

**RECEIVED:**

**RECEIVED BY DS**

**DATE 11/16/16**

**TIME 11:00 AM**

## **CITY OF KINGSTON – ZONING BOARD OF APPEALS**

**X**

In the Matter of the Appeal of:

Hillary and Owen Harvey and Deanna Baum (“Appellants”) from the June 13, 2016 Determination of the Zoning Enforcement Officer of the Building Safety Division of the City of Kingston Fire Department who determined that the premises known as 32 Abeel Street (SBL: 56.43-5-35.100) abuts West Strand and therefore uses set forth in §405-19 B (1) of the City Zoning Code are permitted uses on said premises.

**X**

### **I. Background:**

This matter involves the Irish Cultural Center Hudson Valley, Inc. (“Irish Cultural Center”) which is presently before the City of Kingston Planning Board with an application to redevelop the premises known as 32 Abeel Street. The application proposes construction of a community center on the premises which is intended to house a variety of uses including a theatre, recording studio, film and music programs, art studio and exhibition gallery; dance studio; green room, kitchen, restaurant, pub, tea room and banquet facility. The premises are located entirely within the “RT Rondout District” as reflected on the City of Kingston zoning map. Pursuant to §405-19 B (1) of the City of Kingston Zoning Code, uses such as those proposed by Irish Cultural Center are only permitted in the RT District if the premises upon which these uses are proposed has “direct frontage” on “Broadway between Spring Street and Dock Street and on the West Strand.” On June 13, 2016, at the request of the attorney for the Appellants, the Zoning Enforcement Officer of the Building Safety Division of the City of Kingston Fire Department (“ZEO”) issued a determination that 32 Abeel Street abuts West Strand and therefore the uses set forth in §405-19 B (1) are permitted uses for the premises. This appeal ensued.

### **II. Procedural Posture:**

The ZEO issued his determination on June 13, 2016. On June 27, 2016 Appellants timely appealed that determination. The ZBA conducted a public hearing on the appeal on September 20, 2016. The public hearing was closed on September 20, 2016.

### **III. Record of Proceedings:**

In rendering this decision, the ZBA has considered the following:

- a) All files and records maintained by the City of Kingston in connection with the subject premises.
- b) Various maps, surveys, deeds and historic information relating to the premises and its surrounds.
- c) The November 2, 2016 letter from Christopher J. Zell P.L.S. and the documents submitted with that letter.
- d) All submissions and testimony made by Appellants and Appellant's counsel on behalf of Appellants.
- e) All submissions made by the Irish Cultural Center and its counsel.
- f) All submissions made by the ZEO
- g) Testimony from the public made at the public hearing.
- h) The ZBA's personal knowledge of the subject premises and its surrounds.

**IV. ZBA's Authority on Appeal:**

Pursuant to General City Law §81-b 2 the board of appeals may reverse, or affirm, wholly or partly, or may modify the order, requirement, decision, interpretation or determination appealed from and shall make such order, requirement, decision, interpretation, or determination as in its opinion ought to have been made in the matter by the administrative official from whose order, requirement, decision, interpretation or determination the appeal is taken.

**V. The Claims on Appeal:**

Appellants claim that the premises has no direct frontage on West Strand and even if it did the premises would still not comply because the southern boundary line of the premises does not entirely front on West Strand. The Irish Cultural Center claims that the premises does have frontage on West Strand. It further claims that the premises lay entirely within a "West Strand subarea" which confers an independent basis upon which it meets the "direct frontage" requirement.<sup>1</sup>

---

<sup>1</sup> All references to "West Strand" include reference to its full name "West Strand Street" West Strand is the commonly reference for West Strand Street.

## **VI. Decision:**

The ZBA hereby affirms the June 13 2016 determination of the ZEO but modifies the grounds for said determination as set forth hereafter.

