

BARGAIN AND SALE DEED

THIS INDENTURE is made this ____ day of _____, 2017, between **THE CITY OF AUBURN**, a municipal corporation located in the County of Cayuga and State of New York whose address is Memorial City Hall, 24 South Street, Auburn, New York 13021 (the "Grantor"), and **AUBURN HOUSING AUTHORITY**, a public benefit corporation having an office at 20 Thornton Avenue, Auburn, New York 13021 (the "Grantee").

W I T N E S S E T H:

That Grantor, in consideration of One Dollar (\$1.00) and other good and valuable consideration, lawful money of the United States, paid by the Grantee, the receipt and sufficiency of which are hereby acknowledged, does hereby covenant, grant and release unto Grantee, its heirs and successors and assigns, forever, all right, title and interest of Grantor in and to the following:

All that certain plot, piece, or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the City of Auburn, Cayuga County, State of New York, as more particularly described on Schedule "A" attached hereto (the "Premises") and incorporated herein for all purposes.

Excepting and reserving for the Grantor a non-exclusive easement on, over, through, across and under the Premises for the purpose of inspecting, maintaining, repairing, cleaning and replacing storm water drainage and detention systems, pipes and lines for sanitary sewer systems, and water mains located on the Premises. Said easement area shall be 10' on each side of each storm sewer, sanitary sewer or water line running within the boundary lines of the Premises and as depicted on the utility map prepared by New York Leak Detection, Inc., PO Box 269, Jamesville, NY 13078, dated August 9, 2016, the relevant portion of which is attached hereto as Schedule "B".

SUBJECT to all matters of public record including but not limited to all covenants, restrictions, easements and rights of way; and subject to all laws, statutes, codes, rules, regulations and ordinances;

TOGETHER with all right, title and interest, if any, of Grantor in and to any streets and roads abutting the above described premises to the center lines thereof;

TOGETHER with the appurtenances and all the estate and rights of Grantor in and to said premises;

TO HAVE AND TO HOLD the premises herein granted unto Grantee, its heirs and successors and assigns, forever.

AND Grantor covenants that it has not done or suffered anything whereby the said premises have been encumbered in any way whatsoever, except as aforesaid.

AND Grantor, in compliance with Section 13 of the Lien Law, covenants that Grantor will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the

improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

Conveyance of the Premises was duly authorized by Council Resolution # _____ of the City of Auburn on _____, 2017.

The word “party” as used herein shall be construed as if it reads “parties” whenever the sense of this indenture so requires.

Signature Page to Follow.

DRAFT

Schedule "A"

Legal Description

All that tract or parcel of land situate in the City of Auburn, County of Cayuga, State of New York. All of which is shown on a map prepared by David M. Clark, PLS #049807, entitled "Map Showing Merriman Street To Be Conveyed By City Of Auburn To Auburn Housing Authority" Job #3537.10. Last dated February 6, 2017. Said map intended to be filed simultaneously herewith. Being more particularly described as follows.

Beginning at a point at the intersection of the northerly line of Merriman Street and the easterly line of Thornton Avenue. Thence the following four (4) courses and distances.

1. Thence, N 87° 33' 44" E along the northerly line of Merriman Street a distance of 439.98 feet to a point;
2. Thence, S 02° 26' 16" E along the easterly end of Merriman Street a distance of 49.50 feet to a point;
3. Thence, S 87° 33' 44" W along the southerly line of Merriman Street a distance of 439.23 feet to a point in the easterly line of Thornton Avenue;
4. Thence, N 03° 17' 37" W along the easterly line of Thornton Avenue a distance of 49.51 feet back to the point of beginning.

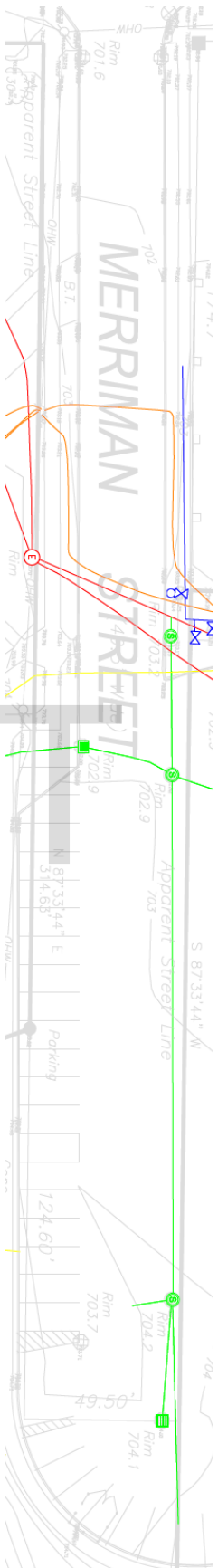
Containing 21,761± Sq. Ft. or 0.500 Acres of land.

Subject to easements, rights of way or restrictions of record, if any.

Schedule “B”

Merriman Street - Utility Map

DRAFT



- ELEC MANHOLE
- FIBER OPTIC BOX
- GAS VALVE
- WATER VALVE
- CATCH BASIN
- SANITARY MANHOLE
- STORM MANHOLE
- PEDESTAL
- DRAIN
- WATER
- ELECTRIC
- STORM/SANITARY
- GAS
- TELE-COMMUNICATIONS
- SANITARY BY PROVIDED MAPPING - NOT FIELD VERIFIED
- UNKNOWN