S T A T E O F N E W Y O R K

9376

I N A S S E M B L Y

February 29, 2016

Introduced by M. of A. MAGNARELLI -- read once and referred to the Committee on Economic Development

AN ACT to amend the alcoholic beverage control law, in relation to exempting certain parcels of land from the provisions of law which generally restrict manufacturers, wholesalers and retailers from sharing an interest in a liquor license

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Subparagraph (ix) of paragraph (a) of subdivision 1 of section 101 of the alcoholic beverage control law, as amended by chapter 301 of the laws of 2014, is amended and a new subparagraph (x) is added to read as follows:

(ix) any such premises or businesses located on that tract or parcel of land situate lying and being in the Town of Oneonta, County of Otsego and State of New York and being a portion of Otsego County Tax Map Department Parcel Number 287.00-1-33 and bounded and described as follows: Beginning at a point 2.12 feet off the northeasterly corner of a one story building on the lands, now or formerly, of Abner Doubleday, LLC, aka Cooperstown All Star Village, LLC, as owned by Martin and Brenda Patton, which point lies N 87°55'13" W a distance of 149.37' from the northeast corner of the Patton lands; thence N 74°30'18" W a distance of 51.50 feet to a point; thence S 15°29'42" W a distance of 2.00 feet to a point; thence N 74°30'18" W a distance of 14.00 feet to a point; thence S 15°29'42" W a distance of 19.20 feet to a point; thence S 74°30'18" E a distance of 14.20 feet to a point; thence S 15°29'42" W a distance of 4.20 feet; thence S 74°30'18" E a distance of 51.30 feet to a point; thence N 15°29'42" E a distance of 25.40 feet to a point to the point and place of beginning.
Containing an area of 1576.06 square feet, or 0.036 acres with such bearings referencing Magnetic North 1995.
This survey is subject to any rights of way or easements which may have been granted to utility companies[.]; OR

(X) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, THE STATE LIQUOR AUTHORITY MAY ISSUE A LICENSE UNDER SECTION FIFTY-ONE-A OF

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

LBD13556-06-6

THIS CHAPTER TO THE OWNER AND/OR OPERATOR OF THE PARCELS DESCRIBED IN THIS SUBPARAGRAPH. THE LEGAL DESCRIPTIONS FOR THE FIVE PARCELS SO IDENTIFIED AS THE SITE ARE AS FOLLOWS:

PARCEL A

ANY SUCH PREMISES OR BUSINESS CONSTITUTING THE OVERNIGHT LODGING AND RESORT FACILITY LOCATED WHOLLY WITHIN THE BOUNDARIES OF THE VILLAGE OF ALTMAR, COUNTY OF OSWEGO, GREAT LOT 19 BEGINNING AT A POINT ON CENTERLINE OF PULASKI STREET AT ITS INTERSECTION WITH THE DIVISION LINE BETWEEN THE LANDS NOW OR FORMERLY OF ALTMAR PARISH WILLIAMSTOWN CENTRAL SCHOOL DISTRICT (APW CSD) AS DESCRIBED IN BOOK 378 OF DEEDS AT PAGE 118 ON THE NORTHWEST AND THE LANDS NOW OR FORMERLY OF TOSTANOSKI AS DESCRIBED IN BOOK 1356 OF DEEDS AT PAGE 55 ON THE SOUTHEAST; THENCE ALONG SAID CENTERLINE THE FOLLOWING TWO (2) COURSES: 1) NORTH 37 DEG. 35 MIN. 00 SEC. WEST, A DISTANCE OF 803.88 FT. TO A POINT AND 2). NORTH 45 DEG. 48 MIN. 13 SEC. WEST, A DISTANCE OF 132.33 FT. TO ITS INTERSECTION WITH THE DIVISION LINE BETWEEN THE SAID LANDS OF APW CSD ON THE SOUTHEAST AND THE LANDS NOW OR FORMERLY OF HAYWARD AS DESCRIBED IN BOOK 894 OF DEEDS AT PAGE 211 & DOC. #2006-9318 ON THE NORTHWEST; THENCE NORTH 23 DEG. 48 MIN. 43 SEC. EAST ALONG SAID DIVISION, A DISTANCE OF 131.66 FT. TO ITS INTERSECTION WITH THE DIVISION LINE BETWEEN THE SAID LANDS OF APW CSD ON THE NORTH AND THE SAID LANDS OF HAYWARD ON THE SOUTH; THENCE SOUTH 73 DEG. 16 MIN. 17 SEC. WEST ALONG THE SAID DIVISION LINE, A DISTANCE OF 131.66 FT. TO ITS INTERSECTION WITH THE DIVISION LINE BETWEEN THE SAID LANDS OF APW CSD AND THE LANDS NOW OR FORMERLY OF NATIONAL GRID AS DESCRIBED IN BOOK 282 OF DEEDS AT PAGE 552; THENCE ALONG SAID DIVISION LINE TO THE FOLLOWING SIX (6) COURSES: 1) NORTH 23 DEG. 43 MIN. 38 SEC. EAST, A DISTANCE OF 158.73 FT. TO A POINT; THENCE 2) NORTH 83 DEG. 39 MIN. 24 SEC. WEST, A DISTANCE OF 190.48 FT. TO A POINT; THENCE 3) NORTH 25 DEG. 39 MIN. 08 SEC. EAST, A DISTANCE OF 24.15 FT. TO A POINT; THENCE 4) NORTH 53 DEG. 32 MIN. 01 SEC. EAST, A DISTANCE OF 265.18 FT. TO A POINT; THENCE 5) NORTH 81 DEG. 24 MIN. 54 SEC. EAST A DISTANCE OF 475.00 FT. TO A POINT; AND 6) NORTH 81 DEG. 24 MIN. 54 SEC. EAST, A DISTANCE OF +/- 522 FT. TO ITS INTERSECTION WITH THE CENTER OF SALMON RIVER; THENCE UPSTREAM ALONG SAID CENTER, AND IN A GENERALLY SOUTHERLY DIRECTION, A DISTANCE OF +/- 1,455 FT. TO ITS INTERSECTION WITH THE DIVISION LINE BETWEEN THE SAID LANDS OF APW CSD ON THE NORTHWEST AND THE LANDS NOW OR FORMERLY OF BENNETT AS DESCRIBED IN BOOK 927 OF DEEDS AT PAGE 65 ON THE SOUTHEAST; THENCE SOUTH 52 DEG. 19 MIN. 00 SEC. WEST ALONG SAID DIVISION LINE, A DISTANCE OF +/- 170 FT. TO A POINT; THENCE SOUTH 52 DEG. 19 MIN. 00 SEC. WEST, CONTINUING ALONG SAID DIVISION LINE, A DISTANCE OF 400.00 FT. TO ITS INTERSECTION WITH THE CENTERLINE OF PULASKI STREET; THENCE NORTH 37 DEG. 35 MIN. 00 SEC. WEST ALONG SAID CENTERLINE, A DISTANCE OF 53.65 FT. TO ITS INTERSECTION WITH THE DIVISION LINE BETWEEN THE SAID LANDS OF APW CSD ON THE SOUTHEAST AND THE LANDS NOW OR FORMERLY OF PFLUGER AS DESCRIBED IN BOOK 922 OF DEEDS AT PAGE 187 ON THE NORTHWEST; THENCE NORTH 52 DEG. 25 MIN. 00 SEC. EAST ALONG SAID DIVISION LINE, A DISTANCE OF 330.00 FT. TO ITS INTERSECTION WITH THE DIVISION LINE BETWEEN THE SAID LANDS OF APW CSD ON THE NORTHEAST AND THE SAID LANDS OF PFLUGER, THE LANDS NOW OR FORMERLY OF ENDSLEY AS DESCRIBED IN BOOK 1520 OF DEEDS AT PAGE 5, AND THE HEREINABOVE SAID LANDS OF TOSTANOSKI, IN PART BY EACH, ON THE SOUTHWEST; THENCE NORTH 37 DEG. 35 MIN. 00 SEC. WEST ALONG SAID DIVISION LINE, A DISTANCE OF 247.50 FT. TO ITS INTERSECTION WITH THE DIVISION LINE BETWEEN THE SAID LANDS OF APW CSD ON THE NORTHWEST AND THE SAID LANDS OF TOSTANOSKI ON THE SOUTHEAST; THENCE SOUTH 52 DEG. 25 MIN. 000 SEC. WEST ALONG SAID DIVISION LINE, A DISTANCE OF 330.00 FT. TO THE POINT OF BEGINNING; OR

