

**VILLAGE OF BUCHANAN RESOLUTION
AUTHORIZING THE MAYOR TO ENTER INTO AN
EASEMENT AGREEMENT WITH ALGONQUIN GAS TRANSMISSION, LLC**

Introduced by: _____

Seconded by: _____

Dated: _____

WHEREAS, the Village of Buchanan, as a municipal corporation (“Village”) owns property located at 218 Westchester Avenue, Buchanan, New York, with Westchester County Tax Identification Number 43.15-1-1, a portion of which is depicted in Exhibit A attached hereto (“Easement Property”); and

WHEREAS, as part of the Algonquin Incremental Market Project (“AIM Project”), Algonquin Gas Transmission, LLC (“Algonquin”) has requested a grant of a permanent easement (“Easement”) and a temporary workspace easement to install, maintain and operate a single below-grade pipeline, as authorized by the Federal Energy Regulatory Commission under the Natural Gas Act, for the transportation of natural gas; and

WHEREAS, on March 3, 2015, Algonquin received a Certificate of Public Convenience and Necessity from the Federal Energy Regulatory Commission (“FERC”) for the AIM Project that authorizes the installation of a 42-inch diameter natural gas pipeline; and

WHEREAS, Algonquin has presented and the Village has examined a Grant of Easement (“Easement Agreement”) between Algonquin and the Village, a copy of which is attached hereto as Exhibit B; and

WHEREAS, the permanent “Easement Property” shall be a total width of fifty feet (50’), extending twenty feet (20’) feet in a northerly direction and thirty feet (30’) feet in a southerly direction on each side of the centerline of the pipeline as shown on the drawing attached as Exhibit A and is approximately 257 linear feet in length; and

WHEREAS, included in the Grant of Easement is the temporary exclusive workspace easement which shall expire twelve (12) months after completion of construction but in no event shall the temporary easement be effective after twenty-four (24) months from the execution of the Easement Agreement; and

WHEREAS, the pipeline will be buried to a depth required by all applicable laws and regulations; and

WHEREAS, the Village maintains the right to develop, pave, and expand First Street; and

WHEREAS, Algonquin has agreed to maintain all necessary insurances, and to defend, indemnify and hold harmless the Village; and

WHEREAS, the Village has negotiated the consideration for this Grant of Easement to be Seven Hundred Thousand (\$700,000.00) Dollars, with an additional payment of Twenty-Five Thousand (\$25,000.00) Dollars to allow the Village to improve First Street; and

WHEREAS, after a public hearing was held on July 7, 2015, wherein all those in attendance were

given the opportunity to speak and be heard, the Village Board finds it to be in the best interest of the Village to enter into the proposed Easement Agreement with Algonquin.

NOW BE IT THEREFORE RESOLVED that the Mayor of the Village of Buchanan is hereby authorized to execute an Easement Agreement with Algonquin Gas Transmission, LLC to authorize placement of a single below-grade pipeline for the transportation of natural gas on the fifty (50') foot Wide strip of land as depicted on Exhibit A attached hereto and hereinbefore described as "Easement Property"; and

BE IT FURTHER RESOLVED that because the Village of Buchanan is tax exempt, the payment of the required transfer tax and the filing of all necessary recording with the County of Westchester will be done by Algonquin.

Upon Roll Call Vote:

Mayor Theresa Knickerbocker _____

Trustee Richard Funchion _____

Trustee Duane Jackson _____

Trustee Cesare Pasquale _____

Trustee Nicolas Zachary _____

Vote: Resolution carried by a vote of ____ to ____ .

STATE OF NEW YORK)
)SS.:
COUNTY OF WESTCHESTER)

I, KEVIN HAY, Village Clerk of the Village of Buchanan, do hereby certify that the above is a true and exact copy of a Resolution adopted by the Village Board of the Village of Buchanan at a meeting of said Board held July 7, 2015.

KEVIN HAY, VILLAGE CLERK