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COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

September 16, 2016

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

**RE: Erie County Sewer District Nos. 1, 2, 3, 4 & 5
Sewer District Extensions
Current Out of District Customers**

Dear Honorable Members:

Enclosed please find a memorandum from the Department of Environment and Planning, Division of Sewerage Management, pertaining to a proposed Sewer District Extension to current out of district customers.

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,

A handwritten signature in black ink, reading "Mark C. Poloncarz". The signature is stylized with a large, sweeping "M" and a long, horizontal stroke at the end.

Mark C. Poloncarz, Esq.
Erie County Executive

CC: T. Hersey – Environment and Planning

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Environment and Planning
Re: Erie County Sewer District Nos. 1, 2, 3, 4 & 5
Sewer District Extensions
Current Out of District Customers
Date: September 16, 2016

SUMMARY

The Erie County Legislature is requested to approve the attached resolutions for the proposed Out of District Customer Extensions to Erie County Sewer District Nos. 1, 2, 3, 4 & 5.

FISCAL IMPLICATIONS

None. There are no cost increases to the existing Sewer Districts due to these extensions in each District.

REASONS FOR RECOMMENDATION

Pursuant to County Law, Article 5A, Section 274, Extension of the District, any changes to the original adopted Sewer District requires a public hearing on the proposed changes. The Erie County Legislature approved a resolution on June 9, 2016, calling a public hearing. The public hearing was held on July 6, 2016, with no objections to the Extensions of the Sewer Districts. The next step is to approve the attached Resolutions approving the Extensions.

BACKGROUND INFORMATION

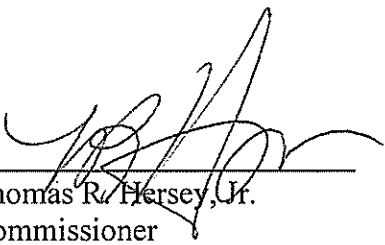
Currently, Erie County Sewer District Nos. 1, 2, 3, 4 & 5 all have out of district customers. The County desires to include these out of district customers within the Sewer District. The Board of Managers in each district has approved the Sewer Agency Reports to extend the boundaries of their district to include these extensions.

CONSEQUENCES OF A NEGATIVE ACTION

The Sewer District would not be able to include the out of district customers within the Sewer District boundaries.

STEPS FOLLOWING APPROVAL

Erie County Division of Sewerage Management will add the new extensions to Erie County Sewer District Nos. 1, 2, 3, 4 & 5.

JK

Thomas R. Hersey, Jr.
Commissioner

Encl.

Cc: Kristen Walder, Asst. County Attorney
K. McCarthy, Clerk of the Legislature
J. Fiegl/0.11.0 Leg Ltr.
M. Salah/D.Millar/W.Lardo/J. Mallory/0.2.6 District Formations

I:\Sewerage Management\Administration\Documents\Courtney\Resolution\Mallory\OutOfDistrictCustomersExtension (8.19.16).docx

EXTRACT OF MINUTES

Meeting of the County Legislature of
the County of Erie, New York.

October __, 2016

* * *

A regular meeting of the County Legislature of the County of Erie, New York, was held at the Chambers of the Erie County Legislature, in the Erie County Hall, Buffalo, New York, in said County, on October __, 2016, at 2 o'clock P.M. (Prevailing Time).

The following Legislators were present:

There were absent:

Also present: Karen M. McCarthy, Clerk of the Legislature

* * *

_____ offered the following resolution and moved its adoption:

RESOLUTION NO. ____

RESOLUTION DATED _____, 2016

RESOLUTION APPROVING THE EXTENSION OF ERIE COUNTY
SEWER DISTRICT NO. 1 AND MAKING OTHER
DETERMINATIONS IN CONNECTION THEREWITH

(Introduced) _____, 2016.

(Adopted) _____, 2016.

WHEREAS, pursuant to proceedings heretofore had and taken in accordance with the provisions of Article 5-A of the County Law, a report of the Erie County Sewer Agency approved by the Erie County Sewer District No. 1 Board of Managers on October 2, 2015, an extension of Sewer District No. 1 of the County of Erie, New York to include sanitary sewer service areas currently serviced as out of district customers has been proposed; and

WHEREAS, a map and plan have been duly prepared by the County Engineers (Erie County Department of Environment and Planning) relating to such extension of the Erie County Sewer District No. 1, which map and plan have been filed with the County Legislature pursuant to Section 254 of the County Law; and

WHEREAS, there will be no additional capital costs incurred by or on behalf of the Erie County Sewer District No. 1 with respect to the extension of the boundaries of such District, but future annual charges will be apportioned between real property in the District in the towns of Cheektowaga and West Seneca in accordance with their respective proportionate shares of equalized assessed value in the District and in accordance applicable flat charges and charges based on units, assessed value and footage, specified in the District's Benefit and User Charge formulas, as such formulas currently exist and as amended from time to time; and

WHEREAS, pursuant to Section 258 of the County Law, the consent of the State Comptroller is not required prior to the extension of said Erie County Sewer District No. 1 because such extension is not to be financed by the issuance of bonds, notes, certificates or other evidences of indebtedness of the County; and

WHEREAS, said County Legislature duly adopted Resolution No. 109-2016 on the 9th day of June, 2016, calling a meeting of the County Legislature for the purpose of holding a public hearing on the aforesaid extension of Erie County Sewer District No. 1 in accordance with the aforesaid map and plan, and

WHEREAS, the Erie County Sewer District No. 1 Board of Managers and the County Legislature have given due consideration to the impact that the extension of Erie County Sewer District No. 1 may have on the environment and on the basis of such consideration, have found that no substantial adverse environmental impact will be caused thereby; and

WHEREAS, the Erie County Sewer District No. 1 Board of Managers and the County Legislature have 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, comprising Article 8 of the Environmental Conservation Law and, in connection therewith; and

WHEREAS, said public hearing was duly held at Erie County Hall, 92 Franklin Street, 4th Floor, Buffalo, New York, in said County, on the 6th day of July, 2016, at 1:30 o'clock P.M., Prevailing Time; and

WHEREAS, notice of said public hearing was duly published in the manner provided by law and proof thereof was submitted to said County Legislature; and

WHEREAS, said County Legislature has duly considered the evidence given at such public hearing;

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

Section 1. Upon the evidence given at the public hearing held on July 6, 2016, and after due consideration of the map and plan, and other recommendations and other data, if any, heretofore provided to the County Legislature, it is hereby found and determined that:

- (a) the proposed extension is satisfactory, sufficient, adequate and appropriate;
- (b) all the property and property owners within the proposed extension are benefited thereby;
- (c) all the property and property owners benefited are included within the limits of the proposed extension;
- (d) it is in the public interest to extend said Erie County Sewer District No. 1.

Section 2. The extension of Erie County Sewer District No. 1 is hereby approved and said extension shall comprise an area described as follows:

(a) Erie County Sewer District No. 1 Boundary Extension 2016— Portion A

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Cheektowaga, County of Erie, State of New York, being part of lot number 71, Township 11, Range 7, of The Holland Land Company's Survey, and distinguished as Subdivision Lot Number Fourteen (14) as shown on Map entitled "Marywood Farms Part I" filed in the Erie County Clerk's Office under Cover Number 2354.

Erie County Sewer District No. 1 Non-Contiguous Boundary Extension 2016 Portion B

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of West Seneca, County of Erie, State of New York, being part of lot numbers 125 & 126,

Township 10, Range 7, of The Buffalo Creek Reservation, Bounded and described as follows:

Beginning at a point of intersection of the northerly line of Mineral Springs Road (66' Wide) and the westerly line of Harlem Road (100' Wide), Said point being the south east corner of lands recorded in the Erie County Clerk's Office in Liber 11105 of Deeds at Page 1333; Thence northwesterly along said northern line of Mineral Springs Road a distance of eight hundred twenty nine and nineteen hundredths feet (829.19') to an angle point; Thence continuing along said northern line of Mineral Springs Road in a southwesterly direction a distance of two hundred forty six and nineteen hundredths feet plus or minus (246.19±) to a point, said point being the easterly bounds of The New York State (NYS) Thruway, Erie Section, map number 349 as shown on appropriation recorded in Liber 6015 of Deeds at Page 160, Said point also being the south west corner of lands described in Liber 10344 of deeds at Page 355; Thence northerly along said easterly bounds of NYS Thruway the following five courses and distances:

- 1) N 01°51'05" E, 204.60 feet to an angle point therein;
- 2) N 45° W, 40.00 feet to an angle point therein;
- 3) N 01°51'05" E, 70.00 feet to an angle point therein;
- 4) N 45° E, 40.00 feet to an angle point therein;
- 5) N 01°51'05" E 47.70± feet to a concrete monument at the southwest corner of lands recorded in Liber 8282 of Deeds at Page 131;

Thence continuing north along said NYS Thruway a distance of two hundred sixty six and fifteen hundredths feet (266.15') and one hundred forty four and fifty four hundredths feet plus or minus (144.54+/-) to the southwest corner of Liber 10413 of Deeds at page 529; Thence easterly along the southerly line of said deed a distance of three hundred forty two and thirty five hundredths feet (342.35') to a point, said point being on the west line of liber 11233 of Deeds at Page 5146, said point also being six hundred forty and fifty nine hundredths feet 640.59' west of the west right-of-way of Harlem Road being a 100' Road; Thence northerly along said west line of Liber 11233 Pg 5146 and its extension a distance of three hundred ninety feet plus or minus (390±) to southerly top of bank of Buffalo Creek, Said point being the southwest corner of lands described in Liber 9958 of Deeds at Page 180; Thence northeasterly along said top of bank and following said deed nine hundred twenty five feet plus or minus (925+/-) to a point in the southwesterly line of land conveyed to County of Erie by Liber 5468 of Deeds at Page 252; Thence southeasterly along said southwest line of said deed thirty two and fifty hundreds feet (32.50') to an angle point in the west line of Harlem Road; Thence south along the west line of said Harlem Road the following distances, five hundred five and twenty two hundredths feet (505.22') and fourteen and thirty nine hundredths feet (14.39') to a point of curvature; Thence continuing southerly along the west line of said Harlem Road on a curve to the right having a radius of two thousand eight hundred fifteen feet (2815') an arc distance of one hundred

twenty nine and twelve hundredths feet (129.12') to the south east corner of said Liber 9958 of Deeds at Page 180; Thence south along the west line of said Harlem Road a distance of one thousand two hundred seventeen and six hundredths feet (1,217.06') to the point of beginning.

(b) Erie County Sewer District No. 1 Non-Contiguous Boundary Extension
2016 — Portion C

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of West Seneca, County of Erie, State of New York, being part of Lot Number 129, Township 10, Range 7, of The Buffalo Creek Reservation, bounded and described as follows:

Beginning at a point in the northerly line of Mineral Springs Road (49.5' wide) a distant five hundred forty five and thirty eight hundredths feet (545.38') easterly from the point of intersection of the northerly line of Mineral Springs Road with the easterly line of South Ogden Street (60' wide), said point of beginning also being on the east line of the City of Buffalo; Thence running northerly along said east line of the City of Buffalo, two hundred twenty feet (220') to a point; Thence running easterly along a line parallel to the northerly line of Mineral Springs Road one hundred twenty five feet (125') to a point; Thence running southerly along a line parallel with the east line of the City of Buffalo two hundred twenty feet (220') to a point on the north bounds of Mineral Springs Road; Thence running westerly along said north bounds of Mineral Springs Road one hundred twenty five feet (125') to the point or place of beginning.

(c) Erie County Sewer District No. 1 Boundary Extension 2016 — Portion D

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Cheektowaga, County of Erie, State of New York, Being part of Lot No. 65 & 86, Township 10, Range 7 of the Buffalo Creek Reservation and being described as follows;

Beginning a point in the southerly line of Cayuga Creek Road (66' wide) where it meets the northeast corner of lands conveyed to the County of Erie by Liber 10957 Page 1415; Thence southeasterly along the northerly line of said County of Erie lands a distance of 500 feet to the center of Cayuga Creek and the PRINCIPLE POINT OF BEGINNING, said point being on the Boundary Line of Erie County Sewer District No. 1 Extension 1, Part A — Carefree Trailer Park as established November 16, 1978; Thence running southeasterly, northeasterly, Southerly, southwesterly, and westerly along said centerline of Cayuga Creek and along said District Boundary as it meanders a distance of 5370± feet to the west line of Lot No. 86; Thence north along said west line a distance of 680± feet to the northwest corner of said Lot; Thence continuing north along the west bounds of Lot No. 65 a distance of 600 feet to the northwest corner of lands conveyed to the County of Erie by Liber 11231 Page 6452; Thence east along the north line of

said County lands a distance of 125.72 feet to the northeast corner of said County lands; Thence north along the east line of lands conveyed to Richard J. Viggato by Liber 11123 Page 6451 a distance of 170± feet to a point 500 feet southeast from the southerly line of Cayuga Creek Road (66' wide), said point being on the Erie County Sewer District No. 1 Boundary; Thence northeasterly and parallel to said southerly line of Cayuga Creek Road and along said District Boundary a distance of 608± feet to the principle point of beginning.

Section 3. There will be no additional capital costs incurred by or on behalf of the Erie County Sewer District No. 1 with respect to the extension of the boundaries of such District, but future annual charges will be apportioned between real property in the District in the towns of Cheektowaga and West Seneca in accordance with their respective proportionate shares of equalized assessed value in the District and in accordance applicable flat charges and charges based on units, assessed value and footage, specified in the District's Benefit and User Charge formulas, as such formulas currently exist and as amended from time to time.

Section 4. This resolution is subject to permissive referendum and the Clerk of the Legislature is hereby authorized and directed to publish in full, within ten days after the adoption hereof, a Notice containing a true copy of this resolution, the resolution number, the date of adoption and a statement that such resolution is subject to permissive referendum.

* * * * *

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

AYES:

NOES:

The resolution was thereupon declared duly adopted.

* * * * *

Dated: Buffalo, New York,

_____, 2016.

STATE OF NEW YORK)
 :SS:
COUNTY OF ERIE)

I, the undersigned Clerk of the Erie County Legislature, DO HEREBY CERTIFY that I have compared the foregoing extract of the minutes of the meeting of the County Legislature of said County, including the resolution contained therein, held on the ____ day of October, 2016, with the original minutes thereof as originally recorded in the Minute Book of said Erie County Legislature and the same is a true and correct copy of said original minutes and of the whole of said original so far as the same relates to the subject matters referred to in said extract.

I FURTHER CERTIFY that all members of said Legislature had due notice of said meeting.

I FURTHER CERTIFY that, pursuant to Section 103 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public.

I FURTHER CERTIFY that, PRIOR to the time of said meeting, I duly caused a public notice of the time and place of said meeting to be given to the following newspapers and/or other news media as follows:

Newspaper and/or other news media Date given

I FURTHER CERTIFY that, PRIOR to the time of said meeting, I duly caused public notice of the time and place of said meeting to be conspicuously posted in the following designated public locations(s) on the following dates:

Designated Locations(s)
of posted notice

Date of Posting

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County Legislature this ____ day of _____, 2016.

(SEAL)

Karen M. McCarthy
Clerk, Erie County Legislature

PLEASE TAKE NOTICE that on October __, 2016, the County Legislature of the County of Erie, New York, adopted Resolution No. __-2016 approving the extension of Erie County Sewer District No. 1, a true copy of which follows, which resolution is subject to permissive referendum:

CERTIFICATE AS TO NO REFERENDUM

I, KAREN M. MCCARTHY, Clerk to the Legislature of the County of Erie, State of New York, HEREBY CERTIFY as follows:

That a resolution of the Legislature of the County of Erie, New York, entitled:

"RESOLUTION APPROVING THE EXTENSION OF ERIE
COUNTY SEWER DISTRICT NO. 1 AND MAKING OTHER
DETERMINATIONS IN CONNECTION THEREWITH,"

was adopted on October __, 2016 and that the notice setting forth the date of adoption of the resolution and containing a true copy thereof, was duly published as required by the County Law.

That no petition signed and acknowledged by the electors of the County requesting that said resolution be submitted to the electors of the County for their approval or disapproval has been filed with the Clerk of the Legislature within forty-five days after the date of the adoption thereof, or at any other time since said adoption.

IN WITNESS WHEREOF, I have hereunto set my hand and
affixed the corporate seal of said
County this __ day of _____ 2016.

(SEAL)

Karen M. McCarthy
Clerk, Erie County Legislature

EXTRACT OF MINUTES

Meeting of the County Legislature of
the County of Erie, New York.

October __, 2016

* * *

A regular meeting of the County Legislature of the County of Erie, New York, was held at the Chambers of the Erie County Legislature, in the Erie County Hall, Buffalo, New York, in said County, on October __, 2016, at 2 o'clock P.M. (Prevailing Time).

The following Legislators were present:

There were absent:

Also present: Karen M. McCarthy, Clerk of the Legislature

* * *

_____ offered the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION DATED _____, 2016

RESOLUTION APPROVING THE EXTENSION OF ERIE COUNTY
SEWER DISTRICT NO. 2 AND MAKING OTHER
DETERMINATIONS IN CONNECTION THEREWITH

(Introduced) _____, 2016.

(Adopted) _____, 2016.

WHEREAS, pursuant to proceedings heretofore had and taken in accordance with the provisions of Article 5-A of the County Law, a report of the Erie County Sewer Agency approved by the Erie County Sewer District No. 2 Board of Managers on October 8, 2015, an extension of Sewer District No. 2 of the County of Erie, New York to include sanitary sewer service areas currently serviced as out of district customers has been proposed; and

WHEREAS, a map and plan have been duly prepared by the County Engineers (Erie County Department of Environment and Planning) relating to such extension of the Erie County Sewer District No. 2, which map and plan have been filed with the County Legislature pursuant to Section 254 of the County Law; and

WHEREAS, there will be no additional capital costs incurred by or on behalf of the Erie County Sewer District No. 2 with respect to the extension of the boundaries of such District, but future annual charges will be apportioned in accordance with applicable flat charges and charges based on units, assessed value and footage, specified in the District's benefit assessment formula and rates, as such formulas currently exist and as amended from time to time; and

WHEREAS, pursuant to Section 258 of the County Law, the consent of the State Comptroller is not required prior to the extension of said Erie County Sewer District No. 2

because such extension is not to be financed by the issuance of bonds, notes, certificates or other evidences of indebtedness of the County; and

WHEREAS, said County Legislature duly adopted Resolution No. 110-2016 on the 9th day of June, 2016, calling a meeting of the County Legislature for the purpose of holding a public hearing on the aforesaid extension of Erie County Sewer District No. 2 in accordance with the aforesaid map and plan, and

WHEREAS, the Erie County Sewer District No. 2 Board of Managers and the County Legislature have given due consideration to the impact that the extension of Erie County Sewer District No. 2 may have on the environment and on the basis of such consideration, have found that no substantial adverse environmental impact will be caused thereby; and

WHEREAS, the Erie County Sewer District No. 2 Board of Managers and the County Legislature have 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, comprising Article 8 of the Environmental Conservation Law and, in connection therewith; and

WHEREAS, said public hearing was duly held at Erie County Hall, 92 Franklin Street, 4th Floor, Buffalo, New York, in said County, on the 6th day of July, 2016, at 1:30 o'clock P.M., Prevailing Time; and

WHEREAS, notice of said public hearing was duly published in the manner provided by law and proof thereof was submitted to said County Legislature; and

WHEREAS, said County Legislature has duly considered the evidence given at such public hearing;

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

Section 1. Upon the evidence given at the public hearing held on July 6, 2016, and after due consideration of the map and plan, and other recommendations and other data, if any, heretofore provided to the County Legislature, it is hereby found and determined that:

- (a) the proposed extension is satisfactory, sufficient, adequate and appropriate;
- (b) all the property and property owners within the proposed extension are benefited thereby;
- (c) all the property and property owners benefited are included within the limits of the proposed extension;
- (d) it is in the public interest to extend said Erie County Sewer District No. 2.

Section 2. The extension of Erie County Sewer District No. 2 is hereby approved and said extension shall comprise an area described as follows:

- (a) Erie County Sewer District No. 2 Boundary Extension 2016— Portion A

ALL THAT TRACT OR PARCEL OF LAND , situated in the Town of Evans, County of Erie, and State of New York, being part of Lot No. 63, Township 8, Range 9, of the Holland Land Company's Survey, Bounded and Described as follows;

Bounded south by a line parallel with the south line of said Lot No. 63, seven hundred eight and eight four hundredths feet (708.84') north therefrom three thousand sixty seven and sixty eight hundredths feet (3,067.68'); west by Lot 73, one thousand two hundred sixty six and fifty four hundredths feet (1,266.54'); north by a line parallel with the north line of said Lot 63 three thousand fifty two and five tenths feet (3052.5'); and east by a line parallel with the east line of said Lot 63, one thousand two hundred sixty one and ninety two hundredths feet (1261.92').

ALSO ALL THAT TRACT OR PARCEL OF LAND, situated in the Town, County, and State aforesaid, known as a part of Lot No. 73, Township 8, Range 9, of the Holland Land Company's Survey, Bounded and Described as follows;

Commencing at a point where the south bounds of the Buffalo and State Line Railroad intersects the north bounds of land previously owned by George Palmer (in 1851); running thence east along said north bounds to the west line of Lot 63; Thence north along said west line to where the said line intersects the southerly bounds of said Buffalo and State Line railroad; thence southwesterly along said southern bounds of said railroad to the place of beginning.

(b) Erie County Sewer District No. 2 Non-Contiguous Boundary Extension
2016 - Portion B

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Evans, County of Erie, State of New York, Being part of Lot No. 4, Township 8, Range-9 of the Holland Land Company's Survey, bounded and described as follows;. Beginning in the east bounds of Lot No. 4, which line is also the Town Line between the Town of Evans and the Town of Eden, the centerline of Carpenter Road and the west line of Erie County Sewer District No. 2, at its intersection with the south line of lands conveyed to Erastus Harrington by deed recorded in the Erie County Clerk's Office in Liber 157 of Deeds at Page 335, Thence westerly along the south line of said Harrington lands two hundred feet (200') to a point; Thence southerly along a line parallel to the east line of Lot No. 4, six hundred eighty one and ninety nine hundredths feet (681.99') to the south west corner of lands conveyed to Robert K. and Jean Robbins in Liber 11086 at Page 1566; Thence easterly along a line parallel to the south bounds of said Harrington lands two hundred feet (200') to the east line of Lot No. 4 and the west line of said Erie County Sewer District; Thence northerly along the east bounds of Lot No. 4 and District Boundary, six hundred eighty one and ninety nine hundredths feet (681.99') to the point and place of beginning.

(c) Erie County Sewer District No. 2 Non-Contiguous Boundary Extension
2016 — Portion C

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Brant, County of Erie and State of New York, Being part of Lot No. 2, Township 8, Range 9, of the Holland Land Company's Survey, Bounded and described as follows;

Beginning in the center line of Vermont Street extended (a proposed street (66' Wide), the center of which is an extension westerly of the center line of Vermont Street (49.5' Wide) as presently existing in the Village of North Collins), Distant three hundred four and one tenths feet (304.10') westerly of the east bounds of lot No. 2 as measured along the center line extension; Thence northerly at 90°20' to the center line of extension of Vermont Street a distance of two hundred twenty three and forty one hundredths feet (223.41') to a point in the south line of lands now/or formerly owned by Taber recorded in the Erie County Clerk's office in Book 2335 of Deeds at page 21; Thence westerly along said south line a distance of three hundred thirty two and eighty five hundredths feet (332.85') to an angle

point in lands now or formerly owned by Kerr described in Liber 162 of Deeds at page 588; Thence southerly along the east line of said Kerr lands a distance of two hundred twenty three and forty one hundredths feet (223.41') to a point in the center of the proposed Vermont. Street extension; Thence easterly along said proposed centerline a distance of three hundred thirty and sixty nine hundredths feet (330.69') to the point of beginning.

ALSO, ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Brant, County of Erie and State of New York, Being part of Lot No. 2, Township 8, Range 9, of the Holland Land Company's Survey, and also, situate in the Village and Town of North Collins, County of Erie and State of New York, Being part of Lot No. 63, Township 7, Range 8, of the Holland Land Company's Survey, Bounded and described as follows;

Beginning at a point in the center of Center Street in the Village of North Collins at the southwest corner of land now or formerly owned by Hibbard recorded in the Erie County Clerk's Office in Liber 993 of Deeds at Page 147; Thence northerly on the west line of 'said Hibbard's land one hundred thirty seven feet (137') to a point; Thence westerly parallel with the centerline of Center Street one hundred thirty eight and five tenths feet (138.50') to the east line of a proposed street; Thence southerly parallel to the first mentioned line one hundred thirty seven feet (137') to the centerline of Center Street; Thence easterly along the centerline of Center Street one hundred thirty eight and five tenths feet (138.50') to the place of beginning.