PARCEL B

ANY SUCH PREMISES OR BUSINESS CONSTITUTING THE OVERNIGHT LODGING AND RESORT FACILITY LOCATED WHOLLY WITHIN THE BOUNDARIES OF THAT TRACT OR PARCEL OF LAND SITUATE IN THE CITY OF SYRACUSE, COUNTY OF ONONDAGA AND STATE OF NEW YORK, BEING PART OF BLOCK 366 IN SAID CITY AND MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS: BEGINNING AT A POINT AT THE INTERSECTION OF THE SOUTHERLY LINE OF EAST GENESEE STREET WITH THE WESTERLY LINE OF UNIVERSITY AVENUE; RUNNING THENCE: SOUTH 00° 30' 30" WEST, ALONG SAID WESTERLY LINE OF UNIVERSITY AVENUE, A DISTANCE OF 75.16 FEET TO A POINT THEREIN; THENCE NORTH 89° 49' 00" WEST, A DISTANCE OF 140.00 FEET TO A POINT; THENCE SOUTH 00° 30' 30" WEST, A DISTANCE OF 271.55 FEET TO A POINT; THENCE NORTH 89° 49' 00" WEST, A DISTANCE OF 103.01 FEET TO A POINT; THENCE SOUTH 00° 11' 00" WEST, A DISTANCE OF 132.00 FEET TO A POINT IN THE NORTHERLY LINE OF MADISON STREET; THENCE NORTH 89° 49' 0" WEST ALONG SAID NORTHERLY LINE, A DISTANCE OF 141.36 FEET TO A POINT; THENCE NORTH 00° 25' 10" EAST, A DISTANCE OF 50 FEET TO A POINT IN THE WESTERLY LINE OF FARM LOT 200 OF THE SALT SPRINGS RESERVATION; THENCE NORTH 03° 26' 10" WEST ALONG SAID WESTERLY LINE, A DISTANCE OF 415.12 FEET TO A POINT IN THE SOUTHERLY LINE OF EAST GENESEE STREET; THENCE NORTH 88° 11' 00" EAST, ALONG SAID SOUTHERLY LINE, A DISTANCE OF 412.50 FEET TO THE POINT OF BEGINNING. THE PREMISES ARE ALSO DESCRIBED AS FOLLOWS: ALL THAT TRACT OR PARCEL OF LAND, SITUATE IN THE CITY OF SYRACUSE, COUNTY OF ONONDAGA AND STATE OF NEW YORK, BEING KNOWN AS NEW LOT 1A AS IS MORE PARTICULARLY SHOWN ON A RESUBDIVISION MAP OF PART OF BLOCK 366 MADE BY CHRISTOPHERSON LAND SURVEYING AND FILED IN THE ONONDAGA COUNTY CLERK'S OFFICE OCTOBER 8, 2002 AS MAP NO. 9498; OR

