

ATTACHMENT 1

SURVEY MAP, AND DRAFT LOCAL LAW
AMMENDMENT WITH DESCRIPTIONS

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PART OF LOT 54, T.13, R.7
TOWN OF AMHERST
 ERIE COUNTY NEW YORK

WEST LINE OF LAND CONVEYED TO EDWARD A. HENRY L. 6602 P.329
 WEST LINE OF LOT 54, T.13, R.7

PARALLEL WITH SOUTH LINE OF LOT 54

-----2588'17-----
 -----2554'38-----

NATIONAL FUEL GAS CORPORATION 2580'29
 SOUTH LINE OF LOT 54, T.13, R.7

SCALE: 1"=200'

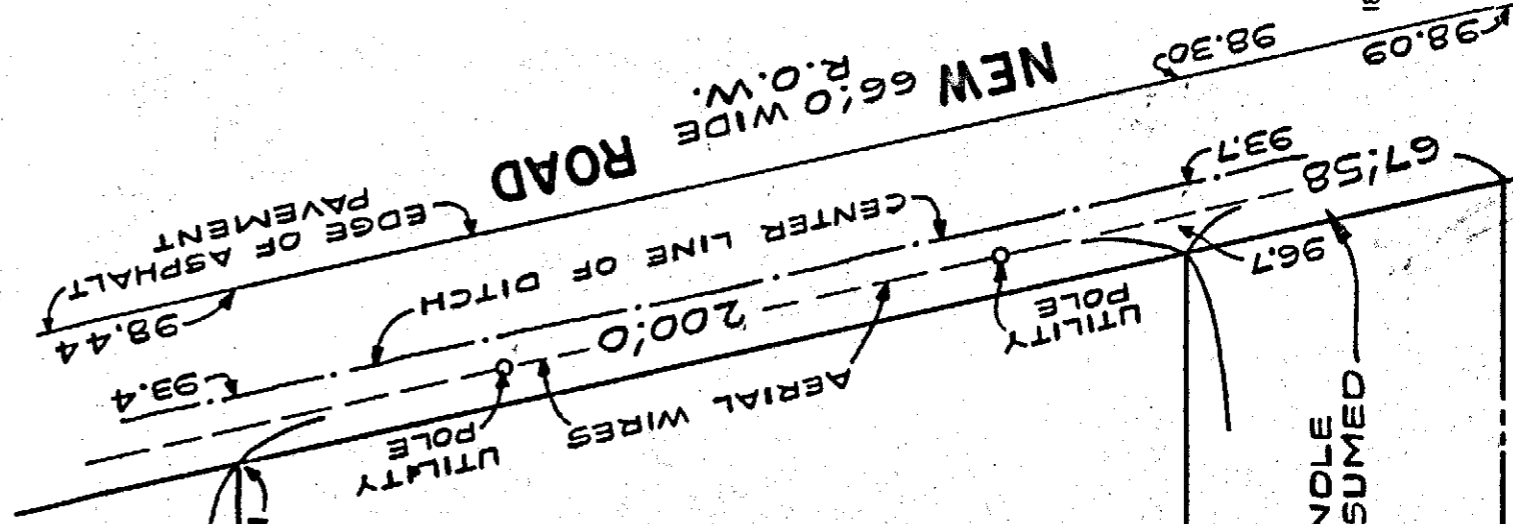
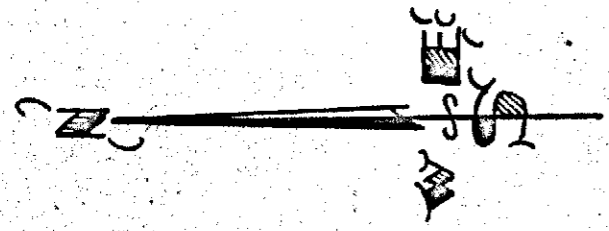
NEW ROAD 66'0" WIDE
 200'0" 200'0" 67'58" 67'58" 33'79" 33'79" 0'0" 33'0"

NORTHEAST CORNER OF LAND CONVEYED TO IROQUOIS GAS CORPORATION L. 7431 P. 136

SEE DETAIL A

737' 10' ±
 Limit of requested Zoning change
 780' 10' ±

PARALLEL LINES



BENCH MARK:
 TOP OF OPERATING SPINDLE
 ON FIRE HYDRANT: ASSUMED
 EL. 100.00

SOUTH LINE OF LOT 54
 T.13, R.7

DETAIL A

SCALE: 1"=40'

- NOTES:
- ELEVATIONS ARE SHOWN ABOVE AN ASSUMED DATUM.
 - NO INVESTIGATION MADE FOR SUBSURFACE UTILITIES SERVING PREMISES.

PREPARED BY
 CHARLES G. BOUGHTON III
 LAND SURVEYOR
 182 MELODY LANE
 TONAWANDA, N. Y.