(d) Erie County Sewer District No. 2 Boundary Extension 2016 — Portion D

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of North Collins, County of Erie and State of New York, Being part of Lot No. 55, Township 7, Range 8, of the Holland Land Company's Survey, Bounded and described as follows;

BEGINNING at the point of intersection of the west line of Lot number 55 with the center line of Thiel Road; Thence north along said west line of Lot number 55 three hundred thirty feet (330') to a point; Thence, easterly at a right angle to said west line a distance two hundred sixty four feet (264') to a point; Thence southerly at a right angle to the last mentioned line and parallel to said west line of said Lot 55 a distance of five hundred eleven and forty four hundredths feet (511.44') to the center line of Thiel Road; Thence northwesterly along the center line of Thiel Road three hundred twenty and thirty four hundredths feet (320.34') to the point of beginning.

(e) (Erie County Sewer District No. 2 Boundary Extension 2016 — Portion E

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of North Collins, County of Erie and State of New York, Being part of Lot No. 56,

Township 7, Range 8, of the Holland Land Company's Survey, Bounded and described as follows;

BEGINNING at point at the southwest corner of Lot No. 56 in the centerline of School Street, said point being on the east line of Erie County Sewer District No. 2 and also being the southwest corner of lands conveyed to Frank Martin and Emma Martin, his wife, by deed recorded in liber 3284 of deeds at page 194 of which lands the herein described parcel is a part; Thence running easterly along the south bounds of Lot No. 56 and the centerline of School Street a distance of two hundred ten feet (210') to a point; Thence running northerly at right angles to said centerline a distance of three hundred sixty feet (360') to a point; Thence running westerly at right angles and parallel to the south bounds of Lot No. 56 a distance of two hundred seven and forty nine hundredths feet (207.49') to the west line of Lot No. 56 and the east line of said District No. 2 ; Thence running southerly along said lines a distance of three hundred sixty and one hundredth feet (360.01') to the place of beginning.

(f) Erie County Sewer District No. 2 Boundary Extension 2016 — Portion F

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Eden, County of Erie and State of New York, Being part of Lot No. 43, Township 8, Range 8, of the Holland Land Company's Survey, Bounded and described as follows;

Beginning at a point in the east line of Lot No. 43, said line being the center line of Sandrock Road, 1052.50 feet south of the northeast corner of said Lot said point being a southeast corner of Erie County Sewer District No. 2; Thence southerly along the east line of said lot a distance of one hundred forty seven and five tenths feet (147.50') to the north line of lands owned by David & Karen Thompson by Liber 10950 Page 7250; Thence running easterly along the north line of said Thompson lands a distance of four hundred thirty two feet (432') to the northwest corner of said Thompson; Thence running northerly parallel to the east line of said Lot No. 43 a distance of one hundred sixty seven and nine hundredths feet (167.09') to a point in the north bounds of lands conveyed to Edwin and Joyce Walker by deed recorded in the Erie County Clerk's Office in Liber 6930 of deeds at page 285, said point also being on the south line of said District No. 2; Thence running easterly along the north bounds of said Walker lands and District line a distance of four hundred thirty one and seventy six hundredths feet (431.76') to the place of beginning.

ALSO INCLUDING ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Eden, County of Erie and State of New York, Being part of Lot No. 43, Township 8, Range 8, of the Holland Land Company's Survey, Bounded and described as follows;

BEGINNING at a point in the east line of Lot No. 43, said line being the center line of Sandrock Road, 1490 feet south of the northeast corner of said Lot No. 43; Thence, running westerly a distance of four hundred five and six tenths feet (405.60') to a point; Thence running southerly and parallel to the east line of Lot No. 43, a distance of two hundred twenty two and eighty one hundredths feet (222.81') to the south line of lands conveyed to Edwin & Joyce Walker by deed recorded in the Erie county Clerk's Office in Liber 6930 of deeds at page 285; Thence running easterly and along said Walker lands a distance of four hundred five and thirty five hundredths (405.35') to the east line of said Lot No. 43; Thence running northerly along the east line of Lot No. 43 a distance of two hundred thirty five and nine tenths feet (235.90') to the point of beginning.

EXCEPTING THEREFROM that part conveyed to Mary A. Cerne by deed recorded in Liber 9587 of deeds at Page 202.

ALSO INCLUDING ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Eden, County of Erie and State of New York, Being part of Lot No. 43, Township 8, Range 8, of the Holland Land Company's Survey, Bounded and described as follows;

Beginning at a point in the east line of Lot No. 43, said line being the center line of Sandrock Road, 1725.90 feet south of the northeast corner of said Lot No 43; Thence westerly parallel with the north line of said Lot 43 and along the south line of lands conveyed to Godfrey Metz a distance of nine hundred ninety three and ninety-six hundredths feet (993.96') to the lands of Charles Peek; Thence southerly parallel with the east line of said Lot and along the said Peek property a distance of three hundred twenty six and twenty seven hundredths feet (326.27') to lands now or formerly owned Cyrus Pound; Thence easterly parallel with the north line of said Lot and along the north line of said Pound property a distance of nine hundred ninety three and ninety-six hundredths feet (993.96') to the east line of said Lot 43; Thence northerly along said east line a distance of three hundred twenty five and eleven hundredths feet (325.11') to the point or place of beginning.

EXCEPTING and reserving from the above described premise that part thereof conveyed to Fredrick and Elizabeth Sandrock, by deed Liber 1020 Page 285 and also excepting therefrom that portion conveyed to George and Virginia Corsun by Liber 9597 Page 416.

(g) Erie County Sewer District No. 2 Boundary Extension 2016 — Portion G
ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Eden, County of Erie and State of New York, Being part of Lots No. 27 & 35, Township 8, Range 8, of the Holland Land Company's Survey, Bounded and described as follows;

BEGINNING at a point on the north line of Farm Lot 35, said point being 400 feet east of the northwest corner of lands owned by Richard Cain & Russell Joy by Liber 7594 Page 519 (as measured along the north line of said Lot 35), said point being on the south line of Erie County Sewer District No. 2 and south line of Map Cover 2565 entitled "Oakhill Phase II"; Thence south 89°-47'-36" east along said lines a distance of 2084.53 feet; Thence south 00°-01'-08" east a distance of 1073.55 feet; Thence south 89°-53'-43" west a distance of 2483.93 feet; Thence north 00°-03'-00" west a distance of 434.88 feet; Thence south 89°-47'-36" east a distance of 400 feet; Thence north 00°-02'-01" west a distance of 649 feet to the point of beginning.

(h) Erie County Sewer District No. 2 Boundary Extension 2016 — Portion H

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of North Collins, County of Erie and State of New York, Being part of Lot No. 62, Township 7, Range 8, of the Holland Land Company's Survey, Bounded and described as follows;

BEGINNING at a point on the west line of the Town of North Collins a distant of four hundred ninety two and thirty six hundredths feet (492.36') south from the north line of Lot No. 62 as measured along said west Town Line, said point also being the southwest corner of Erie County Sewer District No. 2; Thence easterly and parallel to the north line of said Lot No. 62 and along said District Boundary a distance of nine hundred forty two and fifty three hundredths feet (942.53') to the former Erie Railroad's Company right of way; Thence southerly along said Railroad right of way a distance of five hundred seventy nine feet (579') to a point; Thence westerly parallel to the north bounds of Lot No. 62 a distance of two hundred fifty eight and fifty three hundredths feet (258.53') to the center line of Buffalo-Gowanda Road; Thence northerly along the centerline of said Buffalo-Gowanda Road a distance of seventy three and sixty one hundredths feet PLUS OR MINUS (73.61'±) to the point of intersection of the south bounds of lands deeded to Joseph and Karen Seggio recorded in the Erie County Clerk's Office in Liber 9753 of Deeds at Page 336, and the center line of said Buffalo-Gowanda Road; Thence westerly along said Seggio's South line and parallel to the north line of Lot No. 62, a distance of five hundred twenty two and eighty nine hundredths feet (522.89') to the west line of the Town of North Collins; Thence northerly along said west line of the Town of North Collins a distance of four hundred nineteen and forty three hundredths feet (419.43') to the point of beginning.

(i) Erie County Sewer District No. 2 Boundary Extension 2016 — Portion I

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Hamburg, County of Erie and State of New York, Being part of Lots No. 42, Township 9,

Range 8, of the Holland Land Company's Survey, Bounded and described as follows;

BEGINNING at a point in the center of Versailles Road where it intersection northeast corner of lands conveyed to Thomas Doherty in Liber 11230 of Deeds at Page 8317; Thence northwesterly along said Doherty's north line and perpendicular to the center line of Versailles Road a distance of one hundred sixty eight and ninety five hundredths feet plus or minus (168.95±') to a point in the southeast line of land owned and occupied by the Western New York and Pennsylvania Railroad Company recorded in Liber 927 of Deeds at Page 475; Thence southwesterly along said southeast line of said Western New York and Pennsylvania Railroad Company one thousand two hundred fifty six and sixteen hundredths feet plus or minus (1256.16±) to the southwest corner of lands conveyed to Kenneth Bossert in Liber 11070 of Deeds at Page 6446; Thence easterly along said Bosserts south line and Railroad boundary thirty two and sixty two hundredths feet plus or minus (32.62±) to the northwest corner of lands conveyed to Paul Baryza in Liber 11205 of Deeds at Page 75; Thence southwesterly along the southeast line of said Western New York and Pennsylvania Railroad Company a distance of three hundred twenty one and seventy nine hundredths feet plus or minus (321.79±) to the southwest corner of lands described in an Out of District Agreement in Liber 10316 of Deeds at Page 276; Thence southeasterly along the south line of said Agreement three hundred five and seventy one hundredths feet plus or minus (305.71±) to the to the center line of Versailles Road, said center line also being west line of Erie County Sewer District No. 2 at this location; Thence northeasterly along said center and District line eight hundred sixty six feet plus or minus (866'±) to the south west corner of an Out of District Agreement in Liber 10745 Page 799, said corner also being north west corner of said Erie County Sewer District No. 2; Thence west along the south line of said Agreement and north line of said District one thousand two hundred four and four tenths feet (1,204.4') to the south east corner of said Agreement; Thence north along the east line said Agreement three hundred twenty and four tenths feet to the north east corner of said Agreement; Thence west along the north line of said Agreement nine hundred sixty four and nine tenths feet to the centerline of Versailles Road and the north west corner of said Agreement; Thence northeast along said centerline three hundred one and forty seven hundredths feet plus or minus to the point of beginning.

(j) Erie County Sewer District No. 2 Boundary Extension 2016 — Portion J

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Evans, County of Erie and State of New York, Being part of Lot No. 27, Township 8, Range 9, of the Holland Land Company's Survey, Bounded and described as follows;

BEGINNING at a point in the north line of Lot No. 27 a distance of 1401.68' west of the northeast corner of Lot No. 27, the northeast corner of said lot being in the center of Versailles Plank Road; Thence westerly on the north line of Lot No. 27 a distance of 817.50 feet to the northeast corner of lands conveyed to William Luckcuck by deed recorded in the Erie County Clerk's Office in Liber 123 of Deeds at Page 476; Thence southerly parallel to the east line of Lot No. 27 and along the east line of said Luckcuck lands a distance of 3503± feet to the North line of Erie County Sewer District No. 2, said line being 450 feet and parallel to the centerline of Eden-Evans Center Road; thence east along said District line a distance of 192± feet to the northwesterly line of Southwestern Boulevard (100' wide); Thence northeasterly along the northwesterly line of Southwestern Boulevard a distance of 1067± feet to the west line of a parcel conveyed to Maplewood Construction Corp by Liber 10111 at Page 373; Thence north along said west line and parallel to the east line of Lot No. 27 a distance of 2757.01 feet to the north line of said Lot No. 27 being the point of beginning.

Section 3. There will be no additional capital costs incurred by or on behalf of the Erie County Sewer District No. 2 with respect to the extension of the boundaries of such District, but future annual charges will be apportioned in accordance with applicable flat charges and charges based on units, assessed value and footage, specified in the District's benefit assessment formula and rates, as such formulas currently exist and as amended from time to time.

Section 4. This resolution is subject to permissive referendum and the Clerk of the Legislature is hereby authorized and directed to publish in full, within ten days after the adoption hereof, a Notice containing a true copy of this resolution, the resolution number, the date of adoption and a statement that such resolution is subject to permissive referendum.

* * * * *

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

AYES:

NOES:

The resolution was thereupon declared duly adopted.

* * * * *

Dated: Buffalo, New York,

_____, 2016.

STATE OF NEW YORK)
 :ss:
COUNTY OF ERIE)

I, the undersigned Clerk of the Erie County Legislature, DO HEREBY CERTIFY that I have compared the foregoing extract of the minutes of the meeting of the County Legislature of said County, including the resolution contained therein, held on the ____ day of October, 2016, with the original minutes thereof as originally recorded in the Minute Book of said Erie County Legislature and the same is a true and correct copy of said original minutes and of the whole of said original so far as the same relates to the subject matters referred to in said extract.

