



ECLEG JUN18'13 AM10:51

COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

June 18, 2013

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

**RE: Supplemental Agreement with NYSDOT - Right-of-Way Acquisition
Harris Hill Road (CR 276) Intersections - At Wehrle Drive (CR 275)
and Pleasant View Drive (CR 161), Towns of Clarence and Lancaster - PIN
5756.47, Erie County**

Dear Honorable Members:

We are forwarding for your approval a proposed resolution authorizing the County of Erie to execute a Supplemental Agreement with the New York State Department of Transportation to increase the funds available for the acquisition of Right-of-Way to facilitate reconstruction of the above noted intersections.

Should your Honorable Body require further information, please contact Commissioner John Loffredo at the Department of Public Works. Thank you for your consideration on this matter.

Sincerely yours,

A handwritten signature in blue ink that reads "Mark C. Poloncarz".

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/bb
Enclosure

cc: John Loffredo, Department of Public Works

MEMORANDUM

COMPTROLLER'S
RECEIVED
13 JUN -4 AM 11:34

To: Honorable Members of the Erie County Legislature
From: Department of Public Works, Office of the Commissioner
Re: Supplemental Agreement with NYSDOT - Right-of-Way Acquisition
Harris Hill Road (CR 276) Intersections - at Wehrle Drive (CR 275)
and Pleasant View Drive (CR 161)
Towns of Clarence and Lancaster, PIN 5756.47, Erie County
Date: June 4, 2013

SUMMARY

The purpose of this resolution is to authorize the County Executive to execute a supplemental agreement with the New York State Department of Transportation increasing the project phase budget for the purchase of Right-of-Way for the above noted project. Acquisition of additional Right-of-Way is required for completion of the project.

FISCAL IMPLICATIONS

This is a federal aid project with costs allocated as follows: Federal - 80%, State - 15%, Erie County - 5%. The Supplemental Agreement increases in the current Right-of-Way funding of \$22,000.00 in the amount of \$28,000., a project phase total of \$50,000. This increase is to be shared Federal \$22,400.00; State \$4,200.00 and Erie County's local share of \$1,400.00 to be allocated from Fund 420, BA 123, B.00197 - 2007 Harris Hill Right of Way funds.

REASONS FOR RECOMMENDATION

The increase in Right-of-Way funding is required to facilitate the acquisition of additional Right-of-Way necessary for construction of the project.

BACKGROUND INFORMATION

Need for additional Right-of-Way was determined during construction. Funding to permit acquisition of this Right-of-Way is necessary to complete the project.

CONSEQUENCES OF NEGATIVE ACTION

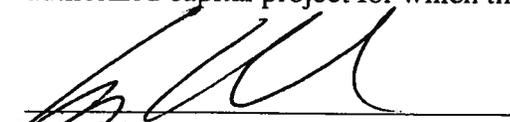
Project cannot be completed as designed and objectives of the project cannot be met.

STEPS FOLLOWING APPROVAL

The County Executive will execute the supplemental agreement with the New York State Department of Transportation to increase funds available for acquisition of Right-of-Way.

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.



GREGORY GACH
Deputy Comptroller

JCL/BR/dab

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

**RE: Supplemental Agreement with NYSDOT - Right-of-Way Acquisition
Harris Hill Road (CR 276) Intersections -At Wehrle Drive (CR 275)
And Pleasant View Drive (CR 161), Towns of Clarence and Lancaster - PIN
5756.47, Erie County**

WHEREAS, a project for reconstruction of the intersections of Harris Hill Road (CR276) at Wehrle Drive (CR275) and Pleasant View Drive (CR161) in the Towns of Clarence and Lancaster, Erie County, PIN 5756.47 (the "Project") was authorized by this Honorable Body on July 9, 2009 via Communication 12E-19; and

WHEREAS, the Project is eligible for funding under Title 23, U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds; and

WHEREAS, the project is also eligible for New York State Marchiselli funding in the amount of 15% of the project costs, resulting in an Erie County share of Project costs of 5%; and

WHEREAS, the County of Erie desires to increase the funding available for the Right-of-Way Acquisition Phase of the project through a Supplemental Agreement that increases the original Right-of-Way Acquisition funding in the amount of \$28,000.00; and

WHEREAS, the County of Erie desires to advance the Project by making a commitment of 100% of the Non-Federal share of the costs of the Right-of-Way Acquisition Phase of the Project.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the above subject action; and be it further

