

AGREEMENT

THIS AGREEMENT is made on September , 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 THE BETHESDA EPISCOPAL CHURCH OF SARATOGA SPRINGS, a not-for-profit corporation, 26 Washington Street, Saratoga Springs, New York 10536 (hereinafter referred to as “The Church”).

WHEREAS, The Church is the owner of record of a certain parcel of land, together with improvements thereon, located at and commonly known as 26 Washington Street in the City of Saratoga Springs, County of Saratoga and State of New York, being the same premises shown as parcel 165.67-1-22 on the Tax Map of the Inside Tax District of the City of Saratoga Springs, and being more particularly described in Deed dated April 9, 1952 and recorded in the Saratoga County Clerk’s Office in Book 550 of Deeds at Page 268; and

WHEREAS, a survey of the premises has been prepared by Thompson Fleming Land Surveyors, P.C., dated December 19, 2014. 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 front steps extend into lands owned by the City known as Washington Street, an improved street owned by the City, a distance of up to approximately 1.2 feet, more or less, and has so extended into Washington Street for some time. A description of the area of encroachment is attached hereto and made a part hereof as Exhibit “B”,

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 front steps 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 encroachment shall ever be destroyed or demolished, the easement granted herein shall be extinguished and terminated with respect to that part of the encroachment 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.

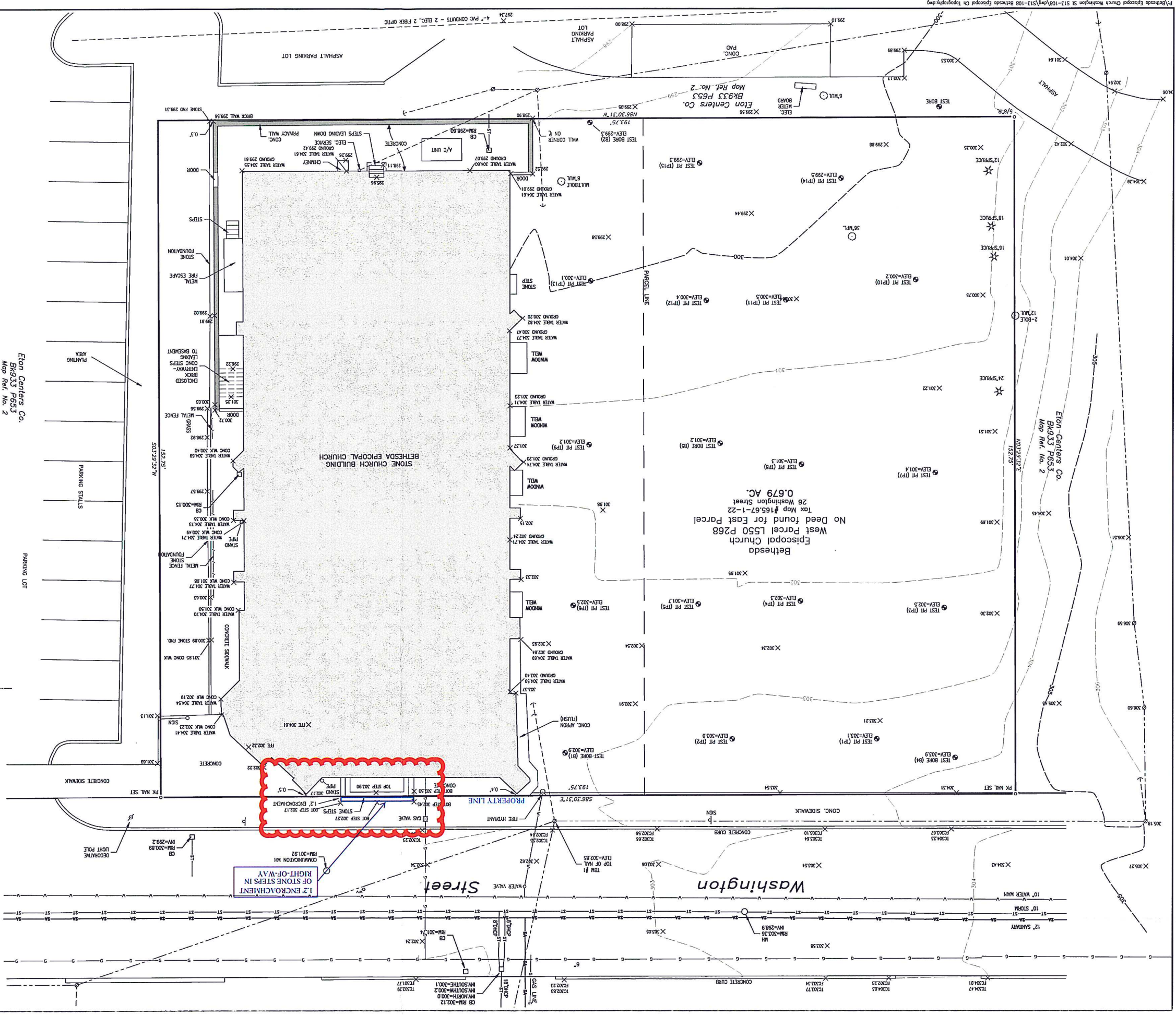
4. This agreement is made pursuant to a resolution of the Saratoga Springs City Council on September 15, 2015

