

ACCESS EASEMENT

THIS INDENTURE made the _____ day of _____, 20__ between the _____, with an office at _____, _____ (the "Grantor"), and the **CITY OF SYRACUSE**, a municipal corporation organized and existing pursuant to the laws of the State of New York, having its principal office at City Hall, 233 East Washington Street, Syracuse, New York 13202 (the "City").

RECITALS

WHEREAS, the _____ is the owner of certain real property located in the City of Syracuse, Onondaga County, State of New York, (the "Site"). _____ proposes to construct a certain stormwater pollution control facility (the "Stormwater Management Facility") that consists of the components described in Schedule A, which are located on the Project Site within the areas identified by the legal descriptions set forth on Schedule B (the "Stormwater Management Facility Premises").

WHEREAS, General Ordinance No. 53 of 2007 of the City of Syracuse (the "Ordinance") requires that the City of Syracuse be allowed access to the Stormwater Management Facility at reasonable times for periodic inspection by the City of Syracuse to ensure that the Stormwater Management Facility is maintained in proper working condition to meet design standards and any other provisions established by the Ordinance as set forth in a certain agreement dated as of _____, 200_ between the City of Syracuse and _____ and recorded in the Onondaga County Clerk's Office (the "Maintenance Agreement").

WHEREAS, the Grantor desires to provide for access to the Stormwater Management Facility Premises by the City of Syracuse to ensure that the Stormwater Management Facility is being properly maintained in accordance with the Maintenance Agreement.

NOW, THEREFORE, the Grantor, in consideration of Ten Dollars (\$10.00), lawful money of the United States, and other good and valuable consideration, the payment of which is hereby waived by the Grantor, does hereby grant unto the City, its successors or assigns forever, a permanent easement or right-of-way over the property of the Grantor, which easement is more particularly bounded and described on the attached Schedule "B" as follows:

1. The Recitals above are hereby incorporated into this Access Easement as if fully set forth herein.
2. Grantor does hereby grant to the City, for its benefit and that of its successors and assigns, the right, which shall run with the Stormwater Management Facility Premises, to:
 - (a) access the Stormwater Management Facility Premises at reasonable times upon notice to Grantor for periodic inspection to ensure that the Stormwater Management

Facility is being maintained in proper working condition as set forth in the Maintenance Agreement; and

(b) if Grantor does not maintain the Stormwater Management Facility as required by the Maintenance Agreement, to maintain, repair and preserve the continued operation and proper function of the Stormwater Management Facility.

3. In exercising its rights under this Access Easement, the City shall enter the Stormwater Management Facility Premises over routes as will occasion the least practicable damage and inconvenience to the Grantor.

4. The easements and rights created by this Access Easement shall be deemed to run with the land, and shall be for the benefit of and inure to the City, its successors and assigns, its agents, employees and business invitees, and shall burden the Stormwater Management Facility Premises perpetually.

5. This Access Easement shall be governed by and construed in accordance with the laws of the State of New York.

By: _____
Name:
Title:

STATE OF NEW YORK)
COUNTY OF ONONDAGA)ss.:

On the ____ day of _____, 2009, before me, the undersigned, a notary public in and for said State, personally appeared _____, 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 he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public

SCHEDULE A

1.0 PURPOSE AND SCOPE

The purpose of this Schedule is to describe the operation of the stormwater management facility following construction and the actions and schedule required for maintaining the components of that facility during the life of the project.

2.0 FACILITY DESCRIPTION

2.1 Project Location.

The stormwater management facility is located within the City of Syracuse, Onondaga County, New York, at _____ (the "Site"). The total property size is approximately seven ____ acres. The facility will serve the _____ Project. The Facility will be owned by _____, ("FACILITY OWNER") and operated by _____ ("Operator").

2.2 Project Description

The Project involves the _____ facilities for _____. Essentially, it consists of _____, along with infrastructure consisting of _____ and the associated stormwater management facility (the "Facility").

2.3 Facility Description

Generally, all stormwater entering or generated on the property will be collected into a _____ system where it will be temporarily stored and treated prior to release off site _____. Treatment and pre-treatment will be conducted through _____ system and storage will be handled in a _____ system and an _____.

Specifically, storm runoff will be collected _____ in _____ existing storm water detention basin on the _____ of the Site. _____, portions of the runoff requiring treatment will be collected and treated in an _____ and then carried _____. The remainder of the water from the Site will be conveyed directly _____, where it will flow _____.

Further details with respect to the design of the stormwater management features for the project, including all assumptions, calculations and a detailed description of the facility components, are included within the "Stormwater Management Report and Stormwater Pollution Prevention Plan

for the _____ Project at _____, prepared by
_____ Landscape Architects, dated _____, 200_
(hereinafter referred to as “SWPPP Report”).

SCHEDULE B

STORMWATER MANAGEMENT FACILITY PREMISES

Legal Description

ALL THAT TRACT OR PARCEL OF LAND situate in the City of Syracuse, County of Onondaga and State of New York, being