PARCEL C

ANY SUCH PREMISES OR BUSINESS CONSTITUTING THE OVERNIGHT LODGING AND RESORT FACILITY LOCATED WHOLLY WITHIN THE BOUNDARIES OF ALL THAT TRACT OR PARCEL OF LAND SITUATE IN THE CITY OF SYRACUSE, COUNTY OF ONONDAGA AND STATE OF NEW YORK, BEING A PART OF LOTS 200 AND 201, LOTS 2, 6, AND 7, BLOCK 368 IN THE CITY OF SYRACUSE AND BEING FURTHER DESCRIBED AS FOLLOWS: BEGINNING AT A DRILL HOLE SET AT THE INTERSECTION OF THE EASTERLY STREET MARGIN OF SOUTH CROUSE AVENUE AND THE SOUTHERLY STREET MARGIN OF HARRISON STREET; THENCE S. 89° 51' 36" E. (S 89° 49' 40" E MEASURED), ALONG THE SOUTHERLY STREET MARGIN OF HARRISON STREET, A DISTANCE OF 395.30 FEET TO A CAPPED IRON ROD SET AT THE WESTERLY LINE OF A PARCEL OF LAND CONVEYED TO SYRACUSE UNIVERSITY; THENCE S. 00° 28' 34" W. (S 00° 30' 30" W MEASURED), ALONG THE WESTERLY LINE OF THOSE PARCELS OF LAND CONVEYED TO SYRACUSE UNIVERSITY, A DISTANCE OF 132.00 FEET TO A CAPPED IRON ROD SET; THENCE N. 89° 51' 36" W. (N 89° 49' 40" W MEASURED), ALONG THE NORTHERLY LINE OF A PARCEL OF LAND CONVEYED TO SYRACUSE UNIVERSITY, A DISTANCE OF 132.00 FEET TO A CAPPED IRON ROD SET; THENCE N. 89° 51' 36" W. (N 89° 49' 40" W MEASURED), ALONG THE NORTHERLY LINE OF A PARCEL OF LAND CONVEYED TO SYRACUSE UNIVERSITY, A DISTANCE OF 66.00 FEET TO A CAPPED IRON ROD SET; THENCE S. 00° 28' 34" W. (S 00° 30' 30" W MEASURED), ALONG THE WESTERLY LINE OF THAT SYRACUSE UNIVERSITY PROPERTY, A DISTANCE OF 71.25 FEET TO A CAPPED IRON ROD SET; THENCE N 89° 55' 36" W. (89° 53' 39" W MEASURED), A DISTANCE OF 130.40 FEET TO A CAPPED IRON ROD SET AT THE EASTERLY LINE OF THAT PARCEL OF LAND CONVEYED TO CROUSE HEALTH SYSTEMS, INC. BY DEED RECORDED IN THE ONONDAGA COUNTY CLERK'S OFFICE IN LIBER 4800 AT PAGE 730; THENCE N. 03° 44' 23" W. (03° 42' 26" W MEASURED), ALONG THE EASTERLY LINE OF THE CROUSE HEALTH SYSTEM, INC. PROPERTY, A DISTANCE OF 37.99 FEET TO A MAGNETIC NAIL SET AT THE NORTHEAST CORNER OF THE AFOREMENTIONED CROUSE HEALTH SYSTEM, INC.; THENCE N. 89° 51' 36' W. (N 89° 49' 40" W MEASURED), ALONG THE NORTHERLY LINE OF

