

UTILITY EASEMENT AGREEMENT

EASEMENT AGREEMENT made this _____ day of _____, 2025 by Robert Abbruzzese, with an address at 8 Loonto Street, Croton-on-Hudson (hereinafter collectively 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 "Village").

WITNESSETH:

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 8 Loonto Street and designated on the tax maps of the Village of Croton-on-Hudson and Town of Cortlandt as Section 68.17 Block 3, Lot 30 being further described on Schedule A annexed; and

WHEREAS, Village wishes to construct a drainage easement to allow surface water to continue natural flow through the existing property; and

WHEREAS, in furtherance of the Project, the Village wishes to acquire an exclusive easement over that portion of the Property more particularly described on Schedule B annexed and shown on the Survey attached as Schedule C (the "Easement Area"), for municipal purposes including but not limited to the installation, maintenance and repair of the drainage easement, (the "Easement"); 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. Grantor hereby grants to Village a perpetual exclusive Easement in, under, and upon the Easement Area together with the right to enter upon said Easement Area and utilize same for municipal purposes in Village's sole and absolute discretion. Municipal purposes shall include without limitation the installation, replacement, maintenance, alteration, operation, and repair of a water main extension within the Easement Area (the "Work"). In so performing such Work, Village shall maintain the Easement Area in a safe manner and free of debris to the extent practical. If work is performed, the Village sole obligation shall be limited to rough grading and re-seeding of impacted areas.
3. Except in cases of emergency as determined by the Village in Village's sole discretion, Village shall provide Grantor at least ten (10) days prior written notice of its intention to perform any of the Work within the Easement Area.
4. The Easement Agreement shall be superior to that certain Mortgage in Control No. 470870721 held of record by Mortgage Electronic Registration Systems Inc-Nominee. as Fremont Investment Loan. Grantor shall provide Village with advance notice of any future mortgage, encumbrance or sale of the Property or any portion thereof. Same shall be subordinate to this

Easement, and Owner shall take such actions as shall be required to cause same to be subordinated to the Easement to the satisfaction of Village and its successors and assigns.

5. 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, and Village shall not be responsible for repair or replacement of any such prohibited improvements if same are removed in relation to work undertaken hereunder.
6. Village shall hold harmless and indemnify Grantor from and against any costs, expenses or liabilities, including reasonable attorneys' fees, that may arise from Village's use of the Easement in accordance with the terms hereof.
7. 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.

Robert Abbruzzese

Village of Croton-on-Hudson

By: _____
Bryan T. Healy, Village Manager

[ACKNOWLEDGEMENTS ON NEXT PAGE]

SCHEDULE A

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, known and designated as Parcel 6 on a map entitled, "Delia Estates" made by W.A. Slater, Jr., PE & LS, dated January 2, 1973 and filed in the Office of the Clerk of Westchester County on July 5, 1973 as Map No. 18006 and a plot of land adjoining said Parcel 6 to the north, which said Parcel 6 and adjoining plot, when taken together as a whole, are more particularly bounded and described as follows:

BEGINNING at a point on the Westerly dead-end of Loconto Street, said point being the southwesterly corner of Loconto Street;

THENCE North 61 degrees 04' 30" W. 0.20 feet to a point;

THENCE South 28 degrees 24' 40" W. 65.00 feet to a point;

THENCE North 47 degrees 24' 15" W. 148.71 feet to a point;

THENCE North 29 degrees 51' 05" W. 60.00 feet to a point and the easterly side of a private roadway;

THENCE northerly along said private roadway on a curve to the left having a radius of 750.00 feet for an arc distance of 140.88 feet to a point;

THENCE South 59 degrees 05' E. 118.18 feet to a point;

THENCE South 26 degrees 02' 30" E. 151.67 feet to a point;

THENCE South 63 degrees 58' 40" E. 26.13 feet to a point and the westerly side of Loconto Street aforesaid;

THENCE along the westerly dead-end of Loconto Street South 27 degrees 21' 30" West 31.16 feet to the point or place of BEGINNING.

Being and intended to be part of the premises conveyed to the grantors by deeds recorded in Liber 6861 Cp 717 and Liber 7523 cp 660.

SCHEDULE B

Utility Easement

ALL those certain plots, pieces or parcels 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:

All that certain plot, piece or parcel of land, situated and lying and being in the Town of Cortlandt, village of Croton on Hudson, County of Westchester and State of New York, Being a 12 foot wide drainage easement for the Village of Croton on Hudson being bounded and described as follows:

Beginning at a point on the division line between the Land now or formerly Abbruzzese and the westerly end of Loconto Street said point being distant north $27^{\circ} 21' 30''$ East 6.16 feet from the southerly side of Loconto Street:

Running Thence through land Now or Formerly Abbruzzese in a southwesterly direction with a radial bearing of South $26^{\circ} 30' 30''$ West on a curve to the left having a radius of 89.54 feet length 79.00 feet delta $50^{\circ} 33' 07''$ to a point;

