



ECLEG FEB14'11 AM1018

COUNTY OF ERIE

CHRIS COLLINS

COUNTY EXECUTIVE

February 9, 2011

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

**RE: Right-of-Way Acquisition
Reconstruction of Seneca Street Bridge (BR 215-RR1)
Over Norfolk Southern Railroad
Town of West Seneca
PIN 5755.25, Erie County**

Honorable Members:

We are forwarding for your approval a proposed resolution authorizing the County of Erie to acquire Right-of-Way to facilitate reconstruction of the above noted bridge.

Should your honorable body require further information, I encourage you to contact the Department of Public Works, Office of the Commissioner. Thank you for your consideration on this matter.

Sincerely,

A handwritten signature in dark ink, appearing to read "Chris Collins", is written over the printed name.

CHRIS COLLINS
Erie County Executive

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Public Works, Office of the Commissioner
Re: Right-of-Way Acquisition
Reconstruction of Seneca Street Bridge (BR 215-RR1)
Over Norfolk Southern Railroad
Town of West Seneca
PIN 5755.25, Erie County
Date: February 9, 2011

SUMMARY

To pass a resolution authorizing the County of Erie to acquire additional Right-of-Way.

FISCAL IMPLICATIONS

Right-of-Way Acquisition Phase costs of this Project are currently estimated at \$94,000.00 (SAP B.00007) of which up to 95% is Federal and State reimbursable. Right-of-Way Acquisition is recommended for three additional parcels and will be negotiated within the budgeted allowance.

REASONS FOR RECOMMENDATION

To allow the County to acquire necessary additional Right-of-Way for reconstruction of the bridge.

BACKGROUND INFORMATION

This Project has been approved by the New York State Department of Transportation in their current Capital Program to be funded with Federal Aid funds and to be let in the spring of 2011.

CONSEQUENCES OF NEGATIVE ACTION


This action is required to insure meeting Federal and State guidelines for reconstruction of this bridge. Negative action will halt Project progress and have detrimental fiscal, health and safety implications.

STEPS FOLLOWING APPROVAL

The County Executive will execute the Contract of Sale and Right-of-Way will be acquired to facilitate reconstruction of the bridge.

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.



LORNE H. STEINHART

Deputy Comptroller
Comptroller's Office

GJS/WS/lr

File Copy (DPW.2.9.11-4.ROW Seneca Street Bridge.doc)

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

RE: Right-of-Way Acquisition
Reconstruction of Seneca Street Bridge
(BR 215-RR1)
Over Norfolk Southern Railroad
Town of West Seneca
PIN 5755.25, Erie County

WHEREAS, a project for reconstruction of BR 215-RR1, Seneca Street Bridge, over Norfolk Southern Railroad, West Seneca, Erie County, PIN 5755.25 (the "Project") was authorized by this honorable body on May 19, 2005 via Communication 8E-36; and

WHEREAS, via Communication 5E-19 (2009) of March 26, 2009 this Honorable Body approved the acquisition of 10 identified Parcels for the purpose of this Project; and

WHEREAS, in order to facilitate the reconstruction of the bridge, it will be necessary for the County to acquire three additional parcels by permanent easement or temporary easement, portions of real property in the vicinity of the bridge;

PORTIONS OF TAX MAP SBL NUMBERS

TOWNSHIP

SBL 134.17-3-7
SBL 134.17-3-10
SBL 134.14-4-32

West Seneca
West Seneca
West Seneca

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

WHEREAS, in order to acquire the permanent easement or temporary easement for the Project, it will be necessary for the County to establish an amount which it believes to represent just compensation for the real property interest to be acquired and to thereafter make a written offer to purchase the real property interest for the respective just compensation amount; and

WHEREAS, the acquisition of the portion of the Subject Properties are de minimis in nature so that the public interest will not be prejudiced by the reconstructed bridge and other general improvements to the subject section of Seneca Street (CR 215); and

WHEREAS, 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 exceeding fair market value, it will be necessary for the County to acquire the Subject Properties by commencing eminent domain proceedings.

