THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION
OFFICE OF RIGHT OF WAY

OFFERS AT

PUBLIC AUCTION

Use & Occupancy Permits for Real Property

Thursday December 12, 2019

11:00 AM

This auction offers the permitted use of properties located in the City of Troy, Rensselaer County. Three (3) permits will be individually offered at auction.

AUCTION LOCATION: Department of Transportation State Office Building
Conference Rooms B & C, First Floor
50 Wolf Road
Albany, NY 12232

REGISTRATION: One (1) hour before auction begins
(10:00 AM to 11:00 AM) at Auction Location

AUCTION: Begins at 11:00 AM.
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AUCTION LOCATION
New York State Department of Transportation
50 Wolf Road
Albany, NY 12232
First Floor Conference Rooms B & C

For information please call (518) 457-9783
Via I-87 Northway
Take I-87 South to Exit 2E, merge onto NY Route 5 (Central Avenue). Turn Left onto Wolf Road and travel approximately ½ mile. Building will be on your left (you will have a green arrow to take you into the parking area – Visitor Parking is on the north side of the building).

Via I-787 / I-90
Take I-787 to I-90 West. Merge onto I-87 North and take Exit 2E to Wolf Road. Travel approximately ½ mile. Building will be on your left (you will have a green arrow to take you into the parking area – Visitor Parking is on the north side of the building).

Go to the main entrance and check in at the security desk. Valid photo identification is required for entry. The guards will direct you to Conference Rooms B & C.
1. **AUCTION PERMIT OFFERING** - This Permit Offering will be conducted as a public auction. A bidder or his/her authorized representative must register and be present to bid. A Registration Form is provided at the end of this brochure. Representatives must present proof they are authorized to act on behalf of their principal. Complete the form and bring it to the registration table on the auction date at the time indicated for registration. At the time of registration, the registrant shall be required to pay the security deposit. If the winning bidder, this payment will be retained as the security deposit on the permit; if not the winning bidder, this payment will be returned to the registrant at the close of the auction or, if the registrant leaves the auction site prior to collection of the security deposit, destroyed by the Department. Each deposit requirement is referenced on the property description pages that follow.

2. **IDENTIFICATION NUMBER** - Registrants will be assigned an identification number that the auctioneer will refer to during the bidding. **YOU MUST HAVE REGISTERED AND RECEIVED AN IDENTIFICATION NUMBER IN ORDER TO BID.**

3. **BIDDING** - Bids will be publicly and orally received. Only bids equal to or exceeding the announced opening bid price will be considered. The auctioneer will acknowledge the highest bidder. Immediately upon being acknowledged as the highest bidder, the bidder will proceed to the closing table and execute a Bid Confirmation. (A sample is provided at the end of this brochure).

4. **BIDDING FOR ANOTHER** - AN AUTHORIZATION TO BID FORM must be completed and presented to the Department's representative at the Registration Table if the prospective bidder is not the principal. (The required form is provided at the end of this brochure.)

5. **NON-COLLUSIVE BIDDING** - It is illegal for people to hold down the price(s) at auctions by agreeing to refrain from bidding against one another. VIOLATORS WILL BE PROSECUTED TO THE FULL EXTENT OF THE LAW. Every successful bidder for the use of real property auctioned by the New York State Department of Transportation shall be required to subscribe to a "NON-COLLUSIVE BIDDING" statement included in the Bid Confirmation. The statement shall be affirmed by the bidder as true under the penalties of perjury. By affirming, the bidder or his/her representative certifies under the penalty of perjury that to the best of his/her knowledge and belief (a) the bid price had been made independently without collusion, consultation, communication, or agreement, for the purpose of restricting competition, as to any matter relating to such bid with any other bidder or with any competitor; and (b) no attempt has been made to induce any other person, partnership, or corporation to bid or not to bid for the purpose of restricting competition.

