



EOLEG MAR22'11 AM 9:32

COUNTY OF ERIE

CHRIS COLLINS

COUNTY EXECUTIVE

March 10, 2011

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

**RE: Right-of-Way Acquisition
Greiner Road at Shimerville Rd
Intersection Improvement Program
Town of Clarence
PIN 5756.85, 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 intersection.

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,

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
Greiner Road at Shimerville Road
Intersection Improvement Program
Town of Clarence, PIN 5756.85, Erie County
Date: March 10, 2011

SUMMARY

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

FISCAL IMPLICATIONS

Right-of-Way Acquisition Phase costs of this Project are currently estimated at \$9,000.00 in SAP B.00125.1.1 Greiner Shimerville Intersection Improvements Program of which up to 95% is Federal and State reimbursable. Right-of-Way Acquisition is recommended for one parcel 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 intersections.

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/summer of 2011.

CONSEQUENCES OF NEGATIVE ACTION

This action is required to insure meeting Federal and State guidelines for reconstruction of these intersections. 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 intersection.

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.

NB → There is no cash available in the project, however, this project is eligible for state/federal aid reimbursements upon filing of claims.

Lorne H. Steinhart
LORNE H. STEINHART
Deputy Comptroller
Comptroller's Office

GJS/WS/l
File Copy (DPW.3.10.11-2.Greiner Road ROW.docx)

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

RE: Right-of-Way Acquisition
Greiner Road at Shimerville Road
Intersection Improvement Program
Town of Clarence
PIN 5756.85, Erie County

WHEREAS, a project for reconstruction of the intersection of Greiner Road (CR037) and Shimerville Road (CR279) in the Town of Clarence, Erie County, PIN 5756.85 (the "Project") was authorized by this honorable body on June 11, 2009 via Communication 10E-9; and

WHEREAS, in order to facilitate the reconstruction of the intersections, it will be necessary for the County to acquire the parcel by fee, portions of real property in the vicinity of the intersections:

PORTIONS OF TAX MAP SBL NUMBERS

TOWNSHIP

SBL 57.19-2-2.1

Clarence

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

WHEREAS, in order to acquire the fee parcel 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 Property is de minimis in nature so that the public interest will not be prejudiced by the reconstructed road and other general improvements to the subject section of Greiner Road (CR 037); and

WHEREAS, should one or more owners of the Subject Property 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 Property 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 \$9,000.00, previously appropriated from the 2004 Greiner Shimerville Intersection Improvement Program, SAP B.00125.1.1, via County Resolution 10E-9 adopted June 11, 2009, is 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 Property for the purpose of reconstructing and improving the aforementioned Greiner Road at Shimerville Intersection Improvement 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 Property 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 Greiner Road at Shimerville Intersection Improvement 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 Property; 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 Property 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 Property; and be it further

RESOLVED, should one or more owners of the Subject Property 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.

PROJECT TITLE: B.00125 2004 Signal & Intersection Imp - Various

1) 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 APPROPRIATION

TOTAL PROJECT REVENUES \$ 3,242,188.00

TOTAL PROJECT APPROPRIATIONS \$ 3,242,188.00

LESS: TOTAL EXPENDITURE TO DATE \$ 583,066.59

TOTAL COMMITMENTS \$ 590,476.26

AVAILABLE APPROPRIATIONS AS OF DATE OF REQUEST \$ 2,068,645.15

LESS: CONTRACT AMOUNT: 9,000.00

NET AVAILABLE APPROPRIATIONS \$ 2,059,645.15

COMMENTS: There is no cash available in the project, but the project is eligible for State/ Federal aid reimbursements when claims are filed.

