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# COUNTY OF ERIE

**MARK C. POLONCARZ**  
COUNTY EXECUTIVE

May 17, 2013

Erie County Legislature  
92 Franklin Street – 4<sup>th</sup> Floor  
Buffalo, New York 14202

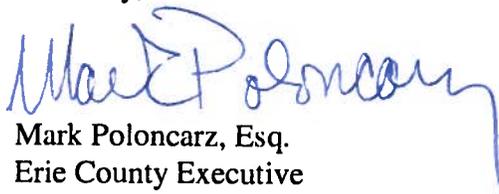
**RE: Erie County Sewer District No. 3  
Amended License Agreement between CSX Transportation, Inc.  
And the County of Erie**

Dear 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 Joseph L. Fiegl, P.E. in the Department of Environment and Planning. Thank you for your consideration on this matter.

Sincerely,



Mark Poloncarz, Esq.  
Erie County Executive

Enclosure  
MCP/RN/bs

cc: J. Fiegl – Environment and Planning

## MEMORANDUM

**To:** Honorable Members of the Erie County Legislature  
**From:** Department of Environment and Planning  
**Re:** Erie County Sewer District No. 3  
Amended License Agreements between CSX Transportation, Inc.  
And the County of Erie  
**Date:** April 23, 2013

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### **SUMMARY**

Authorization to execute an amended license agreement between CSX Transportation, Inc. and the County of Erie for Erie County Sewer District No 3 is requested.

### **FISCAL IMPLICATIONS**

There will be no impact to the County's General Fund. Costs related to the agreement will be paid from Cost Center 1831010 of Erie County Sewer District No. 3's 2013 Adopted Budget.

### **REASONS FOR RECOMMENDATION**

This amended agreement will provide for a one time final payment of \$4,750.00 versus making payments on an annual basis, thus reducing annual administrative and long-term budgetary costs.

### **BACKGROUND INFORMATION**

In 2003 Erie County, has taken over the sanitary sewer system of the Village of Blasdell. The existing license agreement with CSX Transportation, Inc. that allowed installation of sanitary sewers on railroad properties were assigned to the County. This agreement 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 FOLLOWING APPROVAL**

CSX will prepare and the County Executive will execute the amended agreement and the Division of Sewerage Management will make a final payment to the CSX Transportation, Inc. The final payment is \$4,750.00 of which \$4,000.00 is for the one time fee and the \$750.00 is for CSX administrative costs.

**A RESOLUTION SUBMITTED BY:  
Department of Environment and Planning**

**RE: Erie County Sewer District No. 3  
Amended License Agreement between CSX Transportation, Inc.  
And the County of Erie**

**WHEREAS, the County of Erie and CSX Transportation, Inc. have a license agreement for sanitary sewers installed within the railroad property; 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 \$4,750.00, with \$4,000.00 for the one time fee and \$750.00 are for CSX Transportation, Inc. administrative costs.**

**NOW, THEREFORE BE IT**

**RESOLVED, that the amended license agreement between the County of Erie and CSX Transportation, Inc. on behalf of Erie County Sewer District No. 3 in the amount of \$4,750.00 is hereby approved; and be it further;**

**RESOLVED, that the Comptroller be authorized to allocate from Professional Services, Contracts and Fees SD # 3(1831010) in the 2013 Adopted Budget, \$4,750.00 subject to the approval and verification of the cost by the County's Division of Sewerage Management; and be it further**

**RESOLVED that the Clerk of the Legislature be directed to send one certified copy of this resolution to the County Executive, the County Comptroller, Kristen Walder, Assistant County Attorney, and two (2) certified copies to Joseph L. Fiegl, P.E., Deputy Commissioner, Department of Environment & Planning.**