

MONROE COUNTY CLERK'S OFFICE

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BOX 30

ROCHESTER INSTITUTE OF TECHNOLOGY
RIVERS RUN LLC

ROCHESTER INSTITUTE OF TECHNOLOGY
RIVERS RUN LLC

Index DEEDS

Book 10269 Page 0531

No. Pages 0006

Instrument EASEMENT AGRMNT

Date : 3/15/2006

Time : 5:19:00

Control # 200603151023

TT# TT 0000 016087

Employee ID BZ40

MORTGAGE TAX

FILE FEE-S	\$	19.00	MORTGAGE AMOUNT	\$	.00
FILE FEE-C	\$	8.00	BASIC MORTGAGE TAX	\$	.00
REC FEE	\$	18.00	SPEC ADDIT MTG TAX	\$	.00
TRANS TAX	\$	.00	ADDITIONAL MTG TAX	\$	.00
MISC FEE-C	\$	5.00	Total	\$	.00
	\$	.00			
	\$	.00			
	\$	.00			
	\$	.00			
Total:	\$	50.00			

STATE OF NEW YORK
MONROE COUNTY CLERK'S OFFICE

TRANSFER AMT

WARNING - THIS SHEET CONSTITUTES THE CLERKS ENDORSEMENT, REQUIRED BY SECTION 317-a(5) & SECTION 319 OF THE REAL PROPERTY LAW OF THE STATE OF NEW YORK. DO NOT DETACH OR REMOVE.	TRANSFER AMT \$	.00
	TRANSFER TAX \$	.00

Cheryl Dinolfo
Monroe County Clerk



D102690531

ME

SIGN EASEMENT

RECORDED
2006 MAR 15 PM 4:16
[Signature]

THIS SIGN EASEMENT, dated as of March 15, 2006, is by and between ROCHESTER INSTITUTE OF TECHNOLOGY, a New York educational corporation having an office at Five Lomb Memorial Drive, Rochester, New York 14623 ("Grantor") and RIVERS RUN, LLC, New York limited liability company having an office at 50 Fairwood Drive, Rochester, New York 14623 ("Grantee").

WITNESSETH:

WHEREAS, Grantor is the owner in fee of a certain parcel of land in the Town of Henrietta, Monroe County, New York, known as tax map number 174.01-02-58.1, as more particularly bounded and described in Exhibit "A" attached hereto ("Grantor's Land"); and

WHEREAS, Grantee intends to develop, construct and operate a senior housing project ("Project") upon a certain parcel of land in the Town of Henrietta, Monroe County, New York, known as tax map number 174.01-02-58.2, having acquired such land from Grantor, pursuant to a deed intended to be recorded in the Monroe County Clerk's Office on the date hereof; and

WHEREAS, the parties desire to create a non-exclusive easement for the construction, maintenance, repair and removal of a sign advertising the Project ("Project Sign") upon Grantor's Land in an area near the intersection of Fairwood Drive and East River Road, as more particularly shown on the map attached hereto Exhibit "B" ("Easement Premises") subject to the terms and conditions contained herein; and

NOW, THEREFORE, in consideration of ONE AND NO/100 DOLLARS (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

1. Grantor grants to Grantee a non exclusive easement over, under and across the Easement Premises for the construction, maintenance, repair and removal of the Project Sign.
2. The design, size and specific location of the Project Sign (collectively, "Project Sign Design") shall be subject to the approval of Grantor and to any requirements or conditions imposed by the Town of Henrietta and any other governmental authority having jurisdiction over the Easement Premises or the Project Sign. Grantor shall not unreasonably withhold its consent to the Project Sign Design.
3. Grantee shall maintain the Project Sign in excellent condition. Grantee shall use all reasonable efforts to avoid or minimize disruption to Grantor during the erection and maintenance of the Project Sign.
4. This easement is non exclusive to Grantee, and Grantor reserves the right, power and privilege to utilize the Easement Premises from time to time to the extent it deems necessary for any of its own present or future purposes to the extent permitted by applicable law so long as such utilization does not unreasonably obstruct (except on a temporary basis) use of the

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2006 MAR 15 PM 5:19
MONROE COUNTY CLERK

RECORDED

Easement Premises by Grantee pursuant to the terms of this easement. This easement does not convey any rights of use of air space above the Easement Premises.

