

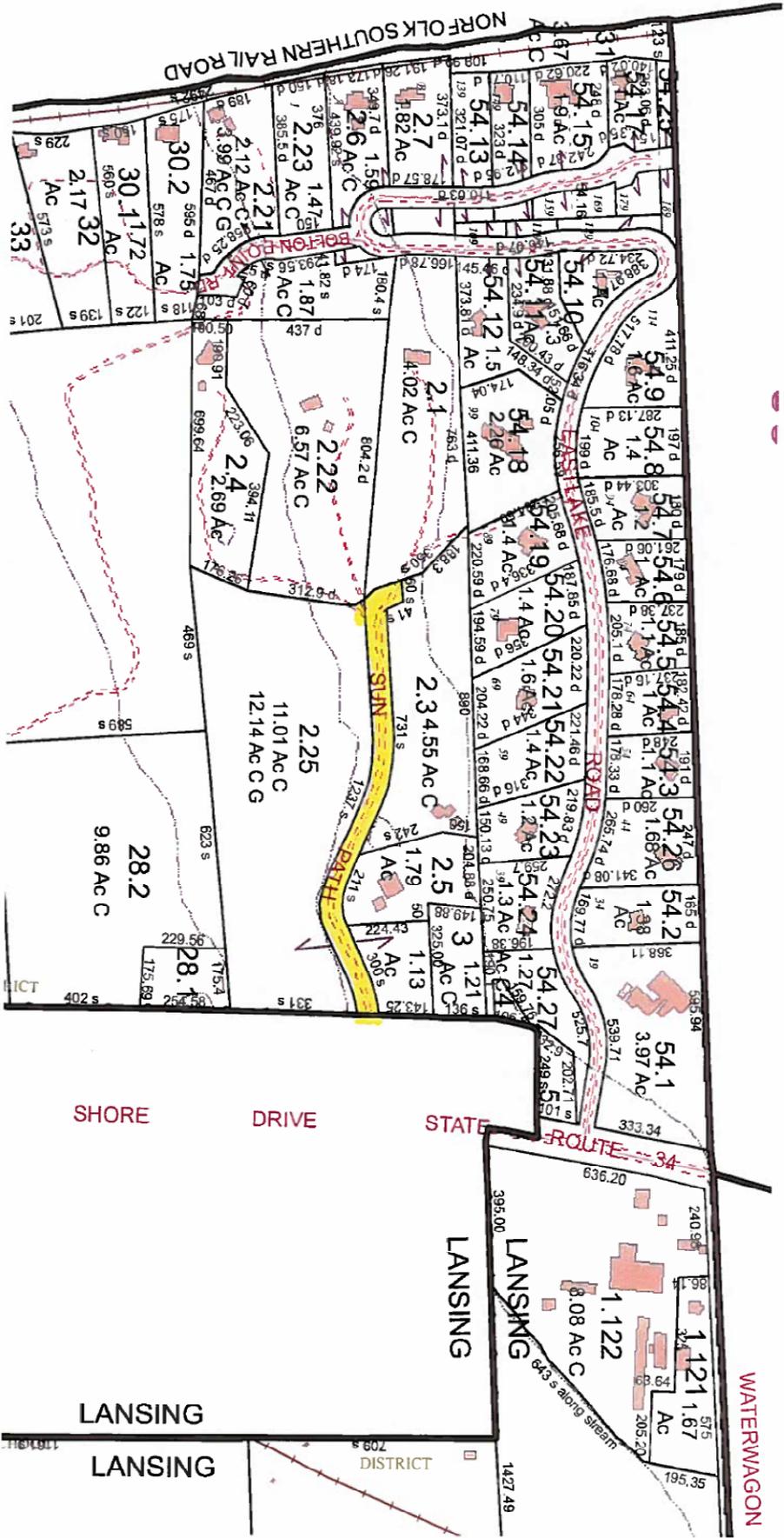
Conveyance to GRAY  
 Tax Map Parcel 42-1-2.3  
 December 18, 1979