The ZEO's determination states that based on his review of a "survey map that was submitted" "32 Abeel Street abuts West Strand". During the public hearing, the ZEO acknowledged however that his determination was not based upon the review of any survey map but the review of other publicly available mapping. According to the ZEO, that mapping revealed that approximately two-thirds of the southerly boundary line of 32 Abeel Street abutted "Company Hill Path" and the remaining one-third consisting of 33+/- feet directly abutted West Strand. In opposition to this testimony, Appellants pointed to the actual survey of 32 Abeel Street and its property deed description. These documents depict and describe the entirety of the southerly boundary of 32 Abeel Street abutting Company Hill Path.

In order to resolve this factual issue the ZBA reviewed a number of documents including deeds, surveys, historical mapping etc. relating to 32 Abeel Street, West Strand and Company Hill Path. It also retained the services of Christopher J. Zell P.L.S. to advise the ZBA as to the physical location of 32 Abeel Street's southerly property boundary. On November 2 2016 Mr. Zell issued a letter to the ZBA with supporting documentation stating that the southern boundary of 32 Abeel Street has 104.6 feet of frontage on Company Hill Path and that 34.1 feet of that frontage abutted West Strand. A copy of that letter and its enclosures is attached to this decision. The ZBA has reviewed Mr. Zell's letter and the documents submitted with it and agrees with its finding and conclusion.

Given that Company Hill Path adjoins the entire southerly boundary of 32 Abeel Street, a determination of its function and legal status is necessary to resolve this appeal. Toward that end, the ZBA makes the following findings with respect to Company Hill Path.

- a) Company Hill Path is owned by the City of Kingston. The City acquired it by deed dated July 29, 1935 from Delaware Valley and Kingston Railway Company. The deed is recorded in L.577 P. 157-159..
- b) Since its acquisition by the City Company Hill Path has been used by the general public as a pedestrian access which connects Abeel Street and West Strand.
- c) Company Hill path fits squarely within the definition of "sidewalk" set forth in Chapter 355 of the City Code entitled "Streets and Sidewalks". That definition defines sidewalk as "that portion of a street between the curb lines or the lateral lines of a roadway and the adjacent property lines intended for use of pedestrians."<sup>2</sup>

---

<sup>2</sup> There is no definition of sidewalk in the City Zoning Code – Chapter 405.

By virtue of its actual use and the applicable legal definition, the ZBA determines that Company Hill Path is a sidewalk which adjoins the entire southerly boundary of 32 Abeel Street.

The next question that must be addressed to resolve this appeal is what constitutes “direct frontage” and the legal relationship of direct frontage to a “sidewalk.” The Zoning Code does not define the term “direct frontage.”<sup>3</sup> It does however; define the term “frontage” as the linear distance of a lot along the street line. The definition of “sidewalk” expressly states that a sidewalk is “that portion of a street...” thereby clearly making a sidewalk part of the street it adjoins. Thus, any lot that has a public sidewalk between it and the street also has frontage along the street. To find otherwise, would render virtually every property in the City of Kingston without legal frontage.

Applying these findings and legal conclusions to the situation before the ZBA, the ZBA hereby finds that 32 Abeel Street has 34.1 feet of direct frontage along West Strand by virtue of the confluence of Company Hill Path with West Strand Street along that distance.

The only remaining issue is whether the street frontage has to extend along the entirety of the southern boundary line as has been maintained by Appellants. The ZBA finds that nothing in §405-19 B (1) mandates frontage along the entire property boundary or, for that matter, that mandates any specific quantum of coverage. Had the City intended for there to be such a requirement, it presumably would have provided for it in the law.

Finally, because the ZBA finds that 32 Abeel Street has direct frontage on West Strand, it declines to address the Irish Cultural Center’s argument that such frontage is also derived by the property being part of a “West Strand sub area”.

Accordingly, for the reasons set forth above, the ZBA finds and determines that 32 Abeel Street has 34.1 feet of direct frontage on West Strand and therefore the premises may avail itself of the uses permitted under §405-19 B (1).

