

**CROSS ACCESS AND SHARED DRIVEWAY EASEMENT  
BETWEEN LOTS 1, 2 & 3 OF THE MAP OF  
THE SUBDIVISION OF 372 LAKE AVENUE, CITY OF SARATOGA SPRINGS,  
COUNTY OF SARATOGA, STATE OF NEW YORK**

**THIS EASEMENT GRANT**, dated the last date executed below, is by Giovanone Real Estate Partners, a New York State Partnership with its main office at 156 Sparrowbush Road, Latham, New York 12110, the current owner of 372 Lake Avenue, City of Saratoga Springs, County of Saratoga, State of New York.

The following statements are a material part of this Easement Agreement:

In consideration of the covenants contained in this Easement Grant and other good and valuable consideration, receipt of which is acknowledged, the following grants, agreements, covenants and restrictions are made:

**1. DEFINITIONS**

Shared Ingress/Egress Area shall mean: 1) a shared ingress/egress area across 372 Lake Avenue, Saratoga Springs, NY, that is currently owned by the Grantor and which lot will be subdivided into Lots 1, 2 and 3 shown on the attached Map entitled "Access Easement Exhibit, 3-Lot Subdivision, Lands N/F of Giovanone Real Estate Partners", prepared by Van Dusen and Steves Land Surveyors, dated June 11, 2015, attached hereto as Exhibit B and is bounded and described in Exhibit A which is attached hereto and made a part hereof.

**2. MAINTENANCE**

The current owner and any subsequent owners of Lots 1, 2 and 3, described in the attached Exhibit A and shown on attached Exhibit B, agree to maintain in good condition and repair the Ingress & Egress Access Easement Area as described in Exhibit A and shown on Exhibit B. The obligation of all individual Lot owners of the above described 3-Lot Subdivision, to maintain, repair and keep in repair both the Ingress & Egress Access Easement Area without limiting the generality thereof, include the following:

- A. Maintaining the surfaces at such grades and levels that they may be used and enjoyed as contiguous and homogeneous common areas and maintaining the surfaces in a level, smooth and evenly-covered condition with the type of surfacing material originally installed or of similar quality, use and durability; and
- B. Removing all papers, debris, snow, ice, filth and refuse and cleaning the areas to the extent reasonably necessary to keep these areas in a net, clean and orderly condition.

### 3. COMPLIANCE WITH LAWS AND REGULATIONS-INDEMNIFICATION

The Parties covenant and agree, with respect to the Ingress & Egress Access Easement Area to comply with all laws, rules, regulations and requirements of the City of Saratoga Springs.

### 4. COVENANTS RUNNING WITH LAND

The rights contained within this Easement Grant shall run with the land and inure to and be for the benefit of the Parties, their successors and assigns, and the tenants, sub-tenants, licensees, concessionaires, mortgagees in possession, customers and business invitees of such persons.

### 5. TERMINATION OF LIABILITY

Whenever a transfer of ownership of any of the 3 parcels takes place, the transferor will not be liable for a breach of this agreement occurring after a transfer.

### 6. CONSTRUCTION

The rule of strict construction does not apply to this grant. This grant shall be given a reasonable construction so that the intention of the parties to convey a commercially usable right of enjoyment.

### 7. NOTICE

Each Party's Notice Address shall be the address listed in the introductory paragraph of this Agreement. Any Party may change its Notice Address upon written notice to the others.

Giovanone Real Estate Partners agree that this document will be recorded in the Saratoga County Clerk's Office and be binding on the party to this Agreement, its successors and assigns, and the tenants, subtenants, licensees, concessionaires and mortgagees in possession. Any revisions to this easement will require approval from the City of Saratoga Springs Planning Board.

