

MONROE COUNTY CLERK'S OFFICE
ROCHESTER, NY

THIS IS NOT A BILL. THIS IS YOUR RECEIPT

Receipt # 1241080
Index DEEDS
Book 11536 Page 210
No. Pages : 10
Instrument EASEMENT AGREEMENT
Date : 05/19/2015
Time : 02:04:28PM
Control # 201505190536
TT # TT0000014235
Ref 1 #
Employee : JoanM

Return To:
BOX 80
DEBRA L WILLIAMSON

ROCHESTER CITY OF
PEOPLE OF THE STATE OF NEW YORK
DEPARTMENT OF ENVIRONMENTAL CONSERVATION

COUNTY FEE TP584	\$	5.00
COUNTY FEE NUMBER PAGES	\$	45.00
RECORDING FEE	\$	45.00
STATE FEE TRANSFER TAX	\$	0.00

Total \$ 95.00

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.

TRANSFER AMT

TRANSFER AMT

\$1.00

CHERYL DINOLFO
MONROE COUNTY CLERK



Box 80
Debra L. Williamson

ENVIRONMENTAL EASEMENT GRANTED PURSUANT TO ARTICLE 71, TITLE 36
OF THE NEW YORK STATE ENVIRONMENTAL CONSERVATION LAW

THIS INDENTURE made this 13th day of May, 2015, between City of Rochester, having an office at 30 Church Street, Rochester, State of New York 14614 (the "Grantor"), and The People of the State of New York (the "Grantee"), acting through their Commissioner of the Department of Environmental Conservation (the "Commissioner" or "NYSDEC" or "Department" as the context requires) with its headquarters located at 625 Broadway, Albany, New York 12233.

WHEREAS, the Legislature of the State of New York has declared that it is in the public interest to encourage the remediation of abandoned and likely contaminated properties (Sites) that threaten the health and vitality of the communities they burden while at the same time ensuring the protection of public health and the environment; and

WHEREAS, the Legislature of the State of New York has declared that it is in the public interest to establish within the Department a statutory environmental remediation program that includes the use of Environmental Easements as an enforceable means of ensuring the performance of operation, maintenance, and/or monitoring requirements and the restriction of future uses of the land, when an environmental remediation project leaves residual contamination at levels that have been determined to be safe for a specific use, but not all uses, or which includes engineered structures that must be maintained or protected against damage to perform properly and be effective, or which requires groundwater use or soil management restrictions; and

WHEREAS, the Legislature of the State of New York has declared that Environmental Easement shall mean an interest in real property, created under and subject to the provisions of Article 71, Title 36 of the New York State Environmental Conservation Law ("ECL") which contains a use restriction and/or a prohibition on the use of land in a manner inconsistent with engineering controls which are intended to ensure the long term effectiveness of a site remedial program or eliminate potential exposure pathways to hazardous waste or petroleum; and

WHEREAS, Grantor, is the owner of real property located at the following addresses: 300 Andrews Street, 304-308 Andrews Street, 320 Andrews Street and 25 Evans Street in the City of Rochester, County of Monroe and State of New York, known and designated on the tax map of the County Clerk of Monroe as tax map parcel numbers: Section 106.72 Block 1 Lot 86, Section 106.72 Block 1 Lot 85.001, Section 106.72 Block 1 Lot 84.001 and Section 106.72 Block 1 Lot 87.001, being the same properties conveyed to Grantor by Warranty Deeds dated July 24, 1997, January 15, 1991, November 9, 1990, and by Ordinance No. 2013-27 dated January 24, 2013 and recorded in the Monroe County Clerk's Office in Liber 8896, Page 158, Liber 8044, Page 377 and Liber 8028, page 344. The properties that are subject to the Environmental Easement (the "Controlled Property") comprises approximately 1.524 +/- acres, and are hereinafter more fully described in the Land Title Survey dated April 1, 2015 prepared by Fisher Associates, P.E., L.S., L.A., D.P.C., which will be attached to the Site Management Plan. The Controlled Property description is set forth in and attached hereto as Schedule A; and

RECORDED

WHEREAS, the Department accepts this Environmental Easement in order to ensure the protection of public health and the environment and to achieve the requirements for remediation established for the Controlled Property until such time as this Environmental Easement is extinguished pursuant to ECL Article 71, Title 36; and

NOW THEREFORE, in consideration of the mutual covenants contained herein and the terms and conditions of State Assistance Contract Number (SAC) # C303648, Grantor conveys to Grantee a permanent Environmental Easement pursuant to ECL Article 71, Title 36 in, on, over, under, and upon the Controlled Property as more fully described herein ("Environmental Easement"):

1. Purposes. Grantor and Grantee acknowledge that the purposes of this Environmental Easement are: to convey to Grantee real property rights and interests that will run with the land in perpetuity in order to provide an effective and enforceable means of encouraging the reuse and redevelopment of the Controlled Property at a level that has been determined to be safe for a specific use while ensuring the performance of operation, maintenance, and/or monitoring requirements; and to ensure the restriction of future uses of the Controlled Property that are inconsistent with the above-stated purpose.

