



Tompkins County Clerk Recording Page

Copy to -
#1
Doc.
Young
11/7/23

Return To

BOUSQUET HOLSTEIN PLLC

Maureen Reynolds, County Clerk

Tompkins County Clerk
320 North Tioga Street
Ithaca, NY 14850
(607) 274-5431

Document Type: **EASEMENT**

Receipt Number: 23-386595

Grantor (Party 1)
HICKS, J SCOTT

Grantee (Party 2)
YOUNG, JOHN F

Fees	
Recording Fee	\$20.00
TP-584 Form Fee	\$5.00
Pages Fee	\$35.00
State Surcharge	\$20.00
Notation Fee	\$1.00
Total Fees Paid:	\$81.00

Transfer Amt: \$0.00
Instrument #: 2023-09984
Transfer Tax #: 000572

Refers To
2015-14797
2021-11465

State of New York
County of Tompkins

Recorded on November 8th, 2023 at
3:47:45 PM with a total page count of **7**.

Tompkins County Clerk

This sheet constitutes the Clerk's endorsement required by section 319 of the Real Property Law of the State of New York

Do Not Detach

**TEMPORARY CONSTRUCTION
RIGHT-OF-WAY AND EASEMENT
FOR SEWER/WASTEWATER LINES AND FACILITIES**

THIS INDENTURE is made the 23rd day of August, 2023, by and between

J. SCOTT HICKS, of 13 WATERWAGON, LANSING, NEW YORK 14882 (“Hicks”), the “party of the first part” and

JOHN F. YOUNG of 106 EAST SHORE CIRCLE, ITHACA, NEW YORK 14850, **SUSAN M. BARNETT** of 410 TRIPHAMMER ROAD, ITHACA, NEW YORK 14850, and **JAMES R. YOUNG** and **JULIE R. YOUNG** of 294 SKINNER CREEK ROAD, PORT ALLEGANY, PENNSYLVANIA 16743, together, the “party of the second part” (collectively, “Young/Barnett”),

WITNESSETH: that the party of the first part, in consideration of \$1.00 and other good and valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second, their respective heirs, executors, distributees, successors and assigns, the following described rights in and to the following described parcels:

TEMPORARY CONSTRUCTION RIGHTS-OF-WAY AND EASEMENTS to lay, construct, operate, maintain, alter, repair, remove, replace or change the size of sewer mains, collectors, and pipes, together with any and all necessary or desirable related facilities, appurtenances and devices, all of which shall be below the surface, with the exception of manholes, which will be located above the surface to the least extent practicable (all herein and together, the “Sewer Facilities”), together with the rights of free ingress and egress, for such purposes only, in, over, upon and under the easement area located on the parcel of land situate in the Town of Lansing, County of Tompkins and State of New York, said parcel being located at and known by the address of 13 Waterwagon Road, Town of Lansing Tax Parcel 42.-1-1.130, said easement area described in more particular detail on the Schedule A annexed hereto, made a part hereof and incorporated into this instrument by reference (the “easement area”), such land being described in accordance with the map referenced in said Schedule A,

BEING the purpose of said right-of way and easement to convey rights from party of the first part to party of the second part for the purposes of constructing the Sewer Facilities, including rights of free ingress and egress in, over and through the easement area as necessary or appropriate to do so;

SAID TEMPORARY RIGHT-OF-WAY AND EASEMENT to be extinguished and to terminate automatically and without any further instrument, writing or recording upon the dedication of a permanent right-of-way and easement over the easement area to the Town of Lansing, or to any successor or assign of the Town of Lansing, or to any sewer, wastewater, improvement or special benefit district now existing or hereafter formed or created for the purposes of constructing, maintaining, protecting, and improving such Sewer Facilities.

