

STATE OF NEW YORK

1245

2019-2020 Regular Sessions

IN SENATE

January 11, 2019

Introduced by Sen. CARLUCCI -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations

AN ACT to amend the alcoholic beverage control law, in relation to the exemption of certain parcels of land

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision 13 of section 106 of the alcoholic beverage
2 control law, as amended by chapter 453 of the laws of 2018, is amended
3 to read as follows:

4 13. (a) No retail licensee for on-premises consumption shall be inter-
5 ested, directly or indirectly, in any premises where liquors, wines or
6 beer are manufactured or sold at wholesale, by stock ownership, inter-
7 locking directors, mortgage or lien on any personal or real property or
8 by any other means, except that liquors, wines or beer may be manufac-
9 tured or sold wholesale by the person licensed as a manufacturer or
10 wholesaler thereof:

11 (i) on real property owned by an interstate railroad corporation or a
12 United States certificated airline with a retail license for on-premises
13 consumption; or

14 (ii) on premises or with respect to a business constituting an over-
15 night lodging and resort facility located wholly within the boundaries
16 of the town of North Elba, county of Essex, township eleven, Richard's
17 survey, great lot numbers two hundred seventy-eight, two hundred seven-
18 ty-nine, two hundred eight, two hundred ninety-eight, two hundred nine-
19 ty-nine, three hundred, three hundred eighteen, three hundred nineteen,
20 three hundred twenty, three hundred thirty-five and three hundred thir-
21 ty-six, and township twelve, Thorn's survey, great lot numbers one
22 hundred six and one hundred thirteen, as shown on the Adirondack map,
23 compiled by the conservation department of the state of New York - nine-
24 teen hundred sixty-four edition, in the Essex county atlas at page twen-

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

LBD06566-01-9

ty-seven in the Essex county clerk's office, Elizabethtown, New York, provided that such facility maintains not less than two hundred fifty rooms and suites for overnight lodging; or

(iii) on premises or with respect to the operation of a restaurant in an office building located in a city having a population of five hundred thousand or more and in which is located the licensed premises of such manufacturer or wholesaler, provided that the building, the interior of the retail premise and the rental therefor fully comply with the criteria set forth in paragraph two of subdivision three of section one hundred one of this article; or

(iv) any such premises or business located on that tract or parcel of land, or any subdivision thereof, situate in the Village of Lake Placid, Town of North Elba, Essex County, New York; it being also a part of Lot No. 279, Township No. 11, Old Military Tract, Richard's Survey; it being also all of Lot No. 23 and part of Lot No. 22 as shown and designated on a certain map entitled "Map of Building Sites for Sale by B.R. Brewster" made by G.T. Chellis C.E. in 1892; also being PARCEL No. 1 on a certain map of lands of Robert J. Mahoney and wife made by G.C. Sylvester, P.E. & L.S. # 21300, dated August 4, 1964, and filed in the Essex County Clerk's Office on August 27, 1964, and more particularly bounded and described as follows; BEGINNING at the intersection of the northerly bounds of Shore Drive (formerly Mirror Street) with the westerly bounds of Park Place (formerly Rider Street) which point is also the northeast corner of Lot No. 23, from thence South 21°50' East in the westerly bounds of Park Place a distance of 119 feet, more or less, to a lead plug in the edge of the sidewalk marking the southeast corner of Lot No. 23 and the northeast corner of Lot No. 24; from thence South 68°00'50" West a distance of 50.05 feet to an iron pipe set in concrete at the corner of Lots 23 and 22; from thence South 65°10'50" West a distance of 7.94 feet along the south line of Lot No. 22 to an iron pipe for a corner; from thence North 23°21'40" West and at 17.84 feet along said line passing over a drill hole in a concrete sidewalk, and at 68.04 feet further along said line passing over an iron pipe at the southerly edge of another sidewalk, and at 1.22 feet further along said line passing over another drill hole in a sidewalk, a total distance of 119 feet, more or less, to the northerly line of Lot No. 22; from thence easterly in the northerly line of Lot 22 and 23 to the northeast corner of Lot No. 23 and the point of beginning. Also including the lands to the center of Shore Drive included between the northerly straight line continuation of the side lines of the above described parcel, and to the center of Park Place, where they abut the above described premises SUBJECT to the use thereof for street purposes. Being the same premises conveyed by Morestuff, Inc. to Madeline Sellers by deed dated June 30, 1992, recorded in the Essex County Clerk's Office on July 10, 1992 in Book 1017 of Deeds at Page 318; or

(v) any such premises or business located on that certain piece or parcel of land, or any subdivision thereof, situate, lying and being in the Town of Plattsburgh, County of Clinton, State of New York and being more particularly bounded and described as follows: Starting at an iron pipe found in the easterly bounds of the highway known as the Old Military Turnpike, said iron pipe being located 910.39 feet southeasterly, as measured along the easterly bounds of said highway, from the southerly bounds of the roadway known as Industrial Parkway West, THENCE running S 31° 54' 33" E along the easterly bounds of said Old Military Turnpike Extension, 239.88 feet to a point marking the beginning of a curve concave to the west; thence southerly along said curve, having a

1 radius of 987.99 feet, 248.12 feet to an iron pipe found marking the
2 point of beginning for the parcel herein being described, said point
3 also marked the southerly corner of lands of Larry Garrow, et al, as
4 described in Book 938 of Deeds at page 224; thence N 07° 45' 4" E along
5 the easterly bounds of said Garrow, 748.16 feet to a 3"x4" concrete
6 monument marking the northeasterly corner of said Garrow, the northwes-
7 terly corner of the parcel herein being described and said monument also
8 marking the southerly bounds of lands of Salerno Plastic Corp. as
9 described in Book 926 of Deeds at Page 186; thence S 81° 45' 28" E along
10 a portion of the southerly bounds of said Salerno Plastic Corp., 441.32
11 feet to an iron pin found marking the northeasterly corner of the parcel
12 herein being described and also marking the northwest corner of the
13 remaining lands now or formerly owned by said Marx and DeLaura; thence S
14 07° 45' 40" W along the Westerly bounds of lands now of formerly of said
15 Marx and DeLaura and along the easterly bounds of the parcel herein
16 being described, 560.49 feet to an iron pin; thence N 83° 43' 21" W
17 along a portion of the remaining lands of said Marx and DeLaura, 41.51
18 feet to an iron pin; thence S 08° 31' 30" W, along a portion of the
19 remaining lands of said Marx and DeLaura, 75.01 feet to an iron pin
20 marking northeasterly corner of lands currently owned by the Joint Coun-
21 cil for Economic Opportunity of Plattsburgh and Clinton County, Inc. as
22 described in Book 963 of Deeds at Page 313; thence N 82° 20' 32" W along
23 a portion of the northerly bounds of said J.C.E.O., 173.50 feet to an
24 iron pin; thence 61° 21' 12" W, continuing along a portion of the north-
25 erly bounds of said J.C.E.O., 134.14 feet to an iron pin; thence S 07°
26 45' 42" W along the westerly bounds of said J.C.E.O., 50 feet to an iron
27 pin; thence S 66° 48' 56" W along a portion of the northerly bounds of
28 remaining lands of said Marx and DeLaura, 100.00 feet to an iron pipe
29 found on the easterly bounds of the aforesaid highway, said from pipe
30 also being located on a curve concave to the west; thence running and
31 running northerly along the easterly bounds of the aforesaid highway and
32 being along said curve, with the curve having a radius of 987.93 feet,
33 60.00 feet to the point of beginning and containing 6.905 acres of land.
34 Being the same premises as conveyed to Ronald Marx and Alice Marx by
35 deed of CIT Small Business Lending Corp., as agent of the administrator,
36 U.S. Small Business Administration, an agency of the United States
37 Government dated September 10, 2001 and recorded in the office of the
38 Clinton County Clerk on September 21, 2001 as Instrument #135020 ; or

