COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

ECLEG JUL16'13 -1:00

July 16, 2013

Erie County Legislature
92 Franklin Street – 4th Floor
Buffalo, NY 14202

IMMEDIATE CONSIDERATION REQUESTED

RE: Erie County Sewer District No. 8
Reed-Hill Subdivision

Dear Honorable Members:

Enclosed please find a memorandum from the Department of Environment and Planning, Division of Sewerage Management, pertaining to a proposed Reed-Hill Subdivision boundary extension to Erie County Sewer District No. 8.

Should your honorable body require further information, I encourage you to contact Joseph L. Fiegl, P.E. in the Department of Environment and Planning. Thank you for your consideration on this matter.

Sincerely,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/sm
Enclosure

cc: Maria R. Whyte

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Division of Sewerage Management
Re: Erie County Sewer District No. 8
Reed-Hill Subdivision, Town of Aurora
Date: June 18, 2013

SUMMARY

Attached for consideration of your honorable body is the following Resolution calling for a Public Hearing regarding the boundary extension of Erie County Sewer District No. 8 to be known as the Reed-Hill Extension.

FISCAL IMPLICATIONS

There are no fiscal implications associated with approval of this Resolution that would affect the Erie County's General Fund.

REASONS FOR RECOMMENDATION

To provide sanitary sewer service and include the Reed-Hill Subdivision in the Town of Aurora as part of Erie County Sewer District No. 8.

BACKGROUND INFORMATION

The proposed Reed-Hill Subdivision has been constructed by the developer at his cost. The Town of Aurora Town Board approved the final plat of the proposed Reed-Hill Subdivision extension to Erie County Sewer District No. 8 on October 11, 2011. The Erie County Sewer District No. 8 Board of Managers on October 9, 2012 also approved the boundary extension to Erie County Sewer District No. 8.

CONSEQUENCES OF A NEGATIVE ACTION

The Reed-Hill Subdivision would not become part of Erie County Sewer District No. 8.

STEPS FOLLOWING APPROVAL

Erie County will proceed to adapt the necessary resolutions required pursuant to Article 5A of County Law to include the Reed-Hill Subdivision extension as part of Erie County Sewer District No. 8.

JC for JLF

Maria R. Whyte
Commissioner

MRW/sm
Enclosures

cc: J. Fiegl 0.11.0 Leg Ltr. (w/enc.)
M. Salah/E. Paolini/J. Mallory 8.5.0 Reed-Hill Ext.

RESOLUTION NO. __-2013

RESOLUTION DATED _____ ___, 2013

RESOLUTION OF THE COUNTY OF ERIE, NEW YORK, AUTHORIZING A PUBLIC HEARING ON THE PROPOSED EXTENSION OF ERIE COUNTY SEWER DISTRICT NO. 8.

(Introduced)_____ ___, 2013

(Adopted)_____ ___, 2013

WHEREAS, on October 9, 2012, based upon a petition from the Town of Aurora and discussions with the New York State Department of Environmental Conservation, the Erie County Sewer Agency did cause a report entitled *Erie County Sewer Agency Report for Erie County Sewer District No. 8 – Sewer District Extension – Reed Hill Heights Subdivision – Town of Aurora* (the "Report") to be prepared which Report recommends an extension to the Erie County Sewer District No. 8 (the "Reed Hill Extension") and declares that the Report serve as the "maps and plans" required by § 253 of the County Law of the State of New York; and

WHEREAS, on October 9, 2012, the Board of Managers of Erie County Sewer District No. 8 did accept and adopt the Report and did recommend that the Report be submitted to the County Legislature of the County of Erie, New York for consideration and action; and

WHEREAS, the boundaries for the Reed Hill Extension are as set forth in Exhibit A attached hereto; and

WHEREAS, the Reed Hill Extension would provide a sanitary sewer system to a subdivision of approximately thirty-three (33) single family home lots (the "Reed Hill Heights Subdivision") and will consist of approximately 2,725 lineal feet of 8-inch diameter gravity pipe, 11 manholes, a duplex pumping station and 1,820 lineal feet of 6-inch diameter force main

(collectively, the "Improvements"); and

WHEREAS, the Improvements have been constructed by the developer of the Reed Hill Heights Subdivision (the "Developer"), which Developer will bear the initial construction costs of the Improvements; and

WHEREAS, users within the Reed Hill Extension will be charged hook-up fees; and

WHEREAS, the estimated annual cost to the typical property/typical one- or two-family home would not change as a result of the Reed Hill Extension; and

WHEREAS, the annual charges to the ratepayers of the Reed Hill Extension would be at the same rate structure as any current ratepayer; and

WHEREAS, prior to the publication of the notice of public hearing, the Report (containing a detailed explanation of how the estimated cost of hook-up fees, if any, to, and the cost of the extension to, the typical property owner/typical one- or two-family home was computed) will be filed in the Office of the County Clerk of Erie County;

NOW THEREFORE, BE IT RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK, AS FOLLOWS:

Section 1. The County Legislature of County of Erie, New York shall meet at the Erie County Hall, 92 Franklin Street, 4th floor in Buffalo, New York, on the 7th day of August, 2013 at 1:30 o'clock p.m., for the purpose of conducting a Public Hearing on the proposed Reed Hill Extension and the Improvements specified above, at which time and place all persons interested in the subject thereof may be heard concerning same.

