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JOHN R KENNEDY ESQ
66 N MAIN ST
CANANDAIGUA NY 14424

PROPERTY DEVELOPMENT OF WNY IN
C
CANANDAIGUA TOWN

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Instrument EASEMENT

Date : 4/16/2009

Time : 12:50:30

Control # 200904160095

IN # IN 2009 004423

T/T # TX 2009 002526

Employee ID COUNTER1

RECORDING	\$	41.00
SURCHARGE	\$	4.75
SURCHARGE	\$	14.25
TRANS TAX	\$.00
TP-584	\$	5.00
	\$.00
	\$.00
	\$.00
	\$.00

Total: \$ 65.00

STATE OF NEW YORK
ONTARIO COUNTY CLERK'S OFFICE

THIS SHEET CONSTITUTES THE CLERK'S ENDORSE-
MENT REQUIRED BY SECTION 316-A (5) AND
SECTION 319 OF THE REAL PROPERTY LAW OF THE
STATE OF NEW YORK. ** DO NOT DETACH **

JOHN H. COOLEY
COUNTY CLERK

TRANSFER TAX

TRANSFER AMT \$.00

TRANSFER TAX \$.00



200904160095

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GRANT OF CONSERVATION RESTRICTION

COPY

THIS GRANT, made the 3 day of April, 2009 by PROPERTY DEVELOPMENT OF WNY, INC., a domestic Corporation with offices at 3556 East Lake Road, Canandaigua, New York 14424 (the "Grantor") to the TOWN OF CANANDAIGUA, a municipal Corporation with its principal office at 5440 Routes 5 & 20 West, Canandaigua, New York, 14424 (the "Town").

WITNESSETH

WHEREAS, the Grantor is the owner in fee simple of certain real property in the Town known as the Fox Ridge Subdivision Lots, 53, 54, 55, 56 and 57 as shown on a Plat Map entitled "Fox Ridge Subdivision-Phase 5B" prepared by Professional Engineering Group, dated February, 2007; and

WHEREAS, portions of the Grantor's property contain environmentally significant areas which have natural, scenic and aesthetic characters which the Grantor and the Town desire to conserve and protect in perpetuity; and

WHEREAS, the Town desires that certain portions of the Grantor's property remain in their natural state in order to preserve such environmentally significant areas; and

WHEREAS, the Grantor has agreed to a restriction in order to preserve these environmentally sensitive areas (the "Grant") and to reduce the grant to writing.

NOW, THEREFORE, in consideration of one dollar and other good and valuable consideration, the Grantor hereby grants to the Town, its successors, assigns or special districts, as follows:

1. A permanent restriction over that portion of Grantor's lands as described in Schedule A attached (the "Restricted Area").

2. The following activities are prohibited within the Restricted Area unless written consent is first obtained from the Town and any other appropriate governmental agency.

- a. Construction, including, but not limited to construction of any building, structure, barns or sheds for animals and livestock, fences, satellite dishes, signs, swings or other children's play equipment and swimming pools.
- b. The pasturing or housing of animals and livestock.
- c. Clear-cutting of trees or removal of vegetation or other ground cover.

John R. Kennedy
46 North Main St.
Canandaigua, NY 14424

- d. The location of septic or other sewage disposal systems.
- e. The use or deposit of fertilizers, pesticides, herbicides, toxic wastes or other hazardous substances.
- f. The filling, changing or disturbing of natural wetlands.
- g. The construction, use or location of roads, driveways, bridges or other structures for the purpose of crossing streams or wetlands. If permitted, such roads, driveways or bridges will be constructed perpendicular to the stream.
- h. Any change to the natural flow of a stream or disturbance of a stream or stream bed.
- i. The use of motorized vehicles, including, but not limited to A.T.V.'s, motorcycles, snowmobiles, motorbikes, or other motorized vehicles.
- j. Any change to the topography of the land.
- k. The location of detention and retention drainage facilities.

COPY

3. Grantor shall remain responsible for maintenance of the Restricted Area in accordance with this Grant. In the event that Grantor fails to maintain the Restricted Area in accordance with this Grant, then upon 30 days written notice to the Grantor, the Town shall have the right to enter onto the Restricted Area for the purpose of safeguarding the Restricted Area, and charge the Grantor for such reasonable expenses incurred therefore, including such reasonable expenses (including attorney fees) incurred in connection with enforcing the terms of this Grant. In the event of an emergency which threatens the public health, safety and general welfare, the Town shall have the right to enter upon the Restricted Area immediately without notice to the Grantor. In any event, the Town shall leave the Restricted Area in as good condition as found.

4. The Grantor, its successors and assigns, reserves the full use and quiet enjoyment of the Restricted Area, except for the purposes granted herein to the Town. The grants affecting the Restricted Area will not limit or restrict the Grantor's use of the Restricted Area, except as provided therein.

5. These restrictions shall run with the land and bind each subsequent owner of each lot included in the property, including their heirs, administrators, successors and assigns, and any successor in interest to the Grantor shall assume the responsibility and liability of the Grantor as set forth in par. 3 hereinabove, with respect to the successor's respective lot.

IN WITNESS WHEREOF, the undersigned has set his hand and seal as of the
3 day of April, 2009.

PROPERTY DEVELOPMENT OF WNY, INC.

By Henry Eiffert
Henry Eiffert, President

COPY

STATE OF NEW YORK)

) ss.:

COUNTY OF ONTARIO)

On the 3rd day of April in the year 2009 before me personally came Henry Eiffert to me known, who, being by me duly sworn, did depose and say that he/she/they reside(s) at 3558 East Lake Rd, Canandaigua, NY (if the place of residence is in a city, include the street and street number, if any, thereof); that he/she/they is (are) the (president or other officer or director or attorney in fact duly appointed) of the (name of the corporation), the corporation described in and which executed the above instrument; and that he/she/they signed his/her/their name(s) thereto by authority of the board of directors of said corporation.

Ann E. Mulheron
Notary Public

Signature and office of person taking acknowledgment.
ANN E. MULHERON
Notary Public, State of New York
Ontario County #4793140 2/28/10
Commission Expires

COPY

CONSERVATION EASEMENT
CE - 3

All that tract or parcel of land situate in the Town of Canandaigua, County of Ontario, State of New York and being more particularly described as follows:

BEGINNING at an iron pin in the northeast corner of Lot 53 of Fox Ridge Subdivision Phase V B

Thence South 01 51'29"East in the easterly line of Lots 53, 54, 55, 56 and 57 a distance of 928.54 feet to a point;

Thence North 77 04'04"West in the southerly line of Lot 57 a distance of 191.32 feet to a point;

Thence North 06 00'26"East through Lot 57 and Lot 56 a distance of 212.97 feet to a point;

Thence North 08 23'51"West through Lot 56, Lot 55 and Lot 54 a distance of 290.95 feet to a point;

Thence North 32 44'39"West through Lot 54 and Lot 53 a distance of 270.12 feet to a point in the northerly line of Lot 53;

Thence North 63 51'09"East in the northerly line of Lot 53 a distance of 359.46 feet to the POINT AND PLACE OF BEGINNING.