



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

July 2, 2025

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

**RE: Conveyance of Property to New York State Dept. of Transportation
Franklin St, City of Buffalo for PIN 5815.53, Church St. Extension
North Division St. City of Buffalo for PIN 5815.39, Elm-Oak Arterial
City of Buffalo, Erie County**

Dear Honorable Members:

We are forwarding for your approval a proposed resolution authorizing the County of Erie to convey two small parcels to New York State Dept. of Transportation (NYSDOT). One is located at the intersection of Franklin St. and Church St. for PIN 5815.53, Church Street Extension in the City of Buffalo. Another small parcel is at the intersection of South Division St. and the Elm-Oak Arterial Highway, in the City of Buffalo is required for PIN 5715.39, Elm-Oak Arterial Highway.

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

Sincerely yours,

Mark C. Poloncarz, Esp.
Erie County Executive

MCP/rb
Enclosure

cc: Commissioner of Public Works William Geary

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Public Works/Division of Highways
Re: Conveyance of Property to New York State Dept. of Transportation
Franklin St, City of Buffalo for PIN 5815.53, Church St. Extension
North Division St. City of Buffalo for PIN 5815.39, Elm-Oak Arterial
City of Buffalo, Erie County
Date: July 2, 2025

SUMMARY

New York State Dept. of Transportation (NYSDOT) has approached Erie County concerning the acquisition of two small, di minus parcels. One parcel is located at the intersection of Franklin St. and Church St., specifically at 100 Franklin St. NYSDOT requires 168 square feet within the sidewalk area for their Project PIN5815.53. This parcel is depicted on Map No. 40, attached to this document and denoted as parcel M40/P41 with location and dimensions for parcel P41.

The second parcel is located at the intersection of Oak-Elm Arterial and South Division Street, specifically at the southwest corner of the Public Safety Campus property, 372 Michigan Ave, Buffalo, NY. NYSDOT requires 12sf on the building side of the sidewalk for their project PIN 5815.39. Attached to this memo is map no. 333 depicting the location of parcel P339 and provides dimensions and location of said parcel.

FISCAL IMPLICATIONS

Erie County is to receive \$10,500.00 in consideration for Parcel P41 at 100 Franklin St. for the transfer to NYSDOT. Erie County is to receive \$500.00 in consideration for the parcel P339 transfer at the intersection of Oak-Elm Arterial and South Division St.

REASONS FOR RECOMMENDATION

The Erie County Lands Advisory Review Committee (ARC) recommends that approval be granted that both parcels be conveyed to NYSDOT. The necessary work for improving the roadways may then proceed. ARC meeting minutes are attached to this memo.

BACKGROUND INFORMATION

NYSDOT approached Erie County about acquiring these parcels as a part of two construction projects on State roads. These acquisitions are necessary for the installation of pedestrian signals and the improvement of pedestrian safety features on these roads.

CONSEQUENCES OF NEGATIVE ACTION

If Erie County does not accept the offers made the process will continue to eminent domain proceedings and New York State will acquire as necessary.

STEPS FOLLOWING APPROVAL

The Department of Public Works, Division of Highways, will accept the financial offers made by NYSDOT and the land described herein will be transferred to New York State to facilitate these projects. The County Executive will execute the necessary agreements for the acceptance of payment and transference of said parcels.

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

RE: **Conveyance of Property to New York State Dept. of Transportation
Franklin St, City of Buffalo for PIN 5815.53, Church St. Extension
North Division St. City of Buffalo for PIN 5815.39, Elm-Oak Arterial
City of Buffalo, Erie County**

WHEREAS, the County of Erie has title to various parcels of land at 100 Franklin St., Buffalo, NY and at 372 Michigan St, Buffalo NY; and

WHEREAS, New York State Dept. of Transportation (NYSDOT) has approached Erie County about purchasing a small parcel at each location listed above, these parcels are di-minus in nature and necessary for the progression of two road projects; and

WHEREAS the Erie County Lands Advisory Review Committee (ARC) has met and deemed the parcels no longer necessary for County purposes; and

WHEREAS, NYSDOT has offered \$500.00 for a 12 square foot parcel at the northwest corner of 372 Michigan Ave, Buffalo NY depicted as parcel P339 on map 333; and

WHEREAS, NYSDOT has offered \$10,500 for a 168 square foot parcel at 100 Franklin St. Buffalo, NY depicted as parcel P41 on map 40.

