



ESSEX COUNTY – STATE OF NEW YORK
 JOSEPH A. PROVONCHA, COUNTY CLERK
 7559 COURT ST, PO BOX 247, ELIZABETHTOWN, NY 12932

COUNTY CLERK'S RECORDING PAGE

THIS PAGE IS PART OF THE DOCUMENT – DO NOT DETACH



BOOK/PAGE: 1829 / 52
 INSTRUMENT #: 2016-855

Receipt#: 2016145793
 Clerk: SN
 Rec Date: 03/04/2016 02:22:00 PM
 Doc Grp: D
 Descrip: EASEMENT
 Num Pgs: 9
 Rec'd Frm: HANNA ABSTRACT

Party1: NATURE CONSERVANCY (THE) DBA
 Party2: NORTH HUDSON TOWN OF
 Town: NEWCOMB
 NORTH HUDSON

Recording:

Cover Page	0.00
Recording Fee	0.00
Cultural Ed	0.00
Records Management - Coun	0.00
Records Management - Stat	0.00
TP584	0.00

Sub Total: 0.00

Transfer Tax	
Transfer Tax - State	0.00
Transfer Tax - County	0.00

sub Total: 0.00

Total: 0.00

**** NOTICE: THIS IS NOT A BILL ****

***** Transfer Tax *****
 Transfer Tax #: 1243
 Exempt
 Consideration: 0.00

Total: 0.00

I hereby certify that the within and foregoing was recorded in the Essex County Clerk's Office.

Joseph A. Provoncha
 Essex County Clerk

Record and Return To:

THE NATURE CONSERVANCY NEW YORK
 ATTN: TIM KOSTOROSKI
 195 NEW KARNER RD SUITE 200
 ALBANY NY 12205

Notice Information may change during the verification process and may not be reflected on this page

GRANT OF CONSERVATION EASEMENT PURSUANT TO ECL ARTICLE 49
OVER PORTIONS OF THE BOREAS PONDS TRACT

THIS DEED OF EASEMENT (hereinafter the "Easement") is hereby granted on this 26th day of February, 2016, by and between

The Nature Conservancy, a District of Columbia non-profit corporation authorized to do business in the State of New York as THE NATURE CONSERVANCY, INC., with a principal office with an address at 4245 North Fairfax Drive, Arlington, Virginia 22203, and maintaining an Adirondack Chapter Office with an address at 8 Nature Way, Keene Valley, New York 12943 (hereinafter "Grantor"), and

the Town of North Hudson, having an office at North Hudson Town Hall, 3024 US Rte 9, North Hudson, New York 12855, and the Town of Newcomb, having an office at Town Hall, 5639 State Route 28N, P.O. Box 405, Newcomb, New York 12852 (hereinafter "Grantees" or "Towns"), (collectively referred to herein as "Parties").

WITNESSETH

WHEREAS, Grantor is the sole owner, in fee simple of a Tract of land located in the Towns of Newcomb and North Hudson, Essex County, State of New York, known as the Boreas Ponds Tract, which property (hereafter referred to as the "Property") is described in Schedule A herein, and made a part hereof; and

WHEREAS, the legislature of the State of New York has determined pursuant to § 49-0301 of the New York State Environmental Conservation Law (hereinafter the: "ECL") the following "Declaration of policy and statement of purpose":

"The legislature hereby finds and declares that in order to implement the state policy of conserving, preserving and protecting its environmental assets and natural and man-made resources, the preservation of open spaces, the preservation, development and improvement of agricultural and forest lands, the preservation of areas which are significant because of their scenic or natural beauty or wetland, shoreline, geological or ecological, including old-growth forest, character, and the preservation of areas which are significant because of their historical, archaeological, architectural or cultural amenities, is fundamental to the maintenance, enhancement and improvement of recreational opportunities, tourism, community attractiveness, balanced economic growth and the quality of life in all areas of the state"; and

WHEREAS, the Parties recognize the value and special character of the Property, and the associated benefits to the communities which arise from access by the public to remote areas of the Property for recreational purposes; and

WHEREAS, Grantor intends to convey the Property in the future to the State of New York, under the jurisdiction of the New York State Department of Environmental Conservation (hereinafter "DEC"), and therefore, Grantor is also granting this Easement in order to facilitate maintenance of roads, trails or other infrastructure that may need to have periodic maintenance and resurfacing with gravel as provided for herein so that they can be safely used as legal and appropriate, and all Parties recognize that other authorities may establish laws, rules and regulations that may govern the right of the

Rt The Nature Conservancy - New York
attn: Tim Kostroski
195 New Karner Rd, Suite 200
Albany, NY 12205

Grantees to access and maintain roads, trails, other infrastructure and gravel pits, within the property which are conveyed by this easement; and

WHEREAS, the Towns recognize that portions of the property are located within the Towns of North Hudson and Newcomb, and the Towns intend to cooperate in the implementation of the rights granted herein for the benefit of the public and the communities in the Adirondack region.

