

AGREEMENT FOR FIFTH LOT ON PRIVATE ROAD

THIS CONSENT dated this 23 day of October, 2020 is made by and among the following parties (collectively the "parties"): Mark S Cosman and Lynn M. Cosman, residing at 5 Sunrise Dr Milton NY, 12547 ("Cosman"), James A. Kuha, and Maria T. Kuha, residing at 9 Sunrise Dr, Milton, NY 12547 ("Kuha"), Sara E. Garnot, residing at 15 Sunrise Dr, Milton NY 12547 ("Garnot"), Nicholas Galella, residing at 17 Sunrise Dr., Milton NY 12547, ("Galella").

WHEREAS, Nima Contracting, Inc ("Declarant") filed a certain Private Road Maintenance and Right of Way Declaration affecting certain premises located in the Town of Marlborough, County of Ulster and State of New York, (the "Premises") as set forth on a certain map entitled "4 Lot Subdivision - Nima Contracting Inc." which map was filed in the office of the Ulster County Clerk on April 17, 2009 as Map No. 09-148 (the "subdivision map,"), and which premises are currently identified on the tax map of the Town of Marlborough as Section 102.4 Block 2 Lots 30.100, 30.200, 30.300, and 30.400, and which Declaration was recorded in the Office of the Ulster County Clerk on July 30, 2009 as Document no. 2009- 00012091, in Book 4789 of Deeds, page 242; and

WHEREAS, Cosman is the owner of Lot 1 as set forth on the subdivision map, identified on the tax map of the Town of Marlborough as SBL 102.4-2-30.100; and

WHEREAS, Kuha is the owner of Lot 2 as set forth on the subdivision map, identified on the tax map of the Town of Marlborough as SBL 102.4-2-30.200; and

WHEREAS, Garnot is the owner of Lot 3 as set forth on the subdivision map, identified on the tax map of the Town of Marlborough as SBL 102.4-2-30.300; and

WHEREAS, Galella is the owner of Lot 4 as set forth on the subdivision map, identified on the tax map of the Town of Marlborough as SBL 102.4-2-30.400; and is also the owner of Lot 8A on a map entitled "Preliminary Plan- 3 Lot subdivision for Nima Contracting Inc, filed in the office of the Ulster County Clerk on February 5, 2019 as Map no. 19-30 and identified on the tax map of the Town of Marlborough as SBL 102.4-2-32.813("Lot 8A")

WHEREAS, Galella has filed an application for a lot line change to Lot 4 on Map No. 09-148-A and Lot 8A on Map No. 19-30 ; and

WHEREAS, pursuant to this application, said Lot No. 4 will be reduced in size to 1.392 acres and will now be known as New Lot 2 pursuant to this application and said Lot 8A will be

increased in size to 27.643 acres and will now be known as New Lot 1 pursuant to this application; and

WHEREAS, five lots will share access to the private road known as Sunrise Drive, namely Lot 1, Lot 2, Lot 3, New Lot 1 and New Lot 2; and

WHEREAS, pursuant to Town Code Section 130-14.16(A), a fifth lot can access a private road "if a private agreement so allows" and this Agreement is intended by the parties to serve as such private agreement; and

WHEREAS, the Private Road Maintenance and Right of Way Declaration above referenced applied to four lots and is hereby be amended by consent to apply to five lots; and

WHEREAS, as a condition to the approval of the above referenced application for a lot line change, an agreement must be executed and recorded with the Ulster County Clerk to confirm the amendment of said Declaration and the agreement of the lot owners to allow a fifth lot to access the private road;

NOW, THEREFORE, in consideration of \$1.00 and other good and valuable consideration, the parties hereto agree to the amendment of said Declaration to allow access by a fifth lot to the private road known as Sunset Drive and further agree that this document shall serve as the private agreement required by Town Code Section 134-14.16(A) for a fifth lot to use the said private road, such that the five lots shall share equally in the costs of maintaining the private road and right of way, all as set forth in said Declaration.

The provisions of this Agreement shall run with the land and shall be binding on each party hereto, their successors and assigns forever. This agreement may be executed in counterpart.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first set forth above.



