S T A T E O F N E W Y O R K

S. 6419--A A. 9484--A

S E N A T E - A S S E M B L Y

(PREFILED)

January 6, 2010

IN SENATE -- Introduced by Sen. BRESLIN -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

IN ASSEMBLY -- Introduced by M. of A. McENENY -- read once and referred to the Committee on Local Governments -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the town law, in relation to properties included in the Westerlo Water District No. 1

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Section 202-c of the town law is amended by adding a new subdivision 2-g to read as follows:

2-G. (A) NOTWITHSTANDING THE PROVISIONS OF SUBDIVISIONS ONE AND TWO OF THIS SECTION, AS WELL AS ANY OTHER PROVISION OF GENERAL, SPECIAL OR LOCAL LAW, RULE OR REGULATION TO THE CONTRARY, WHENEVER THE TOWN BOARD OF THE TOWN OF WESTERLO, COUNTY OF ALBANY, SHALL DETERMINE IT TO BE IN THE PUBLIC INTEREST, SUCH TOWN BOARD MAY, UPON ITS OWN MOTION AND WITHOUT A PETITION, BUT AFTER A PUBLIC HEARING HELD IN THE MANNER AND UPON THE NOTICE SPECIFIED IN SUBDIVISION ONE OF THIS SECTION, DIMINISH THE WESTERLO WATER DISTRICT NO. 1 BY DELETING THEREFROM THE LANDS DESCRIBED IN PARAGRAPH (B) OF THIS SUBDIVISION, PROVIDED THAT SAID PROPERTIES HAVE NOT RECEIVED ANY BENEFIT FROM THE WATER DISTRICT SINCE ITS INCEPTION.

(B) THE LANDS AUTHORIZED TO BE DELETED FROM THE WESTERLO WATER DISTRICT NO. 1 ARE DESCRIBED AS FOLLOWS:

AREA NO. 1

BEGINNING AT A POINT IN THE NORTHERLY BOUNDARY LINE OF NEW YORK STATE ROUTE 143, SAID POINT BEING THE SOUTHWESTERLY CORNER OF TAX MAP PARCEL 139.09-2-22; THENCE IN A SOUTHERLY DIRECTION ACROSS NEW YORK STATE ROUTE 143, 55 FEET, MORE OR LESS, TO A POINT IN THE SOUTHERLY BOUNDARY LINE OF NEW YORK STATE ROUTE 143, SAID POINT ALSO BEING THE NORTHEASTERLY CORNER

