

February 8, 2018

ECONOMIC DEVELOPMENT COMMITTEE  
REPORT NO. 3

ALL MEMBERS PRESENT.

CHAIR SAVAGE PRESENT AS EX-OFFICIO MEMBER.

1. COMM. 3E-6 (2018)  
**COUNTY EXECUTIVE**

WHEREAS, Erie County, through the Department of Environment and Planning, serves as the administrative agent for the Erie County/Town of West Seneca Community Development Consortium and Erie County/Town of West Seneca/Town of Hamburg HOME Investment Partnership Consortium; and

WHEREAS, a major responsibility of the Department as the administrative agent, is the preparation of the annual program application materials, and submittal of same to the Federal Department of Housing and Urban Development; and

WHEREAS, the Erie County Community Development Block Grant Consortium and HOME Consortium approved the 2018 Action Plan at their session held on January 25, 2018.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive, on behalf of the Erie County Community Development Consortium and Town of Hamburg/Erie County HOME Consortium, is hereby authorized to submit this resolution to the United States Department of Housing and Urban Development (HUD) as supportive material to the 2018 Annual Action Plan for the Community Development Block Grant, Emergency Solutions, and HOME Investment Partnership Programs having estimated dollar amounts as indicated.

- |                                                          |             |
|----------------------------------------------------------|-------------|
| 1. Erie County Consortium Community Development Program: | \$2,733,034 |
| 2. Emergency Solutions Program:                          | \$219,286   |
| 3. HOME Investment Partnership Program:                  | \$624,718   |
| 4. Town of Hamburg Community Development Program:        | \$360,000   |

and be it further

RESOLVED, that the County Executive on behalf of the Erie County Community Development Consortium and Town of Hamburg/Erie County HOME Consortium is hereby authorized to submit and execute any and all applications and agreements with HUD, local governments, property owners receiving housing assistance, non-profit, and for-profit agencies, which are necessary to implement the above programs with the exception that any proposed agreement that transfers all or a portion of the administrative functions of the program from Erie County to a sub-recipient or contractual agency shall

require approval from the Erie County Community Development Consortium and the Erie County Legislature; and be it further

RESOLVED, that the Commissioner of the Department of Environment and Planning is hereby authorized to execute any and all HOME Agreements with property owners participating in County housing programs assisted with Federal HOME Investment Partnership funds; and be it further

RESOLVED, that the Commissioner of the Department of Environment and Planning is hereby authorized to execute any and all discharges of Erie County Note and Mortgages and/or Lien documents associated with any and all Erie County Housing Programs funded through the Federal Community Development Block Grant and/or HOME Investment Partnership Programs; and be it further

RESOLVED, that copies of this resolution shall be forwarded to the County Executive; the Commissioner of the Department of Environment and Planning; the County Comptroller; the County Attorney; and the Director of the Division of Budget and Management.  
(6-0)

2. COMM. 3E-15 (2018)  
**COUNTY EXECUTIVE**

WHEREAS, a highway rehabilitation and slide stabilization project for Tonawanda Creek Road in the Towns of Pendleton and Lockport in Niagara County and the Town of Clarence in Erie County (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, and calls for the apportionment of the costs of such project to be borne at the ratio of 80% federal funds and 20% non-federal funds; and

WHEREAS, the lead agency for the Project is Niagara County; and

WHEREAS, Niagara County is party to a Local Project Agreement (LPA) with NYSDOT for the Project for Preliminary Engineering Phases I-IV and ROW Incidentals; and

WHEREAS, the Project includes remediation of the June 2014 slide on Tonawanda Creek Road (CR 559) in the Town of Clarence; and

WHEREAS, Erie County desires to advance and participate in the Project; and

WHEREAS, the non-federal portion of Project funds required by the LPA are being provided by the State of New York therefore requiring no contribution of funds from either Niagara or Erie Counties; and

WHEREAS, an inter-municipal agreement between Niagara County and Erie County is necessary for Erie County's participation in the Project; and

WHEREAS, additional Legislative authorization will be needed should the cost of the Project phases noted exceed the available federal and non-federal funding requiring funding participation from Erie County for the Tonawanda Creek Road (CR 559) site in the Town of Clarence.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the subject Project; and be it further

RESOLVED, that the County Executive be authorized to execute an inter-municipal agreement between County of Erie and Niagara County, subject to approval by the County Attorney, for participation in Design Phases I-IV and the ROW Incidentals Phase of the Project; and be it further

RESOLVED, that should the cost of the Project phases noted exceed the available federal and non-federal funding requiring funding participation from Erie County for the Tonawanda Creek Road (CR 559) site in the Town of Clarence additional legislative authorization will be sought for such participation; and be it further

RESOLVED, that the Clerk of the Legislature forward three (3) certified copies of this resolution to the Department of Public Works, Office of the Commissioner, and also one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.  
(6-0)

3. COMM. 3E-16 (2018)  
**COUNTY EXECUTIVE**

WHEREAS, the Tonawanda Rails to Trails Extension Project PIN 5761.02 (the "Project") was approved by your Honorable Body via Comm. 11E-10 (June 11, 2015) and Comm. 2E-8 (February 9, 2017); and

