



STATE OF NEW YORK  
DEPARTMENT OF TRANSPORTATION  
ALBANY, N.Y. 12232  
www.nysdot.gov

JOAN McDONALD  
COMMISSIONER

ANDREW M. CUOMO  
GOVERNOR

January 4, 2013

Mr. Robert M. Graber  
Clerk of the Legislature  
92 Franklin Street, 4th Floor  
Buffalo, NY 14202

Dear Mr. Graber:

I, Charles Briggs, Transportation Maintenance Division, Department of Transportation, State of New York, do HEREBY CERTIFY that the foregoing is a true copy of Official Order H 2575 of the Department of Transportation and the same has been compared with the original thereof filed in my office on the 4th day of January, 2013 and the same is a correct transcript there from and of the whole thereof. In witness whereof, I have therunto set my hand and affixed the seal of the Department of Transportation of the State of New York, this 4th day of January, 2013.

  
TRANSPORTATION MAINTENANCE DIVISION

DEPARTMENT OF TRANSPORTATION



TO:

**OFFICIAL ORDER**

NEW YORK STATE DEPARTMENT OF TRANSPORTATION  
SUBJECT: DISCONTINUANCE OF  
MAINTENANCE OF BURGESS BLVD, OF  
CONTRACT D259550, IN THE TOWN OF  
CHEEKTOWAGA, COUNTY OF ERIE

Distribution:

- Department-wide
- Highways
- Special
- Waterways

Number H2575 Date 1/4/2013  
Supersedes:

WHEREAS, Highway Law § 10(32) states that the Commissioner of Transportation shall have power, upon the request of a county, city, town or village, whenever such commissioner deems an existing state highway or portion thereof lying within such municipality to be no longer needed or useful to the state highway systems, to enter into an agreement with the appropriate authorities of such municipality to abandon by an official order to such municipality such highway or portion thereof. Upon the filing of certified copies of such official order with the county clerk, the county board of supervisors or county legislative body and the county finance officer of the county in which such municipality lies, the clerk of such municipality, the appropriate officer of such municipality having general direction and supervision of the public highways thereof and the state comptroller, the state shall cease to maintain such highway or portion thereof and all the rights and obligations of the state therein shall be turned over and surrendered to such municipality and such highway or portion thereof shall thereafter be maintained as a part of the highway or road system of such municipality; and

WHEREAS, Highway Law § 345-a states that the abandonment or transfer of any state highway to a county, town, city or village shall be deemed a transfer of all right, title, and interest of the State of New York to and in such highway to such county, town, city or village respectively unless expressly provided to the contrary; and

WHEREAS, an access road was built by the New York State Department of Transportation under contract D259550, Reconstruction of Reference Route 952A & Route NY 33 Genesee Street, State Highway 1212, in the Town of Cheektowaga, now known as Burgess Boulevard, for the purpose of development of vacant land; and

WHEREAS, with the consent of the Town Superintendent of Highways, who agreed to accept and maintain said service road as designed, the Cheektowaga Town Board on the second day of November, 2002 passed a resolution directing the Town Superintendent of Highways to maintain said access road when completed; it is now therefore, hereby

**ORDERED:** That pursuant to § 10(32) of the Highway Law, the following described portion of Burgess Boulevard, including any and all bridges and culverts located thereon or immediately adjacent thereto reconstructed under Contract D259550, is in the judgment of the Commissioner of Transportation, not deemed to be a part of the state highway system and all maintenance

Manual	Code	Date	Page 2 of 2
Subject: DISCONTINUANCE OF MAINTENANCE OF BURGESS BLVD, OF CONTRACT D259550, IN THE TOWN OF CHEEKTOWAGA, COUNTY OF ERIE			

obligations including lighting, curbs, pavement, drainage and snow and ice activity of the State therein are hereby transferred to the Town of Cheektowaga, as follows:

Beginning at Centerline Station RBW 0+782.797± (Access Road) of contract D259550, accepted December 21, 2007, thence running northerly to station 0 +986.± being the intersection of S.H. 1212 for a total distance of approximately 203.2± linear meters or .126± miles.

Excepting the storm water treatment unit which the Department of Transportation will continue to maintain, and it is

**FURTHER ORDERED**, that Town shall maintain all other drainage components but will not make any changes to the drainage system without consent of the Resident Engineer of North Erie.

