

**TOWN OF BATAVIA
GENESEE COUNTY, NEW YORK**

EXTRACT OF MINUTES

A meeting of the Town Board of the Town of Batavia, Genesee County, New York was convened in public session at the Town Hall located at 3833 West Main Street Road, in the Town of Batavia, New York on June 18, 2014, at 7:00 o'clock p.m., local time.

The meeting was called to order by the Town Supervisor and, upon roll being called, the following members were:

Councilpersons: Gregory H. Post
 Daniel G. Underhill
 Alfred Lang
 Patti Michalak
 Chad Zambito

There were absent: -----

Also present: Teresa M. Morasco, Town Clerk

* * *

The following order was offered by Deputy Supervisor Underhill, seconded by Councilman Lang, to wit;

RESOLUTION NO. 128

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 the Town, on June 18, 2014.

PRESENT:

Hon. Gregory H. Post, Supervisor
Hon. Daniel G. Underhill, Councilperson
Hon. Alfred Lang, Councilperson
Hon. Patti Michalak, Councilperson
Hon. Chad Zambito, Councilperson

In the Matter of the Establishment of Pratt 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
PRATT ROAD WATER DISTRICT
JUNE 18, 2014**

WHEREAS, the Batavia Town Board (herein called “Town Board” and “Town”, respectively), in the County of Genesee, New York, has received a petition pursuant to Section 191 of the Town Law, for the establishment of Pratt Road Water District (the “District”), which petition was signed by a number of owners within the District, and was greater than the percentage required by law; and

WHEREAS, such petition was accompanied by an updated map, plan and report, dated November 2013, prepared by the Town of Batavia Engineering Department, competent engineers duly licensed by the State of New York, for the establishment of the District; and

WHEREAS, such map, plan and report is on file at the office of the Town Clerk, and available for public inspection at said location; and

WHEREAS, said proposed improvements consist of a project to provide a safe and reliable potable water supply and fire protection in the proposed District; and

WHEREAS, the overall project will generally consist of the installation of approximately 16,000 linear feet of eight inch water main along portions of Pratt Road and Powers Road in the Town, as well as other such improvements as more fully identified in such

map, plan and report prepared in connection therewith, 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 and in connection with the financing thereof (referred to herein as the “Water Improvements”); and

WHEREAS, the estimated maximum amount proposed to be expended for the construction of the District is \$937,000; and

WHEREAS, pursuant to the Order duly adopted on February 19, 2014, 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, the Water Improvements proposed, the maximum amount proposed to be expended for the construction of the 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 is on file in the Town Clerk’s office and is available for public inspection and specifying March 19, 2014, at 6:45 p.m. o’clock p.m. (Prevailing Time) as the time when 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, following publication and posting of certified copies of said Order pursuant to Article 12 of the Town Law 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 March 19, 2014, determined that the petition to request the District was signed and acknowledged or proved or authenticated, as required by law, and was otherwise sufficient, the notice of public hearing was published and posted as required by law and was otherwise sufficient, that all the property and property owners included within the 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 the Water Improvements in connection with the District as hereinabove described at an estimated maximum cost of \$937,000; and

WHEREAS, the plan of financing is for the issuance of serial bonds in an aggregate amount not to exceed \$937,000, said amount to be offset by the receipt of any federal, state, county and/or local funds including, but not limited to, a USDA Rural Development Agency grant of approximately \$420,000 and unless paid from other sources or charges, the costs for the establishment of the District will be 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

WHEREAS, permission of the State Comptroller was required with respect to the establishment of the District and the Town submitted an application to the Office of the State Comptroller, Department of Audit and Control; and

WHEREAS, the Office of the State Comptroller, Department of Audit and Control reviewed said application and on June 3, 2014, the State Comptroller issued an order that such application of the Town Board of the Town of Batavia for permission to establish the District was approved and permitted the establishment of said District in accordance with the description referred to in a resolution of March 19, 2014, at an estimated maximum cost of \$937,000;

NOW, THEREFORE, BE IT

ORDERED, that the establishment of the District is hereby approved, in the Town of Batavia, to be known as Pratt Road Water District in the Town of Batavia, situate wholly outside of any incorporated village or city, and is bounded and described as follows:

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 southwesterly 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.

and be it further:

ORDERED, that the District hereinabove referred to shall be constructed as set forth in the Order Calling the Public Hearing dated (February 19, 2014) and the resolution (adopted on March 19, 2014), at an estimated maximum cost of \$937,000, and the plan of financing is by the issuance of serial bonds in an aggregate amount not to exceed \$937,000, said amount to be offset by the receipt of any federal, state, county and/or local funds including, but not limited to, a USDA Rural Development Agency grant of approximately \$420,000 and unless paid from other sources or charges, the costs of the establishment of the District shall be paid by the assessment, levy and collection of the 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, except as provided by law; and be it further

ORDERED, that within ten 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 the Town Clerk

Dated: June 18, 2014

TOWN BOARD OF THE
TOWN OF BATAVIA

The question of the adoption of the foregoing order was duly put to vote on a roll call, which resulted as follows:

AYES:

Deputy Supervisor Underhill
Councilman Lang
Councilwoman Michalak
Councilman Zambito
Supervisor Post

NOES:

ABSENT:

The foregoing order was thereupon declared duly adopted.