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April 28, 2020

Ms. Aimee Mahoney  
Town Clerk  
118 Broadway  
Fort Edward, NY 12828

Re: Subdivision Application – Counties of Warren and Washington Industrial Development Agency (WWIDA)

Dear Ms. Mahoney

On behalf of the Counties of Warren and Washington IDA and in reference to the above application, please find eleven (11) copies of the subdivision application; the proposed subdivision map; Short Environmental Assessment Form - Part 1; and copies of the deeds.

The parcels at issue are certain parcels located off of Towpath lane. The applicant proposes a subdivision of the parcels more particularly described in the application so that said parcels can be merged with the adjoining parcels establishing the roadway parcel into the site so that fee ownership can be conveyed to the WWIDA.

Please advise of any fees dues and I will coordinate with my client to deliver same. Should you have any questions, please do not hesitate to contact me. Thank you.

Very truly yours,

A handwritten signature in black ink, appearing to read "Kara Lais".

Kara I. Lais

Encl.

cc: David O'Brien, Chairman  
Matthew Fuller, Esq.

SERVICE BY FAX NOT ACCEPTED

Glens Falls Office: 68 Warren Street, P.O. Box 2017, Glens Falls, NY 12801 | Hudson Falls Office: 3019 State Route 4, Hudson Falls, NY 12839  
Cambridge Office: 49 West Main Street, Cambridge, NY 12816 | Salem Office: 190 Main Street, Salem, NY 12865

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# TOWN OF FORT EDWARD

118 BROADWAY P.O. BOX 127 FORT EDWARD, N.Y. 12828-0127

OFFICE – 518.747.5212 -----FAX 518.747.2493

## SUBDIVISION OF LAND APPLICATION

*(Clerk's Office Use Only)*

APPLICATION NO: \_\_\_\_\_ DATE : \_\_\_\_\_

FEE PAID: \_\_\_\_\_

**Requirements, Fees and Instructions** (Please use dark blue or black ink)

The application must be filled out completely and in every respect with ALL questions answered and ALL required attachments before the Town can officially accept the application for processing. If the application is incomplete, it will be returned to you for completion or inclusion of the deficient information.

Use this application for any project which requires approval by the Town of Fort Edward Planning Board for Subdivision of Land, with exception of projects which are designated as a *Boundary Line Adjustment*. If your project requires any variances or a special use permit, you must first make application and receive approval from the Town of Fort Edward Zoning Board.

**THIS APPLICATION IS SUBJECT TO REVIEW AND APPROVAL BEFORE ISSUANCE OF ANY VALID PERMITS FOR YOUR PROJECT. TO ENSURE TIMELY REVIEW OF YOUR APPLICATION PLEASE COMPLETE THIS FORM IN ITS ENTIRETY AND PROVIDE WITH THIS APPLICATION ALL OF THE REQUIRED INFORMATION AND DOCUMENTATION IN ACCORDANCE SUBMISSION REQUIREMENTS OF CHAPTER 87 OF THE TOWN CODE FOR THE APPLICATION STAGE BEING SUBMITTED.**

### CLASSIFICATION OF PROJECT:

*A minor subdivision is any subdivision of land containing not more than three lots, each fronting on an existing public street, not involving any new street or road or the extension of municipal facilities and not adversely affecting the development of the remainder of the parcel or adjoining properties and not in conflict with any provision or portion of the TOFE Comprehensive Plan and/or Master Plan (if enacted).*

Is your project designated as a minor or major project?       Minor       Major

APPLICATION STAGE:     SKETCH PLAN     PRELIMINARY PLAT     FINAL PLAT

**FOR ALL PROJECT STAGES AND APPLICATIONS PROVIDE THE FOLLOWING;**

- **Copy of Property Deed(s)**
- **Agricultural Data Statement (as applicable)**
- **Waiver Request Form (as applicable)**
- **Authorization of Agent (as applicable)**
- **Copy of Variance(s) or Special Use Permit Approvals (as applicable)**
- **EAF (NYSDEC Environmental Assessment Form, short or long form, as applicable)**

**FOR SKETCH PLAN REVIEW PROVIDE THE FOLLOWING MINIMUM INFORMATION;**

- **Boundary survey, tax map, or similarly accurate base map showing the entire tract of land**
- **The location of that portion which is to be subdivided in relation to the entire tract and the distance to the nearest existing street intersection**
- **All existing structures, wooded areas, streams and other significant physical features, within the portion to be subdivided and within 200 feet thereof. If topographic conditions are significant, contours shall also be indicated at intervals of not more than 10 feet**
- **The Tax Map sheet, block, and lot numbers**
- **All utilities available and all streets which are either proposed, mapped, or built**
- **The proposed pattern of lots (including lot width and depth) street layout, recreation areas, systems of drainage, sewerage and water supply within the subdivided area.**
- **All existing restrictions on the use of land, including easements, covenants, and zoning lines**

**FOR MINOR SUBDIVISION REVIEW PROVIDE THE FOLLOWING MINIMUM INFORMATION, IN ADDITION TO THE SKETCH PLAN REQUIREMENTS;**

- **A copy of such covenants or deed restrictions as are intended to cover all or part of the tract**
- **An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified by a licensed land surveyor. The corners of the tract shall also be located on the ground and marked by monuments as approved by the Town Engineer and shall be referenced and shown on the plat**
- **The proposed subdivision name and the name of the town and county in which it is located**
- **The date, north point, map scale, and name and address of record owner and subdivider**

**FOR MAJOR SUBDIVISION REVIEW, COMPLY WITH MINIMUM SUBMISSION REQUIREMENTS SET FORTH AND OUTLINED IN TOWN CODE CHAPTER 87 ARTICLE VIII SECTIONS 87-62 AND 87-63.**

**ALL SUBDIVISIONS SHALL COMPLY WITH THE GENERAL REQUIREMENTS AND STANDARDS SET FORTH IN ARTICLE VII OF TOWN CODE CHAPTER 87.**

**Please submit the original plus (11) eleven copies of your Application and supporting documentation to the Town Clerk's Office for distribution to the Planning Board and Consultants for review and consideration.**

**GENERAL INFORMATION**

**Name/Title of Subdivision:** Counties of Warren and Washington Industrial Development Agency

**Project Location and Information**

**Number and Street Address:** Towpath Lane

**Zoning District:** 02

**Tax Map Number:** 163.-2-20

**Current Use of the Property/Building:** vacant/private roadway

**Property Owner Identification**

**Owner is Applicant**

**Name:** WCC, LLC

**Address:** 269 Ballard Road

**City, State, Zip:** Wilton, NY 12831

**Phone Number:** 518-886-7738

**Agent Identification**

**Agent is Applicant**

**Name:** Counties of Warren and Washington Industrial Development Agency (WWIDA)

**Address:** 5 Warren Street

**City, State, Zip:** Glens Falls, NY 12801

**Phone Number:** 518-792-1312

**Brief description of proposed project:**

Subdivision of a 0.14 acre parcel and a 1.54 acre parcel to be transferred to the WWIDA for the purpose of establishing sole ownership of the parcels of real property making up the existing private roadway. See S-3

EPA will be conveying the 14.37 acres of the property as shown on S1 and S2 located in the Towns of Kingsbury and Fort Edward.

**Total Acreage of Parcel:** 0.14 and 1.54

**Total Number of Existing Lots:** 1

**Total Number of Proposed Lots:** 2 - to be merged into one with the additional parcels of roadway

**Is the property within a municipal sewer district and/or does the project propose a public sewer connection for wastewater disposal?**  Yes  No

**Is the property within a municipal water district and/or does the project propose a public water connection for potable water?**  Yes  No

**GENERAL INFORMATION**

**Name/Title of Subdivision:** Counties of Warren and Washington Industrial Development Agency

**Project Location and Information**

**Number and Street Address:** Towpath Lane

**Zoning District:** 04

**Tax Map Number:** 163.-2-19.1

**Current Use of the Property/Building:** private roadway

**Property Owner Identification**

**Owner is Applicant**

**Name:** Town of Fort Edward

**Address:** 118 Broadway

**City, State, Zip:** Fort Edward, NY 12828

**Phone Number:** \_\_\_\_\_

**Agent Identification**

**Agent is Applicant**

**Name:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**City, State, Zip:** \_\_\_\_\_

**Phone Number:** \_\_\_\_\_

**Brief description of proposed project:**

Subdivision of a 0.06 acre parcel of real property to be transferred to the WWIDA for the purpose of establishing sole ownership of the parcels of real property making up the existing private roadway. See S-4

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Total Acreage of Parcel:** 7.0

**Total Number of Existing Lots:** 1

**Total Number of Proposed Lots:** 2

**Is the property within a municipal sewer district and/or does the project propose a public sewer connection for wastewater disposal?**  Yes  No

**Is the property within a municipal water district and/or does the project propose a public water connection for potable water?**  Yes  No

**GENERAL INFORMATION**

**Name/Title of Subdivision:** Counties of Warren and Washington Industrial Development Agency

**Project Location and Information**

**Number and Street Address:** 1400 Towpath Lane

**Zoning District:** M1

**Tax Map Number:** 163.-2-20.1

**Current Use of the Property/Building:** private roadway

**Property Owner Identification**  **Owner is Applicant**

**Name:** Fort Edward Local Property Development Corporation

**Address:** 118 Broadway

**City, State, Zip:** Fort Edward, NY 12828

**Phone Number:** \_\_\_\_\_

**Agent Identification**  **Agent is Applicant**

**Name:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**City, State, Zip:** \_\_\_\_\_

**Phone Number:** \_\_\_\_\_

**Brief description of proposed project:**

Subdivision of a 3.94 acre parcel of real property to be transferred to the WWIDA for the purpose of establishing sole ownership of the parcels of real property making up the existing private roadway. See S-4

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Total Acreage of Parcel:** 51.41

**Total Number of Existing Lots:** 1

**Total Number of Proposed Lots:** 2

**Is the property within a municipal sewer district and/or does the project propose a public sewer connection for wastewater disposal?**  Yes  No

**Is the property within a municipal water district and/or does the project propose a public water connection for potable water?**  Yes  No

**GENERAL INFORMATION**

**Name/Title of Subdivision:** Counties of Warren and Washington Industrial Development Agency

**Project Location and Information**

**Number and Street Address:** 17 Broadway

**Zoning District:** 04

**Tax Map Number:** 163.-2-15.1

**Current Use of the Property/Building:** private roadway

**Property Owner Identification**

**Owner is Applicant**

**Name:** New York State

**Address:** 17 Broadway

**City, State, Zip:** Fort Edward, NY 12828

**Phone Number:** \_\_\_\_\_

**Agent Identification**

**Agent is Applicant**

**Name:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**City, State, Zip:** \_\_\_\_\_

**Phone Number:** \_\_\_\_\_

**Brief description of proposed project:**

Subdivision of a 0.4 acre parcel of real property to be transferred to the WWIDA for the purpose of establishing sole ownership of the parcels of real property making up the existing private roadway. - See S-3

**Total Acreage of Parcel:** 126.90

**Total Number of Existing Lots:** 1

**Total Number of Proposed Lots:** 2-to be merged into one with the additional parcels of roadway

**Is the property within a municipal sewer district and/or does the project propose a public sewer connection for wastewater disposal?**  Yes  No

**Is the property within a municipal water district and/or does the project propose a public water connection for potable water?**  Yes  No

**Lot, Yard and Height Regulations (Bulk Requirements)**

Item	Required	Existing	Proposed
Min. Lot Size (acres)			
Min. Lot Width (ft)			
Min. Lot Depth (ft)			
Front Yard (ft)			
Side Yard - One (ft)			
Side Yard - Both (ft)			
Rear Yard (ft)			
Max. Building Coverage			
Max. Building Height			

**Are there any zoning violations or existing non-conforming conditions on the property?**

Yes  No

**If yes, please explain:**

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**Is the lot or parcel for the project within 500 feet of a County or State Highway, Right-of-Way or Park, or Municipal Boundary?**

Yes  No

**If yes, please explain:**

Adjacent the Town of Kingsbury

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**Is the lot or parcel for the project within a designated flood plain?**

Yes  No

**Is the lot or parcel for the project within the TOFE Grassland Boundary?**

Yes  No

**Is the lot or parcel for the project within an area known to contain threatened and/or endangered species to include plants or animals?**

Yes  No

**Does the lot or parcel for the project consist of or contain designated wetlands?**

Yes  No



Is the lot or parcel for the project within close proximity to any designated or important historic properties or cultural resources?

Yes  No

Describe the current condition of the parcel [buildings, brush, woods, vacant, use, etc.]:

Vacant, Private Roadway

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Describe the character of the surrounding lands (residential, farmland, industrial, woods, commercial, recreation, conservation, etc):

Industrial

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Will the summation of all eventual land disturbance as a result of the subdivision disturb greater than one acre of land during construction?  Yes  No

(If yes, please prepare and submit a SWPPP with this application)

Estimated start date of project: Present

Estimated time to completion: 6/30/20 months

**UTILITIES**

- Electrical:  Underground  Overhead
- Sewage Disposal:  Onsite Septic  Municipal Sewer
- Potable Water:  Private Well  Municipal Water
- Combustion Fuel:  Fuel Oil  Propane  Natural Gas  Other: N/A

Please specify what approvals or permits have been/will be obtained as a result of the project;

- TOFE Special Use Permit
- TOFE Site Plan Review
- TOFE Area Variance
- TOFE Use Variance
- Water District Extension
- Other: \_\_\_\_\_
- Other: \_\_\_\_\_
- Other: \_\_\_\_\_
- NYSDEC Permit-Stormwater
- NYSDEC Permit-Wastewater
- NYSDOH Potable Water Well
- NYSDOH Wastewater System
- Sewer District Extension
- NYSDOH Realty Subdivision
- Other: N/A
- Other: \_\_\_\_\_

**SITE PLAN REQUIREMENTS**

Will the proposed project include or alter or change site conditions related to the following (check all that apply)?

- |   |  |
|---|--|
| <input type="checkbox"/> Traffic                  | <input type="checkbox"/> Lighting                                      |
| <input type="checkbox"/> Runoff/Drainage          | <input type="checkbox"/> Noise   |
| <input type="checkbox"/> Grading                  | <input type="checkbox"/> Utilities (electric, gas, water, sewage, etc) |
| <input type="checkbox"/> Impervious               | <input type="checkbox"/> Site Access                                   |
| <input type="checkbox"/> Building Coverage        | <input type="checkbox"/> Parking                                       |
| <input type="checkbox"/> Signage                  | <input type="checkbox"/> Landscaping                                   |
| <input checked="" type="checkbox"/> Roads/R.O.W.  | <input type="checkbox"/> Easements                                     |
| <input type="checkbox"/> Screening/Buffers/Fences | <input type="checkbox"/> Pedestrian Accommodations/Sidewalks           |

**Additional Comments:**

No change in use. Use of the roadway will remain limited and private. The purpose is to have the parcels of roadway under common owemship.

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Will the development be a clustered development per Code Section 87-58?  Yes  No  
If yes, please describe:

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Does the project include provisions for parks, playgrounds, and/or open space?

Yes  No

If yes, what is the total acreage of the proposed open space, recreational area, playground, or park? \_\_\_\_\_ acres

If no, is the Applicant requesting a fee-in-lieu-of-land?  Yes  No

Describe the following in detail; proposed easements or other restrictions of the subdivision or on the property or any common lands, HOA rules and regulations, and/or any covenants governing the maintenance of any property or open space:

The WWIDA intends to grant a permanent easement to WL Plastics, LLC and WCC, LLC and their successors and assigns over the private roadway for purposes of ingress and egress.

