

## EASEMENT

In consideration of the sum of One Dollar (\$1.00), and other good and valuable consideration or payment waived, the receipt and sufficiency of which is hereby acknowledged, **JOHN C. KINTON and MARY E. KINTON** with a mailing address of 745 Ballantyne Road, Scottsville, New York 14546, hereinafter collectively called "Grantor", does hereby grant and convey unto **ROCHESTER GAS AND ELECTRIC CORPORATION**, a New York Corporation, 89 East Avenue, in the City of Rochester, Monroe County, New York, hereinafter called "Grantee", its lessees, licensees, successors and assigns, foreve a permanent easement and right of way (the "Easement Premises"), in, upon, over, under, above, across, along and through the premises known as **745 BALLANTYNE ROAD, Tax Account No. 159.04-1-10**, Town of **CHILI**, County of **MONROE**, New York and being the same premises described in a Deed recorded in the Monroe County Clerk's Office in **Liber 11610** of Deeds at **Page 79**, (the "Property") to, from time to time, lay, construct, reconstruct, increase, enlarge, raise lower, replace, erect, relocate, extend, operate, inspect, maintain, protect, move, repair and replace at its pleasure:

- A. Any and all conduits, mains, pipes, regulators, valves, vaults, meters, stacks, manholes, cabinets, services and any and all other appurtenances and fixtures which the Grantee shall require now and in the future for the underground transmission and/or distribution of gas by the Grantee; provided that manhole covers, valves, cabinets and stack may be located at or above ground level within said Easement Premises.

The Easement Premises for all of the foregoing are more particularly described as follows:

**BALLANTYNE ROAD; A strip of land thirty (30) feet in width (Easement Area 1) and a section seven (7) feet by seventeen (17) feet (Easement Area 2) which are shown on the sketch attached and identified as "Exhibit A" hereto and made a part hereof.**

The Grantee, its employees, servants, agents, contractors and its successors and assigns, are hereby expressly given an granted the right to:

- A. Two temporary easement areas adjacent to the permanent easement area as shown on Exhibit "A" for the purposes of construction. This temporary easement area will only be occupied during the course of construction and the Grantee will leave the premises in as good condition as found at the completion of the construction.
- B. Assign this easement and right of way, or any part thereof, or interest therein, and the same shall be divisible among two or more owners as to any right or rights created hereunder, so that each assignee or owner shall have the full rights and privileges herein granted, to be owned and enjoyed either in common or severally.
- C. Free ingress and egress over the Easement Premises and other portions of the Property for all of the above purposes, as well as the right (but not the duty) to trim, cut, and remove at any time by manual and mechanical means trees and other vegetation, structures and other obstructions, to eliminate vegetation, and modify the growth of trees, vegetation, growth, structures or obstructions within the Easement Premises and such other trees, vegetation, growth, structures or obstructions elsewhere on the Property that, in the judgment of Grantee, may interfere with the construction, operation or maintenance of its equipment or facilities or otherwise endanger the rights and privileges granted herein; and the right to prohibit the construction of, and/or remove, any building(s), structure(s) or improvements (including planting of trees, construction of roads, paths or driveways ) within the Easement Premises or within ten (10) feet of Grantee's equipment and facilities and the right to keep the surface of ground above its underground gas equipment and facilities free from structures, improvement and growth which, in the judgment of Grantee may interfere with the proper construction, maintenance or operation of said underground equipment or facilities or that may interfere with the rights and privileges granted hereunder.

This grant is made and accepted upon the express conditions that after any exercise of the rights and privileges grante hereunder, the Grantee shall leave the premises in as good condition as found, and that the Grantee shall make reasonable compensation to the Grantor for any damage (except as permitted specifically hereunder) to the property of Grantor caused by their exercise of the rights and privileges granted hereunder.

