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COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

January 11, 2015

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

IMMEDIATE CONSIDERATION REQUESTED

Re: Bailey Peninsula Land Transfer – City of Buffalo/NYSDOT Bailey Avenue Bridge Relocation at Erie County Bailey Peninsula Natural Habitat Park

Dear Honorable Members:

Please find enclosed a resolution from the Department of Environment and Planning seeking legislative authorization for the County Executive to enter into all necessary agreements to transfer 1.48 acres of Bailey Peninsula Natural Habitat Parkland to the City of Buffalo for the New York State Department of Transportation relocation of the Bailey Avenue Bridge.

In exchange, an equal amount of adjacent City of Buffalo land along with the land area that will be abandoned when existing Bailey Avenue Bridge is demolished will be returned to Erie County with habitat restoration and park improvements. The Erie County Real Property Tax Services Division and Erie County Lands Advisory Review Committee have approved this land exchange.

Should your Honorable Body require further information, I encourage you to contact Deputy Commissioner Thomas R. Hersey, Jr. of the Department of Environment and Planning, or the Department of Parks, Recreation and Forestry. Thank you for your consideration on this matter.

Sincerely,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/cw

Cc: Thomas J. Dearing, Commissioner, Dept. of Environment and Planning
Commissioner, Dept. of Parks, Recreation and Forestry
Robert W. Keating, Director of Budget and Management

MEMORANDUM

To: Erie County Legislature
From: Department of Environment and Planning
Re: Bailey Peninsula Land Transfer – City of Buffalo/NYSDOT Bailey Avenue Bridge Relocation at Erie County Bailey Peninsula Natural Habitat Park
Date: January 11, 2015

SUMMARY

Authorization is requested for the County Executive to enter into all necessary agreements to transfer 1.48 acres of Bailey Peninsula Natural Habitat Parkland to the City of Buffalo for the New York State Department of Transportation (NYSDOT) relocation of the Bailey Avenue Bridge. In exchange, an equal amount of adjacent City of Buffalo land, along with the land area that will be abandoned when existing Bailey Avenue Bridge is demolished, will be returned to Erie County. The land exchanged from the City of Buffalo, through the NYSDOT bridge relocation project budget, will be restored back to natural habitat parkland with green infrastructure and park improvements. The Erie County Real Property Tax Services Division and the Erie County Advisory Review Committee have approved this land exchange.

FISCAL IMPLICATIONS

None

REASONS FOR RECOMMENDATION

The New York State Department of Transportation and the City of Buffalo have received funding and are proceeding with the relocation of the Bailey Avenue Bridge, Buffalo, New York. As a result, the new location of the bridge will be constructed through what is currently Erie County's Bailey Peninsula Natural Habitat Park. In order for the City of Buffalo and NYSDOT to complete this bridge relocation, it is necessary for the City of Buffalo to exchange an equal amount of land back to Erie County, with habitat restorations and park improvements, to replace the parkland that is being used for the roadway. Erie County will realize unplanned park amenities, green infrastructure features, and natural habitat restorations that would not otherwise be possible for Erie County to implement on its own.

CONSEQUENCES OF NEGATIVE ACTION

The Bailey Avenue Bridge relocation will not be able to proceed, and Erie County would not realize the benefits of enhanced habitat and parkland improvements made possible by this land transfer.

STEPS FOLLOWING APPROVAL

Upon approval of this resolution, the County Executive will be authorized to enter into all necessary agreements with the City of Buffalo to execute the exchange of property between the City of Buffalo and Erie County for this project.

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF ENVIRONMENT AND PLANNING

RE: Bailey Peninsula Land Transfer – City of Buffalo / NYSDOT Bailey Avenue Bridge Relocation at Erie County Bailey Peninsula Natural Habitat Park

WHEREAS, the County of Erie currently owns the Bailey Peninsula Natural Habitat Park located in the City of Buffalo, State of New York; and

WHEREAS, the City of Buffalo and the New York State Department of Transportation (NYSDOT) have received funding and are proceeding with the relocation of the Bailey Avenue Bridge, Buffalo, New York, requiring the new bridge to be constructed through what is currently Erie County's Bailey Peninsula Natural Habitat Park; and

WHEREAS, it is necessary for the City of Buffalo to exchange an equal amount of parkland back to Erie County, with habitat restorations and park improvements, to replace the parkland that is being used for the roadway relocation through Bailey Peninsula Natural Habitat Park; and

WHEREAS, Erie County will realize the benefit of unanticipated enhancements of park amenities, green infrastructure features, and natural habitat restorations that would not otherwise be possible for Erie County to implement on its own; and

WHEREAS, Erie County will have no fiscal implications in this equal land exchange transfer; and

WHEREAS, Joseph Maciejewski, Erie County Commissioner of Real Property Tax Services made a determination that the land exchange transfer is fair and acceptable; and

WHEREAS, the Department of Environment and Planning has completed a review pursuant to New York State Environmental Quality Review Act (SEQR) and a Negative Declaration was issued on May 21,2014, thus determining that the proposed action will not have an adverse environmental impact; and

WHEREAS, at its meeting on June 26, 2014, the Erie County Advisory Review Committee (ARC) approved the exchange of said real property by the County.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to execute any and all agreements relating to the exchange of real property located at Bailey Peninsula Natural Habitat Park, Buffalo, New York, for consideration of an equal exchange of real property by the City of Buffalo as more fully described on Attachment A (Exhibits A, B and C), with improvements more fully described on Attachment B, to be paid for by the City of Buffalo and/or New York State Department of Transportation; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive; Comptroller; Director of the Division of Budget and Management; Commissioner of the Department of Environment and Planning; Deputy Commissioner of Environmental Compliance; Commissioner of the Department of Parks, Recreation and Forestry; and Assistant County Attorney Kristen M. Walder.