NOW, THEREFORE, Grantor, for the consideration of ten (\$10.00) Dollars and other valuable consideration paid by the Towns, the receipt and sufficiency of which are hereby acknowledged, does hereby grant, convey, and release to the Towns, as Grantees, this Easement and Conservation Easement in perpetuity, pursuant to Article 49, Title 3 of the ECL, in, on, over, under, and upon the Property, as respectively described in Schedule A herein, according to the following terms, covenants, rights, restrictions, and obligations set forth in the following terms:

- 1) Any reference to "Grantor", "Grantee" or "Towns" herein shall also include any and all respective successors in interest and assigns; and
- 2) The exercise of any rights granted to the Towns herein shall only be exercised upon the issuance of, and to the extent such rights are set forth in, a duly issued permit by the New York State Department of Environmental Conservation in its sole discretion (hereinafter "DEC Permit") as provided for in paragraph 3(a) herein; and
- 3) The Towns are hereby granted the non-exclusive right of access, and to allow others non-exclusive access to facilitate access to the Property for public recreational use subject to the specific limitations set forth in a duly issued DEC Permit, said right to run with the land and inure to the benefit of the Towns and their successors in interest in perpetuity, and subject to the following provisions:
 - a. The Towns shall be required to obtain a DEC Permit annually prior to the exercise of any rights granted herein. The DEC Permit shall include, but shall not be limited to, specific rights set forth in this grant which the Town may exercise each year pursuant to this easement in the sole discretion of the DEC, such as the frequency of access on the specific roads within the Boreas Ponds Tract which may be designated for access, use and maintenance by the Towns, or any other entities of neighboring municipalities cooperating with the Towns, including roads which may be open for public motorized use, if any, or administrative use by Grantor, in accordance with the provisions of this Easement. Additionally, any other person or entity identified in the DEC Permit issued to the Towns as being authorized to access in accordance with this grant shall also be required to obtain their own distinct DEC Permit, issued by DEC, prior to exercising any rights granted herein; and
 - b. Grantor, cognizant of the potential need for the Towns to access the property with motorized vehicles for administrative purposes or for emergency purposes associated with the health and safety of the public, hereby grants the Towns, subject to all laws, rules and regulations in effect at the time of the issuance of the DEC Permit, a non-exclusive right-of-way and road easement on, over and within the roads and existing and former road corridors designated in a DEC Permit issued in accordance with paragraph 3(a) above solely for administrative or emergency purposes as needed to maintain the health and safety of

the public, together with the non-exclusive right to maintain or relocate such roads in accordance with the terms of this grant.

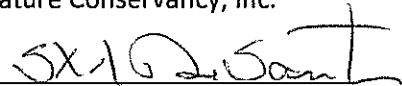
- c. Subject to all laws, rules and regulations in effect at the time of the issuance of the DEC Permit, Grantor hereby grants the Towns a non-exclusive right to access and mine gravel from the existing **Labier Flow Pit** having an approximate geographic position of **N 43°59'32.06" W 73°56'32.06"** and **Brace Brook Pit** having an approximate geographic position of **N 43°59'29.11" W 73°57'42.16"** which are identified and shown on **Exhibit 1**, attached hereto and made a part hereof, solely for the purpose of excavating gravel as needed to maintain the roads, trails or infrastructure within the Boreas Ponds Tract, subject to the following requirements:
- i. The rights granted herein to access and mine gravel shall be subject to the approval by Grantor of a work plan prepared by the Towns, in consultation with DEC, which shall set forth the Towns' plan to use and maintain the roads, trails or other infrastructure within the Boreas Ponds Tract to the extent authorized in the DEC Permit; and
 - ii. The Towns' right to maintain the roads, trails or other related infrastructure shall be identified in and pursuant to the terms and conditions of the DEC Permit.
 - iii. Ownership of the fee title to the bed of the roads shall remain with the Grantor and its successors in interest the parties agree that this Easement shall not create a public highway; and
 - iv. Each gravel pit accessed by the Towns shall not exceed one (1) acre in size; and
 - v. The right to access and mine the gravel pits identified in **Exhibit 1** herein shall terminate once the gravel from the pits is exhausted as determined by the Grantor; and
 - vi. Upon the determination by the Grantor that a gravel pit is exhausted, Grantor shall be solely responsible to reclaim the gravel pit in accordance with the rules and regulations in effect at the time of the reclamation; and
 - vii. The Towns shall not transport any gravel from the Property for use on any other Town Road or parcel located off the Property for any purpose; and
 - viii. The Towns may use or provide gravel, at the request of the Grantor, to maintain the roads, trails or other infrastructure located within the Boreas Ponds Tract as set forth in the DEC Permit, but the Towns shall not be obligated to provide any gravel or perform any such maintenance on the roads, trails or other infrastructure; and
 - ix. The roads shown on **Exhibit 1** labeled as "**Gulf Brook Road**" and **Boreas Pond Road, a/k/a Trout Pond Road** are for use by the Towns to access the respective gravel pits for purposes associated with this grant.