SHORE DRIVE  
 STATE ROUTE 34  
 WATERWAGON  
 LANSING  
 LANSING  
 LANSING DISTRICT









Conveyance to TOWN OF LANSING  
 Sun Path Road  
 April 10, 1981

SHORE DRIVE

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STATE ROUTE 34

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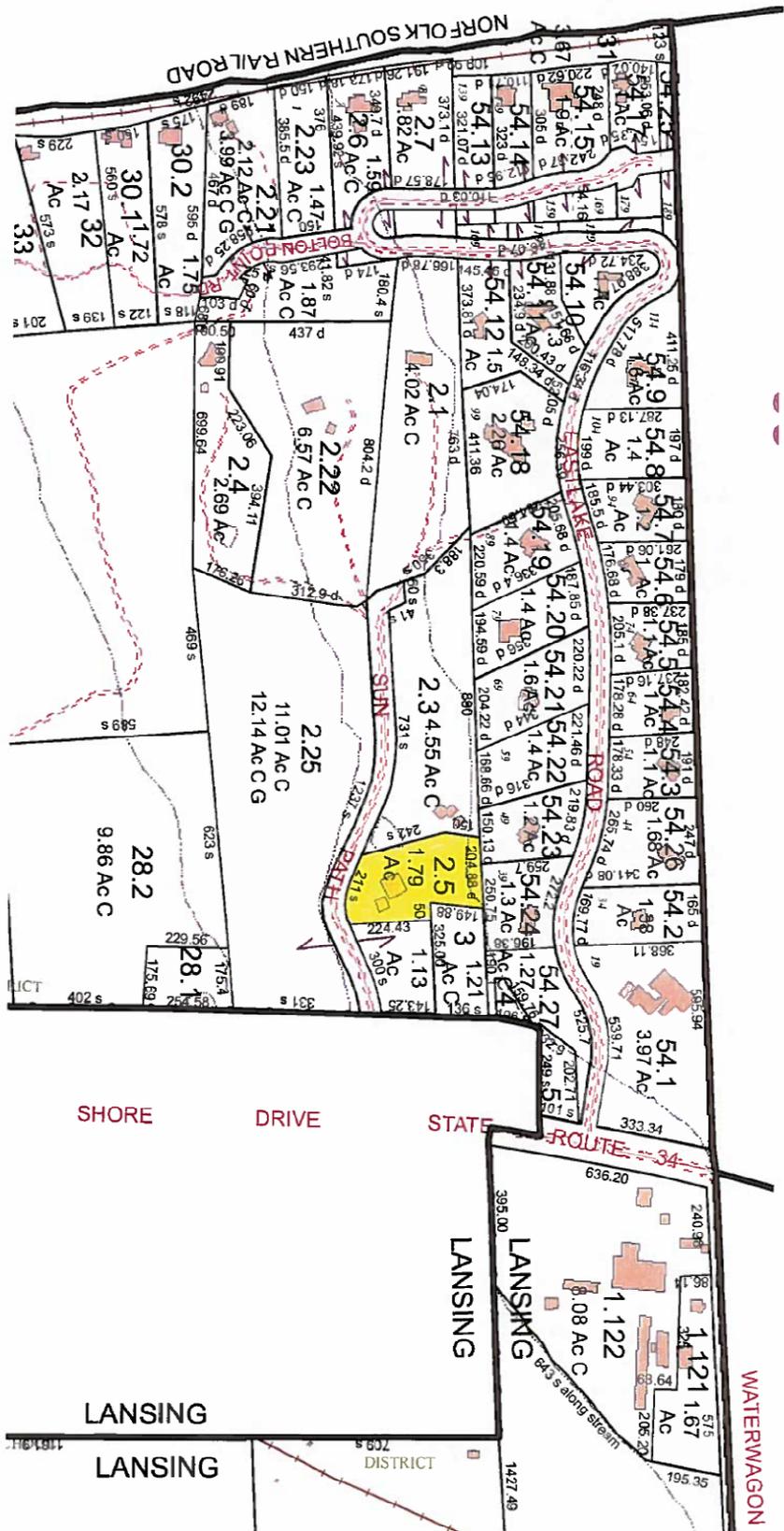
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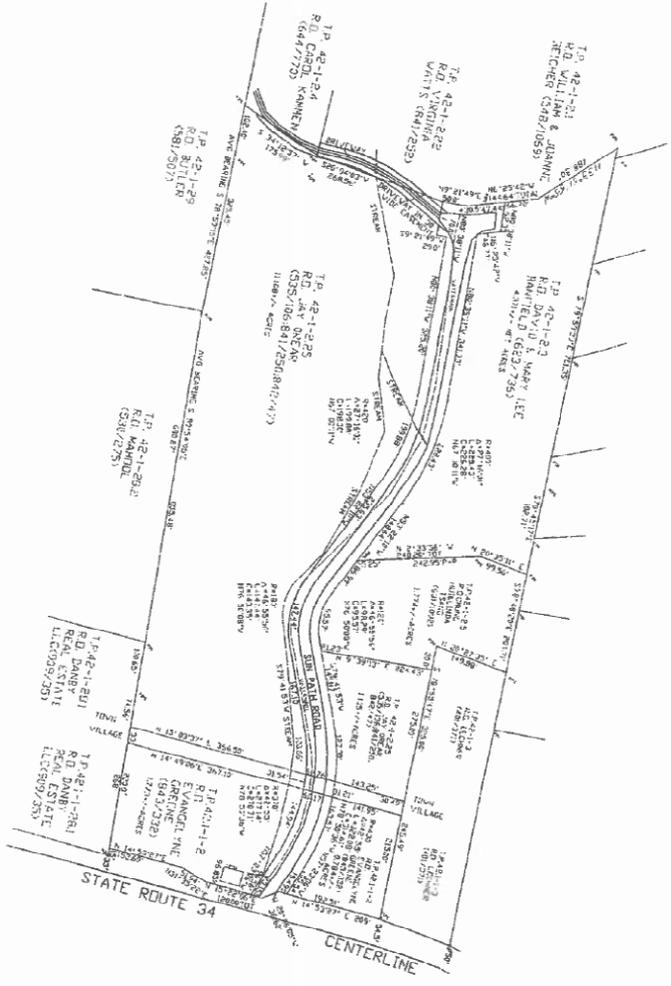
Conveyance to YODH  
 Tax Map Parcel 42-1-2.5  
 May 30, 1981



