

Dutchess County Clerk Recording Page

Record & Return To:

Date Recorded: 1/23/2026

Time Recorded: 4:30 PM

DUTCHESS LAND CONSERVANCY INC
PO BOX 138

MILLBROOK, NY 12545

Document #: 02 2026 204

Received From: DUTCHESS LAND CONSERVANCY INC

Grantor: REESE ALEXANDER S

Grantee: DUTCHESS LAND CONSERVANCY INC

Recorded In: Deed

Tax District: Wappinger

Instrument Type: CORR

Examined and Charged As Follows :

Recording Charge: \$105.50

Transfer Tax Amount: \$0.00

Includes Mansion Tax: \$0.00

Transfer Tax Number: 3554

Number of Pages: 12

***** Do Not Detach This Page**

***** This is Not A Bill**

Red Hook Transfer Tax:

RP5217: N

TP-584: Y

County Clerk By: jko

Receipt #: 2211

Batch Record: 15

Bradford Kendall
County Clerk



022026204

2024 CDRR 7/WAPP

11p. 100
100.50
5
105.50

CORRECTIVE CONSERVATION EASEMENT DEED

THIS CORRECTIVE CONSERVATION EASEMENT DEED is entered into this 23rd day of January 2024, by **ALEXANDER S. REESE** a/k/a **ALEXANDER REESE**, an individual, **OBERCREEK DEVELOPMENT, LLC**, a Limited Liability Company, and **OBERCREEK, LP**, a Limited Partnership, having mailing addresses of PO Box 220 Hughsonville, NY 12537, 89 New Hamburg Road, Wappingers Falls, NY 12590, and PO Box 220 Hughsonville, NY 12537, respectively (collectively, the "Grantor") to **DUTCHESS LAND CONSERVANCY, INC.**, a New York not-for-profit corporation having an office at 4289 Route 82, Millbrook, New York 12545 and a mailing address of PO Box 138, Millbrook, NY 12545 (the "Grantee").

WHEREAS, the parties hereto executed a Conservation Easement Deed on October 23, 2024 which was recorded in the Dutchess County Clerk's Office on November 1, 2024 at Document Number 02 2024 3209 (the "Original Easement"), pursuant to which Grantor granted and conveyed to Grantee a conservation easement on 143.041 acres of land owned by Grantor in nine (9) tax map parcels (the "Property") located on New Hamburg Road, Wheeler Hill Road, Marlorville Road, Creek Road, and NYS Route 9D in the Town of Wappinger, Dutchess County, New York (the "Property"), more particularly described in Exhibit A of the Original Easement; and

WHEREAS, the Property remains subject to the Original Easement; and

WHEREAS, this Corrective Conservation Easement Deed is established in perpetuity exclusively for conservation purposes consistent with the provisions of Article 49, Title 3, of the Environmental Conservation Law of the State of New York (the "Conservation Law"); and

WHEREAS, the Grantee is a not-for-profit conservation organization within the meaning of Article 49, Title 3, of the Conservation Law and is qualified to be the grantee of tax-deductible conservation easements pursuant to Section 170(h) of the Internal Revenue Code; and

WHEREAS, the Original Easement contained several errors in the recitals listed as Paragraphs A through S, following the word "WHEREAS" on the first page. These errors did not involve substance, but did include formatting mistakes; and

WHEREAS, the parties wish to correct these errors by substituting a corrected version of the recitals in this Corrective Conservation Easement Deed; and

WHEREAS, the parties intend that this Corrective Conservation Easement Deed shall not modify the provisions of the Original Easement except as provided herein.

