



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

March 13, 2014

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

**RE: Conveyance of Excess Highway Right-of-Way
Southwestern Boulevard (US Rte. 20) and Webster Road (CR 103), Town of
Orchard Park**

Dear Honorable Members:

The proposed resolution is being submitted for your consideration and approval. The Department of Public Works, Division of Highways is requesting authorization to convey excess highway right-of-way along Southwestern Boulevard (US Rte. 20) and Webster Road (CR 103) in the Town of Orchard Park.

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

Sincerely,

A handwritten signature in blue ink that reads "Mark C. Poloncarz".

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: Conveyance of Excess Highway Right-of-Way
Southwestern Boulevard (US Rte. 20) and Webster Road (CR 103)
Town of Orchard Park
Date: March 13, 2014

SUMMARY

That the conveyance of interest in the one parcel of land for Southwestern Boulevard (US Rte. 20) and Webster Road (CR 103) herein described be authorized.

FISCAL IMPLICATIONS

Erie County is to receive \$5,000.00 in consideration for the parcels transfer.

REASONS FOR RECOMMENDATION

The Erie County Lands Advisory Review Committee (ARC) recommends that this approval be granted so that the two parcels can be conveyed to the adjoining owner on Southwestern Boulevard in the Town of Orchard Park.

BACKGROUND INFORMATION

The land adjacent to Southwestern Boulevard at the intersection with Webster Road is currently owned by the County of Erie. The New York State Department of Transportation has maintenance jurisdiction of this parcel for Southwestern Boulevard, a NYSDOT Highway. The NYSDOT requires that the maintenance jurisdiction of this parcel must be transferred to the County of Erie before the County can sell the land. The adjacent property owner at 3621 Southwestern Boulevard wishes to purchase this parcel totally 0.39± acre of County highway right-of-way no longer needed for highway purposes adjacent to their property.

CONSEQUENCES OF NEGATIVE ACTION

The right-of-way along Southwestern Boulevard, Town of Orchard Park, could not be conveyed and would remain under Erie County's ownership and NYSDOT maintenance jurisdiction.

STEPS FOLLOWING APPROVAL

The Department of Public Works, Division of Highways, will accept maintenance jurisdiction from NYSDOT, and will convey the lands described herein to the adjacent property owner.

**A RESOLUTION SUBMITTED BY:
DEPARTMENT OF PUBLIC WORKS**

**RE: Conveyance of Excess Highway Right-of-Way
Southwestern Boulevard (US Rte. 20) at Webster Road (CR 103), Town of Orchard
Park**

WHEREAS, the County of Erie acquired fee title to various parcels of land along Southwestern Boulevard and Webster Road in the Town of Orchard Park for construction of Southwestern Blvd., Part 2, C.R. 205; and

WHEREAS, the New York State Department of Transportation currently has maintenance jurisdiction over this land, now known as S.H. 9269, Southwestern Boulevard; and

WHEREAS, 3621 OP LLC c/o West Herr Automotive Company, Inc., the property owner at 3621 Southwestern Boulevard, Orchard Park, wishes to purchase a portion of this land, highway right-of-way associated with Southwestern Boulevard, deemed no longer necessary for County highway purposes by the Erie County Lands Advisory Review Committee (ARC); and

WHEREAS, the New York State Department of Transportation has determined that a portion of the land, consisting of 0.39± acre and designated as Parcel 407 on New York State Department of Transportation Conveyance Map 360-C, may be surplus to State Highway needs; and

WHEREAS, the New York State Department of Transportation may abandon its maintenance jurisdiction over Parcel 407 to the County of Erie, if the Department of Transportation determines that said Parcel 407 is surplus to State Highway needs, and if the County of Erie will accept such maintenance jurisdiction; and

WHEREAS, 3621 OP LLC c/o West Herr Automotive Company, Inc., being the adjoining property owner, will compensate the County of Erie the agreed upon price of \$5,000.00 for the transfer of the 0.39± acre parcel of land at the time of filing in the Erie County Clerk's Office.

NOW, THEREFORE, BE IT

RESOLVED, that for County purposes of transferring land no longer necessary for highway purposes, the County of Erie Department of Public Works hereby accepts maintenance jurisdiction of said property; and be it further

RESOLVED, that for County purposes of transferring land no longer necessary for highway purposes, the County Executive is hereby authorized and directed to convey the County's interest in the parcel of land herein described for and in consideration of the sum described herein; and be it further

RESOLVED, that three (3) certified copies of this resolution be sent to the Department of Public Works, Division of Highways, and one copy each to the Office of the County Executive, the Division of Budget, Management and Finance, and the Office of the Comptroller.