The ZBA remits this matter to the ongoing review by the City Planning Board and recommends to that Board that any approval granted to the Irish Cultural Center require that the main entrance of the community center face West Strand so the intent of §405-19 B (1) be fully met.

---

<sup>3</sup> The ZBA finds the word direct to be superfluous as the definition of frontage can mean nothing other than such frontage is directly on the street line.

**RESOLUTION**

**WHEREAS**, on June 13, 2016, the Zoning Enforcement Officer of the Building Safety Division of the Kingston Fire Department ("ZEO") issued a determination that 32 Abeel Street abuts West Strand and that the uses set forth in §405-19 B (1) (a) and (b) of the City of Kingston Zoning Code are uses permitted on the 32 Abeel Street premises; and

**WHEREAS**, 32 Abeel Street is owned by the Irish Cultural Center Hudson Valley, Inc. which has an application for approvals currently pending before the City of Kingston Planning Board ("Irish Cultural Center"); and

**WHEREAS**, on or about June 27 2016 Hillary and Owen Harvey and Deanna Baum ("Appellants") appealed the June 13 2016 determination of the ZEO to this Zoning Board of Appeals; and

**WHEREAS**, this Board conducted a public hearing on said appeal on September 20 2016 and closed the hearing that same date; and

**WHEREAS**, this Board has carefully reviewed and considered: all files and records maintained by the City of Kingston in connection with 32 Abeel Street; various maps, surveys, deeds and historic information relating to the 32 Abeel Street and its surrounds; a letter dated November 2, 2016 letter from Christopher J. Zell P.L.S. and the documents submitted with that letter; all submissions and testimony made by Appellants and Appellants' counsel on behalf of Appellants; all submissions made by the Irish Cultural Center and its counsel; all submissions made by the ZEO; testimony from the public made at the public hearing and the ZBA's personal knowledge of the 32 Abeel Street and its surrounds; and

**WHEREAS**, in deciding this appeal, this Board is solely vested with the authority granted to it under General City Law Section 81-b-2;

**NOW THEREFORE BE IT RESOLVED**, by virtue of the foregoing, and for the reasons set forth in the decision appended hereto and incorporated herein by reference, the Zoning Board hereby affirms, on modified grounds, the June 13 2016 determination of the Zoning Enforcement Officer of the Building and Safety Division of the City of Kingston Fire Department remits this matter to the ongoing review by the City Planning Board and recommends to that Board that any approval granted to the Irish Cultural Center require that the main entrance of the community center face West Strand so the intent of §405-19 B (1) be fully met.; and

**BE IT FURTHER RESOLVED**, that this resolution and decision be filed forthwith in the office of the City Clerk and be transmitted to the Appellants and Irish Cultural Center within five (5) days of the adoption of this resolution.

Motion made by A.A and seconded by J.F..

On a roll call vote as follows:

	<u>AYE</u>	<u>NO</u>
James Rodden	<u>John J. Rodden</u>	
Anthony Argulewicz	<u>Anthony Argulewicz</u>	
Brian Cafferty	<u>Brian Cafferty</u>	
Andrew Champ Doran	<u>Andrew Champ Doran</u>	
Joseph Fitzgerald	<u>Joseph Fitzgerald</u>	
Donald Mapes	<u>Donald Mapes</u> Absent	

On a vote of 4 in favor 1 against the Chairman has declared this Resolution  
adopted/~~deemed~~

Dated: November 15 2016



**BRINNIER and LARIOS, P.C.**

**PROFESSIONAL ENGINEERS & LAND SURVEYORS**

67 MAIDEN LANE  
KINGSTON, NEW YORK 12401  
TELEPHONE (845) 338-7622  
FAX (845) 338-7660

November 2, 2016

Zoning Board Appeals  
Attn: James Rodden, Chairman  
5 Garraghan Drive  
Kingston, New York 12401

**Re:** Company Hill Path, West Strand Street, City of Kingston

Dear Chairman,

As per your request, I have reviewed the enclosed deeds and maps as well as county tax maps and other records and conclude that the Southerly line of the Irish Cultural Center Hudson Valley, Inc. has 104.6 feet of frontage on Company Hill Path.

