

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 WATER 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 Water 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 water through the formation of the proposed Water 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 Water 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 Water 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 Water District are as follows:

See **EXHIBIT A** attached hereto.

WHEREAS, the improvements proposed consists of the construction and installation of approximately 4,300 linear feet of eight (8) inch water main running from the end of the existing water main to the boundary of the Subdivision, and then within the boundary of the Subdivision; 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, all of the water 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 Water District, and

WHEREAS, upon completion and inspection of the water improvements by the Town, these water 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 water 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 estimated cost of the water to be purchased by the Water District’s users is a total of \$4.60 per 1,000 gallons used; thereby the average household can expect to pay approximately \$290.00 per year for water purchase, and

WHEREAS, based upon the foregoing estimates, the total initial annual cost of the typical property in the proposed district is estimated to be \$290.00 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 Water 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; plus approximately \$8.00-\$20.00 per linear feet of pipe for a service line; 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 7:00 p.m. for the purpose of conducting a public hearing on the proposal to establish said Water 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 Water 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 Water 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 WATER DISTRICT

The boundary of the proposed Town of Batavia, Oakwood Hills 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 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 4,759 feet, more or less, to the intersection of the southerly line of Tax Parcel number 13.-1-107.2 and the boundary of the existing Consolidated Water District; thence,
4. Northerly, following the existing Consolidated Water District along a line parallel to, and 300 feet westerly from, the centerline of Seven Springs Road (49.5 feet wide right-of-way) through the lands of Tax Parcel number 13.-1-153.1, a distance of 1,098 feet, more or less, to a northwesterly corner of the existing Consolidated Water District; thence,

5. Easterly, following the existing Consolidated Water District through the lands of Tax Parcel number 13.-1-153.1, a distance of 59 feet, more or less, to the southwesterly corner of Tax Parcel number 13.-1-4.121; thence,
6. Northerly, following the existing Consolidated Water District along the westerly line of Tax Parcel numbers 13.-1-4.121 and 13.-1-4.111 and continuing along a line parallel to, and 300 feet westerly from, the centerline of Seven Springs Road (49.5 feet wide right-of-way) through the lands of Tax Parcel number 13.-1-153.1, a distance of 1,127 feet, more or less, to the intersection of the existing Consolidated Water District and the northerly line of Tax Parcel number 13.-1-153.1; thence,
7. Westerly, along the northerly line of Tax Parcel number 13.-1-153.1, a distance of 886 feet, more or less, to the southwesterly corner of Tax Parcel number 13.-1-8.121; thence,
8. Northerly, along an easterly line of Tax Parcel number 13.-1-153.1, a distance of 890 feet, more or less, to the northerly corner of the Tax Parcel number 13.-1-153.1; thence,
9. 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 Water District Map – Oakwood Hills Subdivision," dated 4/2014. The Town of Batavia, Oakwood Hills Water District, as described above, contains approximately 109.1 acres of land