



ERIE COUNTY WATER AUTHORITY
INTEROFFICE MEMORANDUM

November 5, 2018

To: Terrence D. McCracken, Secretary to the Authority

From: Leonard F. Kowalski, Senior Distribution Engineer

A handwritten signature in black ink, appearing to be "LFK", is written over the "From:" line.

Subject: Contract NC-035
Modification Agreement for Easement (54-T-72)
Relative to Ball Pump Station
ECWA Project No. 201600238

As a part of the on-going contract Ball Pump Station – Electrical Substation (NC-035) the Authority needs Niagara Mohawk Power Corporation to install a new steel pole to facilitate the construction of the new substation. The new pole is to be located outside of the existing easement granted to Niagara Power Corporation by the Authority, dated January 3, 1979 (Liber 8818, Page 641). The Modification Agreement will expand the existing easement area and allow for the installation of the new pole.

The Engineering Department, after discussing the matter with Legal Department, requests a Board Resolution authorizing granting the Easement Modification Agreement.

The following documents are attached:

- Blue Authorization Form.
- Proposed Board Agenda item “Authorization to Enter Into a Modification Agreement Relative to an Easement Between the Erie County Water Authority and Niagara Mohawk Power Corporation”.
- Easement Modification Agreement.
- Schedule “A” to the Easement Modification Agreement.
- Exhibit “A” to the Easement Modification Agreement.
- Copy of the above referenced Easement dated January 3, 1979 with all attachments.

LFK:jmf

Attachments

cc: R.Stoll

CONT-NC-035-1601-I-186-B

Easement Modification Agreement

WHEREAS, Erie County Water Authority is the owner of certain property located on Sweet Home Road in the Town of Amherst, Erie County, New York, commonly known as Town of Amherst Tax Parcel (S-B-L) No. 54.04-2-6.1; and

WHEREAS, Niagara Mohawk Power Corporation is the Grantee of a certain easement dated January 3, 1979 as shown in Exhibit "B" attached hereto and made a part hereof affecting said property; and

WHEREAS, Erie County Water Authority has requested that Niagara Mohawk Power Corporation relocate a portion of the line authorized by said easement and said request is mutually acceptable to Erie County Water Authority and Niagara Mohawk Power Corporation; and

WHEREAS, the parties herein wish to acknowledge and memorialize said relocation and confirm the exercise of said right;

NOW THEREFORE, the parties hereby agree to the reconstruction and occupations as shown in the attached Exhibit "A" and as described in Schedule "A", which shall be deemed to set forth the location of the Niagara Mohawk Power Corporation lines pursuant to the aforementioned easement upon said property on Sweet Home Road.

FURTHER, all of the other provisions of said easement shall remain in full force and effect.

THIS AGREEMENT shall be effective upon the execution of this Agreement.

In witness whereof, the parties herein have hereinto set their hand and seal this _____ day of _____ 2018.

ERIE COUNTY WATER AUTHORITY

By _____

TITLE _____

**NIAGARA MOHAWK POWER CORPORATION
dba NATIONAL GRID**

By _____

TITLE _____

Schedule "A"
For 115 kV Tap, Circuit #182
From
Erie County Water Authority

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Amherst, County of Erie, and State of New York, being part of Lot 79, Township 12, Range 7 of the Holland Land Company's Survey:

Permanent Easement Area

Commencing at a point along the southerly edge of a 50 foot wide easement conveyed to Niagara Mohawk Power Corporation from Erie County Water Authority by deed filed in the Erie County Clerk's Office in Liber 8818 of the book of Deeds at Page 641 at the intersection of easterly right of way of Sweet Home Road on the west and lands conveyed to Erie County Water Authority by deed filed in the Erie County Clerk's Office in Liber 8163 of the book of Deeds at Page 403, Thence easterly through the lands of said Erie County Water Authority (8163 / 403) along said easement 142 feet more or less to the point of beginning, Thence continuing easterly along said easement 3 feet more or less to an angle point, Thence continuing easterly along said easement 332 feet more or less to a point on the division line of said Erie County Water Authority (8163 / 403) on the south and lands conveyed to Erie County Water Authority by deed filed in the Erie County Clerk's Office in Liber 8147 of the book of Deeds at Page 391 on the north, Thence continuing easterly along said easement 40 feet more or less to an angle point, Thence southerly through said lands of Erie County Water Authority (8147 / 391) easterly of a line extending perpendicular to and parallel to a 115 kV transmission line to be relocated known as circuit #182 11 feet more or less to the last mentioned division line, Thence southerly through said lands of Erie County Water Authority (8163 / 403) continuing along a line extending perpendicular to and parallel to a said 115 kV transmission line 42 feet more or less, Thence westerly through said lands of Erie County Water Authority (8163 / 403) continuing along a line extending perpendicular to and parallel to a said 115 kV transmission line 379 feet more or less, Thence northerly 11 feet more or less to the point of beginning and containing 0.273 acres of land more or less.

