



EQLEG SEPOS'11 AM10:35

COUNTY OF ERIE

CHRIS COLLINS

COUNTY EXECUTIVE

August 18, 2011

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

**RE: Right-of-Way Acquisition
Zoar Valley Road Reconstruction
FEMA PW 667
Town of Concord
County of Erie**

Honorable Members:

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

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
Zoar Valley Road Reconstruction
FEMA PW 667
Town of Concord
County of Erie
Date: August 18, 2011

SUMMARY

The Department of Public Works is requesting authorization for the County of Erie to acquire Right-of-Way on Zoar Valley Road for roadway reconstruction at FEMA site PW 667 in the Town of Concord. The road is presently closed at this location. Two permanent easements (PEs) are required.

FISCAL IMPLICATIONS

Right-of-Way acquisition costs of this Project are currently estimated not to exceed \$18,199.82 from SAP B.21025, 2010 FEMA Zoar Valley Road Right-of-Way. Right-of-Way Acquisition is recommended for two PEs and will be negotiated within the budgeted allowance.

REASONS FOR RECOMMENDATION

The acquisition for Right-of-Way at the Zoar Valley Road PW 667 project site is necessary for appropriate reconstruction of approximately 900 linear feet of Zoar Valley Road at a site where the road is presently closed.

BACKGROUND INFORMATION

This project consists of the complete reconstruction of approximately 900 linear feet of Zoar Valley Road including a completely new drainage system and reconstruction of a failed embankment.

CONSEQUENCES OF NEGATIVE ACTION

The project will not be constructed. The road will remain closed subject to further deterioration prejudicing future reconstruction and continuing to impair the mobility and safety of the traveling public.

STEPS FOLLOWING APPROVAL

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

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

Cash in project/Availability of Funds:
\$20,000.00

GJS/BR/ls

File Copy (DPW.8.18.11-5.Zoar Valley Rd Easements.docx)

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

RE: Right-of-Way Acquisition
Zoar Valley Road Reconstruction
FEMA PW 667
Town of Concord
County of Erie

WHEREAS, it is desired to reconstruct approximately 900 linear feet of Zoar Valley Road, FEMA PW 667, the "Project"; and

WHEREAS, in order to facilitate this reconstruction, it will be necessary for the County to acquire two parcels by permanent easement, portions of real property in the vicinity of the Project;

<u>PORTION OF TAX MAP SBL NUMBER</u>	<u>TOWNSHIP</u>
SBL 353.00-2-5.1	Concord
SBL 353.00-2-8	Concord

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 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 reconstruction and other general improvements to the subject section of Zoar Valley Road (CR 457); and

WHEREAS, should one or more owners of the Subject Property 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 Erie County Legislature hereby approves the above subject actions; and be it further

RESOLVED, that the sum of \$18,199.82 from the 2010 FEMA Zoar Valley Road Right of Way account, SAP B.21025 be 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 Zoar Valley Road PW 667 site; 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 parcels of real property by permanent easement, which acquisition is necessary for the Zoar Valley Road PW 667 site 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 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 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 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.

PROJECT TITLE: B.21025 2010 Zoar Valley site 2 ROW

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 \$ 20,000.00

TOTAL PROJECT APPROPRIATIONS \$ 20,000.00

LESS: TOTAL EXPENDITURE TO DATE \$ 0

TOTAL COMMITMENTS \$ 0

AVAILABLE APPROPRIATIONS AS OF DATE OF REQUEST \$ 20,000.00

LESS: CONTRACT AMOUNT: 18,199.82

NET AVAILABLE APPROPRIATIONS \$ 1,800.18

COMMENTS: Cash in project: \$20,000.00

REQUEST APPROVED: Lane H. Steinhart

REQUEST DENIED: _____

DATE: August 23, 2011

nd/Group 410.520
 nds Center *
 nded Program B.21025 (2010 Zoar Valley Site 2 ROW) (*)

Commitment Item	Original Budget	Adjustments	Current Budget	Commitment	Actuals
445070 Prem on Obligations					1,800.18-
475000 Gen Oblig Bond Proc	20,000.00-		20,000.00-		18,199.82-
Revenue	20,000.00-		20,000.00-		20,000.00-
CAPITALPROJECTS Capital Project Exp	20,000.00		20,000.00		
Expense	20,000.00		20,000.00		
Commitment Item					20,000.00-