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

LBD15147-02-0

OF TAX MAP PARCEL 139.09-3-22; THENCE IN A SOUTHERLY DIRECTION ALONG THE EASTERLY BOUNDARY LINE OF SAID PARCEL 139.09-3-22, 148 FEET, MORE OR LESS, TO A POINT, SAID POINT BEING THE SOUTHEASTERLY CORNER OF SAID PARCEL 139.09-3-22; THENCE IN A WESTERLY DIRECTION ALONG THE SOUTHERLY BOUNDARY LINE OF SAID PARCEL 139.09-3-22, 86.05 FEET, MORE OR LESS, TO A POINT, SAID POINT BEING THE SOUTHWESTERLY CORNER OF SAID PARCEL 139.09-3-23, SAID POINT ALSO BEING IN THE EASTERLY BOUNDARY LINE OF TAX MAP PARCEL 139.09-3-21; THENCE IN A SOUTHERLY DIRECTION ALONG THE EASTERLY BOUNDARY LINE OF SAID PARCEL 139.09-3-21, 189.72 FEET, MORE OR LESS, TO A POINT, SAID POINT BEING THE SOUTHEAST CORNER OF SAID PARCEL 139.09-3-21; THENCE IN A WESTERLY DIRECTION ALONG THE SOUTHERLY BOUNDARY LINE OF SAID PARCEL 139.09-3-21, 99.08 FEET, MORE OR LESS, TO A POINT, SAID POINT BEING THE SOUTHWEST CORNER OF SAID PARCEL 139.09-3-21, SAID POINT ALSO BEING IN THE EASTERLY BOUNDARY LINE OF TAX MAP PARCEL 139.09-3-20; THENCE IN A SOUTHERLY DIRECTION ALONG THE EASTERLY BOUNDARY OF TAX MAP PARCEL 139.09-3-20, 120 FEET, MORE OR LESS, TO A POINT, SAID POINT BEING THE SOUTHEAST CORNER OF SAID PARCEL 139.09-3-20; THENCE IN A WESTERLY DIRECTION ALONG THE SOUTHERLY BOUNDARY LINE OF SAID PARCEL 139.09-3-20, 100 FEET, MORE OR LESS, TO A POINT, SAID POINT BEING THE SOUTHWEST CORNER OF SAID PARCEL 139.09-3-20; SAID POINT ALSO BEING IN THE EASTERLY BOUNDARY LINE OF TAX MAP PARCEL 139.00-1-30; THENCE IN A SOUTHEASTERLY DIRECTION ALONG THE EASTERLY BOUNDARY LINE OF SAID PARCEL 139.00-1-30, 540 FEET, MORE OR LESS, TO A POINT; THENCE CONTINUING IN A SOUTHERLY DIRECTION ALONG THE EASTERLY BOUNDARY OF SAID PARCEL 139.00-1-30, 430 FEET, MORE OR LESS, TO A POINT, SAID POINT BEING THE SOUTHWEST CORNER OF TAX MAP PARCEL 139.00-1-29; THENCE CONTINUING IN A SOUTHERLY DIRECTION ALONG THE SOUTHERLY PROJECTION OF THE LAST DESCRIBED COURSE AND THROUGH THE LANDS OF THE TOWN OF WESTERLO TOWN PARK, 755 FEET, MORE OR LESS, TO A POINT; THENCE IN A WESTERLY DIRECTION, PERPENDICULAR TO THE LAST DESCRIBED COURSE AND THROUGH THE LANDS OF THE TOWN OF WESTERLO TOWN PARK, 1185 FEET, MORE OR LESS, TO A POINT, SAID POINT BEING IN THE EASTERLY BOUNDARY LINE OF COUNTY ROUTE 401; THENCE IN A NORTHERLY DIRECTION ALONG THE EASTERLY BOUNDARY LINE OF COUNTY ROUTE 401, 250 FEET, MORE OR LESS, TO A POINT; THENCE IN A WESTERLY DIRECTION ACROSS COUNTY ROUTE 401, 50 FEET, MORE OR LESS, TO A POINT IN THE WESTERLY BOUNDARY LINE OF COUNTY ROUTE 401, SAID POINT ALSO BEING THE SOUTHEASTERLY CORNER OF TAX MAP PARCEL 139.00-1-44; THENCE IN A WESTERLY DIRECTION ALONG THE SOUTHERLY BOUNDARY LINE OF SAID PARCEL 139.00-1-44, 720 FEET MORE OR LESS, TO A POINT, SAID POINT BEING THE SOUTHWEST CORNER OF SAID PARCEL 139.00-1-44; THENCE IN A NORTHERLY DIRECTION ALONG THE WESTERLY BOUNDARY LINE OF SAID PARCEL 139.00-1-44, 220 FEET, MORE OR LESS, TO A POINT, SAID POINT BEING THE NORTHWEST CORNER OF SAID PARCEL 139.00-1-44; THENCE IN A NORTHEASTERLY DIRECTION ALONG THE NORTHERLY BOUNDARY LINE OF SAID PARCEL 139.00-1-44, 410 FEET, MORE OR LESS, TO A POINT; THENCE CONTINUING IN AN EASTERLY DIRECTION ALONG THE NORTHERLY BOUNDARY LINE OF SAID PARCEL 139.00-1-44, 400 FEET, MORE OR LESS, TO A POINT, SAID POINT BEING IN THE EASTERLY BOUNDARY LINE OF COUNTY ROUTE 401; THENCE IN A NORTHERLY DIRECTION ALONG THE EASTERLY BOUNDARY LINE OF COUNTY ROUTE 401, 480 FEET, MORE OR LESS, TO A POINT; THENCE ACROSS COUNTY ROUTE 401, 50 FEET, MORE OR LESS, TO A POINT, SAID POINT BEING THE SOUTHEAST CORNER OF TAX MAP PARCEL 139.00-1-45.1; THENCE IN A WESTERLY DIRECTION ALONG THE SOUTHERLY BOUNDARY LINE OF SAID PARCEL 139.00-1-45.1, 305 FEET, MORE OR LESS, TO A POINT, SAID POINT BEING SOUTHWEST CORNER OF SAID PARCEL 139.00-1-45.1; THENCE IN A NORTHERLY DIRECTION ALONG THE WESTERLY BOUNDARY LINE OF SAID PARCEL 139.00-1.45-1, 390 FEET, MORE OR LESS, TO A POINT, SAID POINT BEING THE NORTHWEST

