



COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

April 8, 2016

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

Re: Receipt of Grant Funding from US Fish and Wildlife Service and Purchase of Real Property Adjacent to Erie County Seneca Bluffs Natural Habitat Park

Dear Honorable Members:

Please find enclosed a resolution from the Department of Environment and Planning seeking legislative authorization to enter into an agreement with the U.S. Fish & Wildlife Service to receive a \$325,000.00 grant and authorization to purchase nine (9) aggregate parcels from Nexgen II Development Company, LLP totaling 8.01 acres adjacent to the County-owned Seneca Bluffs Natural Habitat Park with those grant funds.

Representatives from the Department of Environment and Planning and Department of Parks, Recreation and Forestry are available to answer questions regarding this request.

Thank you for your consideration on this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark C. Poloncarz".

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/tcc

cc: Thomas R. Dearing, Commissioner of Environment and Planning
Daniel Rizzo, Commissioner of Department 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: Receipt of Grant Funding from US Fish and Wildlife Service and Purchase of Real Property Adjacent to Erie County Seneca Bluffs Natural Habitat Park
Date: April 8, 2016

SUMMARY

Authorization is requested for Erie County to enter into an agreement with the US Fish & Wildlife Service to receive \$325,000.00 in grant funding to purchase nine (9) parcels totaling 8.01 acres adjacent to the County-owned Seneca Bluffs Natural Habitat Park from Nexgen II Development Company, LLC. Authorization is also requested to enter all necessary agreements for Erie County to purchase the nine (9) parcels totaling 8.01 acres of property from Nexgen II Development Company, LLC for a purchase price of \$325,000.00.

FISCAL IMPLICATIONS

Erie County will receive \$325,000 from a federal grant from the US Fish & Wildlife Service and will then purchase the parcels for the same amount. Erie County will provide the costs of purchase appraisals and closing costs in an amount not to exceed \$36,000. The County will allocate funds for the appraisals, etc. from a designation of 2015 funds into the 2016 budget.

REASONS FOR RECOMMENDATION

Nexgen Development LLC, the owner of nine parcels adjacent to the County's Seneca Bluffs Natural Habitat Park in the City of Buffalo, wishes to sell the parcels to the County. Acquiring this property will add 8.01 acres of natural green space to the Seneca Bluffs Natural Habitat Park in perpetuity, enabling more recreating and use of the Natural Habitat Park by residents.

CONSEQUENCES OF NEGATIVE ACTION

The County will not purchase the parcels, leaving the possibility that they could be used for commercial development rather than preserved as open green space in this underserved urban community.

STEPS FOLLOWING APPROVAL

Upon approval of this resolution, the County Executive will be authorized to enter into all necessary agreements with Nexgen Development II, LLC to purchase the property and transfer the parcels to the County for perpetual parkland by the Department of Parks, Recreation and Forestry.

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF ENVIRONMENT AND PLANNING

**Re: Purchase of Real Property Adjacent to Erie County Seneca Bluffs
Natural Habitat Park**

WHEREAS, the County currently owns approximately 15 acres of the Seneca Bluffs Natural Habitat Park located in the City of Buffalo, State of New York; and

WHEREAS, the County has been given the opportunity to purchase adjacent parcels comprising 8.01 acres of land to be added as green space to Seneca Bluffs Natural Habitat Park; and

WHEREAS, the subject parcels are currently vacant and the acquisition of same will allow the County to further develop the Natural Habitat Park which will enable more recreating and habitat benefit to area residents; and

WHEREAS, Nexgen Development II LLC is the current owner of the parcels located adjacent to Seneca Bluffs Natural Habitat Park in the City of Buffalo, State of New York, and more fully described on Attachment A to this Resolution; and

WHEREAS, Nexgen Development II LLC has offered to sell the subject parcels to the County for a purchase price of Three Hundred Twenty Five Thousand Dollars (\$325,000.00); and

WHEREAS, Joseph Maciejewski, Commissioner of Real Property Tax Services, has made a determination that the purchase price is fair market value for the subject parcel; 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 February 22, 2016; thus determining that the proposed action will not have an adverse environmental impact; and

WHEREAS, at its meeting on February 25, 2016, the Erie County Advisory Review Committee (ARC) approved the purchase of said real property by the County; and

