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DECLARATION OF EASEMENT
FOR
TUSCANY SUBDIVISION
IN THE TOWN OF WAPPINGER, DUTCHESS COUNTY, NEW YORK

THIS DECLARATION made this 22nd day of October 2009 by Creekview Holdings, Ltd., a domestic corporation, with offices at 2537 Route 52, Hopewell Junction, New York, hereinafter collectively referred to as "Declarant"

WHEREAS the Declarant is the owner of certain real property located in the Town of ~~Wappinger~~ ^{Wappinger} County of Dutchess and State of New York, Lots 1 & 2 in a subdivision entitled "Tuscany Subdivision", which as described on a Map filed in the office of the Dutchess County Clerk as Filed Map No. 11899; and

WHEREAS Lot No. 2 is provided water from a well which is partially located on Lot No. 1; and

WHEREAS the Declarant wishes to declare an Easement to provide access to any future owner of Lot No. 2 to the well which presently provides it with water;

NOW, THEREFORE, in consideration of ONE DOLLAR and 00/100 (\$1.00) and good consideration, the Declarant hereby declares as follows:

1. Each of the precatory paragraphs of this Declaration are incorporated into this Declaration as if each were recited at length in this paragraph.
2. The Declarant declares a permanent easement and right of way in, on, under and through that portion of Lot No. 1 in the aforescribed Tuscany Subdivision which is described as the annexed Schedule "A" and called the "Permanent Easement Area".
3. The purpose of the easement shall be to provide access to an existing water well located within the easement area and for the further purpose of operating, maintaining, repairing, reconstructing, replacing and inspecting the same and all improvements located within the easement area, and any necessary appurtenances for the transportation of water from

Robert V. Oswald Jr. - Land Surveying

175 Walsh Road
Lagrangeville, New York 12540
845-226-6436
fax - 845-226-1315

October 5,2009

Well Easment
Over Lot no. 1- Tuscany Subdivision
Filed map no. 11899

Description of a certain parcel of land situated in the Town Of Wappinger, ✓
County of Dutchess and the State of New York.

Beginning at a point along the westerly line of Lot no. 1 and said point being distant NORTH 03-19-17 WEST 12.18 feet from the southwesterly corner of Lot no. 1, as shown on a certain map entitled Tuscany and filed in the Dutchess Country Clerk's Office as filed map no. 11899, thence in a northerly direction along the easterly line of Lot no. 1 NORTH 03-19-17 WEST 10.00 feet to a point, thence in a easterly, southerly, and westerly direction over and through Lot no. 1 the following courses and distances, thence SOUTH 86-40-43 EAST 10.00 feet to a point, thence SOUTH 03-19-17 WEST 10.00 feet to a point, thence NORTH 86-40-43 WEST 10.00 feet to the point of beginning. Containing 100 square feet of land more or less.

Subject to the rights of public utilities of record.

the well through the easement area to Lot No. 2.

4. Any owner of Lot No. 2 shall, at its sole cost and expense, shall be responsible for the maintenance, care and management of the permanent easement area. Additionally, any such owner shall indemnify, hold harmless and defend the owner of Lot No 1 from and against claim made against it arising out of the use of the permanent easement area by the owner of said Lot No. 2.

5. Any owner of Lot 1 shall enjoy every right over the permanent easement area which is not inconsistent with the rights created by this Declaration.

6. The terms of this declaration shall inure to the benefit of any successor in interest or assign of the Declarant. All Covenants herein shall run with the lands effected thereby.

IN WITNESS WHEREOF, the Declarant has executed this declaration as of this date first set forth above.

Creekview Holdings, Ltd.

By: David W. Stenger Pres
David W. Stenger, President

STATE OF NEW YORK

ss:

COUNTY OF DUTCHESS

On 10/22/09, 2009 before me, the undersigned a Notary Public in and for said State, personally appeared David W. Stenger 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.

Maria L. Jones
Notary Public

Record & Return:

VERGILIS, STENGER, ROBERTS, DAVIS & DIAMOND, LLP
KENNETH M. STENGER, Es.
1136 Route 9
Wappingers Falls, NY 12590

MARIA L. JONES
Notary Public, State of New York
No. D1J0809518
Qualified in Dutchess County
Commission Expires April 16, 2011

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