2. Institutional and Engineering Controls. The controls and requirements listed in the Department approved Site Management Plan ("SMP") for the Controlled Property including any and all Department approved amendments to the SMP are incorporated into and made part of this Environmental Easement. These controls and requirements apply to the use of the Controlled Property, run with the land, are binding on the Grantor and the Grantor's successors and assigns, and are enforceable in law or equity against any owner of the Controlled Property, any lessees and any person using the Controlled Property.

A. (1) The Controlled Property may be used for:

(a) Restricted Residential as described in 6 NYCRR Part 375-1.8(g)(2)(ii), (b) Commercial as described in 6 NYCRR Part 375-1.8(g)(2)(iii), and (c) Industrial as described in 6 NYCRR Part 375-1.8(g)(2)(iv)

(2) All engineering controls must be operated and maintained as specified in the SMP;

(3) All engineering controls must be inspected at a frequency and in a manner defined in the SMP;

(4) The use of groundwater underlying the Controlled Property is prohibited without necessary water quality treatment as determined by the New York State Department of Health or the Monroe County Department of Health to render it safe for use as drinking water or for industrial purposes, and the user must first notify and obtain written approval to do so from the Department;

- (5) Groundwater and other environmental or public health monitoring must be performed as defined in the SMP;
- (6) Data and information pertinent to site management of the Controlled Property must be reported at the frequency and in a manner defined in the SMP;
- (7) All future activities on the Controlled Property that will disturb remaining contaminated material must be conducted in accordance with the SMP;
- (8) Monitoring to assess the performance and effectiveness of the remedy must be performed as defined in the SMP;
- (9) Operation, maintenance, monitoring, inspection, and reporting of any mechanical or physical components of the remedy shall be performed as defined in the SMP;
- (10) Access to the Controlled Property must be provided to agents, employees or other representatives of the State of New York with reasonable prior notice to the Grantor and Owner of the Controlled Property to assure compliance with the restrictions identified by this Environmental Easement.

B. The Controlled Property shall not be used for Residential as described in 6 NYCRR 375-1.8(g)(2)(i), and the above-stated engineering controls may not be discontinued without an amendment or extinguishment of this Environmental Easement.

C. The SMP describes obligations that the Grantor assumes on behalf of Grantor, its successors and assigns. The Grantor's assumption of the obligations contained in the SMP which may include sampling, monitoring, and/or operating a treatment system, and providing certified reports to the NYSDEC, is and remains a fundamental element of the Department's determination that the Controlled Property is safe for a specific use, but not all uses. The SMP may be modified in accordance with the Department's statutory and regulatory authority. The Grantor and all successors and assigns, assume the burden of complying with the SMP and obtaining an up-to-date version of the SMP from:

Site Control Section
Division of Environmental Remediation
NYSDEC
625 Broadway
Albany, New York 12233
Phone: (518) 402-9553

D. Grantor must provide all persons who acquire any interest in the Controlled Property a true and complete copy of the SMP that the Department approves for the Controlled Property and all Department-approved amendments to that SMP.

E. Grantor covenants and agrees that until such time as the Environmental Easement is extinguished in accordance with the requirements of ECL Article 71, Title 36 of the ECL, the Controlled Property deed and all subsequent instruments of conveyance relating to the Controlled Property shall state in at least fifteen-point bold-faced type:

This property is subject to an Environmental Easement held by the New York State Department of Environmental Conservation pursuant to Title 36 of Article 71 of the Environmental Conservation Law.

F. Grantor covenants and agrees that this Environmental Easement shall be incorporated in full or by reference in any leases, licenses, or other instruments granting a right to use the Controlled Property.

G. Grantor covenants and agrees that it shall, at such time as NYSDEC may require, submit to NYSDEC a written statement by an expert the NYSDEC may find acceptable certifying under penalty of perjury, in such form and manner as the Department may require, that:

(1) the inspection of the site to confirm the effectiveness of the institutional and engineering controls required by the remedial program was performed under the direction of the individual set forth at 6 NYCRR Part 375-1.8(h)(3);

(2) the institutional controls and/or engineering controls employed at such site:
(i) are in-place;
(ii) are unchanged from the previous certification, or that any identified changes to the controls employed were approved by the NYSDEC and that all controls are in the Department-approved format; and
(iii) that nothing has occurred that would impair the ability of such control to protect the public health and environment;

(3) the owner will continue to allow access to such real property to evaluate the continued maintenance of such controls;

(4) nothing has occurred that would constitute a violation or failure to comply with any site management plan for such controls;

(5) the report and all attachments were prepared under the direction of, and reviewed by, the party making the certification;

(6) to the best of his/her knowledge and belief, the work and conclusions described in this certification are in accordance with the requirements of the site remedial program, and generally accepted engineering practices; and

(7) the information presented is accurate and complete.

3. Right to Enter and Inspect. Grantee, its agents, employees, or other representatives of the State may enter and inspect the Controlled Property in a reasonable manner and at reasonable times to assure compliance with the above-stated restrictions.