Company Hill Path has 34.1 feet of frontage on West Strand Street.

If you have any further questions or require any additional information, please feel free to contact our office.

Signed,

BRINNIER AND LARIOS, P.C.



Christopher J. Zell, P.L.S.  
Vice-President

Enc.

CJZ/he

THIS INDENTURE, made the 11<sup>th</sup> day of May , nineteen hundred and eighty-nine  
BETWEEN RELA BANKS, 15 Deer Path, Short Hills, New Jersey 07078  
and SIDNEY KOHN, RESIDENT AT 241 MEAD ST MT. KISCO,  
LAW OFFICES, M.Y. 12475

Party of the first part, and

RELA BANKS, 15 Deer Path, Short Hills, New Jersey 07078

party of the second part,  
**WITNESSETH**, that the party of the first part, in consideration of

One (1.00) \_\_\_\_\_-dollar-,  
paid

lawful money of the United States,

by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

**ALL** that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate,  
lying and being in the City of Kingston, County of Ulster and State of  
New York, bounded and described as follows:

BEGINNING at a point on the northerly side of West Strand, said point being the southeasterly corner of the property conveyed by William F. Rafferty to Ann Harnen by deed dated August 18, 1922 and recorded in the Ulster County Clerk's Office in Book of Deeds No. 492 on page 14, running thence along the westerly bounds of the said property of Anna Harnen on a course of North 35 degrees west for a distance of 65.30 feet to the bounds of the lands of the heirs of Jacob Forst, deceased, thence along said bounds on a course of south 40 degrees, 46 minutes west for a distance of 47.20 feet to the bounds of the Barbara Schatzel estate, thence along the said bounds of the Schatzel estate, and the bounds of property formerly belonging to the Delaware and Hudson Canal Co., on a course of south 34 degrees 15 minutes east for a distance of 56.60 feet to the northerly side of the land, thence along the northerly side of said lane on a course of north 59 degrees, 45 minutes east for a distance of 14.90 feet to the northerly side of the aforesaid West Strand, thence along the northerly side of West Strand on a course of north 47 degrees 43 minutes east for a distance of 32.00 feet to the point or place of beginning.

BEING the same premises as conveyed to the Grantors by deed dated July 10, 1980 and recorded in the Ulster Co. Clerk's Office on July 14, 1980 in Liber 1431 of Deeds at page 469 and corrected thereafter by deed dated November 12, 1980 and recorded in the Ulster Co. Clerk's Office on November 20, 1980 in Liber 1438 of Deeds at page 137.

SUBJECT to a certain mortgage made by the Grantors to Rondout Savings Bank on December 28, 1987 and thereafter recorded in the Book of Mortgages in the Ulster Co. Clerk's Office.

TOGETHER with all right, title and interest, if any, of the party of the first part 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 the party of the first part in and to said premises,

TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part 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.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part 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.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.  
IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

  
REITA BANKS

  
SIDNEY KOHN



Ulster County  
Nina Postupack  
County Clerk  
Kingston, NY 12401



Volm-5492 Pg-329

Lot 35.1

Instrument Number: 2013-00001507

As

D01 - Deed

Parties: RONDOUT HISTORIC PROPERTIES INC

To

IRISH CULTURAL CENTER HUDSON VALLEY INC

Recorded By: MAIN ST TITLE

Comment:

\*\* Examined and Charged as Follows: \*\*

	Recording Charge:	Amount	Consideration	RS#/CS#	Basic	0.00	Tax Affidavit TP 584	5.00
D01 - Deed	60.00	RP5217-250		2126	Local	0.00		
Tax Transfer	600.00	150,000.00			Additional	0.00	Special Additional	0.00
KINGSTON CITY						0.00	Transfer	600.00
Tax Charge:	600.00							

