

BARCLAY DAMON^{LLP}

Courtney M. Merriman
Partner

December 23, 2024

Received
JAN 02 2025
NYSDEC OGC

VIA CERTIFIED MAIL

Cheryl A. Salem
Legal Assistant II
Bureau of Remediation
Office of General Counsel, 14th Floor
New York State Department of Environmental Conservation
625 Broadway
Albany, NY 12233-1500

Re: Saratoga Springs MGP Notice to Successors-in-Title to the Old Red
Spring Well Park Property
Address: High Rock Avenue, City of Saratoga Springs, NY
(Tax Map No.: 166.37-1-2)
Owner: City of Saratoga
EPA ID#: NYD980664361
DEC Site ID.: 546015

Dear Cheryl:

Enclosed please find the following documentation pertaining to the above-referenced matter:

1. Photocopy of the filing receipt from the Saratoga County Clerk;
2. Proof of mailing of the municipality notification letter to Honorable John F. Stafford, Mayor of the City of Saratoga Spring. We are awaiting receipt of the signed Certified Mail Receipt and will forward it to you if we receive it.
3. Proof of mailing of the municipality notification letter to John Donnelly, Code Enforcer of the City of Saratoga Springs. We are awaiting receipt of the signed Certified Mail Receipt and will forward it to you if we receive it.

I trust this satisfies the final requirements related to the Declaration of Covenants, Restrictions and Environmental Easement at this location. Should you require any further information, please do not hesitate to contact me.

Very truly yours,


Courtney M. Merriman

CMM/jml
Enclosures

Barclay Damon Tower - 125 East Jefferson Street - Syracuse, New York 13202 barclaydamon.com
CMerriman@barclaydamon.com Direct: (315) 425-2715 Fax: (315) 703-7359

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☐ Adult Signature Restricted Delivery \$
Postage \$
Total Postage and Fees \$

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Sent To
Honorable John F Stafford

Street and Apt. No. or Box No.
474 Broadway, 1st Floor, Suite 11

City, State, ZIP+4[®]
Saratoga Springs, NY 12866

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7020 1290 0001 6840 4703

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Sent To
John Donnelly, Code Enforcere

Street and Apt. No. or Box No.
474 Broadway

City, State, ZIP+4[®]
Saratoga Springs, NY 12866

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7020 1290 0001 6840 4741

BARCLAY DAMON^{LLP}

Courtney M. Merriman
Partner

October 28, 2024

VIA CERTIFIED MAIL

Honorable John F. Stafford
City of Saratoga Springs
Mayor's Office
474 Broadway – 1st Floor
Suite 11
Saratoga Springs, NY 12866

RE: Saratoga Springs MGP Notice to Successors-in-Title to the Old Red Spring Well Park Property
Address: High Rock Avenue, City of Saratoga Springs, New York
(Tax Map No.: 166.37-1-2)
Owner: City of Saratoga Springs
EPA ID #: NYD980664361
DEC Site #: 546015

Dear Mayor Stafford:

Attached please find a copy of a Notice to Successors-in-Title to the Old Red Spring Well Park Property as filed by the U.S. Environmental Protection Agency ("Department")

On October 1, 2024,
by U.S. Environmental Protection Agency
for property at: High Rock Avenue, City of Saratoga Springs, New York
(Tax Map No.: 166.37-1-2)
EPA ID #: NYD980664361
DEC Site #: 546015

This Notice to Successors-in-Title to the Old Red Spring Well Park Property restricts future use of the above-referenced property to restricted recreational and commercial use. Any on-site activity must be done in accordance with the Record of Decision which is incorporated into the Notice to Successors-in-Title to the Old Red Spring Well Park Property. Groundwater wells for drinking water shall not be installed or used within the shallow groundwater aquifer (above the silty-clay stratigraphic layer).

Barclay Damon Tower - 125 East Jefferson Street - Syracuse, New York 13202 barclaydamon.com
CMerriman@barclaydamon.com Direct: (315) 425-2715 Fax: (315) 703-7359

October 28, 2024

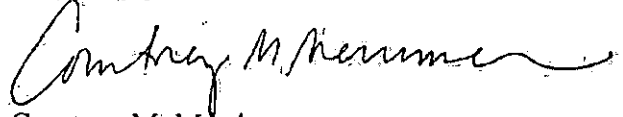
Page 2

Although not an Environmental Easement, we are submitting this out of an abundance of caution to:

1. Provide each affected local government with a copy of such restriction and shall also provide a copy of any documents containing such restriction.
2. Put the local government on notice that whenever an affected local government receives an application for a building permit or any other application affecting land use or development of land that is subject this restriction and that may relate to or impact such restriction, the affected local government shall notify the department and refer such application to the department. The department shall evaluate whether the application is consistent with the restriction and shall notify the affected local government of its determination in a timely fashion, considering the time frame for the local government's review of the application. The affected local government shall not approve the application until it receives approval from the department.

An electronic version is available to the public at <http://www.dec.ny.gov/chemical/36045.html>. Please forward this notice to your building and/or planning departments, as applicable, to ensure your compliance with these provisions of New York State Environmental Conservation Law. If you have any questions or comments regarding this matter, please do not hesitate to contact me.

Very truly yours,



Courtney M. Merriman

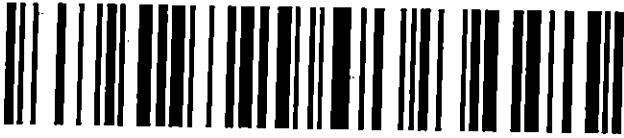
CMM/jmi
Attachment

cc: John Donnelly, Code Enforcer



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 #: 2024024458

Receipt#: 2024212550200

Clerk: GW

Rec Date: 10/01/2024 01:20:02 PM

Doc Grp: R

Descrip: MISC RECORDING

Num Pgs: 15

Party1: US EPA

Party2: SARATOGA SPRINGS CITY OF

Town: SARATOGA SPRINGS

Recording:

Pages	70.00
Cover Sheet Fee	5.00
Recording Fee	20.00
Cultural Ed	14.25
Records Management - Coun	1.00
Records Management - Stat	4.75
Names	2.00
Markoffs	0.50

Total: 117.50
**** NOTICE: THIS IS NOT A BILL ****

Record and Return To:

ELECTRONICALLY RECORDED BY CSC INGE0

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.

Craig A. Hayner

Saratoga County Clerk

2024024458

10/01/2024 01:20:02 PM
15 Pages RECORDED
MISC RECORDING
Saratoga County Clerk

Notice to Successors-in-Title to
the Old Red Spring Well Park Property

Notice is hereby given to all successors-in-title that, pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. Section 9605 ("CERCLA"), the U.S. Environmental Protection Agency ("EPA") promulgated a list of sites which are national priorities among the known or threatened locations of releases of hazardous substances, pollutants, or contaminants throughout the United States. That list is published as Appendix B of 40 CFR Part 300 and is known as the National Priorities List ("NPL"). On February 21, 1990, EPA published a Federal Register Notice at 55 Fed. Reg. 6154 that added a site known as the Niagara Mohawk Power Corporation Superfund Site ("Site") to the NPL due to the release of hazardous substances there. The Site includes several parcels of real property including a .21-acre property along High Rock Avenue in Saratoga Springs, County of Saratoga, New York, which contains a park called the Old Red Spring Well Park ("Property"). The Property is owned by the City of Saratoga Springs ("City") as recorded by deed on October 13, 1966 in Liber 798, Page 27.