The WWIDA intends to establish safety and cautionary regulations for the use of the road by the aforementioned grantees and also intends to enter into a maintenance agreement regarding maintenance of and improvements to the road.

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**Are there any previous Town, Planning, or Zoning Board determinations made regarding this property?**      Yes    No

**If yes, please explain:**

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**Will development occur in phases?**      Yes    No

**If yes, please explain:**

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**Will the subdivision require any new road or highway?**      Yes    No  
**If yes, will the road be dedicated to the Town?**      Yes    No

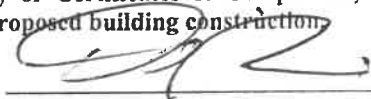
SIGNATURE PAGE

To the best of my knowledge, the statements contained in this application, together with the plans and specifications and other supporting documentation submitted are a true and complete statement of all proposed work to be done on the described premises and that all provisions of the Building Codes, the Zoning Ordinance, and all other local, state, and federal laws pertaining to the proposed work shall be complied with, whether specified or not.

The Planning Board may employ consultants, legal counsel, professional engineers, and/or inspection services for their assistance and advice in the review of any application before it and for such purposes as the Planning Board may require therefor, including but not limited to; on site investigation, evaluation and inspection, verification of the accuracy of information submitted, evaluation of the adequacy of plans, of the sufficiency of submitted reports; flood hazard evaluation; study of the impact of proposals upon the resources and environment of the Town; preparation and/or review of any environmental impact statements; review of the design and layout of improvements; inspection of installed improvements; and such other services or technical assistance as the Planning Board shall deem necessary for its review of such application, and for the administration of the Town, County, State, and Federal regulations in relation thereto. The Applicant authorizes the Planning Board, as it deems necessary, to employ such assistance and agrees to reimburse the Town for the costs and fees associated with any requested consultants to assist them in their review and consideration of the application, whether it be for either technical or legal purposes. When appropriate the Planning Board shall have the authority to request a deposit from the Applicant for the cost and fees associated with consultants in advance of the review.

It is understood that the Applicant shall satisfy all requirements of the subdivision approval or decision, if granted, and conditions applicable to such, or as may be applicable to dedication of roads and/or recreation/park/open space, prior to issuance of any Certificates of Occupancy or Certificates of Compliance, and/or prior to issuance of any individual permits for proposed building construction.

Date:

  
\_\_\_\_\_

Name:

David O'Brien, Chairman, WWIDA

Signed:

APR 28, 2020



# TOWN OF FORT EDWARD

118 BROADWAY P.O. BOX 127 FORT EDWARD, N.Y. 12828-0127

OFFICE – 518.747.5212 -----FAX 518.747.2493

## AUTHORIZATION OF AGENT

*Property Owner's should use this form to designate and/or authorize someone other than themselves to represent them or to authorize them to file for approval(s) and/or permits on their behalf. Please submit a separate form for each designated project related representative or agent.*

### Property Information:

Tax Parcel ID Number: 163-2-20 WCC, LLC

Street Address: Towpath Lane

Action(s): (Check all that apply)

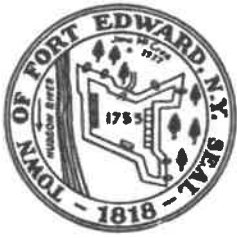
- |   |   |
|---|---|
| <input type="checkbox"/> Use Variance   | <input type="checkbox"/> Area Variance                  |
| <input type="checkbox"/> Special Use Permit   | <input type="checkbox"/> Building Permit                |
| <input type="checkbox"/> Sewage Disposal  | <input type="checkbox"/> Stormwater Management/SWPPP    |
| <input type="checkbox"/> Site Plan Review   | <input checked="" type="checkbox"/> Subdivision of Land |
| <input type="checkbox"/> Permit (Accessory Structure, Demolition, Driveway, Sign, Swimming Pool, Mobile Home, Junkyard) |   |
| <input type="checkbox"/> Telecommunications Facility  |   |
| <input type="checkbox"/> Other _____  |   |

I, \_\_\_\_\_, the current owner of the property referenced above, hereby designate Counties of Warren & Washington to act as my representative/agent regarding the above specified actions. IDA

Date: April 28, 2020

Name: Robert D. Manz

Signed: Robert D. Manz



# TOWN OF FORT EDWARD

118 BROADWAY P.O. BOX 127 FORT EDWARD, N.Y. 12828-0127

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## AUTHORIZATION OF AGENT

*Property Owner's should use this form to designate and/or authorize someone other than themselves to represent them or to authorize them to file for approval(s) and/or permits on their behalf. Please submit a separate form for each designated project related representative or agent.*

### Property Information:

TOWN of Fort Edward

Tax Parcel ID Number: 163.-2-19.1

Street Address: Towpath Lane

Action(s): (Check all that apply)

- Use Variance
- Area Variance
- Special Use Permit
- Building Permit
- Sewage Disposal
- Stormwater Management/SWPPP
- Site Plan Review
- Subdivision of Land
- Permit (Accessory Structure, Demolition, Driveway, Sign, Swimming Pool, Mobile Home, Junkyard)
- Telecommunications Facility
- Other \_\_\_\_\_

I, Lester Losaw, Supervisor of the Town of Fort Edward, the current owner of the property referenced above, hereby designate Counties of Warren's Washington to act as my representative/agent regarding the above specified actions. IDA

Date: 4/28/2020

Name: Lester Losaw, Supervisor

Signed: Lester Losaw



# TOWN OF FORT EDWARD

118 BROADWAY P.O. BOX 127 FORT EDWARD, N.Y. 12828-0127

OFFICE - 518.747.5212 ----- FAX 518.747.2493

## AUTHORIZATION OF AGENT

*Property Owner's should use this form to designate and/or authorize someone other than themselves to represent them or to authorize them to file for approval(s) and/or permits on their behalf. Please submit a separate form for each designated project related representative or agent.*

### Property Information:

Tax Parcel ID Number: 163-2-20.1 Fort Edward Local Property Development Corporation

Street Address: Towpath Lane

Action(s): (Check all that apply)

- Use Variance
- Special Use Permit
- Sewage Disposal
- Site Plan Review
- Permit (Accessory Structure, Demolition, Driveway, Sign, Swimming Pool, Mobile Home, Junkyard)
- Telecommunications Facility
- Other \_\_\_\_\_
- Area Variance
- Building Permit
- Stormwater Management/SWPPP
- Subdivision of Land

I, Neil Orsini, authorized representative of the FELPDC, the current owner of the property referenced above, hereby designate Counties of Warren & Washington to act as my representative/agent regarding the above specified actions. IDA

Date: 4/28/20

Name: Neil Orsini

Signed: Neil Orsini



# TOWN OF FORT EDWARD

118 BROADWAY P.O. BOX 127 FORT EDWARD, N.Y. 12828-0127

OFFICE - 518.747.5212 -----FAX 518.747.2493

## Planning Board Waiver Request

*CHAPTER 81-13-B - The Planning Board may, at its discretion, judge that certain requirements for Site Plan Review are not applicable in its approval of a site plan and may therefore allow the Applicant to submit only those elements which it deems necessary to the review and approval of the particular application.*

*CHAPTER 87-71 - Where the Planning Board finds that, due to the special circumstances of a particular plat, the provision of certain required improvements is not necessary in the interest of the public health, safety, general planning, and welfare or is inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the proposed subdivision, it may waive such requirements, subject to appropriate conditions.*

**To be completed by Applicant:**

Project Name: Subdivision by WWIDA

Project Location/Address: Towpath Ln.

**Project Classification:**

- Minor Subdivision
- Major Subdivision
- Site Plan

I, the Applicant for the above project, hereby request that the Town of Fort Edward Planning Board grant me a waiver or waivers from the required submission, planning, and/or design requirements set forth in the Town Code for the following:

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Topographic Survey    | <input checked="" type="checkbox"/> Boundary Survey |
| <input checked="" type="checkbox"/> Stormwater Management | <input checked="" type="checkbox"/> Water Supply    |
| <input checked="" type="checkbox"/> Landscape Plan        | <input checked="" type="checkbox"/> Grading Plan    |
| <input checked="" type="checkbox"/> Lighting Plan         | <input checked="" type="checkbox"/> Sewage Disposal |
| <input checked="" type="checkbox"/> Other _____           | <input type="checkbox"/> Other _____                |

I the Applicant acknowledge that the above information is required for review by the Planning Board and I seek such waiver(s) knowingly and for the following reason(s):

No change in proposed use of property, subdivision is required to establish common ownership of the roadway parcels which will be conveyed to WWIDA

f [Signature]  
Signature of Applicant

4/28/20  
Date



617.20  
Appendix B  
Short Environmental Assessment Form

**Instructions for Completing**

**Part 1 - Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information			
Name of Action or Project: <b>Subdivision of Lands - Counties of Warren + Washington IDA</b>			
Project Location (describe, and attach a location map): <b>Towpath Lane, Town of Fort Edward</b>			
Brief Description of Proposed Action: <b>Subdivision of 5 parcels of land consisting of 0.4; 0.14; 1.54; 3.94 and .06 acres, respectively to be conveyed to the IDA to establish fee ownership of the existing private roadway. TMP: 163.-2-15.1; 163-2-20; 163.-2-26.1 + 163-2-19.1</b>			
Name of Applicant or Sponsor: <b>Counties of Warren + Washington IDA</b>		Telephone: <b>518.792.1312</b>	
		E-Mail: <b>dko@att.net</b>	
Address: <b>5 Warren Street</b>			
City/PO: <b>Glens Falls</b>		State: <b>NY</b>	Zip Code: <b>12801</b>
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input checked="" type="checkbox"/> YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			NO <input checked="" type="checkbox"/> YES <input type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		<u>6.08</u> acres	
b. Total acreage to be physically disturbed?		<u>0</u> acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		<u>0</u> acres	
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input checked="" type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____			
<input type="checkbox"/> Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO	YES	N/A
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	NO	YES	N/A
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?  b. Are public transportation service(s) available at or near the site of the proposed action?  c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: <u>N/A</u>	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?  If No, describe method for providing potable water: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?  If No, describe method for providing wastewater treatment: <u>N/A Road</u>	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?  b. Is the proposed action located in an archeological sensitive area?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?  b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES  b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: <input type="checkbox"/> NO <input type="checkbox"/> YES	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: <u>David O'Brien, chairman of WWIDA</u>	Date: <u>4/28/20</u>	
Signature: <u>[Signature]</u>		

**Part 2 - Impact Assessment.** The Lead Agency is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:		
a. public / private water supplies?	<input type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input type="checkbox"/>	<input type="checkbox"/>

	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input type="checkbox"/>	<input type="checkbox"/>

**Part 3 - Determination of significance.** The Lead Agency is responsible for the completion of Part 3. For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

\_\_\_\_\_

Name of Lead Agency \_\_\_\_\_  
Date

\_\_\_\_\_

Print or Type Name of Responsible Officer in Lead Agency \_\_\_\_\_  
Title of Responsible Officer

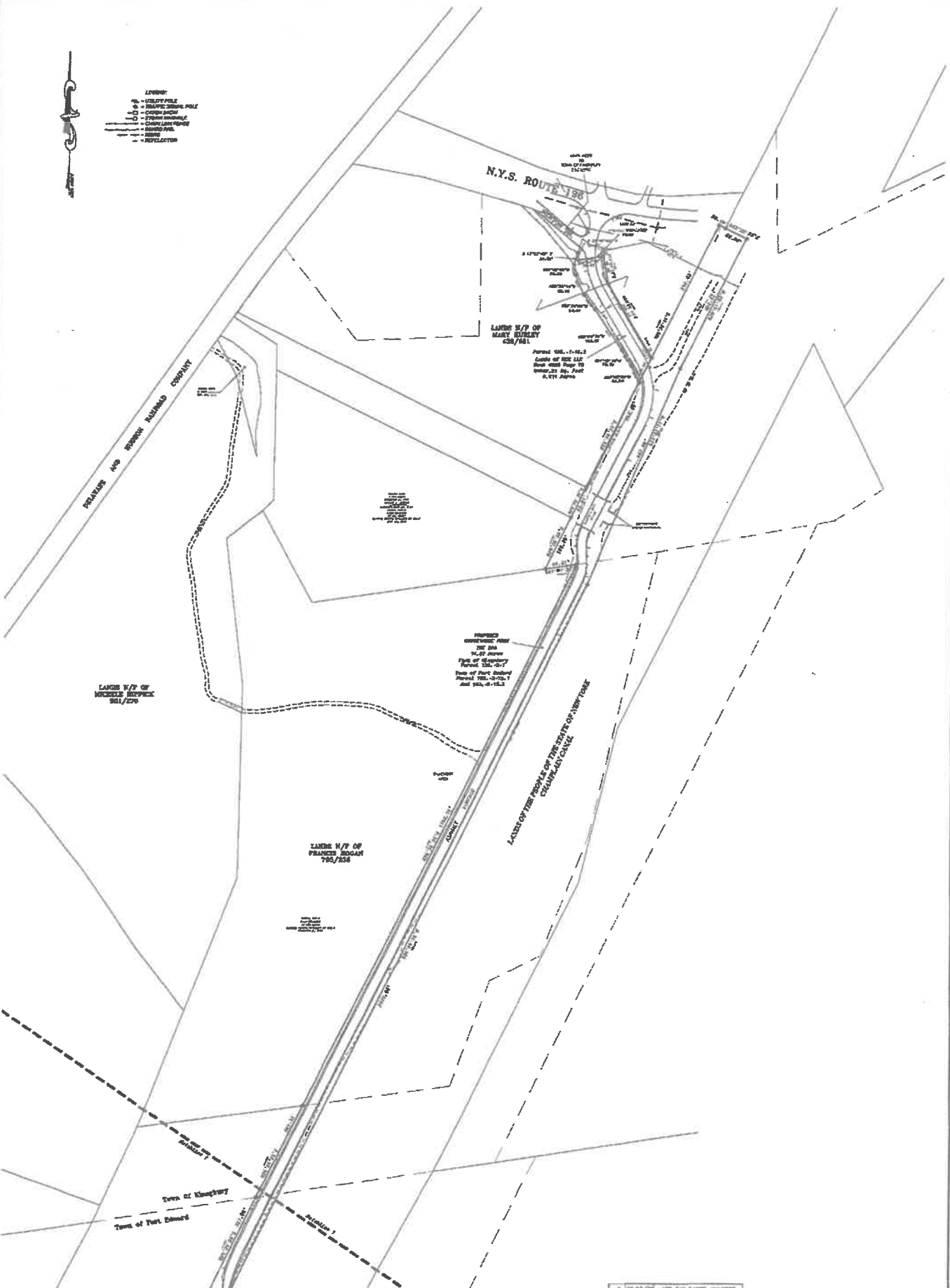
\_\_\_\_\_

Signature of Responsible Officer in Lead Agency \_\_\_\_\_  
Signature of Preparer (if different from Responsible Officer)

