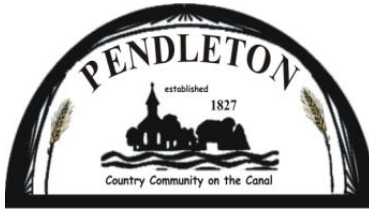


TOWN OF PENDLETON

6570 Campbell Boulevard

Lockport, NY 14094



Deborah K. Maurer, Town Clerk

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NOTICE OF PUBLIC HEARING

AN ORDER PROVIDING FOR A PUBLIC HEARING to discuss the following “Sewer Improvements” created by the TOWN BOARD of the Town of Pendleton pursuant to Article 12-C, Section 209-q of the Town Law to service the following three [3] specified subdivisions in the Town of Pendleton:

1. OLD ORCHARD ESTATES: which is further described as follows:

ALL THAT TRACT OR PARCEL OF LAND, situate, lying and being in the Town of Pendleton, County of Niagara, and State of New York and being part of Lot 84, Township 13, Range 7 of the Holland Land Company's Survey, bounded and described as follows:

COMMENCING at a point in the centerline of Meyer Road (66' wide) Five Hundred Forty-one and 20/100 (541.20) feet distant westerly of the east line of Lot 84 measured perpendicular thereto, said point being the northeast corner of Sublot 7 of Micro Film Book 2155 of Maps at page 197 as Filed in the Niagara county Clerk's Office.

THENCE southerly along the east line of Sublot 7 a distance of Three Hundred (300.00) feet to the southeast corner of Sublot 7 and the true point of beginning;

THENCE continuing southerly along the west line of lands conveyed to A. T. Ramsdell in Liber of Deeds 16 at Page 210 a distance of Fourteen Hundred Sixty-nine and 88/100 (1469.88) feet to an angle point;

THENCE continuing southerly at an interior angle of 180 degrees 44'-10" and along the west line of said Ramsdell Lands a distance of Seventeen Hundred and 03/100 (1718.03) feet to a point in the south line of Lot 84;

THENCE westerly along the south line of Lot 84 a distance of Twelve Hundred Forty-six and 19/100 (1246.19) feet to the southwest corner of lands conveyed to Michael Sciandra in Liber of Deeds 2155 at Page 197;

THENCE northerly along the west line of said lands of Michael Sciandra a distance of Thirty-six Hundred Seventy-two and 93/100 (3672.93) feet to the southwest corner of Sublot 1 of Micro Film Book 2155 of Maps at Page 197 as filed in the Niagara County Clerk's Office;

THENCE easterly along the south line of Sublots I and 2 of said Micro Film Book 2155 at Page 197 a distance of One Hundred Sixty-two and 12/100 (162.12) to an angle point;

THENCE southeasterly along the south line of Sublots 2, 3, 4 and 5 to the southeast corner of Sublot 5;

THENCE northerly along the east line of Sublot 5 a distance of Two Hundred Fifty (250.00) feet to a point in the centerline of Meyer Road (66' wide);

THENCE southeasterly along the centerline of Meyer Road a distance of Eighty-five and 89/100 (85.89) feet to a point;

THENCE southerly and parallel with the east line of Sublot 5 a distance of Three Hundred Seventy-six and 27/100 (376.27) feet to a point;

THENCE easterly and perpendicular to the aforementioned line a distance of One Hundred Seventy-five and 69/100 (175.69) feet to the southwest corner of Sublot 6;

THENCE southeasterly along the south line of Sublots 6 and 7 a distance of Two Hundred Seventy-three and 60/100 (273.60) feet to the southeast corner of Sublot 7 and the point or place of beginning.

Containing 95.12 acres more or less.

2. THE MEADOWS: which is further described as follows:

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Pendleton, County of Niagara, State of New York being part of Lots 74 and 75, township 13, Range 7 of the Holland Land Survey (so-called), bounded and described as follows:

Beginning at the point of intersection of the centerline of Campbell Boulevard (Campbell Boulevard being 66.0 feet wide) with the division line between lands of the City of Lockport, former Erie Lackawanna Railroad, on the north, and lands conveyed to Robert C. Brauer and Richard A. Brauer by Deed recorded in Liber 2381 of Deeds at page 298, on the south;

THENCE: Northeasterly, along said division line, a distance of 85.45 feet to a point;

THENCE: Southerly, through said Brauer lands, parallel with the centerline of Campbell Boulevard, distant 63.0 feet easterly therefrom measured at right angles, a distance of 77.50 feet to a point;

THENCE: Westerly, through said Brauer lands, at right angles, a distance of 10.00 feet to a point;

THENCE: Southerly, through said Brauer lands, parallel with the centerline of Campbell Boulevard, distant 53.0 feet easterly therefrom measured at right angles, a distance of 537.2 feet more or less to a point on the northerly line of lands conveyed to Richard and Michelle Sinnott by Deed recorded in Liber 2520 of Deeds at page 5;

THENCE: Westerly, along the northerly line of said Sinnott lands, a distance of 5.0 feet to a point on the easterly line of a 15.0 foot wide easement granted to Niagara County Sewer District No. 1;

THENCE: Southerly, through said Sinnott lands, through lands conveyed to Richard Sticht by Deed recorded in Liber 2516 of Deeds at page 212 and through lands conveyed to Paul and Sharlaine Depriest by Deed recorded in Liber 2421 of Deeds at page 21, along the easterly line of 15.0 foot wide easements granted to Niagara County Sewer District No. 1, parallel with the centerline of Campbell Boulevard distant 48.0 feet easterly therefrom measured at right angles, a distance of 356.8 feet more or less to a point on the southerly line of said Depriest lands;

