

**BARGAIN AND SALE DEED
WITH COVENANT AGAINST GRANTOR'S ACTS**

THIS INDENTURE, made the ___ day of January, 2018,

BETWEEN BEAVER BROOK BEACON ACQUISITION LLC, a New York limited liability company, with offices at 222 Bloomingdale Road, Suite 404, White Plains, New York 10605,

party of the first part, and

THE CITY OF BEACON, a municipal corporation, with offices at City Hall, Suite 1, 1 Municipal Plaza, Beacon, New York 12508,

party of the second part,

WITNESSETH, that the party of the first part, in consideration of ten (\$10.00) dollars and other valuable considerations paid by the party of the second part, does hereby grant and release unto the party of the second part, their heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, situate, lying and being in the City of Beacon, County of Dutchess and State of New York, being dedicated to the City of Beacon for public highway purposes as shown on that certain subdivision map entitled "Final Subdivision Plat of Phase 3 of Polo Field Investment," which subdivision map was prepared by Badey & Watson Surveying & Engineering, P.C., dated January 31, 2000 and last revised on March 10, 2003, which map received final approval subject to conditions and was filed in the Dutchess County Clerk's Office on November 4, 2004 as Filed Map No. 11042B, which parcel is more particularly described on Schedule "A" attached hereto and made a part hereof.

TOGETHER with a Drainage and General Utility Easement as more particularly described in Schedule "A" attached hereto;

TOGETHER with two (2) Sight Line Easements to provide for, keep and maintain clear and unobstructed sight lines and sight distances for traffic safety purposes, including the right to enter upon, inspect, cut, clear, trim prune, grade, alter and remove all obstructions and impediments in and on the real property more particularly described in Schedule "A" attached hereto;

TOGETHER with a Snow Storage Easement to deposit, store and remove snow as more particularly described in Schedule "A" attached hereto;

TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises;

SUBJECT to easements, covenants and restrictions of record and notes on filed maps;

TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, their heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same for any other purpose.

The word "party" shall be construed as if it reads "parties" whenever the sense of this indenture so requires.

[SIGNATURE PAGE IMMEDIATELY FOLLOWS]

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written,

IN PRESENCE OF:

BEAVER BROOK BEACON ACQUISITIONS LLC

By: _____

Name:

Title:

STATE OF NEW YORK)

) ss.:

COUNTY OF _____)

On the day ____ day of _____ in the year ____ before me, the undersigned, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Notary Public

RECORD AND RETURN TO:

Keane & Beane, P.C.
Nicholas M. Ward-Willis, Esq.
445 Hamilton Avenue, Suite 1500
White Plains, New York 10601
Attention: Nicholas M. Ward-Willis, Esq.

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Author: G.J.W.

SCHEDULE A
prepared for
Polo Field Investments
(Riding Ridge Trail and related Easements)

RIDING RIDGE TRAIL

ALL that certain parcel of land situate in the City of Beacon, County of Dutchess and State of New York that is a portion of the lands shown and designated as Parcel A on that certain "Supplemental Subdivision Plat to Polo Field - Map No. 1," which was filed in the Dutchess County Clerk's office on June 26, 1992 as Filed Map No. 8937A, that is bounded and described as follows.

BEGINNING at Point Y, which point occupies coordinate position

N 540,045.68 (y)
E 598,823.35 (x)

of the New York State Coordinate System, East Zone and is a point on the northerly line of Slocum Road where it is met by the line dividing Lot No. 30 shown on said Filed Map No. 8937A, on the east, from said Parcel A on Filed Map No. 8937A, on the west.

