



HERKIMER COUNTY – STATE OF NEW YORK
SYLVIA M. ROWAN COUNTY CLERK
109 MARY STREET, SUITE 1111, HERKIMER, NY 13350-2923

COUNTY CLERK'S RECORDING PAGE
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INSTRUMENT #: RP2018-4055

Receipt#: 392047
Clerk: KC
Rec Date: 08/29/2018 01:01:12 PM
Doc Grp: RP
Descrip: DEED MISCELLANEOUS
Num Pgs: 7
Rec'd Frm: ADVANTAGE ABSTRACT COMPANY LLC

Party1: 575 MILL STREET LLC
Town: LITTLE FALLS C/O

Recording:

Cover Page	5.00
DECLARATION OF COVENANTS AND RESTRICTIONS	
Recording Fee	50.00
Cultural Ed	14.25
Records Management - Coun	1.00
Records Management - Stat	4.75

Total: 75.00

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

Record and Return To:

BARCLAY DAMON LLP
125 E JEFFERSON ST
SYRACUSE NY 13202-9801

WARNING***

I hereby certify that the within and foregoing was recorded in the Herkimer County Clerk's Office, State of New York. This sheet constitutes the Clerks endorsement required by Section 316 of the Real Property Law of the State of New York.

Sylvia M. Rowan
Herkimer County Clerk

DECLARATION of COVENANTS and RESTRICTIONS

*125 E. Jefferson St.
Syracuse NY 13212-9801*

THIS COVENANT is made the 19 day of March 2018, by 575 Mill Street, LLC, a New York Limited Liability Company and having an office for the transaction of business at 6800 Townline Road, Syracuse New York 13211.

*Jean M. Lamson
Barclay Damon LLP
Barclay Damon Tower*

WHEREAS, the Little Falls (Mill Street) Non-Owned Former MGP Site (#V00470) is the subject of a Voluntary Consent Order executed by National Grid ("Remedial Party") as part of the New York State Department of Environmental Conservation's (the "Department's") Voluntary Cleanup Program, namely that parcel of real property located on Mill Street in the City of Little Falls, County of Herkimer, State of New York, which is part of lands conveyed by SPX Corporation, by merger with United Dominion Industries, Inc., by merger with Cherry-Burrell Company f/k/a Cherry-Burrell Corporation to 575 Mill Street, LLC by deed dated December 19, 2003 and recorded in the Herkimer County Clerk's Office in Book of Deeds 934 at Page 92 and being more particularly described in Appendix "A," attached to this declaration and made a part hereof, and hereinafter referred to as "the Property"; and

WHEREAS, the Department approved a remedy to eliminate or mitigate all significant threats to the environment presented by the contamination disposed at the Property and such remedy requires that the Property be subject to restrictive covenants.

R/R

NOW, THEREFORE, 575 Mill Street, LLC, for itself and its successors and/or assigns, covenants that:

First, the Property subject to this Declaration of Covenants and Restrictions is as shown on a map attached to this declaration as Appendix "B" and made a part hereof.

Second, unless prior written approval by the Department or, if the Department shall no longer exist, any New York State agency or agencies subsequently created to protect the environment of the State and the health of the State's citizens, hereinafter referred to as "the Relevant Agency," is first obtained, where contamination remains at the Property subject to the provisions of the Site Management Plan ("SMP"), there shall be no construction, use or occupancy of the Property that results in the disturbance or excavation of the Property which threatens the integrity of the engineering controls or which results in unacceptable human exposure to contaminated soils.

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Third, the owner of the Property shall not disturb, remove, or otherwise interfere with the installation, use, operation, and maintenance of engineering controls required for the Remedy, which are described in the SMP, unless in each instance the owner first obtains a written waiver of such prohibition from the Department or Relevant Agency.

Fourth, the owner of the Property shall prohibit the Property from ever being used for purposes other than for Industrial as described in 6 NYCRR Part 375-1.8(g)(2)(iv) without the express written waiver of such prohibition by the Department or Relevant Agency.

Fifth, the owner of the Property shall prohibit the use of the groundwater underlying the Property without treatment to render it safe for drinking water or for industrial purposes, as appropriate, and the user must first notify and obtain written approval to do so from the Department or Relevant Agency.

Sixth, the Remedial Party shall provide a periodic certification, prepared and submitted by a professional engineer or environmental professional acceptable to the Department or Relevant Agency, which will certify that the institutional and engineering controls put in place are unchanged from the previous certification, comply with the SMP, and have not been impaired.