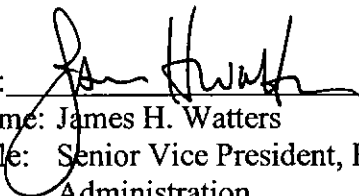
5. Grantee shall indemnify, defend, and hold harmless Grantor from all claims of loss, damage or injury of any kind and nature whatsoever arising in connection with the use of the Easement Premises by Grantee, its agents, servants, employees, invitees, visitors and contractors, except to the extent that such claims of loss, damage or injury are caused by the negligence or willful misconduct of Grantor, its agents, employees contractors.

6. This easement shall run with the land and shall be binding on and inure to the benefit of the parties hereto, their successors and assigns.

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be duly executed as of the day and year first above written.

GRANTOR:

ROCHESTER INSTITUTE OF TECHNOLOGY

By: 
Name: James H. Watters
Title: Senior Vice President, Finance and Administration

GRANTEE:

RIVERS RUN, LLC

By: Living Communities, L.L.C., Sole Member
By: Christa Communities, L.L.C., Member


By: 
Frank A. Christa, Member

Exhibit "A"

Metes and Bounds Description of Grantor's Land

Ⓝ **RIVERS RUN SUBDIVISION - LOT 1 (Athenaeum Parcel)**
Tax Map #174.01-02-58.1

ALL THAT TRACT OR PARCEL OF LAND situate and being part of Town Lot 13, Sixth Range, Township 12, Range 7, Town of Henrietta, County of Monroe and State of New York and being more particularly described as follows:

- 1.) **BEGINNING AT A POINT** on the westerly highway boundary of East River Road, County Route 84 (66 feet wide), said point being on the southerly property line of lands now or formerly owned by Rochester Institute of Technology (Tax map #174.01-02-58) as filed in the Monroe County Clerk's office as liber 7244 of deeds page 4; thence,
- 2.) Westerly, along the southerly property line of said lands of the Rochester Institute of Technology, a distance of 950.33 feet to a point; thence,
- 3.) N 02°25'17" W, a distance of 186.71 feet, to a point; thence,
- 4.) N 24°47'43" E, a distance of 253.41 feet, to a point; thence,
- 5.) N 56°06'01" E, a distance of 252.93 feet, to a point; thence,
- 6.) N 01°48'32" W, a distance of 224.79 feet, to a point on the northerly boundary line of lands now or formally owned by Rochester Institute of Technology (Tax map# 174.01-02-58); thence,
- 7.) N 88°11'28" E, a distance of 414.33 feet, to a point; thence,
- 8.) S 03°22'32" E, a distance of 349.08 feet, to a point; thence,
- 9.) N 86°37'28" E, a distance of 189.25 feet, to a point on the westerly highway boundary of East River Road; thence,
- 10.) Southerly, along westerly highway boundary of East River Road, a distance of 418.66 feet, to the **PLACE AND POINT OF BEGINNING, BEING 12.416 ACRES** of land, more or less.

All as shown as Lot 1 on a map titled "Rivers Run Subdivision Plat" prepared by Environmental, Design & Research, P.C. and filed in the Monroe County Clerk's Office on December 8, 2004 at Liber 322 of Maps, Page 60.