WHEREAS, on March 17, 2016, the Department of Environment and Planning received a notification from US Fish and Wildlife Service that a grant is being awarded in the amount of \$325,000.00 for the purposes of acquiring the parcels adjacent to Seneca Bluffs Natural Habitat Park, City of Buffalo, New York.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to execute any and all agreements relating to the receipt of \$325,000.00 in grant funding from the US Fish & Wildlife Service and any and all agreements relating to the purchase of nine (9) parcels totaling 8.01 acres

of real property adjacent to Seneca Bluffs Natural Habitat Park, Buffalo, New York, as more fully described on Attachment A, for consideration in the amount of Three Hundred Twenty Five Thousand Dollars (\$325,000.00) plus any ancillary costs not to exceed Thirty Six Thousand Dollars (\$36,000.00), the ancillary costs of which will be funded via budget carry-forward from 2015 and designation into 2016, to be paid by the County of Erie to facilitate this purchase of real property from Nexgen Development II LLC; and be it further

RESOLVED, that the source of funds for said purchase is \$325,000 from account 561100, Land Acquisition, in Cost Center 16200, Department of Environment and Planning; and be it further

RESOLVED, that the following budgetary adjustments are hereby authorized in the 2016 Budget, Fund Center 16200, Department of Environment and Planning:

Expense Account	Description	CURRENT BUDGET	INCREASE/ DECREASE	REVISED BUDGET
561100	Land Acquisition	\$0	\$325,000	\$325,000
TOTAL EXPENSES			<u>\$325,000</u>	<u>\$325,000</u>

Revenue Account	Description	CURRENT BUDGET	INCREASE/ DECREASE	REVISED BUDGET
414000	Federal Aid	\$0	\$325,000	\$325,000
TOTAL REVENUE		<u>\$0</u>	<u>\$325,000</u>	<u>\$325,000</u>

; and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to make any required budgetary adjustments to implement this action; and be it further

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

ATTACHMENT A

PROPERTY DESCRIPTIONS

The properties are identified as being located at the terminus of Jordan Place (Paper Street), Avon Place and Leamington Place in the City of Buffalo, Erie County and State of New York.

<u>SBL #</u>	<u>Address</u>	<u>Dimensions</u>	<u>Size (Acres)</u>
123.14-1-8	20 Avon Place	100±' x 150±'	0.35±
123.14-1-9	60 Avon Place	100±' x 720±'	1.66±
123.14-2-15	37 Avon Place	100±' x 240±'	0.56±
123.14-2-16.1	Avon Place	100±' x 450±	1.04±
123.4-2-19.1	Leamington Place	90±' x 420±	0.86±
123.14-2-20	50 Leamington Place	90±' x 210±'	0.44±
123.14-3-12	59 Leamington Place	90.02±' x 315±'	0.63±
123.14-3-13.1	Leamington Place	91.50±' x 360±'	0.75±
123.14-1-6	2 Jordan Place	100±' x 750±'	<u>1.72±</u>
		Total	8.01±

PARCEL "I"

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Buffalo, County of Erie and State of New York, being part of Lot No. 1, Township 10 and Range 7 of the Buffalo Creek Reservation and according to Map filed in Erie County Clerk's Office under Cover No. 437, is known and described as Subdivision Lots Nos. 49,50,51,52 and 53 in Block "E".

PARCEL "II"

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Buffalo, County of Erie and State of New York, being part of Lot No. 1, Township 10 and Range 7 of the Buffalo Creek Reservation and according to Map filed in Erie County Clerk's Office under Cover No. 437, is known and distinguished as Subdivision Lots Numbers Sixteen (16) to Twenty-three (23), inclusive in Block "F".

PARCEL "III"

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Buffalo, County of Erie and State of New York, being part of Lot No. 1, Township 10 and Range 7 of the Buffalo Creek Reservation and further distinguished as Subdivision Lots Nos. 7 to 31, inclusive in Block "E", as shown on a Map filed in Erie County Clerk's Office under Cover No. 437, also Subdivision Lots Nos. 24 to 38 in Block "F".