4. Reserved Grantor's Rights. Grantor reserves for itself, its assigns, representatives, and successors in interest with respect to the Controlled Property, all rights as fee owner of the Controlled Property, including:

A. Use of the Controlled Property for all purposes not inconsistent with, or limited by the terms of this Environmental Easement; and

B. The right to give, sell, assign, or otherwise transfer part or all of the underlying fee interest to the Controlled Property, subject and subordinate to this Environmental Easement.

5. Enforcement

A. This Environmental Easement is enforceable in law or equity in perpetuity by Grantor, Grantee, or any affected local government, as defined in ECL Section 71-3603, against the owner of the Controlled Property, any lessees, and any person using the Controlled Property. Enforcement shall not be defeated because of any subsequent adverse possession, laches, estoppel, or waiver. It is not a defense in any action to enforce this Environmental Easement that: it is not appurtenant to an interest in real property; it is not of a character that has been recognized traditionally at common law; it imposes a negative burden; it imposes affirmative obligations upon the owner of any interest in the burdened property; the benefit does not touch or concern real property; there is no privity of estate or of contract; or it imposes an unreasonable restraint on alienation.

B. If any person violates this Environmental Easement, the Grantee may revoke the Certificate of Completion with respect to the Controlled Property.

C. Grantee shall notify Grantor of a breach or suspected breach of any of the terms of this Environmental Easement. Such notice shall set forth how Grantor can cure such breach or suspected breach and give Grantor a reasonable amount of time from the date of receipt of notice in which to cure. At the expiration of such period of time to cure, or any extensions granted by Grantee, the Grantee shall notify Grantor of any failure to adequately cure the breach or suspected breach, and Grantee may take any other appropriate action reasonably necessary to remedy any breach of this Environmental Easement, including the commencement of any proceedings in accordance with applicable law.

D. The failure of Grantee to enforce any of the terms contained herein shall not be deemed a waiver of any such term nor bar any enforcement rights.

County: Monroe

Site No: E 828144

SAC #: 303648

THIS ENVIRONMENTAL EASEMENT IS HEREBY ACCEPTED BY THE PEOPLE OF THE STATE OF NEW YORK, Acting By and Through the Department of Environmental Conservation as Designee of the Commissioner,

By: 

Name: Robert W. Schick

Title: Director

Division of Environmental Remediation

Date: May 13th 2015

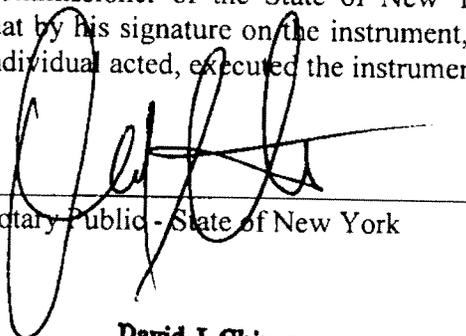
Grantee's Acknowledgment

STATE OF NEW YORK)

) ss:

COUNTY OF ALBANY)

On the 13 day of MAY, in the year 2015, before me, the undersigned, personally appeared Robert W. 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 the individual acted, executed the instrument.



Notary Public - State of New York

David J. Chiusano
Notary Public, State of New York
No. 01CH5032146
Qualified in Schenectady County,
Commission Expires August 22, 2016

SCHEDULE "A" PROPERTY DESCRIPTION

ALL THAT PIECE OR PARCEL OF LAND SITUATE IN THE CITY OF ROCHESTER, COUNTY OF MONROE, STATE OF NEW YORK BEING PART OF TOWN LOTS 6 AND 7, RANGE 7, AND BEING DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE NORTHERLY RIGHT OF WAY OF ANDREWS STREET (60' WIDE) AT ITS INTERSECTION WITH THE WESTERLY RIGHT OF WAY OF FRANKLIN SQUARE (WIDTH VARIES); THENCE

- 1) NORTHERLY ALONG THE WESTERLY RIGHT OF WAY OF FRANKLIN SQUARE (WIDTH VARIES) ON A BEARING OF NORTH 02° 40 '43" WEST A DISTANCE OF 158.43 FEET TO A POINT IN THE SOUTHERLY RIGHT OF WAY OF THE INTERSTATE 490 ROCHESTER CITY INNER LOOP EAST (WIDTH VARIES); THENCE
- 2) WESTERLY ALONG THE SOUTHERLY RIGHT OF WAY OF THE INTERSTATE 490 ROCHESTER CITY INNER LOOP EAST (WIDTH VARIES) THE FOLLOWING THREE (3) COURSES AND DISTANCES: (1) SOUTH 87° 07' 13" WEST A DISTANCE OF 100.00 FEET TO A POINT; THENCE (2) NORTH 84° 26' 29" WEST A DISTANCE OF 67.68 FEET TO A POINT; THENCE (3) SOUTH 86° 01' 34" WEST A DISTANCE OF 187.81 FEET TO A POINT IN THE EASTERLY RIGHT OF WAY OF BRISTOL STREET (10' WIDE); THENCE
- 3) SOUTHERLY ALONG THE EASTERLY RIGHT OF WAY OF BRISTOL STREET (10' WIDE) ON A BEARING OF SOUTH 17°26'48" EAST A DISTANCE OF 249.40 FEET TO A POINT IN THE NORTHERLY RIGHT OF WAY OF ANDREWS STREET (60' WIDE); THENCE
- 4) EASTERLY ALONG THE NORTHERLY RIGHT OF WAY OF ANDREWS STREET (60' WIDE) ON A BEARING OF NORTH 72°23'32" EAST A DISTANCE OF 301.33 FEET TO THE POINT OF BEGINNING, BEING 66,413± SQUARE FEET OR 1.524± ACRES.

