

Liber 12139
Pg 747

DEED
OF
DEVELOPMENT RIGHTS

13-2-7.12

THIS INDENTURE, made the 28th day of August, 2001

BETWEEN FRANK B. ZIMMER, AS TRUSTEE OF THE TODD BUCHANAN MEMORIAL TRUST, residing at 34 Admirals Drive, Bayshore, NY 11706, PARTY OF THE FIRST PART,

AND the COUNTY OF SUFFOLK, a municipal corporation of the State of New York, having its principal office at the Suffolk County Center, Center Drive, Riverhead, New York 11901, PARTY OF THE SECOND PART;

WITNESSETH, that the PARTY OF THE FIRST PART, in consideration of TWO HUNDRED TWENTY TWO THOUSAND, 00/100 DOLLARS (\$222,000.00) and other good and valuable consideration paid by the PARTY OF THE SECOND PART, **DOES HEREBY GRANT AND RELEASE** unto the PARTY OF THE SECOND PART, its successors and assigns of the PARTY OF THE SECOND PART forever, **THE DEVELOPMENT RIGHTS**, by which is meant the permanent legal interest and right, as authorized by §247 of the New York State General Municipal Law, as amended, and Local Law 16-1981 of the County of Suffolk, as amended, to permit, require or restrict the use of the premises exclusively for agricultural production as that term is defined in Local Law 16-1981 of the County of Suffolk, as amended, and the right to preserve open space as that term is defined in §247 of the New York State General Municipal Law, as amended, and the right to prohibit or restrict the use of the premises for any purpose other than agricultural production, to the property described as follows:

ALL, that piece or parcel of land, situated in the Town of Southold, County of Suffolk, and State of New York, more particularly bounded and described as follows: (see description annexed hereto and made a part hereof):

TOGETHER with a non-eclusive easement to and from that portion of this parcel upon which the development rights are herein being conveyed, Tax Map No. 1000-013.00-02.00-p/o 007.008, over the Right-Of-Way in retained parcel A, as shown on survey map of property reputedly of the "Todd Buchanan Memorial Trust" by Young & Young, land surveyors, as of August 28, 2001, to Main Rd., also known as NYS Route 25, being more particularly described in Schedule 'A' attached hereto.

BEING AND INTENDED to be part of the same premises described in the deed to the parties of the first part herein by deed from Frank B. Zimmer, dated March 6, 1998 and recorded October 16, 1998 in Liber 11923 page 149. Said premises are known and designated as District 1000, Section 013.00, Block 02.00, Lot 007.008.

TO HAVE AND TO HOLD the said DEVELOPMENT RIGHTS in the premises herein granted unto the PARTY OF THE SECOND PART, its successors and assigns, forever;

AND the PARTY OF THE FIRST PART covenants that the PARTY OF THE FIRST PART has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid. The PARTY OF THE FIRST PART, as a covenant running with the land in perpetuity, further covenants and agrees for the PARTY OF THE FIRST PART, and the heirs, legal representatives, successors and assigns of the PARTY OF THE FIRST PART, to use of the premises on and after the date of this instrument solely for the purpose of agricultural production.

THE development rights conveyed herein are subject to the further terms and provisions as set forth in a certain contract

DISTRICT
1000

SECTION
013.00

BLOCK
02.00

LOT
007.008p/o

Agriculture and Markets shall hold title to any conservation easement or interest in land. However, title may be held by the UNITED STATES at the request of the Secretary of Agriculture upon mutual agreement of the PARTY OF THE SECOND PART, United States of America Commodity Credit Corporation and the N.Y.S. Department of Agriculture and Markets.