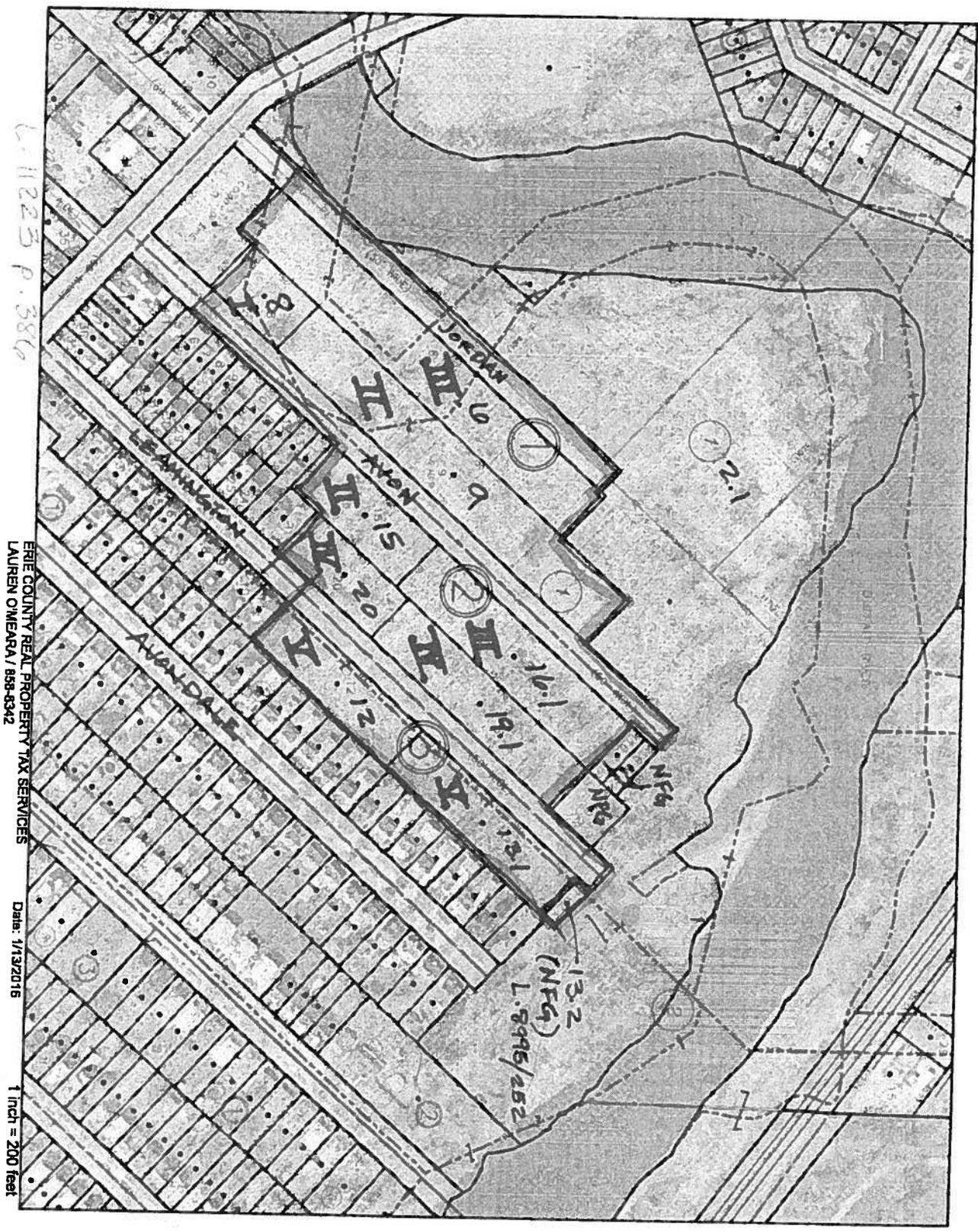
PARCEL "IV"

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Buffalo, County of Erie and State of New York, being part of Lot No. 1, Township 10 and Range 7 of the Buffalo Creek Reservation and further distinguished as being Subdivision Lots Nos. 25 to 38 in Block "A", under Cover No. 610.

PARCEL "V"

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Buffalo, County of Erie and State of New York, being part of Lot No. 1, Township 10 and Range 7 of the Holland Land Company's Survey and further distinguished as being northeasterly one-half ($\frac{1}{2}$) of Subdivision Lot No. 18 and all of Subdivision Lots Nos. 19 through 40, inclusive of Block "B", as shown on Map Cover filed in Erie County Clerk's office under Cover No. 610.

(See following Parcel Description Map provided by Erie County Real Property Services on January 13, 2016).



L. 11223 P. 386

ERIE COUNTY REAL PROPERTY TAX SERVICES
LAUREN O'NEARA / 855-6342

Date: 1/13/2016

1 inch = 200 feet