



BATAVIA CITY COUNCIL CONFERENCE MEETING

**City Hall - Council Board Room
One Batavia City Centre
July 10th 2023 at 7:00 p.m.**

AGENDA

- I. Call to Order
- II. Invocation – Councilmember Twichell
- III. Pledge of Allegiance
- IV. Public Comments
- V. Council Response to Public Comments
- VI. Communications
 - a. Community Night Out – 8/22/2023
- VII. Council President Report
 - a. Announcement of the next City Council Meeting to be held on Monday, August 14th, 2023 at 7:00 p.m. at the City Hall Council Board Room, 2nd Floor, City Centre
- VIII. Bank of America Easement ***

***Move to Tonight's Business Agenda



City of Batavia
Batavia, New York 14020
(585) 345-6300

Official Use Only:

2023-38
Event Application #:

N/A

Event Application Fee - \$25.00 (non-refundable)
(A separate permit must be issued for each item requested)

Event Sponsor City of Batavia Police Department

Type of Event Community Gathering

Day and Date of Event Tuesday August 22, 2023

Time of Event (don't include set up time here – just actual event time) 5:30 PM - 8:00 PM

Location of Event Portions of Liberty Street and Central Avenue

Details of Event (be as specific as possible!) A community building event hosted by the police department to increase communications and build relationship with community members. Showcase equipment and have a variety of vendors and activities present.

Contact Information:

Primary contact:

Secondary contact:

Name Matthew Wojtaszczyk
Phone # 585-345-6357
Mailing address 10 West Main St., Batavia, NY 14020
E-mail address mwojtaszczyk@batavianewyork.com

Shawn Heubusch
585-345-6360
10 West Main St., Batavia, NY 14020
sheubusch@batavianewyork.com

* Events will be posted on the City's website calendar. If there is a website you would like to include that people can visit for more information or registration, if applicable, note website here: bataviapolice.org

Will there be alcohol at your event? Yes No If yes, complete the following:

Type of alcoholic beverage to be served: Liquor Wine Beer

Will you be providing alcohol to your group? Yes No

Will you be selling alcohol to your group? Yes No Insurance certificate **WILL BE** required with **Liquor Legal**.

Will people be allowed to bring alcohol to the event? Yes No

Who will be applying to the NYS Liquor Authority for the permit to sell? N/A

It is the Applicant's responsibility to police the area during the gathering to make sure all Alcohol Beverage Control rules are followed. Also, after the event Applicant is responsible to dispose of all empty bottles and debris.

**** If you are contracting with a group to sell alcohol during your event on city property, separate insurance is required from them with Liquor Legal in addition to your insurance. ****

EVENT INFORMATION (required):

Set up date: 08/22/2023 Set up time: 3:00 PM

Tear down date: 08/22/2023 Tear down time: 8:30 PM

PLEASE LIST ALL DATES / TIMES AND CROWD INFORMATION BELOW:

Date: 08/22/2023 Start time: 5:30 PM End time: 8:00 PM

Estimated crowd size: 200-300 # of Vendors/Displays 20-30

WILL THE EVENT INCLUDE:

- Parade: Yes No (MAP OF DESIRED ROUTE MUST BE ATTACHED)
- Run or Walk: Yes No (MAP OF DESIRED ROUTE MUST BE ATTACHED)
- Music: Yes No (SITE DRAWING OF STAGE OR DJ LOCATION ATTACHED)
- Street Closure(s): Yes No (MAP OF CLOSED STREETS AND DROP LOCATION OF BARRICADES)
- Other: Yes No (MAP OF DESIRED ROUTE MUST BE ATTACHED)

Fireworks or Hazardous Materials? Yes No Carnival or Amusement Rides? Yes No

Name of Company Providing Above: Company Contact/Representative Phone #

Address, Street City Zip Code

Music: Live Group Recorded/DJ

Extended Sound Tom Phelps (585) 704-8238
Name of Company Providing Above: Company Contact/Representative Phone #

702 Wyoming Rd. Wyoming 14591
Address, Street City Zip Code

CITY SERVICES SUPPORT:

City Code 66-15, D-2 *The City reserves the right, as part of the permitting process, to require the applicant to pay for additional operational costs of the City associated with the event.*

FOR EVENTS IN CITY PARKS, GARBAGE PICK-UP WILL BE MADE ONLY TO GARBAGE CANS ON SITE. ADDITIONAL GARBAGE MUST BE BAGGED AND REMOVED FROM PREMISES BY EVENT SPONSOR.

ELECTRIC:

Will electric be needed for the event? Yes No

What will you be providing electric to? DJ Equipment, displays, etc.

City Church is providing all electrical needs

Will generators be used? Yes No *see Special Events Inspection ✓ list for compliance*

If yes, INCLUDE SITE DRAWING INDICATING PLACEMENT/LOCATION OF GENERATOR

SIZE OF GENERATOR(S) City Church FUEL SOURCE - GAS - - DIESEL - - PROPANE -

TENTS/CANOPIES/POP-UPS: See appendices for compliance checklist – all tents will be inspected **

Will Tents/Canopies or other membrane structures be erected at event? Yes No
Will a bounce house or other air supported structures be erected at event? Yes No

NOTE – Appropriate anchoring is required for all tents, canopies, and pop-up structures

Please list size(s) of Tents/Canopies or other temporary structures erected* _____
vendors to provide their own pop-up tents _____

ANCHORING INTO PAVEMENT IS PROHIBITED!

If anchoring in grass, soil areas please contact the NYS Dig Safe # at: 1-800-962-7962 or 811

STREET CLOSURE(S):

ANY EVENT REQUIRING A STREET CLOSURE REQUIRES 90 DAY ADVANCE NOTICE

Will street(s) need to be closed for the event? Yes No Reason: _____
The event takes place in the street with displays and vendors located in the street

List Street(s) and Cross Street(s) that will be affected:

Liberty Street	Ellicott Street	&	Cherry Street
<small>Street to be closed</small>		<small>Cross Streets</small>	
Central Avenue	Liberty Street	&	Pringle Avenue
<small>Street to be closed</small>		<small>Cross Streets</small>	
		&	
<small>Street to be closed</small>		<small>Cross Streets</small>	
		&	
<small>Street to be closed</small>		<small>Cross Streets</small>	

Will street barricades be requested from the City? Yes No How Many? As per BOM

Will traffic cones be requested from the City? Yes No How Many? As per BOM
(Drop off locations of requested items must be identified on the site drawing)

BANNERS / SIGNS OR OTHER DECORATIONS ARE NOT TO BE ATTACHED TO STREET BARRICADES, TRAFFIC CONES, LIGHT POLES, OR ANY OTHER CITY PROPERTY

Are there any other city materials or personnel requested for the event? Identify below: *(there may be additional costs)*

_____ All Departments and staff are encouraged to attend

POLICE

Will City Police Officers be requested for the event? Yes No

FINAL DETERMINATION FOR NUMBER OF POLICE OFFICERS and UTILIZATION WILL BE AT THE DISCRETION OF THE CITY.

PLEASE NOTE:

1. Be as specific as possible in the description so we have the best understanding of your event. Also, be clear as to what you would like provided by the City. **Applications should be submitted at least 30 days in advance.**
2. Fire hydrants, Cross Streets/Alleys and Store Fronts **Shall Not Be Blocked** by any Vehicle or Concession at any time.
3. An Emergency Vehicle Safety Lane Must be Maintained at All times at All Locations
4. Fuel Containers Must be of an Approved type and Must be Properly Secured
5. Deep Fryers Must Be Approved. Commercial Types Require a Type "K" Portable Fire Extinguisher
6. All Food Vendors Must Have a Type ABC Fire Extinguisher. All Fire Extinguishers Must Be Inspected Within The Last Year. **A Valid Health Department Permit Must Be Displayed.**
7. No grease or substance of any kind may be discharged upon the streets, sidewalks, or into the storm drains and/or sewers
8. City Sign Ordinances Shall Be Complied With At All Times And In All Regards
9. No paint or other markings may be placed on the street surface.
10. Additional operational costs of the City, as determined by City Departments, must be paid by the event sponsor at the conclusion of the event. The application fee is due at time of submission and is non-refundable.
11. Vendor/participants must also follow all inspection/temporary structure rules found in the appendices (pg 6-7)
12. If approved, a Certificate of Liability Insurance of at least \$1,000,000 naming the City of Batavia as an additional insured for at least the day(s) of the event must be submitted to the City Clerk prior to the event date.

