

EASEMENT

EASEMENT made this _____ day of July, 2024 by Croton Riverside, LLC, a New York limited liability company, with an address at 92 North Avenue, Suite 204, New Rochelle, NY 10801 (hereinafter referred to as “Grantor”), and the VILLAGE OF CROTON-ON-HUDSON, a New York Municipal Corporation having its offices at 1 Van Wyck Street, Croton-on-Hudson, NY, 10520 (hereinafter referred to as “Grantee”).

W I T N E S S E T H:

WHEREAS, the Grantor is the owner in fee simple of certain real property (the “Property”) lying and being in the Village of Croton-on-Hudson, Town of Cortlandt, County of Westchester, and State of New York, known as 25 South Riverside Avenue and designated on the tax maps of the Village of Croton-on-Hudson and Town of Cortlandt as Section 78.08.19 Block 5, Lot 43 and being further described on Schedule A annexed; and

WHEREAS, The Grantor is in the process of constructing an apartment building on the property. This building construction requires the installation new sanitary sewer and storm water mains and appurtenances on the Property and abandonment of the Grantee’s existing sanitary sewer and storm water mains and appurtenances on the Property, and

WHEREAS, The existing easement for the sanitary sewer shall remain in force until the relocated sanitary sewer line is approved for operation by the Westchester County Department of Health, placed into operation and the former sanitary sewer line is abandoned, and

WHEREAS, The existing easement (Liber 6754 Page 41) for the storm water system shall be terminated and no further in force as of the date of the filing of this easement agreement in the Westchester County Clerk’s Office, and

WHEREAS, Grantee wishes to obtain, and Grantor is willing to grant to Grantee, an easement (the “Easement”) for sanitary sewer and storm water mains and appurtenances installed by the Grantor (collectively, the “Utilities”) in, on, under, over and upon a portion of the Property, which are further described on Schedule B annexed (the “Easement Area”) and shown on a survey map titled “Sewer As Built Survey of Property Situated in the Town of Cortlandt, Village of Croton-on-Hudson, Westchester County, New York” dated January 4, 2024 and prepared by JRL Land Surveying, P.C. (the “Survey”) Schedule C annexed; and

NOW, THEREFORE, for ten and 00/100 (\$10.00) Dollars and other good and valuable consideration, the parties agree as follows:

1. The foregoing recitals are incorporated herein as if set forth at length.
2. Subject to the terms of this Easement Agreement, Grantor hereby grants to Grantee a perpetual Easement in, under, and upon the Easement Area for the purposes of replacing, maintaining, altering, operating, and repairing the Utilities therein.
 - (a) Except in cases of emergency as determined by the Grantee, Grantee shall provide Grantor at least thirty (30) days prior written notice of its intention to replace the Improvements and ten (10) days prior written notice to maintain, and/or repair the Improvements.
 - (b) During any replacement, maintenance or repair of the Utilities, Grantee shall maintain the Easement Area in a safe manner and free of debris.
 - (c) After replacement, maintenance, or repair of the Utilities,

Grantee shall restore the surface of the earth as near as possible to its original condition through re-grading and re-seeding or restoration of pavement, and all trash and debris shall be removed by the Grantee. The Grantee shall have the right but not the obligation to maintain the Easement Area clear of woody vegetation.

(d) The Grantor shall not place any structure or building of any type, nature, or description, or plant any trees, within the Easement Area, and Grantor shall not change the elevation of the surface of the Easement Area from the existing elevation as shown on the Survey.

3. Grantee shall replace in kind any pavement, underground drains or other utilities, curbing, or other improvements damaged or disturbed during the installation, replacement, maintenance, or repair of the Utilities and while this easement is in effect, except that Grantee shall not be required to replace or restore any prohibited improvements such as buildings, structures or trees. Grantee's obligation shall be limited to re-grading and re-seeding or restoring pavement in the Easement Area.

4. Grantee shall hold harmless and indemnify Grantor from and against any costs, expenses or liabilities, including reasonable attorneys' fees, that may arise from Grantee's use of the Easement. At all times during which Grantee is entering up on the Easement Area for purposes of installing, replacing, maintaining, or repairing the Improvements, it shall maintain in full force and effect liability insurance in the minimum amount of One Million (\$1,000,000.00) Dollars naming Grantor, or their successors and assigns as additional insureds, and Grantee shall provide proof of such insurance upon Grantor's request from time to time. Prior to any entry upon the Easement Area for the

purposes set forth herein, Grantee shall provide Grantor a certificate of insurance issued by an insurance company licensed to do business in the State of New York and with an A.M Best rating of A or better.