The above described parcel being shown on a map entitled "Exhibit "A", Easement to be obtained from Erie County Water Authority" dated October 19, 2018, Index No. 6.1-P4.1-M49, Drawing No. A-79137-C, Sheet 1 of 1 attached hereto and intended to be filed herewith.

CONFIDENTIALITY STATEMENT
 This document contains confidential and proprietary information of Niagara Mohawk Power Corporation, d b a National Grid ("National Grid").
 It is to be used by authorized contractors for National Grid solely in connection with the specific project for which it has been transmitted.
 Any other use, its transmission to third parties, or its reproduction without prior express written authorization of National Grid is strictly prohibited.



0' 100' 200' 300'

HORIZONTAL SCALE: 1"=100'

SCALE ONLY CORRECT IF PRINTED TO 8½"X11" PAPER SIZE

TOWN OF AMHERST
 PART OF LOT 79
 TOWNSHIP 12
 RANGE 7
 HOLLAND LAND COMPANY'S SURVEY

NOW OR FORMERLY
 LAMAR ADVERTISING OF PENN LLC
 TAX MAP I.D.: 54.12-1-26.11

NOW OR FORMERLY
 SWEET HOME HOTELS LLC
 TAX MAP I.D.: 54.12-1-23.11

SWEET HOME ROAD

EXISTING 50' EASEMENT
 NIAGARA MOHAWK POWER CORPORATION
 DEED BOOK & PAGE 8818 / 841
 NOTE # 1

EX. STL
 POLE #3

EXISTING 115' W. TAPS
 CRT. #187 / CRT. #182

DEED BOOK & PAGE 8147 / 391
 DEED BOOK & PAGE 8163 / 403

RELOCATED
 CRT. #182

EX. STL
 POLE #4

NEW STL
 POLE #3A

EASEMENT AREA
 11894.4 SQ. FT. ±
 OR 0.273 ACRE ±

NOW OR FORMERLY
 ERIE COUNTY WATER AUTHORITY
 TAX MAP I.D.: 54.04-2-6.1

NOW OR FORMERLY
 THE HEALTH CARE PLAN INC
 TAX MAP I.D.: 54.04-2-5.11

NOTES

1) MAP PREPARED BY NIAGARA MOHAWK POWER CORPORATION ENTITLED,
 "GRANTOR: ERIE CO. WATER AUTHORITY, GRANTEE: NIAGARA MOHAWK
 POWER CORP.", HAVING A FILE INDEX OF 21-E1.2 AND DRAWING NO. B-32891-W.

PREPARED BY

NIAGARA MOHAWK POWER CORPORATION
 D.B.A. nationalgrid

EXHIBIT "A"

EASEMENT TO BE OBTAINED FROM
 ERIE COUNTY WATER AUTHORITY
 TOWN OF AMHERST - ERIE COUNTY, N.Y.

DES.	DR. RWM	CK.	10/19/2018	SCALE: 1"=100'
REV. 2				INDEX: 6.1-P4.1-M49
REV. 1				NO. A-79137-W

SURVEY PROJECT #5187

W.O. # 10023623734

SHEET 1 OF 1

CENTRAL FILE

Recorded in Liber 8818 p. 641 of Books on the day of August A. D. 1979 at 9:52 O'clock A.M.

EASEMENT

Genovio M. Starnicki
COUNTY CLERK

THIS INDENTURE, made this 3rd day of January 1979,

between the ERIE COUNTY WATER AUTHORITY, a public benefit corporation having its principal office and place of business at 350 Ellicott Square Building, City of Buffalo, County of Erie and State of New York, party of the first part, and the NIAGARA MOHAWK POWER CORPORATION, having its principal place of business at 535 Washington Street, City of Buffalo, County of Erie and State of New York party of the second part.

WITNESSETH

That the party of the first part, in consideration of other good and valuable consideration and One (\$1.00) Dollar, lawful money of the United States, paid by the party of the second part, does hereby grant and release unto the party of the second part, its successors and assigns a permanent right-of-way and easement, which includes the perpetual and exclusive right to construct, lay, relay, operate, maintain, repair, replace, change the size of or remove at its sole cost and expense, a 115 KV service, in, across, through and under the following described real property, forever:

(SEE SCHEDULES A AND B ATTACHED HERETO AND MADE A PART HEREOF)

RECEIVED
\$... EXEMPT...
REAL ESTATE
AUG 14 1979
TRANSFER TAX
ERIE COUNTY
993

FILED
AUG 14 9 52 AM '79

22

7-19th-39

TOGETHER with the right of reasonable ingress and egress over the premises of the party of the first part.

TO HAVE AND TO HOLD the rights and easements herein granted unto the party of the second part, its successors and assigns forever.

ALL electrical services and appurtenances laid or to be laid by the party of the second part, its successors or assigns, and/or its contractors, shall be and remain the property of the party of the second part, its successors and assigns, forever.