CORNER OF SAID PARCEL 139.00-1-45.1; THENCE IN AN EASTERLY DIRECTION ALONG THE NORTHERLY BOUNDARY LINE OF SAID PARCEL 139.00-1-45.1, 55 FEET, MORE OR LESS, TO A POINT, SAID POINT BEING THE SOUTHWEST CORNER OF TAX MAP PARCEL 139.09-1-33; THENCE IN A NORTHERLY DIRECTION ALONG THE WESTERLY BOUNDARY LINE OF SAID PARCEL 139.09-1-33, 130 FEET, MORE OR LESS, TO A POINT, SAID POINT BEING THE NORTHWEST CORNER OF SAID PARCEL 139.09-1-33; THENCE IN AN EASTERLY DIRECTION ALONG THE NORTHERLY BOUNDARY LINE OF SAID PARCEL 139.09-1-33, 60 FEET, MORE OR LESS, TO A POINT, SAID POINT BEING IN THE WESTERLY BOUNDARY OF TAX MAP PARCEL 139.09-1-31; THENCE IN A NORTHERLY DIRECTION ALONG THE WESTERLY BOUNDARY LINE OF TAX MAP PARCELS 139.09-1-31, 139.09-1-30 AND 139.09-1-29, 150 FEET, MORE OR LESS, TO A POINT, SAID POINT BEING THE SOUTHEAST CORNER OF TAX MAP PARCEL 139.09-1-21, THENCE IN A WESTERLY DIRECTION ALONG THE SOUTHERLY BOUNDARY LINE OF SAID PARCEL 139.09-1-21, 345 FEET, MORE OR LESS, TO A POINT, SAID POINT BEING THE SOUTHWEST CORNER OF SAID PARCEL 139.09-1-21; SAID POINT ALSO BEING THE SOUTHEAST CORNER OF TAX MAP PARCEL 139.09-1-20.2; THENCE ALONG THE SOUTHERLY BOUNDARY LINE OF SAID PARCEL 139.09-1-20.2, 71.39 FEET, MORE OR LESS, TO A POINT, SAID POINT BEING THE NORTHEAST CORNER OF SAID PARCEL 139.09-1-18.1; THENCE IN A SOUTHWESTERLY DIRECTION ALONG THE EASTERLY BOUNDARY LINE OF SAID PARCEL 139.09-1-18.1, 694 FEET, MORE OR LESS, TO A POINT, SAID POINT BEING THE SOUTHEAST CORNER OF SAID PARCEL 139.09-1-18.1; THENCE IN A WESTERLY DIRECTION ALONG THE SOUTHERLY BOUNDARY LINE OF SAID PARCEL 139.09-1-18.1, 288 FEET, MORE OR LESS, TO A POINT, SAID POINT BEING THE SOUTHWEST CORNER OF SAID PARCEL 139.09-1-18.1; THENCE IN A WESTERLY AND SOUTHERLY DIRECTION ALONG THE EASTERLY BOUNDARY LINE OF TAX MAP PARCEL 138.00-2-19, 1925 FEET, MORE OR LESS, TO A POINT, SAID POINT BEING THE SOUTHEAST CORNER OF SAID PARCEL 138.00-2-19; THENCE IN A WESTERLY DIRECTION ALONG THE SOUTHERLY BOUNDARY LINE OF SAID PARCEL 138.00-2-19, 480 FEET, MORE OR LESS, TO A POINT, SAID POINT BEING THE SOUTHWEST CORNER OF SAID PARCEL 138.00-2-19, THENCE IN A NORTHERLY DIRECTION ALONG THE WESTERLY BOUNDARY LINE OF SAID PARCEL 138.00-2-19, 2550 FEET, MORE OR LESS, TO A POINT, SAID POINT BEING THE NORTHWEST CORNER OF SAID PARCEL 138.00-2-19, SAID POINT ALSO BEING IN THE SOUTHERLY BOUNDARY LINE OF TAX MAP PARCEL 138.00-2-17; THENCE IN A WESTERLY DIRECTION ALONG THE SOUTHERLY BOUNDARY LINE OF SAID PARCEL 138.00-2-17, 230 FEET, MORE OR LESS, TO A POINT IN THE EASTERLY BOUNDARY LINE OF COUNTY ROUTE 402; THENCE IN A NORTHEASTERLY DIRECTION ALONG THE EASTERLY BOUNDARY OF COUNTY ROUTE 402, 400 FEET, MORE OR LESS, TO A POINT IN THE SOUTHERLY BOUNDARY LINE OF COUNTY ROUTE 1, THENCE ALONG THE SOUTHERLY BOUNDARY LINE OF COUNTY ROUTE 1, 375 FEET, MORE OR LESS, TO A POINT; THENCE ACROSS COUNTY ROUTE 1, 65 FEET, MORE OR LESS, TO A POINT, SAID POINT BEING THE SOUTHWEST CORNER OF TAX MAP PARCEL 139.09-1-14; THENCE IN A NORTHERLY DIRECTION ALONG THE WESTERLY BOUNDARY LINE OF SAID PARCEL 139.09-1-14, 160 FEET, MORE OR LESS, TO A POINT, SAID POINT BEING THE NORTHWEST CORNER OF SAID PARCEL 139.09-1-14; THENCE IN AN EASTERLY DIRECTION ALONG THE NORTHERLY BOUNDARY LINE OF TAX MAP PARCELS 139.09-1-14, 139.09-1-13 AND 139.09-1-12, 407.51 FEET, MORE OR LESS, TO A POINT, SAID POINT BEING IN THE WESTERLY BOUNDARY LINE OF SAID PARCEL 139.09-1-8.1; THENCE IN A NORTHERLY DIRECTION ALONG THE WESTERLY BOUNDARY LINE OF SAID PARCEL 139.09-1-8.1, 685 FEET, MORE OR LESS, TO A POINT, SAID POINT BEING THE NORTHWEST CORNER OF SAID PARCEL 139.09-1-8.1, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF TAX MAP PARCEL 139.00-1-2.1; THENCE IN A NORTHERLY DIRECTION ALONG THE WESTERLY BOUNDARY LINE OF SAID PARCEL 139.00-1-2.1, 540 FEET, MORE OR LESS, TO A POINT, SAID POINT BEING THE NORTHWEST CORNER OF SAID PARCEL 139.00-1-2.1; THENCE IN AN EASTERLY DIRECTION