SCALE AS NOTED
 DATE: SEPT. 3, 1984
 NO. 84-32

OCT 11 1984

Altering any item on this map is in violation of the law, excepting as provided in Section 7205, Part 2 of the New York State Education Law.

2-26-84

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DECLARATION OF RESTRICTIONS

WHEREAS, Cimato Enterprises, Inc., is owner of certain premises commonly known as 800 New Road, in the Town of Amherst, County of Erie, and State of New York, having purchased said property on **Month xx, 2023**, and which property is more particularly described in "Exhibit A" attached hereto and made a part hereof, and prior to which purchase said Cimato Enterprises, Inc. applied to the Town Board of the Town of Amherst to have a portion of the premises re-zoned from SA to GB to permit the applicant to use said premises as a nursery and landscaping contract business; and

WHEREAS, said Town Board at a regular meeting held on **Month xx, 2023**, (following a public hearing on said application and after Notice of Hearing was duly given and published as provided by law), approved the said application to re-zone that portion described in Exhibit B, attached hereto and made a part hereof, from SA to GB and which approval was based on the condition that the primary use of said portion be a nursery and the secondary use be a landscaping contract business;

NOW, THERFORE, in accordance with said approval and amendment, the owner, CIMATO ENTERPRISES, INC., does hereby declare that the portion of real property described in Exhibit B attached hereto shall be hereafter held and conveyed subject to the following covenants, restrictions, and conditions which shall run with the land, to wit:

1. That said parcel, together with any additions or improvement thereon, shall solely and exclusively have a primary use as a nursery and a secondary use as a landscaping contract business only as stated above, and shall not be at any time devoted to any other business use unless consented to or approved by the Town Board of the Town of Amherst.
2. The provisions herein contained shall be enforceable by the Town of Amherst in the event of a failure of the owner, its grantees, successors, or assigns, to comply with the provisions of this Declaration of Restrictions, but the failure of said Town of Amherst to enforce any such covenants, restrictions and conditions at any time shall in no event be deemed a waiver of the right to do so thereafter.
3. This Declaration of the Town Board of the Town of Amherst.

IN WITNESS WHEREOF, the said CIMATO ENTERPRISES, INC., by FERDINANDO CIMATO, PRESIDENT, has caused this instrument to be executed this **XX day of Month, 2023**.

CIMATO ENTERPRISES, INC.

FERDINANDO CIMATO, PRESIDENT

STATE OF NEW YORK)

COUNTY OF ERIE) SS:

TOWN OF AMHERST)

On this XX day of Month, 2023, before me personally came FERDINANDO CIMATO, to me personally known, who, being by me duly sworn, did depose and say that he resides in East Amherst, New York; that he is President of Cimato Enterprises, Inc., the corporation described in, and which executed, the within instrument; that he knows the seal of said corporation and that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said corporation; and that he signed his name thereto by like order.

(notary public)

EXHIBIT A

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Amherst, County of Erie and State of New York, being part of Lot No. 54, Township 13, Range 7 of the Holland Land Company's Survey, described as follows:

BEGINNING at a point in the center line of New Road sixty-seven and sixty-four hundredths (67.64) feet measured along said center line, northerly from the south line of said Lot No. 54, said point being the northeast corner of premises conveyed to Iroquois Gas Corporation by deed recorded in the Erie County Clerk's Office in Liber 7431 of Deeds Page 136; thence northerly or northwesterly along the center line of New Road two hundred (200) feet to a point; thence westerly parallel to the south line of said Lot No. 54, two thousand five hundred eighty-eight and seventeen hundredths (2,588.17) feet to the west line of premises conveyed to Edward A. Henry by deed recorded in the Erie County Clerk's Office in Liber 6602 of Deeds Page 329 and the west line of Lot No. 54' thence southerly along said westerly line one hundred ninety-six and seven hundredths (196.07) feet to the northerly line of premises conveyed to Iroquois Gas Corporation by deed aforesaid; thence easterly along said northerly line and parallel to the south line of said Lot No. 54, two thousand six hundred fourteen and eight hundredths (2,614.08) feet to the point of beginning.

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EXHIBIT B

ALL THE TRACT OF PARCEL LAND situate in the Town of Amherst, County of Erie and State of New York, being part of Farm Lot 54, Township 13, Range 7 of the Holland Company's Survey, bounded and described as follows:

Beginning at a point in the center line of New Road 66 feet measured at right angles, 67.64 feet measured along said center line, northerly from the south line of said lot No. 54, said point being the northeast corner of premises conveyed to Iroquois Gas Corporation by deed recorded in Erie County Clerk's Office in Liber 7431 of deed at page 136, thence westerly parallel with the southerly line of Lot 54 and along the northerly line of premises of Iroquois Gas Corporation a distance of 780.00 feet to a point; thence northerly at right angles a distance of 195.32 feet to a point; thence easterly parallel with the southerly line of lot 54, a distance of 737.0 feet to a point in the center line of New Road; thence southerly along the center line of New Road 200.0 feet to point of beginning, containing 148,150 square feet of land or 3.40 acres.

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