

DRAINAGE EASEMENT

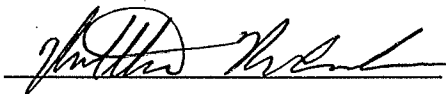
THIS INDENTURE made this _____ day of _____, by and between MATTHEW R. McCORMICK and KELLY L. McCORMICK residing at 1397 Cass Hill Road, East Berne, New York 12059, as "Grantors", and the COUNTY OF ALBANY, NEW YORK, a New York municipal corporation, having its principal office located at 112 State Street, Albany, New York 12207 as "Grantee",

WITNESSETH: That Grantor in consideration of One Dollar (\$1.00) to him in hand paid by Grantors, the receipt whereof is hereby acknowledged, does grant unto Grantee, its successors or assigns, a permanent easement for the installation, construction, maintenance, and/or repair of drainage facilities and appurtenances related thereto, in, on, over and through that area of the lands of Grantors bounded and described in Schedule "A" attached hereto and made part hereof. Said easement affects the lands conveyed to Grantors by Deeds recorded in the Albany County Clerk's office in Book of Deeds 2558 at Page 778 (Tax Map. No. 116.0-1-31) and Instrument No. R2018-17467 (Tax Map. No. 116.0-1-30.2). In addition, if it becomes reasonably necessary in the course of the installation and construction and/or the subsequent maintenance or repair of said drainage facilities and/or the appurtenances related thereto, Grantee and its agents, servants and employees may go upon the lands of Grantors immediately adjacent to the easement area and temporarily lay excavated dirt thereon and use machines or tools thereon. Grantee shall restore the surface of the easement area and adjoining lands of Grantors, including lawns, driveways and shrubs, to the extent they are disturbed as the result of such work, maintenance and/or repair work performed by Grantee, its agents, servants or employees on said drainage facilities and/or the appurtenances related thereto, shall be completed within a reasonable time after it is commenced. Grantors and their successors and assigns shall not construct, install or place anything within the easement area herein granted which will in any way interfere with full and unobstructed access to such area or the appurtenances related thereto, by Grantee, its agents, servants or employees, for any of the purposes above set forth. Grantee shall hold Grantors harmless from any and all third-party injury and/or damage claims arising out of

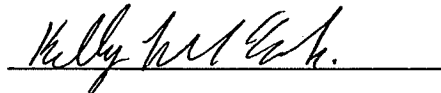
Grantee's, its agents', servants' or employees' use and operation of said drainage facilities or the appurtenances related thereto. Grantee shall provide and maintain appropriate insurance coverage for Grantee, its agents', servants' or employees' use and operation of and work performed upon said drainage facilities and the appurtenances related thereto, which coverage shall name Grantors as additional insured.

IN WITNESS WHEREOF, Grantors and Grantee have hereunto set their hands this day of _____ of _____, 2020

GRANTORS



MATTHEW R. McCORMICK



KELLY L. McCORMICK

GRANTEE

The COUNTY OF ALBANY, NEW YORK

By _____

DANIEL P. MCCOY

Albany County Executive

STATE OF NEW YORK)

COUNTY OF ALBANY) ss:

On the 3rd day of December, 2020, before me personally appeared MATTHEW R. McCORMICK and KELLY L. McCORMICK personally known to me or proved to me on the basis of satisfactory evidence to be the individuals whose names are subscribed to the within instrument and acknowledged to me that by their signatures on this instrument they executed the instrument.

Melanie J. Bunzey
NOTARY PUBLIC – STATE OF NEW YORK

MELANIE J. BUNZEY
Notary Public, State of New York
Qualified in Albany County
No. 018048902
Commission Expires Oct. 2, 2022

STATE OF NEW YORK)

COUNTY OF ALBANY) ss:

On the _____ day of _____, 2020, before me personally appeared DANIEL P. McCOY personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same, and that by his signature on this instrument, the individual or the person upon behalf of which the he acted, to wit: the COUNTY OF ALBANY, NEW YORK, executed the instrument.

NOTARY PUBLIC – STATE OF NEW YORK

SCHEDULE "A"

Description Permanent Easement "Parcel 2" located in the Town of Berne, County of Albany, State of New York to be conveyed by Matthew R. McCormick and Kelly L. McCormick to the County of Albany, New York

Beginning at a point in the southeasterly boundary line of a County Road known as Cass Hill Road-County Route 11, said point being in the division line between lands on the northeast now or formerly of Matthew R. McCormick and Kelly L. McCormick (TM No. 116.0-1-30.2) and lands on the southwest now or formerly of Matthew R. McCormick and Kelly L. McCormick (TM No. 116.0-1-31); thence proceeding southeasterly along the first mentioned division line, 16 +/- feet to a point, thence the following two courses, through the lands now or formerly of Matthew R. McCormick and Kelly L. McCormick (TM No. 116.0-1-31); 1. S 55° 20' 53" W 47.00 feet to a point, and 2. N 34° 39' 07" W 16.00 feet to a point in the aforementioned southeasterly boundary line of Cass Hill Road - County Route 11), thence northeasterly N 55° 20' 53" E along the last mentioned boundary line 49+/- feet to the point of beginning. Containing Area: 767 +/- sq. ft.

