



SARATOGA COUNTY – STATE OF NEW YORK  
 SARATOGA COUNTY CLERK  
 CRAIG A. HAYNER  
 40 MCMASTER STREET, BALLSTON SPA, NY 12020

COUNTY CLERK'S RECORDING PAGE  
 \*\*\*THIS PAGE IS PART OF THE DOCUMENT – DO NOT DETACH\*\*\*



INSTRUMENT #: 2020022222

Receipt#: 202012337037  
 Clerk: TF  
 Rec Date: 08/24/2020 10:00:31 AM  
 Doc Grp: D  
 Descrip: REGULAR EASEMENT  
 Num Pgs: 22

Party1: MPM SILICONES LLC  
 Party2: PEOPLE OF THE STATE OF NEW YORK  
 Town: WATERFORD  
 HALFMOON

Recording:

Pages	105.00
Cover Sheet Fee	5.00
Recording Fee	20.00
Cultural Ed	14.25
Records Management - Coun	1.00
Records Management - Stat	4.75
Names	0.50
TP 584	5.00

Sub Total: 155.50

Transfer Tax	
Transfer Tax	0.00

Sub Total: 0.00

Total: 155.50

\*\*\*\* NOTICE: THIS IS NOT A BILL \*\*\*\*

\*\*\*\*\* Transfer Tax \*\*\*\*\*  
 Transfer Tax #: 435  
 Transfer Tax

Total: 0.00

Record and Return To:

ELECTRONICALLY RECORDED BY CSC INGENIO

This page constitutes the Clerk's endorsement, required by section 316-a (5) & 319 of the Real Property Law of the State of New York with a stamped signature underneath.

Saratoga County Clerk

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

2020022222  
08/24/2020 10:00:31 AM  
22 Pages RECORDED  
REGULAR EASEMENT  
Saratoga County Clerk

**THIS INDENTURE** made this 23<sup>rd</sup> day of July, 2020, between Owner(s) MPM Silicones, LLC, having an office at 260 Hudson River Road, Waterford, New York 12188, County of Saratoga, State of New York (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 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 having a mailing address of 260 Hudson River Road located partially in the Town of Halfmoon and partially in the Town of Waterford, County of Saratoga and State of New York, which consists in part of 20 tax lots that are part of this easement, a list of the parcels by address and tax map parcel numbers is attached hereto as Schedule "A", being a portion of the same property conveyed to Grantor by deed dated July 2, 2001 and recorded in the Saratoga County Clerk's Office in Liber 1583 Page 709, and by deed dated December 5, 2008 and recorded in the Saratoga County Clerk's Office as Instrument No. 2008040884. The property subject to this Environmental Easement (the "Controlled Property") comprises approximately 516.428 +/- acres, and is hereinafter more fully described as a portion of Parcel A and Parcels F, G, H and I in the Land Title Survey dated November 28, 2006 and last revised January 4, 2018 prepared by Karen Anne Riley, L.L.S. of Merlyn J. Jenkins & Associates, Inc., which will be attached to the Site Management Plan. The Controlled Property description is set forth in and attached hereto as Schedule "B"; and

**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 the Hazardous Waste Management Permit, DEC Permit No. 54154-00002/00357 ("Permit"), any amendment to said Permit, or any future Site Management Plan ("SMP"), 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 this 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 land that are inconsistent with the above-stated purpose.

2. Institutional and Engineering Controls. The institutional controls and requirements listed in the Department approved Permit and/or SMP including any and all Department approved amendments to the site institutional controls required by the Permit or 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:

**Industrial as described in 6 NYCRR Part 375-1.8(g)(2)(iv), including existing office space, as well as future office space and other uses that do not conflict with current industrial use and are consistent with the Permit referenced herein.**

(2) All Engineering Controls must be operated and maintained as specified in the Permit and/or SMP;

(3) All Engineering Controls must be inspected at a frequency and in a manner defined in the Permit and/or SMP;

(4) The use of groundwater underlying the property is prohibited without necessary water quality treatment as determined by the NYSDOH or the Saratoga 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 Permit and/or 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 Permit and/or SMP;

(7) All future activities on the property that will disturb remaining contaminated material must be conducted in accordance with the Permit and/or SMP;

(8) Monitoring to assess the performance and effectiveness of the remedy must be performed as defined in the Permit and/or SMP;

(9) Operation, maintenance, monitoring, inspection, and reporting of any mechanical or physical components of the remedy shall be performed as defined in the Permit and/or SMP;

(10) Access to the site must be provided to agents, employees or other representatives of the State of New York with reasonable prior notice to the property owner to assure compliance with the restrictions identified by this Environmental Easement.

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

C. The Permit and/or 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 Permit and/or 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 Permit and/or 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 Permit and/or SMP and obtaining an up-to-date version of the Permit and/or 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 Permit and/or SMP that the Department approves for the Controlled Property and all Department-approved amendments to that Permit and/or 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 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 Property, all rights as fee owner of the Property, including:

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

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 Property, any lessees, and any person using the land. 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.

6. Notice. Whenever notice to the Grantee (other than the annual certification) or approval from the Grantee is required, the Party providing such notice or seeking such approval shall identify the Controlled Property by referencing the following information:

County, NYSDEC Site Number, NYSDEC Brownfield Cleanup Agreement, State Assistance Contract or Order Number, and the County tax map number or the Liber and Page or computerized system identification number.

Parties shall address correspondence to:      Site Number: 546003  
Office of General Counsel  
NYSDEC  
625 Broadway  
Albany New York 12233-5500

With a copy to:                                      Site Control Section  
Division of Environmental Remediation  
NYSDEC

625 Broadway  
Albany, NY 12233

All notices and correspondence shall be delivered by hand, by registered mail or by Certified mail and return receipt requested. The Parties may provide for other means of receiving and communicating notices and responses to requests for approval.

7. Recordation. Grantor shall record this instrument, within thirty (30) days of execution of this instrument by the Commissioner or her/his authorized representative in the office of the recording officer for the county or counties where the Property is situated in the manner prescribed by Article 9 of the Real Property Law.

8. Amendment. Any amendment to this Environmental Easement may only be executed by the Commissioner of the New York State Department of Environmental Conservation or the Commissioner's Designee, and filed with the office of the recording officer for the county or counties where the Property is situated in the manner prescribed by Article 9 of the Real Property Law.

