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COUNTY OF ERIE

CHRIS COLLINS

COUNTY EXECUTIVE

July 15, 2011

The Honorable
Erie County Legislature
25 Delaware Avenue
Buffalo, New York 14202

**RE: Erie County Sewer Districts No. 4
Amended License Agreement between CSX Transportation, Inc. and the County of Erie
Original Agreement No. CR 268274**

Honorable Members:

Enclosed please find an accompanying memorandum and proposed resolution from the Department of Environment and Planning pertaining to proposed amended license agreement with CSX Transportation, Inc.

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

Sincerely,

CHRIS COLLINS
Erie County Executive

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Environment and Planning
Re: Erie County Sewer Districts No. 4
Amended License Agreement between CSX Transportation, Inc. and the County of Erie
Original Agreement No. CR 268274
Date: July 15, 2011

SUMMARY

Authorization to execute amended license agreement between CSX Transportation, Inc. and the County of Erie for Erie County Sewer District No. 4 is requested.

FISCAL IMPLICATIONS

This contract does not impact on the County's General Fund. Costs related to the agreement will be paid from the Erie County Sewer District No. 4 - 2011 Adopted Budget.

REASONS FOR RECOMMENDATION

The amended agreement will provide for a one time final payment versus making payments on an annual basis, thus reducing annual administrative costs and long-term costs.

BACKGROUND INFORMATION

The existing license agreement with CSX Transportation, Inc., as it is a requirement prior to the installation of Sanitary Sewers on railroad properties requires an annual lease payment. The Department of Environment and Planning, Division of Sewerage Management has negotiated a one time final payment to eliminate future annual billings.

CONSEQUENCES OF NEGATIVE ACTION

The agreement will continue to require future annual payments as in the past.

STEPS TO FOLLOW APPROVAL

Erie County will prepare and the County Executive will execute the amended agreement and the Comptroller's Office will make a final payment to the CSX Transportation, Inc.

JEFF HART

JEFF

JEFF HART
Deputy County Executive

RESOLUTION SUBMITTED BY
DEPARTMENT OF ENVIRONMENT AND PLANNING

RE: Erie County Sewer District No. 4
Amended License Agreement between CSX Transportation, Inc.
and the County of Erie
Original Agreement No. CR 268274

WHEREAS, the County of Erie and CSX Transportation, Inc have a license agreement No. CR 268274 for right of ways for sanitary sewers; and

WHEREAS, the County of Erie currently pays the license agreement fees on an annual basis;
and

WHEREAS, the County of Erie and CSX Transportation, Inc. have negotiated a one time lump sum final payment; and

WHEREAS, the County of Erie and CSX Transportation, Inc. will amend the license agreement and the County will make a final payment of \$4,000.00; and

WHEREAS, \$4,000.00 is allocated in the Professional Services Account 516020 Erie County Sewer District No. 4 Operating Budget Fund 220 Business Area 181 in the 2011 Adopted Budget.

NOW, THEREFORE, BE IT

RESOLVED, that amended license agreement between the County of Erie and CSX Transportation, Inc., on behalf of Erie County Sewer Districts No. 2 in the amount of \$4,000.00 is hereby approved; and be it further

RESOLVED, that the County Executive be, and hereby is authorized to execute the amended license agreement with the CSX Transportation, Inc. subject to approval as to form by the County Attorney and as to content by the Commissioner of the Department of Environment and Planning; 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., Deputy Commissioner of the Department of Environment and Planning and one (1) certified copy each to the County Executive, the County Comptroller and Eric Ziobro, Assistant County Attorney.