



ALBANY COUNTY – STATE OF NEW YORK  
 BRUCE A. HIDLEY COUNTY CLERK  
 16 EAGLE STREET, ALBANY, NEW YORK 12207

COUNTY CLERK'S RECORDING PAGE  
 \*\*\*THIS PAGE IS PART OF THE DOCUMENT – DO NOT DETACH\*\*\*



Recording:

Cover Page	5.00
Recording Fee	40.00
Cultural Ed	14.25
Records Management - Coun	1.00
Records Management - Stat	4.75

INSTRUMENT #: R2018-21999

Receipt#: 20180259771  
 Clerk: TR  
 Rec Date: 10/02/2018 10:21:24 AM  
 Doc Grp: D  
 Descrip: DEED, AGREEMENT  
 Num Pgs: 5  
 Rec'd Frm: THE UNIVERSITY AT ALBANY

Total: 65.00  
 \*\*\*\* NOTICE: THIS IS NOT A BILL \*\*\*\*

Party1: UNIVERSITY AT ALBANY FOUNDATION  
 Party2: HOLT-HARRIS JOHN III  
 Muni: GUILDERLAND TOWN

THIS PAGE CONSTITUTES THE CLERK'S  
 ENDORSEMENT, REQUIRED BY SECTION 316-a (5)  
 & 319 OF THE REAL PROPERTY LAW OF THE  
 STATE OF NEW YORK.

Record and Return To:

SASE/JANET THAYER

Bruce A. Hidley  
 Albany County Clerk

**RELEASE AND EXTINGUISHMENT OF RESTRICTIVE COVENANT SET  
FORTH IN DEED RECORDED IN LIBER 2334 AT PAGE 529**

This Agreement, made the <sup>9<sup>th</sup></sup> day of January, 2018 between

**THE UNIVERSITY AT ALBANY FOUNDATION**, with an office at UAB  
226, 1400 Washington Avenue, Albany, New York 12222, hereinafter "FOUNDATION",  
and

**JOHN E. HOLT-HARRIS, III**, residing at 18 Waverly Place, Albany, New York  
12203, hereinafter "HOLT-HARRIS", (The FOUNDATION and HOLT-HARRIS are  
collectively referred to herein as the "Parties"),

**WHEREAS**, the FOUNDATION is the owner of a 1.4-acre parcel of land more  
fully described in a deed from the Albany Collegiate Inter-faith Center dated November  
22, 2016 and recorded in the Albany County Clerk's Office on November 28, 2016 as  
Instrument No. R2016-28068, which premises is identified on the Albany County Tax  
Maps as Tax Lot No. 52.04-3-2, said parcel referred to herein as the "Center Parcel"; and

**WHEREAS**, the FOUNDATION is also the owner of two parcels of land  
adjoining the Center Parcel more fully described in the following two deeds:

1. Deed granted by Susan Holt-Harris dated December 15, 2015 and recorded  
in the Albany County Clerk's Office on December 18, 2015 in Instrument  
No. R2015-3196, which parcel is identified on the Albany County Tax  
Maps as Tax Lot No. 52.04-3-3; and
2. Deed granted by John E. Holt-Harris, III and Susan Holt-Harris dated  
December 15, 2015 and recorded in the Albany County Clerk's Office on  
December 18, 2015 in Instrument No. R2015-3199, which parcel is  
identified on the Albany County Tax Maps as Tax Lot No. 52.04-3-4.1  
(collectively the "FOUNDATION LANDS"); and

**WHEREAS**, HOLT-HARRIS is the owner of a parcel of land adjoining the  
FOUNDATION LANDS which is more fully described in a deed granted by John E. Holt-  
Harris, Jr., individually and as Executor of the Estate of Susan S. Holt-Harris, dated June  
7, 1999 and recorded in the Albany County Clerk's Office on June 8, 1999 in Liber 2631  
at Page 1036, which parcel is identified on the Albany County Tax Maps as Tax Lot No.  
52.04-3-4.2; and

Rel.

Janet M. Thayer, Esq.

P.O. Box 911

Builderland, NY

12084

**WHEREAS**, the Parties are desirous to release and extinguish a restrictive covenant which was created by John E. Holt-Harris, Jr. and Susan S. Holt-Harris in a deed conveying a portion of their land to The Albany Collegiate Interfaith Center by deed dated April 1, 1987 and recorded in the Albany County Clerk's Office on April 2, 1987 in Liber 2334 at Page 529, hereinafter the "Mutual Restrictive Covenant"; and

**WHEREAS**, the Mutual Restrictive Covenant created in the above referenced deed provides that:

"The parties of the first part [John E. Holt-Harris, Jr. and Susan S. Holt-Harris], for themselves, their heirs and assigns, covenant and agree that, so long as the party of the second part [The Albany Collegiate Interfaith Center] or its successors shall use and occupy the premises hereby conveyed for the purposes stated in the certificate of incorporation and the by-laws of the party of the second part, the parties of the first part shall keep an area immediately abutting the south property line of the premises hereby conveyed and southerly thereof, such area being fifty (50) feet in depth and two hundred sixty-five and thirty-two hundredths (265.32) feet in width, in an unimproved condition and "forever wild" as the term "forever wild" is commonly understood.

The party of the second part [The Albany Collegiate Interfaith Center] covenants and agrees for itself, its successors and assigns, that it will own, use and occupy the premises hereby conveyed for the purposes stated in the certificate of incorporation and the by-laws of the party of the second part and uses directly related thereto"; and

**WHEREAS**, the FOUNDATION and HOLT-HARRIS, as the successors in interest to lands formerly owned by John E. Holt-Harris, Jr. and Susan S. Holt-Harris (Tax Lot Nos. 52.04-3-2, 52.04-3-3, 52.04-3-4.1 and 52.04-3-4.2) desire to extinguish and terminate any rights or obligations of the Parties related to the Mutual Restrictive Covenant stated above

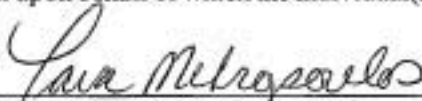
**NOW, THEREFORE**, the FOUNDATION and HOLT-HARRIS, being all of the owners of land above described which have a possible right to enforce the Mutual Restrictive Covenant, hereby extinguish said Mutual Restrictive Covenant set forth above and created in the deed recorded in the Albany County Clerk's Office as Liber 2334 at Page 519 and agree that they will have no further force and effect.

**AND** it is further mutually covenanted and agreed that this **AGREEMENT** shall run with the land and bind the respective heirs, successors and assigns of each of the parties hereto.



STATE OF NY )  
 ) ss.:  
COUNTY OF Albany )

On the 9<sup>th</sup> day of January in the year 2018, before me, the undersigned, personally appeared JOHN E. HOLT-HARRIS, III, 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(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

  
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Notary Public, State of New York

TARA MIKROPOULOS  
Notary Public, State of New York  
Qualified in Schenectady County  
No. 01MI5019938  
Commission Expires Nov. 01, 2021

Record and Return to: