

PUBLIC NOTICE

**THE FOLLOWING ORDER WAS DULY ENACTED ON JUNE 17, 2015,
AND ORDERED PUBLISHED BY THE TOWN BOARD OF
THE TOWN OF BATAVIA**

s/ Teresa M. Morasco

TERESSA M. MORASCO, Town Clerk

**ORDER FOR PUBLIC HEARING ON ESTABLISHMENT OF
OAKWOOD HILLS SANITARY SEWER DISTRICT
FOR A PORTION OF THE TOWN OF BATAVIA**

WHEREAS, the Town Board of the Town of Batavia, New York, has duly adopted a Resolution directing the Supervisor of the Town of Batavia to file a Map, Plan and Report for providing the facilities, improvements or services in a portion of the Town of Batavia, where a Sanitary Sewer District is proposed to be established; and said Map, Plan and Report has been filed in the office of the Town Clerk of the Town of Batavia on June 16, 2015; and

WHEREAS, the Town Board has determined that the Owner of the Oakwood Hills Subdivision, (hereinafter referred to as "Subdivision"), is in favor of obtaining municipal sewer through the formation of the proposed Sanitary Sewer District, and

WHEREAS, the Town Board believes that it would be in the best interest of the future residents of the Subdivision to create the proposed Sanitary Sewer District, and

WHEREAS, pursuant to the authority of Article 12-A of the New York State Town Law, the Town Board does intend to form proposed Oakwood Hills Sanitary Sewer District, pursuant to the said Map, Plan and Report, subject to holding a Public Hearing, and further subject to the permissive referendum process, and

WHEREAS, the boundaries of the proposed Sanitary Sewer District are as follows:

See **EXHIBIT A** attached hereto.

WHEREAS, the improvements proposed consists of the construction and installation of approximately 3,060 linear feet of eight (8) inch diameter gravity sewer main, 1,600 linear feet of four (4) inch diameter force main running from the end of the existing sewer main to the boundary of the Subdivision, and then within the boundary of the Subdivision; together with one sanitary pump station , all related right-of-way costs, site work and other ancillary work, apparatus and

other improvements and costs incidental thereto, (referred to herein as “sewer improvement”),and

WHEREAS, all of the sewer improvements will be constructed and installed pursuant to the specifications of the Town of Batavia at the sole cost and expense of the owner and the developer, with no initial capital cost to the residents of the Sanitary Sewer District, and

WHEREAS, upon completion and inspection of the sewer improvements by the Town, these sewer improvements will be dedicated to the Town of Batavia, and

WHEREAS, capital costs may be incurred in the future for any upgrades or replacement of portions of the sewer system, which may require incurring debt service for funding of these costs and expenses, and thereby, any future debt service will be paid using the unit structure, as set forth in the Map, Plan and Report, and

WHEREAS, a typical household uses 63,000 gallons of water per year, and the sewer usage is based upon and is measured by the water usage, and the estimated cost of the sewer usage to be purchased by the Sanitary Sewer District’s users is a total of \$5.46 per 1,000 gallons used; thereby the average household can expect to pay approximately \$344.00 per year for the sewer cost, and

WHEREAS, based upon the foregoing estimates, the total initial annual cost of the typical property in the proposed district is estimated to be \$344.00 per year, and

WHEREAS, any future payment of debt service will be made by levy and collection of special assessments from the several lots and parcels of lands within the Sanitary Sewer District, which the Town Board shall determine and specify to be specially benefited thereby, so much upon and from each as such 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

WHEREAS, 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 \$15.00-\$30.00 per linear feet of pipe; as well as any internal plumbing charges, and

WHEREAS, the Map, Plan and Report describing such improvements is on file in the office of the Town Clerk of the Town of Batavia and available for public inspection, and it is