ENCOMPASSING ALL OF TAX MAP NUMBER'S 106.72-1-84.1, 106.72-1-85.1, 106.72-1-86 AND 106.72-1-87.1.



SITE MAP
(NOT TO SCALE)

TAX NO. 106.72-1-84, LIBER 8028 PAGE 344, EXHIBIT A, PARCEL 1

ALL THAT TRACT OR PARCEL OF LAND, SITUATE, LYING AND BEING IN THE CITY OF ROCHESTER, COUNTY OF MONROE AND STATE OF NEW YORK, COMMENCING AT THE INTERSECTION OF THE WESTERLY LINE OF FRANKLIN SQUARE AND THE NORTHERLY LINE OF ANDREWS STREET, BEING AT THE SOUTHEASTERLY CORNER OF A PARCEL OF LAND CONVEYED BY THE FOUR HUNDRED EAST MAIN CORPORATION TO CENTRAL GREYHOUND LINES, INC. OF NEW YORK; THENCE NORTHERLY ALONG THE WESTERLY LINE OF FRANKLIN SQUARE AND ALONG THE EASTERLY LINE OF LANDS CONVEYED TO THE CENTRAL GREYHOUND LINES, INC. OF NEW YORK, 223.43 FEET MORE OR LESS, TO THE NORTHEASTERLY CORNER OF A PARCEL OF LAND CONVEYED TO CENTRAL GREYHOUND LINES, INC. OF NEW YORK BY JOSEPHINE F. SKINNER; THENCE WESTERLY ALONG THE NORTHERLY LINE OF THE LAST MENTIONED PARCEL ABOUT 155 FEET TO THE EAST LINE OF EVANS STREET; THENCE SOUTHERLY ALONG THE EAST LINE OF EVANS STREET AND ALONG THE WESTERLY LINE OF LANDS CONVEYED TO CENTRAL GREYHOUND LINES, INC. OF NEW YORK, 262.14 FEET, MORE OR LESS, TO THE SOUTHWESTERLY CORNER OF A PARCEL OF LAND CONVEYED TO CENTRAL GREYHOUND LINES, INC. OF NEW YORK, BY ARTHUR W. MORRISON, ET AL; THENCE EASTERLY ALONG THE NORTHERLY LINE OF ANDREWS STREET AND ALONG THE SOUTHERLY LINES OF LANDS CONVEYED BY MORRISON ET AL, AND BY THE FOUR HUNDRED EAST MAIN CORPORATION TO THE POINT AND PLACE OF BEGINNING.

EXCEPTING AND RESERVING THEREFROM, THAT PORTION OR PART OF THE ABOVE DESCRIBED PREMISES WHICH WAS APPROPRIATED AND TAKEN BY THE STATE OF NEW YORK ON DECEMBER 17, 1959; SAID PORTION OR PART BEING REFERRED TO AND DESCRIBED AS PARCEL NO. 167 ON MAP NO. 1648-1 FOR PROJECT "ROCHESTER CITY INNER LOOP; FRONT STREET TO NORTH STREET", A COPY OF WHICH MAP WAS FILED IN THE MONROE COUNTY CLERK'S OFFICE BY THE NEW YORK STATE DEPARTMENT OF PUBLIC WORKS.

BEING AND INTENDED TO BE ALL OF THE SAME PROPERTY CONVEYED TO GLI REALTY COMPANY (WHICH MERGED INTO GREYHOUND LINES, INC.) BY DEED DATED MARCH 19, 1987, AND RECORDED JUNE 15, 1987 IN THE MONROE COUNTY CLERK'S OFFICE IN LIBER 7133 OF DEEDS AT PAGE 79.

TAX NO. 106.72-1-87, LIBER 8028 PAGE 344, EXHIBIT A, PARCEL 2

ALL THAT TRACT OR PARCEL OF LAND, SITUATED IN THE CITY OF ROCHESTER, COUNTY OF MONROE AND STATE OF NEW YORK, KNOWN AND DISTINGUISHED AS LOTS 6, 8 AND 9 IN G. W. PRATT'S SUBDIVISION OF LOTS 93, 94, 95 AND 136 OF THE FRANKLIN TRACT.

SAID LOT NO. 6 FRONTS 120 FEET ON THE WESTERLY SIDE OF EVANS STREET, IS 53 FEET, MORE OR LESS, IN WIDTH ON THE REAR LINE AND IS 93.5 FEET DEEP ON THE NORTH LINE AND 86 FEET DEEP ON THE SOUTH LINE, SAID LOT NO. 8 ADJOINS LOTS 8 AND 9 ON THE REAR LINE THEREOF.

