

**DRAFT**

**MEMORANDUM OF UNDERSTANDING (MOU) AMONG THE COUNTY OF TOMPKINS AND THE TOWNS OF CAROLINE, DANBY, DRYDEN AND ITHACA TO SUPPORT TOMPKINS COUNTY IN ENTERING INTO AGREEMENT WITH NYSEG TO LICENSE A FORMER RAIL CORRIDOR OWNED BY NYSEG FOR USE AS AN EXTENSION OF THE SOUTH HILL RECREATION WAY**

WHEREAS, extension of the South Hill Recreation Way is identified as a public priority by the Ithaca-Tompkins County Transportation Council's 2035 Long Range Transportation Plan, the Tompkins Priority Trails Strategy, the Town of Ithaca Comprehensive Plan, and the Town of Caroline Comprehensive Plan, and

WHEREAS, the signatories recognize the potential public benefits of extending the South Hill Recreation Way from its eastern terminus at Burns Road to the intersection of Middaugh Road in the Town of Caroline, and

WHEREAS, NYSEG owns this section of the former rail corridor, and

WHEREAS, The Tompkins County Planning Department has facilitated staff-level conversation between the Towns of Caroline, Danby, Dryden and Ithaca (the Towns) about the possibilities for an inter-municipal partnership between Tompkins County and the Towns to extend the South Hill Recreation Way from its current eastern terminus at Burns Road to Middaugh Road, and

WHEREAS, NYSEG has indicated a willingness to enter into a license agreement with Tompkins County that would allow use of the NYSEG property encompassing the former railroad bed for this purpose, and

WHEREAS, as a former railroad bed, where intact, the terrain and subsurface of the corridor are ideal for the development of a multi-use pedestrian and bicycle trail, and

WHEREAS, the extension can be considered in three phases with Phase A extending the trail from Burns Road to German Cross Road, Phase B going from German Cross Road to Banks Road, and Phase C going from Banks Road to Middaugh Road, and

WHEREAS, based on preliminary analysis, completion of Phase A and Phase B would require minimal work to be opened as trail, while Phase C would require more extensive work, and

WHEREAS, additional designs, plans, cost estimates and agreements need to be developed by the Towns prior to committing to trail development and beginning work on any of the phases,

NOW, THEREFORE BE IT AGREED, that

- A. The signatories are the COUNTY OF TOMPKINS (hereinafter "County") and the Towns of Caroline, Danby, Dryden, and Ithaca, (hereinafter "Towns"), hereinafter jointly called the participating parties.
- B. The participating parties will follow a process going forward for the purpose of determining feasibility of the trail extension consisting of the following steps:
  1. The Tompkins County Legislature votes to approve a resolution to authorize a license agreement with NYSEG and this MOU.
  2. The four Town boards vote to authorize this MOU.
  3. The County and four Towns sign this MOU.

4. The County enters into a permissive license agreement with NYSEG allowing, but not requiring, development of the trail pursuant to a future agreement with the Towns.
  5. The Towns develop detailed designs, plans and budget for completion of phases A and B (Burns Road to Banks Road) including possible mitigations to address concerns raised by residents adjacent to the trail corridor.
  6. The Towns and County complete a joint SEQR process for Phases A and B of the trail extension.
  7. The Town boards vote to authorize trail development and an AGREEMENT (Agreement #1) between the four towns detailing how costs and roles will be shared for development and maintenance of the trail extension for phases A and B and an AGREEMENT (Agreement #2) with the County allowing for trail development pursuant to the County's license with NYSEG.
  8. The County Legislature authorizes the AGREEMENT (Agreement #2) with the Towns.
  9. The Towns develop Phase A and B of the trail extension.
  10. The Towns create detailed designs, plans and budget for completion of phase C (Banks Road to Middaugh Road) including possible mitigations to address concerns raised by residents adjacent to the trail corridor.
  11. The Towns apply for outside grant funding to support development of Phase C.
  12. The Towns and County complete a SEQR process and enter into an AGREEMENT (Agreement #3) for development of Phase C.
- C. The participating parties agree that the County signing of the license agreement with NYSEG enables, but does not commit, the Towns to a specific course of action regarding development of the trail extension.

**Signed:**

**Tompkins County**

Name:  
 Title:  
 Signature:  
 Date:

**Town of Caroline**

Name:  
 Title:  
 Signature:  
 Date:

**Town of Danby**

Name:  
 Title:  
 Signature:  
 Date:

**Town of Dryden**

Name:  
 Title:  
 Signature:  
 Date:

**Town of Ithaca**

Name:  
 Title:  
 Signature:  
 Date:

**Attachment A**  
**Possible Timing for Completion of Steps**

The participating parties will follow a sequence of steps towards development of the South Hill Recreation Way Extension. Possible timing for those steps is listed below. Actual timing of the steps may change based on circumstances.

- A. Spring 2017:
  - i. The Tompkins County Legislature votes to approve a resolution to authorize a license agreement with NYSEG and this MOU.
  - ii. The four Town boards vote to authorize this MOU.
  - iii. The County and four Towns sign this MOU.
  - iv. The County enters into a permissive license agreement with NYSEG allowing, but not requiring, development of the trail pursuant to a future agreement with the Towns.
- B. By the end of 2017:
  - i. The Towns develop detailed designs, plans and budget for completion of phases A and B (Burns Road to Banks Road) including possible mitigations to address concerns raised by residents adjacent to the trail corridor
- C. Winter 2017/2018:
  - i. The Towns and County complete a joint SEQR process for Phases A and B of the trail extension.
- D. Spring 2018:
  - i. The Town boards vote to authorize trail development and an AGREEMENT (Agreement #1) between the four towns detailing how costs and roles will be shared for development and maintenance of the trail extension for phases A and B and an AGREEMENT (Agreement #2) with the County allowing for trail development pursuant to the County's license with NYSEG.
  - ii. The County Legislature authorizes the AGREEMENT (Agreement #2) with the Towns.
- E. Spring/Summer 2018:
  - i. The Towns develop Phase A and B of the trail extension.
- F. 2018/2019:
  - i. The Towns create detailed designs, plans and budget for completion of phase C (Banks Road to Middaugh Road) including possible mitigations to address concerns raised by residents adjacent to the trail corridor.
- G. 2019:
  - i. The Towns apply for outside grant funding to support development of Phase C.
- H. 2019/2020:
  - i. The Towns and the County complete a SEQR process and enter into an AGREEMENT (Agreement #3) for development of Phase C.