

**RESOLUTION AND ORDER FOR ESTABLISHMENT OF
BATAVIA SOUTHWEST WATER DISTRICT
FOR A PORTION OF THE TOWN OF BATAVIA**

WHEREAS, the Town Board of the Town of Batavia duly adopted a Resolution directing the Town Supervisor of the Town of Batavia to file a Map, Plan and Report as prepared by the Town's engineer for providing the facilities, improvements or services in a portion of the Town of Batavia, wherein a water district was proposed to be established, as hereinafter described, and

WHEREAS, after the said Town Supervisor duly filed said Map, Plan and Report in the office of the Town Clerk of the Town of Batavia on February 18, 2016, and the said Town Board did on March 16, 2016, duly adopt an Order reciting a description of the boundaries of the proposed district, the maximum amount proposed to be expended for the improvement, the proposed method of financing to be employed, the fact that a Map, Plan and Report describing the same are on file in the Town Clerk's Office for public inspection and specifying that said Town Board shall meet at the Town Hall on the 20th day of April, 2016, for the purpose of conducting a public hearing on such proposal to establish the water district with the specified improvements and to hear all persons interested in the subject thereof concerning the same, and

WHEREAS, a "Petition to Request Water District" was filed in two parts at the Batavia Town Clerk's Office on February 26, 2016 and March 3, 2016, to be collectively considered as one Petition; which was signed by a number of owners within said district, which was greater than the percentage required by law, and

WHEREAS, the improvements proposed consist of the construction and installation of approximately 20,400 linear feet of twelve (12) inch and eight (8) inch diameter water main along portions of Brown Road, Halstead Road, Wilkinson Road, Lear Road and Upton Road; together with all related right-of-way costs, site work and other ancillary work, including hydrants, valves, apparatus, and other improvements and costs incidental thereto, (referred to herein as "water improvement"), and

WHEREAS, copies of the aforesaid said Order for a Public Hearing were duly published and posted according to law, and said Town Board did, at the time and place specified in said Order, duly meet and consider such proposal and heard all persons interested in the subject thereof, who appeared at such time and place, concerning the same, and

WHEREAS, the evidence offered at such hearing requires that the Town Board make the determinations hereinafter made;

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Batavia, in the County of Genesee, that it be and hereby is determined as follows:

- (1) The aforesaid "Petition to Request Water District" was signed, and acknowledged or proved or authenticated, as required by law and is otherwise sufficient.
- (2) The Notice of Hearing was published and posted as required by law and is otherwise sufficient.
- (3) That all the property and property owners within the proposed water district are benefited thereby.

(4) That all of the property and property owners benefited are included within the proposed water district.

(5) It is in the public interest to establish the proposed water district as hereinafter described; and be it

FURTHER RESOLVED that the Town Board does hereby approve the establishment of a Water District as hereinafter described to be known as the Batavia Southwest Water District. Said Water District being described on **EXHIBIT A**, attached hereto and made a part hereof; and be it

FURTHER RESOLVED that the maximum amount proposed to be expended for such water improvement is \$1,210,000.00, which is planned to be financed through the USDA Rural Development at an interest rate of 3.0% for a 38 year term in an amount not to exceed \$710,000.00, offset by any funds received from the United States of America, and/or the State of New York, and/or the County of Genesee, and/or local grants; including, but not limited to, a USDA Rural Development Agency grant, of approximately \$500,000.00, and be it

FURTHER RESOLVED that the proposed annual debt service (assuming 40 units) is estimated to be approximately \$789.00 per typical property user in the proposed district, which is a single family home, and be it

FURTHER RESOLVED that a typical household uses 61,000 gallons of water per year and the estimated cost of the water to be purchased by the water district's users is a total of \$4.95 per 1,000 gallons used; thereby the average household can expect to additionally pay approximately \$302.00 per year for water purchase above and beyond the debt service, and be it

FURTHER RESOLVED that based upon the foregoing estimates, the total annual cost of the typical property in the proposed district is estimated to be \$1,091.00 per year, and be it