SAID LOT NO. 8 FRONTS 43 FEET, MORE OR LESS ON THE EASTERLY SIDE OF BRISTOL STREET, IS 36 FEET, MORE OR LESS, IN WIDTH ON THE REAR LINE AND IS 80.1 FEET DEEP ON THE NORTHERLY LINE AND 85.2 FEET DEEP ON THE SOUTHERLY LINE.

SAID LOT NO. 9 FRONTS 43.4 FEET, MORE OR LESS, ON THE EASTERLY SIDE OF BRISTOL STREET, IS 34.5 FEET, MORE OR LESS, IN WIDTH ON THE REAR LINE AND IS 95 FEET DEEP ON THE NORTHERLY LINE AND 90.1 FEET DEEP ON THE SOUTHERLY LINE. THE SOUTHERLY LINE OF SAID LOT 9 BEING CONTIGUOUS WITH THE NORTHERLY LINE OF LOT NO. 8 ABOVE DESCRIBED.

BEING AND INTENDED TO BE ALL OF THE SAME PROPERTY CONVEYED TO GLI REALTY COMPANY (WHICH MERGED INTO GREYHOUND LINES, INC.) BY DEED DATED MARCH 19, 1987, AND RECORDED JUNE 15, 1987 IN THE MONROE COUNTY CLERK'S OFFICE IN LIBER 7133 OF DEEDS AT PAGE 87.

TAX NO. 106.72-1-85, LIBER 8044 PAGE 377

ALL THAT TRACT OR PARCEL OF LAND SITUATE IN THE CITY OF ROCHESTER, COUNTY OF MONROE AND STATE OF NEW YORK, BEING LOT NO. 2 AS THE SAME IS LAID DOWN AND DESIGNATED UPON A MAP OF G. W. PRATT'S SUBDIVISION OF LOTS 93, 94, 95 AND 136 OF THE FRANKLIN TRACT MADE BY SILAS CORNELL AND FILED IN MONROE COUNTY CLERK'S OFFICE IN LIBER 53 OF DEEDS, PAGE 203, SAID LOT 2 BEING CONVEYED FRONTS 33 FEET ON THE NORTH SIDE OF ANDREWS STREET AND RUNS BACK OF THAT WIDTH, 120 FEET. REFERENCE BEING HAD TO SAID MAP.

ALL THAT TRACT OR PARCEL OF LAND SITUATE IN THE CITY OF ROCHESTER, COUNTY OF MONROE AND STATE OF NEW YORK, KNOWN AND DISTINGUISHED AS LOT 3 ON A MAP OF G.W. PRATT'S SUBDIVISION OF LOTS 93, 94, 95 AND 136 OF THE FRANKLIN TRACT MADE BY SILAS CORNELL AND FILED IN MONROE COUNTY CLERK'S OFFICE IN LIBER 53 OF DEEDS, PAGE 203, SAID LOT 3 HEREBY CONVEYED BEING 32 FEET ON ANDREWS STREET 120 FEET ON THE WEST LINE, 47-1/2 FEET ON THE REAR LINE AND 121 FEET ON THE EAST LINE.

LOT SITUATE IN THE CITY OF ROCHESTER, COUNTY OF MONROE AND STATE OF NEW YORK, KNOWN AND DESCRIBED AS THE WESTERLY LINE OF LANDS CONVEYED TO THE CITY OF ROCHESTER, COUNTY OF MONROE AND STATE OF NEW YORK, BY AND RUNNING WESTWARD ALONG ANDREWS STREET 32 FEET; THENCE NORTHERLY 121 FEET; THENCE EASTERLY 47-1/2 FEET TO SAID ALLEY; THENCE SOUTHERLY ALONG SAID ALLEY 124 FEET TO THE PLACE OF BEGINNING.

LAND SITUATE IN THE CITY OF ROCHESTER, COUNTY OF MONROE AND STATE OF NEW YORK, KNOWN AND DESIGNATED ON A MAP OF GEORGE N. PRATT'S SUBDIVISION OF LOTS 93, 94, 95 AND 136 OF THE FRANKLIN TRACT AS LOT 5 WHICH MAP IS RECORDED IN LIBER 53 OF DEEDS, PAGE 203. SAID LOT 5 FRONTS 44 FEET ON THE WEST SIDE OF EVANS STREET IN SAID CITY OF ROCHESTER.

ALSO ALL THAT TRACT OR PARCEL OF LAND SITUATE IN THE CITY OF ROCHESTER, COUNTY OF MONROE AND STATE OF NEW YORK, KNOWN AND DESIGNATED ON A MAP OF GEORGE N. PRATT'S SUBDIVISION OF LOTS 93, 94, 95 AND 136 OF THE FRANKLIN TRACT AS LOT 7 WHICH MAP IS RECORDED IN LIBER 53 OF DEEDS, PAGE 203. SAID LOT 7 FRONTS 43 FEET ON THE EAST SIDE OF BRISTOL STREET IN SAID CITY OF ROCHESTER.

THIS CONVEYANCE IS SUBJECT TO ALL COVENANTS, EASEMENTS AND RESTRICTIONS OF RECORD AFFECTING SAID PREMISES, IF ANY.

BEING THE SAME PREMISES CONVEYED TO THE GRANOR BY DEED DATED OCTOBER 13, 1988 AND RECORDED ON OCTOBER 21, 1988 IN THE MONROE COUNTY CLERK'S OFFICE IN LIBER 7475 OF DEEDS AT PAGE 228.