Mark S. Cosman



Lynn M. Cosman

James A. Kuha

Maria T. Kuha

Sara E. Garnot

Nicholas Galella

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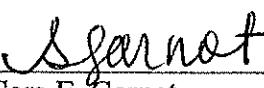
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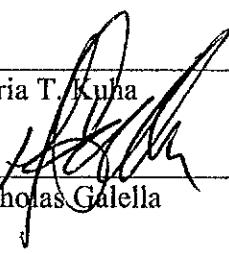
Mark S. Cosman

Lynn M. Cosman

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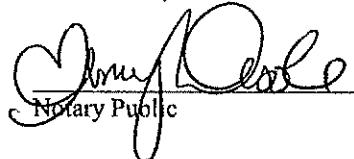

Sara E. Garnot

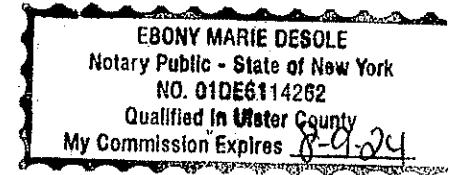

Nicholas Galella

STATE OF NEW YORK) SS.:

COUNTY OF ORANGE)

On the 24 ^{October} day of October, 2020, before me, the undersigned, a Notary Public in and for the State of New York, personally appeared Mark S Cosman and Lynn M. Cosman, 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 said individual executed the same in her capacity, and that by her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument


Notary Public



STATE OF NEW YORK) SS.:

COUNTY OF ORANGE)

On the day of October, 2020, before me, the undersigned, a Notary Public in and for the State of New York, personally appeared James A. Kuha and Maria T. Kuha, 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 said individual executed the same in her capacity, and that by her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public

STATE OF NEW YORK) SS.:

COUNTY OF ORANGE)

On the day of October, 2020, before me, the undersigned, a Notary Public in and for the State of New York, personally appeared Sara E. Garnot, 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 said individual executed the same in her capacity, and that by her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public

STATE OF NEW YORK) SS.:

COUNTY OF ORANGE)

On the day of October, 2020, before me, the undersigned, a Notary Public in and for the State of New York, personally appeared Nicholas Galella, 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 said individual executed the same in her capacity, and that by her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument

Notary Public

RECORD AND RETURN TO
Van DeWater & Van DeWater, LLP
ATTN: Jeffrey Battistoni, Esq.
P O Box 112
Poughkeepsie, NY 12602

STATE OF NEW YORK) SS.:
COUNTY OF ORANGE)

On the day of October, 2020 , before me, the undersigned, a Notary Public in and for the State of New York, personally appeared Mark S Cosman and Lynn M. Cosman, 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 said individual executed the same in her capacity, and that by her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument

Notary Public

STATE OF NEW YORK) SS.:
COUNTY OF ORANGE)

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Kayla M. Gordon
Notary Public

KAYLA M. GORDON
Notary Public, State of New York
Reg. #01GO6378610
Qualified In Orange County
Commission Expires 07/30/2022

STATE OF NEW YORK) SS.:
COUNTY OF ORANGE)

On the day of October, 2020 , before me, the undersigned, a Notary Public in and for the State of New York, personally appeared Sara E. Garnot , 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 said individual executed the same in her capacity, and that by her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public

STATE OF NEW YORK) SS.:
COUNTY OF ORANGE)

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Notary Public

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Van DeWater & Van DeWater, LLP
ATTN: Jeffrey Battistoni, Esq.
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Poughkeepsie, NY 12602

STATE OF NEW YORK) SS.:
COUNTY OF ORANGE)

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Notary Public

STATE OF NEW YORK) SS.:
COUNTY OF ORANGE)

On the day of October, 2020, before me, the undersigned, a Notary Public in and for the State of New York, personally appeared James A. Kuha and Maria T. Kuha, 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 said individual executed the same in her capacity, and that by her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public

STATE OF NEW YORK) SS.:
COUNTY OF ORANGE) Ulster

On the 23 day of October, 2020, before me, the undersigned, a Notary Public in and for the State of New York, personally appeared Sara E. Garnot, 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 said individual executed the same in her capacity, and that by her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.



Notary Public

DANIELLE CHERUBINI
Notary Public, State of New York
Qualified in Ulster County
No. 01CH6284534
Commission Expires June 17, 2021

STATE OF NEW YORK) SS.:
COUNTY OF ORANGE)

On the 26th day of October, 2020, before me, the undersigned, a Notary Public in and for the State of New York, personally appeared Nicholas Galella, 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 said individual executed the same in her capacity, and that by her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument



Notary Public

RECORD AND RETURN TO
Van DeWater & Van DeWater, LLP
ATTN: Jeffrey Battistoni, Esq.
P O Box 112
Poughkeepsie, NY 12602

TODD A. KELSON
Notary Public, State of New York
Qualified in Orange County
No. 4870143
Commission Expires August 11, 19/2022