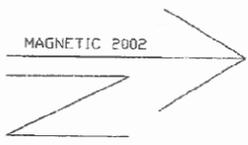




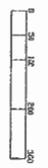
144P #16  
9/29/14



ARV, 69



- NOTES:
1. SHOWN HIGHWAY EASEMENTS NOT BY RECORDED HIGHWAY EASEMENTS
  2. PROPERTY BOUNDARIES ARE BASED ON SURVEY DATA AND FIELD MEASUREMENTS TO BOUNDARIES
  3. PROPERTY BOUNDARIES WERE FOUND BY RECORDED THE BOUNDARIES
  4. THE SURVEY WAS MADE BY THE SURVEYOR AND OTHER PERSONNEL
  5. THE SURVEY WAS MADE BY THE SURVEYOR AND OTHER PERSONNEL
  6. THE SURVEY WAS MADE BY THE SURVEYOR AND OTHER PERSONNEL



*[Signature]*  
Surveyor

SURVEY MAP DREAR PROPERTY	
TOWN OF LANING, COUNTY OF TOMPKINS, STATE OF NEW YORK	
PROPOSED PLAT OF SUN PATROAD SUBDIVISION AND TOWN HIGHWAY	
DRAWN BY JAY DREAR	SCALE 1"=400'
DATE 8-26-02	SURVEY BY L. FABRETTI
REV.	NYLS3549688

Ms. Moynihan Schmitt, Legal Counsel for the Planning Board offered her Timeline of Events as follows;

## Memorandum

**TO:** Planning Board & Town Board Members  
**FROM:** Lorraine Moynihan Schmitt, Planning Board Counsel  
**DATE:** October 6, 2014  
**RE:** Cheryl Nickel / Eastlake PDA Connector Road to Sunpath

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### Timeline:

1988-1989: Cheryl Nickel & Robert Leathers seek input from Town Board respecting installation of roadway and reservation of easements to be constructed/reserved within the Eastlake Subdivision, eventually Eastlake PDA.

