

## JOINT CONSOLIDATION AGREEMENT

THIS JOINT CONSOLIDATION AGREEMENT made the 1<sup>st</sup> day of May, 2023, between the Town of Byron, a municipal corporation existing by and under the laws of the State of New York and having its principal place of business located at 7028 Byron-Holley Road, Byron, New York 14422, (hereinafter referred to as "Town"), and Town of Byron Sewer Districts No. 1, Sewer District No. 2 and Sewer District No. 3.

WHEREAS, the Town of Byron has previously established three sewer districts; the three sewer districts are set forth in the following chart:

Description	Year Established	# Taxable Parcels
Sewer District No. 1	1983	151
Sewer District No. 2	1983	87
Sewer District No. 3	1983	20

and,

WHEREAS, the proposed sewer district consolidation will involve approximately 258 parcels by consolidating Sewer District No. 1, Sewer District No. 2 and Sewer District No. 3 into one consolidated sewer district; and,

WHEREAS, the proposed sewer district consolidation will not result in any additional costs or debt to the consolidated sewer district or to any related district extension other than presently existing costs or debt as may hereafter be incurred;

NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:

a. The names of the Local Government entities to be consolidated are:

### Sewer Districts

Sewer District No. 1  
Sewer District No. 2  
Sewer District No. 3

- b. The name of the proposed local government entity which will result from this consolidation shall be Byron Consolidated Sewer District, hereinafter referred to as "Consolidated Sewer District".
- c. The Consolidated Sewer District shall have the duty and obligation to furnish and to supply sanitary sewer service to the Consolidated Sewer District.
- d. The territorial boundaries of the proposed Consolidated Sewer District of the Town of Byron, Genesee County, State of New York, are attached hereto and made a part hereof as Schedule A.
- e. The three existing sewer district comprising the proposed Consolidated Sewer District shall be of the type or class that would be formed as a sewer district pursuant to the laws of the State of New York under Articles 12 and/or 12A of the Town Law of the State of New York. However, the proposed Consolidated Sewer District shall be formed by the consolidation of the three sewer districts and related extensions under Article 17-A, Title 2 of the General Municipal Law of the State of New York. The proposed Consolidated Sewer District shall be operated and administered by the Town Board of the Town of Byron in the same fashion as sewer districts created under Articles 12 and/or 12A of the Town Law.
- f. The governmental organization of the proposed Consolidated Sewer District shall consist of the present members of the Byron Town Board and town employees assigned to work in the town's sewer department. The present members of the Byron Town Board, including the Supervisor, shall serve for the balance of their present terms, and upon termination of their present terms, successors shall be elected as set forth in the Town Law and Election Law of the State of New York. Should any

vacancy develop because of any reason, the vacancy shall be filled in accordance with the Town Law and Election Law of the State of New York.

All public employees working in the town's sewer department shall be appointed by the Town Board of the Town of Byron and shall be selected in accordance with the Civil Service Law of the State of New York. The proposed sewer district consolidation does not require a transitional plan or schedule for elections and the appointments of any officials.

- g. As of the date of this Joint Consolidation Agreement none of the Sewer Districts have any outstanding debt.

The Consolidated Sewer District will result in a single budget as follows:

Debt Service	There is no debt service charge
Operation and Maintenance Expenses	Imposed annually among all parcels or any additional parcels contained with the Consolidated Sewer District as follows: \$460.00 for each EDU

The cost of consolidation is expected to be less than Twenty-Five Thousand and 00/100 (\$25,000.00) Dollars. Costs to the average single family home of the Consolidated Sewer District for the first year after consolidation will not be increased. The costs for consolidation will be paid from current funds on hand in current capital reserve funds.

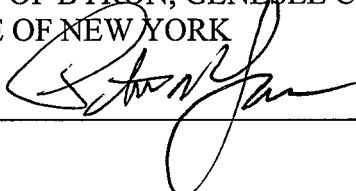
- h. The assets of the three sewer districts consist of, among other items, underground infrastructure including sewer collection piping, manholes, pump stations and the gray water filter beds. These assets will remain part of the Consolidated Sewer District. The Consolidated Sewer District will have a total taxable value of

approximately Nine Million Seventy-Seven Thousand Four Hundred and 00/100 Dollars (\$9,077,400.00).

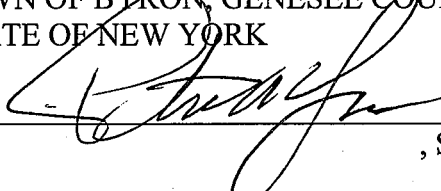
- i. Each entity's liabilities and indebtedness together with the fair value thereof is as set forth in subparagraphs (g) and (h) hereof.
- j. The existing liabilities of each sewer district will be assumed by the proposed Consolidated Sewer District and paid in the manner set forth in subparagraph (g) hereof. There will be no disposition of existing assets. All the assets of each sewer district and each extension will remain in place.
- k. The administration and uniform enforcement of local laws and ordinances, resolutions and orders will be carried out in the proposed Consolidated Sewer District during the two years following the effective date of consolidation and be enforced in the same fashion and to the same extent as heretofore existed in the various sewer districts and related extensions. Not later than two years following the effective date of consolidation, the Town Board of the Town of Byron shall adopt any new laws, ordinances, rules and regulations as may be necessary to redress any conflicts and to redress ambiguities, if any, among the then existing laws, ordinances, rules, and regulations in order to provide for consolidating the administrative and uniform government of the Consolidated Sewer District.
- l. The effective date of the proposed consolidation shall be March 16, 2023.
- m. The place or places for the public hearings on the Joint Consolidation Agreement shall be the Town Hall, Town of Byron, 7028 Byron-Holley Road, Byron, New York. The public hearings will be noticed and conducted pursuant to the requirements of Section 754 of the General Municipal Law.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date first above written.

TOWN OF BYRON, GENESEE COUNTY  
STATE OF NEW YORK

By:  \_\_\_\_\_, Supervisor

SEWER DISTRICT NO. 1 IN THE  
TOWN OF BYRON, GENESEE COUNTY,  
STATE OF NEW YORK

By:  \_\_\_\_\_, Supervisor

SEWER DISTRICT NO. 2 IN THE  
TOWN OF BYRON, GENESEE COUNTY,  
STATE OF NEW YORK

By:  \_\_\_\_\_, Supervisor

SEWER DISTRICT NO. 3 IN THE  
TOWN OF BYRON, GENESEE COUNTY,  
STATE OF NEW YORK

By:  \_\_\_\_\_, Supervisor

BEGINNING at the intersection of the northerly bounds of the Warboys Road with the easterly bounds of New York State Route 237; thence northerly along the said easterly bounds of Route 237, a distance of approximately 643.8 feet to a point (which point is 150 feet northerly from the southwest corner of tax map parcel 5-2-21 (G & S Patten); thence easterly a distance of 231 feet to a point in the easterly line of said tax map parcel 5-2-21; thence southerly a distance of 281.9 feet to the southwest corner of tax map parcel 5-2-30; thence easterly along the southerly bounds of said tax map parcel 5-2-30 to the westerly bounds of parcel 5-2-31; thence northwesterly to the northwesterly corner thereof; thence north-easterly along the northerly bounds of said parcel 5-2-31 and 5-2-32 to the northeasterly corner of said parcel 5-2-32; thence along an extension of the northerly bounds of parcel 5-2-32 a distance of 200 feet; thence southerly approximately 262 feet to the northerly bounds of said Warboys Road; thence southerly, crossing said Warboys Road to the southerly boundary thereof; thence southwesterly to the north-easterly corner of tax map parcel 5-2-34.1; thence southeasterly 152.7 feet to the southeasterly corner of said parcel 5-2-34.1; thence southwesterly a distance of 152 feet to the southwesterly corner of said parcel 5-2-34.1; thence northwesterly a distance of 152.7 feet to the southerly bounds of said Warboys Road and the northwest corner of said parcel 5-2-34.1; thence continuing north-westerly, crossing said Warboys Road to its northerly boundary; thence southwesterly along the northerly boundary of said Warboys Road to its intersection with New York State Route 237 and the place of beginning.