TAX NO. 106.72-1-86, LIBER 8896 PAGE 158

ALL THAT TRACT OR PARCEL OF LAND SITUATE IN THE CITY OF ROCHESTER, COUNTY OF MONROE AND STATE OF NEW YORK, COMMENCING AT THE SOUTHWEST CORNER OF LOT NINETY-FIVE (95) AS SURVEYED BY SILAS CORNELL, BOUNDED SOUTH ON ANDREWS STREET AND RUNNING EASTERLY ON SAID STREET THIRTY THREE (33) FEET; THENCE NORTHERLY ONE HUNDRED AND TWENTY (120) FEET; THENCE WESTERLY THIRTY THREE (33) FEET TO AN ALLEY; THENCE SOUTHERLY ALONG SAID ALLEY ONE HUNDRED TWENTY (120) FEET TO SAID ANDREWS STREET OR PLACE OF BEGINNING; SAID LOT BEING IN THE FRANKLIN TRACT, SO CALLED AND BEING A SUBDIVISION OF SAID LOT NINETY-FIVE.

BEING AND HEREBY INTENDING TO CONVEY PART OF THE SAME PREMISES CONVEYED TO GRANOR BY DEED DATED NOVEMBER 28, 1989 AND RECORDED ON THE SAME DAY IN LIBER 7787 OF DEEDS AT PAGE 139 IN THE OFFICE OF THE MONROE COUNTY CLERK.

SUBJECT TO COVENANTS, EASEMENTS AND RESTRICTIONS OF RECORD AFFECTING SAID PREMISES, IF ANY.

SURVEYOR'S PARCEL DESCRIPTION/ENVIRONMENTAL EASEMENT DESCRIPTION

ENCOMPASSING ALL OF T.A. NO.'S 106.72-1-84.1, 106.72-1-85.1, 106.72-1-86 AND 106.72-1-87.1.

ALL THAT PIECE OR PARCEL OF LAND SITUATE IN THE CITY OF ROCHESTER, COUNTY OF MONROE, STATE OF NEW YORK BEING PART OF TOWN LOTS 6 AND 7, RANGE 7, AND BEING DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE NORTHERLY RIGHT OF WAY OF ANDREWS STREET (60' WIDE) AT ITS INTERSECTION WITH THE WESTERLY RIGHT OF WAY OF FRANKLIN SQUARE (WIDTH VARIES); THENCE

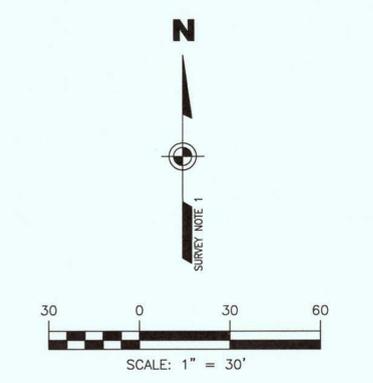
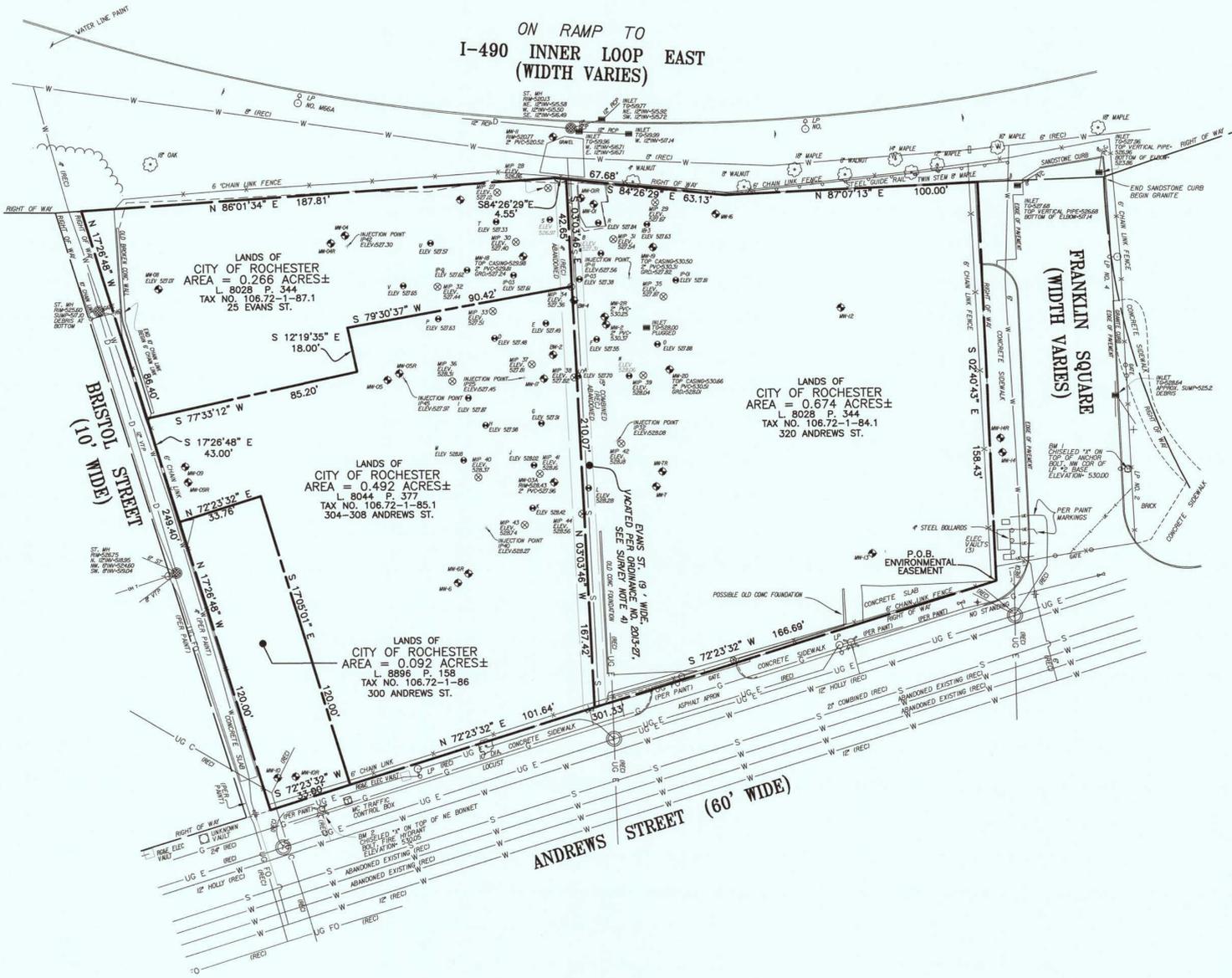
1) NORTHERLY ALONG THE WESTERLY RIGHT OF WAY OF FRANKLIN SQUARE (WIDTH VARIES) ON A BEARING OF NORTH 02°40'43" WEST A DISTANCE OF 158.43 FEET TO A POINT IN THE SOUTHERLY RIGHT OF WAY OF THE INTERSTATE 490 ROCHESTER CITY INNER LOOP EAST (WIDTH VARIES); THENCE