- (iii) PARTY OF THE FIRST PART covenants to manage the property in accordance with a conservation plan that is developed utilizing the standards and specifications of the NRCS field office technical guide and is approved by the Conservation District

THE following covenants shall run with the land in perpetuity and shall be deemed applicable, only if New York State funds are in fact received by the PARTY OF THE SECOND PART for the premises:

The following language is inserted pursuant to the Agreement (N.Y.S. Contract No. C800001, C/A Ref. No. MNSRV #01-PL-004), dated August 15, 2000, between New York State Department of Agriculture and Markest, having a principal place of business at 1 Winners Circle, Albany, N.Y. and PARTY OF THE SECOND PART, acting through its duly constituted DEPARTMENT OF PLANNING, located at 100 Veterans Memorial Highway, P.O. Box 6100, Hauppauge, New York 11788; and/or pursuant to the Agreement (N.Y.S. Contract No. C800500, C/A Ref. No. MNSRV #01-PL-003), dated August 15, 2000, between New York State Department of Agriculture and Markets, having a principal place of business at 1 Winners Circle, Albany, N.Y. and PARTY OF THE SECOND PART, acting through its duly constituted DEPARTMENT OF PLANNING, located at 100 Veterans Memorial Highway, P.O. Box 6100, Hauppauge, New York 11788:

- (i) All amendments to this Agreement/Easement, after the DEVELOPMENT RIGHTS have been acquired by the PARTY OF THE SECOND PART shall be authorized by the N.Y.S. Department of Agriculture and Markets.

THE PARTY OF THE FIRST PART, its heirs, assigns and/or party or parties in lawful possession of the premises subject to this deed of development rights, pursuant to lease, license, or other arrangement, covenants and agrees that it shall defend, indemnify and hold PARTY OF THE SECOND PART and any of its officers, agents, employees, and, their respective successors and assigns, harmless from and against any and all damages, claims, losses, liabilities and expenses, including, without limitation, responsibility for legal, consulting, engineering and other costs and expenses which may arise out of (1) any inaccuracy or misrepresentation in any representation or warranty made by PARTY OF THE FIRST PART in this agreement; (2) the breach or non-performance of any covenants required by this agreement to be performed by the PARTY OF THE FIRST PART, either prior to or subsequent to the closing of title herein; or (3) any action, suit, claim, or proceeding seeking money damages, injunctive relief, remedial action, or other remedy by reason of a violation or non-compliance with any environmental law; or the disposal, discharge or release of solid wastes, pollutants or hazardous substances; or exposure to any chemical substances, noises or vibrations to the extent they arise from the ownership, operation, and/or condition of the premises prior to or subsequent to the execution of the deed of development rights. This covenant shall run with the land in perpetuity.

ADVANTAGE TITLE AGENCY, INC.

Title No. 01-AS-22459 (0108-0156-002177)

SCHEDULE A

Amended as of August 28, 2001

ALL that certain plot, piece or parcel of land, situate, lying and being at Orient, Town of Southold, County of Suffolk and State of New York, bounded and described as follows:

BEGINNING at a point on the Easterly side of a certain Right of Way said point being situate the following six (6) courses and distances from the intersection of the Easterly side of Heath Drive and the Northerly side of Main Road (N.Y.S. Route 25);

1. North 64 degrees 28 minutes 31 seconds East along the Northerly side of Main Road (N.Y.S. Route 25) 236.00 feet;
2. North 76 degrees 43 minutes 21 seconds East still along the Northerly side of Main Road (N.Y.S. Route 25) 146.44 feet;
3. On a curve to the right having a radius of 1670.28 feet still along the Northerly side of Main Road (N.Y.S. Route 25) 25.28 feet;
4. North 23 degrees 06 minutes 09 seconds West along said Right of Way 234.86 feet;
5. South 66 degrees 53 minutes 51 seconds West still along said Right of Way 166.23 feet;
6. North 29 degrees 12 minutes 49 seconds West still along said Right of Way 101.57 feet;

THENCE from said point of beginning along the Easterly side of said Right of Way the following two (2) courses and distances:

1. North 29 degrees 12 minutes 49 seconds West 453.75 feet;
2. North 24 degrees 27 minutes 19 seconds West 556.19 feet to a point;

THENCE North 63 degrees 21 minutes 11 seconds East through land of the party of the first part 470.61 feet to land now or formerly Francis X. Claps;

THENCE South 29 degrees 40 minutes 59 seconds East along land now or formerly Francis X. Claps and along land now or formerly Sandra Pawson Sinclair 1048.20 feet to a point;

~ continued ~

FOR
CONVEYANCING
ONLY

The policy to be issued under this report will insure the title to such buildings and improvements erected on the premises which by law constitute real property.