**TEMPORARY CONSTRUCTION
RIGHT-OF-WAY AND EASEMENT
FOR SEWER/WASTEWATER LINES AND FACILITIES**

THIS INDENTURE is made the 23rd day of August, 2023, by and between

J. SCOTT HICKS, of 13 WATERWAGON, LANSING, NEW YORK 14882 ("Hicks"), the "party of the first part" and

JOHN F. YOUNG of 106 EAST SHORE CIRCLE, ITHACA, NEW YORK 14850, **SUSAN M. BARNETT** of 410 TRIPHAMMER ROAD, ITHACA, NEW YORK 14850, and **JAMES R. YOUNG** and **JULIE R. YOUNG** of 294 SKINNER CREEK ROAD, PORT ALLEGANY, PENNSYLVANIA 16743, together, the "party of the second part" (collectively, "Young/Barnett"),

WITNESSETH: that the party of the first part, in consideration of \$1.00 and other good and valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second, their respective heirs, executors, distributees, successors and assigns, the following described rights in and to the following described parcels:

TEMPORARY CONSTRUCTION RIGHTS-OF-WAY AND EASEMENTS to lay, construct, operate, maintain, alter, repair, remove, replace or change the size of sewer mains, collectors, and pipes, together with any and all necessary or desirable related facilities, appurtenances and devices, all of which shall be below the surface, with the exception of manholes, which will be located above the surface to the least extent practicable (all herein and together, the "Sewer Facilities"), together with the rights of free ingress and egress, for such purposes only, in, over, upon and under the easement area located on the parcel of land situate in the Town of Lansing, County of Tompkins and State of New York, said parcel being located at and known by the address of 13 Waterwagon Road, Town of Lansing Tax Parcel 42.-1-1.130, said easement area described in more particular detail on the Schedule A annexed hereto, made a part hereof and incorporated into this instrument by reference (the "easement area"), such land being described in accordance with the map referenced in said Schedule A,

BEING the purpose of said right-of way and easement to convey rights from party of the first part to party of the second part for the purposes of constructing the Sewer Facilities, including rights of free ingress and egress in, over and through the easement area as necessary or appropriate to do so;

SAID TEMPORARY RIGHT-OF-WAY AND EASEMENT to be extinguished and to terminate automatically and without any further instrument, writing or recording upon the dedication of a permanent right-of-way and easement over the easement area to the Town of Lansing, or to any successor or assign of the Town of Lansing, or to any sewer, wastewater, improvement or special benefit district now existing or hereafter formed or created for the purposes of constructing, maintaining, protecting, and improving such Sewer Facilities.

AND AS TO THE ABOVE GRANT AND EASEMENT AREA, the party of the first part does hereby further covenant and agree:

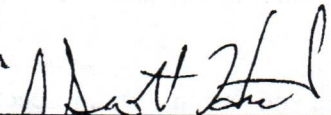
1. The party of the first part, for himself and all of his successors and assigns, with respect to the easement area located within his premises, covenants and agrees that no building or structures shall be constructed or placed within the aforesaid easement area.
2. The party of the first part, for himself and all of his successors and assigns, with respect to the easement area located within his premises, covenants and agrees that no trees or other plants will be planted or cultivated that may interfere with the said easement area.
3. The party of the first part, for himself and all of his successors and assigns, with respect to the easement area located within his premises, covenants and agrees that he will not authorize or conduct any mining, excavation, construction or blasting within said easement area, other than a right reserved by party of the first part to connect sewer line(s) serving his parcel to the municipal sewer facilities.
4. The party of the first part, for himself and all of his successors and assigns, with respect to the easement area located within his premises, covenants and agrees that he will not allow, authorize, encourage, or engage in any conduct, directly or indirectly, that blocks, obstructs, or interferes with the said ingress and egress rights of party of the second part, and their respective successors, assigns, employees and agents.
5. The party of the first part, for himself and all of his successors and assigns, with respect to the easement area located within his premises, covenants and agrees that this right of way and easement shall be noted to the deed recorded as Instrument No. 2015-14797, and the following provision shall be deemed to be recited in all conveyances of any land in the easement area described above:

“Being the purpose of the said easement and right-of way to ultimately convey rights to the Town of Lansing for sewer system purposes, including the maintenance, management and improvement of facilities and appurtenances installed and including the conveyance of rights both to the party of the second part identified therein and to the Town to lay, construct, operate, maintain, alter, repair, remove, replace or change the size of a mains, lines and any necessary or desirable appurtenances and devices, together with the rights of free ingress and egress for such purposes in, over, upon and under the described area of the said permanent easement and right-of-way: all of which rights are (1) set forth in a permanent easement and right-of-way granted both to the Town of Lansing, the terms, obligations and conditions of which are expressly incorporated herein, and (2) assignable by the said Town to any successor or assign, or to any district, or other special benefit or improvement district or area, now existing or hereafter formed or created.”

TO HAVE AND TO HOLD said right-of-way and easement unto the party of the second part, its successors and assigns, for so long as said right-of-way and easement shall remain in effect; it being the intent of the party of the first part and the party of the second part, its successors and assigns, that this easement and right-of-way shall now and hereafter run with the land until such time as this easement and right-of-way is extinguished and terminated upon the dedication of permanent right-of-way and easement over the easement area to the Town of Lansing, or to any successor or assign of the Town of Lansing.

IN WITNESS WHEREOF, the party of the first part has hereunto set his hand and seal the day and year first above written.

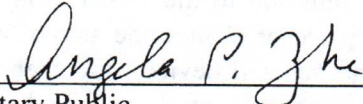
IN PRESENCE OF:



J. Scott. Hicks

STATE OF NEW YORK)
COUNTY OF TOMPKINS) ss:

On the 23rd day of August, in the year 2023 before me, the undersigned, personally appeared J. Scott Hicks, 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.



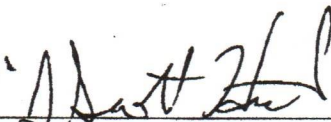
Notary Public

ANGELA P. ZHE
Notary Public, State of New York
No. 01ZH6168176
Qualified in Tompkins County
My Commission Expires June 11, 2027

TO HAVE AND TO HOLD said right-of-way and easement unto the party of the second part, its successors and assigns, for so long as said right-of-way and easement shall remain in effect; it being the intent of the party of the first part and the party of the second part, its successors and assigns, that this easement and right-of-way shall now and hereafter run with the land until such time as this easement and right-of-way is extinguished and terminated upon the dedication of permanent right-of-way and easement over the easement area to the Town of Lansing, or to any successor or assign of the Town of Lansing.

IN WITNESS WHEREOF, the party of the first part has hereunto set his hand and seal the day and year first above written.

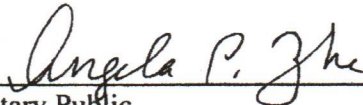
IN PRESENCE OF:



J. Scott Hicks

STATE OF NEW YORK)
COUNTY OF TOMPKINS) ss:

On the 23rd day of August, in the year 2023 before me, the undersigned, personally appeared J. Scott Hicks, 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

ANGELA P. ZHE
Notary Public, State of New York
No. 01ZH6188178
Qualified in Tompkins County
My Commission Expires June 11, 2027

SCHEDULE A

The easement area shall consist of a parcel of land situate in the Town of Lansing, County of Tompkins and State of New York, being a portion of the property located on Waterwagon Road described in the Deeds recorded in the Tompkins County Clerk's Office at Instrument Numbers 2015-14797 and 2021-11465, identified as Town of Lansing Tax Map No. 42.-1-1.130 (the "S. Hicks Property"), which easement area is more particularly bounded and described as follows:

BEGINNING AT A POINT located at the southwesterly corner of the S. Hicks Property, said point also being the southeasterly corner of premises of Dolores E. Hicks (2016-1073, Town of Lansing Tax Map No. 42.-1-1.122; the "D. Hicks Property"), and said point being located on the municipal boundary line between the Town of Lansing (to the north) and the Village of Lansing (to the south);