All as shown on a survey map entitled "Map of Proposed Easement To Be Conveyed To The County of Albany (Parcel Nos. 2 & 3), Town of Berne, Albany County, State of New York" prepared for the Albany County Department of Public Works by Creighton Manning Engineering dated July 13, 2020.

Description Permanent Easement "Parcel 3" located in the Town of Berne, County of Albany, State of New York to be conveyed by Matthew R. McCormick and Kelly L. McCormick to the County of Albany, New York

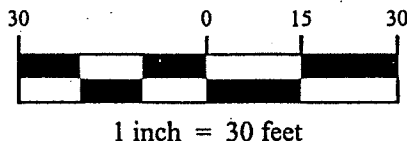
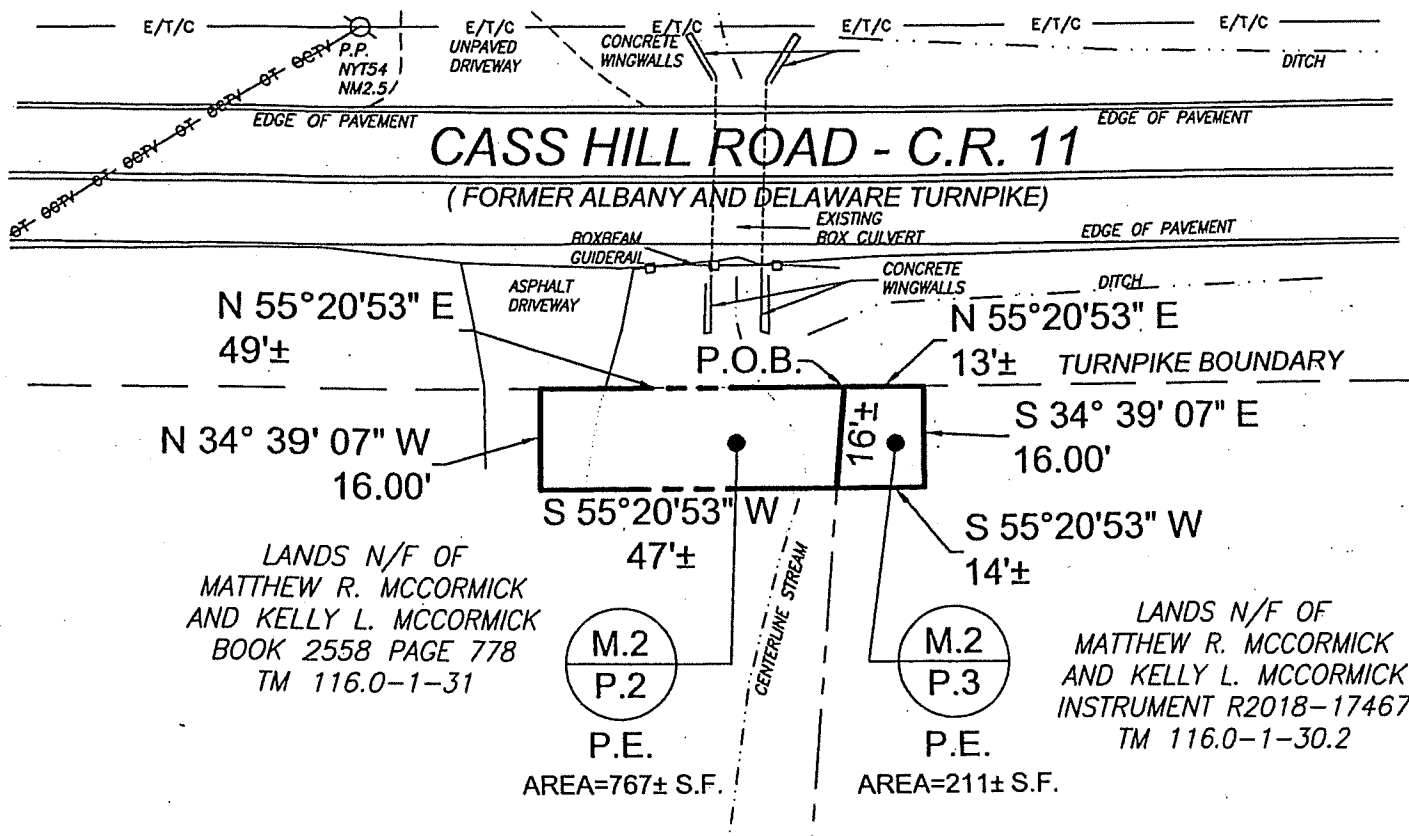
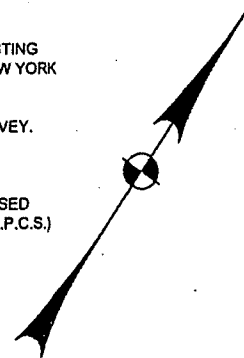
Beginning at a point in the southeasterly boundary line of a County Road known as Cass Hill Road-County Route 11, said point being in the division line between lands on the northeast now or formerly of Matthew R. McCormick and Kelly L. McCormick (TM No. 116.0-1-30.2) and lands on the southwest now or formerly of Matthew R. McCormick and Kelly L. McCormick (TM No. 116.0-1-31); thence proceeding northeasterly N 55° 20' 53" E along the first mentioned southeasterly boundary line of Cass Hill Road -County Route 1, 13+/- feet to a point; thence the following two courses and distances, through the lands now or formerly of Matthew R. McCormick and Kelly L. McCormick (TM No. 116.0-1-30.2); 1. S 34° 39' 07" E 16.00 feet to a point, and 2. S 55° 20' 53" W 14+/- feet to a point in the aforementioned division line between lands on the northeast now or formerly of Matthew R. McCormick and Kelly L. McCormick (TM No. 116.0-1-30.2) and