THE CROUSE HEALTH SYSTEM, INC. PROPERTY, A DISTANCE OF 195.85 FEET TO A CAPPED IRON ROD SET AT THE EASTERLY STREET MARGIN OF SOUTH CROUSE AVENUE; THENCE N. 00° 23' 14" E. (N 00° 25' 10" E MEASURED), ALONG THE EASTERLY STREET MARGIN OF SOUTH CROUSE AVENUE, A DISTANCE OF 165.50 FEET TO THE POINT OF BEGINNING. TOGETHER WITH ALL THE RIGHT, TITLE AND INTEREST IN AND TO STROPS AND GORES OF LAND, IF ANY, ADJOINING OR ADJACENT TO SAID PREMISES AND TO THE LANDS LYING IN THE BED OF ANY STREET, ROAD LAND OR RIGHT OF WAY, AS THEY NOW EXIST, OR FORMERLY EXISTED IN, IN FRONT OF, OR ADJOINING THE PREMISES ABOVE DESCRIBED OR USED IN CONNECTION WITH SAID ABOVE DESCRIBED PREMISES. CONTAINING 1.55 ACRES OF LAND MORE OR LESS. IT BEING THE INTENT OF THIS SURVEY DESCRIPTION TO DESCRIBE THOSE PARCELS OF LAND CONVEYED BY TEMPLE ADATH YESHURUN, ALSO KNOWN AS THE CONGREGATION ADATH YESHURUN, TO THE SYRACUSE URBAN RENEWAL AGENCY, BY A WARRANTY DEED DATED SEPTEMBER 21, 1972, THAT WAS DULY RECORDED IN THE ONONDAGA COUNTY CLERK'S OFFICE ON OCTOBER 10, 1972 IN DEED BOOK 2486 AT PAGE 1137. BEING A PORTION OF THE PREMISES CONVEYED AT HOTEL SKYLAR, LLC, F/K/A 908 HARRISON ST., LLC, BY DEED DATED JUNE 5, 2007, AND RECORDED IN THE ONONDAGA COUNTY CLERK'S OFFICE ON JUNE 14, 2007 IN DEED BOOK 04998 AT PAGE 0795 (INSTRUMENT: 0687909); OR

PARCEL D

ANY SUCH PREMISES OR BUSINESS CONSTITUTING THE OVERNIGHT LODGING AND RESORT FACILITY LOCATED WHOLLY WITHIN THE BOUNDARIES OF ALL THAT TRACT OR PARCEL OF LAND SITUATE IN THE CITY OF SYRACUSE, COUNTY OF ONONDAGA, BEING PART OF LOTS 13, 14 AND 15 OF BLOCK 233 IN SAID CITY, MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS: BEGINNING AT A POINT IN THE NORTHERLY LINE OF EAST GENESEE STREET, A DISTANCE OF 232.5 FEET EASTERLY, MEASURED ALONG SAID NORTHERLY LINE, FROM THE EASTERLY LINE OF ALMOND STREET; RUNNING THENCE THE FOLLOWING 8 COURSES AND DISTANCES: (1.) S 89° 30' 50"E, ALONG SAID NORTHERLY LINE OF EAST GENESEE STREET, A DISTANCE OF 109.5 FEET; (2.) N 00° 20' E, PARALLEL WITH SAID EASTERLY LINE OF ALMOND STREET, A DISTANCE OF 158.69 FEET TO THE SOUTHERLY LINE OF ORANGE ALLEY; (3.) N 89° 30' 50" W, ALONG SAID SOUTHERLY LINE OF ORANGE ALLEY, A DISTANCE OF 66 FEET TO A POINT; (4.) N 00° 20' E, PARALLEL WITH SAID EASTERLY LINE OF ALMOND STREET, 20 FEET TO THE NORTHERLY LINE OF ORANGE ALLEY; (5.) N 89° 30' 50" W, ALONG SAID NORTHERLY LINE OF ORANGE ALLEY, A DISTANCE OF 9 FEET; (6.) S 00° 20' W, PARALLEL WITH SAID EASTERLY LINE OF ALMOND STREET, A DISTANCE OF 13.5 FEET TO A POINT; (7.) N 89° 30' 50" W, PARALLEL WITH THE AFORESAID NORTHERLY LINE OF EAST GENESEE STREET, A DISTANCE OF 3 FEET TO A POINT; AND, (8.) S 00° 20' W, PARALLEL WITH SAID EASTERLY LINE OF ALMOND STREET, A DISTANCE OF 165.19 FEET TO THE POINT OF BEGINNING, CONTAINING 17,781+/- SQ. FT. (0.41+/- ACRES OF LAND) AND; PARCEL II (#716-718 EAST FAYETTE STREET), ALL THAT TRACT OR PARCEL OF LAND SITUATE IN THE CITY OF SYRACUSE, COUNTY OF ONONDAGA AND STATE OF NEW YORK, BEING LOT 3 AND PART OF LOTS 4 AND 9 OF BLOCK 233 BEGINNING IN THE SOUTHERLY LINE OF EAST FAYETTE STREET, A DISTANCE OF 132 FEET WESTERLY, MEASURED ALONG SAID SOUTHERLY LINE, FROM THE WESTERLY LINE OF FORMAN AVENUE; RUNNING THENCE THE FOLLOWING 4 COURSES AND DISTANCES: (1.) N 89° 30' 50" W, ALONG SAID SOUTHERLY LINE OF EAST FAYETTE STREET, A DISTANCE OF 97 FEET; (2.) S 00° 20' 20" W, PARALLEL WITH SAID WESTERLY LINE OF FORMAN AVENUE, A DISTANCE OF 178.69 FEET TO THE NORTHERLY LINE OF ORANGE ALLEY; (3.) S 89° 30' 50" E, ALONG SAID NORTHERLY LINE OF ORANGE ALLEY, A DISTANCE OF 97 FEET TO A POINT; AND, (4.) N 00° 20' 10" E, PARALLEL WITH SAID WESTERLY LINE OF FORMAN AVENUE, A DISTANCE OF 178.69 FEET TO THE POINT OF BEGINNING.

