



# COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

2025 SEP 5 PM 2:40

September 5, 2025

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

**RE: Right-of-Way (ROW) Acquisition for PIN 5764.91  
Rehabilitation of Marshfield Road (CR 500) Bridge over N. Br. Clear Creek, BIN  
3328610, Town of North Collins, Erie County**

Dear Honorable Members:

We are forwarding for your approval a proposed resolution authorizing the County of Erie to allocate monies to acquire Right of Way (ROW). This ROW will facilitate construction of the above noted project.

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

Sincerely yours,

A handwritten signature in black ink, appearing to read "Mark C. Poloncarz", with a long horizontal flourish extending to the right.

Mark C. Poloncarz  
Erie County Executive

MCP/jtd  
Enclosure

cc: William E. Geary, Jr., Commissioner of the Department of Public Works

## MEMORANDUM

**To:** Honorable Members of the Erie County Legislature  
**From:** Department of Public Works/Division of Highways  
**Re:** Right-of-Way (ROW) Acquisition for PIN 5764.91  
Rehabilitation of Marshfield Road (CR 500) Bridge over N. Br. Clear Creek, BIN 3328610, Town of North Collins, Erie County  
**Date:** September 5, 2025

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### **SUMMARY**

A project to design the rehabilitation of the Marshfield Road (CR 500) Bridge over North Branch Clear Creek, BIN 3328610, in the Town of North Collins, was authorized by your honorable body via Communication 3E-6 (2024). To advance the construction of this locally administered Federal Aid project, benefiting from both Federal and State Funding, the County will, at 100%, undertake the Right of Way acquisition. The purpose of this resolution is to allocate funding and authorize the County of Erie to acquire the necessary Right-of-Way for rehabilitation of the bridge. The right-of-way required is comprised of a total of five takings, within three different properties. Three (3) fee takings are needed, and two (2) Temporary Easements are needed.

### **FISCAL IMPLICATIONS**

Funds for these ROW acquisitions are available SAP B.25051, 2025 Capital Right-of-Way, Fund 420, BA 123.

#### **PROPERTY SBL NUMBERS**

SBL 303.00-4-22.1  
SBL 303.00-4-25.2  
SBL 303.00-4-16.121

#### **TOWNSHIP**

North Collins  
North Collins  
North Collins

### **REASONS FOR RECOMMENDATION**

Allow the County to acquire necessary Right-of-Way for the rehabilitation of the subject bridge.

### **BACKGROUND INFORMATION**

This Project has funding in SAP account B.25051, Capital Right-of-Way. Acquisition of the Right-of-Way is necessary prior to the construction phase of the project.

### **CONSEQUENCES OF NEGATIVE ACTION**

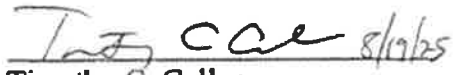
If Right-of-Way is not acquired, the project cannot be constructed, and the bridge will continue to deteriorate and hinder travel for the general public.

### **STEPS FOLLOWING APPROVAL**

The Right-of-Way necessary to construct the project will be acquired.

### **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 appropriations for the action proposed.

Handwritten signature of Timothy C. Callan and the date 8/19/25.

Timothy C. Callan  
Deputy Comptroller  
Comptroller's Office

B.25051 – 2025 Capital Right of Way

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

RE: Right-of-Way (ROW) Acquisition for PIN 5764.91  
Rehabilitation of Marshfield Road (CR 500) Bridge over North Branch Clear Creek, BIN 3328610, Town of North Collins, County of Erie

WHEREAS, a design project for rehabilitation of the Marshfield Road (CR 500) Bridge over North Branch Clear Creek, BIN 3328610, in the Town of North Collins, (the “Project”) was authorized by your honorable body via Communication 3E-6 (2024); and

WHEREAS, to facilitate the rehabilitation of this bridge, it is necessary for the County to acquire by fee and/or easement portions of real property in the vicinity of the bridge;