RESOLVED, that the County of Erie authorizes the County of Erie to pay in the first instance 100% of the Federal and non-Federal shares of the costs of the Right-of-Way Acquisition Phase of the Project or portions thereof; and be it further

RESOLVED, that the Project Fund B.00197 2009 Harris Hill Right-of-Way, fund center 123, fund 420, be increased by the anticipated Federal and State revenue in the amount of \$26,600.00 as follows:

REVENUES		CURRENT BUDGET	INCREASE/ DECREASE	REVISED BUDGET
Account	Description			
405160	Marchiselli Aid	\$ 3,300	\$ 4,200	\$ 7,500
414000	Federal Aid	\$ 17,600	\$22,400	\$ 40,000
475000	Gen Oblig Bond Proc	\$ <u>2,550</u>	<u>0</u>	\$ <u>2,550</u>
TOTAL REVENUES		<u>\$23,450</u>	<u>\$26,600</u>	<u>\$50,050</u>

APPROPRIATIONS

Capital Projects	Capital Project Exp	<u>\$23,450</u>	<u>\$26,600</u>	<u>\$50,050</u>
TOTAL APPROPRIATIONS		<u>\$23,450</u>	<u>\$26,600</u>	<u>\$50,050</u>

RESOLVED, that the \$1,400.00 local share of the of the increased right of way phase of the Project is hereby appropriated from B.00197 2009 Harris Hill Right-of-Way and made available to cover the cost of participation in the above phase of the Project; and be it further

RESOLVED, that in the event the amount required to pay in the first instance 100% of the Federal and non-Federal shares of the cost of the Project's Right-of-Way Acquisition Phase exceeds the amount appropriated, and/or 100% of the Federal and non-Federal shares of the cost of the Project (\$50,000.00); the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon notification by the New York State Department of Transportation thereof; and be it further

RESOLVED, that the County Executive of the County of Erie is hereby authorized to execute all necessary agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli aid on behalf of the County of Erie with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of Federal Aid and State Aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and be it further

RESOLVED, that a certified copy of this resolution be filed with the New York State Department of Transportation by attaching it to any necessary agreement in connection with the Project; and be it further

RESOLVED, that the Clerk of the Legislature forward ten (10) certified copies of this resolution to the Department of Public Works, Office of the Commissioner, to be forwarded to the New York State Department of Transportation and also one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.

TO: GREGORY GACH, DEPUTY, 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 New York State Department of Transportation
2. AMOUNT OF CONTRACT \$28,000. (Supplemental Agreement No. 4/ ROW)
3. PROJECT NUMBER B.00197
4. PROJECT TITLE Harris Hill Road Right of Way
5. DEPARTMENT CONTACT Funding questions: Charles A. Sickler, PE at 8372
Letter pickup: Diane Bukowski at 8301

COMPTROLLER'S OFFICE

COMPLETE ITEMS 6 AND 7

6. AVAILABILITY OF FUNDS

\$ 6,982,380

7. PERFORMED BY

[Signature]

Date Sent to Comptroller's Office:

June 4, 2013

[55 compt_10]

PROJECT TITLE: B.00197 2007 Harris Hill @ Wehrle & Pleasantview ROW

1) IS THE REASON FOR THIS CONTRACT CONSISTENT WITH THE PURPOSE OF THE PROJECT: YES X NO _____

IF NO, RETURN THIS REQUEST TO THE DEPARTMENT

IF YES, COMPLETE THE FOLLOWING VERIFICATION

2) PROJECT AVAILABLE APPROPRIATION

TOTAL PROJECT REVENUES \$ 18,111.00

TOTAL PROJECT APPROPRIATIONS \$ 23,450.00

LESS: TOTAL EXPENDITURE TO DATE \$ 16,467.62

TOTAL COMMITMENTS \$ 0.00

AVAILABLE APPROPRIATIONS AS OF DATE OF REQUEST \$ 6,982.38

LESS: CONTRACT AMOUNT: 0.00

NET AVAILABLE APPROPRIATIONS \$ 6,982.38

COMMENTS: \$852.86 project cash balance, Comptrollers review to accept a supplemental Agreement with the NYSDOT which increases the budget for the purchase of Right-of-Way Rights for B.00197 from \$22,000 to \$50,000 Fed 80% State 15% Local 5% \$2,550.00 in Bond proceeds and premium already actualized no further local funds necessary

REQUEST APPROVED: _____

REQUEST DENIED: _____

DATE: 6/11/13