



# ERIE COUNTY WATER AUTHORITY

## INTEROFFICE MEMORANDUM

December 2, 2022

To: Terrence D. McCracken, Secretary to the Authority

From: Leonard F. Kowalski, Executive Engineer *LFK*

Subject: Bethlehem Steel Infrastructure Redevelopment Project  
ECWA Project No. 202000115

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Buffalo and Erie County Industrial Land Development Corporation (ILDC) is currently collaborating with Erie County Sewer District #6 (ECSD) and Erie County Water Authority (ECWA) to obtain funding from the Economic Development Administration's (EDA) Public Works and Economic Adjustment Assistance Program to construct critical infrastructure improvements necessary to further develop the former Bethlehem Steel site.

By the terms of the EDA Grant Award Standard Terms and Conditions document, all projects involving the acquisition construction or improvement of a building, infrastructure, or other real property require that the Recipient must execute and furnish to EDA a lien, covenant, or other statement satisfactory to EDA. To meet this requirement, the ILDC's legal counsel has prepared a **Federal Notice of Interest** for execution and recording in the Erie County Clerk's Office. As Co-Applicants, Erie County Sewer District # 6 (ECSD) and Erie County Water Authority (ECWA) will own their respective improvements at the site, with the Primary Applicant (ILDC) as landowner. Therefore, the EDA requires that all three owners (ILDC, ECSD and ECWA) execute the Notice.

Attached is the **Federal Notice of Interest**, which has been approved by the EDA. The document was reviewed by ECWA Law Department and has to be executed by ECWA Chairman.

The original executed signature page will have to be returned to Lori A. Szewczyk, Director of Grants, ECIDA, 95 Perry Street, Suite 403, Buffalo, New York 14203 at your earliest convenience. A fully executed, filed stamped copy will be sent to the Authority once the document is recorded at the Erie County Clerk's Office.

LFK:jmf  
Attachment  
cc: R.Stoll  
M.Murphy  
J.Tomaka

ERIE COUNTY WATER AUTHORITY  
AUTHORIZATION FORM  
For Approval/Execution of Documents  
(check which apply)

**Contract:** \_\_\_\_\_ **Project No.:** 202000115  
**Project Description:** Bethlehem Steel Infrastructure Redevelopment Project

**Item Description:**

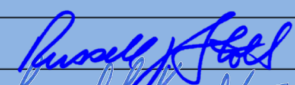
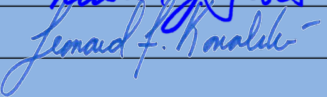


- |  |  |   |                                       |
|--|--|---|---------------------------------------|
| <input type="checkbox"/> Agreement   | <input type="checkbox"/> Professional Service Contract | <input type="checkbox"/> Amendment          | <input type="checkbox"/> Change Order |
| <input type="checkbox"/> BCD   | <input type="checkbox"/> NYSDOT Agreement              | <input type="checkbox"/> Contract Documents | <input type="checkbox"/> Addendum     |
| <input type="checkbox"/> Recommendation for Award of Contract                  | <input type="checkbox"/> Recommendation to Reject Bids |   |                                       |
| <input type="checkbox"/> Request for Proposals                                 |  |   |                                       |
| <input checked="" type="checkbox"/> Other EDA Grant-Notice of Federal Interest |  |   |                                       |

**Action Requested:**

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Board Authorization to Execute            | <input checked="" type="checkbox"/> Legal Approval                   |
| <input checked="" type="checkbox"/> Board Authorization to Award              | <input checked="" type="checkbox"/> Execution by the Chairman        |
| <input type="checkbox"/> Board Authorization to Advertise for Bids            | <input type="checkbox"/> Execution by the Secretary to the Authority |
| <input type="checkbox"/> Board Authorization to Solicit Request for Proposals |  |
| <input type="checkbox"/> Other _____  |  |

**Approvals Needed:**

**APPROVED AS TO CONTENT:**

- |   |   |                  |
|---|---|------------------|
| <input type="checkbox"/> Other (if Applicable)              | _____   | Date: _____      |
| <input checked="" type="checkbox"/> Chief Operating Officer |  | Date: 12/2/2022  |
| <input checked="" type="checkbox"/> Executive Engineer      |  | Date: 12/02/2022 |
| <input type="checkbox"/> Director of Administration         | _____   | Date: _____      |
| <input type="checkbox"/> Risk Manager                       | _____   | Date: _____      |
| <input checked="" type="checkbox"/> Chief Financial Officer |  | Date: 12/02/2022 |
| <input checked="" type="checkbox"/> Legal                   |  | Date: 12/2/2022  |

**APPROVED FOR BOARD RESOLUTION:**

- |  |   |                 |
|--|---|-----------------|
| <input checked="" type="checkbox"/> Secretary to the Authority |  | Date: 12/5/2022 |
|--|---|-----------------|

**Remarks:** \_\_\_\_\_  
\_\_\_\_\_

**Resolution Date:** \_\_\_\_\_ **Item No:** \_\_\_\_\_

## NOTICE OF FEDERAL INTEREST

On January 20, 2021, the U.S. Department of Commerce, Economic Development Administration (“**EDA**”) awarded a grant in the amount of \$2,680,000 to the Buffalo and Erie County Industrial Land Development Corporation (“**Primary Applicant**”), the Erie County Water Authority and Erie County Sewer District #6, each a Co-Applicant and together with the Primary Applicant, the “**Applicants**”) identified as EDA Project No. 01-79-15063 (as amended, the “**Award**”) to support the Bethlehem Steel Infrastructure Redevelopment Project, located on the real property described or depicted in Exhibit A to this Notice (the “**Real Property**”). The scope of work supported by the Award included the Authorized Scope of Work for this project as follows: The construction of water and sewer systems, to facilitate development of 160 acres of land at the site of the former Bethlehem Steel plant in Lackawanna, New York. Sanitary sewer work includes replacement of approximately 4000 LF of sanitary sewer with the installation of 400 LF of new 18", 3,300 LF of new 12", 130 LF of new 10" and 560 LF of new 8" sewer totaling about 4,400 LF of new PVC sanitary sewer; rehabilitation of approximately 145 LF of existing 18" private sewer needed under NYS Route 5; and abandonment of existing sewers that would no longer be used, (collectively the “**Sewer Improvements**”). Water system improvements include approximately 990 LF of new 16", 530 LF of new 12" D.I.P. and 290 LF of new 6" D.I.P. waterline totaling about 1,800 LF of new D.I.P. waterline (collectively the “**Water Improvements**” and together with the Sewer Improvements, the “**Improvements**”). For purposes of clarity, the Primary Applicant owns a fee interest in the Real Property in which the Improvements will be installed, constructed and located. Erie County Water Authority owns or will own an easement interest in the Real Property and a fee interest in the Water Improvements. Erie County Sewer District # 6 owns or will own an easement interest in the Real Property and a fee interest in the Sewer Improvements. Collectively, the Real Property, the Water Improvements and the Sewer Improvements are referred to as the “**Property**”.

The Terms and Conditions of the Award and EDA regulations impose conditions on use of the Property and provide for a continuing Federal interest in the Property during the Useful Life of the improvements funded by the Award, which EDA has determined to be twenty (20) years from the date of the Award. Specifically, the Property may not be (1) used for any purpose inconsistent with the purpose of the Award or EDA regulations at 13 C.F.R. part 314; (2) mortgaged or otherwise used as collateral without the written permission of EDA; or (3) sold or transferred to another party without the written permission of EDA, provided, however, that the Award authorizes lease of the Property for uses consistent with the purpose of the Award. These conditions are in accordance with the EDA regulations at 13 C.F.R. part 314, the Specific Award Conditions applicable to the Award, and the EDA Standard Terms and Conditions for Construction Projects dated March 22, 2021. These grant conditions and requirements cannot be nullified or voided through a transfer of ownership.

Notice of any proposed change in usage or ownership of the Property must be provided to the Regional Director, Philadelphia Regional Office, Economic Development Administration, 900 Market Street, Room 602, Philadelphia, PA 19107.

This Notice is provided by the Applicants through their respective undersigned representatives.

Signature Pages and Acknowledgements to follow.

Primary Applicant

Buffalo and Erie County Industrial Land Development Corporation

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

STATE OF NEW YORK )  
COUNTY OF ERIE ) ss.:

On the \_\_\_\_ day of \_\_\_\_\_ in the year 2022 before me, the undersigned, a Notary Public in and for said State, personally appeared \_\_\_\_\_, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

\_\_\_\_\_  
NOTARY PUBLIC

Co-Applicant

Erie County Water Authority (as to Water Improvements)

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

STATE OF NEW YORK )  
COUNTY OF ERIE ) ss.:

On the \_\_\_\_\_ day of \_\_\_\_\_ in the year 2022 before me, the undersigned, a Notary Public in and for said State, personally appeared \_\_\_\_\_, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

\_\_\_\_\_  
NOTARY PUBLIC

Co-Applicant

Erie County Sewer District #6 (as to Sewer Improvements)

