



EXCELSIOR ENERGY CENTER

Case No. 19-F-0299

1001.13 Exhibit 13

Real Property

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Figure

Figure 13-1 Real Property Map

Appendix

Appendix 13-1 Demonstration that the Applicant has Obtained Rights in the Project Area

Exhibit 13: Real Property

This Exhibit will track the requirements of Stipulation 13, dated July 6, 2020, and therefore, the requirements of 16 New York Codes, Rules and Regulations (NYCRR) § 1001.13.

13(a) Real Property Map

Figure 4-2 of Exhibit 4 illustrates the location of the Project Components as well as property boundaries with tax map sheet, block, and lot numbers; the owner of record and all parcels included in the Project Area and for all adjacent parcels; land rights, easements, grants and related encumbrances on the Project parcels; public and private roads on or adjoining or planned for use as access to the Project Area; local designations applicable to the Project Area and adjoining properties (as applicable). Zoning information for the Town of Byron is included on Figure 4-4. The locations of Project facilities are indicated on Figure 13-1, the Real Property Map. Boundary surveys will be prepared by a New York State licensed professional and will comply with the applicable substantive requirements of the Town of Byron Code. Data used in the preparation of Figure 4-3 was obtained from the Genesee County Real Property Tax Department and the boundary survey prepared for the Applicant.

13(b) Right-of-Way Map of Interconnection Facilities

Figure 3-1 of Exhibit 3 illustrates the locations of proposed interconnection facilities as part of the Project, as well as right-of-way access drives and construction lay-down areas. No off-property access is proposed as part of the interconnection facilities. Figure 3-1 depicts the existing New York Power Authority (NYPA) 345 kV Line #DH2 that will connect the Project to New York's Transmission system. The proposed collection substation and interconnection facilities will be located on land within the northern portion of the Project Area, adjacent to NYPA's 345 kV #DH2 and NYPA's New Rochester to Somerset 345 kV Line. The transmission line connecting the collection substation to the Point of Interconnection (POI) is considered to be part of the Project for this Article 10 Application. Therefore, it is not required to be permitted separately under Article VII of the New York Public Service Law.

13(c) Demonstration of Title or Leasehold Interest in the Project Area

The 3,443 acres that comprise the Project Area are contracted under lease easement or purchase option agreements. In general, the agreements have option terms that last for no less than the expected useful life of the Project plus any necessary extension period. Should the option be

exercised, the Applicant will gain easements including but not limited to construction, operation and maintenance of all Project Components, vehicular and pedestrian ingress and egress, and capturing of the sun's rays. Annual payments are made during the Option Term. Once the Option is exercised, additional payments will be made to the landowners depending upon the total acreage of Components sited on the property. Appendix 13-1 contains a demonstration that the Applicant had obtained all necessary title of leasehold interests in the Project Area.

13(d) Demonstration of Property Rights to Interconnection Site

The Applicant has rights to all of the land required for the Project interconnection facilities. Project interconnection facilities are contracted under the easements discussed in Section 13(c).

13(e) Improvement District Extensions

No improvement district expansions will be necessary for the Project, and, as such, this section is not applicable.