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

THE BETHESDA EPISCOPAL CHURCH
OF SARATOGA SPRINGS, NY
By:

Per Council Approval 9/15/15

EXHIBIT A



Underlined reference or addition to a survey on this map being a licensed Land Surveyor's Seal is a violation of Section 229 subsection 2 of the New York State Education Law. Only pertinent encumbrances (if any) are shown.

Underground Utility Note:
The location of underground utilities shown on this plan are for information only, and all utilities may not be shown. The owner or contractor shall contract U.F.P.O. (1-800-962-7962) and the proper local authorities to confirm the location of all existing utilities before commencing work. Any costs incurred by the owner or contractor due to the failure to contact the proper authorities shall become the responsibility of the owner or contractor.

Note:
Elevations are based on USGS NGVD 1929 datum.

Deed Reference:
The Hector, Warden, and Vestrymen of Bethesda Church dated April 9, 1952 filed in the Saratoga County Clerk's Office in Book 550 of Deeds, page 266.

Map References:
1. "Map of Lands of The Bethesda Church" dated March 19, 2013 prepared by Thompson-Fleming Land Surveyors.
2. "Existing Conditions Survey of Congress-Park Center" dated July 15, 2011 prepared by Thompson-Fleming Land Surveyors, P.C.

Map Legend
 ○ marker found, labeled
 ○ utility pole
 --- overhead wires



REVISIONS	DATE	DESCRIPTION
	6/19/15	Address
	4/21/15	SURVEY UPDATE

DATE: Dec. 19, 2014
 JOB NO.: S13-108.24
 DRAWN BY: DCS
 CHKD. BY: BRF
 TAX MAP: 165.67-1-22
 SCALE: 1" = 10'

DATE	DESCRIPTION
6/19/15	Address
4/21/15	SURVEY UPDATE

DATE	DESCRIPTION
6/19/15	Address
4/21/15	SURVEY UPDATE

THOMPSON FLEMING
 LAND SURVEYORS, P.C.
 12 Lake Avenue
 Saratoga Springs NY 12888
 Voice: (518) 597-5655
 Fax: (518) 580-5772

Topographic Survey
 of part of lands of
The Bethesda Church
 Situate at
 26 Washington Street
 City of Saratoga Springs, Saratoga County, NY

EXHIBIT B

July 27, 2015
Work order: S13-108.11

**Proposed Occupation Agreement over
lands of the City of Saratoga Springs, NY
to
The Bethesda Episcopal Church**

All that tract or parcel of land situate in the City of Saratoga Springs, Saratoga County, NY, bounded and described as follows:

Beginning at a point on the southerly line of Washington Avenue, being N86°30'31"W, 40.90 feet from the intersection of the of the southerly line if said Washington Avenue and the westerly line of lands of Eton Centers Co. as recorded in the Saratoga County Clerk's Office in Book 933 of Deeds, page 653. Thence along the northerly lands of Bethesda Episcopal Church West Parcel as recorded in Liber 1550 of Deeds, page 268, being the south line of Washington Street N86°30'31"W, 16.57 feet to a point. Thence through the lands of the grantor the following three courses:

N03°38'32"E, 1.22 feet to a point
S86°21'28"E, 16.57 feet to a point
S03°38'32"W, 1.18 feet to the point of beginning.

Containing 20 square feet of land.