



**Albany County Clerk  
16 Eagle St. Rm 128  
Albany, NY 12207**

**Return to:**

**SHEVY LAW FIRM  
7 EXECUTIVE CENTRE DR  
ALBANY NY 12203**

**Instrument: Deed**

**Document Number: 11548040 Book: 3089 Page: 272**

**Grantor**

HERZOG, JACOB H  
HERZOG, ARLENE

**Grantee**

MILLER, KENNETH J

Number of Pages: 7

Transfer Tax Receipt  
Albany County Clerk Received:  
Trans Tax # 3368  
.....\$0.00

Recorded Date/Time: 01/21/2014 at 8:54 AM

Receipt Number: 807479

Note: **\*\*DO NOT REMOVE - THIS PAGE IS PART OF THE DOCUMENT \*\***  
THIS PAGE CONSTITUTES THE CLERK'S ENDORSEMENT, REQUIRED BY SECTION 316-a(5) &  
319 OF THE REAL PROPERTY LAW OF THE STATE OF NEW YORK.

Bruce A Hidley, County Clerk

Record & Return to:  
 The Shevy Law Firm LLC  
 7 Executive Centre Drive  
 Albany, New York 12203

Albany County Clerk  
 Deed Books (Record Room)  
 Book 3089 Page 273



THIS INDENTURE, Made the 12 day of December, 2013 between **JACOB H. HERZOG** and **ARLENE HERZOG**, his wife, residing at 17 Chickory Lane, Slingerlands, New York 12159, the Grantors, and **KENNETH J. MILLER**, residing at 2108 New Scotland Road, Slingerlands, New York 12159, the Grantee.

**WITNESSETH** that the Grantors, in consideration of One and no/100-Dollar (\$1.00) lawful money of the United States, and other good and valuable consideration paid by the Grantee, do hereby remise, release and quitclaim unto the Grantee, the Grantee's heirs and assigns forever,

**SEE ATTACHED SCHEDULE "A"**

**BEING** the same premises described in a deed by The Owasco River Railway, Inc., a New York Corporation, to Jacob H. Herzog and Arlene Herzog, his wife, dated July 19, 1988 and recorded in the Albany County Clerk's Office on June 29, 1989 in Liber 2394 of Deeds at Page 962.

**Together** with appurtenances and all the estate and rights of the Grantors in and to said premises;

**To have and to hold** the premises herein granted unto the Grantee, the Grantee's heirs and assigns forever.

**And** said Grantors covenant as follows:

**First**, That the Grantee shall quietly enjoy the said premises;

**Second**, That said Grantors will forever Warrant the title to said premises;

**Third**, That in Compliance with Sec. 13 of the Lien Law, the Grantors 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.

Albany County Clerk  
 Document Number 11548040  
 Rcvd 01/21/2014 8:54:25 AM





**SCHEDULE 'A'**

**ALL THOSE TWO PARCELS OF LAND** situate in the town of New Scotland, County of Albany and State of New York, being designated Parcel NYM 100 39-8 "A" and NYM 100 29-8 "B" on a Map of Survey made by Paul E. Hite, Licensed Land Surveyor No. 45369, dated December 30, 1977, and being separately bounded and described according to said Map as follows, viz:

PARCEL NYM 100 39-8 "A"

BEGINNING at a point in the southerly line of N.Y.S. Route 85 (New Scotland Road) at its point of intersection with the southwesterly line of a parcel of land formerly conveyed to the New York Westshore & Buffalo Railway Company by deed dated October 16, 1883 and recorded in the Office of the Albany County Clerk in book of deed 353 page 414;

THENCE running from said point of beginning North 78 degrees 49 minutes 50 seconds East along the southerly line of said N.Y.S. Route 85 (New Scotland Road), for a distance of 73.30 feet to its point of intersection with the southwesterly line of parcels of land conveyed to Saratoga & Hudson River Railroad by deed dated December 16, 1864 and recorded as aforesaid in book of deeds 191 page 101, deed dated December 9, 1864, recorded as aforesaid in book of deeds 192 page 29 and deed dated November 30, 1864 recorded as aforesaid in book of deeds 191 page 74, said southwesterly line being 56.00 feet southwesterly of and parallel with the original centerline of the Saratoga & Hudson River Railroad;

THENCE South 27 degrees 04 minutes 00 seconds East along said southwesterly line and the prolongation southeasterly thereof through a parcel of land conveyed to New York State Realty & Terminal Company by deed dated July 30, 1926 and recorded as aforesaid in book of deeds 779 page 67 with an interior angle of 105 degrees 53 minutes 51 minutes measured from the last mentioned southerly line of N.Y.S. Route 85 (New Scotland Road), for a distance of 3686.12 feet to its point of intersection with the most southerly line of the abovementioned parcel of land conveyed in book of deeds 779 page 67;

THENCE South 84 degrees 09 minutes 00 seconds West along the southerly line of said parcel of land with an interior angle of 68 degrees 47 minutes 00 seconds measured from the last mentioned line, for a distance of 372.94 feet to a point;

THENCE North 35 degrees 35 minutes 00 seconds West along the southwesterly line of said parcel of land with an interior angle of 119 degrees 44 minutes 00 seconds measured from the last mentioned line, for a distance of 109.80 feet to a point;

THENCE South 85 degrees 31 minutes 00 seconds West along the southerly line of said parcel of land with an interior angle of 238 degrees 54 minutes 00 seconds measured from the last mentioned line, for a distance of 78.41 feet to a point in the southwesterly line of said parcel of land, said southwesterly line being the northeasterly line of a parcel of land formerly conveyed to Adirondack and Southern, Inc. now Niagara Mohawk Power Corp.;

THENCE North 24 degrees 29 minutes 00 seconds West along said southwesterly line, the southwesterly line of a parcel of land conveyed to New York State Realty & Terminal Company by deed dated July 1, 1926 and recorded as aforesaid in book of deeds 779 page 47 and the northeasterly line of the aforesaid lands conveyed to Adirondack and Southern, Inc. now Niagara Mohawk Power Corp. with an interior angle of 110 degrees 00 minutes 00 seconds measured from the last mentioned line, for a distance of 1172.89 feet to an angle point therein;

THENCE North 36 degrees 04 minutes 00 seconds West continuing along the southwesterly line of lands conveyed in book of deeds 779 page 47 and the northeasterly line of lands of Niagara Mohawk Power Corp. with an interior angle of 191 degrees 35 minutes 00 seconds measured from the last mentioned line, for a distance of 1009.12 feet to a point;

THENCE North 20 degrees 28 minutes 00 seconds West along the westerly line of lands conveyed in book of deeds 779 page 47 with an interior angle of 164 degrees 24 minutes 00 seconds measured from the last mentioned line, for a distance of 177.67 feet to a point;

THENCE North 66 degrees 42 minutes 00 seconds East along the northwesterly line of said lands with an interior angle of 92 degrees 50 minutes 00 seconds measured from the last mentioned line, for a distance of 451.37 feet to its point of intersection with the first mentioned southwesterly line of lands conveyed in book of deed 353 page 414;

THENCE North 27 degrees 04 minutes 00 seconds West along said first mentioned southwesterly line with an interior angle of 273 degrees 46 minutes 00 seconds measured from the last mentioned line, for a distance of 117.30 feet to the point of beginning making an interior angle of 74 degrees 06 minutes 09 seconds measured from the last mentioned line to the first mentioned southerly line of N.Y.S. Route 85 (New Scotland Road).

CONTAINING 1,178,297.941 square feet or 27.050 acres, more or less.