NOW, THEREFORE, BE IT

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

RESOLVED, that the sum of \$94,000.00 has previously been appropriated from the 1999 Federal Aid Road and Bridge Project Program (SAP B.00007) via County Resolution 8E-36 adopted May 19, 2005 and made available to cover the cost of Right-of-Way acquisition; and be it further

RESOLVED, that the County of Erie is authorized to acquire easement title to the aforementioned Subject Properties for the purpose of reconstructing and improving the aforementioned Seneca Street Bridge (BR 215-RR1) Project; and be it further

RESOLVED, that the Commissioner of Public Works, or his authorized representatives, are hereby authorized to establish the amounts which he believes to represent just compensation for the real properties to be acquired; and be it further

RESOLVED, that the Commissioner of Public Works, or his authorized representatives, are hereby authorized to negotiate and offer just compensation amounts to the owners of the Subject Properties for the purpose of acquiring interests in portions of their respective parcel of real property by permanent easement or temporary easement, which acquisitions are necessary for the Seneca Street Bridge (BR 215-RR1) reconstruction project; and be it further

RESOLVED, that the Commissioner of Public Works, or his authorized representatives, are authorized to act on behalf of the County of Erie in connection with the acquisition of the portions of the aforementioned Subject Properties; and be it further

RESOLVED, that based upon the factors previously set forth herein, it is the determination of this County Legislature that such acquisitions of portions of the aforementioned Subject Properties are de minimis in nature; and be it further

RESOLVED, that the County Attorney shall prepare and the County Executive shall execute all appropriate documents relating to acquiring fee and/or easement interests in the Subject Properties; 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, the County is authorized to commence eminent domain procedures; and be it further

RESOLVED, that the Clerk of the Legislature forward ten (10) certified copies of this resolution to the Department of Public Works, Office of the Commissioner, to be forwarded to the New York State Department of Transportation and also one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.

OFFICE OF THE COMPTROLLER REVIEW

DATE: 2/10/11PROJECT TITLE: B.00007 Fed Aid Various Rd & Bridge Design1) IS THE REASON FOR THIS CONTRACT CONSISTENT WITH THE PURPOSE
OF THE PROJECT: YES ☒ NO ☐

IF NO, RETURN THIS REQUEST TO THE DEPARTMENT

IF YES, COMPLETE THE FOLLOWING VERIFICATION

2) PROJECT AVAILABLE APPROPRIATIONTOTAL PROJECT REVENUES \$ 10,769,119.00TOTAL PROJECT APPROPRIATIONS \$ 10,769,119.00LESS: TOTAL EXPENDITURE TO DATE \$ 8,533,603.69TOTAL COMMITMENTS \$ 201,798.95AVAILABLE APPROPRIATIONS AS OF DATE OF REQUEST \$ 2,033,716.36LESS: CONTRACT AMOUNT: 94,000.00NET AVAILABLE APPROPRIATIONS \$ 1,939,716.36COMMENTS: Cash in project: \$172,338.55REQUEST APPROVED: Lorne H. Steinhart

REQUEST DENIED: _____

DATE: 2/10/11

Fund/Group 410..520

Funds Center *

Funded Program B.00007

(99 FED AID VAR. RD & BRG DESN

(*)

)

