

RESOLUTION OF THE TOWN BOARD OF THE TOWN OF EDEN, NEW YORK, ADOPTED SEPTEMBER 26, 2018, ENDORSING A DISSOLUTION PLAN FOR THE DISSOLUTION OF THE EDEN CONSOLIDATED WATER DISTRICT AND PRESCRIBING OTHER ACTIONS IN RELATION THEREWITH.

WHEREAS, the Town Board of the Town of Eden (herein called "Town Board" and "Town", respectively), in the County of Erie, New York, has, pursuant to Town Law, created the Eden Consolidated Water District ("CWD"); and

WHEREAS, the Town Supervisor, acting on behalf of the Town Board, has caused to be prepared a Dissolution Plan as required for dissolution proceedings pursuant to New York General Municipal Law Article 17-A;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF EDEN, as follows:

SECTION 1. That the Town Board has reviewed the Dissolution Plan and has found it to be sufficient.

SECTION 2. That it is in the public interest to dissolve the CWD based on the Town Board's review of the record before it, the consideration of the needs of the property owners for a public water supply, and the anticipated benefits associated with a move to a direct service agreement with the Erie County Water Authority.

SECTION 3. That the Town Board hereby endorses the Dissolution Plan, thereby commencing dissolution proceedings pursuant to the New York General Municipal Law Article 17-A.

SECTION 4. That a public hearing on the Dissolution Plan will be held on November 14, 2018 at 7:30 P.M. (prevailing time) or shortly thereafter, at the Town Hall, Town of Eden, 2795 East Church Street, Eden, New York 14057.

SECTION 5. That within five days after adoption of this Resolution, the Town Clerk is hereby authorized and directed to have the Dissolution Plan and a summary thereof placed in the office of the Town Clerk at the Town Hall and on the Town's website.

SECTION 6. That within five business days after adoption of this Resolution, the Town Clerk is hereby authorized and directed to arrange to have a notice of (A) the proposed dissolution and (B) a public hearing to be held in connection therewith published in a newspaper having general circulation in the CWD. Such notice shall be published at least one time a week for four consecutive weeks, with at least one publication to take place between 10 and 20 days before the public hearing. Such notice shall also be placed on the Town's website and posted on the sign-board of the Town, and it shall be in substantially the following form, to-wit:

LEGAL NOTICE:

- (A) Dissolution Plan for Dissolution of the Eden Consolidated Water District; and
(B) Calling for a Public Hearing to be held on November 14, 2018 in Connection with such Proposed Dissolution.

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Eden, a municipality of the State of New York (the "Town") on September 26, 2018 duly authorized a resolution endorsing a proposed Dissolution Plan for the dissolution of the Eden Consolidated Water District, a descriptive summary of which follows.

Descriptive Summary of Dissolution Plan

The Town of Eden, a municipality of the State of New York (the "Town") proposes to dissolve the Eden Consolidated Water District (the "CWD").

The territorial boundaries of the CWD encompass a large portion of the Town, as more specifically described in Exhibit A to the full Dissolution Plan endorsed by the Town (the "Plan"). The CWD is a water improvement district that does not have a separate Board of Commissioners, and the CWD does not have any local laws, ordinances, rules or regulations independent of the Town. Under operation of law, no agreement with the Town is necessary to carry out the dissolution. Water service is currently provided through a Lease-Manage arrangement with the Erie County Water Authority (the "ECWA"). Residents of the CWD will continue to receive water service following the dissolution, with the note that such Lease-Management arrangement may be transitioned to a Direct Service arrangement with the ECWA.

The Plan does not call for the elimination or transfer of public employees, and the cost of the dissolution, including associated legal fees and publication costs for legal notices is estimated not to exceed \$7,500.

The CWD's assets consist of the Eden 1 Pump Station, located at 7120 East Eden Road, and two easements, as more specifically described in Exhibit B to the Plan. The CWD has some debt, as detailed further in Exhibit C to the Plan.

Upon approval of the Plan (after a public hearing has taken place, which is scheduled for November 14, 2018), the CWD's assets outlined in Exhibit B to the Plan shall become assets of the Town. Such assets could then be subject to sale and transfer to the ECWA pursuant to Town Law in consideration for the provision of Direct Service by the ECWA. Existing liabilities and indebtedness will continue to be a charge on the taxable real property within the CWD as provided by General Municipal Law Section 790.

Other than the transfer of the CWD's assets to the Town, which will occur immediately upon adoption of the Plan, the dissolution shall become effective January 1, 2019.

NOTICE IS HERBY FURTHER GIVEN, that the Dissolution Plan, along with a descriptive summary thereof, may be read at the office of the Town Clerk located in the Town Hall, Town of

Eden, 2795 East Church Street, Eden, New York 14057. The Dissolution Plan may also be accessed through the Town's website: <http://edenny.org>.

NOTICE IS HEREBY FURTHER GIVEN that a public hearing on this Dissolution Plan will be held on November 14, 2018 at 7:30 PM (or shortly thereafter) at the Town Hall, Town of Eden, 2795 East Church Street, Eden, New York 14057.

