

TOWN OF CHAMPLAIN PROPOSED MUNICIPAL WATER DISTRICT JOINT CONSOLIDATION AGREEMENT

PURPOSE

The public purpose for the consolidation of existing Water Districts, namely: Ridge Road Water District; Route 11 Water District; Perry's Mills Water District; Landfill Water District; West Service Road Water District; and Water District #6 is to provide a long-term, safe, reliable and economical water supply to customers within those districts.

METHOD

A new Town Water District is to be comprised of the existing infrastructure, users and boundaries of the current Ridge Road Water District, Route 11 Water District, Perry's Mills Water District, Landfill Water District, West Service Road Water District, and Water District #6.

AUTHORITY

Article 17-A of the General Municipal Law of the State of New York ("GML Art 17-A") and specifically Sections 750 through 793 thereof, effective March 21, 2010, authorizes the consolidation of special districts within a town and amends relevant provisions of the Town Law (§§ 57, 81, 195 and 209-q), the Local Finance Law (§24) and the Municipal Home Rule Law ("MHRL") (§33-a) to facilitate such consolidations. The Town of Champlain specifically invokes its authority under the New York State Constitution, Municipal Home Rule Law Article 10 and §792 of the General Municipal Law to supersede any relevant but inconsistent provisions of either state or local laws.

1. Pursuant to General Municipal Law §752, the names of each local government entity to be consolidated are: Ridge Road Water District, Route 11 Water District, Perry's Mills Water District, Landfill Water District, West Service Road Water District, and Water District #6.
2. The name of the proposed consolidated local government entity shall be the Town of Champlain Consolidated Water District.
3. The rights, duties and obligations of the proposed consolidated local government entity are the same as those that currently exist in Ridge Road Water District, Route 11 Water District, Perry's Mills Water District, Landfill Water District, West Service Road Water District, and Water District #6 as more specifically described in the previously filed Engineer's Map, Plan and Report by Bernier, Carr & Associates, dated October 2015, as amended, hereinafter "MPR" (the contents of which are specifically incorporated into this Consolidation Agreement for the Town of Champlain Municipal Water Districts) and are those afforded special districts under the New York State Town Law and General Municipal Law Article 17-A.
4. The territorial boundaries of the proposed consolidated local government entity are the same as currently existing for the perimeter boundaries of the current Ridge Road Water District, Route 11 Water District, Perry's Mills Water District, Landfill Water District, West Service Road Water District, and Water District #6 with any contiguous interior boundaries removed,

as described and depicted in the filed MPR. The complete description of the proposed boundaries of the Town of Champlain Consolidated Water District is set forth in the "Schedule A" annexed hereto and incorporated as though fully set forth at length herein.

5. The type and/or class of the proposed consolidated local government entity is a "Special District" as that term is defined in Article 12 & 12A of the New York State Town Law for the supply of water to end users.

6. The governmental organization of the proposed consolidated local government entity is that of a Special District within a Town as provided in the New York State Town Law. Specifically, the Town Board of the Town of Champlain currently functions as the Commissioners of the Town Water Districts namely, Ridge Road Water District; Route 11 Water District; Perry's Mills Water District; Landfill Water District; West Service Road Water District; and Water District #6 and will continue to function as Commissioners of the Town of Champlain Consolidated Water District, without a special election therefore, after the consolidation is complete.

7. A detailed fiscal estimate of the cost which may be realized from consolidation is continued in the previously referred to MPR which is on file in the Town Clerk's office and that MPR is incorporated herein. In general, the cost of the consolidation itself of the existing districts is estimated to be any legal costs and engineering expenses as well as the cost of preparing the MPR. The savings incurred by the consolidation will basically consist of the simplification of accounting previously done for the Districts.

There will be a need to adjust rates as District 1 has had a rate structure different from other Districts which will be consolidated with it into Town of Champlain Consolidated Water District. It is recognized that generally the cost of water for the Champlain Water Districts has always been amongst the highest in most of Water Districts in the State of New York and in other states, and by consolidating the water delivery and infrastructure will be greatly improved as well as the quality of the water, and existing debt of the Districts will be spread evenly across the users within the District with all users benefiting from the District. The Consolidation will result in more equitable billing for water usage through the Town's existing Districts.