### 8.

This easement shall be a perpetual egress/ingress easement described herein in Exhibit A and shown on Exhibit B, and shall be used in common by the owners of Lots 1, 2 & 3. Lots 1 and 3 shall have the right to use the proposed perpetual egress/ingress easement along with the access easement through or across Lot 2 for driveway purposes from Lots 1 and 3 to the proposed common driveway. The Lots' owners shall be required to participate in the maintenance and payment of the common access drive, if the driveway is built to Lots 1 and 3, the authority for the maintenance of the common driveway shall be that of the owner of Lot 2. This easement shall be in perpetual effect and binding upon the owners of said lots or properties, their heirs, successors and assigns, upon filing of the easement (or the subdivision plot) in the Office of the Saratoga County Clerk. Additionally, the owner of Lots 1 and 3 shall have the right to use the proposed perpetual easement through or across Lot 2 for permitting and enabling the installation

and maintenance of utility services including but not limited to sewer, water, gas, electric, cable and any other future service that may be required, so long as the owners of Lots 1 and 3 pay for the cost to restore the surface of the egress/ingress area described herein, after any excavation or other disturbance of said surface at any time by the owners of Lots 1 and 3, their agents, servants or employees to its condition prior to said excavation or disturbance.

IN WITNESS WHEREOF, the party hereto has executed this Easement Agreement under seal as of the day and year first above written.

GIOVANONE REAL ESTATE PARTNERS

By: \_\_\_\_\_  
MICHAEL GIOVANONE, Partner

STATE OF NEW YORK    )  
  ( ss.:  
COUNTY OF ALBANY    )

On the \_\_\_\_ day of \_\_\_\_\_, 2018, before me, the undersigned, personally appeared MICHAEL GIOVANONE, 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-State of New York

EXHIBIT "A"

All that certain tract, piece, or parcel of land situate in the City of Saratoga Springs (ID), County of Saratoga, State of New York, lying southerly of NYS Route 29 ("Lake Avenue"), Interstate 87, being an easement over a portion of lands of Giovanone Real Estate Partners, as described in instrument no. 2017016057, and being further bounded and described as follows:

**BEGINNING** at an iron rod found at the point of intersection of the common line of lands now or formerly of Amelda M. Hunter, as described in book 918 of deeds, at page 1072, on the west, and Lot 1, on the east, with the southerly line of NYS Route 29 ("Lake Avenue"), as shown on a map entitled, "Map of a Subdivision of 372 Lake Avenue Made for Giovanone Real Estate Partners," dated November 03, 2017, as last revised on \_\_\_\_\_, made by Van Dusen & Steves Land Surveyors, filed in the Saratoga County Clerk's Office on \_\_\_\_\_ as map no. M\_\_\_\_\_, and runs thence along said southerly line of NYS Route 29 ("Lake Avenue"), North 83 degrees, 21 minutes, and 36 seconds East, a distance of 37.25 feet to the northeast corner of Lot 1; thence along the common line of Lot 2, on the east, and Lot 1, on the west, South 07 degrees, 32 minutes, and 03 seconds East, a distance of 20.00 feet to a point; thence through Lot 1, South 83 degrees, 21 minutes, and 36 seconds West, a distance of 37.28 feet to a point on the first herein described common line of Hunter, on the west, and Lot 1, on the east, thence along said common line, North 07 degrees, 27 minutes, and 15 seconds West, a distance of 20.00 feet to the point and place of beginning.

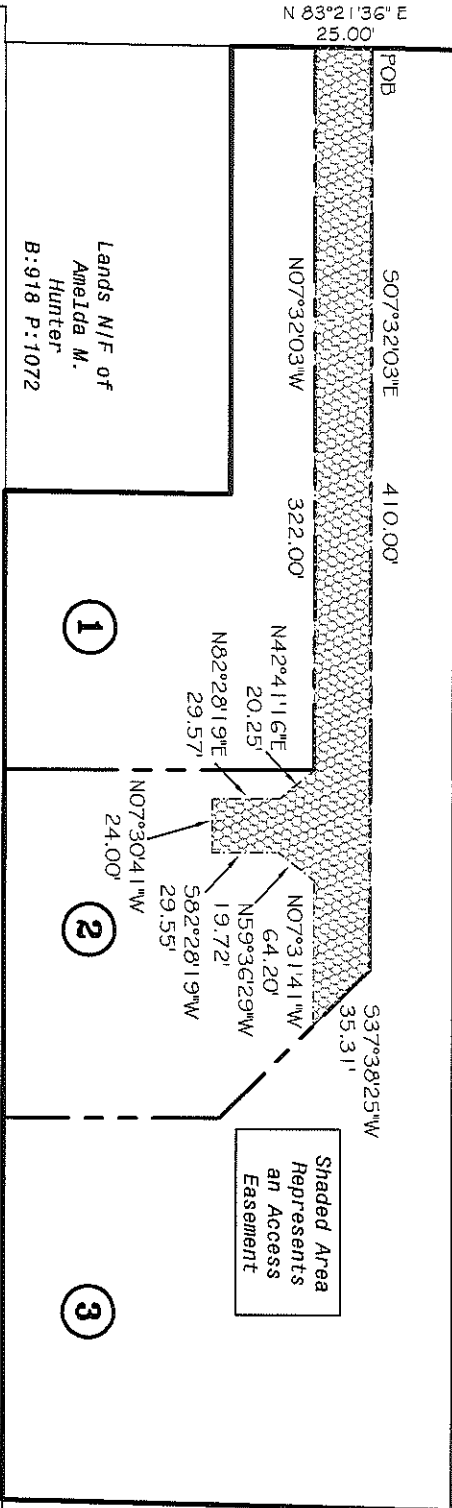
**SUBJECT TO** easements of record.

