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COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

September 17, 2012

Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Re: Transfer of Property at 3445 River Road to the Buffalo and Erie County Industrial Land Development Corporation

Dear Honorable Members:

Enclosed please find a memorandum and proposed resolution authorizing the execution of a contract to transfer title of an abandoned factory at 3445 River Road in the Town of Tonawanda to the Buffalo and Erie County Industrial Land Development Corporation.

We are also requesting the Erie County Legislature schedule and hold a public hearing on the transfer of the property to the Buffalo and Erie County Industrial Land Development Corporation as required by New York State Not for Profit Law section 1411, regarding Local Development Corporations.

Once foreclosed on by Erie County and transferred to the Buffalo and Erie County Industrial Land Development Corporation, the Erie County Industrial Development Agency staff will oversee demolition of remaining structures on the site.

Should your honorable body require further information, I encourage you to contact Kenneth Swanekamp at the Department of Environment and Planning. Thank you for your consideration on this matter.

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/cw
Enclosure
cc: Maria Whyte, Commissioner

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Environment and Planning
Re: Transfer of Property at 3445 River Road to the Buffalo and Erie County Industrial Land Development Corporation
Date: August ____, 2012

SUMMARY

It is recommended that the Erie County Legislature hold a public hearing and then authorize the sale and transfer of the property at 3445 River Road in the Town of Tonawanda, SBL 65.13-2-1. This former brownfield has been remediated by the New York State Department of Environmental Conservation. Derelict buildings still stand on the site which need to be removed prior to reuse of the site.

FISCAL IMPLICATIONS

Currently the 3445 River Road parcel is an abandoned site that has not generated any tax payments to Erie County for over 20 years. The County has continued to guarantee the tax payments to the Town of Tonawanda and the Kenmore Tonawanda School District. This has been a drain on County resources for over 20 years with little chance of having the property become a productive, revenue generating parcel.

REASONS FOR RECOMMENDATION

The property has been vacant since a fire over twenty years ago. The contamination on site prior to the NYS Department of Environmental Conservation remediation has prevented any productive reuse. The remaining buildings in a dilapidated, blighted state of decay are also preventing reuse. The transfer to the Buffalo and Erie County Industrial Land Development Corporation and the project management for complete demolition by the Erie County Industrial Development Agency will allow the property to be put back into productive reuse.

BACKGROUND INFORMATION

The Erie County Department of Environment and Planning has written a grant application to National Grid under their Brownfield program. That grant was awarded in the amount of $300,000 towards the demolition of the vacant, abandoned structures. The Erie County Industrial Development Agency has contributed $200,000 towards the demolition, creating a fund of $500,000 for engineering and demolition of the abandoned, vacant structures.

CONSEQUENCES OF NEGATIVE ACTION

Failure to adopt this resolution will result in the property sitting in a blighted, abandoned state indefinitely. Erie County will continue to guarantee the Town and school tax payments with no hope of the property being reused and generating any tax revenue or jobs.

STEPS FOLLOWING APPROVAL

Upon the holding of a public hearing by the Erie County Legislature and approval of the resolution, a contract between Erie County and the Buffalo and Erie County Industrial Land Development Corporation will be executed. Assuming that Erie County forecloses and takes title to the property in 2012, the property will then be transferred to the Buffalo and Erie County

Industrial Land Development Corporation. The Erie County Industrial Development Agency will then contract for and oversee the demolition of the structures on site.

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF ENVIRONMENT AND PLANNING

RE: Transfer of Property at 3445 River Road to the Buffalo and Erie County Industrial Land Development Corporation

WHEREAS, the County of Erie desires to remediate brownfield properties and clear former industrial sites for productive reuse; and

WHEREAS, the property at 3445 River Road, the former Polymer Applications site, has been a vacant brownfield since a fire over twenty years ago, has been a blighting influence on the area for twenty years and has accrued over $2 million in back taxes, interest and penalties; and

WHEREAS, the New York State Department of Environmental Conservation declared the site a State Superfund site; and

WHEREAS, the New York State Department of Environmental Conservation has remediated this brownfield site and intends to delist the site; and

WHEREAS, vacant, abandoned former factory buildings still occupy portions of the site rendering it unusable in its current condition; and

WHEREAS, the Erie County Industrial Development Agency has expertise in the area of construction management and has agreed to manage the demolition of the remaining buildings; and

WHEREAS, the Buffalo and Erie County Industrial Land Development Corporation (ILDC), has as one of its goals and authorities, the ability to hold industrial property for management and improvement; and

WHEREAS, the Erie County Legislature has held a public hearing on the transfer of the 3445 River Road property to the Buffalo and Erie County Industrial Land Development Corporation; and

WHEREAS, it is expected that Erie County will foreclose on the 3445 River Road property.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into contracts with the Buffalo and Erie County Industrial Land Development Corporation, selling the 3445 River Road property to the Buffalo and Erie County Industrial Land Development Corporation for the sum of one dollar ($1.00); and be it further

RESOLVED, that the County Executive is authorized to execute any deeds necessary to transfer this parcel to the Buffalo and Erie County Industrial Land Development Corporation; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to the County Executive, the Director of the Division of Budget and Management, the

County Comptroller, the Director of Real Property Tax Services, the Commissioner of the Department of Environment and Planning and the County Attorney.