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# COUNTY OF ERIE

**MARK C. POLONCARZ**  
COUNTY EXECUTIVE

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April 16, 2012

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

**RE: Erie County Sewer District No. 4  
Authorization of Easement Acquisition  
Aurora North Pumping Station Elimination  
SBL No. 115.03-1-58.2 & 59  
Town of Lancaster**

Honorable Members:

Enclosed please find a resolution and an accompanying memorandum from the Department of Environment and Planning pertaining to an Authorization of Easement Acquisition for Erie County Sewer District No. 4.

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

Sincerely yours,

Mark C. Poloncarz, Esq.  
Erie County Executive

MCP:JAC:ms  
Enclosure

CC: J.Fiegl

8E-18

## **MEMORANDUM**

To: Honorable Members of the Erie County Legislature  
From: Department of Environment and Planning  
Re: Erie County Sewer District No. 4  
Authorization of Easement Acquisition  
Aurora North Pumping Station Elimination  
SBL No. 115.03-1-58.2 & 59  
Town of Lancaster  
Date: April 4, 2012

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### **SUMMARY**

Approval to acquire a .65 acre permanent easement and temporary easement in the Town of Lancaster in the amount of \$36,000.00 from M&B Flix LLC is requested.

### **FISCAL IMPLICATIONS**

There are no fiscal implications to the County's General Fund. Funds for the easement acquisition will be taken from Erie County Sewer District No. 4 Bond Account No. C.00072.

### **REASON FOR THE RECOMMENDATION**

In order to eliminate the Aurora North Pumping Station in the Town of Lancaster, it is necessary to acquire permanent and temporary easement from M & B Flix LLC. This will enable the Sewer District to install gravity sanitary sewers; thereby, saving significant operating and capital costs by eliminating the existing pumping station. The Board of Managers for Erie County Sewer District No. 4 has approved this project.

### **BACKGROUND INFORMATION**

Erie County Sewer District No. 4 has been in existence since the early 1960's. The area to be serviced by this project is in the Town of Lancaster. This area is currently serviced by a sewage pumping station. Gravity sewer lines will be installed to eliminate the pumping station. Acquisition of this permanent easement is necessary to allow for an economical installation of the required infrastructure. A permanent easement of .65 acres is needed along with a temporary easement for the work area.

Based on an appraisal of the Real Property Rolls and standard percent reductions for easement acquisition, an offer of \$36,000.00 was made to acquire the easements and compensate the property owner for the loss of future use of a portion of the property. The owner of this property has indicated his willingness to accept the appraisal for this amount.

### **CONSEQUENCES OF A NEGATIVE ACTION**


Failure to proceed with these improvements will force Erie County Sewer District No. 4 to continue paying \$40,000.00 - \$60,000.00 per year to operate and maintain the existing pumping station. In addition, the station will have to be upgraded in the future at substantial capital expense (\$5,000,000).

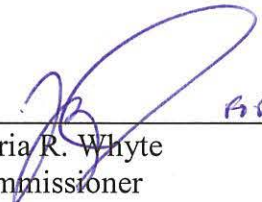
**STEPS FOLLOWING APPROVAL**

The Department of Environment and Planning will execute the necessary documents to purchase the .65 acre permanent easement along with the temporary easement area subject to "Approval as to Form" by the County Attorney.

**COMPTROLLER'S OFFICE REVIEW**

The proposed legislation has been reviewed by the Comptroller's Office and is related to an authorized capital project for which there are sufficient capital appropriations for the action proposed.

Signed  Date 4/9/2012  
Title Lorne Steinhart  
Deputy Comptroller

 AR MW  
Maria R. Whyte  
Commissioner

JAC:ms

Encl.

CC: Board of Mangers ECSD No. 4  
J.Fiegl/0.11.0 Leg ltr.  
D.Millar/S.Tirone/C.Schunk/T.Batt/3.3.3.40

A RESOLUTION SUBMITTED BY:  
DEPARTMENT OF ENVIRONMENT & PLANNING

RE: Erie County Sewer District No. 4  
Authorization of Easement Acquisition  
Aurora North Pumping Station Elimination  
SBL No. 115.03-1-58.2 & 59  
Town of Lancaster

WHEREAS, the Erie County Sewer District No. 4 Board of Managers and the Erie County Legislature have previously authorized funding for the Aurora North Interceptor sanitary sewer in the Town of Lancaster and the Town of Cheektowaga; and

WHEREAS, Erie County Sewer District No. 4 needs to acquire a .65 acre permanent easement and a temporary easement for the work area (SBL 115.03-1-58.2 & 59) adjacent to the Flix Theaters for the future construction of sanitary sewers to enable the elimination of the Aurora North Pumping Station; and

WHEREAS, an appraisal based on the Real Property Rolls and applied standard percent reduction for easement acquisition has been prepared for the required easement area.

NOW, THEREFORE, BE IT

RESOLVED, that Erie County/Erie County Sewer District No. 4 be authorized to acquire said easement adjacent to the Aurora North Pumping Station owned by M & B Flix LLC (SBL 115.03-1-58.2 & 59) for the sum not to exceed \$36,000.00; and be it further

RESOLVED, that the Comptroller be authorized and directed to allocate the sum not to exceed \$36,000.00 from Erie County Sewer District No. 4, Sewer Capital C.00072; and be it further

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