Bearings refer to New York State Plane East Zone, North American Datum of 1983 (NAD83).

N.Y.S. Route 29 - "Lake Avenue"



Lands N/F of  
People of  
the State of  
New York



Lands N/F of  
Amelda M.  
Hunter  
B: 918 P: 1072

Lands N/F of  
Joanne L.  
CARLOW  
B: 2007  
P: 38074

Lands N/F of  
Anderson  
Lehndorff  
B: 1473 P: 537

**Van Dusen  
& Steves**  
Land Surveyors  
189 Haviland Road  
(518) 782-8474  
Queensbury, New York 12804  
New York Lic. No. 60135

**Access Easement Exhibit**  
3-Lot Subdivision  
Lands N/F of  
Giovannone Real Estate Partners  
City of Saratoga Springs (ID),  
Saratoga County, New York

NO.	DATE	DESCRIPTION

Date: June 11, 2015  
Scale: 1"=80'  
**S-1**  
SHEET OF 1  
STANDARD DWG. NO. 17-110-CE

## CONSERVATION EASEMENT

THIS INDENTURE made this \_\_\_\_ day of \_\_\_\_\_ 2018, by

**GIOVANONE REAL ESTATE PARTNERS**, a New York State partnership, with its principal place of business at 156 Sparrowbush Road, Latham, New York 12110,

WITNESSETH that GIOVANONE REAL ESTATE PARTNERS , does hereby grant and release a conservation easement as is more particularly described in Schedule “A” attached hereto and made a part hereof and as shown and depicted on the attached map entitled “Conservation Easement Exhibit, 3-Lot Subdivision, Lands N/F of Giovanone Real Estate Partners”, prepared by Van Dusen and Steves Land Surveyors dated June 11, 2015, attached hereto as Exhibit “B”.

The Grantor is willing to grant a conservation easement covering the portion of 372 Lake Avenue as shown on the attached Map (Exhibit “B”), and as described in Exhibit “A” and the Grantor, its successors and assigns agrees that within the Conservation Easement area there will be: No principal or accessory structures permitted; times of use shall be limited from dawn to dusk; pedestrian access only (no bicycles, motorized vehicles, etc.); no fires or camping; no hunting or firearm use; no soil disturbance; compliance with Saratoga Springs City dog leash law and animal waste rules. Permitted uses to include passive recreational use and private residential yard use by individual lot occupants within the limits shown on the attached Exhibit “B”.

The Grantor further agrees that forestry activities within the conservation easement shall require an amended subdivision approval from the City of Saratoga Springs Planning Board. Cutting of a five foot (5’) wide walking/hiking trail is allowable and may only be constructed of natural materials (gravel, wood chips, etc.) that accesses the city street. Except for approved forestry practices and maintenance of recreational trails, no cutting of trees over six inches (6”) in diameter is permitted; however, dead or diseased trees may be removed at any time.