39 (vi) any such premises or businesses located on that certain plot,
40 piece or parcel of land, situate, lying and being in the Second Ward of
41 the City of Schenectady, on the Northerly side of Union Street, bounded
42 and described as follows: to wit; Beginning at the Southeasterly corner
43 of the lands lately owned by Elisha L. Freeman and now by Albert Shear;
44 and running from thence Easterly along the line of Union Street, 44 feet
45 to the lands now owned by or in the possession of James G. Van Vorst;
46 thence Northerly in a straight line along the last mentioned lands and
47 the lands of the late John Lake, 102 feet to the lands of one Miss Rodg-
48 ers; thence Westerly along the line of the last mentioned lands of said
49 Rodgers to the lands of the said Shear; and thence Southerly along the
50 lands of said Shear 101 feet, 6 inches to Union Street, the place of
51 beginning.

52 Also all that tract or parcel of land, with the buildings thereon,
53 situate in the City of Schenectady, County of Schenectady, and State of
54 New York, situate in the First, formerly the Second Ward of the said
55 City, on the Northerly side of Union Street, which was conveyed by
56 William Meeker and wife to Elisha L. Freeman by deed dated the second

1 day of December 1843, and recorded in the Clerk's Office of Schenectady
2 County on December 5, 1843, in Book V of Deeds at page 392, which lot in
3 said deed is bounded and described as follows: Beginning at a point in
4 the Northerly line of Union Street where it is intersected by the East-
5 erly line of property numbered 235 Union Street, which is hereby
6 conveyed, and running thence Northerly along the Easterly line of said
7 property, One Hundred Forty and Five-tenths (140.5) feet to a point
8 sixteen (16) feet Southerly from the Southerly line of the new garage
9 built upon land adjoining on the North; thence Westerly parallel with
10 said garage, Forty-six and Seven-tenths (46.7) feet; thence Southerly
11 One Hundred Forty and Eighty-tenths (140.8) feet to the Northerly margin
12 of Union Street; thence Easterly along the Northerly margin of Union
13 Street, about Forty-eight and three-tenths (48.3) feet to the point or
14 place of beginning.

15 The two above parcels are together more particularly described as
16 follows:

17 All that parcel of land in the City of Schenectady beginning at a
18 point in the northerly margin of Union Street at the southwesterly
19 corner of lands now or formerly of Friedman (Deed Book 636 at page 423)
20 which point is about 60 feet westerly of the westerly line of North
21 College Street and runs thence N. 86 deg. 42' 20" W. 92.30 feet to the
22 southeasterly corner of other lands now or formerly of Friedman (Deed
23 Book 798 at page 498); thence N. 04 deg. 06' 48" E. 140.50 feet to the
24 southwesterly corner of lands now or formerly of Stockade Associates
25 (Deed Book 1038 at page 521); thence S. 87 deg. 05' 27" E. 46.70 feet to
26 lands now or formerly at McCarthy (Deed Book 1129 at page 281); thence
27 along McCarthy S. 00 deg. 52' 02" E. 3.69 feet to the northwesterly
28 corner of lands now or formerly of SONYMA (Deed Book 1502 at page 621);
29 thence along lands of SONYMA S. 02' 56" W. 34.75 feet to a corner; thence
30 still along lands of SONYMA and lands now or formerly of Magee (Deed
31 Book 399 at page 165) S. 86 deg. 11' 52" E. 42.57 feet to a corner;
32 thence still along lands of Magee and Lands of Friedman first above
33 mentioned S. 03 deg. 10' 08" W. 102.00 feet to the point of beginning.

34 Excepting and reserving all that portion of the above parcel lying
35 easterly of a line described as follows:

36 All that tract or parcel of land, situated in the City of Schenectady
37 and County of Schenectady and State of New York, on the Northerly side
38 of Union Street bounded and described as follows:

39 Beginning at a point in the northerly line of Union Street, said point
40 being in the division line between lands now or formerly of Electric
41 Brew Pubs, Inc. (1506 of Deeds at page 763) on the West and lands now or
42 formerly of Margaret Wexler and Donna Lee Wexler Pavlovic, as trustees
43 under Will of Ruth F. Wexler (Street number 241 Union Street) on the
44 East; thence North 03 deg. 04' 10" East, along the building known as
45 Street No. 241 Union Street, a distance of 30.50 feet to a point; thence
46 North 88 deg. 45' 45" West, along said building and building eve, a
47 distance of 5.62 feet to a point; thence North 03 deg. 03' 30" East,
48 along said building eve of Street No. 241 Union Street, a distance of
49 32.74 feet; thence South 88 deg. 45' 45" East, along said building eve,
50 a distance of 1.2 feet to an intersection of building corner of Street
51 No. 241 Union Street and a brick wall; thence north 03 deg. 37' 30"
52 East, along said brick wall, a distance of 14.47 feet to a point in the
53 corner of the brick wall, thence South 86 deg. 46' 45" East along said
54 brick wall a distance of 4.42 feet to the intersection of brick wall
55 with the boundary line between the Electric Brew Pubs, Inc. (aforesaid)
56 on the West and lands of Margaret Wexler and Donna Lee Wexler Pavlovic,

1 (aforesaid) on the East; thence North 03 deg 10' 08" East a distance of
2 0.62 feet to the Northeast corner of lands belonging to Margaret Wexler
3 and Donna Lee Wexler Pavlovic.

4 Also all that tract or parcel of land commonly known as the Union
5 Street School, located on the Northeasterly corner of Union and North
6 College Streets in the First Ward of the City and County of Schenectady
7 and State of New York, more particularly bounded and described as
8 follows: Beginning at a point in the Northerly street line of Union
9 Street where it is intersected by the Easterly street line of North
10 College Street, and runs thence Northerly along the Easterly street line
11 of North College Street, one hundred seven and five-tenths (107.5) feet
12 to a point, thence easterly at an angle of ninety (90) degrees, one
13 hundred ninety-one and seventy-five hundredths (191.75) feet to a point
14 in the Northwesterly street line of Erie Boulevard thence southwesterly
15 along the Northwesterly street line of Erie Boulevard, one hundred twen-
16 ty-three and eight-tenths (123.8) feet to its intersection with the
17 Northerly street line of Union Street; thence Westerly along the North-
18 erly street line of Union Street, one hundred twenty-four and fifty-five
19 hundredths (124.55) feet to the point or place of beginning.

20 The above described parcel of property includes the Blue Line parcel
21 of land, which is a portion of the abandoned Erie Canal Lands, located
22 in the First Ward of the City of Schenectady, New York, and which Blue
23 Line parcel lies between the Northwesterly line of Erie Boulevard as set
24 forth in the above described premises and the Northeasterly lot line of
25 the old Union Street School as it runs parallel with the Northwesterly
26 line of Erie Boulevard as aforesaid.

27 The two above parcels are together more particularly described as
28 follows: All that parcel of land in the City of Schenectady beginning at
29 a point in the northerly margin of Union Street and the northwesterly
30 margin of Erie Boulevard and runs thence along Union Street N. 86 deg.
31 42' 20" W. 124.55 feet to the easterly margin of North College Street;
32 thence along North College Street N. 05 deg 04' 40" E. 107.50 feet to
33 the southeasterly corner of lands now or formerly of McCarthy (Deed Book
34 1129 at page 279); thence along McCarthy, Cottage Alley and lands now or
35 formerly of McGregor (Deed Book 912 at page 624) S. 84 deg. 55' 20" E.
36 191.75 feet to the northwesterly margin of Erie Boulevard; thence along
37 Erie Boulevard S. 38 deg. 03' 53" W. 123.54 feet to the point of begin-
38 ning;

39 (vii) any such premises or businesses located on that tract or parcel
40 of land situate in the Town of Hopewell, Ontario County, State of New
41 York, bounded and described as follows: Commencing at a 5/8" rebar found
42 on the division line between lands now or formerly of Ontario County -
43 Finger Lakes Community College (Liber 698 of Deeds, Page 466) on the
44 north and lands now or formerly of James W. Baird (Liber 768 of Deeds,
45 Page 1109) on the south; thence, North 43°-33'-40" West, on said divi-
46 sion line, a distance of 77.32 feet to the Point of Beginning. Thence,
47 North 43°-33'-40" West, continuing on said division line and through
48 said lands of Ontario County, a distance of 520.45 feet to a point on
49 the southeasterly edge of an existing concrete pad; thence, South
50 74°-19'-53" West, along said edge of concrete and the projection there-
51 of, a distance of 198.78 feet to a point on the easterly edge of pave-
52 ment of an existing campus drive; thence, the following two (2) courses
53 and distances along said edge of pavement: Northeasterly on a curve to
54 the left having a radius of 2221.65 feet, a chord bearing of North
55 30°-16'-39" East, a chord distance of 280.79, a central angle of
56 07°-14'-47", a length of 280.98 feet to a point of reverse curvature;

1 thence, Northeasterly on a curve to the right having a radius of 843.42
2 feet, a chord bearing of North 45°-25'-09" East, a chord distance of
3 534.08, a central angle of 36°-55'-01", a length of 543.43 feet to a
4 point; thence, South 30°-04'-59" East, a distance of 18.28 feet to the
5 corner of the property acquired by Ontario County (Liber 766 of Deeds,
6 Page 1112), as shown on a map recorded in the Ontario County Clerk's
7 Office as Map No. 6313; thence, the following four (4) courses and
8 distances along said property line: South 30°-04'-59" East, a distance
9 of 177.17 feet to a point; thence, South 02°-20'-33" East, a distance of
10 147.53 feet to a point; thence, South 41°-31'-35" East, a distance of
11 200.93 feet to a point; thence, South 23°-48'-53" West, along said prop-
12 erty line, and the projection thereof, through the first said lands of
13 Ontario County - Finger Lakes Community College (Liber 698 of Deeds,
14 Page 466), a distance of 517.96 feet to Point of Beginning. Said parcel
15 containing 7.834 acres, more or less, as shown on a map entitled
16 "Proposed Lease Area - Friends of the Finger Lakes Performing Arts
17 Center, Hopewell, NY", prepared by Bergmann Associates, drawing LM-01,
18 dated June 10, 2005, last revised August 17, 2005. The related PAC Prop-
19 erties are shown on the Map denominated "FLCC Campus Property, FLPAC
20 Ground Lease, Parking, Vehicular & Pedestrian Access", recorded in the
21 Ontario County Clerk's Office on December 10, 2009 in Book 1237 of Deeds
22 at page 9 and are comprised of the areas separately labeled as Parking
23 Lot 'A', Parking Lot 'G', the Ticket Booth area, the Sidewalks, and the
24 Entry Roads;

25 (viii) any such premises or businesses located on all that certain
26 piece or parcel of land situate in the City of Syracuse, County of Onon-
27 daga, State of New York, lying generally Northwesterly of the West
28 Hiawatha Boulevard, and generally Northeasterly of the New York State
29 Barge Canal, being a portion of Lot 11I and Lot 11J of the Carousel
30 Center Subdivision as shown on a resubdivision plan of the Carousel
31 Center Subdivision filed as Map No. 8743 in the Onondaga County Clerk's
32 Office, and as of May 20, 2014 identified as space L323 in a lease
33 between the liquor license applicant and property owner and on the third
34 level of the shopping center thereon, such shopping center land being
35 more particularly bounded and described as follows:

36 BEGINNING at the point of the intersection of the division line
37 between the Northeasterly boundary of the New York State Barge Canal,
38 Syracuse Terminal designated as "Parcel No. T-111" on the Southwest and
39 Lot 11I of the Carousel Center Subdivision on the Northeast with the
40 Northwesterly boundary of West Hiawatha Boulevard; thence North 50 deg.
41 26 min. 28 sec. West, along said division line, 690.72 feet; to a point;
42 thence through Lot 11I and 11J of said subdivision the following thir-
43 ty-five (35) courses and distances:

- 44 1) Thence North 40 deg. 22 min. 15 sec. East 191.79 feet to a point;
- 45 2) Thence South 82 deg. 04 min. 58 sec. East 294.58 feet to a point;
- 46 3) Thence North 07 deg. 52 min. 16 sec. East 314.89 feet to a point;
- 47 4) Thence South 82 deg. 07 min. 45 sec. East 53.96 feet to a point;
- 48 5) Thence North 07 deg. 52 min. 16 sec. East 70.18 feet to a point;
- 49 6) Thence South 82 deg. 07 min. 44 sec. East 40.81 feet to a point;
- 50 7) Thence North 07 deg. 52 min. 16 sec. East 35.49 feet to a point;
- 51 8) Thence South 82 deg. 07 min. 50 sec. East 1.52 feet to a point;
- 52 9) Thence North 07 deg. 52 min. 16 sec. East 45.53 feet to a point;
- 53 10) Thence South 82 deg. 07 min. 44 sec. East 92.67 feet to a point;
- 54 11) Thence North 07 deg. 52 min. 16 sec. East 194.00 feet to a point;
- 55 12) Thence North 82 deg. 07 min. 44 sec. West 121.00 feet to a point;
- 56 13) Thence North 07 deg. 52 min. 14 sec. East 408.67 feet to a point;

1 14) Thence South 82 deg. 07 min. 44 sec. East 168.50 feet to a point;
2 15) Thence North 07 deg. 52 min. 16 sec. East 34.33 feet to a point;
3 16) Thence South 82 deg. 07 min. 44 sec. East 15.33 feet to a point;
4 17) Thence North 07 deg. 52 min. 16 sec. East 341.67 feet to a point;
5 18) Thence North 82 deg. 07 min. 44 sec. West 199.44 feet to a point;
6 19) Thence North 07 deg. 52 min. 31 sec. East 0.97 feet to a point;
7 20) Thence North 52 deg. 50 min. 09 sec. East 11.22 feet to a point;
8 21) Thence North 07 deg. 52 min. 16 sec. East 20.77 feet to a point;
9 22) Thence North 37 deg. 05 min. 57 sec. West 30.86 feet to a point;
10 23) Thence North 82 deg. 07 min. 44 sec. West 21.02 feet to a point;
11 24) Thence South 52 deg. 13 min. 00 sec. West 5.85 feet to a point;
12 25) Thence North 82 deg. 07 min. 44 sec. West 7.41 feet to a point;
13 26) Thence North 07 deg. 52 min. 16 sec. East 108.15 feet to a point;
14 27) Thence South 82 deg. 07 min. 44 sec. East 0.75 feet to a point;
15 28) Thence North 07 deg. 52 min. 16 sec. East 22.46 feet to a point;
16 29) Thence North 82 deg. 07 min. 44 sec. West 0.75 feet to a point;
17 30) Thence North 07 deg. 52 min. 16 sec. East 43.48 feet to a point;
18 31) Thence North 52 deg. 52 min. 15 sec. East 7.78 feet to a point;
19 32) Thence North 07 deg. 52 min. 16 sec. East 47.79 feet to a point;
20 33) Thence North 37 deg. 07 min. 44 sec. West 7.78 feet to a point;
21 34) Thence North 07 deg. 52 min. 16 sec. East 198.11 feet to a point;

22 and

23 35) Thence South 82 deg. 07 min. 44 sec. East 207.07 feet to a point
24 on the westerly right of way line of Interstate Route 81, Thence along
25 the westerly and southwesterly right of way line of Interstate Route 81,
26 in a generally southeasterly direction, the following seven (7) courses
27 and distances:

28 1) Thence South 18 deg. 26 min. 44 sec. East 44.24 feet to a point;
29 2) Thence South 31 deg. 26 min. 40 sec. East 70.85 feet to a point;
30 3) Thence South 37 deg. 56 min. 38 sec. East 377.51 feet to a point;
31 4) Thence South 33 deg. 48 min. 10 sec. East 129.69 feet to a point;
32 5) Thence South 32 deg. 22 min. 13 sec. East 213.26 feet to a point;
33 6) Thence South 42 deg. 27 min. 42 sec. East 58.65 feet to a point;

34 and

35 7) Thence South 40 deg. 20 min. 45 sec. East 77.11 feet to its inter-
36 section with lands appropriated by the People of the State of New York
37 described as Map 1401 Parcel 1831 in Book 5256 of Deeds at Page 686 and
38 Book 5274 of Deeds at Page 836; Thence along the bounds of said Map 1401
39 Parcel 1831 the following fifteen (15) courses and distances:

40 1) South 07 deg. 30 min. 19 sec. East 39.16 feet to a point; thence
41 2) South 03 deg. 25 min. 41 sec. West 30.00 feet to a point; thence
42 3) South 12 deg. 49 min. 21 sec. West 30.00 feet to a point; thence
43 4) South 22 deg. 11 min. 30 sec. West 30.00 feet to a point; thence
44 5) South 31 deg. 35 min. 08 sec. West 30.00 feet to a point; thence
45 6) South 40 deg. 57 min. 25 sec. West 30.01 feet to a point; thence
46 7) South 48 deg. 44 min. 51 sec. West 20.00 feet to a point; thence
47 8) South 55 deg. 01 min. 19 sec. West 19.99 feet to a point; thence
48 9) South 65 deg. 30 min. 44 sec. West 8.49 feet to a point; thence
49 10) North 75 deg. 22 min. 31 sec. West 38.92 feet to a point; thence
50 11) North 29 deg. 08 min. 26 sec. West 25.83 feet to a point; thence
51 12) North 07 deg. 58 min. 33 sec. West 20.27 feet to a point; thence
52 13) North 07 deg. 40 min. 45 sec. East 100.00 feet to a point; thence
53 14) North 82 deg. 23 min. 04 sec. West 1.00 feet to a point; and
54 15) South 07 deg. 40 min. 49 sec. West 425.30 to its intersection with
55 the northerly bounds of Map 1402 Parcel 1836 of said appropriation;
56 Thence along the bounds of Map 1402 Parcel 1836 as described in Book

1 5256 of Deeds at Page 686 and Book 5274 of Deeds at Page 836 the follow-
2 ing three (3) courses and distances:

- 3 1) South 07 deg. 40 min. 17 sec. West 70.35 feet to a point; thence
- 4 2) South 82 deg. 09 min. 26 sec. East 1.00 feet to a point; and
- 5 3) North 07 deg. 40 min. 37 sec. East 70.35 feet to its intersection

6 with the bounds of the hereinabove described Map 1401 Parcel 1831;
7 Thence along the bounds of said Map 1401 Parcel 1831 the following ten

8 (10) courses and distances:

- 9 1) North 07 deg. 40 min. 37 sec. East 100.00 feet to a point; thence
- 10 2) North 40 deg. 32 min. 01 sec. East 61.06 feet to a point; thence
- 11 3) North 50 deg. 26 min. 34 sec. East 110.76 feet to a point; thence
- 12 4) North 55 deg. 51 min. 53 sec. East 43.02 feet to a point; thence
- 13 5) North 66 deg. 11 min. 17 sec. East 30.00 feet to a point; thence
- 14 6) North 79 deg. 28 min. 24 sec. East 30.00 feet to a point; thence
- 15 7) South 87 deg. 12 min. 02 sec. East 30.00 feet to a point; thence
- 16 8) South 73 deg. 54 min. 22 sec. East 30.00 feet to a point; thence
- 17 9) South 59 deg. 56 min. 49 sec. East 33.00 feet to a point; and

18 10) South 47 deg. 06 min. 38 sec. East 95.11 feet to its intersection
19 with the division line between Lot 11J on the Northwest and the lands
20 now or formerly of Woodstead Enterprises Co. as described in Book 3530
21 of Deeds at Page 257 on the Southeast (formerly lands of Rome Watertown
22 and Oswego Railroad Company via Letters Patent, Book 292, Page 264);
23 thence South 28 deg. 12 min. 27 sec. West along said division line and
24 along the Northwesterly boundary of West Hiawatha Boulevard in part,
25 36.93 feet to its point of intersection with Northeasterly boundary of
26 West Hiawatha Boulevard; thence North 61 deg. 43 min. 58 sec. West along
27 said Northeasterly boundary 158.30 feet to its point of intersection
28 with the Northwesterly boundary of said West Hiawatha Boulevard; thence
29 West along said Northwesterly boundary the following three (3) courses:

- 30 1) South 30 deg. 39 min. 30 sec. West 599.46 feet to a point; thence 2)
- 31 South 30 deg. 30 min. 42 sec. West 62.49 feet to a point; and 3) South
- 32 23 deg. 40 min. 55 sec. West 220.04 feet to its point of intersection
- 33 with Southwesterly boundary of West Hiawatha Boulevard; thence South 49
- 34 deg. 30 min. 46 sec. East along said Southwesterly boundary, 0.30 feet
- 35 to its point of intersection with the first hereinabove described
- 36 Northwesterly boundary of West Hiawatha Boulevard; thence South 40 deg.
- 37 26 min. 20 sec. West, along said Northwesterly boundary, 98.08 feet to
- 38 its point of intersection with the division line between Lot 11J on the
- 39 Northeast and Lot 11H of the Carousel Center Subdivision on the South-
- 40 west; thence North 50 deg. 25 min. 12 sec. West, along said division
- 41 line, 147.85 feet to the Northwest corner of Lot 11H; thence South 40
- 42 deg. 26 min. 20 sec. West 217.47 feet to the Southwest corner of lot
- 43 11H; thence South 49 deg. 49 min. 16 sec. East 147.83 feet to a point on
- 44 the first hereinabove described Northwesterly boundary of West Hiawatha
- 45 Boulevard; thence along said Northwesterly boundary of West Hiawatha
- 46 Boulevard the following two (2) courses: 1) South 40 deg. 26 min. 20
- 47 sec. West 17.66 feet to a point; and 2) South 43 deg. 01 min. 50 sec.
- 48 West 468.25 feet to the point of beginning.

49 Excepting the following piece or parcel of land appropriated by the
50 People of the State of New York described as Map 1401 Parcel 1832 in
51 Book 5256 of Deeds at Page 686 and Book 5274 of Deeds at Page 836:
52 Commencing at the southwest corner of herein above described Map 1402
53 Parcel 1836 said point having a proceeding course of South 07 deg. 40
54 min. 17 sec. West 70.35 feet in the premises describe hereinabove;
55 thence North 13 deg. 18 min. 48 sec. West 138.17 feet to the southeast

1 corner of Map 1401 Parcel 1832; thence along the bounds of said Map 1401
2 Parcel 1832 the following four (4) courses and distances:

3 1) North 82 deg. 09 min. 26 sec. West 1.00 feet to a point; thence

4 2) North 07 deg. 53 min. 50 sec. East 353.36 feet to a point; thence

5 3) South 81 deg. 54 min. 58 sec. East 1.00 feet to a point, and

6 4) South 07 deg. 53 min. 54 sec. West 353.36 feet to the point of
7 beginning; or such premises or businesses located on that tract or
8 parcel of land situate lying and being in the Town of Oneonta, County of
9 Otsego and State of New York and being a portion of Otsego County Tax
10 Map Department Parcel Number 287.00-1-33 and bounded and described as
11 follows: Beginning at a point 2.12 feet off the northeasterly corner of
12 a one story building on the lands, now or formerly, of Abner Doubleday,
13 LLC, aka Cooperstown All Star Village, LLC, as owned by Martin and Bren-
14 da Patton, which point lies N 87°55'13" W a distance of 149.37' from the
15 northeast corner of the Patton lands; thence N 74°30'18" W a distance of
16 51.50 feet to a point; thence S 15°29'42" W a distance of 2.00 feet to a
17 point; thence N 74°30'18" W a distance of 14.00 feet to a point; thence
18 S 15°29'42" W a distance of 19.20 feet to a point; thence S 74°30'18" E
19 a distance of 14.20 feet to a point; thence S 15°29'42" W a distance of
20 4.20 feet; thence S 74°30'18" E a distance of 51.30 feet to a point;
21 thence N 15°29'42" E a distance of 25.40 feet to a point to the point
22 and place of beginning; or

23 (ix) on premises or with respect to a business constituting the over-
24 night lodging facility located wholly within the boundaries of that
25 tract or parcel of land situated in the borough of Manhattan, city and
26 county of New York, beginning at a point on the northerly side of west
27 fifty-fourth street at a point one hundred feet easterly from the inter-
28 section of the said northerly side of west fifty-fourth street and the
29 easterly side of seventh avenue; running thence northerly and parallel
30 with the easterly side of seventh avenue one hundred feet five inches to
31 the center line of the block; running thence easterly and parallel with
32 the northerly side of west fifty-fourth street and along the center line
33 of the block fifty feet to a point; running thence northerly and paral-
34 lel with the easterly side of seventh avenue one hundred feet five inch-
35 es to the southerly side of west fifty-fifth street at a point distant
36 one hundred fifty feet easterly from the intersection of the said south-
37 erly side of west fifty-fifth street and the easterly side of seventh
38 avenue; running thence easterly along the southerly side of west fifty-
39 fifth street thirty-one feet three inches to a point; running thence
40 southerly and parallel with the easterly side of the seventh avenue one
41 hundred feet five inches to the center line of the block; running thence
42 easterly along the center line of the block and parallel with the south-
43 erly side of west fifty-fifth street, one hundred feet; running thence
44 northerly and parallel with the easterly side of seventh avenue one
45 hundred feet five inches to the southerly side of west fifty-fifth
46 street; running thence easterly along the southerly side of west fifty-
47 fifth street twenty-one feet ten and one-half inches to a point; running
48 thence southerly and parallel with the easterly side of seventh avenue
49 one hundred feet five inches to the center line of the block; running
50 thence westerly along the center line of the block and parallel with the
51 northerly side of west fifty-fourth street three feet one and one-half
52 inches; running thence southerly and parallel with the easterly side of
53 seventh avenue one hundred feet five inches to the northerly side of
54 west fifty-fourth street at a point distant three hundred feet easterly
55 from the intersection of the said northerly side of west fifty-fourth
56 street and the easterly side of seventh avenue; running thence westerly

1 and along the northerly side of west fifty-fourth street two hundred
2 feet to the point or place of beginning, provided that such facility
3 maintains not less than four hundred guest rooms and suites for over-
4 night lodging; or

5 (x) on such premises or business located on any of the following four
6 parcels:

7 Parcel A

8 any such premises or business constituting the overnight lodging and
9 resort facility located wholly within the boundaries of the Village of
10 Altmar, County of Oswego, Great Lot 19 beginning at a point on center-
11 line of Pulaski Street at its intersection with the division line
12 between the lands now or formerly of Altmar Parish Williamstown Central
13 School District (APW CSD) as described in Book 378 of Deeds at Page 118
14 on the northwest and the lands now or formerly of Tostanoski as
15 described in Book 1356 of Deeds at Page 55 on the southeast; Thence
16 along said centerline the following two (2) courses: 1) North 37 deg. 35
17 min. 00 sec. West, a distance of 803.88 ft. to a point and 2). North 45
18 deg. 48 min. 13 sec. West, a distance of 132.33 ft. to its intersection
19 with the division line between the said lands of APW CSD on the south-
20 east and the lands now or formerly of Hayward as described in Book 894
21 of Deeds at Page 211 & Doc. #2006-9318 on the northwest; Thence North
22 23 deg. 48 min. 43 sec. East along said division, a distance of 131.66
23 ft. to its intersection with the division line between the said lands of
24 APW CSD on the north and the said lands of Hayward on the south; Thence
25 South 73 deg. 16 min. 17 sec. West along the said division line, a
26 distance of 131.66 ft. to its intersection with the division line
27 between the said lands of APW CSD and the lands now or formerly of
28 National Grid as described in Book 282 of Deeds at Page 552; Thence
29 along said division line to the following six (6) courses: 1) North 23
30 deg. 43 min. 38 sec. East, a distance of 158.73 ft. to a point; thence
31 2) North 83 deg. 39 min. 24 sec. West, a distance of 190.48 ft. to a
32 point; thence 3) North 25 deg. 39 min. 08 sec. East, a distance of 24.15
33 ft. to a point; thence 4) North 53 deg. 32 min. 01 sec. East, a distance
34 of 265.18 ft. to a point; thence 5) North 81 deg. 24 min. 54 sec. East a
35 distance of 475.00 ft. to a point; and 6) North 81 deg. 24 min. 54 sec.
36 East, a distance of +/- 522 ft. to its intersection with the center of
37 Salmon River; Thence upstream along said center, and in a generally
38 southerly direction, a distance of +/- 1,455 ft. to its intersection
39 with the division line between the said lands of APW CSD on the north-
40 west and the lands now or formerly of Bennett as described in Book 927
41 of Deeds at Page 65 on the southeast; Thence South 52 deg. 19 min. 00
42 sec. West along said division line, a distance of +/- 170 ft. to a
43 point; Thence South 52 deg. 19 min. 00 sec. West, continuing along said
44 division line, a distance of 400.00 ft. to its intersection with the
45 centerline of Pulaski Street; Thence North 37 deg. 35 min. 00 sec. West
46 along said centerline, a distance of 53.65 ft. to its intersection with
47 the division line between the said lands of APW CSD on the southeast and
48 the lands now or formerly of Pfluger as described in Book 922 of Deeds
49 at Page 187 on the northwest; Thence North 52 deg. 25 min. 00 sec. East
50 along said division line, a distance of 330.00 ft. to its intersection
51 with the division line between the said lands of APW CSD on the north-
52 east and the said lands of Pfluger, the lands now or formerly of Endsley
53 as described in Book 1520 of Deeds at page 5, and the hereinabove said
54 lands of Tostanoski, in part by each, on the southwest; Thence North 37
55 deg. 35 min. 00 sec. West along said division line, a distance of 247.50
56 ft. to its intersection with the division line between the said lands of

1 APW CSD on the northwest and the said lands of Tostanoski on the south-
2 east; Thence South 52 deg. 25 min. 000 sec. West along said division
3 line, a distance of 330.00 ft. to the POINT OF BEGINNING; or

4 Parcel B

5 any such premises or business constituting the overnight lodging and
6 resort facility located wholly within the boundaries of that tract or
7 parcel of land situate in the city of Syracuse, County of Onondaga and
8 State of New York, being part of Block 366 in said City and more partic-
9 ularly bounded and described as follows: beginning at a point at the
10 intersection of the southerly line of East Genesee Street with the
11 westerly line of University Avenue; running thence: South 00° 30' 30"
12 West, along said Westerly line of University Avenue, a distance of 75.16
13 feet to a point therein; Thence North 89° 49' 00" West, a distance of
14 140.00 feet to a point; thence South 00° 30' 30" West, a distance of
15 271.55 feet to a point; Thence North 89° 49' 00" West, a distance of
16 103.01 feet to a point; Thence South 00° 11' 00" West, a distance of
17 132.00 feet to a point in the northerly line of Madison Street; Thence
18 North 89° 49' 0" West along said northerly line, a distance of 141.36
19 feet to a point; Thence North 00° 25' 10" East, a distance of 50 feet to
20 a point in the westerly line of Farm Lot 200 of the Salt Springs Reser-
21 vation; Thence North 03° 26' 10" West along said westerly line, a
22 distance of 415.12 feet to a point in the southerly line of East Genesee
23 Street; Thence North 88° 11' 00" East, along said southerly line, a
24 distance of 412.50 feet to the point of beginning. The premises are also
25 described as follows: All that tract or parcel of land, situate in the
26 City of Syracuse, County of Onondaga and State of New York, being known
27 as new Lot 1A as is more particularly shown on a Resubdivision Map of
28 Part of Block 366 made by Christopherson Land Surveying and filed in the
29 Onondaga County Clerk's Office October 8, 2002 as Map No. 9498; or

30 Parcel C

31 any such premises or business constituting the overnight lodging and
32 resort facility located wholly within the boundaries of all that tract
33 or parcel of land situate in the city of Syracuse, County of Onondaga
34 and State of New York, being a part of Lots 200 and 201, Lots 2, 6, and
35 7, Block 368 in the City of Syracuse and being further described as
36 follows: Beginning at a drill hole set at the intersection of the east-
37 erly street margin of South Crouse Avenue and the southerly street
38 margin of Harrison Street; Thence S. 89° 51' 36" E. (S 89° 49' 40" E
39 measured), along the southerly street margin of Harrison Street, a
40 distance of 395.30 feet to a capped iron rod set at the westerly line of
41 a parcel of land conveyed to Syracuse University; Thence S. 00° 28' 34"
42 W. (S 00° 30' 30" W measured), along the westerly line of those parcels
43 of land conveyed to Syracuse University, a distance of 132.00 feet to a
44 capped iron rod set; Thence N. 89° 51' 36" W. (N 89° 49' 40" W meas-
45 ured), along the northerly line of a parcel of land conveyed to Syracuse
46 University, a distance of 132.00 feet to a capped iron rod set; Thence
47 N. 89° 51' 36" W. (N 89° 49' 40" W measured), along the northerly line
48 of a parcel of land conveyed to Syracuse University, a distance of 66.00
49 feet to a capped iron rod set; Thence S. 00° 28' 34" W. (S 00° 30' 30" W
50 measured), along the westerly line of that Syracuse University Property,
51 a distance of 71.25 feet to a capped iron rod set; Thence N 89° 55' 36"
52 W. (89° 53' 39" W measured), a distance of 130.40 feet to a capped iron
53 rod set at the easterly line of that parcel of land conveyed to Crouse
54 Health Systems, Inc. by deed recorded in the Onondaga County Clerk's
55 Office in Liber 4800 at Page 730; Thence N. 03° 44' 23" W. (03° 42' 26"
56 W measured), along the easterly line of the Crouse Health System, Inc.

1 property, a distance of 37.99 feet to a magnetic nail set at the north-
2 east corner of the aforementioned Crouse Health System, Inc.; Thence N.
3 89° 51' 36" W. (N 89° 49' 40" W measured), along the northerly line of
4 the Crouse Health System, Inc. Property, a distance of 195.85 feet to a
5 capped iron rod set at the easterly street margin of South Crouse
6 Avenue; Thence N. 00° 23' 14" E. (N 00° 25' 10" E measured), along the
7 easterly street margin of South Crouse Avenue, a distance of 165.50 feet
8 to the point of beginning. Together with all the right, title and inter-
9 est in and to strops and gores of land, if any, adjoining or adjacent to
10 said premises and to the lands lying in the bed of any street, road land
11 or right of way, as they now exist, or formerly existed in, in front of,
12 or adjoining the premises above described or used in connection with
13 said above described premises. Containing 1.55 acres of land more or
14 less. It being the intent of this survey description to describe those
15 parcels of land conveyed by Temple Adath Yeshurun, also known as the
16 Congregation Adath Yeshurun, to the Syracuse Urban Renewal Agency, by a
17 Warranty Deed dated September 21, 1972, that was duly recorded in the
18 Onondaga County Clerk's Office on October 10, 1972 in Deed Book 2486 at
19 Page 1137. Being a portion of the premises conveyed at Hotel Skylar,
20 LLC, f/k/a 908 Harrison St., LLC, by deed dated June 5, 2007, and
21 recorded in the Onondaga County Clerk's Office on June 14, 2007 in Deed
22 Book 04998 at Page 0795 (Instrument: 0687909); or

23 Parcel D

24 any such premises or business constituting the overnight lodging and
25 resort facility located wholly within the boundaries of all that tract
26 or parcel of land situate in the city of Syracuse, County of Onondaga,
27 being part of Lots 13, 14 and 15 of Block 233 in said City, more partic-
28 ularly bounded and described as follows: beginning at a point in the
29 northerly line of East Genesee Street, a distance of 232.5 feet easter-
30 ly, measured along said northerly line, from the easterly line of Almond
31 Street; Running thence the following 8 courses and distances: (1.) S
32 89° 30' 50"E, along said northerly line of East Genesee Street, a
33 distance of 109.5 feet; (2.) N 00° 20' E, parallel with said easterly
34 line of Almond Street, a distance of 158.69 feet to the southerly line
35 of Orange Alley; (3.) N 89° 30' 50" W, along said southerly line of
36 Orange Alley, a distance of 66 feet to a point; (4.) N 00° 20' E, paral-
37 lel with said easterly line of Almond Street, 20 feet to the northerly
38 line of Orange Alley; (5.) N 89° 30' 50" W, along said northerly line of
39 Orange Alley, a distance of 9 feet; (6.) S 00° 20' W, parallel with said
40 easterly line of Almond Street, a distance of 13.5 feet to a point; (7.)
41 N 89° 30' 50" W, parallel with the aforesaid northerly line of East
42 Genesee Street, a distance of 3 feet to a point; and, (8.) S 00° 20' W,
43 parallel with said easterly line of Almond Street, a distance of 165.19
44 feet to the point of beginning, containing 17,781+/- sq. ft. (0.41+/-
45 Acres of Land) and; Parcel II (#716-718 East Fayette Street), All that
46 tract or parcel of land situate in the City of Syracuse, County of Onon-
47 daga and State of New York, being Lot 3 and part of lots 4 and 9 of
48 Block 233 beginning in the southerly line of East Fayette Street, a
49 distance of 132 feet westerly, measured along said southerly line, from
50 the westerly line of Forman Avenue; Running thence the following 4
51 courses and distances: (1.) N 89° 30' 50" W, along said southerly line
52 of East Fayette Street, a distance of 97 feet; (2.) S 00° 20' 20" W,
53 parallel with said westerly line of Forman Avenue, a distance of 178.69
54 feet to the northerly line of Orange Alley; (3.) S 89° 30' 50" E, along
55 said northerly line of Orange Alley, a distance of 97 feet to a point;

1 and, (4.) N 00° 20' 10" E, parallel with said westerly line of Forman
2 Avenue, a distance of 178.69 feet to the point of beginning; or
3 (xi) with respect to any premises or business located on all that
4 certain parcel of land situate in the City of Peekskill, County of West-
5 chester and State of New York, that is a portion of Parcel I as it is
6 shown on that certain map entitled, "Survey .. at Charles Point.."
7 which was filed in the Westchester County Clerk's Office on October 23,
8 1980 as Map No. 20407 that is bounded and described as follows:

9 BEGINNING at a point on the easterly shoreline of the Hudson River and
10 within the bounds of the said Parcel I as it is shown on the said Filed
11 Map No. 20407, which point occupies coordinate position:

12 North 464418.83 (y)

13 East 607401.00 (x)

14 of the New York State Coordinate System, East Zone and which point is
15 distant, the following courses from the southerly corner of the Parcel
16 shown on Map No. 20407 that occupies coordinate position

17 North 463520.804 (y)

18 East 608470.681 (x)

19 of the aforesaid New York State Coordinate System, East Zone:

20 North 47 degrees 30' 36" West 856.60 feet,

21 North 77 degrees 10' 53" West 488.18 feet,

22 North 41 degrees 17' 53" West 113.32 feet and

23 North 41 degrees 50' 16" East 169.08 feet;

24 THENCE from the said point of beginning along the said easterly shore-
25 line (high water mark) of the east bank of the Hudson River:

26 Due North 16.17 feet,

27 North 53 degrees 58' 22" West 13.60 feet,

28 North 73 degrees 04' 21" West 24.04 feet,

29 North 63 degrees 26' 06" West 22.36 feet,

30 North 82 degrees 18' 14" West 37.34 feet,

31 North 64 degrees 47' 56" West 37.58 feet,

32 South 82 degrees 52' 30" West 16.12 feet,

33 North 61 degrees 41' 57" West 14.76 feet and

34 South 21 degrees 48' 05" West 9.71 feet;

35 THENCE leaving the high water mark and running across a peninsula of
36 land and along the division line between Parcel I and Parcel II as shown
37 on said Filed Map No. 20407, North 65 degrees 32' 43" West 30.18 feet to
38 another point on the said easterly shoreline (high water mark) of the
39 East Bank of the Hudson River;

40 THENCE northerly along the said high water mark, the following cours-
41 es:

42 North 3 degrees 00' 46" West 17.54 feet,

43 North 13 degrees 45' 39" West 50.45 feet,

44 North 10 degrees 49' 23" West 69.23 feet,

45 North 0 degrees 47' 22" West 52.48 feet to a point which is the point
46 of beginning of the hereinafter described 40 foot easement which point
47 occupies coordinate position

48 North 464676.48 (y)

49 East 607189.28 (x)

50 of the New York State Coordinate System, East Zone;

51 THENCE continuing along the aforesaid easterly shoreline (high water
52 mark) of the East Bank of the Hudson, the following courses:

53 North 10 degrees 18' 17" West 23.91 feet,

54 North 39 degrees 04' 58" West 21.39 feet,

55 North 20 degrees 13' 30" West 21.74 feet,

56 North 39 degrees 02' 08" West 95.27 feet,

1 North 13 degrees 08' 02" West 30.81 feet,
2 North 18 degrees 26' 06" West 53.76 feet,
3 North 28 degrees 10' 43" West 63.53 feet,
4 North 18 degrees 26' 06" West 50.60 feet,
5 North 37 degrees 14' 05" West 31.40 feet,
6 North 21 degrees 15' 02" West 96.57 feet,
7 North 32 degrees 00' 19" West 47.17 feet,
8 North 1 degree 18' 07" West 44.01 feet and
9 North 17 degrees 14' 29" East 29.32 feet to a point on the southerly
10 line of lands under lease to the County of Westchester (Resco Site);
11 THENCE along the said County of Westchester (Resco Site) lands: Due
12 East 432.31 feet to a point on the westerly line of an easement and a
13 right-of-way leading to Charles Point Avenue;
14 THENCE along the said westerly and southwesterly line of the said
15 right-of-way leading to Charles Point Avenue: Due South 241.16 feet and
16 South 27 degrees 13' 00" East 406.90 feet to a point;
17 THENCE leaving the said easement and running along other lands now or
18 formerly of The City of Peekskill Industrial Development Agency, South
19 41 degrees 50' 16" West 270.01 feet to the aforementioned easterly
20 shoreline (high water mark) of the East Bank of the Hudson River and the
21 point or place of beginning.
22 TOGETHER with an easement over all that parcel of land situate in the
23 City of Peekskill, County of Westchester and State of New York that is
24 more particularly bounded and described as follows:
25 BEGINNING at a point on the westerly line of Charles Point Avenue with
26 the said westerly line is intersected by the line dividing the easement
27 herein described on the south from lands under lease to the County of
28 Westchester (Resco Site) on the north which point occupies coordinate
29 position:
30 North 464719.99 (y)
31 East 608004.15 (x)
32 of the New York State Coordinate System, East Zone;
33 THENCE from the said point of beginning southerly along the said
34 westerly line of Charles Point Avenue, South 14 degrees 54' 00" West
35 103.48 feet to a point;
36 THENCE westerly along other lands of the City of Peekskill Industrial
37 Development Agency: Due West 396.44 feet to a point which is the easterly
38 most corner of the lands of Point Associates, the grantee herein;
39 THENCE along the northeasterly line of the said Point Associates'
40 land, North 27 degrees 13' 00" West 406.90 feet and Due North 241.16
41 feet to a point on the southerly line of the aforementioned lands leased
42 to the County of Westchester (Resco Site);
43 THENCE easterly along the said southerly line Due East 75.00 feet to a
44 point;
45 THENCE southeasterly and easterly still along the said lands leased to
46 the County of Westchester (Resco Site) the following courses:
47 Due South 223.00 feet,
48 South 27 degrees 13' 00" East 314.87 feet and
49 Due East 390.14 feet to the aforementioned westerly line of Charles
50 Point Avenue and the point or place of BEGINNING.
51 TOGETHER WITH a non-exclusive easement for utilities, and ingress and
52 egress over that certain right of way leading from Charles Point Avenue,
53 now known as John E. Walsh Boulevard, in a westerly and northwesterly
54 direction to the above described premises and as more fully described in
55 the Declaration of Easement recorded in Liber 8888 cp 35; or

(xii) all those tracts or parcels of land, situate in the Tenth Ward of the City of Troy, County of Rensselaer and State of New York, known as Lots Number Seven (7), A Seven (A7), Six (6), A Six (A6), Five (5), A Five (A5) and the southerly portions of Lots Four (4) and A Four (A4), as the same are laid down and described on a certain Map made by Frederick W. Orr, dated August 15, 1918, filed in the Office of the Clerk of the County of Rensselaer as Map No. 29 1/2, Drawer 18. The said premises hereby intended to be conveyed are bounded and described as follows:

COMMENCING at an iron rod in the westerly side of River Street at the most southeasterly corner of premises heretofore conveyed by Harry Goldberg and Norman Goldberg to Arthur E. Collins and another, by Deed dated November 8, 1940, recorded November 12, 1940 In the Office of the Clerk of the County of Rensselaer in Book 633 of Deeds at page 400 and running thence southerly along the westerly line of River Street 215.6 feet to a pipe in the most southeasterly corner of Lot No. A7; thence westerly along the southerly line of Lots Nos. A7 and 7, 163 feet more or less to the easterly shore of the Hudson River; thence northerly along the easterly shore of the Hudson River 216 feet more or less to the most southwesterly corner of land heretofore conveyed by the said Harry Goldberg and Norman Goldberg to Arthur E. Collins and another hereinbefore recited; thence along the southerly line of lands heretofore conveyed to said Collins and another easterly 31.75 feet; thence northerly 6.33 feet; thence easterly 18 feet; thence southerly 6.33 feet; thence easterly 150.57 feet to the point or place of beginning.