\*\* THIS PAGE IS PART OF THE INSTRUMENT \*\*

I hereby certify that the within and foregoing was recorded in the Clerk's Office For: Ulster County,

File Information:

Document Number: 2013-00001507  
Receipt Number: 1229113  
Recorded Date/Time: January 28, 2013 02:52:19P  
Book-Vol/Pg: Bk-D VI-5492 Pg-329  
Cashier / Station: s smar / Cashier Workstation 6



*Nina Postupack*

Nina Postupack Ulster County Clerk

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT - THIS  
INSTRUMENT SHOULD BE USED BY LAWYERS ONLY

THIS INDENTURE, made the 25 day of January, 2013

BETWEEN

RONDOUT HISTORIC PROPERTIES, INC., a New York domestic  
corporation with offices located at 2732 Lucas Turnpike, Accord, NY 12404

party of the first part, and

IRISH CULTURAL CENTER HUDSON VALLEY, INC., a New York  
domestic corporation with offices located at 357 Broadway, Kingston, NY 12401

party of the second part,

WITNESSETH, that the party of the first part, in consideration of Ten Dollars, lawful  
money of the United States, and other valuable consideration paid by the party of the  
second part, does hereby grant and release unto the party of the second part, the heirs or  
successors and assigns of the party of the second part forever,

ALL THOSE PIECES OR PARCELS OF LAND situate in the City of  
Kingston, County of Ulster and State of New York, being more particularly  
bounded and described on "SCHEDULE A" annexed hereto and made a  
part hereof.

BEING the same premises conveyed to Rondout Historic Properties, Inc.  
by deeds dated June 19, 1992 and recorded in the Ulster County Clerk's  
Office on January 8, 1993 in Liber 2243 of Deeds at page 71 and at page  
79.

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

TOGETHER with the appurtenances and all the estate and rights of the party of the first  
part in and to said premises;

TO HAVE AND TO HOLD the premises herein granted unto the party of the second  
part, the heirs or successors and assigns of the party of the second part 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.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants  
that the party of the first part 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

✓ Main St. Title

CHECKED OC  
ENTERED SM  
MARKOFF \_\_\_\_\_

SCHEDULE A

**ALL THAT PIECE OR PARCEL OF LAND** situate in the City of Kingston, County of Ulster and State of New York, being more particularly bounded and described as follows:

BEGINNING at a set steel rod on the Southeasterly street line of Abeel Street, said steel rod being the Northeastern corner of lands of Deanna Baum (Liber 4440, page 223); thence along said street line of Abeel Street the following three courses and distances:

1. North 42° 35' 19" East 36.00 feet to a point; thence
2. North 32° 35' 19" East 27.00 feet to a point; thence
3. North 34° 05' 19" East 47.00 feet to a found steel rod, said steel rod being the Northwesterly corner of lands of Helen M. Flyn and Anthony T. Sanford (Liber 3888, page 240); thence

South 27° 24' 41" East, along the Southwesterly bounds of Flyn and Sanford, 182.67 feet to a set steel rod on the face of bluestone retaining wall on the Northwesterly bounds of lands of the City of Kingston known as "Company Hill Path"; thence along the last mentioned bounds, and along the face of said retaining wall, south 64° 15' 30" West, 25.06 feet to a point and South 69° 03' 44" West, 79.63 feet to a point, said point being the Southeasterly corner of lands of Baum; thence North 25° 20' 15" West, along the Northwesterly bounds of Baum, 156.44 feet to the point of beginning, the last course passing over a set steel rod distant 17.23 feet.

Being 18,726.2 square feet or 0.430 acre more or less.

All bearings are magnetic of March 1986 as surveyed by Michael F. Vetere, Jr., P.L.S. as shown on a map of the same dated February 1, 2012.

