

RESOLUTION NO. 71

DATED: MARCH 19, 2014

**RESOLUTION AND ORDER FOR ESTABLISHMENT OF
THE PRATT ROAD WATER DISTRICT
FOR A PORTION OF THE TOWN OF BATAVIA**

WHEREAS, the Town Board of the Town of Batavia duly adopted a Resolution directing Gregory H. Post, the Town Supervisor of the Town of Batavia to file a map, plan and report as prepared by the Town's engineer for providing the facilities, improvements or services in a portion of the Town of Batavia, wherein a water district was proposed to be established, as hereinafter described, and

WHEREAS, after the said Town Supervisor duly filed said map, plan and report in the office of the Town Clerk of the Town of Batavia on November 25, 2013, and the said Town Board did on February 19, 2014, duly adopt an Order reciting a description of the boundaries of the proposed district, the maximum amount proposed to be expended for the improvement, the proposed method of financing to be employed, the fact that a plan, map and report describing the same are on file in the Town Clerk's Office for public inspection and specifying that said Town Board shall meet at the Town Hall on the 19th day of March, 2014, for the purpose of conducting a public hearing on such proposal to establish the water district with the specified improvements and to hear all persons interested in the subject thereof concerning the same, and

WHEREAS, a "Petition to Request Water District" was filed in the Batavia Town Clerk's Office on February 14, 2014, which was signed by a number of owners within said district, which was greater than the percentage required by law, and

WHEREAS, the improvements proposed are as follows: a project to provide a safe and reliable potable water supply and fire protection to certain residences in the proposed Pratt Road Water District. The overall project will consist of the construction and installation of approximately 16,000 linear feet of eight (8) inch water main along portions of Pratt Road and Powers Road; 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, copies of the aforesaid said Order for a Public Hearing were duly published and posted according to law, and said Town Board did, at the time and place specified in said Order, duly meet and consider such proposal and heard all persons interested in the subject thereof, who appeared at such time and place, concerning the same, and

WHEREAS, the evidence offered at such hearing requires that the Town Board make the determinations hereinafter made;

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Batavia, in the County of Genesee, that it be and hereby is determined as follows:

(1) The aforesaid "Petition to Request Water District" was signed, and acknowledged or proved or authenticated, as required by law and is otherwise sufficient.

(2) The Notice of Hearing was published and posted as required by law and is otherwise sufficient.

(3) That all the property and property owners within the proposed water district are benefited thereby.

(4) That all of the property and property owners benefited are included within the proposed water district.

(5) It is in the public interest to establish the proposed water district as hereinafter described; and be it

FURTHER RESOLVED, that the Town Board does hereby approve the establishment of a Water District as hereinafter described to be known as the Town of Batavia Pratt Road Water District. Said Water District being described on **EXHIBIT A**, attached hereto and made a part hereof; and be it

FURTHER RESOLVED that the maximum amount proposed to be expended for such water improvement is \$937,000.00, which is planned to be financed by the issuance of serial bonds in the amount not to exceed \$937,000.00, offset by any funds received from the United States of America, and/or the State of New York, and/or the County of Genesee, and/or local grants; including, but not limited to, a USDA Rural Development Agency grant, of approximately \$420,000.00, and be it

FURTHER RESOLVED that the proposed annual debt service (assuming 32 units) is estimated to be approximately \$691.00 per typical property user in the proposed district, which is a single family home, and be it

FURTHER RESOLVED that 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 \$4.34 per 1,000 gallons used; thereby the average household can expect to additionally pay approximately \$273.00 per year for water purchase above and beyond the debt service, and be it

FURTHER RESOLVED that based upon the foregoing estimates, the total annual cost of the typical property in the proposed district is estimated to be \$964.00 per year, and be it

FURTHER RESOLVED that payment of the 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 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 be it

FURTHER RESOLVED that 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 \$125.00 for a meter, plus approximately \$8.00-\$12.00 per linear feet of pipe, plus potential well abandonment or separation charges of approximately \$200.00-\$600.00; as well as any internal plumbing charges, and be it

FURTHER RESOLVED that this Resolution and Order is not subject to a permissive

referendum; and be it

FURTHER RESOLVED that within ten (10) days after the adoption hereof, the Town Clerk shall post and publish as provided by law a Notice setting forth the date of the adoption of this Resolution and Order and containing an abstract of this Resolution and Order concisely stating the purpose and effect hereof; and be it

FURTHER RESOLVED, that the Town Supervisor, assisted by the Town Attorney and Town Bond Counsel, will prepare an application to the Office of the State Comptroller, Department of Audit and Control for approval of the formation of this Water District, and be it

FURTHER RESOLVED, that the Town Clerk is hereby authorized and directed to record a certified copy of this Resolution and Order in the Office of the Genesee County Clerk, and to file a certified copy of this Resolution and Order in the Office of the State Department of Audit and Control, within ten (10) days hereof.