- 4) Administrative access for purposes of this grant is defined as access to the Property by the Towns as required to perform executory functions necessary for implementing their rights as set forth in this grant, such as road maintenance, inspection or search and rescue, subject to the limitations and provisions set forth herein.

IN WITNESS WHEREOF, the Parties have set their hands and seals the day and year first written above.

GRANTOR:

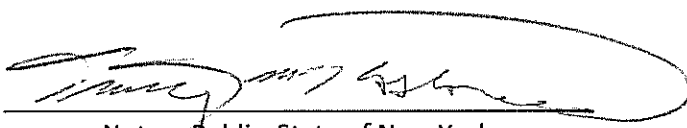
The Nature Conservancy, Inc.

BY: 
Shauna M. DeSantis

Its: Assistant Secretary

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

On the 26th day of February in the year 2016, before me, the undersigned, personally appeared Shauna M. DeSantis, 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, State of New York

TIMOTHY M. KOSTOROSKI
Notary Public, State of New York
No. 01K06023215
Qualified in Schenectady County,
Commission Expires April 19, 2017

ACCEPTED BY GRANTEE:

By: TOWN OF NORTH HUDSON

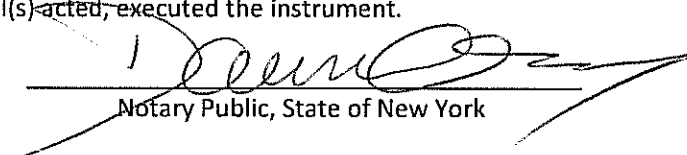
By: Ronald Moore

Its: Supervisor

Grantee's Acknowledgment:

STATE OF NEW YORK)
)ss:
COUNTY OF Essex)

On the 3 day of March in the year 20 16, before me, the undersigned, personally appeared Ronald Moore, 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, State of New York

Dawn M. Ormsby
Notary Public, State of New York
Qualified in Essex County
Commission Expires 12/05/2019
No. 01OR6252308

ACCEPTED BY GRANTEE:

By: TOWN OF NEWCOMB

By: Wester Miga

Its: Supervisor

Grantee's Acknowledgment:

STATE OF NEW YORK)
)ss:
COUNTY OF Essex)

On the 3 day of March in the year 2016, before me, the undersigned, personally appeared Wester Miga, 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.

Dawn Ormsby
Notary Public, State of New York

Dawn M. Ormsby
Notary Public, State of New York
Qualified in Essex County
Commission Expires 12/05/2019
No. 01OR6252308

SCHEDULE A

ALL THAT CERTAIN TRACT OR PARCEL OF LAND known as the "Boreas Ponds Tract" and identified as New York State Department of Environmental Conservation Land Acquisition Project: AFP Essex 460A, being situate in Township 44, Township 45 and Township 46 of Totten & Crossfield's Purchase in the Towns of Newcomb and North Hudson in the County of Essex and State of New York.

BEING a portion of the lands conveyed by Finch, Pruyn & Co., LLC to Adirondack Woodlands, LLC by deed dated June 18, 2007, recorded June 25, 2007 in Liber 1540 of Deeds at page 102 at the Essex County Clerk's Office and subsequently conveyed by Adirondack Woodlands, LLC to the Nature Conservancy, Inc. by deed dated October 1, 2007, recorded October 1, 2007 in Liber 1552 of Deeds at page 206.