ATTACHMENT A

PROPERTY DESCRIPTION

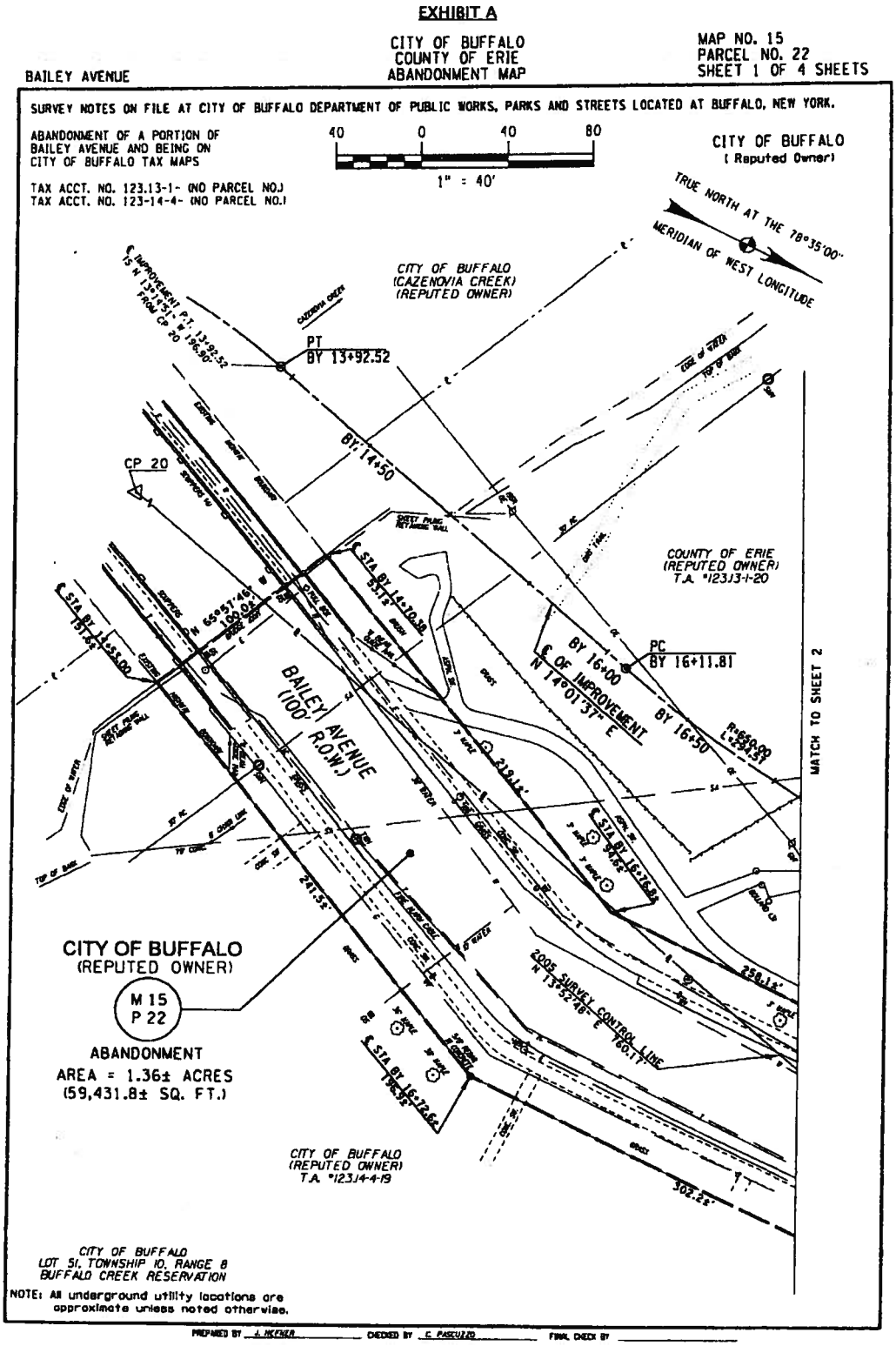


EXHIBIT A

CITY OF BUFFALO
COUNTY OF ERIE
ABANDONMENT MAP

BAILEY AVENUE

MAP NO. 15
PARCEL NO. 22
SHEET 2 OF 4 SHEETS

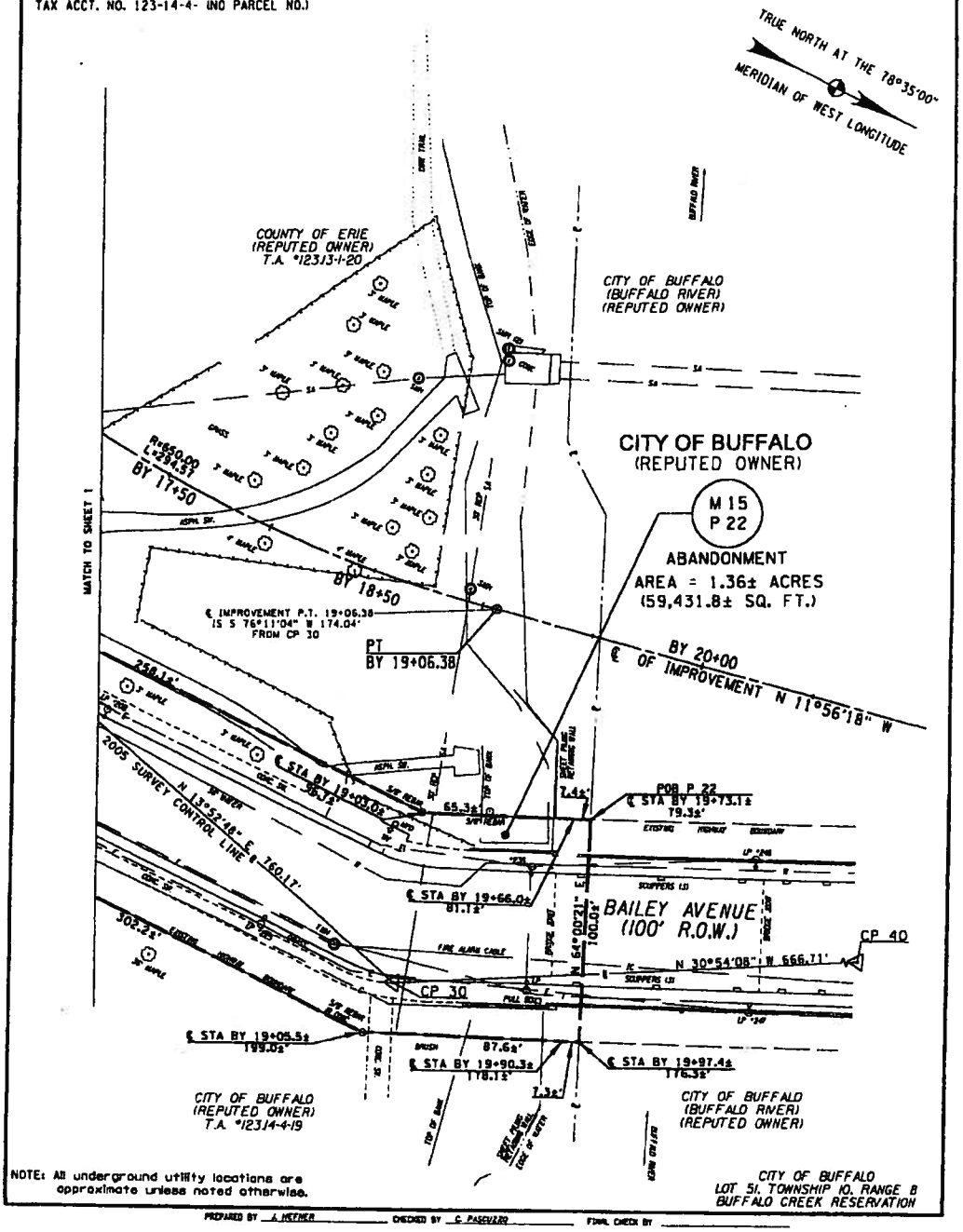
SURVEY NOTES ON FILE AT CITY OF BUFFALO DEPARTMENT OF PUBLIC WORKS, PARKS AND STREETS LOCATED AT BUFFALO, NEW YORK.

ABANDONMENT OF A PORTION OF BAILEY AVENUE AND BEING ON CITY OF BUFFALO TAX MAPS

TAX ACCT. NO. 123-13-1- (NO PARCEL NO.)
TAX ACCT. NO. 123-14-4- (NO PARCEL NO.)

