

LEGAL NOTICE

TOWN OF BATAVIA, NEW YORK

PLEASE TAKE NOTICE that on April 18, 2018, the Town Board of the Town of Batavia, in the County of Genesee, New York, adopted a resolution entitled:

“Resolution of the Town of Batavia, New York, Establishing Oakwood Hills Drainage District, in said Town, and providing that such resolution shall be subject to permissive referendum,”

an abstract of such resolution, concisely stating the purpose and effect thereof, being as follows:

FIRST: RECITING that the Town Board of the Town of Batavia (“Town Board” and “Town”, respectively), New York, has heretofore duly caused the preparation of a general map, plan and report for the proposed Oakwood Hills Drainage District, in the Town (the “District”) consisting of the repair and maintenance of improvements already completed by the project developer, consisting of concrete gutters, catch basins and pipe that convey storm water runoff to storm water management areas, and other improvements (referred to hereinafter as “storm water improvements”); which map, plan and report have been duly filed in the office of the Town Clerk of Town public inspection; that an Order was adopted on March 21, 2018, reciting a description of the boundaries of the proposed 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 therefore, the proposed method of financing, 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 the time and place of a Public Hearing to hear all persons interested in the subject thereof concerning the same; that copies of such Order have been duly published and posted, that all environmental laws and regulations will be complied with, and that such hearing has been duly held on April 18, 2018, at the time and place specified;

SECOND: RESOLVING AND DETERMINING that (a) the Order Calling Hearing was published and posted 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 within the proposed district are benefited thereby, (d) all the property and property owners benefited are included within the limits of the proposed District, and (e) that the establishment of the District is in the public interest.

THIRD: FURTHER RESOLVING AND DETERMINING that the establishment of the District be approved, DESIGNATING such District as Oakwood Hills Drainage District in the Town of Batavia, and DESCRIBING the District by metes and bounds;

FOURTH: FURTHER RESOLVING that the expenditure of funds is not necessary for said District improvements since they are already constructed, with the costs of any repair, maintenance or improvement of same to be provided by a third-party homeowner’s association, and the District will incur cost only to the extent the homeowner’s association fails to maintain the improvements. 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 Drainage District, so much upon and from each as shall be in just proportion to the amount of benefit which the Drainage District shall confer upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable.

FIFTH: FURTHER RESOLVING that the permission of the State Comptroller is not required with respect to the District because the estimated cost of the District to the Typical Property (as defined in the Town Law) is below 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 will not need to be submitted to the State Comptroller's Office for approval; and

SIXTH: STATING that this resolution is 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