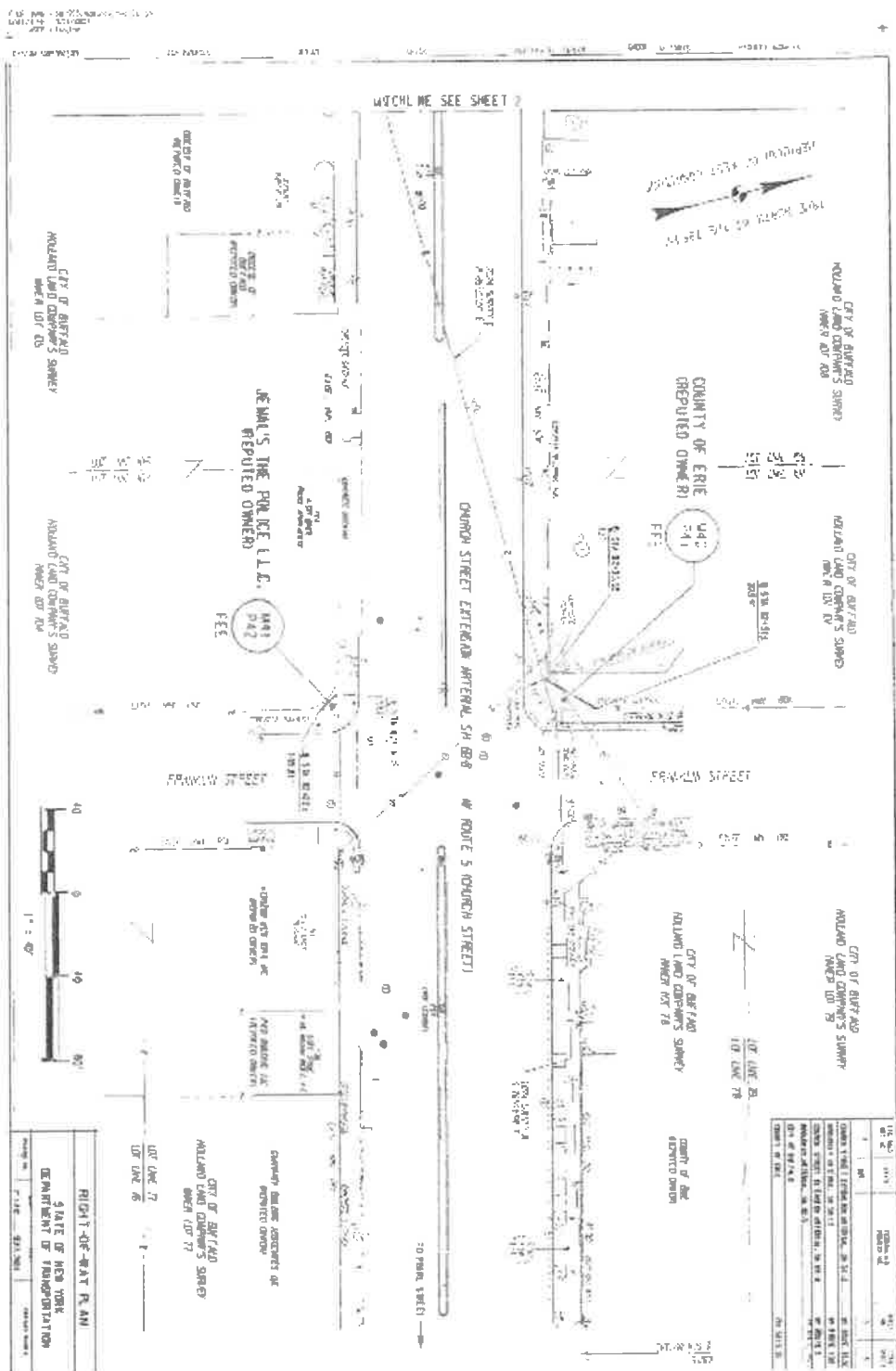
NOW, THEREFORE, BE IT

RESOLVED, that for Erie County purposes of transferring land to the New York State Dept. of Transportation, the Erie County Legislature hereby authorizes the County Executive or Deputy County Executive to execute and acknowledge in the name of the County and affix the seal of the County to a quit claim deed and all closing documents of the lands, as depicted on attached maps number 333 and number 40 and description of parcels no. 339 on map 333 and parcel 41 on map 40; and be it further

RESOLVED, that the Dept. of Budget, Management and Finance is authorized to accept funds, payable to the County of Erie in the sum of \$500.00 for parcel number 339 and \$10,500 for parcel number 41xx for abandonment of these lands; and be further

RESOLVED, that three (3) certified copies of this resolution be sent to the Department of Public Works, Division of Highways, and one copy each to the Office of the County Executive, the Division of Budget, Management and Finance, and the Office of the Comptroller.

Map 40 / Parcel P41 - Intersection of Church St. & Franklin St.



EXPLANATION OF ACQUISITION/OFFER OF SETTLEMENT

PIN: 581553201 PROC#: 15662 DECL: A81-1513
SH: 69-8 PROJECT: Church Street Extension Arterial, S.H. 69-8
COUNTY: Erie TOWN/CITY: Buffalo VILLAGE:
MAP(S): 40 PARCEL(S): 41
CLAIMANT(S): County of Erie

EXPLANATION OF ACQUISITION

The Fee acquisition Map 40, Parcel 41 is triangular in shape, contains 168± sf., and is located on the southeast corner of the property. Land improvements include concrete sidewalk. The purpose of the Fee is to replace pedestrian signals.

Compensation for the value of land is \$9,300. Compensation for the land improvements is \$1,200. Total compensation is \$10,500.

Offer Of Settlement

1. Direct Damages	\$10,500.00
2. Indirect Damages	\$0.00
3. Rental Value - Temporary Occupancy	\$0.00
4. Rental Value - Temporary Easement	\$0.00
<i>Total Damages - Just Compensation</i>	<i>\$10,500.00</i>

