

**DETERMINATION AND FINDINGS
PURSUANT TO SECTION 204 OF EMINENT DOMAIN PROCEDURE LAW (EDPL)
CITY OF SYRACUSE, PROJECT SPONSOR
CREEKWALK PHASE II JEFFERSON STREET TO COLVIN STREET
PROJECT IDENTIFICATION NO. 3755.14
CITY OF SYRACUSE, ONONDAGA COUNTY, NEW YORK**

A public hearing was held on July 26, 2016 at the Southwest Community Center, 401 South Avenue, Syracuse in accordance with the provisions of Article 2 of New York State Eminent Domain Procedure Law (EDPL) in connection with the proposed implementation of the Creekwalk Phase II trail project (the "Project"). To construct the multiuse pedestrian/bicycle trail, the City of Syracuse would require acquisition of up to 38 parcels in part or in whole (the "Proposed Acquisitions"). Properties would be acquired by the New York State Department of Transportation (NYSDOT) for this project and would be subsequently transferred to the City of Syracuse prior to construction. The public hearing provided an opportunity for the public to comment on the Project and the Proposed Acquisitions.

As provided by Section 202 of the EDPL, notice of the public hearing was sent by certified mail to all affected property owners. The hearing notice also was published in the *Syracuse Post-Standard*, as well as on the City of Syracuse website, advising the public that a hearing would be held on July 26, 2016, and that comments would be received concerning the public use, benefits, and purposes to be served by the Project and Proposed Acquisitions.

The July 26, 2016 hearing provided an opportunity for the public to comment on the proposed project. At the hearing, the City, the project design engineer, and NYSDOT representatives presented information concerning the public use, benefits and purposes to be served by the Project and the Proposed Acquisitions, the Project location and the reasons for the selection of that location, and the general effect of the Project on the environment and residents. The record of the hearing remained open for written comments until August 9, 2016. Ten persons provided verbal comments at the hearing and five written comments were received by letter or email after the hearing.

The City made available copies of the hearing transcript for public inspection, the notice of public hearing, the authority upon which the Proposed Acquisitions are based, and the Draft Design Report which contained maps of the preferred alternative and the Proposed Acquisitions, along with the Federal Environmental Assessment Worksheet (FEAW).

Pursuant to Section 204(B)(1) of the EDPL, and having given due consideration to the complete hearing record, which includes all documents submitted, the City of Syracuse makes the following Determination and Findings with respect to the Project and Proposed Acquisitions for the Creekwalk Phase II Jefferson Street to Colvin Street Project.

Project Description

The Creekwalk Phase II project involves constructing a continuous pedestrian/bicycle trail that will extend the existing Creekwalk (Phase I) within the Onondaga Creek Corridor. The proposed project is under the federal Transportation Improvement Program and funded 80% federal share/20% local share. A feasibility study for the project was completed in February 2008 and provided an initial assessment of route alternatives. Community and public input has been received through six public information meetings, two community advisory committee meetings, the public hearing, the 2008 Feasibility Study, and door-door canvassing in the project area. Public input has helped to guide the trail routing and basic design elements.

The preferred route alternative will extend the trail from Armory Square south 2.2 miles and will utilize Walton Street to West Street, enhance the West Street service road corridor with the trail, grass buffers and trees, cross Onondaga Street at West Street, meet up with Onondaga Creek near Temple Street and run adjacent to the creek to Lower Onondaga Park and Kirk Park west. Mapping in Appendix A details the preferred alternative route. 80% of the trail will be routed adjacent to Onondaga Creek; 20% of the route will not be directly adjacent to the creek. Approximately 2,500 linear feet of trail is proposed to be located adjacent to Onondaga Creek on lands that are currently privately owned, greatly increasing view of and access to the creek by the public. The non-creek-adjacent segments would be located along an enhanced West Street corridor and provide further connections to the near Westside. The northern portion of West Street between Fayette Street and I-690 (outside of the Creekwalk II project) is planned to be significantly renovated as part of the I-81 Opportunity project, which will add to the positive impact of using West Street for the Creekwalk route.