ORDERED, that the Town Board of the Town of Batavia, New York, shall meet at the Town Hall, located at 3833 West Main Street Road, Batavia, New York on the 15th day of July, 2015, at 7:05 p.m. for the purpose of conducting a public hearing on the proposal to establish said Sanitary Sewer District with the improvements specified herein, at which time and place all

persons interested in the subject thereof may be heard concerning the same, and it is further

ORDERED, that the Town Clerk of the Town of Batavia is hereby authorized and directed to publish a copy of this Order in **The Daily News**, to post a copy of the same on the signboard of the Town of Batavia, and to mail a copy to all owners of property located within the proposed Sanitary Sewer District, in the time and manner required by law, and it is further

ORDERED, that based upon the fact that there will be no initial debt service, thereby, the estimated total annual cost of the typical property in the proposed Sanitary Sewer District is below the threshold set by the Office of the State Comptroller when a special district is created in the 2015 calendar year, approval of this District by the State Comptroller is not required, however, the Town Clerk is hereby authorized and directed to mail a certified copy of the “Public Notice”, which contains the notice concerning the public hearing, along with other required information, to the Office of the State Comptroller, to be completed no later than fourteen (14) calendar days after this Public Notice has been published in the official newspaper.

Date: June 17, 2015

EXHIBIT “A”

TOWN OF BATAVIA PROPOSED OAKWOOD HILLS SANITARY SEWER DISTRICT

The boundary of the proposed Town of Batavia Oakwood Hills Sanitary Sewer 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 southwesterly corner of Tax Parcel number 13.-1-153.1; thence,

1. Westerly, along the northerly line of Tax Parcel number 13.-1-107.2, a distance of 1,705 feet, more or less, to the northwesterly corner of Tax Parcel number 13.-1-107.2; thence,
2. Southerly, along the westerly line of Tax Parcel number 13.-1-107.2, a distance of 65 feet, more or less, to the southwesterly corner of Tax Parcel number 13.-1-107.2; thence,
3. Easterly, along the southerly line of Tax Parcel number 13.-1-107.2, a distance of 1,788’, more or less, to the northwesterly corner of Tax Parcel number 13.-1-110.11; thence,
4. Southerly, along the westerly line of Tax Parcel number 13.-1-110.11 and continuing along the southerly extension of the westerly line of Tax Parcel number 13.-1-110.11, a distance of 568 feet, more or less, to the intersection of the southerly extension of the westerly line of Tax Parcel number 13.-1-110.11 and the centerline of East Main Street Road (99 feet wide right-of-way); thence,

