



Yellow Barn Solar, LLC

Yellow Barn Solar Project

Matter No. 23-00048

§900-2.5 Exhibit 4

Real Property

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Glossary Terms

Applicant

Yellow Barn Solar, LLC, the entity seeking a siting permit for the Project from the Office of Renewable Energy Siting (ORES) under Section 94-c of the New York State Executive Law.

Project

The proposed 160 MW solar system to be constructed for the collection and distribution of energy for the Yellow Barn Solar Project, which includes solar arrays, inverters, electric collection lines, and the collection substation.

Project Components

The equipment located on the Project site, including panels, racking, above ground and underground wiring, inverters, access roads, equipment pads, and the collector substation.

Project Parcels

The parcels encompassing Project Components which totals approximately 1,859 acres in the Towns of Lansing and Groton, Tompkins County, NY.

Project Site

The area hosting Project components totaling approximately 728 acres, including panels, racking, above ground and underground wiring, inverters, access roads, equipment pads, vegetative plantings, and the collector substation.

Acronym List

NYSEG

New York State Electric & Gas

POI

Point of Interconnection

EXHIBIT 4 – Real Property

4(a) Real Property Map

Figure 4-1 illustrates the Project Components within the Project Site and provides detailed real property information for each of the Project Parcels and the parcels within 1000 feet of the Project Parcels. The real property information includes tax map sheet, owner of record, block and lot numbers of all parcels underlying and adjacent to the Project Site. Additionally, Figure 4-1 shows the locations of existing public and private roads on properties adjacent to or underlying the Project Site, as well as proposed access roadways that will be used to access the Project Site. The Applicant evaluated parcel data in the Tompkins County 2023 tax rolls and determined that one of the Project Parcels (Parcel #25.-1-33.2) is granted tax exemptions through Section 480(a) of the New York Department of Environmental Conservation’s Forest Tax Law Program, and the Applicant is prepared to pay any fees associated with potentially pulling all or a portion of this parcel out of the Program.¹ Similarly, the Applicant is aware that construction of the Project may result in the loss of agricultural use based tax exemptions and is prepared to pay for any increases in taxable assessed value, if necessary. Zoning designations according to the Towns of Lansing and Groton within the Project Site and adjacent properties can be found in Figure 3-5 of Exhibit 3 (Location of Facilities and Surrounding Land Uses). All easement and option agreements, deed restrictions and encumbrances on the parcels participating in the Project are presented in Table 4-1 below.

Table 4-1: Participating Parcels Grants, Deed Restrictions, & Encumbrances

Parcel #	Corresponding starting pg. # in Appendix 4-A	Option Expiration Date	Owner & Land Right	Deed Restrictions
33.-1-24.2	1	09/08/25	Benson Norman (<i>Option to Lease</i>)	1. Easement contained in Deed by Purely Baring and Lucy Baring to New York State Electric and Gas Corporation, dated October 29, 1940

¹ New York Department of Environmental Conservation, “480(a) Forest Tax Law”

				and recorded April 10, 1941 in Liber 254 of Deeds, page 302. 2. Easement granted by Norman S. Benson and Earlene Benson to New York Telephone Company, dated July 30, 1969 and recorded August 19, 1969 in Liber 483 of Deeds, page 112.
33.-1-20.2	1	09/08/25	Benson Norman S <i>(Option to Lease)</i>	-
33.-1-9	8	Perpetual	Benson Douglas N. <i>(Easement Option)</i>	1. Right of Way Agreement granted to New York State Electric Corporation, dated April 16, 1929 and recorded April 30, 1929 in Liber 217 of Deeds, page 416. 2. Easement granted to New York State Electric & Gas Corporation, dated January 31, 1940 and recorded April 10, 1941 in Liber 254 of Deeds, page 299. 3. Easement granted to New York State Electric & Gas Corporation, dated August 22, 1957 and recorded October 11, 1957 in Liber 401 of Deeds, page 34. 4. Easement granted to New York Telephone Company, dated July 10, 1978 and recorded September 8, 1978 in Liber 566 of Deeds, page 1070.
32.-1-4.2	19	03/15/26	Ficken Pegi <i>(Option to Lease)</i>	1. Right of Way Agreement granted to New York State Electric & Gas Corporation, dated February 28, 1940 and recorded in Tompkins County Clerk's Office in Liber 254 of Deeds at page 291. 2. Right of Way & Easement Agreement granted to New York Telephone Company, dated June 6, 1968 and recorded in Tompkins County Clerk's Office in Liber 481 of Deeds at page 272. 3. Easement Agreement granted to New York State Electric & Gas Corporation, dated December 10, 1991 and recorded in Tompkins County Clerk's Office in Liber 668 of Deeds at page 147.