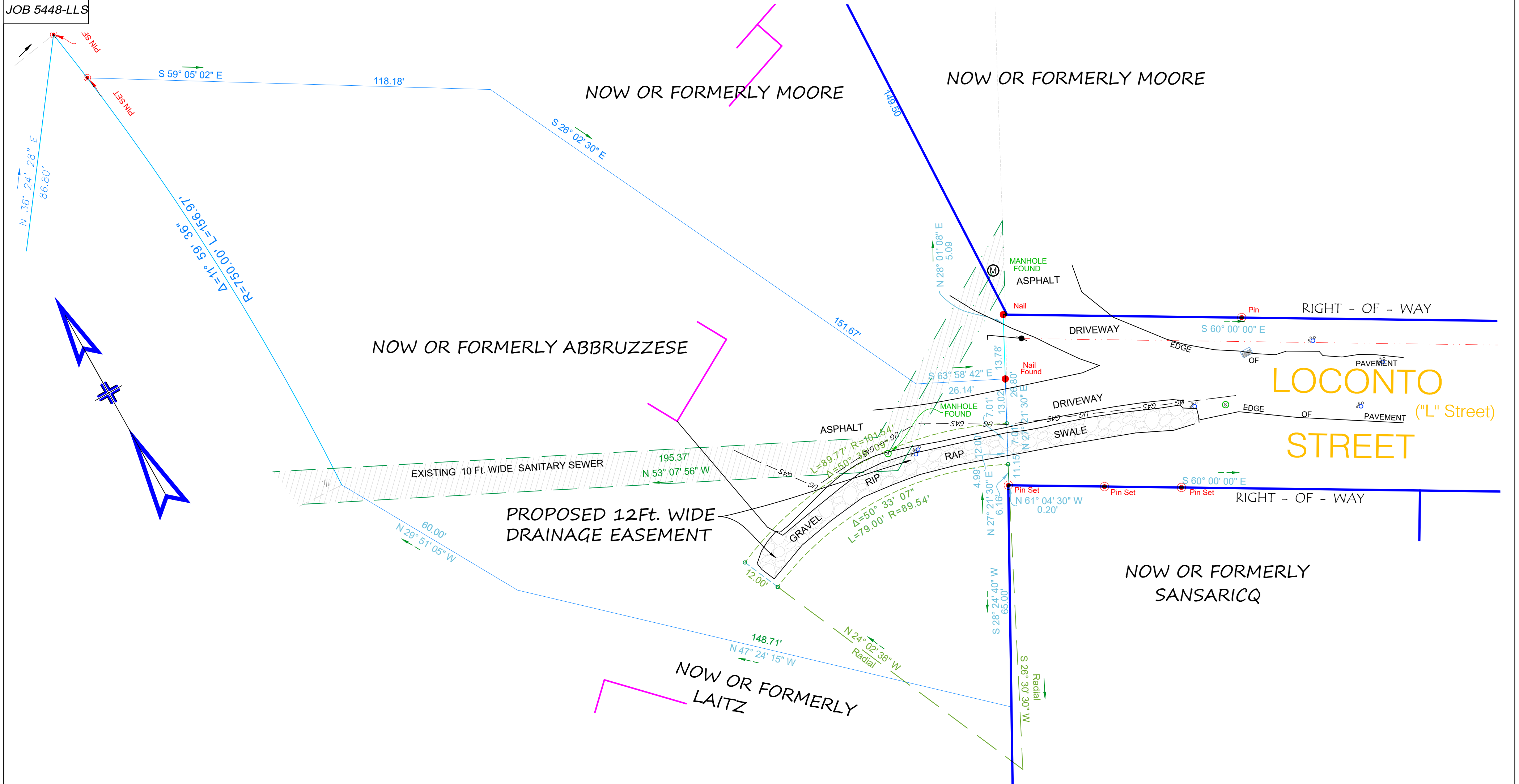
Running Thence North $24^{\circ} 02' 38''$ West 12.00 feet to a point:

Running Thence on a curve to the right in a northeasterly direction having a radius of 101.54 feet length 89.77 feet delta $50^{\circ} 39' 09''$ to the westerly end of Loconto Street:

Running Thence along the westerly line of Loconto Street South $27^{\circ} 21' 30''$ West 12.00 feet to the point and place of beginning.

SCHEDULE C

SURVEY



PREMISES ARE DESIGNATED ON THE TAX MAPS FOR THE TOWN OF CORTLANDT / VILLAGE OF CROTON ON HUDSON MAP 68.17 * BLOCK 3 * LOT 30 Address: 8 LOCONTO STREET

THE PREMISES SHOWN HEREON BEING THE SAME AS DESCRIBED IN CONTROL No. 440831625 AND FILED IN THE WESTCHESTER COUNTY CLERK'S OFFICE DIVISION OF LAND RECORDS

ALSO A PORTION OF THE PROPERTY BEING DEPICTED AS PARCEL 6 ON A MAP ENTITLED "DELIA ESTATES" MADE BY W.A. SLATER JR. P.E. L.S. DATED JANUARY 2, 1973 AND FILED IN THE WESTCHESTER COUNTY CLERK'S OFFICE DIVISION OF LAND RECORDS AS MAP No. 18006

ENCROACHMENTS BELOW GRADE AND/OR SUBSURFACE FEATURES, IF ANY, NOT LOCATED OR SHOWN HEREON.

SURVEY IS SUBJECT TO ANY STATE OF FACTS WHICH AN UP-TO-DATE TITLE EXAMINATION MAY DISCLOSE.

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.

THIS MAP WAS PREPARED FROM AN ACTUAL FIELD SURVEY CONDUCTED ON THE DATE SHOWN AND THAT SAID SURVEY WAS PERFORMED IN ACCORDANCE WITH THE EXISTING "CODE OF PRACTICE FOR LAND SURVEYS" ADOPTED BY THE NEW YORK STATE ASSOCIATION OF PROFESSIONAL LAND SURVEYORS.

PREPARED FOR:

VILLAGE OF CROTON ON HUDSON

DRAINAGE EASEMENT MAP OF PROPERTY
 SITUATE IN THE
TOWN OF CORTLANDT
VILLAGE OF CROTON ON HUDSON
WESTCHESTER COUNTY
NEW YORK

SCALE : 1" = 20'
 MAP PREPARED : JULY 16, 2024



Graphic Scale



Joseph R. Link
 JOSEPH R. LINK

NEW YORK STATE LICENSED
 LAND SURVEYOR NO. 050456

NEW YORK STATE LICENSED
 LAND SURVEYOR SEAL

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