

PUBLIC NOTICE

**THE FOLLOWING ORDER WAS DULY ENACTED ON MARCH 21, 2018
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 DRAINAGE 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 Drainage 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 March 14, 2018 and

WHEREAS, the Town Board has determined that Oakwood Hills, LLC, the Owner of the Subdivision, (hereinafter referred to as “Owner” and “Subdivision”, respectively), is in favor of obtaining storm water maintenance services for a system that the Owner constructed, through the formation of the proposed Drainage 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 Drainage 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 Drainage 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 Drainage District are as set forth on **EXHIBIT A** attached hereto, and

WHEREAS, the improvements have already been completed by the Owner, and consist of concrete gutters, catch basins and pipe that convey storm water runoff to storm water management areas, and other improvements (referred to hereinafter as “storm water improvements”). The storm water management areas treat the storm water to reduce the sediment load and then release the water back into the ground or to an existing off-site drainage system, and

WHEREAS, all of the storm water improvements have been constructed and installed pursuant to the specifications of the Town of Batavia at the sole cost and expense of the Owner of the Subdivision, with

no direct initial capital cost to the residents of the Drainage District, and

WHEREAS, the storm water improvements have been inspected by the Town, and ownership of these storm water improvements will remain with the Owner, subject to any easements hereafter acquired by the District to further the purposes for which it is formed,, and

WHEREAS, capital costs will not be incurred by the Town in the future for any upgrades or replacement of portions of the storm water improvements unless the Oakwood Hills Homeowners Association fails to maintain and/or improve same as needed as hereinafter provided, and therefore, the Town will not incur debt service for funding of these costs and expenses
and

WHEREAS, the post-construction maintenance of the storm water system and storm water management areas will require the following:

- A. Cleaning control structures and storm water pipes.
- B. Mowing and maintaining grass and vegetation within the storm water management areas.
- C. Removing sediment from storm water management areas when the infiltration rates no longer function as designed or the sediment level reaches elevations as more specifically set forth in the Map, Plan and Report, and

WHEREAS, it is intended that the storm water improvements will be maintained by an Oakwood Hills Homeowners Association or other similar legal entity (the “Association”) to allow these activities to be completed at costs lower than using municipal employees, and

WHEREAS, the Town of Batavia will perform any necessary maintenance activities regarding the storm water improvements in the event that they are not privately and properly completed in any given year by the Association, and

WHEREAS, the estimated annual maintenance costs will be \$25,000.00; consisting of mowing grass within storm treatment areas two times per year (\$5,000.00); cleaning and/or repairing storm pipes, check dams and ditches (\$3,000.00); removing sediment from one storm water treatment area per year (\$14,000.00); with the administrative, engineering and inspection costs for these activities (\$3,000.00), and

WHEREAS, the Subdivision contains 90 parcels consisting in size ranging from 0.4 to 1.0 acre with a typical property being 0.5 acre, and

WHEREAS, the total area of the 90 developed parcels will be 53.16 acres, and dividing the estimated annual cost of \$25,000.00 by 53.16 acres results in a figure of \$470.28 per acre, and

WHEREAS, based upon the foregoing estimates, the total initial annual cost of the typical property

in the proposed district of 0.5 acre is estimated to be \$235.14 per year, 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 18th day of April, 2018, at 7:15 p.m. for the purpose of conducting a public hearing on the proposal to establish said Drainage 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 Drainage 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 Drainage District is below the threshold set by the Office of the State Comptroller when a special district is created in the 2018 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.

Dated: March 21, 2018

EXHIBIT A

TOWN OF BATAVIA OAKWOOD HILLS DRAINAGE DISTRICT BOUNDARY DESCRIPTION

The boundary of the proposed Town of Batavia, Oakwood Hills Storm 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 13.02-1-91; thence,

1. Easterly, along the northerly line of Tax Parcel number 13.-1-107.22, a distance of 3,181 feet, more or less, to the southeasterly corner of Tax Parcel number 13.02-1-96; thence,
2. Northerly, along the easterly line of Tax Parcel number 13.02-1-96, a distance of 450 feet, more or less, to the northwesterly corner of Tax Parcel number 13.-1-4.2; thence,
3. Easterly, along the northerly line of Tax Parcel number 13.-1-4.2 and across Seven Spring Road (49.5 feet wide right-of-way), a distance of 233 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; thence,
4. Northerly, along the centerline of Seven Spring Road, a distance of 343 feet, more or less, to the intersection of the centerline of Seven Springs Road and the easterly extension of the southerly line of Tax Parcel number 13.02-1-28; thence,
5. Westerly, across Seven Springs Road (49.5 feet wide right-of-way) and along the southerly line of Tax Parcel number 13.02-1-28, a distance of 225 feet, more or less, to the southwesterly corner of Tax Parcel number 13.02-1-28; thence,
6. Northerly, along the westerly line of Tax Parcel number 13.02-1-28, a distance of 152 feet, more or less, to the northwesterly corner of Tax Parcel number 13.02-1-28; thence,
7. Westerly, along the southerly line of Tax Parcel number 13.-1-4.121, a distance of 72 feet, more or less, to the southwesterly corner of Tax Parcel number 13.-1-4.121; thence,
8. 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,
9. Easterly, along the northerly line of Tax Parcel number 13.-1-4.111, a distance of 56 feet, more or less, to the southwesterly corner of Tax Parcel number 13.-1-151; thence,
10. Northerly, along the westerly line of Tax Parcel numbers 13.-1-151, 13.-1-150, and 13.-1-149.1, a distance of 555 feet, more or less, to the northwesterly corner of Tax Parcel number 13.-1-149.1; thence,
11. Easterly, along the northerly line of Tax Parcel number 13.-1-149.1 and across Seven Springs Road (49.5 feet wide right-of-way), a distance of 223 feet, more or less, to the intersection of the easterly extension of the northerly line of Tax Parcel number 13.-1-149.1 and the centerline of Seven Springs Road; thence,
12. Northerly, along the centerline of Seven Spring Road, a distance of 100 feet, more or less, to the intersection of the centerline of Seven Springs Road and the easterly extension of the southerly line of Tax Parcel number 13.-1-9; thence,
13. Westerly, across Seven Springs Road (49.5 feet wide right-of-way) and along the southerly line of Tax Parcel number 13.-1-9, a distance of 219 feet, more or less, to the southwesterly corner of Tax Parcel number 13.-1-9; thence,
14. Northerly, along the easterly line of Tax Parcel number 13.02-1-27, a distance of 151 feet, more or less, to the northeasterly corner of Tax Parcel number 13.02-1-27; thence,

15. Westerly, along the northerly line of Tax Parcel numbers 13.02-1-27, 13.02-1-26, and 13.02-1-92, a distance of 942 feet, more or less, to the southwesterly corner of Tax Parcel number 13.-1-8.121; thence,
16. Northerly, along an westerly line of Tax Parcel number 13.-1-8.121, a distance of 893 feet, more or less, to the northerly corner of the Tax Parcel number 13.02-1-92; thence,
17. Southwesterly, along the easterly line of Tax Parcel number 13.-1-108, a distance of 3,260 feet, more or less, to the point of beginning.

All as shown on a map prepared by the Town of Batavia entitled, "Oakwood Hills Storm Sewer District Map – Oakwood Hills Subdivision," dated 3/2018. The Town of Batavia, Oakwood Hills Storm Sewer District, as described above, contains approximately 105.4 acres of land.