33.-1-3.22	25	03/15/26	Hora Joseph W (Option to Purchase)	<p>1. Easement granted by Joseph Hora and Ann Hora to New York State Electric and Gas Corporation, dated January 30, 1940 and recorded April 10, 1941 in Liber 254 of Deeds, page 303.</p> <p>2. Right of Way granted by Joseph Hora and Ann Hora to New York Telephone Company, dated July 31, 1969 and recorded August 19, 1969 in Liber 483 of Deeds, page 109.</p> <p>3. Right of Way granted by Joseph Hora and Ann Hora to New York Telephone Company, dated July 26, 1969 and recorded August 19, 1969 in Liber 483 of Deeds, page 114.</p> <p>4. Easement granted by Joseph Hora and Ann Hora to New York State Electric and Gas Corporation, dated October 1, 1971 and recorded November 1, 1971 in Liber 496 of Deeds, page 146.</p> <p>5. Easement granted by Ann Hora to New York State Electric and Gas Corporation, dated March 31, 1998 and recorded March 8, 1998 in Liber 818 of Deeds, page 224.</p> <p>6. Easement granted by Ann Hora to New York State Electric and Gas Corporation, dated November 20, 2001 and recorded January 4, 2002 in Liber CD2502 of Deeds, page 2274</p>
30.-1-5.1	30	09/08/25	Munson Robert (Option to Lease)	<p>1. Easement granted to New York State Electric & Gas Corporation, dated August 19, 1941 and recorded in the Tompkins County Clerk's Office in Liber 254 of Deeds at page 349</p> <p>2. Right of Way Agreement granted to New York Telephone Company, dated December 9, 1965 and recorded in Tompkins County Clerk's Office in Liber 461 of Deeds at page 42.</p>
30.-1-32	36	09/08/25	Running Creek Farms Inc (Option to Lease)	-
34.-1-27	43	01/30/26	Scheffler Carl (Option to Purchase)	1. Right of Way & Easement Agreement granted to New York State Electric & Gas Corporation, dated April

				<p>25, 1929 and recorded in Tompkins County Clerk's Office in Liber 217 of Deeds at page 426.</p> <p>2. Right of Way & Easement Agreement granted to New York State Electric & Gas Corporation, dated December 20, 1948 and recorded in Tompkins County Clerk's Office in Liber 317 of Deeds at page 484.</p> <p>3. Easement granted to New York Telephone Company, dated July 6, 1977 and recorded August 25, 1977 in Liber 559 of Deeds, page 832.</p>
34.-1-4²	43	01/30/26	Scheffler Carl (<i>Option to Purchase</i>)	<p>1. Right of Way & Easement Agreement granted to New York State Electric & Gas Corporation, dated May 29, 1947 and recorded in Tompkins County Clerk's Office in Liber 299 of Deeds at page 225.</p>
34.-1-1.1	43	01/30/26	Scheffler Carl S (<i>Option to Purchase</i>)	<p>1. Right of Way Agreement granted to New York State Electric & Gas Corporation, dated January 30, 1940 and recorded in Tompkins County Clerk's Office in Liber 254 of Deeds at page 308.</p>
24.-1-11.32	54	09/16/25	Sutliff Kyle S. (<i>Option to Lease</i>)	-
33.-1-24.5	60	05/07/26	Wells Frances B (<i>Option to Lease</i>)	-
25.-1-33.2	67	06/04/26	STW Investments Inc (<i>Option to Lease</i>)	<p>1. Easement granted by P. A. Jennings to New York State Electric & Gas Corporation, a corporation, dated February 6, 1940 and recorded February 25, 1941 in Liber 254 of Deeds, page 290.</p> <p>2. Easement granted by Kenneth F. Portzline and Virginia L. Portzline to New York Telephone Company, dated August 1, 1960 and recorded September 2, 1960 in Liber 431 of Deeds, page 494.</p> <p>3. Easement granted by Kenneth F. Portzline and Virginia L. Portzline to New York Telephone Company, dated</p>

² As shown on Appendix 5-A (Design Drawings), a temporary construction laydown yard sited on this parcel encroaches on the Residential setback requirements called for in the 94-c regulations. A signed letter from the owner of this residence granting consent for this temporary encroachment is included in Appendix 4-B (Letter Agreements).

