December 17, 2019

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

Re: Abandonment of Former County Highway Right-of-Way, Lakeview Road, Town of Hamburg
IMMEDIATE CONSIDERATION REQUESTED

Honorable Members:

The Department of Public Works is seeking approval to abandon a former County highway right-of-way located along Lakeview Road in the Town of Hamburg to the adjacent property owner.

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

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/nms
Enclosure

cc: William Geary, Commissioner of Public Works
MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Public Works
Re: Abandonment of Former County Highway Right-of-Way, Lakeview Road, Town of Hamburg
Date: December 17, 2019

SUMMARY
The County was contacted by an attorney representing a buyer looking to purchase 2778 North Creek Road in the Town of Hamburg. 2778 North Creek Road is located between North Creek Road and an old portion of Lakeview Road. When Lakeview Road was relocated, the original right-of-way was never properly abandoned. During the real estate transaction, the title company noted a defect on the title due to the fact that 2778 North Creek Road was encroaching onto the County’s right-of-way. Instead of granting the buyer an easement, in order to clear title, the Department of Public Works is seeking to abandon that portion of the former roadway pursuant to NYS Highway Law §118-a, as it is no longer needed for Lakeview Road.

FISCAL IMPLICATIONS
The County will need to expend resources to mow and plow that strip of land.

REASONS FOR RECOMMENDATION
The County Lands Advisory Review Committee (“ARC”) reviewed the request and has recommended that the request be granted so that the title defect can be cleared and the property owners can move forward with the sale of their home.

BACKGROUND INFORMATION
The seller and buyer of the property have indicated that they are in agreement to taking title to the property. The Town of Hamburg owns the property on the other side of the former right-of-way. They were asked whether or not they would be interested in the property and have declined the same.

CONSEQUENCES OF NEGATIVE ACTION
The title defect will remain uncured.

STEPS FOLLOWING APPROVAL
Authorize the County Executive to sign a quit claim deed transferring the former Lakeview Road right-of-way.
SUSPENSION

A RESOLUTION SUBMITTED BY:
REAL PROPERTY TAX SERVICES

RE: Abandonment of Former County Highway Right-of-Way, Lakeview Road, Town of Hamburg

WHEREAS, Lakeview Road located in the Town of Hamburg was previously redesigned and reconstructed; and

WHEREAS, after the realignment the County continued to own a portion of the former County right-of-way that is no longer needed; and

WHEREAS, the former portion of the highway bisects the property owned by the homeowner located at 2778 North Creek Road; and

WHEREAS, the homeowner of 2778 North Creek Road is seeking to sell his property and is willing to take title to the former right-of-way in order to cure a title defect; and

WHEREAS, the County Land Advisory Review Committee ("ARC") has recommended that the former right-of-way be abandoned pursuant to NYS Highway Law §118-a; and

WHEREAS, the Department of Public Works has recommended that this portion of the former highway be abandoned.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is authorized and directed to execute a quit claim deed abandoning the former portion of County right-of-way used for Lakeview Road located in the Town of Hamburg to the adjacent property owner, a survey of which is attached hereto as Exhibit A;

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the Office of the County Comptroller, the County Attorney and the Department of Public Works.
SUSPENSION

EXHIBIT A