40 0 40 80
1" = 40'

CITY OF BUFFALO
(Reputed Owner)



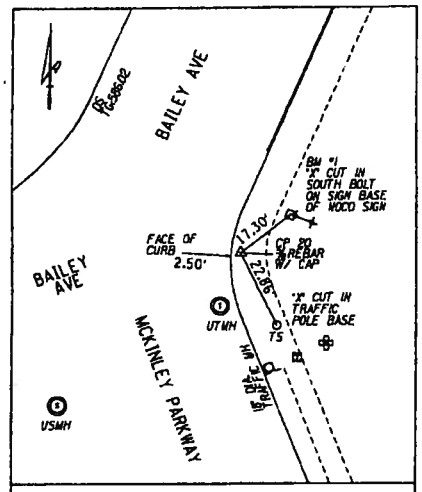
PREPARED BY A. HEFNER CHECKED BY C. PASQUZZO FINAL CHECK BY

EXHIBIT A

CITY OF BUFFALO
COUNTY OF ERIE
ABANDONMENT MAP

MAP NO. 15
PARCEL NO. 22
SHEET 3 OF 4 SHEETS

BAILEY AVENUE



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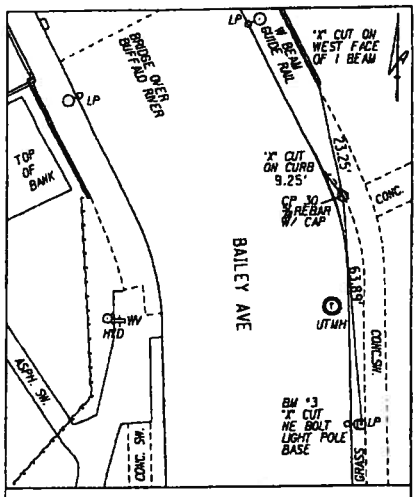
(NOT TO SCALE)



CONTROL POINT 30
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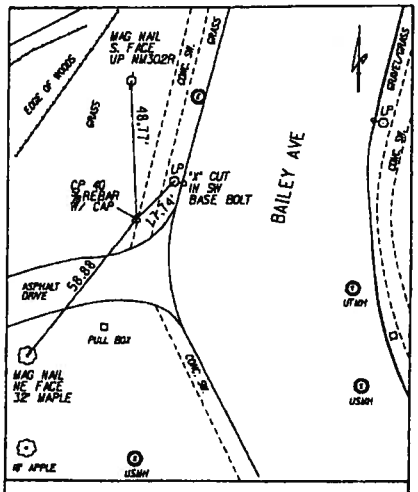
(NOT TO SCALE)



CONTROL POINT 40
N 1043406.102 E 1083235.908 (NAD 83)
(NOT TO SCALE)

PREPARED BY J. HEFNER CHECKED BY C. PASQUIZZO FINAL CHECK BY

EXHIBIT A

CITY OF BUFFALO
COUNTY OF ERIE
ABANDONMENT MAP

MAP NO. 15
PARCEL NO. 22
SHEET 4 OF 4 SHEETS

BAILEY AVENUE

All that piece or parcel of property hereinafter designated as Parcel No. 22, situate in the City of Buffalo, County of Erie, State of New York, as shown on the accompanying map and described as follows:

PARCEL NO. 22

Beginning at a point in the existing westerly highway boundary of Bailey Avenue at its intersection with the division line between the property of The County of Erie (reputed owner) on the south and the property of The City of Buffalo (Buffalo River)(reputed owner) on the north, said point of beginning being 79.3± feet distant easterly and at right angles from station 19+73.1± of the hereinafter described centerline of improvement for the reconstruction of Bailey Avenue; thence northeasterly through the property of The City of Buffalo (reputed owner) (Bailey Avenue) on a bearing of North 64°00'21" East a distance of 100.0± feet to a point in the existing easterly highway boundary of Bailey Avenue, said point being 176.3± feet distant easterly from said centerline of improvement and at right angles to station 19+97.4±; thence along the existing easterly highway boundary of Bailey Avenue (The City of Buffalo) (reputed owner) the following four (4) courses and distances: (1) southeasterly a distance of 7.3± feet to a point, said point being 178.1± feet distant easterly from said centerline of improvement and at right angles to station 19+90.3±; thence (2) southeasterly a distance of 87.6± feet to a point, said point being 199.0± feet distant easterly from said centerline of improvement and at right angles to station 19+05.5±; thence (3) southerly a distance of 302.2± feet to a point, said point being 196.9± feet distant easterly from said centerline of improvement and at right angles to station 16+72.6±; thence (4) southwesterly a distance of 241.5± feet to a point, said point being 151.6± feet distant easterly from said centerline of improvement and at right angles to station 14+53.00; thence northwesterly through the property of The City of Buffalo (reputed owner) (Bailey Avenue) on a bearing of North 65°57'46" West a distance of 100.0± feet to a point in the existing westerly highway boundary of Bailey Avenue, said point being 53.1± feet distant easterly from said centerline of improvement and at right angles to station 14+70.38; thence along the existing westerly highway boundary of Bailey Avenue (The City of Buffalo) (reputed owner) the following four (4) courses and distances: (1) northeasterly a distance of 219.1± feet to a point, said point being 94.6± feet distant easterly from said centerline of improvement and at right angles to station 16+76.8±; thence (2) northerly a distance of 258.1± feet to a point, said point being 96.7± feet distant easterly from said centerline of improvement and at right angles to station 19+03.0±; thence (3) northeasterly a distance of 65.3± feet to a point, said point being 81.1± feet distant easterly from said centerline of improvement and at right angles to station 19+66.0±; thence (4) northwesterly a distance of 7.4± feet to the point of beginning, being 59,431.8± square feet or 1.36± acres.

The 2005 survey control line, as shown on the accompanying map, is a portion of the 2005 survey control line for the Rehabilitation of Bailey Avenue as shown on a map and plan on file in the office of the City of Buffalo Department of Public Works, Parks and Streets and described as follows:

Beginning at CP 20 thence N 13°52'48" E, 760.17' to CP 30 and thence N 30°54'08" W, 666.71' to CP 40.

All bearings referred to True North at the 78°35'00" meridian of west longitude.

I hereby certify that the property mapped above is not necessary for this project, and the abandonment thereof is recommended.

Date 6/12 2014

PETER MERLO, P.E.
City Engineer
City of Buffalo

STATE OF NEW YORK
CHRIS A. PASCUZZO
LICENSED LAND SURVEYOR

"Unauthorized alteration of a survey map bearing a licensed land surveyor's seal is a violation of the New York State Education Law."

I hereby certify that this map was prepared from a field survey under my supervision.

Date JUNE 10 2014
Fisher Associates P.E., L.S., L.A., P.C.

Chris A. Pascuzzo, L.S.
P.L.S. License No. 049868

CITY OF BUFFALO
DEPARTMENT OF PUBLIC WORKS, PARKS AND STREETS

BAILEY AVENUE
CITY OF BUFFALO
ERIE COUNTY

CITY OF BUFFALO
(Reputed Owner)

Map of property in and to which the Commissioner of Public Works, Parks and Streets deems unnecessary to be retained for purposes connected with the Reconstruction of Bailey Avenue.

Jurisdiction over the aforesaid City property no longer necessary or useful to the purposes of the City of Buffalo, is hereby declared to be abandoned.

Date_____ 20____

Real Estate Division

I have compared the foregoing copy of the map with the original thereof, as filed in the Office of the Department of Public Works, Parks and Streets, and I do hereby certify the same to be a true and correct copy of the original and of the whole thereof.

