

**EASEMENT  
(Pipeline)**

THIS INSTRUMENT WITNESSETH THAT GUILFORD L MACK JR & BETH B MACK, hereinafter called the Grantor(s), being the owner(s) of or having an interest in land situate in the TOWN of PHELPS, County of ONTARIO State of New York, fronting on the street or highway known as COUNTY ROAD 23, being tax parcel 62.00-1-67.100 and bounded EASTERLY by lands of N/F EDINGTON and WESTERLY by lands of N/F YOUNG and being more fully described in a deed recorded in the ONTARIO County Clerk's Office in Book 1331 of Deeds at Page 540 for and in consideration of the sum of ONE DOLLAR (\$1.00), the receipt of which is hereby acknowledged, and the further consideration to be paid or tendered as hereinafter provided hereby grants and release(s) to NEW YORK STATE ELECTRIC & GAS CORPORATION, a corporation organized under the laws of the State of New York, having an office at 18 Link Drive, in the Town of Kirkwood, County of Broome, State of New York, hereinafter called the Grantee, its successors, assigns, lessee's, licensee's, the right, privilege and authority now and from time to time to construct, reconstruct, maintain, operate, repair, use, and at Grantee's pleasure, remove one or more underground pipeline(s) with appurtenant facilities for the transmission and distribution of natural and/or manufactured gas, and/or for communication purposes, for public or private use, upon, over, under, and through said land together with adequate protection therefore, and also a right of way within the easement width described as follows:

AS SHOWN ON EXHIBIT 'A' ATTACHED HERETO AND MADE A PART HEREOF

ALSO: A TEMPORARY EASEMENT AREA adjacent to the permanent easement area for construction purposes, also shown on said Exhibit 'A', to be occupied only during the course of construction. Upon construction completion Grantee will restore the premises to its original condition.

Grantor(s) further grant(s) to Grantee, its successors and assigns, (a) the right now and from time to time to trim, cut, burn, treat, and/or remove by manual or chemical means any brush, trees, obstructions, or other encroachments within the aforementioned strip, as well as the right to cut down and clear away any trees or brush on either side of the strip that nor or hereafter in the opinion of the Grantee may pose a hazard to the pipeline and appurtenances or may interfere with the exercise of Grantee's rights under this instrument; (b) the right of free ingress to and egress from the strip over and across the other property of the Grantor(s); (c) the right of grading for, constructing, maintaining, and using such roads on and across the aforementioned strip and the other property of the Grantor(s) as Grantee may deem necessary in the exercise of the right of ingress and egress; and (d) the right to mark the location of the strip by suitable markers provided that such markers shall be placed so as not to interfere with any reasonable use Grantor(s) shall make of the strip consistent with this instrument; (e) also, the right to pile and store logs upon the property of the Grantor(s) within and adjacent to the permanent and temporary easement strips, the right, but not the obligation, to construct, install, repair, maintain and replace, outside of the permanent and temporary easement strips, water bars and other facilities for drainage control.

THE GRANTEE, its successors and assigns, are hereby expressly given and granted the right to 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.

RESERVING, however, to the Grantor(s) the right to use and enjoy the strip and its property for purposes that will not interfere with, or obstruct, the Grantee's full enjoyment of the rights granted by this instrument or which create a real or potential hazard, provided further that Grantor(s) shall not erect or construct any building or other structure, or drill or operate any well, or construct any reservoir or other obstruction or interference on the strip, or diminish (or substantially add) to the ground cover on the strip. All pipelines shall be laid sufficiently deep so that they will not interfere with normal cultivation of the land.

PROVIDED, however, that any damage (other than for trimming, cutting, or removing trees, brush, vegetation, or other obstructions as provided above) to the property of the Grantor(s), caused by the Grantee in the constructing or repairing said line or lines, shall be borne by the Grantee.

THIS INSTRUMENT shall be binding upon and inure to the benefit of the distributees, executors, administrators, successors and assigns of the respective parties hereto.

IN WITNESS WHEREOF, the Grantor(s) ha \_\_\_\_\_ hereunto set \_\_\_\_\_ hand(s) and seal(s) this \_\_\_\_\_ day of \_\_\_\_\_.

IN PRESENCE OF:

\_\_\_\_\_ Gulm X Guilford L Mack, Jr \_\_\_\_\_ (L.S.)  
1070 County Road 23, Phelps, NY 14532

\_\_\_\_\_ Beth B. Mack \_\_\_\_\_ (L.S.)  
1070 County Road 23, Phelps, NY 14532

\_\_\_\_\_ (L.S.)

\_\_\_\_\_ (L.S.)