Hold Harmless Agreement

_____, the organizer/sponsor, shall indemnify, hold harmless, assume liability for and defend the City of Batavia, its employees, officers and agents from any and all damages, costs and expenses including but not limited to, attorney's fees, court costs, and all other sums which the City of Batavia its employees, officers and agents may pay or become obligated to pay on account of any and every demand, claim or assertion of liability, or any claim founded thereon, arising or alleged to have arisen out of the activities described in this special event application and sanctioned by the permit issued by the City of Batavia or by any act or omission of the _____ (Organizer/Sponsor), its members, agents, employees, volunteers, officers, or directors in relation to activities described in this application and sanctioned by the issuance of a special event permit.

06/14/2023

Date:

City of Batavia Police Department

Name of Event Sponsor:

 **POLICE CHIEF**

Authorized Signature, Title


Shawn Heubusch, Police Chief

Name - Printed or Typed

The rules and information contained within this application have been read and will be adhered to.

06/14/2023

Date:


Signature of Applicant:

Please forward this application to:

**City Clerk's Office
Attention: Events Applications Department
One Batavia City Centre
Batavia, New York 14020**

**SPECIAL EVENT APPLICATION
DEPARTMENT APPROVAL SUMMARY**

FOR OFFICIAL CITY USE ONLY

OFFICIAL USE ONLY				
Department Recommendations:	Approved	Denied	Additional Costs	Department Initials
DPW (if applicable)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
Fire Dept. (if applicable)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
Police Dept. (if applicable)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<i>If recommendation is denied, please attach a brief explanation</i>				

OFFICIAL USE ONLY	
_____	_____
<i>Date Received</i>	<i>Council Action: (Approved / Disapproved)</i>
_____	_____
<i>Date of Council Action:</i>	<i>Insurance Received (if applicable)</i>

Event Application #: _____

Department: _____
List Department Name Here

Department Approval	YES	NO
DPW	<input type="checkbox"/>	<input type="checkbox"/>
Fire	<input type="checkbox"/>	<input type="checkbox"/>
Police	<input type="checkbox"/>	<input type="checkbox"/>

Department Cost Estimate: _____
If applicable

Estimate based on: *Fillable table - type your response here:*

_____	_____
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If Application not Approved, Provide Reason Here: *Fillable table - type your response here:*

_____	_____
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Submitted By: _____ *Name / Title* _____ *Date Submitted*

