

MONROE COUNTY CLERK'S OFFICE



Return To:

BOX 90 1/2

Index DEEDS

Book 10460 Page 0042

No. Pages 0004

Instrument EASEMENT W/O TP

Date : 5/14/2007

Time : 3:17:00

Control # 200705140955

RIVERS RUN LLC

ROCHESTER GAS & ELECTRIC CORPO
RATION
FRONTIER TELEPHONE OF ROCHESTE
R INC
TIME WARNER ENTERTAINMENT COMP
ANY-ADVANCE NEWHOUSE PARTNERSHIP

TT#

Employee ID BZ40

MORTGAGE TAX

FILE FEE-S	\$	19.00	MORTGAGE AMOUNT	\$	.00
FILE FEE-C	\$	8.00	BASIC MORTGAGE TAX	\$	.00
REC FEE	\$	12.00	SPEC ADDIT MTG TAX	\$	.00
	\$	.00	ADDITIONAL MTG TAX	\$	.00
	\$	.00	Total	\$	.00
	\$	.00			
	\$	.00			
	\$	.00			
	\$	.00			
	\$	.00			
Total:	\$	39.00			

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



D104600042

In consideration of the sum of One Dollar (\$1.00), and other good and valuable consideration [or] payment waived, the receipt and sufficiency of which is hereby acknowledged, **RIVERS RUN, LLC** of 50 Fairwood Drive, Rochester, New York, 14623, hereinafter called "Grantor", does hereby grant and convey unto **ROCHESTER GAS AND ELECTRIC CORPORATION**, a New York Corporation, 89 East Avenue, in the City of Rochester, Monroe County, New York, **FRONTIER TELEPHONE OF ROCHESTER, INC.**, a New York Corporation, 180 Clinton Avenue South, in the City of Rochester, Monroe County, New York, **TIME WARNER ENTERTAINMENT COMPANY - ADVANCE NEWHOUSE PARTNERSHIP, THROUGH ITS ROCHESTER DIVISION, D/B/A TIME WARNER CABLE**, hereinafter "Grantee", its lessees, licensees, successors and assigns, forever a permanent easement and right of way (the "Easement Premises"), in, upon, over, under, above, across, along and through the premises known as **RIVERS RUN SUBDIVISION, PHASES 2 AND 3, TAX ACCOUNT NO. 174.01-2-58.2** Town of **Henrietta**, County of **Monroe**, New York, and being the same premises described in a Deed recorded in the Monroe County Clerks Office in **Liber 10269** of Deeds at **Page 484**, (the "Property") to, from time to time, lay, construct, reconstruct, increase, enlarge, raise, lower, replace, erect, relocate, extend, operate, inspect, maintain, protect, move, repair and replace at its pleasure:

- A. Any and all conduits, tunnels, manholes, wires, cables, meters transformers, switching equipment, and all other appurtenances and fixtures which the Grantee shall require now and in the future within the Easement Premises for the transmission and/or distribution of electricity, communication purposes, and/or for any other purposes; provided that manhole covers, transformer enclosures and service pedestals may be located at or above ground level within the Easement Premises.
- B. Any and all conduits, mains, pipes, regulators, valves, vaults, meters, stacks, manholes, cabinets, services and any and all other appurtenances and fixtures which the Grantee shall require now and in the future for the underground transmission and/or distribution of gas, communication purposes, and/or for any other purposes by the Grantee; provided that manhole covers, valves, cabinets and stack may be located at or above ground level within said Easement Premises.

The Easement Premises for all of the foregoing are more particularly described as follows:

RIVERS RUN (a private drive): also a strip of land as shown on a map attached hereto and made a part hereof.

The Grantee, its employees, servants, agents, contractors and its successors and assigns, are hereby expressly given and granted the right to:

- A. Assign this easement and right of way, or any part thereof, or interest therein, and the same shall be divisible among two or more owners as to any right or rights created hereunder, so that each assignee or owner shall have the full rights and privileges herein granted, to be owned and enjoyed either in common or severally.
- B. Free ingress and egress over the Easement Premises and other portions of the Property for all of the above purposes, as well as the right (but not the duty) to trim, cut, and remove at any time by manual, mechanical and chemical means trees and other vegetation, structures and other obstructions, to use formulations registered with the environmental protection agency or its successors to eliminate vegetation, and modify the growth of trees, vegetation, growth, structures or obstructions within the Easement Premises and such other trees, vegetation, growth, structures or obstructions elsewhere on the Property that, in the judgment of Grantee, may interfere with the construction, operation or maintenance of its equipment or facilities or otherwise endanger the rights and privileges granted herein; and the right to prohibit the construction of, and/or remove, any building(s), structure(s) or improvements (including planting of trees, construction of roads, paths or driveways) within the Easement Premises of Grantee's equipment and facilities and the right to keep the surface of ground above its underground cables and other electrical or gas equipment and facilities free from structures, improvement and growth which, in the judgment of Grantee may interfere with the proper construction, maintenance or operation of said underground equipment or facilities or that may interfere with the rights and privileges granted hereunder.

RECORDED
JAN 14 PM 3:17
COUNTY CLERK

BOX 90 1/2

This grant is made and accepted upon the express conditions that after any exercise of the rights and privileges granted hereunder, the Grantee shall leave the premises in as good condition as found, and that the Grantee shall make reasonable compensation to the Grantor for any damage (except as permitted specifically hereunder) to the property of Grantor caused by their exercise of the rights and privileges granted hereunder.

