

## AGREEMENT

THIS AGREEMENT, dated as of this 25<sup>th</sup> day of August, 2017, made by **HOMELAND TOWERS, LLC** a NEW YORK limited liability company, with its principal office at 9 Harmony Street, second floor, Danbury, Connecticut 06810 (hereinafter referred to as "Applicant") and The TOWN OF PHILIPSTOWN, a municipal corporation, with its principal office at 238 Main Street, Cold Spring, NY 10516 (hereinafter referred to as "Town").

## WITNESSETH

WHEREAS, Section 175-46.P of the Town Code requires that: (1) the applicant shall provide the reviewing board an agreement committing the property owner, communications tower owner, lessee, and their successors in interest to keep the tower and accessory structures in good order and repair and in compliance with any approval, and to notify the Zoning Administrative Officer within 60 days of the discontinuance of use of the tower for its original or any other purpose. This agreement shall be filed with the Zoning Administrative Officer prior to the issuance of a building permit under this chapter. At anytime after 120 days of receiving this notice, the Zoning Administrative Officer may require removal of the obsolete, unnecessary, or unused communications towers and associated accessory structures or such towers or structures no longer needed for their original purpose by sending a notice to the property owner, tower owner, and any lessee to remove the same. The property owner, tower owner, and any lessee shall remove such towers and/or accessory structures within 45 days of receipt of the notice from the Zoning Administrative Officer and (2) Failure to notify and/or to remove the obsolete, unnecessary, or unused tower in accordance with these regulations shall be a violation of this chapter and shall be enforceable according to § 175-57, including all of the remedies set forth therein.

WHEREAS, in connection with the foregoing requirements of the Town Code, the Applicant has agreed to execute this Agreement in order to obtain the necessary permits to construct and operate the a wireless telecommunications tower at the Property known as 50 Vineyard Road, Town of Philipstown, NY.

NOW, THEREFORE, as consideration for the Applicant obtaining all necessary permits to construct and operate the tower at the Property pursuant to the requirements of the Town Code, the Applicant agrees as follows:

(1) The Applicant commits on behalf of the Applicant, property owner, communications tower owner, lessee, and their successors in interest to keep the tower and accessory structures in good order and repair and in compliance with any approval, and to notify the Zoning Administrative Officer within 60 days of the discontinuance of use of the tower for its original or any other purpose. This agreement shall be filed with the Zoning Administrative Officer prior to the issuance of a building permit under this chapter. At anytime after 120 days of receiving this notice, the Zoning Administrative Officer may require removal of the obsolete, unnecessary, or unused communications towers and associated accessory structures or such towers or structures no longer needed for their original purpose by sending a notice to the property owner, tower owner, and any lessee to remove the same. The property owner, tower owner, and any lessee shall remove such towers and/or accessory structures within 45 days of receipt of the notice from the Zoning Administrative Officer.

(2) Failure to notify and/or to remove the obsolete, unnecessary, or unused tower in accordance with these regulations shall be a violation of this chapter (175-46) and shall be enforceable according to § 175-57, including all of the remedies set forth therein.

(3) This Agreement is intended to benefit the Town, and notwithstanding anything stated to the contrary in this Agreement or otherwise, no other person or entity shall claim or be entitled to any rights hereunder by virtue of so-called "third party beneficiary rights." The Applicant reserves any rights it may have at equity or in law.

IN WITNESS WHEREOF, the party has herein set its hand and seal the day and year first above written.

APPLICANT:

**HOMELAND TOWERS, LLC**, a New York Limited Liability Company

By:  \_\_\_\_\_

Name: Manny Vicente

Title: President

Dated: 8/28/17

State of New York

County of Westchester

On August 25 2017, before me, the undersigned officer, personally appeared Mary Monte, the President of Homeland Towers, LLC, a New York limited liability company, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature:  (Affix Notarial Seal)

Commission No.: \_\_\_\_\_

My Commission Expires: **ROBERT D. GAUDIOSO**  
**Notary Public, State of New York**  
**No. 02GA5082647**  
**Qualified in Westchester County**  
**Commission Expires July 28, 199**  
2021