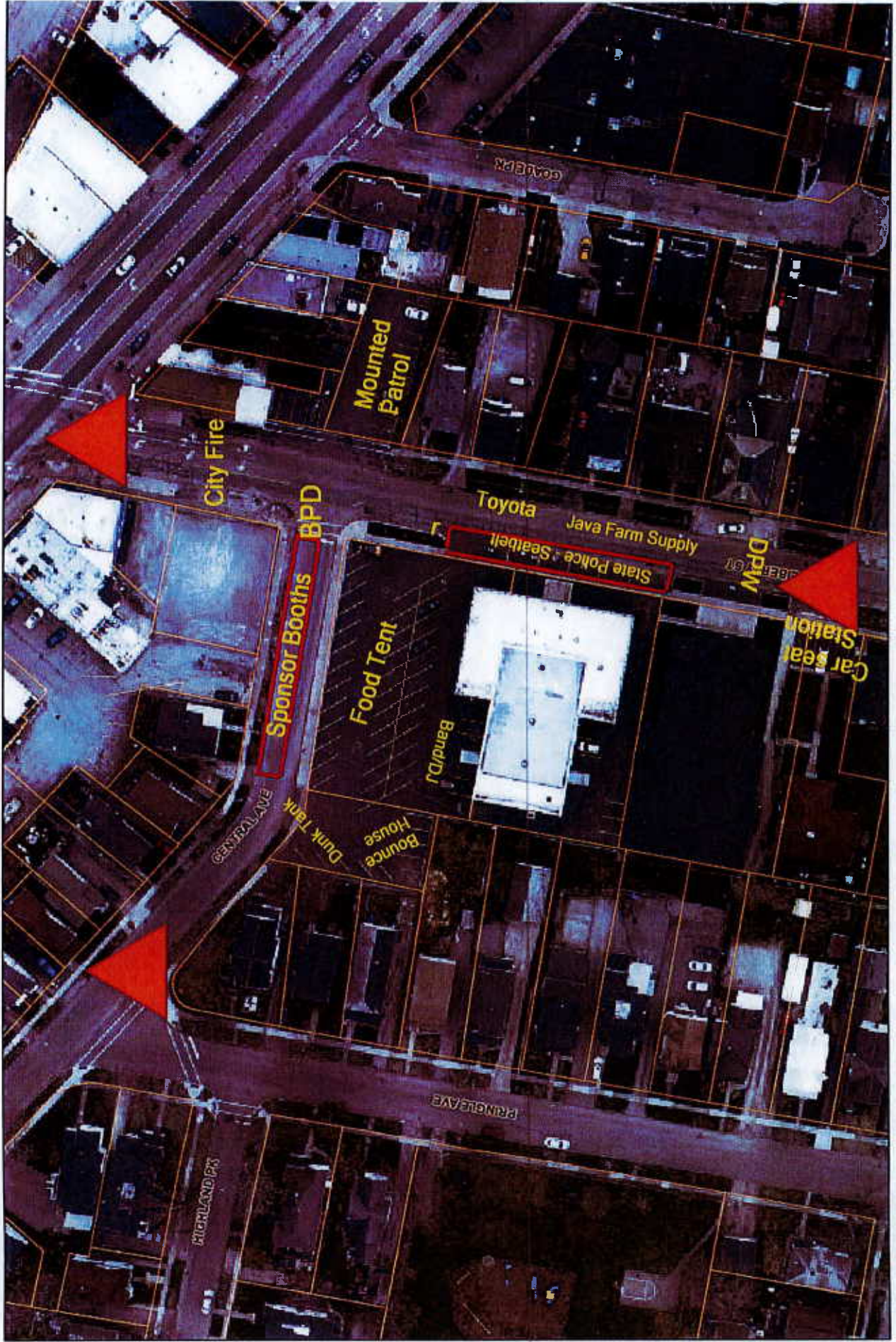
Appendices

SPECIAL EVENTS INSPECTION			
YES	Item to verify	NO	Corrective action
	Extension cords plugged into approved electrical boxes?		Do not use unless cords plugged direct
	Generator in use 20 feet from any structure?		Do not use generator unless moved to safe area
	Generator has appropriate extinguisher available		Do not use unless extinguisher present
	Generator grounded?		Do not use unless grounded
	Inflatable secured to ground?		Do not use unless secured
	Inflatable rods covered?		Do not use unless rods are covered for safety
	Propane tanks secured?		Do not use unless secured
	Outside cooking has appropriate extinguisher?		Do not use unless extinguisher present
	Fireworks display 75 feet from any structure?		Do not light unless in approved location
	Fireworks display has proper extinguishers?		Do not light unless extinguisher is present
	Does cooking under tent meet the safety standard?		Do not cook unless tent is rated for fire resistance or cooking outside tent
	Are Easy up tents properly roped, braced or anchored to withstand elements of weather and collapse?		Do not occupy until proper securing is approved by inspector
	Does Easy up tent have permanent label ID of size and fabric?		Tent not to be used without proper label
	Outdoor cooking that produces sparks or grease laden vapors?		Shall be outside of tents unless tent is fire rated and extinguishers or hood present
	Does the venue have a crowd of 250 people or more?		Must have crowd managers trained as approved by inspector

TEMPORARY STRUCTURE SETUP AND DAILY CHECKLIST (tent and membrane structures)			
YES	Item to Verify	NO	Corrective Action