NOW, THEREFORE, in consideration of the covenants and conditions contained herein, Grantor and Grantee hereby agree as follows:

1. **Revisions to Recitals.** Paragraphs A through S, beginning on page 1 of the Original Easement, are hereby deleted and are replaced with the following new paragraphs A through U:

- A. Grantor is the Owner of certain real property (the “Property”) consisting of approximately 143.414 acres, in nine (9) tax map parcels located on New Hamburg Road, Wheeler Hill Road, Marlerville Road, Creek Road, and NYS Route 9D in the Town of Wappinger, Dutchess County, New York, more fully described in the legal survey description of the property (“Exhibit A”) and shown on the Easement Maps (“Exhibits B-1, B-2, and B-3”), both attached hereto and as depicted on a survey map titled “Boundary Survey Prepared for Dutchess Land Conservancy “Obercreek Farm”, prepared by MJ Engineering and Land Surveying, P.C., dated September 30, 2024, and filed in the Dutchess County Clerk’s Office on October 14, 2024 as Filed Map No. 11869A, and attached hereto as “Exhibit C”.
- B. Grantee is a New York not-for-profit conservation organization within the meaning of Article 49, Title 3 of the Environmental Conservation Law of the State of New York (together with any successor statute, the “ECL”), is organized for, among other purposes, conserving real property, is a tax exempt and qualified organization within the meaning of Sections 501(c)(3), 509(a) and 170(b)(1)(A)(vi) of the Internal Revenue Code (the “Code”), and is a “qualified organization” to accept, purchase, and hold conservation easements under Section 170(h) of the Code and Treasury Regulation Section 1.170A-14(c).
- C. The Property meets the criteria for acceptance of easements of the Grantee and is in close proximity to other private land which is already permanently protected by the Grantee.
- D. Article 14, Section 4 of the New York State Constitution states: “The policy of this state shall be to conserve and protect its natural resources and scenic beauty and encourage the development and improvement of its agricultural lands for the production of food and other agricultural products;”
- E. Section 49-0301 of the ECL states: “The legislature hereby finds and declares that in order to implement the state policy of conserving, preserving and protecting its environmental assets and natural and man-made resources, the preservation of open spaces, the preservation, development and improvement of agricultural and forest lands, . . . , is fundamental to the maintenance, enhancement and improvement of...balanced economic growth and the quality of life in all areas of the state;”
- F. Article 25-AAA, Section 321 of the AML states: “It is hereby found and declared that agricultural lands are irreplaceable state assets. In an effort to maintain the economic viability, and environmental and landscape preservation values associated with agriculture,” the Commissioner is authorized to administer programs to assist counties in developing agricultural and farmland protection plans and to assist both county and municipal governments in the implementation of such plans. The Commissioner gives priority to projects that will preserve viable agricultural land, are

located in areas facing significant development pressure and serve as a buffer for a significant natural public resource containing important ecosystem or habitat characteristics.