ALL AS SHOWN UPON A CERTAIN MAP ENTITLED: "Compiled Map showing a Sketch of Conservation Easements and also Parcels proposed to be acquired in Fee pursuant to Section 3-0305 of the Environmental Conservation Law designated as Project: Essex 460B – Conservation Easement, Vendor: Upper Hudson Woodlands ATP, LP and Project: Essex 460A – Proposed Fee, Vendor: The Nature Conservancy, Inc.", by Kevin A. Hall, Land Surveyor, designated as New York State Department of Environmental Conservation Map Number 12,144 and filed in the Office of Clerk of Essex County on December 29, 2010 in Drawer 45 as Instrument #: 6603

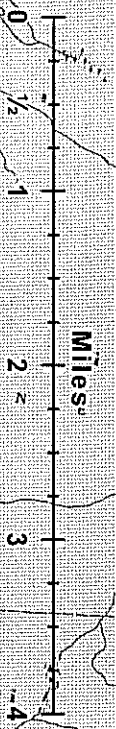
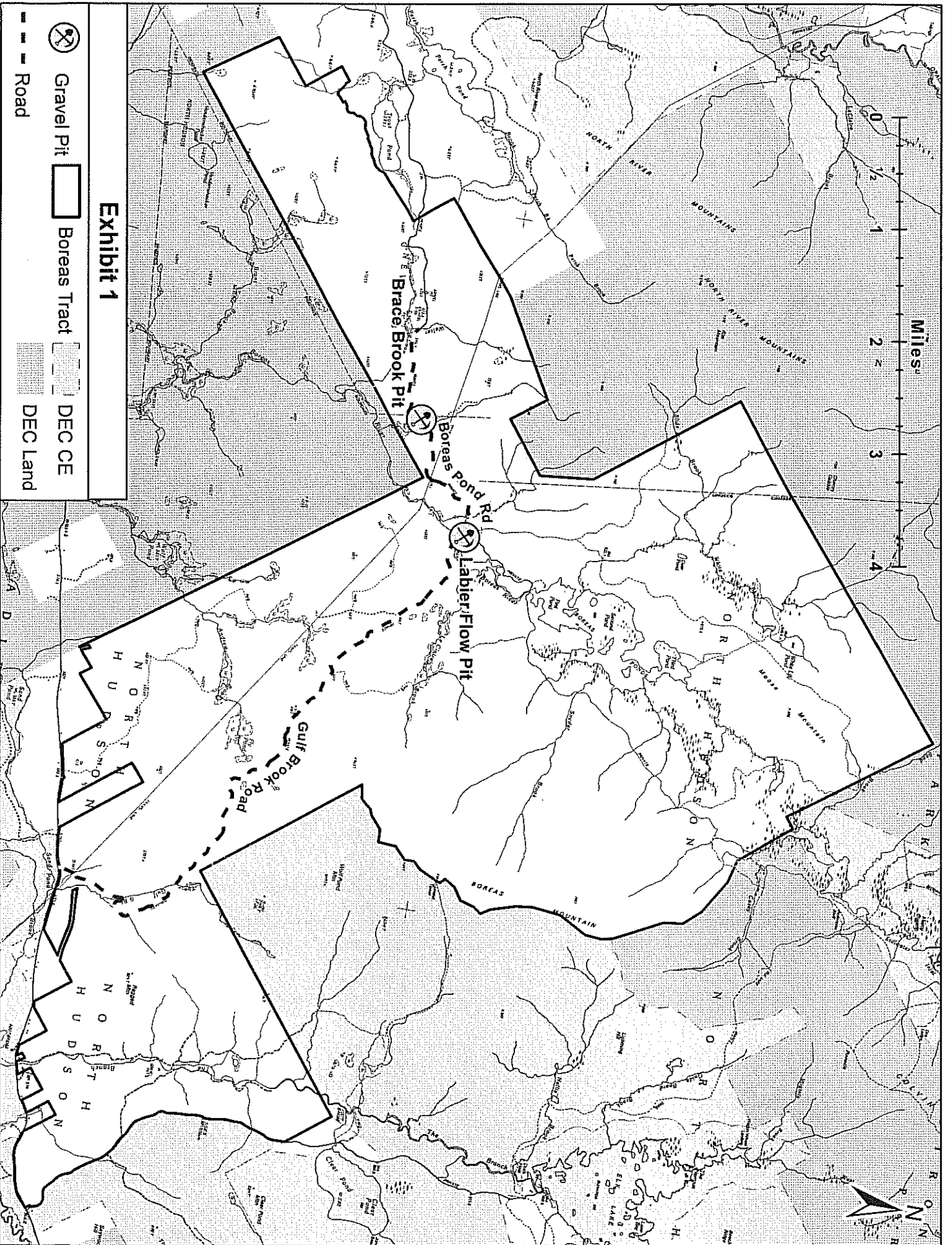







Exhibit 1

-  Gravel Pit
-  Boreas Tract
-  DEC CE
-  DEC Land
-  Road

Brace Brook Pit

Boreas Pond Road

Labier Flow Pit

Gulf Brook Road

NORTON

NORTON

BORAS MOUNTAIN

NORTH RIVER MOUNTAINS

NORTH RIVER

NORTH RIVER MOUNTAINS

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