

# This Indenture <sup>WIT 1688 1914 73</sup>

Made the 8th day of June, Nineteen Hundred and Sixty-one

**Between** ROBERT S. WALLACE and EMMA S. WALLACE, his wife, both residing at No. 107 Juneway Road, in the City of Syracuse, County of Onondaga and State of New York,

and  
parties of the first part, and

JOHN H. ROSENBACH and NAN ELLIOTT ROSENBACH, his wife both residing at No. 4264 Shimerville Road, in the Town of Clarence, Erie County, and State of New York,

part of the second part,

**Witnesseth**, that the parties of the first part, in consideration of

One ----- Dollar

(\$ 1.00 ) lawful money of the United States, and other good and valuable considerations paid by the part of the second part, do hereby grant and release unto the part of the second part,

and assigns forever, all that tract or parcel of land situated in the Town of Guilderland, County of Albany and State of New York, known and designated as Lots Numbers Three hundred seven (307), Three hundred eight (308) and Three hundred nine (309) on a certain plan of lots entitled "Country Club Highlands" situate in the Town of Guilderland, County of Albany and State of New York, surveyed for Arthur F. Pitkin and Benjamin F. Witbeck, by Leslie Allen, Surveyor, filed November 21, 1928 in the office of the County Clerk of Albany County, State of New York, as revised map of Elmwood Street, bounded and described as follows:

BEGINNING at a point in the westerly line of Elmwood Street distant Three hundred sixty-five (365) feet northerly from the point of intersection of said westerly line of Elmwood Street with the northerly line of Western Avenue, and running thence westerly, along a line at an angle of ninety (90) degrees with said westerly line of Elmwood Street, the distance of One hundred fifty (150) feet; thence northerly, parallel with said westerly line of Elmwood Street, the distance of Sixty (60) feet; thence easterly, along a line at an angle of ninety (90) degrees with said westerly line of Elmwood Street, the distance of One hundred fifty (150) feet, and thence southerly, along said westerly line of Elmwood Street, the distance of Sixty (60) feet to the point of beginning. Said lots in the aggregate comprise a rectangular area of sixty (60) feet by one hundred fifty (150) feet or nine thousand (9,000) square feet.

THE said premises are sold subject to the following restrictions: No building to be erected, other than a one family dwelling house appurtenances, and not less than 35 feet from the westerly line of Elmwood Street, except a porch or stoop, and at a cost of not less than \$7,000.00. No intoxicating liquors to be sold and no business or manufacturing carried on, on said premises. Said covenants as to restrictions are to be continuous and running with the land.

ALSO ALL that tract or parcel of land situate in the Town of Guilderland, County of Albany and State of New York, known and designated as Lots Numbers Three hundred forty-six (346), Three hundred forty-seven (347) and Three hundred forty-eight (348) on a certain plan of lots entitled "Country Club Highlands" in said Town of Guilderland, surveyed for Arthur F. Pitkin and Benjamin F. Witbeck by Leslie Allen, Surveyor, and filed November 21, 1928 in the Office of the County Clerk of Albany County, State of New York, as revised "Map of Elmwood Street" bounded and described as follows:

BEGINNING at a point in the easterly line of Fuller Road Three hundred sixty-five (365) feet northerly from the northerly line of Western Avenue and running easterly Seventy-nine (79) feet along a line at an angle of ninety (90) degrees with the westerly line of Elmwood Street; thence northerly Sixty (60) feet along a line parallel with said westerly line of Elmwood Street; thence westerly Sixty-seven (67) feet, four (4) inches along a line at an angle of ninety (90) degrees with said westerly line of Elmwood Street to the said easterly line of Fuller Road; thence southerly Sixty-one (61) feet, one and three-eighths (1-3/8) inches along said easterly line of Fuller Road to the point of beginning.

EXCEPTING and reserving therefrom all that piece or parcel of property hereinafter designated as Parcel No. 6, situate in the Town of Guilderland, County of Albany, State of New York, to be acquired in fee for the Fuller Road County Road F.A.S.S. No. 156, as shown on the map heretofore filed in the Albany County Clerk's Office and described as follows:

Parcel No. 6

BEGINNING At a point on the southeasterly boundary of existing Fuller Road highway at the intersection of the said boundary with the division line between the property of August and Marie O. Lux (reputed owners) on the south and the property of Robert S. and Emma S. Wallace (reputed owners) on the north, said point being 33+ feet distant southeasterly measured at right angles from Station 8+96+ of the hereinafter described survey baseline for the construction of the Fuller Road F.A.S.S. No. 156; thence easterly along said division line 15+ feet to a point 48 feet distant southeasterly measured at right angles from Station 8+99+ of the said base line; thence north 33°-33' east 61+ feet to a point on the division line between the property of Robert S. and Emma S. Wallace (reputed owners) on the south and the property of Roger H. & Olga H. Briggs (reputed owners) on the north, the last mentioned point being 48 feet distant southeasterly measured at right angles from Station 9+60+ of the said base line; thence westerly along said division line 14+ feet to its intersection with the southeasterly boundary of said existing highway, the last mentioned point being 34+ feet distant southeasterly measured at right angles from Station 9+57+ of the said base line; thence southwesterly along the last mentioned southeasterly boundary of said existing highway 61.12 feet to the point of BEGINNING, being 0.020 acres more or less. The above mentioned survey base line is a portion of the 1959 survey base line for the Fuller Road and is described as follows: Beginning at Station 5+00, thence north 33°-33' east 800 feet to Station 13+00. All bearings referred to True North.

THE said premises are sold subject to the following restrictions: No building to be erected other than a one-family dwelling house and appurtenances and not less than twenty (20) feet from said easterly line of Fuller Road. No intoxicating liquors to be sold and no business or manufacturing carried on on said premises. Said covenants as to restrictions to be continuous and running with the land.

BEING the same premises, except for the foregoing reservation, conveyed by Mary A. Snowden to the parties of the first part by deed

**Together** with the appurtenances and all the estate and rights of the part 1ca of the first part in and to said premises.

**To have and to hold** the premises herein granted unto the part of the second part. and assigns forever.

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**And** said Parties of the first part

covenant as follows-

**First** That the part of the second part shall quietly enjoy the said premises.

**Second** That said Parties of the first part

will forever **Warrant** the title to said premises.

JUN 29 1 23 PM '51

**In Witness Whereof.** the parties of the first part have hereunto set their hand and seal the day and year first above written.

In Presence of

Edward Kamin

Robert S. Wallace

James S. Wallace



# State of New York

County of ONONDAGA  
CITY of SYRACUSE

ss.

On this 5<sup>th</sup> day of June Nineteen Hundred and Sixty-one Before me, the subscriber, personally appeared

ROBERT S. WALLACE and EMMA S. WALLACE

to me personally known and known to me to be the same persons described in and who executed the within Instrument, and they duly severally acknowledged to me that they executed the same

HENRY ROTHMANN  
Notary Public in the State of New York  
Qualified in Sen. Ch. No. 22-859/1905  
My Commission Expires March 30, 1962

*Henry Rothmann*

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**Deed**

ROBERT S. WALLACE and  
EMMA S. WALLACE, his wife.

TWO

Dated, June 5, 1961.

County of Albany ss.  
**RECORDED**  
ON THE  
day of June AD 1961  
at Albany, N.Y.  
in Book of DEEDS  
at Page 213 and examined.  
Emuel Spaul