THENCE: Easterly along the southerly line of said Depriest lands being a northerly line of lands conveyed to 6655 Campbell Development Company by Deed recorded in Liber 2491 of deeds at page 285, a distance of 585.0 feet to the southeasterly corner of said Depriest lands;

THENCE: Northerly along the easterly line of said Depriest lands and the easterly line of said Sticht lands, being a westerly line of said 6655 Campbell Development Company Lands, a distance of 306.76 feet to a point on the northerly line thereof,

THENCE: Easterly, along the northerly line of said 6655 Campbell Development Company Lands, a distance of 2,883.30 feet to the northeasterly corner thereof,

THENCE: Southerly, along the easterly line of said 6655 Campbell Development Company Lands, a distance of 1,316.04 feet to the southeasterly corner thereof;

THENCE: Westerly, along the southerly line of said 6655 Campbell Development Company Lands, a distance of 3,233.30 feet to the southeasterly line of lands conveyed to Renzo and Gina Tiburzi by deed recorded in Liber 2541 of Deeds at page 176;

THENCE: Northerly, along the easterly line of said Tiburzi lands a distance of 115.0 feet to the northeasterly corner thereof,

THENCE: Westerly, along the northerly line of said Tiburzi lands, being a southerly line of said 6655 Campbell Development Company Lands, a distance of 230.0 feet to a point;

THENCE: Southerly, through said Tiburzi lands and through lands conveyed to Ronald and Cheryl Spiak by Deed recorded in Liber 2398 of Deeds at page 262, parallel with the centerline of Campbell Boulevard, distant 53.0 feet easterly therefrom measured at right angles, a distance of 205.0 feet to a point;

THENCE: Westerly, through said Spiak lands, at right angles, a distance of 53.0 feet to a point on the centerline of Campbell Boulevard;

THENCE: Northerly, along the centerline of Campbell Boulevard, a distance of 2,013.6 feet more or less to the point or place of beginning containing 102.39 acres be the same more or less.

3. BEAR RIDGE ESTATES: which is further described as follows:

ALL THAT TRACT OR PARCEL OF LAND situated in the Town of Pendleton, County of Niagara, State of New York being part of Lot 36,38, and 83, (total area is 84.39 acres) Township 13, Range 7 of the Holland Land Survey (so Called) bounded by Bear Ridge Road to the west, lands conveyed to Warren Jacus to the Northlands conveyed to Warren and Sandra DeGlopper, Gertrude and Joseph Kelleman, and James and Kathleen Andruschat to the east, and lands conveyed to Jack F. Nirelli, Richard and Don Littlefield, and Greg and Karen Lee Metzger to the South

WHEREAS, the "Sewer Improvement" for the OLD ORCHARD ESTATES subdivision was created and approved by the TOWN BOARD of the Town of Pendleton pursuant to Article 12-C, Section 209-q of the Town Law on June 3, 2003,

WHEREAS, the “Sewer Improvement” for the THE MEADOWS subdivision was created and approved by the TOWN BOARD of the Town of Pendleton pursuant to Article 12-C, Section 209-q of the Town Law on August 5, 2003,

WHEREAS, the “Sewer Improvement” for the BEAR RIDGE ESTATES subdivision was created and approved by the TOWN BOARD of the Town of Pendleton pursuant to Article 12-C, Section 209-q of the Town Law on September 6, 2005,

WHEREAS, private funds were used to install all sanitary sewer facilities and therefore, the facilities were constructed at no cost to the Town of Pendleton;

WHEREAS, on April 25, 2006, resolutions were erroneously adopted by the Town Board of The Town of Pendleton, that purported to reclassify such “Sewer Improvements” created and approved by the TOWN BOARD of the Town of Pendleton pursuant to Article 12-C, Section 209-q of the Town Law as “Sewer Districts” created pursuant to Article 12-A of the Town Law. Such “Sewer Improvements” were thereafter identified as:

1. Sewer District No. 3 [i.e. OLD ORCHARD ESTATES];
2. Sewer District No. 2 [i.e. THE MEADOWS];
3. Sewer District No. 1 [i.e. BEAR RIDGE ESTATES].

WHEREAS, the Town of Pendleton, County of Niagara, State of New York never caused the financial and/or maintenance, affairs or functions of such “Sewer Improvements” located within such subdivisions to be conducted as “Sewer Districts”.

WHEREAS, the misclassification of such “Sewer Improvements” as “Sewer Districts” located within such subdivisions was reported to the Town of Pendleton in an April 2018 Report of Examination of the Office of the New York State Comptroller.

Now, therefore, be it

ORDERED, by the Town Board of the Town of Pendleton, Niagara County, New York, as follows:

That the Town Board of the Town of Pendleton shall meet at the Town Hall, 6570 Campbell Blvd. on May 14, 2018 at 6:50 P.M., to conduct a public hearing to hear all persons interested in the proposed action of the Town Board to clarify that the “Sewer Improvements” created by the TOWN BOARD of the Town of Pendleton to service the aforementioned three [3] specified subdivisions in the Town of Pendleton were created, established and approved pursuant to Article 12-C, Section 209-q of the Town Law;

That the Town Clerk of the Town of Pendleton is hereby authorized and directed to publish a copy of the Order in the official newspaper, in the time and manner required by law. The Town Clerk shall also file a copy of this order with the New York State Comptroller's Office.

Deborah Maurer, Town Clerk

Date: May 2, 2018

Publish: May 7, 2018