

**Additional Proposed Legislation for  
the  
May 23, 2023 City Council Meeting -**

**\* \* Please Note \* \***

**For questions, call the City Clerk's Office at 585-428-7421**



**City of Rochester**

City Hall Room 308A, 30 Church Street  
Rochester, New York 14614-1290  
www.cityofrochester.gov

FINANCE  
INTRODUCTORY NO.

210, 211

Malik D. Evans  
Mayor

May 3, 2023

TO THE COUNCIL

Ladies and Gentlemen:

Re: Tax Apportionment Assessment Classes  
– Tax Shift

Council Priority: Deficit Reduction and Long  
Term Financial Stability

Comprehensive Plan 2034 Initiative Area:  
Fostering Prosperity & Opportunity

Transmitted herewith for your approval is legislation certifying certain calculations related to the apportionment of property taxes between the homestead and non-homestead assessment classifications. Such certification is required by Article 19 of the New York State Real Property Tax Law.

The certification involves the determination of the “base proportion.” In general, the base proportion for each class represents the share of the property tax levy to be allocated to that class. This determination involves two computations. The first is the calculation of the current base proportions using 1989 and 2022 data. The second is the calculation of the adjusted base proportions using 2022 and 2023 data. Both calculations are attached.

The current base proportions, as calculated by the formula specified by Article 19, are as follows:

Homestead:	.4373852
Non-Homestead:	<u>.5626148</u>
Total:	1.0000000

In comparison, the new adjusted base proportions are as follows:

Homestead:	.4342486
Non-Homestead:	<u>.5657514</u>
Total:	1.0000000

The new proportions result in the following shifts in the share of the tax levy allocated to each class:

Homestead:	+4.24%
Non-Homestead:	-3.03%

Respectfully submitted,

Malik D. Evans  
Mayor

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CERTIFICATE OF ADJUSTED BASE PROPORTIONS PURSUANT TO ARTICLE 19, RPTL  
 FOR THE ASSESSMENT ROLL FOR 2023

\* Approved Assessing Unit City of Rochester, 261400  
 \* Name of Portion City of Rochester, 261400  
 \* Reference Roll 2022  
 \* Levy Roll 2023

\* Section I DETERMINATION OF PORTION CLASS NET CHANGE IN ASSESSED VALUE DUE TO PHYSICAL AND QUANTITY EQUALIZATION CHANGES AND COMPUTATION OF CLASS CHANGE IN LEVEL OF ASSESSMENT FACTOR

	(A) Total Assessed Value on the Reference Roll excluding Special Franchise	(B) Total Assessed Value of Physical and Quantity Increases between the Reference Roll and Levy Roll	(C) Total Assessed Value of Physical and Quantity Decreases between the Reference Roll and Levy Roll	(D) Net Assessed Value of Physical and Quantity Changes	(E) Surviving Total Assessed Value on the Reference Roll
Class				(B-C)	(A-C)
Homestead	4,736,341,705	20,130,163	5,814,380	14,315,783	4,730,527,325
Nonhomestead	2,878,102,476	22,324,800	9,984,142	12,340,658	2,868,118,334

	(F) Total Assessed Value of Equalization Increases between the Reference Roll and Levy Roll	(G) Total Assessed Value of Equalization Decreases between the Reference Roll and Levy Roll	(H) Net Equalization Changes	(I) Change in Level of Assessment Factor
Class			(F-G)	(H/E)+1
Homestead	2,335,800	2,582,500	-246,700	0.9999478
Nonhomestead	14,556,672	22,360,472	-7,803,800	0.9972791

\* Section II COMPUTATION OF PORTION CLASS ADJUSTMENT FACTOR

	(J) Taxable Assessed Value on the Levy Roll excluding Special Franchise	(K) Taxable Assessed Value on the Levy Roll at the Reference Roll Level of Assessment (J/I)	(L) Assessed Value of Special Franchise on the Levy Roll at the Reference Roll Level of Assmnt	(M) Total Taxable Assessed Value on the Levy Roll at the Reference Roll Level of Assessment (K+L)	(N) Taxable Assessed Value on the Reference Roll	(O) Class Adjustment Factor (M/N)
Class						
Homestead	4,565,936,564	4,566,174,693	0	4,566,174,693	4,584,877,995	0.99592
Nonhomestead	2,472,406,885	2,479,152,356	582,046,217	3,061,198,573	3,034,776,367	1.00871

\* Section III COMPUTATION OF ADJUSTED BASE PROPORTIONS

	(P) Current Base Proportions	(Q) Current Base Proportions adjusted for Physical and Quantity Changes (P*O)	(R) Adjusted Base Proportions (Q/sum of Q)
Class			
Homestead	43.73852	43.56010	43.42486
Nonhomestead	56.26148	56.75132	56.57514
Total	100.00000	100.31141	100.00000

INTRODUCTORY NO.