TOGETHER with all the right, title and interest of the party of the first part, of, in and to the land lying in the street in front of and adjoining said premises.

RECORDED
2001 Sep 05 10:50:44 AM
Edward P. Romaine
CLERK OF
SUFFOLK COUNTY
L D00012139
P 747
DT# 01-04897

ADVANTAGE TITLE AGENCY, INC.

Title No. 01-AS-22459 (0108-0156-002177)

SCHEDULE A (continued)

THENCE South 67 degrees 26 minutes 19 seconds West through land of the party of the first part 528.42 feet to the Easterly side of said Right of Way and the point or place of BEGINNING.

TOGETHER with a non exclusive easement for ingress and egress over the following parcel of land: *Containing 12.0 acres*

ALL that certain plot, piece or parcel of land, situate, lying and being at Orient, Town of Southold, County of Suffolk and State of New York, bounded and described as follows:

BEGINNING at a point on the Northerly side of Main Road (N.Y.S. Route 25); distant the following two (2) courses and distances along the Northerly side of Main Road from the corner formed by the Easterly side of Heath Drive with the Northerly side of Main Road:

1. North 64 degrees 28 minutes 31 seconds East, 236.00 feet;
2. North 76 degrees 43 minutes 21 seconds East, 146.44 feet, to the point or place of beginning;

RUNNING THENCE North 23 degrees 06 minutes 09 seconds West, 206.19 feet;

THENCE South 66 degrees 53 minutes 51 seconds West, 163.70 feet;

THENCE North 29 degrees 12 minutes 49 seconds West, 154.04 feet;

THENCE North 60 degrees 47 minutes 11 seconds East, 25.00 feet;

THENCE South 29 degrees 12 minutes 49 seconds East, 131.57 feet;

THENCE North 66 degrees 53 minutes 51 seconds East, 166.23 feet;

THENCE South 23 degrees 06 minutes 09 seconds East, 234.86 feet, to a point on the Northerly side of Main Road;

THENCE Southwesterly, along the Northerly side of Main Road, along the arc of a curve bearing to the left having a radius of 1670.28 and an arc length of 25.28 feet, to the point or place of BEGINNING.

FOR
CONVEYANCING
ONLY

The policy to be issued under this report will insure the title to such buildings and improvements erected on the premises which by law constitute real property.

TOGETHER with all the right, title and interest of the party of the first part, of, in and to the land lying in the street in front of and adjoining said premises.

Advantage  Title

1 2

3

Number of pages 7

TORRENS

Serial # _____

Certificate # _____

Prior Ctf. # _____

Deed / Mortgage Instrument

Deed / Mortgage Tax Stamp

RECORDED
2001 Sep 05 10:50:44 AM
Edward P. Romaine
CLERK OF
SUFFOLK COUNTY
L D00012139
P 747
DT# 01-04837
Recording / Filing Stamps

4 FEES

Page / Filing Fee _____

Handling _____

TP-584 _____

Notation _____

EA-52 17 (County) _____

EA-5217 (State) _____

R.P.T.S.A. 15 00

Comm. of Ed. 5 00

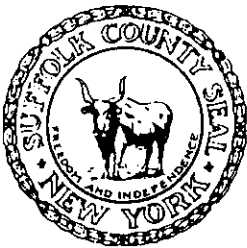
Affidavit _____

Certified Copy 5 27 -

Reg. Copy _____

Other _____

Sub Total exempt



Sub Total 7 -

GRAND TOTAL 7 - *SM*

Mortgage Amt. _____

1. Basic Tax _____

2. Additional Tax _____

Sub Total _____

Spec./Assit. _____

Or

Spec. /Add. _____

TOT. MTG. TAX _____

Dual Town _____ Dual County _____

Held for Apportionment _____

Transfer Tax exempt

Mansion Tax _____

The property covered by this mortgage is or will be improved by a one or two family dwelling only.

