

TEMPORARY EASEMENT

THIS INSTRUMENT WITNESSETH THAT DONALD L HEINZMAN & CAROLYN R HEINZMAN L 931 P 669

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 CARTER ROAD, bounded NORTHERLY by lands of N/F DEMARIA and SOUTHERLY by lands of N/F CIRENCIONE, for and in consideration of the sum of One and No/100 Dollars (\$1.00), the receipt of which is hereby acknowledged, does hereby grant and release unto 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 lessees, licensees, successors and assigns forever, a temporary easement and right of way, with the right, privilege and authority to install, construct, reconstruct, extend, operate, inspect, maintain, repair, replace, and at its pleasure, remove an underground gas pipeline, including hand/man holes, pipes, ducts and conduits, with the necessary fixtures or appurtenances thereto which the Grantee shall require now and from time to time for the underground transmission and/or distribution of natural and/or manufactured gas for public or private use, in, under, and across said land and/or the highways abutting or running through said land.

The easement and right of way hereby granted and released is SEE EXHIBIT feet in width throughout its extent, situate, lying and being as follows:  
A TEMPORARY ACCESS EASEMENT AREA running adjacent and parallel to Grantor's northerly property line. Said temporary easement area to be used for access to the proposed Phelps gas main; said temporary easement area to be utilized only during the course of the Phelps gas main construction. Upon construction completion Grantee will restore the premises to its original condition.

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

Address: 26351Carter Road  
Tax Acc: 77.00-2-45.110

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.  
TOGETHER with ingress and egress over the easement and right of way and other lands of the Grantor(s) for all of the above purposes and the right now and from time to time to trim, cut, burn, treat and/or remove by manual, mechanical and chemical means trees, roots, brush, structures and other obstructions within said easement and right of way.  
PROVIDED, however, that any damage (other than for trimming, cutting, treating, burning and/or removing trees, roots, brush, structures and other obstructions as above provided) to the property of the Grantor(s), caused by the Grantee in the exercise of its rights under this instrument shall be borne by the Grantee.  
RESERVING, however, to the Grantor(s) the right to cultivate the ground, the right to cross and recross said easement and right of way provided that such use of said ground shall not interfere with, obstruct or endanger any rights granted as aforesaid and shall not disturb the grade of said ground as it now exists, and provided that no structure shall be erected, no trees shall be grown, cultivated or harvested, and no excavating, mining or blasting shall be undertaken within the limits of the easement and right of way without written consent of the Grantee.  
This Instrument shall be binding on and inure to the benefit of the parties hereto and their respective heirs, executors, administrators, successors and assigns.

IN WITNESS WHEREOF, the Grantor(s) ha ve hereunto set their hand(s) and seal(s) this 6th day of March, 2018.

IN PRESENCE OF:

DLHX Donald L Heinzman (L.S.)  
Address: 2651 Carter Road, Geneva, NY 14456  
CR+X Carolyn R. Heinzman (L.S.)  
Address: 2651 Carter Road, Geneva, NY 14456  
(L.S.)  
Address:  
(L.S.)  
Address:

EASEMENT

(Personal or Corporate Acknowledgment)

(Personal or Corporate Acknowledgment)

(Subscribing Witness Acknowledgment)

Line \_\_\_\_\_  
Auth. 9800008392 Parcel No. \_\_\_\_\_  
Area Cost Center No. RC2J020410  
Construction W.O. No. 801000  
\_\_\_\_\_  
DONALD L HEINZMAN  
\_\_\_\_\_  
CAROLYN R HEINZMAN

TO  
NEW YORK STATE ELECTRIC  
& GAS CORPORATION

Dated March 6th, 2018

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

STATE OF NEW YORK }  
COUNTY OF Ontario } ss:  
  
On the 6th day of March, 2018, before me, the undersigned, a Notary Public in and for said State, personally appeared  
DONALD L HEINZMAN

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.  
Rita M. Bailey  
Notary Public

Rita M. Bailey  
Notary Public, State of N.Y.  
No. 4968215  
Qualified in Ontario County  
Commission Exp. June 18, 2018

\* "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."