5 This Easement, and the obligations of the parties, shall run with the land in perpetuity and shall bind the parties and their respective successors, heirs, executors, administrators, personal representatives, and assigns.

WHEREFORE, the parties have executed this instrument on the day and year first above written, intending that same be recorded in the Office of the Clerk of the County of Westchester, Division of Land Records.

GRANTOR:

Croton Riverside, LLC

By:

Ralph Rossi, Managing Partner

GRANTEE:

VILLAGE OF CROTON-ON-HUDSON

By:

Bryan Healy, Village Manager

STATE OF NEW YORK)
)ss.:
COUNTY OF WESTCHESTER)

On July , 2024, before me, the undersigned, personally appeared Ralph Rossi, on behalf of CROTON RIVERSIDE, LLC, 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 and acknowledged to me that he/she executed the same in his/her capacity and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public

STATE OF NEW YORK)
)ss.:
COUNTY OF WESTCHESTER)

On July , 2024, before me, the undersigned, personally appeared BRYAN HEALY, on behalf of the VILLAGE OF CROTON-ON-HUDSON, 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 and acknowledged to me that he/she executed the same in his/her capacity and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public

SCHEDULE A

stewart title

Title Number: 71107175

SCHEDULE A - DESCRIPTION REVISED 1/22/2021

ALL that certain plot, piece or parcel of land, situate, lying and being in the Village of Croton-on-Hudson, Town of Cortlandt, County of Westchester and State of New York, bounded and described as follows:

BEGINNING at a point at the southwesterly corner of Van Wyck Street, said point being the northwesterly corner of lands described as Parcel II in a deed from William T. Finney and Kathleen H. Finney, his wife, to Ralph C. Nogal and Dorothy A. Nogal, his wife, dated May 22, 1972 and recorded June 26, 1972 in Liber 7063 cp 435;

RUNNING THENCE along the westerly and southerly lines of the premises described in said deed, South 25 degrees 58 minutes 30 seconds East 100 feet and North 64 degrees 01 minute 30 seconds East 29.00 feet to a point;

RUNNING THENCE South 25 degrees 58 minutes 30 seconds East 50.00 feet; North 64 degrees 01 minute 30 seconds East 20.27 feet and South 25 degrees 58 minutes 30 seconds East 91.81 feet to a point on the northerly side of land now or formerly of Croton Time Corporation;

RUNNING THENCE along same South 82 degrees 04 minutes 20 seconds West 189.48 feet to a point on the easterly line of Riverside Avenue as relocated;

RUNNING THENCE along same, North 24 degrees 19 minutes West 79.80 feet;

North 16 degrees 44 minutes 50 seconds West 41.87 feet;

South 68 degrees 30 minutes West 15.20 feet; and

North 24 degrees 45 minutes West 117.22 feet to the southerly line of land now or formerly of Giordano;

RUNNING THENCE along same North 68 degrees 41 minutes East 31.57 feet; South 16 degrees 44 minutes 50 seconds East 3.82 feet and North 64 degrees 01 minute 30 seconds East 103.67 feet to a point on the westerly line of land now or formerly of II Liberty Street Corp.;

RUNNING THENCE along same and continuing along the westerly end of Van Wyck Street South 25 degrees 58 minutes 30 seconds East 50 feet to the point or place of BEGINNING.

FOR CONVEYANCING ONLY: TOGETHER with all right, title and interest of the party of the first part, of, in and to any streets and roads abutting the above described premises to the center lines thereof.

Premises more currently described as follows:

ALL that certain plot, piece or parcel of land, situate, lying and being in the Village of Croton-on-Hudson, Town of Cortlandt, County of Westchester and State of New York, bounded and described as follows:

BEGINNING at a point on the easterly side of South Riverside Drive at the division line between tax lots 42 and 43 in block 5, section 78.8;

RUNNING THENCE along said division line, the following three (3) courses and distances:

- 1) THENCE North 68 degrees 41 minutes 00 seconds East, 31.57 feet;
- 2) THENCE South 16 degrees 44 minutes 50 seconds East, 3.82 feet;
- 3) THENCE North 64 degrees 01 minutes 30 seconds East, 102.74 feet;

THENCE partly along land now or formerly of Liberty Street Corp and along the westerly side of Van Wyck Street and land formerly of R. Nugal, now or formerly of Maf Realty, South 25 degrees 58 minutes 30 seconds East, 150.00 feet;