YES _____ or NO _____

If NO, see appropriate tax clause on page # _____ of this instrument.

5 Real Property Tax Service Agency Verification DFT

6 Community Preservation Fund

Dist.

Section

B lock

Lot

Consideration Amount \$ _____

1000

013.00

02.00

007.012

CPF Tax Due \$ _____

Date 7-5-01

NEW PCL

Initials BFS

Improved _____

Vacant Land _____

TD _____

TD _____

TD _____

7 Satisfactions/Discharges/Releases List Property Owners Mailing Address
RECORD & RETURN TO:

SUFFOLK COUNTY
DIVISION OF REAL ESTATE
H. LEE DENNISON BUILDING - 2ND FLOOR
100 VETERANS MEMORIAL HIGHWAY
HAUPPAUGE, NY 11788

8

Title Company Information

Co. Name

Advantage Title Agency, Inc.

Title #

01-AS-22459

9 Suffolk County Recording & Endorsement Page

This page forms part of the attached

DEED

made by:

FRANK ZIMMER

(SPECIFY TYPE OF INSTRUMENT)

The premises herein is situated in
SUFFOLK COUNTY, NEW YORK.

In the Township of SOUTHOLD

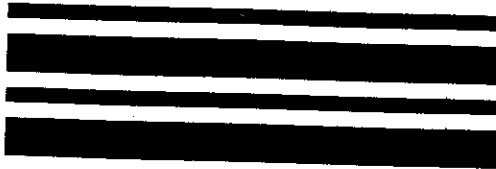
In the VILLAGE

or HAMLET of ORIENT

TO
COUNTY OF SUFFOLK

BOXES 5 THRU 9 MUST BE TYPED OR PRINTED IN BLACK INK ONLY PRIOR TO RECORDING OR FILING.

(OVER)



SUFFOLK COUNTY CLERK
RECORDS OFFICE
RECORDING PAGE

Type of Instrument: DEEDS/DDD

Number of Pages: 7

TRANSFER TAX NUMBER: 01-04897

Recorded: 09/05/2001
At: 10:50:44 AM
LIBER: D00012139
PAGE: 747

District:
1000

Section:
013.00

Block:
02.00

Lot:
007.012

Deed Amount: EXAMINED AND CHARGED AS FOLLOWS
\$222,000.00

Received the Following Fees For Above Instrument

		Exempt			Exempt
Page/Filing	\$0.00	YES	Handling	\$0.00	YES
COE	\$0.00	YES	EA-CTY	\$0.00	YES
EA-STATE	\$0.00	YES	TP-584	\$0.00	YES
Cert.Copies	\$7.00	YES	RPT	\$0.00	YES
SCTM	\$0.00	YES	Transfer tax	\$0.00	YES
Comm.Pres	\$0.00	YES			
			Fees Paid	\$7.00	

