



# COUNTY OF ERIE

MARK C. POLONCARZ  
COUNTY EXECUTIVE

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January 20, 2012

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

**RE: Erie County Sewer District No. 2  
Drainage Easement between Erie County and the Town of Eden**

Honorable Members:

Enclosed please find an accompanying memorandum for a proposed Resolution from the Department of Environment and Planning, Division of Sewerage Management, pertaining to a Drainage Easement to the Town of Eden.

Should your honorable body require further information, I encourage you to contact the Department of Environment and Planning. Thank you for your consideration on this matter.

Sincerely,

MARK C. POLONCARZ  
Erie County Executive

ZE-10

## **MEMORANDUM**

**To:** Honorable Members of the Erie County Legislature  
**From:** Department of Environment and Planning  
**Re:** Erie County Sewer District No. 2  
Drainage Easement between Erie County and the Town of Eden  
**Date:** January 12, 2012

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### **SUMMARY**

Approval is requested for the County of Erie to issue the Town of Eden a 15 foot wide Drainage Easement along the north property line of a County owned parcel known as 8205 Schreiner Road, Eden, New York to construct a storm sewer pipe.

### **FISCAL IMPLICATIONS**

There are no fiscal implications to the County's General Fund. There is no cost associated with this easement.

### **REASONS FOR RECOMMENDATION**

The storm sewer within the Drainage Easement will service any future expansion of the County's Pumping Station. The Easement will have no adverse impact on the Sewer District's future use of the site.

### **BACKGROUND INFORMATION**

Prior to October 2005 the Erie County Sewer District (ECSD) No. 2 Schreiner Road Pumping Station was located on a 50x30 permanent easement at a parcel of land known as 8205 Schreiner Road, Eden. On October 12, 2005 said parcel of land was deeded fee simple to the County to accommodate for future expansions of the pumping station, if necessary.

At that time, the former owner of the property did not know that a drainage easement to the Town of Eden for the planned adjacent Evergreen Acres subdivision would be required.

The Drainage Easement would be granted to the Town of Eden. The Town would own, operate and maintain the storm sewer system within the bounds of this easement. This action was approved at the August 25, 2011 Advisory Review Committee Meeting and the October 13, 2011 ECSD No. 2 Board of Managers Meeting.

### **CONSEQUENCES OF NEGATIVE ACTION**

If the easement is not issued, storm water discharge from the detention pond of said proposed subdivision into the public storm sewers along Schreiner Road will not be available for this site. Further, the County would benefit from this drainage improvement if at any point in the future the expansion of the pumping station occurs.

### **STEPS FOLLOWING APPROVAL**

The County will execute the Drainage Easement and provide to the Town of Eden.

A RESOLUTION SUBMITTED BY:  
Department of Environment and Planning

RE: Erie County Sewer District No. 2  
Drainage Easement between Erie County and the Town of Eden

WHEREAS, The Town of Eden has requested the use of a fifteen feet by one hundred ninety feet area of County land, SBL 223.00-5-14.112 for the installation of a public storm sewer; and

WHEREAS, this Drainage Easement will have no negative effect on the ability of Erie County Sewer District No. 2 to operate and maintain the sewer facilities; and

WHEREAS, the granting of this Drainage Easement will bear no cost to the County; and

WHEREAS, a Drainage Easement is recommended for the Town of Eden to use the property; and

WHEREAS, the Advisory Review Committee has approved this request; and

WHEREAS, the Erie County Sewer District No. 2 Board of Managers has approved this request.

NOW, THEREFORE, BE IT

RESOLVED, that a Drainage Easement for use of a fifteen feet by one hundred ninety feet area on Parcel SBL No. 223.00-5-14.112 be granted to the Town of Eden; and be it further

RESOLVED, that the Commissioner of Environment and Planning be authorized to sign said Drainage Easement subject to approval by the County Attorney; and be it further

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