REQUEST APPROVED: Lone H. Steinhardt

REQUEST DENIED: _____

DATE: March 18, 2011

Fund(s): 400..599

Fiscal Year: 2011

Project(s):B.00125

04 SIGNAL & INTERSECTION IMPROVEMENTS - VARIOUS

Period: 1 to 16

Account	Prev. Yr	YTD Debit	YTD Credit	End Bal
117000 CASH CONTROL ACCOUNT	35,847.96	33,655.50	69,503.46-	
121000 AR CONTROL - STATE CUSTOMERS	1,440.89			1,440.89
124000 A/R - OTHER	9,125.65			9,125.65
125000 A/R ACCRUALS - OTHER GOV'T				
130000 DUE FROM (DUE TO) OTHER FUNDS			33,655.50-	33,655.50-
200000 ACCOUNTS PAYABLE CONTROL ACCT	13,908.66-	69,503.46	55,594.80-	
200200 GR/IR ACCOUNT		55,594.80	55,594.80-	
389999 UNRESERVED/UNDESIGNATED FUND BALANCE				
* Balance Sheet	32,505.84	158,753.76	214,348.56-	23,088.96-
405160 MARCHISELLI AID	24,633.78-			24,633.78-
409010 STATE AID - OTHER				
410170 FED PORTION - MARCHISELLI AID	322,609.09-			322,609.09-
414000 FEDERAL AID	7,684.76-			7,684.76-
445070 PREMIUM ON OBLIGATIONS - BONDS	2,572.35-			2,572.35-
475000 GENERAL OBLIGATION BOND PROCEEDS	202,477.65-			202,477.65-
* Revenues	559,977.63-			559,977.63-
500000 FULL TIME - SALARIES	751.29			751.29
502000 FRINGE BENEFITS	375.65			375.65
516020 PROFESSIONAL SERVICE CONTRACTS AND FEES	509,638.72	55,594.80		565,233.52
562000 CAPITAL LABOR TRANSFER	16,706.13			16,706.13
* Expenditures	527,471.79	55,594.80		583,066.59
** Total		214,348.56	214,348.56-	

Fund/Group 410..520
 Funds Center * (*)
 Funded Program B.00125 (04 SIGNAL & INTERSECTION IMPROVEMENTS - VARIO)

Commitment Item	Original Budget	Adjustments	Current Budget	Commitment	Actuals
405160 Marchiselli Aid		361,538.00-	361,538.00-		24,633.78-
409030 State Aid - Other					
410170 Federal Road Aid		2,675,600.00-	2,675,600.00-		322,609.09-
414000 Federal Aid	272,000.00-	272,000.00			7,684.76-
445070 Prem On Obligations					2,572.35-
475000 Gen Oblig Bond Proc	68,000.00-	137,050.00-	205,050.00-		202,477.65-
475020 Reserve-Bond Proceed					
* Revenue	340,000.00-	2,902,188.00-	3,242,188.00-		559,977.63-
500000 Full Time Salaries					751.29
502000 Fringe Benefits					375.65
516020 Pro Ser Cnt And Fees				590,476.26	565,233.52
562000 Capital Labor Trans					16,706.13
CAPITALPROJECTS Capital Project Exp	340,000.00	2,902,188.00	3,242,188.00		
* Expense	340,000.00	2,902,188.00	3,242,188.00	590,476.26	583,066.59
** Commitment Item				590,476.26	23,088.96

Navigation



Object Displayed in		Overall values					
		Planned 1 USD	Budget 1 USD	Actual 1 USD	Commitment 1 USD	Assigned 1 USD	Available 1 USD
TRJ B.00125	04 SIGNAL & INTERSEC	3242,188.00	3242,188.00	583,066.59	590,476.26	1173,542.85	2068,645.15
WBS B.00125	04 SIGNAL & INTERSEC	3242,188.00	3242,188.00	583,066.59	590,476.26	1173,542.85	2068,645.15
WBS B.00125.1	04 GREINER/SHIMMERVIL	1305,250.00	1305,250.00	164,398.33	41,261.80	205,660.13	1099,589.87
WBS B.00125.1.1	Design, Bidding, Awa	210,780.87	210,780.87	159,929.20	41,261.80	201,191.00	9,589.87
WBS B.00125.1.2	ECOPM Salaries	4,469.13	4,469.13	4,469.13	0.00	4,469.13	0.00
WBS B.00125.1.3	Construction Greiner	1090,000.00	1090,000.00	0.00	0.00	0.00	1090,000.00
WBS B.00125.1.98	UNALLOCATED	0.00	0.00	0.00	0.00	0.00	0.00
WBS B.00125.2	04 COLVIN BLVD/BRIGH	100,000.00	100,000.00	97,345.41	0.00	97,345.41	2,654.59
WBS B.00125.3	04 ELMWOOD AVE SIGMA	900,000.00	900,000.00	321,322.85	549,214.46	870,537.31	29,462.69
WBS B.00125.4	06 ELMWOOD AVE CORRY	0.00	0.00	0.00	0.00	0.00	0.00
WBS B.00125.97	Locked - Non-spendab	0.00	0.00	0.00	0.00	0.00	0.00
WBS B.00125.98	Unallocated	936,938.00	936,938.00	0.00	0.00	0.00	936,938.00
Result		3242,188.00	3242,188.00	583,066.59	590,476.26	1173,542.85	2068,645.15