**PRINT**



- LINDY POLE
- GRAPE STAKE POLE
- CROSS JACK
- TRAIL MARKER
- STAKE
- REFLECTOR

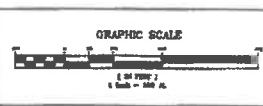


PLANNING SERVICE  
1800  
1800

**Van Dusen & Steves  
Land Surveyors**  
180 Bedford Road  
Queensbury, New York 12904  
New York City, N.Y. 10108

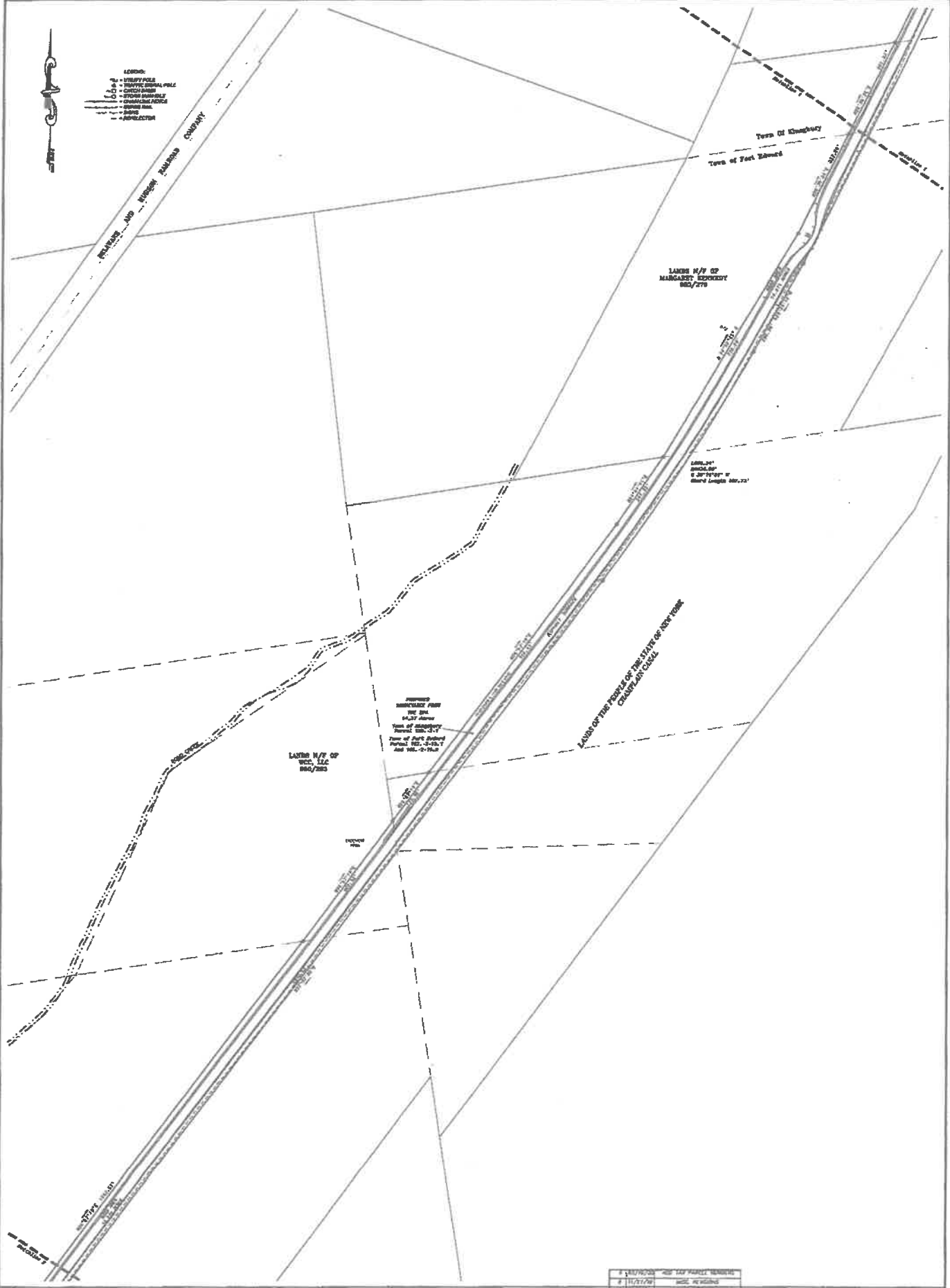
Map of a Survey made for  
**Fort Edward Local Development Corp.**  
Town of Fort Edward, Washington County, New York  
Town of Kingsbury, Washington County, New York

1	861/276	WHEELER
2	638/881	MARY BURELY
3	755/256	FRANCES SQUARE
4	861/276	WHEELER
5	861/276	WHEELER
6	861/276	WHEELER
7	861/276	WHEELER
8	861/276	WHEELER
9	861/276	WHEELER
10	861/276	WHEELER
11	861/276	WHEELER
12	861/276	WHEELER
13	861/276	WHEELER
14	861/276	WHEELER
15	861/276	WHEELER
16	861/276	WHEELER
17	861/276	WHEELER
18	861/276	WHEELER
19	861/276	WHEELER
20	861/276	WHEELER





- LEGEND:**
- SURVEY LINE
  - TRAFFIC SIGNAL POLE
  - CURB
  - STORM SEWER
  - CHANNELLED FENCE
  - DRIVE
  - REFLECTOR



APPROXIMATE DISTANCE FROM THE END OF THE DRIVE TO THE CENTER LINE OF THE DRIVE IS 100.00 FEET.

LANDS W/F OF WCC, LLC 882/280

LANDS W/F OF MARGALEY ESTATE 882/278

LANDS OF THE PEOPLE OF THE STATE OF NEW YORK CHASE & CHEASE

LANDS W/F OF MARGALEY ESTATE 882/278



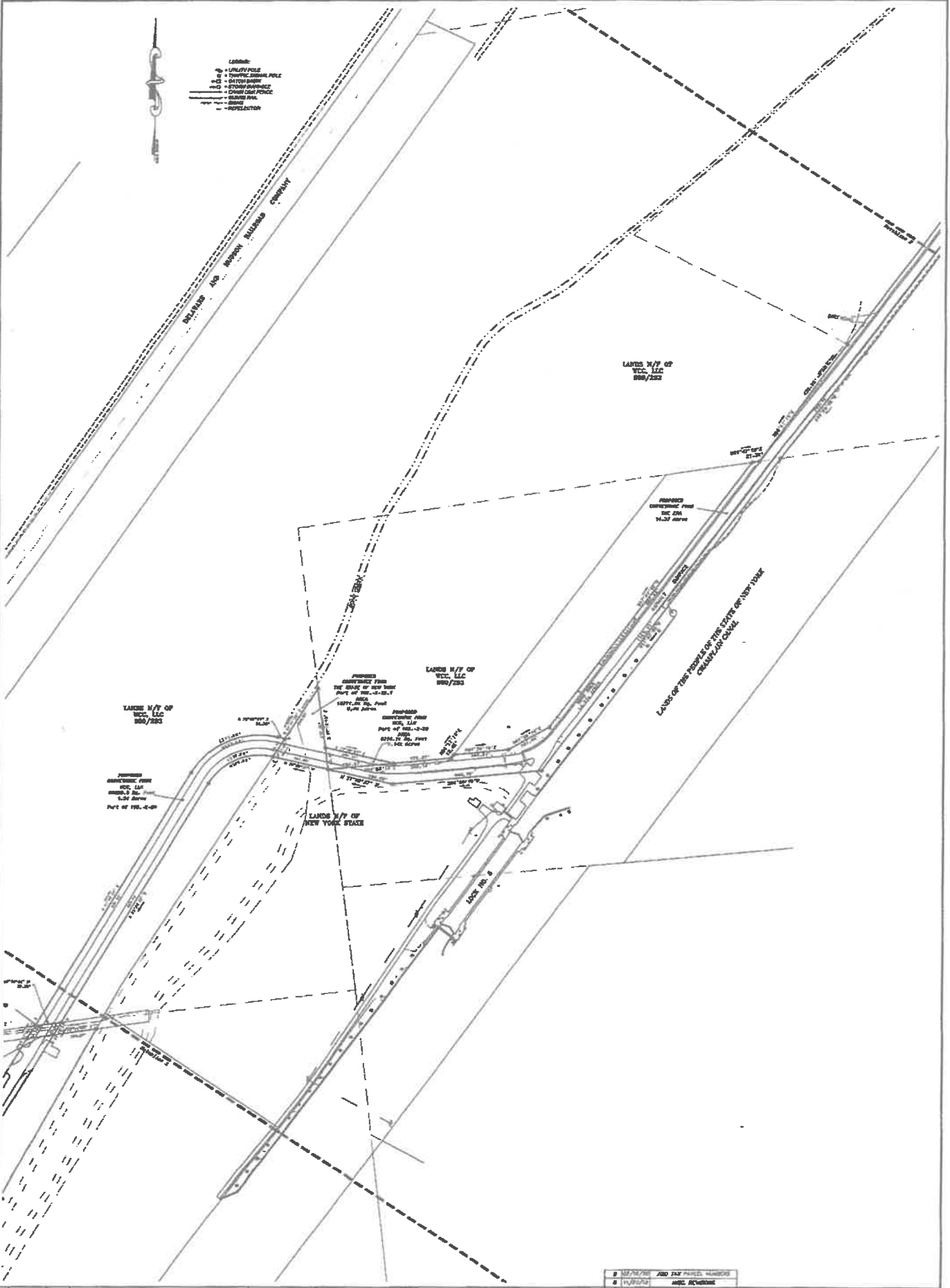
NO.	DATE	DESCRIPTION
1	11/17/20	NEW TAX PARCEL NUMBER
2	11/17/20	ASIDE REVISIONS
3	11/17/20	ASIDE REVISIONS
4	12/21/20	NEW PROPERTY BLDG.
5	12/21/20	NEW PROPERTY BLDG.
6	12/21/20	LEGATE, OFFICE OF STATE
7	12/21/20	APPROVED 2020
8	12/21/20	REVISIONS/COMMENTS
9	01/27/21	01/27/21

Map of a Survey made for  
**Fort Edward Local Development Corp.**  
 Town of Fort Edward, Washington County, New York  
 Town of Rhiney, Washington County, New York

**Van Dusen & Steves**  
**Land Surveyors**  
 240 Broadway Road  
 Queensbury, New York 12244  
 Phone: 518-897-0274  
 Fax: 518-897-0274

3-2  
 10/1/21  
 10/1/21

Legend:  
 --- UNLAWFUL POLE  
 --- TRUCKING LANEWAY POLE  
 --- STATION LANEWAY  
 --- VEHICLE SERVICE  
 --- CHAIN LINK FENCE  
 --- GRADE SWL  
 --- PROPELLER

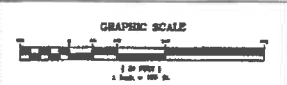


8-8

**van Dusen & Steves**  
 Land Surveyors  
 100 Bedford Road  
 Queensbury, New York 12894  
 (518) 788-8024  
 New York, New York 12894

Map of a Barge made for  
**Fort Edward Local Development Corp.**  
 Town of Fort Edward, Washington County, New York

NO	DATE	DESCRIPTION
1	12/15/20	PROPOSED CONSTRUCTION
2	12/15/20	PROPOSED CONSTRUCTION
3	12/15/20	PROPOSED CONSTRUCTION
4	12/15/20	PROPOSED CONSTRUCTION
5	12/15/20	PROPOSED CONSTRUCTION
6	12/15/20	PROPOSED CONSTRUCTION
7	12/15/20	PROPOSED CONSTRUCTION
8	12/15/20	PROPOSED CONSTRUCTION
9	12/15/20	PROPOSED CONSTRUCTION
10	12/15/20	PROPOSED CONSTRUCTION
11	12/15/20	PROPOSED CONSTRUCTION
12	12/15/20	PROPOSED CONSTRUCTION
13	12/15/20	PROPOSED CONSTRUCTION
14	12/15/20	PROPOSED CONSTRUCTION
15	12/15/20	PROPOSED CONSTRUCTION
16	12/15/20	PROPOSED CONSTRUCTION
17	12/15/20	PROPOSED CONSTRUCTION
18	12/15/20	PROPOSED CONSTRUCTION
19	12/15/20	PROPOSED CONSTRUCTION
20	12/15/20	PROPOSED CONSTRUCTION





- LEGEND**
- PROPERTY LINE
  - PRIVATE DRIVE/ALLEY
  - EASEMENT
  - EASEMENT
  - EASEMENT
  - EASEMENT
  - EASEMENT
  - REFLECTION

PROPERTY  
CORNER  
PART OF 100-13-20  
PART OF 100-13-20

PROPERTY  
CORNER  
PART OF 100-13-20  
PART OF 100-13-20

LANDS 1/2 OF  
FORT EDWARD LOCAL  
DEVELOPMENT CORP.  
4000/1000  
100-13-21

PROPERTY  
CORNER  
PART OF 100-13-20  
PART OF 100-13-20  
PART OF 100-13-20

PROPERTY  
CORNER  
PART OF 100-13-20  
PART OF 100-13-20

Town of Fort Edward  
Municipal Office

LANDS 1/2 OF  
FORT EDWARD LOCAL  
DEVELOPMENT CORP.

LANDS 1/2 OF  
JULIA WELLES  
3964/207  
100-13-1-2

LANDS OF THE PEOPLE OF THE STATE OF NEW YORK  
COUNTY OF WASHINGTON  
100-13-1-1

**Van Dusen & Steves**  
Land Surveyors  
188 Bedford Road  
Queensbury, New York 12254  
New York City, N.Y. 10018  
(518) 788-4444

Map of a Survey made for  
**Fort Edward Local Development Corp.**  
Town of Fort Edward, Washington County, New York  
100-13-1-1, 100-13-1-2 & 100-13-1-3  
DATE: 11/15/79



1	100-13-1-1	AND PART	100-13-1-1
2	100-13-1-2	AND PART	100-13-1-2
3	100-13-1-3	AND PART	100-13-1-3
4	100-13-1-4	AND PART	100-13-1-4
5	100-13-1-5	AND PART	100-13-1-5
6	100-13-1-6	AND PART	100-13-1-6
7	100-13-1-7	AND PART	100-13-1-7
8	100-13-1-8	AND PART	100-13-1-8
9	100-13-1-9	AND PART	100-13-1-9
10	100-13-1-10	AND PART	100-13-1-10

Sheet No. 1  
Scale 1" = 100'



900 293

N. Y. WARRANTY DEED WITH LIEN COVENANT

848-312

CORRECTION DEED

This Indenture, made the 4th day of February, in the year Two Thousand

Between Elinor S. Burch residing at 3985 State Route 196, Hartford, NY 12838; and Robert Liebig residing at 7769 State Route 40, Hartford, NY 12838,

parties of the first part,

and

WCC, LLC, a limited liability company with its principal place of business at 67 Willow Glen, P O Box 191, Mechanicville, NY 12118-0191,

party of the second part,

Witnesseth that the parties of the first part, in consideration of One Dollar (\$1.00) lawful money of the United States, and other good and valuable consideration, paid by the party of the second part, do hereby grant and release unto the party of the second part, its successors and assigns forever,

SEE ATTACHED SCHEDULE "A"

RECEIVED  
S. J. [unclear]  
REAL ESTATE  
MAR - 4 2002  
TRANSFER TAX  
WASHINGTON  
COUNTY

89  
442  
796

MAR 11 2 05 PM '02  
900  
293  
[unclear]

## PARCEL I:

## SCHEDULE "A"

All that certain piece of land situated in the Town of Ft. Edward, Washington County, New York, and is a part of lot No. 134 of the Argyle Patent and is bounded and described as follows: Beginning at the northeast corner of said lot from thence running (as the magnetic needle pointed in 1864) south along the east line of said lot eighteen chains and ninety eight links from thence running west to the west line of said lot thence north along the west line thereof eighteen chains and ninety eight links to the north west corner thereof thence along the north line of said lot (which is a part of the south line of the Town of Kingsbury) east, to the place of beginning (containing by estimation ninety acres of land be the same more or less).