THENCE still along land formerly of R. Nugal, now or formerly of Maf Realty, North 64 degrees 01 minutes 30 seconds East, 29.00 feet to land formerly of Finn, now or formerly of Sochurek;

THENCE along said land formerly of Finn, now or formerly of Sochurek, the following two (2) courses and distances:

- 1) THENCE South 25 degrees 58 minutes 30 seconds East, 50.00 feet;
- 2) THENCE North 64 degrees 01 minutes 30 seconds East, 20.27 feet to land formerly of S. Gundersen, now or formerly of Liss;

THENCE along land formerly of S. Gundersen, now or formerly of Liss, South 25 degrees 58 minutes 30 seconds East, 91.81 feet to land formerly of Hudson Valley Times Corp., now or formerly of Hudson Valley Ventures;

THENCE along said land formerly of Hudson Valley Times Corp., now or formerly of Hudson Valley Ventures, South 82 degrees 04 minutes 20 seconds West, 189.48 feet to the easterly side of South Riverside Drive;

THENCE along the easterly side of South Riverside Drive, the following four (4) courses and distances:

- 1) THENCE North 24 degrees 19 minutes 00 seconds West, 79.80 feet;
- 2) THENCE North 16 degrees 44 minutes 50 seconds West, 41.87 feet;
- 3) THENCE South 68 degrees 30 minutes 00 seconds West, 15.20 feet;
- 4) THENCE North 24 degrees 45 minutes 00 seconds West, 117.22 feet to the division line between tax lots 42 and 43 in block 5, section 78.8 and the point or place of BEGINNING.

FOR CONVEYANCING ONLY: TOGETHER with all right, title and interest of the party of the first part, of, in and to any streets and roads abutting the above described premises to the center lines thereof.

SCHEDULE A (con't)



Title Number: 71110498

SCHEDULE A - DESCRIPTION

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Village of Croton-on-Hudson, Town of Cortlandt, County of Westchester and State of New York, being more particularly bounded and described as follows:

BEGINNING at the point of intersection of the easterly line of North Riverside Avenue as relocated and the southerly line of lands now or formerly of Henes;

RUNNING THENCE along said southerly line of lands now or formerly of Henes, North 68 degrees 46 minutes 40 seconds East 131.90 feet to a point on the westerly line of lands now or formerly of 11 Liberty Street Corp.;

RUNNING THENCE along same, South 25 degrees 58 minutes 30 seconds East 95.50 feet to a point on the northerly line of lands now or formerly of Riverside Avenue Associates;

RUNNING THENCE along same, the following courses and distances:

South 64 degrees 01 minute 30 seconds West 102.74 feet;

North 16 degrees 44 minutes 50 seconds West 3.82 feet; and

South 68 degrees 41 minutes 00 seconds West 31.57 feet to a point on the easterly line of North Riverside Avenue;