ALSO, ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Byron, County of Genesee and State of New York, bounded and described as follows: BEGINNING at the intersection of the westerly bounds of N.Y. State Route 237 with the northerly bounds of the Byron Road; thence northerly along said westerly bounds of N.Y. State Route 237 to the northeasterly corner of tax map parcel 5-2-17, a distance of approximately 619.34 feet; thence westerly to the northwest corner of said parcel 5-2-17, a distance of 165 feet; thence southerly a distance of 275.22 feet to the southwesterly corner of tax map parcel 5-2-19; thence westerly on the southerly bounds of parcel 5-2-19, extended, a distance of approximately 122.10 feet to a point; thence southerly a distance of 165 feet to the northwest corner of tax map parcel 5-2-16.2; thence continuing southerly on the westerly bounds of said parcel 5-2-16.2, a distance of 467.87 feet to the southwest corner of said parcel 5-2-16.2 and the northerly bounds of the Byron Road; thence northwesterly along the said northerly bounds of the Byron Road, a distance of 392 feet to the point of beginning.

SCHEDULE A

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----- follows.

BEGINNING at a point in the easterly boundary of N.Y. State Route 237 at its intersection with the southwest corner of tax map parcel 9-2-58.1 (St. Michael's Church Society); thence easterly a distance of 531.96 feet to the the easterly line of tax map parcel 9-2-58.1; thence northerly along the easterly boundaries of tax map parcels 9-2-58.1, 9-2-27, 9-2-25, and 9-2-24, a distance of 579.68 feet to the northeast corner of said parcel 9-2-24; thence westerly a distance of 285 feet to the southeast corner of parcel 9-2-56; thence northerly a distance of 382 feet to the southwest corner of parcel 9-2-45; thence easterly a distance of 278.38 feet to the southeast corner of said parcel 9-2-45; thence northerly a distance of 382.83 feet to the southerly boundary of the Freeman Road; thence southwesterly along said southerly boundary a distance of 595.88 feet to the said easterly bounds of the said N. Y. State Route 237; thence northerly along said easterly bounds of N. Y. State Route 237 to the southwest corner of parcel 9-2-14 (G. Coward); thence northeasterly a distance of 445.50 feet to the southerly bounds of Mechanics Street; thence following said bounds as it turns northerly and becomes said street's easterly boundary to its intersection with the southwest corner of parcel 9-1-19 (L.Brill); thence easterly 100 feet to a point; thence northwesterly 40 feet; thence northeasterly 70 feet; thence northerly 31 feet; thence easterly 165 feet to the southeast corner of parcel 9-1-23 (Wilson); thence northerly along the easterly bounds of parcels 9-1-23; 9-1-24; 9-1-25, 9-1-26, 9-1-27, 9-1-28, 9-1-29, to the northeast corner of said lot 9-1-29; thence westerly 305.25 feet to the said easterly bounds of Mechanics Street; thence westerly crossing said street to the southeast corner of parcel 9-1-35; thence continuing westerly on the southerly bounds of parcel 9-1-35 and said line continued crossing N.Y.S. Route 237 to its intersection with the westerly bounds of N. Y. State Route 237; thence northerly along said westerly bounds a distance of 942.70 feet to a point which point is the intersection of said westerly bounds of Route 237 with the northerly bounds of Great Lot 78 as shown on said tax map; thence westerly to the northwest corner of said Great Lot 78; thence southerly to its intersection with the northerly bounds of tax map parcel 9-1-33; thence westerly a distance of 282.92 feet to the northwest corner thereof; thence southerly 351.16 feet to the southwest corner thereof; thence easterly 138.59 feet to a point; thence northerly 65.22 feet to a point; thence easterly 144.33 feet to the intersection of the southerly bounds of said parcel 9-1-33 with the westerly bounds of parcel 9-1-34; thence southerly along said westerly bounds to the northerly bounds of tax map parcel 9-1-51 (Methodist Church); thence westerly along the northerly bounds of parcels 9-1-51; 9-1-53, 9-1-56, thence southerly a distance of 392.71 feet to a point; in the northerly bounds of Walkers Corners Road; thence westerly along said northerly bounds a distance of 300 feet; thence southerly crossing said road to the northeast of parcel

9-2-3.2; thence southerly a distance of 175.25 feet to the southeast corner thereof; thence easterly a distance of 300 feet to the westerly boundary of parcel 9-2-4 ; thence southerly a distance of 284.77 feet to the southwest corner of said parcel 9-2-4 and the northerly bounds of Conrail; thence northeasterly 474 feet to the southeasterly corner of parcel 9-2-10 at its intersection with the westerly bounds of N.Y. State Route 237; thence crossing said road to its easterly bounds; thence southerly along said easterly bounds of Route 237 to a point at the southwest corner of tax map parcel 9-2-58.1 and the place of beginning.

