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# COUNTY OF ERIE

**MARK C. POLONCARZ**

COUNTY EXECUTIVE

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March 12, 2012

Erie County Legislature  
92 Franklin Street – 4<sup>th</sup> Floor  
Buffalo, New York 14202

**RE: Obtaining Easements for Access to the Black Rock Canal Park**

Dear Honorable Members:

Enclosed please find a proposed resolution authorizing the County Executive to enter into agreements with the City of Buffalo and State of New York to obtain easements that will allow continuous access to Erie County's Black Rock Canal Park and for an increase in the project's design contingency fund.

The easements will be over a current street and right-of-way the City has on the only access road to the park and under the NYS I-190.

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

Sincerely,

Mark C. Poloncarz, Esq.  
Erie County Executive

MCP/cp  
Enclosure

cc: Maria R. Whyte, Commissioner, Department of Environment and Planning  
Troy Schinzel, Commissioner, Department of Parks, Recreation & Forestry

5E-17

## MEMORANDUM

To: Honorable Members of the Erie County Legislature  
From: Department of Environment and Planning and the Department of Parks,  
Recreation & Forestry  
Re: Obtaining Easements for Continuous Access to the Black Rock Canal Park  
Date: March 1, 2012

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### **SUMMARY**

Erie County is embarking on the creation of major improvements to the Black Rock Canal Park. Black Rock Canal Park is only accessible by an access road currently owned by the City of Buffalo. Also the project's initial scope has increased to include modifications to the southern end of the site. It is recommended that the Erie County Legislature approve the attached resolution authorizing the County Executive to obtain access easements to the Black Rock Canal Park and execute necessary change orders to the consultant for additional design work.

### **FISCAL IMPLICATIONS**

There is no fiscal impact for obtaining an easement from the City of Buffalo and State of New York. The costs associated with an increase in the design contingency and related construction will be paid by various State funding sources already in place.

### **REASON FOR RECOMMENDATION**

Erie County is about to begin Phase 1 of a \$1.8 million improvement project to the park. The park is currently only accessible by way of a City of Buffalo access road and NYS I-190 right-of-way. The easements would provide Erie County and its residents permanent access to the park. Additionally, the project Advisory Committee is now looking into adding the proposed southern end Park Master Plan improvements as part of Phase 1 of construction. There will be additional costs by the consultant to investigate and plan the southern end improvements.

### **BACKGROUND INFORMATION**

The representatives from the Department of Environment & Planning and the Department of Parks, Recreation & Forestry have been working with neighborhood organizations to design and implement improvements to this waterfront asset for the past year and a half. A Master Plan for park improvements was completed last year with input from the public and community groups.

### **CONSEQUENCES OF NEGATIVE ACTION**

If the City of Buffalo abandons the access road in the future, there would be no access to this County Park.

### **STEPS FOLLOWING APPROVAL OF RESOLUTION**

The Erie County Department of Parks, Recreation & Forestry, in conjunction with the Department of Environment and Planning, will request an easement and necessary land agreements with the City of Buffalo and the New York State Thruway Authority and New York State Department of Transportation and other necessary state agencies.

A RESOLUTION BY:  
DEPARTMENT OF ENVIRONMENT AND PLANNING AND  
THE DEPARTMENT OF PARKS, RECREATION & FORESTRY

**RE: Obtaining Easements for Access to the Black Rock Canal Park**

WHEREAS, the park currently known as the Black Rock Canal Park is within the City of Buffalo and is bounded by the Niagara River and New York State I-190; and

WHEREAS, the only access to the Park is over a City street and New York State right-of-way; and

WHEREAS, the County is embarking on a \$1.8 million improvement project to Black Rock Canal Park; and

WHEREAS, the County would like to have permanent public access to the Black Rock Canal Park; and

WHEREAS, the project Advisory Committee is now looking to add improvements to the southern end of the Park as part of Phase 1, which results in a need to increase our contract with the design firm.

NOW, THEREFORE, BE IT

RESOLVED, that Erie County desires to have permanent access to the County Park known as Black Rock Canal Park; and be it further

RESOLVED, that the Erie County Executive is authorized to enter into easements and land agreements with the City of Buffalo, the New York State Thruway Authority, and the State of New York and its appropriate agencies to obtain permanent public access and implement the park improvements project; and be it further

RESOLVED, that the Department of Environment and Planning design contingency fund be increased from \$10,762 (COMM. 10E-21, 2011) to \$20,000 with authorization for the County Executive to approve contract amendments with Nussbaumer and Clark, Inc., not to exceed \$20,000, said funds to be allocated from SAP account A.21016; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive; the Commissioner of the Department of Environment and Planning; the Commissioner of Parks, Recreation & Forestry; the Deputy Commissioner of Real Property Tax; the Comptroller's Office; the Division of Budget & Mangement and the County Attorney.