The above mentioned Centerline Station, as shown on the accompanying map, is established for the reconstruction of Route 33, State Highways 1212, as shown on a map and plan on file in the office of the State Department of Transportation in Buffalo, and it is

**FURTHER ORDERED**: That pursuant to Highway Law § 345-a this shall not be deemed a transfer of all ownership, right, title and interest of the State of New York to and in such road to the Town of Cheektowaga, but such permanent easement shall continue to be vested in the State of New York under the Jurisdiction of the Commissioner of Transportation; and it is

**FURTHER ORDERED**: That certified copies hereof be mailed to the Clerk of the Town of Cheektowaga, the Superintendent of Highways for the Town of Cheektowaga, Clerk of the County of Erie, the Commissioner of Public Works of the County of Erie, the Erie County Legislature, the Erie County Comptroller's Office and the Office of State Comptroller.

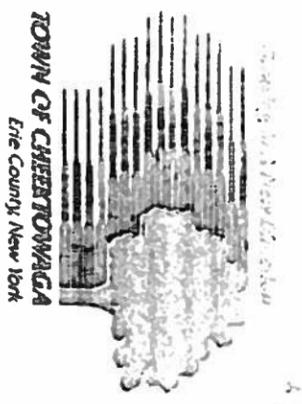
This Official Order issued pursuant to the authorization delegated by Official Order No. 1678 dated May 17, 2011.

FOR THE COMMISSIONER:



Roderic A. Sechrist  
Assistant Commissioner  
Operations and Asset Management

Office of Erie County Clerk  
 Richard M. Moliski  
 Town Clerk  
 686-3434  
 Mary P. Holtz  
 1st Deputy  
 686-3433  
 Vickie L. Dankowski  
 2nd Deputy  
 686-3432



November 5, 2002

Department of Transportation  
 % Thomas S. Messina, Assistant Regional Design Engineer  
 125 Main Street  
 Buffalo, New York 14203

Mr. Messina:

Enclosed please find a certified copy of the resolution(s) adopted by the Cheektowaga Town Board on November 4, 2002 regarding:

1. Commitment to maintain Genesee Street access roads

BY ORDER OF THE TOWN BOARD  
 OF THE TOWN OF CHEEKTOWAGA  
 ERIE COUNTY, NEW YORK

*Richard M. Moliski*  
 Richard M. Moliski  
 Town Clerk

RECEIVED	RMM/lb
R-3 DIVISION	
DEL. VECCHIO	Inc(s).
FERRY	
KAMINSKI	
LA DUC	
MESSANA	
POTCHLOPEK	
ROMANO	
SINGH	
CALABRESE	
BARNACK	



At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Road, in said Town on the 4<sup>th</sup> day of November, 2002 at 7:00 P.M., there were:

PRESENT: Supervisor Dennis H. Gabryszak  
Councilmember Patricia A. Jaworowicz  
Councilmember William P. Rogowski  
Councilmember Thomas M. Johnson, Jr.  
Councilmember Jeff Swiatek  
Councilmember James J. Jankowiak  
Councilmember Thomas J. Mazur

ABSENT: 0

Motion by Councilmember Johnson Seconded by Councilmember Rogowski

WHEREAS, the New York State Department of Transportation ("DOT"), as part of its Genesee Street highway improvements project (PIN 5512.39.101), will be realigning Genesee Street between Dick Road and Sonwil Drive, and

- WHEREAS, as part of such project, the DOT will be
- reconstructing the intersection of Genesee Street and Holz Drive,
  - realigning Sonwil Drive to meet Holz Drive
  - reconstructing Buell Avenue at its approach to Genesee Street
  - constructing two (2) access roads: 1. along the former railroad corridor between Sonwil Drive and Verdian Engineering's east property line; and 2. at the existing traffic signal adjacent to McDonald's (south from Genesee Street along the west property line of McDonald's and Quality Inn, terminating in a cul-de-sac 650± feet south of Genesee Street).
  - constructing sidewalks on the south side of Genesee Street, along a portion of Sonwil Drive, on both sides of a portion of Buell Avenue, and along the proposed western access road to a point 230 feet south of Genesee Street
  - replacing street lighting on the south side of Genesee Street between Dick Road and the Kensington Expressway
  - installing street lighting along the relocated Sonwil Drive

and  
WHEREAS, since the Town of Cheektowaga will be responsible for maintaining the aforementioned access roads in the future after they are constructed, the DOT has requested the Town to agree to accept such access roads, and

WHEREAS, the Town Superintendent of Highways has signed off on same, and has agreed to accept and maintain said access roads on same terms, and

State Of New York  
Erie County  
Office Of The Clerk Of The  
Town of Cheektowaga:

(Seal)

This is to certify that I REGISTERED RECORDED Clerk of the Town of Cheektowaga, in the said County of Erie, have compared the foregoing copy of resolution with the original resolution now on file at this office, and which was passed by the Town Board of the Town of Cheektowaga in said County of Erie on the 4th day of November 2002 and that the same is a correct and true transcript of such original resolution and the whole thereof

*In Witness Whereof* I have hereunto set my hand and affixed the seal of said Town this 5th day of November 2002

  
CLERK OF THE TOWN BOARD, TOWN OF CHEEKTOWAGA, N.Y.