ALSO, ALL THAT TRACT OR PARCEL OF LAND, bounded and described as follows:

BEGINNING at the intersection of the northerly bounds of Freeman Road with the southeasterly bounds of the property of Conrail, also being the apex of tax map parcel 9-1-18; thence northeasterly along the southeasterly bounds of Conrail a distance of approximately 1,015 feet to the northeasterly corner of tax map parcel 9-1-10.12; thence southerly a distance of 478.18 feet to the northerly bounds of Freeman Road; thence easterly 275 feet to the southwesterly bounds of tax map parcel 9-1-10.2; thence northerly 175.25 feet; thence easterly 200 feet; thence southerly 175.25 feet to the northerly bounds of Freeman Road; thence along the said northerly bounds of Freeman Road a distance of 1413 feet; thence southerly across Freeman Road to northeast corner of tax map parcel 9-2-38; thence southerly a distance of 295.35 feet to a point; thence westerly along a line parallel to Freeman Road a distance of 858 feet to the east line of tax map parcel 9-2-37.1; thence westerly along the southerly bounds of parcels 9-2-37.1 and 9-2-37.2 a distance of 272.25 feet; thence southerly a distance of 75.90 feet; thence westerly a distance of 168.30 feet; thence northerly 217.5 feet; thence westerly 66 feet; thence continuing westerly approximately 100 feet to the easterly bounds of parcel 9-2-29.2; thence southerly 46.25 feet to the southeast corner of parcel 9-2-29.2; thence westerly 764.5 feet to the southwest corner of tax map parcel 9-2-30.1; thence northerly 59.80 feet; thence westerly 135 feet to the southwest corner of parcel 9-2-30.2; thence northerly 140.20 feet to the southerly bounds of said Freeman Road; thence northerly crossing said road to its northerly bounds; thence westerly on said northerly bounds to the point of beginning.



BEGINNING at the intersection of the center line of Ebb Road and the center line of Swamp Road; thence southerly to the southerly boundary of said Ebb Road; thence westerly along the southerly boundary of said Ebb Road to the northeast corner of tax map parcel 7-1-44; thence southerly approximately 132 feet to the southeast corner of said parcel 7-1-44; thence westerly along the southern bounds of said parcel 7-1-44 and parcel 7-1-43, a distance of approximately 164 feet to the easterly bounds of parcel 7-1-42; thence southerly a distance of 231 feet to the southeast corner of said parcel 7-1-42; thence westerly along the southerly bounds of parcels 7-1-42, 7-1-41, 7-1-40, 7-1-39, and 7-1-38 to the southwest corner of said parcel 7-1-38; thence northerly a distance of approximately 59.42 feet to the southeast corner of parcel 7-1-35; thence westerly along the southerly boundaries of parcels 7-1-35 and 7-1-34 to a point in the easterly boundary of parcel 7-1-29.12; thence southerly along the easterly boundaries of parcels 7-1-29.12, 7-1-29.1, 7-1-27, 7-1-26, 7-1-25, 7-1-24, 7-1-23, 7-1-22, 7-1-21, and 7-1-20 to the southeasterly corner of said parcel 7-1-20; thence westerly a distance of approximately 248 feet to the easterly boundary of New York State Route 237; thence continuing westerly and crossing said highway to its westerly boundary; thence southerly along said westerly boundary to the southeasterly corner of tax map parcel 7-1-16.22; thence westerly a distance of approximately 269.11 feet to the southwest corner of said parcel 7-1-16.22; thence northerly along the westerly boundaries of parcels 7-1-16.22, 7-1-18, 7-1-17 and 7-1-16.11 to a point in the southerly boundary of parcel 7-1-16.12; thence westerly on said southerly boundary 414.09 feet to the southwest corner of said parcel 7-1-16.12; thence northerly and northeasterly along the westerly boundary of parcel 7-1-16.12 to the southwest corner of parcel 7-1-13.12; thence northerly along the westerly boundaries of parcels 7-1-13.12, 7-1-13.11 and 7-1-12 to a point in the southerly boundary of parcel 7-1-7; thence westerly along the southerly boundaries of parcels 7-1-7, 7-1-6, 7-1-5, 7-1-4, 7-1-3, to the southwest corner of said parcel 7-1-3; thence continuing westerly on an extension of the southerly bounds of parcel 7-1-3 a distance of approximately 200 feet to the center of Black Creek; thence northerly along the said center of Black Creek to its intersection with the northerly boundary of said Ebb Road; thence easterly along said northerly boundary of Ebb Road to the southwest corner of tax map parcel 5-1-94; thence northerly along the westerly boundaries of parcels 5-1-94, 5-1-90, 5-1-89, 5-1-88, 5-1-87, 5-1-86, and 5-1-85 to the northwest corner of said lot 5-1-85; thence easterly along the northerly bounds of said parcel 5-1-85 a distance of approximately 240 feet to the northwesterly bounds of Terry Street; thence following said bounds of Terry Street as it turns easterly and becomes the