The Site is divided into two operable units ("OU"), the first of which included a former manufactured gas plant and the immediate surrounding area. The second OU is approximately .5 acres and includes the Property. Hazardous substances associated with the former manufactured gas plant were discovered in OU2 in July 2006 and a Remedial Investigation/Feasibility Study was performed. On March 29, 2013, EPA selected a remedy for OU2 in a Record of Decision ("ROD"). The ROD remedy, which has been and is being implemented by a potentially responsible party for the Site, provides for response activities that include: a) in-situ solidification/stabilization ("ISS") of non-aqueous phase liquid ("NAPL")-impacted soils; b) encapsulation of NAPL-impacted subsurface soil; c) enhanced biodegradation of contamination in subsurface soil and groundwater; d) groundwater monitoring; and e) the implementation of institution controls at the Site, including the Property, to limit potential exposure to contaminated soil and groundwater.

The Property is also subject to an Agreement for Property Use Restrictions and Access between the City and New York State Department of Environmental Conservation ("Agreement"). Attached hereto is the Agreement which includes a survey depicting where on the Property certain response activities occurred and where remedial elements remain at the Property.


EPA IS FILING THIS NOTICE TO SUCCESSORS-IN-TITLE WITH THE SARATOGA COUNTY CLERK TO PROVIDE NOTICE TO ALL PARTIES WHO MAY ACQUIRE ANY INTEREST IN THE PROPERTY THAT: 1) THE PROPERTY IS PART OF THE SITE; AND 2) RESPONSE ACTIONS HAVE BEEN AND WILL CONTINUE TO BE PERFORMED AT THE PROPERTY CONSISTENT WITH THE IMPLEMENTATION OF THE SELECTED REMEDY IN THE ROD TO PROTECT PUBLIC HEALTH AND THE ENVIRONMENT.

Further information regarding EPA's response actions at the Site and the institutional controls for the Property can be obtained by contacting:

U.S. Environmental Protection Agency, Region 2, Superfund and Emergency Management Division, New York Remediation Branch, 290 Broadway, 19th Floor, New York, New York 10007, Attention: Niagara Mohawk Power Corporation Site Remedial Project Manager.

IN WITNESS WHEREOF, the U.S. Environmental Protection Agency has caused this notice to be signed.

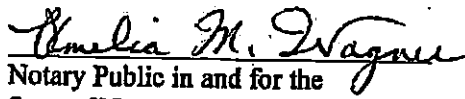
Executed this 26 day of September 2024.


Pat Evangelista, Director
Superfund and Emergency Management
Division
U.S. EPA, Region 2
290 Broadway, 19th Floor
New York, New York 10007

STATE OF NEW YORK)
) SS.:
COUNTY OF New York)

On the 26 day of Sept. in the year 2024 before me, the undersigned, a Notary Public in and for the State of New York, personally appeared Pat Evangelista, Director of the Superfund and Emergency Management Division for the Environmental Protection Agency, Region 2, to me personally known to be the individual whose name is subscribed to the within instrument and who executed such instrument and he acknowledged to me that he is the duly appointed Director of the Superfund and Emergency Management Division of the United States Environmental Protection Agency, Region 2, and he acknowledged to me that he executed the instrument in such capacity as the act of the said United States Environmental Protection Agency, Region 2.

AMELIA M. WAGNER
Notary Public, State of New York
No. 4984205
Qualified in Westchester County
Commission Expires March 26, 2025


Notary Public in and for the
State of New York

My Commission Expires: March 26, 2025

Record and Return Stamped Copy To:

Attention: Doug Garbarini
New York Remediation Branch
Superfund and Emergency Management Division
U.S. Environmental Protection Agency, Region 2
290 Broadway, 19th Floor
New York, NY 10007

Attachment

**Agreement for Property Use Restrictions and Access
For Old Red Spring Well Park at Excelsior Avenue and High Rock Avenue,
City of Saratoga Springs, County of Saratoga, NY
Related to
Niagara Mohawk Power Corporation Superfund Site**

This Agreement for Property Use Restrictions and Access ("Agreement") is made this 26th day of September, 2024, by and between The City of Saratoga Springs, organized and existing under the laws of the State of New York, having its principal office at 474 Broadway, Saratoga Springs, NY 12866 ("Saratoga Springs"); and the People of the State of New York acting through their Commissioner of the New York State Department of Environmental Conservation with its Central Office, located at 625 Broadway, Albany, New York 12233 ("NYSDEC").