FURTHER RESOLVED that payment of the debt service will be made by levy and collection of special assessments from the several lots and parcels of lands within the water district, which the Town Board shall determine and specify to be specially benefited thereby, so much upon and from each as shall be in just proportion of the amount of benefit conferred upon the same, to pay the principal of and interest on said bonds, as the same shall become due and payable, and be it

FURTHER RESOLVED that each property will also have to pay for service from their home to the road right-of-way, incurring estimated one time costs of approximately \$8.00-\$20.00 per linear feet of pipe for a service line; plus potential well abandonment or separation charges of approximately \$200.00-\$600.00; as well as any internal plumbing charges, and be it

FURTHER RESOLVED that this Resolution and Order is not subject to a permissive referendum; and be it

FURTHER RESOLVED that within ten (10) days after the adoption hereof, the Town Clerk shall post and publish as provided by law a Notice setting forth the date of the adoption of this Resolution and Order and containing an abstract of this Resolution and Order concisely stating the purpose and effect hereof, and be it

FURTHER RESOLVED that the Town Supervisor, assisted by the Town Attorney and Town Bond Counsel, will prepare an application to the Office of the State Comptroller, Department of Audit and Control for approval of the formation of this Water District.

Offered by: Councilwoman White

Second by: Deputy Supervisor Underhill

Ayes: White, Underhill, Michalak, Zambito, Post

APPROVED by unanimous vote (5-0)

CERTIFICATION

I, Teresa M. Morasco, Town Clerk of the Town of Batavia, County of Genesee and State of New York, DO HEREBY CERTIFY that I have compared the aforementioned Resolution duly adopted by the Town Board of the Town of Batavia, on the 20th day of April, 2016 with the original now on file in my office, and the same is a correct and true copy of said Resolution and of the whole thereof.

Dated: April 21, 2016

Teresa M. Morasco
Town Clerk

{SEAL}

EXHIBIT "A"

TOWN OF BATAVIA PROPOSED BATAVIA SOUTHWEST WATER DISTRICT

The boundary of the proposed Town of Batavia, Batavia Southwest Water District includes all that tract or parcel of land situated in the Town of Batavia, County of Genesee, State of New York, being described as follows:

Beginning at a point which is the intersection of the Batavia/Alexander Municipal Boundary and the centerline of Upton Road; thence,

1. Westerly, along the Batavia/Alexander Municipal Boundary, a distance of 1,032 feet, more or less, to the southwesterly corner of Tax Parcel number 16.-1-23; thence,
2. Northerly, along the westerly line of Tax Parcel number 16.-1-23, a distance of 693 feet, more or less, to the northwesterly corner of Tax Parcel number 16.-1-23; thence,
3. Westerly, along the southerly line of Tax Parcel number 16.-1-22, a distance of 405 feet, more or less, to the southwesterly corner of Tax Parcel number 16.-1-22; thence,
4. Northerly, along the westerly line of Tax Parcel number 16.-1-22, a distance of 2,664 feet, more or less, to the intersection of the westerly line of Tax Parcel number 16.-1-22 and a southerly line of Tax Parcel number 16.-1-19.11; thence,
5. Westerly, along a southerly line of Tax Parcel number 16.-1-19.11, a distance of 1,248 feet, more or less, to the intersection of the westerly line of Tax Parcel number 16.-1-20 and the southerly and easterly lines of Tax Parcel number 16.-1-19.11; thence,
6. Southerly, along the easterly line of Tax Parcel numbers 16.-1-19.11 and 16.-1-26, a distance of 3,092 feet, more or less, to the southeasterly corner of Tax Parcel number 16.-1-26; thence,
7. Westerly, along the Batavia/Alexander Municipal Boundary, a distance of 5,245 feet, more or less, to a southwesterly corner of the Batavia Municipal Boundary; thence,
8. Northerly, along the Batavia/Darien Municipal Boundary and the Batavia/Pembroke Municipal Boundary, a distance of 2,090 feet, more or less, to the southwesterly corner of Tax Parcel number 16.-1-30.1; thence,
9. Easterly, along the southerly line of Tax Parcel number 16.-1-30.1, a distance of 1,246 feet, more or less, to the northeasterly corner of Tax Parcel number 16.-1-1.111; thence,
10. Northerly, through the lands of Tax Parcel number 16.-1-30.1, a distance of 106 feet, more or less, to the southwesterly corner of Tax Parcel number 16.-1-13; thence,
11. Easterly, following the existing Wilkinson Road Water District along the northerly line of Tax Parcel number 16.-1-30.1, across Wilkinson Road (49.5 feet wide right-of-way), and along a northerly line of Tax Parcel number 16.-1-19.11, a distance of 2,114 feet, more or less, to the southeasterly corner of Tax Parcel number 16.-1-16; thence,
12. Northerly, following the existing Wilkinson Road Water District along a westerly line of Tax Parcel number 16.-1-19.11, across Lear Road (49.5 feet wide right-of-way), and along a westerly line of Tax Parcel number 14.-1-41, a distance of 1,752 feet, more or less, to a northwesterly corner of Tax Parcel number 14.-1-41; thence,
13. Easterly, following the existing Wilkinson Road Water District along the southerly line of Tax Parcel number 14.-1-44, a distance of 16 feet, more or less, to the southeasterly corner of Tax Parcel number 14.-1-44; thence,