210

Ordinance No.

**Determining and certifying base proportions, current percentages, and base percentages for the 2023 Assessment Roll**

BE IT ORDAINED, by the Council of the City of Rochester, as follows:

Section 1. Under Section 1903 of the Real Property Tax Law, the Council determines the current base proportions, current percentages, and base percentages for the City's 2023 assessment roll to be as follows:

	<b>Homestead Class</b>	<b>Non-Homestead Class</b>
Current base proportions	43.73852%	56.26148%
Current percentage	62.24670%	37.75330%
Base percentage	52.03550%	47.96450%

Section 2. The City Clerk is hereby directed to certify the figures set forth above to the New York State Department of Taxation and Finance, Office of Real Property Tax Services.

Section 3. This ordinance shall take effect immediately.

INTRODUCTORY NO.

211

Ordinance No.

**Determining and certifying adjusted base proportions, assessed value, and net changes in assessed value for the 2023 Assessment Roll**

BE IT ORDAINED, by the Council of the City of Rochester, as follows:

Section 1. Under Section 1903 of the Real Property Tax Law, the Council determines the adjusted base proportions, assessed value, and net change in assessed value for the City's 2023 assessment roll to be as follows:

	<b>Homestead Class</b>	<b>Non-Homestead Class</b>
Adjusted base proportion	.4342486	.5657514
Taxable assessed value	4,565,936,564	3,092,023,299
Net change in assessed value from 2022 resulting from physical and quantity changes	+14,315,783	+12,340,658
Net change in assessed value from 2022 resulting from other than physical and quantity changes	-246,700	-7,803,800

Section 2. The City Clerk is hereby directed to certify the figures set forth above to the New York State Department of Taxation and Finance, Office of Real Property Tax Services.

Section 3. This ordinance shall take effect immediately.



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Council # \_\_

May 8, 2023

TO THE COUNCIL

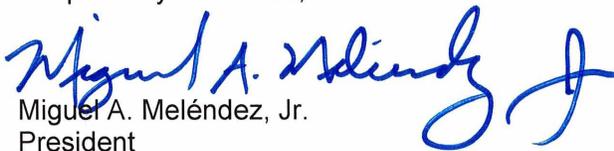
Ladies and Gentlemen:

Re: Amendatory Agreement:  
Indexing Council Proceedings

Transmitted herewith for your approval is legislation extending the term of a professional services agreement with General Code, LLC, which provides for the indexing of the Council Proceedings for the years 2017 through 2021 (the Project). The original agreement authorized in Ordinance No. 2022-72 established a term of one year. While General Code has been working diligently and has made good progress, the collaborative formatting and review process between the company and Clerk's Office staff has taken more time than expected and it is anticipated that the Project will require up to one additional year to complete.

Therefore, this legislation authorizes extending the term of the Project agreement by up to one additional year. The parties expect that the maximum compensation of \$25,000 that was authorized in the original ordinance will be sufficient to complete the Project so that no additional compensation will be required.

Respectfully submitted,

  
Miguel A. Meléndez, Jr.  
President

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**INTRODUCTORY NO.**

212

Ordinance No.

**Authorizing an amendatory agreement with General Code, LLC for indexing Council Proceedings**

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an amendatory professional services agreement with General Code, LLC to complete the preparation of annual indexes for the Council Proceedings for the years 2017 through 2021. The amendatory agreement shall add six months to the term of the original agreement authorized in Ordinance No. 2022-72, for a total term of 18 months.

Section 2. The amendatory agreement shall contain such additional terms and conditions as the Mayor deems appropriate.

Section 3. This ordinance shall take effect immediately.



**City of Rochester**

City Hall Room 308A, 30 Church Street  
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**PARKS & PUBLIC WORKS  
INTRODUCTORY NO.**

**Malik D. Evans  
Mayor**

213, 214

Mayor #\_\_

May 10, 2023

TO THE COUNCIL

Ladies and Gentlemen:

Re: Home Rule resolution and ordinance authorizing a sewer main through Genesee Valley Park

Transmitted herewith for your approval is legislation authorizing the installation and operation of an underground sewer main through a portion of Genesee Valley Park in return for \$100,000 in funding for future parkland acquisitions or improvements and for a conservation easement that will preserve approximately four acres of wooded land and natural habitat adjacent to the eastern boundary of the Park.

The new sewer main is necessary to provide additional capacity to the existing sewer system on the east side of the River that serves the University of Rochester's campuses and surrounding residences and businesses. The sewer improvement is necessary to accommodate the additional demand that will be generated by the University's Strong Memorial Hospital Expansion Project because the east-side sewer system is operating at full capacity.

