

E-2



TOWN AND VILLAGE OF HARRISON ENGINEERING DEPARTMENT



Alfred F. Sulla, Jr. Municipal Building
1 Heineman Place
Harrison, New York 10528

Michael J. Amodeo, P.E., CFM
Town/Village Engineer

Frank Balbi, P.E., CFM
Assistant Engineer

August 5, 2013

Supervisor Ron Belmont and
Members of the Town Board
Town of Harrison
1 Heineman Place
Harrison, New York 10528

Re: Drainage Easement – 58 Danner Avenue

Dear Supervisor Belmont and Members of the Town Board:

Town Board authorization is requested for the Supervisor to execute a Drainage Easement between the Town of Harrison and Frank V. and Kristen M. Acocella of 58 Danner Avenue, Harrison.

The Law Department has reviewed the agreement and finds it acceptable for execution.

Respectfully submitted

Michael J. Amodeo, P.E.
Town/Village Engineer

MJA/fmb

Attachment

Cc: Law Department

EASEMENT AGREEMENT

AGREEMENT made this 27 day of July, 2013, by and between
FRANK V. ACOCELLA AND KRISTIN M. ACOCELLA ("Grantors") residing at **58
DANNER AVENUE**, Harrison, NY 10528 (Block **247**, Lot **23**) the Town of Harrison and
the Village of Harrison, municipal corporations with offices at 1 Heineman Place,
Harrison, NY 10528, Westchester County, State of New York ("Grantees").

WITNESSETH:

WHEREAS, Grantors, represent that they are the owners in fee simple of property described by a deed for property designated as Block **247**, Lot **23**, on the tax map of the Town of Harrison and Village of Harrison.

WHEREAS, Grantors desire to grant an easement to Grantees in the area depicted in Schedule A hereto annexed for the installation, maintenance, alteration and repair of the Drainage Infrastructure (hereinafter the "Improvements") and Grantees are willing to accept such an easement, and

WHEREAS, in consideration for the sum of One (\$1.00) Dollar and other good and valuable consideration, the receipt whereof is hereby acknowledged, Grantors for their heirs, executors, administrators, successors or assigns do hereby remise, release and forever convey unto Grantees, its successors and assigns, an easement in and to that area designated as Schedule A annexed hereto, for the dedication and installation, maintenance, alteration and repair of the Improvements.

The parties further agree as follows:

1. That Grantors are seized of the said property in fee simple and has good right to convey the same.
2. That Grantees shall quietly enjoy said easement subject to the following:
 - (a) This easement is granted solely for the purpose of the installation, maintenance, alteration and repair of the Improvements.
 - (b) Grantees are granted the right and privilege to enter upon the property of Grantors, their heirs, executors, administrators, successors or assigns, as required for the installation, maintenance, alteration and repair of the Improvements and shall exercise reasonable care while on Grantors property. Grantees shall not be held accountable for damage or removal of improvements prohibited by the easement.
 - (c) Grantors or their heirs, executors, administrators, successors or assigns shall have the right to use the property made subject to this easement but shall not erect any buildings, walls, fences, walks or other structures of any kind upon the easement nor plant any trees or shrubs on said easement area other than improvements, nor in any way cause or permit anything to interfere with Grantees quiet enjoyment of this easement.
 - (d) Grantees shall accept from Grantors who hereby grant dedication of all of their right, title and interest in, on and to all pipes, mains, and/or other material associated with the Improvements, except

and specifically excluding any lateral connection(s) from any drain
mains and the connection of such lateral to such main that have or
may have be placed in said easement area.

TO HAVE AND TO HOLD such easement unto Grantees, its successors and
assigns forever.

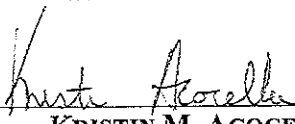
IN WITNESS WHEREOF, the parties hereto have executed this instrument the
day and date first above mentioned.

TOWN OF HARRISON/VILLAGE OF HARRISON

By: _____
Ronald Belmont, Supervisor/Mayor



FRANK V. ACOCELLA, Grantor



KRISTIN M. ACOCELLA, Grantor

State of New York)
County of Westchester) ss:

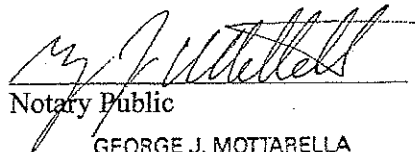
On the 29th day of July in the year 2013 before me, the undersigned, a Notary Public in and for said State, personally appeared **(FRANK V. ACOCELLA,** personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.



Notary Public
GEORGE J. MOTTARELLA
Notary Public, State of New York
No. 4616455
Qualified in Westchester County
Commission Expires Dec. 31, ~~2012~~ 2013

State of New York)
County of Westchester) ss:

On the 29th day of July in the year 2013 before me, the undersigned, a Notary Public in and for said State, personally appeared **KRISTIN M. ACOCELLA,** personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.



Notary Public
GEORGE J. MOTTARELLA
Notary Public, State of New York
No. 4616455
Qualified in Westchester County
Commission Expires Dec. 31, ~~2012~~ 2013

State of New York)
County of Westchester) ss:

On the ___ day of _____ in the year 2013 before me, the undersigned, a Notary Public in and for said State, personally appeared Ronald Belmont, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacities as Supervisor of the Town of Harrison and Mayor of the Village of Harrison, the municipalities described in and which executed the foregoing instrument, and that by his signatures on the instrument, municipalities described therein, executed the instrument by order of the Town Board of the Town of Harrison and the Board of Trustees of the Village of Harrison and he signed his name thereto by like order

Notary Public

15' Drain Easement- 58 Danner Avenue

Schedule A

ALL that certain plot, piece or parcel of land, situate, lying and being in the Village and Town of Harrison, County of Westchester and State of New York, shown on certain map entitled, "Revised Map Of Survey Made For And Certified To Wm. Johnson, Oakley Ave., Harrison, N.Y.", Dated January 12, 1925 and filed in the Westchester County Clerk's Office Division of Land Records on March 18, 1925 In VOL. 59 Of Maps, At Page 21. Bounded and described as follows:

BEGINNING at a point on the division line between Lots 97 and 98, said point being North 14 degrees 06 minutes 10 seconds West 54.29 feet from the intersection of the northerly side of Danner Avenue with the division line between lots 97 and 98;

Thence through lot 97 North 37 degrees 14 minutes 5 seconds West 49.71 feet to a point on the division line between lots 62 and 97;

Thence along the division line between lots 62 and 97 North 75 degrees 53 minutes 50 seconds East 16.31 feet to a point;

Thence through lot 97 South 37 degrees 14 minutes 5 seconds East 8.19 feet to a point on the division line between lots 97 and 98;

Thence along the division line between lots 97 and 98 South 14 degrees 6 minutes 10 seconds East 38.18 feet to the Point and Place of BEGINNING.

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Thence along the division line between lots 97 and 98 South 14 degrees 6 minutes 10 seconds East 38.18 feet to the Point and Place of BEGINNING.