8. Each entity's assets are detailed in the MPR and consist basically of water storage, water transmission and distribution infrastructure and equipment, and real property upon which water towers serving the Districts are to be erected. All other assets such as trucks, water meters, computers etc. have been previously purchased jointly by the Water Districts. The estimated current fair value of Ridge Road Water District, Route 11 Water District, Perry's Mills Water District, Landfill Water District, West Service Road Water District, and Water District #6 is as follows:

	<u>Fair Market Value</u>
Ridge Road Water District	\$ 9,722.71
Route 11 Water District	\$ 53,119.49
Perry's Mills Water District	\$ 4,878.81

Landfill Water District	\$ 29,771.99
West Service Road Water District	\$ 0.00
Water District #6	\$ 886,050.00

9. Each entity's liabilities and indebtedness have been determined, and there is a total debt in bond, principal and interest for each water district as set forth below:

	<u>Total Debt</u>
Ridge Road Water District	No Debt
Route 11 Water District	\$ 203,520.00
Perry's Mills Water District	\$ 3,822.00
Landfill Water District	\$ 16,556.00
West Service Road Water District	No Debt
Water District #6	\$1,939,969.14

10. The terms for disposition of existing assets, liabilities and indebtedness of each local government entity is that they will stay in place as will the users of the existing water districts. The debt of existing Town Districts will be shared among all users of the new consolidated district since all existing infrastructure with its associated debt is considered a benefit to all existing and new water users. Future improvements to the Town of Champlain Consolidated Water District will be financed via joint indebtedness for the entirety of Town of Champlain Consolidated Water District and paid for on a benefit basis as determined by the Town.

11. The terms for the common administration and uniform enforcement of local laws and the like within the proposed consolidated local government Town of Champlain Consolidated Water District, are those rules and regulations promulgated by the Town of Champlain, and enforced by the Town of Champlain pursuant to the Champlain Town Code and State and County Health Department Regulations consistent with GML §769, all local laws, ordinances, rules or regulations currently in effect for the component Water Districts on the effective date of consolidation shall remain in full force and effect until repealed or amended. The Town of Champlain Town Board will adopt such new local laws, ordinances, rules and regulations as necessary to redress conflicts or ambiguities in existing laws and the like for the common administration and uniform governance of the consolidated Town of Champlain Consolidated Water District.

12. The effective date of the proposed consolidation will be immediately upon the adoption of the Proposed Consolidation Agreement by Resolution of the Champlain Town Board and in conformity with General Municipal Law §756, which is estimated to be voted on at the December 2015 Town Board meeting after the public hearing regarding this issue is held.

13. The time and place for the Public Hearing on this Proposed Consolidated Agreement pursuant to General Municipal Law §754 will be as noticed by Resolution of the Champlain Town Board and is set for Tuesday, November 24, 2015 at 6:00 p.m. at the Town Hall located at 729 State Rte. 9, CHAMPLAIN, New York 12901.

CARRIED:

D:\DATA\TOWN OF CHAMPLAIN\WATER DISTRICT #6 CONSOLIDATION\JOINT CONSOLIDATION AGREEMENT.DOCX

Exhibit

A.

ALL THAT TRACT or parcel of land situate in the Town of Champlain, County of Clinton, State of New York, and further described as follows:

BEGINNING at the northeasterly corner of Tax Map Parcel 48.000-1-2;

THENCE in a generally easterly direction along the northerly property line of Tax Map Parcels 48.000-1-3.4, 3.12, 13.3 & 13.1 to the northeasterly corner of Tax Map Parcel 48.000-1-13.1, said line crosses Tax Map Parcel 48.000-1-3.15 & Ridge Road;

THENCE in a generally southerly direction, of the easterly property line of Tax Map Parcels 48.000-1-13.1 & 13.41, and continuing along the southerly extension of said easterly property lines of Tax Map Parcels 48.000-1-13.1 & 13.41, crossing Tax Map Parcel 48.000-1-14.1 & Castine Road to the extension of said easterly property line and the easterly extension of the southerly property line of Tax Map Parcel 48.000-1-41.2;