6. **ZONING** - Prospective bidders are urged to contact the following agencies for information regarding the properties being offered at the public auction:

   For information on zoning, contact the City of Troy.

   The information in this brochure is made available for the convenience of prospective bidders; the Department reserves the right to update this information prior to the bidding.

7. **ANY OF THE PROPERTIES BEING OFFERED MAY BE WITHDRAWN FROM THE AUCTION BY THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION ON OR BEFORE THE DATE OF THE AUCTION**

8. If a language interpreter, assistive listening system or any other accommodation will be required to facilitate your participation in this public auction, please contact our Albany Regional Office, at (518) 457-9783.

For planned uses other than the continued use as a parking lot, the bidder must submit the proposed use for Department viewing via email to dot.sm.R1.OROW.PropertyMgmt@dot.ny.gov by November 1, 2019. The Department reserves the right to disallow planned uses which interfere with the safety of the travelling
public or undermine the highway. If the winning bidder has not submitted a proposal, the permitted use must continue as a parking lot. Any changes to or improvements and/or construction on the permitted area must be approved by the Department in writing and a Highway Work Permit must be obtained from the Department prior to the start of the approved work.

9. A question and answer period will be open from now until November 1, 2019. Questions can be emailed to dot.sm.R1.OROW.PropertyMgmt@dot.ny.gov and answers will be posted three (3) weeks prior to the auction date on https://www.dot.ny.gov/regional-offices/region1/other-topics/surplus-property.

10. The winner bidder shall be granted the right to occupy the right of way via a Use and Occupancy Permit. Immediately upon the conclusion of the bidding, the winning bidder must execute the Use and Occupancy Permit. The Use and Occupancy Permit first year’s permit fee and proof of General Liability Insurance with coverage in the amount of at least $2,000,000 per occurrence which names the People of the State of New York as an Additional Insured will be required within fifteen (15) days of the acceptance of the bid. Cash will not be accepted. If the permit fee and proof of insurance are not received within fifteen (15) days of the acceptance of the bid, the State will retain the security deposit and award to the next highest bidder.

11. The terms and conditions of the Use and Occupancy Permit shall constitute the entire Agreement made between the parties and cannot be changed orally. A sample permit is attached.

12. No assignment or sublet of the permit will be allowed without prior written approval of the Department.

13. In the event the State fails to honor the terms of the bid through no fault of the bidder, the State's sole liability shall be to return the bidder's security deposit.
QUESTIONS AND ANSWERS

1. **Q:** What is the present zoning for these parcels?
   
   **A:** THE STATE OF NEW YORK MAKES ABSOLUTELY NO REPRESENTATIONS REGARDING THE ZONING OF THE PARCELS OFFERED, OR THE SUITABILITY OF THE PARCELS FOR PARTICULAR NEEDS.
   
   **B.** It is the responsibility of the prospective bidders as competent, reasonable and prudent auction participants to investigate all zoning and local ordinances with the appropriate authorities prior to bidding.
   
   **C.** WE URGE YOU TO CONTACT THE APPROPRIATE MUNICIPALITY FOR INFORMATION CONCERNING ZONING.

2. **Q:** What is the minimum I can bid?

   **A.** The minimum bid for each property is listed individually, along with an aerial photograph and sketch, found in the succeeding pages of this brochure.

3. **Q:** If there are no bidders on a parcel at this auction, will the property be offered again?

   **A.** If no bids are made, the issuance of the permit may be re-evaluated and may be re-offered at public auction at a future date.

4. **Q:** How much money is due on the day of the auction?

   **A.** At the time of bidder registration, the registrant must pay the appropriate security deposit.

5. **Q:** When and where do I register?

   **A.** Registration will begin at the auction site (50 Wolf Road in Albany, NY) at the time listed on the front cover of this brochure. Please complete the enclosed BIDDER REGISTRATION FORM and bring it to the registration desk, along with your check for the security deposit.