STATE OF NEW YORK }  
COUNTY OF Ontario } ss:  
  
On the 6th day of March, 2018, before me, the undersigned, a Notary Public in and for said State, personally appeared  
CAROLYN R HEINZMAN

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.  
Rita M. Bailey  
Notary Public

Rita M. Bailey  
Notary Public, State of N.Y.  
No. 4968215  
Qualified in Ontario County  
Commission Exp. June 18, 2018

\* "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."

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 \_\_\_\_\_

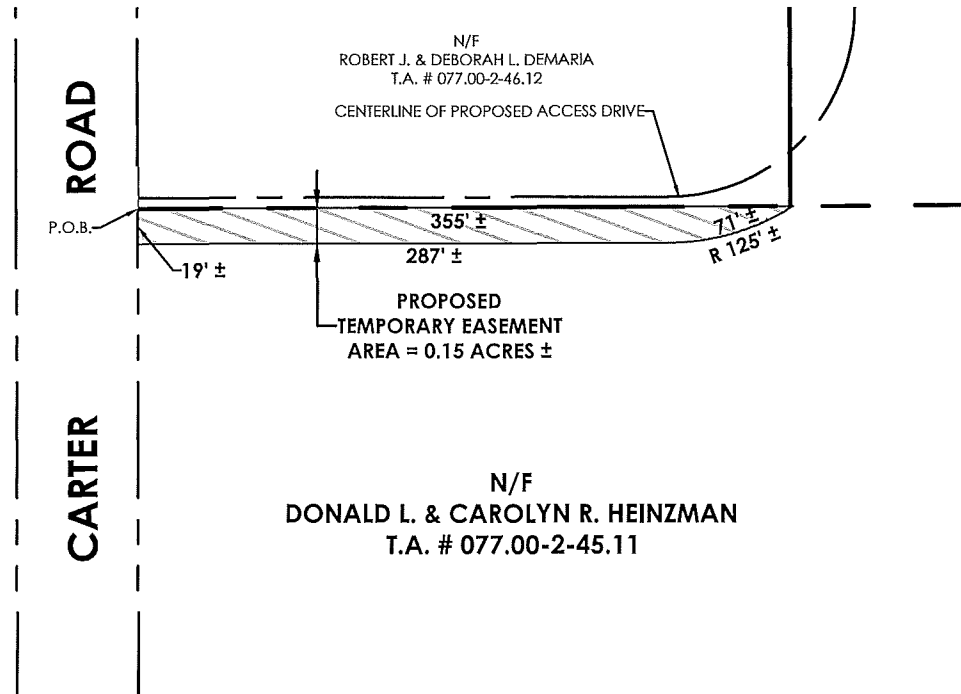
to be the Individual \_\_\_\_\_ described in and who executed the foregoing instrument that \_\_\_\_\_ he, said subscribing witness, was present and saw \_\_\_\_\_ execute the same; and that \_\_\_\_\_, said witness, at the same time, subscribed h \_\_\_\_\_ name as witness thereto.

Notary Public

TAX MAP NUMBER

Section 77.00 Block 2 Lot 45.110

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



N/F  
DANIEL BERNIS & MARY HOWARD  
T.A. # 077.00-2-46.11



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

DATE: 12/13/17 DR: N.F.

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

#### EXHIBIT A

### PROPOSED UTILITY EASEMENT

N/F  
DONALD & CAROLYN HEINZMAN  
T.A. # 077.00-2-45.11  
TOWN OF PHELPS  
ONTARIO COUNTY  
STATE OF NEW YORK

 PROPOSED TEMPORARY  
UTILITY EASEMENT

 PROPOSED PERMANENT  
UTILITY EASEMENT

#### GRANTED TO:



## NYSEG

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

#### GRAPHIC SCALE



( IN FEET )  
1 inch = 100 ft.

#### LEGEND

CENTERLINE  
PROPERTY LINE  
RIGHT-OF-WAY LINE  
EXISTING EASEMENT

