

## RESOLUTION 23-\_\_

### RESOLUTION AND ORDER CALLING PUBLIC HEARING UPON PUBLIC INTEREST ORDER FOR FORMATION OF DRAINAGE DISTRICT #12 FOR THE ASBURY-COLLINS SUBDIVISION

The following Resolution was duly presented for consideration by the Town Board:

WHEREAS, John Young, *et al.* (the "Developer") is proposing the dedication of stormwater facilities and easements relating thereto for the purposes of fulfilling Planning Board approval conditions and ensuring the long-term maintenance of stormwater facilities for the Asbury-Collins Subdivision; and

WHEREAS, the development plans, subdivision plats, and project SWPPPs have envisioned that the common facilities and stormwater operation, maintenance, reporting, and repair obligations would be managed by a drainage district operated by the Town as an Article 12-A improvement district, and the final approval of the major subdivision plat issued by the Planning Board defines the boundaries of the subdivision and requires district formation for the whole thereof as a condition of approval; and

WHEREAS, the Town Board accepted the town engineer's recommendation as to this district and forwarded the same, together with maps, the landowner petitions, and related information, to the Water and Sewer Advisory Board ("WSAB"), which agency reviews and issues advisory recommendations on all special benefit districts for the town, and the WSAB unanimously recommended by written memorandum that the town proceed with formation of this district as was so mapped and proposed; and

WHEREAS, the Town Board duly accepted and adopted such advisory opinion and recommendations and, by resolution, authorized the town engineer to proceed with a Map, Plan and Report ("MPR") for this proposed district based upon all of the foregoing, and upon November 6, 2023, a final MPR was prepared and sealed and thereafter submitted to the town for review, as well as for development of the concurrent and needed stormwater management terms and easements; and

WHEREAS, suitable documents have been prepared respecting stormwater agreements and easements, the same are under review by the landowner-developers, and the Town Board finds that all requirements for this district appear to be in place, or are anticipated to be in place prior to the adoption of any Final Order under Town Law Article 12-A; and

WHEREAS, the MPR is found to be in compliance with Town Law §§ 209-c and 209-d, and it is and has been determined that it is in the public interest to form such district, such that the Town now desires to proceed towards establishment of Drainage District #12 pursuant to the provisions of Town Law Article 12-A (the "Project") and finds that all

proceedings to date have been in compliance therewith and that the final MPR dated November 6, 2023, properly describes the district and its expenses; it being further found that such district benefits all parcels in the proposed district and that no benefitted parcels have been excluded from such district; and

WHEREAS, this action was previously classified as a Type I Action under SEQRA and the lead agency (the Town of Lansing Planning Board), under a coordinated review that duly considered drainage and stormwater facilities and this Project, previously issued a Negative Declaration; and

WHEREAS, an examination of such FEAF and prior SEQRA findings in relation to this Project has been undertaken, and the Town Board (as an involved agency) has found that no impacts arising from this Project are or are likely to cause any actual or potential impact to become a moderate or significant impact, such that no supplemental review under SEQRA is determined to be necessary that does or may require referral to the lead agency; and

WHEREAS, upon due deliberation hereupon, the Town Board hereby adopts an Order pursuant to Town Law §209-d as follows:

1. The boundaries of the proposed district are inclusive of all that land now and formally part of the Asbury-Collins Subdivision, including approximately 72.35 acres of land, being comprised of approximately six lots, all being more particularly known as TPN 38.-1-39.2, each of said parcels and the district boundaries being thus further depicted in the subdivision plat map and stormwater maps, each duly deemed incorporated herein, and the descriptions for land records thereof as are on file at the Tompkins County Clerk's Office. The subject lands are also described in the MPR as follows: BEGINNING at a point in the present centerline of Asbury Road, said point being further located 776.46' East of the present centerline intersection with Collins Road; RUNNING THENCE North 87° 32' 39" East along the present centerline of Asbury Road for a distance of 60.00' to a point; RUNNING THENCE North 01° 50' 40" West, passing through an iron pin found at a distance of 26.47' and continuing for a total distance of 325.42' to an iron pin found; RUNNING THENCE North 87° 08' 08" East, passing through an iron pin found at a distance of 177.99', passing through an iron pin set at an additional distance of 150.02', passing through an iron pin set at an additional distance of 150.02', said course having a total distance of 478.03'; RUNNING THENCE South 03° 51' 57" East for a distance of 328.91' to a point; RUNNING THENCE North 87° 32' 39" East along the present centerline of Asbury Road for a distance of 150.05' to a point; RUNNING THENCE North 03° 51' 57" West, passing through an iron pipe found at a distance of 29.76' and continuing for a total distance of 329.98' to an iron pipe found; RUNNING THENCE North 87° 08' 08" East for a distance of 300.00' to a tall post; RUNNING THENCE South 03° 51' 57" East for a distance of 332.12' to a point; RUNNING THENCE North 87° 32' 39" East along the present centerline of Asbury Road

