

May 20, 2013

ECONOMIC DEVELOPMENT COMMITTEE
REPORT NO. 9

ALL MEMBERS PRESENT.

CHAIR GRANT PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 9D-3 (2013)
DEPUTY COUNTY EXECUTIVE: "Final Changes to Buffalo Bills Lease Document"
(6-0)
 - b. COMM. 9M-2 (2013)
ECIDA: "Financial Statements as of 12/31/12"
(6-0)
 - c. COMM. 9M-3 (2013)
NFTA: "Annual Operating Budget for Fiscal Year Ending 3/31/14, and Revised Five-Year Capital Plan"
(6-0)
 - d. COMM. 9M-5 (2013)
ERWIN ZAFIR, MANAGING MEMBER, KEY SUCCESS, LLC: "Copy of Letter to Mayor Brown Concerning Future of Key Center at Fountain Plaza"
(6-0)
 - e. COMM. 9M-8 (2013)
NFTA: "NFTA Metro System, Inc. Actual Cash Flow (4/1/12 - 3/31/13) and Projected Cash Flow (4/1/13 - 3/31/14) Statements"
(6-0)
2. COMM. 9E-5 (2013)
COUNTY EXECUTIVE
WHEREAS, Erie County has undertaken a Commercial Center Improvement Program through the federally funded Community Development Block Grant; and

WHEREAS, the objective of the Program is to financially assist owners of commercial properties operating retail/business establishments within city, village, and hamlet retail centers located in Erie County Community Development Consortium communities; and

WHEREAS, in order to successfully carry out the Program professional architectural services are required to complete certain technical components of the Commercial Center Improvement Program; and

WHEREAS, an agreement with Clinton Brown Company Architecture, P.C. was executed on August 11, 2010 for an amount not to exceed \$45,000; and

WHEREAS, due to the high volume of commercial façade services within the Consortium municipalities since August, 2010 an increase to the authorized fee amount is necessary; and

WHEREAS, said increase will allow the Program to continue while a new Request for Proposal process is undertaken by the Department of Environment and Planning.

NOW, THEREFORE, BE IT

RESOLVED, that the source of funds is money available within the Erie County Department of Environment and Planning Budget, Project J.00510, Commercial Center Improvement Program; and be it further

RESOLVED, that the Erie County Executive is hereby authorized to increase the 8/11/2010 contract amount with Clinton Brown Company Architecture, P.C. for commercial façade architectural services from \$45,000 to an amount not to exceed \$60,000; and be it further

RESOLVED, that the Clerk of the Erie County Legislature be directed to forward certified copies of this resolution to the County Executive; the Commissioner of the Department of Environment and Planning; the Director of the Division of Budget and Management; the County Attorney; and the Erie County Comptroller.
(6-0)

3. COMM. 9E-8 (2013)
COUNTY EXECUTIVE

WHEREAS, a project for the reconstruction of Penora Street (CR 23) in the Town of Lancaster, Erie County; was authorized by this Honorable Body via Communication 24E-17 (2010); and

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

PORTIONS OF TAX MAP SBL NUMBERS

TOWNSHIP

SBL 115.06-4-32.2

Lancaster

SBL	115.06-4-31.121	Lancaster
SBL	115.06-4-19.1	Lancaster
SBL	115.06-4-20.11	Lancaster

such properties to be acquired by the County is herein referred to as the “Subject Properties”; and

WHEREAS, in order to acquire the parcels 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, in order to advance the acquisition process, it will be necessary to retain the services of a ROW consultant and D&S Realty Consultants is an approved provider of such services; 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 section of Penora Street (CR 23); and

WHEREAS, should one or more owners of the subject properties 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 property by commencing eminent domain proceedings.

NOW, THEREFORE, BE IT

RESOLVED, that the County of Erie is authorized to acquire the necessary real property interests from the below Subject Properties for the purpose of reconstructing and improving the Penora Street project:

<u>PORTIONS OF TAX MAP SBL NUMBERS</u>	<u>TOWNSHIP</u>
SBL 115.06-4-32.2	Lancaster
SBL 115.06-4-31.121	Lancaster
SBL 115.06-4-19.1	Lancaster
SBL 115.06-4-20.11	Lancaster

and be it further

RESOLVED, that the sum of \$7,000.00 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 enter into a contract with D & S Realty Consultants to provide the ROW services necessary for the acquisition of the required ROW; 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 property interests 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 owners of the subject properties for the purpose of acquiring the necessary real property interest in portions of their respective parcel of real property by permanent easement or temporary easement, for the Penora Street Reconstruction Project, Phase II; 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 subject properties; 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 properties 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 properties; and be it further

RESOLVED, should one or more owners 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.
(6-0)

4. COMM. 9E-9 (2013)

COUNTY EXECUTIVE

WHEREAS, long stretches of Stony Road have been susceptible to severe potholes and cracking in the winter months making the road difficult to drive in those months due to the condition of the roadway surface; and

WHEREAS, over the years, the Department of Public Works has been using oil and chip as a repair measure; and

WHEREAS, the only solution is to rehabilitate the road by strengthening it and repaving to make a smooth surface to drive on; and

WHEREAS, before construction can commence, this road is in need of design; and

WHEREAS, funds exist in SAP Project number B.00028 (2001 Various Roads Design Program) for work on Stony Road (CR 350); and

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

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 Rehabilitation of Stony Road (CR 350), in the Town of Lancaster with Clark Patterson Lee for an amount not to exceed \$100,000.00; and be it further

RESOLVED, SAP Project B.00028, Various Roads Design Program, will be utilized to perform the necessary study and design of Stony Road (CR 350), 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.

(6-0)

THOMAS A. LOUGHRAN
CHAIR