

LOCAL LAW NO. 1 OF 1999

A LOCAL LAW IN RELATION TO THE CREATION OF  
SPECIAL DISTRICT NO. 1 OF 1999 IN THE CITY OF  
SARATOGA SPRINGS, SARATOGA COUNTY, NEW YORK,  
TO BE KNOWN AS THE MORGAN STREET BIRCH RUN  
SPECIAL DISTRICT

BE IT ENACTED, by the City Council of the City of Saratoga Springs, following a  
public hearing as follows:

SECTION 1. Chapter 199 of the Code of the City of Saratoga Springs is hereby amended  
to add the following Article IV:

## SPECIAL ASSESSMENT DISTRICTS

### Chapter 199

## SPECIAL ASSESSMENT DISTRICTS

### ARTICLE IV

#### Special District No. 1 of 1999

§ 199-35 Title.

§ 199-36 Description of properties, exclusions.

§ 199-37 Enumeration of purposes for special assessments.

§ 199-38 Creation

§ 199-39 Purposes of Special District.

§ 199-40 Board of Directors and Officers.

§ 199-41 Method of assessments; collection.

§ 199-42 Annual budget and payment of assessments.

§ 199-43 Receipt of additional funds for replacement/repair of capital equipment, facilities.

§ 199-44 Construal of powers and obligations.

### ARTICLE IV.

#### Special District No. 1 of 1999

[Adopted: ]

§ 199-35 Title.

This article shall be entitled "A Local Law in Relation to the Creation of Special District No. 2 of 1999 in the City of Saratoga Springs, Saratoga County, New York to be known as the Morgan-Street Birch Run Special District".

## Saratoga Springs Code

### § 199-36 Description of properties, exclusions.

A. The Special District will be comprised of all municipal -type facilities located on approximately eight (8) acres of commonly-owned land of the Morgan Street Birch Run Homeowners Association, Phase II, Inc. a type A not-for-profit corporation under Section 201 of the NYS Not-For-Profit Corporation Law. The property is bounded on the north by Birch Run Drive, on the east by Seward Street, on the west by the Saratoga Golf and Polo Club and on the South by lands owned by D. A. Collins, Inc. Maps defining the specific boundaries of the property, its roadway, its water, sewer, drainage and lighting facilities are on file with the City and County Clerk's and City Planning offices. The incorporation papers along with the Association's governing documents are on file with the State Attorney General's Office.

B. There shall be specifically excluded from the district all maintenance, repair and other services performed on the 36 privately-owned residential lots within the district. These 36 privately-owned lots measure approximately six (6) acres.

C. Also excluded are utilities owned by other entities, including the underground natural gas mains and electric distribution system and pad mounted transformers owned by Niagara Mohawk Power Corporation and the underground telephone and TV cable lines owned by Bell Atlantic and Time Warner Corporations.

### § 199-37 Enumeration of purposes for special assessments.

The Special District may levy special assessments on privately-owned properties within the district to provide municipal-type services exclusively for the purpose of promoting the health, safety and general welfare of the residents of the property as a community, and to protect and enhance the overall property values of the community. The following municipal type services are to be specifically provided by the district in perpetuity:

A. **Water System.** Maintain and repair the 2,170 feet of 12 inch ductile iron water mains located within the district boundary which provide city water to the 36 metered homes, plus the associated valves and the four fire hydrants located within the district.

B. **Sanitary Sewer System.** Maintain and repair the district's approximately 1500 feet of sanitary sewer mains including 14 pre-cast concrete sewer manholes and collector basins, two (2) concrete duplex sewer pumping stations, including 4 automatic electric pumps & controls, and 900 feet of 3-inch PVC sewer force mains leading from the district's duplex sewer pumping stations into the city sewer system.

C. **Storm Sewer System.** Maintain and repair the district's approximately 2,700 feet of open storm drainage gutters, 27 ten-inch culverts, plus 17 pre-cast concrete catch basins and 1,200 feet of concrete storm drains ranging from 12" to 24" in diameter.

