



ECLEG JAN22'13 P:10:23

COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

January 21, 2013

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

**RE: Conveyance of Excess Highway Property
Union Road, Town of Cheektowaga**

Dear Honorable Members:

The Department of Public Works, Division of Highways, is requesting legislative approval of the conveyance of excess highway property adjacent to Union Road in the Town of Cheektowaga.

Should your Honorable Body require further information, I encourage you to contact Commissioner John C. Loffredo at the Department of Public Works. Thank you for your consideration on this matter.

Sincerely,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/dab
Enclosure

cc: John Loffredo, Department of Public Words

MEMORANDUM

COMPTROLLER'S
RECEIVED

13 JAN -7 PM 1:43

To: Honorable Members of the Erie County Legislature
From: Department of Public Works/Division of Highways
Re: Conveyance of Excess Highway Property
Union Road - Town of Cheektowaga
Date: January 4, 2013

SUMMARY

That the conveyance of interest in the parcel of land adjacent to Union Road, a New York State Department of Transportation (NYSDOT) Road herein described be authorized.

FISCAL IMPLICATIONS

Erie County is to receive \$19,500.00 in consideration for the parcel transfer.

REASONS FOR RECOMMENDATION

The Erie County Lands Advisory Review Committee (ARC) recommends that this approval be granted so that the parcel can be conveyed to the adjoining owner on Union Road, Town of Cheektowaga.

BACKGROUND INFORMATION

The adjacent property owner at 3385 Union Road wished to purchase the lot totally 0.128± acre of County highway property no longer needed for highway purposes adjacent to their property.

CONSEQUENCES OF NEGATIVE ACTION

The property adjacent to Union Road, Town of Cheektowaga, could not be conveyed and would remain under Erie County's jurisdiction.

STEPS FOLLOWING APPROVAL

The Department of Public Works, Division of Highways, will convey the lands described herein to the adjacent property owner.

COMPTROLLER'S OFFICE REVIEW

The proposed legislation has been reviewed by the Comptroller's Office and is related to an authorized capital project for which there are sufficient appropriations for the action proposed.

A handwritten signature in black ink, appearing to read 'GREGORY GACH', is written over a horizontal line.

GREGORY GACH
Deputy Comptroller
Comptroller's Office

**A RESOLUTION SUBMITTED BY:
DEPARTMENT OF PUBLIC WORKS
DIVISION OF HIGHWAYS**

**RE: Conveyance of Excess Highway Property
Union Road - Town of Cheektowaga**

WHEREAS, Benderson Development Company, LLC, property owner at 3385 Union Road, Cheektowaga, New York, wishes to purchase a portion of highway property deemed no longer necessary by the Erie County Lands Advisory Review Committee (ARC); and

WHEREAS, Benderson Development Company, LLC, being the adjacent property owner to the existing highway property will compensate the County of Erie for the agreed upon price of \$19,500.00 for 0.128± acre at the time of filing in the Erie County Clerk's Office.

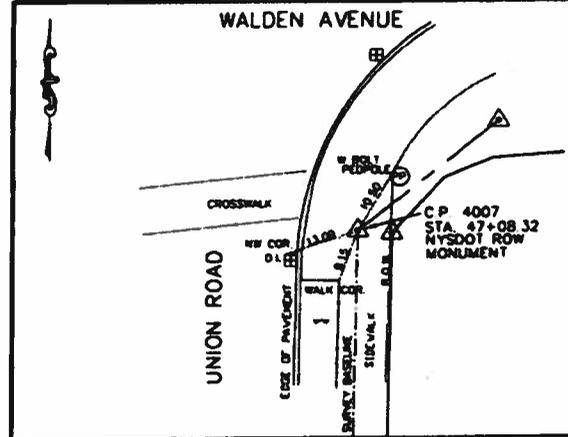
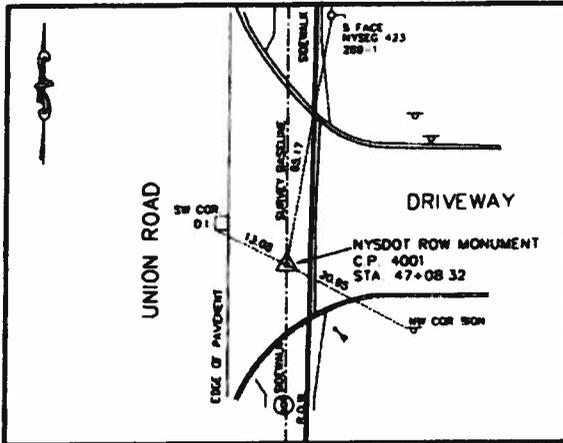
NOW, THEREFORE, BE IT

