

**A RESOLUTION TO BE SUBMITTED BY:
LEGISLATOR JOSEPH C. LORIGO**

RE: Removal of a Restrictive Covenant

WHEREAS, by deed in 1969, the parcel at 300 Harlem Road in the Town of West Seneca, was transferred to the Town by The County of Erie; and

WHEREAS, when the property was transferred to the town, a restrictive covenant was placed on the deed, requiring that the property only be used for municipal purposes; and

WHEREAS, the Town of West Seneca transferred ownership of the property to Maurice D. Cooper, Jr. and Barbara A. Cooper for the purpose of opening a children's skate park, which is now closed; and

WHEREAS, the parcel at 300 Harlem Road has been identified by the SPCA of Erie County as the ideal location to build their new \$10 million headquarters; and

WHEREAS, in order to properly transfer ownership of the parcel, the current owner needs the restrictive covenant placed on the deed in 1969 released; and

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 for 300 Harlem Road, West Seneca, New York, 14224, which provides that the property only be used for municipal purposes; and be it further

RESOLVED, that the Chairperson of the Erie County Legislature is hereby authorized to sign the attached document releasing the restrictive covenant from the deed of 300 Harlem Road, West Seneca, NY 14224, and be it further

RESOLVED, that the Clerk of the Erie County Legislature is directed to forward certified copies of this resolution, and the attached signed release form, to the Erie County Clerk, the Erie County Attorney, and Maurice D. Cooper, Jr. and Barbara A. Cooper (585 78th Street, Niagara Falls, NY 14304).

Fiscal Impact: None.

RELEASE OF RESTRICTIVE COVENANT

This Release is made this 18th day of July, 2013 by and between the Erie County Legislature, with an address of 92 Franklin Street, 4th Floor, Buffalo, New York 14202, party of the first part, and Maurice D. Cooper, Jr. and Barbara A. Cooper, with an address of 300 Harlem Road, West Seneca, NY 14224(hereinafter "the Coopers"), party of the second part.

WHEREAS, the Coopers are the owners of certain parcel lying and being in the Town of West Seneca, County of Erie and State of New York and bearing SBL No. 134.05-2-5.2 (hereinafter "the Parcel"); and

WHEREAS, the Parcel is burdened by a certain restrictive covenant imposed in a deed by the County of Erie, dated August 14, 1969 and recorded September 26, 1969 in Liber 7632 of Deeds, page 413 and which covenant indicates the Parcel shall be used for municipal purposes only; and

WHEREAS, the Erie County Legislature adopted a resolution on July 18, 2013; which authorized the Erie County Legislature to release the Coopers from said restriction; and

NOW THEREFORE, BE IT

RESOLVED, that The Erie County Legislature hereby releases the Coopers, their successors and/or assigns from the restrictive covenants contained in the deed recorded in Liber 7632 of Deeds, page 413.

IN WITNESS WHEREOF, the party of the first part has caused its corporate seal to be hereunto affixed, and these presents to be signed by its duly authorized officer this 18th day of July, 2013.

Erie County Legislature

Hon. Betty Jean Grant
Chairperson of the Legislature

Sworn to before me this
___ day of _____, 2013.

Notary Public