"Excepting and reserving from & out of the premises hereinabove described the lands acquired by the State of New York for the Champlain Canal & the Glens Falls Feeder & also excepting and reserving from said premises the lands heretofore conveyed by Jacob Miller & wife to the Saratoga & Washington Railroad Company & which said Rail Road lands the parties of the second part hereby covenant to fence & keep fenced. ALSO excepting about seven acres of land on the southerly side of the Glens Falls Feeder heretofore conveyed by said Jacob Miller & wife to Wm. Coleman."

Also excepting and reserving 0.67 acre of land conveyed to the Delaware & Hudson R.R. Corp. by warranty deed dated June 30, 1943 and recorded January 18, 1944 in the Washington County Clerk's Office in Book 233 Deeds at page 172.

Excepting, however, therefrom, 2.304 acres, 0.057 acre and 0.219 acre appropriated by the State of New York under date November 16, 1899; recorded November 17, 1899 in Book 125 of Deeds at page 577; right granted by James F. Sherman of the parties of the first part to Adirondack Power and Light Corp. by deed recorded December 31, 1925 in Book 187 of Deeds at page 552."

"Also excepting all that tract or parcel of land situated, lying and being in the Town of Fort Edward, County of Washington and State of New York, and being all of the same premises conveyed by Helen F. Cary to the parties of the first part by deed dated 17 September, 1955 and recorded in Liber 339 Page 224 which said land is described as to this conveyance as follows: Beginning at a point in the fence of the westerly line of the Delaware & Hudson R. R. Co., Town of Fort Edward, Washington County, N.Y. said point being the north easterly corner of the lot to be described and runs thence south 50 degrees and 15 minutes west 19.85 chains along the westerly line of the Delaware & Hudson R. R. Co. to lands of Hunsperger, thence along his line in a

northerly (ditch line) direction 10 chains and 33 links to lands of the State of New York (old Champlain Canal), thence northeasterly along the lands of the State of New York 4.20 chains to lands of Hunsperger, thence along his (Hunsperger) line south 87 degrees and 15 minutes east 10.80 chains to the place of beginning. Containing 8 62/100 acres of land. Also another lot of 1 acre on the easterly side of the Delaware & Hudson R. R. Co, property thus making 9 62/100 acres in all."

"Being the property shown as "Sherman Now Hunsperger" on Map of Hunsperger-Sherman Land, Town of Ft. Edward, Wash. Co., N.Y., W.R. Kinney, Eng. License 4323, dated Oct. 1959, to be filed at the time of this deed in the Washington County Clerk's Office along with a deed of 9 62/100 from the Hunspergers to the Shermans completing the trade of lands as shown on said map."

The one acre on the easterly side of the D & H Ry. deeded above in this conveyance is bounded on the west by said D & H Ry. and is a triangular plot with the other two sides being bounded by lands now and formerly owned by the parties of the second part."

ALSO conveying all that tract or parcel of land situate, lying and being in the Town of Fort Edward, County of Washington and State of New York, and being a part of the same premises conveyed by Ida Hunsperger to the parties of the first part by deed dated April 6, 1954 and recorded April 7, 1954 in the Washington County Clerk's Office in Book 233 Deeds at page 172."

chains to the place of beginning. Containing 9.62 acres of land.

Being the property shown as "Hunsperger Now Sherman" on Map of Hunsperger-Sherman Land, Town of Ft. Edward, Wash. Co., N.Y., W.R. Kimsey, Eng. License 4323, dated Oct. 1959, to be filed at the time of filing this deed in the Washington County Clerk's Office along with a deed of 9 62/100 acres from the Sherman's to the Hunspergers completing a trade of lands as shown on said Map.

Being the same premises conveyed to John Ryan by Joseph Tarry and Mary L. Tarry, his wife, by deed dated April 24, 1875 and recorded in the Washington County Clerk's Office on the 17th day of December, 1875 in Book No. 79 of Deeds at page 149.

Being the same premises conveyed to John Ryan by Catherine O'Brien, by deed dated February 24, 1884 and recorded in the Washington County Clerk's Office in Liber 97 of Deeds at page 43.

Subject also to the release dated June 8, 1964 between Danversee J. Sherman and Marian R. Sherman, his wife, to the Delaware & Hudson R. R. Corp. recorded June 25, 1964 in the Washington County Clerk's Office in book 393 Deeds at page 613. discontinuing and removing a farm crossing.

Intending to convey herein all of the pieces or parcels of land owned by said Danversee J. Sherman in the Town of Fort Edward bounded on the North by Hogans; on the East by Hunspergers; South by Hunspergers, Champlain Feeder Canal and Murphy; on the West by Murphy and the 14.12 ± parcel being retained by Danversee J. Sherman.

Subject to all covenants, restrictions and easements of record.

Being a portion of the premises conveyed from Jeffrey A. Hunsperger and Cheryl L. Hunsperger to Howard T. Burch and Elinor S. Burch, his wife, and Robert E. Liebig by deed dated April 29, 1981 and recorded in the Washington County Clerk's Office on April 29, 1981 in Book 483 of Deeds at page 383. The said Howard T. Burch died a residence of Washington County on January 4, 1996 leaving Elinor S. Burch, surviving tenant by the entirety to the one-half interest.

Excepting and reserving therefrom those premises conveyed by Howard T. Burch, Elinor S. Burch and Robert E. Liebig to EnergyPark Associates by deed dated June 2, 1989 and recorded in the Washington county Clerk's Office in Book 601 of Deeds at page 192.

Further excepting and reserving therefrom those premises conveyed by Howard T. Burch, Elinor S. Burch and Robert E. Liebig to EnergyPark Associates by deed dated September 21, 1990 and recorded in the Washington County Clerk's Office in Book 631 of Deeds at page 282.

Excepting all lands that lie in Town of Kingsbury.

## PARCEL II:

## PARCEL I.

ALL THOSE PIECES OR PARCELS OF LAND situate in the Town of Fort Edward, County of Washington and State of New York, bounded and described as follows: A part of the premises described in a deed from William D. O'Brien et al to Jarvis P. O'Brien, dated January 9, 1902, and recorded in the Washington County Clerk's Office on January 25, 1902, in Book 130 of Deeds at page 188. The premises herein intended to be conveyed are therein described as follows: ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Fort Edward, County of Washington and State of New York, described as follows: BEGINNING at the Southeast corner of farm Lot No. 139 of the Argyle Patent, and runs thence North 4° 13 chains and 40 links to lands formerly owned by Jacob Miller, then North 89° West 5 chains to lands of the Saratoga & Washington Rail Road Company, afterward the Delaware & Hudson Canal Company, then Southwesterly along said Company's land to the East line of a lot formerly owned by Timothy Stoughton, then South 3° West 2 chains and 40 links; then South 89° East 15 chains and 12 links to the place of beginning, and contains fourteen acres and sixty-nine hundredths of an acre of land.

ALSO ALL THAT OTHER CERTAIN PIECE OR PARCEL OF LAND situate in the Town of Fort Edward and Washington County aforesaid and bounded and described as follows: BEGINNING in the North line of lot formerly owned by James H. Gilchrist, at the Southeast corner of lands owned by James O'Brien, now deceased, and runs thence South 89° East 9 chains and 25 links to the East line of farm Lot No. 136, of the Argyle Patent, then along said East line North 4° East 11 chains and 30 links to the Fort Edward Creek, sometimes called Bond Creek, then Southwesterly along said creek to the place of beginning and contains four acres and one half acre of land, the same being a part of farm Lot No. 136 of the Argyle Patent.

ALSO ALL THAT OTHER CERTAIN PIECE OR PARCEL OF LAND situate, lying and being in said Town of Fort Edward, and described as follows: Lying on the Easterly side of the Champlain Canal above the Village of Fort Edward and being the farm owned by James O'Brien in his lifetime, bounded on the Northerly side by lands formerly owned by Timothy Stoughton, now owned by one Cary, and by lands formerly occupied by John McIntyre, and formerly owned by Daniel Dunham and John Parry, Easterly by the Fort Edward Creek, sometimes called Bond Creek, and Southerly by lands formerly owned by James Gilchrist, and William S. Norton, and Westerly by the Champlain Canal, subject to a deed of about two acres to the Saratoga & Washington Railroad Company.

The lot above described contains fifty acres of land be the same more or less, and the Northerly line of said lot is the fence between said lot and the lot formerly owned or occupied by Timothy Stoughton, now by one Cary. Also the right to take water from the West side of the Champlain Canal as reserved in a deed to Grance & Cheesman.

ALSO ALL THAT OTHER CERTAIN LOT, PIECE OR PARCEL OF LAND situate in the Town of Fort Edward aforesaid, being a part of farm lots Nos. 136 and 139 of the Argyle Patent, bounded as follows, to wit: On the South by land formerly

owned by John Case, now deceased, being the North line of farm Lot No. 140 of said Argyle Patent, Easterly by the Saratoga & Whitehall Rail Road, now the Delaware & Hudson Canal Company, Northerly by a lot owned and occupied by James O'Brien in his lifetime and Westerly by the Champlain Canal.

## PARCEL II

ALSO, ALL THAT TRACT, PIECE OR PARCEL OF LAND described in a deed from John D. Spicer and Mary A. Spicer, his wife, to Jarvis P. O'Brien, by deed dated February 25, 1904, and recorded in the Washington County Clerk's Office in Book of Deeds No. 135, at page 54, on February 27, 1904, which premises are therein described as follows: ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Fort Edward, County of Washington and State of New York, bounded and described as follows: Northerly by lands formerly owned by James Ranson, and occupied by him for a number of years, Westerly by lands formerly owned by George Bradley, deceased, known as the Groesbeck farm, and by lands formerly owned by John Case, deceased, and Southerly by lands formerly owned by George H. Taylor, deceased, Easterly by the Champlain Canal; also a certain strip of land containing about one acre which is a lane or roadway leading from the land above described to the mud street road. The land hereby conveyed containing

Fort Edward, County of Washington and State of New York, bounded and described as follows: BEGINNING at a stake standing on the line of John Case's land and running thence East on the old line 19 chains 85 links to a hard maple tree marked, thence North 0° East 2 chains and 36 links, thence South 50° East 4 chains and 48 links, thence North 32° East 5 chains and 81 links, thence South 64° 6 chains and 50 links, thence South 51° East 3 chains to the center of the road leading from Fort Edward to North Argyle, thence North 61° East along the center of said road four and forty-seven links, thence along said road or highway to land now or formerly owned by Garry Pitkin's land and land now or formerly owned by Jeremiah O'Brien, thence West on a line along lands now or formerly owned by Jeremiah and James O'Brien to the railroad line, thence Southwest along said railroad line to lands now or formerly owned by John Case to the place of beginning.

The grantors except from the above described lands about four acres of land lying Easterly of Bond or Fort Edward Creek and such additional lands as were appropriated by the State of New York for barge canal purposes prior to the 10th day of March, 1000.

The parties of the first part hereby sell, assign, transfer and set over to the party of the second part, all their right, title and interest in and to all lands and waters appropriated by the State of New York for barge canal purposes, which lands are more particularly set forth and described in an appropriation map filed and recorded in the Office of the Clerk of the County of Washington in the month of April, 1916, together with all actions, rights of action, and causes of action and claims for damages which the parties of the first part have or may have against the State of New York, for and on account of the appropriation and taking of said lands with full power and authority in our names, places and stead, but at the expense of the party of the second part, to present to said State or to the Court of Claims of said State, a claim for said damages and to recover from said State for the sole use of the party of the second part, all damages of every name, nature and description and sums of money to which we are or may be entitled on account of the appropriation and taking of said lands.

We further sell, assign, grant and convey to the party of the second part, all our right, title and interest in and to all the above described premises, including lands appropriated by the State of New York, owned by Abner K. Johnson and Margaret M. Johnson, his wife, or either of them, and all our right, to lease or purchase from the State of New York, any of the aforesaid lands so appropriated by the State of New York, for barge canal purposes.

PARCEL IV

ALSO ALL THAT TRACT OR PARCEL OF LAND described in a deed from Catherine Hurley Hogan et al to Jarvis P. O'Brien dated December 9, 1916, recorded in Washington County Clerk's Office, January 19, 1917, in Book No. 164, at page 545, which premises are therein described as follows: ALL THAT TRACT OR PARCEL OF LAND situate in the Village of Fort Edward, County of Washington and State of New York, and bounded and described as follows: BEGINNING at a bolt set in the ground to mark the Northeast corner of said Village of Fort Edward, thence South 4° and 38' West 150 feet to an elm tree, blazed, which marks the point where the Easterly line of said Village of Fort Edward intersects the Westerly line of the lands of the Delaware & Hudson Company; thence South 51° and 2' West 1501.3 feet along said Westerly line of lands of said Delaware & Hudson Company to an iron bolt set in the ground; thence North 84° and 33' West to the Easterly line of lands of the State of New York; thence Northerly along said Easterly line of lands of the State of New York to the North boundary line of the said Village of Fort Edward, which is also the South boundary line of lands of Jarvis P. O'Brien; thence South 85° and 51' East along said North boundary line of said Village of Fort Edward to the place of beginning, containing fifteen acres of land be the name more or less.

Being the same premises described in a certain deed from John Hurley to Catherine Hurley Hogan and her children, the parties of the first part herein, dated May 27, 1912, and recorded in Washington County Clerk's Office in Book No. 156 of Deeds at page 253.

This conveyance is made, subject, however, to the reservations contained in said last mentioned deed, which are as follows: Reserving to the Mohican Brick Company the right to maintain the existing railroad switch across the Southeast corner of the lands hereby conveyed, so long as the said switch shall continue in use.

Reserving to Betsy Case and others as follows: Excepting and reserving the right to enter and maintain and repair a private water pipe of the parties of the first part leading from the pipe of the Fort Edward Water Works Company passing through said lands on the Easterly side thereof and to use water therefrom.

Gilchrist, deceased, and running thence North 2° West 20 chains and 21 links; thence North 88° East 49 chains and 50 links to the East line of Great Lot No. 134 aforesaid; thence South 2° East 20 chains and 21 links to lands of William Gilchrist, deceased, and thence South along the lands of said Gilchrist 89° West 49 chains and 50 links to the place of beginning and contains one hundred acres of land be the same more or less.

Excepting from the above described premises all that certain piece or parcel of land heretofore conveyed by Thomas H. Cary and Ella Cary, his wife, to John Hurley, by warranty deed dated October 7, 1913, and recorded in the Office of the Clerk of the County of Washington on October 7, 1913, in Liber of Deeds No. 158 at page 364.

Also excepting from the above described premises all that piece or parcel of land situate and lying between the Old Champlain Canal and the Delaware & Hudson Railroad. The party of the first part does, however, grant and convey to the party of the second part a free and unobstructed right of way over said lands lying between the Old Champlain Canal and the Delaware & Hudson Railroad. Said right of way shall be from the lands hereby conveyed to the Old Champlain Canal over the roadway or driveway on said lands as the same is now located, and as the same was used by Thomas H. Cary at the time of the conveyance of the property mentioned and described herein from Thomas H. Cary and Ella Cary, his wife, to William D. O'Brien, by warranty deed dated the 9th day of December, 1915, and recorded in the Office of the Clerk of the County of Washington on the 10th day of December, 1915, in Liber 162 of Deeds at page 505.

The party of the first part also sells, assigns, transfers, conveys, quit-claims and sets over to the party of the second part, all his right, title and interest in and to

all the lands formerly belonging to Thomas H. Cary and thereafter appropriated by the State of New York by Appropriation Map and Description filed in the Office of the Superintendent of Public Works of the State of New York on the 9th day of March, 1907 and filed and recorded in the Office of the Clerk of the County of Washington on the 16th day of March, 1907 in Liber 142 of Deeds at page 242, together with all the rights, reversions and remainder which the party of the first part has or may have in said property so appropriated, and all rights said party of the first part has or may have to purchase, acquire or lease the same from the State of New York, excepting that part of said lands so appropriated situated on the East side of the New Barge Canal.