RESOLVED, that for County purposes of transferring land no longer necessary for highway purposes, the County Executive is hereby authorized and directed to convey the following interest in the parcel of land herein described for and in consideration of the sum described herein for highway property, in the Town of Cheektowaga

PARCEL	OWNER	AREA	VALUE
4	County of Erie	0.128± acre	\$19,500.00

and be it further

RESOLVED, that three (3) certified copies of this resolution be sent to the Department of Public Works, Division of Highways, and one copy each to the Office of the County Executive, the Division of Budget, Management and Finance, and the Office of the Comptroller.



All that piece or parcel of property hereinafter designated as Parcel No. 4, situate in Lot No 11, Township 11, Range 7 of the Holland Land Company's Survey, in the Town of Cheektowaga, County of Erie and State of New York, as shown on the accompanying map and described as follows:

PARCEL NO. 4

Beginning at a point in the division line between the property of the County of Erie on the south and the property of Delta-Sonic Car Wash Systems, Inc. (reputed owner) on the north at its intersection with the existing easterly highway boundary of Gardenville-Williamsville, Part 2, S.M. No 1626, also known as Union Road, as established by appropriation Map 141, Parcel 159, said point being 5.53 feet easterly, measured at right angles from Station 48+31.26 of the hereinafter described survey baseline; thence N 79°56'55" E along said division line and its extension easterly thereof a distance of 162.60 feet to the division line between the property of Banderson Properties, Inc. (reputed owner) on the north and the property of Banderson Development Company, Inc. (reputed owner) on the south, said point also being in the northerly line of subdivision lot number 111, said point being 165.07 feet easterly, measured at right angles from Station 48+62.64 of said survey baseline; thence S 88°55'29" E along said last mentioned division line and along the northerly line of subdivision lot numbers 111, 112, 113 and 114 a distance of 114.72 feet to the northeast corner of subdivision lot number 114, said point also being in the division line between the property of the County of Erie on the west and the property of Banderson Development Company, Inc. (reputed owner) on the east, said point also being 279.79 feet easterly, measured at right angles from Station 48+62.64 of said survey baseline; thence S 01°10'31" W along said last mentioned division line a distance of 2.66 feet to an angle point in said division line, said point being 279.79 feet easterly, measured at right angles from Station 48+59.98 of said survey baseline; thence S 79°56'55" W along said last mentioned division line and continuing along the division line between the property of the County of Erie on the north and the property of Delta-Sonic Car Wash Systems, Inc. (reputed owner) on the south a distance of 277.17 feet to a point in the easterly highway boundary of Union Road, said point being 7.83 feet easterly, measured at right angles from Station 48+06.49 of said survey baseline, thence along the easterly highway boundary of Union Road the following three (3) courses and distances: (1) N 01°04'31" E, 24.73 feet to a point distant 7.83 feet easterly, measured at right angles from Station 48+29.37; (2) N 88°55'29" W, 2.30 feet to a point distant 5.53 feet easterly, measured at right angles from Station 48+29.37; (3) N 01°04'31" E, 1.89 feet to the point of beginning.

The above mentioned survey baseline centerline was established for this conveyance, which is described as follows:

Beginning at C.P. 4001 at Station 47+08.32, thence N 01°04'31" E to C.P. 4007 at Station 49+30.79

All bearings are referenced to True North at the 78°35' Meridian of West Longitude

Unauthorized alteration or addition to a survey map bearing a licensed Land Surveyor's seal is a violation of Section 7209, Subdivision 2 of the New York State Education Law