9. Extinguishment. This Environmental Easement may be extinguished only by a release by the Commissioner of the New York State Department of Environmental Conservation, or the Commissioner's Designee, and filed with the office of the recording officer for the county or counties where the Property is situated in the manner prescribed by Article 9 of the Real Property Law.

10. Joint Obligation. If there are two or more parties identified as Grantor herein, the obligations imposed by this instrument upon them shall be joint and several.

11. Consistency with the SMP. To the extent there is any conflict or inconsistency between the terms of this Environmental Easement and the Permit and/or SMP, regarding matters specifically addressed by the Permit and/or SMP, the terms of the Permit and/or SMP will control.

**Remainder of Page Intentionally Left Blank**





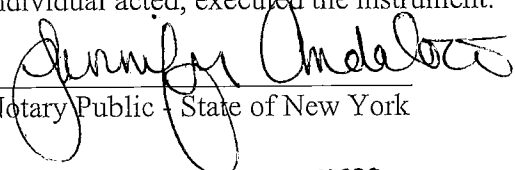
**THIS ENVIRONMENTAL EASEMENT IS HEREBY ACCEPTED BY THE PEOPLE OF THE STATE OF NEW YORK**, Acting By and Through the Department of Environmental Conservation as Designee of the Commissioner,

By:   
Michael J. Ryan, Director  
Division of Environmental Remediation

**Grantee's Acknowledgment**

STATE OF NEW YORK    )  
  ) ss:  
COUNTY OF ALBANY    )

On the 23<sup>rd</sup> day of July, in the year 2020, before me, the undersigned, personally appeared Michael J. Ryan, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name is (are) subscribed to the within instrument and acknowledged to me that he/she/ executed the same in his/her/ capacity as Designee of the Commissioner of the State of New York Department of Environmental Conservation, and that by his/her/ 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

**JENNIFER ANDALORO**  
Notary Public, State of New York  
No. 02AN6098246  
Qualified in Albany County  
Commission Expires January 14, 2024

**SCHEDULE "A" PARCEL ADDRESSES AND TAX LOT INFORMATION**

<b><u>Property Address</u></b>	<b><u>Town</u></b>	<b><u>Tax Map No.</u></b>
Hudson River Road Rear	Town of Halfmoon	286.-1-36
Clemente Lane Rear	Town of Waterford	286.-1-1.1
US Route 4	Town of Waterford	286.-1-1.2
US Route 4	Town of Waterford	286.-1-1.3
Hudson River Road	Town of Waterford	286.-1-7
305 Hudson River Road	Town of Waterford	286.-1-8
277 Hudson River Road	Town of Waterford	286.-1-13.1
275 Hudson River Road Rear	Town of Waterford	286.-1-13.2
275 Hudson River Road	Town of Waterford	286.-1-14
Hudson River Road	Town of Waterford	286.-1-15.1
Bells Lane	Town of Waterford	286.-1-26.4
School House Lane	Town of Waterford	286.-1-39.12
School House Lane	Town of Waterford	286.-1-40
School House Lane	Town of Waterford	286.-1-41
Middletown Road	Town of Waterford	286.-1-47.2
School House Lane	Town of Waterford	286.-1-49
Hudson River Road	Town of Waterford	286.-1-54
Middletown Road	Town of Waterford	286.-1-55
260 Hudson River Road	Town of Waterford	286.-1-56
Hudson River Road	Town of Waterford	286.-1-39.-2

**SCHEDULE "B" PROPERTY DESCRIPTION**

MPM SILICONES, LLC

PARCEL "A" (PORTION COVERED BY ENVIRONMENTAL EASEMENT)

Waterford

Section 286 Block 1 Lot 1.1  
Section 286 Block 1 Lot 1.2  
Section 286 Block 1 Lot 1.3  
Section 286 Block 1 Lot 40  
Section 286 Block 1 Lot 41  
Section 286 Block 1 Lot 47.2  
Section 286 Block 1 Lot 49  
Section 286 Block 1 Lot 55

All that certain lot or parcel of ground situate in the Town of Waterford, County of Saratoga, State of New York, bounded and described as follows:

Beginning at a point located at the Northwest corner of lot herein described, said point being situate North fifty-eight degrees twenty minutes and thirty-one seconds East (N 58°20'31" E) a distance of two thousand four hundred seventy-five and sixty hundredths feet (2,475.60') from a point located at the intersection of the East right-of-way line of DeVitt Road with the North right-of-way line of Middletown Road; THENCE FROM THE PLACE OF BEGINNING, North eighty-two degrees ten minutes and forty seconds East (N 82°10'40" E) for a distance of two thousand one hundred sixty-five and eighteen hundredths feet (2,165.18') to a point; thence, North six degrees fifty-nine minutes and forty-four seconds West (N 6°59'44" W) for a distance of two hundred sixteen and twenty-nine hundredths feet (216.29') to a point; thence, North eighty-two degrees one minute and twenty seconds East (N 82°01'20" E) for a distance of four hundred sixty-six and sixty-four hundredths feet (466.64') to a point; thence, South seventy-nine degrees twenty-three minutes and no seconds East (S 79°23'00" E) for a distance of one thousand one hundred thirty-nine and five hundredths feet (1,139.05') to a point; thence along the West line, now or formerly, of the Old Champlain Canal, South one degree six minutes and four seconds West (S 1°06'04" W) for a distance of one hundred sixty and ninety-eight hundredths feet (160.98') to a point; thence further along the same, South thirty-four degrees one minute and thirty seconds West (S 34°01'30" W) for a distance of seventy-one and forty-two hundredths feet (71.42') to a point; thence still further along the same, South twenty-one degrees sixteen minutes and thirty seconds West (S 21°16'30" W) for a distance of one hundred twenty-six and thirteen hundredths feet (126.13') to a point; thence, South eighty-one degrees thirty-five minutes and thirty seconds West (S 81°35'30" W) for a distance of seven hundred ten and forty-six hundredths feet (710.46') to a point; thence, South sixty-three degrees twenty-five minutes and thirty seconds West (S 63°25'30" W) for a distance of seven hundred fifty-six and forty-four hundredths feet (756.44') to a point; thence, South seven degrees fifteen minutes and thirty seconds East (S 7°15'30" E) for a distance of three hundred ninety-three and twenty-nine hundredths feet (393.29') to a point; thence, North seventy-nine degrees thirty-nine minutes and thirty seconds East (N 79°39'30" E) for a distance of two hundred nineteen and forty-four hundredths feet (219.44') to a point; thence, North eighty-four degrees thirty-nine minutes and thirty seconds East (N 84°39'30" E) for a distance of one hundred sixty-one and fifty-five hundredths feet (161.55') to a point; thence, North eighty-two degrees eleven minutes and thirty seconds East (N 82°11'30" E) for a distance of two hundred seventy and no hundredths feet (270.00') to a point; thence, South eighty-nine degrees

