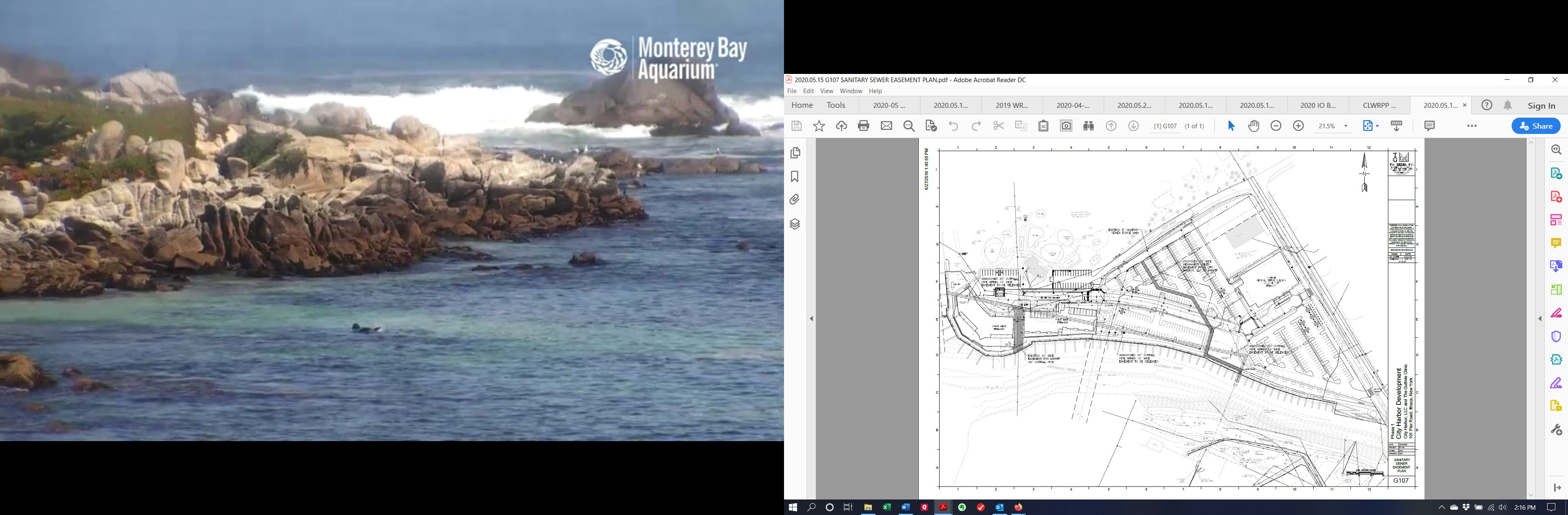
**A Resolution to Release and Terminate an Unused Sewer Easement and 30” Outfall and Accept a Replacement Easement for the Ithaca Area Wastewater Treatment Facility**

WHEREAS, as authorized in the 1984 Joint Sewer Agreement, the City of Ithaca (“City”) holds for the benefit of the three municipal owners of the Ithaca Area Wastewater Treatment Facility (“IAWWTF”) rights to (1) a 10-foot wide sewer easement, and (2) a 30” outfall pipe (30” Outfall) located therein that served the old City wastewater treatment plant and has not been used since the IAWWTF began operations; the easement begins at the northerly shore of Cascadilla Creek and runs westerly to Cayuga Inlet through the parcels located on Pier Road, known as tax map no. 17.-1-1.2 and 17.-1-1.3, recorded with the Tompkins County Clerk as Bk. 243, Pg. 89 (“Sewer Easement”); and

WHEREAS, City Harbor, LLC and The Guthrie Clinic, property owners of the respective tax map parcels 17.-1-1.3 and 17-1-1.2 (the “Property Owners”), have requested that the municipal owners of the IAWWTF release rights to the Sewer Easement and 30” Outfall; and

WHEREAS, City Harbor, LLC has offered to convey to the IAWWTF municipal owners a replacement easement to run between Cascadilla Creek and the City property line along Pier Road substantively in the form described in the drawing titled Phase I City Harbor Development, Sanitary Sewer Easement Plan, Sheet G107, dated 05/14/2020 herein (“Replacement Easement”); and



WHEREAS, a currently existing 48” emergency bypass located in Cascadilla Creek near Cayuga Inlet provides the same emergency bypass function that the Sewer Easement could conceivably have provided for the IAWWTF if the 30” Outfall were ever to be repaired or rebuilt; and

WHEREAS, the Replacement Easement, together with City-owned land north of the Property Owners’ parcels, adequately replace any function the Sewer Easement could have served in providing the municipal owners with a land route from the northern shore of Cascadilla Creek (at the location of the emergency bypass stream crossing) to Cayuga Inlet, should such a land route ever be needed; and

WHEREAS, City of Ithaca and Town of Ithaca staff are supportive of releasing rights to the Sewer Easement and 30” Outfall and accepting the Replacement Easement offered by the Property Owners; and

WHEREAS, in consideration for, and to cover the expenses of, the release of its rights to the Sewer Easement and 30” Outfall, the Property Owners have agreed to pay the City of Ithaca $2,500; and

WHEREAS, the three municipal owners of the IAWWTF must undertake individual processes to authorize divestment of real property, which are subject to permissive referendum; now, therefore be it,

RESOLVED, that the Special Joint Committee of the IAWWTF (“SJC”) recommends its municipal boards undertake the authorization of the release of the Sewer Easement and abandonment in place of the 30” Outfall, contingent upon the municipal boards’ entry into a mutually agreed upon acceptable Replacement Easement with the Property Owners; and be it further

RESOLVED, that the SJC recommends to its municipal boards that the effective date of the Replacement Easement and the effective date of the abandonment of the Sewer Easement and 30” Outfall occur simultaneously.