ERIE COUNTY DEPARTMENT OF PUBLIC WORKS
 DIVISION OF HIGHWAYS
 DESCRIPTION AND MAP FOR THE CONVEYANCE OF PROPERTY

ERIE COUNTY

MAP NO SK 151-5
 PARCEL NO. 4

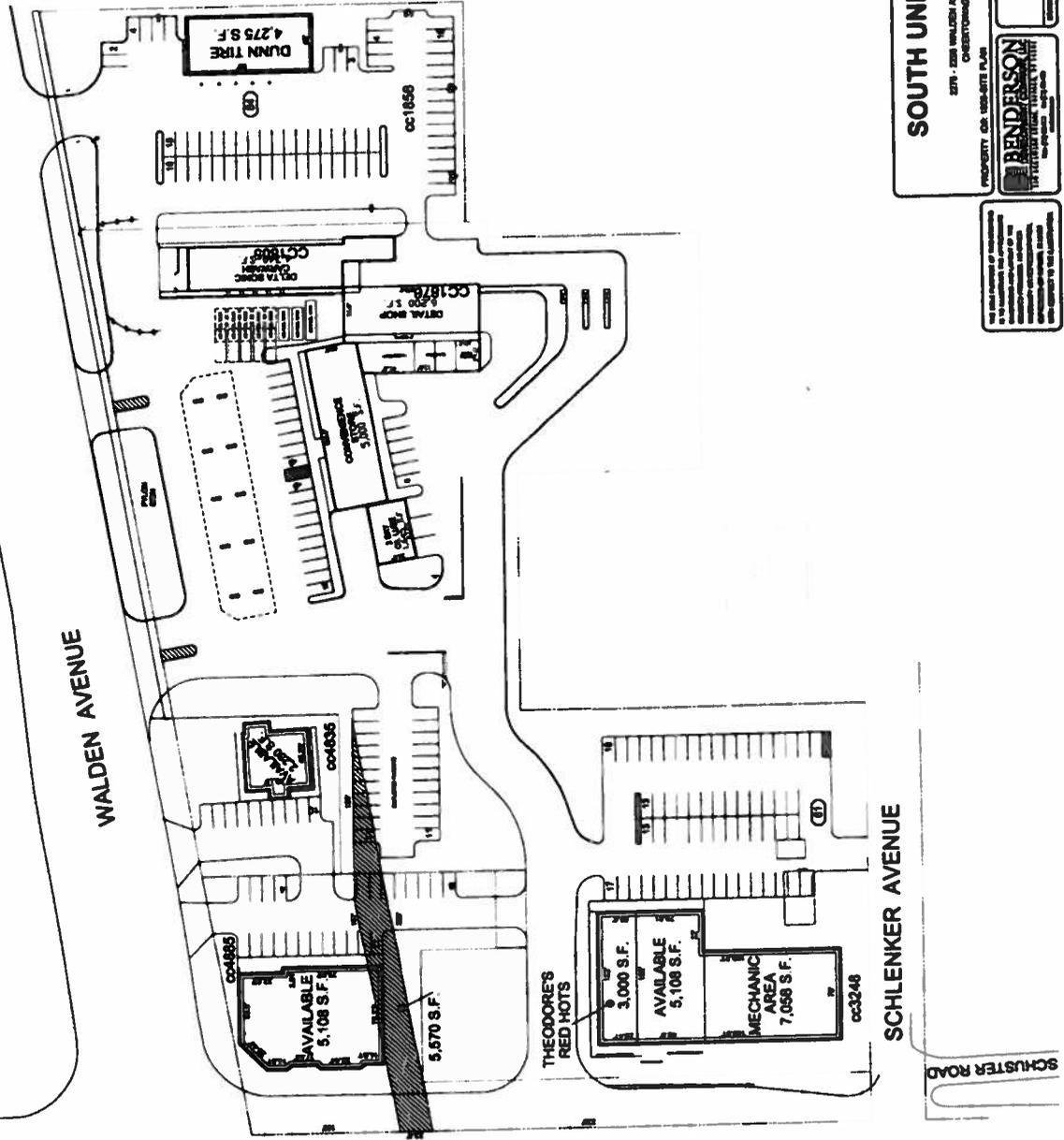
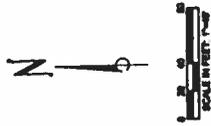
TOTAL AREA = 5,570± Square Feet

COUNTY OF ERIE
 (REPUTED OWNER)



DATE 12/11/12

Douglas R. Hager
 DOUGLAS R. HAGER LIC NO 050204



SOUTH UNION SQUARE
 2271 - 2283 WALDEN AVENUE & 3288 LUDLOW ROAD
 CHESTER/STONEMA, NEW YORK 14228
 11-15-13
 PROPERTY FOR LEASING PLAN
BENDERSON
 117 FIFTH AVENUE, SUITE 1711
 NEW YORK, NY 10003
 (212) 693-1111
 www.benderston.com

THE PLAN IS SUBJECT TO ALL APPLICABLE ZONING AND SUBDIVISION LAWS AND REGULATIONS. THE PLAN IS NOT TO BE USED FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN CONSENT OF BENDERSON. THE PLAN IS NOT TO BE USED FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN CONSENT OF BENDERSON.