- G. The Property is actively farmed and is located in the Hudson Valley. The 2016 New York State Open Space Conservation Plan prepared by the Department of Environmental Conservation, the Office of Parks, Recreation and Historic Preservation, and the Department of State (the “NYS OS Plan”) identifies farmland in the Hudson Valley as a “vital component of the New York City/Hudson Valley “Foodshed”” due to its potential to provide fresh local foods and “bolster food security of the New York City metropolitan region and the Hudson Valley”. The NYS OS Plan refers to priority farmland clusters of important agricultural areas as shown in the *Dutchess County Agricultural and Farmland Protection Plan* adopted by Dutchess County in 2015. The Property is located within these priority areas.
- H. The Property is located in an area identified as the Hudson River Estuary Area of Biological Concern in *Wildlife and Habitat Conservation Framework: An Approach for Conserving Biodiversity in the Hudson River Estuary Corridor*, (the “Conservation Framework”) produced in 2006 by New York Cooperative Fish and Wildlife Research Unit at Cornell University, and New York State Department of Environmental Conservation, Hudson River Estuary Program. Located within the Hudson River Valley, the Hudson River Estuary Area is an area of high biological and geological diversity, and is significant within the context of biodiversity in New York State and the New England and Mid-Atlantic portions of the United States. The Hudson River Estuary Area faces conservation threats such as habitat loss and fragmentation, and the Conservation Framework recommends protecting large, contiguous, unaltered tracts of land, including preservation of farmland using conservation easements as means to protect the biodiversity of the Hudson River Estuary Area.
- I. The *Comprehensive Wildlife Conservation Strategy Plan* (“the CWCS Plan”) prepared by New York State Department of Environmental Conservation (NYS DEC) identifies the area in which the Property is located as the Upper Hudson Basin, an ecologically vital area with high plant and wildlife diversity across a landscape that includes grasslands and agricultural habitats. The CWCS Plan identifies grasslands as critical habitats for New York State’s Species of Greatest Conservation Need (SGCN). The Property contains upland meadow grassland habitat associated with agricultural areas. Grassland habitat is described in the CWCS Plan as being both natural and human created areas that support grassland species of conservation concern. Work done by the NYS DEC and New York Natural Heritage Program (NYNHP) for the Grassland Reserve Program (USDA Farm Bill) indicates that there are significant grassland habitats and associated plant and animal communities (e.g., butterflies, birds) throughout the Hudson River corridor. Furthermore, areas with significant amounts of agriculture in the Hudson Valley can provide habitat for grassland-dependent species. The Hudson Valley Natural Resource Mapper (the “HV Mapper”), an online resource available to the public, hosted by the NYS DEC

Hudson River Estuary Program and Cornell University provides data from the New York Natural Heritage Program. For the Obercreek Farm property, the HV Mapper shows that the Property is a “Known Important Area” for migratory fish, foraging bats, rare plants and rare terrestrial animals. The CWCS Plan identifies the top prominent hazard in the Hudson Valley as being habitat loss and fragmentation and encourages the use of easements as a land protection mechanism.

- J. The Property is located within Dutchess County, which adopted an Agricultural and Farmland Protection Plan in March 2015. The Plan recommends that Dutchess County and its partners “Continue to purchase the development rights on key farm properties – through multiple funding partners including federal, state, and local government, and local land trusts” and also recommends identifying “opportunities to create and/or build upon existing core areas of preserved farmland in each of the County’s farming communities.” The Plan also emphasizes the strong farmland conversion pressure that exists in Dutchess County, which can result in “a loss of farm production, open space, and loss of agricultural jobs...” The Property is located within an Agricultural Priority Area in the Plan and the priority areas containing farmland are identified as being important for preservation.

- K. The Dutchess County Legislature, in the County Master Plan, *Directions*, adopted by the Dutchess County Legislature in 1988, has identified the area in which the Property is located as an area in which agricultural lands, open space, and community uses should be preserved. *Directions* emphasizes the preservation of prime agricultural soils and wetlands and encourages open space land uses and the protection of scenic resources. Policy 4.4 supports efforts to maintain the vitality, and increase the diversity of agricultural enterprises in the county. Policy 4.5 supports local land use management techniques that serve to protect agricultural lands, especially within the agricultural districts. Policy 5.14 advocates the protection of wetlands and their buffers from development activities. Policy 5.16 supports measures to preserve the county’s prime and important agricultural soils. Policy 5.19 advocates the preservation of steep slopes and ridgelines. Policy 5.20 advocates the preservation of the county’s scenic resources and significant natural areas. Policy 5.22 encourages the use of forest management practices that are compatible with forest conservation and enhancement. Policy 5.23 encourages the protection and recognition of uncommon or especially-sensitive forest resources, such as hemlock groves, forests with particularly large trees, beech woods, and the woodland buffers around water bodies, wetlands and roadways. Policy 5.24 encourages the preservation of woodland “greenbelt” corridors through communities, especially along streams, floodplains, wetlands, and other sensitive areas, to provide recreational space, wildlife habitat, natural buffers and aquifer protection. Policy 7.11 encourages the provision of open space areas and greenbelt corridors as a fundamental land use that is carefully planned as part of the land use pattern. Policy 7.13 discourages the subdivision of prime and important agricultural soils and large forested tracts into lots which preclude the future use for agriculture and forestry. Policy 11.3 encourages the use of innovative development techniques, such as planned unit development, conservation easement and cluster subdivision, to provide recreational areas and

