



ECLEG SEP 18 '18 AM 9:02

COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

September 17, 2018

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

**RE: Right-of-Way (ROW) Acquisition for Trevett Road Bridge over
Eighteen Mile Creek**

Dear Honorable Members:

Please find enclosed a resolution from the Department of Public Works, Division of Highways, seeking legislative authorization 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 Charles A. Sickler, P.E., Deputy Commissioner of Highways, at the Department of Public Works. Thank you for your consideration on this matter.

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/dms
Enclosure

cc: Charles A. Sickler, Department of Public Works

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Public Works/Division of Highways
Re: Right-of-Way (ROW) Acquisition for
Trevett Road Bridge over Eighteen Mile Creek
Date: September 17, 2018

SUMMARY

The Department of Public Works (DPW) is requesting authorization for the County of Erie to acquire Right-of-Way (ROW) from the owners of the parcel of land, SB L 280.00-3-23.2, in the Town of Boston, that is necessary for the replacement of bridge, BIN 3328560 (BR 420-02) on Trevett Road, which is a BridgeNY Project.

FISCAL IMPLICATIONS

Funds for this ROW acquisition are available in the previously approved 2017 Capital Budget in project B.17079, 2017 Trevett Rd CR420, Fund 420, Funds Center 123 for an amount not to exceed \$20,000.

PORTIONS OF TAX MAP SBL NUMBERS

TOWNSHIP

SBL 280.00-3-23.2

Boston

REASONS FOR RECOMMENDATION

Acquisition of ROW is necessary for the project to progress.

BACKGROUND INFORMATION

The project consists of the replacement of a bridge on Trevett Road, BIN 3328560 (BR 420-02). This is a BridgeNY Project. 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 and the bridge will continue to deteriorate and hinder travel for the general public.

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, BridgeNY, project for which there are sufficient appropriations for the action proposed.



Gregory Gach
Comptroller's Office

B.17079

Right-of-Way (ROW) Acquisition for
Trevett Road Bridge over Eighteen Mile Creek
BIN 3328560/BR 420-02
NYSDOT PIN 5762.15 (BridgeNY)
Town of Boston
Erie County

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF PUBLIC WORKS
DIVISION OF HIGHWAYS

RE: Right-of-Way (ROW) Acquisition for
Trevett Road Bridge over Eighteen Mile Creek

WHEREAS, in order to facilitate the construction of the replacement of Trevett Road Bridge over Eighteen Mile Creek, BIN 3328560/BR 420-02 (the "Project"), in the Town of Boston Project it will be necessary for the County to acquire the Right-of-Way (ROW) by easement and/or fee, such parcels as may become necessary for construction, including a parcel, herein referred to as the "Subject Property," that is a portion of real property in the vicinity of the Project as follows:

<u>PORTIONS OF TAX MAP SBL NUMBER</u>	<u>TOWNSHIP</u>
SBL 258.00-3-23.2	Boston

; and

WHEREAS, the acquisition of the portion of the Subject Property 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 Property 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 the Erie County Legislature hereby approves the acquisition of the ROW required to construct the Project; and be it further

RESOLVED, that the County of Erie is authorized to acquire the necessary real property interests from the aforementioned Subject Property 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 funding is available in the previously approved 2017 Capital Project B.17079, 2017 Trevett Road CR420, Fund 420, Funds Center 123, in an amount not to exceed \$20,000 for all costs of ROW acquisitions; and be it further

RESOLVED, that the Commissioner of Public Works, or his authorized representatives, including Greenman-Pedersen, 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 Greenman-Pedersen, Inc., are hereby authorized to negotiate and offer just compensation amounts to the owners of the Subject Property 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 Greenman-Pedersen, 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 Property; 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 Property 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 Urban Engineers of New York, 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 one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller, and the County Attorney's Office.

AUG 28 2018 AM 9:04

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 | Greenman-Pedersen, Inc.
Property Owners |
| 2. AMOUNT OF CONTRACT | Total Not to Exceed \$20,000 |
| 3. PROJECT NUMBER | B.17079 |
| 4. PROJECT TITLE | Trevett Road over Eighteen Mile Creek
BIN 3328560/BR 420-02
PIN 5762.15 |
| 5. DEPARTMENT CONTACT | Funding questions:
Charles A. Sickler, PE at 8372
Letter pickup: Christy Weber at 8301 |

COMPTROLLER'S OFFICE

COMPLETE ITEMS 6 AND 7

- | | |
|------------------------------------|--------------------------|
| 6. AVAILABILITY OF FUNDS | \$ 30,000.00 |
| 7. PERFORMED BY | <i>John R. Minchella</i> |
| Date Sent to Comptroller's Office: | 8/28/18 |

[55 compt_10]

OFFICE OF THE COMPTROLLER REVIEW

DATE: 8/29/2018

PROJECT TITLE: B.17079 2017 TREVETT RD CR420 BR OVR CLEAR CREEK

1) IS THE REASON FOR THIS CONTRACT CONSISTENT WITH THE PURPOSE OF THE PROJECT: YES X NO

2) PROJECT AVAILABLE APPROPRIATION

Total Project Revenues	\$ <u>9,500.00</u>
Total Project Appropriations	\$ <u>190,000.00</u>
Less: Total Expenditure To Date	\$ <u>83,132.82</u>
Total Commitments	\$ <u>76,867.18</u>
Available Appropriations As Of Date Of Request	\$ <u>30,000.00</u>
Less: Contract Amount	\$ <u>20,000.00</u>
Net Available Appropriations	\$ <u><u>10,000.00</u></u>

Comments: \$0.00 cash is in the project.

Request Approved: 

Request Denied: _____

Date: 8/20/18