The above described premises intended to be the same as described in a deed to Rondout Historic Properties, Inc. dated June 19, 1992 and filed in the Ulster County Clerk's Office in Liber 2243 at page 72.

**AND ALSO ALL THAT PIECE OR PARCEL OF LAND** situate in the City of Kingston, County of Ulster and State of New York, being more particularly bounded and described as follows:

BEGINNING at a set steel rod on the Southeasterly street line of West Union Street, said steel rod being the Southweste[r]y corner of lands of Northeastern Conference Corporation of Seventy-Day Adventist (Liber 3403, page 291); thence South 62° 01' 19" East, along the Southwesterly bounds of lands of Northeastern Conference Corporation of Seventy-Day, 146.74 feet to a point on the Northwesterly Street line of Abeel Street, the last courses passing over a set steel rod distant 104.86 feet; thence South 36° 18' 15" West, along said street line of Abeel Street, 109.24 feet to a point, said point being the Southeasterly corner of lands of David Burleigh (Liber 4015, page 97), thence North 41° 04' 58" West, along the Northeastern bounds of Burleigh 135.12 feet to a set steel rod on the aforementioned Southeasterly street line of West Union Street, the last courses passing over a set steel rod distant 16.02 feet; thence North 23° 27' 59" East, along the last mentioned street line, 59.88 feet to the point of beginning.

Being 11,598.4 square feet or 0.266 acre more or less.

All bearings are magnetic of March 1986 as surveyed by Michael F. Vetere, Jr., P.L.S. as shown on map of the same dated February 1, 2012.

The above described premises intended to be the same as described in a deed to Rondout Historic Properties dated January 28, 1986 and filed in the Ulster County Clerk's Office in Liber 1677 at page 45.

*PC 10063  
SMB*

payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

**IN WITNESS WHEREOF**, the party of the first part has duly executed this deed the day and year first above written.

In Presence of:

RONDOUT HISTORIC PROPERTIES, INC.

By:   
RUTH BENDELIUS, President

STATE OF NEW YORK

COUNTY OF ULSTER

On January 25, 2013 before me, the undersigned, personally appeared RUTH BENDELIUS personally 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 she 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

Jan A Simonsen  
Notary Public, State of New York  
No. 0251477016  
President in and for Ulster County  
Commission Expires May 31, 2016

R&R to:

WILLIAM CLOONAN, ESQ.  
Cook Nettet Cloonan Kurtz & Murphy, P.C.  
85 Main Street  
Kingston, NY 12401

Section 56.43

Block 5	5
Lots 35, 17, 16, 15 and	
Section 56.43	
Block 3	
Lot 27	
City of Kingston, Ulster Co., NY	

