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COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

ED

March 12, 2012

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

**RE: Right-of-Way Acquisition
Harris Hill Road (CR 276) Intersections
At Wehrle Drive (CR 275) and Pleasant View Drive (CR 161)
Towns of Clarence and Lancaster
PIN 5756.47, Erie County**

Dear Honorable Members:

We are forwarding for your approval a proposed resolution authorizing the County of Erie to acquire Right-of-Way to facilitate reconstruction of the above noted intersections.

Should your honorable body require further information, I encourage you to contact the Department of Public Works, Office of the Commissioner. Thank you for your consideration on this matter.

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/bb
Enclosure

cc: John Loffredo, Commissioner, Public Works

5E-16

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Public Works
Re: Right-of-Way Acquisition
Harris Hill Road (CR 276) Intersections
At Wehrle Drive (CR 275) and Pleasant View Drive (CR 161)
Towns of Clarence and Lancaster, PIN 5756.47, Erie County
Date: February 29, 2012

SUMMARY

Public Works is requesting approval of a resolution authorizing the County of Erie to acquire Right-of-Way to facilitate the Harris Hill Road project.

FISCAL IMPLICATIONS

There are no fiscal implications as the Town of Clarence is willing to waive the \$1.00 fee for this parcel.

REASONS FOR RECOMMENDATION

To allow the County to acquire necessary additional Right-of-Way for reconstruction of the intersections.

BACKGROUND INFORMATION

This Project has been approved by the New York State Department of Transportation in their current Capital Program to be funded with Federal Aid funds and to be let in the spring/summer of 2012.

CONSEQUENCES OF NEGATIVE ACTION

This action is required to insure meeting Federal and State guidelines for reconstruction of these intersections. Negative action will halt Project progress and have detrimental fiscal, health and safety implications.

STEPS FOLLOWING APPROVAL

The County Executive will execute the Contract of Sale and Right-of-Way will be acquired to facilitate reconstruction of the intersection.

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

RE: Right-of-Way Acquisition
Harris Hill Road (CR 276) Intersections
At Wehrle Drive (CR 275) and Pleasant View Drive (CR 161)
Towns of Clarence and Lancaster
PIN 5756.47, Erie County

WHEREAS, a project for reconstruction of the intersections of Harris Hill Road (CR276) at Wehrle Drive (CR275) and Pleasant View Drive (CR161) in the Towns of Clarence and Lancaster, Erie County, PIN 5756.47 (the "Project") was authorized by this Honorable Body on July 9, 2009 via Communication 12E-19; and

WHEREAS, in order to facilitate the reconstruction of the intersections, it will be necessary for the County to acquire a parcel by temporary easement, portions of real property in the vicinity of the intersections;

PORTIONS OF TAX MAP SBL NUMBERS

TOWNSHIP

SBL 82.11-1-3

Clarence

such property to be acquired by the County is herein referred to as the "Subject Property"; and

WHEREAS, in order to acquire the temporary easement parcel for the Project, it will be necessary for the County and the Town of Clarence to agree that the property shall be conveyed as a donation and that the payment be One Dollar (\$1.00), payment waived; and

WHEREAS, the acquisition of the portion of the Subject Property is de minimis in nature so that the public interest will not be prejudiced by the reconstructed road and other general improvements to the subject section of Pleasant View Drive (CR161);

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the above subject actions; and be it further

RESOLVED, that the sum of One Dollar (\$1.00) shall be waived, as payment for the temporary easement; and be it further

RESOLVED, that the County of Erie is authorized to acquire easement title to the aforementioned Subject Property for the purpose of reconstructing and improving the aforementioned Harris Hill Road Intersections at Wehrle Drive and Pleasant View Drive Project; and be it further

RESOLVED, that the Commissioner of Public Works, or his authorized representatives, are authorized to act on behalf of the County of Erie in connection with the acquisition of the portions of the aforementioned Subject Property; and be it further

RESOLVED, that based upon the factors previously set forth herein, it is the determination of this County Legislature that such acquisitions of portions of the aforementioned Subject Properties are de minimis in nature; and be it further

RESOLVED, that the County Attorney shall prepare and the County Executive shall execute all appropriate documents relating to acquiring fee and/or easement interests in the Subject Properties; 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, to be forwarded to the New York State Department of Transportation and also one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.