I FURTHER CERTIFY that all members of said Legislature had due notice of said meeting.

I FURTHER CERTIFY that, pursuant to Section 103 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public.

I FURTHER CERTIFY that, PRIOR to the time of said meeting, I duly caused a public notice of the time and place of said meeting to be given to the following newspapers and/or other news media as follows:

<u>Newspaper and/or other news media</u>	<u>Date given</u>
--	-------------------

I FURTHER CERTIFY that, PRIOR to the time of said meeting, I duly caused public notice of the time and place of said meeting to be conspicuously posted in the following designated public locations(s) on the following dates:

Designated Locations(s)
of posted notice

Date of Posting

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County Legislature this ____ day of _____, 2016.

(SEAL)

Karen M. McCarthy
Clerk, Erie County Legislature

PLEASE TAKE NOTICE that on October __, 2016, the County Legislature of the County of Erie, New York, adopted Resolution No. __-2016 approving the extension of Erie County Sewer District No. 2, a true copy of which follows, which resolution is subject to permissive referendum:

CERTIFICATE AS TO NO REFERENDUM

I, KAREN M. MCCARTHY, Clerk to the Legislature of the County of Erie, State of New York, HEREBY CERTIFY as follows:

That a resolution of the Legislature of the County of Erie, New York, entitled:

"RESOLUTION APPROVING THE EXTENSION OF ERIE
COUNTY SEWER DISTRICT NO. 2 AND MAKING OTHER
DETERMINATIONS IN CONNECTION THEREWITH,"

was adopted on October __, 2016 and that the notice setting forth the date of adoption of the resolution and containing a true copy thereof, was duly published as required by the County Law.

That no petition signed and acknowledged by the electors of the County requesting that said resolution be submitted to the electors of the County for their approval or disapproval has been filed with the Clerk of the Legislature within forty-five days after the date of the adoption thereof, or at any other time since said adoption.

IN WITNESS WHEREOF, I have hereunto set my hand and
affixed the corporate seal of said
County this __ day of _____ 2016.

(SEAL)

Karen M. McCarthy
Clerk, Erie County Legislature

EXTRACT OF MINUTES

Meeting of the County Legislature of
the County of Erie, New York.

October __, 2016

* * *

A regular meeting of the County Legislature of the County of Erie, New York, was held at the Chambers of the Erie County Legislature, in the Erie County Hall, Buffalo, New York, in said County, on October __, 2016, at 2 o'clock P.M. (Prevailing Time).

The following Legislators were present:

There were absent:

Also present: Karen M. McCarthy, Clerk of the Legislature

* * *

_____ offered the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION DATED _____, 2016

RESOLUTION APPROVING THE EXTENSION OF ERIE COUNTY
SEWER DISTRICT NO. 3 AND MAKING OTHER
DETERMINATIONS IN CONNECTION THEREWITH

(Introduced) _____, 2016.

(Adopted) _____, 2016.

WHEREAS, pursuant to proceedings heretofore had and taken in accordance with the provisions of Article 5-A of the County Law, a report of the Erie County Sewer Agency approved by the Erie County Sewer District No. 3 Board of Managers on December 9, 2015, an extension of Sewer District No. 3 of the County of Erie, New York to include sanitary sewer service areas currently serviced as out of district customers has been proposed; and

WHEREAS, a map and plan have been duly prepared by the County Engineers (Erie County Department of Environment and Planning) relating to such extension of the Erie County Sewer District No. 3, which map and plan have been filed with the County Legislature pursuant to Section 254 of the County Law; and

WHEREAS, there will be no additional capital costs incurred by or on behalf of the Erie County Sewer District No. 3 with respect to the extension of the boundaries of such District, but future annual charges will be apportioned in accordance with applicable flat charges, hook-up charges and charges based on units, assessed value and footage, specified in the District's Benefit and User Charge formulas, as such formulas currently exist and as amended from time to time; and

WHEREAS, pursuant to Section 258 of the County Law, the consent of the State Comptroller is not required prior to the extension of said Erie County Sewer District No. 3 because such extension is not to be financed by the issuance of bonds, notes, certificates or other evidences of indebtedness of the County; and

WHEREAS, said County Legislature duly adopted Resolution No. 111-2016 on the 9th day of June, 2016, calling a meeting of the County Legislature for the purpose of holding a public hearing on the aforesaid extension of Erie County Sewer District No. 3 in accordance with the aforesaid map and plan, and

WHEREAS, the Erie County Sewer District No. 3 Board of Managers and the County Legislature have given due consideration to the impact that the extension of Erie County Sewer District No. 3 may have on the environment and on the basis of such consideration, have found that no substantial adverse environmental impact will be caused thereby; and

WHEREAS, the Erie County Sewer District No. 3 Board of Managers and the County Legislature have 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, comprising Article 8 of the Environmental Conservation Law and, in connection therewith; and

WHEREAS, said public hearing was duly held at Erie County Hall, 92 Franklin Street, 4th Floor, Buffalo, New York, in said County, on the 6th day of July, 2016, at 1:30 o'clock P.M., Prevailing Time; and

WHEREAS, notice of said public hearing was duly published in the manner provided by law and proof thereof was submitted to said County Legislature; and

WHEREAS, said County Legislature has duly considered the evidence given at such public hearing;

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

Section 1. Upon the evidence given at the public hearing held on July 6, 2016, and after due consideration of the map and plan, and other recommendations and other data, if any, heretofore provided to the County Legislature, it is hereby found and determined that:

- (a) the proposed extension is satisfactory, sufficient, adequate and appropriate;
- (b) all the property and property owners within the proposed extension are benefited thereby;
- (c) all the property and property owners benefited are included within the limits of the proposed extension;
- (d) it is in the public interest to extend said Erie County Sewer District No. 3.

Section 2. The extension of Erie County Sewer District No. 3 is hereby approved and said extension shall comprise an area described as follows:

- (a) Erie County Sewer District No. 3 Boundary Extension 2016— Portion A

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Hamburg, County of Erie and State of New York, Being part of Lot No.18, Township 9, Range 8, of the Holland Land Company's Survey and being Subdivision Lot No. 5 as shown on map filed in the Erie County Clerk's Office under Map Cover No. 3110 "Strawberry Fields Part 2".

- (b) Erie County Sewer District No. 3 Non-Contiguous Boundary Extension 2016 - Portion B

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Hamburg, County of Erie and State of New York, Being part of Lot No. 9, Township 9,

Range 8; of the Holland Land Company's Survey, Bounded and described as follows;

BEGINNING in the center of Gowanda State Road two hundred ten feet (210') northeasterly from the northeast corner of land conveyed by Charles H. Haushalter, George J. Haushalter, and William D. Haushalter, to Glenn W. Haushalter, and Dortha L. Haushalter by deed recorded in the Erie County Clerk's Office in Liber 3471 of Deeds at Page 229; Thence northeasterly along the center of Gowanda State Road two hundred fifty one and fifty two hundredths feet plus or minus (251.52'±) to the south line of lands now or formerly owned by Jeffrey and Kristen Farrell recorded in Liber 11089 of Deeds at Page 9269, said line also being the south line of Erie County Sewer District No. 3; Thence northwesterly along said lines a distance of four hundred eighty seven and sixty four hundredths feet plus or minus (487.64'±) to the easterly line of lands formerly owned by Eugene D. Hofeller; Thence southwesterly along the east line of said Hofeller lands two hundred forty one and sixty two hundredths feet plus or minus (241.62'±) to the northwesterly corner of lands now or formerly owned by the Old Time Baptist Church recorded in Liber 10303 of Deeds at Page 368; Thence southeasterly four hundred ninety seven and sixty four hundredths feet (497.64') to the Center Line of Gowanda State Road being the point of beginning.

ALSO ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Hamburg, County of Erie and State of New York, Being part of Lot No. 9, Township 9, Range 8, of the Holland Land Company's Survey, Bounded and described as follows;

BEGINNING at a point in the easterly line of Gowanda State Road (66' wide) at a distance of one hundred thirty and eighty seven hundredths feet (130.87') as measured along the easterly line of said road from the north line of lands conveyed to Charles H. Haushalter by deed recorded in Liber 1112 of Deeds at Page 117; Thence northwesterly at right angle to said east line thirty three feet (33') to the center line of Gowanda State Road; Thence southwesterly along said centerline ninety three feet (93'); Thence southeasterly at right angles to said Road two hundred thirty three feet (233'); Thence northeasterly parallel to Gowanda State Road one hundred one and twenty four hundredths (101.24'); Thence westerly parallel to the north line of land conveyed to said Haushalter a distance of twenty one and thirty six hundredths feet (21.36'); Thence northwesterly a distance of one hundred eighty and three tenths feet (180.3') to the point of beginning.

(c) Erie County Sewer District No. 3 Non-Contiguous Boundary Extension
2016 — Portion C

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Eden, County of Erie and State of New York, being part of Lots No. 52 & 53, Township

8, Range 7, of the Holland Land Company's Survey, Bounded and described as follows;

BEGINNING at a point in the south bounds of Lot No. 53 at the northwest corner of subdivision Lot No. 12 as shown on Map Cover No. 2270, said point being on the north line of Erie County Sewer District No. 3; Thence northerly a distance of four hundred thirty and fifty three hundredths feet (430.53') to the northwest corner of lands conveyed to James and Carol Overhoff by deed recorded in Liber 10884 of Deeds at Page 5037; Thence easterly parallel to the south bounds of Lot No. 53 a distance of three hundred three and forty three hundredths feet (303.43') to a point; Thence southerly parallel to the west bounds of Lot No. 53 a distance of four hundred thirty and fifty three hundredths feet (430.53') to the south bounds of Lot No. 53; Thence easterly along said Lot line a distance of two hundred seventy six and seventeen hundredths feet (276.17') to the northeast corner of lands conveyed to Melissa McCann recorded in Liber 11169 of Deeds at Page 4679; Thence southwesterly along the southeast line of said McCann lands a distance of two hundred eighty four feet (284') to a point; Thence west perpendicular to the east bounds of Mary Drive turn-around as deeded to the Town of Eden in Liber 7710 page 599 a distance of two hundred forty and six tenths feet (240.6') to said east bounds, said east bounds also being the east line of said Erie County Sewer District No. 3; Thence north along said east line a distance of thirty feet (30'); Thence west along the north line of Mary Drive turn-around and District Boundary a distance of sixty feet (60') to the east line of Sub Lot 12; Thence northerly along said east line and District line a distance of one hundred eighty five and forty six hundredths feet (185.46') to the south line of Lot No..53; Thence westerly along said Lot line, District Line and the north bounds of Sub Lot No. 12 a distance of one hundred feet (100') to the point of beginning.

(d) Erie County Sewer District No. 3 Boundary Extension 2016 — Portion D

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Eden, County of Erie and State of New York, being part of Lot No. 5, Township 8, Range 8, of the Holland Land Company's Survey, Bounded and described as follows;

BEGINNING at the point of intersection of the centerline of East Eden Road, also being the east line of Lot No. 5, and the south line of lands conveyed to Clemens and Rose Mammoser by deed recorded in the Erie County Clerk's Office in Liber 1119 of Deeds at Page 305; Thence westerly along said south line a distance of one hundred seventy five feet (175') to a point; Thence northerly parallel with the east line of Lot No. 5 a distance of eighty feet (80') to a point, said point being on the south line of Erie County Sewer District No. 3; Thence easterly parallel to the south line of said Mammoser along the south line of said District No. 3 a distance of one hundred seventy five feet (175') to the east line of Lot No. 5, said line also being the centerline of said East Eden Road; Thence southerly along said lines a distance of eighty feet (80') to the point of beginning .

(e) Erie County Sewer District No. 3 Boundary Extension 2016 — Portion E

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Eden, County of Erie and State of New York, being part of Lot No. 6, Township 8, Range 8, of the Holland Land Company's Survey, Bounded and described as follows;

BEGINNING at a point in the center of Schweikert Rd (AKA Hardt Rd) a distant of one thousand six hundred twenty six and nine tenths feet (1626.9') west of the intersection of said center line with the east line of Lot No. 6, said point of beginning being the northeast corner of lands conveyed to Louis Gurbacki and wife by deed recorded in the Erie County Clerk's Office in Liber 4681 of Deeds at Page 594; Thence south along the east line of said Gurbacki and said east line extended southerly a distance of two hundred feet (200'); Thence west parallel to the south line of said Gurbacki lands a distance of one hundred forty seven and six tenths feet (147.60') to the east line of lands conveyed to Sylvester Bauer by deed recorded in Liber 4574 of Deeds at Page 530; Thence southerly along the east line of said Bauer lands a distance of seven hundred sixty nine and nine tenths feet (769.90') to the north line of lands now or formerly owned by Albert Castle; Thence east along said Castle's north line a distance of five hundred fifty eight and forty six hundredths feet (558.46'); Thence north on a straight line a distance of seven hundred five and sixty four hundredths feet (705.64') to the southeast corner of lands conveyed to John Fenik and wife by deed recorded in Liber 5796 of Deeds at Page 100; Thence west along the south line of said Fenik lands a distance of one hundred sixty five feet (165') to the south west corner thereof; Thence north along the west line of said Fenik lands a distance of two hundred sixty four feet (264') to the center of Schwikert Rd (AKA Hardt Rd); Thence west along said center line a distance of two hundred sixteen and twenty four hundredths feet (216.24') to the point of beginning .