At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Road, in said Town on the 4<sup>th</sup> day of November, 2002 at 7:00 P.M., there were:

PRESENT: Supervisor Dennis H. Gabryszak  
Councilmember Patricia A. Jaworowicz  
Councilmember William P. Rogowski  
Councilmember Thomas M. Johnson, Jr.  
Councilmember Jeff Swiatek  
Councilmember James J. Janlowiak  
Councilmember Thomas J. Mazur

ABSENT: 0

Motion by Councilmember Johnson Secounded by Councilmember Rogowski

WHEREAS, the New York State Department of Transportation ("DOT"), as part of its Genesee Street highway improvements project (PIN 5312.39.101), will be realigning Genesee Street between Dick Road and Sonwil Drive, and

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  - realigning Sonwil Drive to meet Holtz Drive
  - reconstructing Buell Avenue at its approach to Genesee Street
  - constructing two (2) access roads: 1. along the former railroad corridor between Sonwil Drive and Verdian Engineering's east property line; and 2. at the existing traffic signal adjacent to McDonald's (south from Genesee Street along the west property line of Mc Donald's and Quality Inn, terminating in a cul-de-sac 650± feet south of Genesee Street),
  - constructing sidewalks on the south side of Genesee Street, along a portion of Sonwil Drive, on both sides of a portion of Buell Avenue, and along the proposed western access road to a point 230 feet south of Genesee Street
  - replacing street lighting on the south side of Genesee Street between Dick Road and the Kensington Expressway
  - installing street lighting along the relocated Sonwil Drive
- and

WHEREAS, since the Town of Cheektowaga will be responsible for maintaining the aforementioned access roads in the future after they are constructed, the DOT has requested the Town to agree to accept such access roads, and

WHEREAS, the Town Superintendent of Highways has signed off on same, and has agreed to accept and maintain said service roads as designed when constructed provide they meet or exceed Town specifications for Town highways, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board agrees to, after completion of construction of the aforementioned Genesee Street access roads meeting or exceeding Town specifications, accept same by resolution as Town highways and authorizes and directs the Town Superintendent of Highways to maintain same, and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to forward a certified copy of this resolution to the DOT, c/o Thomas S. Messana, Asst. Regional Design Engineer, 125 Main Street, Buffalo, New York 14203.

