

ERIE COUNTY CLERKS OFFICE
County Clerk's Recording Page

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BOX 18

PYRAMID STEEL CORPORATION

Index DEED LIBER

Book 10966 Page 0861

No. Pages 0004

Instrument EASEMENT/RTWY

Date : 5/04/2000

Time : 10:54:58

Control # 200005040258

TT# TT 1999 020785

Employee ID EMS

COUNTY	\$	17.00
	\$.00
COE	\$	5.00
TRANSFER	\$.00
	\$.00
NFTA TT	\$.00
	\$.00
	\$.00
	\$.00
Total:	\$	22.00

STATE OF NEW YORK
ERIE COUNTY CLERKS OFFICE

TRANSFER TAX

WARNING - THIS SHEET CONSTITUTES THE CLERK'S
ENDORSEMENT, REQUIRED BY SECTIONS 319&316-a
(5) OF THE REAL PROPERTY LAW OF THE STATE OF
NEW YORK. DO NOT DETACH. THIS IS NOT A BILL.

CONSIDERATN \$ 1.00

TRANSFER TAX \$.00

DAVID J SWARTS
COUNTY CLERK



D109660861

UTILITY EASEMENT

51-E-3142

THIS INDENTURE made this 14 day of April in the year 2000, by and between PYRAMID STEEL CORPORATION, a New York State Corporation (hereafter referred to as the GRANTOR), and NIAGARA MOHAWK POWER CORPORATION, 535 Washington Street, Buffalo, New York 14203 (GRANTEE, hereafter referred to as the COMPANY).

WITNESSETH:

That the GRANTOR for and in consideration of one dollar (\$1.00) and/or other good and valuable consideration, to it paid by the COMPANY, the receipt or waiver of which is hereby acknowledged, does hereby grant and release unto the COMPANY and their successors and assigns forever, the perpetual right, privilege and easement within the Easement Area (as hereafter described) to install, construct, reconstruct, extend, renew, replace, relocate, repair, maintain, operate, inspect and/or remove electric and/or communication facilities, including such pole(s) and/or supporting structures, crossarms, insulators, transformers, cables, wires, anchors, down guys, lateral service lines, appliances and all other appurtenances incident to electric and/or communication facilities as the COMPANY and its successors and assigns may now or from time to time in the future deem necessary or proper for the transmission and distribution of electric energy and/or the rendition of communication service upon, over and across the portion of lands (including streets and highways which adjoin or are upon same) referred to herein as the Easement Area, which is a part of:

All that tract or parcel of land situate in the City of Buffalo, County of Erie, State of New York, more commonly known as 318 Urban Street (SBL No. 101.46-003-001), being part of Lot 7, Township 11, Range 8 of the Holland Land Company survey, said lands being described in a certain Deed recorded in the Erie County Clerk's Office on the 14th day of January, in the year 1998, in Liber 10926 of Deeds at Page 3533.

Together with perpetual right, privilege and easement to extend utility service facilities within the bounds of the Easement Area to provide service to other properties and to enter upon and leave the above-described premises of the GRANTOR for the above purposes and with the right to trim, cut and/or remove any trees, brush, roots or other obstructions which in the sole judgment of the COMPANY may be a source of danger to the COMPANY'S electric and/or communication facilities as the COMPANY may now or from time to time in the future deem necessary together with the right-of-way and easement for the passage of employees, vehicles and machines as shall be deemed necessary by the COMPANY on the land of the GRANTOR.

The Easement Area hereby granted is more particularly described as a strip of land, 5 feet in width, as shown on Exhibit A, dated March 29, 2000, attached hereto, which is a portion of the above-described lands.

That as consideration for the rights hereby granted, the COMPANY agrees to repair or replace, in a good and workmanlike manner, any property damaged by the COMPANY during the exercise of the rights contained in this agreement within a reasonable time after completion of the COMPANY'S work, weather permitting.

And said GRANTOR covenants as follows: first, that the COMPANY shall quietly enjoy the said premises; and second, that the GRANTOR will forever warrant the title to said premises.

Box 18

185-30ms 258

The GRANTOR, as an undertaking and covenant running with the land, for himself, his heirs, representatives, successors and assigns, hereby covenants and agrees with respect to the above described premises that no buildings or other structures shall ever be erected, moved or placed upon or permitted to be erected, moved or placed upon said Easement Area without the written consent of COMPANY or in a manner inconsistent with applicable safety codes. No swimming pools of any kind or any part of said pools or related decks shall be built on said Easement Area or in a manner inconsistent with applicable safety codes.

The COMPANY agrees to defend, indemnify, and save GRANTOR, its agents, and employees harmless from all losses, damages, demands, claims, causes of action or judgments relating to any injury to person, loss of life, or direct damage to property occurring on the Easement Area directly caused by the COMPANY'S negligent use and occupancy of said area or adjoining property. The COMPANY agrees to maintain adequate insurance covering its obligations as herein stated.

To have and to hold the rights hereby granted unto the said COMPANY and its successors and assigns.

IN WITNESS WHEREOF, the parties hereto have duly executed this instrument under seal this 14 day of April in the year 2000.

PYRAMID STEEL CORPORATION

By: Michael W. Sweeney

Title: Pres

STATE OF NEW YORK
COUNTY OF ERIE

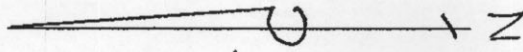
} §:

On the 14th day of April in the year 2000, before me, the undersigned, a Notary Public in and for said State, personally appeared Michael W. Sweeney, 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, 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.

Albert H. Engel
Notary Public

ALBERT H. ENGEL
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 21, 2002

FRENCH ST.

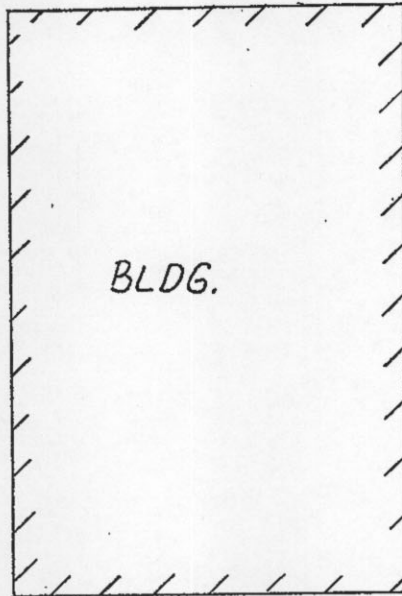


731.08' TO
MOSELLE ST.

C. O. H. ELECT.

URBAN ST.

P. 292



BLDG.

INST. P. 292R1
GUY - 18'

EASEMENT
AREA

INST. P. 292R
GUY - 18'

LAND DESCRIBED IN
L. 10926 / P. 3533

CONRAIL

CITY OF BUFFALO
LOT. 7
T 11
R 8

EXHIBIT A
MARCH 29, 20

1" = 120'