(f) Erie County Sewer District No. 3 Boundary Extension 2016 — Portion F

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Hamburg, County of Erie and State of New York, being part of Lot No. 28, Township 9, Range 8, of the Holland Land Company's Survey, Bounded and described as follows;

BEGINNING at a point in the center of Amsdell Road (66' wide) at the northeast corner of E.H. Parker's land, said point being on the south line of Erie County Sewer District No. 3; Thence southerly along Parker's east line a distance of thirty six and sixty five hundredths feet (36.65') to the intersection of the westerly line of the Southwestern Boulevard (100' wide); Thence southwesterly along said westerly line of said Southwestern Boulevard a distance of one hundred thirty feet (130'); Thence westerly along the south line of lands conveyed to Diarmuid Flanagan by deed recorded in the Erie County Clerk's Office in Liber 10949 of Deeds at Page 4472 a distance of two hundred ninety three feet (293') to the southwest corner of said lands; Thence northeasterly a distance of one hundred thirteen feet (113') to the centerline of Amsdell Road, said line also being the south line of said District No. 3; Thence east along said lines a distance of three hundred twenty and two tenths feet (320.20') to the point and place of beginning .

(g) Erie County Sewer District No. 3 Boundary Extension 2016 — Portion G

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Orchard Park, County of Erie and State of New York, being part of Lot No. 12, Township 9, Range 7, of the Holland Land Company's Survey, Bounded and described as follows;

BEGINNING at a point in the east line of Chestnut Ridge Road as widened by notice of appropriation recorded in the Erie County Clerk's Office in Liber 6911 of Deeds at, Page 451, Map No. 113, Parcel No. 36 at the southwest corner of lands conveyed to John and Maureen Anderson by deed recorded in Liber 10283 of Deeds at Page 633; Thence northerly along the east line of said map 113, parcel 36, a distance of one hundred ten feet (110') to a point; Thence easterly at right angles a distance of three hundred forty and ninety one hundredths feet (340.91') to a point in the west line of lands conveyed to Robert Russer by deed recorded in Liber 8708 of Deeds at Page 401; Thence southeasterly along the west line of said Russer's lands a distance of one hundred ten and twenty seven hundredths feet (110.27') to the south east corner of said Anderson's land; Thence westerly at an interior angle of 94° 41' 36" and along the south line of Anderson's Land a distance of three hundred forty nine and ninety four hundredths feet (349.94') to the east line of Chestnut Ridge Road and the point of beginning.

(h) Erie County Sewer District No. 3 Boundary Extension 2016 — Portion H

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Orchard Park, County of Erie and State of New York, being part of Lot No. 43, Township 9, Range 7, of the Holland Land Company's Survey, Bounded and described as follows;

BEGINNING at the intersection of the centerline of Abbott Rd with the south line of Best Street (60' Wide) as extended easterly; Thence westerly along said extended south line of Best Street a distance of sixty three and five tenths feet plus or minus (63.5'±) to the west line of the Town of Hamburg, said line being the east line of Erie County Sewer District No. 3; Thence southerly along the west line of the Town of Hamburg and said District line a distance of one thousand four hundred fifty two and two tenths feet plus or minus (1452.2'±) to the point of intersection of the west Line of the Town of Hamburg and the south line of Sub Lot No. 32 of Rolling Ridge Estates Phase III as recorded in the Erie County Clerk's Office under Map Cover No. 3181; Thence east along said south line and the south line of lands conveyed to the Diocese of Buffalo by deed recorded in Liber 6192 of Deeds at Page 47 a distance of seven hundred seventy five and eighty five hundredths feet plus or minus (775.85'±) to the center line of Abbott Road; Thence northwesterly along the center line of Abbott Road a distance of one thousand six hundred thirty seven and eighty five hundredths feet plus or minus (1637.85'±) to the point and place of beginning.

(i) Erie County Sewer District No. 3 Boundary Extension 2016 — Portion I

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of West Seneca, County of Erie and State of New York, being part of Lot No. 368, Township 10, Range 7, of the Buffalo Creek Reservation, Bounded and described as follows;

BEGINNING in the southwest boundary of Orchard Park Road (66 feet wide) at its intersection with the north line of Lot 368; Thence southeasterly along said southwest highway bounds a distance of eight hundred eighty nine and nine hundredths feet plus or minus (889.09'±) to the north line of lands conveyed to Marshall A. Lewis recorded in Liber 9290 of deeds at page 123; Thence westerly along the north line of Lewis a distance of one hundred sixty seven and fifty two hundredths feet (167.52') to the northwest corner of said Lewis; Thence southerly along the westerly line of Lewis a distance of two hundred eight and seven hundredths feet plus or minus (208.07'±) to the south line of Lot 368; Thence west along the south line of said Lot 368 a distance of three hundred twenty four feet plus or minus (324.0'±) to a point four hundred feet (400') southwest from the southwest boundary of Orchard Park Road, measured at right angles thereto, said point also being on the northeast boundary of Erie County Sewer District No. 3; Thence northwesterly along said District Boundary Line and parallel to Orchard Park Road a distance of one thousand ninety-eight and seventy five hundredths feet plus or minus (1,098.75'±) to the north line of Lot 368; Thence easterly along said north line a distance of three hundred ninety seven and eight three hundredths feet plus or minus (397.83'±) to where it intersects the northerly line of lands conveyed to Scott Eggleston and Diane Pulinski recorded in Liber 11096 Page 1478; thence northeasterly along said northerly line a distance of seventy seven and twenty nine hundredths feet (77.29') to the southwest line of Orchard Park Road.; Thence southeasterly along said southwest line of Orchard Park Road a distance of forty six and ninety five hundredths feet (46.95') to the point and place of beginning.

(j) Erie County Sewer District No. 3 Boundary Extension 2016 — Portion J

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of West Seneca, County of Erie and State of New York, being part of Lot No. 293, 294 & 317, Township 10, Range 7, of the Buffalo Creek Reservation, Bounded and described as follows;

BEGINNING at a point in the easterly line of Langner Road (now abandoned) 176.18' north of its intersection with the north line of Ridge Road (80' wide); Thence northerly along said easterly line of Langner Road two hundred five and twenty seven hundredths feet (205.27') to the southeasterly line of lands conveyed to The Niagara, Lockport, and Ontario Power Company by deed recorded in the Erie County Clerk's Office at Liber 1519 of Deeds at Page 318; Thence northerly along said southeasterly line, four hundred one and ninety seven hundredths feet (401.97') to a point; Thence west continuing on said lands twenty one and ninety eight hundredths feet (21.98') to the southeast corner of lands conveyed to The

Niagara, Lockport, and Ontario Power Company by deed recorded in Liber 1041 of Deeds at Page 510; Thence northeasterly along the southeasterly line of said lands conveyed in Liber 1041 of Deeds at Page 510, seven hundred thirteen and two tenths feet plus or minus (713.2'±) to the southwesterly line of lands acquired by the State Of New York and described as being parcels 8 & 9 P.S.C. Case No. 5998; Thence southeasterly along said southwesterly line one hundred fifty one and sixty four hundredths feet (151.64') to the westerly line of lands conveyed to The Niagara Mohawk Power Company by deed recorded in Liber 6456 of Deeds at Page 13 and by deed recorded in Liber 6461 of Deeds at Page 29; Thence south along said Niagara Mohawk Company's west line one thousand forty one and ninety nine hundredths feet. (1041.99') to the north east corner of lands conveyed to Sambo Enterprises in Liber 8391 Page 357; Thence west along the north line of said Sambo two hundred feet (200') to the north west corner of said Sambo; Thence south along the west line of said Sambo and its extension two hundred, ninety six feet plus or minus (296'±) to the center line of Ridge Road; Thence west along said center line two hundred one feet plus or minus (201'±) to where it intersects the current center line of the southerly portion Langner Road extended north; Thence southerly along said center line of Langner Road the following four distances, (1) one hundred eighty nine feet plus or minus (189'±), (2) one hundred seventeen feet plus or minus (117'±), (3) an arc distance of three hundred one feet plus or minus (301'±), (4) three hundred two feet plus or minus (302'±) to the southeast corner of lands owned by RB-3 Associates by Liber 10898 Page 4264; Thence west along the south line of said RB-3 Associates and its extension west five hundred fifty eight and eighty nine hundredths feet (558.89') to the east line of Niagara, Lockport and Ontario Power Company by Liber 1726 Page 40; Thence northeast along said east line nine hundred eighteen feet plus or minus (918'±) to the center line of Ridge Road; Thence east along said center line two hundred forty nine feet plus or minus (249'±) to the east Right of Way of now abandoned Langner Road extended south to the center line of Ridge Road, said east line also being the west boundary of lands taken by the State of New York as shown on Map 14 - Parcel 17 & Map 18 - Parcel 22 extended south to said center line; Thence northwesterly along said lines two hundred ten feet plus or minus to (216.18'±) the point of beginning.

(k) Erie County Sewer District No. 3 Boundary Extension 2016 — Portion K

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Hamburg, County of Erie and State of New York, being part of Lot No. 33, Township 9, Range 8, of the Holland Land Company's Survey, Bounded and described as follows;

BEGINNING at a point in the north line of Lot No. 33 at the northwest corner of lands conveyed to Charles & Darlene Erickson by Liber 9492 Page 11; Thence west along said north line six hundred ninety six and twelve hundredths feet (696.12') to a point on the south line of Erie County Sewer District No. 3, said point also being two hundred eight-one and one tenth feet (281.10') east of the

northwest corner of lands conveyed to Mary Bosard by Liber 1603 Page 529; Thence southerly parallel with the west line of lands conveyed to said Bossard a distance of six hundred sixty four and nineteen hundredths feet (664.19') to a point; Thence westerly at right angles sixteen and seventy five feet (16.75'); thence southerly on a line deflecting to the left at an angle of 98°30' one hundred seven and five tenths feet (107.5'); Thence continuing southerly on a line deflecting to the left at an angle of 181°38'40" twenty three and two tenths feet (23.2'); Thence east at right angles to last described line one foot (1.0'); Thence southerly at right angles to last described line ten and one tenth feet (10.1'); Thence westerly at right angles to last described line two and two tenths feet (2.2'); Thence southerly in a straight line one hundred eight and six tenths feet (108.6') to a point in the center line of Pleasant Avenue (66' ROW); Thence easterly along said centerline four hundred sixteen and eight tenths feet plus or minus (416.8'±) to the northwest line of Southwestern Boulevard (100' ROW) ; Thence northeasterly along said ROW a distance of three hundred ninety-three feet plus or minus (393'±) to the west line of said lands owned by Erickson; Thence north along said west line five hundred eighty-six and nine tenths feet (586.9') to the northwest corner of said Erickson lands in the north line of Lot No. 33 to the point and place of beginning.

(1) Erie County Sewer District No. 3 Boundary Extension 2016 — Portion L

ALL THAT TRACT OR. PARCEL OF LAND situate in the Town of Hamburg, County of Erie and State of New York, being part of Lot No. 28, Township 9, Range 8, of the Holland Land Company's Survey, Bounded and described as follows;

BEGINNING at the intersection of the east line of Lot Number 28 with the centerline of Pleasant Ave (formerly Amsdell Rd); Thence westerly along said center line a distance of 173 feet to a point, said point being 115 feet east as measured along said center line from the southeast corner of lands conveyed to Kevin Kielar by deed recorded in Erie county Clerk's Office in Liber 11001 of deeds at Page 9264; Thence northerly and parallel to the east line of said Kielar a distance of 233 feet to a point; Thence westerly parallel with the center line of said Pleasant Ave a distance of 115 feet to a point at the northeast corner of said Kielar; Thence southerly along said east line of said Kielar and its extension south crossing said Pleasant Ave a distance of 270.7+/- feet to the southerly line of a parcel of land acquired by the State of New York for highway purposes and known as Map Number 526, Parcel 533 and filed in the Erie County Clerk's Office in Liber 5940 of Deeds at pages 203 and 232; Thence southwesterly along the southeasterly bounds of said acquisition a distance of 225.35+/- feet to an angle point; Thence continuing along said southeasterly bounds of said acquisition and at an interior angle of 136° 56' 25" a distance of 160.28 feet to a point, said point being the southwest corner of Sub-Lot 5 of Map Cover 2473 (Pleasant Acres Subdivision); Thence easterly at an interior angle of 68° 21' 35" a distance of 249.08 feet to a point at the southeast corner of Sub-Lot 4 of said Map

Cover 2473, said point also being on the west line of Sub-Lot 3; Thence southerly at right angles to last described line along said west line of said Sub-Lot 3 a distance of 318.26 feet to a point at the southwest corner of said Sub-Lot 3; Thence easterly at an interior angle of 92° 40' 19" along the south line of said Sub-Lot 3 a distance of 278.06 feet to the southeast corner of said Sub-Lot 3, said point also being on the east line of Lot 28; Thence northerly at an interior angle of 89° 27' 41" along said east line of Lot 28 and east line of said Sub-Lot 3 and Sub-Lot 1 a distance of 614.7 feet to the point or place of beginning.