2) WESTERLY ALONG THE SOUTHERLY RIGHT OF WAY OF THE INTERSTATE 490 ROCHESTER CITY INNER LOOP EAST (WIDTH VARIES) THE FOLLOWING THREE (3) COURSES AND DISTANCES: (1) SOUTH 87°07'13" WEST A DISTANCE OF 100.00 FEET TO A POINT; THENCE (2) NORTH 84°26'29" WEST A DISTANCE OF 67.68 FEET TO A POINT; THENCE (3) SOUTH 86°01'34" WEST A DISTANCE OF 187.81 FEET TO A POINT IN THE EASTERLY RIGHT OF WAY OF BRISTOL STREET (10' WIDE); THENCE

3) SOUTHERLY ALONG THE EASTERLY RIGHT OF WAY OF BRISTOL STREET (10' WIDE) ON A BEARING OF SOUTH 17°26'48" EAST A DISTANCE OF 249.40 FEET TO A POINT IN THE NORTHERLY RIGHT OF WAY OF ANDREWS STREET (60' WIDE); THENCE

4) EASTERLY ALONG THE NORTHERLY RIGHT OF WAY OF ANDREWS STREET (60' WIDE) ON A BEARING OF NORTH 72°23'32" EAST A DISTANCE OF 301.33 FEET TO THE POINT OF BEGINNING, BEING 66,413± SQUARE FEET OR 1.524± ACRES.

SUBJECT TO ANY EASEMENTS OR ENCUMBRANCES OF RECORD.



LEGEND

---	PROPERTY LINE/LEASE PARCEL LINE
---	RIGHT-OF-WAY LINE
---	EASEMENT LINE
---	BUILDING LINE
---	FENCE LINE
---	EDGE OF GRAVEL
S	SANITARY SEWER LINE W/MANHOLE & C.O.
D	STORM SEWER LINE W/MH & CATCH BASIN
W	WATER LINE W/HYDRANT, VALVE & METER
UG E	ELECTRIC LINE W/PULLBOX, METER & MANHOLE
G	NATURAL GAS LINE W/METER & VALVE
OH E, OH T, OH C	OVERHEAD ELECTRIC, TELEPHONE & CABLE LINE
UG T	UNDERGROUND TELEPHONE LINE & MANHOLE
OH T	OVERHEAD TELEPHONE LINE
---	TREE/BRUSH LINE
TS	SIGNAL POLE, PEDESTRIAN POLE & TRAFFIC PULL BOX
TC	TRAFFIC CONTROL LINE
---	UTILITY POLE, GUY, LIGHT POLE & TOP MOUNT LIGHT
---	EXISTING MONITORING WELL
---	CONIFEROUS TREE (SPECIES AND SIZE NOTED)
---	DECIDUOUS TREE (SPECIES AND SIZE NOTED)
---	BENCH MARK
---	EXISTING MIP
---	UNKNOWN UTILITY VAULT
---	REFLECTOR POST