The legislation consists of:

1. A resolution authorizing the City to submit a Home Rule Message requesting that the State Legislature enact legislation authorizing the City to grant to the Rochester Pure Waters District (Pure Waters) a permanent easement that is necessary to allow Pure Waters to construct and maintain the new sewer main (Sewer Easement).
2. An ordinance that, upon the State's enactment of the Home Rule legislation, will:
  - a) grant a permanent Sewer Easement to Pure Waters over 40-foot wide corridors to allow for the installation, operation and maintenance of the new sewer main and an accompanying fiber optic conduit;
  - b) authorize the City to receive and dedicate a \$100,000 contribution from the University for future park land acquisitions and/or improvements; and
  - c) authorize the City to agree to and accept from the University a Conservation Easement that will preserve approximately 3.962 acres of wooded area and other natural habitat located on University-owned land along an 80-foot wide strip adjacent to Genesee Valley Park.

Under New York State's "public trust" doctrine and laws, a locality may not allow its public park lands to be sold off or used for any non-park purpose without the approval of the State Legislature. The interference with or "alienation" of the use of park land need not be exclusive or

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permanent for this public trust doctrine to apply. Therefore, the Sewer Easement is deemed to be an alienation of park land that requires State approval even though the sewer main will be located entirely underground and constructed using directional drilling to minimize any potential impacts to the surface of the Park.

As is typical for the alienation of park land involving easements, the State legislation will require that the City dedicate an amount of funds and/or park land that is equal to or greater than the fair market value of the Sewer Easement for the acquisition of new park lands and/or capital improvements to existing park and recreational facilities. In a report dated May 4, 2023, Midland Appraisal Associates, Inc. appraised the Sewer Easement as having a fair market value of \$25,000.

As, and in excess of, the required compensation for the fair market value of the Sewer Easement, the University has offered to contribute \$100,000 for the City to dedicate to park land acquisition and/or improvements, and to establish a Conservation Easement that restricts the use of approximately 3.096 acres of its land to serve as a wooded and natural habitat buffer along the east side of Moore Road in the Park.

The set of transactions provided for herein will benefit the public in several ways, including: by providing \$100,000 for future park land acquisitions and/or improvements; by preserving the existing buffer of wooded and natural habitat lands along the east side of Moore Road; and by providing essential sanitary sewage capacity within the Wilson Boulevard Trunk System that serves the University's academic and medical center campuses as well as numerous businesses and residences located on the east side of the Genesee River.

The most significant and essential benefit of these transactions in the near term will be to provide the additional sewage capacity that is required for the University to proceed with the Strong Memorial Hospital Expansion Project. That Project, one of the largest projects in the region's history, will triple the size of the Emergency Department (ED), provide private single patient rooms, expand diagnostic and treatment spaces, improve mental and behavioral health care, enlarge the region's only Level-1 trauma facility to treat the most complex traumatic injuries, and enlarge the Pediatric ED unit in the Golisano Children's Hospital. The Project will help alleviate chronic bed shortages and ED overcrowding issues, as well as increase the availability of high-quality mental health and addiction services.

Respectfully submitted,



Malik D. Evans  
Mayor

INTRODUCTORY NO.

Mayor # \_\_\_a

213

Resolution No.

**Resolution for the purpose of a Home Rule Message regarding State legislation authorizing the City of Rochester to convey to the Rochester Pure Waters District an easement in Genesee Valley Park for installation and maintenance of sanitary sewer facilities**

Concurring in the request by the Mayor of the City of Rochester to the Senate and the Assembly of the State of New York pursuant to Article IX of the New York State Constitution to enact into law certain legislation in relation to the conveyance of an easement to install and maintain a sanitary sewer main in Genesee Valley Park.

WHEREAS, the legislation above would be beneficial to the people of Rochester and the City of Rochester does not have the power to enact such legislation by local law.

BE IT RESOLVED, by the City Council of the City of Rochester that said Council concurs in the request of Malik D. Evans, Mayor of the City of Rochester, to the Senate and the Assembly of the State of New York, constituting the New York State Legislature, that said Legislature enact the legislation set forth in the following bill entitled:

AN ACT in relation to authorizing the city of Rochester to convey by appropriate instruments to the Rochester Pure Waters District, an easement in Genesee Valley Park, for installation and maintenance of sanitary sewer facilities.

Being Senate Bill No. S. 6610-A and Assembly Bill No. A. 6724.

This resolution shall take effect immediately.