lands on the southwest now or formerly of Matthew R. McCormick and Kelly L. McCormick (TM No. 116.0-1-31), thence northwesterly along the last mentioned division line, 16+/- feet to the point of beginning. Containing Area: 211 +/- sq. ft. of land.

All as shown on a survey map entitled "Map of Proposed Easement To Be Conveyed To The County of Albany (Parcel Nos. 2 & 3), Town of Berne, Albany County, State of New York" prepared for the Albany County Department of Public Works by Creighton Manning Engineering dated July 13, 2020.

NOTES:

1. SURVEY SHOWN WAS PREPARED FROM A JUNE 2020 FIELD SURVEY.
2. SURVEY SHOWN WAS PREPARED WITHOUT THE BENEFIT OF AN UP TO DATE ABSTRACT OF TITLE OR TITLE REPORT AND IS SUBJECT TO ANY STATEMENTS OF FACT THAT SUCH AN ABSTRACT OF TITLE OR TITLE REPORT MAY REVEAL.
3. SURVEY SHOWN IS SUBJECT TO ANY SUBSURFACE CONDITIONS THAT MAY EXIST, IF ANY.
4. UNAUTHORIZED ALTERATIONS OR ADDITIONS TO A SURVEY MAP BEARING A LICENSED LAND SURVEYOR'S SEAL IS A VIOLATION OF SECTION 7209, SUBDIVISION 2, OF THE NEW YORK STATE EDUCATION LAW.
5. ONLY COPIES FROM THE ORIGINAL OF THIS SURVEY MARKED WITH AN ORIGINAL OF THE LAND SURVEYOR'S SEAL, AND SIGNATURE IN RED, SHALL BE CONSIDERED TO BE TRUE AND VALID COPIES.
6. THIS SURVEY WAS PREPARED IN ACCORDANCE WITH THE EXISTING CODE OF PRACTICE FOR LAND SURVEYS ADOPTED BY THE NEW YORK STATE ASSOCIATION OF PROFESSIONAL LAND SURVEYORS.
7. DECLARATION IS MADE TO ORIGINAL PURCHASER OF THE SURVEY. IT IS NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.
8. NORTH ORIENTATION AND BEARINGS SHOWN HEREON ARE BASED ON THE NEW YORK STATE PLANE COORDINATE SYSTEM (N.Y.S.P.C.S.) NAD 83/2011 WHICH WAS ESTABLISHED BY GPS OBSERVATION.



08/27/20 - REVISED DEED CALL OUT

DONALD G. SOVEY, PLS



DRAWN: M.T.P.J.J.M.O.
CHECKED: D.G.S.
PROJ. NO.: 120-105
SCALE: 1" = 30'
DATE: JULY 13, 2020
FILE: cass hill rd.dwg

Creighton Manning
CREIGHTON MANNING ENGINEERING, LLP
2 WINNERS CIRCLE - ALBANY - NEW YORK - 12205
P: (518) 444-0296 F: (518) 444-0297 WWW.CMELLP.COM

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CREIGHTON MANNING
ENGINEERING, LLP
ENGINEERS, PLANNERS &
SURVEYORS

PREPARED FOR:
ALBANY COUNTY
DEPARTMENT OF
PUBLIC WORKS

MAP OF PROPOSED EASEMENTS
TO BE CONVEYED TO
THE COUNTY OF ALBANY
(PARCEL NOS. 2 & 3)

TOWN OF BERNE
COUNTY OF ALBANY
STATE OF NEW YORK