MONROE COUNTY CLERK'S OFFICE

ROCHESTER, NY

THIS IS NOT A BILL. THIS IS YOUR RECEIPT

Receipt # 1388182

Index

DEEDS

Book 11673

Page 114

No. Pages : 5

Instrument NOTICE

Date

03/23/2016

Time : 04:07:17PM

Control # 201603230834

Ref 1 #

Employee : RebeccaZ

Return To:

NY DEPT OF ENVIRONMENTAL CONSERVATION 625 BROADWAY

ALBANY, NY 12233-

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

COUNTY FEE NUMBER PAGES

20.00

RECORDING FEE

45.00

Total

65.00

State of New York

MONROE COUNTY CLERK'S OFFICE

WARNING - THIS SHEET CONSTITUTES THE CLERKS ENDORSEMENT, REQUIRED BY SECTION 317-a(5) & SECTION 319 OF THE REAL PROPERTY LAW OF THE STATE OF NEW YORK. DO NOT DETACH OR REMOVE.

RICHARD T TURNER

MONROE COUNTY ACTING COUNTY CLERK



PI182-201603230834-5

Former Raeco Products Site No.: 828107

Spencer Street

City of Rochester, County of Monroe

Tax Map: 105.52-1-13

2816 MAR 23 PM 4: 97

MINNOC COUNTY CLERK

## **ENVIRONMENTAL NOTICE**

WHEREAS, a parcel of real property identified as Former Raeco Products (Site 828107), located on Spencer Street in the City of Rochester, County of Monroe, State of New York, which is part of lands conveyed by Thomas S. Richards, as Corporation Counsel of the City of Rochester to Dance Hall Entertainment, LLC by deed dated November 19, 2007 and recorded in the Monroe County Clerk's Office on November 19, 2007 in Liber 10547 of Deeds at page 119 and corrected by deed granted by Thomas S. Richards, as Corporation Counsel of the City of Rochester to Dance Hall Entertainment, Inc. by deed dated March 19, 2008 and recorded in the Monroe County Clerk's Office on March 19, 2008 in Liber 10732 of Deeds at page 254 and being more particularly described in Appendix "A", attached to this noticed and made a part hereof, and hereinafter referred to as " the Property" is the subject of a Record of Decision executed by the State on March 30, 2010 as part of DEC's State Superfund Program; and

WHEREAS, the remedial program was performed to address the contamination at the Property and such cleanup was conditioned upon certain limitations.

NOW, THEREFORE, DEC provides notice that:

FIRST, the Property subject to this Environmental Notice is as shown on a map attached to this Notice as Appendix "B" and made a part hereof.

SECOND, unless prior written approval by DEC or, if DEC shall no longer exist, any New York State agency or agencies subsequently created to protect the environment of the Sate and the health of the State's citizens, hereinafter referred to as "the Relevant Agency," is first obtained, where contamination remains at the Property, there shall be no disturbance or excavation of the Property which threatens the integrity of the institutional controls or which results or may result in a significantly increased threat of harm or damage at any site as a result of exposure to soils. A violation of this provision is a violation of 6 NYCRR 375-1.11(b)(2).

**THIRD,** no person shall disturb, remove, or otherwise interfere with the installation, use, operations, and maintenance of engineering controls required for the Remedy, unless in each instance they first obtain a written waiver of such prohibition from DEC or Relevant Agency.

Former Raeco Products
Site No.: 828107
Spencer Street
City of Rochester, County of Monroe
Tax Map: 105.52-1-13

FOURTH, the remedy was designed to be protective for the following uses: Commercial or industrial use as described in 6 NYCRR Part 375-1.8(g)(2)(iii) and (iv). Therefore, any use for purposes other than commercial or industrial use without the express written waiver of such prohibition by the Relevant Agency may result in a significantly increased threat of harm or damage at any site.

FiFTH, no person shall use the groundwater underlying the Property without treatment rendering it safe for drinking water, as appropriate, unless the user first obtains permission to do so from DEC or Relevant Agency. Use of the groundwater without appropriate treatment may result in a significantly increased threat of harm or damage at any site.

**SIXTH,** it is a violation of 6 NYCRR 375-1.11(b) to use the Property in a manner inconsistent with this environmental notice.

IN WITNESS WHEREOF, the undersigned, acting by and though the New York State Department of Environmental Conservation as Designee of the Commissioner, has executed this instrument the day written below.

