

Agenda

**Village of Lansing
Board of Trustees Meeting
At The Village of Lansing Office
2405 N. Triphammer Road
August 30, 2021 @ 7:30pm**

7:30 Call to Order

Public Comment Period*

Approve Minutes from August 12 & 16, 2021

Consider Approving the Shops at Ithaca Mall ECCR Agreement Changes In Accordance with the Conditions of Subdivision Resolution #2020-4456 (See Below)

Mayor's Comments

General Discussion

Adjournment

*Anyone wishing to speak at tonight's meeting during the public comment periods please give their name, address and organization, if any. Thank you.

The main purpose of this special meeting is to determine if the Trustees approves of the **changed** language proposed in the Shops at Ithaca Mall ECCR. This is a condition of Subdivision Resolution #2020-4456. The proposed changes/additions in wording to Section 3.2 and 3.3 are highlighted in red:

Section 3.2 Easements for Access Roads. Declarant hereby establishes for the benefit of the Land non-specific easements for pedestrian and vehicular traffic for the purpose of providing ingress to and egress from the public ways to and throughout the Mall **and through the Mall when the portion of Graham Road West that is a public road is closed to traffic** ("Access Roads"), together with the following rights and subject to the following restrictions and reservations:

Section 3.3 Easements for Utility Facilities. Declarant hereby establishes for the benefit of the Land perpetual easements on the Outparcels, except within the Permissible Building Area, as shown on the Site Plan, for the installation, use, operation, maintenance, repair, replacement, relocation and removal of Common Utility Facilities and Separate Utility Facilities serving the Land. **Declarant acknowledges that third party(ies) currently utilize the underground domestic and fire protection water systems as of the date of this Declaration**

and hereby establishes for their benefit an easement for their continued use of the water system in accordance with the terms hereof for so long as said party is in compliance with all applicable agreements regarding their use of the water system (a “Water Agreement”), including, but not limited to, payment for their use of the water system. In the event there is a conflict between any provision of this Declaration and any Water Agreement, the terms and provisions of such Water Agreement shall prevail for so long as said Water Agreement is legally binding and enforceable and has not expired by its own terms (i.e. expiration of a lease term) or operation of law.

The reason for the Section 3.2 change is to allow the BJ’s parcel to use Graham Road West for their customers to access the store. If/when Graham Road West is under construction, their patrons have no legal right to use the other Mall roads without the change in wording.

BJ’s public water is connected to the Shops at Ithaca Mall’s metered water system. If something were to happen to the Mall system or other unforeseen events which cut off the water supply to the BJ’s parcel, that parcel would have no other way of supplying itself with public water. The language in Section 3.3 would allow for that parcel to be able to install their own system by way of an easement. There is a proposed easement being worked on from Triphammer Road to BJ’s also.