the December 2017 billing period the Land Bank commenced and will continue to pay all stormwater fees as they become due.

Ms. Vidas asked if the payee is actually the Philadelphia Water Department or another entity. Mr. Cusano replied that he will confirm the correct payee name and will update the resolution accordingly.

Ms. Vidas asked when the rate proceeding is scheduled and Mr. Cusano replied sometime in June. Ms. Vidas asked if staff gets advanced notices and Mr. Cusano responded that formal notice is given 30 days after the advance notice which was issued on February 12th.

Mr. Cusano informed the Board that outstanding stormwater fees are estimated at \$530,000; however, in case of any additional fees the amount was increased to \$550,000.

Ms. Vidas asked if the \$550,000 was received from the City's general fund and that, since these are city properties, should the Land Bank also have a zero rate. Mr. Rodriguez stated that the budget had allocated \$300,000 for stormwater fees. Mr. Cusano stated that this amount is due because the Land Bank does not yet have a zero rate, even though these properties were acquired from the City and other City agencies that may have a zero rate. Ms. Vidas asked why should the Land Bank pay. Mr. Dunbar stated that there is the water department bond holder's aspect to this as well and that is why payment is being requested. Ms. Vidas asked if this would be a one (1) time payment. Mr. Rodriguez replied that it would be. Mr. Sauer asked if this payment is for previous costs incurred. Mr. Rodriguez replied it is as of the date the property came into the Land Bank's possession.

Mr. Dunbar called for a motion to approve Resolution Authorizing Payment of any and all Outstanding Amounts Due to the Philadelphia Water Revenue Bureau.

Lauren Vidas made a motion to approve this resolution. Richard DeMarco seconded the motion.

Upon motion made and duly seconded, the Board approved the Resolution Authorizing Payment of any and all Outstanding Amounts Due to the Philadelphia Water Revenue Bureau as follows:

RESOLUTION NO. 2018 – 7

RESOLUTION AUTHORIZING PAYMENT OF ANY AND ALL OUTSTANDING AMOUNTS DUE TO THE PHILADELPHIA WATER REVENUE BUREAU

WHEREAS, the Philadelphia Land Bank ("**Land Bank**") anticipates requesting a special stormwater rate (zero) from the Philadelphia Water, Sewer, and Stormwater Rate Board ("**Water Rate Board**") for all properties owned by the Land Bank.

WHEREAS, the Land Bank was informed that the Water Department and the Revenue Department believe that the Land Bank would be in a better position when requesting a special rate if, prior to the commencement of the Water Rate Board hearing, the Land Bank paid all delinquent stormwater fees due to the Philadelphia Water Revenue Bureau, which accrued during the Land Bank's ownership of its properties.

WHEREAS, prior to the December 2017 billing period, the Land Bank had not paid any stormwater fees due to the Philadelphia Water Revenue Bureau.

WHEREAS, beginning with the December 2017 billing period, the Land Bank commenced, and will continue to pay, all current stormwater fees due to the Philadelphia Water Revenue Bureau.

WHEREAS, the delinquent amounts due the Philadelphia Water Revenue Bureau, which accrued during the Land Bank's ownership of its properties, is estimated to be Five Hundred Thirty One Thousand Dollars (\$531,000.00) through the December 2017 billing period.

WHEREAS, the Board deems it necessary and in the best interest of the Land Bank to authorize the Executive Director to pay all delinquent amounts due to the Philadelphia Water Revenue Bureau, which accrued during the Land Bank's ownership of its properties.

NOW THEREFORE, BE IT HEREBY RESOLVED by the Board of Directors of the Philadelphia Land Bank that:

1. The Executive Director is hereby authorized to pay all delinquent stormwater fees due to the Philadelphia Water Revenue Bureau, which accrued during the Land Bank's ownership of its properties, up to a maximum amount of Five Hundred Fifty Thousand Dollars (\$550,000.00). Payment of any delinquent stormwater fees accrued prior to the December 2017 billing period in excess of Five Hundred Fifty Thousand Dollars (\$550,000.00) will require additional Board approval.
2. During the regular meeting of the Board held on February 8, 2017, the Board was informed that the Land Bank had commenced, and will continue to pay, all current stormwater fees due to the Philadelphia Water Revenue Bureau beginning with the December 2017 billing period.
3. The Executive Director with the advice of Senior Counsel may modify this Resolution as may be necessary or desirable to carry out its purposes and intents.
4. This Resolution shall take effect immediately upon adoption by the Board.

Agenda Item 10

Resolution Authorizing Extension of Strategic Plan and a Request for Proposal for Strategic Plan

Mr. Cusano requested the Board to approve a Resolution Authorizing Extension of the Strategic Plan and a Request for Proposal for Strategic Plan. Mr. Cusano stated that this resolution provides that the 2017 strategic plan, acquisition policy, and disposition policy, as approved by City Council and adopted by the Board, will remain in force until a successor plan is approved. Mr. Cusano further stated that today's action would authorize the Executive Director to issue an RFP seeking an individual or firm to develop and prepare the 2019 Strategic Plan and any policies if needed.

Mr. Sauer asked if approving this extension also extended the annual reporting requirement and if staff had issued a report from the last fiscal year. Mr. Rodriguez replied that staff would be issuing a report for the last fiscal year. Ms. Voss asked when the report would be issued. Mr.

Rodriguez responded that the current fiscal year (2016-2017) ended in June and that he would determine a timeline for issuing the reports and would provide a timeline to the Board at the March meeting.

Mr. Sauer asked that this Resolution be amended to state that the performance reports for fiscal year end 2017 and 2018 would be prepared as required.

Mr. DeMarco made a motion to approve the Resolution Authorizing Extension of the Strategic Plan and a Request for Proposal for Strategic Plan with an amendment to state that the performance reports for fiscal year end 2017 and 2018 would be prepared as required.

Mr. Koonce asked if anyone has seen a copy of the scope of the RFP. Mr. Rodriguez responded that there is a RFP draft, and discussion took place with regards to timeline, issue of reporting, etc. with the Strategic Plan Committee. Mr. Koonce asked who would be working with the selected consultant. Mr. Rodriguez replied that he and the staff would work with the selected consultant to prepare the plan.

Mr. Dunbar called for a motion to approve the Resolution Authorizing Extension of the Strategic Plan and Request for Proposal for Strategic Plan with an amendment to state that the performance reports for fiscal year end 2017 and 2018 would be prepared as required.

Rick Sauer made a motion to approve this resolution as amended. Richard DeMarco seconded the motion.

Upon motion made and duly seconded, the Board approved the Resolution Authorizing Extension of the Strategic Plan and Request for Proposal for Strategic Plan with an amendment to state that the performance reports for fiscal year end 2017 and 2018 would be prepared as required as follows:

RESOLUTION NO. 2018 - 8

RESOLUTION AUTHORIZING EXTENSION OF 2017 STRATEGIC PLAN AND AUTHORIZING THE ISSUANCE OF A REQUEST FOR PROPOSAL FOR PREPARATION OF THE 2019 STRATEGIC PLAN

WHEREAS, section 16-709(3) of the Philadelphia Code provides that the Philadelphia Land Bank ("**Land Bank**") develop a strategic plan in coordination with the Philadelphia City Planning Commission to guide the Land Bank's acquisition, maintenance, and disposition of property as more specifically set forth in section 16-709(3).

WHEREAS, section 16-709(3) of the Philadelphia Code provides that the strategic plan and policies be reviewed and adopted annually by the Philadelphia Land Bank Board of Directors ("**Board**").

WHEREAS, pursuant to Resolution 170051-A on March 9, 2017, City Council approved the Land Bank's 2017 strategic plan, acquisition policy, and disposition policy, all of which the Board adopted pursuant to Resolution No. 2017-1 on January 19, 2017.

WHEREAS, even though a successor to the 2017 strategic plan has not yet been approved, section 16-709(3) of the Philadelphia Code provides that a prior strategic plan and prior policies remain in force until a successor plan is approved.

WHEREAS, the Board deems it necessary and in the best interest of the Land Bank to authorize the Executive Director to issue a Request for Proposal to seek an individual or firm to develop and prepare the 2019 strategic plan and, as needed, any policies.

NOW THEREFORE, BE IT HEREBY RESOLVED by the Board of Directors of the Philadelphia Land Bank that:

1. The 2017 strategic plan, acquisition policy, and disposition policy as approved by City Council and adopted by the Board shall hereby remain in force until a successor plan is approved, pursuant to section 16-709(3) of the Philadelphia Code.
2. The Executive Director is hereby authorized to issue a Request for Proposal to seek an individual or firm to develop and prepare the 2019 strategic plan and, as needed, any policies, in accordance with the Land Bank's procurement policy.
3. This Resolution does not affect the Land Bank's obligation to prepare performance reports for fiscal year end 2017 and 2018 as required by section 16-709(4) of the Philadelphia Code.
4. The Executive Director with the advice of Senior Counsel may modify this Resolution as may be necessary or desirable to carry out its purposes and intents.
5. This Resolution shall take effect immediately upon adoption by the Board.

Agenda Item 11

Resolution Authorizing Memorandum of Agreement with Streets Department for Surveying Services

Mr. Cusano requested the Board to approve a resolution authorizing a Memorandum of Agreement with the Streets Department for surveying services. Mr. Cusano informed the Board that this MOU is for certified surveys and legal descriptions. The cost would be \$1,000 per property for survey plans and \$680 for staking property boundaries. The initial term ends on June 30, 2019 unless terminated earlier. There are no renewal options.

Ms. Vidas asked what the cost would be to hire a surveying company. Mr. Cusano replied that it would be substantially more expensive. Ms. Saah stated that if we use an outside survey company the Streets Department would still have to certify the survey, so by using the Streets Department we eliminate a step.

Ms. Voss asked if the Streets Department would be able to handle this work and how long is the process. Mr. DeMaro stated that, from his experience, it depends on the councilmanic district. Ms. Saah replied that the Streets Department is willing to give priority to Land Bank requests for surveys and legal descriptions.

Ms. Vidas asked how many surveys does the Land Bank request. Ms. Saah responded with approximately twenty (20) per year.

Mr. Dunbar called for a motion to approve the Resolution Authorizing a Memorandum of Agreement with the Streets Department for surveying services.

Michael Koonce made a motion to approve this resolution. Richard DeMarco seconded the motion.

Upon motion made and duly seconded, the Board approved the Resolution Authorizing a Memorandum of Agreement with the Streets Department for surveying services as follows:

RESOLUTION NO. 2018 - 9

RESOLUTION AUTHORIZING A MEMORANDUM OF AGREEMENT BETWEEN THE PHILADELPHIA LAND BANK AND THE CITY OF PHILADELPHIA STREETS DEPARTMENT, BUREAU OF SURVEYS & DESIGN

WHEREAS, the Board of Directors of the Philadelphia Land Bank (the "**Board**") deems it necessary and in the best interest of the Land Bank to enter into a Memorandum of Agreement between The Philadelphia Land Bank and the City of Philadelphia Streets Department, Bureau of Surveys & Design ("**Streets Department MOU**"), a copy of which is attached to this Resolution, for survey and boundary services.

NOW THEREFORE, BE IT HEREBY RESOLVED by the Board of Directors of the Philadelphia Land Bank that:

1. The Land Bank is hereby authorized to enter into the Streets Department MOU.
2. Those Land Bank staff authorized to execute and deliver documents on behalf of the Land Bank pursuant to Resolution 2017-43 are hereby authorized to execute and deliver any and all applications, contracts, and other documentation necessary or desirable to carry out the purposes and intents of this Resolution.
3. The Executive Director with the advice of Senior Counsel may modify the Streets Department MOU; provided, that any modifications are, in the opinion of Senior Counsel, not materially adverse to the Land Bank's interests.
4. The Executive Director with the advice of Senior Counsel may modify this Resolution as may be necessary or desirable to carry out its purposes and intents.
5. This Resolution shall take effect immediately upon adoption by the Board.

**MEMORANDUM OF UNDERSTANDING
BETWEEN
PHILADELPHIA LAND BANK
AND
CITY OF PHILADELPHIA STREETS DEPARTMENT,
BUREAU OF SURVEYS & DESIGN**

THIS MEMORANDUM OF UNDERSTANDING ("MOU") is entered into as of February ____, 2018 ("Effective Date") between the Philadelphia Land Bank ("Land Bank") and The City of Philadelphia ("City"), by and through its Department of Streets, Bureau of Surveys & Design ("Streets Department"). The Land Bank and the Streets Department are collectively, referred to as the "Parties".

BACKGROUND

A. The Land Bank was created pursuant to authorization of 68 Pa. C.S. § 2101 *et seq.* and Section 16-700 of the Philadelphia Code, Bill No. 130156-A, to return vacant, abandoned, blighted and tax delinquent properties to productive use.

B. At times, the Land Bank may need to review and verify a property's location, dimensions and legal description, which may necessitate the preparation of a certified survey plan and a certified legal description.

C. The Land Bank wishes to use the Streets Department's expertise in preparing certified survey plans and certified legal descriptions and the Streets Department has agreed to provide certified survey plans and certified legal descriptions to the Land Bank pursuant to the terms and conditions set forth in this MOU.

NOW THEREFORE, the Parties agree as follows:

1. Services Provided by Streets Department.

1.1. The Land Bank shall notify the Streets Department via email (the "Initial Request") of its need for a certified survey plan and certified legal description for one or more properties on an as-needed basis. The notice shall contain (i) the property's address, if an address is assigned/exists, or location in reference to surrounding properties, (ii) the Council District, and (iii) the Ward in which the property is located. The Land Bank will submit all such notices, via email, to Frank J. Morelli at frank.morelli@phila.gov.

1.2. Within two (2) business days of receipt of the Initial Request, the Streets Department shall, by email, reply to the Initial Request, and provide the Land Bank with the survey district in which the property is located along with the

name, email address, and phone number of the supervisor for each applicable survey district.

- 1.3. Upon the Land Bank's receipt of the information set forth in Section 1.2 above, the Land Bank shall submit its request, via email, to the appropriate survey district supervisor (the "Supervisor") and provide any deeds and other recorded documents for the property, or a link to the same, in the Land Bank's possession. Such information may include (i) the last deed of record for the property and adjoining parcels, when appropriate, (ii) parcel maps from the City of Philadelphia's Department of Records and other sources, and (iii) relevant information obtained from other City agencies, as may be available.
- 1.4. Upon the Supervisor's receipt of a request for a certified survey plan and certified legal description, the Supervisor shall, all within 2 business days of the Supervisor's receipt of the request, (i) assign a surveyor/regulator on a priority basis, and (ii) notify the Land Bank, of the name, phone number, and email of the assigned surveyor/regulator and the expected date for completion. The survey district shall make every effort to complete the certified survey plan and certified legal description within six (6) weeks from the date of the request from the Land Bank.
- 1.5. Upon completion of a draft survey plan and draft legal description, the surveyor/regulator shall send the draft survey plan and draft legal description to the Land Bank staff person who made the request for such plan and legal description.
- 1.6. The Land Bank shall review the draft survey plan and draft legal description and provide the surveyor/regulator with any comments, questions, or concerns.
- 1.7. The surveyor/regulator shall (i) respond to all Land Bank comments, questions, and concerns received pursuant to section 1.6 above within two (2) business days following receipt from the Land Bank and (ii) shall work diligently to address all Land Bank comments, questions, and concerns.
- 1.8. Within five (5) business days after the Land Bank has confirmed that the draft certified survey plan and the draft certified legal description are satisfactory, the surveyor/regulator shall prepare and deliver to the Land Bank a final certified survey plan and final certified legal description. The final certified survey plan shall be provided in PDF and the final legal description shall be provided in PDF and Word format.

- 1.9. The surveyor/regulator shall address all Land Bank comments, questions, and concerns regarding the final certified survey plan and final certified legal description within two (2) business days following receipt from the Land Bank.
- 1.10. The Land Bank may request a property's boundaries be identified with stakes placed in the ground. Such requests will be directed to the appropriate survey district and assigned by the Supervisor on a priority basis to a surveyor/regulator in the same manner and within the same time constraints as requests for certified survey plans and certified legal descriptions. Boundary staking requests shall be completed within two (2) weeks after receipt of the request.
- 1.11. The Land Bank may, on occasion, request certified survey plans and certified legal descriptions, or boundary staking, for a property owned by the City or a City agency. The Land Bank shall state in such requests that the property is owned by the City or a City agency (collectively, "City Properties"). The Streets Department shall not invoice the Land Bank to (i) prepare certified survey plans or certified legal descriptions for City Properties or (ii) stake the boundaries of City Properties. Instead, the Streets Department shall apply its usual process of carrying the property as a "red charge". The Land Bank shall not be liable for payment of invoices submitted to the Land Bank for work done on City Properties.
- 1.12. The Parties shall endeavor to memorialize in an email all telephone discussions between the Land Bank and surveyor/regulator.

2. Payment and Fees.

- 2.1. The Streets Department shall submit an invoice for the completed certified survey plan and certified legal description to the Land Bank within ten (10) business days of providing the certified survey plan and certified legal description to the Land Bank. The invoice shall be sent to:

Marla Clark, Controller
Philadelphia Land Bank
1234 Market Street, 17th Floor
Philadelphia, PA 19107
Tel: (215) 448-3115
Email: marla.clark@phila.gov

- 2.2. Within thirty (30) business days of receipt of the invoice, the Land Bank shall send payment to the Streets Department.

2.3. The fee for each certified survey plan, including the certified legal description, is \$1,000 regardless of the number of adjacent properties on the survey plan (*e.g.*, a single survey plan and legal description may contain multiple, adjacent properties).

2.4. The fee for staking property boundaries is \$680 for each assignment regardless of the number of adjacent properties (*e.g.*, staking the boundary of a property comprised of multiple, adjacent properties would be \$680).

3. Term.

3.1. The initial term of this MOU shall be for a period commencing on the Effective Date and ending on June 30, 2019 ("Term"), unless terminated earlier in accordance with this MOU.

3.2. The Parties contemplate that this MOU shall be renewed, amended, or replaced at the end of the Initial Term. No later than sixty (60) days prior to termination of the Initial Term, the Parties shall notify each other of their intention to renew, amend, replace or terminate this MOU.

4. Termination.

4.1. This MOU shall be terminable at the option of either party upon providing ninety (90) days' advance written notice to the non-terminating party.

4.2. Upon receipt of such notice of termination, the Parties shall complete their obligations under then existing requests for survey plans and legal descriptions prior to the date of such notice.

5. Notice.

5.1. Notices permitted or required under this MOU shall be given in writing, by hand delivery, first-class mail, or email with the Subject Line: NOTICE – LAND BANK MOU, to the following individuals or to such other person as either party may later designate by written notice:

Land Bank: Angel Rodriguez Executive Director Philadelphia Land Bank 1234 Market Street, 16th Floor Philadelphia, PA 19107 Tel. (215) 448-3122	Streets Department: Frank J. Morelli, PLS Survey Bureau Chief Department of Streets City of Philadelphia 1401 JFK Blvd, Rm 830 Philadelphia, PA 19102 Tel. (215) 686-5540
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Email: <u>angel.rodriguez@phila.gov</u>	Email: <u>frank.morelli@phila.gov</u>
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6. Further Provisions.

- 6.1. During the Term, the Land Bank and the Streets Department shall hold meetings as needed to discuss implementation of this MOU.
- 6.2. The Parties shall use their best efforts to work cooperatively to resolve any controversy or dispute that may arise in relation to any term, condition, or provision of this MOU. Any dispute which the Parties cannot resolve on their own will be submitted for determination to the Mayor's Chief of Staff.
- 6.3. Rights and responsibilities under this MOU may not be assigned except upon prior written consent of all parties.
- 6.4. Nothing in this MOU is intended to confer a third-party beneficiary right upon any person or entity.

IN WITNESS WHEREOF, the Parties hereto, intending to be legally bound, have caused this MOU to be executed by their duly authorized officials.

Approved as to Legal Form:

PHILADELPHIA LAND BANK

By: _____
Steve Cusano
Senior Counsel

By: _____
Angel Rodriguez
Executive Director

Approved as to Legal Form:

THE CITY OF PHILADELPHIA BY AND THROUGH
ITS DEPARTMENT OF STREETS, BUREAU OF
SURVEYS & DESIGN

By: _____
Sozi Pedro Tulante
City Solicitor

By: _____
Frank Morelli
Survey Bureau Chief

Update on Property Transfers, Acquisitions and Sales

Andrea Saah reported on property transfers, acquisitions and sales. Ms. Saah indicated that the Land Bank acquired 65 properties by tax sale to date. Ms. Saah stated that staff is continuing to work on moving approved properties from other agencies and to submit resolutions to City Council to that effect.

Ms. Voss asked about the number of tax sale properties coming into inventory. Ms. Saah replied approximately 3 or 4 at the next sheriff sale.

Mr. Sauer stated that there are 2,485 properties not yet in the Land Bank's inventory. Ms. Saah stated that about 24 properties have been approved for transfer into the Land Bank. 38 PHDC properties are still under review to resolve title and other issues prior to transfer.

Ms. Saah then discussed the Land Bank disposition report.

Ms. Voss raised concerns with regards to how many EOIs have been received and can staff verify if the applicants have received communication from the Land Bank as to the status of EOIs. Ms. Jackson replied that EOIs receive an automatic response generated from LAMA. The letter that is sent by the Land Bank clerk requests the applicant to complete a conflict of interest and tax clearance form. Letters of council support are received during the vetting process. However, if a property receives several EOIs, the property is processed as a competitive bid. Applicants are notified when the property is posted for competitive bid. Mr. Rodriguez added that there are varying levels of support for competitive bids at this time among Council districts.

Mr. Dunbar inquired about pricing for properties in Land Bank's inventory. Ms. Jackson stated that we do not show pricing on the Land Bank's website and that the Land Bank staff obtains independent appraisals at this time.

Ms. Voss stated that she received complaints from constituents who have not heard back about their EOIs. Ms. Voss asked if there is a list of properties and list of all current EOIs. Mr. Rodriguez asked if Ms. Voss could provide the names and addresses of those constituents who have submitted inquiries to Ms. Voss regarding their EOIs.

Ms. Jackson pointed out that sometimes applicants do not complete the entire EOI Submission process because there still are glitches in the system. If the Land Bank receives an EOI, we respond with a message within 24-48 hours.

Mr. Rodriguez clarified that the Land Bank is the front door for all publicly owned properties including, Land Bank, PRA and PHDC. Any correspondence to applicants from the Land Bank is only for Land Bank and PHDC properties. Communications related to EOIs for properties owned by PRA or Department of Public Property are conducted by PRA or VPRC and not by the Land Bank. The Board then had a discussion about how EOIs are processed by the Land Bank and if they are put on hold pending Council support.

Ms. Voss stated that it is important for the Board to see a report showing the Land Bank's responsiveness to EOIs. Mr. Dunbar stressed that, if applicants for Land Bank properties are complaining about the lack of response to their EOI, then the Land Bank needs to contact these individuals. Ms. Vidas asked if EOIs age out of the system automatically. Ms. Jackson explained that they must be closed out manually by each agency.

Mr. Dunbar made a motion for Land Bank staff to create a report showing EOIs received for public property owned by all agencies by council district. Mr. DeMarco seconded the motion.

Upon motion made and duly seconded, the Board approved the request for a report showing EOIs received for public property owned by all agencies by council district.

Agenda Item 13
Adjournment

There being no further business to come before the Board, Mr. Dunbar called for a motion to adjourn the meeting.

Lauren Vidas made a motion to adjourn the meeting. Rick Sauer seconded the motion.

Upon motion and duly seconded, the Board approved to adjourn the meeting.

Mr. Dunbar declared the meeting adjourned at 4:57 p.m.

SECRETARY TO THE BOARD

PHILADELPHIA LAND BANK

Board of Directors

Rescheduled Meeting Thursday, February 15, 2018

3:30 PM

GUEST SIGN-IN SHEET

NAME

COMPANY

E-MAIL ADDRESS

- 1) Doris Aldridge
- 2) Nivini Patel
- 3) New Hope
- 4) Midway Dairy
- 5) Dylan Bedawy
- 6)
- 7)
- 8)
- 9)
- 10)
- 11)

aldridged@verizon.net
Nivini Patel 147@gmail.com
Serrano, Kat @gmail.com
widawsonlaw@gmail.com
d.bedawy@gmail.com

Name of Applicant(s):	Elina Naydovich
Legal Entity, if applicable:	1213 N 41 LLC
Applicant Mailing Address:	PO Box 39175, Philadelphia, PA 19136
Application Date:	October 31, 2017
Property Addresses:	1728 Marlton Avenue
Council District & Zoning:	Council District #3; RSA-5
Accepted Sale Price*:	(\$14,500.00) Price determined by: <input type="checkbox"/> Appraisal <input checked="" type="checkbox"/> OPA <input type="checkbox"/> Other:

**Unless extraneous conditions apply, sale price and accepted price are the same.*

STRATEGIC PLAN GOAL	<input checked="" type="checkbox"/> Housing (<u>7 unit rental</u>) <input type="checkbox"/> Business Expansion <input type="checkbox"/> Side yard <input type="checkbox"/> Garden/Open Space
PROPOSED DEVELOPMENT	<input checked="" type="checkbox"/> New Construction <input type="checkbox"/> Rehab
PLANNED USE:	<input checked="" type="checkbox"/> Residential <input type="checkbox"/> Commercial <input type="checkbox"/> Mixed Use
IF RESIDENTIAL:	<input type="checkbox"/> Single Family <input checked="" type="checkbox"/> Multi-Unit & # of Units <u>7 units for rental</u>
TOTAL SQ FT	Total development: 3500 Sq. Ft.
CONSTRUCTION COSTS:	\$400,000
TOTAL PROJECT COSTS:	\$454,000
TOTAL PROJECT FUNDING*:	\$561,000 Documentation: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

**Applicant must submit Commitment Letter from lender or provide evidence of access to funding prior to Land Bank approval.*