THENCE from the said point of beginning westerly along the northerly line of Slocum Road on a curve to the left, the center of which bears S54°32'50"W, the central angle of which is 5°05'41", the radius of which is 1,100.00 feet for 97.81 feet to Point Z, which point occupies coordinate position

N 540,122.73 (y)
E 598,763.15 (x)

FELDMAN-JACOBSON ABSTRACT
TITLE NO. _____
RF: _____

of the New York State Coordinate System, East Zone and is the point on the northerly line of Slocum Road that is the point of beginning of both the Drainage and General Utility Easement and the Second Sight Line Easement hereinafter described. Thence leaving the said northerly line of Slocum Road and running through the said Parcel A on Filed Map No. 8937A the following, first turning about and on a tangent curve to the left, the center of which bears $N49^{\circ}27'10''E$, the central angle of which is $87^{\circ}27'10''$, the radius of which is 25.00 feet for 38.16 feet, then

N $52^{\circ}00'00''$ E 101.11 feet

then on a tangent curve to the left, the central angle of which is $30^{\circ}30'00''$, the radius of which is 125.00 feet for 66.54 feet, then

N $21^{\circ}30'00''$ E 100.00 feet

then on a tangent curve to the right, the central angle of which is $20^{\circ}30'00''$, the radius of which is 200.00 feet for 71.56 feet, and then

N $42^{\circ}00'00''$ E 254.29 feet

to Point AA, which point occupies coordinate position

N 540,576.77 (y)

E 599,160.82 (x)

of the New York State Coordinate System, East Zone and which point is the point of beginning of the Snow Storage and Removal Easement hereinafter described. Thence continuing through said Parcel A on Filed Map No. 8937A, first on a tangent curve to the left, the central angle of which is $70^{\circ}31'44''$, the radius of which is 25.00 feet for 30.77 feet, then on a curve reversing to the right, the center of which bears $N61^{\circ}28'16''E$, the central angle of which is $250^{\circ}31'44''$, the radius of which is 50.00 feet for 218.63 feet, then

S $42^{\circ}00'00''$ W 325.00 feet

then on a tangent curve to the left, the central angle of which is $20^{\circ}30'00''$, the radius of which is 150.00 feet for 53.67 feet, and then

S 21°30'00" W 100.00 feet

to a point. Thence still through Parcel A on Filed Map No. 8937A and continuing along the westerly line of the aforementioned Lot No. 30 on said Filed Map No. 8937A, the following, first on a tangent curve to the right, the central angle of which is 30°30'00", the radius of which is 175.00 feet for 93.16 feet, then

S 52°00'00" W 101.11 feet

and then on a tangent curve to the left, the central angle of which is 87°27'10", the radius of which is 25.00 feet for 38.16 feet to the point or place of beginning, containing 0.938 acres, more or less.

DRAINAGE & GENERAL UTILITY EASEMENT

TOGETHER WITH an easement for drainage and general utility purposes over another portion of the said Parcel A on Filed Map No. 8937A that is bounded and described as follows.

BEGINNING at the point on the northerly line of Slocum Road where it is met by the westerly line of the parcel (Riding Ridge Trail) hereinabove described that was hereinabove identified as Point Z.

THENCE from the said point of beginning westerly along the said northerly line of Slocum Road, first on the curve to the left, the center of which bears S49°27'10"W, the central angle of which is 3°47'10", the radius of which is 1,100.00 feet for 72.69 feet and then

N 44°20'00" W 100.00 feet

to a point. Thence through Parcel A on said Filed Map No. 8937A, first the following courses:

N 45°40'00" E 20.00 feet

S 44°20'00" E 126.93 feet and

S 63°50'00" E 79.75 feet

to a point on the westerly line of the parcel (Riding Ridge Trail) hereinabove described. Thence southerly along the said westerly line of the parcel (Riding Ridge Trail) hereinabove described, first

S 52°00'00" W 27.00 feet

and then on a tangent curve to the right, the central angle of which is 87°27'10", the radius of which is 25.00 feet for 38.16 feet to the point or place of beginning of this easement.

TOGETHER WITH two Sight Line Easements that are bounded and described as follows.

SIGHT LINE EASEMENT 1

AN EASEMENT over a portion of Lot No. 30 on said Filed Map No. 8937A that is designated thereon as "Sight Line Easement" and is bounded and described as follows:

BEGINNING at Point Y, hereinabove described, the point on the northerly line of Slocum Road where it is met by the line dividing Lot No. 30 shown on said Filed Map No. 8937A, on the east, from said Parcel A on Filed Map No. 8937A, on the west, which point is the point of beginning of the parcel (Riding Ridge Trail) hereinabove described.

