TOWN OF CANANDAIGUA

STATE OF NEW YORK COUNTY OF ONTARIO

In the Matter of the Dedication of

WARRANTY DEED

\_\_\_\_\_\_[ROAD OR UTILITY TO BE DEDICATED]\_\_

DEDICATION

APPLICATION

to the Town of Canandaigua

RELEASE OF

DAMAGES

by \_\_\_\_[NAME OF DEVELOPER]\_\_\_\_\_\_\_\_\_\_\_\_\_\_

in the \_\_[NAME OF PROJECT]\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

THIS INDENTURE, made this \_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_\_, between \_\_\_[DEVELOPER NAME]\_\_\_\_\_\_\_, having an office at \_\_\_[ADDRESS]\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, hereinafter referred to as “Grantor,” and the Town of Canandaigua, a municipal corporation having its principal place of business at 5440 Routes 5 & 20; Canandaigua, NY 14424, hereinafter referred to as “Grantee.”

WITNESSETH, that the Grantor, in consideration of $1.00 lawful money of the United States paid by the Grantee, does hereby grant and release unto the Grantee, its successors and/or assigns forever,

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Canandaigua, County of Ontario, and State of New York, more particularly described in SCHEDULE A which is attached hereto and made a part herein.

Together with the appurtenances and all of the estate rights of the Grantor in and to the said premises. To have and to hold unto the Grantee, its successors and assigns forever.

The Grantor hereby covenants that nothing has been done or suffered whereby said premises have been encumbered in any way whatever and that the Grantee shall quietly enjoy the said premises and further that the Grantor will forever WARRANT the title to said premises.

The Grantor hereby dedicates, releases and conveys the above-described lands to the Grantee for highway and other municipal purposes.

The Grantor hereby applies to the Town Superintendent of Highways to make an order laying out a highway over and on the lands hereinbefore described and dedicated above and further requests the Town Board of the Town of Canandaigua consent thereof.

The Grantor hereby releases the Grantee from any and all damages that it may suffer, directly or indirectly, by reason of the laying out and opening of said highway.

Together with all monuments, water lines, hydrants, culverts, sanitary and storm sewer lines or mains lying within said highways and above described premises are dedicated, released, and conveyed to the Grantee for highway purposes and all other public uses, including the right to construct and maintain underground conduits for water, gas, sewers, electric and other necessary lines, pipes, mints, conduits or wires for public benefit.

Grantor agrees that it will assume full responsibility and liability for any and all claims against the Grantee arising out of the construction of said streets, and will assume full responsibility and liability for maintenance of said streets during the life of the maintenance bond which is filed for [NAME OF PROJECT] with the Grantee, and it will hold and save harmless the Grantee, its successors, assigns and special improvement districts, for any and all claims by it, its assigns, grantees, invitees or the general public incurred on said streets or easements during that period.

IN WITNESS WHEREOF, the Grantor has signed these presents this, \_\_\_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_\_.

[GRANTOR NAME]

By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_[NAME]\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_[TITLE]\_\_\_\_\_\_\_\_\_\_\_\_\_\_

STATE OF NEW YORK }

COUNTY OF [COUNTY] }ss.:

On the \_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ in the year 20\_\_\_\_ before me, the undersigned a notary public in and for the State of New York, personally appeared \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity, and that by his/her/their signature(s) on the instrument, the individual, or the person upon behalf of which the individual(s) acted, executed the instrument.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Notary Public

Record and return to: Town of Canandaigua Town Clerk

5440 Routes 5 & 20

Canandaigua, NY 14424

TOWN OF CANANDAIGUA

STATE OF NEW YORK COUNTY OF ONTARIO

In the Matter of the Dedication of

\_\_\_\_\_\_[ROAD OR UTILITY TO BE DEDICATED]\_\_

RELEASE

to the Town of Canandaigua

by \_\_\_\_[NAME OF DEVELOPER]\_\_\_\_\_\_\_\_\_\_\_\_\_\_

in the \_\_[NAME OF PROJECT]\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

