



ECLEG OCT 31 2014 11:09 AM

# COUNTY OF ERIE

**MARK C. POLONCARZ**

COUNTY EXECUTIVE

October 31, 2014

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

Re: Transfer of Surplus County Owned Land Locked Parcels  
SBL# 73.00-3-29.11 and 73.00-3-29.21

Dear Honorable Members:

Please find attached a resolution and accompanying memorandum to authorize the transfer of the above mentioned surplus County owned land locked parcels as described above, to the adjoining property owners.

Should your Honorable Body require further information, please contact Joseph L. Maciejewski, CCD from the Department of Real Property Tax Services. Thank you for your consideration on this matter.

Sincerely,

Mark C. Poloncarz, Esq.  
Erie County Executive

MCP  
Enclosure

## **MEMORANDUM**

**To:** Honorable Members of the Erie County Legislature  
**From:** Real Property Tax Services  
**Re:** Transfer of Surplus County Owned Land Locked Parcels  
SBL# 73.00-3-29.11 and 73.00-3-29.21  
**Date:** October 31, 2014

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### **SUMMARY**

In July 2013 two property owners (Mr. and Mrs. Randy Felber, and Mr. and Mrs. Richard Felber) purchased homes on Nice Road in the Town of Newstead. Upon transfer of the above mentioned properties it was found that an abandoned railroad right-of-way bisected the Felber's property creating two land locked parcels. Authorization is sought to sell the properties to the Felbers'.

### **FISCAL IMPLICATIONS**

Positive as the county will receive \$600.00 and will have reduced exposure to risk, liability and maintenance.

### **REASONS FOR RECOMMENDATION**

The properties have been deemed surplus by the County Advisory Review Committee, which further recommended the sale to adjoining property owners. Furthermore the sale reduces the county's risk and liability on the property and returns them to the tax roll.

### **BACKGROUND INFORMATION**

Erie County obtained the abandoned railroad right-of-way in 1949 through In Rem foreclosure action #94. It is the recommendation of the Director of Real Property Tax Services and the Erie County Lands Advisory Review Committee that these surplus properties be sold without public auction the above mentioned property owners.

### **CONSEQUENCES OF NEGATIVE ACTION**

County would retain ownership with exposure to risk and liability, properties would not be returned to the tax roll and county would not be paid \$600.00.

### **STEPS FOLLOWING APPROVAL**

The County Executive will execute a quit claim deed which said properties will be turned over to the adjoining property owners.

**A RESOLUTION SUBMITTED BY:  
REAL PROPERTY TAX SERVICES**

RE:                   Transfer of Surplus County Owned Land Locked Parcels  
                          SBL# 73.00-3-29.11 and 73.00-3-29.21

WHEREAS, the Director of Real Property Tax Services has recommended the transfer of surplus county owned landlocked parcels described as SBL# 73.00-3-29.11 and 73.00-3-29.21; and

WHEREAS, the landlocked parcels have been owned by the County since 1949 and measure 83.12'x 332.46 each; and

WHEREAS, the parcels were reviewed and deemed surplus by the County Advisory Review Committee;

NOW, THEREFORE BE IT RESOLVED that SBL# 73.00-3-29.11 in the Town of Newstead, be sold to Randy and Jill Felber for Three Hundred Dollars (\$300.00); and be it further;

RESOLVED, that SBL# 73.00-3-29.21 in the Town of Newstead, be sold to Richard and Julie Felber for Three Hundred Dollars (\$300.00) and be it further;

RESOLVED, that the Erie County Executive is hereby authorized and directed to execute a quit claim deed conveying any and all interest of the County of Erie in the above described property to the aforesaid purchasers; and be it further;

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the Office of the County Comptroller, the County Attorney, Department of Environment and Planning, and the Department of Real Property Tax Services.