**Authorizing the conveyance of an easement in Genesee Valley Park and the receipt of park funding and a conservation easement in return**

WHEREAS, in a concurrent resolution, the Council of the City of Rochester concurs in the Mayor's request that the New York State Senate and Assembly enact home rule legislation that authorizes the City to convey to the Rochester Pure Waters District (District) a permanent easement within which to install and maintain a sanitary sewer main that will run through Genesee Valley Park;

WHEREAS, the home rule legislation endorsed by this Council requires that the City, prior to conveying the Sewer Easement, dedicate an amount of funds and/or parkland that is equal to or greater than the fair market value of the Sewer Easement for the acquisition of new parklands and/or capital improvements to existing park and recreational facilities;

WHEREAS, in a report dated May 4, 2023, Midland Appraisal Associates, Inc. appraised the Sewer Easement as having a fair market value of \$25,000;

WHEREAS, the Wilson Boulevard Trunk System sewer facilities that serve the University of Rochester's academic and medical center campuses bordering the Park, as well as numerous businesses and residences located on the east side of the Genesee River, are presently operating at close to full capacity and do not have sufficient capacity to accommodate additional demand;

WHEREAS, the University has offered to contribute to the Sewer Easement transaction because the sewer main to be constructed and operated within the Sewer Easement will divert a substantial portion of the Wilson Boulevard Trunk System sewage across the river to a trunk system on the west side, thereby providing additional sanitary sewage capacity for the east-side system that is necessary to accommodate the additional demand that will be generated by the University's proposed Strong Memorial Hospital Expansion Project; and

WHEREAS, this ordinance shall not go into effect unless and until the State Legislature enacts the above described home rule legislation.

NOW, THEREFORE, BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the conveyance of a permanent, non-exclusive easement within Genesee Valley Park to the Rochester Pure Waters District (District) to enable the District to construct, operate, maintain, repair and replace a sanitary sewer main (Sewer Easement). The Sewer Easement may also allow the District to install, operate and maintain a fiber optic conduit next to the sewer main. The District shall restore the parkland surface upon the completion of construction, repairs,

or other work within the Sewer Easement. The Sewer Easement to be conveyed by the City pursuant to this ordinance, which constitutes an alienation of parkland, is described in Exhibit "A" which is attached hereto. The conveyance of the Sewer Easement shall not proceed until the City receives and dedicates \$100,000 to park purposes and the recording in the County Clerk's Office of a conservation easement to adjacent land, as follows.

Section 2. The sum of \$100,000 in anticipated compensation from the University of Rochester in consideration of the value of the Sewer Easement is hereby appropriated and dedicated for the acquisition of new parklands and/or for capital improvements to existing park and recreational facilities.

Section 3. The Mayor is hereby authorized to execute, and to accept as part of the consideration for the value of the Sewer Easement, a conservation easement from the University of Rochester that restricts the use and alteration of approximately 3.962 acres of wooded areas and other natural habitat located on University-owned land in an 80-foot wide strip adjacent to Genesee Valley Park (Conservation Easement). The Conservation Easement shall encompass the area described in Exhibit "B," which is attached hereto.

Section 4. The Mayor is hereby authorized to enter into an agreement with the District, the University and/or any other party that the Mayor deems necessary or appropriate to implement the transactions authorized herein.

Section 5. The agreements and Conservation Easement authorized herein shall be subject to such additional terms and conditions as the Mayor deems appropriate.

Section 6. This ordinance shall take effect upon the State Legislature's enactment of legislation entitled "An Act in relation to authorizing the city of Rochester to convey by appropriate instruments to the Rochester Pure Waters District, an easement in Genesee Valley Park, for installation and maintenance of sanitary sewer facilities," being Senate Bill No. S. 6610-A and Assembly Bill No. A. 6724.

## Exhibit A Description of Sewer Easement

### Map 1, Parcel 1.

All that tract or parcel of land being in the City of Rochester, County of Monroe, State of New York, as shown on the accompanying map and described as follows: Commencing at an angle point in the southerly property line of the City of Rochester (reputed owner), Tax Account No. 148.06-1-1.001 on the north and property of the City of Rochester (reputed owner), Tax Account No. 135.15-1-1 on the south; thence S 83° 50' 06" W along said division line a distance of 122.53 feet to the true point of beginning, said point having coordinates of N 1,138,746.57 and E 1,401,724.37; thence, continuing south westerly along the said division line S 83° 50' 06" W, 44.77 feet to a point, said point having coordinates of N 1,138,741.76 and E 1,401,679.86; thence, through land owned by the City of Rochester (reputed owner), Tax Account No. 148.06-1-1.001, N 32° 51' 14" W, 187± feet to a point on the approximate mean high water of the Genesee River: thence easterly along the approximate high water of the Genesee River 43± feet to a point; thence, through lands owned by the City of Rochester (reputed owner), Tax Account No. 148.06-1-1.001, S 32° 51' 14" E 193± feet to the point of beginning, being 7,572± square feet or 0.174± acres.

