

- ☼ **Call to Order**
- ☼ **Pledge of Allegiance**
- ☼ **Roll Call:**

Council Member		Present	Excused	Not Present
Landisi, Jerry	Ward One			
Kelly, Charles	Ward Two			
Casale, Randy	Ward Three			
Pasti, Sara	Ward Four			
Fredericks, Marlene	At Large			
Mansfield, George	At Large			
Mayor Gold				
City Administrator, M. Robson				
City Attorney, N. Ward-Willis				

NEW BUSINESS:

☼ **Resolutions:**

1. Consideration of easement agreement between Mechtronics and the City of Beacon

☼ **Next Workshop:** **Monday, June 14, 2010**

☼ **Next Council Meeting:** **Monday, June 21, 2010**

☼ **Adjournment**

CITY OF BEACON

CITY COUNCIL

Resolution No. _____ of 2010

**RESOLUTION GRANTING EASEMENT ON CITY PROPERTY
SITUATED ON PROSPECT STREET TO
RICHARD J. FELLINGER REALTY HOLDING COMPANY, LLC**

WHEREAS, the City of Beacon is the owner of real property consisting of a lot of +/- 5.201 acres situated on Prospect Street and identified on the Tax Map as Parcel Number 6055-04-542315 (the "Property"); and

WHEREAS, Richard J. Fellingenger Realty Holding Company, LLC, which has a street address of 511 Fishkill Avenue, Beacon, New York is the adjoining property owner to the Southeast; and

WHEREAS, Richard J. Fellingenger Realty Holding Company, LLC, has requested that the City impose upon the City's property a restrictive covenant whereby the City agrees not to erect, enlarge or maintain any building or structure or any appurtenance connected or attached thereto on its Property that is less than twenty (20) feet from its southerly property line running easterly and westerly along the lands and belonging to Richard J. Fellingenger Realty Holding Company, LLC; and

NOW, THEREFORE BE IT RESOLVED, that the City Council authorizes the entering into of such restrictive covenant and that the Mayor is authorized to execute the restrictive covenant and any and all documents necessary for the recording of the restrictive covenant.

INDENTURE
MUTUAL RESTRICTIVE COVENANTS TO RUN WITH THE LAND

INDENTURE made as of this _____ day of June, 2010, by and between RICHARD J. FELLINGER REALTY HOLDING NY, LLC, a New York limited liability company (hereinafter, "RJF Realty Holding") and the CITY OF BEACON, NEW YORK, a municipality of the State of New York hereinafter, the "City of Beacon").

WHEREAS, RJF Realty Holding company is the fee simple owner parcel of that certain of land, consisting of 10.33 acres, and improvements thereon with the street address of 51 I Fishkill Avenue, City of Beacon, County of Dutchess, State of New York 12508 and having Tax Map No. 0200-6055-04-580285 (hereinafter the "RJF Realty Real Property");

WHEREAS, The City of Beacon is the fee simple owner of that certain parcel of land, consisting of 5.201 acres, and improvements thereon with the street address of 497 Fishkill Avenue, City of Beacon, County of Dutchess, State of New York 12508 and having the Parcel I.D./Tax I.D. No. 6055-04-542315 (hereinafter the "City of Beacon Real Property").

WHEREAS, the parties hereto have agreed to the restrictions contained herein regarding the location of structures on their respective, adjoining real properties for their mutual benefits' it being the intent of the parties to maintain the existing status quo in regard their to compliance with applicable provision of the Fire code of New York State that require their respective buildings be surrounded and adjoined by public ways or yards not less than 60 feet in width.

Now, THEREFORE, in consideration of \$1 paid by each party to the other, the receipt of which is hereby acknowledged, and in consideration of the mutual covenants contained herein and other good and valuable consideration, the parties hereto agree and covenant in perpetuity as follows:

1. The following restrictive covenant hereby applies in perpetuity to the RJF Realty Real Property and shall run with the land:

No building or structure on the RJF Realty property, nor any appurtenance connected or attached to such building or structure, shall be erected, enlarged or maintained that is less than 40 feet from its property line abutting and running along the adjoining property of the City of Beacon Property.

2. The following restrictive covenant hereby applies in perpetuity to the City of Beacon Real Property and shall run with the land:

No building or structure on the City of Beacon Property, nor any appurtenance connected or attached to such building or structure, shall be enlarged, erected or maintained less than 20 feet from its property line abutting and running along the

adjoining property of RJF Realty property.

3. The restrictions contained herein shall be deemed restrictions running with the land and shall inure to the benefit of and be enforceable by persons and parties claiming under them.

4. Either party hereto may cause of copy of this Indenture to be filed and recorded in the Deeds and Records Office of the Clerk of the County of Dutchess, State of New York, and/or such other governmental offices deemed necessary or desirable to the enforcement thereof.

5. The parties hereto further agree that, upon any conveyance of their respective Real Properties, the party's restrictive covenant contained herein applicable to such party's Real Property shall be included in the deed thereto; provided, however, the failure to include such restrictive covenant shall in no way affect enforceability of these mutual restrictive covenants running with the land, by any and all subsequent title holders.

IN WITNESS WHEREOF, RJF Realty Holding and the City of Beacon have caused this Indenture of Mutual Restrictive Covenants to Run with the Land to be executed as of June ____, 2010.

RICHARD J. FELLINGER REALTY HOLDING COMPANY, LLC

By: _____
Richard J. Fellingner, Manager

CITY OF BEACON

By: _____
The Honorable Steve K. Gold, Mayor

ACKNOWLEDGEMENTS

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

On this ____ day of June, 2010, before me, the undersigned, came RICHARD J. FELLINGER, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person(s) upon behalf of which the individual(s) acted, executed the instrument.

Notary Public

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

On this ____ day of June, 2010, before me, the undersigned, came STEVE K. GOLD, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person(s) upon behalf of which the individual(s) acted, executed the instrument.

Notary Public