TRANSFER TAX NUMBER: 01-04897

THIS PAGE IS A PART OF THE INSTRUMENT

Edward P.Romaine
County Clerk, Suffolk County

FOR COUNTY USE ONLY

C1. SWIS Code

473883

C2. Date Deed Recorded

9/15/01
Month Day Year

C3. Book

10139

C4. Page

747



REAL PROPERTY TRANSFER REPORT

STATE OF NEW YORK

STATE BOARD OF REAL PROPERTY SERVICES

RP - 5217

RP-5217 Rev 3/97

PROPERTY INFORMATION

1. Property Location

STREET NUMBER

STREET NAME

CITY OR TOWN

VILLAGE

ZIP CODE

2. Buyer Name

LAST NAME / COMPANY

FIRST NAME

LAST NAME / COMPANY

FIRST NAME

3. Tax Billing Address
Indicate where future Tax Bills are to be sent
if other than buyer address (at bottom of form)

LAST NAME / COMPANY

FIRST NAME

STREET NUMBER AND STREET NAME

CITY OR TOWN

STATE

ZIP CODE

4. Indicate the number of Assessment Roll parcels transferred on the deed

1

of Parcels

OR

Part of a Parcel

(Only if Part of a Parcel) Check as they apply:

4A. Planning Board with Subdivision Authority Exists

☐

4B. Subdivision Approval was Required for Transfer

☐

4C. Parcel Approved for Subdivision with Map Provided

☐

5. Deed Property Size

FRONT FEET

X

DEPTH

OR

ACRES

12.0

6. Seller Name

LAST NAME / COMPANY

FIRST NAME

LAST NAME / COMPANY

FIRST NAME

7. Check the box below which most accurately describes the use of the property at the time of sale:

- A ☐ One Family Residential
B ☐ 2 or 3 Family Residential
C ☐ Residential Vacant Land
D ☐ Non-Residential Vacant Land

- E ☒ Agricultural
F ☐ Commercial
G ☐ Apartment
H ☐ Entertainment / Amusement

- I ☐ Community Service
J ☐ Industrial
K ☐ Public Service
L ☐ Forest

Check the boxes below as they apply:

8. Ownership Type is Condominium

☐

9. New Construction on Vacant Land

☐

10A. Property Located within an Agricultural District

☐

10B. Buyer received a disclosure notice indicating that the property is in an Agricultural District

☐

SALE INFORMATION

11. Sale Contract Date

07/19/01
Month Day Year

12. Date of Sale / Transfer

8/28/01
Month Day Year

13. Full Sale Price

222,000.00

(Full Sale Price is the total amount paid for the property including personal property. This payment may be in the form of cash, other property or goods, or the assumption of mortgages or other obligations.) Please round to the nearest whole dollar amount.

14. Indicate the value of personal property included in the sale

0.00

15. Check one or more of these conditions as applicable to transfer:

- A ☐ Sale Between Relatives or Former Relatives
B ☐ Sale Between Related Companies or Partners in Business
C ☐ One of the Buyers is also a Seller
D ☒ Buyer or Seller is Government Agency or Lending Institution
E ☐ Deed Type not Warranty or Bargain and Sale (Specify Below)
F ☐ Sale of Fractional or Less than Fee Interest (Specify Below)
G ☐ Significant Change in Property Between Taxable Status and Sale Dates
H ☐ Sale of Business is Included in Sale Price
I ☐ Other Unusual Factors Affecting Sale Price (Specify Below)
J ☐ None

ASSESSMENT INFORMATION - Data should reflect the latest Final Assessment Roll and Tax Bill

16. Year of Assessment Roll from which information taken

01

17. Total Assessed Value (of all parcels in transfer)

136,000

18. Property Class

120

19. School District Name

No. 473802

20. Tax Map Identifier(s) / Roll Identifier(s) (If more than four, attach sheet with additional identifier(s))

1000-013-02-7.8

CERTIFICATION

I certify that all of the items of information entered on this form are true and correct (to the best of my knowledge and belief) and I understand that the making of any willful false statement of material fact herein will subject me to the provisions of the penal law relative to the making and filing of false instruments.

BUYER

BUYER'S ATTORNEY

BUYER SIGNATURE

DAVID R. FISHBEIN

DATE

8/28/01

STREET NUMBER

STREET NAME (AFTER SALE)

CITY OR TOWN

STATE

ZIP CODE

SELLER

SELLER SIGNATURE

DATE

LAST NAME

FIRST NAME

AREA CODE

TELEPHONE NUMBER

CITY/TOWN ASSESSOR

COPY