Real Estate Division

PREPARED BY A. HEFNER CHECKED BY C. PASCUZZO FINAL CHECK BY

EXHIBIT B

CITY OF BUFFALO
COUNTY OF ERIE
DEED MAP

MAP NO. 16-D
PARCEL NO. 24
SHEET 1 OF 3 SHEETS

BAILEY AVENUE

SURVEY NOTES ON FILE AT CITY OF BUFFALO DEPARTMENT OF PUBLIC WORKS, PARKS AND STREETS LOCATED AT BUFFALO, NEW YORK.

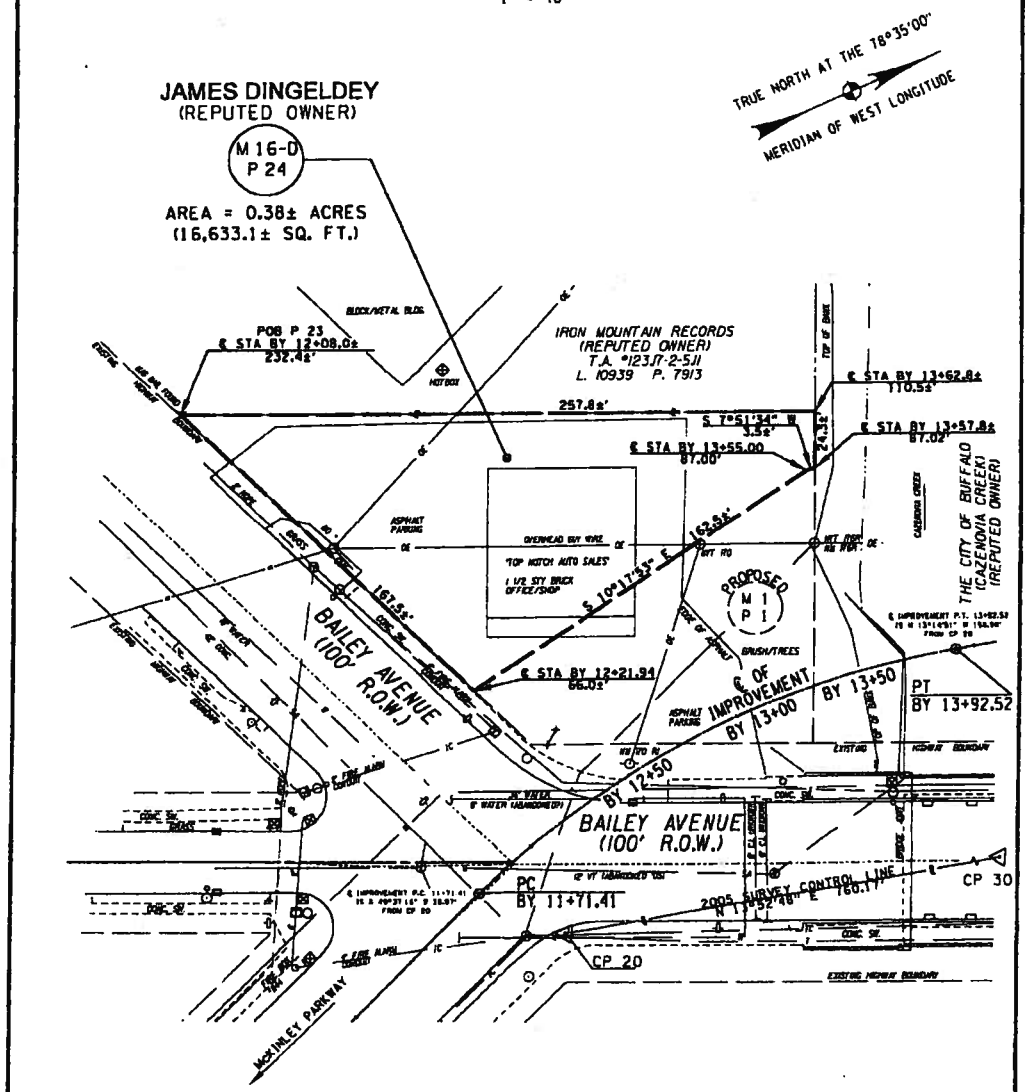
CC - D L. 11143 P. 2349

TAX ACCT. NO. 123.17-02-09

40 0 40 80

1" = 40'

JAMES DINGELDEY
(Reputed Owner)



NOTE: All underground utility locations are approximate unless noted otherwise.

CITY OF BUFFALO
LOT 51, TOWNSHIP 10, RANGE 8
BUFFALO CREEK RESERVATION

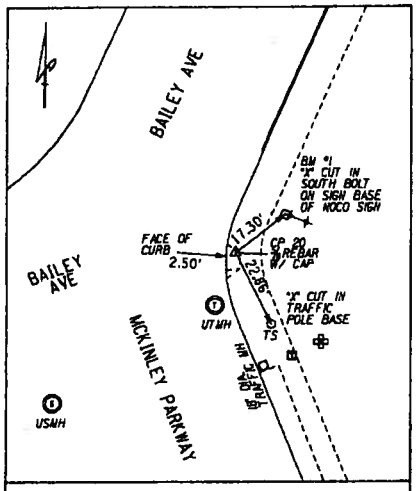
PREPARED BY A. HEFNER CHECKED BY C. PASQUZZO FINAL CHECK BY

EXHIBIT B

CITY OF BUFFALO
COUNTY OF ERIE
DEED MAP

MAP NO. 16-D
PARCEL NO. 24
SHEET 2 OF 3 SHEETS

BAILEY AVENUE



CONTROL POINT 20
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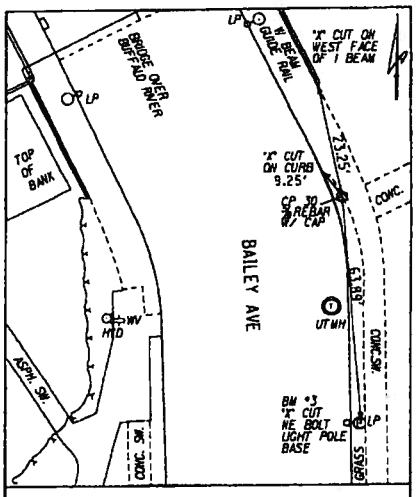
(NOT TO SCALE)



CONTROL POINT 30
N 1042834.036 E 1083578.312 (NAD 83)
(NOT TO SCALE)

PARCEL NO. 24

Beginning at a point in the existing northerly highway boundary of Bailey Avenue at its intersection with the division line between the property of James Dingeldey (reputed owner) on the southeast and the property of Iron Mountain Records (reputed owner) on the northwest, said point of beginning being 232.4± feet distant westerly and at right angles from station 12+08.0± of the hereinafter described centerline of improvement for the reconstruction of Bailey Avenue; thence northeasterly along the last mentioned division line a distance of 257.8± feet to a point on the division line between the property of James Dingeldey (reputed owner) on the south and the property of The City of Buffalo (Cazenovia Creek)(reputed owner) on the north, said point being 110.5± feet distant westerly from said centerline of improvement and at right angles to station 13+62.8±; thence easterly along the last mentioned division line a distance of 24.3± feet to a point, said point being 87.02 feet distant westerly from said centerline of improvement and at right angles to station 13+57.8±; thence through the property of James Dingeldey (reputed owner) the following two (2) courses and distances: (1) southerly on a bearing of South 7°51'34" West a distance of 3.5± feet to a point, said point being 87.00 feet distant westerly from said centerline of improvement and at right angles to station 13+55.00; thence (2) southerly on a bearing of South 10°17'53" East a distance of 162.5± feet to a point in the existing northerly highway boundary of Bailey Avenue, said point being 66.0± feet distant westerly from said centerline of improvement and at right angles to station 12+21.94; thence westerly along the last mentioned highway boundary a distance of 167.5± feet to the point of beginning, being 16,633.1± square feet or 0.38± acres.

