

## LEGAL NOTICE

### Notice of Public Hearing on Application for Incentive Zoning

PLEASE TAKE NOTICE that a public hearing will be held at the Town Hall of the Town of Sweden, 18 State Street, Brockport, New York, on Tuesday, May 7, 2019 at 7:00 p.m. on the application of Helios Energy New York 3 LLC, 411 S. Old Woodward, Suite 807, Birmingham, Michigan for Incentive Zoning to allow a change of use for a solar farm site in the R1-2 One Family Residential District in exchange for donations of funds in the amount of One Hundred Fifty Thousand and No/100 Dollars (\$150,000) in place of other amenities. The incentive sought and offered in conjunction with this incentive zoning are to be used by the Town of Sweden for Splash Pad/Playground Facilities. Incentive zoning being more particularly described in Sweden Town Code Article IV, Section 175-17 through 22 and Town Law Section 261-b.

The property is identified as a 114.7 +/- portion of tax account number 098.04-1-2.1 on the west side of Lake Road (Route 19) near the intersection of Swamp Road. The legal descriptions of Lease Area 1, 33.9 acres and Lease Area 2, 44.0 acres of lands owned by E & M Zuber, LLC, as follows, and, together with the maps and the application shall be available for inspection and viewing at the office of the Town Clerk, Town of Sweden, 18 State Street, Brockport, New York during regular office hours. Any and all interested persons will be heard at said public hearing.

#### Legal Description Lease Area 1

All that piece or parcel of land situate in the Town of Sweden, County of Monroe, State of New York, lying westerly of Lake Road (a/k/a N.Y.S. Route 19), and westerly and southerly of the intersection of Lake Road and Swamp Road being more particularly bounded and described as follows:

Commencing at concrete monument found at the intersection of the division line between lands now or formerly of Casper Pizzo (L. 11211/P. 526) on the south and lands now or formerly of E and M Zuber, LLC (L. 11503/P. 430) on the north with the westerly boundary of Lake Road and running thence North 09° 16' 48" West along the westerly boundary of Lake Road for a distance of 493.15 feet to the point and place of beginning, said point also being the intersection said westerly and the division line between Lease Area 2 on the south and Lease Area 1 being the herein described parcel on the north; running thence from said point of beginning and along said division line with Lease Area 2 on the south and west and Lease Area 1 on the north and east and through lands now or formerly of E and M Zuber, LLC (L. 11503/P. 430) the following eight (8) courses and distances:

- 1) Thence North 68° 10' 46" West for a distance of 782.08 feet to a point;
- 2) Thence North 53° 31' 59" West for a distance of 193.73 feet to a point;
- 3) Thence South 89° 59' 58" West for a distance of 256.49 feet to a point;
- 4) Thence South 60° 24' 39" West for a distance of 132.83 feet to a point;
- 5) Thence South 90° 00' 00" West for a distance of 1191.83 feet to a point;

- 6) Thence South 00° 00' 01" West for a distance of 88.52 feet to a point;
- 7) Thence South 90° 00' 00" West for a distance of 1041.12 feet to a point; and
- 8) Thence North 00° 00' 04" East for a distance of 518.58 feet to a point; thence through lands now or formerly E and M Zuber, LLC (L. 11503/P. 430) the following four (4) courses and distances:
  - 1) Thence North 89° 40' 14" East for a distance of 3054.57 feet to a point;
  - 2) Thence South 00° 00' 34" East for a distance of 558.93 feet to a point;
  - 3) Thence South 68° 10' 46" East for a distance of 233.11 feet to a point;
  - 4) Thence North 79° 49' 37" East for a distance of 189.74 feet to a point, said point also being on the afore-mentioned westerly boundary of Lake Road; thence southeasterly along the westerly boundary of Lake Road the following two (2) courses and distances:
    - 1) Thence southeasterly along a curve to the right having a radius of 3214.70 feet and an arc length of 41.15 feet (chord South 09° 38' 32" East, 41.15 feet) to a point of tangency;
    - 2) Thence South 09° 16' 48" East for a distance of 137.03 feet to the point and place of beginning, containing 33.9 acres of land more or less.

Subject to any and all other easements, conditions, covenants and/or restrictions of record that may affect the above described parcel.

The above described being a portion lands conveyed by Darlene S. Ford, Sandra A. Larkin, and Ashley P. Larkin III to E and M Zuber, LLC by deed dated February 20, 2015 and recorded in the Monroe County Clerk's Office on February 20, 2015 in Liber 11503 of Deeds at Page 430.