May 5, 1988: Planning Board resolution recommending the Town Board that "the easement which appears on the approved map for the Orear property, filed with the County Clerk on November 14, 1975, running from Sun Path to the north, and which was removed from further maps by Mr. Orear when the property be sold, be restored. In view of the development along Route 34 in the area of the Orear property, it is important that the easement north be re-established so that a link might be made to the [Nickels] - Leathers Development, named Eastlake."

June 15, 1988: Town Board resolution requiring, among other items, a Bank Letter of Credit to ensure payment for construction of the proposed Eastlake PDA Road.

June 27, 1988: Eastlake Preliminary Final Plat showing Reservation of north/south connector road Easements both north and south of Eastlake Road (including north/south connector road to Sunpath (Orear/Simpkin) property line).

August 4, 1988: Final Plat showing Reservation of Connector Easements both north and south of Eastlake Road (including north/south connector road to Sunpath (Orear/Simpkin) property line).

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May 4, 1989: Agreement between Town and Developer Cheryl Nickel (Eastlake) requiring installation of a north/south connector road *running from the Developer's north property line to the south property line* in the location shown as "EASEMENT FOR FUTURE TOWN ROAD" on the Plat as approved for Eastlake by the Planning Board and Town Board

May 24, 1989: Tompkins Trust Company Irrevocable Letter of Credit (\$30,000) from Cheryl Nickel to town of Lansing - Expiration Date May 24, 1999.  
of the Town"

- Provision for acceptable delay of up to 10 years for construction;
- Provision construction must take place within a reasonable time not to exceed 6 months from written notice to Developer from the Town;
- Provision that the Town may call upon the letter of Credit underwriter, 6 months post written demand above, to pay for cost of installation by the Town of said road; and
- Provision that the "Developer, for herself and any heirs, distributees or assigns, gives permission to the Town to enter upon the property and construct the Road upon her default."

May 17, 1989: Town Board minutes report that the Town and Cheryl Nickels have executed an agreement "concerning the North/South road in the Eastlake development."

May 24, 1989: Tompkins Trust Company Irrevocable Letter of Credit (\$30,000) from Cheryl Nickel to town of Lansing - Expiration Date May 24, 1999.

December 20, 1989: Deed of Conveyance (recorder December 27, 1989) from Cheryl Nickel to Town of Lansing respecting Eastlake roadways. A North/South connector to Supath does not appear to be among parcels conveyed to the Town in said deed.

January 3, 1990: TB Minutes set forth resolution accepting dedication of Eastlake Road in accordance with the description in the deed given to the Town.

April 1, 1998: Town Board Resolution Releases Nickel Letter of Credit, reciting within the Whereas clauses that the Developer of Eastlake has requested release of the letter of credit "*related to the construction of a connector road known as Smuggler's Path to run across Lakewatch Subdivision between the Lakewatch*

*Subdivision, the Nova Lane Subdivision and Sunpath Road” and further recites that “the letter of credit was kept in place in anticipation of the development of the portion of Smuggler’s Path that is to run across the Nova Lane Subdivision for over ten years and it now appears there are no present viable plans to develop the Nova Lane Subdivision so that a connector road cannot be completed” Note: No mention of the viability or continued desirability for the southern portion of the north/south connector road (from Eastlake to Sunpath) is set forth within the resolution as a basis for releasing the Letter of Credit.*

Ms. Moynihan Schmitt further stated she and the Town’s Legal Counsel, Guy Krogh concur that Case Law is clear that the Subdivision Plat is going to control the inquiry as to where these easements are located and whether or not they exist. Mr. Krogh indicated Map 1 presented tonight is binding.