WITNESSETH:

WHEREAS, Saratoga Springs is the owner of a parcel of land located at the intersection of Excelsior and High Rock Avenues, City of Saratoga Springs, County of Saratoga, State of New York, more particularly described on Exhibit A, attached hereto and made a part hereof (hereinafter, the "Property"). The Property, together with any buildings and improvements thereon and appurtenances thereto, is within the Niagara Mohawk Power Corporation Superfund Site ("Site"), which the United States Environmental Protection Agency ("EPA"), pursuant to Section 105 of the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), 42 U.S.C. § 9605, placed on the National Priorities List, as set forth in Appendix B of the National Oil and Hazardous Substances Pollution Contingency Plan ("NCP"), 40 C.F.R. Part 300, by publication in the Federal Register on February 21, 1990, 55 Fed. Reg. 6154;

WHEREAS, the Property is designated and used as a city park and contains the Old Red Spring Well, an historic landmark from the 1700s;

WHEREAS, in a Record of Decision dated March 29, 2013 ("ROD"), EPA selected, and NYSDEC concurred with, a remedial action for the Site pursuant to CERCLA, which provided for, in pertinent part, a) in-situ solidification/stabilization ("ISS") of non-aqueous phase liquid ("NAPL")-impacted soils; b) encapsulation of NAPL-impacted subsurface soil; c) enhanced biodegradation of contamination in subsurface soil and groundwater; d) groundwater monitoring; and e) the implementation of institution controls that included: i) restrictions imposed for all areas where contaminants of concern exceed the unrestricted use Soil Cleanup Objectives at New York Code of Rules and Regulations § 375-6.3(b); ii) restrictions preventing any disturbance of the implemented remedy under Excelsior Avenue and in the areas of ISS in the Operable Unit 2; iii) restrictions that prohibit the construction of single family housing and vegetable gardening, but allow for recreational and/or commercial use of the Old Red Spring Area, which New York State defines as "restricted-residential" use; iv) restrictions on the use of the shallow groundwater aquifer; and v) restrictions that prevent the construction of new buildings unless an evaluation of the potential for vapor intrusion is conducted, and mitigation, if necessary, is performed. Exhibit B describes and depicts the remedial elements that exist at and below ground level at the Property, and is attached hereto and made a part hereof;

WHEREAS, on January 12, 2015, a Consent Decree for Remedial Design/Remedial Action for Operable Unit 2 and Recovery of Response Costs, Civil No: 1:14-CV-1266, was entered in the United States District Court for the Northern District of New York, and requires Niagara Mohawk Power Corporation ("NMPC") to implement the remedy selected in the ROD;

WHEREAS, Saratoga Springs wishes to cooperate fully with NYSDEC in the implementation of all response actions at the Site; and

WHEREAS, it is the purpose of this Agreement to restrict certain activities and uses of the Property while also guaranteeing access to the Property in order to implement, facilitate, and monitor the CERCLA response action for the protection of human health and the environment through reducing the risk of exposure to hazardous substances, pollutants, and contaminants.

NOW, THEREFORE:

1. Saratoga Springs, on behalf of itself, its successors and assigns, for ten dollars (\$10) and other good and valuable consideration, receipt whereof is hereby acknowledged, does hereby agree that the Property shall be subject to the property restrictions and right of access provided for in this Agreement, and further agrees that NYSDEC shall have the right to enforce said property restrictions and right of access pursuant to this Agreement, all of which shall be of the nature and character, and for the purposes hereinafter set forth.
2. Restrictions on Use and Non-Interference with Engineering Controls: The following restrictions apply to the use of the Property as follows:
 - a) Activities that could affect the integrity of the remedial elements described and depicted in Exhibit B, including, excavation, digging, and construction activities extending below the ground surface are prohibited unless conducted in compliance with an EPA-approved Site Management Plan ("SMP") that contains long-term management provisions for ensuring protection of the ROD remedy;
 - b) Construction of any single-family housing and the use of the Property for vegetable gardening are prohibited, but allow for recreational and/or commercial use, which NYSDEC defines as "restricted-residential" use;
 - c) Construction of any new structures shall be prohibited without the performance of an evaluation for vapor intrusion followed by, if necessary, mitigation measures performed pursuant to an EPA-approved SMP;
 - d) Groundwater wells for drinking water shall not be installed or used within the shallow groundwater aquifer (above the silty-clay stratigraphic layer); and
 - e) Saratoga Springs agrees to cooperate and not interfere with NMPC's operation, maintenance, and monitoring of the following engineering controls at the Property:
 1. containment system in the form of: (1) a low-permeability subsurface mat; (2) subsurface barrier walls; and (3) ISS monolith;

- ii. soil cover system consisting of an asphalt pavement system and approximately two feet of clean soil/stone material, each overlying a geotextile demarcation layer; and
 - iii. any monitoring wells and associated piping existing on the Property.
3. Modification or Termination of this Agreement: The restrictions specified in the preceding paragraph of this Agreement may only be modified or terminated, in whole or in part, in writing, by NYSDEC and EPA, provided, however, that any modification or termination of said restrictions shall not adversely affect the remedy selected by EPA for the Site. Any request by Saratoga Springs for a modification or termination of this Agreement shall be made not less than 30-days in advance of any modification or termination, in writing by Saratoga Springs to NYSDEC and to EPA in accordance with paragraph 13 of this Agreement.
4. Right of access: Saratoga Springs hereby agrees that NYSDEC and EPA shall have unrestricted access to the Property at all reasonable times for the following purposes, which right of access shall be binding on Saratoga Springs, its successors and /or assigns, and on any tenants or any other parties having an interest and/or rights to any portion of the Property:
- a) Implementing the response actions selected in the ROD.
 - b) Verifying any data or information relating to the Site;
 - c) Verifying that no action is being taken at the Site in violation of the terms of this Agreement or of any federal or state environmental laws or regulations;
 - d) Conducting investigations under CERCLA relating to contamination on or near the Site, including, without limitation, sampling of air, water, sediments, soils; and
 - e) Implementing additional or new response actions under CERCLA.
5. Reserved rights of Saratoga Springs: Saratoga Springs hereby reserves unto itself, its successors, and assigns, all rights and privileges in and to the use of the Property which are not incompatible with the restrictions and rights granted herein. Additionally, nothing in this document shall limit or otherwise affect Saratoga Springs' right to use the Old Red Spring Well as it draws from an uncontaminated deep-water aquifer.
6. Federal authority: Nothing in this document shall limit or otherwise affect EPA's rights of entry and access or EPA's authority to take response actions under CERCLA, the NCP, or other federal law.
7. State authority: Nothing herein shall constitute a waiver of any rights the State may have pursuant to the Environmental Conservation Law, regulations and/or relevant provisions of statutory or common law.
8. No public access and use: No right of access or use by the general public to any portion of the Site is conveyed by this Agreement.
9. Enforcement: NYSDEC shall be entitled to enforce the terms of this Agreement by resort to specific performance. All remedies available hereunder shall be in addition to any and all other remedies at law or in equity, including CERCLA. Any forbearance, delay or omission to exercise NYSDEC's rights under this Agreement in the event of a breach of any term of

this Agreement shall not be deemed to be a waiver by NYSDEC of such term or of any of the rights of NYSDEC under this Agreement.