5. Easterly, along the centerline of East Main Street Road, a distance of 743 feet, more or less, to the intersection of the centerline of East Main Street Road and the southerly extension of the easterly line of Tax Parcel number 13.-1-21.1; thence,
6. Northerly, along the southerly extension of the easterly line of Tax Parcel number 13.-1-21.1 and continuing along the easterly line of Tax Parcel numbers 13.-1-21.1 and 13.-1-110.12, a distance of 530 feet, more or less, to the northeasterly corner of Tax Parcel number 13.-1-110.12; thence,
7. Easterly, along the southerly line of Tax Parcel number 13.-1-107.2 and continuing along the easterly extension of the southerly line of Tax Parcel number 13.-1-107.2, a distance of 2,653 feet, more or less, to the intersection of the easterly extension of the southerly line of Tax Parcel number 13.-1-107.2 and the centerline of Seven Springs Road (49.5 feet wide right-of-way); thence,
8. Northerly, along the centerline of Seven Springs Road, a distance of 75 feet, more or less, to the intersection of the centerline of Seven Springs Road and the easterly extension of the northerly line of Tax Parcel number 13.-1-107.2; thence,
9. Westerly, along the easterly extension of the northerly line of Tax Parcel number 13.-1-107.2 and continuing along the northerly line of Tax Parcel number 13.-1-107.2, a distance of 226 feet, more or less, to the southwesterly corner of Tax Parcel number 13.-1-11; thence,
10. Northerly, along the westerly line of Tax Parcel numbers 13.-1-11 and 13.-1-4.2, a distance of 450 feet, more or less, to the northwesterly corner of Tax Parcel number 13.-1-4.2; thence,
11. Easterly, along the northerly line of Tax Parcel number 13.-1-4.2 and continuing along the easterly extension of the northerly line of Tax Parcel number 13.-1-4.2, a distance of 232 feet, more or less, to the intersection of the easterly extension of the northerly line of Tax Parcel number 13.-1-4.2 and the centerline of Seven Springs Road (49.5 feet wide right-of-way); thence,
12. Northerly, along the centerline of Seven Springs Road, a distance of 349 feet, more or less, to the intersection of the centerline of Seven Spring Road and the easterly extension of the southerly line of Tax Parcel number 13.-1-152; thence,
13. Westerly, along the easterly extension of the southerly line of Tax Parcel number 13.-1-152 and continuing along the southerly line of Tax Parcel number 13.-1-152, a distance of 230 feet, more or less, to the southwesterly corner of Tax Parcel number 13.-1-152; thence,
14. Northerly, along the westerly line of Tax Parcel number 13.-1-152, a distance of 204 feet, more or less, to the northwesterly corner of Tax Parcel number 13.-1-152; thence,
15. Westerly, along the southerly line of Tax Parcel number 13.-1-4.121, a distance of 71 feet, more or less, to the southwesterly corner of Tax Parcel number 13.-1-4.121; thence,
16. Northerly, along the westerly line of Tax Parcel numbers 13.-1-4.121 and 13.-1-4.111, a distance of 350 feet, more or less, to the northwesterly corner of Tax Parcel number 13.-1-4.111; thence,
17. Easterly, along a northerly boundary of the Consolidated Water District and the northerly line of Tax parcel number 13.-1-4.111, a distance of 59 feet, more or less, to the southwesterly corner of Tax Parcel number 13.-1-151; thence,

18. Northerly, along the westerly line of Tax Parcel numbers 13.-1-151, 13.-1-150, and 13.-1-149, a distance of 605 feet, more or less, the northwesterly corner of Tax Parcel number 13.-1-149; thence,
19. Easterly, along the northerly line of Tax Parcel number 13.-1-149 and continuing along the easterly extension of the northerly line of Tax Parcel number 13.-1-149, a distance of 226 feet, more or less, to the intersection of the easterly extension of the northerly line of Tax Parcel number 13.-1-149 and the centerline of Seven Spring Road (49.5 feet wide right-of-way); thence,
20. Northerly, along the centerline of Seven Spring Road, a distance of 49 feet, more or less, to the intersection of the centerline of Seven Spring Road and the easterly extension of the southerly line of Tax Parcel number 13.-1-9; thence,
21. Westerly, along the easterly extension of the southerly line of Tax Parcel number 13.-1-9 and continuing along the southerly line of Tax Parcel number 13.-1-9, a distance of 225 feet, more or less, to the southwest corner of Tax Parcel number 13.-1-9; thence,
22. Northerly, along the westerly line of Tax Parcel number 13.-1-9, a distance of 152 feet, more or less, to the northwesterly corner of Tax Parcel number 13.-1-9; thence,
23. Westerly, along the northerly line of Tax Parcel number 13.-1-153.1, a distance of 942 feet, more or less, to the southwest corner of Tax Parcel number 13.-1-8.121; thence,
24. Northerly, along the westerly line of Tax Parcel number 13.-1-8.121, a distance of 890 feet, more or less, to the northerly corner of the Tax Parcel number 13.-1-153.1; thence,
25. Southwesterly, along the westerly line of Tax Parcel number 13.-1-153.1, a distance of 3,266 feet, more or less, to the point of beginning.

All as shown on a map prepared by the Town of Batavia entitled, "Oakwood Hills Sanitary Sewer District Map – Oakwood Hills Subdivision," dated 4/2014. The Town of Batavia, Batavia North Water District, as describe