The project will include construction of a 13-foot wide trail, trailhead and parking areas, selective clearing of brush and trees (particularly non-native invasive species), and planting of native tree species. Creek viewpoints, fishing access points and a canoe/kayak access point to Onondaga Creek are proposed (see Appendix A mapping). Green infrastructure will be incorporated for stormwater management. Several greenspace/community areas are proposed; community input will be solicited for these areas during the detailed design phase. Safety parameters will include new lighting along the trail, and periodic police patrols and COPS camera platforms are planned pending funding.

Preferred Alternative

The preferred alternative (Alternative 1) was presented in the June 2016 Draft Design Report and at the July 2016 public hearing. This Alternative was chosen over Alternative 2 based upon recent public input, guidance from the Community Advisory Group, the 2008 Creekwalk Phase II Feasibility Study, along with the goals of limiting environmental impacts, enhancing safety, enhancing neighborhood connections, maximizing constructability, limiting adverse economic impacts, and avoiding any increase in flood risk.

An alternate Creekwalk II route was proposed by a community business organization which would locate the trail inside the Onondaga Creek channel between Temple Street and Adams Street, and continue the trail across Onondaga Street at Adams Street, run through the Trolley Lot and its tunnel to West Jefferson Street at the MOST. The in-creek channel proposal (and several variations) were previously assessed in the 2008 Feasibility Study and were found not to be feasible or have very low feasibility. As requested by the organization, the City and design engineer conducted in 2016 a further in-depth reassessment of this alternate route. This proposed routing was found to have significant environmental impacts, would increase base flood elevations and flood risk, would reduce trail safety

due to low visibility, entail constructability challenges, and require changes to existing traffic patterns and parking in the Trolley Lot, the tunnel, and the streets circling the MOST. The proposed alternate route was also found to have construction costs matching the construction costs of the remainder of the project, and be outside of the project budget. For these reasons this proposal was not found to be a viable option. Note that the preferred alternative is proposed to run adjacent to Onondaga Creek for 200 feet of the 1,000 feet of the Onondaga Creek section between Adams Street and Temple Street, which meets at least partly the goals desired by the local community business organization. The basic design of the Project (preferred alternative) has not been changed from the Draft Design Report, with the exception of reducing the size of a private property acquisition to address the property owner's concerns.

Public Benefits of the Creekwalk Phase II Project

The proposed Project:

1. Will provide enhanced and safe travel connections between downtown Syracuse and neighborhoods on Syracuse's south side and near-west side. The project will provide travel opportunities for non-motorized modes of travel from residential locations to civic institutions, employment centers, recreational facilities, parks, and commercial establishments.
2. Will provide another completed section of the City's long range objective to complete a safe and efficient pedestrian and bicycle transportation system within the Onondaga Creek corridor between Onondaga Lake and the southern City limit at Dorwin Avenue.
3. Will provide vital recreational benefits for pedestrians and bicyclists.
4. Will provide residents and visitors with a facility to observe and readily enjoy the scenic and wildlife aspects of the local community. The Project will provide increased access to Onondaga Creek, including fishing access points, and a canoe/kayak water access in Kirk Park west.
5. Will promote economic development and positively impact the quality of life within the communities it is located.

Effects of the Project on the Environment

The Creekwalk Phase II project is being progressed in accordance with the New York State Eminent Domain Procedures Law (EDPL), and has a NEPA Class II environmental classification with a Categorical Exclusion pending Federal Highway Administration (FHWA) Approval. The proposed project is classified as a Type I project under the State Environmental Quality Review (SEQR) Act, with the City of Syracuse as the lead agency. The project has these environmental classifications as the proposed project has not been found to have significant environmental impacts, no substantial controversy on environmental grounds, no significant impacts to public parks, historic buildings or cultural resources, and no inconsistencies with laws relating to environmental aspects. Based on this classification, neither an Environmental Impact Statement (EIS) nor an Environmental Assessment (EA) is required for the project.

Right-of-Way Acquisition for the Project

Based on the amount of right-of-way acquisition needed to construct the trail, an EDPL public hearing was required for the project. Through the environmental screening, cultural resources survey, public meetings or public hearing, no significant impacts regarding right-of-way and property acquisition were identified for the project. The right-of-way needs of the Project are summarized below.