THENCE in a generally westerly direction of the easterly extension of Tax Map Parcel 48.000-1-41.2 crossing Tax Map Parcels 48.000-1-14.1 & 40.1 & Ridge Road and continuing along the southerly property line of Tax Map Parcel 48.000-1-41.2 to the southwesterly corner of Tax Map Parcel 48.000-1-41.2;

THENCE in a generally northerly direction of the westerly property line of Tax Map Parcel 48.000-1-41.2 to the intersection of said property line and the southerly margin of Castine Road;

THENCE in a generally westerly direction of the southerly margin of Castine Road to the intersection of said margin & the easterly property line of Tax Map Parcel 48.000-1-2;

THENCE in a generally northerly direction of the easterly property line of Tax Map Parcel 48.000-1-2 to the point of beginning;

CONTAINING 245 acres of land more or less.

ALSO including all that tract or parcel of land situate in the Town of Champlain, County of Clinton, State of New York and further described as follows:

BEGINNING at the intersection of the most westerly highway limits of Interstate Route 87 and the southerly property line of Tax Map Parcel 033.000-1-8;

THENCE in a generally westerly direction of the southerly property line of Tax Map Parcel 033.000-14.1 and 033.000-1-8 to the southwesterly corner Tax Map Parcel 033.000-1-4.1;

THENCE in a generally northerly and northwesterly direction along the property line between Tax Map Parcel 033.000-1-4.32 on the west and Tax Map Parcel 033.000-1-4.1 on the east to the intersection of said property line and the southerly highway limits of N.Y.S. Route 11;

THENCE in a generally easterly direction of the southerly highway limits of N.Y.S Route 11, to the intersection of said highway limits and the southerly extension across N.Y.S. Route 11 of the westerly property line of Tax Map Parcel 018.000-1-52;

THENCE in a generally northerly direction along the southerly extension of Tax Map Parcel 018-000-1-52, crossing N.Y.S. Route 11 and continuing along the westerly property line of Tax Map Parcel 018.000-1-52, 50, 53 to the intersection of the westerly property line of Tax Map Parcel 018.000-1-53 and the southerly margin of Dubois Road;

THENCE in a generally easterly direction of the southerly margin of Dubois Road to the intersection of

said southerly margin and westerly property line of Tax Map Parcel 018.000-1-49;

THENCE in a generally southerly direction of the westerly property line of Tax Map Parcel 018.000-149 to the southwesterly corner of said parcel;

THENCE in a generally easterly direction, along the southerly property line of Tax Map Parcel 018.000-1-49, 48.1 & 48.2 to the southeasterly corner of Tax Map Parcel 018.000-1-48.2 said southeasterly corner also being in the westerly property line of Tax Map Parcel 018-000-1-47;

THENCE in a generally southerly direction, of the westerly property line of Tax Map Parcel 018.000-147, to the southwesterly corner of said parcel;

THENCE in the a generally easterly direction along the southerly property line of Tax Map Parcel 018.000-1-47 to the southeasterly corner of said parcel;

THENCE in a generally northerly direction of the easterly property line of Tax Map Parcel 018-000-1-47 to the southwesterly corner of Tax Map Parcel 018.000-1-46;

THENCE in a generally easterly direction, along the southerly property line of Tax Map Parcel 018.000-1-46 & 45 to the intersection of said property line and the westerly highway limits of Interstate Route 87;

THENCE in a generally southerly and southwesterly direction along westerly highway limits of Interstate Route 87, as the highway limits wind and turn to the point of beginning.

CONTAINING 151 acres of land more or less.

ALSO including the following parcel of land situate in the Town of Champlain, County of Clinton, State of New York, being all of Tax Map Parcel 033.000-1-12, said parcel being on the southerly side of NYS Route 11.

CONTAINING 19 acres of land more or less.

ALSO including the following parcel of land situate in the Town of Champlain, County of Clinton, State of New York, being all of Tax Map Parcel 018.019-4-3, said parcel being on the northerly side of NYS Route 11.

CONTAINING 2 acres of land more or less.