The above value represents the amount of our highest approved appraisal, developed in accordance with appraisal standards as defined by the Uniform Standards of Professional Appraisal Practice (USPAP). If you are satisfied with our explanation of the acquisition and wish to settle your claim with the State, you may request that we send you the Agreement of Adjustment and Release of Owner for execution. If you wish to leave your claim open and still collect the offered compensation, you may execute all three of the enclosed Agreement for Advance Payment documents, keeping one for your records and returning two in the self-addressed envelope provided. Once we receive your signed agreement and the closing papers have been completed and processed, payment can be made to you.

Please note that, in making this offer and any subsequent payment, the Commissioner of Transportation and the State of New York reserve certain rights, as explained in this paragraph. If, in the course of the construction of this project or the use or occupation of the property by the State or its authorized agents, it is discovered that hazardous or contaminated materials are present on any portion of the property in which the State is acquiring an interest, and such condition requires remediation by the Department of Transportation and/or some other State agency, the Commissioner and the State shall have the right to assert any claim, fine or penalty authorized by law against you or any other person or entity who owned, occupied or used the property, or caused such contamination, prior to the State's acquisition. This includes the right to assert a claim against any payments made pursuant to either of the enclosed Agreements or any subsequent payment, including any court award or settlement.

Payment of the offer, if accepted, will be made only upon approval by the Director of Office of Right of Way and/or the Comptroller of the State of New York and upon certification of the Attorney General of the State of New York as required by law.