This conveyance is made subject to the personal right of Thomas H. Cary to cross and recross the lands hereby conveyed, from the private crossing over the Delaware & Hudson Company's railroad at the point where the same is now located, to the lands of the said State of New York, formerly owned by John Hurley; said right to cross and re-cross lands hereby conveyed to the party of the second part shall be and is limited to that strip of land on which was laid ties and rails and used as a switch tract for freight cars and locomotive engines, extending from the Delaware & Hudson's Company's railroad to Lock No. 9, of the New Barge Canal, during the time said lock was being constructed. This personal right of said Thomas H. Cary to cross and recross the lands hereby conveyed shall continue for such time only as said Thomas H. Cary personally shall have the lawful right to cultivate and occupy the said lands of the State of New York and no longer.

The premises hereby intended to be conveyed are a part of the lands heretofore conveyed to Thomas H. Cary, by Charles H. Van Ness, as Referee, by Referee's Deed dated April 10, 1896, and recorded in the Office of the Clerk of the County of Washington on the 11th day of April, 1896, in Liber of Deeds 118 at page 561.

It being the intent of this deed to convey and the party of the first part does hereby convey, sell, assign, transfer, quitclaim and set over to the party of the second part, all the lands and premises which were conveyed to the party of the first part by Thomas H. Cary and Ella Cary, his wife, by warranty deed dated the 9th day of December, 1915, together with all the rights therein granted and conveyed to the party of the first part herein by Thomas H. Cary and wife, to purchase, repurchase or lease from the State of New York any and all lands heretofore belonging to Thomas H. Cary and lying West of the new Barge Canal, and appropriated by the State of New York for Barge Canal purposes by Appropriation Map filed in the Office of the Superintendent of Public Works of the State of New York on the 9th day of March, 1907, and filed and recorded in the Office of the Clerk of the County of Washington on the 15th day of March, 1907 in Liber of Deeds 142, at page 242. Together with all the rights, reversions and remainder which the said Thomas H. Cary and Ella Cary, his wife, and William D. O'Brien or any or either of them, had or may have in said property so appropriated by the State of New York.

It being the further intent of this deed to convey, and the party of the first part does hereby convey to the party of the second part, the same right of way from the lands

Special Guardian, to Jarvis P. O'Brien, by deed dated December 11, 1916, and recorded in the Washington County Clerk's Office on January 19, 1917, in Book 164 of Deeds, at page 543, which premises are therein described as follows: (Same description as in Parcel No. IV above).

PARCEL VI

ALSO, ALL THAT TRACT OR PARCEL OF LAND described in a deed from Ida M. Taylor Powell to Jarvis P. O'Brien, dated July 15, 1918, and recorded in Washington County Clerk's Office, November 30, 1918, in Book of Deeds 168 at page 347, which premises are therein described as follows: All that tract, piece or parcel of

land situate in the Town of Fort Edward, County of Washington and State of New York, as shown on Appropriation Map of the State of New York, No. 400 and entered and filed in the Office of the Clerk of the County of Washington on the --- day of --- 1907, in Book 142 of Deeds at page 320 described as follows: BEGINNING at an iron pipe at the intersection of the West property line of the lands of Almon B. Griffin, and the North property line of the lands of Thomas H. Cary, said iron pipe being S. 26° 00' W. 181.30 feet from Station 1100 + 0266 of the center line of the Improved Champlain Canal; thence along said North line of Thomas H. Cary South 82° 7' 30" West 998.40 feet to a point on the East bank of Bond Creek; thence Northeasterly along said East bank of Bond Creek to a point in the West property line of the lands of G. H. Newton, said East bank of Bond Creek being determined by distances along and offsets from a base line as shown on the said map; thence along said West line of G. H. Newton and along the West lines of the lands of Amos K. Griffin and Almon B. Griffin South 7° 50' East 867.10 feet to the place of beginning. Containing 12-50/100 acres more or less. Also all the right title and interest of said party of the first part in the lands in the bed of said stream, and also all her right, title and interest as riparian owner, being part of the same property conveyed by Will to Ida M. Powell by George H. Taylor. All bearings are referred to the true meridian. And the party of the first part quit-claims and assigns to the party of the second part, his heirs, successors in interest, or assigns, all her right to acquire the above described premises from the State of New York.

PARCEL VII

ALSO ALL THAT TRACT, PIECE OR PARCEL OF LAND described in a deed from Abner K. Johnson et al to Jarvis P. O'Brien, by deed dated September 25, 1917, and recorded in the Washington County Clerk's Office on November 30, 1918, in Book 168 of Deeds at page 348, which premises are therein described as follows: ALL THAT TRACT, PIECE OR PARCEL OF LAND situate, in the Town of Fort Edward, County of Washington and State of New York, as shown on Appropriation Map of the State of New York No. 404, and entered and filed in the Office of the Clerk of the County of Washington on the 15th day of March, 1907, in Liber 142 of Deeds, at page 232 and described as follows: BEGINNING at an iron pipe at the intersection of the South property line of the lands of Jarvis P. O'Brien and the West property line of the lands of William Stickney, said iron pipe being South 80° 28' West 190.40 feet from Station 1146-00 of the Center line of the Improved Champlain Canal, thence along said West line of William Stickney and the West line of Mrs. Henrietta Smith South 5° 55' East 485.06 feet to an iron pipe; thence South 37° 40' West 699.77 feet to an iron pipe in the North property line of the lands of Wayland A. Potter; thence along said North and West lines of Wayland A. Potter on the following courses North 73° 40' West 320.13 feet to an iron pipe; thence South 21° 50' West 384.80 feet to an iron pipe; thence North 79° 28' West 423.10 feet to a point on the East bank of Bond Creek; thence Northerly along said East bank of Bond Creek to a point in the said South property line of the lands of Jarvis P. O'Brien, said East bank of Bond Creek being determined by offsets from a base line as shown on the map; thence along the said South line of Jarvis P. O'Brien North 84° 10' East 580.24 feet to the place of beginning. Containing 10-81/100 acres more or less. Also all the right, title and interest of said parties of the first part in the land in the bed of said stream and also all their right, title and interest as riparian owners. Being part of the same premises conveyed by Wayland A. Potter to Abner K. Johnson by deed dated March 30, 1903, and recorded in Book No. 133, page 47. All bearings are referred to the true meridian. And the parties of the first part quitclaim and assign to the party of the second part, his heirs, successors in interest, and assigns, all their right to acquire the above described premises from the State of New York.

PARCEL VIII

party of the first part, permanently appropriated by the State of New York for the use of canals of the State, and filed in the Office of the Superintendent of Public Works on the 1st day of April, 1007, and which lands are described in the said appropriation map as follows: ALL THAT TRACT OR PARCEL OF LAND situate, lying and being in the Town of Fort Edward, County of Washington and State of New York, as shown on the accompanying map and described as follows: BEGINNING at a stake in the East appropriation line, said stake being South 52° 20' East 550.00 feet from the point of tangency Sta. 1002 ± 57.23 of the center line of the Improved Champlain Canal; thence South 37° 40' West 225.00 feet to an iron pipe in the North property line of the lands of Amos K. Griffin; thence along said North line of Amos K. Griffin South 82° 01' West 1092.60 feet to an iron pipe in the East property line of the lands of Ida M. Powell; thence along said East line of Ida M. Powell and the East line of the lands of D. Sherman North 7° 59' West 817.12 feet to a point on the South property line of the lands of Orrin Goodson; thence along said South line of Orrin Goodson North 82° 00' East 1844.82 feet to an iron pipe; thence South 27° 18' West 323.15 feet to an iron pipe; thence South 37° 40' West 565.01 feet to the place of beginning. Containing 28 and 5/100 acres more or less. Also all the right, title and interest of said reputed owner in the lands in the bed of any and all streams within these boundaries and all his right, title and interest as riparian owner. Being part of the same property conveyed by Lorenzo H. Hill and Laura N. Hill, his wife, to George H. Newton, by deed dated November 22, 1897, and recorded in Book 122 page 113. All bearings are referred to the true meridian.

The parties of the first part also sell, assign, transfer and set over to the party of the second part all and every right which they have to purchase or repurchase or obtain or secure a reconveyance of the aforesaid property from the State of New York.

The parties of the first part except and reserve from the above described premises all that part of said land lying East of the center line of said Improved Champlain Canal.

#### PARCEL IX

ALSO ALL THAT TRACT, PIECE OR PARCEL OF LAND described in a deed from Francis A. Carpenter and wife, to Jarvis P. O'Brien dated March 26, 1920 and recorded in Washington County Clerk's Office, March 27, 1920 in Book 107 of Deeds at page 323, which premises are therein described as follows: ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Fort Edward, County of Washington and State of New York, being part of lots numbers 134 and 137 of the Argyle Patent and lying on the Easterly side of said Champlain Canal, bounded and described as follows: BEGINNING at the Southeast corner of a part of lot number 137, which in the year 1853, was in possession of Charles Levy and wife, said place of beginning being in the West line of lot number 134 of said patent, and running thence Westerly along the North line of a lot of land formerly occupied by Jacob Miller, being the South line of the said Levy lot to the Champlain Canal to a point where the line of said Canal intersects the West line of lot number 134; thence Northerly along the said Champlain Canal to the South line of lands formerly occupied by Jacob Miller; thence South 89° and 15' East to the line of lot number 128 of the aforesaid patent; thence Southerly along the said line to the Northeast corner of a lot formerly owned by John F. McIntyre; thence Westerly along the North line of said McIntyre's lot to the Westerly line of lot number 134 of said Patent; thence along said Westerly line to the place of beginning.

Being the same premises conveyed to George H. Taylor by four deeds, one by Alexander Peterson dated December 2, 1848 and recorded in Washington County Clerk's Office in Book 20 of Deeds at page 23, one by Gideon Carswell and wife dated March 8, 1850, and recorded in said Clerk's Office in Book 23 of Deeds at page 618, one by Charles Lovey and wife, and Michael Lovey and wife dated June 21, 1853, and recorded in Book 30 of Deeds at page 102, and one by Lyman T. Smith and wife dated April 21, 1855, and recorded in said Clerk's Office in Book 34 of Deeds at page 63.

Subject to the reservation mentioned in said deeds to the Saratoga and Washington Railroad Company. Also excepting and reserving the portion thereof, if any, deeded to the Rensselaer and Saratoga Railroad Company by deed dated October 27, 1890, and recorded in Washington County Clerk's Office in Book 108 of Deeds at page 247, also excepting and reserving the portion thereof, if any, appropriated by the State of New York, November 15, 1890, which appropriation is recorded in Book 125 of Deeds at page 575.



Also excepting and reserving therefrom the portion of said premises appropriated by the State of New York amounting to 12 and 50/100 acres more or less which appropriation is recorded in Book 142 of Deeds at page 320. Being the same premises described in a deed from Ralph P. Smith, Referee, to Jerome H. Donahue, dated August 16, 1926, and recorded in Washington County Clerk's Office August 17, 1926, in Book No. 109 of Deeds at page 311.

As said premises are described in a deed recently executed by said Jerome H. Donahue to Timothy F. Cahill and Alice M. Cahill, his wife, which deed is recorded in Washington County Clerk's Office August 25, 1927 in Liber 192 page 489.

PARCEL X

ALSO ALL THAT TRACT, PIECE OR PARCEL OF LAND described in a deed from the People of the State of New York, to Jarvis P. O'Brien, dated April 24, 1918, releasing Parcel No. 490-A Barge Canal Contract No. 27, Recorded Book ----- Page----- which premises are therein described as follows: ALL THAT TRACT OR PARCEL OF LAND situate, lying and being in the Town of Fort Edward, County of Washington and State of New York, bounded and described as follows: BEGINNING at a concrete monument said monument being South 17° 02' East 91.70 feet from a Concrete Monument which is North 52° 20' West 200 feet from Station 1123 + 00 of the Center Line of the Improved Champlain Canal; thence North 62° 25' West 710.70 feet to the East bank of Bond Creek, thence Northeasterly along the East bank of Bond Creek, as shown by distances along and offsets from a base line an accompanying map to an iron pipe in the South line of lands formerly owned by Ida M. Powell, thence along said South line North 82° 7' 30" East 680.86 feet to a point, thence South 37° 40' West 1561.89 feet to the place of beginning, containing 17.72 acres, more or less.

All bearings are referred to the true meridian.

Excepting and reserving, however, in favor of the State of New York the perpetual right and easement to flood said lands, or any part thereof, for Barge Canal purposes.

PARCEL XI

ALSO ALL THAT TRACT, PIECE OR PARCEL OF LAND described in a Deed from The People of the State of New York, to Jarvis P. O'Brien, dated January 10, 1919, releasing Parcel No. 489 - A Barge Canal Contract No. 27, recorded -----Book No. -----Page ----- which premises are therein described as follows: ALL THAT TRACT OR PARCEL OF LAND situate, lying and being in the Town of Fort Edward, County of Washington and State of New York, bounded and described as follows: BEGINNING at a point which is South 26° 00' West 481.30 feet, thence South 82° 07' West 317.44 feet from Station 1100 - 82.68 of the Center Line of the Improved Champlain Canal; running thence South 82° 07' 30" West 680.86 feet to a point on the East bank of Bond Creek, thence Northeasterly along said East bank of Bond Creek, to a point on the West property line of the lands of the State of New York (Parcel No. 486), said East bank of Bond Creek being determined by distances along and offsets from a base line, as shown on the accompanying map; thence along said West line of Parcel No. 407 South 7° 50' East 550.2 feet; thence South 37° 40' West 443.8 feet to the place of beginning. Containing 11-45/100 acres more or less, excepting, reserving and forever retaining the perpetual right and easement to flood said lands or any part thereof for canal purposes as shown on Map No. 489 - C.

All bearings are referred to the true meridian.

Reserving and forever retaining the perpetual right and easement to flood said lands or any part thereof for canal purposes,

PARCEL XII

ALSO ALL THAT TRACT, PIECE OR PARCEL OF LAND described in Deed from The People of the State of New York, to Jarvis P. O'Brien, dated December 4, 1919, releasing Parcel No. 486 - A Barge Canal Contract No. 27, Recorded -----Book No. -----Page ----- which premises are therein described as follows: ALL THAT TRACT OR PARCEL OF LAND situate, lying and being in the Town of Fort Edward, County of Washington and State of New York, bounded and described as follows: BEGINNING at a point which is North 52° 20' West 125.00 feet from point of tangency station 1092 + 57.23

of the center line of the Improved Champlain Canal; thence North 35° 13' 42" East 241.23 feet to a point in the South boundary line of Parcel No. 485; thence along said South boundary line and property line between lands of Orrin Goodson and parcel No. 406 South 82° 00' West 047.55 feet to a point at the intersection of lands of Orrin Goodson and lands of D. Sherman; thence South 7° 58' East 817.13 feet to an iron pipe; thence North 82° 01' East 127.00 feet along the line between parcels nos. 480 and 487 to a point; thence North 37° 40' East 015.69 feet to the place of beginning, all as shown on the accompanying map, containing 10-19/100 acres more or less.

Forever excepting the perpetual right to overflow and flood the above described lands, and the perpetual right to enter upon above described lands for the purpose of maintaining and improving a drainage ditch thereon, which rights of overflowing, flooding and entry are hereby forever reserved.