thirty-seven minutes and thirty seconds East (S 89°37'30" E) for a distance of one hundred seventy-seven and seventy-two hundredths feet (177.72') to a point; thence, North eighty-six degrees ten minutes and forty seconds East (N 86°10'40" E) for a distance of four hundred thirty-two and four hundredths feet (432.04') to a point; thence still further along the West line, now or formerly, of the Old Champlain Canal, the following twenty-five (25) courses and distances:

- 1) South five degrees nineteen minutes and no seconds West (S 5°19'00" W) for a distance of one hundred sixty-eight and forty hundredths feet (168.40') to a point;
- 2) South ten degrees twenty-two minutes and no seconds West (S 10°22'00" W) for a distance of sixty-six and twenty-eight hundredths feet (66.28') to a point;
- 3) South thirteen degrees four minutes and no seconds West (S 13°04'00" W) for a distance of one hundred thirty-three and twenty-seven hundredths feet (133.27') to a point;
- 4) South six degrees twenty-nine minutes and no seconds West (S 6°29'00" W) for a distance of one hundred twelve and twenty-three hundredths feet (112.23') to a point;
- 5) South zero degrees no minutes and no seconds West (S 00°00'00" W) for a distance of one hundred ninety-eight and eighty hundredths feet (198.80') to a point;
- 6) South one degree twenty-seven minutes and thirty seconds East (S 1°27'30" E) for a distance of one hundred six and no hundredths feet (106.00') to a point;
- 7) South zero degrees fifty-nine minutes and thirty seconds East (S 00°59'30" E) for a distance of one hundred ten and thirty-six hundredths feet (110.36') to a point;
- 8) South twenty-two degrees forty-two minutes and thirty seconds West (S 22°42'30" W) for a distance of one hundred seven and fifteen hundredths feet (107.15') to a point;
- 9) South thirty-four degrees nineteen minutes and thirty seconds East (S 34°19'30" E) for a distance of eighty-five and twenty-nine hundredths feet (85.29') to a point;
- 10) South eleven degrees three minutes and thirty seconds East (S 11°03'30" E) for a distance of seventy and forty hundredths feet (70.40') to a point;
- 11) South sixty-eight degrees twelve minutes and thirty seconds East (S 68°12'30" E) for a distance of one hundred eleven and thirty-three hundredths feet (111.33') to a point;
- 12) South twenty-eight degrees twenty-one minutes and thirty seconds East (S 28°21'30" E) for a distance of forty-nine and ninety-six hundredths feet (49.96') to a point;
- 13) South nineteen degrees thirty minutes and thirty seconds East (S 19°30'30" E) for a distance of two hundred one and three hundredths feet (201.03') to a point;
- 14) South four degrees five minutes and thirty seconds East (S 4°05'30" E) for a distance of one hundred and eleven hundredths feet (100.11') to a point;
- 15) South one degree fifty-six minutes and thirty seconds East (S 1°56'30" E) for a distance of ninety-seven and eighty-four hundredths feet (97.84') to a point;
- 16) South ten degrees eight minutes and no seconds West (S 10°08'00" W) for a distance of five hundred twenty-three and seventy-eight hundredths feet (523.78') to a point;
- 17) South ten degrees forty-three minutes and thirty seconds West (S 10°43'30" W) for a distance of three hundred fifty-five and ninety hundredths feet (355.90') to a point;
- 18) South fifty-four degrees forty-nine minutes and forty seconds West (S 54°49'40" W) for a distance of one hundred nineteen and fifty hundredths feet (119.50') to a point;
- 19) South ten degrees forty-four minutes and twenty seconds East (S 10°44'20" E) for a distance of two hundred thirty-six and thirty-eight hundredths feet (236.38') to a point;
- 20) South seven degrees fourteen minutes and three seconds West (S 7°14'03" W) for a distance of two hundred ninety-nine and twenty-two hundredths feet (299.22') to a point;
- 21) South thirty-six degrees thirty minutes and thirty seconds West (S 36°30'30" W) for a distance of forty-five and sixty-seven hundredths feet (45.67') to a point;

- 22) South fifteen degrees twenty-three minutes and no seconds West (S 15°23'00" W) for a distance of seventy-six and seventeen hundredths feet (76.17') to a point;
- 23) South twenty-one degrees eight minutes and fifty seconds East (S 21°08'50" E) for a distance of eighty-two and forty-one hundredths feet (82.41') to a point;
- 24) South four degrees thirty-four minutes and fifty seconds East (S 4°34'50" E) for a distance of one hundred fifty-one and forty-one hundredths feet (151.41') to a point;
- 25) South ten degrees fifty-two minutes and thirty seconds East (S 10°52'30" E) for a distance of one hundred sixty and one hundredth feet (160.01') to a point;

thence, South Seventy-nine degrees, twenty three minutes and seventeen seconds West (S 79° 23'17" W) 155.46 feet to a point;