Is structure at least 20 feet from any property lines?	Do not occupy or use structure. Structure needs to be relocated a minimum of 20 feet from any property lines.
Is structure within 20 feet of any building?	Do not occupy or use structure. Structure needs to be relocated a minimum of 20 feet from any building.
Is structure within 20 feet of another structure?	Evaluate all structures within 20 feet of each other as a single structure meeting all applicable requirements.
Is structure within 20 feet of parking?	Restrict parking or relocate structure at least 20 feet from parking.
Is structure within 20 feet of any internal combustion engines?	Do not use internal combustion engine until relocated at least 20 feet from structure.
Are "No Smoking" signs posted inside and outside?	Do not occupy or use structure unless no smoking signs are posted and enforced.
Are fireworks and unapproved open flames prohibited inside and outside the structure?	Do not occupy or use structure unless fireworks and all unapproved open flames are prohibited in the structure and within 20 feet of exterior of structure.
Are all points in the structure within 100 feet of an exit?	Do not occupy or use structure unless sufficient nearby exits are provided.
Ensure "Exit" signs are posted and clearly visible.	Do not occupy or use structure unless required "Exit" signs are provided.
Ensure "Exit" signs are illuminated.	Do not use or occupy structure unless illuminated exits are provided.
Ensure that exit signs have either two separate circuits or two sources of power depending on occupant load.	Do not use or occupy structure until a minimum of two circuits or sources of power are provided as required. Typically this is accomplished through the use of AC Powered Exit signs with internal battery backup.
Are exits open and uncovered?	Do not occupy or use structure unless all required exits are functional.
Are all aisles at least 44 inches wide? Do aisles increase in width where required?	Do not occupy or use structure unless proper aisle widths are maintained.
Is the Occupant Load posted appropriately?	Do not occupy or use structure unless the correct occupant load is posted appropriately.
Ensure emergency lighting is provided.	Do not use or occupy structure unless emergency lighting is provided.
Is a label permanently affixed to the structure bearing the identification of size and material type?	Do not use or occupy structure unless label is present.
2A:10BC Fire extinguishers are provided (see information packet for minimum number required).	Do not use or occupy structure until sufficient, properly sized, fire extinguishers are provided.
At least one 4OBC rated fire extinguisher shall be provided for each kitchen, mess hall, power generator, or transformer and at locations where flammable or combustible liquids are used, stored, or dispensed.	Do not use or operate any of these hazards unless appropriate fire extinguishers are provided as described in Temporary Membrane Structures, Tents and Canopies document and applicable codes.
Weeds and other combustible vegetation shall be removed from within 30 feet of the structure area.	Do not use or occupy the structure unless combustible vegetation has been removed from the specified area.
The floor surface inside, including the grounds adjacent to or within 30 feet outside of temporary tents, canopies, and membrane structures, shall be kept free of combustible waste.	Do not use or occupy the structure unless combustible waste is removed or stored in proper containers.
Such waste shall be stored in approved containers until removed from the premises.	Do not use or occupy the structure unless trash containers have been emptied from the previous day.
Outdoor cooking that produces sparks or grease-laden vapors. Must be outside tent.	Do not use cooking source under tent
Is tent secure	20 lbs per leg or tent stakes
Inspection performed by: _____ Date: _____	

National Night Out 2023 Event Set-up



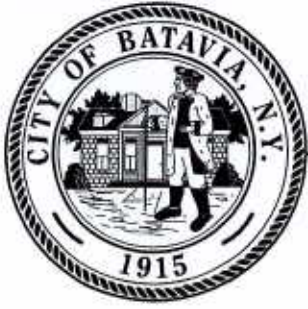
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— Override 1

Year 2018 Aerial Photos (Scale Dependent) 3in Counties (Small Scale)

— 2018 Tax Parcels

— County



City of Batavia

Memorandum

To: Rachael Tabelski, City Manager
From: Brett Frank, Director of Public Works
Date: June 30, 2023
Subject: Bank of America Easement

Bank of America, National Association would like to be granted a permanent easement on City-owned property to allow for necessary upgrades to be made to their current existing exterior lighting to increase customer safety. This would include the installation of a new light pole and fixture to update the company's current exterior lighting. The attached easement would allow Bank of America, National Association to use a 15 foot by 10 foot rectangle located in the City Centre parking lot's Courtyard between 90 and 100 Main Street. Also attached to this memo you will find a property survey that highlights the desired easement.