Thence running northerly along the westerly line of the S. Hicks Property (which line is the easterly line of said D. Hicks Property) a distance of 207' +/- to a point (this course being referred to hereinafter as the "westerly line of the easement area");

Thence running southeasterly a distance of 312' +/- (this course being referred to hereinafter as the "northerly line of the easement area") to a point in the centerline of a small stream, which point lies 155' +/- northeasterly from the intersection of the centerline of said stream with the municipal boundary line between the Town of Lansing and the Village of Lansing;

Thence running northeasterly along the centerline of said stream, a chord tie of 601' +/- to the point where said centerline of stream intersects the easterly line of the S. Hicks Property;

Thence running southeasterly along the easterly line of the S. Hicks Property, which line is also the westerly line of premises of Young/Barnett (568595-001, Town of Lansing Tax Map No. 42.-1-1.129), a distance of 43' +/-;

Thence running southwesterly, parallel to, and at a distance of 40' from, the centerline of said stream, a chord tie of 593' +/- to a point;

Thence running northwesterly, parallel to, and at a distance of 30' from, the northerly line of the easement area, a distance of 305' +/- to a point;

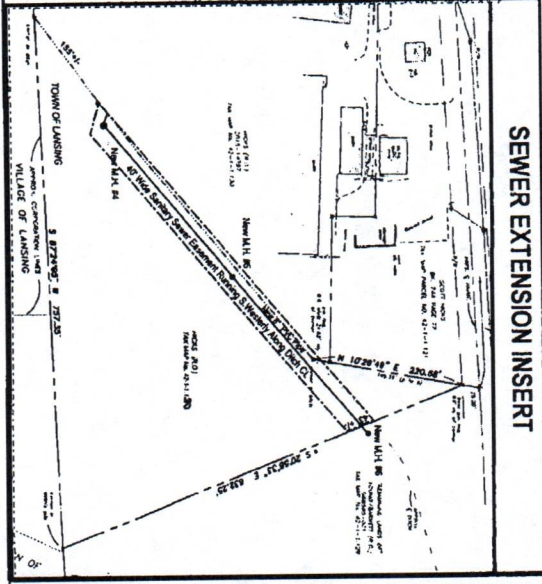
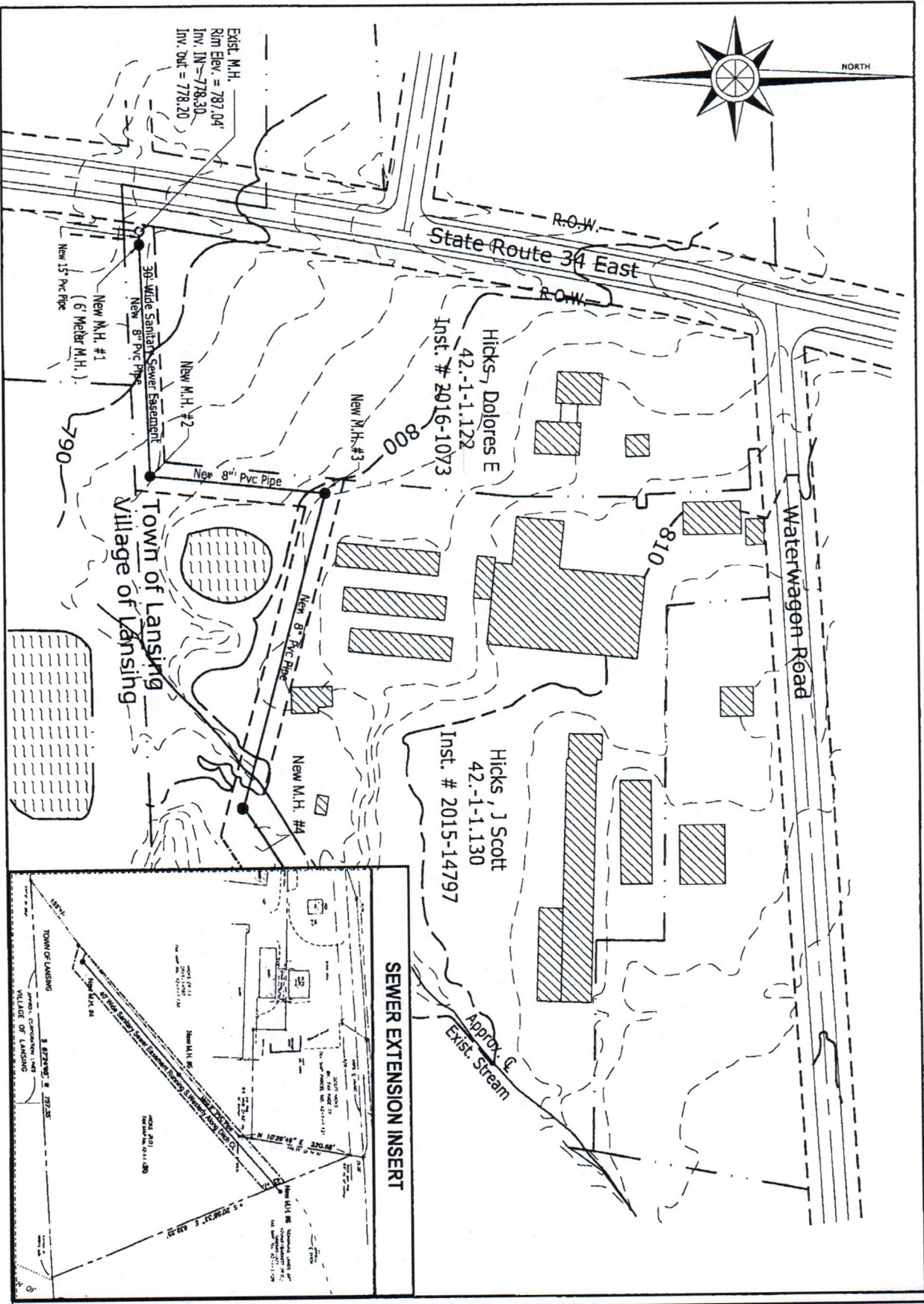
Thence running southerly, parallel to, and at a distance of 30' from, the westerly line of the easement area, a distance of 168' +/- to a point in the southerly line of the S. Hicks Property;