10. Damages: NYSDEC shall also be entitled to recover damages for breach or violation of the terms of this Agreement including any impairment to the remedial action that increases the cost of the selected response action for the Site as a result of such breach or violation.
11. Waiver of certain defenses: Saratoga Springs hereby waives any defense of laches, estoppel, or prescription.
12. Covenants: Saratoga Springs hereby covenants that the Saratoga Springs is lawfully seized in fee simple of the real property at the Site, that the Saratoga Springs has a good and lawful right and power to sell and convey it or any interest therein and that the Site is free and clear of encumbrances.
13. Notices: Any notice, demand, request, consent, approval, or communication under this Agreement that either party desires or is required to give to the other shall be in writing and shall be emailed as well as either served personally or sent by first class mail, postage prepaid, addressed as follows:

To Saratoga Springs:
David A. Harper, Esq.
City Attorney's Office
474 Broadway
Saratoga Springs, New York 12866
Dave.harper@saratoga-springs.org

To NYSDEC:
Jennifer Andalaro, Esq.
Office of General Counsel
NYS Department of Environmental Conservation
625 Broadway
Albany, New York 12233-5500
jennifer.andalaro@dec.ny.gov

Michael Veitch
Commissioner of Public Works
474 Broadway
Saratoga Springs, New York 12866
Michael.veitch@saratoga-springs.org

Gerald Pratt
NYS Department of Environmental Conservation
Division of Environmental Remediation
Bureau of Site Control
625 Broadway
Albany, New York 12233
gerald.pratt@dec.ny.gov

A copy of each such communication shall also be sent to EPA in the same manner as to Saratoga Springs or NYSDEC, and sent to the following two addressees:

U.S. Environmental Protection Agency
Superfund Emergency Management Division
New York Remediation Branch
Attn: Maria Jon, Niagara Mohawk Power Corp. Site Remedial Project Manager
290 Broadway, 19th Floor
New York, New York 10007-1866

U.S. Environmental Protection Agency
Office of Regional Counsel
Attn: Walter Sainsbury, Niagara Mohawk Power Corporation Superfund Site Attorney

290 Broadway, 17th Floor,
New York, New York 10007-1866

14. General provisions:

- a) Controlling law: The interpretation and performance of this Agreement shall be governed by the laws of the State of New York, and with respect to other matters, shall be governed by the laws of the United States or, if there are no applicable federal laws, by the law of the State of New York.

LAUGH, IN 15:44:03 1534

- b) Liberal construction: Any general rule of construction to the contrary notwithstanding, this Agreement shall be liberally in order to effect the purpose of this Agreement and the policy and purpose of CERCLA. If any provision of this Agreement is found to be ambiguous, an interpretation consistent with the purpose of this Agreement that would render the provision valid shall be favored over any interpretation that would render it invalid.
- c) Severability: If any provision of this Agreement, or the application of it to any person or circumstance, is found to be invalid, the remainder of the provisions of this Agreement, or the application of such provisions to persons or circumstances other than those to which it is found to be invalid, as the case may be, shall not be affected thereby.
- d) Successors: The terms, conditions, and restrictions of this Agreement shall be binding upon, and inure to the benefit of, the parties hereto and their respective successors and assigns. The term "Saratoga Springs," wherever used herein, and any pronouns used in place thereof, shall include the persons and/or entities named at the beginning of this document, identified as "Saratoga Springs" and their successors and assigns. The term "NYSDEC," wherever used herein, and any pronouns used in place thereof, shall mean the People of the State of New York acting through their Commissioner of NYSDEC or through any successor department or agency of the State of New York.
- e) Captions: The captions in this Agreement have been inserted solely for convenience of reference and are not a part of this Agreement and shall have no effect upon construction or interpretation.
- f) Counterparts: The parties may execute this Agreement in two or more counterparts, which shall, in the aggregate, be signed by both parties; each counterpart shall be deemed an original Agreement as against any party who has signed it. In the event of any disparity between the counterparts produced, the counterpart held by EPA shall be controlling.
- g) Third-Party Beneficiary: Saratoga Springs and NYSDEC hereby agree that the United States, through EPA, shall be, on behalf of the public, a third-party beneficiary of the benefits, rights and obligations contained in this Agreement; provided that nothing in this Agreement shall be construed to create any obligations on the part of EPA.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement.