facilities at minimal public cost. Policy 11.18 encourages the maintenance of open space as a technique for preserving unique ecological features, such as floodplains, wetlands, steep slopes and major aquifers. *Directions* recommends low density development to prevent degradation of the area's rural, natural and scenic characteristics through subdivision and development; Policy 11.21 supports the use of conservation easements to preserve open space in rural areas.

- L. The Property is located within Dutchess County's Agricultural District #21, created pursuant to Article 25-AA of the New York State Agriculture and Markets Law (the "AML"). Section 300 states: "It is hereby found and declared that many of the agricultural lands in New York State are in jeopardy of being lost for any agricultural purposes. When nonagricultural development extends into farm areas, competition for limited resources results. ... It is, therefore, the declared policy of the state to conserve, protect and encourage the development and improvement of its agricultural land for production of food and other agricultural products. ... It is the purpose of this article to provide a locally-initiated mechanism for the protection and enhancement of New York State's agricultural land as a viable segment of the local and state economies and as an economic and environmental resource of major importance;"
- M. The Property is located within the Hudson Valley EcoRegion as described in Chapter 6, Biological Resources and Biodiversity of Dutchess County, written by Mary Ann Cunningham, Neil Curri, and Robert Wills for the Natural Resource Inventory of Dutchess County (the "Dutchess NRI"), a 2010 collaborative project of Cornell Cooperative Extension Dutchess County (CCEDC) Environment and Energy Program, Cary Institute of Ecosystem Studies, Dutchess County Department of Planning and Development, Dutchess County Environmental Management Council (EMC) and Vassar College Environmental Research Institute. The Hudson Valley EcoRegion extends along the entire western boundary of Dutchess County, consisting of plains broken by hills and terraces, in which common land uses include pasture and cropland. Priority habitats identified in the Hudson Valley EcoRegion include streams, contiguous forest, and open grasslands; habitats on the property are predominantly grasslands, forest and streams. The Dutchess NRI recommends the use of conservation easements as a component of a habitat conservation strategy.
- N. The Town of Wappinger Comprehensive Plan (the "Comprehensive Plan"), adopted September 27, 2010 identifies the Wappinger Creek and farms and open spaces as making Wappinger an attractive place to live (page 48) and includes the objective to, "Protect important landscapes through open space and farmland conservation." The Property is located along the Wappinger Creek and the *Comprehensive Plan* specifically identifies "Reese Farms" (an early name of Obercreek Farm) on a list of important natural landscape features that should be respected in any future development (page 53). The Comprehensive Plan further recommends that such sites should be targeted for open space preservation, and that the Town should consider making use of the New York Agricultural and Farmland Protection Program, the Dutchess County Partnership for Manageable Growth, and/or other farmland and

open space protection programs and funding sources. (page 55) Most of the property is located within the Low Density Residential Area zoning district. The Comprehensive Plan describes the intention of this district as being "...to help preserve open space in the areas furthest from central sewer service and in areas with clusters of protected forest and parkland and working farms." (page 91) This conservation easement would directly preserve a site the town has identified as having significance and make perpetual an intention described in the Town's zoning.