Thence running westerly along said southerly line of the S. Hicks Property 30' +/- to the point or place of the beginning, containing .92 acres of land more or less.

Said easement area is intended to be a strip of land 30' in width to the extent such easement area lies northwesterly of the aforementioned stream and a strip of land 40' in width to the extent such easement area lies southeasterly of said stream, and said easement area is depicted on and described in accordance with a map entitled, "Proposed Sanitary Sewer Plan, Lansing Sewer District #1, Lansing,

New York," as drawn by Timothy C. Buhl, P.E. and dated September 27, 2023, a copy of which map is annexed hereto, incorporated herein by reference and made a part of this instrument.

New York," as drawn by Timothy C. Buhl, P.E. and dated September 27, 2023, a copy of which map is annexed hereto, incorporated herein by reference and made a part of this instrument.



<p>TIMOTHY C. BUHL, P.E.</p> <p>35 FIRE LANE 24, AUBURN, NY 13021</p>		<p>Proposed Sanitary Sewer Plan</p>		<p>REVISIONS</p> <table border="1"> <thead> <tr> <th>No.</th> <th>Date</th> <th>BY</th> <th>Description</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>		No.	Date	BY	Description												
		No.	Date	BY	Description																
<p>Lansing Sewer District #</p> <p>Lansing, New York</p>	<p>John Young</p> <p>410 Triphammer Road</p> <p>Ithaca, N.Y. 14850</p>																				

ST-1