

Court.

Hinman, Straub, Pigors & Manning, Attorneys, 90 State St., Albany, N. Y. (July 2-23)

At a Meeting of the Town Board of the Town of Guilderland, held at the Town Hall, Willow Street, Guilderland, in said Town, County of Albany, New York, on the 23rd day of June, 1965.

**PRESENT:** Gordon Robinson, Supervisor; Chester Magley, Councilman; Harold Hughes, Jr., Councilman.

**ABSENT:** Robert Johnston, Councilman; James Choles, Councilman.

In the Matter of the Establishment of the WESTMERE WATER DISTRICT, in the Town of Guilderland, County of Albany, State of New York, pursuant to Article 12A of the Town Law.

WHEREAS, a map, plan and report have been prepared in such manner and in such detail as has heretofore been determined by the Town Board of the Town of Guilderland, relative to the establishment of the Westmere Water District, in the Town of Guilderland, County of Albany, State of New York; and

WHEREAS, such map, plan and report have been duly filed in the Town Clerk's Office in said Town; and

WHEREAS, said map, plan and report were prepared by J. Kenneth Fraser and Associates, competent engineers, duly licensed by the State of New York, showing the boundaries of the proposed District, the general plan of the water system and water source and a report showing the costs thereof and maintenance of operation; and

WHEREAS, said map and plan show all facilities including water sources, mains, hydrants and the necessary valves and fittings, together with the location and general description of all public works required including lands and easements to be acquired; and

WHEREAS, the boundaries of the proposed district are as follows:

The territory hereinafter described is located in the Town of Guilderland, County of Albany and State of New York, outside of any incorporated Village and wholly within the said Town of Guilderland and which proposed District is described as follows:

Beginning at City of Albany Monument No. 1207, at a point in the division line between the Town of Guilderland on the south and the City of Albany on the north, said point being also the most northwesterly corner of the McKownville Water District of the Town of Guilderland, said point also being approximately 4534 feet from the easterly boundary line of Fuller Road; thence southeasterly and along the northwesterly boundary of the McKownville Water District 3627 feet, more or less, to a point in the centerline of Western Avenue (U. S. Highway-Route 20) at its intersection with the centerline of Schoolhouse Road; thence southerly and along the centerline of Schoolhouse Road 1265 feet, more or less, to a point; thence southeasterly and continuing along the boundary of said McKownville Water District 261 feet, more or less, to a point, said point being the southwesterly corner of the McKownville Estates Water District Extension to the McKownville Water District; thence southeasterly and along the southerly boundary of said McKownville

Water District No. II, to a point in the northeasterly boundary of the New York State Thruway; thence southeasterly and along said northeasterly boundary of the New York State Thruway to the division line between the Town of Guilderland on the north and the Town of Bethlehem on the south; thence in a general westerly direction and along said division line between the Town of Guilderland and the Town of Bethlehem and continuing along the division line of the Town of Guilderland on the north and the Town of New Scotland on the south 16,250 feet, more or less, to a point in the centerline of Johnston Road; thence northeasterly and along the centerline of Johnston Road 180 feet, more or less, to the centerline of the Norman's Kill; thence in a general northwesterly direction and along the centerline of the Norman's Kill as it winds and turns to the confluence of the Norman's Kill and the Hunger Kill; thence northeasterly and along the centerline of the Hunger Kill as it winds and turns and crossing Nott Road to a point approximately 1300 feet northeasterly from the centerline of Nott Road; thence continuing from said point in the centerline of the Hunger Kill in a straight line northeasterly 2420 feet, more or less, to a point in the Guilderland Water District, said point being the most easterly corner of the said Guilderland Water District on the southerly side of Western Avenue and 300 feet southwesterly from the centerline of Western Avenue; thence along the easterly boundary of the said Guilderland Water District and at right angles to Western Avenue 300 feet to the centerline of said Western Avenue; thence along the last described line produced in a northeasterly direction to the northeasterly side of Western Avenue; thence northwesterly and along the northeasterly line of said Western Avenue 135 feet to a point, said point being in the most easterly boundary of said Guilderland Water District; thence along the boundary of said Guilderland Water District the following courses: Northeasterly and making a 90 degree angle with the last described course 150 feet; thence northwesterly and parallel to Western Avenue 50 feet; thence northeasterly and making a 90 degree angle with the last described course to a point, said point being 300 feet from the centerline of said Western Avenue; thence northwesterly, parallel to and 300 feet distant from the centerline of said Western Avenue 2100 feet, more or less, to a point, said point being the most southeasterly corner of Extension No. 1 to the Guilderland Water District; thence the following courses and distances and along said boundary of Extension No. 1 to the Guilderland Water District N47 degrees 00.6' E, 130 feet more or less to an angle point; thence N17 degrees 46' E 343.88 feet to an angle point; thence N46 degrees 32' E 217.24 feet to a point; thence N2 degrees 30' W 214.45 feet to the northwesterly corner of a parcel of land known as the "Ward Tract", and shown on a "Plot of the Subdivision of the Ward Tract, Guilderland, Albany County, New York", dated August 20, 1947, and prepared by Halsey, Hofman and Wiseman, Engineers and Surveyors, Albany, New York, and filed in Albany County September 12, 1947, Drawer No. 131, Map No. 2105B; thence in an extension in a northerly direction of the last described line to its intersection with the northwesterly line of property formerly