### Map 2, Parcel 1.

All that tract or parcel of land being in the City of Rochester, County of Monroe, State of New York, as shown on the accompanying map and described as follows: Commencing at an angle point in the southerly property line of the City of Rochester (reputed owner), Tax Account No. 148.06-1-1.001 on the north and property of the City of Rochester (reputed owner), Tax Account No. 135.15-1-1 on the south; thence S 83° 50' 06" W along said division line a distance of 122.53 feet to the true point of beginning, said point having coordinates of N 1,138,746.57 and E 1,401,724.37; thence, through land owned by the City of Rochester (reputed owner), Tax Account No. 135.15-1-1, S 32° 51' 14" E, 280.84 feet to a point at the division line of lands owned by the University of Rochester (reputed owner), Tax Account No. 135.67-1-2.001 on the south and lands owned by the City of Rochester (reputed owner), Tax Account No. 135.15-1-1 on the north, said point having coordinates of N 1,138,510.64 and E 1,401,876.73; thence south westerly along said division line on a curve to the right with a radius of 2,435.31 feet a distance of 43.72 feet to a point, said point having coordinates of N 1,138,474.12 and E 1,401,852.70; thence, through lands owned by the City of Rochester (reputed owner), Tax Account No. 135.15-1-1, N 32° 51' 14" W, 318.60 feet to a point at the division line of lands owned by the City of Rochester (reputed owner), Tax Account No. 148.06-1-1.001 on the north and property of the City of Rochester (reputed owner), Tax Account No. 135.15-1-1 on the south, said point having coordinates of N 1,138,741.76 and E 1,401,679.86; thence N 83° 50' 06" E along said division line a distance of 44.77 feet to the point of beginning, being 11,992± square feet or 0.275± acres.

### Map 3, Parcel 1.

All that tract or parcel of land being in the City of Rochester, County of Monroe, State of New York, as shown on the accompanying map and described as follows: Commencing on the southerly boundary of Elmwood Avenue and the property line of the City of Rochester (reputed owner), Tax Account No. 135.58-1-1 on the east and property of the City of Rochester (reputed owner), Tax Account No. 135.51-1-8 on the west; thence, the following courses and distances along said division line S 28° 49' 55" W 289.60 feet to a

point, S 26° 36' 13" W 163.97 feet to a point, S 29° 22' 52" W 57.60 feet to the true point of beginning, said point having coordinates of N 1,139,566.23 and E 1,401,089.95; thence, the following courses and distances through land owned by the City of Rochester (reputed owner), Tax Account No. 135.58-1-1, S 58° 00' 55" E, 197.66 feet to a point, said point having coordinates of N 1,139,461.53 and E 1,401,257.60, S 33° 08' 00" E, 290± feet to a point on the approximate mean high water of the Genesee River: thence southwesterly along the approximate high water of the Genesee River 40 feet ± to a point; thence, the following courses and distances through land owned by the City of Rochester (reputed owner), Tax Account No. 135.58-1-1, N 33° 08' 00" W, 278± feet to a point, said point having coordinates of N 1,139,432.27 and E 1,401,228.93, N 58° 00' 55" W, 188.14 feet to a point at the division line of lands owned by the City of Rochester (reputed owner), Tax Account No. 135.58-1-1 on the east and lands owned by the City of Rochester (reputed owner), Tax Account No. 135.51-1-8 on the west, said point having coordinates of N 1,139,531.93 and E 1,401,069.35; thence, the following courses and distances along said division line, N 31° 12' 15" E, 35.19 feet, N 29° 22' 52" E, 4.82 feet to the point of beginning, being 19,075± square feet or 0.438± acres.

**Map 4, Parcel 1.**

All that tract or parcel of land being in the City of Rochester, County of Monroe, State of New York, as shown on the accompanying map and described as follows: Commencing on the southerly boundary of Elmwood Avenue and the property line of the City of Rochester (reputed owner), Tax Account No. 135.58-1-1 on the east and property of the City of Rochester (reputed owner), Tax Account No. 135.51-1-8 on the west; thence, the following courses and distances along said division line S 28° 49' 55" W 289.60 feet to a point, S 26° 36' 13" W 163.97 feet to a point, S 29° 22' 52" W 57.60 feet to the true point of beginning, said point having coordinates of N 1,139,566.23 and E 1,401,089.95; thence, the following courses and distances along said division line, S 29° 22' 52" W, 4.82 feet, S 31° 12' 15" W, 35.19 feet to a point, said point having coordinates of N 1,139,531.93 and E 1,401,069.35; thence, through land owned by the City of Rochester (reputed owner), Tax Account No. 135.51-1-8, N 58° 00' 55" W, 40.84 feet to a point at the division line of lands owned by the City of Rochester (reputed owner), Tax Account No. 135.51-1-8 on the east and lands owned by the City of Rochester (reputed owner), Tax Account No. 135.58-1-2 on the west, said point having coordinates of N 1,139,553.56 and E 1,401,034.71; thence, the following courses and distances along said division line, N 32° 46' 56" E, 33.69 feet to a point, N 30° 57' 33" E, 6.32 feet to a point; thence, through land owned by the City of Rochester (reputed owner), Tax Account No. 135.51-1-8, S 58° 00' 55" E, 39.79 feet to the point of beginning, being 1,612± square feet or 0.037± acres.

