

RECORD AND RETURN TO:
BOX 112 ½

ASSIGNMENT OF EASEMENT

THIS ASSIGNMENT, made the 27th day of December 1993,

BETWEEN

THE CITY OF ROCHESTER, a municipal corporation with offices at
City Hall, 30 Church Street, Rochester, New York, *Assignor*

and

ROCHESTER DISTRICT HEATING COOPERATIVE, INC., a New
York cooperative corporation with offices at 415 Euclid Building,
Midtown Plaza, Rochester, New York; *Assignee*

The Assignor, in consideration of one dollar (\$1.00), and other good and valuable consideration paid by the Assignee, hereby assigns, grants, and releases unto the Assignee, its successors and assigns forever,

A permanent and exclusive easement and right of way in, over, under, and through the following described premises to operate, maintain, reconstruct, repair, replace and/or remove steam distribution lines and to depart over and across such property as may be necessary to the rights granted herein, provided that the Assignee shall maintain the premises at its own expense, in as reasonably good a condition as it presently exists:

ALL THAT TRACT OR PARCEL OF LAND situate in the City of Rochester, County of Monroe, State of New York, comprising an easement for an in place steam distribution system, as described by Order of the Supreme Court of the State of New York, Hon. Andrew V. Siracuse, Index No. 14370/86 (the "Order of Condemnation"), and further described by the Acquisition Maps filed in the Monroe County Clerk's Office on December 19, 1986, Index No. 14370/86. The area in which said easement for steam distribution system exists is more particularly described as follows: "Commencing at the intersection of East Avenue and Meigs Street, thence southerly on Meigs Street to Monroe Avenue, thence westerly on Monroe Avenue to the Inner Loop, thence westerly along the Inner Loop across the Genesee River to Troup Street, thence westerly along Troup Street to Reynolds Street, thence northerly on Reynolds Street to Main Street West, thence easterly along Main Street West to the Inner Loop, thence northerly and easterly along the Inner Loop to the southerly extension of the Verona Street centerline, thence northerly along said extension and the centerline of Verona Street to Brown Street, thence easterly along Brown Street to Mill Street, thence southerly along Mill Street to Furnace Street, thence easterly along Furnace Street to Brown's Race, thence southerly along Brown's Race to Commercial Street, thence easterly along the easterly extension of the Commercial Street centerline to the center of the Genesee River, thence northerly along the centerline of the Genesee River to the westerly extension of the centerline of Curtice Street, thence easterly along said extension and the centerline of Curtice Street to St. Paul Street, thence southerly along St. Paul Street to Gorham Street, thence easterly along Gorham Street to North Clinton Avenue, thence southerly on North Clinton Avenue to Ward Street, thence easterly on Ward Street to Joseph Avenue, thence southerly on Joseph Avenue to Central Avenue, thence easterly on Central Avenue and Lyndhurst Street to North Union Street, thence southerly on North Union Street to University Avenue, thence easterly along University Avenue to Alexander Street, thence southerly along Alexander Street to East Avenue, thence along East Avenue to the point or place of beginning." Said area being the franchise area granted to Rochester District Heating Cooperative, Inc. by the City Council of the City of Rochester by Ordinance

Number 85-396 dated September 26, 1985, which franchise was more specifically authorized by the City Council of the City of Rochester by Ordinance Number 85-358 dated September 3, 1985.

Excepting from the assignment of easement those premises owned in fee by Rochester Gas and Electric Corporation.

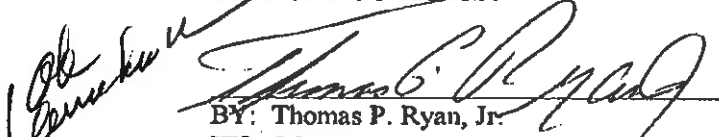
This assignment of easement is intended to encompass the same rights and interests acquired by Assignor by operation of the aforementioned Order of Condemnation.

This assignment of easement is granted pursuant to the authority and direction of the City Council of the City of Rochester by Ordinance Number 93-445 dated December 14, 1993.

TOGETHER with the appurtenances and all the estate and rights of the Assignor in and to said premises.

IN WITNESS WHEREOF, the Assignor has executed this assignment of easement the day and year first above written.

CITY OF ROCHESTER


BY: Thomas P. Ryan, Jr.
ITS: Mayor

STATE OF NEW YORK)
COUNTY OF MONROE) SS.:

On this 27th day of December, 1993, before me personally came Thomas P. Ryan, Jr., to me known, who, being by me duly sworn, did depose and say that he resides at Rochester, New York, that he is the Mayor of the City of Rochester, described in and which executed the above instrument, and that he executed the foregoing instrument as the act and deed of the City of Rochester pursuant to appropriate City Council authority and direction.


Notary Public

KATHRYN POLACH
Notary Public in the State of New York
MONROE COUNTY
Commission Expires Dec 31, 19 93

14. RESTATED CERTIFICATE OF INCORPORATION

IN THE MATTER

OF

ROCHESTER DISTRICT HEATING COOPERATIVE, INC .

Record Date: 3-23-1999 *Time:* 11:48:00

Instrument Location: Case# Z84/018883

See copy of this instrument at next page.

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