cerning the same and to take such action thereon as is required or authorized by law.

The adoption of the foregoing order was duly put to a vote and upon roll call, the vote was as follows:

**AYES:** Gordon Robinson, Supervisor; Chester Magley, Harold Hughes.

**NOES:** None.

The order was thereupon declared duly adopted.

**STATE OF NEW YORK**

**SS.:**

**COUNTY OF ALBANY**

I, MILDRED WISE, Town Clerk of the Town of Guilderland, Albany County, New York, do hereby certify that the foregoing is a true and correct copy of a resolution duly adopted at a meeting of the Town Board of the Town of Guilderland held on the 23rd day of June, 1965, at the Town Hall in said Town.

I FURTHER CERTIFY that such resolution was adopted in full compliance with the Laws of the State of New York and duly entered in the minutes of said Town Board on the 23rd day of June, 1965.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said Town this 23rd day of June, 1965.

(SEAL)

MILDRED WISE,  
Town Clerk.

(July 2)

also being approximately 4534 feet from the easterly boundary line of Fuller Road; thence southeasterly and along the northwesterly boundary of the McKownville Water District 3627 feet, more or less, to a point in the centerline of Western Avenue (U. S. Highway-Route 20) at its intersection with the centerline of Schoolhouse Road; thence southerly and along the centerline of Schoolhouse Road 1265 feet, more or less, to a point; thence southeasterly and continuing along the boundary of said McKownville Water District 261 feet, more or less, to a point, said point being the southwest corner of the McKownville Estates Water District Extension to the McKownville Water District; thence southeasterly and along the southerly boundary of said McKownville Estates Water District Extension 1160 feet, more or less, to the southeasterly corner thereof; thence northeasterly and along the easterly boundary of the said McKownville Estates Water District Extension 890 feet, more or less, to a point in the southerly boundary of the McKownville Water District; thence southeasterly and along the southerly boundary of the McKownville Water District 575 feet, more or less, to a point in the southeasterly line of McKown Road, said point being also the northwesterly corner of the Birchmont Water District of the Town of Guilderland, said point being also the most northwesterly corner of property now or formerly owned by Vincent Belfort and Armenia Belfort; thence in a general southerly direction and along the easterly line of McKown Road to the most southwest corner of Lot No. 108, as shown upon Map No. 2655, in the Albany County Clerk's Office, entitled "Subdivision Plat, Western Avenue Development Company, Inc., Town of Guilderland, Albany County, New York", prepared by H. J. Rooney, Scale 1" equals 50', and bearing date June 6, 1950; thence southeasterly and along the southwest corner of Lot No. 100, as shown on the above mentioned map, said Lot corner being also in the westerly line of Ayre Drive; thence southwest and along the westerly line extended of Ayre Drive 142 feet from the southerly line of West Dillenbeck Drive; thence in a general easterly and northeasterly direction parallel to and 142 feet southwest from the southerly line of West Dillenbeck Drive to the southwest corner of Lot No. 92, as shown on Map No. 2629B, on file in the Albany County Clerk's Office, entitled "Birchmont, Section No. 3, Subdivision Plat, Western Avenue Development Company, Inc., Town of Guilderland, Albany County, New York", made by H. J. Rooney, Scale 1" equals 40', dated August 7, 1950; thence in a general easterly and northeasterly direction and along the rear lines of Lots Nos. 92; 91; 90; 89; 88; 87; 86; 85; 84; 83 and 82, to the northeasterly corner of Lot No. 82; thence southeasterly 137 feet, more or less, and along the southerly line of lands now or formerly of Glen Water Co., Inc., to a point, said point being in the northwesterly boundary line of Guilderland Fire Protection District No. II, as shown on a map dated August 5, 1957, prepared by Andrew G. Tweedie, Licensed Surveyor; thence southwest and westerly and along said boundary of Guilderland Fire