Fund(s): 400...599 Fiscal Year: 2011 Project(s):B.21025 2010 Zoar Valley Site 2 ROW
 Period: 1 to 16

Account	Prev. Yr.	YTD Debit	YTD Credit	End Bal
117000 CASH CONTROL ACCOUNT	20,000.00			20,000.00
389999 UNRESERVED/UNDESIGNATED FUND BALANCE Balance Sheet	20,000.00			20,000.00
445070 PREMIUM ON OBLIGATIONS -- BONDS	1,800.18-			1,800.18-
475000 GENERAL OBLIGATION BOND PROCEEDS Revenues	18,199.82- 20,000.00-			18,199.82- 20,000.00-
* Total				

TACHMENT B:		2010 CAPITAL BUDGET BOND RESOLUTION - PROJECT COMPONENTS								
LUMN #		Reso # 25-2010 Dtd. 2/4/10 Comm. 3E-5 (as amended 2010)								
NE O.	SAP PROJ. NO.	A	A-1	B	C	D	E	F	G	CAPITAL BUDGET PAGE REFERENCE
		PROJECT DESCRIPTION (object or purpose)	SPECIFIC OR CLASS	ESTIMATED MAXIMUM COST	AMOUNT OF BONDS AUTHORIZED	STATE or FEDERAL AID EXPECTED	LOCAL SOURCE REVENUE	PPU Sec. 11.00a reference	PROJECT DETAILS	
d	B.21015	2010 FEDERAL AID PROJECTS - DESIGN - PAVEMENT RD BRIDGES DESIGN	S		\$ 18,250			5 yrs. Par. 62(2nd)	Design work on Federal aid projects throughout the County. Federal aid totals \$1,086,960 making a total project of \$1,251,000. Roads and bridges scheduled include: Elmwood Avenue Signals; Cedar Street Bridge; Pavement Road Bridges; North Forest Road; and bridge painting.	B-107, 110 & 118
e	B.21016	2010 FEDERAL AID PROJECTS - DESIGN BRIDGE PAINTING DESIGN	S		\$ 27,740			5 yrs. Par. 62(2nd)	Design work on Federal aid projects throughout the County. Federal aid totals \$1,086,960 making a total project of \$1,251,000. Roads and bridges scheduled include: Elmwood Avenue Signals; Cedar Street Bridge; Pavement Road Bridges; North Forest Road; and bridge painting.	B-107, 110 & 118
b	B.21017 B.21018 B.21019	2010 FEDERAL AID PROJECTS - RIGHT-OF-WAY (COUNTYWIDE)	C	\$ 637,800	\$ 85,800	\$ 552,000		15 yrs. Par. 91	Right-of-Way work on Federal aid projects throughout the County. Federal aid totals \$552,000 making a total project of \$637,800. Roads and bridges scheduled include: Greiner-Shimerville Intersection Improvements; Seneca Street RR Bridge and North Forest Road.	B-107, 111 & 118
a	B.21017	2010 FEDERAL AID PROJECTS - RIGHT-OF-WAY - GREINER-SHIMERVILLE INTERSECTION ROW	C		\$ 10,000			15 yrs. Par. 91	Right-of-Way work on Federal aid projects throughout the County. Federal aid totals \$552,000 making a total project of \$637,800. Roads and bridges scheduled include: Greiner-Shimerville Intersection Improvements; Seneca Street RR Bridge and North Forest Road.	B-107, 111 & 118
b	B.21018	2010 FEDERAL AID PROJECTS - RIGHT-OF-WAY - NORTH FOREST ROAD ROW	C		\$ 29,500			15 yrs. Par. 91	Right-of-Way work on Federal aid projects throughout the County. Federal aid totals \$552,000 making a total project of \$637,800. Roads and bridges scheduled include: Greiner-Shimerville Intersection Improvements; Seneca Street RR Bridge and North Forest Road.	B-107, 111 & 118
c	B.21019	2010 FEDERAL AID PROJECTS - RIGHT-OF-WAY - SENECA STREET BRIDGE ROW	C		\$ 46,300			15 yrs. Par. 91	Right-of-Way work on Federal aid projects throughout the County. Federal aid totals \$552,000 making a total project of \$637,800. Roads and bridges scheduled include: Greiner-Shimerville Intersection Improvements; Seneca Street RR Bridge and North Forest Road.	B-107, 111 & 118