Commitment Item	Original Budget	Adjustments	Current Budget	Commitment	Actuals
405080 NYS Fed Road Project					122,658.84-
405160 Marchiselli Aid		1,378,310.00-	1,378,310.00-		1,210,027.22-
409010 State Aid - Other	1,186,215.00-	1,139,715.00	46,500.00-		150,445.81-
410170 Federal Road Aid	6,326,480.00-	1,839,615.00-	8,166,095.00-		6,279,381.60-
414000 Federal Aid		248,000.00-	248,000.00-		57,738.71-
466000 Misc Receipts					0.81-
475000 Gen Oblig Bond Proc	395,405.00-	609,595.00-	1,005,000.00-		1,005,000.00-
475020 Reserve Bond Proceed		74,786.00	74,786.00		
Revenue	7,908,100.00-	2,861,019.00-	10,769,119.00-		8,825,252.99-
500000 Full Time - Salaries					15,614.41
502000 Fringe Benefits					7,807.20
516020 Pro Ser Cnt And Fees			856,443.40	201,798.95	5,729,849.61
561100 Acquisition Land					2,422,733.85
562000 Capital Labor Trans					357,598.62
CAPITALPROJECTS Capital Project Exp	7,908,100.00	2,861,019.00	9,912,675.60		
Expense	7,908,100.00	2,861,019.00	10,769,119.00	201,798.95	8,533,603.69
* Commitment Item				201,798.95	291,649.30-

fund(s): 400..599

Fiscal Year: 2011

Project(s):B.00007

99 FED AID VAR. RD & BRG DESN

Period: 1 to 16

Account	Prev. Yr.	YTD Debit	YTD Credit	End Bal
117000 CASH CONTROL ACCOUNT	172,616.30	73.80	351.55-	172,338.55
117200 MISCELLANEOUS CASH				
121000 AR CONTROL - STATE CUSTOMERS	82,954.88			82,954.88
121999 AR CONVERSION SAP				
124000 A/R - OTHER	36,355.87			36,355.87
125000 A/R ACCRUALS - OTHER GOV'T				
130000 DUE FROM (DUE TO) OTHER FUNDS				
200000 ACCOUNTS PAYABLE CONTROL ACCT	277.75-	351.55	73.80-	
200200 GR/IR ACCOUNT				
205400 UNCLASSIFIED CASH RECEIPTS				
389999 UNRESERVED/UNDESIGNATED FUND BALANCE				
Balance Sheet	291,649.30	425.35	425.35-	291,649.30
405080 NYS FEDERAL ROAD PROJECTS	122,658.84-			122,658.84-
405160 MARCHISELLI AID	1,210,027.22-			1,210,027.22-
409010 STATE AID - OTHER	150,445.81-			150,445.81-
410170 FED PORTION - MARCHISELLI AID	6,279,381.60-			6,279,381.60-
414000 FEDERAL AID	57,738.71-			57,738.71-
466000 MISCELLANEOUS RECEIPTS	0.81-			0.81-
475000 GENERAL OBLIGATION BOND PROCEEDS	1,005,000.00-			1,005,000.00-
Revenues	8,825,252.99-			8,825,252.99-
500000 FULL TIME - SALARIES	15,614.41			15,614.41
502000 FRINGE BENEFITS	7,807.20			7,807.20
516020 PROFESSIONAL SERVICE CONTRACTS AND FEES	5,729,849.61			5,729,849.61
561100 ACQUISITION, LAND	2,422,733.85			2,422,733.85
562000 CAPITAL LABOR TRANSFER	357,598.62			357,598.62
Expenditures	8,533,603.69			8,533,603.69
* Total		425.35	425.35-	