WHEREAS, additional funding in the estimated amount of \$59,000 is required for an Amendment for completion of the Preliminary Engineering (Phases I-VI) and Right of Way phases of the project; and

WHEREAS, the County of Erie desires to execute an Amendment with the project consultant, C&S Companies, for the increase in cost of the Preliminary Engineering (Phases I-VI) and Right of Way phases of the Project; and

WHEREAS, the \$59,000 necessary for this Amendment is available from Fund 420, Funds Center 123, SAP Project No. B.14024 - 2014 Capital Road Overlay Program in the amount of \$12,000 and Fund 420, Funds Center 123, SAP Project No. B.16007- 2016 Federal Aid Projects ROW in the amount of

\$47,000.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the above subject amendment and increase in project funding; and be it further

RESOLVED, that the County Executive is hereby authorized to execute an Amendment to the County's current contract with project consultant C&S Companies in an amount not to exceed \$59,000; and be it further

RESOLVED, that the following authorized project funds from Fund 420, Funds Center 123, SAP Project No. B.14024. - 2014 Capital Road Overlay Program in the amount of \$12,000 and from Fund 420, Funds Center 123, SAP Project No. B.16007 - 2016 Federal Aid Projects ROW in the amount of \$47,000 be made available for this amendment; and be it further

RESOLVED, that three (3) certified copies of this resolution be forwarded to the Department of Public Works, Office of the Commissioner, and one copy each to the Office of the County Executive, the Division of Budget and Management, the Office of the County Attorney, and the Office of the Comptroller.  
(6-0)

4. COMM. 3E-18 (2018)  
**COUNTY EXECUTIVE**

WHEREAS, it is desired to allocate monies to purchase Right-of-Way (ROW) necessary for the rehabilitation of culvert 127-05 on Old Lakeshore Road in the Town of Hamburg for the "Project"; and

WHEREAS, it is desired to acquire the Right-of-Way (ROW) necessary for the rehabilitation of culvert 127-05 on Old Lakeshore Road in the Town of Hamburg for the "Project"; and

WHEREAS, to facilitate the construction of the Project it will be necessary for the County to acquire by easement and/or fee, such parcels as may become necessary for construction, including parcels that are portions of real property in the vicinity of the project as follows:

<u>PORTIONS OF TAX MAP SBL NUMBER</u>	<u>TOWNSHIP</u>
SBL 193.01-3-8	Hamburg
SBL 193.01-3-15.12	Hamburg
SBL 193.01-3-21	Hamburg

Such property necessary to be acquired by the County is herein referred to as the "Subject Properties"; and

WHEREAS, the acquisition of the portions of the Subject Properties is to be de minimis in nature so the public interest will not be prejudiced by the construction of the Project; and

WHEREAS, should one or more owners of the Subject Properties refuse to convey such portion of their real property to the County for an amount not exceeding fair market value, it will be necessary for the County to acquire the Subject Property by commencing eminent domain proceedings.

NOW, THEREFORE, BE IT

RESOLVED, that the sum of monies not to exceed the limit of \$10,000 be made available in SAP B.17006 2017 Capital Right of Way, Fund 420, BA123 for all costs of ROW acquisitions; and be it further

RESOLVED, that the Erie County Legislature hereby approves the acquisition of the ROW required to construct the Project; and be it further

RESOLVED, that the County of Erie is authorized to acquire the necessary real property interests from the aforementioned Subject Properties for the purpose of constructing the Project; and be it further

RESOLVED, that the County of Erie is authorized to enter into all necessary contracts and agreements for the acquisition of the required ROW to construct the Project; and be it further

RESOLVED, that the Commissioner of Public Works, or his authorized representatives, including Urban Engineers of New York, Inc., are hereby authorized to establish the amounts which he believes to represent just compensation for the real property interests to be acquired; and be it further

RESOLVED, that the Commissioner of Public Works, or his authorized representatives, including Urban Engineers of New York Inc., are hereby authorized to negotiate and offer just compensation amounts to the owners of the Subject Properties for the purpose of acquiring the necessary real property interest in portions of their respective parcels of real property by easement and/or fee, which acquisition is necessary for construction of the Project; and be it further

RESOLVED, that the Commissioner of Public Works, or his authorized representatives, including Urban Engineers of New York Inc., are authorized to act on behalf of the County of Erie in connection with the acquisition of the required ROW from the owners of the Subject Properties; and be it further

RESOLVED, that the County Attorney shall prepare and the County Executive shall execute all appropriate documents relating to acquiring easement and/or fee interests in the necessary ROW; and be it further

RESOLVED, should one or more owners of the Subject Properties refuse to convey such portions of their real property to the County for an amount not to exceed the just compensation determined by the Commissioner of Public Works, or his authorized representatives, including Urban Engineers of New York, Inc., the County is authorized to commence eminent domain procedures; and be it further

RESOLVED, that the Clerk of the Legislature forward three (3) certified copies of this resolution to the Department of Public Works, Office of the Commissioner, and also one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller. (6-0)

**PATRICK B. BURKE**  
**CHAIR**