The Grantor agrees that the terms, conditions, restrictions and purposes of this conservation easement will be inserted by it and any subsequent deed, or other legal instrument by which Grantor divests itself of either the fee simple title to or of its possessory interest in the subject property. The covenants agreed to and the terms, conditions, restrictions and purposes imposed as aforesaid shall not only be binding upon the Grantor, but also on its agents, personal representatives, heirs and assigns, and all other successors to it in interest and shall continue as a

servitude running in perpetuity with the described lands. The terms, conditions, extent and duration of this easement may be modified only with the express consent and approval of the City of Saratoga Springs Planning Board.

BEING a portion of the premises conveyed to the party of the first part by deed dated April 20, 2017 and recorded in the Saratoga County Clerk's Office on May 25, 2017, as Instrument No. 2017016057.

TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises,

**IN WITNESS WHEREOF**, the party of the first part has hereunto set its hand and seal.

GIOVANONE REAL ESTATE PARTNERS

By: \_\_\_\_\_  
MICHAEL GIOVANONE, Partner

STATE OF NEW YORK)  
COUNTY OF ALBANY ) SS:

On the \_\_\_\_ day of \_\_\_\_\_ in the year 2018, before me, the undersigned, personally appeared MICHAEL GIOVANONE, 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

**RECORD & RETURN TO:**

EXHIBIT "A"

All that certain tract, piece, or parcel of land situate in the City of Saratoga Springs (ID), County of Saratoga, State of New York, lying southerly of NYS Route 29 ("Lake Avenue"), westerly of Interstate 87, being a conservation easement over a portion of lands of Giovanone Real Estate Partners, as described in instrument no. 2017016057, and being further bounded and described as follows:  
**BEGINNING** at a granite monument at the point of intersection of Lands now or formerly of the People of the State of New York, on the east, and Lot 3, on the west, as shown on a map entitled, "Map of a Subdivision of 372 Lake

Avenue Made for Giovanone Real Estate Partners,” dated November 03, 2017, as last revised on \_\_\_\_\_, made by Van Dusen & Steves Land Surveyors, filed in the Saratoga County Clerk’s Office on \_\_\_\_\_ as map no. M \_\_\_\_\_, and runs thence along said common line, South 07 degrees, 32 minutes, and 03 seconds East, a distance of 650.47 feet to a granite monument at the southeast corner of Lot 3; thence along the common line of lands now or formerly of the People of the State of New York, on the south, and Lot 3, on the north, in part, and along the common line of lands now or formerly of Anderson Lehndorff, as described in book 1473 of deeds, at page 537, on the south, and Lot 3, on the north, South 83 degrees, 45 minutes, and 15 seconds West, a distance of 199.87 feet to an iron rod found at the southwest corner of Lot 3; thence along the common line of lands now or formerly of Joanne L. Carlow, as described in instrument no. 2007038074, on the west, and Lot 3, on the east, North 07 degrees, 30 minutes, and 39 seconds West, a distance of 170.00 feet to a point; thence along said lands now or formerly of Carlow, on the west, and Lot 2, on the east, North 07 degrees, 30 minutes, and 39 seconds West, a distance of 155.00 feet to a point; thence along the common line of said lands of Carlow, on the west, and Lot 1, on the east, a distance of 124.32 feet to a point; thence along the common line of lands now or formerly of Amelda M. Hunter, as described in book 918 of deeds, on the north and west, and Lot 1, on the south and east, the following two (2) courses and distances: 1. North 83 degrees, 18 minutes, and 32 seconds East, a distance of 99.88 feet to a point; and 2. North 07 degrees, 27 minutes, and 15 seconds West, a distance of 174.67 feet to a point; thence through Lot 1 the following four (4) courses and distances: 1. North 83 degrees, 22 minutes, and 03 seconds East, a distance of 15.00 feet to a point; 2. South 07 degrees, 27 minutes, and 15 seconds East, a distance of 189.66 feet to a point; 3. South 83 degrees, 18 minutes, and 32 seconds West, a distance of 99.86 feet to a point; and 4. South 07 degrees, 30 minutes, and 39 seconds East, a distance of 109.10 feet to a point on the common line of Lot 1, on the north, and Lot 2, on the south; thence through Lot 2, South 07 degrees, 30 minutes, and 39 seconds East, a distance of 155.00 feet to a point on the common line of Lot 2, on the north, and Lot 3, on the south, thence through Lot 3 the following five (5) courses and distances: 1. South 07 degrees, 30 minutes, and 39 seconds East, a distance of 140.33 feet to a point; 2. North 83 degrees, 45 minutes, and 15 seconds East, a distance of 104.83 feet to a point; 3. North 07 degrees, 32 minutes, and 03 seconds West, a distance of 70.02 feet to a point; 4. North 31 degrees, 38 minutes, and 03 seconds East, a distance of 95.00 feet to a point; and 5. North 07 degrees, 32 minutes, and 03 seconds West, a distance of 475.31 feet to a point on the first herein described southerly line of NYS Route 29 (“Lake Avenue”); thence along said southerly line, North 83 degrees, 21 minutes, and 36 seconds East, a distance of 20.00 feet to the point and place of beginning.