ALSO including all that tract or parcel of land situate in the Town of Champlain, County of Clinton, State of New York and further described as follows:

BEGINNING at the most easterly corner of Tax Map Parcel 018.000-1-29.1, said easterly corner beginning in the Corporation Line between the Town of Champlain on the west and the Village of Champlain on the east;

THENCE in a generally southwesterly direction, along the most southeasterly property line of Tax Map Parcel 018.000-1-29.1 to the intersection of said southeasterly property line and the most northerly margin of Perry Mills Road, said most southeasterly property being the Corporation Line between the Town of Champlain on the west and the Village of Champlain on the east;

THENCE in a generally southeasterly direction, of the most northerly margin of Perry Mills Road and the Corporation Line between the Town of Champlain on the south and the Village of Champlain on the north to angle point in said Corporation Line;

THENCE in a generally southeasterly direction, of the Corporation Line between the Town of Champlain on the west and the Village of Champlain on the east, crossing Perry Mills Road and

continuing along the most southeasterly property line of Tax Map Parcel 018.000-1-35 to the most southerly corner of said parcel;

THENCE in a generally northwesterly direction along the southwesterly property lines of Tax Map Parcel 018.000-1-35,34 & 33 to the most westerly corner of Tax Map Parcel 018.000-1-33, said most westerly corner being in the southeasterly property line of Tax Map Parcel 018.000-1-32;

THENCE in a generally southwesterly direction, along the southeasterly property line of Tax Map Parcel 018.000-1-32 to the most southerly corner of said parcel;

THENCE in a generally northwesterly direction, along the most southwesterly property line of Tax Map Parcel 018.000-1-32;

THENCE in a generally northeasterly direction, along the westerly property line of Tax Map Parcel 018.000-1-32 & 31 to the intersection of said property line and the most southerly margin of Perry Mills Road;

THENCE in a generally northwesterly direction, along the most southerly margin of Perry Mills Road to the intersection of said margin & the southerly extension across Perry Mills Road of the westerly property line of Tax Map Parcel 018.000-1-66.33;

THENCE in a generally northerly direction, along the southerly extension of the westerly property line of Tax Map Parcel 018.000-1-66.33, crossing Perry Mills Road & continuing along the westerly property of Tax Map Parcel 018.000-1-66.33 to the most northerly corner of said parcel;

THENCE in a generally southeasterly direction along the most northeasterly property line of Tax Map Parcels 018.000-1-66.33, 66.32, 30 & 29.1 to the point of beginning.

CONTAINING 7 acres of land more or less.

ALSO including all that tract or parcel of land situate in the Town of Champlain, County of Clinton, State of New York and further described as follows:

BEGINNING at the intersection of the westerly margin of West Service Road & the northerly property line of Tax Map Parcel 018.000-,1-14;

THENCE in a generally southerly direction, along the westerly margin of West Service Road to the intersection of said margin and the northerly property line of Tax Map Parcel 018.000-1-13.3;

THENCE in a generally westerly direction of the northerly property line of Tax Map Parcel 018.000-1-13.3 to the northwesterly corner of said parcel;

THENCE in a generally southerly direction along the westerly property line of Tax Map Parcel 018.000-1-13.3, 27.2 & 27.1 to the southwesterly corner of Tax Map Parcel 018.000-1-27, said southwesterly corner beginning in the most southerly property line of Tax Map Parcel 018.000-1-13.11;

THENCE in a generally northwesterly direction, along the most southerly property line of Tax Map Parcel 018.000-1-13.11 to the southwesterly corner of said parcel;

THENCE in a generally northerly direction, along the westerly property line of Tax Map Parcel 018.000-1-13.11 to the northwesterly corner of said parcel;

THENCE in a generally easterly direction along the northerly property line of Tax Map Parcel 018.000-1-13.11 & 14 to the point of beginning.

CONTAINING 58 acres of land more or less.

IT BEING the intent to describe the Town of Champlain Consolidated Water District utilizing the Town of Champlain Tax Maps 003.000, 018.000, 014.000, 020.000, 032.000, 033.00, 034.000, 048.000, and Village of Champlain Tax Maps 018.019 and 019.017, encompassing a total of 2,191 (+/-) acres of land.

IT ALSO BEING the intent to add the above described boundaries to the Town of Champlain Consolidated Water District 6 which is recoded at the Clinton County Clerk's Office in Instrument Number _____ - _____ on August __, 2015. The original Water District 6 Boundary was in the _____ Newspaper on ____ to