ROW 265-1 (05/2013)

[illegible]

EXPLANATION OF ACQUISITION/OFFER OF SETTLEMENT

PIN: 581538221
SH: 77-25
COUNTY: Erie
MAP(S): 333
CLAIMANT(S): County of Erie

PROC#: 15654
PROJECT: Elm-Oak Arterial Highway, S.H. 77-25
TOWN/CITY: Buffalo
VILLAGE:
PARCEL(S): 339

DECL: A81-1519

EXPLANATION OF ACQUISITION

The Fee acquisition Map 333, Parcel 339 is triangular in shape, contains 12± sf., and is located on the southwest corner of the property. Land improvements include concrete sidewalk. The purpose of the Fee is to replace pedestrian signals.

Compensation for the value of land is \$400. Compensation for the land improvements is \$100. Total compensation is \$500.

Offer Of Settlement

1. Direct Damages	\$500.00
2. Indirect Damages	\$0.00
3. Rental Value - Temporary Occupancy	\$0.00
4. Rental Value - Temporary Easement	\$0.00
<i>Total Damages - Just Compensation</i>	<i>\$500.00</i>

The above value represents the amount of our highest approved appraisal, developed in accordance with appraisal standards as defined by the Uniform Standards of Professional Appraisal Practice (USPAP). If you are satisfied with our explanation of the acquisition and wish to settle your claim with the State, you may request that we send you the Agreement of Adjustment and Release of Owner for execution. If you wish to leave your claim open and still collect the offered compensation, you may execute all three of the enclosed Agreement for Advance Payment documents, keeping one for your records and returning two in the self-addressed envelope provided. Once we receive your signed agreement and the closing papers have been completed and processed, payment can be made to you.

Please note that, in making this offer and any subsequent payment, the Commissioner of Transportation and the State of New York reserve certain rights, as explained in this paragraph. If, in the course of the construction of this project or the use or occupation of the property by the State or its authorized agents, it is discovered that hazardous or contaminated materials are present on any portion of the property in which the State is acquiring an interest, and such condition requires remediation by the Department of Transportation and/or some other State agency, the Commissioner and the State shall have the right to assert any claim, fine or penalty authorized by law against you or any other person or entity who owned, occupied or used the property, or caused such contamination, prior to the State's acquisition. This includes the right to assert a claim against any payments made pursuant to either of the enclosed Agreements or any subsequent payment, including any court award or settlement.

Payment of the offer, if accepted, will be made only upon approval by the Director of Office of Right of Way and/or the Comptroller of the State of New York and upon certification of the Attorney General of the State of New York as required by law.

ROW 285-1 (05/2013)

**COUNTY OF ERIE
DEPARTMENT OF ENVIRONMENT AND PLANNING**

ERIE COUNTY LANDS ADVISORY REVIEW COMMITTEE (ARC)

MEETING NOTES

Rath Building
95 Franklin Street, Buffalo, New York 14202
10th Floor, Room 1004
Wednesday, April 30, 2025 – 10:00 AM

Voting Members Present:

Rick Nendza
Dan Castle
Troy Schinzel
Rich Stanton
Bill Geary
Scott Bylewski

Staff Present:

Mark Rountree
Dave Hall
Kal Nieves

Consideration of Meeting Minutes from February 26, 2025 and March 12, 2025.

Motion to accept the meeting minutes was made by Mr. Castle; seconded by Mr. Bylewski. The motion carried.

New Business

1. Disposition of County Land or Right-of-Way

- a. 372 Michigan Avenue, City of Buffalo (SBL: 111.14-5-1): Disposition and sale to NYSDOT for its taking of 12 SF at SW corner of Public Safety Campus property for EtrvS. Division Intersection Improvements. (Geary, Stanton) – VOTE

Mr. Rountree presented the item. The group discussed the scope of the taking, how it was a Type II action, and the proposed purchase price from NYSDOT.