PARCEL E

ALL THAT TRACT OR PARCEL OF LAND SITUATE IN THE CITY OF SYRACUSE, COUNTY OF ONONDAGA AND STATE OF NEW YORK BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE EASTERLY LINE OF NORTH CLINTON STREET, SAID POINT BEING APPROXIMATELY 518.65 FEET SOUTHERLY ALONG THE EASTERLY LINE OF NORTH CLINTON STREET FROM ITS INTERSECTION WITH THE SOUTHERLY LINE OF DIVISION STREET; THENCE N. 76° 43' 56" E. A DISTANCE OF 133.65 FEET TO A POINT; THENCE N. 53° 11' 01" E. A DISTANCE OF 142.28 FEET TO A POINT; THENCE N. 71° 07' 02" E A DISTANCE OF 16.99 FEET TO A POINT IN THE WESTERLY LINE OF GENANT DRIVE; THENCE SOUTHEASTERLY ALONG THE WESTERLY LINE OF GENANT DRIVE ON A CURVE TO THE RIGHT WITH A RADIUS OF 643.94 FEET, AN ARC LENGTH OF 77.63 FEET AND A CHORD OF S. 16° 43' 54" E. WITH A DISTANCE OF 77.58' TO THE POINT OF TANGENCY; THENCE S. 13° 17' 52" E. A DISTANCE OF 265.92 FEET TO A POINT; THENCE ON A CURVE TO THE RIGHT WITH A RADIUS OF 55 FEET, AN ARC LENGTH OF 57.02 FEET AND A CHORD OF S. 16° 23' 37" W. WITH A DISTANCE OF 54.53 FEET TO THE POINT OF TANGENCY; THENCE S. 59° 31' 29" W. A DISTANCE OF 24.64 FEET TO A POINT; THENCE S. 71° 26' 56" W. A DISTANCE OF 142.18 FEET TO A POINT IN THE EASTERLY LINE OF N. CLINTON STREET; THENCE N. 28° 09' 10" W. A DISTANCE OF 364.86 FEET TO THE POINT AND PLACE OF BEGINNING. SAID PARCEL BEING APPROXIMATELY 1.99 ACRES. THE AFORESAID DESCRIBED PARCEL IS ALSO SHOWN AS LOT "1B" (331 GENANT DRIVE) ACCORDING TO A MAP ENTITLED "A MAP OF RESUBDIVISION OF A PORTION OF BLOCK D IN THE ORIGINAL VILLAGE OF SYRACUSE INTO LOTS 1A AND 1B, CITY OF SYRACUSE, ONONDAGA COUNTY, STATE OF NEW YORK, KNOWN AS 431 AND 311 GENANT DRIVE" BY JAMES M. ZUCCOLOTTO, LICENSED LAND SURVEYOR, DATED MARCH 20, 2001 AND LAST REVISED MAY 21, 2002, AND FILED IN THE ONONDAGA COUNTY CLERK'S OFFICE ON MAY 28, 2002 AS MAP NO. 9408.