14. Northerly, following the existing Wilkinson Road Water District along a westerly line of Tax Parcel number 14.-1-41, a distance of 450 feet, more or less, to the northeasterly corner of Tax Parcel number 14.-1-44; thence,
15. Easterly, following the existing Wilkinson Road Water District along the southerly line of Tax Parcel number 14.-1-45, a distance of 8 feet, more or less, to the southeasterly corner of Tax Parcel number 14.-1-45; thence,
16. Northerly, following the existing Wilkinson Road Water District along a westerly line of Tax Parcel number 14.-1-44, a distance of 494 feet, more or less, to a northwesterly corner of Tax Parcel number 14.-1-41; thence,
17. Easterly, following the existing Wilkinson Road Water District along a northerly line of Tax Parcel number 14.-1-41, a distance of 651 feet, more or less, to the southeasterly corner of Tax Parcel number 14.-1-47; thence,
18. Northerly, following the existing Wilkinson Road Water District along the easterly line of Tax Parcel number 14.-1-47, a distance of 29 feet, more or less, to a northwesterly corner of Tax Parcel number 14.-1-41; thence,
19. Easterly, along a northerly line of Tax Parcel numbers 14.-1-41 and 14.-1-37.111, a distance of 2,042 feet, more or less, to a southeasterly corner of Tax Parcel number 14.-1-21; thence,
20. Northerly, along a westerly line of Tax Parcel number 14.-1-37.111, a distance of 719 feet, more or less, to a northwesterly corner of Tax Parcel number 14.-1-37.111; thence,
21. Easterly, along a northerly line of Tax Parcel number 14.-1-37.111, a distance of 1,022 feet, more or less, to the southeasterly corner of Tax Parcel number 14.-1-72; thence,
22. Northerly, along the westerly line of Tax Parcel numbers 14.-1-35.11, a distance of 1,205 feet, more or less, to the northwesterly corner of Tax Parcel number 14.-1-35.11; thence,
23. Easterly, along the northerly line of Tax Parcel number 14.-1-35.11, across Upton Road (49.5 feet wide right-of-way), and continuing along a northerly line of Tax Parcel number 14.-1-58 a distance of 2,399 feet, more or less, to a northeasterly corner of Tax Parcel number 14.-1-58; thence,
24. Southerly, along an easterly line of Tax Parcel number 14.-1-58, a distance of 1,249 feet, more or less, to a southwesterly corner of Tax Parcel number 14.-1-25.1; thence,
25. Easterly, along a northerly line of Tax Parcel number 14.-1-58, a distance of 387 feet, more or less, to a northeasterly corner of Tax Parcel number 14.-1-58; thence,
26. Southerly, along an easterly line of Tax Parcel number 14.-1-58, a distance of 926 feet, more or less, to the southeasterly corner of Tax Parcel number 14.-1-58; thence,
27. Westerly, following the existing Rose Road Water District along the southerly line of Tax Parcel number 14.-1-58, a distance of 48 feet, more or less, to the northeasterly corner of Tax Parcel number 14.-1-34; thence,
28. Southerly, following the existing Rose Road Water District along the easterly line of Tax Parcel number 14.-1-34, across Rose Road (66 feet wide right-of-way), and continuing along the easterly line of Tax Parcel number 17.-1-1, a distance of 2,027 feet, more or less, to the southwesterly corner of Tax Parcel number 17.-1-3; thence,
29. Easterly, following the existing Rose Road Water District along the northerly line of Tax Parcel number 17.-1-34.121, a distance of 1,547 feet, more or less, to the northeasterly corner of Tax Parcel number 17.-1-34.121; thence,
30. Southerly, following the existing Rose Road Water District along the easterly line of Tax Parcel number 17.-1-34.121, a distance of 115 feet, more or less, to the southeasterly corner of Tax Parcel number 17.-1-34.121; thence,