Legal Description  
Lease Area 2

All that piece or parcel of land situate in the Town of Sweden, County of Monroe, State of New York, lying westerly of Lake Road (a/k/a N.Y.S. Route 19), and westerly and southerly of the intersection of Lake Road and Swamp Road being more particularly bounded and described as follows:

Commencing at concrete monument found at the intersection of the division line between lands now or formerly of Casper Pizzo (L. 11211/P. 526) on the south and lands now or formerly of E and M Zuber, LLC (L. 11503/P. 430) on the north with the westerly boundary of Lake Road and running thence North 09° 16' 48" West along the westerly boundary of Lake Road for a distance of 455.89 feet to the point and place of beginning, said point also being the intersection said westerly and the division line between Lease Area 2 being the herein described parcel on the north and lands now or formerly of E and M Zuber, LLC (L. 11503/P. 430) on the south; running thence from said point of beginning and through lands now or formerly of E and M Zuber, LLC (L. 11503/P. 430) the following six (6) courses and distances:

- 1) Thence North 68° 10' 46" West for a distance of 804.97 feet to a point;

- 2) Thence North 51° 34' 30" West for a distance of 190.52 feet to a point;
- 3) Thence South 89° 59' 58" West for a distance of 241.07 feet to a point;
- 4) Thence South 59° 38' 45" West for a distance of 319.83 feet to a point;
- 5) Thence South 00° 00' 39" West for a distance of 613.70 feet to a point; and
- 6) Thence South 89° 42' 01" West for a distance of 2159.04 feet to a point, said point also being the intersection of said division line with lands now or formerly of Paul R. & Cecilia J. Swanger (L. 8907/P. 642) on the west and lands now or formerly E and M Zuber, LLC (L. 11503/P. 430) being Lease Area 2 the herein described parcel on the east; running thence along said division line with the lands of Swanger in part on the west and south and lands of Zuber, LLC being Lease Area 2 on the east and north the following two (2) courses and distances:
  - 1) Thence North 02° 05' 09" West for a distance of 284.09 feet to a point; and
  - 2) Thence South 89° 28' 39" West for a distance of 361.52 feet to a point, said point also being the common corner between lands now or formerly of Paul R. & Cecilia J. Swanger (L. 8907/P. 642) on the south, and lands now or formerly of Paul R. & Cecilia J. Swanger (L. 10168/P. 567) on the west and lands now or formerly of E and M Zuber, LLC (L. 11503/P. 430) being Lease Area 2 the herein described parcel on the north and east; running thence North 01° 13' 26" East along the division line between lands of E and M Zuber, LLC being Lease Area 2 on the east, and lands of Swanger and lands now or formerly of Donald F. Meyering (L. 8549/P. 187) in part on the west, for a distance of 893.20 feet to a point; thence North 89° 40' 14" East and through lands now or formerly of E and M Zuber, LLC (L. 11503/P. 430) for a distance of 432.73 feet to a point, said point also being on the division line between Lease Area 1 on the east and Lease Area 2 herein described on the west; thence along said division with Lease Area 1 on the east and north, Lease Area 2 on the west and south and through lands now or formerly of E and M Zuber, LLC (L. 11503/P. 430) the following eight (8) courses and distances:
    - 1) Thence South 00° 00' 04" West for a distance of 518.58 feet to a point;
    - 2) Thence North 90° 00' 00" East for a distance of 1041.12 feet to a point;
    - 3) Thence North 00° 00' 01" East for a distance of 88.52 feet to a point;
    - 4) Thence North 90° 00' 00" East for a distance of 1191.83 feet to a point;
    - 5) Thence North 60° 24' 39" East for a distance of 132.83 feet to a point;
    - 6) Thence North 89° 59' 58" East for a distance of 256.49 feet to a point;
    - 7) Thence South 53° 31' 39" East for a distance of 193.73 feet to a point; and
    - 8) Thence South 68° 10' 46" East for a distance of 782.08 feet to a point, said point also being on the afore-mentioned westerly boundary of Lake Road; thence South 09° 16' 48" East for a distance of 37.26 feet to the point and place of beginning, containing 44.0 acres of land more or less.

Subject to any and all other easements, conditions, covenants and/or restrictions of record that may affect the above described parcel.

The above described being a portion of lands conveyed by Darlene S. Ford, Sandra A. Larkin, and Ashley P. Larkin III to E and M Zuber, LLC by deed dated February 20, 2015 and recorded in the Monroe County Clerk's Office on February 20, 2015 in Liber 11503 of Deeds at Page 430.