**SUBJECT TO** easements of record.

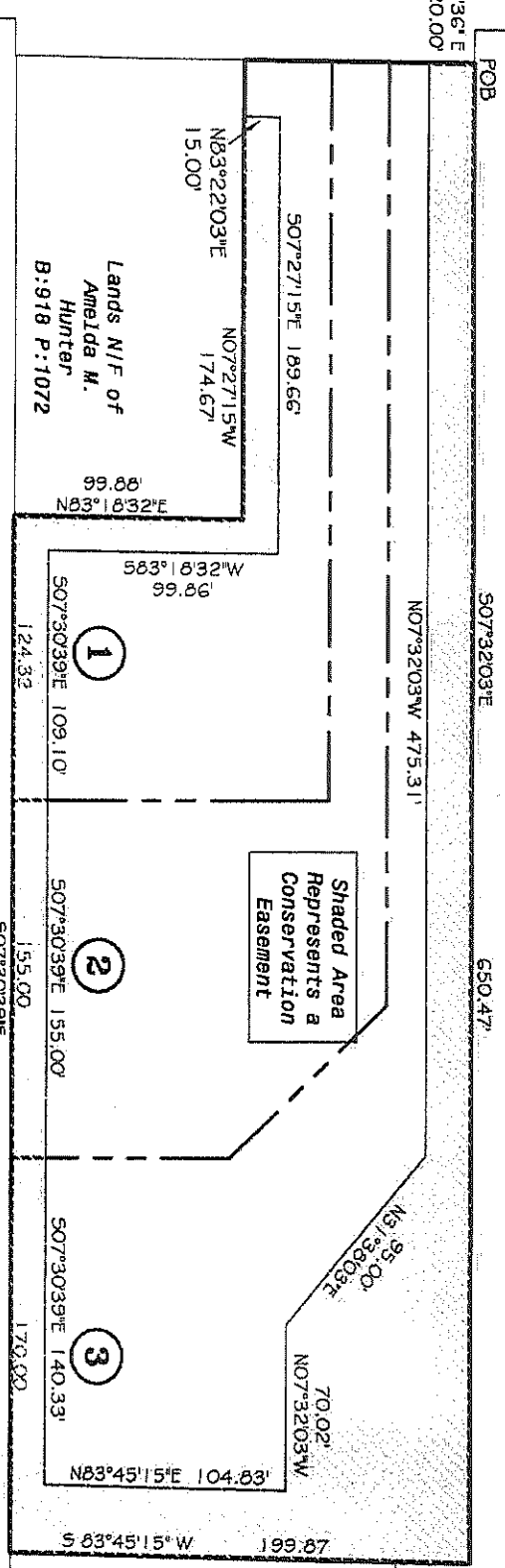
Bearings refer to New York State Plane East Zone, North American Datum of 1983 (NAD83).