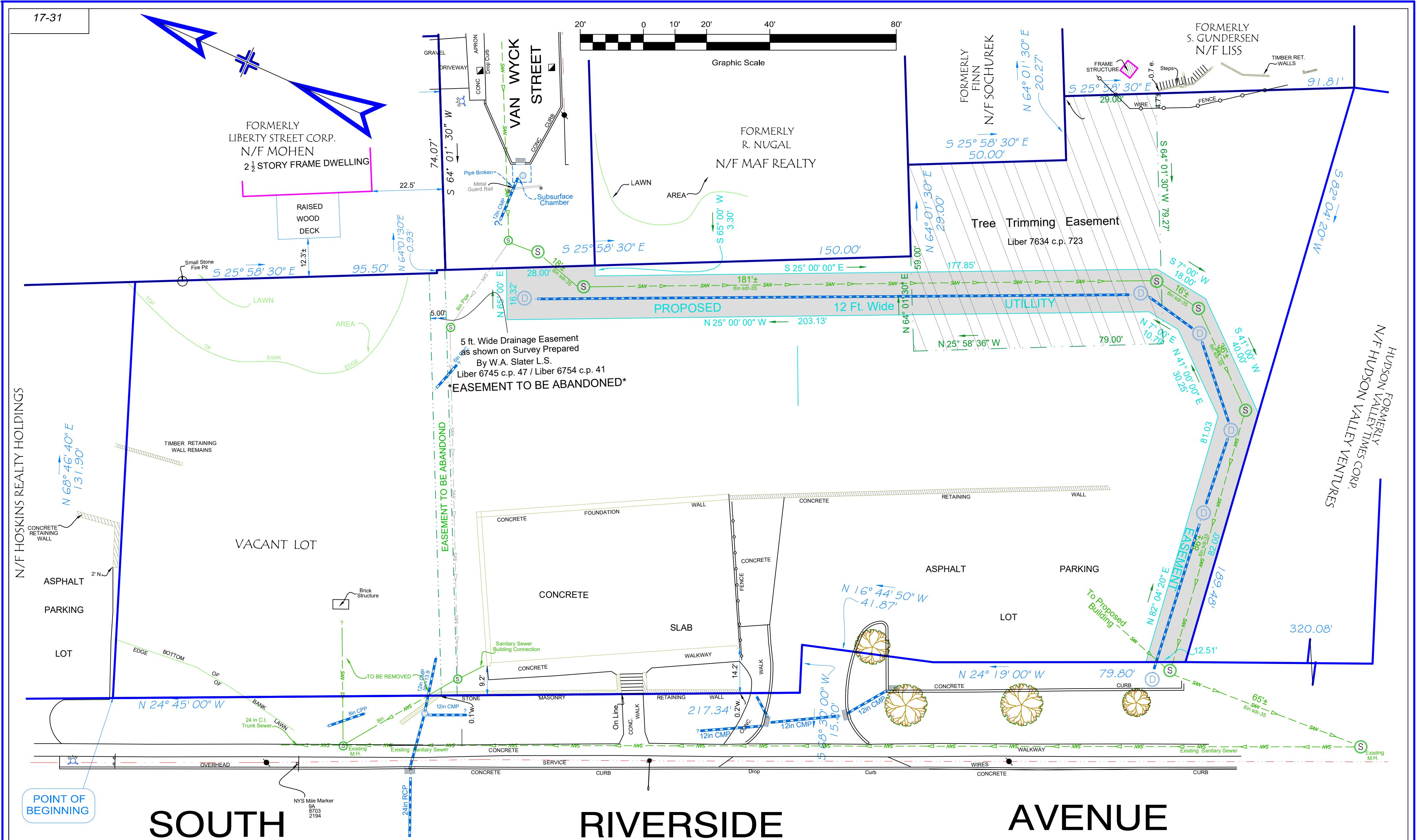
RUNNING THENCE along same, North 24 degrees 45 minutes 00 seconds West 100.12 feet to the point or place of BEGINNING.

FOR CONVEYANCING ONLY: TOGETHER with all right, title and interest of the party of the first part, of, in and to any streets and roads abutting the above described premises to the center lines thereof.

Schedule B

TO BE PROVIDED BY SURVEYOR

SCHEDULE C



SEWER AS BUILT SURVEY
OF PROPERTY SITUATE IN THE
TOWN OF CORTLANDT
VILLAGE OF CROTON ON HUDSON
WESTCHESTER COUNTY
NEW YORK

SCALE : 1"= 20'
SURVEYED : JANUARY 4, 2024

- PREMISES ARE DESIGNATED ON THE TAX MAPS FOR THE TOWN OF CORTLANDT / VILLAGE OF CROTON-ON-HUDSON MAP 78.80 * BLOCK 5 * LOT 43 PROPERTY AREA = 52,493 Sq. Ft. Address: 25 South Riverside Avenue
- THE PREMISES SHOWN HEREON BEING THE SAME AS SHOWN ON A MAP ENTITLED "CONSOLIDATION SUBDIVISION MAP FOR CROTON RIVERSIDE LLC" AND FILED IN THE WESTCHESTER COUNTY CLERK'S OFFICE DIVISION OF LAND RECORDS AS MAP No. 29601.
- UNAUTHORIZED ALTERATION OR ADDITION 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 LAWS.
- ONLY COPIES FROM THE ORIGINAL OF THIS SURVEY MARKED WITH AN ORIGINAL OF THE LAND SURVEYOR'S SEAL SHALL BE CONSIDERED TO BE TRUE VALID COPIES.
- THE OFFSETS SHOWN ARE FOR INFORMATIONAL PURPOSE ONLY. THEY ARE NOT INTENDED TO ESTABLISH PROPERTY LINES FOR THE ERECTION OF FENCES, STRUCTURES OR ANY OTHER IMPROVEMENT.



Joseph R. Link

JOSEPH R. LINK
NEW YORK STATE LICENSED
LAND SURVEYOR NO. 050456



NEW YORK STATE LICENSED
LAND SURVEYOR SEAL

Phone: 914-941-1440 Web <http://jrlsurveying.com>