

RESOLUTION NO. 181

A Meeting of the Town Board of the Town of Batavia, in the County of Genesee, State of New York, was held at the Town Hall, in said Town, on the 5th day of September, 2018.

PRESENT:

Hon. Gregory H. Post, Supervisor
Daniel Underhill, Councilperson
Sharon White, Councilperson
Patti Michalak, Councilperson
Chad Zambito, Councilperson

In the Matter of the Establishment of Batavia-Bethany
Townline Road Water District, in the Town of Batavia,
in the County of Genesee, New York, pursuant to
Article 12 of the Town Law.

**FINAL ORDER ESTABLISHING DISTRICT
SEPTEMBER 5, 2018**

WHEREAS, the Town Board of the Town of Batavia (herein called "Town Board" and "Town", respectively), in the County of Genesee, New York, has, pursuant to Town Law Article 12, caused the Town Engineer, duly licensed by the State of New York, to prepare a map, plan and report for the establishment of Batavia-Bethany Townline Road Water District (the "District") in the Town, with proposed improvements consisting of the construction and installation of approximately 4,400 linear feet of 8-inch diameter watermain along a portion of Batavia-Bethany Townline Road, including land or rights in land, road crossings, furnishings, valves, hydrants, fittings, connections, fill, services, appurtenances and related site work and other ancillary work, preliminary costs and other improvements and costs incidental thereto; 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, on March 21, 2018, the Town Board adopted an Order Calling Public Hearing, and

WHEREAS, pursuant to the Order Calling Public Hearing, the Town Board 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 establishment of 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, in the Town, as the place where, the Town Board would meet to consider the proposed 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 mailed to each owner of taxable real property in the District, and

WHEREAS, following publication and posting of certified copies of said Order pursuant to Article 12 of the Town Law and the mailing of the Notice of Public Hearing and after a public hearing duly held by the Town Board at the time and place herein referred to, the Town Board, by resolution duly adopted April 18, 2018, determined that the Petition to Request Water District was duly filed as required by law and was otherwise sufficient; that the notice of public hearing was duly published and posted as required by law and was otherwise sufficient; that the Notice of Public Hearing was mailed by first class mail to each owner of taxable real property in the District; that all the property and property owners included within the proposed District were benefited thereby; that all the property and property owners benefited were included within the limits of the proposed District; that it was in the public interest to establish the District and approved the establishment of the District and the construction of water improvements in connection with the District as hereinabove described at a cost not to exceed \$230,400.00; and that the plan of financing is the issuance of serial bonds in the amount of \$126,800.00, said amount to be offset by the receipt of any funds from the United States of America, and the balance of the costs will be assessed by the assessment, levy and collection of special assessments from the several lots and parcels of land within the District, which the Town Board shall determine to be especially benefited by said District, so much upon and from each as shall be in just proportion to the amount of benefit which the District shall confer upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable; and determine that permission of the State Comptroller was required with respect to the formation of the District and directing an application to be submitted; and

WHEREAS, 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 is above the Average Estimated Cost to the Typical Properties for the establishment of similar types of districts, or computed by the State Comptroller; and

WHEREAS, the Town Board did cause to be filed an application with the State Comptroller seeking its permission to form the district, which permission was granted for a project cost not to exceed \$126,800.00 by Order dated August 24, 2018; 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 no substantial adverse environmental impact will be caused by such District; and

WHEREAS, the Town and the Town Board have complied in every respect with all applicable laws and regulations regarding environmental matters including compliance with the New York State Environmental Quality Review Act (SEQR);

NOW, THEREFORE, be it

ORDERED, that the establishment of the District is hereby approved, in the Town of Batavia, to be known as Batavia-Bethany Townline Road Water District in the Town of Batavia, situate wholly outside of any incorporated village or city, and bounded and more particularly described in annexed Schedule "A".

ORDERED, that Batavia-Bethany Townline Road Water District hereinabove referred to shall be constructed as set forth in the said Order Calling Public Hearing, at a cost not to exceed \$126,800.00; and that the plan of financing is the issuance of serial bonds in the amount of \$126,800.00, said amount to be offset by the receipt of any funds from the United States of America, and the balance of the costs will be assessed by the assessment, levy and collection of special assessments from the several lots and parcels of land within the District, which the Town Board shall determine to be especially benefited by said District, so much upon and from each as shall be in just proportion to the amount of benefit which the District shall confer 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

ORDERED, that within ten (10) days after adoption of this Order, the Town Clerk shall record with the Clerk of the County of Genesee and file with the Department of Audit and Control in Albany, New York copies of this Order, certified by said Town Clerk

Dated: September 5, 2018

TOWN BOARD OF THE
TOWN OF BATAVIA

STATE OF NEW YORK)
)SS:
COUNTY OF GENESEE)

I the undersigned Town Clerk of the Town of Batavia, in the County of Genesee, State of New York, DO HEREBY CERTIFY that I have compared the preceding Final Order Establishing District with the original thereof filed in my office on the 5th day of September 2018, and that the same is a true and correct copy of said original and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Town this 6th day of September, 2018.

Teressa M. Morasco, Town Clerk