Section 2. The Clerk of the Erie County Legislature is hereby directed to publish at least once the attached Notice of Public Hearing, in full, in the Front Page Newspaper and the Amherst Bee Newspaper, the official newspapers of the County and the East Aurora Bee for

such publication, said publication to be not less than ten nor more than twenty days before the date of such public hearing.

The adoption of the foregoing resolution was seconded by Legislator _____ and duly put to a vote, which resulted as follows:

AYES:

NOES:

THE RESOLUTION WAS DECLARED ADOPTED.

* * *

Exhibit A

ALL THAT TRACT OR PARCEL OF LAND, situated in the Town of Aurora, County of Erie and State of New York, being parts of Lot Nos. 38 and 39, Township 9, Range 6 of the Holland Land Company's Survey, bounded and described as follows:

Commencing at a point in the center line of Orchard Park-East Aurora, S.H. No. 1066 (also known as Quaker Road and formerly known as Hamburg Road), said point being the northeast corner of lands deeded to Mary E. Hurd by deed recorded in Erie County Clerk's Office in Liber 1153 of Deeds at page 387; thence South 22°07'00" East along the easterly line of Liber 1153 of Deeds at page 387 a distance of 33 feet to the POINT OF BEGINNING, said point being on the southeasterly line of said Quaker Road; Thence continuing South 22°07'00" East along said Hurd lands a distance of 2065.14 feet to the southeast corner thereof; thence South 87°07'00" East 73.26 feet to the east line of Lot No. 38; thence South 00°49'26" West along said east line 227 feet more or less to the center line of the East Branch of Cazenovia Creek; thence westerly along said center line 1,655 feet more or less to the southeast corner of lands described in an Option Agreement between Jewett Holmwood LLC and Michael L. Ohlweiler and Teresa A. Ohlweiler and recorded in the Erie County Clerk's Office in Liber 11170 of Deeds at page 8960; thence North 01°11'06" West along the easterly line of lands described in said Option Agreement 328 feet more or less to the northeast corner thereof and being a point in the southerly line of lands deeded to Michael L. and Teresa A. Ohlweiler by deed recorded in the Erie County Clerk's Office in Liber 11170 of Deeds at page 8958; thence South 70°29'02" East along said southerly line 77.99 feet to the southeast corner thereof; thence North 19°30'58" East along the easterly line of lands deeded to Ohlweiler by last mentioned deed 117.27 feet to the northeast corner thereof and being a point in the southeasterly line of lands deeded to Gregory T. Phillips and Janet G. Phillips by deed recorded in the Erie County Clerk's Office in Libor 11146 of Deeds at page 1690 (Parcel II); thence North 64°25'05" East along said southeasterly line and along the southeasterly line of lands deeded to Gregory T. Phillips and Janet G. Phillips by deed recorded in the Erie County Clerk's Office in Liber 11146 of Deeds at page 1690 (Parcel I) a distance of 234.31 feet to the southeast corner of said Parcel I; thence North 06°44'30" West along the easterly line of said Parcel I a distance of 289.91 feet; thence North 83°15'30" East 240.00 feet; thence North 06°44'30" West 195.90 feet to a point in the southerly line of lands deeded to Steven P. Musso by deed recorded in the Erie County Clerk's Office in Liber 10964 of Deeds at page 9333; thence North 74°15'30" East along said southerly line and along the easterly extension thereof 187.51 feet to the southwesterly line of a public right of way to be known as Reed Hill Drive; thence North 51°12'49" West along said southwesterly line 127.33 feet to an angle point therein; thence North 22°10'26" West and continuing along said southwesterly line 484.80 feet to an angle point therein; thence North 29°45'16" West and continuing along said southwesterly line 72.32 feet to its intersection with the southeasterly line of Jewett Holmwood Road; thence North 67°43'30" East along said southeasterly line 106.15 feet to an angle point therein; thence North 38°37'10" East and continuing along said southeasterly line 176.88 feet to a Point; thence North 68°05'00" East along said southeasterly line a distance of 151.54 feet to the POINT OF BEGINNING.

CERTIFICATE

I, Robert M. Graber, Clerk of the Erie County Legislature, State of New York, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the Erie County Legislature duly called and held on _____ ____, 2013, has been compared by me with the original minutes as officially recorded in my office in the Minute Book of said County Legislature and is a true, complete and correct copy thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said County this ____ day of _____, 2013.