Seventh, the owner of the Property and the Remedial Party shall continue in full force and effect any institutional and engineering controls required for the Remedy and maintain such controls, unless the owner first obtains permission to discontinue such controls from the Department or Relevant Agency, in compliance with the approved SMP, which is incorporated and made enforceable hereto, subject to modifications as approved by the Department or Relevant Agency.

Eighth, this Declaration is and shall be deemed a covenant that shall run with the land and shall be binding upon all future owners of the Property, and shall provide that the owner and its successors and assigns consent to enforcement by the Department or Relevant Agency of the prohibitions and restrictions that the Voluntary Consent Order requires to be recorded, and hereby covenant not to contest the authority of the Department or Relevant Agency to seek enforcement.

Ninth, any deed of conveyance of the Property, or any portion thereof, shall recite, unless the Department or Relevant Agency has consented to the termination of such covenants and restrictions, that said conveyance is subject to this Declaration of Covenants and Restrictions.

Tenth, to the extent there is any conflict or inconsistency between the terms of this Deed Restriction and the SMP, the terms of the SMP will control.

IN WITNESS WHEREOF, the undersigned has executed this instrument the day written below.

By: 

Print Name: ROBERT FELDMETER

Title: PRESIDENT Date: 3/19/2018


STATE OF NEW YORK)

) s.s.:

COUNTY OF Onondaga

On the 19 day of MARCH, in the year 2019, before me, the undersigned, personally appeared Robert Feldmeier 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/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

DONNA M. RICHIE
NOTARY PUBLIC STATE OF NEW YORK
ONONDAGA COUNTY
LIC. #01RI6057484
COMM. EXP. 4/16/2019


Notary Public State of New York

Appendix "A"

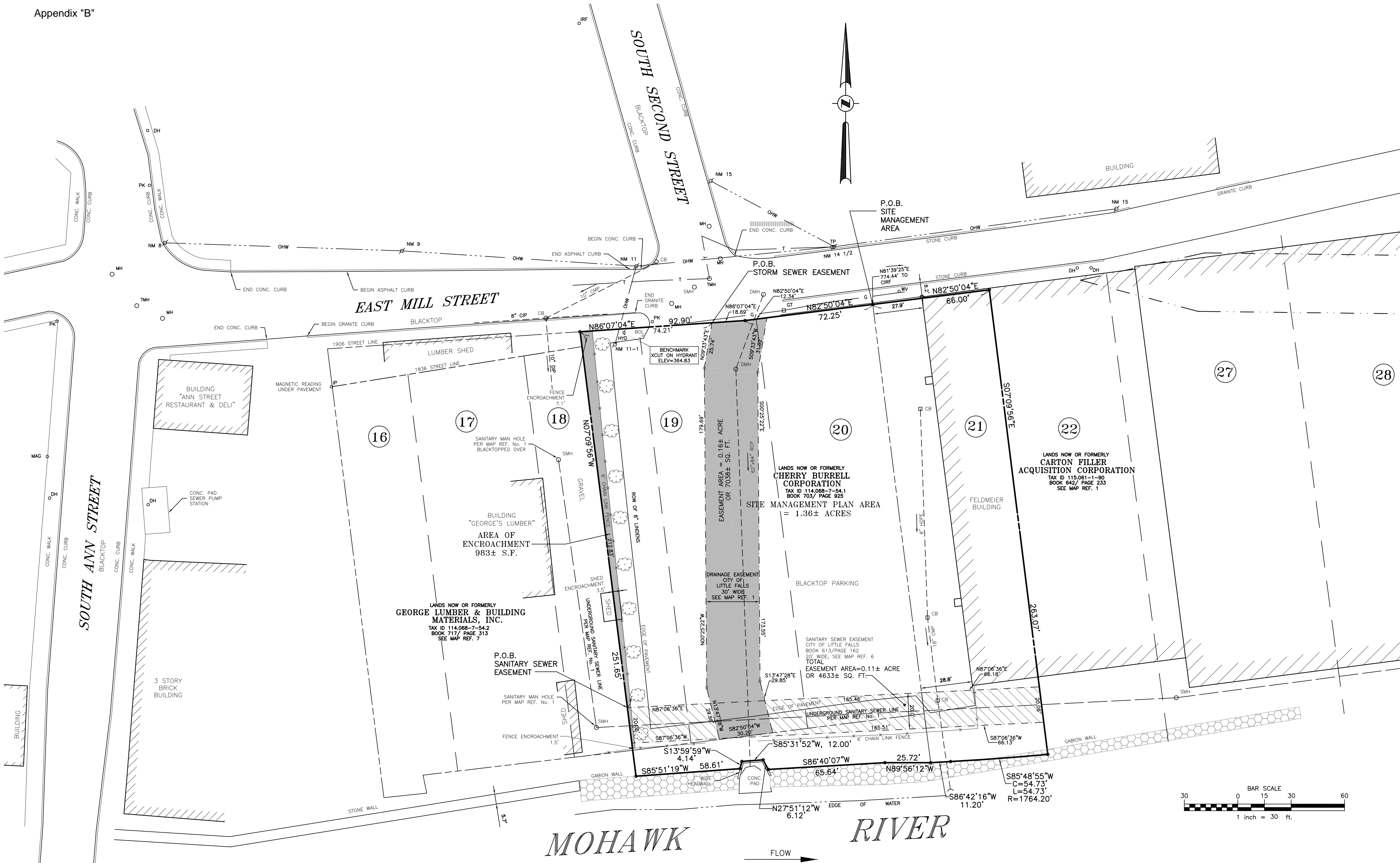
**DESCRIPTION
SITE MANAGEMENT PLAN
LANDS NOW OR FORMERLY OF
CHERRY BURRELL CORPORATION
AND PORTION OF LANDS NOW OR FORMERLY OF
CARTON FILLER ACQUISITION CORPORATION
CITY OF LITTLE FALLS, COUNTY OF HERKIMER, STATE OF NEW YORK
AREA = 1.36± ACRES OF LAND**