ALONG THE NORTHERLY BOUNDARY LINE OF SAID PARCEL 139.00-1-2.1, 767 FEET, MORE OR LESS, TO A POINT SAID POINT BEING THE NORTHEAST CORNER OF SAID PARCEL 139.00-1-2.1; THENCE IN A SOUTHERLY DIRECTION ALONG THE WESTERLY BOUNDARY LINE OF NEW YORK STATE ROUTE 143, 520 FEET, MORE OR LESS, TO A POINT; SAID POINT BEING IN THE EASTERLY BOUNDARY LINE OF TAX MAP PARCEL 139.09-1-1; THENCE IN AN EASTERLY DIRECTION ACROSS NEW YORK STATE ROUTE 143, 50 FEET, MORE OR LESS, TO A POINT IN THE EASTERLY BOUNDARY LINE OF NEW YORK STATE ROUTE 143, SAID POINT ALSO BEING THE NORTHWEST CORNER OF TAX MAP PARCEL 139.09-2-1; THENCE IN AN EASTERLY DIRECTION ALONG THE NORTHERLY BOUNDARY LINE OF SAID PARCEL 139.09-2-1, 748 FEET, MORE OR LESS TO A POINT, SAID POINT BEING THE NORTHEAST CORNER OF SAID PARCEL 139.09-2-1; THENCE IN A SOUTHERLY DIRECTION ALONG THE EASTERLY BOUNDARY LINE OF SAID PARCEL 139.09-2-1, 327 FEET, MORE OR LESS, TO A POINT, SAID POINT BEING THE SOUTHWEST CORNER OF SAID PARCEL 139.09-2-1; THENCE IN A SOUTHERLY DIRECTION ALONG THE EASTERLY BOUNDARY LINE OF TAX MAP PARCELS 139.0-2-4, 139.09-2-5, 139.09-2-6 AND 139.09-2-7, 369.01 FEET, MORE OR LESS, TO A POINT, SAID POINT BEING THE NORTHWEST CORNER OF TAX MAP PARCEL 139.09-2-16; THENCE IN AN EASTERLY DIRECTION ALONG THE NORTHERLY BOUNDARY LINE OF TAX MAP PARCELS 139.09-2-16, 139.09-2-19, 139.09-2-20 AND 139.09-2-21, 492.4 FEET, MORE OR LESS, TO A POINT, SAID POINT BEING THE NORTHEAST CORNER OF SAID PARCEL 139.09-2-21; THENCE IN A SOUTHERLY DIRECTION ALONG THE EASTERLY BOUNDARY LINE OF SAID PARCEL 139.09-2-21, 420 FEET, MORE OR LESS, TO THE POINT AND PLACE OF BEGINNING ALONG THE NORTHERLY BOUNDARY LINE OF NEW YORK STATE ROUTE 143, CONTAINING 158.16 ACRES, MORE OR LESS, AS SHOWN ON A MAP ENTITLED "PROPOSED WESTERLO WATER DISTRICT NO. 1", DATED JANUARY 2002, REVISED APRIL 20, 2010 AND PREPARED BY STANTEC CONSULTING SERVICES, INC.