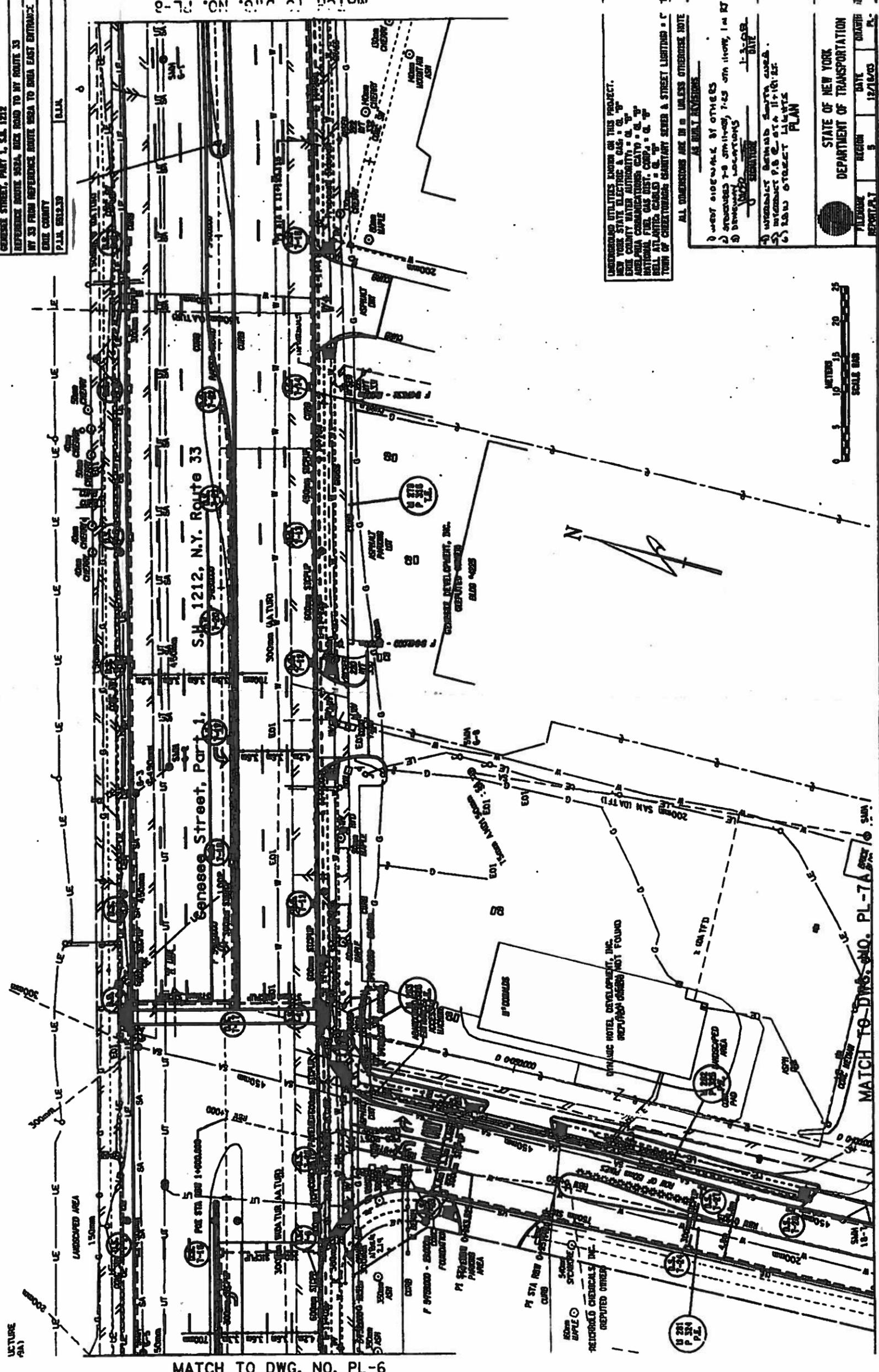
Upon roll call...

Supervisor Gabryszak	Voting	AYE
Councilmember Jaworowicz	Voting	AYE
Councilmember Rogowski	Voting	AYE
Councilmember Johnson	Voting	AYE
Councilmember Swiatek	Voting	AYE
Councilmember Janlowiak	Voting	AYE
Councilmember Mazur	Voting	AYE

AYES: 7  
 NAYES: 0  
 ABSENT: 0



FED. ROAD DIST. NO.	STATE	CONTRACT NO.	SHEET NO.	TOTAL SHEETS
1	N.Y.	D259550	114	115
GENESEE STREET, PART 1, S.B. 1212				
REFERENCE ROUTE 33, BICK ROAD TO NY ROUTE 33				
NY 33 FROM REFERENCE ROUTE 33 TO BICK EAST ENTRANCE				
ONE COUNTY				
P.L.N. 0812.39				



UNDERGROUND UTILITIES KNOWN ON THIS PROJECT.	ALL DIMENSIONS ARE IN M UNLESS OTHERWISE NOTED
NEW YORK STATE ELECTRIC & GAS CO. 'G'	AS SHOWN ON PLANS
ONE COUNTY WATER AUTHORITY 'A'	
ADLAWA COMMUNICATIONS CO. 'C'	
NATIONAL FUEL GAS DIST. CO. 'G'	
BELL ATLANTIC CORP. 'G'	
TOWN OF CHESTERBOROUGH SANITARY SEWER & STREET LIGHTING 'C'	
1. CHECK FOR CONFLICTS	
2. CHECK FOR CONFLICTS	
3. CHECK FOR CONFLICTS	
4. CHECK FOR CONFLICTS	
5. CHECK FOR CONFLICTS	
6. CHECK FOR CONFLICTS	

DESIGN SUPERVISOR: J. S. URSANA, JOB MANAGER: R. A. FIELD, DESIGNED BY: J. H. RULLITER, CHECKED BY: R. A. FIELD, ESTIMATED BY: J. H. RULLITER, DRAWN BY: E. A. BARKER, CHECKED BY: J. H. RULLITER

FILE NAME: D:\Users\jessana\work\259550\259550.rvt  
 DATE/TIME: 18-DEC-2003 10:01  
 USER: jessana