**Exhibit B**  
**Legal Description of Conservation Easement Property**

The Conservation Easement Property consists of the parcels CE-1 and CE-2 as follows:

CE-1  
PROPOSED 80' WIDE CONSERVATION EASEMENT

ALL THAT TRACT OR PARCEL OF LAND SITUATE IN NEW YORK STATE, MONROE COUNTY, CITY OF ROCHESTER, CONTAINING 0.313+/- ACRES OF LAND MORE OR LESS AND BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTHERLY STREET LINE OF ELMWOOD AVENUE WITH ITS INTERSECTION WITH THE EAST LINE OF THE PRIVATE DRIVE KNOWN AS MOORE ROAD AS SHOWN ON THE MOORE ROAD CONVEYANCES INSTRUMENT SURVEY MAP PREPARED BY THE CITY OF ROCHESTER, PROJECT NUMBER 90-028, DATED 1991 APRIL 19; THENCE,

1. S 61°28'48" E ALONG THE SOUTHERLY STREET LINE OF ELMWOOD AVENUE A DISTANCE OF 80.00 FEET TO A POINT; THENCE,
2. S 28°26'50" W A DISTANCE OF 135.89 FEET TO A POINT OF CURVATURE; THENCE,
3. SOUTHEASTERLY ON A CURVE TO THE LEFT HAVING A RADIUS OF 508.23 FEET, A CENTRAL ANGLE OF 4°17'39" AND AN ARC LENGTH OF 38.09 FEET TO A POINT; THENCE,
4. N 61°28'48" W A DISTANCE OF 43.48 FEET TO A POINT OF CURVATURE; THENCE,
5. NORTHWESTERLY ON A CURVE TO THE RIGHT HAVING A RADIUS OF 38.00 FEET, A CENTRAL ANGLE OF 89°55'38" AND AN ARC LENGTH OF 59.64 FEET TO A POINT ON THE EAST LINE OF THE PRIVATE DRIVE KNOWN AS MOORE ROAD; THENCE,
6. N 28°26'50" E ALONG THE EAST LINE OF THE PRIVATE DRIVE KNOWN AS MOORE ROAD A DISTANCE OF 135.99' TO THE POINT OF BEGINNING ON THE SOUTHERLY STREET LINE OF ELMWOOD AVENUE.

CE-2  
PROPOSED 80' WIDE CONSERVATION EASEMENT

ALL THAT TRACT OR PARCEL OF LAND SITUATE IN NEW YORK STATE, MONROE COUNTY, CITY OF ROCHESTER, CONTAINING 3.649+/- ACRES OF LAND MORE OR LESS AND BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE SOUTHERLY STREET LINE OF ELMWOOD AVENUE WITH ITS INTERSECTION WITH THE EAST LINE OF THE PRIVATE DRIVE KNOWN AS MOORE ROAD AS SHOWN ON THE MOORE ROAD CONVEYANCES INSTRUMENT

SURVEY MAP PREPARED BY THE CITY OF ROCHESTER PROJECT NUMBER 90-028, DATED 1991 APRIL 19; THENCE,

- A. S 28°26'50" W ALONG THE EAST LINE OF THE PRIVATE DRIVE KNOWN AS MOORE ROAD A DISTANCE OF 135.99 FEET TO A POINT OF CURVATURE; THENCE,
- B. SOUTHERLY ON THE EAST LINE OF THE PRIVATE DRIVE KNOWN AS MOORE ROAD ON A CURVE TO THE LEFT HAVING A RADIUS OF 588.23 FEET, A CENTRAL ANGLE OF 7°48'45" AND AN ARC LENGTH OF 80.21 FEET TO THE POINT OF BEGINNING; THENCE,
- 1. S 61°28'48" E A DISTANCE OF 80.89' TO A POINT OF CURVATURE; THENCE,

COURSES 2 THROUGH 10 ARE 80.00 FEET FROM AND PARALLEL WITH THE EAST LINE OF THE PRIVATE DRIVE KNOWN AS MOORE ROAD.