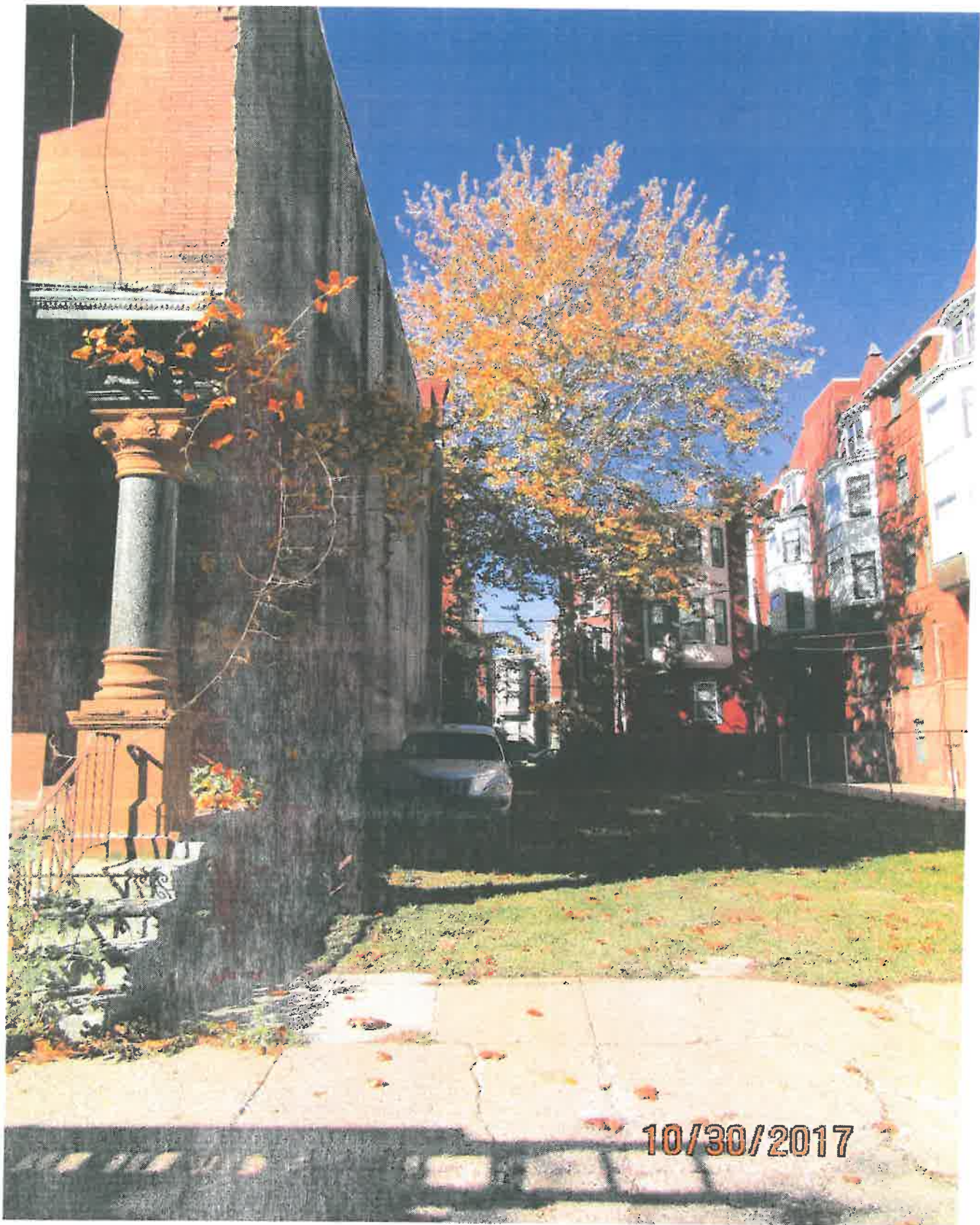
Check one: ☐ Owner Occupied ☐ For Sale to Homebuyer ☒ Rental /Tenant

Staff Recommendation:

NOTE: Applicant is proposing to develop seven (7) units each consisting of one bedroom and one bathroom to be rented out to low income individual and veterans which provide quality affordable rental options for the community. Applicant has the support letter from Councilwoman Blackwell. Developer is compliant with the City of Philadelphia Revenue Department and has no outstanding tax obligations, conflicts of interest, or unresolved violation of City L&I codes.

The MBE/WBE will apply.

Prepared by: Brian Romano
Reviewed by: Christi Jackson





RESOLUTION NO. 2018 – _____

**RESOLUTION AUTHORIZING CONVEYANCE OF
1728 MARLTON AVENUE TO 1213 N 41 LLC**

WHEREAS, Section 16-707 of the Philadelphia Code authorizes the Philadelphia Land Bank (“Land Bank”) to convey, exchange, sell, transfer, lease, grant or mortgage interests in real property of the Land Bank, subject to approval of the Vacant Property Review Committee and resolution by Philadelphia City Council, and subject further to the terms and conditions of Section 16-707; and

WHEREAS, the Vacant Property Review Committee reviewed the proposed transfer of 1728 Marlton Avenue (collectively, the "Property") at its public meeting held on February 13, 2018 and Philadelphia City Council approved conveyance of the Property by Resolution No. _____ adopted on March 8, 2018.

WHEREAS, the Board of Directors has determined that it is in the best interest of the Land Bank to convey the Property; and

NOW THEREFORE, BE IT HEREBY RESOLVED by the Board of Directors of the Philadelphia Land Bank that:

1. The conveyance of the Property to 1213 N 41 LLC for Fourteen Thousand Five Hundred Dollars (\$14,500.00) is in the best interests of the Land Bank and is hereby approved;
2. The conveyance of the Property complies with all terms and conditions of Section 16-707 of the Philadelphia Code;
3. The Executive Director, Director of Property Management, and Senior Counsel are each hereby authorized, in the name of and on behalf of the Land Bank, to prepare, execute, deliver, and perform any and all agreements, deeds, and other documents as may be necessary or desirable to consummate the conveyance of the Property, which shall contain such terms and conditions as the Executive Director and Senior Counsel shall deem necessary or appropriate, and, when so executed and delivered by the Land Bank shall constitute the valid and binding obligations of the Land Bank; and
4. The Executive Director with the advice of Senior Counsel may modify this Resolution as may be necessary or desirable to carry out its purposes and intents.
5. This Resolution shall take effect immediately upon adoption by the Board.

MEMORANDUM

To: Board of Directors
From: Steve Cusano, Esq. 
Date: March 8, 2018
Re: **RESOLUTION AUTHORIZING CONTRACT WITH THE LAW FIRM OF
LINEBARGER GOGGAN BLAIR & SAMPSON, LLP**

The attached Resolution proposes to authorize the Land Bank to enter into an engagement letter with Linebarger Goggan Blair & Sampson, LLP ("Linebarger") in substantially the form attached to the Resolution and the payment terms outlined below. The purpose of the engagement letter is to coordinate and list for sheriff's sale those properties approved by the Land Bank for acquisition.