- O. The Property consists primarily of productive agricultural land. The Property contains approximately 42 acres of prime soils, and approximately 81 acres of soils of statewide importance as defined by the U.S. Department of Agriculture Natural Resources Conservation Service.
- P. The Property falls within the Wappinger Creek Watershed which has a drainage basin of approximately 210 square miles that is contained entirely within Dutchess County. Specifically, the Property is located along the banks of the Wappinger Creek and drains directly into the Wappinger Creek. The Hudson River Drinking Water Intermunicipal Council memorandum of agreement signed on May 31, 2018 by municipal leaders of seven municipalities formed the "Hudson 7" council which represents 100,000 people that depend on the Hudson River for drinking water. The Wappinger Creek watershed is included on a map titled, "Source Waters for the "Hudson 7" prepared by the Dutchess County Department of Planning and Development dated September, 2018 and hosted by Riverkeeper, Inc.
- Q. The policy of New York State, as set forth in Title 5, Article 15 of the Conservation Law, is to preserve and protect the state's lakes, rivers, streams and ponds. A portion of the Property entering from Route 9D has frontage on a one-quarter mile length of a Class C unnamed tributary (H-101-1) to the Wappinger Creek, which is regulated by the New York State Department of Environmental Conservation and is classified by NYS as being best suited for use for recreation and fishing. This classification helps to meet the goals of the Federal Clean Water Act and encourages continuous protection to keep the stream clean for the future.
- R. The Property contains approximately 40 acres of forest lands that are part of a relatively unbroken tract of forest lands that represents valuable riparian habitat as a contiguous forest along the Wappinger Creek, in close proximity to the Wappinger Creek's confluence with the Hudson River.
- S. The New York State Department of Agriculture and Markets (the "Department of Agriculture and Markets") has awarded a grant toward the total project costs of acquiring a perpetual Easement on the Property pursuant to grant contract number C00792GG pursuant to Article 25-AAA of the Agriculture and Markets Law, and as a condition to the Department of Agriculture and Markets participation, the Department of Agriculture and Markets is granted a role as Intervenor and Mediator Regarding Interpretation of Selected Definitions and Terms and Selected Implementation of Provisions as provided in Section 21 below, and a right to be notified of the re-use of

proceeds resulting from an extinguishment of this Easement as provided in Section 31 below.

- T. Dutchess County is a municipal corporation with an address at 22 Market Street, Poughkeepsie, New York (the "County"). The County has authorized a grant through the Dutchess County Partnership for Manageable Growth Grant Program to partially fund the purchase of this Easement. The grant is in the amount of Four Hundred Eighty-One Thousand Nine Hundred Eighty-One Dollars (\$481,981) and as a condition to the County's participation, the County is granted a third-party enforcement right in this Easement and a right to claim a portion of the proceeds resulting from an extinguishment of this Easement as provided in Section 30 below.
- U. Grantor has received independent legal and financial advice regarding this Easement to the extent that Grantor has deemed necessary. Grantor freely signs this Easement in order to accomplish its purposes.

2. **Ratification.** All terms, conditions, and provisions of the Original Easement, as corrected by this Corrective Conservation Easement Deed, are hereby ratified, confirmed, and fully incorporated herein.

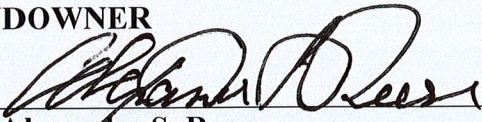
3. **Counterparts.** This Corrective Conservation Easement Deed may be executed in multiple counterparts, each of which shall constitute an original and all of which, together, shall constitute one and the same instrument.

All other terms and conditions of the underlying Original Conversation Easement Deed, thereto not expressly amended or altered by this agreement, shall remain in full force and effect.

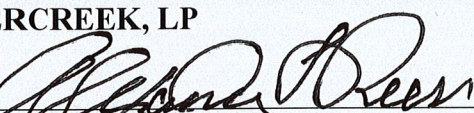
[Signature Pages to Follow]

IN WITNESS WHEREOF, the parties have executed this instrument as of the day and year first above written.