Motion to recommend accepting the taking made by Mr. Nendza; seconded by Mr. Geary. The motion carried.

2. Parks Protection Report

- a. Shoreline Trail at Renaissance Commerce Park – 0 Hamburg Turnpike, City of Lackawanna (141.11-1-48.132): Granting of permanent easements to ILDC (access easement) and ECWA (utility easement) associated with extension of Odell Street and Ridge Road over Shoreline Trail parcel into Renaissance Commerce Park. (Rountree) – VOTE

Mr. Rountree presented the item, describing how the action is for approval of a license or easement agreement with ILDC, and how an easement with ECWA was already approved at a previous ARC meeting. The group discussed the overall plan for development at the site, the construction schedule, and the need for appropriate signage for cyclists being in place during construction.

Motion to recommend approval of a permanent access easement agreement with ILDC made by Mr. Geary; seconded by Mr. Nendza. The motion carried.

Edward A. Rath County Office Building, 95 Franklin Street, 10th Floor, Buffalo, NY 14202 * (716) 858-8390 * Facsimile (716) 858-7248

3. 0 Park Boulevard, Village of Lancaster (SBL: 115.26-3-22): Village of Lancaster citizens group seeks permission to plant a pollinator garden on a County-owned parcel adjacent to Cayuga Creek. (Rountree) – DISCUSSION

Mr. Rountree presented the discussion item regarding a community group's request to allow a pollinator garden. The group discussed how the community group needs to communicate and come to an agreement with the Village regarding mowing/maintenance.

Motion to table the item pending a formal request from the Village of Lancaster made by Mr. Geary; seconded by Mr. Schinzel. The motion carried.

Old Business

4. Disposition of County Land or Right-of-Way

- a. 100 Franklin Street, City of Buffalo (SBL: 111.61-1-3): Disposition and sale to NYSDOT for its taking of 168 SF at SE corner of Old County Hall property for Franklin/Church intersection improvements (Geary, Stanton). – VOTE

Mr. Rountree and Mr. Geary presented the item. The group discussed the scope of the taking, how it was a Type II action, and the proposed purchase price from NYSDOT.

Motion to recommend accepting the taking made by Mr. Castle; seconded by Mr. Bylewski. The motion carried.

- b. County-owned Parcels in the Town of Hamburg: 143 County-owned parcels in the Town of Hamburg to be deemed surplus for potential transfer to the Town of Hamburg or sale via public auction. – VOTE

The group discussed the list of parcels to be deemed surplus or potentially transferred to the Town of Hamburg. The group decided that the full list would be sent to the Town of Hamburg for their review to determine their interest in acquiring any parcels. The group decided to table the item for further review of the parcel list.

Motion to table the item pending further review of the parcel list by ARC board members made by Mr. Geary; seconded by Mr. Schinzel. The motion carried.

- c. 201 Two Mile Creek Road, City of Tonawanda (SBL: 52.06-2-1): Potential disposition of parcel, or an easement to the City of Tonawanda to allow its use of the County-owned parcel for a new bridge to replace the existing one over Two Mile Creek at Fletcher St. – DISCUSSION

Mr. Rountree presented the item and spoke about a recent meeting the City of Tonawanda officials regarding the issue. The City Engineer was set to present the County's offer of selling the property to the City for continued use as a park. The group discussed how the bridge project will require closure of a portion of the Two Mile Creek Trail for 2 months during construction.

5. Policy regarding Hazardous Trees on County Property. (non-park land, non-ROW) (Bylewski) – DISCUSSION

No new updates were provided regarding this item.

6. Encroachments on County Land

- a. Highmark Stadium, 1 Bills Drive, Town of Orchard Park (SBL: 161.00-5-16.1): Item F below. Pedestrian bridge constructed over Smokes Creek without approval by adjacent property owner, 3964 California Road, Inc. (Geary, Stanton) – DISCUSSION

No new updates were provided regarding this item.