3/18/99 VESQ 121

A Project Description (object or purpose)	B Estimated Maximum Cost	C Amount of Bonds Authorized	D State or Federal Aid Expected	E PPU Sec. 11.003 reference	F Project Details
1 County Buildings Asbestos Abatement Reconstruction (Countywide) (Phase VII) <i>'99 410-125</i>	\$400,000	\$400,000		15 yrs. Par.12(a)(2)	Partial reconstruction of buildings for removal and abatement of asbestos.
2 Convention Center Building Reconstruction (Phase VII) <i>'99 410-126</i>	\$100,000	\$100,000		15 yrs. Par.12(a)(2)	Improvements to the Convention Center including but not limited to completion of cleaning of the Convention Center's exterior wall and caulking.
3 Botanical Gardens Various Improvements (Buffalo/Lackawanna) <i>'99 410-130</i>	\$500,000	\$500,000		15 yrs. Par.19(c)	Improvements to Botanical Gardens including but not limited to rehabilitating portions of deteriorated glass dome and miscellaneous improvements.
4 Chestnut Ridge Park Water Lines Phase III (Countywide) <i>'99 410-133</i>	\$200,000	\$200,000		40 yrs. Par.1	Installation of water supply lines to replace the existing system.
(a) Various Highway Design County Road Fund Federal Aid Program <i>B.00007</i> <i>'99 420-134</i>	\$719,200 (1999 Local Share)	\$719,200 (1999 Local Share)	YES	5 yrs. Par.62.2nd.	County share of 1999 phase design work for six (6) road design projects, including East Robinson/North French (Amherst); Maple Road (Amherst); Maple Road/Youngs Road (Amherst); North Forest Road (Amherst); Pine Ridge Road (Cheektowega); and Wehule Drive (Amherst).
(b) Various Bridge Design County Road Fund Federal Aid Program <i>1,005,000</i> <i>B.00007</i>	\$285,800 (1999 Local Share)	\$285,800 (1999 Local Share)	YES	5 yrs. Par.62.2nd.	County share of 1999 phase design work for seven (7) bridge design projects, including Cemetery Road (Lancaster); East Church Street (Eden); Glen Avenue (Williamsville); Glenwood E. Concord Road (Concord); Mill Road (Aurora); Pavement Road (Lancaster); and Seneca Street (West Seneca) Bridges.
5 Various Road Reconstruction County Road Fund Federal Aid Program <i>'99 420-135</i>	\$443,200 (1999 Local Share)	\$443,200 (1999 Local Share)	YES	15 yrs. Par.20	County share various road reconstruction costs.
7 Various Bridge Reconstruction County Road Fund Federal Aid Program <i>'99 420-136</i>	\$603,800 (1999 Local Share)	\$603,800 (1999 Local Share)	YES	20 yrs. Par. 10	County share of various bridge reconstruction costs.

STATE OF NEW YORK

LEGISLATURE OF ERIE COUNTY CLERK'S OFFICE

BUFFALO, N.Y., April 29, 1999

420-134
\$ 00007

TO WHOM IT MAY CONCERN:

I HEREBY CERTIFY, That at the 8th Session of the Legislature of Erie County, held in the County Hall, in the City of Buffalo, on the Twenty-ninth day of April A.D., 1999, a Resolution was adopted, of which the following is a true copy:

WHEREAS, a project for the replacement of the CR 215, Seneca Street, Bridge over Conrail, BIN 3-36208-0, in the Town of West Seneca, Erie County, P.I.N. 5755.25 (the "Project") is eligible for funding under Title 23, U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds; and

WHEREAS, the County of Erie desires to advance the Project by making commitment of 100% of the non-Federal share of the costs of Preliminary Engineering (Scoping and Design I-VI) and Right-of-Way Incidentals Phases of the Project, PIN 5755.25.

NOW, THEREFORE, the County Legislature of the County of Erie, duly convened does hereby

RESOLVE, that the County Legislature of the County of Erie hereby approves the above subject Project; and be it further

RESOLVED that the County Legislature of the County of Erie hereby authorizes the County of Erie to pay in the first instance 100% of the Federal and non-Federal share of the costs of Preliminary Engineering (Scoping and Design I-VI) and Right-of-Way Incidentals Phases of the project or portions thereof; and be it further

RESOLVED, that the sum of \$66,000.00 is hereby appropriated from the 1999 Federal Aid Projects Program and made available to cover the cost of participation in the above phases of the Project; and be it further

RESOLVED, that in the event the amount required to pay in the first instance 100% of the Federal and non-Federal shares of the cost of the Preliminary Engineering (Scoping and Design I-VI) and Right-of-Way Incidentals Phases exceeds the amount appropriated above \$66,000.00 and/or 100% of the full Federal and non-Federal shares of the cost of the Preliminary Engineering (Scoping and Design I-VI) and Right-of-Way Incidentals Phases exceeds \$330,000.00, the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the NYSDOT thereof; and be it further