				<p>June 13, 1972 and recorded July 26, 1972 in Liber 531 of Deeds, page 633.</p> <p>4. Easement granted by Patrick J. and Tina Shaw to New York State Electric & Gas Corporation dated May 8, 2010 and recorded June 30, 2010 in Liber 561096 of Deeds, page 008.</p> <p>5. New York State Department of Environment Conservation Forest Tax Law recorded February 27, 2015 as Instrument No. 2015-02079</p>
29.-1-29.3³	74	08/30/26	Munson Robert (Option to Lease)	<p>1. Right of Way Agreement granted to New York State Electric & Gas Corporation, dated August 19, 1941 and recorded in Tompkins County Clerk's Office in Book 254 of Deeds at page 349.</p> <p>2. Easement grated, dated November 24, 1953 and recorded in the Tompkins County Clerk's Office in Book 365 of Deeds at page 59.</p> <p>3. Right of Way granted, dated August 3, 1978 and recorded in the Tompkins County Clerk's Office in Book 566 of Deeds at page 1082.</p>
29.-1-29.1	74	08/30/26	Munson Robert	<p>1. Easement granted by William R. Hart and Betty J. Hart to New York State Electric & Gas Corporation, dated November 24, 1953 and recorded January 16, 1954 in Liber 365 of Deeds, page 59</p> <p>2. Easement granted by Bradley Griffin and Judith Griffin to New York Telephone Company, dated August 3, 1978 and recorded September 8, 1978 in Liber 566 of Deeds, page 1082.</p>
32.-1-1	80	07/06/26	Tvaroha Robert Jr (Option to Purchase)	-

³ Parcel 29.-1-29.3 was subdivided out of Parcel 29.-1-29.1 after the Project executed the Option to Lease Agreement with the Landowner. The Applicant maintains full development rights on parcel 29.-1-29.3, as indicated by the Memorandum of Option included on pages 74-79 of the attached Appendix 4-A. While no Project Components are proposed to be sited on Parcel 29.-1-29.1, this parcel is owned by the same Landowner as parcel 29.-1-29.3 and is considered as a participating parcel, which is explained in more detail in Section 4(c) below and further evidenced by the Letter Agreement included in Appendix 4-B (Letter Agreements). Furthermore, parcel 29.-1-29.1 is represented as a restricted area on Figure 15-5 (Rev 1).

24.-1-14	85	08/09/26	Benson Fay A and Benson Linda T (<i>Option to Purchase</i>)	<p>1. Right of Way granted by F.H. Bayman & ano. To N.Y. State Elec. Corp., recorded April 30, 1929 in Liber 217 of Deeds, page 415.</p> <p>2. Right of Way Agreement granted to New York State Electric & Gas Corporation, dated September 17, 1940 and recorded in Tompkins County Clerk's Office in Liber 254 of Deeds at page 309.</p> <p>3. Easement Agreement granted to New York Telephone Company, dated November 16, 1970 and recorded in Tompkins County Clerk's Office in Liber 491 of Deeds at page 165.</p>
33.-1-18.1	91	02/02/27	Grout Harold P. / HK3 LLC (<i>Option to Lease</i>)	-
34.-1-7.1	91	02/02/27	Grout Harold P. / HK3 LLC (<i>Option to Lease</i>)	1. Easement granted by Rose Benson to New York State Electric & Gas Corporation, a corporation, dated August 10, 1949 and recorded September 16, 1949 in Liber 324 of Deeds, page 533.
34.-1-7.2	91	02/02/27	Grout Harold P. / HK3 LLC (<i>Option to Lease</i>)	1. Easement granted by Rose Benson to The New York State Electric & Gas Corporation, dated August 10, 1949 and recorded September 16, 1949 in Liber 324 of Deeds, page 533.
34.-1-25.2	100	03/31/27	Jursick Stanley John (<i>Option to Lease</i>)	<p>1. Easement Agreement granted to New York State Electric & Gas Corporation, dated December 17, 1948 and recorded in Tompkins County Clerk's Office in Liber 317 of Deeds at page 488.</p> <p>2. Easement Agreement granted to New York Telephone Company, dated July 6, 1977 and recorded in Tompkins County Clerk's Office in Liber 559 of Deeds at page 831.</p>
33.-1-6.4	107	Perpetual	Cruz, Kevin (<i>Easement Option</i>)	1. Covenants and Restrictions contained in Warranty Deed by Sumner of New York, Inc., to Kevin T. Cruz and Tammy and Tammy K. Kruger, dated March 29, 2002, and recorded April 8, 2002 in Liber CD2505 of Deeds, page 4429.

