

A meeting of the Town Board of the Town of Grand Island, in the County of Erie, New York, was held at the Town Hall, in said Town, on September 19, 2011.

PRESENT:

Hon. Peter A. McMahon, Supervisor  
Mary S. Cooke, Councilperson  
Richard W. Crawford, Councilperson  
Gary G. Roesch, Councilperson  
Raymond A. Billica, Councilperson

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In the Matter  
of the

Construction of Sewer Improvements in a Benefited Area known as the Park Place/Whitehaven Farms Sewer Improvement Area, in the Town of Grand Island, County of Erie, New York, pursuant to Article 12-C of the Town Law.

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**ORDER CALLING PUBLIC  
HEARING TO BE HELD ON  
OCTOBER 3, 2011  
(PARK PLACE/WHITEHAVEN FARMS SEWER IMPROVEMENT AREA)**

WHEREAS, the Town Board of the Town of Grand Island (herein called “Town Board” and “Town”, respectively), in the County of Erie, New York, has, pursuant to Town Law, created the Town of Grand Island Consolidated Sewer District (the “District”); and

WHEREAS, Metzger Civil Engineering, PLLC (the “Engineer”), competent engineers licensed in New York, has, pursuant to Article 12-C of the Town Law, prepared a preliminary map, plan and report for the construction of sewer improvements which will be constructed and known as the Park Place/Whitehaven Farms Sewer Improvement Area and which will benefit the District; and

WHEREAS, such sewer improvements will generally consist of the installation of approximately 1,235 lineal feet of 18-inch gravity sanitary sewer along Whitehaven Road, the replacement of the existing manhole at the intersection of Whitehaven Road and Harvey Road, the routing of the existing 12-inch force main into the first manhole at Bonnywoods Crossing, and the abandonment of the existing force main, all of the forgoing to include all necessary site work, equipment, apparatus and other improvements and costs incidental thereto (collectively, the “Improvement”); and

WHEREAS, the Engineer has completed and filed with the Town Board such preliminary map, plan and report and such preliminary map, plan and report is available for public inspection in the Office of the Town Clerk; and

WHEREAS, the proposed Improvement will benefit the entire proposed Park Place/Whitehaven Farms Sewer Improvement Area, which area is outside of any incorporated villages and is described as follows:

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Grand Island, County of Erie and State of New York, being part of Lot No. 72 & 73, of the Grand Island Survey, and bounded and described as follows:

BEGINNING at the intersection of the northerly highway boundary of Whitehaven Road (66 feet wide) said point being 1206.73 feet westerly from the easterly line of Lot 72 as measured along the northerly highway boundary of Whitehaven Road;  
Thence westerly along the said northerly highway boundary of Whitehaven Road, at a bearing of S 90°0'0" W, a distance of 291.51 feet to a point;  
Thence northerly at a bearing of N 00°0'0" W, a distance of 300.00 feet to a point;  
Thence westerly at a bearing of S 90°0'0" W, a distance of 250.00 feet to a point;  
Thence southerly at a bearing of S 00°0'0" E, a distance of 300.00 feet to a point in the said northerly highway boundary of Whitehaven Road;  
Thence westerly along the said northerly highway boundary of Whitehaven Road, at a bearing of S 90°0'0" W, a distance of 150.00 feet to a point;  
Thence northerly at a bearing of N 00°0'0" W, a distance of 317.00 feet to a point;  
Thence westerly at a bearing of S 90°0'0" W, a distance of 200.42 feet to a point in the westerly line of deed filed in the Erie County Clerk's Office in Liber 9416 Deeds page 400;  
Thence northerly at a bearing of N 00°0'0" W, and along the westerly line of deed filed in the Erie County Clerk's Office in Liber 9416 Deeds page 400, a distance of 1378.04 feet to a point;  
Thence easterly at a bearing of N 90°0'0" E, a distance of 2100.02 feet to a point;  
Thence southeasterly at a bearing of S 50°10'01" E, a distance of 106.07 feet to a point;  
Thence southwesterly at a bearing of S 39°49'59" W, a distance of 401.85 feet to a point;  
Thence southwesterly at a bearing of S 3°55'21" W, a distance of 70.04 feet to a point;  
Thence southeasterly at a bearing of S 38°26'28" E, a distance of 56.81 feet to a point;  
Thence southwesterly at a bearing of S 51°33'32" W, a distance of 80.00 feet to a point;  
Thence southwesterly at a bearing of S 35°36'48" W, a distance of 72.80 feet to a point;  
Thence southwesterly at a bearing of S 51°33'32" W, a distance of 70.00 feet to a point;  
Thence southwesterly at a bearing of S 59°34'39" W, a distance of 78.15 feet to a point;  
Thence southwesterly at a bearing of S 49°57'11" W, a distance of 137.75 feet to a point;  
Thence southwesterly at a bearing of S 90°0'0" W, a distance of 571.88 feet to a point;  
Thence southeasterly at a bearing of S 0°0'0" E, a distance of 323.49 feet to a point;  
Thence southwesterly at a bearing of S 31°49'10" W, a distance of 176.53 feet to a point;  
Thence southeasterly at a bearing of S 0°0'0" E, a distance of 433.00 feet to a point on the present northerly highway boundary of Whitehaven Road (as a 100 foot wide road);  
Thence westerly along the said northerly highway boundary of Whitehaven Road, at a bearing of S 90°0'0" W, a distance of 65.00 feet to a point;

Thence southerly at a bearing of S 0°0'0" E, a distance of 17.00 feet to the Point and Place of Beginning.

