

RESOLUTION NO. 100

DATED: APRIL 18, 2018

**RESOLUTION OF THE TOWN OF BATAVIA, NEW YORK,
ADOPTED APRIL 18, 2018, ESTABLISHING BATAVIA-
BETHANY TOWNLINE ROAD WATER DISTRICT IN SAID
TOWN**

Recitals

WHEREAS, the Town Board of the Town of Batavia (herein called “Town Board” and “Town” respectively) in the County of Genesee, New York has heretofore duly caused the Town Engineer, duly licensed by the State of New York, to prepare a map, plan and report for a proposed Batavia-Bethany Townline Road Water District (the “District”), in the Town, consisting of the construction and installation of approximately 4,400 linear feet of 8-inch diameter water main along a portion of Batavia-Bethany Townline Road, including land or rights in land, road crossings, furnishings, valves, hydrants, fittings, connections, fill, services, appurtenances related site work and other ancillary work; which, map, plan and report have been duly filed in the office of the Town Clerk of the Town for public inspection; and

WHEREAS, a “Petition to Request Water District” was filed in the Batavia Town Clerk’s Office on March 12, 2018, signed by the required number of property owners within the proposed district, namely, pursuant to the latest completed assessment roll of the Town of Batavia, the owners of taxable real property located in the proposed Batavia Bethany Townline Road Water District owning in the aggregate at least one-half of the assessed valuation of all of the taxable real property of the proposed Water District; and also constituting the signatures of resident owners who own taxable real property aggregating at least one-half of the assessed valuation of all of the taxable real property of the proposed Water District owned by residents, and

WHEREAS, pursuant to the Order duly adopted on March 21, 2018, the Town Board has determined to proceed with the proposed establishment of the District and adopted an Order reciting a description of the boundaries of the District in a manner sufficient to identify the lands included therein as in a deed of conveyance, the improvements proposed, the maximum amount proposed to be expended for the construction of water improvements in connection with the District, 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 April 18, 2018, at 7:20 o’clock P.M. (Prevailing Time) as the time when, and the Batavia Town Hall, located at 3833 West Main Street Road, Batavia, New York, in the Town, as the place where, the Town Board would meet to consider the establishment of the District, and to hear all persons interested in the subject thereof concerning the same, and for such other action on the part of the Town Board in relation thereto, as may be required by Law: and

WHEREAS, certified copies of such Order were duly published and posted pursuant to the provisions of Article 12 of the Town Law and a Notice of Public Hearing was mailed by first class mail to each owner of taxable real property in the District; and

WHEREAS, the Town Board has given due consideration to the impact that the District may have on the environment and on the basis of such consideration, the Town Board has found that no substantial adverse environmental impact will be caused by such District and a Negative Declaration has been issued; and

WHEREAS, the Town Board and the Town will comply in every respect with all applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act, comprising Article 8 of the Environmental Conservation Law; and

WHEREAS, a Public Hearing in the matter was duly held by the Town Board on said 18th day of April, 2018, commencing at 7:20 o'clock P.M. (Prevailing Time), at such Batavia Town Hall, at which all interested persons desiring to be heard were heard.

NOW, THEREFORE, upon the evidence adduced at such Public Hearing, be it

RESOLVED BY THE TOWN BOARD OF THE TOWN OF BATAVIA, IN THE COUNTY OF GENESEE, NEW YORK, AS FOLLOWS:

Section 1. It is hereby determined that:

(a) the "Petition to Request Water District" was signed, and acknowledged or proved, or authenticated, as required by law and is otherwise sufficient;

(b) the Notice of Public Hearing was mailed by first class mail to each owner of taxable real property in the District;

(c) all the property and property owners included within the proposed District hereinabove referred to in the recitals hereof are benefited thereby;

(d) all the property and property owners benefited are included within the limits of the proposed District; and

(e) it is in the public interest to establish the District.

Section 2. The establishment of the District is hereby approved, as hereinafter described, and said District shall be designated and known as Batavia-Bethany Townline Road Water District, in the Town of Batavia, and shall be bounded and described as more particularly described in annexed Exhibit "A".

Section 3. The maximum amount proposed to be expended for said District improvements is \$230,400.00, which is planned to be financed by the issuance of \$126,800.00 serial bonds of the Town offset by any funds received from the federal grants including, but not limited to, loan and/or grant funds from USDA Rural Development, said balance of costs to be provided by the levy and collection of special assessments from the several lots and parcels of land within such Benefited Area which the Town Board shall determine to be especially benefited by said Water District, so much upon and from each as shall be in just proportion to the amount of benefit which the Water District shall confer

upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable.

Section 4. The permission of the State Comptroller is required with respect to the District because the estimated cost of the District to the Typical Property (as defined in the Town Law) exceeds the Average Estimated Cost to the Typical Properties for the establishment of similar types of districts, as computed by the State Comptroller, and a full application shall be submitted to the State Comptroller's Office for approval.

Section 5. This resolution is not subject to permissive referendum

By order of the Town Board of the
Town of Batavia, in the County of
Genesee, New York.

