

February 9, 2018

To the residents of Green,

City Council's recent approval of the settlement negotiated with Nexus is a sad ending to a long tale of hard work, frustration and heartbreak for the City of Green. In the end, there was no re-route that we hoped for, no relief from federal energy regulators, and no support from our state environmental agencies. One by one, property owners sold their land to Nexus, until we stood behind just one property owner. Then the federal courts gave our easement rights to Nexus against our objections.

Perhaps our challenges and successes led to unrealistic expectations that our community would be spared from this menace. But our legal challenges did bear fruit and forced Nexus to desire a settlement that would put the delays behind them; to provide certainty in their construction sequence.

On January 11, the federal appeals court set an expedited date of January 31 for our oral arguments. Even then, we were focused on how to be successful in the court, and what that success would mean on this long road. We ignored a request by Nexus to continue settlement discussions that had been ordered by the federal court.

Within a week, our legal and environmental team offered this advice: now was the optimal time to see what Nexus would offer to reach a settlement. Nexus desired to have closure on the four court cases in state and federal courts; they wanted to have certainty. And for this they desired a settlement. The city needed this leverage to get what we needed to ensure the health, safety, and welfare of our community.

Our team of experts concluded that the success or failure of our challenge of the EPA's approval would only result in a delay, and in no way would it change the route of the pipeline through the City of Green that the federal regulators had approved. Construction would begin almost immediately or it could be delayed by weeks, perhaps a couple months; but it would come.

Our City Council believes that the terms of the settlement that we negotiated would provide significant value to the community, understanding that our options to move the route have been thoroughly exhausted. Included in these benefits is our right to inspect construction activities 24/7, the right to enforce city ordinances including our Road Use Maintenance Agreements, zoning codes, and stormwater pollution protection measures; while maintaining our standing in Federal Court to ensure that all requirements of the settlement are upheld.

The settlement will give us 20 acres of land to be added onto Boettler and Southgate Parks, providing trail access from our residential neighborhoods on Thursby Road, Koons Road, and neighborhoods to the north.

And lastly, the settlement includes \$7.5 million dollars to promote safety in our parks and public spaces, by allowing the city to replace athletic facilities that will soon be uncomfortably close to the pipeline.

This is not the outcome we had hoped for. I know this was not an easy decision for our council members, nor was it easy to be ordered to negotiate a settlement with Nexus on behalf of our community. However, our community will now begin the process of planning how best to use settlement funds to enhance the safety, health and welfare of our residents and make our community stronger.

Respectfully,

Gerard Neugebauer, Mayor