This Instrument shall be binding on and inure to the benefit of the parties hereto and their respective heirs, executors, administrators, successors and assigns.

The Grantor hereby warrants the title to the rights above granted.

IN WITNESS WHEREOF, the Grantor has hereunto set its hand and seal this 19th day of April, 2007.

RIVERS RUN, LLC

By Claudia Blumenstock
Claudia Blumenstock
 Title Executive Vice President

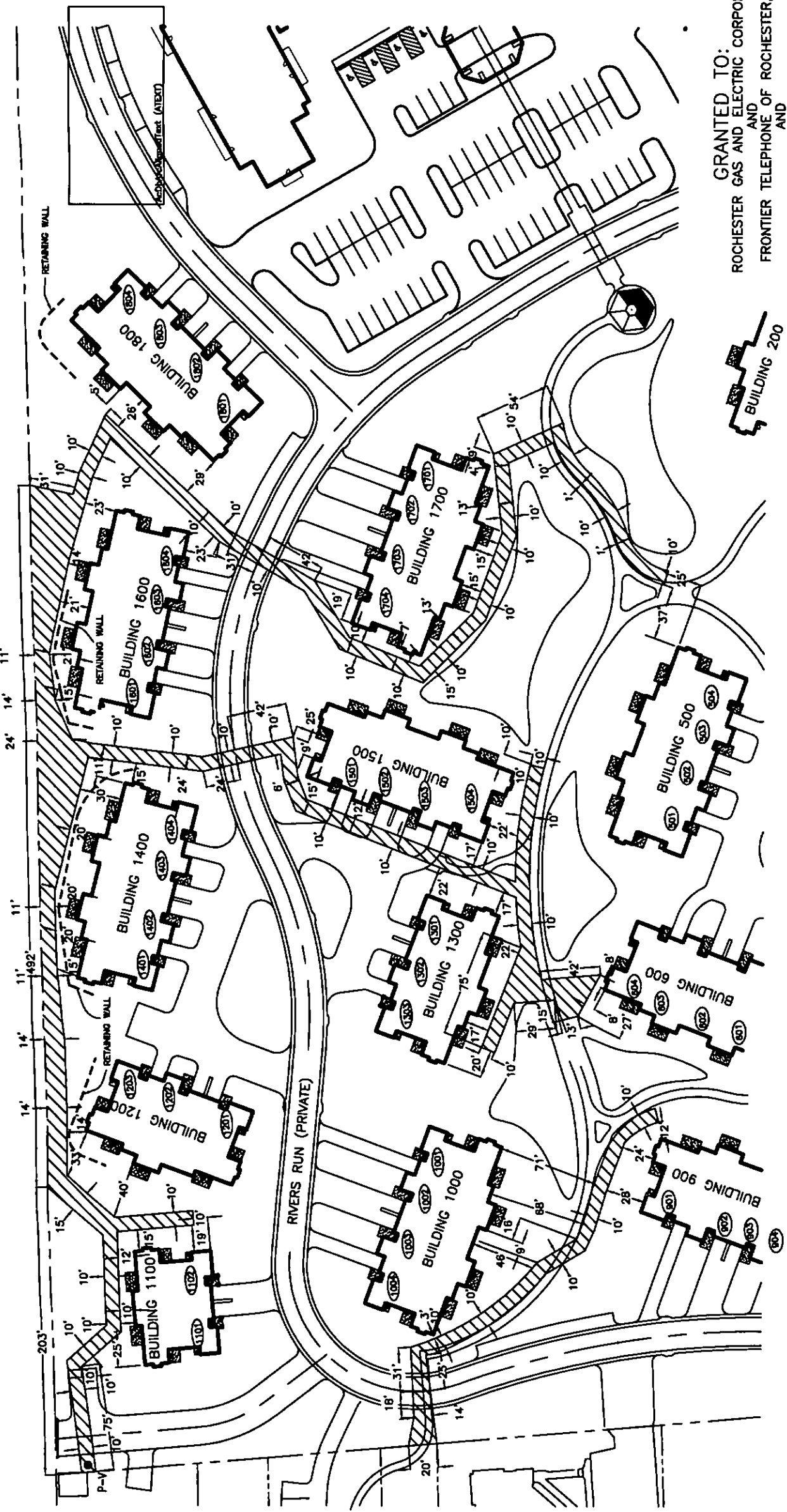
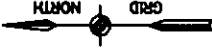
STATE OF NEW YORK)
 SS.
 COUNTY OF MONROE)

On this 19th day of April, 2007 before me, the undersigned, personally appeared Claudia Blumenstock me known 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 on behalf of which the individual acted, executed the instrument.

Nicole Taglieri
 Notary Public

NICOLE TAGLIERI
 Notary Public, State of New York
 Monroe County Reg. #01TA6100210
 Commission Expires 10/14/07





GRANTED TO:
 ROCHESTER GAS AND ELECTRIC CORPORATION
 AND
 FRONTIER TELEPHONE OF ROCHESTER, INC
 AND
 TIME WARNER ENTERTAINMENT COMPANY
 ADVANCE NEWHOUSE PARTNERSHIP THROUGH
 ITS ROCHESTER DIVISION
 DBA TIME WARNER CABLE

UTILITY EASEMENT

RIVERS RUN PHASE 2 & 3

TOWN OF HENRIETTA, COUNTY OF MONROE, STATE OF NEW YORK