LINE NO.	SAP PROJ. NO.	PROJECT DESCRIPTION (object or purpose)	SEQR STATUS	ESTIMATED MAXIMUM COST	AMOUNT OF BONDS AUTHORIZED	STATE or FEDERAL AID EXPECTED	LOCAL SOURCE REVENUE	PPU Sec. 11.00a reference	PROJECT DETAILS	2004 CAPITAL BUDGET PAGE REFERENCE or PREVIOUSLY AUTHORIZED RESOLUTION
9	A.00233	2004 CONVENTION CENTER RENOVATIONS & IMPROVEMENTS	Approved	\$ 1,020,000	\$ 1,020,000			15 yrs. Par. 12 (a)(2)	This phase of work is the continuation of Erie County capital projects started in 1994. Remaining work includes: new roof, interior building improvements, site improvements, upgrade of the security system, escalator upgrades and new mechanical and electrical equipment.	C-192, 197, & 209
10	A.00234	2004 BOTANICAL GARDENS MASTER PLAN CONSTRUCTION	Approved	\$ 1,020,000	\$ 1,020,000			15 yrs. Par. 19 (c)	This project involves the ongoing implementation of the redevelopment program for the Buffalo and Erie County Botanical Gardens. This includes continuation of work regarding the rehabilitation of the facility and other improvements needed so as to conform with the long-range concept plan. The structural supports throughout the facility are in poor condition and the maintenance building roof is in need of replacement. Various other improvements will be undertaken as a result of this project.	C-192, 197, & 209
11	A.00235	2004 MODULAR OFFICE COMPONENT SYSTEMS	Approved	\$ 250,000	\$ 250,000			5 yrs. Par. 35	Currently the Rath Building floor space is at full capacity on all floors. This project will allow for better utilization of existing floor space, improve air circulation, increase privacy for County employees as well as increase service capabilities to the general public. This project will also allow for cabling and electrical outlets to be expanded with minimal costs associated with future renovation requests.	C-192, 198, & 209
12-A	B.00125.1	2004 GREINER RD @ SHIMERVILLE RD INTERSECTION. SIGNALIZATION (5756.85) DESIGN	Approved	\$ 170,000	\$ 34,000	\$ 136,000		5 yrs. Par. 62 (2nd)	This project will provide funding to replace signal systems, provide coordinated timing and add left turn lanes to Greiner/Shimerville in Clarence (PIN 5756.85). The total cost of this project in 2004 is estimated to be \$170,000, including Federal funding of 80 percent, or \$136,000. (Design only)	C-192, 198, & 210
12-A	AMENDED	Reso # 237-2006, 7/13/06 - increases bond authorization & project description		\$ 1,091,000	\$ 84,550	\$ 1,036,450		20 yrs. Par. 72 (a)	This project will provide funding to replace signal systems, provide coordinated timing and add left turn lanes to the Greiner/Shimerville (5756.85) intersection.	2006 Capital Budget B-248, 253, & 262
		New Authorization Total		\$ 1,261,000	\$ 88,550	\$ 1,172,450				
12-B	B.00125.2	2004 COLVIN BLVD, BRIGHTON RD SIGNALS (5756.86) DESIGN	Approved	\$ 100,000	\$ 20,000	\$ 80,000		5 yrs. Par. 62 (2nd)	This project will provide funding to replace signal systems, provide coordinated timing and add left turn lanes to Colvin/Brighton in Tonawanda (PIN 5756.86). The total cost of this project in 2004 is estimated to be \$100,000, including Federal funding of 80 percent or \$80,000. (Design only)	C-192, 198, & 210
12-C	B.00126.3	2004 ELMWOOD AVE CORRIDOR SIGNALS (5756.87) DESIGN	Approved	\$ 70,000	\$ 14,000	\$ 56,000		5 yrs. Par. 62 (2nd)	This project will provide funding to replace signal systems, provide coordinated timing and add left turn lanes to Elmwood Avenue in Kenmore/Tonawanda (PIN 5756.87). The total cost of this project in 2004 is estimated to be \$70,000, including Federal funding of 80 percent or \$56,000.	C-192, 198, & 210
12-C	AMENDED	Reso # 237-2006, 7/13/06 - increases bond authorization & project description DESIGN/CONSTRUCTION		\$ 1,650,000	\$ 82,500	\$ 1,567,500		20 yrs. Par. 72 (a)	This project will provide funding to replace signal systems, provide coordinated timing and add left turn lanes to Elmwood Avenue (5756.87) intersections.	2006 Capital Budget B-248, 253, & 262
		New Authorization Total		\$ 1,720,000	\$ 96,500	\$ 1,623,500				
13-A	B.00126.1	2004 TONAWANDA RAILS TO TRAILS (5756.84) DESIGN	Approved	\$ 350,000	\$ 70,000	\$ 280,000		5 yrs. Par. 62 (2nd)	Federal pathway project in Tonawanda entails construction of a new 4.8 mile bicycle and pedestrian path and installation of new signals (PIN 5756.84). The total project is estimated to cost \$350,000, including Federal reimbursement of 80 percent or \$280,000. This project is non-Marchisell eligible. The County pays 20 percent or \$70,000. (Design only)	C-192, 198, & 210
13-B	B.00126.2	2004 SENECA CREEK PATHWAY (5756.89) DESIGN	Approved	\$ 210,000	\$ 42,000	\$ 168,000		5 yrs. Par. 62 (2nd)	Federal pathway project incorporates safety along an abandoned rail line through construction of bicycle - pedestrian route to link with trails in Cheektowaga (PIN 5756.89). The total project is estimated to cost \$210,000, including Federal reimbursement of 80 percent or \$168,000. This project is non-Marchisell eligible. The County pays 20 percent or \$42,000. (Design only)	C-192, 198, & 210

