



# COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

11/23/2025 11:06

November 21, 2025

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

**Re: National Fuel Gas Utility Easement for Botanical Gardens Expansion Plan**

Dear Honorable Members:

The Botanical Gardens Expansion project requires National Fuel Gas Distribution Corporation to relocate its line and meters servicing the buildings due to the placement of the addition and is requesting an easement to be able to install and maintain its facilities.

Should your honorable body require further information, I encourage you to contact William Geary, Commissioner of Public Works. Thank you for your consideration on this matter.

Sincerely yours,

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

Mark C. Poloncarz, Esq.  
Erie County Executive

MCP/kmw  
Enclosure

cc: William Geary, Commissioner of Public Works

## **MEMORANDUM**

**To:** Honorable Members of the Erie County Legislature  
**From:** Department of Public Works  
**Re:** National Fuel Gas Utility Easement, Botanical Gardens Expansion Project  
**Date:** November 21, 2025

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### **SUMMARY**

The Buffalo and Erie County Botanical Gardens (“Botanical Gardens”) is undergoing an expansion project that includes an addition to its current buildings. Due to the placement of the addition, it is necessary for National Fuel Gas Distribution Corporation (“National Fuel”) to relocate its gas line and meter on the property. In order to do so, National Fuel is seeking a utility easement that will allow access for the placement of the new gas line and any future maintenance.

### **FISCAL IMPLICATIONS**

None.

### **REASONS FOR RECOMMENDATION**

The County Lands Advisory Review Committee (“ARC”) reviewed the request and has recommended that the request be granted so that National Fuel can install and maintain its line and meters required to support the Botanical Gardens expansion project.

Granting the subject easement will constitute a small amount of use and access from the County parcel and is necessary in order to service the buildings making up the Botanical Gardens.

### **BACKGROUND INFORMATION**

The Botanical Gardens is undergoing an expansion project which will see a building addition added onto the existing conservatory. The proposed building addition is being partially built over the existing route of a National Fuel gas line from Park Drive to the existing Administration Building. National Fuel proposes rerouting the gas line around the proposed new building addition and the existing grow range in order to connect to the existing Administration Building. The project will involve rerouting approximately 700’ of 2” pipe. National Fuel is requesting the utility easement agreement to account for the new path of the gas line and any future access needed for maintenance.

### **CONSEQUENCES OF NEGATIVE ACTION**

National Fuel will not be able to service the Botanical Gardens’ expansion project.

### **STEPS FOLLOWING APPROVAL**

Authorize the County Executive to sign an easement agreement with National Fuel.

A RESOLUTION SUBMITTED BY:  
DEPARTMENT OF PUBLIC WORKS

RE: National Fuel Gas Distribution Corporation Utility Easement, Botanical Gardens

WHEREAS, the Buffalo and Erie County Botanical Gardens Society (“Botanical Gardens”) is undergoing an expansion project wherein a new addition will be made to the current buildings; and

WHEREAS, the County of Erie owns the underlying property; and

WHEREAS, in order to accommodate the expansion project, it is necessary for National Fuel Gas Distribution Corporation (“National Fuel”) to relocate its current gas line and facilities on the property; and

WHEREAS, in order to perform work on the property, as well as any future maintenance, National Fuel is requesting a utility easement from the County; and

WHEREAS, the County Land Advisory Review Committee (“ARC”) has reviewed the request and recommended that an easement be granted to National Fuel for the purposes stated herein.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive or Deputy County Executive to execute an easement agreement with National Fuel Gas Distribution Corporation (“National Fuel”) in consideration of the sum of One Dollar (\$1.00), for the area depicted on the drawing attached hereto and incorporated herein as Exhibit A; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive’s Office, Comptroller’s Office, Department of Law, Department of Public Works and Division of Budget and Management.

[illegible]