**PARCEL XIII**

ALSO ALL THAT TRACT, PIECE OR PARCEL OF LAND described in a deed dated October 10, 1922, from The People of the State of New York, to Jarvis P. O'Brien, releasing Parcel No. 491 - A Barge Canal Contract No. 27, recorded ---- Book No. ---- Page ---- which premises are therein described as follows: ALL THAT TRACT OR PARCEL OF LAND, situate, lying and being in the Town of Fort Edward, County of Washington and State of New York, bounded and described as follows: BEGINNING at a point in the division line between the lands herein described and Parcel No. 493, said point being North 23° 40' 37" West 674.83 feet from Station 1146 + 00 of the Center Line of the Improved Champlain Canal; running thence North 6° 30' West 719.60 feet to an iron pipe in the division line between the lands herein described and the lands of Thos. H. Carey; thence along said division line North 82° 30' East 1097.45 feet to a point; thence South 37° 40' West 1049.57 feet to a point; thence South 75° 42' West 306.26 feet to the place of beginning, containing 12.34 acres, more or less.

All bearings are referred to the true meridian.

Reserving and retaining in perpetuity to the State an easement to spoil the above described lands to any elevation, including the right to build and maintain dykes and other facilities necessary for spoiling at any time and regardless of the use to which the owner may be making of the said lands, and including the right to cross Bond Creek through the Power House Tail Race, and also, including the right to flood said above described lands; and further reserving and retaining in perpetuity to the State and specifically to the Superintendent of Public Works the right to erect and maintain on the above described lands poles, towers and lines for electrical transmission, and telephone messages, and the prior right of way over all other transmission lines of whatever nature.

Excepting and reserving from the premises herein conveyed the following tracts or parcels of land which have heretofore been conveyed by Jarvis P. O'Brien to The People of the State of New York, or which have been appropriated by the People of the State of New York, from Jarvis P. O'Brien.

**PARCEL I. Exception**

All that tract, piece or parcel of land described in a Quit-Claim Deed from Jarvis P. O'Brien, unmarried, to The People of the State of New York, dated October 9, 1902, recorded October 29, 1902, in Book 132 at page 83.

**PARCEL II. Exception**

All those tracts, pieces or parcels of land described in a Quit Claim Deed from Jarvis P. O'Brien, unmarried to the People of the State of New York, dated October 9, 1902, recorded October 29, 1902, in Book 132, page 84.

**PARCEL III. Exception**

All that tract, piece or parcel of land described in a Notice of Appropriation, dated April 14, 1916.

PARCEL IV. Exception

All that tract, piece or parcel of land described in a Notice of Appropriation dated March 12, 1907, Jarvis P. O'Brien to the State of New York, filed and recorded in Washington County Clerk's Office, March 15, 1907, in Book 142 page 229.

This conveyance hereby made is expressly subject to any and all lands, rights, privileges and easements which may be owned by the People of the State of New York.

It is the intent to convey herein all of the premises formerly owned by Jarvis P. O'Brien as described in the deed from Jessie T. O'Brien to J. Arnold Hunsperger and wife by deed dated April 1, 1943 and recorded June 30, 1943 in Book 231 of Deeds at page 332 in Washington County Clerk's Office.

Being the same premises conveyed by Ida Hunsperger to Otto A. Hunsperger, Agnes Frances Hunsperger, his wife, Paul G. Hunsperger and Elma I. Hunsperger, his wife, by deed dated April 6, 1954, recorded April 7, 1954 in Book 325 of Deeds at page 498 in Washington County Clerk's Office.

Excepting a parcel of 9.62 acres conveyed by Otto A. Hunsperger, Agnes Frances Hunsperger, his wife, Paul G. Hunsperger and Elma I. Hunsperger, his wife, to Danvers J. Sherman and Marion Sherman, his wife, by deed dated October 27, 1959 and recorded October 28, 1959 in Book 373 of Deeds at page 617 in Washington County Clerk's Office.

Also excepting a parcel containing 1.093 acres conveyed by Otto A. Hunsperger, Agnes Frances Hunsperger, his wife, Paul G. Hunsperger and Elma I. Hunsperger, his wife to the Delaware and Hudson Railroad Corporation by deed dated May 2, 1958 and recorded May 29, 1958 in Book 363 of Deeds at page 44 in Washington County Clerk's Office.

Also excepting and reserving from the foregoing described premises 36 1/2 acres consisting of Parcel I conveyed by Otto A. Hunsperger, Agnes Frances Hunsperger, his wife, Paul G. Hunsperger and Elma I. Hunsperger, his wife, to Paul G. Hunsperger and Elma I. Hunsperger, his wife, by deed dated December 27, 1973 and recorded December 27, 1973 in Book 461 of Deeds at page 654 in Washington County Clerk's Office and Parcel II referred to in said deed is to be included in this mortgage and is described as follows: All that certain strip or parcel of land situated in the Town of Fort Edward, Washington County, New York and being part of Lot No. 139 - Argyle Patent, bounded and described as follows: Beginning at an iron post set in the South line of said Ruggi and running thence S-71-27-E, a distance of 805 feet; thence S-75-02-E, a distance of 38.06 feet; thence S-58-46-E, a distance of 21.29 feet; thence S-69-50-E, a distance of 40.85 feet; thence S-65-39-E, a distance of 67.09 feet; thence S-63-39-E, a distance of 268.01 feet; thence S-62-11-E, a distance of 146.90 feet; thence S-61-46-E, a distance of 140.14 feet; thence S-64-32-E, a distance of 256.66 feet; thence S-60-07-E, a distance of 61.19 feet to the N.-E. corner of the lot herein described; thence S-48-30-30-W, a distance of 135 feet; thence N.-W. straight, but roughly parallel with the Ruggi line fence to a point in the Dickenson E. line which said point is 155 feet S. along said Dickenson line from the iron pipe and place of beginning; thence N-5-35-E, a distance of 155 feet to the place of beginning; together with a 15 foot right-of-way from O'Brien Street to said 155 foot parcel and across Parcel I; with maintenance at the expense of the owner of the 155 foot parcel and subject however, to reasonable relocation of the right-of-way by the owners of Parcel I. In the event the said 155 foot parcel also obtains a permanent right-of-way across the old Champlain Canal from the Township Road then said right-of-way from O'Brien Street shall terminate and revert to Parcel I.

PARCEL XIV

ALL THAT PARCEL OF LAND, situate in the Town of Fort Edward, N.Y. comprising ten acres, more or less, located adjoining the prism of the old Champlain Canal and the lot commonly known as the Slaughter house lot located on East Street, and the lot also known as the Streater lot being a westerly part of the Gilchrist farm purchased by the late Edgar L. Potter, together with whatever easements may exist or pertain thereto, said lot also being described on the Town of Fort Edward tax roll substantially as follows: Ten acres of farm land lying easterly of D. & R. property bounded westerly by Dead Creek, Northerly by Hunsperger, Southerly by Africano.

Being the same premises conveyed by Helen Hunsperger Maloy, et al to Otto A. Hunsperger, Agnes Frances Hunsperger, his wife, Paul G. Hunsperger, and Elma I. Hunsperger, his wife, by deed dated December 3, 1958, recorded February 27, 1959 in Book 369 of Deeds at page 1 in Washington County Clerk's Office.

PARCEL XV

ALL THAT CERTAIN PARCEL OF LAND described in a deed thereof from Timothy Stoughton to Rodney Carey dated December 1st, 1862 and recorded January 14, 1863 in Washington County Clerk's Office in Liber 40 of Deeds at page 145 as follows: "That certain lot, piece or parcel of land situate, lying and being in the Town of Fort Edward being part of Farm Lot No. 137 of the Argyle Patent bounded as follows: On the South by land now owned and occupied by James O'Brien west and northwesterly by the Champlain Canal and easterly by lands of Samuel Dunham and John McIntyre and contains 16 acres of land be the same more or less."

Also all that certain parcel of land described in a deed thereof from Jacob Miller and Sarah M. Miller, his wife, to Rody Cary, dated December 4, 1866, and recorded in Washington County Clerk's Office June 26, 1867 in Liber 60 of Deeds at page 86 as follows: That lot or parcel of land hereafter described, being part of lot one hundred and thirty-seven in the Argyle Patent bounded as follows, to wit: Beginning at a stake in the East line of lot number one hundred and thirty-seven standing 26 chains and 14 links north from the southeast corner of said lot number one hundred and thirty-seven and also standing 11 links west of an elm tree marked P. T. and running thence west along a line of marked trees 7 chains and 64 links to a stake 15 links south of a hemlock tree P. T. thence south along a line of marked trees 13 chains and 8 1/2 links to a stake and stones, thence 7 chains and 64 links to the east line of said lot one hundred and thirty seven, thence north along a line of marked trees 13 chains and 8 1/2 links to the place of beginning, being the north half of a lot of land sold by William Finn to Barney Hackel and containing ten acres, with the usual allowance in said patent for highways, and by said Barney sold to Ellis Doty and by him to the said Nancy Doty formerly. And being the same premises as described in a deed from John Miller and wife to said party of the first part (Fred J. Reed) bearing date the 8th day of May, 1840. EXCEPTING and RESERVING out of the above described premises the lands heretofore conveyed to the Saratoga and Washington Railroad Company and also the lands occupied by the Champlain Canal.

Also all that certain parcel of land described in a deed thereof from Samuel Dunham to Rody Cary dated December 20, 1873, and recorded in the Washington County Clerk's Office on the same day in Liber 74 of Deeds at page 654 as follows: "That certain piece or parcel of land situate, lying and being in the Town of Fort Edward aforesaid, and being a part or portion of lot number one hundred and thirty-seven of the farm lots in the patent of Argyle, and bounded and described as follows, viz: Commencing at the northwesterly corner of lands now owned by said Cary on the south of said land, and in the easterly line of the Champlain Canal (as now used) and runs thence northerly along the easterly line of said canal to lands owned by said Cary on the north, thence easterly along the said lands of said Cary to a point along the same strikes land of said Cary, on the east of said lot, thence southerly along the lands of said Cary and lands belonging to the Henssler and Saratoga Railroad Company to lands of said Cary, and thence westerly along the northerly line of said Cary's land and southerly line of said lot hereby intended to be conveyed to the place of beginning. And said piece of land is supposed to contain nine acres of land more or less. It is the intention of said party of the first part (Fred J. Reed) to convey all of the lands he owns lying easterly of said canal and westerly of said railroad company's land."

Excepting from the above described lands two parcels, one of fifteen and twenty-nine thirty-thirds square rods, and the other of seventy-five and fifteen thirty-thirds square rods, conveyed by Rody Cary and Ann Cary, his wife to the Henssler and Saratoga Railroad Company by a deed dated October 27, 1890 and recorded in said Clerk's Office January 9, 1891 in Liber 103 of Deeds at page 248; to which deed and the record thereof reference is hereby made for a more particular description of said two parcels.

Excepting from all of the above so much thereof, comprising 1.66 acres and 1.547 acres, as was appropriated by the State of New York from Daniel Cary, by Notice of Appropriation served November 16, 1899, and recorded the following day at said Clerk's Office in Liber 125 of Deeds at page 571, to which Notice of Appropriation and the record thereof reference is hereby made for a more particular description.

Also excepting from all the foregoing so much thereof, comprising 1.610 acres and 1.22 acres as was appropriated by the State of New York from Daniel Cary by Notice of Appropriation served November 16, 1899, and recorded the following day at said Clerk's Office in Liber 125 of Deeds at page 572, to which Notice of Appropriation and the record thereof reference is hereby made for a more particular description.

Excepting from all of the foregoing so much thereof as was conveyed by Katherine Reid to Thomas H. Carey by deed dated October 29, 1819, and recorded November 3, 1819 at the Washington County Clerk's Office in Liber 170 of Deeds at page 517, and therein described as follows: "Part of Lot No. 137 in the Argyle Patent bounded as follows: Beginning at a stake on the east line of Lot No. 137 standing 26 chains and 14 links north from the southeast corner of said Lot No. 137 and also standing 11 links west of an elm tree marked P. T. and running thence west along a line of marked trees 7 chains and 64 links to a stake 15 links south of a hemlock tree P. T. thence south along a line of marked trees 13 chains and 8 1/2 links to a stake and stones, thence 7 chains and 64 links to the east line of said Lot No. 137, thence north along a line of marked trees 13 chains and 8 1/2 links to the place of beginning, being the north half of a lot of land sold by William Finn to Barney Hackel containing ten acres, with the usual allowance in said patent for highways and by said Barney sold to Ellis Doty and by him to the said Nancy Doty formerly, and being the same premises described in a deed from John Miller and wife bearing date the 8 day of May 1840, excepting and reserving out of the above described premises the lands heretofore conveyed to the Saratoga and Washington Railroad Company, and also the lands occupied by the Champlain Canal.

Being the same premises conveyed by Fred J. Reed to Otto A. Hunsperger, Agnes Frances Hunsperger, his wife, Paul O. Hunsperger and Elma I. Hunsperger, his wife, by deed dated April 20, 1855, recorded April 22, 1855 in Book 334 of Deeds at page 500 in Washington County Clerk's Office.

PARCEL XVI

All that tract or parcel of land situate, lying and being in the Town of Fort Edward, County of Washington and State of New York, and being all of the same premises conveyed by Helen P. Cary to the parties of the first part by deed dated 17 September 1955, and recorded in Liber 339 Page 224 which said land is described as to this conveyance as follows: Beginning at a point in the fence of the westerly line of the Delaware & Hudson R. R. Co., Town of Fort Edward, Washington County, N. Y., said point being the north-easterly corner of the lot to be described and runs thence South 50 degrees and 15 minutes West 19.85 chains along the westerly line of the Delaware & Hudson R. R. Co. to lands of Hunsperger, thence along his line in a northerly (ditch line) direction 10 chains and 33 links to lands of the State of New York (old Champlain canal), thence northeasterly along the lands of the State of New York 4.20 chains to lands of Hunsperger, thence along his (Hunsperger) line south 87 degrees and 15 minutes east 10.80 chains to the place of Beginning. Containing 8 62/100 acres of Land. Also another lot of 1 acre on the easterly side of the Delaware & Hudson R. R. Co. property thus making 9 62/100 acres in all.

Being the property shown as "Sherman Now Hunsperger" on Map of Hunsperger-Sherman Land, Town of Ft. Edward, Wash. Co., N.Y., W. R. Kinney, Eng. License 4323, dated Oct. 1959, to be filed at the time of this deed in the Washington County Clerk's Office along with a deed of 9 62/100 acres from the Hunspergers to the Shermans completing the trade of lands as shown on said Map.

The one acre on the easterly side of the D & H Ry. deeded above in this conveyance is bounded on the west by said D & H Ry. and is a triangular plot with the other two sides being bounded by lands now and formerly owned by the parties of the second part.

Doing the same premises conveyed by Danvers J. Sherman and Marion Sherman, his wife, to Otto A. Hunsperger, Agnes Frances Hunsperger, his wife, and Paul C. Hunsperger and Elma I. Hunsperger, his wife, by Deed dated October 27, 1959 and recorded in the Washington County Clerk's Office on October 28, 1959 in Liber 373 of Deeds at page 620.

PARCEL XVI being the same premises conveyed in a deed from Otto A. Hunsperger and Agnes Frances Hunsperger, his wife, and Paul C. Hunsperger and Elma I. Hunsperger, his wife to Otto A. Hunsperger and Agnes Frances Hunsperger, his wife, and David O. Hunsperger and Carole A. Hunsperger, his wife, dated September 11, 1979 and recorded in the Washington County Clerk's Office October 12, 1979 in Liber 473 of Deeds at Page 887.