_____
Robert M. Graber
Clerk of the Erie County Legislature

7279935.1

NOTICE OF PUBLIC HEARING
ON THE PROPOSED EXTENSION OF ERIE COUNTY SEWER DISTRICT NO. 8

Notice is hereby given that a public hearing pursuant to Section 254 of the County Law of the State of New York (the "Act"), will be held by the County Legislature of the County of Erie, New York (the "Erie County Legislature"), on the 7th day of August, 2013 at 1:30 p.m., local time, in the Chambers of the Erie County Legislature located at Old County Hall, 4th Floor, 92 Franklin Street, in the City of Buffalo, Erie County, New York in connection with a proposed extension (the "Reed Hill Extension") of Erie County Sewer District No. 8:

1. The boundaries for the Reed Hill Extension are as follows:

   ALL THAT TRACT OR PARCEL OF LAND, situated in the Town of Aurora, County of Erie and State of New York, being parts of Lot Nos. 38 and 39, Township 9, Range 6 of the Holland Land Company's Survey, bounded and described as follows:

   Commencing at a point in the center line of Orchard Park-East Aurora, S.H. No. 1066 (also known as Quaker Road and formerly known as Hamburg Road), said point being the northeast corner of lands deeded to Mary E. Hurd by deed recorded in Erie County Clerk's Office in Liber 1153 of Deeds at page 387; thence South 22°07'00" East along the easterly line of Liber 1153 of Deeds at page 387 a distance of 33 feet to the POINT OF BEGINNING, said point being on the southeasterly line of said Quaker Road; Thence continuing South 22°07'00" East along said Hurd lands a distance of 2065.14 feet to the southeast corner thereof; thence South 87°07'00" East 73.26 feet to the east line of Lot No. 38; thence South 00°49'26" West along said east line 227 feet more or less to the center line of the East Branch of Cazenovia Creek; thence westerly along said center line 1,655 feet more or less to the southeast corner of lands described in an Option Agreement between Jewett Holmwood LLC and Michael L. Ohlweiler and Teresa A. Ohlweiler and recorded in the Erie County Clerk's Office in Liber 11170 of Deeds at page 8960; thence North 01°11'06" West along the easterly line of lands described in said Option Agreement 328 feet more or less to the northeast corner thereof and being a point in the southerly line of lands deeded to Michael L. and Teresa A. Ohlweiler by deed recorded in the Erie County Clerk's Office in Liber 11170 of Deeds at page 8958; thence South 70°29'02" East along said southerly line 77.99 feet to the southeast corner thereof; thence North 19°30'58" East along the easterly line of lands deeded to Ohlweiler by last mentioned deed 117.27 feet to the northeast corner thereof and being a point in the southeasterly line of lands deeded to Gregory T. Phillips and Janet G. Phillips by deed recorded in the Erie County Clerk's Office in Libor 11146 of Deeds at page 1690 (Parcel II); thence North 64°25'05" East along said southeasterly line and along the southeasterly line of lands deeded to Gregory T. Phillips and Janet G. Phillips by deed recorded in the Erie County Clerk's Office in Liber 11146 of Deeds at page 1690 (Parcel I) a distance of 234.31 feet to the southeast corner of said Parcel I; thence North 06°44'30" West along the easterly line of said Parcel I a distance of 289.91 feet; thence North 83°15'30" East 240.00 feet; thence North 06°44'30" West 195.90 feet to a point in the southerly line of lands deeded to Steven P. Musso by deed recorded in the Erie County Clerk's Office in Liber 10964 of Deeds at page 9333; thence North 74°15'30" East along said southerly line and along the easterly extension thereof 187.51 feet to the southwesterly line of a public right of way to be known as Reed Hill Drive; thence North 51°12'49" West along said southwesterly line 127.33 feet to an angle point therein; thence North 22°10'26" West and

continuing along said southwesterly line 484.80 feet to an angle point therein; thence North 29°45'16" West and continuing along said southwesterly line 72.32 feet to its intersection with the southeasterly line of Jewett Holmwood Road; thence North 67°43'30" East along said southeasterly line 106.15 feet to an angle point therein; thence North 38°37'10" East and continuing along said southeasterly line 176.88 feet to a Point; thence North 68°05'00" East along said southeasterly line a distance of 151.54 feet to the POINT OF BEGINNING.

2. The Reed Hill Extension would provide a sanitary sewer system to a subdivision of approximately thirty-three (33) single family home lots (the "Reed Hill Heights Subdivision"), such system to be constructed by the developer of the Reed Hill Heights Subdivision (the "Developer") and will consist of approximately 2,725 lineal feet of 8-inch diameter gravity pipe, 11 manholes, a duplex pumping station and 1,820 lineal feet of 6-inch diameter force main.

3. The initial construction costs associated with the Reed Hill Extension will be borne solely by the Developer.

4. Current ECSD #8 inspection and connection fees are applicable.

5. The estimated annual cost to the typical property/typical one- or two-family home be $782.55.

6. The annual charges to the ratepayers of the Reed Hill Extension would be at the same rate structure as any current ratepayer.

7. The Erie County Legislature will at above said time and place hear all persons interested therein concerning the same.

Dated: Buffalo, New York,
_____ ___, 2013

By: Robert M. Graber, Clerk
Erie County Legislature

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