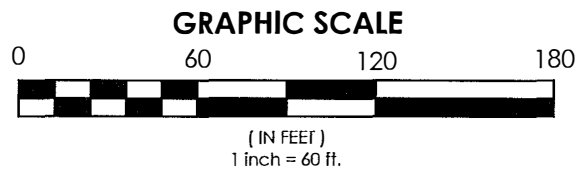
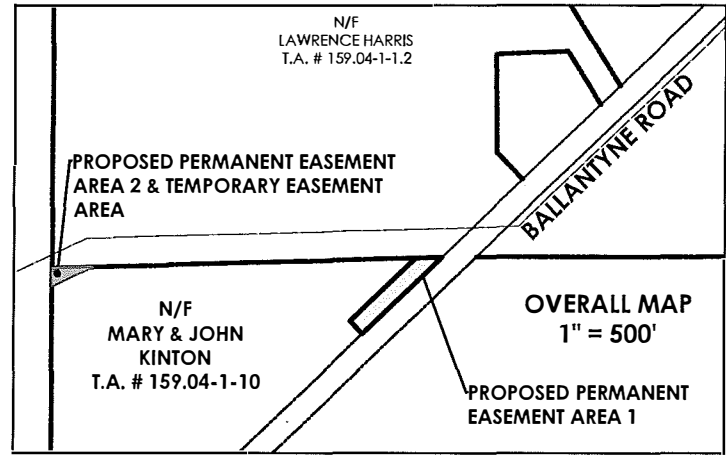
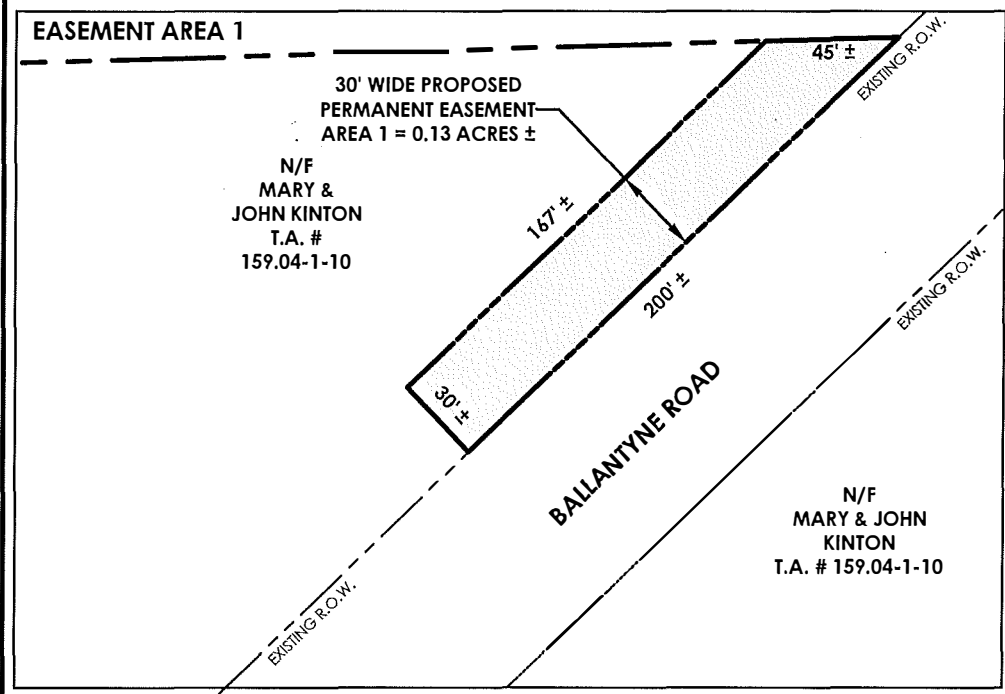
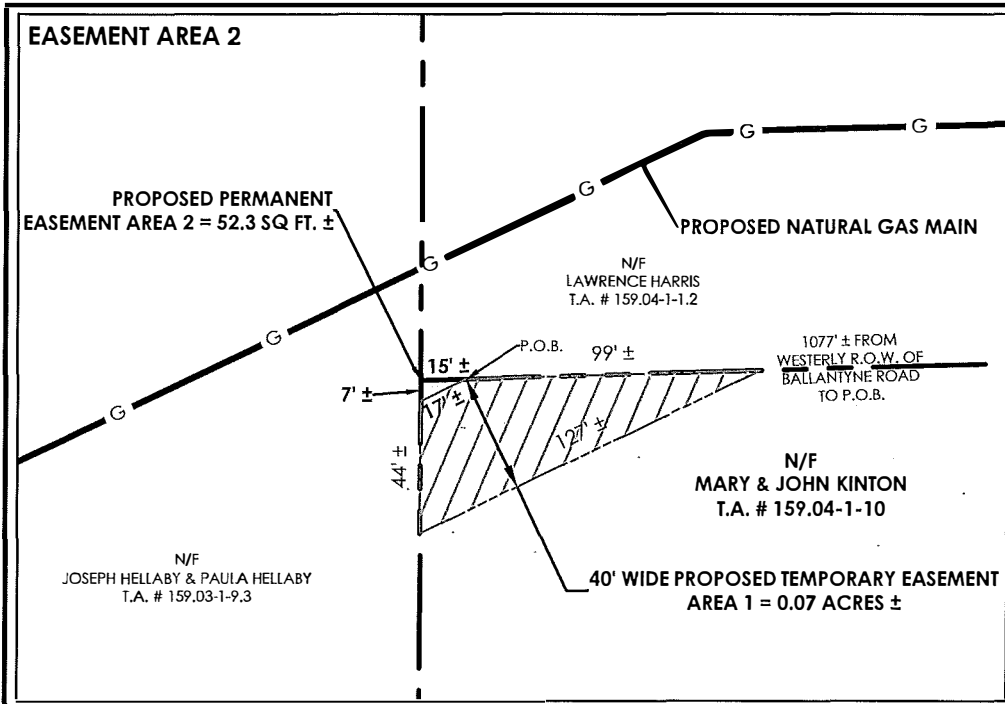
This Instrument shall be binding on and inure to the benefit of the parties hereto and their respective heirs, executors, administrators, successors and assigns.