AREA NO. 2

BEGINNING AT A POINT IN THE WESTERLY BOUNDARY LINE OF COUNTY ROUTE 412, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF TAX MAP PARCEL 139.00-1-7; THENCE IN A WESTERLY DIRECTION ALONG THE SOUTHERLY BOUNDARY LINE OF SAID PARCEL 139.00-1-7, 150 FEET, MORE OR LESS, TO A POINT, SAID POINT BEING THE SOUTHWEST CORNER OF SAID PARCEL 139.00-1-7; THENCE IN A NORTHERLY DIRECTION ALONG THE WESTERLY BOUNDARY LINE OF SAID PARCEL 139.00-1-7, 100 FEET, MORE OR LESS, TO A POINT, SAID POINT BEING THE NORTHWESTERLY CORNER OF SAID PARCEL 139.00-1-7, THENCE IN AN EASTERLY DIRECTION ALONG THE NORTHERLY BOUNDARY LINE OF SAID PARCEL 139.00-1-7, 25 FEET, MORE OR LESS, TO A POINT, SAID POINT BEING THE SOUTHWESTERLY CORNER OF TAX MAP PARCEL 139.00-1-8; THENCE IN A NORTHERLY DIRECTION ALONG THE WESTERLY BOUNDARY LINE OF SAID PARCEL 139.00-1-8, 100 FEET, MORE OR LESS TO A POINT, SAID POINT BEING THE NORTHWESTERLY CORNER OF SAID PARCEL 139.00-1-8; THENCE ALONG THE WESTERLY PROJECTION OF THE NORTHERLY BOUNDARY LINE OF SAID PARCEL 139.00-1-8, 75 FEET, MORE OR LESS, TO A POINT; THENCE IN A NORTHERLY DIRECTION ALONG A LINE PARALLEL TO COUNTY ROUTE 412, 225 FEET, MORE OR LESS, TO A POINT, SAID POINT BEING 200 FEET, MORE OR LESS, WESTERLY OF THE WESTERLY BOUNDARY LINE OF COUNTY ROUTE 412, THENCE IN AN EASTERLY DIRECTION, 200 FEET, MORE OR LESS, TO A POINT, SAID POINT BEING IN THE WESTERLY BOUNDARY LINE OF COUNTY ROUTE 412; THENCE IN A SOUTHERLY DIRECTION ALONG THE WESTERLY BOUNDARY LINE OF COUNTY ROUTE 412 AND THE EASTERLY BOUNDARY LINES OF SAID PARCELS 139.00-1-8 AND 139.00-1-7, 425 FEET, MORE OR LESS, TO THE POINT AND PLACE OF BEGINNING, CONTAINING 1.69 ACRES, MORE OR LESS, AS SHOWN ON A MAP ENTITLED "PROPOSED WESTERLO WATER DISTRICT NO. 1", DATED JANUARY 2002, REVISED APRIL 20, 2010 AND PREPARED BY STANTEC CONSULTING SERVICES, INC.

