

**Date:** September 29, 2015

**To:** THE TRUSTEES

**From:** THE PRESIDENT and CHIEF EXECUTIVE OFFICER

**Subject:** **Marcy-South Transmission Facilities –  
Hudson River Crossing – Renewal and Extension of  
Easement – New York State Office of General Services**

### SUMMARY

The Trustees are requested to approve the renewal and extension of an easement granted by the New York State Office of General Services, Bureau of Land Management (“OGS”) for the installation, operation and maintenance of the submarine portion of the Marcy-South Transmission Facilities in the Hudson River, as shown on the attached Exhibit “A”, for consideration of \$103,495.

### BACKGROUND

In accordance with the Authority’s Authorization Procedures, the Trustees’ approval is required for the acquisition of real property interests (including easements), where the value exceeds \$10,000.00.

### DISCUSSION

The Authority’s Marcy-South Transmission Facilities cross under the Hudson River between the Authority’s West Transition Station at Roseton in the Town of Newburgh, County of Orange, and the Authority’s East Transition Station in the Town of Wappinger, County of Dutchess. On August 31, 1989, OGS granted the Authority the “right, privilege and easement for the construction, use and maintenance of underwater electric conduits” in the Hudson River bed. OGS is charged with administration of the use and occupancy of lands underneath certain public waterways in the State of New York. The term of the easement was 25 years and expired on August 31, 2015. The parties have agreed that the easement should now be renewed and extended for an additional 25-year term.

Renewal of the subject easement is in support of the ongoing operation of the Marcy-South Transmission Line and thus the Authority’s core mission.

Fees for utility easements in waterways under OGS jurisdiction are determined using a rate per linear foot established by the Commissioner of the OGS and adjusted annually based on the Consumer Price Index. Under the OGS formula, the Authority paid \$53,715 to acquire the original easement in 1989. OGS has advised that the current fee due for a 25-year renewal term is \$103,495.

### FISCAL INFORMATION

In accordance with the foregoing, the Authority will secure a renewed and extended easement from the New York State Office of General Services for the sum of \$103,495.

## RECOMMENDATION

The Vice President – Procurement and the Director – Site Purchasing, Materials Management and Real Estate, recommend that the Trustees approve the renewal and extension of an easement granted by the New York State Office of General Services (“OGS”) for the installation, operation and maintenance of the submarine portion of the Marcy-South Transmission Facilities in the Hudson River.

For the reasons stated, I recommend the approval of the above-requested action by adoption of the resolution below.

Gil C. Quiniones  
President and Chief Executive Officer

## RESOLUTION

RESOLVED, That the President and Chief Executive Officer, the Vice President – Procurement, and the Director of Site Purchasing, Materials Management and Real Estate be, and hereby are, authorized to enter into the renewal and extension of an easement underneath the Hudson River in the Town of Newburgh, County of Orange and the Town of Wappinger, County of Dutchess, with the New York State Office of General Services for the installation, operation and maintenance of the submarine portion of the Marcy-South Transmission Facilities (Exhibit “A”), for a term of 25 years, subject to approval of the transfer documents by the Executive Vice President and General Counsel, or his designee; and be it further

RESOLVED, That the Vice President – Procurement and the Director of Site Purchasing, Materials Management and Real Estate are hereby authorized to execute any and all other agreements, papers or instruments on behalf of the Authority that may be deemed necessary or desirable to carry out the foregoing, subject to the approval by the Executive Vice President and General Counsel; and be it further

RESOLVED, that the Chairman, the President and Chief Executive Officer, the Chief Operating Officer, the Executive Vice President and Chief Financial Officer and all other officers of the Authority are, and each of them hereby is, authorized on behalf of the Authority to do any and all things and take any and all actions and execute and deliver any and all agreements, certificates and other documents to effectuate the foregoing resolution subject to the approval of the form thereof by the Executive Vice President and General Counsel.

EXHIBIT "A"