IN CONSIDERATION of the acceptance by the Town of Canandaigua of the dedication of the premises in the above-captioned matter, the undersigned, [COMPANY NAME], having an office at [ADDRESS OF COMPANY], (“Developer”), consents to the laying out of these highways and releases said Town of Canandaigua, its Town Superintendent of Highways, the County of Ontario, all State and Federal Agents and/or other officials, together with the workmen and employees thereof from any and all damages arising by reason of the work performed by or at the direction of the Developer or its agents in the construction, reconstruction, laying out and improvements of said premises as public highways.

[NAME OF DEVELOPER]

By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_[NAME]\_\_\_\_\_\_\_\_\_\_,

\_\_\_\_\_TITLE]\_\_\_\_\_\_\_\_\_\_\_

STATE OF NEW YORK }

COUNTY OF [COUNTY] } ss.:

On the \_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ in the year 20\_\_\_\_\_ before me, the undersigned a notary public in and for the State of New York, personally appeared \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity, and that by his/her/their signature(s) on the instrument, the individual, or the person upon behalf of which the individual(s) acted, executed the instrument.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Notary Public

TOWN OF CANANDAIGUA

STATE OF NEW YORK COUNTY OF ONTARIO

In the Matter of the Dedication of

BILL

\_\_\_\_\_\_[ROAD OR UTILITY TO BE DEDICATED]\_\_ OF

SALE

to the Town of Canandaigua

by \_\_\_\_[NAME OF DEVELOPER]\_\_\_\_\_\_\_\_\_\_\_\_\_\_

in the \_\_[NAME OF PROJECT]\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

KNOW ALL MEN BY THESE PRESENTS,

THAT [COMPANY NAME] , having an office at [ADDRESS OF COMPANY], party of the first part, for and in consideration of sum of ONE DOLLARS ($1.00), lawful money of the United States to it in hand paid, at or before the unsealing and delivery of these presents by the TOWN OF CANANDAIGUA, 5440 Routes 5 & 20; Canandaigua, NY 14424 1000, party of the second part, the receipt whereof is hereby acknowledged, has bargained and sold, and by these presents does grant and convey unto the said party of the second part, its successors and assigns thereof:

All monuments, sewer lines, water lines, pumps and other appurtenances and any other improvements included within the real estate described on the attached Schedule A.

TO HAVE AND TO HOLD the same unto the said party of the second part, its successors and assigns forever. AND it does for its successors and assigns, covenant and agree to and with the said party of the second part, to warrant and defend the sale of the aforesaid items hereby sold unto the said party of the second part, its successors and assigns, against all and every person and persons whomever.

IN WITNESS WHEREOF, the party of the first part has caused these presents to be signed by its [PROPER INDIVIDUAL] (or) [CORPORATE OFFICERS] and caused its [PROPER INDIVIDUAL] (or) [CORPORATE SEAL] to be hereto affixed, this \_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_\_.

[GRANTOR NAME]

By:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_[NAME]\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_[TITLE]\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

STATE OF NEW YORK }

COUNTY OF [COUNTY] }ss.:

On the \_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ in the year 20\_\_\_\_ before me, the undersigned a notary public in and for the State of New York, personally appeared \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity, and that by his/her/their signature(s) on the instrument, the individual, or the person upon behalf of which the individual(s) acted, executed the instrument.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Notary Public

TOWN OF CANANDAIGUA

STATE OF NEW YORK COUNTY OF ONTARIO

In the Matter of the Dedication of

\_\_\_\_\_\_[ROAD OR UTILITY TO BE DEDICATED]\_\_ HOLD HARMLESS

AND

to the Town of Canandaigua INDEMNITY AGREEMENT

by \_\_\_\_[NAME OF DEVELOPER]\_\_\_\_\_\_\_\_\_\_\_\_\_\_

in the \_\_[NAME OF PROJECT]\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

To the fullest extent provided by law, the undersigned and all of its employees, agents, and assigns agree to indemnify and hold harmless the Town of Canandaigua, a New York State municipal corporation, from and against any and all liability, loss, or damage from any claims, demands, payments, suits, actions, recoveries and judgments of any nature and description brought or recovered against it, including reasonable attorneys fees by reason of any act or conduct, including negligence, omission, tortious act, willful conduct or otherwise of [NAME OF DEVELOPER], its agents or representatives, arising out of the construction, engineering, maintenance, or dedication related to the above-referenced project.