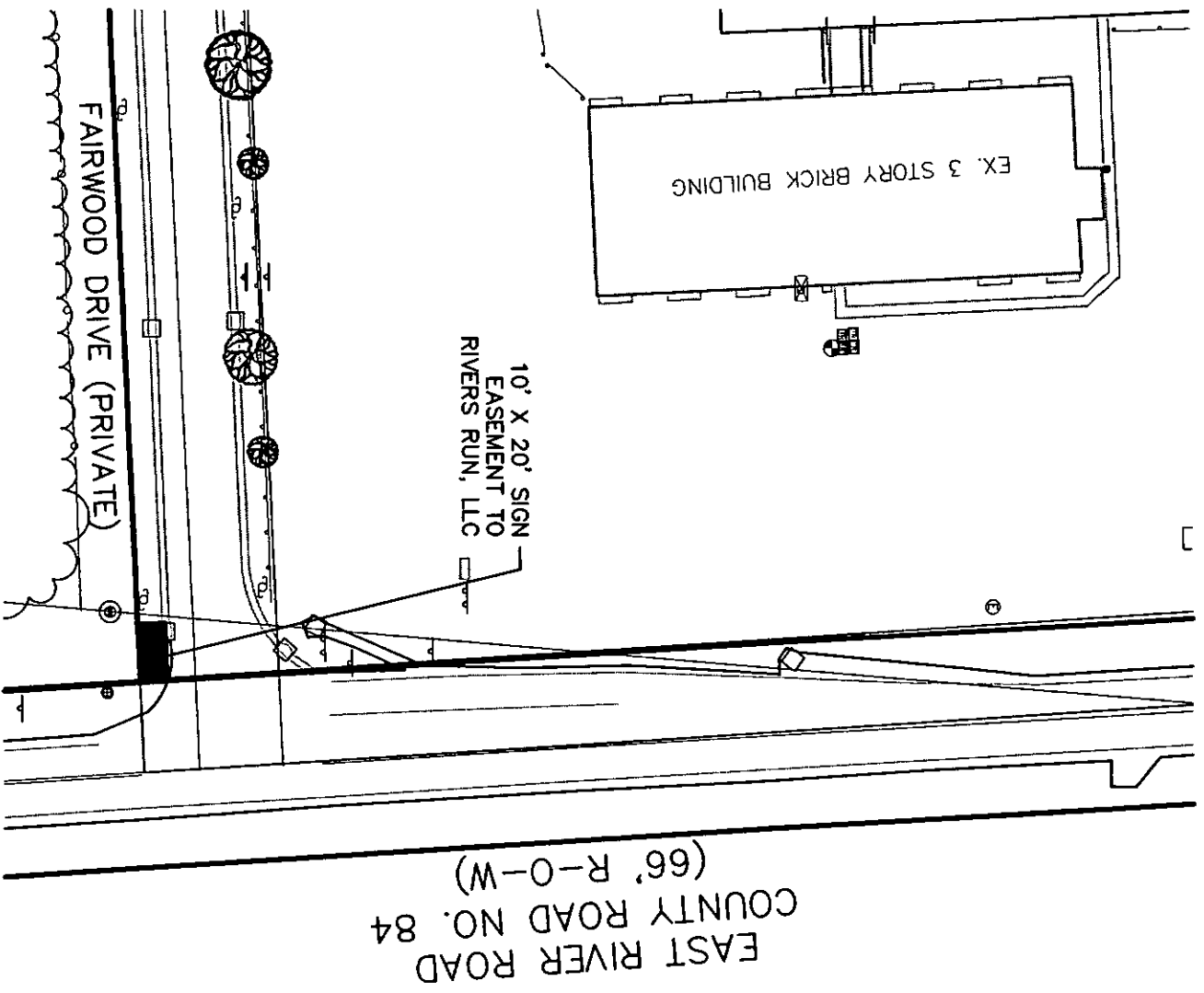


EXHIBIT "B"

MAP OF EASEMENT
PREMISES



Environmental Design & Research, P.C.
274 North Goodman Street
Rochester, New York 14607
(585) 271-0040
(585) 271-0042 FAX

Syracuse Rochester Buffalo