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Grand Island, County of Erie, State of New York, being part of Lot 52 of the Grand Island Survey, and being more particularly described as follows:

BEGINNING at the point of intersection of the south line of Whitehaven Road (100 feet wide) with the east line of Map Cover No. 2499 as recorded in the Erie County Clerk's Office, said point being the southwesterly corner of parcel No. 161 of lands of the County of Erie as shown on Map SK 211-161 prepared by the Erie County Department of Public Works-Division of Highways; thence easterly along the said south line of Whitehaven Road, a distance of 815.82 feet to a point; thence southerly at an exterior angle of 89-48-07 a distance of 507.20 feet to a point; thence southwesterly at an interior angle of 157-56-40, a distance of 189.87 feet to a point in the north line of Map Cover No. 3054, as recorded in the Erie County Clerk's Office; thence westerly along the north line of said Map Cover No. 3054, a distance of 8.70 feet to the northwesterly corner of said Map Cover No. 3054; thence southerly along the westerly line of said Map Cover No. 3054, a distance of 840 feet more or less to the centerline of Spicer Creek; thence southwesterly along the centerline of Spicer Creek, a distance of 591 feet more or less to a point in a line parallel with Harvey Road, at a distance of 419.00 feet east of the east line of Harvey Road as an 83 foot wide right of way, as measured along a line parallel with the south line of Lot 52; thence southerly along said line parallel with Harvey Road, a distance of 40 feet more or less to a point in a line parallel with the south line of Lot 52, at a distance of 147.76 feet south of the southwest corner of Sublot 2 of Map Cover No. 2773 as recorded in the Erie County Clerk's Office, as measured along the said east line of Harvey road as an 83 foot right of way; thence westerly along said line parallel with the south line of Lot 52, a distance of 419.00 feet to a point in the said east line of Harvey Road as an 83 foot wide right of way; thence northerly along the said west line of Harvey Road, a distance of 147.76 feet to the southwest corner of said Sublot 2 of Map Cover No. 2773; thence easterly along the south line of said Sublot 2 of Map Cover No. 2773, a distance of 200.00 feet to the southeast corner of said Sublot 2 of Map Cover No. 2773; thence northerly along the east line of Sublots 1 & 2 of said Map Cover No. 2773, and the east line of said Map Cover No. 2499, a distance of 1622.31 feet to the point or place of beginning, containing 29.8 acres more or less.

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Grand Island, County of Erie, State of New York, being part of Lot 52 of the Grand Island Survey, and being more particularly described as follows:

BEGINNING at a point being the northeast corner of subplot 100 of the Park Place Subdivision - Phase I, as filed in the Erie County Clerk's Office under Cover No. 3054, said point also being in the east line of the Forest Creek Subdivision as filed in the Erie County Clerk's Office under Cover No. 2641; thence northerly along the westerly line of said Forest Creek Subdivision, a distance of 681.48 feet to a point in the south line of Whitehaven Road (100 feet wide); thence westerly at an interior angle of 90-11-53 with the previously described line, a distance of 490.00 feet to a point; thence southerly at an interior angle of 89-48-07, a distance of 507.20 feet to a point; thence southwesterly at an exterior angle of 157-56-40, a distance of 189.87 feet to a point in the north line of subplot 97 of said Park Place Subdivision Phase I; thence easterly along the north line of said Park Place Subdivision Phase I, at an

interior angle of 67-56-40, a distance of 561.30 to the point or place of beginning containing, 7.82 acres more or less.

WHEREAS, the Engineer has estimated the maximum aggregate cost of the Improvement to be \$181,129; said cost to be financed by (1) the issuance of \$80,645 serial bonds of the Town (to be issued on behalf of the proposed Park Place/Whitehaven Farms Sewer Improvement Area) pursuant to this proceeding and (2) the issuance of \$100,484 serial bonds of the Town (to be issued on behalf of the District); and

WHEREAS, the Town has complied in every respect with all applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act ("SEQRA"), comprising Article 8 of the Environmental Conservation Law and, in connection therewith, duly issued a negative declaration and/or other applicable documentation, and therefore, no further action under the State Environmental Quality Review Act is necessary.

NOW, THEREFORE, BE IT ORDERED, that a meeting of the Town Board of the Town be held at the Town Hall, Grand Island, New York, on October 3, 2011, at 8:00 o'clock P.M. (Prevailing Time) to the establishment of the proposed Park Place/Whitehaven Farms Sewer Improvement Area and the construction of the improvement therein, 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 with relation thereto as may be required by law; and be it

FURTHER ORDERED, that the expense apportioned to the Park Place/Whitehaven Farms Sewer Improvement Area for such establishment of the Park Place/Whitehaven Farms Sewer Improvement Area shall be financed by the issuance of serial bonds of the Town in an amount not to exceed \$80,645, said amount to be offset by any federal, state, county and/or local funds, and unless paid from other sources or charges, the costs of said establishment shall be paid by the assessment, levy and collection of special assessments from the several lots and parcels of land within the Improvement Area, which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to 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, except as provided by law; and be it

FURTHER ORDERED, that the Town Clerk publish at least once in the newspaper designated as the official newspaper of the Town for such publication, and post on the sign board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law, a copy of this Order, certified by said Town Clerk, the first publication thereof and said posting to be not less than ten (10) nor more than twenty (20) days before the date of such public hearing.

DATED: September 19, 2011

TOWN BOARD OF THE  
TOWN OF GRAND ISLAND