It is intended herein to convey to the Department of Public Works, Parks and Streets or Authorized Representative acting for the City of Buffalo all remaining rights of James Dingeldey (reputed owner) as they were conveyed to him by deed recorded in the Erie County Clerk's Office on April 8, 2008 in Liber 11143 of Deeds at Page 2349.

The 2005 survey control line, as shown on the accompanying map, is a portion of the 2005 survey control line for the Rehabilitation of Bailey Avenue as shown on a map and plan on file in the office of the City of Buffalo Department of Public Works, Parks and Streets and described as follows:

Beginning at CP 20 and thence N 13°52'48" E, 760.17' to CP 30.

All bearings referred to True North at the 78°35'00" meridian of west longitude.

PREPARED BY K. HOFT CHECKED BY G. PASCUZZO FINAL CHECK BY

FILE NAME = N:\Projects\VB2005-Bailey_Ave\Gis\VB2005-Bailey_Ave\VB2005-Bailey_Ave\VB2005-P24.dgn

EXHIBIT B

CITY OF BUFFALO
COUNTY OF ERIE
DEED MAP

BAILEY AVENUE

MAP NO. 16-D
PARCEL NO. 24
SHEET 3 OF 3 SHEETS

I hereby certify that the property mapped above, due to prior acquisition, has sustained substantial consequential damages and the purchase thereof is recommended.

Date June 8 2015

Michael J. Finn

MICHAEL J. FINN, P.E.
Acting City Engineer
City of Buffalo

STATE OF NEW YORK
CHRIS A. PASCUZZO
049868
LICENSED LAND SURVEYOR

"Unauthorized alteration of a survey map bearing a licensed land surveyor's seal is a violation of the New York State Education Law."

I hereby certify that this map was prepared from a field survey under my supervision.

Date June 2 2015
Fisher Associates P.E., L.S., P.C.

Chris A. Pascuzzo

Chris A. Pascuzzo, L.S.
P.L.S. License No. 049868

CITY OF BUFFALO
DEPARTMENT OF PUBLIC WORKS, PARKS AND STREETS
DEED MAP

BAILEY AVENUE
CITY OF BUFFALO
ERIE COUNTY

JAMES DINGELDEY
(Reputed Owner)

Map of property in and to which the Commissioner of Public Works, Parks and Streets deems necessary to be acquired by deed for purposes connected with the Reconstruction of Bailey Avenue.

I have compared the foregoing copy of the map with the original thereof, as filed in the Office of the Department of Public Works, Parks and Streets, and I do hereby certify the same to be a true and correct copy of the original and of the whole thereof.

Real Estate Division

PREPARED BY E. MOTT CHECKED BY C. PASCUZZO FINAL CHECK BY

EXHIBIT C

CITY OF BUFFALO
COUNTY OF ERIE

MAP NO. 10
PARCEL NOS. 14
SHEET 1 OF 4 SHEETS

BAILEY AVENUE

SURVEY NOTES ON FILE AT CITY OF BUFFALO DEPARTMENT OF PUBLIC WORKS, PARKS AND STREETS LOCATED AT BUFFALO, NEW YORK.

CC - D L. 10906 P. 6114

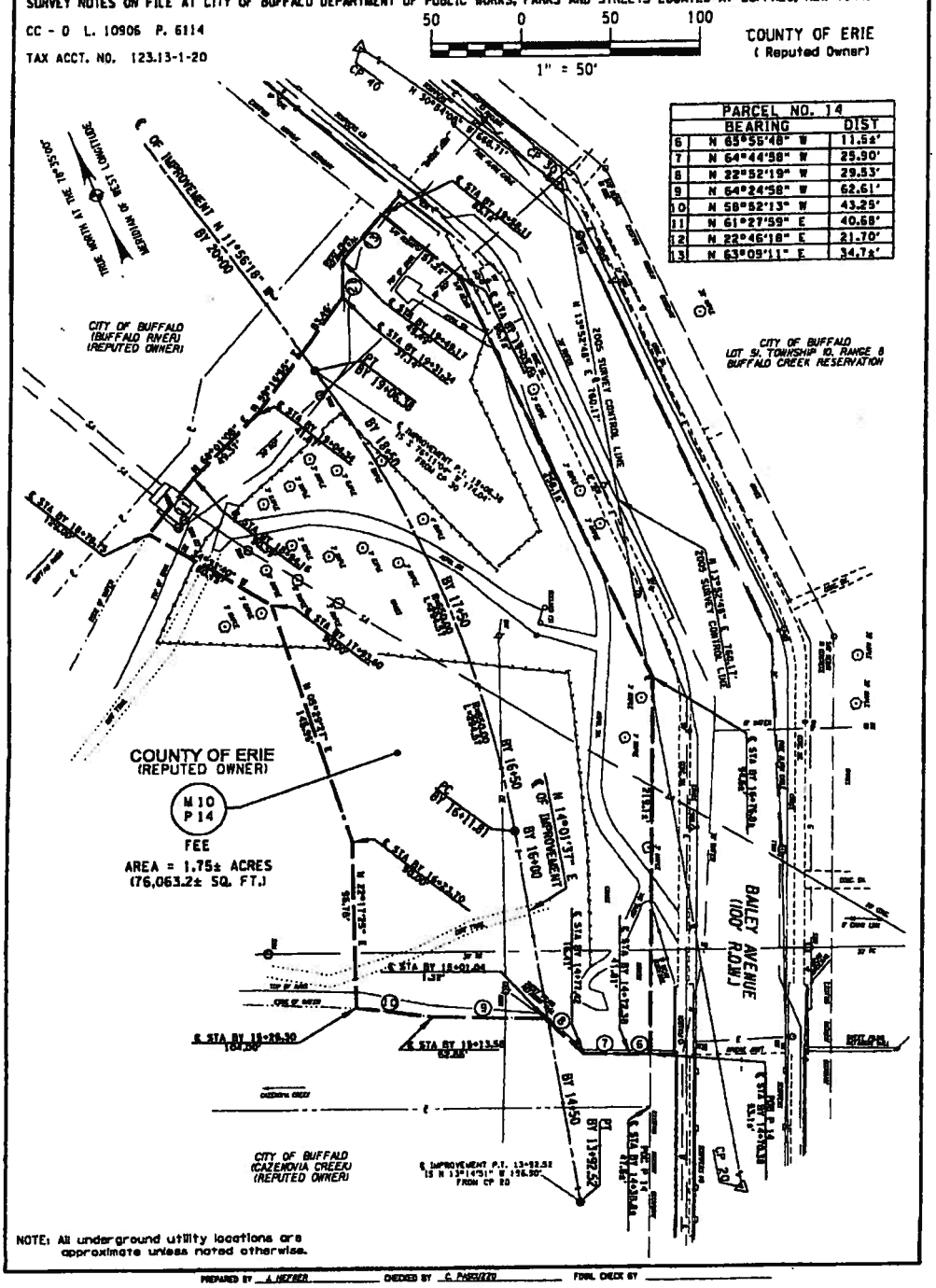
TAX ACCT. NO. 123.13-1-20

50 0 50 100

1" = 50'

COUNTY OF ERIE
(Reputed Owner)

PARCEL NO. 14		
	BEARING	DIST
6	N 65°55'48" W	11.5±
7	N 64°44'58" W	25.90'
8	N 22°52'19" W	29.53'
9	N 64°24'58" W	62.61'
10	N 58°52'13" W	43.25'
11	N 61°27'59" E	40.68'
12	N 22°46'18" E	21.70'
13	N 63°09'11" E	34.7±



NOTE: All underground utility locations are approximate unless noted otherwise.