   **B.** EVERY PROSPECTIVE BIDDER MUST BE REGISTERED IN ORDER TO BID.

6. **Q:** What is a Bid Confirmation?

   **A.** A Bid Confirmation is a form, which when executed, acknowledges you as the high bidder of a property, binding you to the TERMS OF AUCTION AND AWARD provided on pages 5-6.

7. **Q:** If I am the successful bidder, when is the first year's permit fee and any other requirements due?

   **A.** The Use and Occupancy Permit first year's permit fee and proof of General Liability Insurance with coverage in the amount of at least $2,000,000 per occurrence which names the People of the State of New York as an Additional Insured, will be required within 15 days of the acceptance of the bid. **Cash will not be accepted.**
8. **Q: May I bid for someone else?**

   A. Yes, as long as you are authorized to do so, and have presented a completed AUTHORIZATION TO BID FORM at or prior to registration. The form is included in this brochure.

9. **Q: How will I know if the property may be used for my proposed use?**

   A. For uses other than the continued use as a parking lot, the Department will accept and review proposed potential uses submitted via email to dot.sm.R1.OROW.PropertyMgmt@dot.ny.gov by November 1, 2019. The Department will provide you with a determination regarding your use proposal prior to the auction.
USE & OCCUPANCY PERMIT 14674 – LOT #3

This offering is located on the south side of Hoosick Street between River Street and North First Street in the City of Troy. The parcel is roughly trapezoidal in shape and is approximately 0.28± acres. Improvements include: an asphalt paved parking lot, concrete walkways, curbs, stairways, brick paved walking areas, and various landscaping.

City of Troy  
Rensselaer County

PRICE AT WHICH BIDDING WILL COMMENCE: $5,600 per year

No bids will be accepted below the minimum bid of $5,600 per year.

SECURITY DEPOSIT REQUIRED AT DAY OF AUCTION: $5,600

NOTE: A Use & Occupancy Permit must be executed upon submitting a successful bid. The Use and Occupancy Permit first year’s rental fee (equal to the amount of winning bid) and insurance certificate must be submitted within 15 days of bid acceptance.

- This parcel is located under the Collar City Bridge and may periodically be required by DOT and its contractor’s maintenance and reconstruction efforts.
- A maintenance project is currently planned for 2020.
USE & OCCUPANCY PERMIT 14675 – LOT #5

This offering is located on the north side of Hoosick Street between North First Street and Fifth Avenue in the City of Troy. The parcel roughly trapezoidal in shape and is approximately 0.33± acres. Improvements include: an asphalt paved parking lot, concrete walkways, curbs, stairways, brick paved walking areas, and various landscaping.

City of Troy

Rensselaer County

PRICE AT WHICH BIDDING WILL COMMENCE: $6,600 per year

No bids will be accepted below the minimum bid of $6,600 per year.

SECURITY DEPOSIT REQUIRED AT DAY OF AUCTION: $6,600

NOTE: Use & Occupancy Permit must be executed upon submitting a successful bid. The Use and Occupancy Permit first year’s rental fee (equal to the amount of winning bid) and insurance certificate must be submitted within 15 days of bid acceptance.

- This parcel is located under the Collar City Bridge and may periodically be required by DOT and its contractor’s maintenance and reconstruction efforts.
- A maintenance project is currently planned for 2020.
USE & OCCUPANCY PERMIT 14683 – LOT #9
This offering is located on the north side of Hoosick Street between Sixth Avenue and the Sixth Avenue on ramp to Route 7 in the City of Troy. The parcel is irregular in shape and is approximately 1.77± acres. Improvements include: an asphalt paved parking lot, concrete walkways, curbs, and various landscaping.

City of Troy

Rensselaer County

PRICE AT WHICH BIDDING WILL COMMENCE: $19,000 per year

No bids will be accepted below the minimum bid of $19,000 per year.