D. **Street Lighting System.** Maintain, repair and replace, as necessary, the street lighting system within the district, consisting of 17 cedar light poles, sodium vapor fixtures and lamps, photo-electric controls & relays, and approximately 2900 feet of underground 240 volt cable and conduit.

E. **General maintenance.** Maintain rights-of-way to the water and sewer mains, sewer pump stations, fire hydrants, storm sewer system, and such other purposes as may be necessary in carrying out the operation and maintenance services of the district to protect the health and safety of residents and the value of the property within the district

## Special Assessment Districts

### § 199-38 Creation

The city, as authorized under the provisions of the General City Law, the Municipal Home Rule Law, and NY Real Property Tax Law § 102.16, and this Article, hereby creates the District.

### § 199-39 Purposes of Special District.

A. The Morgan Street Birch Run Special District is established for the purpose of carrying on, performing and financing services intended to benefit the health, welfare, safety or convenience of the inhabitants of such district and to provide policies and procedures for emergency situations.

B. In carrying out its enumerated purposes, the district and homeowners within the district shall abide by existing governmental laws and rulings and by the provisions, regulations, duties and powers herein as they pertain to the operation, maintenance, repair and replacement of the district's municipal-type facilities and related services to be performed within the district.

These include the establishment of operating budgets, levying the necessary assessments against the property owners within the district, preparing specifications and obtaining bids for the required services, awarding contracts, paying taxes and fees, obtaining insurance and periodic audits of district finances by an independent public accountant, ~~electing a board of directors~~, conducting annual meetings of property owners, issuing regular reports and other actions as enumerated.

C. The District shall have no power or authority to expand or merge the district or to transfer or dedicate district facilities unless approved by the City Council and the district Board of Directors.

### § 199-40 Board of Directors and Officers.

A. In order to assure the active participation of property owners within the Special District, there is hereby established a Board of Directors which shall be composed of seven (7) persons who shall be property owners within the district.

B. Board of Directors shall be appointed by the Mayor with the consent of the City Council. The directors also may serve concurrently as directors of the district's not-for-profit corporation, the Morgan Street Birch Run Homeowners Association, Phase II Inc.

C. All directors shall initially serve terms of from one (1) to three (3) years as determined by members of the Board. At the expiration of said terms, the terms of the members of the Board of Directors shall be three (3) years. The members of the Board of Directors shall elect one (1) of their number as Chairman, one (1) as Vice Chairman, one (1) as Treasurer, and one (1) as Secretary. Vacancies in the Board of Directors for unexpired terms shall be filled by vote of the remaining members of the Board of Directors.

D. The Board of Directors is hereby authorized to prepare and present to the city an annual special district budget, to levy and collect annual assessments on property within the district corresponding to the budget, and to carry out the duties necessary in specifying, contracting for, and supervising the services necessary to operate, maintain and repair the district's water & sewer mains, sewer pumps, storm sewers, fire hydrants, street lights and rights of way to these facilities in perpetuity.

Saratoga Springs Code

§ 199-41 Method of Assessment; collection

A. "Special Assessments" will mean a charge imposed upon benefited real property within the district, and shall be levied equally upon the property owners within the district, all of whom benefit equally from the maintenance and repair services to be provided by the district. The real properties involved are those 36 private lots within the boundaries of the proposed Morgan Street Birch Run Special District. The assessments shall be liens upon the respective properties.

B. The Board of Directors of the Special District shall determine and levy the annual assessments necessary to perform the operating, maintenance and repair functions required within the district and shall assess and collect said amounts from the property owners within the district.

C. No municipal personnel or equipment shall be used for the ordinary maintenance or repair of the district's property, and no special assessments shall be levied by the district for any employment of municipal personnel or equipment for such purpose. Should any emergency cause the City of Saratoga Springs to operate, maintain or repair such facilities within the district in order to protect the health, safety and welfare of the residents, the City Council shall be empowered to levy special assessments against the real property owners within said district in an amount to be determined by the Commissioner of Public Works so as to reimburse the Department of Public Works for all expense incurred for such purpose. Such assessments shall be levied in proportion to the extent the properties are benefited and shall be liens upon the real properties within the district.

