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COUNTY OF ERIE

CHRIS COLLINS

COUNTY EXECUTIVE

October 12, 2011

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

**RE: Right-of-Way Acquisition
Penora Street at William Street
Reconstruction of Penora Street (CR 23)
Town of Lancaster
Project No. CAP-CR123-11, 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,

A handwritten signature in black ink, appearing to read "Chris Collins", is written over a faint circular stamp.

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
Penora Street at William Street
Reconstruction of Penora Street (CR 23)
Town of Lancaster
Project No. CAP-CR123-11, Erie County
Date: October 12, 2011

SUMMARY

To pass a resolution authorizing the County of Erie to acquire Right-of-Way to facilitate reconstruction of the intersection related to the Penora Street (CR 23) project.

FISCAL IMPLICATIONS

Right-of-Way acquisition phase costs of this project are currently estimated at \$5,000.00 and are available in SAP B.00062, Purchase of Permanent Right-of-Way. 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 Right-of-Way for reconstruction of the intersection.

BACKGROUND INFORMATION

This project has been approved by the Erie County Legislature and the project was let in the summer of 2011.

CONSEQUENCES OF NEGATIVE ACTION

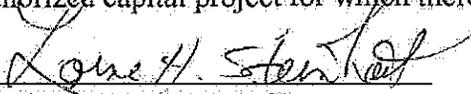
This action is required to insure meeting safety standards for reconstruction of the intersection. Negative action will halt project progress and have detrimental fiscal, health and safety implications.

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.


LORNE H. STEINHART

Deputy Comptroller
Comptroller's Office

⊗ Net available cash in project: \$16,552.67

GJS/WS/lc

File Copy (DPW.10.12.11-2.Penora Street ROW.docx)

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

RE: Right-of-Way Acquisition
Penora Street at William Street
Reconstruction of Penora Street (CR 23)
Town of Lancaster
Project No. CAP-CR123-11, Erie County

WHEREAS, a project for the reconstruction of Penora Street (CR 23) in the Town of Lancaster, Erie County, (the "Project") was authorized by this honorable body via Communications 24E-17 (2010) and 5E-18 (2011); and

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

PORTIONS OF TAX MAP SBL NUMBERS

TOWNSHIP

SBL 115.14-2-20

Lancaster

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

WHEREAS, in order to acquire the 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 Penora Street (CR 23); and

WHEREAS, should the owner(s) 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 \$5,000.00 is made available from the Purchase of Permanent Right-of-Way, SAP B.00062, 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 intersection related to the aforementioned Penora Street project; and be it further

RESOLVED, that the Commissioner of Public Works, or his authorized representatives, are hereby authorized to establish the amount 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 amount to the owner(s) 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, for the Penora Street 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 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 acquisition 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 owner(s) of the Subject Property refuse to convey such portion 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.

STATE OF NEW YORK

LEGISLATURE OF ERIE COUNTY
CLERK'S OFFICE

BUFFALO, N.Y., December 16, 2010

TO WHOM IT MAY CONCERN:

I HEREBY CERTIFY, *That at the 27th Session of the Legislature of Erie County, held in the Legislative Chambers, in the City of Buffalo, on the Sixteenth day of December, 2010 A.D., a Resolution was adopted, of which the following is a true copy:*

WHEREAS, Erie County has many roads that are wholly contained within a municipality and have low traffic volume; and

WHEREAS, it is to the County's advantage to turn these roadways back to the local municipalities; and

WHEREAS, recently some local municipalities have expressed an interest in assuming ownership and maintenance of these roads; and

WHEREAS, before construction can commence, these roads are in need of design; and

WHEREAS, funds exist in SAP Project number B.21001 (2010 Capital Overlay Program) for work on Penora Street (CR 23) in the Town of Lancaster; and

WHEREAS, the Department of Public Works desires to use these funds to begin design work on this roadway; and

WHEREAS, the Town of Lancaster will be replacing a waterline along Penora Street and as a part of this waterline replacement project, has agreed to contribute funds towards the paving of Penora Street.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature authorizes the County Executive to enter into a contract for Engineering Services for the Design of the Reconstruction/Rehabilitation of Penora Street (CR 23) in the Town of Lancaster with Clark Patterson Lee of Buffalo, New York for an amount of \$350,000.00; and be it further

RESOLVED, SAP Project B.21001, Capital Overlay Program, will be utilized to perform the necessary study and design of Penora Street (CR 23) in the Town of Lancaster; 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 one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.

REFERENCE: COMM. 24E-17 (2010) AS AMENDED

ATTEST



ROBERT M. GRABER
Clerk of the Legislature of Erie County

STATE OF NEW YORK

LEGISLATURE OF ERIE COUNTY CLERK'S OFFICE

BUFFALO, N.Y., July 21, 2011

TO WHOM IT MAY CONCERN:

I HEREBY CERTIFY, That at the 16th Session of the Legislature of Erie County, held in the Legislative Chambers, in the City of Buffalo, on the Twenty-First day of July, 2011 A.D., a Resolution was adopted, of which the following is a true copy:

WHEREAS, the reconstruction of Penora Street Project will be advertised, bid, and ready for award of construction contract to the responsible low bidder; and

WHEREAS, this project for the reconstruction of Penora Street (CR 23) (the "Project") was authorized by this honorable body via Comm.24E-17 of December 16, 2010; and