				<p>2. Easement Agreement granted to New York State Electric & Gas Corporation, dated January 7, 2002 and recorded in Tompkins County Clerk's Office on CD2502-4275.</p> <p>3. Covenants and Restrictions contained in Quit Claim Deed made by Kevin T. Cruz and Tammy K. Kruger to Kevin T. Cruz, dated July 20, 2006 and recorded July 31, 2006 in Instrument No. 494346-002.</p> <p>4. Easement granted by Frank Hora, Mary Tvaroha and Anna Hlavsa to New York State Electric & Gas Corporation, dated February 6, 1940 and recorded March 1, 1941 in Liber 254 of Deeds, page 293.</p> <p>5. Easement granted by Frank Horh to New York Telephone Company, dated June 14, 1968 and recorded May 22, 1969 in Liber 481 of Deeds, page 269.</p> <p>6. Easement granted by Frank Horh to New York Telephone Company, dated August 1, 1969 and recorded August 19, 1969 in Liber 483 of Deeds, page 108.</p> <p>7. Easement granted by Paul Lamphier, Jr. and Janet Lamphier to New York State Electric & Gas Corporation, dated October 4, 1971 and recorded October 22, 1971 in Liber 496 of Deeds, page 148.</p> <p>8. Easement granted by Summer of New York, Inc. to New York State Electric & Gas Corporation, dated January 7, 2002 and recorded January 10, 2002 in Liber CD2502 of Deeds, page 4275.</p> <p>9. Right and Reservations contained in Warranty Deed made by Paul Lamhier Jr and Janet Lamhier, his wife to Leon P. Schneider and Betty L. Schneider, his wife, as tenants by the entirety, dated September 10, 1979 and recorded September 14, 1979 in Liber 573 of Deeds, page 75.</p>
33.-1-6.5	117	Perpetual	Ozslewski William A.	1. Covenants and Restrictions contained in Warranty Deed by

			<i>(Easement Option)</i>	<p>Sumner of New York, Inc., to William A. Olszewski and Kelly A. Olszewski, his wife, dated March 23, 2002 and recorded March 26, 2002 in Liber CD2505 of Deeds, page 403.</p> <p>2. Easement granted by Frank Hora, Mary Tvaroha and Anna Hlavska to New York State Electric & Gas Corporation, dated February 6, 1940 and recorded March 1, 1941 in Liber 254 of Deeds, page 293.</p> <p>3. Easement granted by Frank Hora to New York Telephone Company, dated June 14, 1968 and recorded May 22, 1969 in Liber 481 of Deeds, page 269.</p> <p>4. Easement granted by Frank Hora to New York Telephone Company, dated August 1, 1969 and recorded August 19, 1969 in Liber 483 of Deeds, page 108.</p> <p>5. Easement granted by Paul Lamphier, Jr. and Janet Lamphier to New York State Electric & Gas Corporation, dated October 4, 1971 and recorded November 1, 1971 in Liber 496 of Deeds, page 148.</p> <p>6. Easement granted by Summer of New York, Inc. to New York State Electric & Gas Corporation, dated January 7, 2002 and recorded January 10, 2002 in Liber CD2502 of Deeds, page 4275.</p> <p>7. Right and Reservations contained in Warranty Deed made by Paul Lamphier Jr and Janet Lamphier, his wife to Leon P. Schneider and Betty L. Schneider, his wife, as tenants by the entirety, dated September 10, 1979 and recorded September 14, 1979 in Liber 573 of Deeds, page 75.</p>
33.-1-3.4	134	Perpetual	Rice Kimberlee J <i>(Easement Option)</i>	<p>1. Easement Agreement granted to New York Telephone Company, dated July 31, 1969 and recorded in Tompkins County Clerk's Office in Book 483 of Deeds at page 109.</p> <p>2. Easement Agreement granted to New York Telephone Company, dated July 26, 1969 and recorded in</p>