AND said party of the first part covenants as follows;

First: That said party of the first part is seized of the said premises in fee simple, and has good right to convey the same;

Second: That said party of the second part shall quietly enjoy the said rights and easements;

Third: That said premises are free and clear from encumbrances;

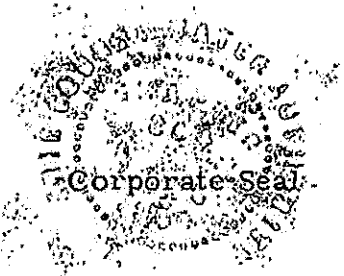
Fourth: That this easement is granted on the condition that the exercise of the rights and privileges by the grantee does not impede or restrict the operation by the Authority of its water works system.

Fifth: That said party of the first part will forever warrant the title to the said rights and easements.

IN WITNESS WHEREOF, the party of the first part has caused its corporate seal to be hereunto affixed, and these presents to be signed by its duly authorized officer the day and year first above written.

ERIE COUNTY WATER AUTHORITY

by: Wigman Bault



STATE OF NEW YORK)

COUNTY OF ERIE)

On this 4th day of January, 1979, before me personally came Kingman Bassett to me known, who, being by me duly sworn, did depose and say that he resides at 188 Jodie Pl. in the Buffalo, New York, that he is the Chairman of the ERIE COUNTY WATER AUTHORITY, the corporation named in the foregoing indenture; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by a duly adopted resolution of the said Authority and that he signed his name thereto by like resolution.

Notary Public

Delphine M. Wojtan

DELPHINE M. WOJTAN
 Notary Public, State of New York
 Qualified in Erie County
 My Commission Expires March 30, 1980

ERIE COUNTY WATER AUTHORITY
(EASEMENT)

All that tract or parcel of land situate in the Town of Amherst, County of Erie, and State of New York, being part of Lot 79, Township 12, Range 7 of the Holland Land Company's Survey, described as follows:

Being a strip of land 50 feet in width, lying 25 feet on each side of the center line of the Niagara Mohawk Power Corporation Right of Way, said center line being more particularly described as follows:

Beginning at a point in the northeasterly Right of Way line of the Lehigh Valley Railroad (100 feet wide), said point being 26.03 feet northwesterly measured along the northeasterly line of said Railroad from the southwest corner of the first parcel of land conveyed to the parties of the first part by Deed dated May 9, 1974, recorded in the Erie County Clerk's Office in Liber 8163 of Deeds at Page 403; thence northeasterly through the land of the party of the first part making an angle of $59^{\circ} 28' 55''$ in a southeasterly quadrant 79.41 feet to a point; thence easterly continuing through the land of the party of the first part, making a deflection angle to the right of $13^{\circ} 44' 07''$, a distance of 825 feet to a point; thence northeasterly continuing through the land of the party of the first part, making a deflection angle to the left of $16^{\circ} 35' 39''$, a distance of 410 feet more or less to the east line of land conveyed to the party of the first part by Deed dated February 23, 1974, recorded in said Clerk's Office in Liber 8147 of Deeds at Page 391, said point being 46.9 feet northerly measured from the southeast corner of said conveyance.

HIGH VALLEY
NIAGARA FALLS

ERIE CO. WATER AUTH.
MAY 9, 1974
8163/403

ERIE CO. WATER AUTH.
FEB. 23, 1974
8147/391

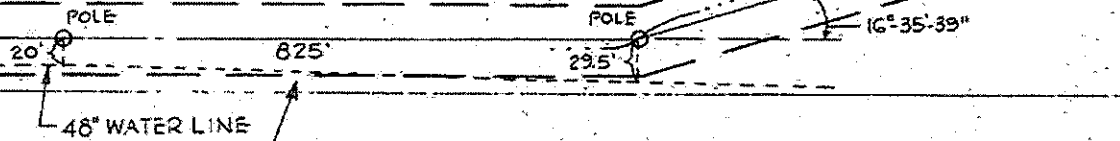
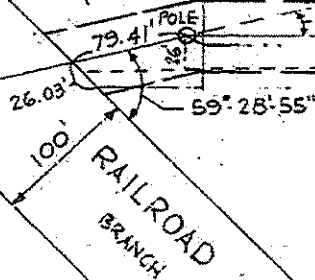
ERIE CO. WATER AUTH.
FEB. 4, 1974
8139/57

ERIE CO. WATER AUTH.
MAY 9, 1974
8163/403

TOWN OF AMHERST
PART OF LOT 79
TOWNSHIP 12
RANGE 7

ROAD

RENSCH



54-T-72

NIAGARA MOHAWK	
NIAGARA MOHAWK POWER BUFFALO, N. Y.	
GRANTOR: ERIE CO. WATER	
GRANTEE: NIAGARA MOHAWK TOWN OF AMHERST	
DR. D. H. D. TR.	CL. 1/21/74 DATE 1/2-3-78
APPROVED <i>[Signature]</i>	APPROVED
APPROVED	APPROVED

LIBER 8818 PAGE 646

NO.	DATE	BY	REVISION	CK.	APP.