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COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

April 2, 2012

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

RE: Erie County Sewer District No. 3
Authorization of Easement Acquisition
McKinley Pumping Station Elimination
Contract No. 40 – SBL No. 183.15-5-1
Village of Hamburg

Dear Honorable Members:

Enclosed please find a resolution and an accompanying memorandum from the Department of Environment and Planning pertaining to an Authorization of Easement Acquisition for Erie County Sewer District No. 3.

Should your honorable body require further information, I encourage you to contact Joseph L. Fiegl, P.E. in the Department of Environment and Planning. Thank you for your consideration on this matter.

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP:ms
Enclosure

cc: Joseph L. Fiegl, P.E. in the Department of Environment and Planning

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Environment and Planning
Re: Erie County Sewer District No. 3
Authorization of Easement Acquisition
McKinley Pumping Station Elimination
Contract No. 40 – SBL No. 183.15-5-1
Village of Hamburg
Date: March 26, 2012

SUMMARY

Approval to acquire a .06± acre permanent easement with a .06± acre temporary easement in the Village of Hamburg in the amount of $50,000.00 from James Appolson is requested.

FISCAL IMPLICATIONS

There are no fiscal implications to the County's General Fund. Funds for the easement acquisition will be taken from Erie County Sewer District No. 3 Bond Account No. C.00062.

REASON FOR THE RECOMMENDATION

In order to eliminate the McKinley Pumping Station in the Village of Hamburg it is necessary to acquire permanent and temporary easements. This will enable the Sewer District to install gravity sanitary sewers; thereby, saving significant operating and capital costs by eliminating the existing pumping station.

BACKGROUND INFORMATION

Effective in 2005, Erie County/Erie County Sewer District (ECSD) No. 3 assumed ownership of the Village of Hamburg's sanitary sewer system including the Charlotte, Sherburn and McKinley Pumping Stations. At the time of the transfer the Village was, and remains, under an Order on Consent from the New York State Department of Environmental Conservation for elimination of Sanitary Sewer Overflows (SSOs). Under the previous agreement the Village has agreed to fund the elimination of the pumping stations.

The area to be serviced by this project is in the Village of Hamburg. This area is currently serviced by a sewage pumping station. Acquisition of this permanent easement will enable elimination of the existing pumping station. A permanent easement of .06± acres is needed along with a temporary easement of .06± acres for the work area.

Based on information provided in an independent appraisal, an offer of $50,000.00 was made to acquire the easements and compensate the property owner. The owner of this property has indicated his willingness to accept the appraisal for this amount.

CONSEQUENCES OF A NEGATIVE ACTION

Failure to proceed with these improvements will force Erie County Sewer District No. 3 to continue paying $20,000.00 - $30,000.00 per year to operate and maintain the existing pumping

station. In addition, the station will have to be upgraded in the future at substantial capital expense ($250,000.00).

STEPS FOLLOWING APPROVAL

The Department of Environment and Planning will execute the necessary documents to purchase the .06± acre permanent easement along with the .06± temporary easement area subject to "Approval as to Form" by the County Attorney.

COMPTROLLER 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 capital appropriations for the action required.

Signed Lorne H. Steinhart Date March 28, 2012

Title Lorne Steinhart
Deputy Comptroller

Maria R. Whyte JLF
Maria R. Whyte
Commissioner

MW:JAC:ms
Encl.
Cc: Board of Managers ECSD No. 3
J.Fiegl/0.11.0.Leg Ltr
D.Millar/S.Tirone/C.Schunk/E.Paolini/

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A RESOLUTION SUBMITTED BY:
DEPARTMENT OF ENVIRONMENT & PLANNING

RE: Erie County Sewer District No. 3
Authorization of Easement Acquisition
McKinley Pumping Station Elimination
Contract No. 40 – SBL No. 183.15-5-1
Village of Hamburg

WHEREAS, the Erie County Sewer District No. 3 Board of Managers and the Erie County Legislature have previously authorized construction of a network of sanitary sewers and pumping stations in the Village of Hamburg; and

WHEREAS, Erie County Sewer District No. 3 needs to acquire a permanent .06± acre and a temporary .06± acre easement (SBL 183.15-5-1) adjacent to the McKinley Pumping Station for the future construction of sanitary sewers to enable the elimination of the existing pumping station; and

WHEREAS, an independent appraisal has been prepared of the easement area for Erie County Sewer District No. 3.

NOW, THEREFORE, BE IT

RESOLVED, that Erie County Sewer District No. 3 be authorized to acquire said easements adjacent to the McKinley Pumping Station owned by James Appolson (SBL 183.15-5-1) for the sum not to exceed $50,000.00, with documents subject to approval as to form by the County Attorney; and be it further

RESOLVED, that the Comptroller be authorized and directed to allocate the sum not to exceed $50,000.00 from Erie County Sewer District No. 3, Sewer Capital C.00062; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this resolution to Joseph L. Fiegl, P.E., Department of Environment and Planning; and one certified copy to the County Executive; the Director of Budget, Management and Finance; the Erie County Comptroller; Kristen Walder, Assistant County Attorney.