Section 3. There will be no additional capital costs incurred by or on behalf of the Erie County Sewer District No. 3 with respect to the extension of the boundaries of such District, but future annual charges will be apportioned in accordance with applicable flat charges, hook-up charges and charges based on units, assessed value and footage, specified in the District's Benefit and User Charge formulas, as such formulas currently exist and as amended from time to time.

Section 4. This resolution is subject to permissive referendum and the Clerk of the Legislature is hereby authorized and directed to publish in full, within ten days after the adoption hereof, a Notice containing a true copy of this resolution, the resolution number, the date of adoption and a statement that such resolution is subject to permissive referendum.

* * * * *

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

AYES:

NOES:

The resolution was thereupon declared duly adopted.

* * * * *

Dated: Buffalo, New York,

_____, 2016.

STATE OF NEW YORK)
 :ss:
COUNTY OF ERIE)

I, the undersigned Clerk of the Erie County Legislature, DO HEREBY CERTIFY that I have compared the foregoing extract of the minutes of the meeting of the County Legislature of said County, including the resolution contained therein, held on the ____ day of October, 2016, with the original minutes thereof as originally recorded in the Minute Book of said Erie County Legislature and the same is a true and correct copy of said original minutes and of the whole of said original so far as the same relates to the subject matters referred to in said extract.

I FURTHER CERTIFY that all members of said Legislature had due notice of said meeting.

I FURTHER CERTIFY that, pursuant to Section 103 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public.

I FURTHER CERTIFY that, PRIOR to the time of said meeting, I duly caused a public notice of the time and place of said meeting to be given to the following newspapers and/or other news media as follows:

<u>Newspaper and/or other news media</u>	<u>Date given</u>
--	-------------------

I FURTHER CERTIFY that, PRIOR to the time of said meeting, I duly caused public notice of the time and place of said meeting to be conspicuously posted in the following designated public locations(s) on the following dates:

Designated Locations(s)
of posted notice

Date of Posting

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County Legislature this ____ day of _____, 2016.

(SEAL)

Karen M. McCarthy
Clerk, Erie County Legislature

PLEASE TAKE NOTICE that on October __, 2016, the County Legislature of the County of Erie, New York, adopted Resolution No. __-2016 approving the extension of Erie County Sewer District No. 3, a true copy of which follows, which resolution is subject to permissive referendum:

CERTIFICATE AS TO NO REFERENDUM

I, KAREN M. MCCARTHY, Clerk to the Legislature of the County of Erie, State of New York, HEREBY CERTIFY as follows:

That a resolution of the Legislature of the County of Erie, New York, entitled:

"RESOLUTION APPROVING THE EXTENSION OF ERIE
COUNTY SEWER DISTRICT NO. 3 AND MAKING OTHER
DETERMINATIONS IN CONNECTION THEREWITH,"

was adopted on October __, 2016 and that the notice setting forth the date of adoption of the resolution and containing a true copy thereof, was duly published as required by the County Law.

That no petition signed and acknowledged by the electors of the County requesting that said resolution be submitted to the electors of the County for their approval or disapproval has been filed with the Clerk of the Legislature within forty-five days after the date of the adoption thereof, or at any other time since said adoption.

IN WITNESS WHEREOF, I have hereunto set my hand and
affixed the corporate seal of said
County this __ day of _____ 2016.

(SEAL)

Karen M. McCarthy
Clerk, Erie County Legislature

EXTRACT OF MINUTES

Meeting of the County Legislature of
the County of Erie, New York.

October __, 2016

* * *

A regular meeting of the County Legislature of the County of Erie, New York, was held at the Chambers of the Erie County Legislature, in the Erie County Hall, Buffalo, New York, in said County, on October __, 2016, at 2'clock P.M. (Prevailing Time).

The following Legislators were present:

There were absent:

Also present: Karen M. McCarthy, Clerk of the Legislature

* * *

_____ offered the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION DATED _____, 2016

RESOLUTION APPROVING THE EXTENSION OF ERIE COUNTY
SEWER DISTRICT NO. 4 AND MAKING OTHER
DETERMINATIONS IN CONNECTION THEREWITH

(Introduced) _____, 2016.

(Adopted) _____, 2016.

WHEREAS, pursuant to proceedings heretofore had and taken in accordance with the provisions of Article 5-A of the County Law, a report of the Erie County Sewer Agency approved by the Erie County Sewer District No. 4 Board of Managers on October 7, 2015, an extension of Sewer District No. 4 of the County of Erie, New York to include sanitary sewer service areas currently serviced as out of district customers has been proposed; and

WHEREAS, a map and plan have been duly prepared by the County Engineers (Erie County Department of Environment and Planning) relating to such extension of the Erie County Sewer District No. 4, which map and plan have been filed with the County Legislature pursuant to Section 254 of the County Law; and

WHEREAS, there will be no additional capital costs incurred by or on behalf of the Erie County Sewer District No. 4 with respect to the extension of the boundaries of such District, but future annual charges will be apportioned in accordance with applicable flat charges, hook-up charges and charges based on units, assessed value and footage, specified in the District's Benefit and User Charge formulas, as such formulas currently exist and as amended from time to time; and

WHEREAS, pursuant to Section 258 of the County Law, the consent of the State Comptroller is not required prior to the extension of said Erie County Sewer District No. 4 because such extension is not to be financed by the issuance of bonds, notes, certificates or other evidences of indebtedness of the County; and

WHEREAS, said County Legislature duly adopted Resolution No. 112-2016 on the 9th day of June, 2016, calling a meeting of the County Legislature for the purpose of holding a public hearing on the aforesaid extension of Erie County Sewer District No. 4 in accordance with the aforesaid map and plan, and

WHEREAS, the Erie County Sewer District No. 4 Board of Managers and the County Legislature have given due consideration to the impact that the extension of Erie County Sewer District No. 4 may have on the environment and on the basis of such consideration, have found that no substantial adverse environmental impact will be caused thereby; and

WHEREAS, the Erie County Sewer District No. 4 Board of Managers and the County Legislature have 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, comprising Article 8 of the Environmental Conservation Law and, in connection therewith; and

WHEREAS, said public hearing was duly held at Erie County Hall, 92 Franklin Street, 4th Floor, Buffalo, New York, in said County, on the 6th day of July, 2016, at 1:30 o'clock P.M., Prevailing Time; and

WHEREAS, notice of said public hearing was duly published in the manner provided by law and proof thereof was submitted to said County Legislature; and

WHEREAS, said County Legislature has duly considered the evidence given at such public hearing;

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

Section 1. Upon the evidence given at the public hearing held on July 6, 2016, and after due consideration of the map and plan, and other recommendations and other data, if any, heretofore provided to the County Legislature, it is hereby found and determined that:

- (a) the proposed extension is satisfactory, sufficient, adequate and appropriate;
- (b) all the property and property owners within the proposed extension are benefited thereby;
- (c) all the property and property owners benefited are included within the limits of the proposed extension;
- (d) it is in the public interest to extend said Erie County Sewer District No. 4.

Section 2. The extension of Erie County Sewer District No. 4 is hereby approved and said extension shall comprise an area described as follows:

- (a) Erie County Sewer District No. 4 Boundary Extension 2016— Portion A

Parcel I

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Cheektowaga, County of Erie and State of New York, being part of Lot No. 79, Township 11, Range 7, of the Holland Land Company's Survey, bounded and described as follows;

BEGINNING at a point where the center line of Transit Road (100.0 feet wide) intersects the north line of lands appropriated by the people of the State of New York for the Ontario section of the New York State Thruway, said point being on the west line of Erie County Sewer District No. 4; Thence westerly along said north line a distance of 756.7± feet to the southeast corner of lands conveyed to

Bonnie Spinner by deed recorded in the Erie County Clerk's Office in Liber 10291 of Deeds at page 651; Thence continuing westerly along said north line of Thruway and the south line of said Spinner lands a distance of 798.40± feet to the east line of lands conveyed to Paul Pfohl, Fidelis Pfohl, Joseph Pfohl and Richard Pfohl by deed recorded in Liber 5811 of Deeds at page 120; Thence northerly along the easterly line of said Pfohl lands a distance of 159.54 feet to the north line of Lot 79 and the north line of the Town of Cheektowaga; Thence easterly along said north line of Lot 79 a distance of 1544.13± feet to the center line of Transit Road, said centerline being the west line of said Erie County Sewer District No. 4; Thence southerly along said lines a distance of 374.7± feet to the point of beginning .

Parcel II

ALSO ALL THAT PIECE OR PARCEL OF LAND situate in the Town of Cheektowaga, County of Erie and State of New York, being part of Lot No. 79, Township 11, Range 7, of the Holland Land Company's Survey, bounded and described as follows;

BEGINNING at a point on the westerly highway boundary of Transit Road (Pt. 4, S.H. 1334A-1), said point being 33.0± feet measured westerly at right angles from Station T19+01.6± of the hereinafter described survey baseline for the construction of the New York State Thruway, Ontario Section; thence S 83° 21' 28" E a distance of 50.32± feet to the center line of Transit Road (100.0 feet wide) to the Principle Point of Beginning, said point being on the west line of Erie County Sewer District No. 4; Thence 5 00 08' 00" W along said center line of Transit Road 399.96± feet to a point; thence through lands of The People of the State of New York (Thruway Authority) the following seven courses and distances: (1) N 89° 52' 00" W, 104± feet to a point; (2) on a curve to the left (the radial at the beginning of which bears S 00 08' 00" W) having a radius of 280.00 feet and a central angle of 430 57' 30", an arc length of 214.82± feet; (3) S 46° 10' 30" W, 109.30± feet; (4) on a curve to the right (the radial at the beginning of which bears N 43° 49' 30" W) having a radius of 161.35± feet and a central angle of 40° 47' 46", an arc length of 114.89± feet; (5) S 86° 58' 16" W, 280.00± feet; (6) N 0° 04' 40" E, 701.38± feet; and (7) S 83° 21' 28" E, 715.00± feet to the principle point of beginning.

Parcel III

ALSO ALL THAT PIECE OR PARCEL OF LAND situate in the Town of Cheektowaga, County of Erie and State of New York, being part of Lot No. 79, Township 11, Range 7, of the Holland Land Company's Survey, bounded and described as follows;

BEGINNING at a point on the westerly highway boundary of Transit Road (Pt. 4, S.H. 1334A-1), said point being 33.0± feet westerly measured at right angles from

Station 114+95.98± of the hereinafter described survey baseline for the construction of the New York State Thruway, Ontario Section; thence S 89° 52' 00" E, 50 feet to the center line of Transit Road (100.0 feet wide) to the Principle Point of Beginning, said point being on the west line of Erie County Sewer District No. 4; Thence southerly along said center line of Transit Road 40.00± feet; thence through the lands of The People of the State of New York (Thruway Authority) the following twenty courses and distances: (1) N 89° 52' 00" W, 104.0± feet; (2) on a curve to the left (the radial at the beginning of which bears S 0° 08' 00" W) having a radius of 240.00 feet and a central angle of 43° 57' 30", and arc length of 184.13± feet; (3) S 46° 10' 30" W, 109.30± feet; (4) on a curve to the right (the radial at the beginning of which bears N 43° 49' 30" W) having a radius of 279.00 feet and a central angle of 40° 47' 46", an arc length of 198.66± feet; (5) S 86° 58' 16" W, 290.33± feet; (6) N 64° 18' 11" W, 34.01± feet; (7) N 64° 18' 11" W, 675.04± feet; (8) N 26° 36' 37" E, 114.04± feet; (9) N 5° 55' 48" E, 234.40± feet; (10) on a curve to the right (the radial at the beginning of which bears S 84° 04' 12" E) having a radius of 60.13 feet and a central angle of 68° 34' 51", an arc length of 71.97± feet; (11) N 74° 30' 38" E, 118.25± feet; (12) N 86° 06' 10" E, 94.23± feet; (13) on a curve to the right (the radial at the beginning of which bears S 3° 53' 50" E) having a radius of 2919.5 feet and a central angle of 5° 27' 52", an arc length of 278.44± feet; (14) S 0° 14' 12" E, 678.71± feet; (15) S 70° 04' 09" E, 53.25± feet; (16) N 86° 58' 16" E, 268.95± feet; (17) on a curve to the left (the radial at the beginning of which bears N 3° 01' 44" W) having a radius of 239.00 feet and a central angle of 40° 47' 46", an arc length of 170.17± feet; (18) N 46° 10' 30" E, 109.30± feet; (19) on a curve to the right (the radial at the beginning of which bears S 43° 49' 30" E) having a radius of 280.00 feet and a central angle of 43° 57' 30", an arc length of 214.82± feet; and (20) S 89° 52' 00" E, 104.00± feet to the principle point of beginning.