CITY OF SARATOGA SPRINGS

John F. Safford
Name: [Signature]
Title: Mayor
Date: 9/17/24

PER COUNCIL APPROVAL
9/17/24

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

[Signature]
Name: Andrew Guglielmi
Director, Division of Environmental Remediation
Date: 9/26/24

EXHIBIT A

To

**Agreement for Property Use Restrictions and Access
For Old Red Spring Well Park at Excelsior Avenue and High Rock Avenue, City of
Saratoga Springs, County of Saratoga, NY**

Niagara Mohawk Power Corporation Superfund Site

Property Description

- All that tract or parcel of land situate in the City of Saratoga Springs, Saratoga County, NY, bounded and described as follows:

Beginning at a 5/8" steel rod set with a tag (hereinafter referred to as a 'survey marker') located at the intersection of the southerly line of Excelsior Avenue and the easterly line of lands now or formerly of 519 Broadway, LLC as recorded in the Saratoga County Clerk's Office in Inst. #2018035281. Thence along the southerly line of said Excelsior Avenue N70°39'18"E, 78.79 feet to a point. Thence along the line of High Rock Avenue S19°27'23"E, 50.84 feet to a point and southwesterly along a curve to the right with a radius of 128.20 feet, arc length of 101.39 feet, chord direction of S25°19'48"W, chord length of 98.77 feet to a survey marker. Thence along the easterly line of lands of said 519 Broadway, LLC, N23°48'22"W, 121.44 feet to the point of beginning. Containing 7,195 square feet or 0.165 acre of land.

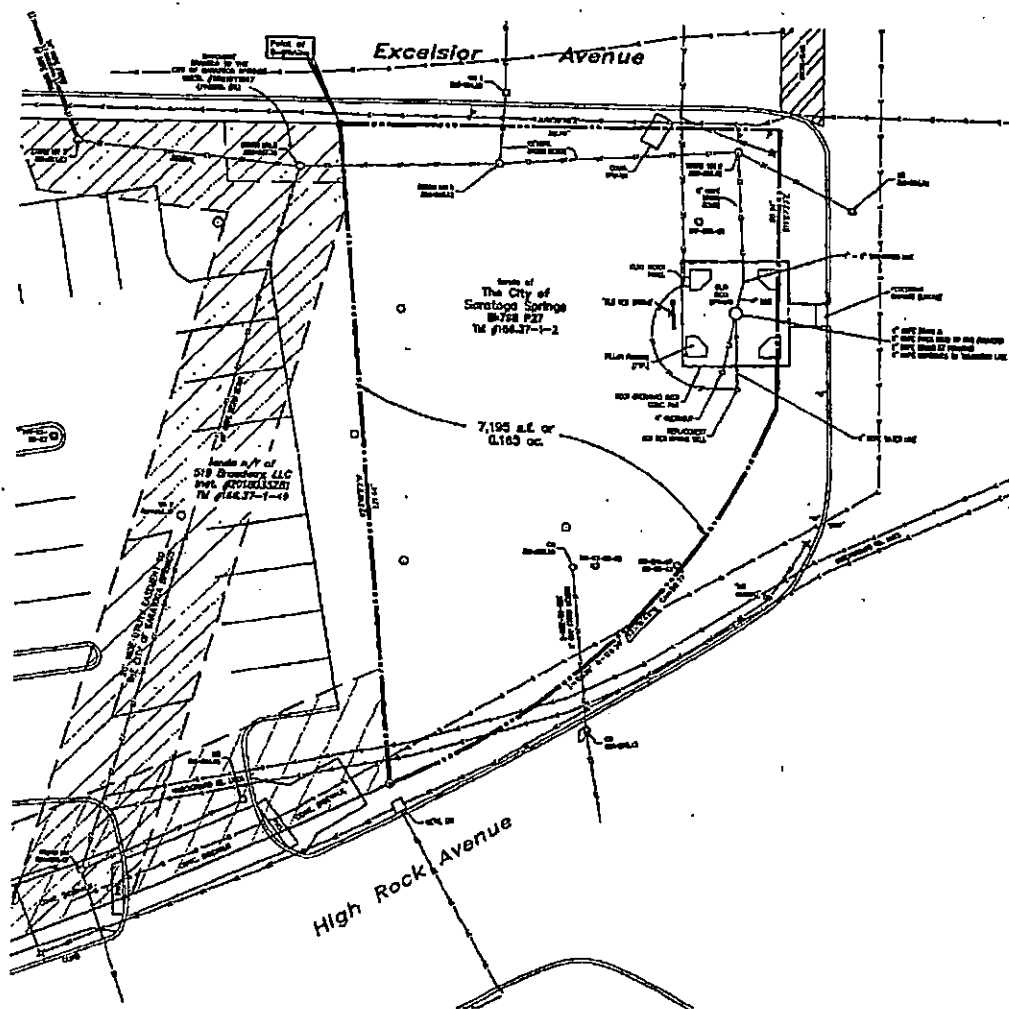
EXHIBIT B
To
Agreement for Property Use Restrictions and Access
For Old Red Spring Well Park at Excelsior Avenue and High Rock Avenue, City of Saratoga
Springs, County of Saratoga, NY