Lands N/F of  
People of  
the State of  
New York

N.Y.S. Route 29 - "Lake Avenue"



Lands N/F of  
Joanne L.  
Carlton  
B:2007  
P:38074

Lands N/F of  
Anderson  
Lehndorff  
B:1473 P:537

**Van Dusen  
&  
Steves**  
Land Surveyors

189 Haviland Road  
(518) 792-8474  
Queensbury, New York 12804  
New York Lic. No. 50135

Conservation Easement Exhibit

3-Lot Subdivision  
Lands N/F of  
Giovannone Real Estate Partners  
City of Saratoga Springs (ID),  
Saratoga County, New York

NO.	DATE	DESCRIPTION

Date: June 11, 2015  
Scale: 1"=80'

**S-1**

BHEET 1 OF 1

STANDARD  
DRAWING NO. 7-11-02

EXHIBIT "B"

**UTILITY EASEMENT**

THIS INDENTURE made this \_\_\_\_ day of \_\_\_\_\_ 2018, between

**GIOVANONE REAL ESTATE PARTNERS**, a New York State partnership, with its principal place of business at 156 Sparrowbush Road, Latham, New York 12110,

party of the first part, and

the **CITY OF SARATOGA SPRINGS**, a municipal corporation, with its principal place of business at \_\_\_\_\_,

party of the second part.

WITNESSETH that the party of the first part, in consideration of one (\$1.00) dollar to it in hand paid by the party of the second part, the receipt whereof is hereby acknowledged, does hereby grant and release unto the party of the second part, its successors or assigns, a perpetual utility easement over property as more particularly described in Schedule A, attached hereto and made a part hereof, and as shown and depicted on the Map entitled "Easement Exhibit, 3-Lot Subdivision, Lands N/F of Giovanone Real Estate Partners", prepared by Van Dusen & Steves Land Surveyors, dated June 11, 2015, attached hereto as Exhibit B, for the purposes of maintaining the municipal sanitary pump station and associated appurtenances within this easement area. This easement shall be in effect and binding upon the owner of said lot, their heirs, successors and assigns, upon filing of easement and/or the subdivision plat in the Office of the Saratoga County Clerk.

The City of Saratoga Springs shall be responsible for all maintenance and repair, and the cost associated therewith, of the easement area, including but not limited to repair, replacement, maintenance and snow removal.

THE PARTY of the second part shall restore or cause to be restored the surface of the easement area described herein after any excavation or other disturbance of said surface at any time by the party of the second part, its agents, servants or employees to its condition prior to said excavation or disturbance, to the extent reasonably practicable.

No structures, fencing, pavement, landscaping, or other such improvements shall be placed within said easement without permission of the party of the second part.

BEING a portion of the premises conveyed to the party of the first part by deed dated April 20, 2017 and recorded in the Saratoga County Clerk's Office on May 25, 2017, as Instrument No. 2017016057.

TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises,

TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, its successors and assigns forever.

AND the party of the first part covenants as follows:

FIRST, That the party of the second part shall quietly enjoy the said premises;

SECOND, That the party of the first part will forever **WARRANT** the title to said premises;

THIRD, That, in Compliance with Sec. 13 of the Lien Law, the grantor will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

**IN WITNESS WHEREOF**, the party of the first part has hereunto set its hand and seal.

By: \_\_\_\_\_  
MICHAEL GIOVANONE, Partner

STATE OF NEW YORK)  
COUNTY OF ALBANY ) SS:

On the \_\_\_\_\_ day of \_\_\_\_\_ in the year 2018, before me, the undersigned, personally appeared MICHAEL GIOVANONE, 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

**RECORD & RETURN TO:  
CITY OF SARATOGA SPRINGS ATTORNEY**

All that certain tract, piece, or parcel of land situate in the City of Saratoga Springs (ID), County of Saratoga, State of New York, lying southerly of NYS Route 29 ("Lake Avenue"), Interstate 87, being an easement over a portion of lands of Giovanone Real Estate Partners, as described in instrument no. 2017016057, and being further bounded and described as follows:

**BEGINNING** at an iron rod found at the point of intersection of the common line of lands now or formerly of Amelda M. Hunter, as described in book 918 of deeds, at page 1072, on the west, and Lot 1, on the east, with the southerly line of NYS Route 29 ("Lake Avenue"), as shown on a map entitled, "Map of a Subdivision of 372 Lake Avenue Made for Giovanone Real Estate Partners," dated November 03, 2017, as last revised on \_\_\_\_\_, made by Van Dusen & Steves Land Surveyors, filed in the Saratoga County Clerk's Office on \_\_\_\_\_ as map no. M \_\_\_\_\_, and runs thence along said southerly line of NYS Route 29 ("Lake Avenue"), North 83 degrees, 21 minutes, and 36 seconds East, a distance of 37.25 feet to the northeast corner of Lot 1; thence along the common line of Lot 2, on the east, and Lot 1, on the west, South 07 degrees, 32 minutes, and 03 seconds East, a distance of 20.00 feet to a point; thence through Lot 1, South 83 degrees, 21 minutes, and 36 seconds West, a distance of 37.28 feet to a point on the first herein described common line of Hunter, on the west, and Lot 1, on the east, thence along said common line, North 07 degrees, 27 minutes, and 15 seconds West, a distance of 20.00 feet to the point and place of beginning.