WHEREAS, funding for this project was approved and is available in SAP B.21026 - 2010 Preservation of Roads for \$763,697.06 and in SAP B.11025 - 2011 Preservation of Roads for \$1,500,000.00, for a total amount available of \$2,263,697.06; and

WHEREAS, due to the Legislative schedule during the summer months of August and September it is necessary that this approval be granted, so that the Contract can be awarded to allow the Contractor to begin construction as soon as possible; and

WHEREAS, in order to facilitate the reconstruction of Penora Street, it will be necessary for the County to execute the construction contract with the responsible low bidder and establish a construction contingency; and

WHEREAS, a change order must be negotiated with Clark Patterson Lee for construction inspection and services during construction.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized and is hereby directed to award and execute a contract for the reconstruction of Penora Street Project Number CAP-CR23-11, between the County of Erie and the lowest responsible bidder, establish a construction contingency and execute a negotiated change order between the County of Erie and project engineers Clark Patterson Lee, in an amount not to exceed \$2,263,697.06, contingent upon authorization of the 2011 bond sale; and be it further

RESOLVED, that the funds for the reconstruction of Penora Street Project be allocated from the 2010 Preservation of Roads Project fund (B.21026) in an amount of \$763,697.06 and also from the 2011 Preservation of Roads Project fund (B.11025) in the amount of \$1,500,000.00, for a total, not to exceed, \$2,263,697.06; and be it further

RESOLVED, that the Department of Public Works will inform the Erie County Legislature, for information only, as to what contractor was the successful lowest responsible bidder for the reconstruction of Penora Street, Project Number CAP-CR23-11; and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward five (5) certified copies of this resolution 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 and Management, and the Office of the Comptroller.

REFERENCE: COMM. 15E-18 (2011)

ATTEST



ROBERT M. GRABER
Clerk of the Legislature of Erie County

OFFICE OF THE COMPTROLLER REVIEW

DATE: 10/14/11

PROJECT TITLE: B.00062 Purchase Permanent Rights to Land

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	\$	<u>300,000.00</u>
TOTAL PROJECT APPROPRIATIONS	\$	<u>300,000.00</u>
LESS: TOTAL EXPENDITURE TO DATE	\$	<u>283,447.33</u>
TOTAL COMMITMENTS	\$	<u>4,950.00</u>
AVAILABLE APPROPRIATIONS AS OF DATE OF REQUEST	\$	<u>11,602.67</u>
LESS: CONTRACT AMOUNT:		<u>5,000.00</u>
NET AVAILABLE APPROPRIATIONS	\$	<u>6,602.67</u>

COMMENTS: Net available cash in project: \$16,552.67

REQUEST APPROVED:

Lore H. Steinhaert

REQUEST DENIED:

DATE:

10/14/2011

Fund(s): 400..599 Fiscal Year: 2011 Project(s): B.00062 PURCHASE PERMANENT RIGHTS TO L
 Period: 1 to 16

Account	Prev. Yr.	YTD Debit	YTD Credit	End Bal.
117000 CASH CONTROL ACCOUNT	19,302.67		2,200.00-	17,102.67
200000 ACCOUNTS PAYABLE CONTROL ACCT		4,400.00	4,400.00-	
200200 GR/IR ACCOUNT		3,300.00	3,850.00-	550.00-
389999 UNRESERVED/UNDESIGNATED FUND BALANCE Balance Sheet	19,302.67	7,700.00	10,450.00-	16,552.67
450000 INTERFUND REVENUE NON-SUBSIDY	15,000.00-			15,000.00-
475000 GENERAL OBLIGATION BOND PROCEEDS Revenues	285,000.00-			285,000.00-
	300,000.00-			300,000.00-
516020 PROFESSIONAL SERVICE CONTRACTS AND FEES	13,176.28			13,176.28
561100 ACQUISITION: LAND	13,050.00	2,750.00		15,800.00
561250 ACQUISITION: BUILDING IMPROVEMENTS	254,471.05			254,471.05
Expenditures	280,697.33	2,750.00		283,447.33
* Total		10,450.00	10,450.00-	

und/Group 410..520

unds Center *

unded Program B.00062

(PURCHASE PERMANENT RIGHTS TO L

(*)

Commitment Item	Original Budget	Adjustments	Current Budget	Commitment	Actuals
450000 Interfnd Rev Non-Sub					15,000.00-
475000 Gen Oblig Bond Proc	299,000.00-		299,000.00-		285,000.00-
486000 Interfnd Rev Subsidy	15,000.00-		15,000.00-		
Revenue	314,000.00-		314,000.00-		300,000.00-
516020 Pro Ser Cnt And Fees					13,176.28
561100 Acquisition Land				4,950.00	15,800.00
561250 Acq Building Improvs					254,471.05
CAPITALPROJECTS Capital Project Exp	314,000.00		314,000.00		
Expense	314,000.00		314,000.00	4,950.00	283,447.33
* Commitment Item				4,950.00	16,552.67-

TO: LORNE STEINHART, COMPTROLLER'S OFFICE

COMPTROLLER'S
RECEIVED

PROPOSED RESOLUTIONS REQUIRING RULE 55

OCT 13 AM 11:30

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

\$5,000.00

3. PROJECT NUMBER

B. 00062

4. PROJECT TITLE

Right-of-Way Acquisition
Penora Street at William Street

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

\$ 16,552.67

7. PERFORMED BY

Jackie Pulzifer

Date Sent to Comptroller's Office:

October 13, 2011

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