Robert W. Schick, P.E, Director
Division of Environmental Remediation

STATE OF NEW YORK ) ss:

**COUNTY OF** 

On the \_\_\_\_\_\_\_ day of \_\_\_\_\_\_, in the year 20 / \_\_\_\_\_, before me, the undersigned, personally appeared Robert Schick, 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 as Designee of the Commissioner of the State of New York Department of Environmental Conservation, and that by his signature on the instrument, the individual, or the person upon behalf of which individual acted, executed the instrument.

Notary Hublic - State of New York

David J. Chiusano
Notary Public, State of New York
No. 01CH5032146
Qualified in Schenectady County
mission Expires August 22, 20 12

Former Raeco Products
Site No.: 828107
Spencer Street
City of Rochester, County of Monroe
Tax Map: 105.52-1-13

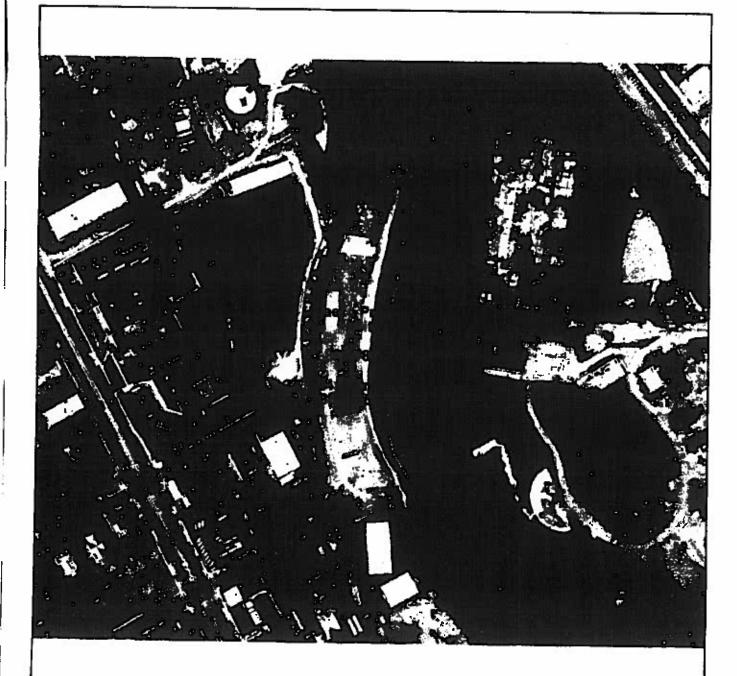
## Appendix A

## **Real Property Description**

ALL THAT CERTAIN PIECE OR PARCEL OF LAND situate in the City of Rochester, County of Monroe and State of New York, bounded and described as follows:

Beginning at the point of intersection of the northerly line of Spencer Street with the water's edge of the west bank of Genesee River; and running thence westerly along the northerly line of Spencer Street, 131 feet, more or less, to a corner or angle therein; thence southwesterly, along the northwesterly line of Spencer Street, making an interior angle of 204° 45' 05" with the last preceding course, 39.69 feet; thence northwesterly, along a line which on its northeasterly side makes an angle of 77° 31' 30" with the last preceding course, 100.0 feet; thence northerly, along a line which on its easterly side makes an angle of 172° 55' 30" with the last preceding course, 200.0 feet; thence northerly, along a line which on its easterly side makes an angle of 174° 53' 30" with the last preceding course, 150.0 feet; thence northeasterly, along a line which on its southeasterly side makes an angle of 167° 50' 00" with the last preceding course, 110.0 feet; thence northeasterly, along a line which on its southeasterly side makes an angle of 167° 38' 58" with the last preceding course, 111.28 feet; thence northeasterly, along a line which on its southeasterly side makes an angle of 169° 47' 42" with the last preceding course, 90.0 feet; thence northeasterly, along a line which on its southeasterly side makes an angle of 165° 45' with the last preceding course, 168 feet, more or less, to the water's edge of the west bank of the Genesee River; thence southerly, along the water's edge of the west bank of the Genesee River, 840 feet, more or less, to the point and place of beginning.

Containing 2 acres of land, more or less.



900 ft



New York State Department of Environmental Conservation

(Source: Monroe County, NY)

ENVIRONMENTAL NOTICE

Former Raeco Products Site Rochester, NY

February 2016 Job No. 60238139 **AECOM** 

FIGURE 1

NYSDEC Site #828107