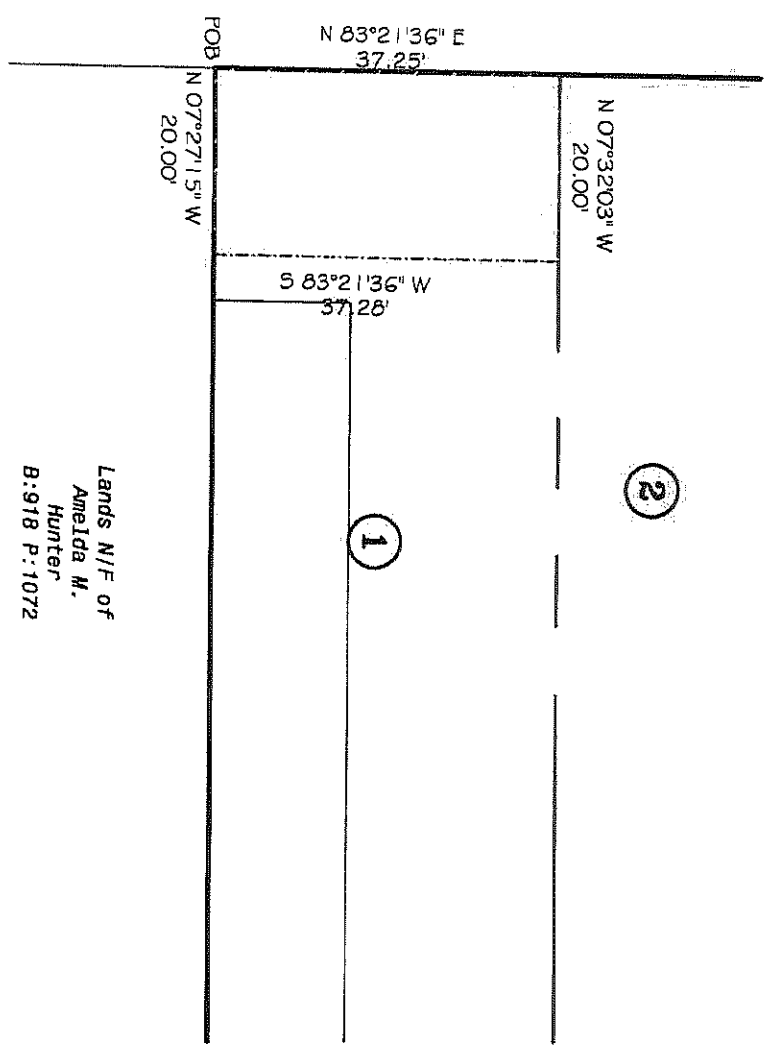
**SUBJECT TO** easements of record.

Bearings refer to New York State Plane East Zone, North American Datum of 1983 (NAD83).

EXHIBIT "A"



NYS Route 29  
("Lake Avenue")



Lands N/F of  
Amelda M.  
Hunter  
B: 918 P: 1072

**Van Dusen  
&  
Steves**  
Land Surveyors  
169 Haviland Road  
Queensbury, New York 12804  
(518) 792-0474  
New York Lic. No. 50135

Easement Exhibit  
3-Lot Subdivision  
Lands N/F of  
Giovannone Real Estate Partners  
City of Saratoga Springs (II),  
Saratoga County, New York

NO.	DATE	DESCRIPTION

Date: June 11, 2015  
Scale: 1"=80'  
**S-1**  
SHEET 1 OF 1  
STANDARD  
DWG. NO. 17-1102E

EXHIBIT "B"