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COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

November 8, 2017

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

**RE: Right-of-Way (ROW) Acquisition
2017 Miscellaneous Culvert Repairs
Project No. BR-MISC-17-Town of Colden**

Dear Honorable Members:

We are forwarding for your approval a proposed resolution authorizing the County of Erie to acquire Right-of-Way (ROW) to facilitate construction of the above-noted project.

Should your Honorable Body require further information, I encourage you to contact William E. Geary, Jr. at the Department of Public Works. Thank you for your consideration on this matter.

Sincerely,

A handwritten signature in dark ink, appearing to read "Mark C. Poloncarz", with a long, sweeping horizontal line extending to the right.

Mark C. Poloncarz, Esq.
Erie County Executive

cc: William E. Geary, Jr., Department of Public Works

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Public Works
Re: Right-of-Way (ROW) Acquisition
2017 - Miscellaneous Culvert Repairs
Project No. BR-MISC-17 - Town of Colden
Date: October 31, 2017

SUMMARY

Department of Public Works is requesting authorization for the County of Erie to acquire Right-of-Way (ROW) from the owners of the subsequently listed parcel for the construction and replacement of a culvert, CIN 397-M001 on Hayes Hollow Road in the Town of Colden.

FISCAL IMPLICATIONS

Funding for overall ROW acquisition was previously authorized via resolution reference Comm. 1E-8 of January 26, 2017.

REASONS FOR RECOMMENDATION

Acquisition of ROW is necessary for the project to progress.

BACKGROUND INFORMATION

The project consists of the replacement of a culvert on Hayes Hollow Road, CIN 397-M001. Acquisition of ROW is necessary to construct the project.

CONSEQUENCES OF NEGATIVE ACTION

If ROW is not acquired the project will not be able to be constructed.

STEPS FOLLOWING APPROVAL

The ROW necessary to construct the project will be acquired.

COMPTROLLER'S OFFICE REVIEW

The proposed legislation has been reviewed by the Comptroller's Office and is related to an authorized capital project for which there are sufficient appropriations for the action proposed.

N/A

Gregory Gach
Comptroller's Office

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF PUBLIC WORKS

RE: Right-of-Way (ROW) Acquisition
2017 Miscellaneous Culvert Repairs
Project No. BR-MISC-17 - Town of Colden

WHEREAS, it is desired to acquire the Right-of-Way (ROW) necessary for the replacement of a culvert on Hayes Hollow Road in the Town of Colden for the "Project"; and

WHEREAS, in order to facilitate construction of the Project it will be necessary for the County to acquire by easement and/or fee, such parcels as may become necessary for construction, including parcels that are portions of real property in the vicinity of the project as follows:

<u>PORTIONS OF TAX MAP SBL NUMBER</u>	<u>TOWNSHIP</u>
SBL 259.00-2-6.2	Colden

Such property necessary to be acquired by the County is herein referred to as the "Subject Properties"; and

WHEREAS, the acquisition of the portions of the Subject Properties is to be de minimis in nature so the public interest will not be prejudiced by the construction of the Project; and

WHEREAS, should one or more owners of the Subject Properties refuse to convey such portion of their real property to the County for an amount not exceeding fair market value, it will be necessary for the County to acquire the Subject Property by commencing eminent domain proceedings.

NOW, THEREFORE, BE IT

RESOLVED, that \$75,000 was previously authorized via resolution reference Comm. 1E-8 of January 26, 2017 and be made available from B.16006 to cover all costs of Project ROW acquisition; and be it further

RESOLVED, that the County of Erie is authorized to acquire the necessary real property interests from the aforementioned Subject Properties for the purpose of constructing the Project; and be it further

RESOLVED, that the County of Erie is authorized to enter into all necessary contracts and agreements for the acquisition of the required ROW to construct the Project; and be it further

RESOLVED, that the Commissioner of Public Works, or his authorized representatives, including CHA Consulting, Inc., are hereby authorized to establish the amounts which he believes to represent just compensation for the real property interests to be acquired; and be it further

RESOLVED, that the Commissioner of Public Works, or his authorized representatives, including CHA Consulting Inc., are hereby authorized to negotiate and offer just compensation amounts to the owners of the Subject Properties for the purpose of acquiring the necessary real property interest in portions of their respective parcels of real property by easement and/or fee, which acquisition is necessary for construction of the Project; and be it further

RESOLVED, that the Commissioner of Public Works, or his authorized representatives, including CHA Consulting Inc., are authorized to act on behalf of the County of Erie in connection with the acquisition of the required ROW from the owners of the Subject Properties; and be it further

RESOLVED, that the County Attorney shall prepare and the County Executive shall execute all appropriate documents relating to acquiring easement and/or fee interests in the necessary ROW; and be it further

RESOLVED, should one or more owners of the Subject Properties refuse to convey such portions of their real property to the County for an amount not to exceed the just compensation determined by the Commissioner of Public Works, or his authorized representatives, including CHA Consulting, Inc., the County is authorized to commence eminent domain procedures; and be it further

RESOLVED, that the Clerk of the Legislature forward three (3) certified copies of this resolution to the Department of Public Works, Office of the Commissioner, and also one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.

TO:

GREGORY GACH, COMPTROLLER'S OFFICE

PROPOSED RESOLUTIONS REQUIRING RULE 55

CONTRACT APPROVAL CHECKLIST
CONFIRMATION OF AVAILABILITY OF FUNDS IN CAPITAL PROJECTS

REQUESTING DEPARTMENT

COMPLETE ITEMS 1 THROUGH 5

1. CONTRACTOR'S NAME

CHA Consulting, Inc.
Property Owners

2. AMOUNT OF CONTRACT

Total Not to Exceed \$75,000

3. PROJECT NUMBER

B.16006

4. PROJECT TITLE

2017 Miscellaneous Culvert Repairs
Project No. BR-MISC17

5. DEPARTMENT CONTACT

Funding questions:
Charles A. Sickler, PE at 8372
Letter pickup: Diane Bukowski at 8301

COMPTROLLER'S OFFICE

COMPLETE ITEMS 6 AND 7

6. AVAILABILITY OF FUNDS

\$

7. PERFORMED BY

Date Sent to Comptroller's Office:

October 13, 2017

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