AREA NO. 3

BEGINNING AT A POINT IN THE EASTERLY BOUNDARY LINE OF ANABLE ROAD, SAID POINT BEING THE SOUTHWESTERLY CORNER OF TAX MAP PARCEL 128.00-1-27.12, SAID POINT ALSO BEING THE NORTHWEST CORNER OF TAX MAP PARCEL 139.00-1-12; THENCE IN AN EASTERLY DIRECTION ALONG THE NORTHERLY BOUNDARY LINE OF SAID PARCEL 139.00-1-12, 350 FEET, MORE OR LESS, TO A POINT, SAID POINT BEING THE NORTHEASTERLY CORNER OF SAID PARCEL 139.00-1-12; THENCE IN AN EASTERLY DIRECTION ALONG THE NORTHERLY BOUNDARY LINE OF TAX MAP PARCEL 139.00-1-15.3, 450 FEET, MORE OR LESS TO A POINT, SAID POINT BEING THE NORTHEASTERLY CORNER OF SAID PARCEL 139.00-1-15.3; THENCE IN A SOUTHEASTERLY DIRECTION ALONG THE EASTERLY BOUNDARY LINE OF SAID PARCEL 139.00-1-15.3, 450 FEET, MORE OR LESS, TO A POINT, SAID POINT BEING THE SOUTHEASTERLY CORNER OF SAID PARCEL 139.00-1-15.3, SAID POINT ALSO BEING THE NORTHEASTERLY CORNER OF TAX MAP PARCEL 139.00-1-14, THENCE IN A WESTERLY DIRECTION ALONG THE SOUTHERLY BOUNDARY LINE OF SAID PARCEL 139.00-1-15.3, 1050 FEET, MORE OR LESS, TO A POINT, SAID POINT BEING IN THE EASTERLY BOUNDARY LINE OF ANABLE ROAD, SAID POINT ALSO BEING THE SOUTHWESTERLY CORNER OF SAID PARCEL 139.00-1-15.3; THENCE IN A NORTHERLY DIRECTION ALONG THE EASTERLY BOUNDARY LINE OF ANABLE ROAD, 166.7 FEET, MORE OR LESS, TO A POINT, SAID POINT BEING THE SOUTHWESTERLY CORNER OF SAID PARCEL 139.00-1-12; THENCE IN A NORTHEASTERLY DIRECTION ALONG THE EASTERLY BOUNDARY LINE OF ANNABLE ROAD, 250 FEET, MORE OR LESS, TO THE POINT AND PLACE OF BEGINNING, CONTAINING 9.42 ACRES, MORE OR LESS, AS SHOWN ON A MAP ENTITLE "PROPOSED WESTERLO WATER DISTRICT NO. 1", DATED JANUARY 2002, REVISED APRIL 20, 2010 AND PREPARED BY STANTEC CONSULTING SERVICES, INC.

S 2. This act shall take effect immediately.