

DRAINAGE EASEMENT

THIS INDENTURE, made the ____ day of _____, 2018

Between

FERRY LANDING AT BEACON, LTD., a domestic corporation organized under the laws of the State of New York, with an office at 105 Catherine street, Beacon, New York 12508 and a mailing address of Post Office Box 294, Beacon, New York 12508, party of the first part, and

CITY OF BEACON, a municipal corporation organized under the laws of the State of New York, with an address of 1 Municipal Plaza, Beacon, NY 12508, party of the second part,

NOW THIS INDENTURE WITNESSETH, that the party of the first part, in consideration of TEN AND 00/100 DOLLARS (\$10.00) lawful money of the United States, and other valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that certain permanent easement and right of way for the purpose of access to use, maintain, repair, and or replace the existing storm drain on the property located at the south east corner of Beekman Street and Ferry Street. Said property is the premises described in a deed recorded in the Dutchess County Clerk's Office on April 25, 1986 in Liber 1704, Page 883 and is further identified with a parcel grid identification number of 5954-33-556840.

Said property is situated, lying and being in the City of Beacon, County of Dutchess, State of New York, and is shown on a map titled "Subdivision Plat for Ferry landing at Beacon" and filed in the Office of the Dutchess County Clerk on the ____ day of _____, 2017 as Filed Map # _____, said easement and right of way is indicated as "Proposed Drainage Easement Granted to City of Beacon" on said map, and is more particularly described as follows:

BEGINNING at a point on the north east corner of Bayview Avenue, said point also being the south corner of the division line between the parcel of land designated HOA Lot and the parcel of land designated now or formally lands of D'Aprile on said map;

THENCE north westerly along the division line between the parcel of land designated HOA Lot and the parcel of land designated Bayview Avenue on said map, North 59°49'50" West for a distance of 20.19' to a point on the division line between the parcel of land designated HOA Lot and the parcel of land designated Bayview Avenue on said map;

THENCE north easterly through the parcel of land designated HOA Lot, North 22°20'20" East for a distance of 77.23' to a point, said point being on the north division line between the parcel of land designated HOA Lot and the parcel of land designated now or formally lands of D'Aprile on said map;

THENCE south easterly along the division line between the parcel of land designated HOA Lot and the parcel of land designated now or formally lands of D'Aprile on said map, South $21^{\circ}13'40''$ East for a distance of 29.02' to a point, said point being on the division line between the parcel of land designated HOA Lot and the parcel of land designated now or formally lands of D'Aprile on said map;

THENCE south westerly along the division line between the parcel of land designated HOA Lot and the parcel of land designated now or formally lands of D'Aprile on said map, South $22^{\circ}20'20''$ West for a distance of 58.95' to a point, said point being the point or place of beginning.

CONTAINING 0.03 acres of land more or less.

AND:

BEGINNING at a point on the south side of Ferry Street, said point also being the north corner of the division line between the parcel of land designated HOA Lot and the parcel of land designated now or formally lands of D'Aprile on said map;

THENCE south easterly along the division line between the parcel of land designated HOA Lot and the parcel of land designated now or formally lands of D'Aprile on said map, South $21^{\circ}13'40''$ East for a distance of 23.47' to a point, said point being on the division line between the parcel of land designated HOA Lot and the parcel of land designated now or formally lands of D'Aprile on said map;

THENCE north westerly through the parcel of land designated HOA Lot on said map, North $79^{\circ}40'40''$ West for a distance of 37.60' to a point;

THENCE north easterly through the parcel of land designated HOA Lot on said map, North $10^{\circ}19'20''$ East for a distance of 20.00' to a point, said point being on the division line between the parcel of land designated HOA Lot and the parcel of land designated Ferry Street on said map;

THENCE south easterly along the division line between the parcel of land designated HOA Lot and the parcel of land designated Ferry Street on said map, South $79^{\circ}40'40''$ East for a distance of 35.47 to a point, said point being the point or place of beginning.

CONTAINING 0.02 acres of land more or less.

TOGETHER with the following express conditions, reservations and restrictions which shall continue and will run with the land:

FIRST that the party of the second part shall, at its own cost and expense, repair, restore, replace, and maintain the surface of any land impairment occasioned by the party of the second part's use of said lands.

SECOND that the party of the second part does hereby waive any claims for damages from the use of the easement hereby offered.

THIRD that the party of the second part agrees to indemnify and save the party of the first part harmless from and against any and all claims, liability, loss, expense, suits, damages, judgments, demands, and cost, including reasonable legal fees and expenses from the use of the easement hereby offered.

FOURTH that the parties of the second part will not cause any impairment outside of said easement area occasioned by the party of the second part's use of said lands.

FIFTH that the parties of the first part will not erect or construct any permanent improvements within said easement without having first obtained written approval from the party of the second part.

SIXTH that the parties of the first part will not plant or place any tree or shrub within said easement without having first obtained written approval from the party of the second part.

TO HAVE AND TO HOLD the rights herein granted unto the party of the second part forever.

AND the party of the second part shall have the right to transfer, convey, and assign the rights herein granted to any and all additional parties at its sole discretion.

AND the party of the second part shall have the right to use the said premises, with the rights and privileges herein described and granted, for the purpose of access to use, maintain, repair, and or replace the existing storm drain on the property.

AND the party of the first part shall have the right to use the said premises, with the rights and privileges herein described and granted, provided that such use shall not interfere with the use, maintenance, repair, and or replacement of the existing storm drain on the property.

AND this easement shall be binding on the party of the first part and their respective distributees, successors, personal and legal representatives, successors and assigns forever.

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

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

IN PRESENCE OF:

FERRY LANDING AT BEACON, LTD.

BY: _____
Thomas Elias, President

STATE OF NEW YORK)
) SS.:
COUNTY OF _____)

On the _____ day of _____, 2018 before me, the undersigned, a Notary Public in and for said state, personally appeared THOMAS ELIAS, President of ferry landing at Beacon, Ltd., known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is (are) subscribed to the within instrument and acknowledged to me that he executed the same in his capacity and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public

DRAINAGE EASEMENT

TITLE No.

FERRY LANDING AT BEACON, LTD.

TO

CITY OF BEACON

| | |
|---------|----------|
| SECTION | 5954 |
| BLOCK | 33 |
| LOT | 556840 |
| COUNTY | DUTCHESS |
| CITY | BEACON |

RETURN BY MAIL TO:

CITY OF BEACON
1 MUNICIPAL PLAZA
BEACON, NY 12508