



# COUNTY OF ERIE

**MARK C. POLONCARZ**

COUNTY EXECUTIVE

July 18, 2014

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

**RE: Erie County Sewer District No. 1  
Agreement – Lease of Land to Town of Cheektowaga  
Overflow Retention Facility Property**

Honorable Members:

Enclosed please find a resolution and an accompanying memorandum from the Department of Environment and Planning pertaining to a Land Lease Agreement between the County of Erie on behalf of Erie County Sewer District No. 1 and the Town of Cheektowaga.

Should your Honorable Body require further information, I encourage you to contact Joseph L. Fiegl, P.E. in the Division of Sewerage Management. Thank you for your consideration of this matter.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Mark Poloncarz", is written over a faint, larger version of the same signature.

Mark C. Poloncarz, Esq.  
Erie County Executive

MCP:MAS:vb

## MEMORANDUM

**To:** Honorable Members of the Erie County Legislature  
**From:** Department of Environment and Planning  
**Re:** Erie County Sewer District No. 1  
Agreement – Lease of Land to Town of Cheektowaga  
Overflow Retention Facility Property  
**Date:** July 18, 2014

---

### **SUMMARY**

Erie County Legislative approval for an Agreement between the County of Erie and the Town of Cheektowaga for the lease of County land utilized by Erie County Sewer District No. 1 is requested.

### **FISCAL IMPLICATIONS**

There will be no impact on the County's General Fund. The Town of Cheektowaga will pay Erie County Sewer District No. 1 rent of \$500.00 per year plus the cost of special assessments levied on the demised premises for five (5) years.

### **REASONS FOR RECOMMENDATION**

The Town of Cheektowaga has requested to lease the land surrounding the Erie County Sewer District No. 1 Overflow Retention Facility on Cayuga Creek Road for an open green space preserve.

### **BACKGROUND INFORMATION**

The County of Erie/Erie County Sewer District No. 1 previously purchased approximately 55 acres of land in the Town of Cheektowaga and constructed an Overflow Retention Facility (ORF) on a small part of the property. The remainder of the land owned by the County services as a buffer. In 1995, the land surrounding the ORF was leased to the Town of Cheektowaga for the use as open green space. In 2000, additional property was added to the lease and the lease was extended. The lease ends on January 1, 2015 and the Town wants to renew the Agreement for another five (5) year term with an option to extend.

Erie County Sewer District No. 1 Board of Managers has no objection to leasing the property to the Town of Cheektowaga.

### **CONSEQUENCES OF NEGATIVE ACTION**

The Town of Cheektowaga will not be able to utilize the open green space surrounding the ORF for passive recreation and preservation and Erie County Sewer District No. 1 will not receive the revenue.

### **STEPS FOLLOWING APPROVAL**

A new Lease Agreement between the County of Erie and the Town of Cheektowaga will be executed.

A RESOLUTION SUBMITTED BY:  
DEPARTMENT OF ENVIRONMENT & PLANNING

RE: Erie County Sewer District No. 1  
Agreement – Lease of Land to the Town of Cheektowaga  
Overflow Retention Facility Property

WHEREAS, the Town of Cheektowaga desires to lease portions of the property that surrounds the Erie County Sewer District No. 1 Overflow Retention Facility (ORF) on Cayuga Creek Road for passive recreation and open space preservation; and

WHEREAS, the Erie County Sewer District No. 1 buffer property of approximately 55 acres has been leased by the Town of Cheektowaga since 1995; and

WHEREAS, Erie County Sewer District No. 1 is agreeable to renewal of the lease.

NOW, THEREFORE, BE IT

RESOLVED, that a five year lease with a five year renewal clause is approved for properties known as SBL Nos. 113.19-2-7, 113.10-2-8, 113.19-2-9, 113.19-2-12, 113.19-2-13.2 and 124.00-5-29, reserving land needed for the ORF, appurtenant sewer lines, utility lines, and sewer outfall lines and possible future ORF expansion; and be it further

RESOLVED, such land shall be leased to the Town of Cheektowaga for an annual rent of \$500.00 plus the cost of any special assessments on the demised parcels; and be it further

RESOLVED, that the County Executive is authorized to sign such Lease Agreement subject to the County Attorney's approval; and be it further

RESOLVED, that one (1) certified copy of this resolution be sent to the County Executive, the Cheektowaga Town Board, the County Comptroller, and Kristen Walder, Assistant County Attorney; and two (2) certified copies of this resolution be sent to Joseph L. Fiegl, P.E. in the Department of Environment and Planning.