				<p>Tompkins County Clerk's Office in Book 483 of Deeds at page 114.</p> <p>3. Easement Agreement granted to New York State Electric & Gas Corporation, dated October 1, 1971 and recorded in Tompkins County Clerk's Office in Book 496 of Deeds at page 146.</p> <p>4. Easement granted by Joseph Hora and Ann Hora to New York State Electric & Gas Corporation, dated January 30, 1940 and recorded April 10, 1941 in Liber 254 of Deeds, page 303.</p> <p>5. Right of Way granted by Joseph P. Hora and Ann Hora to New York Telephone Company, dated September 21, 1970 and recorded September 30, 1970 in Liber 489 of Deeds, page 700.</p>
33.-1-24.1	146	Perpetual	Benstead Farm Corp (<i>Easement Option</i>)	<p>1. Right of Way Agreement granted to New York State Electric & Gas Corporation, dated January 31, 1940 and recorded in Tompkins County Clerk's Office in Liber 254 of Deeds at page 299.</p> <p>2. Right of Way Agreement granted to New York State Electric & Gas Corporation, dated August 19, 1941 and recorded in Tompkins County Clerk's Office in Liber 254 of Deeds at page 349.</p> <p>3. Easement Agreement granted to New York State Electric & Gas Corporation, dated August 22, 1957 and recorded in Tompkins County Clerk's Office in Liber 401 of Deeds at page 34.</p> <p>4. Right of Way Agreement granted to New York Telephone Company, dated July 21, 1969 and recorded in Tompkins County Clerk's Office in Liber 483 of Deeds at page 112.</p>

4(b) Right-of-Way Map of Interconnection Facilities, Access, and Lay-down Areas

The Project will interconnect to the New York State grid in the western portion of the Project. Figure 4-1 illustrates the proposed collection substation, transmission lines, right-of-way access drives, and construction laydown areas for the Project Site. There are no right-of-way access or laydown areas proposed outside of the Project Parcels. The Project will connect to the New York State Electric & Gas (NYSEG) existing 115 kV transmission line that runs above the Project's proposed substation. Additional information about the electrical collection system and the substation interconnection can be found in Appendix 5-A (Design Drawings) and Appendix 5-B (Electrical Design and Substation Plan Drawings).

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

All parcels within the Project Site that are needed for the Project are secured under Option to Lease and Option to Purchase Agreements that are held by the Applicant. The Options to Lease allow for the properties to be leased for a base term of 25 years, with three options to extend for a period of 5 years each. The Options to Purchase guarantee property ownership throughout the duration of Project operation. The Applicant has also secured Easement Agreements to connect the various array locations, and the rights to POI. Appendix 4-A (Proof of Land Interest) demonstrates that the Applicant has obtained all necessary property rights in the Project Site. The Applicant is not a registered transportation corporation and cannot and will not pursue eminent domain for any portion of the Project.

There are 22 locations where new or improved access roads are proposed for access to the Project Site during construction, operation, and maintenance of the Project. The Applicant's option and easement agreements include all areas needed to access the site from public roadways. Prior to construction, the Applicant will obtain all highway permits required to utilize the new entrances to the Project Site.

Per ORES NY §900-1.2(bb), a participating property is "real property owned by a person who has executed a lease, easement, or other agreement with the applicant related to the facility". The Town of Lansing defines a participating property as "Any residence or building or structure

expected or intended for human occupation or use, including as a workplace, where the owner of such residence, building, or structure has agreed in writing with the owner or operator of an alternative energy facility to allow certain uses to be sited adjacent to or in proximity, such as a lease, license, or easement allowing a tower fall zone to overlay their residence, building, or structure, or granting access to wind, light or air, or waiving any noise, setback, or zoning requirements.”⁴ Despite not having project components located on it, parcel 29.-1-29.1 in the Town of Lansing is a participating parcel per the ORES regulations and per the Town of Lansing Zoning Code, as the Applicant has development rights on parcel 29.-1-29.3 in the Town of Lansing through an option to lease agreement (see pages 74 through 79 of Appendix 4-A: Proof of Land Interest). Moreover, consent from the Landowner on this approach is included in Appendix 4-B (Letter Agreements).

4(d) Statement on Property Rights to Interconnection Site(s)

The Applicant has obtained rights to all land required for the Project’s interconnection facilities through the previously identified options to lease, options to purchase, and easement agreements.

4(e) Improvement District Extensions

The Project will not require municipal water or sewer interconnections and therefore does not require an improvement district extension. Given there will be no improvement district extensions, this section is not applicable.

⁴ § 270-3 of Town of Lansing Zoning Ordinance (Added 7-15-2020 by L.L. No 3 of 2020)

References

New York Department of Environmental Conservation. "480(a) Forest Tax Law."
<https://www.dec.ny.gov/lands/5236.html>