



**SOMERSET SOLAR, LLC**

**MATTER NO. 22-00026**

**§900-2.5 Exhibit 4 Revised**

**Real Property**

**CONTENTS**

EXHIBIT 4 REAL PROPERTY ..... 1

**4(a)** Property Boundaries, Tax Map Sheet, Parcel Numbers and Owner Names ..... 1

**4(b)** Interconnection Right-of-Way Map ..... 2

**4(c)** Title and Leasehold Interests for Facility Site..... 2

**4(d)** Interconnections Real Property Rights ..... 3

**4(e)** Improvement District Extensions ..... 3

**LIST OF TABLES**

Table 4-1. Demonstration of Title and Leasehold Interest..... 2

Table 4-2. Acreage Summary of Title and Leasehold Interest ..... 3

**LIST OF FIGURES**

Figure 4-1. Real Property Mapping (American Land Title Association Survey)

**LIST OF APPENDICES**

Appendix 4-A. Title Report

**ACRONYM LIST**

|       |  |
|-------|--|
| §     | Section                                |
| NYCRR | New York Codes, Rules, and Regulations |
| ROW   | right-of-way                           |

## GLOSSARY TERMS

|                        |  |
|------------------------|--|
| <b>Applicant</b>       | Somerset Solar, LLC, a subsidiary of The AES Corporation, Inc. (AES), the entity seeking a siting permit for the Facility Site from the Office of Renewable Energy Siting (ORES) under Section (§) 94-c of the New York State Executive Law.           |
| <b>Application</b>     | Application under §94-c of the New York State Executive Law for review by the ORES for a Siting Permit.  |
| <b>Facility</b>        | The proposed components to be constructed for the collection and distribution of energy for the Somerset Solar Facility, which includes solar arrays, inverters, electric collection lines, and the collection substation.                             |
| <b>Facility Site</b>   | The limit of disturbance (LOD) that will be utilized for construction and operation of the Facility, which totals about 700 acres on the Project Parcels in the Town of Somerset, Niagara County, New York (Figure 2-1).                               |
| <b>Project Parcels</b> | The parcels that are currently under agreement with the Applicant and Landowner, totaling about 1,784 acres in the Town of Somerset, Niagara County, New York, on which the Facility Site will be sited (Figure 3-1).                                  |
| <b>Project Site</b>    | The acreage of the Project Parcels under agreement between the Applicant and the Landowner, consisting of approximately 1,396 acres, in which the Applicant has performed diligence, surveys and assessments in support of Facility design and layout. |

## EXHIBIT 4 REAL PROPERTY

This exhibit addresses the requirements specified in 19 New York Codes, Rules and Regulations (NYCRR) Section (§) 900-2.5. The Applicant has secured leasehold interest in the Project Parcels that will be required for construction and operation of the Facility and will obtain any further rights needed to interconnect with the utility infrastructure through the interconnection agreement. The Facility has been designed to comply with 19 NYCRR §900-2.5 and the Uniform Standards and Conditions and impacts related to real property have been avoided and minimized to the maximum extent practicable.

### **4(a) Property Boundaries, Tax Map Sheet, Parcel Numbers and Owner Names**

A map of the Facility Site is provided as Figure 4-1. Figure 4-1 shows property boundaries with tax map sheets, block and lot numbers; the owner of record of all Project Parcels and adjacent properties; easements, grants, deed restrictions, and related encumbrances on the parcels comprising the Facility Site. Public and private roads on or adjoining or planned for use as access to the Facility Site are depicted in Appendix 5-A, Sheets PV-C-02.01–PV-C-02.10). Zoning and related designations applicable to the Facility Site and adjoining properties are shown on Figure 3-8.

Desktop mapping was completed by McIntosh & McIntosh, P.C. on April 23, 2021 for parcels intended to host the Facility (e.g., photo-voltaic modules, equipment pads, substation) to promote accuracy for the Facility Site design and jurisdictional setbacks. The desktop mapping included research with the Niagara County Clerk's Office, desktop research with utility companies, desktop plotting of deeds, maps and easements, field reconnaissance to locate evidence as needed to sub-meter accuracy, and creation of a best-fit map of title documents over the field evidence recovered. The desktop mapping is based on the professional experience of McIntosh & McIntosh, P.C. and the boundary lines portrayed are of a higher accuracy than publicly available assessor tax map information, but it should be noted that this is not a licensed or certified survey drawing, and no survey bearings/distances are included in the mapping. For Project Parcels where desktop mapping was not performed, the Applicant has utilized publicly available geographic information system data from the New York State Clearing House.<sup>1</sup> Both the desktop mapping data delivered by McIntosh & McIntosh, P.C. and the New York State Clearing House data is shown, where applicable, in Figure 4-1. Figure 4-1 identifies two easements on the Facility Site where Hosmer Road and Potter Road formerly extended onto the property, prior to the former

