

## **ACQUISITION AND DISPOSAL OF REAL PROPERTY** **January - December 2015**

Section 2896 of the Public Authorities Law (PAL) requires a report setting out all real property transactions of the Authority over a given reporting period. Such report shall consist of a list and full description of all real property disposed of during such period. The report shall contain the price received by the Authority and the name of the purchaser. There is no monetary threshold, so all disposals regardless of value need to be reported. In addition, acquisitions and leasing transactions are also included in this report. All acquisitions and dispositions reported herein were approved by the Authority's Trustees and/or are consistent with current Trustee-approved Expenditure Authorization Procedures. The reporting period is January 1 – December 31, 2015.

### I. ACQUISITIONS

#### 1.) Acquisitions by Deed or Easement:

New York State Electric & Gas Corporation- Acquisition of a temporary easement for the purposes of constructing certain electric transmission facilities and improvements at Authority's Fraser Substation in the Town of Delhi, County of Delaware from New York State Electric & Gas Corporation on January 19, 2015. There was no consideration for this transaction.

David and Karen Killian- Acquisition of a permanent easement for cutting, trimming, and removing trees and brush in the Town of New Haven, County of Oswego (Map No. OSN-453, Parcel No. 453) from David and Karen Killian on August 3, 2015. The consideration was \$985.00. The easement was recorded on August 24, 2015.

Thomas Woznica- Acquisition of a permanent easement for cutting, trimming, and removing trees and brush in the Town of Cicero, County of Onondaga (Map No. OCI-1449, Parcel No. 1449) from Thomas Woznica on October 19, 2015. The consideration was \$16,200. The easement was recorded on December 4, 2015.

#### 2.) Danger Tree Permits:

During this reporting period, the Authority acquired 133 danger tree permits. These rights allow the Authority to eliminate dangerous vegetation which is critical to the safe operation of the New York State transmission grid. The transmission facilities covered by these danger tree permits include the Niagara-Adirondack, Fitz-Edic, Moses-Willis, and Gilboa-New Scotland.

### II. DISPOSITIONS

#### 1.) Dispositions by Deed or Easement:

Niagara University - Conveyance of 13.1 acres in the City of Niagara Falls, Niagara County to Niagara University (Map No. 337-C, Parcel No. 3265). The consideration was \$1.00. The deed was recorded on February 12, 2015. The transfer satisfies a Niagara Power Project relicensing commitment and was authorized by the Authority's Board of Trustees on May 22, 2007.

Paul and Lucille Izzo - Conveyance of 7.4 acres of surplus land (Map No. 18-C, Parcels 522-A and 522-B) in the Town of Gilboa, Schoharie County to Paul and Lucille Izzo on April 23, 2015. The consideration was \$12,000, which was the appraised value. This transaction was authorized by the Authority's Board of Trustees in their meeting of March 26, 2015. The deed was recorded on May 7, 2015.

City of Niagara Falls - Conveyance of 48.65 acres to the City of Niagara Falls (Map No. 1305, Parcel No. 1305) on February 20, 2015. The deed was recorded on May 14, 2015. The consideration for this transaction was \$1.00. This transfer satisfies a Niagara Power Project relicensing commitment and was authorized by the Authority's Board of Trustees in their meeting of May 22, 2007.

Rochester Gas & Electric Corporation - Conveyance of 16.78 acres of surplus land (Parcel No. 2001) in the Town of Henrietta, Monroe County to Rochester Gas & Electric Corporation on June 12, 2015. The consideration for this transaction was \$60,000, and the appraised value was \$45,000. The conveyance was authorized by the Authority's Board of Trustees on December 16, 2014.