EXCEPTING THEREFROM that portion of the above described premises as were conveyed by John B. Garrett, Inc. to Cahill Orthopedic Laboratory, Inc. by deed dated June 22, 1993 and recorded in the Rensselaer County Clerk's Office on June 24, 1993 in Book 1960 of Deeds at Page 215, Containing 17,600 square feet of land more or less.

BEARINGS refer to the magnetic meridian of 1993. Said premises are also described as follows: Ward & Plate: 1005500 669 RIVER ST: frontage and depth 115.60 x 220.00 being the same premises described in Book 6534 of Deeds at Page 256 in the Rensselaer County Clerk's Office and being the same premises in the 2009 City of Troy Assessment Rolls and 90.78-3-2.1 In Rem Serial No. AY0054 (RIVERVIEW PROPERTIES INC; CORINA, ANGELO; MCLAUGHLIN, JOHN D & VASIL, SCOTT).

(b) Any lien, mortgage or other interest or estate now held by said retail licensee on or in the personal or real property of such manufacturer or wholesaler, which mortgage, lien, interest or estate was acquired on or before December thirty-first, nineteen hundred thirty-two, shall not be included within the provisions of this subdivision; provided, however, the burden of establishing the time of the accrual of the interest, comprehended by this subdivision shall be upon the person who claims to be entitled to the protection and exemption afforded hereby; or any such premises or business located on that certain piece or parcel of land, or any subdivision thereof, situate, lying and being in the Village of Suffern, Town of Ramapo, County of Rockland and State of New York, addressed as 97-99 Lafayette Avenue, Suffern, New York, identified for tax purposes by the Town of Ramapo - 2000 County/Town Tax Bill, Tax Map No. 07/016-B-0239-B-0000 and New Parcel Tax Identification No. 54.35-2-54, bounded and described as follows:

BEGINNING at a point on the Westerly side of Washington Avenue, where the same is intersected by the Northerly line of lands now or formerly of the Village of Suffern (Sect. 168, Lot 284), said point also being the Southeasterly corner of the premises herein intended to be described.

1 RUNNING THENCE North 76 degrees 15 minutes West along the Northerly
2 line of lands now or formerly of the Village of Suffern a distance of
3 210.30 feet to a point; THENCE South 13 degrees 45 minutes West along
4 the Westerly line of lands now or formerly of the Village of Suffern a
5 distance of 78.75 feet to a point; THENCE North 76 degrees 28 minutes
6 West along the Northerly line of lands now or formerly of the Village of
7 Suffern a distance of 96.30 feet to a point; THENCE North 13 degrees 32
8 minutes East a distance of 117.60 feet to a point; THENCE South 76
9 degrees 15 minutes East a distance of 6.00 feet to a point; THENCE North
10 13 degrees 32 minutes East a distance of 54.80 feet to a point; THENCE
11 South 76 degrees 15 minutes East a distance of 91.00 feet to a point;
12 THENCE North 13 degrees 45 minutes East along the Easterly line of lands
13 now or formerly of Mirando (Sect. 168. Lot 239A) a distance of 123.25
14 feet to a point on the Southerly side of Lafayette Avenue; THENCE South
15 59 degrees 56 minutes 42 seconds East along the Southerly side of Lafay-
16 ette Avenue a distance of 176.92 feet to a point; THENCE Southeasterly
17 along the Southerly side of Lafayette Avenue, on a curve to the right
18 having a radius of 58.97 feet an arc distance of 76.88 feet to a point;
19 THENCE South 14 degrees 45 minutes West along the Westerly side of Wash-
20 ington Avenue a distance of 109.22 feet to the point or place of BEGIN-
21 NING.

22 Being the same premises described in a deed dated June 11, 1999 from
23 Westchester Realty Group LLC to Marandy Realty Associates, LLC and
24 recorded in the Rockland County Clerk's Office on June 24, 1999 Instru-
25 ment ID # 1999-00033893.

26 The premises described above are more particularly described after
27 field survey by A.R. Sparaco, Jr., P.L.S. dated June 13, 2000, as
28 follows:

29 ALL THAT TRACT, piece or parcel of land with the buildings and
30 improvements thereon in the Village of Suffern, Town of Ramapo, Rockland
31 County, New York, Tax Map Reference Section 16B; Lots 239 B and 254,
32 bounded and described as follows:

33 BEGINNING at a cross-cut in the westerly line of Washington Ave. (50
34 feet wide) where the same is intersected by the northerly line of lands
35 of the Village of Suffern (formerly Washington Ave. School) and running
36 thence; North 78° 42' 52" West 211.11' along the northerly line of lands
37 of the Village of Suffern to an iron pipe; thence, South 11° 03' 40"
38 West 78.38' continuing along said lands to a PK nail; thence, North 79°
39 21' 20" West 96.30' continuing along said lands to an iron pipe; thence,
40 North 10° 21' 09" E 117.12' along lands now or formerly of Meadows to a
41 point; thence, South 79°00'00" East 6.00' to a point in the centerline
42 of an old right of way; thence, North 12°50'10" East 55.32' along the
43 centerline of an old right of way to an iron pipe; thence, South
44 79°00'00" East 91.04' crossing through said right of way and continuing
45 along the southerly line of lands now or formerly of Miranda to a cross
46 cut; thence, North 11°15'34" East 123.37' along the easterly line of
47 said lands to a cross cut in the southerly line of Lafayette Ave.;
48 thence, South 62°34'00" East 165.97' along the assumed southerly line of
49 Lafayette Ave. to a point of curvature; thence, Southeasterly along a
50 curve to the right having a radius of 72.00' and an arc distance of
51 93.43' continuing along the same to a point of tangency in the westerly
52 line of Washington Ave; thence, South 11°47'00" West 100.86' along the
53 westerly line of Washington Ave. to the point or place of BEGINNING.

54 Containing 1.267 acres of land more or less.

55 SUBJECT to utility easements described in Uber 1016, page 487, Liber
56 1038, page 977, Book 340, page 1277.

1 SUBJECT TO a 6' wide easement for ingress and egress as described in
2 Liber 318, page 4.

3 TOGETHER with a 6' wide and 12' wide right of way as described in
4 Liber 318, page 4.

5 SUBJECT TO any other easements, rights of ways or restrictions of
6 record.

7 Being the same premises described in a deed dated June 11, 1999 from
8 Westchester Realty Group LLC to Marandy Realty Associates, LLC and
9 recorded in the Rockland County Clerk's Office on June 24, 1999 Instru-
10 ment ID #1999-00033893.

11 § 2. This act shall take effect immediately.