h-a	B.21021	2010 ROAD RECONSTRUCTION - FEMA PROJECTS - VERMONT ST SITE 9 CONSTRUCTION	S	\$ 176,000	\$ 176,000			15 yrs. Par. 20	This will fund construction of a project for a road that was previously damaged by severe storms: Vermont Street Site 9.	B-107, 111 & 118
h-b	B.21020	2010 ROAD RECONSTRUCTION - FEMA PROJECTS - ZOAR VALLEY SITE 2 CONSTRUCTION	S	\$ 106,000	\$ 106,000			15 yrs. Par. 20	This will fund construction of a project for a road that was previously damaged by severe storms: Zoar Valley Site 2.	B-107, 111 & 118
	B.21022 B.21023 B.21024 B.21025	2010 ROAD RIGHT-OF-WAY - FEMA PROJECTS (COUNTYWIDE)	C	\$ 60,000	\$ 60,000			30 yrs. Par. 21	This will fund the acquisition of land for various projects for roads previously damaged by severe storms: Blakeley Corners Road Site 2; Blakeley Corners Road Site 3; Zoar Valley Site 2 and Vermont Street Site 9.	B-107, 111 & 118
a	B.21022	2010 ROAD RIGHT-OF-WAY - FEMA PROJECTS - BLAKELEY CORNERS ROAD SITE 2 ROW	C		\$ 20,000			30 yrs. Par. 21	This will fund the acquisition of land for various projects for roads previously damaged by severe storms: Blakeley Corners Road Site 2; Blakeley Corners Road Site 3; Zoar Valley Site 2 and Vermont Street Site 9.	B-107, 111 & 118
b	B.21023	2010 ROAD RIGHT-OF-WAY - FEMA PROJECTS - BLAKELEY CORNERS ROAD SITE 3 ROW	C		\$ 10,000			30 yrs. Par. 21	This will fund the acquisition of land for various projects for roads previously damaged by severe storms: Blakeley Corners Road Site 2; Blakeley Corners Road Site 3; Zoar Valley Site 2 and Vermont Street Site 9.	B-107, 111 & 118
c	B.21024	2010 ROAD RIGHT-OF-WAY - FEMA PROJECTS - VERMONT ST SITE 9 ROW	C		\$ 10,000			30 yrs. Par. 21	This will fund the acquisition of land for various projects for roads previously damaged by severe storms: Blakeley Corners Road Site 2; Blakeley Corners Road Site 3; Zoar Valley Site 2 and Vermont Street Site 9.	B-107, 111 & 118
d	B.21025	2010 ROAD RIGHT-OF-WAY - FEMA PROJECTS - ZOAR VALLEY SITE 2 ROW	C		\$ 20,000			30 yrs. Par. 21	This will fund the acquisition of land for various projects for roads previously damaged by severe storms: Blakeley Corners Road Site 2; Blakeley Corners Road Site 3; Zoar Valley Site 2 and Vermont Street Site 9.	B-107, 111 & 118

TO: LORNE H. 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 | <u>Parcel owners</u> |
| 2. | AMOUNT OF CONTRACT | <u>Total Not to Exceed \$18,199.82</u> |
| 3. | PROJECT NUMBER | <u>B.21025</u> |
| 4. | PROJECT TITLE | <u>2010 FEMA Zoar Valley Road Right of Way</u> |
| 5. | DEPARTMENT CONTACT | <u>Funding questions: Charles A. Sickler,
PE at 8372
Letter pickup: Lynn Sacha at 8301</u> |

COMPTROLLER'S OFFICE

COMPLETE ITEMS 6 AND 7

- | | | |
|------------------------------------|-----------------------|-----------------------------|
| 6. | AVAILABILITY OF FUNDS | <u>\$ 20,000.00</u> |
| 7. | PERFORMED BY | <u><i>Mark Pulsifer</i></u> |
| Date Sent to Comptroller's Office: | | <u>August 19, 2011</u> |

[55 compt_10]

RECEIVED
COMPTROLLER'S OFFICE
2011 AU 19 AM 10:03