COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

March 13, 2014

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

RE: Right-of-Way Acquisition-Lenox Road (C.R. 511) Culvert Replacement
Project No. 511-867-14 -FEMA PW 867
Town of Collins -County of Erie

Dear Honorable Members:

Please find attached for your approval a proposed resolution authorizing the County of Erie to acquire Right-of-Way to facilitate construction of the Lenox Road culvert.

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

Sincerely,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/dab
Enclosure

MEMORANDUM

To:	Honorable Members of the Erie County Legislature
From:	Department of Public Works
Re:	Right-of-Way Acquisition-Lenox Road (C.R. 511) Culvert Replacement Project No. 511-867-14-FEMA PW 867 Town of Collins - County of Erie
Date:	March 13, 2014

SUMMARY

This resolution is seeking your Honorable Body's authorization for the County of Erie to acquire Right-of-Way (ROW) on Lenox Road for removal and replacement of culvert BR 511-1 at FEMA site PW 867 (the Project) in the Town of Collins. Easements and/or fee acquisitions will be required at the site. Included in the acquisition process is contracting with D&S Realty Consultants for ROW consulting services. Construction for the project must conclude by August 1, 2014, a date set by FEMA.

FISCAL IMPLICATIONS

ROW acquisition costs for this Project, including D&S Realty Consultants, are currently estimated not to exceed $8,000.00 from SAP B.00204, 2008 FEMA Right of Way. ROW acquisitions will be negotiated within the budgeted allowance.

REASONS FOR RECOMMENDATION

The acquisition of ROW for the Project is necessary for appropriate removal and replacement of the subject culvert.

BACKGROUND INFORMATION

This project consists of the removal and replacement of a deteriorated concrete box culvert and aluminum plate liner and replacement with a precast concrete structure.

CONSEQUENCES OF NEGATIVE ACTION

The project will not be constructed. Removal and replacement of the culvert is required to provide stability against future storm events and to preserve FEMA funding. If not constructed the site will continue to deteriorate and FEMA funding will be lost.

STEPS FOLLOWING APPROVAL

The County Executive will execute the necessary Contracts of Sale, and ROW will be acquired to facilitate reconstruction of the roadway.

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.

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GREGORY GACH
Deputy Comptroller, Comptroller's Office

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

RE: **Right-of-Way Acquisition-Lenox Road (C.R. 511) Culvert Replacement**
Project No. 511-867-14 -FEMA PW 867
Town of Collins - County of Erie

WHEREAS, it is desired to replace culvert BR 511-1 on Lenox Road as located by FEMA PW 867, the "Project"; and

WHEREAS, in order to facilitate this reconstruction, it will be necessary for the County to acquire by easement and/or fee, parcels that are portions of real property in the vicinity of the Project as follows:

PORTION OF TAX MAP SBL NUMBER	TOWNSHIP
SBL 330.00-2-11	Collins

such property to be acquired by the County is herein referred to as the "Subject Property"; and

WHEREAS, in order to acquire the right of way (ROW) for the Project, it will be necessary for the County to establish an amount to represent just compensation for the real property interest to be acquired and to thereafter make a written offer to purchase the real property interest for the respective just compensation amount; and

WHEREAS, in order to advance the acquisition process, it will be necessary to retain the services of a ROW consultant and D&S Realty Consultants is an approved provider of such services; and

WHEREAS, the acquisition of the portions of the Subject Property is expected to be de minimis in nature so that the public interest will not be prejudiced by the reconstruction and other general improvements to the subject location on Lenox Road (C.R. 511); and

WHEREAS, should one or more owners of the Subject Property refuse to convey such portion of their real property to the County for an amount not exceeding fair market value, it will be necessary for the County to acquire the Subject Property by commencing eminent domain proceedings.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the acquisition of the ROW required to construct the Project; and be it further

RESOLVED, that the sums of $8,000.00 from SAP B.00204, 2008 FEMA Right of Way be made available to cover all costs of ROW acquisition; and be it further

RESOLVED, that the County of Erie is authorized to acquire the necessary real property interests from the aforementioned Subject Property for the purpose of culvert replacement at the aforementioned Lenox Road PW 867 site; and be it further

RESOLVED, that the County of Erie is authorized to enter into a contract with D&S Realty Consultants to provide the ROW services necessary for the acquisition of the required ROW; and be it further

RESOLVED, that the Commissioner of Public Works, or his authorized representatives, are hereby authorized to establish the amounts which he believes to represent just compensation for the real properties to be acquired; and be it further

RESOLVED, that the Commissioner of Public Works, or his authorized representatives, are hereby authorized to negotiate and offer just compensation amounts to the owners of the Subject Property for the purpose of acquiring the necessary real property interest by easement and/or fee, which acquisition is necessary for the Lenox Road PW 867 site culvert replacement project; and be it further

RESOLVED, that the Commissioner of Public Works, or his authorized representatives, are authorized to act on behalf of the County of Erie in connection with the acquisition of the portions of the aforementioned Subject Property; and be it further

RESOLVED, that the County Attorney shall prepare and the County Executive shall execute all appropriate documents relating to acquiring fee and/or easement interests in the Subject Properties; and be it further

RESOLVED, should one or more owners of the Subject Property refuse to convey such portions of their real property to the County for an amount not to exceed the just compensation determined by the Commissioner of Public Works, or his authorized representatives, the County is authorized to commence eminent domain procedures; and be it further

RESOLVED, that the Clerk of the Legislature forward three (3) certified copies of this resolution to the Department of Public Works, Office of the Commissioner, 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, 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	Parcel owners D&S Realty Consultants
2. AMOUNT OF CONTRACT	Total Not to Exceed $8,000.00
3. PROJECT NUMBER	B.00204
4. PROJECT TITLE	Lenox Road Culvert Replacement Project No. FM 511-867-14 FEMA PW 867
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	$
7. PERFORMED BY	
Date Sent to Comptroller's Office:	March 7, 2014

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