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northerly bounds to its intersection with the westerly bounds of New York State Route 237; thence northerly along the said westerly bounds of New York State Route 237 to the southeast corner of tax map parcel 5-1-99; thence westerly a distance of approximately 425 feet to the southwest corner of said parcel 5-1-99; thence northerly a distance of 165 feet to the northwest corner thereof; thence easterly approximately 220.75 feet; thence northerly 20 feet to the southwest corner of parcel 5-1-95.2; thence northerly along the westerly bounds of parcels 5-1-95.2, 5-1-95.12 and 5-1-100 a distance of 450 feet to the northwest corner of said parcel 5-1-100; thence continuing northerly on an extension of the said westerly boundary of parcel 5-1-100 a distance of approximately 645 feet to a point in the northerly boundary of Great Lot 210; thence easterly approximately 2.0 feet to the southwest corner of parcel 5-1-6; thence northerly along the westerly boundaries of parcels 5-1-6 and 5-1-5.12 a distance of 378.00 feet to the northwest corner of said parcel 5-1-5.12; thence easterly a distance of approximately 198 feet to the said westerly boundary of New York State Route 237; thence continuing easterly and crossing said highway to its easterly boundary; thence southerly on said easterly highway boundary a distance of approximately 563 feet to the northwest corner of parcel 5-1-97.112; thence easterly a distance of 327 feet; thence northerly 185 feet to a point; thence easterly to the northeast corner of said parcel 5-1-97.112; thence southerly along the easterly boundary of said parcel to its southeast corner and the northerly boundary of Mill Pond Road; thence easterly along the said northerly boundary of Mill Pond Road a distance of approximately 1790 feet to the southwest corner of parcel 5-1-97.2; thence northerly a distance of approximately 457.25 feet to the northwest corner of said parcel 5-1-97.2; thence easterly a distance of approximately 535.89 feet to the northeast corner of said parcel 5-1-97.2 and in the westerly boundary of parcel 5-1-16.1; thence northerly along said westerly boundary to its intersection with the northerly bounds of Great Lot 210; thence easterly on said northerly bounds of Great Lot 210 and the northerly bounds of Great Lot 211 to its intersection with the westerly boundary of parcel 5-1-14; thence northerly on said westerly boundary extended a distance of 850 feet to a point; thence easterly a distance of approximately 354.75 feet to the westerly bounds of Mill Pond Road; thence southerly a distance of approximately 800 feet to the northeast corner of parcel 5-1-12; thence continuing southerly along the boundary of Mill Pond Road as it turns westerly a distance of approximately 600 feet to the southwest corner of parcel 5-1-13; thence southerly, crossing said Mill Pond Road to the northeast corner of parcel 5-1-64; thence following the easterly boundary of said parcel 5-1-64 southerly and easterly to its intersection with the northerly bank of Mud Pond; thence westerly along the northerly bank of Mud Pond to the westerly bounds of Great Lot 211 and the southwest corner of tax map parcel 5-1-63; thence southerly along the westerly boundary of said Great Lot 211, crossing Mud Pond, to its intersection and merger with the center line of Swamp Road; thence continuing southerly along said center line of Swamp Road (also being the westerly boundary of Great Lot 211) to the place of beginning.

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