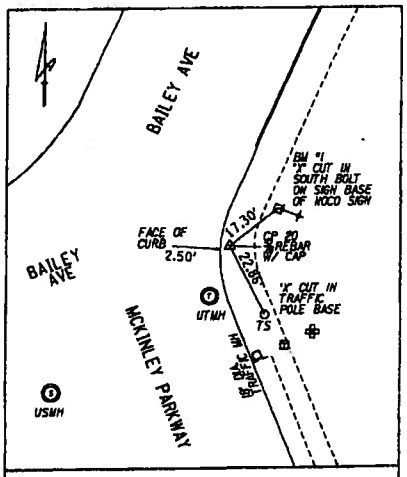
PREPARED BY A. HEFNER CHECKED BY C. PASQUZZO FINAL CHECK BY

EXHIBIT C

CITY OF BUFFALO
COUNTY OF ERIE

BAILEY AVENUE

MAP NO. 10
PARCEL NOS. 14
SHEET 2 OF 4 SHEETS



CONTROL POINT 20
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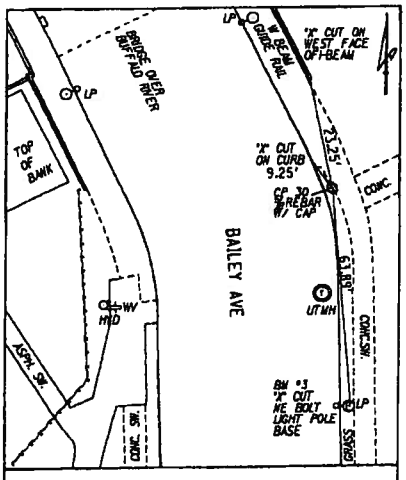
(NOT TO SCALE)



CONTROL POINT 30
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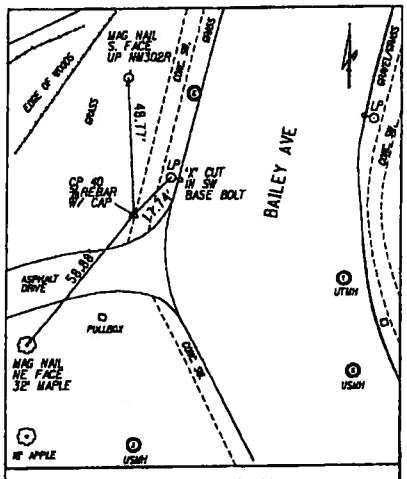
(NOT TO SCALE)



CONTROL POINT 40
N 1043406.102 E 1083235.908 (NAD 83)
(NOT TO SCALE)

A fee acquisition to be exercised in, on and over the property above delineated for the purpose of constructing, reconstructing and maintaining a City Highway, together with such bridges, appurtenances, and other facilities in connection therewith as may be deemed necessary by the Commissioner of Department of Public Works, Parks and Streets or other authorized representative acting for the City of Buffalo, or its assigns. Such fee acquisition shall be exercised in and to all those piece or parcel of property designated as Parcel No. 14, situate in the City of Buffalo, County of Erie, State of New York and being a portion of Lot No. 51, Township No. 10, Range No. 8 of the Buffalo Creek Reservation and being a portion of Erie County Tax Map Section 123.13, Block 1, Lot 20 dated 1981, as shown on the accompanying map and described as follows:

PREPARED BY J. RETHER CHECKED BY C. PASQUZZO FINAL CHECK BY

EXHIBIT C

CITY OF BUFFALO
COUNTY OF ERIE

MAP NO. 10
PARCEL NOS. 14
SHEET 3 OF 4 SHEETS

BAILEY AVENUE

PARCEL NO. 14 (FEE)

Commencing at a point in the existing westerly highway boundary of Bailey Avenue at its intersection with the division line between the property of The County of Erie (reputed owner) on the north and the property of The City of Buffalo (Cazenovia Creek)(reputed owner) on the south, said point being 47.6± feet distant easterly and at right angles from station 14+38.8± of the hereinafter described centerline of improvement for the reconstruction of Bailey Avenue; thence northerly along the last mentioned existing highway boundary a distance of 32.1± feet to the point of beginning, said point being the apparent edge of water of Cazenovia Creek and also being 53.1± feet distant easterly from said centerline of improvement and at right angles to station 14+70.38; thence westerly, northerly and easterly through the property of The County of Erie (reputed owner) the following thirteen (13) courses and distances (1) westerly along the apparent edge of water of Cazenovia Creek on a bearing of North 65°56'48" West a distance of 11.5± feet to a point, said point being 41.81 feet distant easterly from said centerline of improvement and at right angles to station 14+72.38; thence (2) westerly along the apparent edge of water of Cazenovia Creek on a bearing of North 64°44'58" West a distance of 25.90 feet to a point, said point being 16.41 feet distant easterly from said centerline of improvement and at right angles to station 14+77.42; thence (3) northwesterly along the apparent edge of water of Cazenovia Creek on a bearing of North 22°52'19" West a distance of 29.53 feet to a point, said point being 1.32 feet distant westerly from said centerline of improvement and at right angles to station 15+01.04; thence (4) westerly along the apparent edge of water of Cazenovia Creek on a bearing of North 64°24'58" West a distance of 62.61 feet to a point, said point being 62.66 feet distant westerly from said centerline of improvement and at right angles to station 15+13.58; thence (5) westerly along the apparent edge of water of Cazenovia Creek on a bearing of North 58°52'13" West a distance of 43.25 feet to a point, said point being 104.00 feet distant westerly from said centerline of improvement and at right angles to station 15+26.30; thence (6) northerly on a bearing of North 22°17'25" East a distance of 95.76 feet to a point, said point being 90.00 feet distant westerly from said centerline of improvement and at right angles to station 16+23.10; thence (7) on a bearing of North 5°29'27" East a distance of 145.96 feet to a point, said point being 90.00 feet distant westerly from said centerline of improvement and at right angles to station 17+93.60; thence (8) on a bearing of North 34°33'40" West a distance of 80.75 feet to a point on the apparent edge of water of the Buffalo River, said point being 129.00 feet distant westerly from said centerline of improvement and at right angles to station 18+78.75; thence (9) easterly along the apparent edge of water of the Buffalo River on a bearing of North 61°27'59" East a distance of 40.68 feet to a point, said point being 90.39 feet distant westerly from said centerline of improvement and at right angles to station 18+94.16; thence (10) easterly along the apparent edge of water of the Buffalo River on a bearing of North 58°01'08" East a distance of 49.37 feet to a point, said point being 41.87 feet distant westerly from said centerline of improvement and at right angles to station 19+04.34; thence (11) easterly along the apparent edge of water of the Buffalo River on a bearing of North 59°16'55" East a distance of 83.46 feet to a point, said point being 37.14 feet distant easterly from said centerline of improvement and at right angles to station 19+31.34; thence (12) easterly along the apparent edge of water of the Buffalo River on a bearing of North 22°46'18" East a distance of 21.70 feet to a point, said point being 49.49 feet distant easterly from said centerline of improvement and at right angles to station 19+49.17; thence (13) easterly along the apparent edge of water of the Buffalo River on a bearing of North 63°09'11" East a distance of 34.7± feet to a point in the existing westerly highway boundary of Bailey Avenue, said point being 83.1± feet distant easterly from said centerline of improvement and at right angles to station 19+58.11; thence southeasterly along the last mentioned highway boundary a distance of 57.2± feet to a point, said point being 96.1± feet distant easterly from said centerline of improvement and at right angles to station 19+03.0±; thence southerly along the last mentioned highway boundary a distance of 258.1± feet to a point, said point being 94.5± feet distant easterly from said centerline of improvement and at right angles to station 16+76.8±; thence southerly along the last mentioned highway boundary a distance of 219.1± feet to the point of beginning, being 78,063.2± square feet or 1.75± acres.