ABBREVIATIONS

CONC.	CONCRETE
COR.	CORNER
CORS	CONTINUOUSLY OPERATING REFERENCE STATION
ELEV.	ELEVATION
L.P.	LAMP POST
MH	MANHOLE
NAD	NORTH AMERICAN DATUM
P.O.B.	POINT OF BEGINNING
RCP	REINFORCED CONCRETE PIPE
REC.	RECORD
VTP	VITRIFIED TILE PIPE

- SURVEY NOTES:**
- COORDINATES, BEARINGS AND NORTH ORIENTATION SHOWN HEREON ARE REFERENCED TO THE NEW YORK STATE PLANE COORDINATE SYSTEM, WESTERN ZONE, TRANSVERSE MERCATOR PROJECTION, NAD 83/96 USING GPS PROCEDURES AND THE NEW YORK STATE DOT CORS NETWORK.
 - ELEVATIONS SHOWN HEREON ARE REFERENCED TO EXISTING WELL ELEVATIONS (TOP PVC INNER CASING) BY LU ENGINEERS TABLES PROVIDED TO FISHER ASSOCIATES. WELL NO. 14 WAS HELD AS THE PRIMARY BENCHMARK AND WELL NOS. 10 AND 13 WERE CHECKED. VERTICAL ERROR WAS LESS THAN 0.02 FEET.
 - UNDERGROUND UTILITIES SHOWN HEREON WERE PLOTTED FROM FIELD LOCATIONS, VISIBLE AT THE TIME OF SURVEY. THE LOCATIONS OF ALL UNDERGROUND UTILITIES SHOULD BE STAKED BY THE RESPECTIVE UTILITY COMPANY PRIOR TO ANY CONSTRUCTION.

- REFERENCES:**
- DEEDS LISTED HEREON.
 - ROCHESTER CITY SURVEY DISTRICT NO. 12 MAP 3 AND DISTRICT NO. 14 MAP 2.
 - THE CITY OF ROCHESTER CITY CLERK'S OFFICE CERTIFIED ORDINANCE NO. 2013-27 ADOPTED ON JANUARY 24, 2013 AMENDING THE OFFICIAL MAP BY ABANDONMENT OF EVANS STREET.

WE, FISHER ASSOCIATES, P.E., L.S., L.A., D.P.C., HEREBY CERTIFY THAT THIS MAP WAS PREPARED FROM NOTES OF AN INSTRUMENT SURVEY COMPLETED BY US DEC. 22, 2014 USING REFERENCES AND EVIDENCE SHOWN HEREON.

THIS MAP IS SUBJECT TO ANY EASEMENTS OR ENCUMBRANCES THAT AN ABSTRACT OF TITLE MAY SHOW.

BY: *Scott V. Smith* DATE: 2/6/15
SCOTT V. SMITH N.Y.S.P.L.S. NO. 050561

ENGINEERING/INSTITUTIONAL CONTROLS
Land Use-Restricted Residential as described in 6 NYCRR Part 375-1.8(g)(2)(ii), Commercial as described in 6 NYCRR Part 375-1.8(g)(2)(iii), and Industrial Use as described in 6 NYCRR Part 375-1.8(g)(2)(iv).

ENVIRONMENTAL EASEMENT AREA ACCESS
THE DEC OR THEIR AGENT MAY ACCESS THE ENVIRONMENTAL EASEMENT AREA AS SHOWN HEREON THROUGHOUT ANY EXISTING STREET ACCESS OR BUILDING INGRESS/EGRESS ACCESS POINT

This property is subject to an Environmental Easement held by the New York State Department of Environmental Conservation pursuant to Title 36 of Article 71 of the New York Environmental Conservation Law.

THE ENGINEERING AND INSTITUTIONAL CONTROLS for the easement are set forth in more detail in the Site Management Plan ("SMP"). A copy of the SMP must be obtained by any party with an interest in the property. The SMP may be obtained from the New York State Department of Environmental Conservation, Division of Environmental Remediation, Site Control Section, 625 Broadway, Albany, NY, 12233 or at derweb@gw.dec.state.ny.us

7	REV	DESCRIPTION	DATE	BY
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ISSUE DATE: JAN. 2015
SCALE: 1" = 30'

FA PROJECT NO. 132028
PROJECT MANAGER: S. SMITH
DRAWN BY: J. HEFNER

STATE OF NEW YORK
BOARDS AND LAND OFFICES
FISHER ASSOCIATES
WWW.FISHERASSOCIATES.COM
185 Canton Street, Suite 310
Rochester, NY 14609

PROJECT: NYS/DEC ENVIRONMENTAL RESTORATION PROJECT
SITE NO. E828144, 300, 304-308, 320 ANDREWS ST. & 25 EVANS ST.
CITY OF ROCHESTER
MONROE COUNTY, NY

TITLE OF DRAWING: ENVIRONMENTAL EASEMENT MAP

DRAWING NO. FA-1

SHEET 1 OF 1

FILE NAME: H:\Projects\132028-NYSDEC_Env_Restor_EB28144_Sur\CAD\Andrews St_DEC_Envior Restoration.dwg
DATE/TIME: 1/28/2015 9:58:45 AM
USER: Joseph Heffner