PARCEL NYM 100 39-8 "B"

BEGINNING at a point in the southwesterly line of a parcel of land formerly conveyed to Adirondack and Southern, Inc. now Niagara Mohawk Power Corp. at its point of intersection with the southerly line of a parcel of land formerly conveyed to the New

York State Realty & Terminal Company by deed dated July 30, 1926 and recorded in the office of the Albany County Clerk in book of deeds 779 page 67;

THENCE running from said point of beginning South 85 degrees 31 minutes 00 seconds West along the southerly line of said parcel of land, for a distance of 918.85 feet to a point;

THENCE North 11 degrees 36 minutes 00 seconds West along the westerly line of said parcel of land with an interior angle of 97 degrees 07 minutes 00 seconds measured from the last mentioned line, for a distance of 556.73 feet to a point;

THENCE North 65 degrees 17 minutes 00 seconds East along the northwesterly line of said parcel of land with an interior angle of 103 degrees 07 minutes 00 seconds measured from the last mentioned line, for a distance of 547.80 feet to the southwest corner of a parcel of land formerly conveyed to the New York State Realty & Terminal Company by deed dated July 1, 1926 and recorded as aforesaid in book of deeds 779 page 47;

THENCE North 20 degrees 28 minutes 00 seconds West along the westerly line of said parcel of land with an interior angle of 265 degrees 45 minutes 00 seconds measured from the last mentioned line for a distance of 897.11 feet to its point of intersection with the southwesterly line of the aforesaid lands conveyed to Adirondack and Southern, Inc. now Niagara Mohawk Power Corp.;

THENCE South 36 degrees 04 minutes 00 seconds East along the northeasterly line of lands conveyed in book of deeds 779 page 47 and the southwesterly line of lands of Niagara Mohawk Power Corp. with an interior angle of 15 degrees 36 minutes 00 seconds measured from the last mentioned line, for a distance of 640.81 feet to an angle point therein;

THENCE South 24 degrees 29 minutes 00 seconds East continuing along the northeasterly line of said lands, the northeasterly line of the first mentioned lands conveyed in book of deeds 779 page 67 and the southwesterly line of lands of Niagara Mohawk Power Corp. with an interior angle of 168 degrees 25 minutes 00 seconds measured from the last mentioned line, for a distance of 1126.35 feet to the point of beginning making an interior angle of 70 degrees 00 minutes 00 seconds measured from the last mentioned line to the first mentioned southerly line of lands conveyed in book of deeds 779 page 67.

CONTAINING 674,506.363 feet or 15.484 acres, more or less.

BEING part of the property which was acquired by the New York West Shore and Buffalo Railway Company from Edmund Crawford, et ux, by deed dated October 1, 1883, and recorded in the Office of the Clerk of Albany County in Liber 353 at page 414 and part of the property which was acquired by New York State Realty and Terminal Company under and by virtue of the following deeds from: (1) Abram H. Blessing, et ux, dated July 30, 1927, and recorded in the Office of the Clerk of Albany County in Liber

779 at page 67; and (2) Horace Taylor, et al, dated July 1, 1926, and recorded in the Office of the Clerk of Albany County in Liber 779 at page 47.

RESERVING UNTO The Owasco River Railway, Inc. permanent and perpetual easements in gross, freely alienable and assignable by The Owasco River Railway, Inc. for all existing wire and pipe facilities or occupations whether or not covered by license or agreement between The Owasco River Railway, Inc. and other parties, of record or not of record, that in any way encumber or affect the premises conveyed herein, and all rentals, fees and considerations resulting from such occupations, agreements and licenses and from the assignment or conveyance of such easement.

SUBJECT, however, to the state of facts disclosed by the above mentioned plan of survey.

GRANTEE acknowledges and agrees that:

- (1) No right or means of access to or from the aforesaid parcel NYM-100-39-8 "B" included herein, whether specifically or by implication, across any adjacent property of the Owasco River Railway, Inc. or otherwise; and
- (2) Should a claim adverse to the title hereby quitclaimed be asserted and/or proved, no recourse shall be had against the Owasco River Railway, Inc.