



ECLEG OCT08'13 6:10:03

COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

October 8, 2013

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

Re: Akron Falls Park – Request for Parkland Alienation Legislation

Dear Honorable Members:

Enclosed please find a memorandum and proposed resolution seeking preparation and adoption of Parkland Alienation Legislation by the New York State Legislature. This is necessary to allow the transfer of approximately 130 acres of Akron Falls Park to the Town of Newstead.

Should your honorable body require further information, I encourage you to contact Thomas J. Dearing, Deputy Commissioner, 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: Maria R. Whyte, Commissioner

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Environment and Planning
Re: Akron Falls Park – Request for Parkland Alienation Legislation
Date: October 8, 2013

SUMMARY

It is recommended that the Erie County Legislature approve the attached resolution requesting that the New York State Legislature enact parkland alienation legislation. This is required prior to the transfer of approximately 130 acres within Akron Falls Park in the Town of Newstead and Village of Akron to the Town of Newstead.

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. There will be an overall savings to the operating budget of the Erie County Department of Parks, Recreation and Forestry.

The funds will be used for park improvements to other areas within the County park system. This provision is required by the State laws and regulations governing the alienation process.

REASONS FOR RECOMMENDATION

An Inter-Municipal Agreement was executed between Erie County and the Town of Newstead on August 7, 2013. This established the terms for the transfer/sale of the parcels within Akron Falls Park. Since the action represents an alienation of park land, a formal request by the Erie County Legislature to the New York State Legislature for adoption of a Parkland Alienation Law is required prior to closing on the land transfer.

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 Home Rule message and alienation legislation by the New York State Legislature.

CONSEQUENCES OF NEGATIVE ACTION

In the event the proposed resolution is not approved, the transfer process would be delayed pending future action by the Erie County Legislature.

STEPS FOLLOWING APPROVAL

The County Executive will forward an original certified resolution to New York State Senator Michael H. Ranzenhofer and New York State Assemblywoman Jane Corwin for their use in drafting the required State Legislation.

**A RESOLUTION TO BE SUBMITTED BY:
ENVIRONMENT AND PLANNING**

**RE: Akron Falls Park – Request for
Parkland Alienation Legislation**

WHEREAS, Erie County and the Town of Newstead entered into an Inter-Municipal Agreement dated August 7, 2013 regarding the purchase of certain parkland within Akron Falls Park by the Town of Newstead; and

WHEREAS, the purchase and transfer of parkland represents an alienation of parkland necessitating submittal of a Municipal Home Rule Request to the New York State Legislature regarding the enactment of a parkland alienation bill; and

WHEREAS, the action of transferring County Parkland to the Town of Newstead represents an action subject to review under the New York State Environmental Quality Review Act (SEQR); and

WHEREAS, Erie County, acting through the Department of Environment and Planning served as lead agency for the purposes of SEQR and issued a Negative Declaration on March 20, 2013 determining that the proposed action will not have an adverse environmental impact.

NOW, THEREFORE BE IT

RESOLVED, that the Erie County Legislature requests that the New York State Legislature adopt parkland alienation legislation authorizing the County of Erie to transfer, for a sum not to exceed \$200,000, certain parkland within Erie County's Akron Falls Park to the Town of Newstead; and be it further

RESOLVED, that said parkland is more fully described on Attachment A to this Resolution; and be it further

RESOLVED, that any revenue received by Erie County from the transfer of the property described in Attachment A shall be used for capital improvements of existing County park and recreational facilities and/or for the acquisition of additional park and recreational facilities by Erie County; and be it further

RESOLVED, that the County Executive is hereby empowered to execute any such agreements, documents, or papers as may be necessary to implement the intent and purpose of this Resolution; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive's Office; the Comptroller's Office; the Director of the Division of Budget and Management; the County Attorney; the Commissioner of the Department of Environment and Planning, Rath Building, 10th Floor; the Commissioner of the Department of Parks, Recreation, and Forestry, Rath Building, 13th Floor; New York State and Assembly home rule offices; New York State Senator Michael H. Ranzenhofer; and New York State Assemblywoman Jane Corwin.

ATTACHMENT A

CHICAGO TITLE INSURANCE COMPANY

SEARCH NO. 1313-02716

PARCEL "A"

All that tract or parcel of land situate in the Village of Akron, Town of Newstead, County of Erie and State of New York, being part of Lots Nos. 41 and 42, Township 12, Range 5 of the Tonawanda Reservation, described as follows:-

Beginning at a point in the south line of Lot No. 42, being also the north line of Lot No. 9, 350.59 feet west of the northeast corner of Lot No. 9: thence west along the common line of Lots Nos. 9, 41 and 42, 280.34 feet to the west line of premises of Leonard Raykowski recorded in Erie County Clerk's Office in liber 5127 of Deeds page 559: thence north along said west line, 944.37 feet to the south line of Skyline Drive: thence easterly along the south line of Skyline Drive, 159.52 feet to a point: continuing thence southeasterly, 114.23 feet along the southerly bounds of Skyline Drive to the east line of Leonard Raykowski recorded in said Clerk's Office in liber 5127 of Deeds page 559 and the west line of Henry Raykowski recorded in said Clerk's Office in liber 4290 of Deeds page 145: thence southerly along said boundary line, 919.50 feet to the point or place of beginning

PARCEL "B"

All that tract or parcel of land situate in the Town of Newstead, County of Erie and State of New York, being part of Lot No. 9, Section 3, Township 12, Range 5 of the Holland Land Company's Survey, described as follows:-

Beginning at a point in the east line of Lot No. 9, 200 feet north of the southeast corner of said Lot: thence north along said Lot line, 4385.97 feet to the northeast corner of Lot No. 9: thence west along the north line of Lot No. 9, 1320 feet to the northwest corner of Lot No. 9: thence south and along the west line of Lot No. 9, 2554.03 feet to a point, 2040.06 feet north of the southwest corner of Lot No. 9: thence east, 218.46 feet along the north line of lands recorded in Erie County Clerk's Office in liber 1163 of Deeds page 481 to the northeast corner of said lands recorded in said Clerk's Office in liber 1163 of Deeds page 481: thence south along the east line of premises conveyed to Charles Carpenter and wife by said lands recorded in said Clerk's Office in liber 1163 of Deeds page 481, 1738.74 feet to a point: thence east and parallel with the south line of Lot No. 9, 410 feet to a point: thence south and parallel with the west line of Lot No. 9, 300 feet to the south line of Lot No. 9: thence easterly along the south line of Lot No. 9, being also the north line of Main Street, 325 feet to a point: thence north and parallel with the east line of Lot No. 9, 200 feet: thence east and parallel with the south line of Lot No. 9, 384.10 feet to the point or place of beginning in the east line of Lot No. 9

26-53-9 & 19D-9

