COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

June 23, 2014

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

Re: Akron Falls Park – Acceptance of Funds

Dear Honorable Members:

Enclosed please find a memorandum and proposed resolution seeking an adjustment to the 2014 Budget of the Department of Parks, Recreation, and Forestry accepting $194,750 in local source revenue from the Town of Newstead. The funds will be transferred to Erie County from the municipality upon execution of an Agreement of Sale pertinent to the purchase of approximately 130 acres of Akron Falls Park by 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

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Environment and Planning
Re: Akron Falls Park – Acceptance of Funds
Date: June 23, 2014

SUMMARY

The Department of Environment and Planning is seeking approval of the requested adjustment to the 2014 Budget of the Department of Parks, Recreation, and Forestry. This is required to accept $194,750 in local source revenue from the Town of Newstead, upon the transfer of approximately 130 acres within Akron Falls Park in 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 services. The latter have been established as $5,250. 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.

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. The State Legislative process is expected to conclude in July, 2014. Land sale closing and the subsequent transfer of funds is the final step in the process.

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

Upon passage of the necessary state legislation authorizing the land transfer the County Executive will execute an Agreement of Sale and Quit Claim Deed with the Town of Newstead. This will include the monetary transfer of funds.

A RESOLUTION TO BE SUBMITTED BY: ENVIRONMENT AND PLANNING

RE: Akron Falls Park – Acceptance of Funds

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 Town of Newstead has agreed to provide $200,000, minus the cost of necessary property survey and legal description cost, to Erie County as a condition of Erie County transferring approximately 130 acres of Akron Falls Park to the Town of Newstead; and

WHEREAS, an Agreement of Sale, Quit Claim Deed and other necessary documents require execution by the Erie County Executive and authorized Town officials prior to closing on the land transfer; and

WHEREAS, the purchase and transfer of parkland represents an alienation of parkland necessitating submittal by the County Executive of a Municipal Home Rule Request to the New York State Legislature requesting the enactment of a parkland alienation bill on March 17, 2014 by the Erie County Executive; and

WHEREAS, completion of all necessary State approvals of the land transfer is expected to occur in July 2014; 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 authorization is hereby provided to accept funding in an amount not to exceed $194,750 from the Town of Newstead and to adjust the 2014 Erie County Department of Parks, Recreation, and Forestry accordingly; and be it further

RESOLVED, that the County Executive is hereby authorized to execute any and all documents necessary to conclude the transfer of an estimated 130 acres of Akron Falls Park to the Town of Newstead, including an Agreement of Sale and Quit Claim Deed with said lands being described in Erie County Legislative Resolution Comm. 17E-9 (2013) adopted by the Erie County Legislature on October 24, 2013; 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; and the Commissioner of the Department of Parks, Recreation, and Forestry, Rath Building, 13th Floor.