and along said boundary of Extension No. 1 to the Guilderland Water District N47 degrees 00.6' E, 130 feet more or less to an angle point; thence N17 degrees 46' E 343.88 feet to an angle point; thence N46 degrees 32' E 217.24 feet to a point; thence N2 degrees 30' W 214.45 feet to the north-easterly corner of a parcel of land known as the "Ward Tract", and shown on a "Plot of the Sub-division of the Ward Tract, Guilderland, Albany County, New York", dated August 20, 1947, and prepared by Halsey, Hofman and Wiseman, Engineers and Surveyors, Albany, New York, and filed in Albany County September 12, 1947, Drawer No. 131, Map No. 2105B; thence in an extension in a northerly direction of the last described line to its intersection with the northwesterly line of property formerly of the Lawrence Estate; thence northeasterly and along the northwesterly boundary of the said Lawrence Estate 1530 feet, more or less, to a point in the division line between the City of Albany on the northeast and the Town of Guilderland on the southwest, said point being 550 feet, more or less, from an angle point in the Guilderland Town line-Albany City line on the northwesterly side of Willow Street, as measured along the said Town line; thence southeasterly and along the said division line between the City of Albany and the Town of Guilderland 7930 feet, more or less, to the point and place of beginning.

The above described boundaries of the proposed Westmere Water District are shown on a map and plan entitled "Town of Guilderland, Albany County, New York-Proposed Westmere Water District-General Plan", Scale 1" equals 800', dated June 10, 1965 and prepared by J. Kenneth Fraser and Associates, Consulting Engineers, Rensselaer, New York.

WHEREAS, the improvements proposed consist of the construction and acquisition of the necessary water supplies, water mains, hydrants and including all appurtenances and incidental equipment and the purchase of necessary lands and rights of way for the creation and establishment of the Westmere Water District to serve the area described heretofore and in accordance with the map, plan and report now on file in the Office of the Town Clerk of the said Town of Guilderland; and

WHEREAS, the maximum amount proposed to be expended for such improvement and/or the acquisition of necessary lands and easements is the sum of \$3,200,000.00; and

WHEREAS, said map, plan and report describing the improvement are on file in the Town Clerk's Office, for public inspection; and

WHEREAS, the proposed method of financing the costs of improvement, consists of the issuance of bonds over a period not exceeding forty (40) years, payable from assessments levied on real property situated within the proposed district.

Now, on motion of Councilman Hughes and seconded by Councilman Magley, it is hereby

ORDERED, that the Town Board of the Town of Guilderland shall meet and hold a public hearing at the Westmere School Auditorium on the 14th day of July, 1965, at 8:00 o'clock in the evening, Daylight Saving Time, on that day, to consider said map, plan and report and to hear all persons interested in the subject thereof con-