<u>PROPERTY TAX MAP SBL NUMBERS</u>	<u>TOWNSHIP</u>
SBL 303.00-4-22.1	North Collins
SBL 303.00-4-25.2	North Collins
SBL 303.00-4-16.121	North Collins

and

WHEREAS, such properties to be acquired by the County are herein referred to as the “Subject Properties”; and

WHEREAS, to acquire the easement parcels for the Project, it is necessary for the County to establish an amount which it believes to represent just compensation for the real property interest to be acquired and to thereafter make a written offer to purchase the real property interest for the respective just compensation amount; and

WHEREAS, the acquisition of the portions of the Subject Properties is de minimis in nature so that the public interest will not be prejudiced by the construction of the new bridges; and

WHEREAS, should one or more owners of the Subject Properties refuse to convey such portions of their real property to the County for an amount not exceeding fair market value, it will be necessary for the County to acquire the Subject Properties by commencing eminent domain proceedings.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the acquisition of the necessary Right-of-Way (ROW) required for Marshfield Road (CR 500) Bridge project over North Branch Clear Creek, BIN 3328610, in the Town of North Collins; and be it further

RESOLVED, that sufficient funding is available for the acquisitions is available from Fund 420, Fund Center 123, project B.25051, 2025 Capital Right of Way in a sum not to exceed \$20,000; and be it further

RESOLVED, that authorization is hereby given for the County Executive to enter into all necessary contracts and agreements for the acquisition of the required ROW to construct the Project; and be it further

RESOLVED, that authorization is hereby given to the Commissioner of Public Works, or his authorized representatives, including Colliers Engineering & Design, Architecture, Landscape Architecture, Survey, CT P.C., to establish the amounts representing just compensation for the real property to be acquired; and be it further

RESOLVED, that authorization is hereby given to the Commissioner of Public Works, or his authorized representatives, including Colliers Engineering & Design, Architecture, Landscape Architecture, Survey, CT P.C., to negotiate and offer just compensation amounts to the owners of the Subject Properties for the purpose of acquiring interests in portions of their respective parcels of real property by fee and/or easement, which acquisitions are necessary for the Project; and be it further

RESOLVED, that authorization is hereby given for the Commissioner of Public Works, or his authorized representatives, including Colliers Engineering & Design, Architecture, Landscape Architecture, Survey, CT P.C., to act on behalf of the County of Erie in connection with the acquisition of the required ROW from the owners of the Subject Property; 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, should one or more owners of the Subject Properties refuse to convey such portions of their real property to the County for an amount not to exceed the just compensation determined by the Commissioner of Public Works, or his authorized representatives, the County is authorized to commence eminent domain procedures; 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, and one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.

TO: TIMOTHY C. CALLAN, COMPTROLLER'S OFFICE

PROPOSED RESOLUTIONS REQUIRING RULE 55

CONTRACT APPROVAL CHECKLIST  
CONFIRMATION OF AVAILABILITY OF FUNDS IN CAPITAL PROJECTS

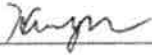
REQUESTING DEPARTMENT

COMPLETE ITEMS 1 THROUGH 5

- |                       |   |
|-----------------------|---|
| 1. CONTRACTOR'S NAME  | Colliers Engineering & Design, Architecture,<br>Landscape Architecture, Survey, CT P.C.,<br>Property Owners |
| 2. AMOUNT OF CONTRACT | Combined not to exceed \$20,000   |
| 3. PROJECT NUMBER     | B.25051 - \$20,000  |
| 4. PROJECT TITLE      | Marshfield Road (CR 500) Bridge over North<br>Branch Clear Creek, PIN 5764.91                               |
| 5. DEPARTMENT CONTACT | Funding questions: William E. Geary, Jr. at<br>7555<br>Letter pickup: Christy Weber at 8301                 |

COMPTROLLER'S OFFICE

COMPLETE ITEMS 6 AND 7

- |                                    |   |
|------------------------------------|---|
| 6. AVAILABILITY OF FUNDS           | \$ 100,000.00   |
| 7. PERFORMED BY                    |  |
| Date Sent to Comptroller's Office: | 08/19/2025  |