



COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

April 22, 2016

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

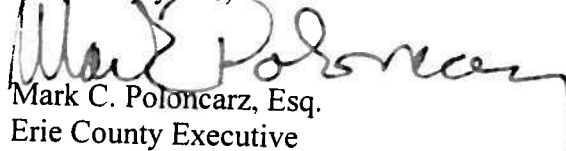
**RE: Fee and Temporary Easement
Erie County to New York State Department of Transportation
S-3690 Lakeshore Road, Hamburg, New York 14219
SBL No. 159.00-1-24**

Honorable Members:

Enclosed please find an accompanying memorandum and proposed resolution from the Department of Environment and Planning, Division of Sewerage Management, pertaining to a Fee and Temporary Easement to New York State Department of Transportation for Hoover Road improvements at Lakeshore Road.

Should your Honorable Body require further information, I encourage you to contact Joseph L. Fiegl, P.E. in the Division of Sewerage Management. Thank you for your consideration on this matter.

Very truly yours,


Mark C. Poloncarz, Esq.
Erie County Executive

Cc: Joseph Fiegl, Deputy Commissioner, Division of Sewerage Management

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Environment and Planning
Re: Fee and Temporary Easement
Erie County to New York State Department of Transportation
S-3690 Lakeshore Road, Hamburg, New York 14219
SBL No. 159.00-1-24
Date: April 22, 2016

SUMMARY

The County of Erie will issue the New York State Department of Transportation (NYSDOT) a temporary easement along with an associated fee taking to improve Hoover Road at the intersection with Lakeshore Road, in Hamburg, New York.

FISCAL IMPLICATIONS

There are no adverse fiscal implications on the County's General Fund. The State Department of Transportation will pay for the fee taking and easement in accordance with an appraisal prepared by NYSDOT for this action.

REASONS FOR RECOMMENDATION

The fee taking and easement will allow the New York State Department of Transportation to improve Hoover Road at Lakeshore Road, thus enhancing the traffic safety at this intersection.

BACKGROUND INFORMATION

The New York State Department of Transportation has plans to improve Hoover Road along Lakeshore Road intersection in the Town of Hamburg.

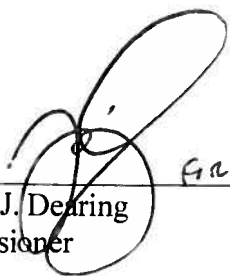
The new improvements will be along the southeast corner of the County is Southtowns Advanced Wastewater Treatment Facility parcel. The proposed easement will not affect the ability of the Erie County Sewer District to operate and maintain this facility.

CONSEQUENCES OF A NEGATIVE ACTION

If the easement is not issued and the fee taking is not advanced, the New York State Department of Transportation will not be able to improve Hoover Road near Lakeshore Road.

STEPS FOLLOWING APPROVAL

The County of Erie will execute documents associated with this fee taking and temporary easement and provide them to the New York State Department of Transportation.



Thomas J. Dearing
Commissioner

File TJD

MAY

cc: T. Dearing (w/encl.)
J. Fiegl/0.11.0 Leg Ltr (w/encl.)
M.Salah/3.6.1.Easement

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A RESOLUTION SUBMITTED BY:
Department of Environment and Planning

RE: Fee and Temporary Easement
Erie County to New York State Department of Transportation
S-3690 Lakeshore Road, Hamburg, New York 14219
SBL No. 159.00-1-24

WHEREAS, the New York State Department of Transportation has requested a temporary easement and a fee taking of County land, SBL No. 159.00-1-24 for Hoover Road improvements located adjacent to the Southtowns Advanced Wastewater Treatment Facility property; and

WHEREAS, these actions would have no long term negative affect on the ability of Erie County Sewer District No. 3 to operate and maintain the Southtowns Advanced Wastewater Treatment Facility; and

WHEREAS, the New York State Department of Transportation has offered \$20,925.00 for the fee taking and \$2,950.00 for the temporary easement for a total amount of \$23,875.00; and