THENCE from the said point of beginning northwesterly along the last mentioned division line, first on a curve to the right, the center of which bears N54°32'50" the central angle of which is 87°27'10", the radius of which is 25.00 feet for 38.16 feet and then

N 52°00'00" E 40.81 feet

to a point. Thence southerly through said Lot No. 30 on Filed Map No. 8937A

S 10°00'00" W 91.62 feet

to another point on the northerly line of Slocum Road. Thence westerly along the said northerly line of Slocum Road on a non-tangent curve to the left, the center of which bears $S56^{\circ}30'00''W$, the central angle of which is $1^{\circ}57'10''$, the radius of which is 1,100.00 feet for 37.49 feet to the point or place of beginning of this easement.

SIGHT LINE EASEMENT 2

AN EASEMENT over a portion of Parcel A on said Filed Map No. 8937A that is bounded and described as follows.

BEGINNING at the point on the northerly line of Slocum Road where it is met by the westerly line of the parcel (Riding Ridge Trail) hereinabove described that was hereinabove identified as Point Z.

THENCE from the said point of beginning westerly along the northerly line of Slocum Road on a curve to the left, the center of which bears $S49^{\circ}27'10''W$, the central angle of which is $1^{\circ}57'10''$, the radius of which is 1,100.00 feet for 37.49 feet. Thence through Parcel A on said Filed Map No. 8937A

S $86^{\circ}00'00''$ E 91.62 feet

to a point on the westerly line of the parcel (Riding Ridge Trail) hereinabove described. Thence southerly along the westerly line of the parcel (Riding Ridge Trail) hereinabove described, first

S $52^{\circ}00'00''$ W 40.81 feet

and then on a tangent curve to the right, the central angle of which is $87^{\circ}27'10''$, the radius of which is 25.00 feet for 38.16 feet to the point or place of beginning of this easement.

SNOW STORAGE EASEMENT

TOGETHER WITH an easement to deposit, store and remove snow on and from another portion of the said Parcel A on Filed Map No. 8937A that is bounded and described as follows:

BEGINNING at the point within said Parcel A and on the line of the lands hereinabove described (Riding Ridge Trail) that was hereinabove identified as Point AA.

THENCE from said Point AA, the point of beginning of this easement, through Parcel A on Filed Map No. 8937A, the following, first

N 48°00'00" W 10.00 feet

then on a non-tangent curve to the left, the center of which bears N48°00'00"W, the central angle of which is 70°31'44", the radius of which is 15.00 feet for 18.46 feet, then on a curve reversing to the right, the center of which bears N61°28'16"E, the central angle of which is 250°31'44", the radius of which is 60.00 feet for 262.35 feet and then

S 42°00'00" W 70.71 feet and
N 48°00'00" W 10.00 feet

to a point on the easterly line of the parcel (Riding Ridge Trail) hereinabove described. Thence northerly, westerly and southerly still through Parcel A on Filed Map No. 8937A and along the line of the parcel (Riding Ridge Trail) hereinabove described the following, first

N 42°00'00" E 70.71 feet

then on a tangent curve to the left, the central angle of which is 250°31'44", the radius of which is 50.00 feet for 218.63 feet, and then on a curve reversing to the right, the center of which bears S61°28'16"W, the central angle of which is 70°31'44", the radius of which is 25.00 feet for 30.77 feet to the point or place of beginning of this easement.

N.B. Reference to the New York Coordinate System, East Zone, hereinabove, is to that system designed for the North American Datum of 1927 and was established from data obtained from the New York State Department of Transportation. Specifically, Points T9 and T10 for Highway Corridor Mapping Contract HC6791 were recovered in good condition and accepted.

Users are referred to that certain "Map showing proposed conveyances to The City of Beacon, Town of Fishkill and Dutchess Junction Fire District ...," by Badey

& Watson, Surveying and Engineering, PC, dated February 2, 2004 and intended to be filed in the Dutchess County Clerk's office prior to or simultaneously with the recording of the instrument of which this description is a part. Letter references, such as "Point ZZ", are shown on said map and on the closure(s) annexed to this description.

Prepared by
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