[DEVELOPER NAME]

By:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_[NAME]\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_[TITLE]\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

STATE OF NEW YORK }

COUNTY OF [COUNTY] }ss.:

On the \_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ in the year 20\_\_\_\_ before me, the undersigned a notary public in and for the State of New York, personally appeared \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity, and that by his/her/their signature(s) on the instrument, the individual, or the person upon behalf of which the individual(s) acted, executed the instrument.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Notary Public

TOWN OF CANANDAIGUA

STATE OF NEW YORK COUNTY OF ONTARIO

In the Matter of the Dedication of

\_\_\_\_\_\_[ROAD OR UTILITY TO BE DEDICATED]\_\_

OFFER OF

to the Town of Canandaigua CESSION

by \_\_\_\_[NAME OF DEVELOPER]\_\_\_\_\_\_\_\_\_\_\_\_\_\_

in the \_\_[NAME OF PROJECT]\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

THIS IRREVOCABLE OFFER OF CESSION, made this \_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_ is made by \_\_\_\_[NAME OF DEVELOPER]\_\_\_, whose principal place of business is located at \_\_\_[ADDRESS OF DEVELOPER]\_\_\_, hereinafter referred to as “Developer” to the Town of Canandaigua, a municipal corporation whose principal place of business is located at 5440 Routes 5 & 20, Canandaigua, NY 14424, hereinafter referred to as “Canandaigua.”

WHEREAS, Developer is the owner of certain lands located within the Town of Canandaigua, County of Ontario, State of New York, more particularly described in a deed recorded in the Ontario County Clerk’s Office in Liber \_\_\_\_\_ of Deeds at Page \_\_\_\_\_, which are shown on the attached map entitled \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, dated \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, prepared by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, and being further bounded and described as follows: SEE SCHEDULE A ATTACHED HERETO AND MADE A PART HEREIN.

WHEREAS, the Town of Canandaigua, as a condition for the dedication to and acceptance of the roads, utilities, public improvements, and easements required by the Town Highway and Water Superintendent and the Town Planning Board has required Developer to file with the Town a formal irrevocable offer of cession of the proposed subdivision roadways, utilities, public improvements, and easements.

NOW THEREFORE, Developer hereby irrevocably offers to grant, cede, and convey to Canandaigua all that tract, piece or parcel of land as is more particularly described in Schedule A annexed hereto, said property to be used for public purposes all as shown on the aforementioned map(s).

This irrevocable offer of cession shall continue indefinitely and may be accepted by the Town of Canandaigua at any time, it being the intent that this offer will be accepted at the discretion of the Town Board. It is expressly understood that the receipt of this offer of cession by the Town of Canandaigua, and/or the recording hereof, does not constitute any actual acceptance of the offer herein contained.

IN WITNESS WHEREOF, Developer has executed this irrevocable Offer of Cession as of the day and year first written above.

[NAME OF DEVELOPER]

By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_[NAME]\_\_\_\_\_\_\_\_\_\_,

\_\_\_\_\_TITLE]\_\_\_\_\_\_\_\_\_\_\_

STATE OF NEW YORK }

COUNTY OF [COUNTY] } ss.:

On the \_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ in the year 20\_\_\_\_\_ before me, the undersigned a notary public in and for the State of New York, personally appeared \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity, and that by his/her/their signature(s) on the instrument, the individual, or the person upon behalf of which the individual(s) acted, executed the instrument.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Notary Public