

MEMORANDUM

TO: Board of Directors, Buffalo Erie Niagara Land Improvement Corporation
FROM: Brendan Mehaffy, Chairperson
SUBJECT: **Resolution #2019-55** Driveway Agreement 140 Toelsin, Cheektowaga
DATE: November 21, 2019

DISCUSSION:

The Buffalo Erie Niagara Land Improvement Corporation (“BENLIC”) acquired the property at 140 Toelsin Road, Town of Cheektowaga via Erie County In-Rem 165. The property was acquired with the intent to provide an affordable homeownership opportunity through the use of NYS OAG Community Revitalization grant funds for renovations.

In February 2018, BENLIC awarded a bid for construction services via BENLIC Board of Director Resolution #2019-10.

During the renovation process, BENLIC secured the services of Mark A. Fenter to perform a boundary survey of the property. Upon review, it was discovered that a portion of the driveway at 140 Toelsin encroached upon an adjacent property at 138 Toelsin Road.

BENLIC must execute a driveway agreement with the owner of 138 Toelsin Road so that the future owners have appropriate access to the property and maintenance and repair obligations are memorialized and recorded. The driveway agreement shall be binding on subsequent owners.

ACTION:

The Board of Directors is hereby requested to approve the following resolution:

RESOLVED, that the BENLIC Board of Directors authorizes the execution and recording of driveway agreement for the benefit of BENLIC and future owners; and be it further,

RESOLVED, that Executive Director Jocelyn Gordon and BENLIC legal counsel are authorized to take any and all necessary actions and execute the necessary documents to grant and record of the access easement.