I recommend that the City Council of the City of Batavia authorize the desired easement for Bank of America.

XX-2023

**A RESOLUTION TO AUTHORIZE THE CITY COUNCIL PRESIDENT TO
EXECUTE AN EASEMENT AGREEMENT WITH BANK OF AMERICA,
NATIONAL ASSOCIATION**

Motion of Councilmember

WHEREAS, Bank of America, National Association is desirous to make upgrades to their existing exterior lighting by installing a light pole and fixture in the Courtyard of the City Centre parking lot between 90 and 100 Main Street.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Batavia to hereby authorize the City Council President to execute the easement with Bank of America, National Association as stated in "Exhibit A" below.

**Seconded by Councilmember
and on roll call**

DRAFT

PERMANENT EASEMENT

THIS INDENTURE, made this ____ day of _____, 2023.

BETWEEN

CITY OF BATAVIA, a New York Municipal Corporation having an office located at One Batavia City Centre, Batavia, New York 14020,

Party of the first part, and

BANK OF AMERICA, NATIONAL ASSOCIATION, a national banking association having an office located at 100 Main Street, Batavia, New York 14020,

Party of the second party, and

WITNESSETH:

That the party of the first part, in consideration of Ten or More Dollars, lawful money of the United States, paid by the party of the second part, does hereby grant and release unto the party of the second part, its successors and/or assigns,

A PERMANENT EASEMENT in, on, over, under, through and across part of a parcel of land situate in the City of Batavia, County of Genesee and State of New York, commonly known as Lot 38.1, Block 1, Section 84.11 (the "Premises"), more particularly described as follows (the "Permanent Easement"):

**MAINTENANCE EASEMENT
METES & BOUNDS DESCRIPTION
PORTION OF LOT 38.1, BLOCK 1, SECTION 84.11
CITY OF BATAVIA,
COUNTY OF GENESEE, STATE OF NEW YORK**

ALL THAT CERTAIN PLOT, PIECE, OR PARCEL OF LAND, WITH THE BUILDINGS AND IMPROVEMENTS THEREON ERECTED, SITUATE, LYING AND BEING IN THE TOWN OF ISLIP, COUNTY OF SUFFOLK, STATE OF NEW YORK, MORE PARTICULARLY BOUND AND DESCRIBED AS FOLLOWS:

COMMENCING AT A REBAR WITH CAP FOUND IN THE SOUTHWEST CORNER OF LOT 37, BLOCK 1, SECTION 84.11, ALONG THE NORTHERLY LINE OF MAIN STREET (NEW YORK STATE ROUTE 5) (NEW YORK STATE ROUTE 33) (99' WIDE), ALSO BEING THE COMMON LINE OF SAID LOT & LOT 38.1, BLOCK 1, SECTION 84.11, SAID POINT HAVING COORDINATES N: 1,092,438.94, E: 1,255,567.11, IN THE NEW YORK STATE PLANE COORDINATE SYSTEM (NAD83), WEST ZONE; THENCE;

- A. ALONG THE COMMON LINE OF LOT 37 & LOT 38.1 NORTH 09 DEGREES 58 MINUTES 45 SECONDS EAST, 37.67 FEET TO THE POINT OF BEGINNING, SAID POINT HAVING COORDINATES N: 1,092,476.04, E: 1,255,573.63, THENCE;
1. NORTH 80 DEGREES 01 MINUTE 15 SECONDS WEST, 15.00 FEET TO A POINT, THENCE;
 2. NORTH 09 DEGREES 58 MINUTES 45 SECONDS EAST, 10.00 FEET TO A POINT, THENCE;
 3. SOUTH 80 DEGREES 01 MINUTE 15 SECONDS EAST, 15.00 FEET TO THE COMMON LINE OF LOTS 37 & 38.1, THENCE;
 4. ALONG SAID LINE SOUTH 09 DEGREES 58 MINUTES 45 SECONDS WEST 10.00 FEET TO THE POINT OR PLACE OF BEGINNING.