PREPARED BY A. HEFNER CHECKED BY C. PASQUALE FINAL CHECK BY

EXHIBIT C

BAILEY AVENUE

CITY OF BUFFALO
COUNTY OF ERIE

MAP NO. 10
PARCEL NOS. 14
SHEET 4 OF 4 SHEETS

The 2005 survey control line, as shown on the accompanying map, is a portion of the 2005 survey control line for the Rehabilitation of Bailey Avenue as shown on a map and plan on file in the office of the City of Buffalo Department of Public Works, Parks and Streets and described as follows:

Beginning at CP 20 thence N 13°52'48" E, 760.17' to CP 30 and thence N 30°54'08" W, 666.71' to CP 40.

All bearings referred to True North at the 78°35'00" meridian of west longitude.

I hereby certify that the property mapped above is necessary for this project, and the acquisition thereof is recommended.

Date June 9 2015

Michael J. Finn

MICHAEL J. FINN, P.E.
Acting City Engineer
City of Buffalo

STATE OF NEW YORK
CHRIS A. PASCUZZO
049868
LICENSED LAND SURVEYOR

"Unauthorized alteration of a survey map bearing a licensed land surveyor's seal is a violation of the New York State Education Law."

I hereby certify that this map was prepared from a field survey under my supervision.

Date JUNE 9 2015
Fisher Associates P.E., L.S., P.C.

Chris A. Pascuzzo

Chris A. Pascuzzo, L.S.
P.L.S. License No. 049868

CITY OF BUFFALO
DEPARTMENT OF PUBLIC WORKS, PARKS AND STREETS
MAP FOR THE ACQUISITION OF A FEE AND PERMANENT EASEMENT

BAILEY AVENUE
CITY OF BUFFALO
ERIE COUNTY

COUNTY OF ERIE
(Reputed Owner)

Map of property in and to which the Commissioner of Public Works, Parks and Streets deems necessary to be acquired in fee and permanent easement for purposes connected with the Reconstruction of Bailey Avenue.

There is excepted from this acquisition all the right, title and interest, if any, of the United States of America, in or to said property.

I have compared the foregoing copy of the map with the original thereof, as filed in the Office of the Department of Public Works, Parks and Streets, and I do hereby certify the same to be a true and correct copy of the original and of the whole thereof.

Real Estate Division

PREPARED BY J. HEFNER CHECKED BY C. PASCUZZO FINAL CHECK BY

ATTACHMENT B

DESCRIPTION OF IMPRPOVEMENTS TO BE MADE BY CITY OF BUFFALO AND/OR NYS DEPARTMENT OF TRANSPORTATION TO ERIE COUNTY IN EXCHANGE FOR LAND ABANDONED FOR BAILEY AVENUE BRIDGE RELOCATION AT BAILEY PENINSULA NATURAL HABITAT PARK, ERIE COUNTY, BUFFALO, NY

Restoration and Improvements to County Property

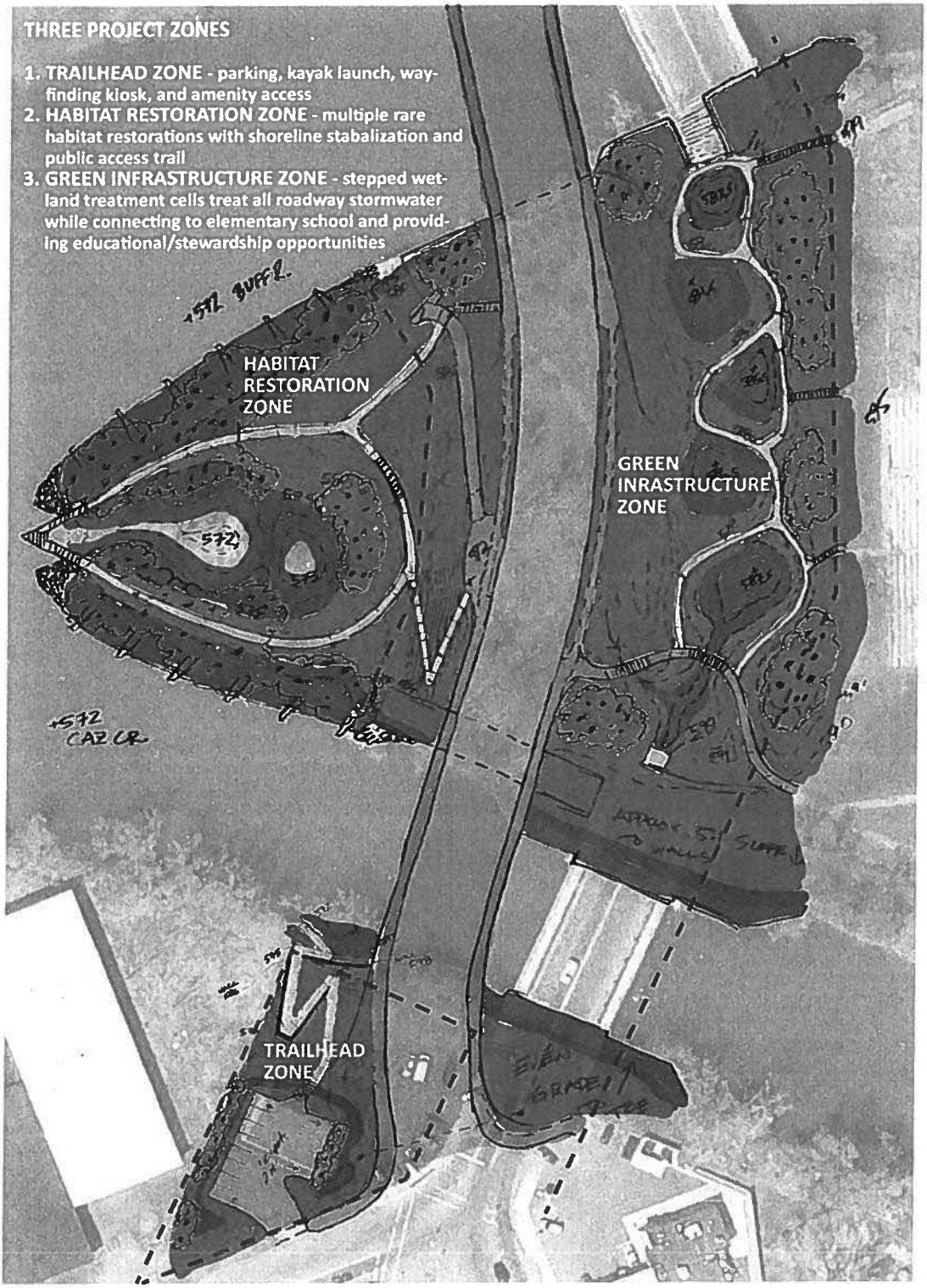
Restoration:

