



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

May 17, 2013

Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Re: Akron Falls Park – Intermunicipal Agreement with Town of Newstead

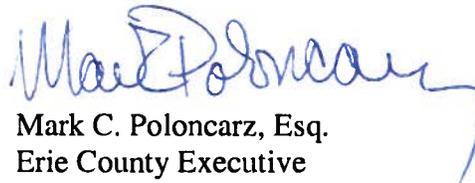
Dear Honorable Members:

Enclosed please find a memorandum and proposed resolution authorizing the execution of an Intermunicipal Agreement with the Town of Newstead concerning the purchase of approximately 131 acres within Akron Falls Park by the Town.

I ask that you refer this item to the Energy and Environment Committee. A representative from the Parks Department, County Attorney's office, and Department of Environment and Planning will be present to answer any questions Committee members may have.

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

Sincerely yours,



Mark C. Poloncarz, Esq.
Erie County Executive

MCP/cw
Enclosure

cc: Commissioner Maria R. Whyte, Commissioner Troy Schinzel
Michael Siragusa, County Attorney
Deputy Commissioner Thomas J. Dearing

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Environment and Planning
Re: Akron Falls Park – Intermunicipal Agreement with Town of Newstead
Date: May 6, 2013

SUMMARY

It is recommended that the Erie County Legislature approve the attached resolution authorizing the County Executive to enter into an intermunicipal agreement with the Town of Newstead. The agreement will outline the conditions and terms regarding the Town's purchase of approximately 131 acres within Akron Falls Park from the County.

FISCAL IMPLICATIONS

The purchase price has been established at \$200,000 minus any costs the Town may incur when undertaking necessary property survey and legal description services. The Director of Real Property Tax Services has reviewed and approved the assessment of the property. There will be an overall savings to the operating budget of the Erie County Department of Parks, Recreation and Forestry.

REASONS FOR RECOMMENDATION

The Town of Newstead Town Board adopted a resolution on December 10, 2012 noting their agreement in principal to the purchase of the 131 acres from Erie County. The vast majority of the acreage is not part of the original Akron Falls Park parcel but was added onto the Park in 1966. It is primarily used for active recreation including local soccer organizations. The land in question therefore addresses the need for local recreation space within the Town.

BACKGROUND INFORMATION

The transfer of any parkland from one local government to another represents an alienation of parkland. This necessitates a series of reviews and actions by Erie County and New York State including adoption of a Home Rule message and alienation legislation by the New York State Legislature. An intermunicipal agreement is a necessary first step in the process.

CONSEQUENCES OF NEGATIVE ACTION

In the event the proposed resolution is not approved, the transfer process would not be able to proceed to the park alienation review phase.

STEPS FOLLOWING APPROVAL

The County Executive and Town of Newstead will execute an intermunicipal agreement defining the land transfer terms.

**A RESOLUTION SUBMITTED BY:
DEPARTMENT OF ENVIRONMENT AND PLANNING**

**RE: Akron Falls Park – Intermunicipal
Agreement with Town of Newstead**

WHEREAS, the Newstead Town Board adopted a resolution on December 10, 2012 noting their desire to acquire approximately 131 acres of Akron Falls Park from Erie County; and

WHEREAS, said acreage is used by Newstead area recreation leagues and is isolated from the Akron Falls natural heritage areas; and

WHEREAS, the proposed land transfer represents an alienation of parkland requiring a series of actions by the Town of Newstead, Erie County, and the New York State Legislature; and

WHEREAS, the proposed land transfer action has been reviewed pursuant to New York State Environmental Quality Review procedure by the Erie County Department of Environment and Planning and determined to be a Type 1 action having no negative impact on the environment; and

WHEREAS, the Director of Real Property Tax Services has reviewed and approved the assessment of the property; and

WHEREAS, an intermunicipal agreement is necessary between Erie County and the Town of Newstead describing the terms of the parkland transfer including but not limited to reversionary clause, residency, park use, acquisition cost, and land description.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to execute an Intermunicipal Agreement with the Town of Newstead which shall provide for but not be limited to the following provisions:

(1) The transfer of approximately 131 acres within Akron Falls Park south of Skyline Drive for an amount not to exceed \$200,000;

(2) The reversion of the land back to the County should the Town cease to use the land solely for park purposes 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 Newstead residents; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive; the Commissioner of the Department of Environment and Planning; the Commissioner of Parks, Recreation and Forestry; the Director of Real Property Tax Services; the Director of the Division of Budget and Management; the County Attorney; and the Erie County Comptroller.