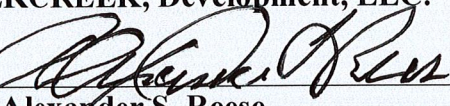
LANDOWNER

✓ By: 
Alexander S. Reese

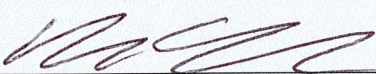
OBERCREEK, LP

✓ By: 
Alexander S. Reese
Title: Manager

OBERCREEK, Development, LLC.

✓ By: 
Alexander S. Reese
Title: Managing Member

DUTCHESS LAND CONSERVANCY, INC.

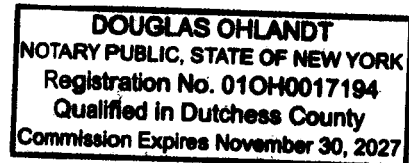
✓ By: 
Rebecca E.C. Thornton
President

Record and Return to:
Dutchess Land Conservancy, Inc.
PO Box 138
Millsbrook, NY 12545

State of New York)
County of Dutchess), ss:

On the 19th day of January in the year 2020 before me, the undersigned, personally
✓ appeared **Alexander S. Reese**, personally known to me or proved to me on the basis of satisfactory
evidence to be the individual whose name is subscribed to the within instrument and acknowledged
✓ to me that he executed the same in his three capacities, and that by his signatures on the instrument,
the individual, or the person upon behalf of which the individual acted, executed the instrument.

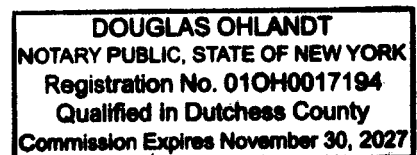
Douglas Ohlandt
Signature/office of individual taking acknowledgement



State of New York)
County of Dutchess), ss:

On the 19th day of January in the year 2020 before me, the undersigned, personally
✓ appeared **Rebecca E.C. Thornton**, personally known to me or proved to me on the basis of
satisfactory evidence to be the individual whose name is subscribed to the within instrument and
✓ acknowledged to me that she executed the same in her capacity, and that by her signature on the
instrument, the individual, or the person upon behalf of which the individual acted, executed the
instrument.

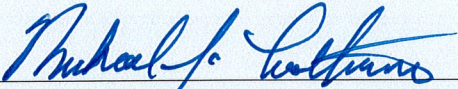
Douglas Ohlandt
Signature/office of individual taking acknowledgement



ACKNOWLEDGEMENT

For the Sole Purpose of Acknowledging Approval of this Corrective Conservation Easement Deed:

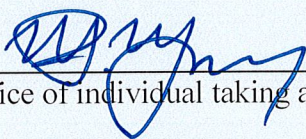
NEW YORK STATE DEPARTEMENT OF AGRICULTURE AND MARKETS

By: 

✓ **Michael J. Latham**
Director, Division of Land & Water Resources

State of New York)
County of Albany), ss:

✓ On the 30th day of December in the year 2025 before me, the undersigned, personally appeared **Michael Latham**, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged ✓ to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.


Signature/office of individual taking acknowledgement

Kevin F. McGarry
Notary Public, State of New York
Reg. No. 02MC0037566
Qualified in Albany County
Commission Expires 05-28-20 29

ACKNOWLEDGEMENT

For the Sole Purpose of Acknowledging Approval of this Corrective Conservation Easement Deed:

DUTCHESS COUNTY

✓ By: Susan J. Serino
Susan J. Serino
County Executive

State of New York)
County of Dutchess), ss:

✓ On the 21 day of Jan in the year 2026 before me, the undersigned, personally appeared **Susan J. Serino**, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her capacity, and that by her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

AM Andrews
Signature/office of individual taking acknowledgement

APPROVED AS TO FORM:

Susan J. Serino
County Attorney's Office

AnneMarie Andrews
Notary Public, State of New York
Qualified in Dutchess County
Reg. No. 01AN001112
Commission Expires: 07/13/2027

APPROVED AS TO CONTENT:

Eoin Wrafter
Eoin Wrafter, Commissioner
Dept. of Planning & Development