



ECLEG MAY10'11 AM10:48

# COUNTY OF ERIE

**CHRIS COLLINS**

COUNTY EXECUTIVE

April 28, 2011

## **Immediate Consideration Requested**

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

**RE: Beeman Creek Park Transfer**

Honorable Members:

Attached is a resolution and memorandum from the Department of Parks, Recreation & Forestry concerning the transfer of Beeman Creek a county conservation park to the Town of Clarence

Should your honorable body require further information, I encourage you to contact the Erie County Department of Parks, Recreation and Forestry. Thank you for your consideration on this matter.

Sincerely,

CHRIS COLLINS  
Erie County Executive

## **MEMORANDUM**

**To:** Honorable Members of the Erie County Legislature  
**From:** Erie County Department of Parks, Recreation and Forestry  
**Re:** Beeman Creek Park Transfer  
**Date:** April 28, 2011

---

### **SUMMARY**

It is recommended that the Erie County Legislature approve the attached resolution prepared by the Erie County Department of Parks, Recreation & Forestry (EC Parks) authorizing the County of Erie to transfer ownership of Beeman Creek Park to the Town of Clarence.

### **FISCAL IMPLICATIONS**

There are no fiscal implications for the County.

### **REASONS FOR RECOMMENDATION**

The final step of the process to transfer Beeman Creek Park from the County of Erie to the Town of Clarence requires authorization from this Honorable Body to execute the Sales Agreement and Quit Claim Deed.

### **BACKGROUND INFORMATION**

On May 29, 2008, this Honorable Body approved an Intermunicipal Agreement between the County of Erie and the Town of Clarence to transfer control, maintenance, and operation of Beeman Creek Park to Clarence pending the transfer of this asset. Subsequently, on June 10, 2010, this Honorable Body approved a Home Rule requesting the NYS Legislature to approve an Act authorizing the transfer to the Town of Clarence. The Home Rule Request passed the Senate and Assembly, and was then signed by the Governor on August 30, 2010.

### **CONSEQUENCES OF NEGATIVE ACTION**

Ownership of the Park will not transfer to the Town of Clarence.

### **STEPS FOLLOWING APPROVAL**

The County Executive will execute a Sales Agreement and Quit Claim deed to finalize Beeman Creek Park transfer to the Town of Clarence.

A RESOLUTION SUBMITTED BY:  
ERIE COUNTY PARKS, RECREATION AND FORESTRY

RE: Beeman Creek Park Transfer

WHEREAS, the Legislature of the County of Erie adopted a resolution on May 29, 2008 which, inter alia, authorized the County of Erie to transfer the control, operation and maintenance of Beeman Creek Park to the Town of Clarence pending enabling legislation by the New York State Legislature; and

WHEREAS, said resolution recites that all transfer documents shall include language reverting ownership of Beeman Creek Park to the County should the Town of Clarence cease operating the Park as a public park or in the event the Town fails to make the Park accessible to all County of Erie residents on the same terms and conditions as apply to Town of Clarence residents; and

WHEREAS, the Legislature of the County of Erie adopted a resolution on May 20, 2010 which, inter alia, requested the New York State Senate and Assembly, respectively, to approve an Act authorizing the County of Erie to transfer Beeman Creek Park to the Town of Clarence for the sum of one dollar (\$1.00); and

WHEREAS, this honorable body on June 10, 2010 approved a Home Rule request to the NYS Legislature requesting approval to convey title of Beeman Creek Park to the Town of Clarence; and

WHEREAS, the Home Rule request was approved by the Senate and Assembly, respectively, and was signed by the Governor on August 30, 2010; and

WHEREAS, the execution of the Sales Agreement and Quit Claim Deed, and recording thereof, are all that remains to effectuate the transfer of Beeman Creek Park to the Town of Clarence.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to execute the Sales Agreement with the Town of Clarence for the transfer of Beeman Creek Park for the sum of one dollar (\$1.00); and be it further

RESOLVED, that the County Executive is authorized to execute the Quit Claim Deed and all other transfer documents conveying Beeman Creek Park to the Town of Clarence; and be it further

RESOLVED, that the proceeds from the sale of the Beeman Creek Park are to be appropriated as follows:

Business Area 16410 – Parks, Recreation and Forestry – Fund 110

REVENUE

Account 480300 – Fixed Asset Sales

\$1

and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to make the necessary adjustments to the Erie County Parks, Recreation and Forestry budget; and be it further

RESOLVED, that the clerk of the legislature be instructed to forward certified copies of this resolution to the Department of Parks, Recreation and Forestry, the Erie County Executive, the Office of the Comptroller, the Division of Budget and Management and the Erie County Department of Law.