31. Westerly, following the existing Rose Road Water District along the southerly line of Tax Parcel number 17.-1-34.121, a distance of 18 feet, more or less, to a northeasterly corner of Tax Parcel number 17.-1-33.12; thence,
32. Southerly, following the existing Rose Road Water District along an easterly line of Tax Parcel number 17.-1-33.12, a distance of 219 feet, more or less, to a southwesterly corner of Tax Parcel number 17.-1-3; thence,
33. Easterly, following the existing Rose Road Water District along a northerly line of Tax Parcel number 17.-1-33.12, a distance of 167 feet, more or less, to a northeasterly corner of Tax Parcel number 17.-1-33.12; thence,
34. Southerly, following the existing Rose Road Water District along an easterly line of Tax Parcel number 17.-1-33.12, a distance of 653 feet, more or less, to a southwesterly corner of Tax Parcel number 17.-1-3; thence,
35. Easterly, following the existing Rose Road Water District along a northerly line of Tax Parcel number 17.-1-33.12, a distance of 241 feet, more or less, to a northeasterly corner of Tax Parcel number 17.-1-33.12; thence,
36. Southerly, following the existing Rose Road Water District along an easterly line of Tax Parcel number 17.-1-33.12, a distance of 640 feet, more or less, to the southeasterly corner of Tax Parcel number 17.-1-33.12; thence,
37. Easterly, following the existing Rose Road Water District along a northerly line of Tax Parcel number 17.-1-28.12, a distance of 155 feet, more or less, to the northeasterly corner of Tax Parcel number 17.-1-28.12; thence,
38. Southerly, along an easterly line of Tax Parcel number 17.-1-28.12, a distance of 1,320 feet, more or less, to a southeasterly corner of Tax Parcel number 17.-1-28.12; thence,
39. Westerly, along a southerly line of Tax Parcel number 17.-1-28.12, a distance of 330 feet, more or less, to a northwesterly corner of Tax Parcel number 17.-1-26; thence,
40. Southerly, along an easterly line of Tax Parcel number 17.-1-28.12, a distance of 1,338 feet, more or less, to a southeasterly corner of Tax Parcel number 17.-1-28.12; thence,
41. Westerly, along the Batavia/Alexander Municipal Boundary, a distance of 2,871 feet, more or less, to the point of beginning.

All as shown on the maps prepared by the Town of Batavia entitled, “Batavia Southwest Water District – Water System Improvements,” dated 12/2015. The Town of Batavia, Batavia Southwest Water District, as described above, contains approximately 1,176.0 acres of land.