The Grantor hereby warrants the title to the rights above granted.

IN WITNESS WHEREOF, the Grantor has hereunto set its hand and seal this 14th day of August, 2017.

By:   
JOHN C. KINTON

By:   
MARY E. KINTON



- LEGEND**
- CENTERLINE
  - PROPERTY LINE
  - RIGHT-OF-WAY LINE
  - EXISTING EASEMENT



45 HENDRIX ROAD  
WEST HENRIETTA, NY 14586  
PHONE (585) 359-7540  
FAX (585) 359-7547

DATE: 8/10/17 DR: M.G.

JOB No: 22-15-E038 APP: M.P.

**EXHIBIT A**  
**PROPOSED UTILITY EASEMENT**

N/F  
MARY & JOHN KINTON  
T.A. # 159.04-1-10

TOWN OF CHILI  
MONROE COUNTY  
STATE OF NEW YORK

- PROPOSED TEMPORARY UTILITY EASEMENT
- PROPOSED PERMANENT UTILITY EASEMENT

**GRANTED TO:**



**ROCHESTER GAS & ELECTRIC CORPORATION**  
1300 SCOTTSVILLE ROAD  
ROCHESTER, NY 14624

Line: CM-5: 745 Ballantyne Road  
Auth. 9400020265 Parcel No. \_\_\_\_\_  
Area Cost Center No. RC2J000034  
Construction W.O. No. \_\_\_\_\_

(Personal or Corporate Acknowledgment)

(Personal or Corporate Acknowledgment)

(Subscribing Witness Acknowledgment)

State of New York )  
County of Monroe ) ss:

State of New York )  
County of \_\_\_\_\_ ) ss:

State of New York )  
County of \_\_\_\_\_ ) ss:

John C. Kinton

On the 14th day of August in the year 2017, before me, the undersigned, a Notary Public in and for said State, personally appeared John C. Kinton

On the \_\_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_\_, before me, the undersigned, a Notary Public in and for said State, personally appeared \_\_\_\_\_

On the \_\_\_\_ day of \_\_\_\_\_ in the year 2016, before me, personally came \_\_\_\_\_

Mary E. Kinton

Mary E. Kinton, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s) or the person\* upon behalf of which the individual(s) acted, executed the instrument.

personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s) or the person\* upon behalf of which the individual(s) acted, executed the instrument.

the subscribing witness to the foregoing instrument, with whom I am personally acquainted, who being duly sworn, did depose and say that he/she reside(s) at \_\_\_\_\_

TO  
ROCHESTER GAS AND ELECTRIC  
CORPORATION

Dated August 14, 2017

In the \_\_\_\_\_

That he/she knew \_\_\_\_\_

STATE OF NEW YORK )  
COUNTY OF \_\_\_\_\_ ) ss:

Barbara H. Shields  
BARBARA H. SHIELDS  
Notary Public, State of New York  
Qualified in Delaware County  
Reg. No. 01SH6067800  
Commission Expires December 17, ~~2005~~ 2017

Notary Public

To be the individual(s) described in and who executed the foregoing instrument that he/she, said subscribing witness, was present and saw \_\_\_\_\_ and \_\_\_\_\_ execute the same; and that \_\_\_\_\_, said witness, at the same time, subscribed his/her name as witness thereto.

Recorded on the \_\_\_\_\_ day of \_\_\_\_\_

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

In Book \_\_\_\_\_ of Deeds at

Page \_\_\_\_\_ and examined.

(Clerk)

Consideration on this document  
Is less than \$100.00.

\* "For the purposes of this section, the term "person" means any corporation, joint stock company, estate, general partnership (including any registered limited liability partnership or foreign limited liability partnership), limited liability company (including a professional service limited liability company), foreign limited liability company (including a foreign professional service limited liability company), joint venture, limited partnership, natural person, attorney in fact, real estate investment trust, business trust or other trust custodian, nominee or any other individual or entity in its own or any representative capacity."

\* "For the purposes of this section, the term "person" means any corporation, joint stock company, estate, general partnership (including any registered limited liability partnership or foreign limited liability partnership), limited liability company (including a professional service limited liability company), foreign limited liability company (including a foreign professional service limited liability company), joint venture, limited partnership, natural person, attorney in fact, real estate investment trust, business trust or other trust custodian, nominee or any other individual or entity in its own or any representative capacity."

Notary Public

**TAX MAP NUMBERS**  
Section 159.04 Block 01 Lot 10.0

RETURN TO  
PROPERTY MANAGEMENT  
RECORDS CENTER  
ROCHESTER GAS & ELECTRIC  
PO BOX 5224  
BINGHAMTON, NY 13902-5224