Dated: April 18, 2018

Teressa Morasco
Town Clerk

Second by: Deputy Supervisor Underhill
Ayes: Zambito, Underhill, Michalak, White, Post
APPROVED by unanimous vote (5-0)

EXHIBIT A
TOWN OF BATAVIA
PROPOSED BETHANY TOWNLINER WATER DISTRICT

The boundary of the proposed Town of Batavia, Bethany Townline 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 northwesterly corner of Tax Parcel number 20.-1-98.21; thence,

1. Southerly, following the existing Shepard & Putnam Road Water District along a westerly line of Tax Parcel number 20.-1-98.21, a distance of 499 feet, more or less, to the northeasterly corner of Tax Parcel number 20.-1-96; thence,
2. Westerly, following the existing Shepard & Putnam Road Water District along the northerly line of Tax Parcel number 20.-1-96, a distance of 1,159 feet, more or less, to the intersection of the northerly line of Tax Parcel number 20.-1-96 and an easterly boundary of the Shepard & Putnam Road Water District; thence,
3. Southerly, following the Shepard & Putnam Road Water District through the lands of Tax Parcel number 20.-1-96 and across Batavia-Bethany Townline Road (49.5 feet wide right-of-way), a distance of 416 feet, more or less, to the intersection of the boundary of the existing Shepard & Putnam Road Water District and the centerline of Batavia-Bethany Townline Road; thence,
4. Easterly, along the centerline of the Batavia-Bethany Townline Road, a distance of 4,559 feet, more or less, to the intersection of the centerline of Batavia-Bethany Townline Road and the boundary of the existing Ellicott Street Road & Townline Road Water District; thence,
5. Northerly, following the existing Ellicott Street Road & Townline Road Water District across Batavia-Bethany Townline Road (49.5 feet wide right-of-way) and through the lands of Tax Parcel number 20.-1-32.113, a distance of 1,172 feet, more or less, to a turning point in the Ellicott Street Road and Townline Road Water District that is 500 feet westerly of Bethany Center Road and 500 feet southwesterly of Ellicott Street Road; thence,
6. Northwesterly, following the existing Ellicott Street Road & Townline Road Water District through the lands of Tax Parcel number 20.-1-32.113, a distance of 679 feet, more or less, to the intersection of a southwesterly boundary of the Ellicott Street Road & Townline Road Water District and the northwesterly line of Tax Parcel number 20.-1-32.113; thence,
7. Southwesterly, following the existing Ellicott Street Road & Townline Road Water District along the northwesterly line of Tax Parcel number 20.-1-32.113, a distance of 618 feet, more or less, to the southerly corner of Tax Parcel number 20.-1-36.1; thence,
8. Northerly, following the existing Ellicott Street Road & Townline Road Water District along an easterly line of Tax Parcel number 20.-1-44.111, a distance of 848 feet, more or less, to the intersection of the easterly line of Tax Parcel number 20.-1-44.111 and a southwesterly boundary of the Ellicott Street Road & Townline Road Water District; thence,

9. Northwesterly, following the existing Ellicott Street Road & Townline Road Water District along a line and parallel to, and 500 feet southwesterly from, the centerline of Ellicott Street Road, a distance of 616 feet, more or less, to intersection of the Ellicott Street Road and Townline Road Water District and the northwesterly line of Tax Parcel number 20.-1-44.111; thence,
10. Southwesterly, following the existing Ellicott Street Road & Townline Road Water District along the northwesterly line of Tax Parcel number 20.-1-44.111, a distance of 74 feet, more or less, to the southerly corner of Tax parcel number 20.-1-44.2; thence,
11. Westerly, following the existing Ellicott Street Road & Townline Road Water District along a northerly line of Tax Parcel number 20.-1-44.111, a distance of 714 feet, more or less, to a northwesterly corner of Tax Parcel number 20.-1-44.111; thence,
12. Southerly, following the Ellicott Street Road & Townline Road Water District along the westerly line of Tax Parcel number 20.-1-44.111, a distance of 1,601 feet, more or less, to the northeasterly corner of Tax Parcel number 20.-1-98.21; thence,
13. Westerly, following the existing Ellicott Street Road & Townline Road Water District along the northerly line of Tax Parcel number 20.-1-98.21, a distance of 1,289 feet, more or less, to the point of beginning.

All as shown on a map prepared by the Town of Batavia entitled, "Bethany Townline Road Water District - Water System Improvements" dated 4/2014. The Town of Batavia, Bethany Townline Water District, as described above, contains approximately 134.2 acres of land.

CERTIFICATE

I, TERESSA MORASCO, Town Clerk of the Town of Batavia, in the County of Genesee, State of New York, HEREBY CERTIFY that the foregoing annexed Resolution from the minutes of a meeting of the Town Board of said Town, duly called and held on April 18, 2018, has been compared by me with the original minutes as officially recorded in my office in the Minute Book of said Town Board and is a true, complete and correct copy thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town this 18th day of April, 2018.

(SEAL)

Teressa M. Morasco, Town Clerk