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ERIE COUNTY CLERK'S OFFICE

County Clerk's Recording Page

Return to:
ROBERT M GRABER
ERIE COUNTY LEGISLATURE
92 FRANKLIN ST
BUFFALO, NY 14220

**Book Type: D Book: 11210 Page: 6321**
Page Count: 2
Doc Type: CC RESOLUTION
Rec Date: 10/25/2011
Rec Tim: 03:26:21 PM
Control #: 2011214897
UserID: Janet
Receipt#: 11151800
Document Sequence Number

Party 1:
ERIE COUNTY

Party 2:
RESTRICTIVE COVENANT

**Recording Fees:**

| | |
|---|---|
| Fee 1 | $0.00 |
| COE STATE $14.25 GEN | $0.00 |
| COE STATE $4.75 RM | $0.00 |
| MARKOFF FEE | $0.00 |

**Consideration Amount:**

| | |
|---|---|
| BASIC | 0 |
| SONYMA | 0 |
| ADDL | 0 |
| NFTA MT | $0.00 |
| TRANSFER | $0.00 |
| NFTA TT | $0.00 |

**Total: $0.00**

STATE OF NEW YORK
ERIE COUNTY CLERK'S OFFICE

WARNING – THIS SHEET CONSTITUTES THE CLERK'S ENDORSEMENT REQUIRED BY SECTION 319&316-a (5) OF THE REAL PROPERTY LAW OF THE STATE OF NEW YORK. DO NOT DETACH. THIS IS NOT A BILL.

John J. Crangle, Jr.
Interim COUNTY CLERK

# STATE OF NEW YORK

LEGISLATURE OF ERIE COUNTY
CLERK'S OFFICE

BUFFALO, N.Y., OCTOBER 20, 2011

TO WHOM IT MAY CONCERN:

**I HEREBY CERTIFY**, *That at the 21st Session of the Legislature of Erie County, held in the Legislative Chambers, in the City of Buffalo, on the* ***Twentieth*** *day of* ***October, 2011 A.D.****, a Resolution was adopted, of which the following is a true copy:*

**A RESOLUTION TO BE SUBMITTED**
**BY LEGISLATOR MAZUR**

WHEREAS, by deed in 1954, The Diocese of Buffalo, New York purchased approximately fourteen (14) acres of property from the County of Erie located on George Urban Boulevard and Dick road in the Town of Cheektowaga (Village of Depew) for the sum of $1,650; and

WHEREAS, the County of Erie included a restrictive covenant in the deed providing that "theses premises are taken upon the condition that the same will be used for religious or charitable purposes only"; and

WHEREAS, after the purchase the St. Barnabas Roman Catholic Church, rectory and school were built on the property and have operated there for 57 years; and

WHEREAS, by bargain and sale deed dated March 10, 1994, The Diocese of Buffalo, New York conveyed the property to the St. Barnabas Roman Catholic Church Society of Cheektowaga, New York and the deed which was recorded in the Erie County Clerk's Office on March 14, 1994 in Liber 10868 of Deeds at page 0545 contained the same restrictive covenant; and

WHEREAS, St Barnabas Parish is now merging with a neighboring parish and would like to sell the property located on George Urban Boulevard and Dick Road to the Cantalician Center for Learning which is an educational, rehabilitative and occupational facility for persons from infancy throughout adulthood who are challenged by a variety of developmental and physical disabilities; and

WHEREAS, to insure that the property in question may be properly available for purchase and the use intended by the Cantalician Center it is appropriate for the restrictive covenant to be released at this time.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does approve of the release and removal of the restrictive covenant included in the deed which provides that "these premises are taken upon the condition that the same be used for religious or charitable purposes only" for the property located at George Urban Boulevard and Dick Road; and be it further

RESOLVED, that the Clerk of the Erie County Legislature provide certified copies of this resolution to the Acting Erie County Clerk, the Erie County Attorney, Terese M. Scofidio, Executive Director of Cantalician Center for Learning and any other necessary parties.

**REFERENCE:** **INTRO 21-1 (2011)**

ATTEST

ROBERT M. GRABER
***Clerk of the Legislature of Erie County***

214897
JTC