---

<sup>1</sup>New York State Clearing House County Parcel Data Resources <http://gis.ny.gov/parcels/>

coal plan being constructed. Appendix 4-A provides documentation on the abandonment of the Hosmer Road and Potter Road easements shown on the ALTA survey (see condition #53 [Hosmer Road abandonment] and condition #89 [Potter Road abandonment] in Appendix 4-A. An updated ALTA will be provided that reflects the abandonment of these easements.

#### 4(b) Interconnection Right-of-Way Map

All gen-tie transmission line interconnection facilities will be within the Project Site. No off-site/right-of-way (ROW) access drives or off-site construction laydown areas are proposed. The location of the existing New York State Electric and Gas Corporation transmission line, its ROW, and the gen-tie transmission line interconnection facilities within the Facility Site are depicted in Figure 4-1 and Figure 3-6. There are no proposed off-property transmission lines.

#### 4(c) Title and Leasehold Interests for Facility Site

The Applicant has secured, or can obtain, binding option to obtain title or leasehold interest for all Project Parcels needed for the Facility Site, including ingress and egress access to the Facility from public streets. The Facility life is proposed as 35 years. The binding lease option agreements allow for the properties to be leased for no less than 35 years. The Applicant is not registered as a transportation corporation and does not plan to acquire lands for generating or transmission line or other Facility-related infrastructure pursuant to New York State Eminent Domain Procedure Law. Demonstration of title and leasehold interest in the Facility is provided in Table 4-1 below.

**Table 4-1. Demonstration of Title and Leasehold Interest**

| Agreement Type                                   | Parcel ID   | Landowner Name  | Niagara County Assessor Deeded Acreage                     | Status   |
|--|---|---|--|----------|
| Option Agreement for Solar Energy and Land Lease | 7.00-3-28   | Terroir Development LLC, a Delaware limited liability company         | 278.33 acres   | Executed |
| Option Agreement for Solar Energy and Land Lease | 8.00-1-1.11<br>8.00-1-1.12<br>8.00-1-1.2<br>8.00-1-38 | Somerset Operating Company, LLC, a Delaware limited liability company | 621.52 acres<br>36.57 acres<br>815.00 acres<br>32.50 acres | Executed |
| Total Project Parcels                            |   |   | 1,783.92   |          |

The same site control information represented in Table 4-1 also is represented in a summary format in Table 4-2. As demonstrated in Table 4-2, under the Executed Binding Option Agreement the Applicant may install the Facility within a portion of the Project Parcels, and ultimately lease a subset of the approximately 1,783.92 acres currently held in leasehold interest.

**Table 4-2. Acreage Summary of Title and Leasehold Interest**

| <b>Applicant Agreement Type</b> | <b>Executed Binding Option Agreement (parcel acres)</b> | <b>Binding Option Under Negotiation (parcel acres)</b> |
|---------------------------------|---|--|
| Option to Lease Agreement       | 1,783.92+/-   | N/A  |
| Option to Purchase Agreement    | N/A   | N/A  |
| Collector Line Easement         | N/A   | N/A  |
| <b>Total</b>                    | <b>1,783.92+/-</b>                                      | <b>N/A</b>   |

Historical records and information shown on the American Land Title Association land survey identified several historic oil well leases established in 1891 on portions of the Project Site as shown on Figure 4-1; however, further review of available records and field reviews indicate these lease agreements expired in 1901 and no oil wells were ever formally installed on the Project Site.

#### **4(d) Interconnections Real Property Rights**

The Applicant hereby states that it has obtained options for leasehold interest for the required lands for all interconnections for the Facility Site via an executed binding lease option agreement. Parcel ID 7.00-3-26 is proposed to host the interconnections for the Facility. The interconnection infrastructure is within the Project Site, as shown in Figure 3-2, and therefore no off-property/ROW access drive or electrical line easements are required for Facility interconnections.

#### **4(e) Improvement District Extensions**

There are no improvement district extensions needed for the Facility. Should they become necessary, the Applicant will obtain such extensions.