2.) Land Use Permits:

During this reporting period, the real estate group issued 32 land use permits for use of the Authority's real property, both fee-owned and held by easement:

<b>LAND USE PERMITS</b>			
<b>Permit No.</b>	<b>Town/ Issue Date</b>	<b>Permittee</b>	<b>Purpose</b>
CEC-15-95P	Russia 2/23/15	Adirondack Foothills Rotary, Inc.	Utilize NYPA's boat launch on the Hinckley Reservoir from February 21- February 28th, for a fishing tournament on the 28th.
ICP-15-179P	Queens 9/10/15	Terra Cotta LLC	Perform gauging of groundwater monitoring wells and carry out geotechnical borings via barge drilling.
MS-15-129P	New Windsor 4/29/15	Central Hudson Gas & Electric Corporation	Construct and install a permanent access road across the Authority ROW.
MS-15-141P	Franklin 8/11/15	Constitution Pipeline Company, LLC	Install and operate a 30" diameter natural gas pipeline on or across portions of Authority ROW.
MS-15-146P	Oneonta 6/1/15	Jeffery Barnes	Haul stone and related materials across the Authority ROW.
MS-15-177P	Hamptonburgh 9/4/15	Central Hudson Gas & Electric Corporation	Replace a 40' utility pole with a 45' utility pole.

NATL-14-4P	Marcy 2/13/15	Joseph Proulx	Construct and install a 12' x 600' driveway for a residential home and a 2" underground water line, sewer line, and electrical services.
NATL-14-23P	Camden 2/23/15	Orlando Gerena	Construct and install a 1,350' wire weld fence.
NATL-15-166P	Genesee 6/25/15	Alabama Ledge Wind Farm, LLC	Operate and maintain existing wind measuring equipment on the Authority's Batavia Communications Tower.
NATL-15-167P	Henrietta 7/16/15	Rochester Gas & Electric Corporation	Access to perform soil boring investigations and other environmental tests.
NATL-15-183P	Clay 11/3/15	COR Verplank Road Company	Construct, install, and maintain access drives for residential apartments.
NATL-15-196P	Marcy 12/3/15	Wendy Gregory	Install a stone base drive for a future residence located off the right of way.
NATL-15-202P	Henrietta 12/4/15	Henrietta Hill and Gully Riders Snowmobile Club	Operate and maintain a seasonal snowmobile trail.
NPP-00-2P-A1	Niagara Falls 11/5/15	City of Niagara Falls	Construct, install, operate, maintain, repair a hiking and biking trail.
NPP-14-17P	Niagara Falls 9/4/15	Niagara Active Volunteer Fire Company	Access to carry out occasional training exercises and/or practice drills on an ongoing basis.
NPP-15-39P	Lewiston 4/13/15	Ernest Hasely	Access for growing and harvesting agricultural crops.
NPP-15-114P	Niagara Falls 6/18/15	New York State Office of Parks, Recreation and Historic Preservation	Construct and maintain a Park Police Station on Power Authority property.
NPP-15-142P	Buffalo 5/20/15	Erie Canal Harbor Development Corporation	Establish and operate a bike ferry at the First Buffalo Marina.
NPP-15-163P	Niagara Falls 6/29/15	Gabriel the Archangel, LLC	Expand a parking lot and relocate a fiberglass sign.
NPP-15-180P	Lewiston 11/13/15	National Fuel Gas Distribution Corporation	Construct, maintain, and inspect an existing 8" gas pipeline.
NPP-15-201P	Niagara Falls 11/24/15	Niagara Falls Bridge Commission	Temporary positioning of a crane on Authority land in support of Permittee's investigation of erosion under Permittee's Bridge.
SLPP-15-79P	Ogdensburg 2/18/15	Adirondack Raptors	Banding snowy owls through a US Fish and Wildlife Service-sponsored research project called Project Snowstorm.
SLPP-15-154P	Massena 7/13/15	Alcoa, Inc.	Perform environmental sampling to comply with the Environmental Protection Agency's record of decision.
SLPP-15-169P	Waddington 7/7/15	Majestic Fireworks Inc.	Access to Ogden Island to set up and display fireworks for Homecoming weekend.
SLPP-15-172P	Louisville 10/15/15	Patrick and Carolyn Dowdle	Install, maintain, operate underground electric lines.
SLPP-15-174P	Waddington 7/17/15	Village of Waddington	Access to Whittaker Park for the Village's "Party in the Park" event.

