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COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

July 2, 2025

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

Re: Reconstruction of William St (CR 338) from Transit Rd (NYS 20/78) to Bowen Rd (CR 242) NYSDOT Right of Way Agreement Town of Lancaster PIN 5763.36

Dear Honorable Members:

This resolution requests an amendment to resolution COMM. 4E-4 (2025), giving authorization for the County Executive to enter into a revised Right of Way Agreement with the New York State Department of Transportation (NYSDOT) for the Reconstruction of William Street project (PIN 5763.36). NYSDOT requested the addition of a WHEREAS and a RESOLVED clause to the Resolution, as well as removing the Right of Way acquisition phase from the agreement and retaining only the Right of Way incidentals phase.

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

Sincerely yours,

A handwritten signature in blue ink that reads "Mark C. Poloncarz".

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/gmw

Enclosure

cc: William Geary, Commissioner, Department of Public Works

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Public Works
Re: Reconstruction of William St (CR 338) from Transit Rd (NYS 20/78) to Bowen Rd (CR 242) NYSDOT Right of Way Agreement Town of Lancaster
PIN 5763.36
Date: July 2, 2025

SUMMARY

The Department of Public Works (DPW) is seeking an amendment to resolution COMM. 4E-4 (2025), giving authorization for the County Executive to enter into a Right of Way Agreement with the New York State Department of Transportation (NYSDOT) for the Reconstruction of William Street Project (PIN 5763.36). NYSDOT requested the addition of a WHEREAS and a RESOLVED clause to the previous resolution, as well as removing the Right of Way acquisition phase from the agreement and retaining only the Right of Way incidentals phase.

FISCAL IMPLICATIONS

Erie County has already paid \$39,250 to NYSDOT per COMM. 4E-4(2025), of which, \$32,400 will now cover the cost of the ROW incidentals local deposit, and \$6,850 will be applied to the future ROW acquisitions local deposit, therefore no further expenditures are required for this revised agreement.

REASONS FOR RECOMMENDATION

This resolution amendment is necessary to advance the Right of Way incidentals phase of the Reconstruction of William Street project in a timely fashion.

BACKGROUND INFORMATION

As the administrators of the Right of Way incidentals phase of the project, NYSDOT will advance the Right of Way incidentals phase of the project upon approval of this amended resolution.

CONSEQUENCES OF NEGATIVE ACTION

Negative action would halt design and result in continued deterioration of the road surface, decreased rideability, increased maintenance responsibilities and cost, as well as jeopardize existing and future reimbursement funding available through this program.

STEPS FOLLOWING APPROVAL

Upon Legislative approval, the County Executive will enter into the revised Right of Way Agreement with the New York State Department of Transportation (NYSDOT).

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF PUBLIC WORKS

RE: Reconstruction of William St (CR 338) from Transit Rd (NYS 20/78) to Bowen Rd (CR 242) NYSDOT Right of Way Agreement Town of Lancaster PIN 5763.36

WHEREAS, a Project for the Reconstruction of William Street (CR 338) from Transit Road (NYS 20/78) to Bowen Road (CR 242), P.I.N. 5763.36 (the Project Right-of-Way agreement with New Yorks State Dept. of Transportation (NYSDOT) was approved by the Legislature in COMM 4E-4 (2025) on March 13, 2025; and

WHEREAS, (NYSDOT) will administer the Right of Way incidentals phase of the Project; and

WHEREAS, the County of Erie desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of the Right of Way incidentals work for the Project or portions thereof, with the federal share of such costs to be applied directly by the NYSDOT pursuant to the Agreement; and

WHEREAS, the necessary funds for the local deposit of the Right of Way phases of \$39,250, has been paid from Fund 420, Funds Center 123, Capital Project B.23005 – 2023 Federal Aid Road Design to NYSDOT; and

WHEREAS, NYSDOT will apply \$32,400 of the \$39,250 previously paid local deposit to the Right of Way incidentals phase of the project, and \$6,850 will be applied to the Right of Way acquisitions phase.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive or Deputy County Executive to execute a revised Right of Way Agreement with the New York State Department of Transportation for the Reconstruction of William Street project (PIN 5763.36); and be it further

RESOLVED, that authorization is given to the County of Erie to pay in the first instance the full non-federal share of the cost of the Right of Way incidentals work for the Project or portions thereof; and be it further

RESOLVED, that a certified copy of this resolution amendment be filed with the New York State Commissioner of Transportation; and be it further

RESOLVED, that three certified copies of this resolution amendment be sent to the Department of Public Works, Commissioner's Office, and one copy each to the County Executive's Office, Comptroller's Office and Division of Budget and Management.