- 2. SOUTHERLY ON A CURVE TO THE LEFT HAVING A RADIUS OF 508.23 FEET, A CENTRAL ANGLE OF 8°17'03" AND AN ARC LENGTH OF 73.48 FEET TO PONT OF REVERSE CURVATURE; THENCE,
- 3. SOUTHERLY ON A CURVE TO THE RIGHT HAVING A RADIUS OF 790.77 FEET, A CENTRAL ANGLE OF 37°08'00" AND AN ARC LENGTH OF 512.50 FEET TO PONT OF REVERSE CURVATURE; THENCE,
- 4. SOUTHERLY ON A CURVE TO THE LEFT HAVING A RADIUS OF 77.03 FEET, A CENTRAL ANGLE OF 36°31'28" AND AN ARC LENGTH OF 49.11 FEET TO PONT OF REVERSE CURVATURE; THENCE,
- 5. SOUTHERLY ON A CURVE TO THE RIGHT HAVING A RADIUS OF 666.39 FEET, A CENTRAL ANGLE OF 17°42'02" AND AN ARC LENGTH OF 205.87 FEET TO PONT OF COMPOUND CURVATURE; THENCE,
- 6. SOUTHERLY ON A CURVE TO THE RIGHT HAVING A RADIUS OF 2,515.35 FEET, A CENTRAL ANGLE OF 10°08'44" AND AN ARC LENGTH OF 445.40 FEET TO PONT OF REVERSE CURVATURE; THENCE,
- 7. SOUTHERLY ON A CURVE TO THE LEFT HAVING A RADIUS OF 692.38 FEET, A CENTRAL ANGLE OF 15°35'39" AND AN ARC LENGTH OF 164.28 FEET TO PONT OF REVERSE CURVATURE; THENCE,
- 8. SOUTHERLY ON A CURVE TO THE RIGHT HAVING A RADIUS OF 695.86 FEET, A CENTRAL ANGLE OF 24°31'16" AND AN ARC LENGTH OF 297.81 FEET TO PONT OF TANGENT; THENCE,
- 9. S 50°28'53" W A DISTANCE OF 102.92 FEET TO A POINT OF CURVATURE; THENCE,
- 10. SOUTHERLY ON A CURVE TO THE LEFT HAVING A RADIUS OF 442.27 FEET, A CENTRAL ANGLE OF 19°26'32" AND AN ARC LENGTH OF 150.08 FEET TO PONT; THENCE,
- 11. N 55°42'48" W A DISTANCE OF 51.52 FEET TO A POINT; THENCE,

12. N 34°17'12" E A DISTANCE OF 30.00 FEET TO A POINT; THENCE,

13. N 55°42'48" W A DISTANCE OF 29.17 FEET TO A POINT OF CURVATURE ON THE EAST LINE OF THE PRIVATE DRIVE KNOWN AS MOORE ROAD; THENCE,

THE REMAINING COURSES ARE ALONG THE EAST LINE OF THE PRIVATE DRIVE KNOWN AS MOORE ROAD.

14. NORTHERLY ON A CURVE TO THE RIGHT HAVING A RADIUS OF 522.27 FEET, A CENTRAL ANGLE OF 15°39'08" AND AN ARC LENGTH OF 142.67 FEET TO POINT OF TANGENT; THENCE,

15. N 50°28'53" E A DISTANCE OF 102.92 FEET TO A POINT OF CURVATURE; THENCE,

16. NORTHERLY ON A CURVE TO THE LEFT HAVING A RADIUS OF 615.86 FEET, A CENTRAL ANGLE OF 24°31'16" AND AN ARC LENGTH OF 263.57 FEET TO POINT OF REVERSE CURVATURE; THENCE,

17. NORTHERLY ON A CURVE TO THE RIGHT HAVING A RADIUS OF 772.38 FEET, A CENTRAL ANGLE OF 13°35'39" AND AN ARC LENGTH OF 183.26 FEET TO POINT OF REVERSE CURVATURE; THENCE,

18. NORTHERLY ON A CURVE TO THE LEFT HAVING A RADIUS OF 2,435.35 FEET, A CENTRAL ANGLE OF 10°08'44" AND AN ARC LENGTH OF 431.31 FEET TO POINT OF COMPOUND CURVATURE; THENCE,

19. NORTHERLY ON A CURVE TO THE LEFT HAVING A RADIUS OF 586.39 FEET, A CENTRAL ANGLE OF 17°42'02" AND AN ARC LENGTH OF 181.15 FEET TO POINT OF REVERSE CURVATURE; THENCE,

20. NORTHERLY ON A CURVE TO THE RIGHT HAVING A RADIUS OF 157.03 FEET, A CENTRAL ANGLE OF 36°31'28" AND AN ARC LENGTH OF 100.10 FEET TO POINT OF REVERSE CURVATURE; THENCE,

21. NORTHERLY ON A CURVE TO THE LEFT HAVING A RADIUS OF 710.77 FEET, A CENTRAL ANGLE OF 37°08'00" AND AN ARC LENGTH OF 460.65 FEET TO POINT OF REVERSE CURVATURE; THENCE,

22. NORTHERLY ON A CURVE TO THE RIGHT HAVING A RADIUS OF 588.23 FEET, A CENTRAL ANGLE OF 9°32'07" AND AN ARC LENGTH OF 97.89 FEET TO THE POINT OF BEGINNING.