RESOLVED, that the County Executive of the County of Erie be and is hereby authorized to execute all necessary agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the County of Erie with the NYSDOT in connection with the advancement or approval of the Project and providing for the administration of the Project and the Municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations thereof that are not so eligible; and be it further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation, by attaching it to any necessary Agreement in connection with the Project; and be it further

RESOLVED, that the Clerk of the Legislature forward ten (10) certified copies of this Resolution to the Deputy Commissioner, Highways, to be forwarded to the New York State Department of Transportation, and one certified copy shall be forwarded to the Erie County Comptroller.

Reference: Comm. 6D-16

ATTEST



LAURIE A. MANZELLA
Clerk of the Legislature of Erie County

B.000007

MEETING NO. 13

May 19, 2005

ERIE COUNTY LEGISLATURE

COUNTY EXECUTIVE: DPW - Ralph Wilson Stadium - 2005 - Electrical Substation Main Breaker Replacement
(4-0)

- b. **COMM. 8E-41 (2005)**
COUNTY EXECUTIVE: DPW - Grover Cleveland Golf Course - Irrigation System - Pump House/Storage Building & Elma Meadows Storage Building
(4-0)
- c. **COMM. 11D-5 (2005)**
DEP: Sign Off For Comm. 10E-40
(4-0)
- d. **COMM. 12D-9 (2005)**
DPW: Month-End Closings
(4-0)
- e. **COMM. 12M-3 (2005)**
NFTA: Cashflow Statements
(4-0)

3. **COMM. 8E-36 (2005)**
COUNTY EXECUTIVE

WHEREAS, a project for the Replacement of the Seneca Street (CR 215) Bridge Over Norfolk Southern Railroad (formerly Conrail), in the Town of West Seneca, Erie County, P.I.N. 5755.25 (the "Project") is eligible for funding under Title 23, U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds, and

WHEREAS, the County of Erie desires to advance the above project by making a commitment of 100% of the non-Federal share of the costs of the Preliminary Engineering (Scoping and Design I-VI), Right-of-Way Incidentals, and Right-of-Way Acquisition Phases of the Project, PIN 5755.25, and

WHEREAS, the total cost of the project has increased from \$330,000 to \$492,000, or the amount of \$162,000.

NOW, THEREFORE, the County Legislature of the County of Erie, duly convened does hereby

RESOLVED, that the County Legislature of the County of Erie hereby approves the above subject project, and be it further,

RESOLVED, that the County Legislature of the County of Erie, hereby authorizes the County of Erie to pay in the first instance 100% of the Federal and non-Federal share of the cost of the Preliminary Engineering (Scoping and Design I-VI), Right-of-Way Incidentals and Right-of-Way Acquisition Phases of the Project or portions thereof, and be it further,

MEETING NO. 13**May 19, 2005****ERIE COUNTY LEGISLATURE**

RESOLVED, that the total project budget be increased from \$330,000 to \$492,000, and be it further,

RESOLVED, that the sum of \$32,400 is hereby appropriated from the 1999 Federal Aid, Various Road and Bridge Projects Program (SAP B.00007) to cover the increase in the local share, in addition to \$66,000 previously appropriated for the Project's Preliminary Engineering (Scoping and Design I-VI) and Right-of-Way Incidentals Phases via County Resolution No.6D-16 adopted on April 29, 1999 and made available to cover the cost of Erie County's share to participate in the above phases of the project, and be it further,

RESOLVED, that in the event the amount required to pay in the first instance 100% of the Federal and non-Federal shares of the costs of the Project's Preliminary Engineering (Scoping and Design I-VI), Right-of-Way Incidentals and Right-of-Way Acquisition Phases exceeds the amount appropriated \$98,400 and/or 100% of the full Federal and non-Federal shares of the cost of the Preliminary Engineering (Scoping and Design I-VI), Right-of-Way Incidentals and Right-of-Way Acquisition Phases exceeds \$492,000, the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and be it further,