SLPP-15-190P	Massena 11/5/15	Special Olympics New York, Inc.	Access Authority's Frank S. McCullough, Jr. Hawkins Point Visitor Center for the Special Olympics Polar Plunge.
SLPP-15-197P	Saranac 12/18/15	New York State Electric & Gas Corporation	Install a spill prevention and oil containment control system at the Saranac Substation.
WPO-14-3P	White Plains 1/14/15	Cablevision Lightpath, Inc.	Place and maintain communications equipment at the Authority's premises located at 123 Main Street, White Plains.
WPO-15-58P	White Plains 4/30/15	Office of the Westchester County District Attorney	Use of 1,506 square feet of rentable office space of Authority's premises located at 123 Main Street, White Plains.
WPO-15-59P	White Plains 4/30/15	Office of the Westchester County District Attorney	Use of 3,052 square feet of rentable office space of Authority's premises located at 123 Main Street, White Plains.

### III. MISCELLANEOUS TRANSACTIONS

#### Great Lakes Towing Company

During this reporting period, NYPA entered into a three-year license agreement with the Great Lakes Towing Company re-authorizing said firm to utilize dock space on Authority property in the City of Buffalo for mooring 2 tugboats. The License commenced August 1, 2015 and expires July 31, 2018 and includes an additional three-year option term. The monthly payment for the fixed term is \$787.50.

#### Niagara University

During this reporting period, NYPA entered into an Entry Site Work Permit Agreement with Niagara University to allow NYPA to conduct maintenance of the Montegale Trail and for the storage of equipment and materials. This Permit expired on August 31, 2015.

#### The City of Utica and the Utica Zoological Society

During this reporting period, NYPA entered into an agreement with the City of Utica and the Utica Zoological Society to conduct environmental testing and related work to assess the feasibility of constructing a visitor's center on the Zoo premises. This agreement was executed on September 24, 2015 and will expire on September 24, 2017.

#### Niagara University

During this reporting period, NYPA entered into a 5-year agreement with Niagara University authorizing said organization to perform certain additional grounds maintenance and landscaping work on property owned by NYPA in Niagara Falls, New York. This agreement was executed on August 18, 2015 and will expire on August 18, 2020.

#### Buffalo River Fest Park, LLC

During this reporting period, NYPA entered into a 3-year agreement with Buffalo River Fest Park, LLC re-authorizing said organization to operate and maintain the "Mutual Riverfront Park" in Buffalo, New York. This agreement was executed on June 24, 2015 and will expire December 31, 2017.

#### IV. LEASING

##### 1.) Landlord Leases:

###### Community Mutual Savings Bank

During this reporting period NYPA Real Estate extended an existing lease for 7,334 rentable square feet for the purpose of office space located on the 7<sup>th</sup> floor of the Authority's 123 Main Street Building in White Plains, New York. The term of this lease extension was from May 1, 2015- July 31, 2015. The tenant has now vacated the building.

###### Westchester Philharmonic

During this reporting period NYPA Real Estate extended an existing lease for 1,650 square feet of office space on the 9<sup>th</sup> floor of the Authority's 123 Main Street Building in White Plains, New York. The term of this lease extension is from January 1, 2015- December 31, 2021.

###### Camille's Sidewalk Café

Entered into a 5-year operating agreement with a 5-year renewal option to provide cafeteria services on the main floor of the Authority's 123 Main Street Building in White Plains, New York.

##### 2.) Tenant Leases:

###### Fuller Road Management Corporation

During this reporting period, Real Estate staff successfully negotiated and finalized the terms of a ten-year lease for approximately 5,600 square feet of space in the ZEN Building on the campus of the SUNY Polytechnic in Albany, New York. This space is for the offices of the NYS Energy Manager. The initial annual rent is \$112,000, with annual increases of 3%. This lease commences on August 24, 2015.

