

TABNER AND LAUDATO
COUNSELLORS AT LAW
90 STATE STREET
ALBANY, NEW YORK 12207

JOHN W. TABNER
PAUL J. LAUDATO
WILLIAM F. RYAN, JR.
KENNETH J. SCHULTZ*
*ALSO MEMBER MASS. BAR

436-7643
AREA CODE 518

C. THEODORE CARLSON
DAVID S. MACKAY
OF COUNSEL

October 1, 1986

LEGAL ASSISTANTS:
JOLENE P. MCCLINTICK
F. CHRISTIAN SPIES
KATHERINE M. ZAHN

Bernard J. Colburn and Louise M. Colburn
16 Norwood Street
Albany, New York 12203

RE: McKownville Drainage Improvements
Our File No. 3296-AF

Dear Mr. and Mrs. Colburn:

In the interest of improving ground water drainage facilities in the McKownville neighborhood, the Town of Guilderland proposes the installation of storm sewer drainage pipes and facilities in the Norwood Street, Waverly Place and Knowles Terrace areas. This installation is expected to directly improve your property, but will require your cooperation in that the Town will need a right-of-way from you in order to enter upon your property and install the pipeline.

We have enclosed two copies of a right-of-way easement. Would you kindly sign one copy, have your signatures notarized, and return it to this office at your earliest opportunity. A notary public is available through the Town Clerk's office, telephone number 356-1980, or, if you contact Mr. Spies at our office we will make arrangements for completion of this easement. If you have any questions or if you need assistance in execution of the easement, please call the undersigned or Mr. Spies of this office.

Thank you for your cooperation.

Very truly yours,

TABNER AND LAUDATO


John W. Tabner

JWT/mmr
Enclosure

cc: Town Clerk

RIGHT-OF-WAY EASEMENT

Bernard J. Colburn and Louise M. Colburn
16 Norwood Street
Albany, New York 12203

(For Easement at Tax Lot 52.20-3-1 Guilderland, New York)

For and in consideration of the sum of One Dollar (\$1.00), lawful money of the United States, payment of which is hereby acknowledged, we hereby grant, quit claim and release to the Town of Guilderland, Albany County, New York, and to its successors and assigns, a permanent right-of-way and easement for the benefit of the said Town of Guilderland and its successors, assigns, employees, servants and agents, to construct, lay and maintain thereafter drainage pipe lines and appurtenances, with the right of ingress and egress for any and all purposes connected with the laying of such pipe lines, the maintenance, use, operation, repair, reconstruction, patrolling, and inspection thereof, including the removal of growing crops, trees or shrubs therefrom, and the right to bring upon the said right-of-way such equipment as may be necessary to do any and all acts deemed necessary to dig a trench and lay such pipe lines and to maintain, operate, repair, inspect, dig up and use said pipe lines in and over all that tract of strip of land designated as Right-of-Way and Easement, described in Schedule "A" attached hereto and as shown on sheets of maps bound together entitled "McKownville Drainage Improvements," dated June, 1986 and prepared by Edward J. Keegan Associates, P.C., Professional Engineers and Planners, Albany, New York, insofar as any of such right-of-way as shown on said map is upon or through any of the lands belonging to the grantors herein. It is understood that said maps may be redated and revised prior to filing to show changes in reputed owners and easements from owners other than the grantors above. In addition, if it becomes reasonably necessary in the course of construction of the proposed pipe lines, the contractor engaged in laying such pipe lines may go upon the lands of the grantors immediately adjacent to the right-of-way and temporarily lay excavated dirt thereon or use his machines or tools thereon.

The grantors and their grantees, successors and assigns shall not make any construction on the foregoing right-of-way of strip of land upon which such easement is herein granted which in any way will interfere with complete access by the said Town of Guilderland and its agents, servants and employees, to the pipe lines to be constructed therein for any of the purposes above set forth, including access, repairs and maintenance, and said Town of Guilderland, its successors and assigns, may remove from such right-of-way any obstruction which may interfere with the laying, operation, access or maintenance of said pipe lines.

RIGHT-OF-WAY EASEMENT

Bernard J. Colburn and Louise M. Colburn
16 Norwood Street
Albany, New York 12203

(For Easement at Tax Lot 52.20-3-1 Guilderland, New York)

The grantors may improve their property in the area of the easement, including driveways, pavements, parking areas, shrubs, signs and/or other similar construction, to the extent permissible by law, ordinances, regulations or restrictions then in existence so long as the improvement does not conflict with the pipe lines.

The said Town of Guilderland, its successors and assigns shall restore to good condition any lawns, shrubs, fences, gravel roadways and driveways, pavements and similar items and/or reconstruction of such pipe lines.

Dated: Oct 7, 1986

Bernard J. Colburn
Bernard J. Colburn
Louise M. Colburn
Louise M. Colburn

WITNESSED BY:

Jane H. Springer
Rose Mary Smith

STATE OF NEW YORK)
COUNTY OF ALBANY)

On this 7th day of October, 1986, before me came Bernard J. Colburn and Louise M. Colburn, to me known to be the individuals described in and who executed the foregoing instrument and they acknowledged that they executed the same.

Shirley D. Royak
NOTARY PUBLIC

SHIRLEY D. ROYAK
Notary Public, State of New York
Qualified in Albany County
No. 4859046
Commission Expires March 30, 1987

SCHEDULE A

RIGHT-OF-WAY AND EASEMENT

THROUGH LANDS OF

Bernard J. Colburn and Louise M. Colburn
16 Norwood Street
Albany, New York 12203

(For Easement at Tax Lot 52.20-3-1 Guilderland, New York)

All that tract, parcel or piece of land located in the Town of Guilderland, County of Albany, beginning at a point on the former Albany Corporation (Bleeker Line). Said point being 112 feet measured along said corporation line east of the easterly line of Norwood Street, thence southeasterly 61 feet to a point on the extension of the easterly line of that section of the common alley that runs parallel to the westerly line of Waverly Place and 150 feet west of the westerly line of Waverly Place, said point being 560' north of the northerly line of Western Avenue measured a line running west of and parallel to the westerly line of Waverly Place and said point also being 165' east of the easterly line of Norwood Street measured along a line running north of and parallel to the northerly line of Western Avenue, thence northeasterly 9 feet along said extension line, thence north westerly 59 feet along said corporation to the point of beginning, being 236 square feet plus or minus.

Being a portion of Lot 116 and an additional Lot 15 feet wide adjoining the southeasterly line of Lot 116, said lots being described on a plan of lots filed December 31, 1912, in the Albany County Clerk's Office in the State of New York titled revised map of "Country Club Highlands" as surveyed by Leslie Allen.

Being a portion of the premises conveyed to Zoe Hood Turncliff by Edmund F. Bainbridge by deed dated April 10, 1941 and recorded May 8, 1941 in the Albany County Clerk's Office in Book 917 of Deeds at Page 520.