Property Acquisition

The routing of the preferred alternative requires acquisition of both private and public property for right-of-way. The NYSDOT will conduct the property acquisitions through negotiation or through eminent domain. In total, 38 parcels were identified in the Draft Design Report as requiring acquisition in part or in full for the implementation of the Project. A total of 16 full-parcel acquisitions were identified as required for the Project, including 10 vacant parcels owned by Onondaga County, and 2 vacant private parcels. 22 partial-parcel acquisitions were identified, primarily being narrow strips of property on deep private parcels directly adjacent to the creek. A full listing of the parcels is included in Appendix B, and mapping showing the locations of affected parcels in Appendix A. Based on the public hearing and public comments received, the preferred alternative routing was revised as proposed by the property owner at 393-405 W. Onondaga Street to limit the size of the property acquisition.

Temporary and Permanent Easements

The Project as proposed will require obtaining temporary easements on 48 parcels owned by Onondaga County to construct the Creekwalk II trail. Temporary use of these parcels will be needed for construction, material staging and storage, and access to adjacent parcels. Of these 48 parcels, 25 will require a permanent easement approximately 25-30 feet wide for the physical location of the Creekwalk trail and adjacent grass areas for access and maintenance. The NYSDOT will obtain the required easements for the City of Syracuse to implement the Project. The temporary and permanent easements are listed in Appendix B and shown in the Appendix A mapping.

Relocations and Demolitions for the Project

Four structures were identified for demolition as part of the Project, including one residential structure and three commercial structures. The residential structure is an active four-unit residential building, and demolition of the structure will require relocation of residents. One active commercial building (used for storage) and two inactive commercial buildings in disrepair were identified for demolition. The NYSDOT will coordinate relocations, and associated financial assistance as required by state law. A listing of the properties is included in Appendix B, and shown on the Appendix A mapping. Three of the four owners of the structures identified for demolition/relocation support the project; the fourth, an owner of an unused structure, has not made contact with the City after several requests by the City. No opposition to the Project from residents in the residential building has been received.

Additional Relevant Project Considerations

The Project Final Design Report is scheduled to be submitted to the NYSDOT/FHWA by the end of 2016. Review and design approval by NYSDOT/FHWA is expected to require two months. After design approval, acquisition of the right-of-way required for the proposed project would proceed (estimated start in March of 2017) and require up to 18 months. This project will proceed toward a letting scheduled for fall of 2018.

Construction of the proposed project is estimated to start in spring 2019 and be completed by end of 2020. It is expected that different sections of the project will be under construction at different times during this period. Property owners and the public will be notified of upcoming construction and vehicular or pedestrian detours. As much as practical, two-way traffic will be maintained, and lane closures limited. A traffic control plan will be developed as part of the detailed design for the project. Emergency and Police access will be maintained. Access to businesses and residences will be maintained during construction. As much of the proposed Project will be adjacent to private property, significant coordination with home and business owners will be necessary.

Additional Information and Contacts

These determination and findings have been made in consideration of statements submitted by the public both during and after the public hearing held for this project. Copies of this determination and findings will be forwarded upon written request without cost. All documents provided at the July 26, 2016 public hearing, and the complete Determination and Findings and are available for review at:

- City of Syracuse website: <http://www.syracuse.ny.us/cw2>
- City of Syracuse Department of Engineering, City Hall 4th Floor, 233 E. Washington Street, Syracuse, NY 13202
- Onondaga County Clerk’s Office, 401 Montgomery St, Syracuse, NY 13202

Those property owners who may wish to challenge condemnation of their property via judicial review may do so only on the basis of issues, facts, and objections raised at the hearing (§ 202 (C) (2) of Article 2, EDPL).

Each individual assessment record billing owner (“property owner”) or his or her attorney of record whose property may be acquired shall note that, under § 207 (A), a petition to seek judicial review of the condemnor’s determination and findings must be filed within 30 days (by November 30, 2016) after the condemnor’s completion of its publication of its determination and findings. Further, the exclusive venue for judicial review of the condemnor’s determination and findings is the appellate division of the supreme court in the judicial department where any part of the property to be condemned is located (§ 207 (B), § 208).

Further information on this project is available upon request during normal working hours. Direct inquiries to:

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