The City will remove the existing bridge and pavement of the portion of Bailey Avenue that is to be turned over to the County. This includes bridge abutment removal with the exception of the north Buffalo River abutment which will be removed to approximately 6" below grade and then the balance of the substructure abandoned in place. All areas where pavement is removed will be restored with turf or improvements as specified below and illustrated on the attached conceptual habitat restoration plan dated May 28, 2015.

Improvements:

The City will perform improvements to the property that is to be turned over to the County as follows. Improvements shown on the attached habitat restoration plan dated May 28, 2015 but not listed below will not be completed within the scope of the City project except by a separate betterment agreement where the County provides funds to the City to complete extra work.

1. Parking Lot
    a. Size and materials TBD in final design
    b. Kiosk
2. New right-of-way area west of new alignment of Bailey Ave
    a. Stone dust trail that is ADA compliant with 2 outlets to connect to existing paths
    b. Maintenance road with removable bollards
    c. Ball and burlap trees inventoried by Buffalo Niagara Riverkeeper (list attached). Trees to be transplanted by others.
3. New right-of-way area east of new alignment of Bailey Ave plus area of abandonment of existing alignment of Bailey Ave
    a. Removal of abandoned road bed and restoration with acceptable fill
    b. Grading and plantings for 4-5 pocket wetland areas
    c. Stone dust trail that is ADA compliant
    d. Natural delineator (stone boulders or other acceptable material) to demarcate the property line between County Park and City owned Mungavan Park.
4. General improvements at all locations
    a. Invasive Species Removal
    b. Tree replacement per City Forester and habitat restoration ecologist.
    c. Restore natural shoreline where bridge has been removed



Bailey Conceptual Restoration Plan: Overview

Applied Ecological Services, Inc.
120 West Main Street
West Dundee, IL 60118

May 28, 2015

0 60' 120' FEET

List of Trees to be Relocated

SPECIES	APPX HT (')	APPX DBH (")	TREE/SHRUB	GPS Altitude	GPS Latitude	GPS Longitude
Quercus rubra	20	3	tree	179.0821918 m	42° 51' 41.630" N	78° 49' 30.700" W
Amelanchier canadensis	12	3	tree	177.4273973 m	42° 51' 39.130" N	78° 49' 32.430" W
Amelanchier canadensis	15	2	tree	178.6043478 m	42° 51' 40.190" N	78° 49' 30.790" W
Celtis occidentalis	8	1	tree	179.9911894 m	42° 51' 38.820" N	78° 49' 31.140" W
Celtis occidentalis	15	3	tree	178.0290323 m	42° 51' 39.160" N	78° 49' 32.210" W
Gymnocladus dioicus	12	2	tree	179.59 m	42° 51' 40.950" N	78° 49' 32.300" W
Gymnocladus dioicus	15	2	tree	178.4834835 m	42° 51' 40.770" N	78° 49' 32.300" W
Gymnocladus dioicus	15	2	tree	182.2625995 m	42° 51' 40.860" N	78° 49' 32.130" W
Gymnocladus dioicus	15	3	tree	175.6839378 m	42° 51' 39.530" N	78° 49' 32.240" W
Gymnocladus dioicus	15	3	tree	178.2909091 m	42° 51' 39.860" N	78° 49' 31.120" W
Platanus occidentalis	20	5	tree	177.300813 m	42° 51' 40.970" N	78° 49' 31.280" W
Quercus bicolor	20	4	tree	178.4875184 m	42° 51' 40.340" N	78° 49' 32.210" W
Quercus bicolor	15	3	tree	179.9508929 m	42° 51' 40.160" N	78° 49' 31.800" W
Quercus bicolor	20	4	tree	176.8586207 m	42° 51' 39.370" N	78° 49' 32.160" W
Quercus palustris	15	2	tree	179.7580247 m	42° 51' 41.110" N	78° 49' 32.710" W
Quercus palustris	10	1	tree	178.8587361 m	42° 51' 40.690" N	78° 49' 32.130" W
Quercus rubra	20	4	tree	182.4488189 m	42° 51' 40.970" N	78° 49' 32.240" W
Quercus rubra	15	3	tree	180.746 m	42° 51' 40.900" N	78° 49' 31.990" W
Quercus rubra	20	4	tree	181.5367232 m	42° 51' 40.220" N	78° 49' 31.910" W
Quercus rubra	6	0.5	tree	177.952 m	42° 51' 39.830" N	78° 49' 32.540" W
Quercus rubra	8	1	tree	177.2746269 m	42° 51' 39.720" N	78° 49' 31.390" W
Quercus rubra	15	4	tree	180.1225806 m	42° 51' 40.790" N	78° 49' 31.330" W
Rhus typhina	15	4	tree	175.6762295 m	42° 51' 38.800" N	78° 49' 31.390" W
Rhus typhina	15	3	tree	174.13125 m	42° 51' 39.450" N	78° 49' 32.080" W

SPECIES	APPX HT (')	APPX DBH (")	TREE/SHRUB	GPS Altitude	GPS Latitude	GPS Longitude
Cornus rugosa	7	1	shrub	176.2809917 m	42° 51' 39.000" N	78° 49' 32.650" W
Cornus rugosa	6	1	shrub	179.6413374 m	42° 51' 40.770" N	78° 49' 30.900" W
Viburnum trilobum	12	2	shrub	176.4941176 m	42° 51' 40.140" N	78° 49' 32.410" W
Viburnum trilobum	10	1	shrub	177.4257426 m	42° 51' 39.190" N	78° 49' 32.490" W
Viburnum trilobum	10	1	shrub	175.7155963 m	42° 51' 38.710" N	78° 49' 31.200" W
Viburnum trilobum	12	3	shrub	177.7897196 m	42° 51' 38.690" N	78° 49' 31.010" W
Viburnum trilobum	12	4	shrub	176.2435065 m	42° 51' 39.220" N	78° 49' 32.430" W
Viburnum trilobum	15	2	shrub	176.4246575 m	42° 51' 39.300" N	78° 49' 31.770" W
Viburnum trilobum	10	1	shrub	176.8172324 m	42° 51' 39.450" N	78° 49' 31.880" W
Viburnum trilobum	10	1	shrub	177.6901408 m	42° 51' 40.220" N	78° 49' 31.090" W
Viburnum trilobum	12	1	shrub	177.8207171 m	42° 51' 40.300" N	78° 49' 31.170" W
Viburnum trilobum	12	1	shrub	178.3094778 m	42° 51' 40.690" N	78° 49' 31.120" W