SECURITY DEPOSIT REQUIRED AT DAY OF AUCTION: $19,000

NOTE: Use & Occupancy Permit must be executed upon submitting a successful bid. The Use and Occupancy Permit first year’s rental fee (equal to the amount of winning bid) and insurance certificate must be submitted within 15 days of bid acceptance.

- This parcel is located adjacent to the Collar City Bridge and may periodically be required by DOT and its contractor’s maintenance and reconstruction efforts.
- A maintenance project is currently planned for 2020.
BIDDER REGISTRATION FORM

AUCTION DATE: DECEMBER 12, 2019

All bidders must complete and submit this form during the registration period on the day of the auction. At that time, a representative of the Department of Transportation will collect this form and payment of the required security deposit. If acceptable, you will be given a number that identifies you as a valid bidder. Checks are to be made payable to: NEW YORK STATE DEPARTMENT OF TRANSPORTATION.

Please type or print clearly:

Your Name: ____________________________
Address: ______________________________________

Telephone: ________________________________

Please complete the following if you are representing a business:

Business Name: ____________________________
Business Address: ____________________________

Business Telephone: ________________________

LEGAL NAME – If you are the successful bidder, this is the name that will be identified as the permittee on the Use and Occupancy Permit. The legal name provided below must match the name associated with the tax identification number (social security number for individuals or Federal EIN for businesses) that is provided on the Permit when it is executed.

Legal Name: ____________________________

For Internal Use Only:
Bidder Identification Number: ________________________

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Registered by: ____________________________
AUTHORIZATION TO BID
ON REAL PROPERTY OFFERED FOR USE AND OCCUPANCY BY THE
NEW YORK STATE DEPARTMENT OF TRANSPORTATION OFFICE OF RIGHT OF WAY

I ____________________________ hereby authorize:

(print name of bidder-principal)

__________________________ to bid on my behalf

(print name of bidder in attendance)

at public auction for the following property(ies):

Identify below the permit(s) on which bidding is authorized:

Limiting Instructions (if none, so state):

__________________________________________________
__________________________
Signature of bidder-principal                   Date

Company (if applicable)

Address

City, State, Zip

Telephone (____)
SAMPLE FORM
BID CONFIRMATION
NEW YORK STATE DEPARTMENT OF TRANSPORTATION

For Property Auctioned on **DECEMBER 12, 2019 AT 11:00AM** and identified as:

Use & Occupancy Permit 14674
Right-of-Way Occupied Route 7 (Collar City Bridge) Right of Way
Town/County City of Troy, Rensselaer County

(I) (We) hereby acknowledge that (I) (we) have this day (am) (are) the high bidder at public auction for Use and Occupancy Permit 14674 as described in the Auction Brochure and outlined within the Permit document itself for the sum of $_______________ dollars per year. (I) (We) hereby agree to comply with the Terms and Conditions of Award as included in the Auction Brochure, having paid to the State the sum of $_______________ dollars on account as a security deposit. (I) (We) further agree to forfeit said deposit to the use of the State should (I) (we) fail to comply with the TERMS OF AUCTION AND AWARD as defined in the Auction Brochure.

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Bidder – Please Print Legibly

Telephone

Street Address

City, State, Zip Code

1. Total Amount of Bid (Annual Permit Fee) $_______________
2. Security Deposit Paid $_______________

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By signing the Bid Confirmation, each bidder and each person signing on behalf of any bidder certifies, under penalty of perjury, that to the best of their knowledge and belief:

A. The bid price has been made independently without collusion, consultation, communication, or agreement, for the purpose of restricting competition, as to any matter relating to such bid with any other bidder or with any competitor.

B. No attempt has been made to induce any other person, partnership, or corporation to bid or not to bid for the purpose of restricting competition.

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Signature(s): __________________________________________________________________________ Date: _________________

State of New York  
)  
) SS.:  
County of ________________  

On the _____ day of ______________ in the year ________ before me, the undersigned, personally appeared ______, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

__________________________
Notary Public, State of New York