thence, South seventy-nine degrees twenty-four minutes and no seconds West (S 79°24'00" W) for a distance of five hundred ninety-eight and ninety-seven hundredths feet (598.97') to a point; thence, North seven degrees fifty-six minutes and twenty seconds West (N 7°56'20" W) for a distance of five hundred sixty-two and thirty-seven hundredths feet (562.37') to a point; thence, South eighty-one degrees thirty-seven minutes and thirty seconds West (S 81°37'30" W) for a distance of nine hundred eighty and no hundredths feet (980.00') to a point; thence along the East right-of-way line of aforementioned Middletown Road, North eight degrees forty-five minutes and forty seconds West (N 8°45'40" W) for a distance of one hundred fifty and no hundredths feet (150.00') to a point; thence, North eighty-one degrees thirty-seven minutes and thirty seconds East (N 81°37'30" E) for a distance of one thousand two and three hundredths feet (1,002.03') to a point; thence, North seven degrees eighteen minutes and forty seconds West (N 7°18'40" W) for a distance of one thousand forty-six and ninety-nine hundredths feet (1,046.99') to a point; thence, North forty-two degrees no minutes and forty seconds West (N 42°00'40" W) for a distance of four hundred forty-two and ninety-six hundredths feet (442.96') to a point; thence, South eighty-six degrees seven minutes and thirty seconds West (S 86°07'30" W) for a distance of one thousand one hundred sixty-one and seventy-eight hundredths feet (1,161.78') to a point; thence, South forty-two degrees fifty-five minutes and twenty-two seconds West (S 42°55'22" W) for a distance of one hundred thirty-six and twelve hundredths feet (136.12') to a point; thence, North five degrees fifteen minutes and fifty seconds West (N 5°15'50" W) for a distance of one hundred fourteen and twenty-one hundredths feet (114.21') to a point; thence, North sixty-five degrees twenty-eight minutes and fifty seconds West (N 65°28'50" W) for a distance of eighteen and forty-four hundredths feet (18.44') to a point; thence, North forty-six degrees thirty-six minutes and fifty seconds West (N 46°36'50" W) for a distance of sixty-one and seventy-seven hundredths feet (61.77') to a point; thence, North fifty-three degrees fifty-five minutes and thirty seconds East (N 53°55'30" E) for a distance of four hundred twelve and sixty-five hundredths feet (412.65') to a point; thence, North twenty-two degrees twenty-three minutes and forty seconds East (N 22°23'40" E) for a distance of one hundred twenty-five and eighty-seven hundredths feet (125.87') to a point; thence, North forty degrees fifty minutes and twenty seconds West (N 40°50'20" W) for a distance of three hundred ten and six hundredths feet (310.06') to a point; thence, South eighty-two degrees twenty-six minutes and no seconds West (S 82°26'00" W) for a distance of eight hundred thirty-eight and twelve hundredths feet (838.12') to a point; thence, North seven degrees twenty-seven minutes and one second West (N 7°27'01" W) for a distance of one thousand four hundred seventy-three and forty-five hundredths feet (1,473.45') to a point; thence, North seven degrees forty-nine minutes and twenty seconds West (N 7°49'20" W) for a distance of three hundred eighty-one and fifty-nine hundredths feet (381.59') to the place of beginning.

Containing 9,746,137.11 Square Feet (223.741 Acres).

PARCEL "A" (PORTION OUTSIDE OF ENVIRONMENTAL EASEMENT)

Halfmoon

Section 285 Block 4 Lot 38

Waterford

Section 285 Block 1 Lot 84

Section 286 Block 1 Lot 46

Section 286 Block 1 Lot 46.2

Intentionally Omitted

PARCEL "A" (PORTION OUTSIDE OF ENVIRONMENTAL EASEMENT)

Waterford

Section 291 Block 1 Lot 51

Intentionally Omitted

PARCEL "B"

Halfmoon

Section 286 Block 1 Lot 46.1

Intentionally Omitted

PARCEL "C"

Halfmoon

Section 286 Block 1 Lot 50

Intentionally Omitted

PARCEL "D"

Halfmoon

Section 286 Block 1 Lot 39.1

Section 286 Block 1 Lot 40

Section 286 Block 1 Lot 41.31

Intentionally Omitted

PARCEL "E"

Halfmoon

Section 286 Block 1 Lot 41.32

Intentionally Omitted

PARCEL "F"

Waterford

Section 286 Block 1 Lot 26.4

Section 286 Block 1 Lot 39.12

Section 286 Block 1 Part of Lot 56

Section 286 Block 1 Lot 56

All that certain lot or parcel of ground situate in the Town of Waterford, County of Saratoga, State of New York, bounded and described as follows:

Beginning at a point located on the South line of lands, now or formerly, of Niagara Mohawk Power Corporation, said point being situate North fifty-eight degrees twenty minutes and thirty-one seconds East (N 58°20'31" E) a distance of two thousand four hundred seventy-five and