All that certain tract, piece or parcel of land situate in the City of Little Falls, County of Herkimer, State of New York, lying Southerly of East Mill Street and Northerly of the Mohawk River, and being more particularly bounded and described as follows:

BEGINNING at a point at the intersection of the division line between the lands now or formerly of Cherry Burrell Corporation as described in Book 703 of Deeds at Page 925 on the West and the lands now or formerly of Carton Filler Acquisition Corporation as described in Book 742 of Deeds at Page 233 on the East with the Southerly boundary of East Mill Street (1906 street line) and runs thence from said point of beginning North 82 deg. 50 min. 04 sec. East along said Southerly boundary of East Mill Street 66.00 feet to a point; thence South 07 deg. 09 min. 56 sec. East through the said lands now or formerly of Carton Filler Acquisition Corporation and through a portion of an existing building 263.07 feet to the Mohawk River; thence along the Northerly boundary of the Mohawk River as it winds and turns the following eight (8) courses: 1) in a Westerly direction along a curve to the right having a radius of 1,764.20 feet, an arc length of 54.73 feet and a chord bearing of South 85 deg. 48 min. 55 sec. West 54.73 feet to a point; 2) South 86

deg. 42 min. 16 sec. West 11.20 feet to a point; 3) North 89 deg. 56 min. 12 sec. West 25.72 feet to a point; 4) South 86 deg. 40 min. 07 sec. West 65.64 feet to a point; 5) North 27 deg. 51 min. 12 sec. West 6.12 feet to a point; 6) South 85 deg. 31 min. 52 sec. West 12.00 feet to a point; 7) South 13 deg. 59 min. 59 sec. West 4.14 feet to a point; and 8) South 85 deg. 51 min. 19 sec. West 58.61 feet to its point of intersection with the division line between the said lands now or formerly of Cherry Burrell Corporation on the East and the lands now or formerly of George Lumber and Building Materials, Inc. as described in Book 717 of Deeds at Page 313 on the West; thence North 07 deg. 09 min. 56 sec. West along the last mentioned division line 251.65 feet to a point on the above mentioned Southerly 1906 street boundary of East Mill Street; thence along said Southerly street boundary the following two (2) courses: 1) North 86 deg. 07 min. 04 sec. East 92.90 feet to a point; and 2) North 82 deg. 50 min. 04 sec. East 72.25 feet to the point or place of beginning and containing 1.36 acres of land, more or less.

Appendix "B"



AREA = 1.36± ACRE SITE MANAGEMENT PLAN AREA

All that certain tract, piece or parcel of land situate in the City of Little Falls, County of Herkimer, State of New York, lying Southerly of East Mill Street and Northerly of the Mohawk River, and being more particularly bounded and described as follows:

BEGINNING at a point at the intersection of the division line between the lands now or formerly of Cherry Burrell Corporation as described in Book 703 of Deeds at Page 925 on the West and the lands now or formerly of Carton Filler Acquisition Corporation as described in Book 742 of Deeds at Page 233 on the East with the Southerly boundary of East Mill Street (1906 street line) and runs thence from said point of beginning North 82 deg. 50 min. 04 sec. East along said Southerly boundary of East Mill Street 66.00 feet to a point; thence South 07 deg. 09 min. 56 sec. East through the said lands now or formerly of Carton Filler Acquisition Corporation and through a portion of an existing building 263.07 feet to the Mohawk River; thence along the Northerly boundary of the Mohawk River as it winds and turns the following eight (8) courses: 1) in a Westerly direction along a curve to the right having a radius of 1,764.20 feet, an arc length of 54.73 feet and a chord bearing of South 85 deg. 48 min. 55 sec. West 54.73 feet to a point; 2) South 86 deg. 42 min. 16 sec. West 11.20 feet to a point; 3) North 89 deg. 56 min. 12 sec. West 25.72 feet to a point; 4) South 86 deg. 40 min. 07 sec. West 65.64 feet to a point; 5) North 27 deg. 51 min. 12 sec. West 6.12 feet to a point; 6) South 85 deg. 31 min. 52 sec. West 12.00 feet to a point; 7) South 13 deg. 59 min. 59 sec. West 4.14 feet to a point; and 8) South 85 deg. 51 min. 19 sec. West 58.61 feet to its point of intersection with the division line between the said lands now or formerly of Cherry Burrell Corporation on the East and the lands now or formerly of George Lumber and Building Materials, Inc. as described in Book 717 of Deeds at Page 313 on the West; thence North 07 deg. 09 min. 56 sec. West along the last mentioned division line 251.65 feet to a point on the above first mentioned Southerly 1906 street boundary of East Mill Street; thence along said Southerly street boundary the following two (2) courses: 1) North 86 deg. 07 min. 04 sec. East 92.90 feet to a point; and 2) North 82 deg. 50 min. 04 sec. East 72.25 feet to the point or place of beginning and containing 1.36 acres of land, more or less.

AREA = 0.11± ACRE SANITARY SEWER EASEMENT

All that certain tract, piece or parcel of land situate in the City of Little Falls, County of Herkimer, State of New York, lying South of East Mill Street and North of the Mohawk River, and being more particularly bounded and described as follows:

BEGINNING at a point on the division line between the lands now or formerly of Cherry Burrell Corporation as described in Book 703 of Deeds at Page 925 on the East and the lands now or formerly of George Lumber and Building Materials, Inc. as described in Book 717 of Deeds at Page 313 on the West, said point being situate South 07 deg. 09 min. 56 sec. East as measured along said division line, a distance of 212.83 feet from its point of intersection with the 1906 street line of East Mill Street and runs thence from said point of beginning through the said lands now or formerly of Cherry Burrell Corporation North 87 deg. 06 min. 36 sec. East 165.46 feet to a point on the division line between the said lands now or formerly of Cherry Burrell Corporation on the West and lands now or formerly of Carton Filler Acquisition Corporation as described in Book 642 of Deeds at Page 233 on the East; thence North 87 deg. 06 min. 36 sec. East through the said lands now or formerly of Carton Filler Acquisition Corporation 66.18 feet to a point on the Easterly site management plan line; thence continuing through the said lands now or formerly of Carton Filler Acquisition Corporation and along said Easterly site management plan line South 07 deg. 09 min. 56 sec. East 20.06 feet to a point; thence continuing through the said lands now or formerly of Carton Filler Acquisition Corporation South 87 deg. 06 min. 36 sec. West 66.13 feet to a point on the above first mentioned division line; thence along said above first mentioned division line North 07 deg. 09 min. 56 sec. West 20.06 feet to the point or place of beginning and containing 4,633± square feet or 0.11 acre of land, more or less

AREA = 0.16± ACRE DRAINAGE EASEMENT

All that certain tract, piece or parcel of land situate, lying and being in the City of Little Falls, County of Herkimer, State of New York, lying Southerly of East Mill Street and Northerly of the Mohawk River, and being more particularly bounded and described as follows:

COMMENCING at the point of intersection of the division line between the lands now or formerly of George Lumber & Building Materials, Inc. as described in Book 717 of Deeds at Page 313 on the West and the lands now or formerly of Cherry Burrell Corporation as described in Book 703 of Deeds at Page 925 on the East with the Southerly road boundary of East Mill Street (1906 street line); thence from said point of commencement North 86 deg. 07 min. 04 sec. East along the above mentioned division line 74.21 feet to the point or place of beginning and runs thence from said point of beginning the following two (2) courses: 1) North 86 deg. 07 min. 04 sec. East along the above mentioned Southerly road boundary of East Mill Street (1906 street line) 18.69 feet to a point; and 2) North 82 deg. 50 min. 04 sec. East 12.34 feet to a point; thence through the said lands now or formerly of Cherry Burrell Corporation the following three (3) courses: 1) South 09 deg. 33 min. 43 sec. West 31.02 feet to a point; 2) South 00 deg. 25 min. 22 sec. East 173.55 feet to a point; and 3) South 13 deg. 47 min. 28 sec. East 29.85 feet to a point on the Northerly boundary of the Mohawk River; thence South 82 deg. 50 min. 04 sec. West along said Northerly boundary of the Mohawk River 30.20 feet to a point; thence through the said lands now or formerly of Cherry Burrell Corporation the following three (3) courses: 1) North 13 deg. 47 min. 28 sec. West 29.88 feet to a point; 2) North 00 deg. 25 min. 22 sec. West 179.69 feet to a point; and 3) North 09 deg. 33 min. 43 sec. East 25.74 feet to the point or place of beginning and containing 7,038± square feet or 0.16 acre of land, more or less.