BY ORDER OF THE TOWN BOARD OF THE TOWN
OF EDEN, ERIE COUNTY, NEW YORK

SECTION 7. This Resolution shall take effect immediately.

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EXHIBIT A
DISSOLUTION PLAN

**PROPOSED DISSOLUTION PLAN FOR
THE EDEN CONSOLIDATED WATER DISTRICT
IN THE TOWN OF EDEN, COUNTY OF ERIE, STATE OF NEW YORK**

This plan is for the dissolution of the Eden Consolidated Water District of the Town of Eden (the "CWD") pursuant to Article 17-A of the General Municipal Law of the State of New York (G.M.L. Article 17-A).

The CWD was created by resolution of the Eden Town Board following a public hearing held on June 8, 1988. The action consolidated eight existing water districts into a single special water improvement district for the improvement of water system facilities and the provision of water service to properties in the CWD service area. Such water service has been provided through a Lease-Manage arrangement with the Erie County Water Authority (the "ECWA").

The Town of Eden is transitioning to a Direct Service arrangement with the ECWA which is expected to result in long-term savings to taxpayers within existing water districts in the Town of Eden.

All existing water facilities are currently in the name of the Town of Eden, except for one fee simple asset and two easements which are in the name of two of the previous water districts which became part of the CWD. The dissolution of the CWD will result in those assets becoming assets of the Town of Eden. The transfer of assets from CWD to the Town is a necessary step in furtherance of the ultimate goal of transferring such assets to the ECWA.

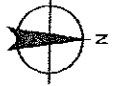
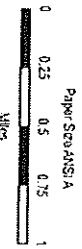
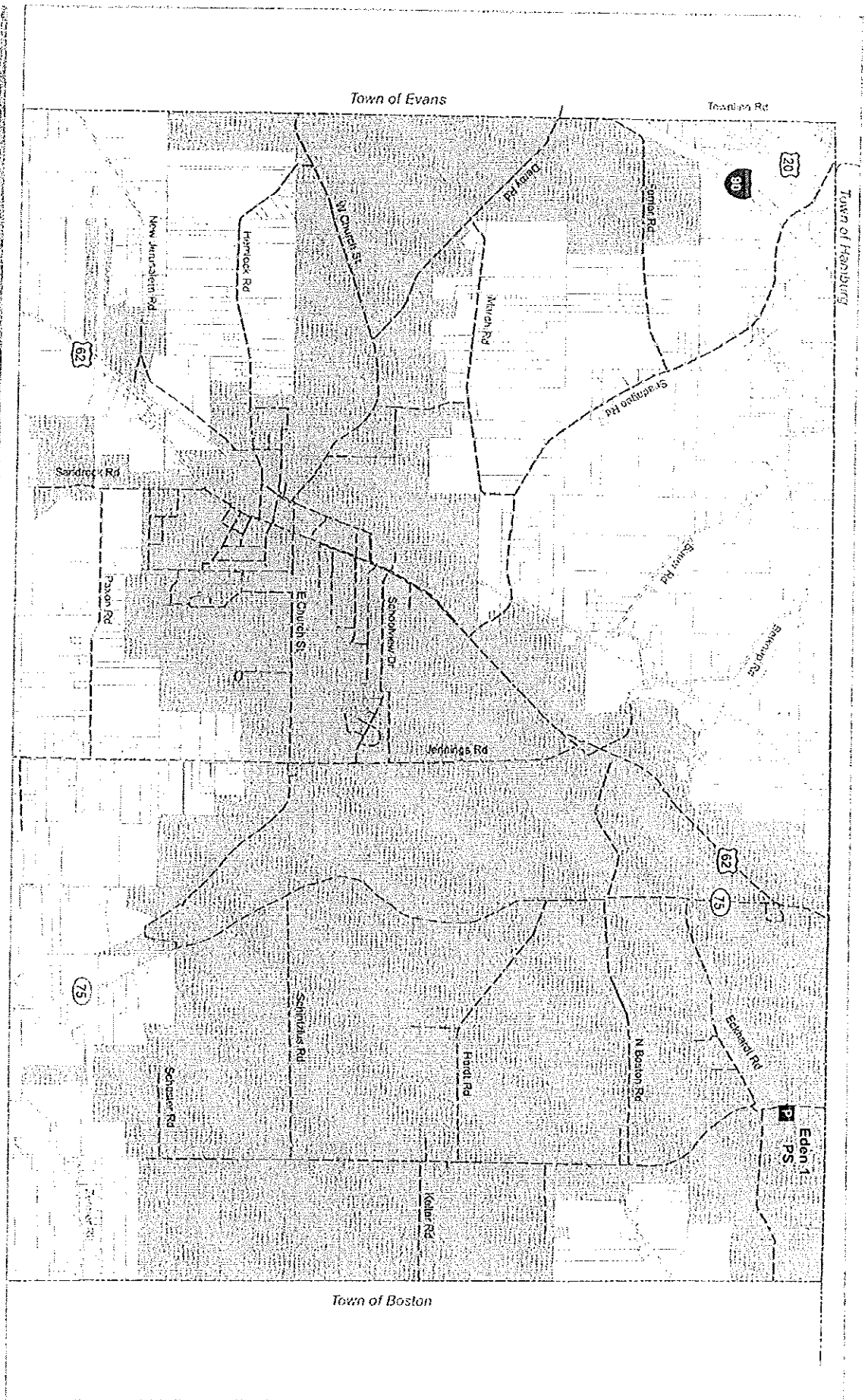
Proposed Dissolution Plan