The above mentioned survey base line is a portion of the Transit Road survey base line for the construction of the Transit Road Interchange of the Thruway, as shown on a map and plan on file in the office of the New York State Department of Transportation and described as follows: Beginning at Station TO+00, thence N 0° 08' 00" E, 2000.00 feet to Station T20+00.

All bearings are referred to true north at the 78° 35' meridian of west longitude.

(b) Erie County Sewer District No. 4 Non-Contiguous Boundary Extension
2016 - Portion B

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Cheektowaga, County of Erie and State of New York, being part of Lot No. 75, Township 11, Range 7, of the Holland Land Company's Survey, bounded and described as folciws;

BEGINNING at a point in the center line of Transit Road (100.0'wide) a distance of 585.10 feet north from the intersection of said center line with the center line of Rehm Road, said intersection being the southeast corner of Lot 75; Thence west

along the north line lands conveyed to Waiter Klaia by Deed Liber 5023 Page 571 a distance of 500± feet to the east line of land conveyed to Fudoli by Deed Liber 10906 Page 3445; Thence north along the east line of said Fudolia a distance of 446.31± feet to the north line of land conveyed to R.M.F. Holding Corporation by Deed 7221 Page 283, said point also being on a Boundary line as described in a certain Boundary Line Agreement between R.M.F. Holding Corporation and Lorenz and Sons, Inc. by Liber 11245 Page 3880; Thence east along said Boundary Line Agreement 250 feet; Thence north parallel to the west line of Transit Road 35 feet; Thence east parallel to said Boundary Line Agreement 249.99 feet to the center line of Transit Road, said center line also being the east line of Lot No. 75 and the west boundary line of Erie County Sewer District No. 4; Thence south along said center line 468.31± feet to the point of beginning.

Section 3. There will be no additional capital costs incurred by or on behalf of the Erie County Sewer District No. 4 with respect to the extension of the boundaries of such District, but future annual charges will be apportioned in accordance with applicable flat charges, hook-up charges and charges based on units, assessed value and footage, specified in the District's Benefit and User Charge formulas, as such formulas currently exist and as amended from time to time.

Section 4. This resolution is subject to permissive referendum and the Clerk of the Legislature is hereby authorized and directed to publish in full, within ten days after the adoption hereof, a Notice containing a true copy of this resolution, the resolution number, the date of adoption and a statement that such resolution is subject to permissive referendum.

* * * * *

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

AYES:

NOES:

The resolution was thereupon declared duly adopted.

* * * * *

Dated: Buffalo, New York,

_____, 2016.

STATE OF NEW YORK)
 :ss:
COUNTY OF ERIE)

I, the undersigned Clerk of the Erie County Legislature, DO HEREBY CERTIFY that I have compared the foregoing extract of the minutes of the meeting of the County Legislature of said County, including the resolution contained therein, held on the ____ day of October, 2016, with the original minutes thereof as originally recorded in the Minute Book of said Erie County Legislature and the same is a true and correct copy of said original minutes and of the whole of said original so far as the same relates to the subject matters referred to in said extract.

I FURTHER CERTIFY that all members of said Legislature had due notice of said meeting.

I FURTHER CERTIFY that, pursuant to Section 103 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public.

I FURTHER CERTIFY that, PRIOR to the time of said meeting, I duly caused a public notice of the time and place of said meeting to be given to the following newspapers and/or other news media as follows:

<u>Newspaper and/or other news media</u>	<u>Date given</u>
--	-------------------

I FURTHER CERTIFY that, PRIOR to the time of said meeting, I duly caused public notice of the time and place of said meeting to be conspicuously posted in the following designated public locations(s) on the following dates:

Designated Locations(s)
of posted notice

Date of Posting

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County Legislature this ____ day of _____, 2016.

(SEAL)

Karen M. McCarthy
Clerk, Erie County Legislature

PLEASE TAKE NOTICE that on October __, 2016, the County Legislature of the County of Erie, New York, adopted Resolution No. __-2016 approving the extension of Erie County Sewer District No. 4, a true copy of which follows, which resolution is subject to permissive referendum:

CERTIFICATE AS TO NO REFERENDUM

I, KAREN M. MCCARTHY, Clerk to the Legislature of the County of Erie, State of New York, HEREBY CERTIFY as follows:

That a resolution of the Legislature of the County of Erie, New York, entitled:

"RESOLUTION APPROVING THE EXTENSION OF ERIE
COUNTY SEWER DISTRICT NO. 4 AND MAKING OTHER
DETERMINATIONS IN CONNECTION THEREWITH,"

was adopted on October __, 2016 and that the notice setting forth the date of adoption of the resolution and containing a true copy thereof, was duly published as required by the County Law.

That no petition signed and acknowledged by the electors of the County requesting that said resolution be submitted to the electors of the County for their approval or disapproval has been filed with the Clerk of the Legislature within forty-five days after the date of the adoption thereof, or at any other time since said adoption.

IN WITNESS WHEREOF, I have hereunto set my hand and
affixed the corporate seal of said
County this __ day of _____ 2016.

(SEAL)

Karen M. McCarthy
Clerk, Erie County Legislature

EXTRACT OF MINUTES

Meeting of the County Legislature of
the County of Erie, New York.

October __, 2016

* * *

A regular meeting of the County Legislature of the County of Erie, New York, was held at the Chambers of the Erie County Legislature, in the Erie County Hall, Buffalo, New York, in said County, on October __, 2016, at 2 o'clock P.M. (Prevailing Time).

The following Legislators were present:

There were absent:

Also present: Karen M. McCarthy, Clerk of the Legislature

* * *

_____ offered the following resolution and moved its adoption:

RESOLUTION NO. ____

RESOLUTION DATED _____, 2016

RESOLUTION APPROVING THE EXTENSION OF ERIE COUNTY
SEWER DISTRICT NO. 5 AND MAKING OTHER
DETERMINATIONS IN CONNECTION THEREWITH

(Introduced) _____, 2016.

(Adopted) _____, 2016.

WHEREAS, pursuant to proceedings heretofore had and taken in accordance with the provisions of Article 5-A of the County Law, a report of the Erie County Sewer Agency approved by the Erie County Sewer District No. 5 Board of Managers on October 14, 2015, an extension of Sewer District No. 5 of the County of Erie, New York to include sanitary sewer service areas currently serviced as out of district customers has been proposed; and

WHEREAS, a map and plan have been duly prepared by the County Engineers (Erie County Department of Environment and Planning) relating to such extension of the Erie County Sewer District No. 5, which map and plan have been filed with the County Legislature pursuant to Section 254 of the County Law; and

WHEREAS, there will be no additional capital costs incurred by or on behalf of the Erie County Sewer District No. 5 with respect to the extension of the boundaries of such District, but future annual charges will be apportioned in accordance with applicable flat charges, hook-up charges and charges based on units, assessed value and footage, specified in the District's Benefit and User Charge formulas, as such formulas currently exist and as amended from time to time; and

WHEREAS, pursuant to Section 258 of the County Law, the consent of the State Comptroller is not required prior to the extension of said Erie County Sewer District No. 5 because such extension is not to be financed by the issuance of bonds, notes, certificates or other evidences of indebtedness of the County; and

WHEREAS, said County Legislature duly adopted Resolution No. 113-2016 on the 9th day of June, 2016, calling a meeting of the County Legislature for the purpose of holding a public hearing on the aforesaid extension of Erie County Sewer District No. 5 in accordance with the aforesaid map and plan, and

WHEREAS, the Erie County Sewer District No. 5 Board of Managers and the County Legislature have given due consideration to the impact that the extension of Erie County Sewer District No. 5 may have on the environment and on the basis of such consideration, have found that no substantial adverse environmental impact will be caused thereby; and

WHEREAS, the Erie County Sewer District No. 5 Board of Managers and the County Legislature have 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, comprising Article 8 of the Environmental Conservation Law and, in connection therewith; and

WHEREAS, said public hearing was duly held at Erie County Hall, 92 Franklin Street, 4th Floor, Buffalo, New York, in said County, on the 6th day of July, 2016, at 1:30 o'clock P.M., Prevailing Time; and

WHEREAS, notice of said public hearing was duly published in the manner provided by law and proof thereof was submitted to said County Legislature; and

WHEREAS, said County Legislature has duly considered the evidence given at such public hearing;

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

Section 1. Upon the evidence given at the public hearing held on July 6, 2016, and after due consideration of the map and plan, and other recommendations and other data, if any, heretofore provided to the County Legislature, it is hereby found and determined that:

- (a) the proposed extension is satisfactory, sufficient, adequate and appropriate;
- (b) all the property and property owners within the proposed extension are benefited thereby;
- (c) all the property and property owners benefited are included within the limits of the proposed extension;
- (d) it is in the public interest to extend said Erie County Sewer District No. 5.

Section 2. The extension of Erie County Sewer District No. 5 is hereby approved and said extension shall comprise an area described as follows:

- (a) Erie County Sewer District No. 5 Boundary Extension 2016— Portion A

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Clarence, County of Erie and State of New York, being part of Lot 1, Section 16, Township 12, Range 6, of the Holland Land Company's Survey, Bounded and described as follows;

BEGINNING at the north line of lands conveyed to Theodore A. & Patricia A. Felber by deed recorded in the Erie County Clerk's Office in Liber 7583 of Deeds at Page 7 at its intersection with the west line of Lot 1, said west line also being the east bounds of existing Erie County Sewer District No. 5: Thence easterly along the north line of said Felber four hundred thirty six and twenty six hundredths feet (436.26') to the northeast corner thereof; Thence south along the east line of said Felber and the east line of lands conveyed to Stahley Properties

Inc. recorded in Liber 10142 of deeds Page 712 seven hundred forty five and ninety two hundredths feet (745.92') to the southeast corner of said Stahley Properties Inc: Thence west along the south line of said Stahley Properties Inc. four hundred thirty eight and two tenths feet plus or minus (438.2'±) to the west line of said Lot 1 and the east bounds of said Erie County District No. 5; Thence northerly along said lines seven hundred forty nine and fifty two hundredths feet plus or minus (749.52'±) to the point of beginning.

(b) Erie County Sewer District No. 5 Non-Contiguous Boundary Extension 2016 - Portion B

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Clarence, County of Erie and State of New York, being part of Lot No. 10, Section 14, Township 12, Range 6, of the Holland Land Company's Survey, Bounded and described as follows;

BEGINNING at a point in the south line of Lot No. 10, being the center line of Greiner Road, distance 210 feet east from the southwest corner of said Lot, said point being on the east line of Erie County Sewer District No. 5; Thence east along said center line 645 feet; Thence north and parallel to the west line of said Lot 10, a distance of 300± feet to the south line of Erie County Sewer District No. 5; Thence west along said line and parallel to the center line of said Greiner Road a distance of 645± feet to a point, said point being 210 feet east of the west line of Lot 10 and on the east line of said District No. 5; Thence south parallel to said west Lot line and along said District line a distance of 300± feet to the point of Beginning and as shown on attached sketch "2015 — Exhibit B"

ALSO ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Clarence, County of Erie and State of New York, being part of Lot No. 10, Section 14, Township 12, Range 6, of the Holland Land Company's Survey, Bounded and described as follows;

BEGINNING at a point in the southerly line of Lot No. 10, being the center line of Greiner Road, distance 955 feet east from the southwest corner of said lot, said point also being the southeast corner of lands owned by Joseph F and Martha E. Hassenfratz by deed Liber 10881 Page 7124; Thence east along said center line 100 feet; Thence north and parallel to the west line of Lot 10, 300± feet to the south line of Erie County Sewer District No. 5; Thence west along said District line and parallel to Greiner Road 100 feet to the northeast corner of said Hassenfratz lands; Thence south along the east line of Hassenfratz 300± feet to the point of beginning .

