

**Resolution 2011-12: 113
Easement on 236 University Avenue**

By Board Chairman Bell

WHEREAS, the Rochester School Facilities Modernization Program Act ("the Act") established the Rochester Joint Schools Construction Board ("RJSCB"), a seven voting member board consisting of equal representation by the City of Rochester ("City") and the Rochester City School District ("District"), as well as a member jointly selected by the City and the District; and

WHEREAS, under the Act, the RJSCB has certain enumerated powers to act as agent for the District, the City, or both; and

WHEREAS, part of the scope of work for the School 58 project involves upgrades to the fire sprinkler system to provide sufficient code required water pressure within the system; and

WHEREAS, the City's dedicated high pressure fire- water system utility (the "Holly System") is located in close proximity to the School 58 property; and

WHEREAS, connection to the Holly System will provide a source of high pressure fire water for School 58 and will eliminate the need to install a new fire pump and its associated components; and

WHEREAS, the shortest path for the connection to the Holly System is from the east side of the School 58 property through the property located at 236 University Avenue, commonly known as the "KFC Property" to a connection point near East Main St; and

WHEREAS, the City, on behalf of the District, must acquire an easement across the KFC property (the "Easement") in order to connect to the Holly System; and

WHEREAS, the City has agreed to purchase and hold the Easement on behalf of the District; and

WHEREAS, the RJSCB and the City have determined that the sum of not to exceed \$3,000 (the "Purchase Price") is an appropriate purchase price for the Easement based upon an independent, third-party appraisal (a copy of which is attached hereto) and reasonably estimated closing costs; and

WHEREAS, the Purchase Price is included as part of the School 58 project's incidental budget; and

WHEREAS, connecting to the Holly System will result in approximately \$80,000 of net savings to the RJSCB; and

WHEREAS, the Program Manager has recommended to the RJSCB's MWBE and Procurement Committee that the RJSCB approve the proposed purchase by the City of the Easement, subject to review of the Easement documentation by the RJSCB's general counsel; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its May 31, 2012 meeting and, after due deliberation, it approved the proposed purchase of the Easement, subject to the recommended legal review.

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby approves the proposed acquisition of the Easement by the City using Rochester Schools Modernization Program funds in the amount not to exceed \$3,000, subject to approval by Bond Counsel for the County of Monroe Industrial Development Agency School Facility Revenue Bonds (Rochester Schools Modernization Project) Series 2012A and Series 2012B Bonds.
2. The RJSCB hereby authorizes its Chair to execute an Agreement with the City in such form as is acceptable to the Chair with the advice of the Program Manager and the RJSCB's general counsel.
3. The Board and staff of the RJSCB are hereby authorized to take whatever additional actions are necessary to implement the foregoing resolutions.

**Second by Board Member Brown
Approved 6-0 with Member Castro away**



BRUCKNER, TILLET, ROSSI, CAHILL & ASSOCIATES

A full-service real estate appraisal, analysis and consulting group

Christopher S. Tillett, MAI, SRA

Kevin L. Bruckner, MAI, CCIM

Alfred T. Rossi, SRA

Patrick W. Cahill, SRA

May 22, 2012

Robert J. Zimmer
Senior Real Estate Specialist
Bureau of Housing & Project Development
City of Rochester
City Hall, Room 125-B
30 Church Street
Rochester, New York 14614-1290

Re: 236 University Avenue, Rochester, NY

Dear Bob:

At your request, I have made an inspection of proposed Holly Line Easement on the property at 236 University Avenue in Rochester, NY. The proposed easement for initial construction and on-going maintenance is approximately 15' wide by 170' in length along the northern border of the property as depicted on the attached map. The Holly Line is a high pressure water service at 130 psi originally installed in 1874 to serve multi-story buildings within the downtown area to assist in prevention of downtown fires. The easement is for the construction of a branch line from East Main Street across the subject to service the school building adjacent to the subject.

The easement area is presently part of the paved parking lot. Although there will be some temporary disruption during initial construction, the parking surface will be restored to its original or better condition upon completion of construction. It is anticipated that future disruption due to maintenance will be nominal.

The land value for the subject site is estimated at \$5.00/sq.ft. Since the parking surface will be restored upon completion, there will be no damages associated to the site improvements. The estimated percentage of the fee associated with this temporary construction and future maintenance easement is 10%. There is only direct damage and no indirect or severance damage to the remainder of the property. Therefore, the estimated damages to the subject property as a result of this construction and maintenance easement for this underground utility main as of May 8, 2012 is as follows: 15' x 170' x \$5.00/sq.ft. x 10% = \$1,275 rounded.

Sincerely,
**BRUCKNER, TILLET, ROSSI,
CAHILL & ASSOCIATES**

Kevin L. Bruckner, MAI, CCIM