RESOLVED, that the County Executive of the County of Erie is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the County of Erie with the New York State Department of Transportation in connection with the advancement or approval of the project and providing for the administration of the project and the Municipality's first instance funding of project costs and permanent funding of the local share of Federal-aid eligible project costs and all project costs within appropriations therefore that are not so eligible, and be it further,

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation, by attaching it to any necessary Agreement in connection with the Project, and be it further,

RESOLVED, that the Clerk of the Legislature forward ten (10) certified copies of this Resolution to the Deputy Commissioner, Highways, to be forwarded to the New York State Department of Transportation and also one copy each to the County Executive, the Commissioner of Public Works, the Budget Director, and the County Comptroller.
(4-0)

4. **COMM. 10E-40 (2005)**
COUNTY EXECUTIVE

WHEREAS, the County of Erie, desires to participate in the final design and construction of the Erie Canal Harbor Project in the City of Buffalo; and

WHEREAS, the Erie Canal Harbor Project seeks to create a first-class waterfront which can be a tourism draw and also a premier attraction to the residents for the City and County; and

TO: LORNE STEINHART, COMPTROLLER'S OFFICE

PROPOSED RESOLUTIONS REQUIRING RULE 55

CONTRACT APPROVAL CHECKLIST
CONFIRMATION OF AVAILABILITY OF FUNDS IN CAPITAL PROJECTS

REQUESTING DEPARTMENT

COMPLETE ITEMS 1 THROUGH 5

1. CONTRACTOR'S NAME N/A

2. AMOUNT OF CONTRACT \$94,000.00

3. PROJECT NUMBER B.00007

4. PROJECT TITLE Right-of-Way Acquisition
Reconstruction of Seneca Street Bridge
(BR 215-RR1) Over Norfolk Southern Railroad
Town of West Seneca
PIN 5755.25, Erie County

5. DEPARTMENT CONTACT Funding questions: Charles A. Sickler at 8372
Letter pickup: Lynn Sacha at 8301

COMPTROLLER'S OFFICE

COMPLETE ITEMS 6 AND 7

6. AVAILABILITY OF FUNDS \$ 172,338.55

7. PERFORMED BY Jackie Pulisier

Date sent to Comptroller's Office: February 10, 2011

[55 compt_08]

COMPTROLLER'S
RECEIVED
11 FEB 10 AM 9:15

STATE OF NEW YORK

LEGISLATURE OF ERIE COUNTY CLERK'S OFFICE

BUFFALO, N.Y., MAY 19, 2005

TO WHOM IT MAY CONCERN:

I HEREBY CERTIFY, That at the 13th Session of the Legislature of Erie County, held in the Legislative Chambers, in the City of Buffalo, on the Nineteenth day of May A.D., 2005, a Resolution was adopted, of which the following is a true copy:

WHEREAS, a project for the Replacement of the Seneca Street (CR 215) Bridge Over Norfolk Southern Railroad (formerly Conrail), in the Town of West Seneca, Erie County, P.I.N. 5755.25 (the "Project") is eligible for funding under Title 23, U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds, and

WHEREAS, the County of Erie desires to advance the above project by making a commitment of 100% of the non-Federal share of the costs of the Preliminary Engineering (Scoping and Design I-VI), Right-of-Way Incidentals, and Right-of-Way Acquisition Phases of the Project, PIN 5755.25, and

WHEREAS, the total cost of the project has increased from \$330,000 to \$492,000, or the amount of \$162,000.

