

PUBLIC NOTICE

**THE FOLLOWING ORDER WAS DULY ENACTED ON MARCH 21, 2018
THE TOWN OF BATAVIA**

s/ Teresa M. Morasco

TERESSA M. MORASCO, Town Clerk

**ORDER FOR PUBLIC HEARING ON ESTABLISHMENT OF
BATAVIA-BETHANY TOWNLINE ROAD WATER DISTRICT**

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 water 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 7, 2018; 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, the Town Board believes that it would be in the best interest of the residents of the proposed water district to create the proposed 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 Batavia-Bethany Townline Road Water District, pursuant to the said Map, Plan and Report, subject to holding a Public Hearing, and

WHEREAS, the boundaries of the proposed Water District are as set forth on **EXHIBIT A** attached hereto, and

WHEREAS, the improvements proposed consists of the construction and installation of approximately 4,400 linear feet of eight (8) inch water main along portions of Batavia-Bethany Townline 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, the maximum amount proposed to be expended for such water improvement is \$230,400, which is planned to be financed through grants and/or bonded indebtedness at an interest rate of 3.0% for a 38 year term in an amount not to exceed \$126,800, offset by any funds received from the United States of America, and

WHEREAS, the proposed annual debt service (assuming 6 units) is estimated to be approximately \$940.00 per typical property user in the proposed district, which is a single family home, and

WHEREAS, a typical household uses 61,000 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 5.36 per 1,000 gallons used; thereby the average household can expect to additionally pay approximately \$327.00 per year for water purchase above and beyond the debt service, and

WHEREAS, based upon the foregoing estimates, the total annual cost of the typical property in the proposed district is estimated to be \$1267.00 per year, and

WHEREAS, 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 such 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

WHEREAS, 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 \$8.00-\$20.00 per linear feet of pipe for a service line; plus potential well abandonment or separation charges; as well as any internal plumbing charges, 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

WHEREAS, that based upon the total estimated annual cost to the typical property in the proposed district of \$1267.00, the Town Board has heretofore caused to be prepared and filed for public inspection with the Town Clerk, a detailed explanation of how such estimates were computed; and further that the cost of the construction of the Water District to such Typical Property is above Average Estimated Cost to the Typical Properties for the establishment of similar types of districts as computed by the State Comptroller, and therefore, the New York State Comptroller's approval is required for such Water District.

NOW, THEREFORE BE IT

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 7:20 p.m. for the purpose of conducting a public hearing on the proposal to establish said Water 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, the first publication and said posting to be not less than ten (10) nor more than twenty (20) days before the day designated herein for said public hearing as aforesaid; and mail by first class mail to each owner of the taxable real property located within the proposed Water District a notice of such public hearing, and be it further

ORDERED, that the Town Clerk file a certified copy of this Order with the Comptroller of the State of New York on or about the date of publication of a copy of this Order.

EXHIBIT A
TOWN OF BATAVIA
PROPOSED BETHANY TOWNLINE 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 southwest 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 southwest boundary of the Ellicott Street Road & Townline Road Water District and the northwesterly line of Tax Parcel number 20.-1-32.113; thence,
7. Southwestly, 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 southwest 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 southwest 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.