

March 6, 2021

As submitted earlier today, we have made the difficult decision to cancel the contract to sell Tichenor Point to the Town. To sell our family property to the Town for use as a park was a dream for us. It would have preserved this great location for public access to Canandaigua Lake and also been a great legacy for our family, particularly our parents. To that end, we have worked to be patient and supportive of the Town's process. Unfortunately, for a number of reasons, we can no longer pursue this sale. In sum, the delay, the cost in unexpected legal fees and the misinformation and hatred directed toward our family has made continuing down this path untenable. While this is a great disappointment for us, we feel it is the best decision for our family.

As detailed in our prior letter, after the property was listed for sale, the Town approached the family with regard to purchasing the property for a public park. We thought it was a match made in heaven. The purchase met the stated goal of the Town's Comprehensive Plan and its ten-year parks plan that had been based on more than 80% of respondents saying more lake access was needed. And of course, the family could not be happier preserving the natural beauty and historic nature of one of Canandaigua's last undeveloped properties as a park at a fair price.

Yet since the unanimous vote by the Board to move forward with this project, the intensity of a small group's opposition to stop this public park was beyond surprising. As the supervisor stated in the February 8th meeting, she, other Board members, and the town appraiser had been threatened over this prospective purchase. This vitriol was so bad that the appraiser was not in attendance at the meeting. To say that this unexpected and unnecessary animosity has been difficult on our family is an understatement.

The family entered into a contract with the Town that had very specific and impartial parameters, including closing by April 1, 2021, and determining the final sale price by averaging two impartial and professional appraisers (so long as they fell within a certain price range as set forth in the agreement). This was appealing for several reasons: it was a relatively quick closing; if it fell through, we would have the spring and summer to market the property to other potential buyers; and the ultimate sales price could be fairly and transparently determined. The appraisals were performed by two very experienced professionals and a fair market price was determined (despite the unfounded attacks and personal threats made by opponents in this regard).

With regard to the April 1 closing date, once the Town determined to send this matter to a public referendum, that date was no longer feasible. With the Town's latest proposed schedule, the earliest possible closing date would be June, and that is only if the referendum passes and subsequent litigation, if any, doesn't further delay closing. And, at this point, given the level of animosity from opponents, we have little faith that there would not be litigation.

With regard to specific "concerns" raised by neighbors, we have previously addressed and discussed these matters but will touch on them briefly again here. In sum, they have turned out to be unfounded and unsupported. Regarding the purported easement and deed restriction issues, our counsel provided an updated survey and abstract within a couple days of the February 15th

meeting to the Town and to the neighbors' counsel for review. Unsurprisingly, the survey and abstract showed these issues were really non-issues.

Regarding "SEQRA issues," the Town's purchase of the property for a park is a Type II action and no additional environmental determination is necessary.

Despite all this, we were willing to come to the table to discuss possible resolution with the Town and the opponents. And, in fact, counsel for the neighbors publicly stated they welcomed the opportunity for discussion. But, attempts by the town attorney and our counsel to set a meeting with their counsel, was met with no response for more than a week. When a response was sent, we were told that the neighbors were now unwilling to discuss the issues raised in the initial letter to the Town, until the Town was "more forthcoming" about its plans for development, the referendum, etc. So the "issues" that helped derail the vote and helped lead to the decision for a referendum are evidently no longer issues now that the neighbors got what they wanted.

This project fit squarely within the Town's Comprehensive Plan, the price was determined by two independent appraisers, and the Town had the read-in survey and abstract. We had performed our end of the deal without so much as a dollar in earnest money and had patiently worked with the Town. It had been the goal of this family to preserve this historic property and share it with the general public (yes, of course, and receive a fair price for it). However, the negativity and misinformation by those opposed to the park have left the family feeling as though they have been unfairly dragged through the mud and, at this point, we are not interested in going through any more of this for three more months or possibly longer. Regretfully, we have decided to move on.

We do wish the Board well in its future endeavors and the people of Canandaigua all the joys that this beautiful lake offers.

From: [Saunders, Kevin](#)
To: Cmenikotz@townofcanandaigua.org; jsimpson@townofcanandaigua.org; gdavis@townofcanandaigua.org; ldwoaczyk@townofcanandaigua.org; tfennelly@townofcanandaigua.org; ldworaczyk@townofcanandaigua.org
Cc: dfinch@townofcanandaigua.org; [Campbell, Dana](#); [Seiffert, Stephanie](#); cnadler@cnadlerlaw.com; [Trip Pierson](#)
Subject: Kellogg Statement
Date: Saturday, March 6, 2021 4:01:55 PM
Attachments: [Kellogqs Statement to Town Board 4833-0711-9583 v.pdf](#)

Dear Supervisor Menikotz and Members of the Town Board,

Please find attached the public statement from the Kellogg family regarding the cancellation of the contract to sell Tichenor Point to the Town. The cancellation letter was sent earlier today to Mr. Nadler.

As my colleague Ms. Campbell wrote, we appreciate the efforts of the Town Board throughout this process. Unfortunately, the unexpected election/referendum process, delay and expense are too burdensome and the family has made this difficult decision. Even now, they understand the opponents of the park are redoubling their efforts in advance of the meeting scheduled for Monday. It is simply too much.

R/s,
Kevin



Kevin Saunders

Counsel

ksaunders@nixonpeabody.com

T 585-263-1561 | C 585-278-0754 | F 866-743-2081

Nixon Peabody LLP | 1300 Clinton Square | Rochester, NY 14604-1792

nixonpeabody.com | [@NixonPeabodyLLP](https://twitter.com/NixonPeabodyLLP)

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