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COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

May 5, 2015

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

RE: Niagara Street Culvert – Agreement of Adjustment – NYSDOT PIN5757.57.221

Dear Honorable Members:

Enclosed please find a memorandum and proposed resolution seeking authorization for the County Executive to execute an Agreement of Adjustment with the New York State Department of Transportation. It pertains to the acquisition of property necessary for the reconstruction of Culvert No. 50266 under Niagara Street in the City of Tonawanda.

Should your Honorable Body require further information, I encourage you to contact Troy Schinzel, Commissioner, at the Department of Parks, Recreation and Forestry. Thank you for your consideration on this matter.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Mark C. Poloncarz", written in a cursive style.

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/cw
Enclosure

CC: Maria R. Whyte, Commissioner of Environment and Planning
Troy Schinzel, Commissioner of Parks, Recreation and Forestry
Thomas J. Dearing, Deputy Commissioner of Environment and Planning

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Environment and Planning
Re: Niagara Street Culvert – Agreement of Adjustment – NYSDOT PIN5757.57.221
Date: May 5, 2015

SUMMARY

The New York State Department of Transportation (NYSDOT) is replacing a culvert under Niagara Street in the City of Tonawanda. Their work area requires acquisition of a small land parcel from Erie County and land needed for a temporary construction easement. Since this is a federal aid project, a variety of notices and agreements are required to insure that Erie County is compensated for the land in question. Documents titled Agreement of Adjustment and/or Agreement for Advanced Payment require execution by the County Executive prior to the receipt of approximately \$7,100 from NYSDOT.

FISCAL IMPLICATIONS

Erie County will receive approximately \$7,100 for the land taken from NYSDOT.

REASONS FOR RECOMMENDATION

The culvert replacement work is a necessary road improvement within the project area. The Erie County Lands Advisory Review Committee reviewed the action and deemed it appropriate and necessary for said infrastructure improvement. Erie County is desirous of receiving just compensation from NYSDOT for the acquisition and temporary easement.

BACKGROUND INFORMATION

The Erie County Legislature adopted Communication 19E-7 (2014) on October 16, 2014. This authorized the County Executive to execute an easement with NYSDOT for the lands necessary for the culvert work. In addition, on February 12, 2015 the Erie County Legislature adopted Communication 2E-19 (2015). The latter amended the 2015 Erie County Budget to accept \$7,100 in unanticipated state revenue for the project.

NYSDOT is now requiring an additional resolution which would authorize the County Executive to execute an Agreement of Adjustment as it pertains to the Niagara Street work.

CONSEQUENCES OF NEGATIVE ACTION

In the event the proposed action is not approved, the funds would not be received by Erie County.

STEPS FOLLOWING APPROVAL

All necessary land transfer agreements will be executed with NYSDOT.

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF ENVIRONMENT AND PLANNING

RE: Niagara Street Culvert – Agreement
of Adjustment – NYSDOT
PIN5757.57.221

WHEREAS, the NYSDOT has undertaken road improvements to Niagara Street in the City of Tonawanda; and

WHEREAS, said project is identified as NYSDOT PIN 5757.57.221; and

WHEREAS, said improvements required acquisition through eminent domain of certain County lands, thereby insuring the establishment of a proper work area; and

WHEREAS, said parcels have been identified on NYSDOT Map 1, Parcel 1 (Fee) and Map 4, Parcel 5 (Temporary Easement) in the City of Tonawanda, County of Erie; and

WHEREAS, said maps are on file with the Erie County Department of Parks, Recreation and Forestry.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature authorizes the Erie County Executive to execute an Agreement of Adjustment and/or an Agreement for Advance Payment and any and all other documents prepared by the New York State Department of Law for the acquisition of property regarding the reconstruction of the culvert (No. 530266) under Niagara Street with the NYSDOT PIN 5757.57.221 Project: City of Tonawanda: Niagara Street for the acquisition of Map 1, Parcel 1 (Fee) and Map 4, Parcel 5 (Temporary Easement) in the City of Tonawanda, County of Erie, in the amount of \$7,100 plus interest; 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.