EXCEPTING AND RESERVING THEREFROM, A PERMANENT EASEMENT AND RIGHT-OF-WAY BENEFITING NIAGARA MOHAWK POWER CORPORATION, ITS SUCCESSORS AND ASSIGNS, UPON AND ACROSS THAT PORTION OF THE ABOVE DESCRIBED PREMISES MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE EASTERLY LINE OF NORTH CLINTON STREET, SAID POINT BEING APPROXIMATELY 518.65 FEET SOUTHERLY ALONG THE EASTERLY LINE OF NORTH CLINTON STREET FROM ITS INTERSECTION WITH THE SOUTHERLY LINE OF DIVISION STREET; THENCE N. 76° 43' 56" E. A DISTANCE OF 133.65 FEET TO A POINT; THENCE N. 53° 11' 01" E. A DISTANCE OF 142.28 FEET TO A POINT; THENCE N. 71° 07' 02" E A DISTANCE OF 16.99 FEET TO A POINT IN THE WESTERLY LINE OF GENANT DRIVE; THENCE SOUTHEASTERLY ALONG THE WESTERLY LINE OF GENANT DRIVE ON A CURVE TO THE RIGHT WITH A RADIUS OF 643.94 FEET, AN ARC LENGTH OF 68.17 FEET TO A POINT WHICH IS THE NORTHEAST CORNER OF THE MULTI-STORY BRICK BUILDING LOCATED ON LOT "1B" (311 GENANT DRIVE) AS SHOWN ON A MAP ENTITLED "A MAP OF A RESUBDIVISION OF A PORTION OF BLOCK D IN THE ORIGINAL VILLAGE OF SYRACUSE INTO LOTS 1A AND 1B, CITY OF SYRACUSE, ONONDAGA COUNTY, STATE OF NEW YORK, KNOWN AS 431 AND 311 GENANT DRIVE" BY JAMES M. ZUCCOLOTTO, LICENSED LAND SURVEYOR, DATED MARCH 20, 2001 AND LAST REVISED MAY 21, 2002, AND FILED IN THE ONONDAGA COUNTY CLERK'S OFFICE ON MAY 28, 2002 AS MAP NO. 9408 (THE "SUBDIVISION MAP"); THENCE ALONG THE NORTHERLY LINE OF SAID MULTI-STORY BRICK BUILDING S. 76° 52' 55" W. A DISTANCE 283.21 FEET TO THE EASTERLY LINE OF NORTH CLINTON STREET; THENCE N. 27° 59' 42" W. A DISTANCE OF 9.8' TO THE POINT AND PLACE OF BEGINNING. SAID EASEMENT AND RIGHT-OF-WAY SHALL BE A PERMANENT EASEMENT APPURTENANT, CREATING A PROPERTY RIGHT WHICH SHALL RUN WITH THE LAND, FOR THE PURPOSE OF INGRESS AND EGRESS BY NIAGARA MOHAWK POWER CORPORATION, ITS SUCCESSORS AND ASSIGNS TO THE BENEFITED PARCEL, IDENTIFIED AS THE ASH STREET SUBSTATION LOCATED ON LOT 1A (431

GENANT DRIVE) AS SHOWN ON THE SUBDIVISION MAP, AND TO ACCESS, MAINTAIN, REPAIR, REPLACE AND REMOVE THE TRANSFORMER AND CONTAINMENT PAD AND THE TWO VAULTS, SHOWN ON THE SUBDIVISION MAP, AND ANY APPURTENANT FACILITIES OR OTHER PROPERTY OF NIAGARA MOHAWK POWER CORPORATION LOCATED WITHIN SAID EASEMENT, PROVIDED THAT THE MULTI-STORY BRICK BUILDING, STAIRS AND TWO AIR CONDITIONING UNITS SHOWN ON THE SUBDIVISION MAP AND LOCATED IN THE EASEMENT AREA ARE PART OF THE REAL PROPERTY CONVEYED HEREIN AND SHALL NOT BE DEEMED TO BE PROPERTY OF NIAGARA MOHAWK POWER CORPORATION.