NOW, THEREFORE, the County Legislature of the County of Erie, duly convened does hereby

RESOLVED, that the County Legislature of the County of Erie hereby approves the above subject project, and be it further,

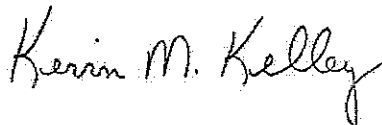
RESOLVED, that the County Legislature of the County of Erie, hereby authorizes the County of Erie to pay in the first instance 100% of the Federal and non-Federal share of the cost of the Preliminary Engineering (Scoping and Design I-VI), Right-of-Way Incidentals and Right-of-Way Acquisition Phases of the Project or portions thereof, and be it further,

RESOLVED, that the total project budget be increased from \$330,000 to \$492,000, and be it further,

RESOLVED, that the sum of \$32,400 is hereby appropriated from the 1999 Federal Aid, Various Road and Bridge Projects Program (SAP B.00007) to cover the increase in the local share, in addition to \$66,000 previously appropriated for the Project's Preliminary Engineering (Scoping and Design I-VI) and Right-of-Way Incidentals Phases via County Resolution No.6D-16 adopted on April 29, 1999 and made available to cover the cost of Erie County's share to participate in the above phases of the project, and be it further,

RESOLVED, that in the event the amount required to pay in the first instance 100% of the Federal and non-Federal shares of the costs of the Project's Preliminary Engineering (Scoping and Design I-VI), Right-of-Way Incidentals and Right-of-Way Acquisition Phases exceeds the amount appropriated \$98,400 and/or 100% of the full Federal and non-Federal shares of the cost of the Preliminary Engineering (Scoping and Design I-VI), Right-of-Way Incidentals and Right-of-Way Acquisition Phases exceeds \$492,000, the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and be it further,

ATTEST



KEVIN M. KELLEY
Clerk of the Legislature of Erie County

STATE OF NEW YORK

LEGISLATURE OF ERIE COUNTY
CLERK'S OFFICE

BUFFALO, N.Y., MAY 19, 2005

TO WHOM IT MAY CONCERN:

I HEREBY CERTIFY, That at the 13th Session of the Legislature of Erie County, held in the Legislative Chambers, in the City of Buffalo, on the Nineteenth day of May A.D., 2005, a Resolution was adopted, of which the following is a true copy:

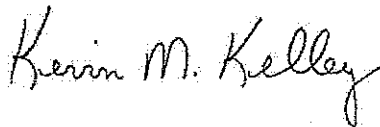
RESOLVED, that the County Executive of the County of Erie is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the County of Erie with the New York State Department of Transportation in connection with the advancement or approval of the project and providing for the administration of the project and the Municipality's first instance funding of project costs and permanent funding of the local share of Federal-aid eligible project costs and all project costs within appropriations therefore that are not so eligible, and be it further,

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation, by attaching it to any necessary Agreement in connection with the Project, and be it further,

RESOLVED, that the Clerk of the Legislature forward ten (10) certified copies of this Resolution to the Deputy Commissioner, Highways, to be forwarded to the New York State Department of Transportation and also one copy each to the County Executive, the Commissioner of Public Works, the Budget Director, and the County Comptroller.

REFERENCE: COMM. 8E-36

ATTEST



KEVIN M. KELLEY
Clerk of the Legislature of Erie County

STATE OF NEW YORK

LEGISLATURE OF ERIE COUNTY CLERK'S OFFICE

BUFFALO, N.Y., MARCH 26, 2009

TO WHOM IT MAY CONCERN:

I HEREBY CERTIFY, That at the 6th Session of the Legislature of Erie County, held in the Legislative Chambers, in the City of Buffalo, on the Twenty Sixth day of March, 2009 A.D., a Resolution was adopted, of which the following is a true copy:

WHEREAS, a project for reconstruction of BR 215-RR1, Seneca Street Bridge, over Norfolk Southern Railroad, West Seneca, Erie County, PIN 5755.25 (the "Project") was authorized by this Honorable body on May 19, 2005 via Communication 8E-36; and