Niagara Mohawk Power Corporation Superfund Site

Metes and Bounds Description of Remedial Elements Remaining at the Property
and Depiction (Map)

All that tract or parcel of land situate in the City of Saratoga Springs, Saratoga County, NY, bounded and described as follows:

Beginning at a 5/8" steel rod set with a tag (hereinafter referred to as a 'survey marker') located at the intersection of the southerly line of Excelsior Avenue and the easterly line of lands now or formerly of 519 Broadway, LLC as recorded in the Saratoga County Clerk's Office in Inst. #2018035281. Thence along the southerly line of said Excelsior Avenue N70°39'18"E, 78.79 feet to a point. Thence along the line of High Rock Avenue S19°27'23"E, 50.84 feet to a point and southwesterly along a curve to the right with a radius of 128.20 feet, arc length of 101.39 feet, chord direction of S25°19'48"W, chord length of 98.77 feet to a survey marker. Thence along the easterly line of lands of said 519 Broadway, LLC, N23°48'22"W, 121.44 feet to the point of beginning. Containing 7,195 square feet or 0.165 acre of land.







- NOTES:**
1. SOIL LAYERS AND GROUNDWATER ELEVATION WERE IDENTIFIED USING SOIL SENSITIVITY ANALYSIS, FIELD SURVEY, PRELIMINARY INVESTIGATION AND SUPPLEMENTAL INVESTIGATIONS, AND GEOLOGICAL AND GEOLOGICAL CONTACT LOCATIONS ARE APPROXIMATE AND SUBJECT TO FURTHER INVESTIGATION.
 2. GROUND SURFACE, IN-SITU SOIL, SOIL/ROCK INTERFACIALIZATION, AND MONTHLY SURFACE MAP, FILLER, SOIL, BACKFILL, AND REPORTED ORIGINAL FILL AND TOPSOIL ELEVATIONS ARE BASED ON SURVEY DATA COLLECTED DURING THE SOIL REMEDIATION ACTUAL AS PRESENTED IN THE REMEDIAL ACTION REPORT SURVEYS, JUNE 2020.
 3. UTILITY ELEVATIONS ARE ESTIMATED BETWEEN SURVEYED LOCATIONS OR BASED ON GEOGRAPHICAL SURVEY ESTIMATES.
 4. HORIZONTAL SCALE ON SECTION REPRESENTS STATIONING IN FEET.



OLD RED SPRING PARCEL
CATOUGA SPRINGS, NY

**CROSS SECTION A-A' &
CROSS SECTION B-B'**



FIGURE 2

Sheet 3 of 3
this sheet is an engineering
depiction and not official survey