ALSO EXCEPTING AND RESERVING TO NIAGARA MOHAWK POWER CORPORATION, ITS SUCCESSORS AND ASSIGNS, FROM THE PARCEL(S) DESCRIBED IN THIS DEED, THE PERMANENT RIGHT-OF-WAY AND EASEMENT TO OPERATE, MAINTAIN, REPLACE AND/OR REMOVE ANY AND ALL EXISTING GAS AND ELECTRIC FACILITIES, AND ALL APPURTENANT FACILITIES THERETO, AS ARE NOW ERECTED UPON THE PREMISES ABOVE DESCRIBED, INCLUDING THE FULL RIGHT, PRIVILEGES AND AUTHORITY TO CROSS LANDS OF THE PARTY OF THE SECOND PART TO GAIN ACCESS TO SAID FACILITIES, AND ALSO INCLUDING THE FULL RIGHT, PRIVILEGES AND AUTHORITY TO CUT AND REMOVE ALL TREES, STRUCTURES, AND OTHER OBSTRUCTIONS WITHIN THE PERMANENT RIGHT-OF-WAY, TOGETHER WITH THE RIGHT TO CUT AND REMOVE ANY TREES OUTSIDE THE PERMANENT RIGHT-OF-WAY WHICH IN THE SOLE OPINION OF NIAGARA MOHAWK POWER CORPORATION, ITS SUCCESSORS AND ASSIGNS, ARE DEEMED LIKELY TO INTERFERE WITH OR POSE A HAZARD TO THE FACILITIES, PROVIDED THAT THE MULTI-STORY BRICK BUILDING, STAIRS AND TWO AIR CONDITIONING UNITS SHOWN ON THE SUBDIVISION MAP SHALL NOT BE REMOVED OR MODIFIED BY NIAGARA MOHAWK POWER CORPORATION, ITS SUCCESSORS AND ASSIGNS, PURSUANT TO THIS RIGHT-OF-WAY AND EASEMENT.

ALSO, EXCEPTING AND RESERVING TO NIAGARA MOHAWK POWER CORPORATION, ITS SUCCESSORS AND ASSIGNS, THE PERMANENT RIGHT-OF-WAY AND EASEMENT TO OPERATE, MAINTAIN, BUILD, CONSTRUCT, REPLACE AND/OR REMOVE ELECTRIC AND GAS DISTRIBUTION FACILITIES WITHIN TEN (10) FEET OF THE EDGE OF ANY HIGHWAY(S) ABUTTING THE PREMISES HEREIN DEEMED NECESSARY BY SAID NIAGARA MOHAWK POWER CORPORATION, ITS SUCCESSORS AND ASSIGNS, SAID EASEMENT TO INCLUDE THE FULL RIGHT, PRIVILEGE AND AUTHORITY TO CUT AND REMOVE ALL TREES, STRUCTURES, AND OBSTRUCTIONS WITHIN SAID EASEMENT DEEMED NECESSARY BY NIAGARA MOHAWK POWER CORPORATION, PROVIDED THAT THE MULTI-STORY BRICK BUILDING SHOWN ON THE SUBDIVISION MAP SHALL NOT BE REMOVED OR MODIFIED BY NIAGARA MOHAWK POWER CORPORATION, ITS SUCCESSORS AND ASSIGNS, PURSUANT TO THIS RIGHT-OF-WAY AND EASEMENT.

S 2. This act shall take effect immediately.