



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

October 31, 2025

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

**RE: Right-of-Way (ROW) Acquisition for
CIN 487-03: Replacement of Jennings Rd Culvert over Clear Creek Tributary
CIN 419-01B: Replacement of Belscher Rd Culvert over Spooner Creek Tributary
CIN 438-02A: Replacement of Back Creek Rd Culvert over 18 Mile Creek Tributary
Towns of Collins, Concord, Boston 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 projects.

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,

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:
CIN 487-03: Replacement of Jennings Rd Culvert over Clear Creek Tributary
CIN 419-01B: Replacement of Belscher Rd Culvert over Spooner Creek Tributary
CIN 438-02A: Replacement of Back Creek Rd Culvert over 18 Mile Creek Tributary
Towns of Collins, Concord, Boston Erie County
Date: October 31, 2025

SUMMARY

A project to design the replacement of Jennings Road (CR 487) Culvert over Clear Creek Tributary, CIN 487-03, in the Town of Collins, Belscher Road (CR 419) Culvert over Spooner Creek Tributary, CIN 419-01B, in the Town of Concord, and Back Creek Road (CR 438) Culvert over 18 Mile Creek Tributary, CIN 438-02A, in the Town of Boston is on going. The purpose of this resolution is to allocate funding and authorize the County of Erie to acquire the necessary Right-of-Way for replacement of the culverts. The right-of-way required is comprised of a total of two (2) fee takings and two (2) permanent easements from four (4) different properties.

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 330.000-2-21
SBL 343.000-1-3.100
SBL 321.00-2-22
SBL 241.00-2-13.31

TOWNSHIP

Collins
Collins
Concord
Boston

REASONS FOR RECOMMENDATION

Allow the County to acquire necessary Right-of-Way for the replacement of the subject culverts.

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

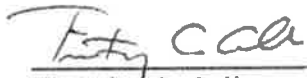
If Right-of-Way is not acquired, the project cannot be constructed, and the culverts will continue to deteriorate and hinder travel for the general public.

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.

 10/16/25
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:
CIN 487-03: Replacement of Jennings Rd Culvert over Clear Creek Tributary
CIN 419-01B: Replacement of Belscher Rd Culvert over Spooner Creek Tributary
CIN 438-02A: Replacement of Back Creek Rd Culvert over 18 Mile Creek Tributary
Towns of Collins, Concord, Boston Erie County

WHEREAS, a design project for the replacement of three large culverts; Jennings Road (CR 487) Culvert over Clear Creek Tributary, CIN 487-03, in the Town of Collins, Belscher Road (CR 419) Culvert over Spooner Creek Tributary, CIN 419-01B, in the Town of Concord, and Back Creek Road (CR 438) Culvert over 18 Mile Creek Tributary, CIN 438-02A, in the Town of Boston, (the "Project") is being progressed; and

WHEREAS, the replacement of these large culverts requires the County to acquire by fee and/or easement portions of real property in the vicinity of each large culvert;

<u>PROPERTY TAX MAP SBL NUMBERS</u>	<u>TOWNSHIP</u>
SBL 330.000-2-21	Collins
SBL 343.000-1-3.100	Collins
SBL 321.00-2-22	Concord
SBL 241.00-2-13.31	Boston

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 culverts; 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 to construct the Project; 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 \$10,000; and be it further

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

RESOLVED, Commissioner of Public Works, or his authorized representatives, including C&S Engineers, Inc., are hereby authorized to establish the amounts representing just compensation for the real property to be acquired; and be it further

RESOLVED, the Commissioner of Public Works, or his authorized representatives, including C&S Engineers, Inc., are hereby authorized 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 the Commissioner of Public Works, or his authorized representatives, including C&S Engineers, Inc., are authorized 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 authorization is hereby given for the Division of Budget and Management to make any technical adjustments necessary to effectuate this resolution; 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 C&S Engineers, Inc.,
Property Owners
2. AMOUNT OF CONTRACT Combined not to exceed \$10,000
3. PROJECT NUMBER B.25051 - Capital Right of Way - \$10,000
4. PROJECT TITLE Jennings Road (CR 487) Culvert over Clear
Creek Tributary, CIN 487-03
Belscher Road (CR 419) Culvert over Spooner
Creek Tributary, CIN 419-01B
Back Creek Road (CR 438) Culvert over 18
Mile Creek Tributary, CIN 438-02A
5. DEPARTMENT CONTACT Funding questions: Darlene Svilokos at 7801
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: 10/17/2025