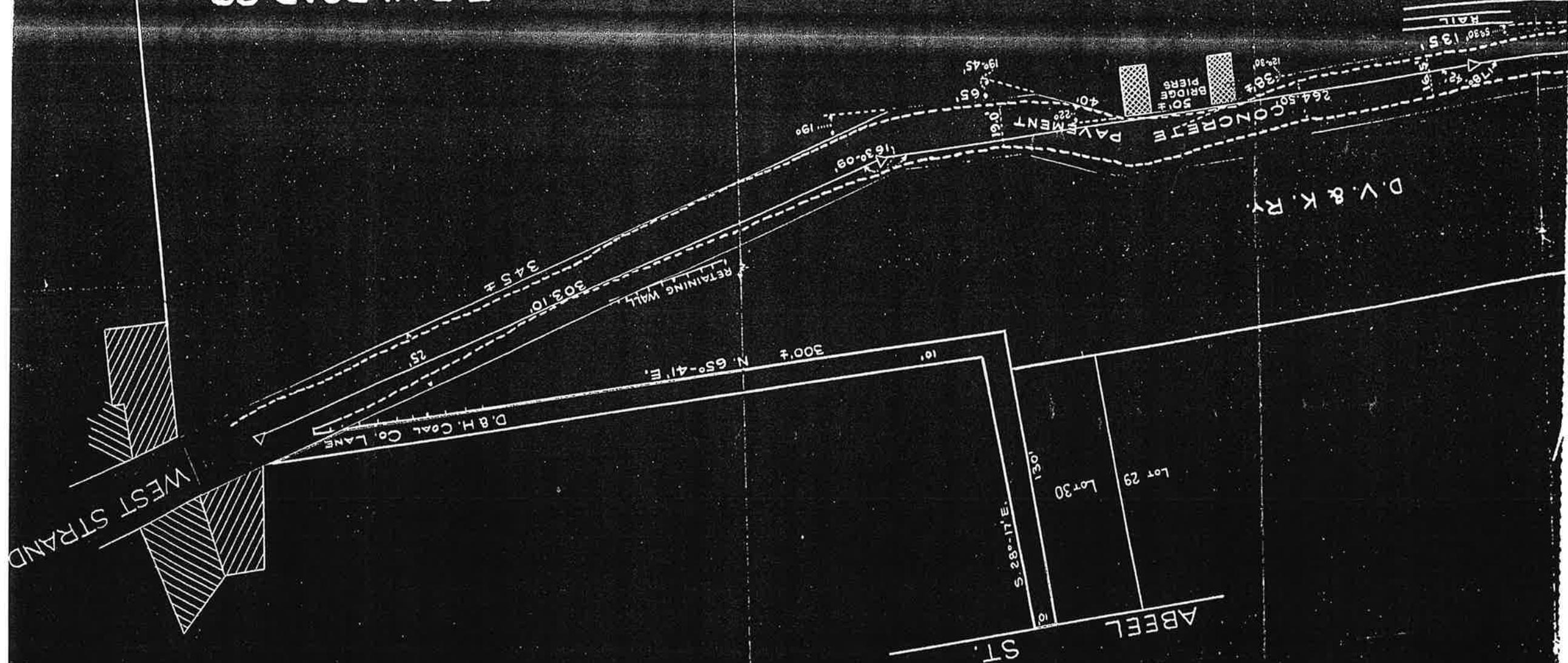
**ERIE RAILROAD CO.** — PLAN SHOWING LAND — TO BE DEDEDICATED TO CITY OF KINGSSTON

ERIE RAILROAD CO.

TO BE DEDICATED TO  
THE SILENT HEROES

CITY. KINGSSTON

WEST STRANE



APPROVED

*M. J. Schlesinger*  
GENERAL LAND AND TAX AGENT

1624

PLATTED

DE 15 11-6256-B

DEPT. OF THE TREASURY AND KELVINGTON  
WATERWAY COMPANY

KELVINGTON

1835  
2

No 1

July 29th

THIS INDENTURE, made this 29th day  
of July, A. D. 1935, between DELAWARE  
VALLEY AND KINGSTON RAILWAY COMPANY, a corporation of the  
State of New York, having its principal office at Port  
Jervis, New York, hereinafter called the Grantor; and CITY  
OF KINGSTON, a municipal corporation and political sub-  
division of Ulster County, New York, hereinafter called the  
Grantee,

WITNESSETH, THAT:

The said Grantor, in consideration of the sum of One Dollar (\$1.00) lawful money of the United States, and other good and valuable considerations unto it well and truly paid by said Grantee at or before the sealing and delivery of this Indenture, receipt whereof is hereby acknowledged, does hereby remise, release and quit-claim unto said Grantee, its successors and assigns, all those two certain pieces or parcels of land situated in the City of Kingston, Ulster County, New York, and bounded and described as follows:

PARCEL NUMBER ONE

A strip of land having a uniform width of twenty-five (25) feet extending easterly from the east line of Ravine Street through lands of said Grantor to its easterly property line at the west end of West Strand or Lackawanna Street, the southwesterly line of which is described as follows:

BEGINNING at the point where the east line of Ravine Street intersects the north dock line of what is known as the Delaware and Hudson Canal (Roundout Creek) and running thence northeasterly along said dock line six hundred sixty-five (665) feet to a point; thence still northeasterly, diverging from the preceding course by an angle of

thirteen degrees ( $13^\circ$ ) to the left, one hundred sixty-eight (168) feet to a point; thence still northeasterly, diverging from the preceding course by an angle of eleven degrees ( $11^\circ$ ) to the right, one hundred sixty (160) feet to a point; thence still northeasterly, diverging from the preceding course by an angle of five degrees thirty minutes ( $5^\circ 30'$ ) to the left, one hundred thirty-five (135) feet to a point; thence northeasterly, diverging from the preceding course by an angle of twelve degrees thirty minutes (12° 30') to the left, thirty-eight (38) feet, more or less, to the northwesterly corner of the west abutment of the bridge over Roadout Creek; thence still northeasterly, fifty (50) feet, more or less, to the northeasterly corner of the east abutment of said bridge; thence southeasterly, diverging from the preceding course by an angle of twenty-two degrees ( $22^\circ$ ) to the right, forty (40) feet to a point; thence still northeasterly, diverging from the preceding course by an angle of nineteen degrees forty-five minutes ( $19^\circ 45'$ ) to the left, sixty-five (65) feet to a point; thence still northeasterly, diverging from the preceding course by an angle of nineteen degrees ( $19^\circ$ ) to the left, three hundred forty-five (345) feet, more or less, to the easterly line of lands of said Grantor, at the angle point formed by the intersection of the southeasterly and southwesterly lines of West Strand or Lackawanna Street, the location of which is shown within red lines on the blueprint map hereto attached and made a part hereof, entitled:

"ERIE RAILROAD CO.  
Plan Showing Land  
To Be Dedicated To  
CITY OF KINGSTON  
For Street Purposes  
Scale 1 in. = 50 ft. -- Date Jun. 25, 1935.  
Office of General Land & Tax Agent  
Cleveland, Ohio.";

A strip of land having a uniform width of ten (10) feet, extending South twenty-eight degrees seventeen minutes East (S.  $28^\circ 17' E.$ ) from the southeasterly line of Abeel Street along and adjacent to the northeasterly line of Lot Thirty (30),

PARCEL NUMBER TWO

and the extension thereof, a distance of one hundred thirty (130) feet; thence North sixty-five degrees forty-<sup>one</sup> minutes East (N. 65° 41' E.) three hundred (300) feet, more or less, to the parcel of land hereinbefore described, the location of which is shown within yellow lines as "D. & H. Coal Company Line" on said map.

1930 TOGETHER with the appurtenances and all the estate and rights of said Grantor in and to said premises,

except as hereinafter provided: In consideration of the sum of One Thousand Dollars (\$1,000.00) paid by the Grantee to the Grantor, it is agreed as follows:

It is understood that the lands hereinbefore described forming part of lands covered by lease dated October 1, 1920, from the Grantor herein to Ulster and Delaware Railroad Company, which, it is understood, covers lands abutting on the southerly side of Parcel Number One hereinbefore

described. In the event, however, that actual survey shows that this conveyance includes any of the lands covered by said lease, this conveyance is made subject to said lease to that extent.

TO HAVE AND TO HOLD said premises unto said Grantee, its successors and assigns, so long as the same shall be used for the purposes of a public highway or highways.

IN WITNESS WHEREOF, said Grantor has caused this Indenture to be signed by its President and its corporate seal, duly affixed by its Secretary, to be hereunto affixed, Cleveland, Ohio, under and by authority of its Board of Directors, the day and year first hereinbefore written.

DELAWARE VALLEY AND KINGSTON RAILWAY COMPANY,

*B. H. Kelley*  
*C. E. Dean*

APPROVED  
George Land and Tax Agent  
Debtors

*O. H. Kelley*  
By  
*W. D. C. Schaeffer*  
Attest  
President  
Asst. Secretary