sixty hundredths feet (2,475.60'), North eighty-two degrees ten minutes and forty seconds East (N 82°10'40" E) a distance of two thousand one hundred sixty-five and eighteen hundredths feet (2,165.18'), North six degrees fifty-nine minutes and forty-four seconds West (N 6°59'44" W) a distance of two hundred sixteen and twenty-nine hundredths feet (216.29'), North eighty-two degrees one minute and twenty seconds East (N 82°01'20" E) a distance of four hundred sixty-six and sixty-four hundredths feet (466.64') and South seventy-nine degrees twenty-three minutes and no seconds East (S 79°23'00" E) a distance of one thousand three hundred seventy-five and twenty-four hundredths feet (1,375.24') from a point located at the intersection of the East right-of-way line of DeVitt Road with the North right-of-way line of Middletown Road; THENCE FROM THE PLACE OF BEGINNING along the aforementioned South line of lands, now or formerly, of Niagara Mohawk Power Corporation, South seventy-nine degrees twenty-three minutes and no seconds East (S 79°23'00" E) for a distance of one hundred one and ninety-seven hundredths feet (101.97') to a point; thence further along the same, South ten degrees thirty-seven minutes and no seconds West (S 10°37'00" W) for a distance of twenty-five and no hundredths feet (25.00') to a point; thence still further along the same, South seventy-nine degrees twenty-three minutes and no seconds East (S 79°23'00" E) for a distance of twenty-three and fifty-four hundredths feet (23.54') to a point; thence, South two degrees one minute and thirty seconds West (S 2°01'30" W) for a distance of eight hundred eighty-six and forty-seven hundredths feet (886.47') to a point; thence, North eighty-seven degrees fifty-five minutes and thirty seconds East (N 87°55'30" E) for a distance of one hundred eighty-seven and thirty-one hundredths feet (187.31') to a point; thence, around a curve having an angle of nine degrees thirty-one minutes and thirty-five seconds (9°31'35"), a radius of three hundred eighty-four and eighty-one hundredths feet (384.81'), a tangent of thirty-two and six hundredths feet (32.06'), an arc of sixty-three and ninety-eight hundredths feet (63.98'), for a chord course of North eighty-three degrees five minutes and thirty-seven seconds East (N 83°05'37" E) for a chord distance of sixty-three and ninety-one hundredths feet (63.91') to a point; thence, North two degrees one minute and thirty seconds East (N 2°01'30" E) for a distance of five hundred seventy-eight and five hundredths feet (578.05') to a point; thence, South eighty-eight degrees seven minutes and thirty seconds East (S 88°07'30" E) for a distance of one thousand seventy-eight and twenty-four hundredths feet (1,078.24') to a point; thence along the West line of lands, now or formerly, of the Delaware & Hudson Railway Company, South two degrees three minutes and eighteen seconds West (S 2°03'18" W) for a distance of two thousand nine hundred thirty-seven and twenty-eight hundredths feet (2,937.28') to a point; thence, South eighty-seven degrees seven minutes and no seconds West (S 87°07'00" W) for a distance of nine hundred eighty-five and forty-seven hundredths feet (985.47') to a point; thence, South one degree fifty-one minutes and forty seconds West (S 1°51'40" W) for a distance of six hundred eighty-five and sixty hundredths feet (685.60') to a point; thence, North eighty-nine degrees fifty-eight minutes and fifty seconds West (N 89°58'50" W) for a distance of one hundred fifty-one and fifty-six hundredths feet (151.56') to a point; thence, North one degree fifty-one minutes and forty seconds East (N 1°51'40" E) for a distance of six hundred seventy-seven and ninety hundredths feet (677.90') to a point; thence, South eighty-seven degrees seven minutes and no seconds West (S 87°07'00" W) for a distance of two hundred seventy-four and twelve hundredths feet (274.12') to a point; thence along the East line, now or formerly, of the Old Champlain Canal, the following twenty-one (21) courses and distances:

- 1) North zero degrees fifty-seven minutes and eleven seconds East (N 00°57'11" E) for a distance of five hundred twenty-two and seventy-five hundredths feet (522.75') to a point;
- 2) North one degree thirty-four minutes and fifty seconds West (N 1°34'50" W) for a distance of one hundred fifty-one and ninety-six hundredths feet (151.96') to a point;

- 3) North zero degrees fifty-one minutes and eleven seconds East (N 00°51'11" E) for a distance of seventy-four and thirty-seven hundredths feet (74.37') to a point;
- 4) South eighty-seven degrees twenty-nine minutes and forty-four seconds East (S 87°29'44" E) for a distance of fifty-one and twenty-three hundredths feet (51.23') to a point;
- 5) North zero degrees fifty-one minutes and thirty seconds East (N 00°51'30" E) for a distance of one hundred seventy-six and eighty hundredths feet (176.80') to a point;
- 6) North twenty-eight degrees forty-one minutes and thirty-nine seconds West (N 28°41'39" W) for a distance of four hundred ninety-two and eighty-two hundredths feet (492.82') to a point;
- 7) North twenty-three degrees nine minutes and four seconds West (N 23°09'04" W) for a distance of one hundred two and no hundredths feet (102.00') to a point;
- 8) North twelve degrees thirty-one minutes and forty seconds West (N 12°31'40" W) for a distance of sixty-one and forty hundredths feet (61.40') to a point;
- 9) North eight degrees fifty-nine minutes and forty seconds West (N 8°59'40" W) for a distance of eighty-seven and thirty hundredths feet (87.30') to a point;
- 10) North five degrees forty-six minutes and twenty seconds East (N 5°46'20" E) for a distance of four hundred two and forty hundredths feet (402.40') to a point;
- 11) North five degrees six minutes and no seconds East (N 5°06'00" E) for a distance of three hundred eighty-seven and sixty hundredths feet (387.60') to a point;
- 12) North three degrees forty-six minutes and twenty seconds East (N 3°46'20" E) for a distance of one hundred fifty-eight and thirty hundredths feet (158.30') to a point;
- 13) North thirty-five degrees five minutes and forty seconds West (N 35°05'40" W) for a distance of thirty-two and ten hundredths feet (32.10') to a point;
- 14) North fourteen degrees eleven minutes and forty seconds West (N 14°11'40" W) for a distance of one hundred and ninety hundredths feet (100.90') to a point;
- 15) North two degrees twenty-five minutes and twenty seconds East (N 2°25'20" E) for a distance of forty-eight and fifty-four hundredths feet (48.54') to a point;
- 16) North zero degrees forty-four minutes and no seconds West (N 00°44'00" W) for a distance of one hundred twenty-four and no hundredths feet (124.00') to a point;
- 17) South eighty-eight degrees forty-three minutes and ten seconds East (S 88°43'10" E) for a distance of ninety-three and ninety-one hundredths feet (93.91') to a point;
- 18) North one degree thirty minutes and thirty seconds East (N 1°30'30" E) for a distance of three hundred fifty-seven and seven hundredths feet (357.07') to a point;
- 19) North thirty-four degrees nineteen minutes and no seconds East (N 34°19'00" E) for a distance of seventy-one and ninety-one hundredths feet (71.91') to a point;
- 20) North forty-four degrees fourteen minutes and no seconds East (N 44°14'00" E) for a distance of one hundred two and eighty-four hundredths feet (102.84') to a point;
- 21) North forty-eight degrees eighteen minutes and no seconds East (N 48°18'00" E) for a distance of eighty-seven and thirteen hundredths feet (87.13') to the place of beginning.

Containing 4,747,219.45 Square Feet (108.981 Acres).

PARCEL "G"

Waterford

Section 286 Block 1 Part of Lot 56 (n/k/a Lot 39.2)

Section 286 Block 1 Lot 56

All that certain lot or parcel of ground situate in the Town of Waterford, County of Saratoga, State of New York, bounded and described as follows:



Beginning at a point located on the South right-of-way line of Schoolhouse Lane, said point being situate North fifty-eight degrees twenty minutes and thirty-one seconds East (N 58°20'31" E) a distance of two thousand four hundred seventy-five and sixty hundredths feet (2,475.60'), North eighty-two degrees ten minutes and forty seconds East (N 82°10'40" E) a distance of two thousand one hundred sixty-five and eighteen hundredths feet (2,165.18'), North six degrees fifty-nine minutes and forty-four seconds West (N 6°59'44" W) a distance of two hundred sixteen and twenty-nine hundredths feet (216.29'), North eighty-two degrees one minute and twenty seconds East (N 82°01'20" E) a distance of four hundred sixty-six and sixty-four hundredths feet (466.64'), South seventy-nine degrees twenty-three minutes and no seconds East (S 79°23'00" E) a distance of one thousand four hundred seventy-seven and twenty-one hundredths feet (1,477.21'), South ten degrees thirty-seven minutes and no seconds West (S 10°37'00" W) a distance of twenty-five and no hundredths feet (25.00'), South seventy-nine degrees twenty-three minutes and no seconds East (S 79°23'00" E) a distance of eighty-eight and thirty-seven hundredths feet (88.37'), North eighty-five degrees twenty-three minutes and no seconds East (N 85°23'00" E) a distance of eighty-eight and thirty-seven hundredths feet (88.37'), North four degrees thirty-seven minutes and no seconds West (N 4°37'00" W) a distance of twenty-five and no hundredths feet (25.00'), North eighty-five degrees twenty-three minutes and no seconds East (N 85°23'00" E) a distance of one thousand one hundred eighty-seven and forty-four hundredths feet (1,187.44') and South one degree fifty-five minutes and thirty seconds East (S 1°55'30" E) a distance of nine hundred fifty and seventy-five hundredths feet (950.75') from a point located at the intersection of the East right-of-way line of DeVitt Road with the North right-of-way line of Middletown Road; THENCE FROM THE PLACE OF BEGINNING along the aforementioned South right-of-way line of Schoolhouse Lane, North eighty-eight degrees forty-nine minutes and fifty seconds East (N 88°49'50" E) for a distance of six hundred sixty-nine and eighty hundredths feet (669.80') to a point; thence further along the same, South one degree ten minutes and ten seconds East (S 1°10'10" E) for a distance of five and no hundredths feet (5.00') to a point; thence still further along the same, around a curve having an angle of eighteen degrees thirty-one minutes and ten seconds (18°31'10"), a radius of nine hundred eighty-nine and ninety-three hundredths feet (989.93'), a tangent of one hundred sixty-one and thirty-nine hundredths feet (161.39'), an arc of three hundred nineteen and ninety-seven hundredths feet (319.97'), for a chord course of North seventy-nine degrees thirty-four minutes and six seconds East (N 79°34'06" E) for a chord distance of three hundred eighteen and fifty-eight hundredths feet (318.58') to a point; thence still further along the same, South sixty-eight degrees twenty-one minutes and twenty seconds East (S 68°21'20" E) for a distance of forty-three and ninety-nine hundredths feet (43.99') to a point; thence along the West right-of-way line of U.S. Route 4 (Hudson River Road), the following seven (7) courses and distances:

- 1) South twenty degrees twelve minutes and ten seconds East (S 20°12'10" E) for a distance of five hundred thirty-nine and twenty-one hundredths feet (539.21') to a point;
- 2) South eight degrees twelve minutes and ten seconds East (S 8°12'10" E) for a distance of one hundred and twenty hundredths feet (100.20') to a point;
- 3) South seven degrees four minutes and no seconds East (S 7°04'00" E) for a distance of five hundred ninety-five and no hundredths feet (595.00') to a point;
- 4) South four degrees twelve minutes and no seconds West (S 4°12'00" W) for a distance of two hundred three and no hundredths feet (203.00') to a point;
- 5) South nine degrees one minute and no seconds West (S 9°01'00" W) for a distance of one hundred thirty-one and no hundredths feet (131.00') to a point;
- 6) South seventeen degrees two minutes and fifty seconds West (S 17°02'50" W) for a distance of five hundred fifty-six and ninety-four hundredths feet (556.94') to a point;

7) South eight degrees forty-seven minutes and fifty seconds West (S 8°47'50" W) for a distance of three hundred sixty-five and thirty hundredths feet (365.30') to a point; thence, South eighty-seven degrees ten minutes and forty seconds West (S 87°10'40" W) for a distance of one thousand one hundred thirty-one and sixty hundredths feet (1,131.60') to a point; thence along the East line of lands, now or formerly, of the Delaware & Hudson Railway Company, North two degrees three minutes and twenty seconds East (N 2°03'20" E) for a distance of two thousand four hundred twenty-eight and fifteen hundredths feet (2,428.15') to the place of beginning.

Containing 2,968,757.59 Square Feet (68.153 Acres).

PARCEL "H"

Halfmoon

Section 286 Block 1 Lot 36

Waterford

Section 286 Block 1 Lot 7

Section 286 Block 1 Lot 8

All that certain lot or parcel of ground situate partly in the Town of Halfmoon and partly in the Town of Waterford, County of Saratoga, State of New York, bounded and described as follows:

Beginning at a point located on the East right-of-way line of U.S. Route 4 (Hudson River Road), said point being situate North fifty-eight degrees twenty minutes and thirty-one seconds East (N 58°20'31" E) a distance of two thousand four hundred seventy-five and sixty hundredths feet (2,475.60'), North eighty-two degrees ten minutes and forty seconds East (N 82°10'40" E) a distance of two thousand one hundred sixty-five and eighteen hundredths feet (2,165.18'), North six degrees fifty-nine minutes and forty-four seconds West (N 6°59'44" W) a distance of two hundred sixteen and twenty-nine hundredths feet (216.29'), North eighty-two degrees one minute and twenty seconds East (N 82°01'20" E) a distance of four hundred sixty-six and sixty-four hundredths feet (466.64'), South seventy-nine degrees twenty-three minutes and no seconds East (S 79°23'00" E) a distance of one thousand four hundred seventy-seven and twenty-one hundredths feet (1,477.21'), South ten degrees thirty-seven minutes and no seconds West (S 10°37'00" W) a distance of twenty-five and no hundredths feet (25.00'), South seventy-nine degrees twenty-three minutes and no seconds East (S 79°23'00" E) a distance of eighty-eight and thirty-seven hundredths feet (88.37'), North eighty-five degrees twenty-three minutes and no seconds East (N 85°23'00" E) a distance of eighty-eight and thirty-seven hundredths feet (88.37'), North four degrees thirty-seven minutes and no seconds West (N 4°37'00" W) a distance of twenty-five and no hundredths feet (25.00'), North eighty-five degrees twenty-three minutes and no seconds East (N 85°23'00" E) a distance of one thousand one hundred eighty-seven and forty-four hundredths feet (1,187.44'), South one degree fifty-five minutes and thirty seconds East (S 1°55'30" E) a distance of nine hundred fifty and seventy-five hundredths feet (950.75'), North eighty-eight degrees forty-nine minutes and fifty seconds East (N 88°49'50" E) a distance of six hundred sixty-nine and eighty hundredths feet (669.80'), South one degree ten minutes and ten seconds East (S 1°10'10" E) a distance of five and no hundredths feet (5.00'), North seventy-nine degrees thirty-four minutes and six seconds East (N 79°34'06" E) a distance of three hundred eighteen and fifty-eight hundredths feet (318.58'), South sixty-eight degrees twenty-one minutes and twenty seconds East (S 68°21'20" E) a distance of forty-three and ninety-nine hundredths feet (43.99') and South seventy-six degrees nine minutes and thirty-six seconds East (S 76°09'36" E) a distance of seventy-

nine and sixty-five hundredths feet (79.65') from a point located at the intersection of the East right-of-way line of DeVitt Road with the North right-of-way line of Middletown Road; THENCE FROM THE PLACE OF BEGINNING along the aforementioned East right-of-way line of U.S. Route 4 (Hudson River Road), North twenty degrees twelve minutes and eleven seconds West (N 20°12'11" W) for a distance of four hundred ninety-seven and no hundredths feet (497.00') to a point; thence, North eighty-five degrees twenty-eight minutes and forty seconds East (N 85°28'40" E) for a distance of one hundred eighty-five and forty-four hundredths feet (185.44') to a point; thence, North ten degrees thirty-seven minutes and twenty seconds West (N 10°37'20" W) for a distance of one hundred and no hundredths feet (100.00') to a point; thence, North eighty-five degrees twenty-eight minutes and forty seconds East (N 85°28'40" E) for a distance of three hundred twenty-eight and eleven hundredths feet (328.11') to a point; thence, South twenty-seven degrees eight minutes and thirty seconds East (S 27°08'30" E) for a distance of five hundred thirty-two and no hundredths feet (532.00') to a point; thence, South seventy-six degrees fifty-one minutes and forty seconds West (S 76°51'40" W) for a distance of five hundred seventy-nine and seventy-five hundredths feet (579.75') to the place of beginning.

Containing 283,728.09 Square Feet (6.514 Acres).

PARCEL "I"

Waterford

- Section 286 Block 1 Lot 13.1
- Section 286 Block 1 Lot 13.2
- Section 286 Block 1 Lot 14
- Section 286 Block 1 Lot 15.1
- Section 286 Block 1 Lot 54
- Section 286 Block 1 Lot 56

All that certain lot or parcel of ground situate in the Town of Waterford, County of Saratoga, State of New York, bounded and described as follows:

Beginning at a point located on the East right-of-way line of U.S. Route 4 (Hudson River Road), said point being situate North fifty-eight degrees twenty minutes and thirty-one seconds East (N 58°20'31" E) a distance of two thousand four hundred seventy-five and sixty hundredths feet (2,475.60'), North eighty-two degrees ten minutes and forty seconds East (N 82°10'40" E) a distance of two thousand one hundred sixty-five and eighteen hundredths feet (2,165.18'), North six degrees fifty-nine minutes and forty-four seconds West (N 6°59'44" W) a distance of two hundred sixteen and twenty-nine hundredths feet (216.29'), North eighty-two degrees one minute and twenty seconds East (N 82°01'20" E) a distance of four hundred sixty-six and sixty-four hundredths feet (466.64'), South seventy-nine degrees twenty-three minutes and no seconds East (S 79°23'00" E) a distance of one thousand four hundred seventy-seven and twenty-one hundredths feet (1,477.21'), South ten degrees thirty-seven minutes and no seconds West (S 10°37'00" W) a distance of twenty-five and no hundredths feet (25.00'), South seventy-nine degrees twenty-three minutes and no seconds East (S 79°23'00" E) a distance of eighty-eight and thirty-seven hundredths feet (88.37'), North eighty-five degrees twenty-three minutes and no seconds East (N 85°23'00" E) a distance of eighty-eight and thirty-seven hundredths feet (88.37'), North four degrees thirty-seven minutes and no seconds West (N 4°37'00" W) a distance of twenty-five and no hundredths feet (25.00'), North eighty-five degrees twenty-three minutes and no seconds East (N 85°23'00" E) a distance of one thousand one hundred eighty-seven and forty-four hundredths feet (1,187.44'), South one degree fifty-five minutes and thirty seconds East (S 1°55'30" E) a distance of nine

hundred fifty and seventy-five hundredths feet (950.75'), North eighty-eight degrees forty-nine minutes and fifty seconds East (N 88°49'50" E) a distance of six hundred sixty-nine and eighty hundredths feet (669.80'), South one degree ten minutes and ten seconds East (S 1°10'10" E) a distance of five and no hundredths feet (5.00'), North seventy-nine degrees thirty-four minutes and six seconds East (N 79°34'06" E) a distance of three hundred eighteen and fifty-eight hundredths feet (318.58'), South sixty-eight degrees twenty-one minutes and twenty seconds East (S 68°21'20" E) a distance of forty-three and ninety-nine hundredths feet (43.99'), South seventy-six degrees nine minutes and thirty-six seconds East (S 76°09'36" E) a distance of seventy-nine and sixty-five hundredths feet (79.65'), South twenty degrees twelve minutes and ten seconds East (S 20°12'10" E) a distance of five hundred one and fifty-two hundredths feet (501.52') and South eight degrees twelve minutes and ten seconds East (S 8°12'10" E) a distance of one hundred fifty-one and sixty-nine hundredths feet (151.69') from a point located at the intersection of the East right-of-way line of DeVitt Road with the North right-of-way line of Middletown Road; THENCE FROM THE PLACE OF BEGINNING, North seventy-two degrees fifty-two minutes and no seconds East (N 72°52'00" E) for a distance of six hundred eighty-five and sixteen hundredths feet (685.16') to a point; thence, South twenty-six degrees no minutes and no seconds East (S 26°00'00" E) for a distance of three hundred eighteen and thirty-seven hundredths feet (318.37') to a point; thence, North seventy-eight degrees two minutes and no seconds East (N 78°02'00" E) for a distance of three hundred three and ninety-two hundredths feet (303.92') to a point; thence along the West bank of the Hudson River, the following nineteen (19) courses and distances:

- 1) South twenty-five degrees twenty-eight minutes and forty-one seconds East (S 25°28'41" E) for a distance of two hundred sixty-seven and fifty hundredths feet (267.50') to a point;
- 2) South fifteen degrees forty-two minutes and thirty-one seconds East (S 15°42'31" E) for a distance of two hundred twenty-seven and ninety-nine hundredths feet (227.99') to a point;
- 3) South nine degrees six minutes and thirty-nine seconds East (S 9°06'39" E) for a distance of one hundred fifty-nine and fifty-five hundredths feet (159.55') to a point;
- 4) South thirteen degrees thirty minutes and thirty-one seconds East (S 13°30'31" E) for a distance of four hundred sixty-two and twenty-two hundredths feet (462.22') to a point;
- 5) South seventeen degrees twenty-six minutes and thirty-nine seconds East (S 17°26'39" E) for a distance of one hundred thirty-four and eighty hundredths feet (134.80') to a point;
- 6) South nine degrees fifty-six minutes and three seconds East (S 9°56'03" E) for a distance of one hundred eighty-seven and thirty-two hundredths feet (187.32') to a point;
- 7) South one degree thirteen minutes and eight seconds West (S 1°13'08" W) for a distance of forty-nine and one hundredth feet (49.01') to a point;
- 8) South twenty-six degrees thirty-three minutes and fifty-four seconds West (S 26°33'54" W) for a distance of thirty and thirty hundredths feet (30.30') to a point;
- 9) South eighty-six degrees thirty-one minutes and fifty-four seconds West (S 86°31'54" W) for a distance of sixty-eight and ninety-three hundredths feet (68.93') to a point;
- 10) South sixty-four degrees thirteen minutes and fifty seconds West (S 64°13'50" W) for a distance of sixty-seven and fourteen hundredths feet (67.14') to a point;
- 11) South thirty-eight degrees fifty-one minutes and twelve seconds West (S 38°51'12" W) for a distance of forty-eight and nineteen hundredths feet (48.19') to a point;
- 12) South one degree forty-seven minutes and eleven seconds East (S 1°47'11" E) for a distance of forty-nine and forty-eight hundredths feet (49.48') to a point;
- 13) South twenty-two degrees fifty minutes and one second East (S 22°50'01" E) for a distance of sixty and thirty-seven hundredths feet (60.37') to a point;

- 14) South thirteen degrees thirty-five minutes and forty-one seconds East (S 13°35'41" E) for a distance of two hundred thirty and forty-seven hundredths feet (230.47') to a point;
- 15) South thirteen degrees ten minutes and twenty-one seconds East (S 13°10'21" E) for a distance of two hundred eighty-two and seventy hundredths feet (282.70') to a point;
- 16) South nine degrees fifty-six minutes and eighteen seconds East (S 9°56'18" E) for a distance of one hundred fifty-five and twenty-seven hundredths feet (155.27') to a point;
- 17) South seventeen degrees twenty-eight minutes and twenty-nine seconds East (S 17°28'29" E) for a distance of two hundred forty-seven and eleven hundredths feet (247.11') to a point;
- 18) South ten degrees eighteen minutes and seventeen seconds East (S 10°18'17" E) for a distance of one hundred ninety-five and twenty hundredths feet (195.20') to a point;
- 19) South six degrees ten minutes and four seconds East (S 6°10'04" E) for a distance of one hundred sixty-five and four hundredths feet (165.04') to a point;

thence, South eighty-eight degrees forty-four minutes and forty seconds West (S 88°44'40" W) for a distance of three hundred sixty-three and sixty-six hundredths feet (363.66') to a point; thence, South twenty-two degrees thirty-two minutes and forty seconds West (S 22°32'40" W) for a distance of one hundred thirty-six and sixty hundredths feet (136.60') to a point; thence, North sixty-four degrees forty-eight minutes and twenty seconds West (N 64°48'20" W) for a distance of thirty and no hundredths feet (30.00') to a point; thence, South twenty-two degrees thirty-two minutes and forty seconds West (S 22°32'40" W) for a distance of six hundred twenty-five and no hundredths feet (625.00') to a point; thence, North sixty-four degrees forty-eight minutes and thirty seconds West (N 64°48'30" W) for a distance of six hundred sixty-three and ninety-seven hundredths feet (663.97') to a point; thence, North ten degrees fifty-three minutes and no seconds East (N 10°53'00" E) for a distance of four hundred seventy-two and seventy-eight hundredths feet (472.78') to a point; thence, North eighty-one degrees five minutes and fifty seconds West (N 81°05'50" W) for a distance of seven hundred forty-six and six hundredths feet (746.06') to a point; thence along the aforementioned West right-of-way line of U.S. Route 4 (Hudson River Road), North eight degrees forty-seven minutes and fifty seconds East (N 8°47'50" E) for a distance of one thousand three hundred fifteen and twenty-seven hundredths feet (1,315.27') to a point; thence further along the same, North seventeen degrees two minutes and fifty seconds East (N 17°02'50" E) for a distance of seven hundred eighty-seven and seventy-seven hundredths feet (787.77') to a point; thence still further along the same, North eight degrees twelve minutes and ten seconds West (N 8°12'10" W) for a distance of six hundred eighty-eight and eighty hundredths feet (688.80') to the place of beginning.

Containing 4,749,721.61 Square Feet (109.039 Acres).

PARCEL J

Waterford

Section 286 Block 1 Lot 28

Section 291 Block 1 Lot 51

Intentionally Omitted

PARCEL K

Waterford

Section 286 Block 1 Lot 27.1

Intentionally Omitted

PARCEL "L"

Waterford

Section 291 Block 1 Lot 51

Intentionally Omitted