

AMENDMENT TO CONSERVATION EASEMENT

*[Lonestar Property – Village of Nelsonville]*

This AMENDMENT TO CONSERVATION EASEMENT (the “Amendment”) is made and entered into as of \_\_\_\_\_, 2020, between THE VILLAGE OF NELSONVILLE, a municipal corporation with an address of 258 Main Street, Nelsonville, New York 10516 (“Grantor”) and OPEN SPACE INSTITUTE LAND TRUST, INC., a New York not-for-profit corporation with an address of 1350 Broadway, Room 201, New York, New York 10018, formerly doing business as Beaverkill Conservancy, Inc. (collectively, “Grantee”).

WITNESSETH:

WHEREAS, Grantor conveyed to Grantee a certain Conservation Easement, executed on September 6, 2000, and recorded in the Office of the Clerk of Putnam County on September 19, 2000, at Liber 1523 of Deeds at Page 457 (the “Original Easement”) encumbering real property owned by Grantor consisting of approximately 112.64 acres located in the Village of Nelsonville, Putnam County, New York (the “Premises”); and

WHEREAS, Grantor owns an additional 4.1 acres of real property located in the Village of Nelsonville, Putnam County, New York shown on Putnam County Tax Maps as Tax Map Number 38.17-1-6 adjacent to the Original Property, and an additional 2.9 acres of real property located in the Village of Nelsonville, Putnam County, New York shown on Putnam County Tax Maps as Tax Map Number 38.13-1-2 (collectively, the “Additional Acreage”); and

WHEREAS, Grantor and Grantee mutually desire to amend the Original Easement to add the Additional Acreage to the Premises;

WHEREAS, the conservation of the Additional Acreage will yield benefits to the public by increasing the amount of protected land in the Hudson Highlands region, thereby enhancing the natural beauty of the region, which depends on outdoor recreation for economic prosperity;

NOW, THEREFORE, in consideration of the foregoing and the mutual covenants contained herein, the parties agree as follows:

A. The description of the Premises included as Exhibit A in the Original Easement shall be amended to include the Additional Acreage, such description being attached hereto as Schedule A (“Amended Description of Premises”) and depicted on the map attached hereto as Schedule B (“Amended Map of Premises”).

B. The ability of Grantor to place structures on the Additional Acreage shall be governed by the process indicated in Section 3.3 of the Original Easement; nevertheless, Grantor and Grantee acknowledge that one non-commercial, community benefit structure (*e.g.* a youth center, public restroom, educational facility, playground, public drinking water well or similar improvement) shall be presumed to be compatible with the scenic and recreational values protected by the Original Easement and this Amendment, so long as such structure does not impair any wetlands regulated by the New York State Department of Environmental Conservation and is located on the portion of the Additional Acreage shown as Tax Map Number 38.17-1-6 on Schedule B; notwithstanding the foregoing, non-commercial, community benefit structure shall not include a cellular communications tower or structure.

C. With the exception of the foregoing, the Conservation Easement is ratified and affirmed in all respects.

IN WITNESS WHEREOF, the parties have set their hands on the date first set forth above.

**GRANTOR**

THE VILLAGE OF NELSONVILLE

\_\_\_\_\_

By:

Title:

**GRANTEE**

OPEN SPACE INSTITUTE LAND TRUST,  
INC.

\_\_\_\_\_

By:

Title:

Attachments:

Schedule A (Amended Description of Premises)

Schedule B (Amended Map of Premises)

STATE OF NEW YORK )

COUNTY OF ) ss  
)

On the \_\_\_\_ day of \_\_\_\_\_, 20\_\_, before me, the undersigned, 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/she/they executed the same in his/her/their capacity, and that by such signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.  
amend

\_\_\_\_\_  
Notary Public

STATE OF NEW YORK )  
) ss  
COUNTY OF )

On the \_\_\_\_ day of \_\_\_\_\_, 20\_\_, before me, the undersigned, 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/she/they executed the same in his/her/their capacity, and that by such signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

\_\_\_\_\_  
Notary Public

Record and Return:

Kevin Webb, Esq.  
Staff Attorney  
Open Space Institute  
1350 Broadway, Suite 201  
New York, NY 10018

Schedule A

Amended Description of Premises

[Attached]

Schedule B

Amended Map of Premises

[Attached]