

AGREEMENT

THIS AGREEMENT is made on _____, 2015, by and between THE CITY OF SARATOGA SPRINGS, NEW YORK, a municipal corporation with offices at City Hall, 474 Broadway, Saratoga Springs, NY 12866 (hereinafter referred to as "City"), and ALAN BAZAAR and MEGHAN BAZAAR, residing at 9 Bedford Road, Katonah, New York 10536 (hereinafter referred to as "Bazaar").

WHEREAS, Bazaar is the owner of record of a certain parcel of land, together with improvements thereon, located at and commonly known as No. 2 North Circular Street in the City of Saratoga Springs, County of Saratoga and State of New York, being the same premises shown as parcel 165.44-1-77 on the Tax Map of the Inside Tax District of the City of Saratoga Springs, and being more particularly described in Deed Instrument No. 2014035314, recorded in the Saratoga County Clerk's Office; and

WHEREAS, a survey of the premises has been prepared by Northeast Land Survey and Land Development Consultants, P.C., dated July 15, 2015. A copy of that survey is attached hereto and made a part hereof as Exhibit "A"; and

WHEREAS, that survey shows that a portion of the existing building's foundation wall, the roof overhang, and a covered stoop extend into lands owned by the City known as North Circular Street, an improved street owned by the City, a distance of up to approximately 2.7 feet, more or less, and has so extended into North Circular Street for some time,

NOW, in consideration of the mutual promises of the parties hereto and the payment by Property Owner to the City of One Dollar (\$1.00) lawful money of the United States, it is hereby agreed as follows:

1. The City shall allow the said encroaching foundation wall, roof overhang, and covered stoop to exist undisturbed within the area specified in the description attached hereto for as long as the said building remains standing, and shall commence no legal proceedings to discontinue said encroachments, for so long as said building remains standing.

2. If said encroachments shall ever be destroyed or demolished, the easement granted herein shall be extinguished and terminated with respect to that part of the encroachments so destroyed or demolished. Ordinary repairs shall not constitute destruction or demolition.

3. This agreement shall be binding upon and inure to the benefit of the parties, their successors, assigns, heirs, executors, and administrators forever.

4. This agreement is made pursuant to a resolution of the Saratoga Springs City Council on September 15, 2015

THE CITY OF SARATOGA SPRINGS
By: Joanne D. Yepsen, Mayor

ALAN BAZAAR

MEGHAN BAZAAR

Per Council Approval 9/15/15

STATE OF NEW YORK)
)
COUNTY OF SARATOGA)

On this day of , 2015, before me, the undersigned, personally appeared JOANNE D. YEPSEN, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her capacity, and that by her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public Comm. Expires:

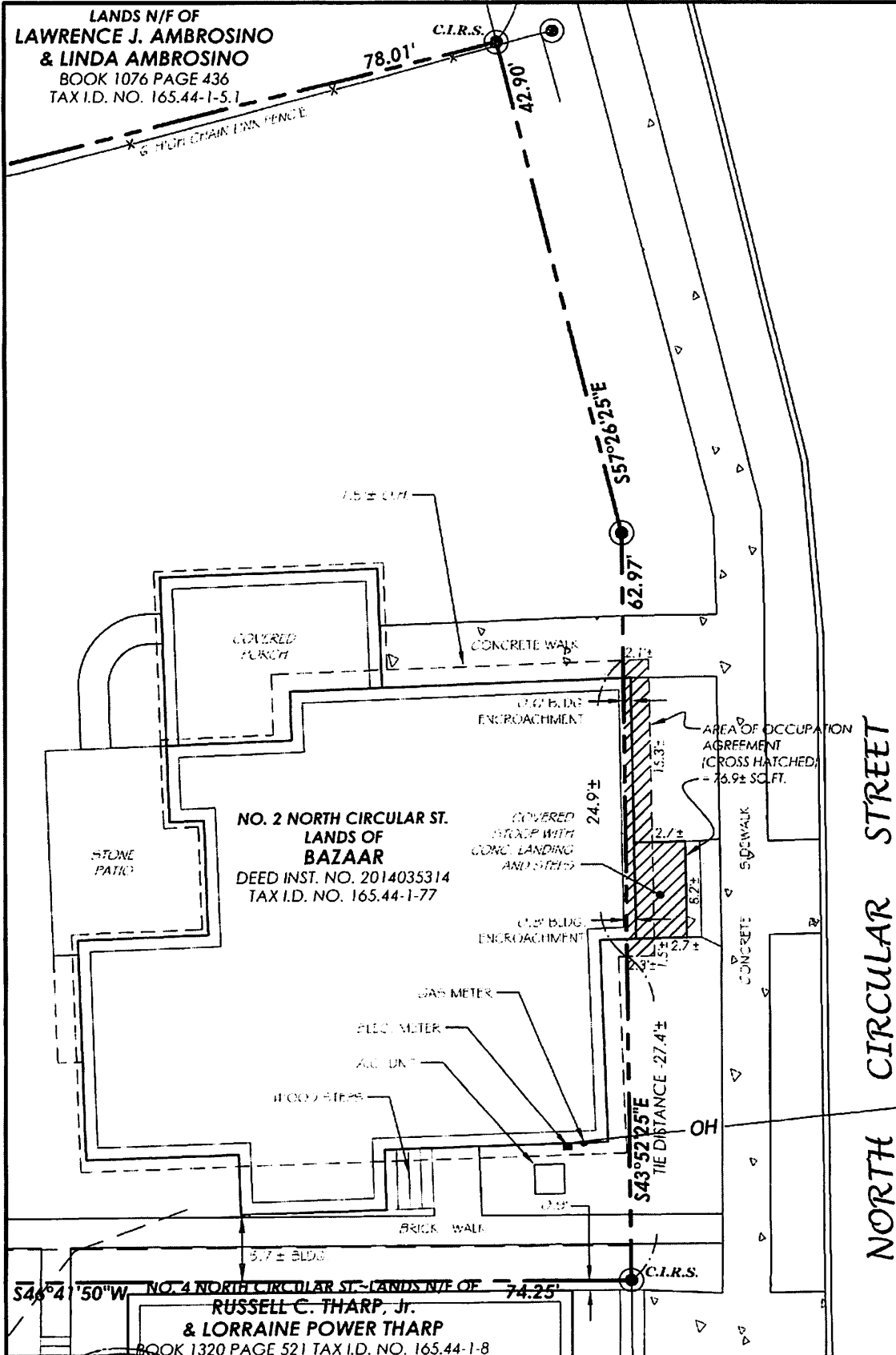
STATE OF NEW YORK)
)
COUNTY OF SARATOGA)

On this day of , 2015, before me, the undersigned, personally appeared ALAN BAZAAR and MEGHAN BAZAAR, personally known to me or proved to me on the basis of satisfactory evidence to be the individuals whose names are subscribed to the within instrument and acknowledged to me that they executed the same in their capacities, and that by their signatures on the instrument, the individuals, or the person upon behalf of which the individuals acted, executed the instrument.

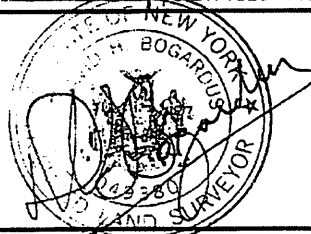
Notary Public Comm. Expires:

EXHIBIT A

LANDS N/F OF
LAWRENCE J. AMBROSINO
& LINDA AMBROSINO
 BOOK 1076 PAGE 436
 TAX I.D. NO. 165.44-1-5.1



$S48^{\circ}41'50\"W$ NO. 4 NORTH CIRCULAR ST. - LANDS N/F OF
RUSSELL C. THARP, JR.
& LORRAINE POWER THARP
 BOOK 1320 PAGE 521 TAX I.D. NO. 165.44-1-8



CITY OF SARATOGA SPRINGS
 COUNTY OF SARATOGA
 SCALE: 1"=40'
 DATE: 11/15/10
 PROJECT: 10020
 DRAWN BY: [unclear]
 CHECKED BY: [unclear]

MAP OF PROPOSED OCCUPATION AGREEMENT OVER
 LANDS OF THE CITY OF SARATOGA SPRINGS, NEW YORK
 TO BE GRANTED TO
ALAN BAZAAR & MEGHAN BAZAAR

**NORTHEAST LAND SURVEY &
 LAND DEVELOPMENT CONSULTANTS, P.C.**
 PARADE GROUND VILLAGE
 P.O. BOX 2140
 MALDEN, N.Y. 12050
 (518) 896-7336

EXHIBIT "A"