WHEREAS, in order to facilitate the reconstruction of the bridge, it will be necessary for the County to acquire by permanent easement or temporary easement, portions of real property in the vicinity of the bridge:

<u>PORTIONS OF TAX MAP SBL NUMBERS</u>	<u>TOWNSHIP</u>
134.13-2-21.11	West Seneca
134.13-4-3.11	West Seneca
134.13-4-5.1	West Seneca
134.13-4-6	West Seneca
134.13-4-7	West Seneca
134.14-4-30	West Seneca
134.17-3-8	West Seneca
134.17-3-9	West Seneca
134.17-3-11	West Seneca
134.18-1-1	West Seneca

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

WHEREAS, in order to acquire the permanent easement or temporary easement for the Project, it will be necessary for the County to establish an amount which it believes to represent just compensation for the real property interests to be acquired and to thereafter make a written offer to purchase the real property interests for the respective just compensation amounts; and

WHEREAS, the acquisitions of the portions of the Subject Properties are de minimis in nature so that the public interest will not be prejudiced by the reconstructed bridge and other general improvements to the subject section of Seneca Street (CR 215); and

WHEREAS, the work authorized in the 1999 Federal Aid Road and Bridge Project Program (SAP B.00007) has been completed and funds are available; and

WHEREAS, 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 exceeding fair market value, it will be necessary for the County to acquire the Subject Properties by commencing eminent domain proceedings.

NOW, THEREFORE, BE IT

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

ATTEST


ROBERT M. GRABER

Clerk of the Legislature of Erie County

GERARD
CHARLIE
ANNETTE
SHARON
FILE ✓

STATE OF NEW YORK

LEGISLATURE OF ERIE COUNTY CLERK'S OFFICE

BUFFALO, N.Y., MARCH 26, 2009

TO WHOM IT MAY CONCERN:

I HEREBY CERTIFY, That at the 6th Session of the Legislature of Erie County, held in the Legislative Chambers, in the City of Buffalo, on the Twenty Sixth day of March, 2009 A.D., a Resolution was adopted, of which the following is a true copy:

RESOLVED, that the sum of \$94,000.00 has previously been appropriated from the 1999 Federal Aid Road and Bridge Project Program (SAP B.00007) via County Resolution 8E-36 adopted May 19, 2005 and made available to cover the cost of Right-of-Way acquisition; and be it further

RESOLVED, that the County of Erie is authorized to acquire easement title to the aforementioned Subject Properties for the purpose of reconstructing and improving the aforementioned Seneca Street Bridge (BR 215-RR1) Project; and be it further

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

RESOLVED, that the Commissioner of Public Works, or his authorized representatives, are hereby authorized to negotiate and offer just compensation amounts to the owners of the Subject Properties for the purpose of acquiring interests in portions of their respective parcel of real property by permanent easement or temporary easement, which acquisitions are necessary for the Seneca Street Bridge (BR 215-RR1) reconstruction project; and be it further

RESOLVED, that the Commissioner of Public Works, or his authorized representatives, are authorized to act on behalf of the County of Erie in connection with the acquisition of the portions of the aforementioned Subject Properties; and be it further

RESOLVED, that based upon the factors previously set forth herein, it is the determination of this County Legislature that such acquisitions of portions of the aforementioned Subject Properties are de minimis in nature; and be it further

RESOLVED, that the County Attorney shall prepare and the County Executive shall execute all appropriate documents relating to acquiring fee and/or easement interests in the Subject Properties; 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, the County is authorized to commence eminent domain procedures; and be it further

RESOLVED, that the Clerk of the Legislature forward ten (10) certified copies of this resolution to the Department of Public Works, Office of the Commissioner, to be forwarded to the New York State Department of Transportation and also one copy each to the Office of the County Executive, the Office of Budget, Management and Finance and the Office of the Commissioner.

REFERENCE: COMM.5E-19 (2009)

ATTEST



ROBERT M. GRABER

Clerk of the Legislature of Erie County