City Hall Room 301A • 30 Church Street • Rochester, New York 14614-1290  
Miguel A. Meléndez, Jr, Council President, Councilmember At-Large

May 22, 2023

TO THE COUNCIL

Ladies and Gentlemen:

Re: Statement of Necessity: Home Rule  
Message endorsing State legislation  
bill numbers S. 6788 and A. 6706

Pursuant to Section XVI of the Rules of Council, I hereby request that the Council act on the attached Home Rule Message resolution at our May 23rd meeting without requiring prior reference to and discharge from a standing committee. This City legislation is necessary to allow the State Legislature to authorize updates to the New York state and local employees' retirement system's pension record for an employee of the Rochester Police Department in order to reflect the employee's prior employment with the State. Prompt action is required because the State legislative session is ending soon.

Respectfully submitted,

Hon. Miguel A. Meléndez, Jr. – President  
Rochester City Council

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**City of Rochester, NY**  
**Rochester City Council**

City Hall Room 301A • 30 Church Street • Rochester, New York 14614-1290  
**Miguel A. Meléndez, Jr.**, Council President, Councilmember At-Large

May 22, 2023

TO THE COUNCIL

Ladies and Gentlemen:

Re: Home Rule Message endorsing State legislation to correct the retirement pension status of a City employee (Bill numbers S. 6788 and A. 6706)

Council Priority: Jobs and Economic Development

Comprehensive Plan 2034 Initiative Area: Fostering Prosperity & Opportunity

Transmitted herewith for your approval is Home Rule Message legislation requesting that the State Legislature enact legislation that will grant to a City employee an earlier initial membership in the New York state and local employees' retirement system (NYSLERS) to account for his prior employment record.

The Home Rule Request is a necessary prerequisite to allow the New York State Legislature to enact the State legislation entitled "AN ACT granting retroactive membership in the NYSLERS to Justin Whitmore," which is set forth in Senate Bill No. S. 6788 and Assembly Bill No. A. 6706. The City of Rochester does not have the power to enact such legislation on its own and, therefore it must seek the Legislature's approval through the Home Rule process pursuant to Article IX of the New York State Constitution.

Justin Whitmore is currently employed by the City of Rochester with the Rochester Police Department. He worked as a seasonal employee for Sampson State Park beginning in July of 2007 and, through no fault of his own, was not enrolled into NYSLERS at the time. This error has impacted his Tier designation within the retirement system. The proposed State legislation will correct this error and establish Mr. Whitmore's initial NYSLERS membership date as July 7, 2007, thereby qualifying him for the Tier 2 classification in the system.

The NYSLER staff projects that the legislation will generate an immediate one-time past service charge of approximately \$42,500, which will be borne by the State of New York. The City of Rochester also will incur an increase in the annual contribution to Mr. Whitmore's retirement account, but those additional charges will not exceed what the City would have been required to pay had Mr. Whitmore been enrolled when he was qualified to do so in 2007.

Respectfully submitted,

Hon. Miguel A. Meléndez, Jr. – President  
Rochester City Council

**INTRODUCTORY NO.**

Council #1

215

Resolution No.

**Resolution for the purpose of a Home Rule Message regarding State legislation in relation to granting retroactive membership in the New York state and local employees' retirement system to Justin Whitmore**

Requesting the Senate and the Assembly of the State of New York pursuant to Article IX of the New York State Constitution to enact into law certain legislation in relation to granting retroactive membership in the New York state and local employees' retirement system to Justin Whitmore.

WHEREAS, the legislation above would be beneficial to the people of Rochester and the City of Rochester does not have the power to enact such legislation by local law.

BE IT RESOLVED, by the City Council of the City of Rochester that said Council hereby requests that the Senate and the Assembly of the State of New York, constituting the New York State Legislature, enact the legislation set forth in the following bill entitled:

AN ACT granting retroactive membership in the New York state and local employees' retirement system to Justin Whitmore

Being Senate Bill No. S. 6788 and Assembly Bill No. A. 6706.

This resolution shall take effect immediately.