Offered by: Councilman Lang

Second by: Councilman Zambito

Ayes: Lang, Zambito, Underhill, Michalak, Post

APPROVED by unanimous vote (5-0)

EXHIBIT "A"

TOWN OF BATAVIA PROPOSED PRATT ROAD WATER DISTRICT

The boundary of the proposed Town of Batavia Pratt Road 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 2.-1-44.111; thence,

1. Easterly, along the northerly line of Tax Parcel numbers 2.-1-44.111, 2.-1-44.112, 2.-1-44.2, 2.-1-44.12, 2.-1-43, 2.-1-40, 2.-1-39, 2.-1-35, 2.-1-34, 2.-1-33, 2.-1-29.1, 2.-1-28.1, 2.-1-53.2, 2.-1-28.1, 2.-1-28.2, 2.-1-23.12, and 2.-1-23.11, a distance of 10,539 feet, more or less, to the northeasterly corner of Tax Parcel number 2.-1-23.11; thence,
2. Southerly, along the easterly line of Tax Parcel number 2.-1-23.11, through the right-of-way of Pratt Road (49.5 feet wide right-of-way), continuing along the easterly line of Tax Parcel number 6.-1-12.1, a distance of 1,558 feet, more or less, to a point along the easterly line of Tax Parcel number 6.-1-12.1; thence,
3. Westerly, through Tax Parcel number 6.-1-12.1, along the southerly line of Tax Parcel number 6.-1-12.2, through Tax Parcel numbers 6.-1-12.1 and 6.-1-68, continuing along the southerly line of Tax Parcel number 6.-1-10, a distance of 4,045 feet, more or less, to the southwest corner of Tax Parcel number 6.-1-10; thence,
4. Southerly, along an easterly line of Tax Parcel number 6.-1-6.2, a distance of 662 feet, more or less, to a southeasterly corner of Tax Parcel number 6.-1-6.2; thence,
5. Westerly, along a southerly line of Tax Parcel number 6.-1-6.2, a distance of 1,294 feet, more or less, to the northwesterly corner of Tax Parcel number 6.-1-7; thence,
6. Southerly, along an easterly line of Tax Parcel number 6.-1-6.2, a distance of 916 feet, more or less, to a southeasterly corner of Tax Parcel number 6.-1-6.2; thence,
7. Westerly, along a southerly line of Tax Parcel number 6.-1-6.2, a distance of 684 feet, more or less, to a northeasterly corner of Tax Parcel number 6.-1-60.1; thence,
8. Southerly, along an easterly line of Tax Parcel number 6.-1-60.1, a distance of 1,404 feet, more or less, to a southeasterly corner of Tax Parcel number 6.-1-60.1; thence,
9. Westerly, along a southerly line of Tax Parcel number 6.-1-60.1, a distance of 681 feet, more or less, to the northwesterly corner of Tax Parcel number 6.-1-63.1; thence,
10. Southerly, along an easterly line of Tax Parcel number 6.-1-60.1, continuing through the right-of-way of Stegman Road (49.5 feet wide right-of-way), a distance of 647 feet, more or less, to a point along the northerly line of Tax Parcel number 6.-1-61; thence,
11. Easterly, along the northerly line of Tax Parcel number 6.-1-61, a distance of 978 feet, more or less, to the northeasterly corner of Tax Parcel number 6.-1-61; thence,
12. Southerly, along the easterly line of Tax Parcel number 6.-1-61, continuing through the Tonawanda Creek, a distance of 778 feet, more or less, to a point along the northerly boundary of the Consolidated Water District at the centerline of the Tonawanda Creek; thence,

13. Westerly, along the northerly boundary of the Consolidated Water District at the centerline of the Tonawanda Creek, a distance of 3,036 feet, more or less, to a point along the northerly boundary of the Consolidated Water District; thence,
14. Northerly, through the Tonawanda Creek, along the westerly line of Tax Parcel number 6.-1-57, continuing through the right-of-way of Stegman Road (49.5 feet wide right-of-way), a distance of 458 feet, more or less, to a point along a southerly line of Tax Parcel number 6.-1-52.11; thence,
15. Westerly, along a southerly line of Tax Parcel number 6.-1-52.11, a distance of 1,285 feet, more or less, to a southwesterly corner of Tax Parcel number 6.-1-52.11; thence,
16. Northerly, along a westerly line of Tax Parcel number 6.-1-52.11, a distance of 1,832 feet, more or less, to a northeasterly corner of Tax Parcel number 6.-1-51.1; thence,
17. Westerly, along a southerly line of Tax Parcel number 6.-1-52.11, a distance of 500 feet, more or less, to a southwesterly corner of Tax Parcel number 6.-1-52.11; thence,
18. Northerly, along a westerly line of Tax Parcel number 6.-1-52.11, a distance of 906 feet, more or less, to a northeasterly corner of Tax Parcel number 6.-1-51.1; thence,
19. Westerly, along a southerly line of Tax Parcel number 6.-1-52.11, a distance of 436 feet, more or less, to a southwesterly corner of Tax Parcel number 6.-1-52.11; thence,
20. Northerly, along a westerly line of Tax Parcel number 6.-1-52.11, a distance of 601 feet, more or less, to the northeasterly corner of Tax Parcel number 6.-1-50; thence,
21. Westerly, along a southerly line of Tax Parcel number 6.-1-52.11, a distance of 196 feet, more or less, to a southwesterly corner of Tax Parcel number 6.-1-52.11; thence,
22. Northerly, along the westerly line of Tax Parcel numbers 6.-1-52.11 and 6.-1-70, through the right-of-way of Pratt Road (49.5 feet wide right-of-way), continuing along the westerly line of Tax Parcel number 2.-1-44.111, a distance of 1,513 feet, more or less, to the point of beginning.

All as shown on a map prepared by the Town of Batavia entitled, "Proposed Pratt Road Water District – 2011 Water System Improvements," dated 5/2011. The Town of Batavia Pratt Road Water District, as described above, contains approximately 711.2 acres of land.

Exhibit "A"