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

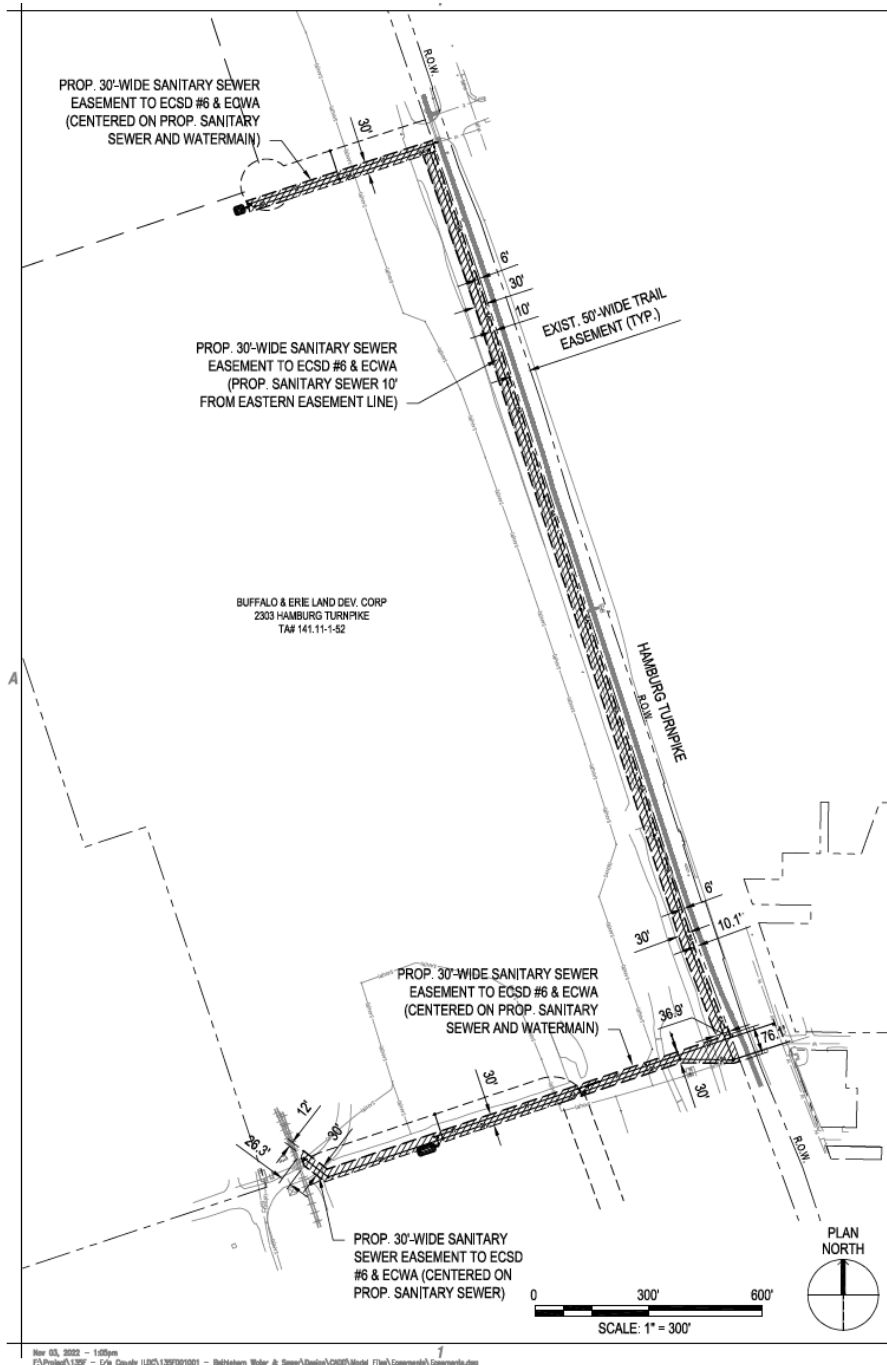
Date: \_\_\_\_\_

STATE OF NEW YORK )  
COUNTY OF ERIE ) ss.:

On the \_\_\_\_\_ day of \_\_\_\_\_ in the year 2022 before me, the undersigned, a Notary Public in and for said State, personally appeared \_\_\_\_\_, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

\_\_\_\_\_  
NOTARY PUBLIC

# EXHIBIT A



Mar 03, 2022 - 1:00pm  
P:\projects\1357 - C&S County\1357\135701001 - Bethlehem Water & Sewer\Design\2020\Sheet 1\1357\135701001.dwg



C&S Engineers, Inc.  
141 Elm Street, Suite 100  
Buffalo, New York 14203  
Phone: 716-647-1630  
Fax: 716-647-1454  
www.cscos.com

EDA PROJECT NO: 01-79-15063  
C&S PROJECT NO: 1357-001.001  
DATE: 03/03/22  
DRAWN BY: MRO  
DESIGNED BY: MRO  
CHECKED BY: VJO

NO ALTERATION PERMITTED  
HEREON EXCEPT AS PROVIDED  
UNDER SECTION 7506  
SUBDIVISION 3 OF THE NEW  
YORK CONDOMINIUM LAW

FORMER BETHLEHEM STEEL  
PUBLIC SANITARY SEWER AND  
WATER LINE EXTENSIONS

LACKAWANNA, NY

EXHIBIT 1:  
PERMANENT  
EASEMENT TO  
ECSD NO.6  
& ECWA

EX 1