CONTAINING 150 SQUARE FEET OR 0.004 ACRE OF LAND

THIS DESCRIPTION WAS WRITTEN WITH REFERENCE TO A MAP ENTITLED, "EASEMENT EXHIBIT", SECTION 84.11, BLOCK 1, LOT 37, 100 MAIN STREET, CITY OF BATAVIA, COUNTY OF GENESEE, STATE OF NEW YORK, DATED MARCH 4TH, 2023. PREPARED BY STONEFIELD ENGINEERING AND DESIGN.

The above-described easement area is further identified on the map attached hereto as "EXHIBIT A".

SUBJECT TO all covenants, conditions and restrictions of record affecting said Premises.

The Permanent Easement granted herein shall be perpetual and non-exclusive for the purpose of installing, constructing, operating, repairing, and maintaining lights on and adjacent to the Bank of America building at 100 Main Street, Batavia, New York.

IT IS FURTHER AGREED AND UNDERSTOOD that the party of the second part shall restore any portion of the Premises disturbed as a result of the operation, repair, and/or maintenance of the lights and supporting equipment to its original condition, to the extent reasonably possible.

IT IS FURTHER AGREED AND UNDERSTOOD the party of the first part shall have the right to use the surface of the Permanent Easement provided that such use shall not interfere with, obstruct or endanger any of the rights herein granted, and further provided that no structure shall be erected or ground surface grades changed within the Permanent Easement area without prior written consent of the second part.

IT IS FURTHER AGREED AND UNDERSTOOD the party of the first part its successors and assigns shall not be liable for personal injury or property damage caused by the carelessness, negligence or conduct of the party of the second part or any other person in the use of the Premises in connection with this Permanent Easement. The party of the second part agrees to defend, indemnify and hold harmless the party of the first part, its successor's and assigns from any and

all claims and damages caused directly by the existence of the Permanent Easement, the use and occupancy by the party of the second part of the Permanent Easement, or the acts of the party of the second part, its agents, employees, servants, contractors, invitees or any other persons under the direction and control of any of the foregoing.

IT IS FURTHER AGREED AND UNDERSTOOD the party of the second part shall purchase and maintain in effect during the term of the Permanent Easement a protective liability and property damage insurance policy from a reputable insurance company doing business in the State of New York to cover the Permanent Easement, designating the party of the first part, its officers, employees, agents and servants as named or additional insured. The party of the second part shall furnish to the party of the first part written notice of any change in, or cancellation of, coverage under the policy at least thirty days prior to the effective date of such change or cancellation.

THIS REQUEST AND PERMISSION shall be binding on the parties' successors and/or assigns.

[SIGNATURES FOLLOW]

IN WITNESS WHEREOF, the party of the first part has hereunto caused this instrument to be signed and sealed the day and year first above written.

CITY OF BATAVIA

By: _____

Title: _____

Date: _____

STATE OF NEW YORK)
) SS:
COUNTY OF GENESEE)

On the ____ day of _____ in the year 2023, before me, the undersigned, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her said capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public

EXHIBIT A

[Attached]



**MAINTENANCE EASEMENT
METES & BOUNDS DESCRIPTION
PORTION OF LOT 38.1, BLOCK 1, SECTION 84.11
CITY OF BATAVIA,
COUNTY OF GENESEE, STATE OF NEW YORK**

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STONEFIELD
engineering & design

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"EASEMENT EXHIBIT", SECTION 84.11, BLOCK 1, LOT 37, 100 MAIN STREET, CITY OF
BATAVIA, COUNTY OF GENESEE, STATE OF NEW YORK, DATED MARCH 4TH, 2023.
PREPARED BY STONEFIELD ENGINEERING AND DESIGN.

Thomas F. Miller
State of New York Professional Land Surveyor
License Number 050484

stonefieldeng.com

92 Park Avenue, Rutherford, NJ 07070

201.340.4468 t.
201.340.4472 f.

