

**DECLARATION OF EASEMENT AND  
MAINTENANCE AGREEMENT**

**WHEREAS**, undersigned are the owners of adjoining parcels of land situate along the eastern side of Old Albany Post Road, in the Town of Ossining, County of Westchester and State of New York, comprising of Lots 2 and 3 in the “Opa Homes” Subdivision; said Subdivision being also known as Filed Plat 28583, which was filed in the Office of the Clerk of Westchester County on June 6, 2012; and

**WHEREAS**,  
**JOHN R. FUSSELL, President of**  
**RAYFORD DEVERNE, INC.**, with an office at  
1A Summerland Lane, Briarcliff Manor, NY 12510  
Is owner of said Lot 3; and

**WHEREAS**,  
**MANIJEH KIANI SHABESTARI**, residing at  
52 Old Albany Post Road, Ossining, NY 10562  
Is owner of said Lot 2, in said Plat; and

**WHEREAS**, the parties herein wish to grant easement for ingress and egress, for the mutual benefit of the parties, and their successors in title for the use of existing masonry stairs that lead to the rear yards of each party’s land; and

**WHEREAS**, the parties herein agree to grant an easement for the benefit of said Lot 2 as more particularly described in LEGAL DESCRIPTION SCHEDULE A-2, attached hereto; and

**WHEREAS**, the parties herein agree to grant an easement for the benefit of said Lot 3 as more particularly described in LEGAL DESCRIPTION SCHEDULE A-3, attached hereto; and

**WHEREAS**, the owners and their successors in interest to the above mentioned lots shall share the expense of maintaining said; and

**NOW THEREFORE**, pursuant to this Declaration, the parties herein grant said mutually beneficial easement to be recorded in the Office of the Westchester County Clerk, White Plains, New York and shall be binding upon and inure to the benefit of the each lot owner, his or her heirs, successors and assigns

IN WITNESS THEREOF, the undersigned has set her hand and seal the date written above.

Dated: November \_\_\_\_\_, 2020

By:

RAYFORD DEVERNE, INC.

\_\_\_\_\_  
MANIJEH KIANI SHABESTARI

by:\_\_\_\_\_  
JOHN R. FUSSELL

ACKNOWLEDGMENTS:

STATE OF NEW YORK         )  
COUNTY OF WESTCHESTER )

On the \_\_\_\_\_ day of November in the year 2020 before me, the undersigned JOHN R. FUSSELL, personally known 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 their capacity as PRESIDENT OF RAYFORD DEVERNE, INC., owner, and that by his signature on the instrument, the individual, executed the instrument.

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

STATE OF NEW YORK         )  
COUNTY OF WESTCHESTER )

On the \_\_\_\_\_ day of November in the year 2020 before me, the undersigned MANIJEH KIANI SHABESTARI, personally known to me on the basis of satisfactory evidence to be the individual whose name are subscribed to the within instrument and acknowledged to me that she executed the same, in her capacity as owner, and that by her signature on the instrument, the individual, executed the instrument.

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

Record & return to:  
NOVIELLO & NOVIELLO, ESQS.  
77 Hughson Road  
Carmel, NY 10512  
(845) 225-4004  
[Matthew@MatthewNoviello.com](mailto:Matthew@MatthewNoviello.com)

State of New York  
County of Westchester  
Town of Ossining  
Tax Map §     80.14  
Block           2  
Lots            87.2 & 87.3

LEGAL DESCRIPTION SCHEDULE A-2  
EASEMENT FOR INGRESS & EGRESS  
FOR THE BENEFIT OF FILED PLAT 28583 LOT 2

All that piece parcel or lot in the Town of Ossining, County of Westchester, State of New York along the northerly side of Lot 3 as shown on a certain Plat known as "Opa Homes". Said Plat having been filed in the office of the Clerk of the County of Westchester on \*\*\*\* as Map 28583; and more particularly described below:

BEGINNING at a point along said north side of said Lot 3, distant 44.80 feet along said north side of Lot 3 from the east side of Old Albany Post Road;

THENCE along south into Lot 3 South  $12^{\circ} 47' 28''$  West 2.00 feet;

THENCE through said Lot 3 South  $77^{\circ} 12' 32''$  East 27.85 feet;

THENCE through said Lot 3 to the north line of said Lot 3 North  $12^{\circ} 47' 28''$  East 2.00 feet;

THENCE along said north line of Lot 3 North  $77^{\circ} 12' 32''$  West 27.85 feet, to said point or place of BEGINNING.

Containing or intending to contain about 55.70 square feet or about 0.001 acres of land.

LEGAL DESCRIPTION SCHEDULE A-3  
EASEMENT FOR INGRESS & EGRESS  
FOR THE BENEFIT OF FILED PLAT 28583 LOT 3

All that piece parcel or lot in the Town of Ossining, County of Westchester, State of New York along the northerly side of Lot 3 as shown on a certain Plat known as "Opa Homes". Said Plat having been filed in the office of the Clerk of the County of Westchester on \*\*\*\* as Map 28583; and more particularly described below:

BEGINNING at a point along said north side of said Lot 3, distant 44.80 feet along said north side of Lot 3 from the east side of Old Albany Post Road;

THENCE along north into Lot 2 North  $12^{\circ} 47' 28''$  East 2.00 feet;

THENCE through said Lot 2 South  $77^{\circ} 12' 32''$  East 27.85 feet;

THENCE through said Lot 2 to the north line of said Lot 3 South  $12^{\circ} 47' 28''$  West 2.00 feet;

THENCE along said north line of Lot 3 North  $77^{\circ} 12' 32''$  West 27.85 feet, to said point or place of BEGINNING.

Containing or intending to contain about 55.70 square feet or about 0.001 acres of land.