STATE OF NEW YORK

LEGISLATURE OF ERIE COUNTY
CLERK'S OFFICE

BUFFALO, N.Y., JUNE 11, 2009

TO WHOM IT MAY CONCERN:

I HEREBY CERTIFY, That at the 11th Session of the Legislature of Erie County, held in the Legislative Chambers, in the City of Buffalo, on the Eleventh day of June, 2009 A.D., a Resolution was adopted, of which the following is a true copy:

WHEREAS, a Project for the Intersection Improvement of CR 37, Greiner Road and CR 279, Shimerville Road in the Town of Clarence, Erie County, PIN 5756.85 (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 or the ratio of 90% Federal funds and 10% Non-Federal funds, depending on the Federal Aid Funding Program; and

WHEREAS, the County of Erie previously appropriated \$170,000.00 (\$34,000.00 non-Federal share) for the Project's Preliminary Engineering (Design I-VI) and Right-of-Way Incidental phases via County Resolution Comm. 13B-42 on June 24, 2004; and

WHEREAS, the County of Erie desires to advance the Project by making a commitment of 100% of the Non-Federal share of the increased costs of the Preliminary Engineering (Design I-VI), Right-of-Way Incidentals, Right-of-Way Acquisition and Construction and Construction Inspection phases of the Project, PIN 5756.85 in the amount of \$1,305,250.00 (\$152,050.00 non-Federal share).