§ 199-42 Annual budget and payment of assessments.

A. A proposed annual budget for the Special District shall be submitted by the Board of Directors to the property owners within the district and to the Commissioner of Finance of the City of Saratoga Springs no later than sixty (60) days prior to the beginning of the district's calendar year. Such proposed annual budget shall include recommendations of municipal-type services to be performed during the coming year and estimates of the costs of these services for the ensuing year. Any surplus of funds at fiscal year end is to be applied to offset costs in the next fiscal year.

B. Such annual proposed special district budgets shall also include recommendations as to the funds and other sources of revenue against which the costs set forth in Subsection A of this section should be charged, including, but not limited to the following:

(1.) Funds to be received from assessments levied against properties within the district by the Board of Directors according to the annual budget.

(2.) Funds to be received from special district revenues such as earned interest.

(3.) Funds to be utilized from capital reserves or operating reserve funds previously allocated to meet unanticipated emergency repairs or replacement of district equipment or facilities.

C. With the approval of the district's Board of Directors, the Special District shall deliver an annual budget and a check payable to the commissioner of Finance of the City of Saratoga Springs and drawn on assessment funds in the district's operating account, in full payment for the maintenance and repair services to be performed by the district for the coming twelve (12) months as specified in the budget.

### Special Assessment Districts

The Commissioner of Finance will then reimburse the Special District to carry out the municipal-type services specified, said city check to be deposited to the district's account and utilized for the performance of those services as specified in the district budget. This transaction will enable the district to proceed with the necessary maintenance and repairs to preserve the described facilities, to protect the health, safety and general welfare of the residents and to preserve the value of properties within the district.

#### § 199-43 Receipt of additional funds for replacement/repair of capital equipment, facilities.

For the purpose of obtaining funds in the event of an unforeseen emergency or natural disaster which requires extensive, non-budgeted repairs to municipal-type facilities within the district, the Special District shall have the power to levy additional one time assessments on the property owners in the district, applicable to that year only. The Board of Directors shall have the power to levy such additional assessment up to \$500. per homeowner in the district.

Should a larger assessment be required to defray, in whole or in part, the cost of any construction, reconstruction, repair or replacement of a municipal-type facility within the district, such an assessment shall require the assent of the majority of the owners of the 36 residential properties, consistent with this article.

#### §199-44 Construal of powers and obligations.

The powers and obligations herein granted and imposed are in addition to and not in diminution of all powers and obligations existing under applicable laws of the State of New York and the Charter of the City of Saratoga Springs.

SECTION 2. This Local Law shall take effect immediately upon filing with the Secretary of State in accordance with Municipal Home Rule Law Section 27.

ADOPTED: 7/26/99

5 Ayes

0 Nays

MORGAN STREET BIRCH RUN  
"SPECIAL DISTRICT"  
LIST OF PROPERTIES

OUTSIDE DISTRICT

165.7-4-1  
165.7-4-2  
165.7-4-3  
165.7-4-4  
165.7-4-5  
165.7-4-6  
165.7-4-7  
165.7-4-8  
165.7-4-9  
165.7-4-10  
165.7-4-11  
165.7-4-12  
165.7-4-13  
165.7-4-14  
165.7-4-15  
165.7-4-16  
165.7-4-17  
165.7-4-18  
165.7-4-19  
165.7-4-20  
165.7-4-23.1  
165.7-4-54  
165.7-4-56  
165.7-4-59  
165.7-4-61  
165.7-4-62  
165.7-4-63  
165.7-4-64  
165.7-4-65  
165.7-4-66  
165.7-4-67  
165.7-4-68  
165.7-4-69  
165.7-4-70  
165.7-4-71

INSIDE DISTRICT

165.7-3-1  
165.7-3-2  
165.7-3-3  
165.7-3-4  
165.7-3-5  
165.7-3-6  
165.7-3-7  
165.7-3-8  
165.7-3-9  
165.7-3-10  
165.7-3-20  
165.7-3-21  
165.7-3-22  
165.7-3-23  
165.7-3-24  
165.7-3-25  
165.7-3-26  
165.7-3-27  
165.7-3-28