for a distance of 76.26' to a point; RUNNING THENCE North 87° 32' 39" East along the present centerline of Asbury Road for a distance of 150.00' to a point; RUNNING THENCE North 87° 32' 39" East along the present centerline of Asbury Road for a distance of 150.00' to a point; RUNNING THENCE North 02° 52' 45" West, passing through an iron pipe found a distance of 36.22' and continuing for a total distance of 404.60' to an iron pin set; RUNNING THENCE North 02° 52' 45" West for a distance of 113.62' to an iron pipe found; RUNNING THENCE North 02° 18' 28" West for a distance of 1336.42' to an iron pin set; RUNNING THENCE South 87° 02' 17" West for a distance of 1616.99' to an iron pin found; RUNNING THENCE South 86° 41' 09" West for a distance of 328.97' to an iron pin set; RUNNING THENCE South 02° 41' 44" East for a distance of 200.00' to a point RUNNING THENCE South 86° 41' 09" West, passing through an iron pipe found at a distance of 191.47' and continuing for a total distance of 217.50' to a point; RUNNING THENCE South 02° 50' 10" East along the present centerline of Collins Road for a distance of 642.90' to a point; RUNNING THENCE South 02° 50' 10" East along the present centerline of Collins Road for a distance of 75.00' to a point; RUNNING THENCE South 02° 50' 10" East along the present centerline of Collins Road for a distance of 300.00 to a point; RUNNING THENCE North 87° 29' 09" East, passing through an iron pin found at a distance of 25.00' and continuing for a total distance of 330.84' to an iron pin set; RUNNING THENCE North 56° 37' 39" East for a distance of 243.70' to an iron pin set; RUNNING THENCE North 87° 29' 09" East for a distance of 246.68' to an iron pin set; RUNNING THENCE South 02° 30' 51" East for a distance of 125.00' to an iron pin found; RUNNING THENCE South 01° 50' 40" East, passing through an iron pin found at a distance of 590.36' and continuing for a total distance of 615.12 to the point and place of beginning; Said parcel having an area of 72.35 acres to the centerline of roads

2. The proposed improvements consist of stormwater bioretention basins, vegetated swales and ditches to convey stormwater, and other related stormwater facilities and drains, all of which are set forth upon and within the final subdivision plats and in the SWPPPs (which are incorporated herein by reference). All costs of installation will be paid for by the Developer, and the future maintenance responsibilities of Drainage District #12 include inspections and reporting, unclogging outlet pipes, mowing and vegetation management, animal and nuisance controls, sediment and debris removal, repairs to areas with erosion and settling within swales and bioretention areas, and the tilling or replacement of bioretention surfaces and media, as needed, to ensure or restore permeability and drainage. The Developer will provide easements and rights-of-way to the Town and the District for normal maintenance and emergency access, and further responsibilities of the District include the need to periodically inspect on-site privately built and maintained stormwater facilities (on individual residential lots) and require their preservation, maintenance, and improvement, as required by law.

3. The estimated cost to the Town and the District for the proposed improvements is \$0.00, which is the maximum amount proposed to be expended by the Town or the

District. There is no hook-up cost for or to the drainage district, and there is no financing needed for this project.

4. The MPR describes in detail how the financing, hook-up costs, and other costs and expenses of the proposed drainage district were estimated and computed, including the first year's estimated maximum average maintenance cost of \$750 per parcel. Such costs are proposed to be paid through special benefit assessments for the benefited parcels of the proposed district, to be collected with the annual Town and County tax bill. The average cost was computed by identifying the frequency that each maintenance activity is required; then establishing the number of hours and cost per hour for such maintenance activity, then arriving at a total district first year's estimated cost of \$4,500. Such amount was then applied to the total acreage and a pro-rata formula was applied to each lot for payment in accordance with the total cost per acre, all as shown more particularly in said MPR. This statement of detail as to how the costs were calculated is and shall be deemed the required computation statement required to be filed with the Town Clerk by Town Law § 209-d(1).

5. The MPR is on file for public review and inspection at the Office of the Town Clerk, and a public hearing upon such proposed district will be held at 6:32 pm upon December 20, 2023, at the Lansing Town Hall, 29 Auburn Road, Lansing, New York, and to thereat hear all persons interested in the subject thereof, and to take such action thereon as is required or permitted by law.

6. The Town Clerk of the Town of Lansing, Tompkins County, New York, is hereby authorized and directed to cause this Resolution and Order to be published in the Town's official newspaper and posted not less than 10 nor more than 20 days before such public hearing.