Please note that the engagement letter attached to the Resolution is only a draft. Pursuant to the Resolution, the Executive Director with the advice of Senior Counsel may modify the engagement letter; provided, that any modifications are, in the opinion of Senior Counsel, not materially adverse to the Land Bank's interests.

Linebarger works under a contract with the City of Philadelphia Law Department and is responsible for filing all legal documents and taking all steps necessary to list a tax delinquent property for sheriff sale. Under the City's contract, Linebarger is paid for its work from the proceeds generated by the sale of these properties to third parties. However, since the Land Bank will be the sole bidder for property, Linebarger will not be paid from the proceeds of the sale. Accordingly, the Land Bank and Linebarger have proposed a fee arrangement that will pay Linebarger for its work. The fee is graduated based on the amount of work performed by Linebarger and is outlined below. Please note that anything paid to Linebarger is separate from sheriff costs which are billed directly to the Land Bank.

This arrangement would apply to only those properties listed on the OneDrive which have been approved for acquisition by the Land Bank.

1. For all Properties, on or after the effective date of this Agreement:
 - No fee or costs if a Property is not taken to sale because of bankruptcy or payment in full.
 - \$900 flat fee (inclusive of Linebarger costs) for any Property listed for sale as of or after June 1, 2018 (including any prior postponements), whether or not purchased by the Land Bank.

March 8, 2018

**RESOLUTION AUTHORIZING CONTRACT WITH THE LAW FIRM OF
LINEBARGER GOGGAN BLAIR & SAMPSON, LLP**

2. If the Land Bank directs Linebarger to suspend or terminate any pending legal proceeding against a Property, the following expenses and fees shall be due and payable by the Land Bank to Linebarger after invoice from Linebarger:
 - No fee, but will pay Linebarger expenses (typically \$200 for title search) for a Property if the Land Bank subsequently instructs Linebarger to suspend or terminate the proceeding before a petition is filed;
 - \$450 (inclusive of expenses) if a petition is filed, and the Land Bank subsequently instructs Linebarger to suspend or terminate the proceeding before the decree;
 - \$600 (inclusive of expenses) if a decree has been entered, and the Land Bank subsequently instructs Linebarger to not list the Property for Sheriff's Sale.
3. If a Property was or is stayed and subsequently relisted for Sheriff's Sale at the direction of the Land Bank the following additional fees shall apply:
 - \$950 for the first time a Property is relisted for Sheriff's Sale, if the Land Bank had instructed Linebarger to stay that Sheriff's Sale on or before May 31, 2018; and,
 - \$250 each time the Land Bank requests Linebarger to re-list a Property, if the Land Bank instructs Linebarger to stay that Sheriff's Sale on or after June 1, 2018.
4. If a Property is relisted for Sheriff's Sale, after any of the foregoing events, and the Land Bank has paid a fee to Linebarger:
 - Except as otherwise provided below, the Land Bank will receive a credit for fees and expenses previously paid for that Property; and
 - The Land Bank will pay Linebarger expenses incurred for new Tax Information Certificates, bring downs and service; and
 - Absent a Decree, no credit for any prior payments made if delay in proceeding with a suspended legal action is more than 6 months (except that Linebarger will give the a credit for \$200 Title Search expenses previously paid to Linebarger, as long as ownership has not changed. Linebarger may also incur an additional \$50 bringdown fee to be paid by the Land Bank. If Property has changed hands, Land Bank receives no credit.

RESOLUTION NO. 2018 - ____

**RESOLUTION AUTHORIZING CONTRACT WITH THE LAW FIRM OF
LINEBARGER GOGGAN BLAIR & SAMPSON, LLP**

WHEREAS, the Board of Directors of the Philadelphia Land Bank (the "**Board**") deems it necessary and in the best interest of the Philadelphia Land Bank (the "**Land Bank**") to enter into an engagement letter ("**Engagement Letter**") with Linebarger Goggan Blair & Sampson, LLP ("**Linebarger**"), a draft copy of which is attached to this Resolution, for the purpose of coordinating and listing for sheriff's sale those properties approved by the Land Bank for acquisition.

WHEREAS, the Board has determined that Linebarger is qualified and experienced in such legal matters and that the compensation is fair and proper under the circumstances and at a rate not in excess of rates customarily paid for services of equivalent scope and quality.

NOW THEREFORE, BE IT HEREBY RESOLVED by the Board of Directors of the Philadelphia Land Bank that:

1. The Land Bank is hereby authorized to enter into the Engagement Letter substantially in the form attached hereto.
2. The Executive Director with the advice of Senior Counsel may modify the Engagement Letter; provided, that any modifications are, in the opinion of Senior Counsel, not materially adverse to the Land Bank's interests.
3. Those Land Bank staff authorized to execute and deliver documents on behalf of the Land Bank pursuant to Resolution 2017-43 are hereby authorized to execute and deliver any and all applications, contracts, and other documentation necessary or desirable to carry out the purposes and intents of this Resolution.
4. The Executive Director with the advice of Senior Counsel may modify this Resolution as may be necessary or desirable to carry out its purposes and intents.
5. This Resolution shall take effect immediately upon adoption by the Board.

February 13, 2018

VIA EMAIL & FIRST CLASS MAIL

Steve Cusano, Esq., MBA
Senior Counsel
Philadelphia Land Bank
1234 Market Street, 16th Floor
Philadelphia, PA 19107
Steve.Cusano@phila.gov

RE: Agreement between Philadelphia Land Bank and Linebarger Goggan Blair & Sampson, L.L.P.

Dear Mr. Cusano:

Background

This letter agreement ("Agreement") is between the Philadelphia Land Bank ("Land Bank") and Linebarger Goggan Blair & Sampson, L.L.P. ("Linebarger"). Linebarger is Co-Counsel to the City of Philadelphia ("City") for the collection and enforcement of past due and delinquent real estate taxes and Municipal Claims for delinquent water bills pursuant to the Provider Agreement between the City and Linebarger dated February 23, 2017, as amended ("Provider Agreement"). As Co-Counsel to the City, Linebarger, on a regular basis, files Petitions to sell delinquent properties at Sheriff's Sale using Decrees entered by the Philadelphia Court of Common Pleas pursuant to the Pennsylvania Municipal Claims and Tax Lien Law ("MCTLL").