Michael Long, Consultant for the Town states after reviewing the material, the question becomes in the overall plan is this the right thing to do and install the connector road. In Mr. Long’s opinion, he believes the road should be there. Specifically for fire and safety reasons.

Guy Krogh states the issue of north and south connector roads off of Sun Path have been repeatedly discuss over the years. The Town Board has consistantly stated those connector roads will have to be there.

Larry Sharpsteen states he was a Member on the Board at the time this was happening. The Planning Board envisioned having a connector road go from Sun Path south to the Butler property and north to Teeter Road. The Planning Board along with a professional planner began an overall plan on these Subdivision. The overall thought was for public health and safety. The discussion included the length of the dead end roads with no alternate access in case an accident or fire blocked off an upper portion of that road. For that reason, the Planning Board felt these links would be desirable.

David Banfield, a current resident of Sun Path and property owner at the time of all those discussions states he was aware of an easement on his property at the time he purchased it. He was told it was for a town snow plow turn around. Further discussion occurred about Bolton Point Road (at the bottom of Eastlake Subdivision). Mr. Banfield states the Town dropped the conversation about extending the connector from Sun Path and thought it would be cheaper to extend the road from Eastlake to Bolton Point Road south. Eventually that conversation was dropped too because of cost.

Thomas Ellis requested from the Town Board Members that they have a discussion and determine how the Town would like to move forward on this connector road situation. The Planning Board would like an answer in the near future.

Mr. Ellis states the Planning Board needs to revisit Westview Partner, LLC proposed Subdivision to see how the property to the south (Mahool's). This may be where an inter-connection could be added.

John Young advised the Board if they take a ride down to the Bolton Point Road area that Mr. Banfield is speaking of, they will see there is a "major" stream. Mr. Young is unsure of the feasibility to construct a road over it or the cost to the Town to do that.

Michael Long suggested that he, the Town Engineer, and the Highway Superintendent review the road issue and come back to the Planning Board with options as to which way to go.

Kathy Miller, Town Supervisor states she has a clear understanding of what has happened in the past, however she is not so sure that is what should have happened. Ms. Miller thinks it's something that should be looked at.

Mr. Ellis feels the Westview Partner, LLC should be placed on the next Agenda for further discussion on the proposed Subdivision. Mr. Ellis further states further discussion on the Subdivision is the classification. The initial top two lots are separate tax numbers and are located in the Village.

Ms. Moynihan Schmitt states it will be considered a 3 lot off the parent parcel with a narrative that expresses an intention to continue into phased development beyond the 4 lots.

Ed LaVigne summarized the discussion as follows with the following questions/comments;

1. Are there any obligations that have not been met over the last 40 years that can be legally met?
1. Is some of this land on the Village? What jurisdiction do we have over them?
2. Lorraine Moynihan Schmitt will work closely with the new Consultant, Mike Long who in turn will work closely with the Planning Board. The Planning Board will go over the recommendation of the Town Board soon.

A gentleman from the audience inquired if the Cheryl Nicke's obligation was considered a contractual obligation? Ms. Moynihan Schmitt indicated further research will need to be done.

Lorraine Moynihan Schmitt states the connector road is reserved on the initial Subdivision plat. The issue is who is responsible for paying for it?

Larry Sharpsteen made a motion to adjourn the Meeting at 7:50 PM. Deborah Trumbull seconded the motion and it was carried by the following roll call vote:

**Vote of Planning Board . . . (Aye) Gerald Caward, Member**  
**Vote of Planning Board . . . (Aye) Lin Davidson, Member**  
**Vote of Planning Board . . . (Aye) Al Fiorille, Member**  
**Vote of Planning Board . . . (Aye) Larry Sharpsteen, Member**  
**Vote of Planning Board . . . (Aye) Deborah Trumbull, Alternate**  
**Vote of Planning Board . . . (Aye) Thomas Ellis, Member**