Pursuant to Section 774 (2) of the General Municipal Law:

- (a) The name of the local government entity to be dissolved is the Eden Consolidated Water District (the "CWD").
- (b) The territorial boundaries of the CWD are depicted in Exhibit A attached hereto.
- (c) The CWD is a water improvement district created by the Town of Eden (the "Town") pursuant to Town Law (such water improvement district does not have a separate Board of Commissioners).
- (d) The estimated cost of the dissolution includes associated legal fees and publication costs for legal notices and is estimated to not exceed \$7,500.
- (e) The plan does not call for the elimination or transfer of public employees.

- (f) The CWD's assets consist of the Eden 1 Pump Station, located at 7120 East Eden Road, and two easements. A schedule of such assets and the fair value thereof in current money of the United States is attached hereto as Exhibit B.
- (g) The existing liabilities and indebtedness, bonded and otherwise, and the fair value thereof in current money of the United States is attached hereto as Exhibit C.
- (h) Under operation of law, no agreement with the Town is necessary to carry out the dissolution.
- (i) Residents of the CWD will continue to receive water service following the dissolution, with the note that, as mentioned above, residents currently receive water service through a Lease Manage arrangement with the ECWA, which may be transitioned to a Direct Service arrangement.
- (j) Upon the Town Board's adoption of this Dissolution Plan (which is anticipated to take place on November 14, 2018, after the public hearing referred to in paragraph m below), the CWD's assets outlined in Exhibit B of this Dissolution Plan shall be transferred to the Town. Such assets could then be subject to sale and transfer to the ECWA pursuant to Town Law in consideration for the provision of Direct Service by the ECWA. Existing liabilities and indebtedness will continue to be a charge on the taxable real property within the CWD as provided by General Municipal Law Section 790.
- (k) The CWD does not have any local laws, ordinances, rules or regulations independent of the Town of Eden.
- (l) Other than the transfer of the CWD's assets, which will occur immediately upon adoption of this Dissolution Plan, the dissolution shall become effective January 1, 2019.
- (m) The Town Board will hold a public hearing on the proposed dissolution of the CWD on November 14, 2018 at 7:30 p.m. at the Eden Town Hall, 2795 E. Church Street, Eden, New York.

EXHIBIT A



**TOWN OF EDEN
WATER SYSTEM
CONSOLIDATED WATER
DISTRICT BOUNDARIES**

Project No. 11109583
Revision No. 2
Date 09/18/2018

FIGURE 1

Map Projection: Transverse Mercator
Horizontal Datum: North American 1983
Grid: NAD 1983 StatePlane New York NAD FIPS 3103 Feet
Map Date: 09/18/2018

Database: Consolidated Water

EXHIBIT B - Assets of Town of Eden Consolidated Water District

1. Eden 1 Pump Station - 9120 East Eden Road
(Recorded 6/2/1964 in L.7011 of Deeds P. 517) - Fair Value: \$500,000.00
2. Right of Way and Easement originally granted to Town of Eden, Erie County, New York Water District #6
(Recorded 2/24/1971 in L.7772 of Deeds P.330) - Fair Value \$1,000.00
3. Easement originally granted to Town of Eden Water District No. 7
(Recorded 2/29/1974 in L.8141 of Deeds P.489) - Fair Value \$500.00

EXHIBIT C - Existing Liabilities and Indebtedness of Town of Eden Consolidated Water District

Consolidated Water Debt - BAN's

WD#5 - Consolidated Portion	160,000.00
Phase II	350,000.00
Schoolview Road	445,000.00
Green Street	410,000.00
Water Consolidation Projects	4,560,000.00
Pump & Tank	835,000.00
Violet Street Dome	275,000.00
	<u>7,035,000.00</u>

Consolidated Water Debt - Bond's

Violet Street Pump Station	361,000.00
Shadagee Road Transmission Line	5,271,000.00
	<u>5,632,000.00</u>

The question of the adoption of the foregoing resolution was duly put to vote on a roll call, which resulted as follows:

AYES: Melissa Hartman, Supervisor
 Richard Ventry, Councilperson
 Susan Wilhelm, Councilperson
 Michael Byrnes, Councilperson
 Gary Sam, Councilperson

NOES: None

ABSENT: None

The foregoing resolution was thereupon declared duly adopted.