###### Wheatfield Business Park, LLC

During this reporting period, NYPA Real Estate terminated a lease for warehouse space located at the Wheatfield Business Park in Wheatfield, New York. This lease ended on April 30, 2015.

###### Fuller Road Management Corporation

During this reporting period, NYPA Real Estate executed a lease amendment with Fuller Road Management Corporation to revise parking terms with respect to the existing offices for the New York Energy Manager, located on the campus of SUNY Polytechnic in Albany, New York.

###### Empire State Development Corporation

During this reporting period NYPA Real Estate terminated a lease for office space located at 95 Perry Street in Buffalo, New York. This lease ended on January 31, 2015.

#### V. ST. LAWRENCE RELICENSING

1.) St. Lawrence Lands Program:

On October 31, 2001, the Authority filed an application for a new license, pursuant to Sections 4(e) and 15 of the Federal Power Act for the continued operation and maintenance of the 912 megawatt (MW) St. Lawrence/FDR Power Project. On February 6, 2003, the Authority filed a "Comprehensive Accord" (Settlement Agreement). On October 23, 2003, the Federal Energy Regulation Commission (hereinafter "FERC") issued an "Order Approving Settlement Agreements, Dismissing Complaint and Issuing New License" in which FERC *inter alia* approved the Settlement Agreement.

As part of the Settlement Agreement, the Authority agreed to several changes to the Project boundary. These proposed changes removed approximately 1,340 acres from the Project. Approximately 599 acres of the removed lands are intended to be conveyed either to adjoining landowners or to the affected local municipality, if interested. For all conveyed lands, the Authority retains flowage and access easements, to provide necessary rights to traverse conveyed lands for Project-related activities.

<b>DEEDS FILED</b>						
<b>NYPA Surplus Map No.</b>	<b>NYPA Surplus Parcel No.</b>	<b>Current Owner Name</b>	<b>Acreage</b>	<b>Appraisal Value</b>	<b>Filing Date</b>	<b>Town</b>
1205C	8726,8727	Timothy T. Brady	1.44	\$3,540.00	1/21/2015	Waddington
1178C	8520	John R. Boyce	.21	\$3,150.00	6/3/2015	Louisville
1132C	8578	Donald F. Smith	.02	\$100.00	6/3/2015	Louisville
1174C	8464	Jordi Parisian and Virginia Gettmann	.24	\$3,600.00	8/18/2015	Louisville
1175C	8465	Douglas and Nancy Ackley	.29	\$4,350.00	8/18/2015	Louisville
1177C	8506	Karen Singleton	.15	\$2,250.00	9/17/2015	Louisville
1149C	8227	David McBath and Cheryl Thisse	.03	\$300.00	9/17/2015	Waddington
1177C	8499	The Norman and Lisa Austin Family Trust	.23	\$3,300.00	9/24/2015	Louisville
1179C	8539	Kathy Green and Shawna Cecot	.11	\$1,300.00	9/24/2015	Louisville
1167C	8184	Richard K. and Mary A. Magnusson	.16	\$2,700.00	10/21/2015	Waddington
1179C	8532	Charles E. Durant	.10	\$1,500.00	10/21/2015	Louisville
1173C	8434	James F. and Brenda R. Kozsan	.20	\$3,000.00	10/21/2015	Louisville
1174C	8449	Thomas W. Post	.23	\$3,450.00	10/21/2015	Louisville
1174C	8458	Thomas A. Portolese and Linda M. Rochefort	.13	\$1,950.00	10/7/2015	Louisville

During this period 14 deeds were finalized and recorded in the County Clerk's office. To date, 523 of the 599 acres have been conveyed. Of the approximately 520 private parcels to be conveyed, approximately 451 transactions have been completed. The remaining properties have been offered to the landowners or municipalities as agreed. In the majority of these cases the

landowners or municipalities have indicated that they do not wish to acquire the properties in question.