Acquisition Procedure

Pursuant to the Land Bank Act, Act 153 of 2012, 68 Pa.C.S. §§ 2101, *et seq* (the "Act"), the Land Bank, with the City's approval, is permitted to acquire delinquent properties at City initiated Sheriff's Sales. At the direction of the Land Bank, Linebarger shall proceed by appropriate legal proceeding to list those properties approved by the Land Bank for Sheriff's Sale (hereinafter referred to as "Property" or "Properties"). Once initiated, Linebarger shall proceed with the legal action until the delinquencies which are the subject of the legal proceeding are paid in full or until the Property is listed for Sheriff's Sale. Linebarger and the Land Bank shall coordinate the Sheriff's Sale date at which time Properties selected by the Land Bank will be offered for sale. All Sheriff's Sales are conducted by the Philadelphia Sheriff and are subject to all applicable State Statutes, Rules of Civil Procedure, City Ordinances and the Sheriff's published Conditions of Sale. The Provider Agreement shall govern all tax payments or taxpayer agreements prior to or after Sheriff's Sale.

Prior to each Sheriff's Sale and within the time frames set by the City and the Land Bank, the Land Bank, through its designated contact person, shall notify Linebarger of any listed Properties which the Land Bank wishes to postpone to a future date or stay altogether. Absent a direction to stay or postpone, the Sheriff's Sale list will be provided to the Sheriff who is solely responsible for conducting the Sheriff's Sale. Further, Linebarger shall provide a list to the Sheriff of those Properties that will be acquired by the Land Bank together with the Bid Price for each Property which shall include the total Delinquent Taxes referred to Linebarger plus Eligible Expenses pursuant to the Provider Agreement and any costs, fees, charges, taxes and expenses, if

any, due and payable by the Land Bank to the Sheriff or other party as a result of the Land Bank's Property acquisition. At the direction of the City, the Bid Price may also include other debts due and owing to the City including, but not limited to, other taxes, judgments, mortgages, municipal service charges and liens and any other amount that is considered by law to be part of the upset price for each Property acquired by the Land Bank and Sheriff's Sale.

Fee

The Land Bank shall pay Linebarger for those Properties listed on OneDrive or any other approved list (the "Approved Property List") which has been approved for acquisition by the Land Bank as follows:

1. For all Properties, on or after the effective date of this Agreement the Land Bank will pay Linebarger:
 - No fee or costs if a Property is not taken to sale because of bankruptcy or payment in full;
 - \$900 flat fee (inclusive of Linebarger costs) for any Property listed for sale as of or after June 1, 2018 (including any prior postponements), whether or not purchased by the Land Bank;
2. If the Land Bank directs Linebarger to suspend or terminate any pending legal proceeding against a Property, the following expenses and fees shall be due and payable by the Land Bank to Linebarger after invoice from Linebarger:
 - No fee, but will pay Linebarger expenses (typically \$200 for title search) for a Property if the Land Bank subsequently instructs Linebarger to suspend or terminate the legal proceeding before a Sheriff's Sale Petition is filed;
 - \$450 (inclusive of expenses) if a Petition is filed for a Property, and the Land Bank subsequently instructs Linebarger to suspend or terminate the legal proceeding before a Decree is entered;
 - \$600 (inclusive of expenses) if a Decree has been entered for a Property, and the Land Bank subsequently instructs Linebarger to not list the Property for Sheriff's Sale.
3. If a Property was or is stayed and subsequently relisted for Sheriff's Sale at the direction of the Land Bank the following additional fees shall apply:
 - \$950 for the first time a Property is relisted for Sheriff's Sale, if the Land Bank had instructed Linebarger to stay that Sheriff's Sale on or before May 31, 2018; and,
 - \$250 each time the Land Bank requests Linebarger to re-list a Property, if the Land Bank instructs Linebarger to stay that Sheriff's Sale on or after June 1, 2018.
4. If a Property is relisted for Sheriff's Sale, or if Linebarger is directed to proceed with a legal proceeding which was previously suspended or terminated, after any of the foregoing events, and the Land Bank has paid a fee to Linebarger:

- Except as otherwise provided below, the Land Bank will receive a credit for fees and expenses previously paid for that Property; and
- The Land Bank will pay Linebarger expenses incurred for new Tax Information Certificates, bring downs and service; and
- Absent a Decree, the Land Bank shall receive no credit for any prior payments made if the delay in proceeding with a suspended legal action is more than 6 months (except that Linebarger will give the Land Bank a credit for \$200 Title Search expenses previously paid to Linebarger, as long as the ownership of the Property has not changed. Linebarger may also incur an additional \$50 bringdown fee that shall be paid by the Land Bank. In the event the Property has changed hands, the Land Bank shall receive no credit for any prior payments because Linebarger will be required to order a new Tax Information Certificate and prepare and serve a new Sheriff's Sale Petition at which time Linebarger may incur an additional \$50 bringdown fee that shall be paid by the Land Bank.

If a property is removed from the Approved Property List, and absent further instructions from the City, Linebarger may continue the legal proceeding against that property.

Invoices shall be payable to Linebarger within forty-five (45) days of Linebarger's invoice to the Land Bank. Each Attorney Fee includes Linebarger's participation in all pre- and post-Sheriff's Sale matters, excluding any challenges to the Land Bank's right, ability or authority to acquire Properties pursuant to the Act. In the event of such a challenge, the Land Bank, with concurrence from the City of Philadelphia Law Department, shall be responsible for selecting and retaining counsel to defend such matters.

The Land Bank shall be solely responsible for the payment of any other amount charged to the Land Bank for acquiring the Property and Recording its Deed, if any. All Properties purchased by the Land Bank at a Linebarger initiated Sheriff's Sale shall be purchased as is and where is with no representations or warranties related to the physical condition of the property or improvements. Linebarger shall make a good faith effort to comply with all requirements of the MCTLL when initiating and prosecuting tax sales and the Land Bank shall accept such title to tax foreclosed properties as provided by MCTLL. Linebarger does not make any warrants of clear title as it relates to Properties purchased at Sheriff's Sale. Any quiet title or similar proceedings relating to the Land Bank's re-sale of any of the Properties purchased at Sheriff's Sale, title insurance costs, or any costs, fees and expenses related to such title related actions shall be the sole responsibility of the Land Bank.

Either party may terminate this Agreement by providing sixty (60) days written notice to the other. This Agreement may be amended by written agreement of both parties. Upon execution of this Agreement by the Land Bank, this Agreement will supersede all prior understanding regarding the subject matter of the Arrangement and will constitute a binding Agreement between the Land Bank and Linebarger. This Agreement shall be governed by and construed in accordance with the laws of the Commonwealth of Pennsylvania.