EASEMENT

Line \_\_\_\_\_  
Auth. 9800008392 Parcel No. \_\_\_\_\_  
Area Cost Center No. RC2J020410  
Construction W.O. No. 801000  
\_\_\_\_\_  
GUILFORD L MACK JR & BETH B MACK

TO  
NEW YORK STATE ELECTRIC  
& GAS CORPORATION

Dated \_\_\_\_\_,  
\_\_\_\_\_  
STATE OF NEW YORK }  
COUNTY OF \_\_\_\_\_ } ss:  
  
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

(Personal or Corporate Acknowledgment)

STATE OF NEW YORK }  
COUNTY OF Ontario } ss:  
  
On the 26<sup>th</sup> day of July,  
2018, before me, the undersigned, a Notary  
Public in and for said State, personally appeared  
\_\_\_\_\_  
GUILFORD L MACK

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.

\_\_\_\_\_  
Notary Public

KEITH R. LORD  
Notary Public, State of New York  
No. 02LO6091868  
Qualified in Ontario County  
Commission Expires May 5, 2019

\* "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 custodians, nominee or any other individual  
or entity in its own or any representative capacity."

(Personal or Corporate Acknowledgment)

STATE OF NEW YORK }  
COUNTY OF Ontario } ss:  
  
On the 26<sup>th</sup> day of July,  
2018, before me, the undersigned, a Notary  
Public in and for said State, personally appeared  
\_\_\_\_\_  
BETH B MACK

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.

\_\_\_\_\_  
Notary Public

KEITH R. LORD  
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\* "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 custodians, nominee or any other individual  
or entity in its own or any representative capacity."

(Subscribing Witness Acknowledgment)

STATE OF NEW YORK }  
COUNTY OF \_\_\_\_\_ } ss:  
  
On this \_\_\_\_\_ day of \_\_\_\_\_,  
\_\_\_\_\_, before me personally came  
\_\_\_\_\_  
the subscribing witness to the foregoing  
instrument, with whom I am personally acquainted,  
who being by me duly sworn, did depose and say  
that \_\_\_\_\_ he reside(s) at \_\_\_\_\_  
\_\_\_\_\_  
in the \_\_\_\_\_  
that \_\_\_\_\_ he knew \_\_\_\_\_  
to be the Individual \_\_\_\_\_ described in and who  
executed the foregoing instrument that \_\_\_\_\_ he, said  
subscribing witness, was present and saw \_\_\_\_\_  
execute the same; and that \_\_\_\_\_, said witness, at  
the same time, subscribed h\_\_\_\_\_ name as witness  
thereto.

\_\_\_\_\_  
Notary Public

TAX MAP NUMBER

Section 62.00 Block 1 Lot 67.100

RETURN TO  
PROPERTY MANAGEMENT  
RECORDS CENTER  
NEW YORK STATE ELECTRIC & GAS CORP.  
POST OFFICE BOX 5224  
BINGHAMTON, NEW YORK 13902-5224

PROPOSED NATURAL GAS MAIN

N/F  
JAMES W. & MARY LOU ADAMS  
T.A. # 062.00-1-63.111

PROPOSED  
40' WIDE TEMPORARY EASEMENT  
AREA 1 = 0.44 ACRES ±

N/F  
GULIFORD L. JR. & BETH B. MACK  
T.A. # 062.00-1-67.1

PROPOSED 40' WIDE PERMANENT EASEMENT  
AREA 1 = 0.42 ACRES ±

N/F  
HAROLD L. & ANN H. EDINGTON  
T.A. # 062.00-1-66.0

COUNTY ROAD 23

PROPOSED 40' WIDE PERMANENT EASEMENT  
AREA 2 = 0.26 ACRES ±

N/F  
GULIFORD L. JR. & BETH B. MACK  
T.A. # 062.00-1-67.1

N/F  
THOMAS W. DAY  
T.A. # 062.00-1-45.1

PROPOSED  
40' WIDE TEMPORARY EASEMENT  
AREA 2  
AREA = 0.24 ACRES ±



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

DATE: 6/27/17 DR: N.F.

JOB No: 22-16-E056 APP: M.P.

#### EXHIBIT A

### PROPOSED UTILITY EASEMENT

N/F  
GULIFORD L. JR. & BETH B.  
MACK  
T.A. # 062.00-1-67.1

TOWN OF PHELPS  
ONTARIO COUNTY  
STATE OF NEW YORK

 PROPOSED TEMPORARY  
UTILITY EASEMENT

 PROPOSED PERMANENT  
UTILITY EASEMENT

#### GRANTED TO:

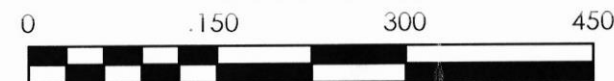


NEW YORK STATE ELECTRIC  
& GAS CORPORATION  
152 BORDER CITY ROAD  
GENEVA, NY 14456

#### LEGEND

CENTERLINE ———  
PROPERTY LINE ———  
RIGHT-OF-WAY LINE ———  
EXISTING EASEMENT ———

#### GRAPHIC SCALE



( IN FEET )  
1 inch = 150 ft.