NOW, THEREFORE, BE IT

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

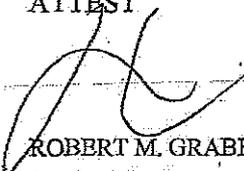
RESOLVED, that the County Legislature of the County of Erie hereby authorizes the County of Erie to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the Preliminary Engineering (Design I-VI), Right-of-Way Incidentals, Right-of-Way Acquisition and Construction and Construction Inspection phases of the Project or portions thereof; and be it further

RESOLVED, that the required, non-Federal share sum of \$118,050.00 is hereby appropriated from B.00125 2004-2006 Signal & Intersection Improvement Projects (in addition to \$34,000.00 previously appropriated for the non-Federal share of the project's Preliminary Engineering (Design I-VI) and Right-of-Way Incidentals phases via County Resolution No. 13B-42 adopted on June 24, 2004; and be it further

RESOLVED, that the Project's revenue and appropriations be equally increased to reflect the supplemental agreement in the total amount of \$1,305,250.00; 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 the cost of the project's Preliminary Engineering (Design I-VI), Right-of-Way Incidentals, Right-of-Way Acquisition and Construction and Construction Inspection phases exceeds the amount appropriated, and/or 100% of the full Federal and Non-Federal shares of the cost of the Preliminary Engineering (Design I-VI), Right-of-Way Incidentals, Right-of-Way Acquisition and Construction and Construction Inspection phases exceeds \$1,305,250.00 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


ROBERT M. GRABER

Clerk of the Legislature of Erie

GERNY
CHARLIE
WAYNE
ANNETTE
LARRY
FILE ✓

STATE OF NEW YORK

LEGISLATURE OF ERIE COUNTY
CLERK'S OFFICE

BUFFALO, N.Y., JUNE 11, 2009

TO WHOM IT MAY CONCERN:

I HEREBY CERTIFY, *That at the 11th Session of the Legislature of Erie County, held in the Legislative Chambers, in the City of Buffalo, on the Eleventh day of June, 2009 A.D., a Resolution was adopted, of which the following is a true copy:*

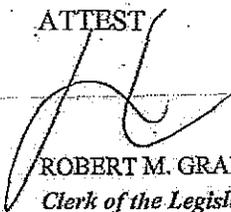
RESOLVED, that the County Executive of the County of Erie is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal-Aid and/or Marchiselli-Aid on behalf of the County of Erie with the New York State Department of Transportation in connection with the 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 and State-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 ten (10) certified copies of this resolution be sent 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, Management and Finance, and the Office of the Comptroller.

REFERENCE: COMM. 10E-9 (2009)

ATTEST


ROBERT M. GRABER
Clerk of the Legislature of Erie County

TO:

LORNE STEINHART, DEPUTY, COMPTROLLER'S OFFICE

COMPTROLLER'S
RECEIVED

PROPOSED RESOLUTIONS REQUIRING RULE 55

MAR 18 AM 9:55

CONTRACT APPROVAL CHECKLIST
CONFIRMATION OF AVAILABILITY OF FUNDS IN CAPITAL PROJECTS

REQUESTING DEPARTMENT

COMPLETE ITEMS 1 THROUGH 5

1. CONTRACTOR'S NAME

Parcel Owner

2. AMOUNT OF CONTRACT

Not to exceed \$9,000.00

3. PROJECT NUMBER

B.00125.1.1

4. PROJECT TITLE

2004 Greiner Shimerville Intersection
Improvement Program

5. DEPARTMENT CONTACT

Funding questions: Charles A. Sickler, PE at 8372
Letter pickup: Lynn Sacha at 8301

COMPTROLLER'S OFFICE

COMPLETE ITEMS 6 AND 7

6. AVAILABILITY OF FUNDS

\$0 there is no cash available
in project, but the project is eligible
for state/fed. aid reimbursements when
claims are filed.

7. PERFORMED BY

Jackie Pulayes

Date Sent to Comptroller's Office:

March 18, 2011

[55 compt 10]