PARCELS I thru XVI being the same premises conveyed by Otto A. Hunsperger and Agnes Frances Hunsperger, his wife, and David O. Hunsperger and Carole A. Hunsperger, his wife, to Jeffrey A. Hunsperger and Cheryl L. Hunsperger, his wife, by Deed dated October 16, 1979 and recorded in the Washington County Clerk's Office on October 16, 1979 in Book 473 of Deeds at page 962.

The said premises are subject to an Oil and Gas Lease granted by Jeffrey A. Hunsperger and Cheryl L. Hunsperger, his wife, to Ohio Oil and Gas, dated July 15, 1980 and recorded August 7, 1980 in Book 478 of Deeds at page 126.

Subject to all covenants, restrictions and easements of record.

Being a portion of the premises conveyed from Peter Sedgwick and Valarie K. Sedgwick to Howard Burch and Robert E. Liebig by deed dated April 9, 1981 and recorded in the Washington County Clerk's Office on April 13, 1981 in Book 483 of Deeds at page 37. The said Howard Burch died a resident of Washington County on January 4, 1996 and his Last Will and Testament dated February 25, 1989 was admitted to probate by the Washington County Surrogate's Court on February 8, 1996 and was recorded in the Washington County

## PARCEL III:

"All that certain parcel of land situated in the Town of Fort Edward, Washington County, New York, being part of Lot No. 139 - Argyle Patent, bounded and described as follows:

With reference to the Deed dated 27 December 1973 and recorded siad same dated in Liber 441 Deeds page 654 of the Washington County Clerk's Office, "BEGINNING at the N. E. corner of PARCEL 2 herein being conveyed at a point where the south line of an existing 25 foot farm roadway intersects the West line of a 23 foot cow lane (leading to the cattle pass underneath the Delaware and Hudson railroad tracks and right-of-way); thence running south parallel to and 23 feet distant from the west line of said railroad right-of-way a distance of 560 feet to the North line of a creek and an iron pipe; thence west along said creek 200 feet to the center of a drainage ditch; thence North 560 feet to the south line of the 25 foot farm right-of-way; thence east a distance of 244 feet to the point of beginning; together with full use of the farm roadway above described leading to said parcel being herein conveyed.

(General reference is made to a deed and attached Map o the lands conveyed to the Delaware and Hudson Railroad Corp., dated May 2, 1958, and recorded in the Washington County Clerk's Office in Book 325 of Deeds at Page 498.)

BEING a portion of the lands acquired from Ida Hunsperger by Deed dated April 6, 1954 and recorded in the Washington County Clerk's Office on April 7, 1954 in Book 325 of Deeds at page 498 and a portion of the lands conveyed in the December 27, 1973 deed cited as reference in the description paragraph above.

Subject to all covenants, restrictions and easements of record.

Being the same premises conveyed from Paul G. Hunsperger and Elma L. Hunsperger to Howard T. Burch and Elinor S. Burch by deed dated October 5, 1983 and recorded in the Washington County Clerk's Office on April 12, 1984 in Book 499 of Deeds at page 680. The said Howard T. Burch died a resident of Washington County on January 4, 1996 and his Last Will and Testament dated February 25, 1989 was admitted to probate by the Washington County Surrogate's Court on February 8, 1996 and was recorded in the Washington County Clerk's Office on February 15, 1996 in Book 749 of Deeds at page 248. Under the terms of said Last Will and Testament, his entire estate was devised to his wife, Elinor S. Burch.

EXCEPTING AND RESERVING THEREFROM all that certain, piece or parcel of land situate, lying and being in the Town of Fort Edward, County of Washington, State of New York, more particularly bounded and described as follows:

Bounded on the north by the south line of the Town of Kingsbury, being the north line of the Town of Fort Edward, on the northeast by the old Champlain Canal and on the southwest by the Feeder Canal, being a triangular parcel of land containing approximately 16.5 acres, more or less.

Portions of said premises are described by more modern descriptions attached hereto as: Continuation of Schedule "A".

'SCHEDULE "A"

PARCEL " A "

ALL THAT PIECE , PARCEL OR LOT OF LAND situate, lying and being in the Town of Fort Edward, County of Washington and State of New York,

Beginning at a point in the north westerly bounds of lands now or formerly owned by the Delaware & Hudson Railroad company where same is intersected by the common boundary of the town of Kingsbury on the north and the Town of Fort Edward on the south; Running thence from the point or place of beginning South 36 degrees 07 minutes 47 seconds west a distance of 6,710.69 feet to a point; running thence North 61 degrees 10 minutes 00 seconds west a distance of 660.64 feet along the lands of N.Y.S to a point; running thence North 42 degrees 31 minutes 00 seconds west a distance of 48.50 feet to a point; running thence North 31 degrees 51 minutes 29 seconds east a distance of 438.23 feet; running thence North 58 degrees 13 minutes 00 seconds west a distance of 33.00 feet to a point; running thence North 32 degrees 34 minutes 00 seconds east a distance of 243.40 feet to a point; running thence South 81 degrees 49 minutes 00 seconds West a distance of 19.80 feet to a point; running thence North 33 degrees 14 minutes 00 seconds east a distance of 54.70 feet to a point; running thence South 73 degrees 14 minutes 00 seconds East 73.94 feet to a point; ; running thence North 35 degrees 10 minutes 00 seconds east a distance of 292.30 feet to a point; running thence North 58 degrees 09 minutes 50 seconds east a distance of 433.14 feet to a point; running thence North 18 degrees 10 minutes 00 seconds east 59.00 feet to a point; running thence North 54 degrees 10 minutes 00 seconds east a distance of 211.00 feet to a point; running thence North 41 degrees 12 minutes 24 seconds east a distance of 272.08 feet to a point; running thence North 55 degrees 19 minutes 00 seconds west a distance of 34.59 feet to a point; running thence North 33 degrees 21 minutes 00 seconds east a distance of 208.87 feet to a point; running thence South 57 degrees 54 minutes 00 seconds East a distance of 54.00 feet to a point; running thence North 33 degrees 29 minutes 00 seconds east a distance of 500.00 feet to a point; running thence North 37 degrees 35 minutes 30 seconds east a distance of 349.94 feet to a point; running thence North 42 degrees 06 minutes 00 seconds east a distance of 308.00 feet to a point; running thence South 82 degrees 18 minutes 00 seconds west a distance of 1.75 feet to a point; running thence North 32 degrees 38 minutes 56 seconds east, a distance of 323.02 feet to a point; running thence North 40 degrees 13 minutes 00 seconds east a distance of 500.50 feet; running thence North 34 degrees 13 minutes 00 seconds east for a distance of 153.00 feet to a point; running thence North 25 degrees 43 minutes 00 seconds east for a distance of 137.00 feet to a point; running thence North 84 degrees 38 minutes 16 seconds west a distance of 62.98 feet to a point; running thence North 15 degrees 29 minutes 00 seconds east a distance of 265.73 feet east ; running thence North 24 degrees 16 minutes 00 seconds east for a distance of 335.70 feet; running thence North 38 degrees 28 minutes 00 seconds east for a distance of 29.72 feet; running thence 20 degrees 25 minutes 00 seconds east for a distance of 24.42 feet to a point; running thence North 26 degrees 56 minutes 00 seconds east for a distance of 15.62 feet to a point; running thence South 71 degrees 14 minutes 14 seconds east for a distance of 47.39 feet to a point; running thence North 25 degrees 56 minutes 00 seconds east for a distance of 173.00 feet to a point; running thence North 40 degrees 26 minutes 00 seconds east for a distance of 132.00 feet; running thence North 56 degrees 56 minutes 00 seconds east for a distance of 250.00 feet to a point; running thence North 45 degrees 56 minutes 00 seconds east for a distance of 235.00 feet to a point; running thence north 38 degrees 11 minutes 00 seconds east for a distance of 386.60 feet to a point; running thence North 80 degrees 16 minutes 01 seconds east for a distance of 786.20 feet to the point or place of beginning..

PARCEL "B"

ALL THAT PIECE, PARCEL OR LOT OF LAND situate lying and being in the Town of Fort Edward, County of Washington, State of New York bounded and described as follows:

BEGINNING at a point in the south easterly bounds of lands now or formerly owned by the Delaware & Hudson Railroad Company where same is intersected by the common boundary of the town of Kingsbury on the north and the Town of Fort Edward on the south; running thence on a course North 82 degrees 43 minutes 23 seconds east a distance of 528.00 feet; running thence on a course South 06 degrees 00 minutes 32 seconds east a distance of 875.70 feet; running thence North 81 degrees 56 minutes 42 seconds east a distance of 946.80 feet; running thence South 35 degrees 10 minutes 24 seconds west a distance of 241.23; running thence South 37 degrees 36 minutes 42 seconds west a distance of 915.11 feet; running thence South 82 degrees 06 minutes 44 seconds west a distance of 127.25 feet; running thence South 08 degrees 02 minutes 18 seconds east a distance of 124.18 feet ; running thence South 37 degrees 36 minutes 42 seconds west a distance of 2440.00 feet; running thence South 82 degrees 26 minutes 42 seconds west a distance of 275.63 feet; running thence South 37 degrees 36 minutes 42 seconds west a distance of 1049.57 feet; running thence South 85 degrees 36 minutes 11 seconds west a distance of 366.26 feet; running thence North 06 degrees 33 minutes 18 seconds west a distance of 238.84 feet; running thence South 33 degrees 10 minutes 12 seconds west a distance of 250.25 feet; running thence South 34 degrees 10 minutes 12 seconds west a distance of 801.20 feet; running thence South 30 degrees 18 minutes 12 seconds west a distance of 98.29 feet; running thence South 82 degrees 50 minutes 00 seconds west a distance of 1299.58 feet; running thence North 36 degrees 07 minutes 47 seconds east a distance of 6740.98 feet to the point or place of beginning.

Being the same premises conveyed from Elinor S. Burch and Robert Liebig to WCC, LLC by deed dated February 4, 2000 and recorded in the Washington County Clerk's Office on March 22, 2000 in Book 848 of Deeds at page 312, which deed is being corrected by this deed to show the parcel excepted and reserved by the parties of the first part.



Together with the appurtenances and all the estate and rights of the parties of the first part in and to said premises.

To have and to hold the premises herein granted unto the party of the second part, its successors and assigns forever.

And said parties of the first part covenant as follows:

First, that the party of the second part shall quietly enjoy the said premises;

Second, that said parties of the first part will forever warrant the title to said premises.

Third, that, in compliance with Sec. 13 of the Lien Law, the grantors will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

In Witness Whereof, the party of the first part have hereunto set their hands and seals the day and year first above written.

In Presence of

*Elinor S. Burch*

Elinor S. Burch

*Robert E. Liebig Sr*

Robert E. Liebig

STATE OF NEW YORK )  
 ) ss:  
COUNTY OF *Warren* )

On the 4th day of March, 2002, before me, the undersigned, a notary public in and for said State, personally appeared Elinor S. Burch, 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.

*Janet M. Papa*

NOTARY PUBLIC

STATE OF NEW YORK )  
 ) ss:  
COUNTY OF *Warren* )

JANET M. PAPA  
Notary Public, State of New York  
Warren Co. #4882932  
Commission Expires Oct. 31, 2002

On the 4th day of March, 2002, before me, the undersigned, a notary public in and for said State, personally appeared Robert E. Liebig, 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.

*Janet M. Papa*

Washington County  
Dona J. Crandall County Clerk  
383 Broadway Building A  
Fort Edward, New York 12828

Doc#: 00082293  
Bk: 3218 Pg: 234



60 2013 00082293

Volm-3218 Pg-234

Instrument Number: 2013- 00082293

Recorded On: January 31, 2013

As  
Deed Exempt

Parties: PEOPLE OF THE STATE OF NEW YORK  
To  
TOWN OF FORT EDWARD

Recorded By: FITZGERALD MORRIS BAKER FIRTH PC  
Comment:

Num Of Pages: 6

**\*\* Examined and Charged as Follows: \*\***

Deed Exempt	0.00	Cover Page No Charge	0.00	RP5217 Commercial No Fee	0.00
TP 584 No Fee	0.00	TP584.2 Affidavit	0.00		
Recording Charge:	0.00				
Tax-Transfer	0.00	Consideration Amount	RS#/CS#	Basic	0.00
FORT EDWARD		40,000.00	RS 933	Local	0.00
EXEMPT				Special Additional	0.00
Tax Charge:	0.00			Additional	0.00
				Transfer	0.00

Received  
County Clerks Office  
Jan 31, 2013 11:47A  
Washington County  
Dona J. Crandall

**\*\* THIS PAGE IS PART OF THE INSTRUMENT \*\***

I hereby certify that the within and foregoing was recorded in the Clerk's Office For: Washington County, NY

**File Information:**

Document Number: 2013- 00082293  
Receipt Number: 291868  
Recorded Date/Time: January 31, 2013 11:47:01A  
Book-Vol/Pg: Bk-R VI-3218 Pg-234  
Cashier / Station: D Crandall / Cashier Station 3

**Record and Return To:**

FITZGERALD MORRIS BAKER FIRTH PC  
ONE BROAD ST  
PO BOX 2017  
GLENS FALLS NY 12801



Dona J. Crandall  
Washington County Clerk

Proceeding 11960  
New York State Canal Corporation  
Agreement for Sale of Real Property  
Between the NYS Canal Corp. and  
the Town of Fort Edward  
Town of Fort Edward  
County of Washington  
Canal Abandonment Map No. 917

**THIS DEED**

Made the 28<sup>th</sup> day of December, in the year Two Thousand and Twelve,  
between

**THE PEOPLE OF THE STATE OF NEW YORK**, acting by and through the  
New York State Canal Corporation (hereinafter referred to as the Canal Corporation), a  
subsidiary of the New York State Thruway Authority, a public corporation created pursuant to  
the applicable provisions of the Public Authorities Law, having its principal office at  
200 Southern Boulevard, Post Office Box 189, Albany, New York 12201-0189, Grantors, and

**THE TOWN OF FORT EDWARD**, having its principal office at 118 Broadway, Town  
of Fort Edward, New York 12828-0127, Grantee,

**WITNESSETH:**

**WHEREAS** The People of the State of New York are the owners of the hereinafter-  
described parcel of land; and

**WHEREAS** said parcel is presently under the jurisdiction of the Canal Corporation; and

**WHEREAS** the Canal Corporation Board duly determined, pursuant to Resolution  
No. 531 adopted at Meeting No. CC-170, duly held on November 17, 2010, that said parcel is no

longer useful or necessary as part of the Barge Canal System, as an aid to navigation thereon or for Barge Canal purposes, that an Official Order declaring said parcel to be abandoned for Canal purposes should be issued, and that said parcel may be conveyed to the Grantee; and

**WHEREAS** under date of August 28, 2012, the Chief of Staff of the Canal Corporation issued Official Order No. CC-78, declaring said parcel to be abandoned for Canal purposes,

**NOW THEREFORE**, in consideration of the sum of FORTY THOUSAND AND NO/100 DOLLARS (\$40,000.00), lawful money of the United States, receipt of which is hereby acknowledged, the Grantors hereby remise, release and quitclaim unto the Grantee, its successors and assigns forever, all of their right, title and interest in and to:

**ALL THAT CERTAIN PIECE OR PARCEL** of Old Champlain Canal Lands, situated in the Town of Fort Edward, County of Washington, State of New York, further bounded and described as follows:

**BEGINNING** at Blueline Point No. 693 on the westerly Blueline of the Old Champlain Canal as shown on a map entitled "Map Of A Portion Of Champlain Canal Lands Belonging To The State, Made Pursuant To Chapter 199, Laws Of 1910, And Amendatory Laws", Map Sheet 71, examined and approved by the Canal Board on February 13, 1919, said point being on the corporate line of the Village of Fort Edward on the south and the Town of Fort Edward on the north, said point also being South 57°33'18" West, 228.23 feet from Baseline Station 585+60.13 of the Old Champlain Canal; thence from said point of beginning, along the said westerly Blueline the following twelve (12) courses and distances:

- (1) North 26°04'00" East, 80.90 feet to Blueline Point No. 691;
- (2) North 32°43'00" East, 253.00 feet to Blueline Point No. 689;
- (3) North 56°28'00" East, 150.00 feet to Blueline Point No. 687;
- (4) North 56°28'00" East, 170.00 feet to Blueline Point No. 685;
- (5) North 31°27'00" East, 214.00 feet to Blueline Point No. 683;
- (6) North 24°41'00" East, 300.04 feet to Blueline Point No. 681;
- (7) North 42°26'00" East, 186.91 feet to Blueline Point No. 679;
- (8) North 33°53'00" East, 108.80 feet to Blueline Point No. 677;

- (9) North 57°50'00" West, 10.00 feet to Blueline Point No. 675;
- (10) North 32°10'00" East, 104.30 feet to Blueline Point No. 673;
- (11) North 52° 33'00" East, 102.20 feet to Blueline Point No. 671;
- (12) North 34°31'00 "East, 170.50 feet to Blueline Point No. 669; thence North 83° 50'14" East, 123.92 feet through the lands of the Old Champlain Canal to Blueline Point 690 on the easterly side of the Old Champlain Canal as shown on a map entitled "Map Of A Portion Of Champlain Canal Lands Belonging To The State, Made Pursuant To Chapter 199, Laws Of 1910, And Amendatory Laws", Map Sheet 72, examined and approved by the Canal Board on February 13, 1919; thence along the easterly Blueline the following five (5) courses and distances:
  - (1) South 33°14'00" West, 54.70 feet to Blueline Point No. 692;
  - (2) North 81°49'00" East, 19.80 feet to Blueline Point No. 694;
  - (3) South 32°34'00" West, 243.40 feet to Blueline Point No. 696;
  - (4) South 58°13'00" East, 33.00 feet to Blueline Point No. 698;
  - (5) South 31°51'29" West, 438.23 feet to Blueline Point No. 700; thence along the northerly line of a drainage ditch and the Blueline of the Old Champlain Canal the following three (3) courses and distances:
    - (1) South 42°31'00" East, 48.50 feet to Blueline Point No. 702;
    - (2) South 61°10'00" East, 689.13 feet to Blueline Point No. 702-A;
    - (3) North 82°50'00" East, 1371.77 feet to Blueline Point No. 702-A1 on the northwesterly boundary of Barge Canal Parcel No. 5125 formerly owned by the New York State Canal Corporation; thence South 30°13'42" West, 42.35 feet along the northwesterly boundary of said Barge Canal Parcel No. 5125 to a point; thence along the southerly line of a drainage ditch and the Old Champlain Canal Blueline the following three (3) courses and distances:
      - (1) South 82°50'00" West, 1356.96 feet to Blueline Point No. 702-D;
      - (2) North 61°10'00" West, 696.96 feet to Blueline Point No. 704;
      - (3) South 89°29'00" West, 60.97 feet to Blueline Point No. 706 on the easterly Blueline of the Old Champlain Canal; thence along the easterly Blueline of the Old Champlain Canal the following four (4) courses and distances:
        - (1) South 31°32'00" West, 207.53 feet to Blueline Point No. 708;
        - (2) South 35°40'00" West, 188.90 feet to Blueline Point No. 710;
        - (3) South 47°10'00" West, 132.30 feet to Blueline Point No. 712;

(4) South 32°34'00" West, 332.87 feet to Blueline Point No. 714, a point on the corporate line of the Village of Fort Edward on the south and the Town of Fort Edward on the north; thence along the said corporate line the following two (2) courses and distances:

(1) South 82°06'00" West, 185.50 feet to Blueline Point No. 716;

(2) South 80°37'40" West, 147.77 feet to the point of beginning, containing 395,500.634 ± square feet or 9.079 ± acres.

All bearings are referred to the True Meridian as established for the aforementioned Map Sheet 71 and 72.

Subject to any rights and interests the Delaware & Hudson Railway Company or any other railroad or party may have in the Property herein conveyed.

All as shown on Abandonment Map No. 917 on file in the New York State Canal Corporation, 200 Southern Boulevard, Albany, New York 12201-0189.

The Grantee has represented to the Grantors that the Property is needed for replacement of a culvert and development of a road to become part of the Town's public road system. Therefore, the Grantee covenants that it shall not convey or agree to convey: (a) the Property for consideration exceeding the Purchase Price, or (b) any portion of the Property for consideration exceeding a corresponding proration of the Purchase Price, for a period of two (2) years from the date of its acceptance of this Deed. This covenant shall survive delivery of this Deed, and bind the successors and assigns of the Grantee.

The Grantee hereby further covenants with the Grantors as follows:

- A. Grantee shall have no right to deposit or place fill material on or around the boundary of any portion of the Property herein conveyed that continues to abut or is contiguous with any currently existing or remaining canal property without prior notice and approval by the Canal Corporation.
- B. Grantee shall forever release the State of New York, the New York State Thruway Authority and the New York State Canal Corporation from any and all claims for

damages occasioned by percolation, changes in water elevation or overflow from the Canal or by flooding by the waters of the State canal and waterways, and by any surface water or other waters accustomed to flow to, upon or over the Property herein conveyed.

These covenants shall run with the land and be binding on the Grantee, and the successors and assigns of the Grantee.

**TO HAVE AND TO HOLD** the premises herein granted unto the Grantee, its successors and assigns forever.

**IN WITNESS WHEREOF**, the Grantors have caused this instrument to be signed by their duly authorized representative and the seal of the New York State Canal Corporation to be hereunto affixed the day and year first above written, and the Grantee has also executed this instrument.

THE PEOPLE OF THE STATE OF NEW YORK  
By: NEW YORK STATE CANAL CORPORATION

(SEAL)

BY: Thomas J. Ryan  
Thomas J. Ryan  
Chief of Staff

THE TOWN OF FORT EDWARD

(SEAL)

BY: Mitchell Suprenant  
Mitchell Suprenant  
Town Supervisor

State of New York )  
County of Albany ) ss.:

On the 28<sup>th</sup> day of December in the year 2012, before me, the undersigned, personally appeared Thomas J. Ryan, 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 he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

[Signature]  
Notary Public, State of New York

EDNA GOLDSMITH  
Notary Public, State of New York  
No. 02GO5076812  
Qualified in Rensselaer County  
Commission Expires April 28  
2015

State of New York )  
 ) ss.:  
County of WASHINGTON )

On the 28<sup>th</sup> day of NOVEMBER in the year 2012 before me, the undersigned, personally appeared Mitchell Suprenant, 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 he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

*Mary Ellen Elizabeth Stockwell*  
Notary Public, State of New York

Approved as to form  
and manner of execution.

ERIC T. SCHNEIDERMAN  
ATTORNEY GENERAL

By *Lisa Schryer Cannon*  
Lisa Schryer Cannon  
Associate Attorney





Washington County  
Stephanie Lemery County Clerk  
383 Broadway Building A  
Fort Edward, New York 12828

Doc#: 00124262  
Bk: 4005 Pg: 132



60 2018 00124262

Volm-4005 Pg-132

Instrument Number: 2018- 00124262

As  
Deed

Recorded On: December 28, 2018

Parties: WCC LLC

To

FORT EDWARD LOCAL PROPERTY DEVELOPMENT CORPORATION,

Billable Pages: 3

Recorded By: LITTLE OCONNOR AND BORIE PC

Num Of Pages: 4

Comment:

**\*\* Examined and Charged as Follows: \*\***

Deed	55.50	Cover Page	5.00	RP5217 Commercial	250.00
TP584 Affidavit	5.00				
Recording Charge:	315.50				
	Amount	Consideration Amount	RS#/CS#		
Tax-Transfer	0.00	0.00	RS 1008	Basic	0.00
FORT EDWARD				Local	0.00
				Additional	0.00
Tax Charge:	0.00			Special Additional	0.00
				Transfer	0.00

Received  
County Clerks Office  
Dec 28, 2018 02:35P  
Washington County  
Stephanie Lemery

**\*\* THIS PAGE IS PART OF THE INSTRUMENT \*\***

I hereby certify that the within and foregoing was recorded in the Clerk's Office For: Washington County, NY

**File Information:**

Document Number: 2018- 00124262  
Receipt Number: 424221  
Recorded Date/Time: December 28, 2018 02:35:58P  
Book-Vol/Pg: Bk-R VI-4005 Pg-132  
Cashier / Station: K Rich / Cashier Station 2

**Record and Return To:**

LITTLE OCONNOR AND BORIE PC  
19 W NOTRE DAME ST  
PO BOX 898  
GLENS FALLS NY 12801



*Stephanie C. Lemery*

Stephanie C. Lemery  
Washington County Clerk

BARGAIN AND SALE DEED WITH COVENANT AGAINST GRANTOR (CORPORATION)

**THIS INDENTURE**, made this 27 day of December, Two Thousand Eighteen,

**BETWEEN WCC, LLC**, a New York Limited Liability Company with offices at 269 Ballard Road, Wilton, New York 12831

party of the first part, and

**FORT EDWARD LOCAL PROPERTY DEVELOPMENT CORPORATION**, a Not-For-Profit Corporation with offices at 118 Broadway (P.O. Box 127), Fort Edward, NY 12828 *EJK/A FT. Edward Local Property Development Corporation*

party of the second part,

**WITNESSETH** that the party of the first part, in consideration of One Dollar (\$1.00) lawful money of the United States, the full, good and valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, its successors and assigns forever,

**ALL THOSE PIECES OR PARCELS OF LAND**, situate in the Town of Fort Edward, and Village of Fort Edward, County of Washington and State of New York, described in Schedule A annexed hereto and made a part hereof.

**BEING** a portion of the premises conveyed by Elinor S. Burch and Robert Liebig to WCC, LLC by correction deed dated February 4, 2000 and recorded in the Washington County Clerk's Office on March 4, 2002 in Book 900 of Deeds at Page 293 together with premises conveyed by Thomas F. Longe to WCC, LLC by deed dated July 28, 2004 which deed was recorded in the Washington County Clerk's Office October 19, 2004 in Book 1812 at Page 128 as Document # 00007837.

**TOGETHER** with the appurtenances and all the estate and rights of the party of the first part in and to said premises.

**TO HAVE AND TO HOLD** the premises herein granted unto the party of the second part, its successors and assigns forever. And the party of the first part covenants that it has not done or suffered anything whereby the said premises have been encumbered in any way except failing to pay real property taxes which are in arrears and which simultaneously herewith are being settled and made current.

**AND** the party of the first part/grantor, in compliance with Section 13 of the Lien law, covenants that the party of the first part/grantor will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the

**LITTLE, O'CONNOR & BORIE, P.C.**

Nineteen West Notre Dame Street - P.O. Box 898 - Glens Falls, New York 12801-0898

Phone - (518) 792-2113 ~ Fax - (518) 792-6972

cost of the improvement before using any part of the total of the same for any other purpose. The word "party" or "grantor" shall be construed as if it read "parties" or "grantors" whenever the sense of this document so requires.

SAID conveyance does not represent all or substantially all of the assets of WCC, LLC.

IN WITNESS WHEREOF, the party of the first part has hereunto set its hand and seal the day and year first above written.

WCC, LLC

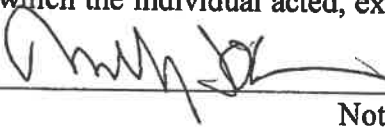
IN PRESENCE OF

By:   
Thomas Longe, Member

  
Robert Manz, Member

STATE OF NEW YORK )  
COUNTY OF WARREN )SS.:

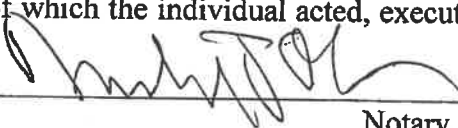
On the 27 day of December, in the year 2018, before me, the undersigned, personally appeared **THOMAS LONGE**, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

  
Notary Public

MICHAEL J. OCONNOR  
Notary Public, State of New York  
Warren Co. #02OC2937400  
My Commission Expires Sept. 9, 2022

STATE OF NEW YORK )  
COUNTY OF WARREN )SS.:

On the 27 day of December, in the year 2018, before me, the undersigned, personally appeared **ROBERT MANZ**, 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 he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

  
Notary Public

Record and Return to:

MICHAEL J. OCONNOR  
Notary Public, State of New York  
Warren Co. #02OC2937400  
My Commission Expires Sept. 9, 2022

Received  
County Clerks Office  
Dec 28, 2018 02:35P  
Washington County  
Stephanie Lemery

SCHEDULE A

All that certain piece or parcel of land situate, lying and being in the Town and Village of Fort Edward, County of Washington and the State of New York, more particularly bounded and described as follows: BEGINNING at the point in the northwesterly bounds of the lands of the People of the State of New York, known as the Champlain Canal, where the same is intersected by the westerly bounds of the corporate lines of the Town of Fort Edward and the easterly corporate line of the Village of Fort Edward, being also in the easterly bounds of lands of James and Julia Wilson; running thence along said lands North 07 degrees, 42 minutes and 02 seconds West, along said Village/Town line, a distance of 179.92 feet to the northeasterly corner of said lands of Wilson; thence running South 81 degrees, 28 minutes and 58 seconds West, along the northerly bounds of said lands of Wilson and along the northerly bounds of lands now or formerly of Bowe, a distance of 597.18 feet to the northeast corner of lands of James and Cheryl Wilson; thence running along the northerly bounds thereof, the following two courses and distances:

- (1) South 81 degrees, 29 minutes and 02 seconds West, a distance of 107.91 feet;
- (2) South 78 degrees, 45 minutes and 22 seconds West, a distance of 129.48 feet to the northeast corner of lands of WCC, LLC as described in book 1812 of deeds at page 128; thence running along said lands the following two courses and distances:

- (1) South 82 degrees, 56 minutes and 17 seconds West, a distance of 299.51 feet;
- (2) North 08 degrees, 14 minutes and 35 seconds West, a distance of 536.68 feet to the southerly bounds of lands of CP Railroad; thence running along said lands, North 38 degrees, 31 minutes and 53 seconds East, a distance of 1559.08 feet to the easterly corporate line of the Village of Fort Edward and westerly corporate line of the Town of Fort Edward; thence running along said line and still along the lands of CP Rail, North 08 degrees, 09 minutes and 51 seconds West, a distance of 116.40 feet to an angle point in said CP Railroad; thence continuing along said railroad, North 35 degrees, 42 minutes and 22 seconds East, a distance of 764.14 feet to the southwest corner of a strip of land owned by the State of New York for a drainage ditch; thence running along said drainage ditch, North 82 degrees, 11 minutes and 08 seconds East, a distance of 1303.19 feet to the westerly bounds of other lands of the State of New York, known as the Champlain Canal; thence running along said canal lands the following four courses and distances:

- (1) South 29 degrees, 34 minutes and 50 seconds West, a distance of 1220.55 feet;
- (2) South 00 degrees, 06 minutes and 10 seconds East, a distance of 297.86 feet;
- (3) North 69 degrees, 09 minutes and 20 seconds East, a distance of 42.12 feet;
- (4) South 34 degrees, 15 minutes and 20 seconds West, a distance of 1610.48 feet to the point and place of beginning, containing 78.84 acres of land to be the same more or less.

Bearings given in the above description refer to grid North.

SUBJECT to easements of record.