

# Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE  
41 STATE STREET, ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County

~~CITY~~ of Livingston  
~~TOWN~~  
~~VILLAGE~~

Local Law No. 3 of the year 2006

A local law *(Insert Title)* Amending Local Law No. 5 of 2005 to Revise Livingston County

Empire Zone Boundary

Be it enacted by the Board of Supervisors of the  
*(Name of Legislative Body)*

County

~~CITY~~ of Livingston as follows:  
~~TOWN~~  
~~VILLAGE~~

See next page.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

- Section 1. By Local Law No. 5 of 2005, this Board authorized the submission of an application for the designation of an Empire Zone relative to certain land within Livingston County.
- Section 2. That the County of Livingston has received Empire Zone approval from New York State.
- Section 3. Barilla America NY, Inc. (the "Company"), is proposing, as agent for the Livingston County Industrial Development Agency, the purchase of 49.3713 acres of land and the construction on said land of a 310,000 square foot building to house a dry pasta manufacturing plant (the "Project"). The project is located at West Main Street, Routes 5 & 20, in the Village of Avon, New York. The Project will add approximately ninety-five (95) jobs and result in approximately \$94,500,000.00 in investments. The proposed expansion at West Main Street, Routes 5 & 20 in the Village of Avon is not within the Livingston County Empire Zone boundaries. The New York State Department of Economic Development has determined that the proposed expansion is eligible for Empire Zone benefits as a regionally significant project under Section 957(d)(i) of the General Municipal Law. The Zone Administrative Board of the Livingston County Empire Zone has determined that the proposed expansion is eligible for Empire Zones benefits as a regionally significant project under Section 957(d)(i) of the General Municipal Law. The Livingston County Board of Supervisors hereby approves the allocation of zone lands for the proposed expansion of the Company's Project for a regionally significant project as determined by the Zone Administrative Board and the New York State Department of Economic Development Law, said zone lands to constitute the property described in Addendum A attached hereto.
- Section 4. The Livingston County Board of Supervisors authorizes the submission of an application to revise the Empire Zone boundaries to include approximately 49.3713 acres located in the Village of Avon, New York (further identified as TM# 24.17-01-02.2, hereinafter, the "Land") and requests that the Commissioner of the New York State Department of Economic Development ("DED") approve this Project as described in Section 3 of this local law.
- Section 5. The Chairman of the Livingston County Board of Supervisors, or his designee, is hereby authorized to submit an application to revise the Empire Zone boundaries to include the Land, which is more particularly described in Addendum A of this Local Law provided, however, that such authorization shall be conditioned upon the concurrence of the governing body of the Village of Avon and DED.
- Section 6. In all other respects, Local Law No. 5 of 2005 shall remain in full force and effect.
- Section 7. This Local Law shall take effect immediately upon filing in the Office of the Secretary of State as provided by Section 27 of the Municipal Home Rule Law.

ADDENDUM A

ALL THAT TRACT OR PARCEL OF LAND containing 49.3713 acres of land, more or less, situate in the Phelps and Gorham Purchase, Township 10, Range 7, Village of Avon, County of Livingston, and State of New York, being more particularly bounded and described as follows:

Commencing at a point, said point being the intersection of the southerly boundary line of lands now and formerly of Niagara Mohawk Power Corporation (TM #35.05-01-71) with the westerly boundary line of lands now or formerly of Niagara Mohawk Power Corporation (TM #24.18-01-76); thence

S14°58'54"W, along said westerly boundary line, a distance of 686.61 feet to the Point of Beginning; thence

1. S14°58'54"W, continuing along said westerly boundary line, a distance of 495.75 feet to a point; thence

The following 8 courses are through lands now or formerly Livingston Industrial Complex (TM #24.17-01-02)

2. S89°34'22"W, a distance of 1,857.47 feet to a point; thence
3. N00°25'38"W, a distance of 1,019.86 feet to a point; thence
4. Northeasterly along a curve to the right, having a radius of 50.00 feet, a distance of 78.54 feet to a point; thence
5. N89°34'22"E, a distance of 1,567.56 feet to a point; thence
6. Southeasterly along a curve to the right, having a radius of 170.00 feet, a distance of 267.04 feet to a point; thence
7. S00°25'38"E, a distance of 189.73 feet to a point; thence
8. Southeasterly along the a curve to the left, having a radius of 230.00 feet, a distance of 291.11 feet to a point; thence
9. S72°56'50"E, a distance of 42.69 feet to the Point of Beginning.

ALSO ALL THAT TRACT OF PARCEL OF LAND, situate in the Phelps and Gorham Purchase, Township 10, Range 7, Village of Avon, County of Livingston, and State of New York, being more particularly bounded and described as follows:

Beginning at a point, said point being the intersection of the southerly boundary line of lands now and formerly of Niagara Mohawk Power Corporation (TM #35.05-01-71) with the westerly boundary line of lands now or formerly of Niagara Mohawk Power Corporation (TM #24.18-01-76); thence

1. S14°58'54"W, along said westerly boundary line, a distance of 626.57 feet to a point; thence  
The following 6 courses are through lands now or formerly Livingston Industrial Complex (TM #24.17-01-02)

2. N72°56'50"W, a distance of 40.52 feet to a point; thence
3. Northwesterly along a curve to the right, having a radius of 170.00 feet, a distance of 215.17 feet to a point; thence
4. N00°25'38"W, a distance of 189.73 feet to a point; thence
5. Northwesterly along a curve to the left, having a radius of 230.00 feet, a distance of 361.28 feet to a point; thence
6. S89°34'22"W, a distance of 1,582.56 feet to a point; thence
7. Westerly along a curve to the right, having a radius of 35.00 feet, a distance of 27.13 feet to a point on the aforementioned southerly boundary line of Niagara Mohawk Power corporation; thence

N89°34'22"E, along said southerly boundary line, a distance of 2,161.12 feet to the Point of Beginning

Dated at Geneseo, NY 14454  
September 28, 2006

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 3 of 2006 of the (County)(~~City~~)(~~Town~~)(~~Village~~) of Livingston was duly passed by the Board of Supervisors on 9/27 2006, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*  
*(Elective Chief Executive Officer\*)*

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*  
*(Elective Chief Executive Officer\*)*

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*  
*(Elective Chief Executive Officer\*)*

\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20\_\_\_\_, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph \_\_\_\_\_ 1\_\_\_\_, above.

*Sam F. Murray*

Deputy Clerk of the County legislative body, City, Town or Village Clerk or officer designated by local legislative body

(Seal)

Date: September 27, 2006

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK  
COUNTY OF Livingston

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

*Dyle*

Signature

County Attorney

Title

County  
~~XXX~~ of Livingston

~~Village~~  
~~XXXXXX~~

Date: 9/27/06