WHEREAS, the New York State Department of Transportation will pay the County of Erie a total amount of \$23,875.00

NOW, THEREFORE BE IT

RESOLVED, that an easement for use of the southeasterly portion of Parcel SBL No. 159.00-1-24 be granted to New York State Department of Transportation; and be it further

RESOLVED, that the Commissioner of the Erie County Department of Environment and Planning, be authorized to execute all documents associated with this fee taking and temporary easement subject to approval by the County Attorney; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one (1) certified copy of this resolution to the County Executive, the Erie County Comptroller's Office, and Kristen Walder, Assistant County Attorney; and two (2) certified copies to Joseph L. Fiegl, P.E., Department of Environment and Planning.



Department of Transportation

ANDREW M. CUOMO
Governor

MATTHEW J. DRISCOLL
Commissioner

DARRELL F. KAMINSKI, P.E.
Regional Director

March 15, 2016

County of Erie
Attention: Mutasem Salah
Dept. of Env. and Plann. Division of Sewerage Management, Room 1034
Buffalo, NY 14202

RE: PIN 5134.37.201 Proc. 14382
Lake Shore - Lackawanna City, SH 5019
Town of Hamburg, Erie County
Map 111(FEE); 112(TE); Parcel 143; 144

Dear Mr. Salah:

The Department is progressing the above captioned project to acquire property for the purpose of correcting safety deficiencies, reduce the accident rate and accident severity and we are now able to extend an offer of just compensation to you for your property as described in the attached maps. Our offer, based on the amount of our highest approved appraisal, is \$23,900.00 (Twenty Three Thousand Nine Hundred and 00/100 Dollars).

To assist you with your review of our offer, please find the following documents:

- 1) EXPLANATION OF ACQUISITION & OFFER OF SETTLEMENT
2) HOW PROPERTY IS ACQUIRED BY THE DEPARTMENT OF TRANSPORTATION
3) ACQUISITIONS FACT SHEET
4) AGREEMENTS: By law, there are two options to which you are entitled. You may collect your compensation either as a full settlement, or as an advance payment. Either of these options can be exercised by signing and returning three copies provided of either one of the following:

Agreement of Adjustment and Release of Owner This agreement settles the acquisition for the offer amount, plus applicable interest and waives your right to file a claim in the Court of Claims. This agreement will be furnished upon request.

Agreement for Advance Payment This agreement allows you to collect the amount stated, plus interest, and negotiate for additional compensation, if warranted and justified. This agreement provides you with the ultimate right to file a claim with the Court of Claims, within a three year statute of limitations from the date we officially notify you of the vesting of the map(s).

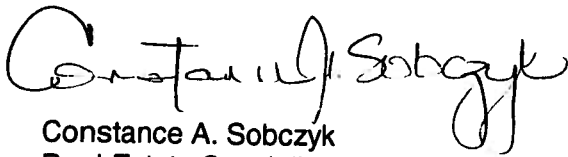
5) APPROPRIATION MAP This map became official upon filing with the Department of Transportation and allows the State's officers or agents right of entry on the property. Title in the property under eminent domain will transfer to the State upon vesting with the County Clerk's Office and you will be notified of this filing by certified mail.

Please be advised that before we can make payment of compensation to you the following steps must be completed:

- The map(s) must be filed by the New York State DOT in the public record within the respective County Clerk's Office.
- A signed agreement must be received from you by this office and then processed for approval.
- All closing documents required by the Real Property Bureau of the NY State Attorneys General Office must be completed and returned to us. These will be provided to you when we receive a signed agreement

I will telephone you in the near future to confirm that you have received this package, as well as discuss the materials enclosed and provide you with answers to any questions you may have. In the meantime, should you wish to contact me, I can be reached at 716-847-7199 or by e-mail at Constance.Sobczyk@dot.ny.gov. Thank you.

Sincerely,



Constance A. Sobczyk
Real Estate Specialist I

Enclosures

cc: Acquisitions Management Bureau, POD 41