This Agreement shall replace and supersede any prior agreement or agreements between the parties excepting any Sheriff's Sale purchases by the Land Bank or Linebarger Invoices relating to such sales submitted to the Land Bank on or prior to the date below.

Respectfully,

Mark S. Harris, Esq.
Managing Partner

By:

Steve Cusano, Esq.
Senior Counsel
Philadelphia Land Bank

cc Frances Ruml Beckley, Chief Counsel, Philadelphia Dept. of Revenue
James Zwolak, Divisional Deputy City Solicitor

MEMORANDUM

To: Board of Directors
From: Steve Cusano, Esq.
Date: March 8, 2018
Re: **RESOLUTION GRANTING AUTHORIZATION TO ACQUIRE TAX DELINQUENT
PROPERTY, SUBJECT TO CERTAIN TERMS AND CONDITIONS**

The attached Resolution is substantially the same as Resolution 2017-56 previously adopted by the Board on December 14, 2017. The purpose of this Resolution is to extend the deadline of March 31, 2018, as specified in Resolution 2017-56.

Pursuant to the Memorandum of Understanding among the City of Philadelphia, the Philadelphia School District, Philadelphia Gas Works and the Philadelphia Land Bank (the "MOU"), the Land Bank began acquiring tax delinquent property placed for sale at the several monthly tax sales conducted by the Law Department and its outside counsel.

Prior practice has been to obtain specific Board approval for each property that the Land Bank wished to acquire at tax sale. Going forward, the volume of acquisitions will increase significantly. In many cases, the Land Bank must decide quickly whether it should bid for a property to prevent its sale to the public or to avoid additional expenses to postpone or stay the sale.

We propose that the certain Board Officers and the Executive Director be granted limited and controlled authority to (i) bid for and acquire Tax Sale Properties which are eligible for acquisition and (ii) designate any Tax Sale Properties as approved for acquisition, without further Board action ((ii) is new and was not in prior Resolution 2017-56). All Tax Sale Properties (i) acquired or (ii) designated as approved for acquisition shall in no event exceed the spending limit in the aggregate ((ii) is new and was not in prior Resolution 2017-56). The amount of the spending limit and the length of this authority will be determined by the Board.

There will be monthly reporting to the Board of properties acquired and payments made, along with how each property is intended to be used when conveyed, all in keeping with the Strategic Plan. In addition, upon request of a majority of the Board, Land Bank staff will provide information to allow the Board to properly supervise and control this delegation of authority.

Lastly, the authority granted in this Resolution is in addition to any other authority granted in any other resolution to acquire Tax Sale Properties. This Resolution shall not affect, or be deemed to reduce, any authority or amounts to acquire Tax Sale Properties which the Board has granted or authorized in any other resolution, including, without limitation, Resolution 2017-57.

RESOLUTION NO. 2018 – _____

**RESOLUTION GRANTING AUTHORIZATION TO ACQUIRE TAX DELINQUENT
PROPERTY, SUBJECT TO CERTAIN TERMS AND CONDITIONS**

WHEREAS, the Commonwealth Land Bank Act, 68 Pa. C.S.A. §§ 2101, *et seq.*, ("**Land Bank Act**") authorizes a land bank to acquire property exposed for sale under the Municipal Claim and Tax Lien Law, 53 P.S. §§ 7101, *et seq.*;

WHEREAS, section 16-705(2) of the Philadelphia Code authorizes the Philadelphia Land Bank ("**Land Bank**") to acquire real property or interests in real property through all legal means, subject to certain stated terms and conditions;

WHEREAS, section 16-705(3)(b) of the Philadelphia Code authorizes the Land Bank to acquire tax delinquent properties at tax sales conducted by, or on behalf of, the City of Philadelphia ("**Tax Sale Properties**");

WHEREAS, the Land Bank finds the acquisition of Tax Sale Properties which meet the criteria of its Strategic Plan can be better managed by delegating the authority to bid for and acquire Tax Sale Properties;

WHEREAS, pursuant to Resolution 2017-56, adopted on December 14, 2017, the Board of Directors of the Philadelphia Land Bank (the "**Board**") authorized the Board Chair, Vice-Chair, and the Executive Director to bid for and acquire Tax Sale Properties not to exceed a maximum expenditure of \$575,000.00;

WHEREAS, Resolution 2017-56 expires on March 31, 2018;

WHEREAS, the Board finds the acquisition of Tax Sale Properties which meet the criteria of its Strategic Plan can be better managed by delegating the authority to bid for and acquire Tax Sale Properties;

NOW THEREFORE, BE IT HEREBY RESOLVED by the Board of Directors of the Philadelphia Land Bank that:

1. Resolution 2017-56 shall expire upon the adoption of this Resolution, notwithstanding anything to the contrary contained in Resolution 2017-56.
2. The Board Chair, Board Vice-Chair, and Executive Director are each herby individually authorized to bid for and acquire Tax Sale Properties on behalf of the Land Bank in accordance with this Resolution, the Land Bank Act, the Philadelphia Code, and any Memorandum of Understanding to which the Land Bank is a party.
3. The maximum expenditure for acquisition of Tax Sale Properties authorized by this Resolution shall not exceed _____ Dollars (\$_____) without further approval or authorization from the Board (the "**Spending Limit**").
4. The Board Chair, Board Vice-Chair, and Executive Director are each herby individually authorized to designate any Tax Sale Properties as approved for acquisition, without further Board action;

provided, that all Tax Sale Properties (i) acquired or (ii) designated as approved for acquisition shall in no event exceed the Spending Limit in the aggregate.

5. The authority granted in this Resolution is in addition to any other authority granted in any other resolution to acquire Tax Sale Properties. This Resolution shall not affect, or be deemed to reduce, any authority or amounts to acquire Tax Sale Properties which the Board has granted or authorized in any other resolution, including, without limitation, Resolution 2017-57.
6. For all Tax Sale Properties acquired under this Resolution, the Executive Director shall report at each Regular Meeting of the Board on a cumulative basis: (a) the property address; (b) the amount paid; and (c) the proposed disposition use of the property in a category shown in the Strategic Plan.
7. Upon request of a majority of the Board, Land Bank staff shall provide such other information to allow the Board to properly supervise and control this delegation of authority.
8. Those Land Bank staff authorized to execute and deliver documents on behalf of the Land Bank under Resolution 2017-43 are hereby authorized to execute and deliver any and all applications, contracts, and other documentation necessary or desirable to carry out the purpose and intent of this Resolution.
9. The Executive Director with the advice of Senior Counsel may modify this Resolution as may be necessary or desirable to carry out its purposes and intents.
10. This Resolution shall take effect immediately upon adoption by the Board. The authorization provided in this Resolution shall expire on _____ unless extended by further action by the Board.