(c) Erie County Sewer District No. 5 Non-Contiguous Boundary Extension 2016 — Portion C

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Clarence, County of Erie and State of New York, being part of Lot No. 68, Township 13, Range 6, of the Holland Land Company's Survey, Bounded and described as follows;

BEGINNING at a point in the west line of Lot No. 68, also being the centerline of Transit Road, 500 feet north of the center line of Lapp Road, said point being the northwest corner of Erie County Sewer District No. 5 boundary; Thence north along said center line of Transit Road 822.47± feet to the northwest corner of lands conveyed to Rafiga and Sharifa Fazili by Deed Liber 10091 Page 164; Thence east at right angles to Transit Road 336.30 feet to a point; Thence northeast at an interior angle of 225°-18'-20" a distance of 231.93 feet to a point; Thence east at an interior angle of 132°-41'-28" a distance of 2,175.30 feet to a point, said point being the northeast corner of said Fazili lands; Thence south along the east line of said Fazili a distance of 1003.48± feet to a point on the north line of Erie County Sewers District No. 5 Boundary, said point being 500 feet north of the centerline of Lapp Road; Thence west along said District Boundary and parallel to said Lapp Road 2,673± feet to the point or place of beginning.

(d) Erie County Sewer District No. 5 Boundary Extension 2016 — Portion D

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Clarence, County of Erie, State of New York and, also being part of Lot 3, Section 12, Township 12, Range 6 of the Holland Land Survey, so-called, bounded and described as follows:

BEGINNING at a point 1099.56 feet west as measured along the north line of Lot 4 from the northeast corner of Lot 4, Section 11, Township 12; Range 6, said northeast corner being on the centerline of Heise Road (49.5' wide), said beginning point being the southwest corner of lands conveyed to Rocco Lucente by Liber 10877 of Deeds at page 5183 and being on the boundary line of Erie County Sewer District No. 5; Thence: N-88-05'-44"-W along said Lot 4, District line and the North line of lands conveyed to LeGrande Builders Liber 10896 Page 8019 a distance of 834.90 feet to the Southeast corner of lands conveyed to Alireza Shams by Deed recorded in the Erie County Clerk's Office in Liber 10278 of Deeds at page 148; Running Thence: N-00-47'-12"-W and parallel to Lot 3 being also the centerline of Heise Road, aforesaid, along the east line of Shams and its extension a distance of 686.47 feet to a point; Thence: N-89-12-48"-E at right angles to last described course through the lands conveyed to Edward Sawyer by Deed and recorded in the Erie County Clerk's Office in Liber 9702 at page 135, a distance of 833.98 feet to a point on the west line of lands conveyed to William King by Deed and recorded in the Erie County Clerk's Office in Liber 9303 of Deeds at page 196, said point also being on the west line of said District No. 5; Thence: S-00*-47"-12"-E and at right angles to last described course along

said lines and parallel to said East line of Lot 3, a distance of 725.67 feet to the point or place of beginning.

(e) Erie County Sewer District No. 5 Boundary Extension 2016 — Portion E

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Clarence, County of Erie and State of New York, being part of Lot No. 7, Section 13, Township 12, Range 6, of the Holland Land Company's Survey, Bounded and described as follows;

BEGINNING at a point in the south line of Main Street formerly Buffalo Road 405.88 feet west from the northeast corner of Lot No. 7; Thence south at an interior angle of $89^{\circ}-56'-25''$ 435 feet; Thence east on a line drawn parallel with said Main Street 233 feet to a point, said point being the northeast corner of Map Cover 2809 as filed at Erie County Clerk's Office; Thence south along the east line of said Map Cover 2809 and Map Cover 2967 a distance of $2700.30\pm$ feet to a point on the south line of said Lot No. 7, being the center line of Wehrle Drive, said point also being the southeast corner of Erie County Sewer District No 5 Boundary; Thence northerly along the east boundary of said Erie County Sewer District No 5 being also parallel to the east line of Farm Lot 9 Section 13 a distance of $3,184.8\pm$ feet to a point in the center line of Main Street, said point also being the northeast corner of said Erie County Sewer District No 5 Boundary ; Thence easterly along said center line a distance of $325\pm$ feet to a point, said point being the extension north of the first described course and point of beginning; Thence south along said extension $49.5\pm$ feet to the point of beginning.

(f) Erie County Sewer District No. 5 Boundary Extension 2016 — Portion F

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Clarence, County of Erie and State of New York, being part of Lot No. 8, Township 12, Range 6, Section 13 of the Holland Land Company's Survey, Bounded and described as follows;

BEGINNING at a point on the west line of Farm Lot 8 where it intersects the center line of Main Street (99 Ft Wide), said west line also being on the east boundary line of Erie County Sewer District No. 5 at this location; thence north along said Farm Lot and District line a distance of 475 feet plus or minus to the north line of lands conveyed to Vincent and Michele Morabito by deed recorded in Liber 11011 of Deeds at Page 8681; thence east along said north line a distance of 88 feet plus or minus to the west Right of Way of Westwood Road; Thence south along said west Right of Way a distance of 475 feet plus or minus to the center line of said Main Street, said center line also being the north boundary line of Erie County Sewer District No. 5 at this location; Thence west along said lines 87 feet plus or minus to the point of beginning .

(g) Erie County Sewer District No. 5 Boundary Extension 2016 — Portion G

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Clarence, County of Erie and State of New York, being part of Lot No. 7, Section 14,

Township 12, Range 6, of the Holland Land Company's Survey, Bounded and described as follows;

BEGINNING at a point in the north line of Lot No. 7, being the center line of Greiner Road, distance 360 feet west of the northeast corner of said Lot 7; Thence south parallel to the east line of said Lot 7, a distance of 400 feet; Thence west parallel to the north line of Lot 7 a distance of 100 feet; Thence north parallel with the east line Lot 7 a distance of 400 feet to the north line of said Lot 7, Thence east along said north line 100 feet to the point of beginning.

ALSO ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Clarence, County of Erie and State of New York, being part of Lot No. 7, Section 14, Township 12, Range 6, of the Holland Land Company's Survey, Bounded and described as follows;

BEGINNING at the northeast corner of Lot No. 7, being the center line of Greiner Road, Thence south along the east line of said Lot 7, a distance of 400 feet; Thence west parallel to the north line of Lot 7 a distance of 100 feet; Thence north parallel with the east line Lot 7 a distance of 400 feet to the north line of said Lot 7, Thence east along said north line of Lot 7, a distance of 100 feet to the point and place of beginning .

ALSO ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Clarence, County of Erie and State of New York, being part of Lot No. 5, Section 14, Township 12, Range 6, of the Holland Land Company's Survey, Bounded and described as follows;

BEGINNING at the northwest corner of Lot No. 5, being the center line of Greiner Road, Thence S-00°-24'-22"W along the west line of said Lot 5, a distance of 1787.94 feet plus or minus to the southwest corner of lands conveyed to the Western New York District, Inc. of the Wesleyan Church recorded in Liber 10967 of Deeds at Page 1682; Thence continuing south along said west Lot line a distance of 541.21 feet; Thence S-89°-55'-49"W parallel with the south line of said lands of the Wesleyan Church 653.91 feet; Thence N-00°-04'-11"E parallel with the west line of Harris Hill Road 197.79 feet to a point of curvature; Thence northerly on a curve to the left having a radius of 73.0 feet, an arc distance of 60.36

feet to a point of reverse curve; Thence northerly on a curve to the right having a radius of 73.0 feet an arc distance of 112.98 feet to a point of reverse curve; Thence northerly on a curve to the left having a radius of 78.0 feet an arc distance of 60.36 feet; Thence N-00°-04'-11"E parallel with the west line of said Harris Hill Road 132.35 feet to the southeast corner of said lands of the Wesleyan Church; Thence continuing north along the east line of said lands of the Wesleyan Church and parallel to the west line of Harris Hill Road a distance of 1787.04 feet plus or minus to the north line of said Lot 5 being the center line of Greiner Road;

Thence west along said line a distance of 640.43 feet plus or minus to the point and place of beginning .

(h) Erie County Sewer District No. 5 Boundary Extension 2016 — Portion H

ALL THAT TRACT OR PARCEL OF LAND s situate in the Town of Clarence, County of Erie and State of New York, being part of Lot No. 11, Section 13, Township 12, Range 6, of the Holland Land Company's Survey, Bounded and described as follows;

BEGINNING at a point in the centerline of Wehrle Drive a distance of 700 feet east of the centerline of Transit Road, Said point being the southeast corner of Erie County Sewer District No. 5 Boundary at this location; Thence north along the east line of said District Boundary and parallel to the east line of Farm Lot 11 a distance of 500 feet to a point; Thence east parallel to the centerline of said Wehrle Drive a distance of 641± feet to the east line of Farm Lot 11; Thence south along said Farm Lot line 70 feet to the northeast corner of lands owned by Curtwright Development Corporation by a deed recorded in Liber 10884 Page 5755; Thence west along the north line of said Curtwright property and parallel to the centerline of Wehrle Drive a distance of 326 feet to the northwest corner of lands owned by Sidney & Edith Moy by a deed recorded in Liber 6926 Page 403; Thence south along the west line of said Moy a distance of 430 feet to the south line of Farm Lot 11, said line also being the centerline of Wehrle Drive; Thence west along said lines 315± feet to the point of beginning .

Section 3. There will be no additional capital costs incurred by or on behalf of the Erie County Sewer District No. 5 with respect to the extension of the boundaries of such District, but future annual charges will be apportioned in accordance with applicable flat charges, hook-up charges and charges based on units, assessed value and footage, specified in the District's Benefit and User Charge formulas, as such formulas currently exist and as amended from time to time.

Section 4. This resolution is subject to permissive referendum and the Clerk of the Legislature is hereby authorized and directed to publish in full, within ten days after the adoption hereof, a Notice containing a true copy of this resolution, the resolution number, the date of adoption and a statement that such resolution is subject to permissive referendum.

* * * * *

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

AYES:

NOES:

The resolution was thereupon declared duly adopted.

* * * * *

Dated: Buffalo, New York,

_____, 2016.

STATE OF NEW YORK)
 :ss:
COUNTY OF ERIE)

I, the undersigned Clerk of the Erie County Legislature, DO HEREBY CERTIFY that I have compared the foregoing extract of the minutes of the meeting of the County Legislature of said County, including the resolution contained therein, held on the ____ day of October, 2016, with the original minutes thereof as originally recorded in the Minute Book of said Erie County Legislature and the same is a true and correct copy of said original minutes and of the whole of said original so far as the same relates to the subject matters referred to in said extract.

I FURTHER CERTIFY that all members of said Legislature had due notice of said meeting.

I FURTHER CERTIFY that, pursuant to Section 103 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public.

I FURTHER CERTIFY that, PRIOR to the time of said meeting, I duly caused a public notice of the time and place of said meeting to be given to the following newspapers and/or other news media as follows:

Newspaper and/or other news media Date given

I FURTHER CERTIFY that, PRIOR to the time of said meeting, I duly caused public notice of the time and place of said meeting to be conspicuously posted in the following designated public locations(s) on the following dates:

Designated Locations(s)
of posted notice

Date of Posting

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County Legislature this ____ day of _____, 2016.

(SEAL)

Karen M. McCarthy
Clerk, Erie County Legislature

PLEASE TAKE NOTICE that on October __, 2016, the County Legislature of the County of Erie, New York, adopted Resolution No. ____-2016 approving the extension of Erie County Sewer District No. 5, a true copy of which follows, which resolution is subject to permissive referendum:

CERTIFICATE AS TO NO REFERENDUM

I, KAREN M. MCCARTHY, Clerk to the Legislature of the County of Erie, State of New York, HEREBY CERTIFY as follows:

That a resolution of the Legislature of the County of Erie, New York, entitled:

"RESOLUTION APPROVING THE EXTENSION OF ERIE
COUNTY SEWER DISTRICT NO. 5 AND MAKING OTHER
DETERMINATIONS IN CONNECTION THEREWITH,"

was adopted on October __, 2016 and that the notice setting forth the date of adoption of the resolution and containing a true copy thereof, was duly published as required by the County Law.

That no petition signed and acknowledged by the electors of the County requesting that said resolution be submitted to the electors of the County for their approval or disapproval has been filed with the Clerk of the Legislature within forty-five days after the date of the adoption thereof, or at any other time since said adoption.

IN WITNESS WHEREOF, I have hereunto set my hand and
affixed the corporate seal of said
County this __ day of _____ 2016.

(SEAL)

Karen M. McCarthy
Clerk, Erie County Legislature