MAP REFERENCES

- "MAP SHOWING LANDS OF CARTON FILLER ACQUISITION CORPORATION FORMERLY CHERRY-BURRELL CORPORATION EAST MILL STREET PROPERTY CITY OF LITTLE FALLS COUNTY OF HERKIMER STATE OF NEW YORK" PREPARED BY SPENCER F. THEW, PE/LS, DATED DECEMBER 12, 1997.
- "MAP SHOWING SUBDIVISION OF ABANDONED WESTERN INLAND LOCK NAVIGATION CO. CANAL LANDS" DATED DECEMBER 1949, PREPARED BY H.W. JEWELL, AND DISTINGUISHED AS MAP NO. 383 AND FILED AT THE DEPARTMENT OF STATE.
- "MAP SHOWING SUBDIVISION OF ABANDONED WESTERN INLAND LOCK NAVIGATION CO. CANAL LANDS" DATED MARCH 22, 1955, PREPARED BY D. PORTER, AND DISTINGUISHED AS MAP NO. 415 AND FILED AT THE DEPARTMENT OF STATE.
- "MAP OF A PORTION OF ERIE CANAL LAND BELONGING TO THE STATE, MADE PURSUANT TO CHAPTER 199, LAWS OF 1910, AND AMENDATORY LAWS" DATED DECEMBER 5, 1917, PREPARED BY EDWIN HILBORN AND DISTINGUISHED AS MAP NO. 153 AND FILED AT THE DEPARTMENT OF STATE.
- "MAP SHOWING SUBDIVISION OF ABANDONED WESTERN INLAND LOCK NAVIGATION CO. CANAL LANDS" DATED MAY 11, 1932, PREPARED BY H.W. JEWELL, AND DISTINGUISHED AS MAP NO. 306 AND FILED AT THE DEPARTMENT OF STATE.
- "ATTACHMENT 1 OF SCHEDULE A, CHERRY-BURRELL CORP. EASEMENTS, INTERCEPTOR SEWER AND APPURTENANCES, CITY OF LITTLE FALLS" DATED MAY 26, 1971 AND FILED AS MAP NO. MM7A-19 IN THE HERKIMER COUNTY CLERK'S OFFICE ON JULY 14, 1971.
- "MAP SHOWING LANDS TO BE CONVEYED BY THE CITY OF LITTLE FALLS ON EAST MILL STREET" DATED APRIL 5, 1984, PREPARED BY JAMES E. THOMAS AND FILES AS MAP NO. SM414 IN THE HERKIMER COUNTY CLERK'S OFFICE ON NOVEMBER 12, 1985
- "MAP AND PLAN OF EAST MILL STREET, SHOWING CHANGE IN STREET LINES IN FRONT OF THE LANDS OF BARNET LEATHER CO." DATED APRIL 13, 1906, PREPARED BY SILAS S. FEETER, CITY ENGINEER, AND FILED IN MAP BOOK 7 AT PAGE 4 IN THE HERKIMER COUNTY CLERK'S OFFICE.
- "SOIL BORING AND MONITOR WELL LOCATIONS LANDS NOW OR FORMERLY OF CHERRY BURRELL CORPORATION AND A PORTION OF LANDS NOW OR FORMERLY OF CARTON FILLER ACQUISITION CORPORATION" CITY OF LITTLE FALLS, HERKIMER COUNTY, NEW YORK, PREPARED BY C.T. MALE ASSOCIATES, P.C. DATED NOVEMBER 18, 2004 AND REVISED TO FEBRUARY 8, 2005, PROJECT NO. 04.9661, DWG. NO. 04-731.

MAP NOTES

- INFORMATION SHOWN HEREON WAS COMPILED FROM AN ACTUAL FIELD SURVEY CONDUCTED ON SEPTEMBER 27-30, OCTOBER 1, AND NOVEMBER 18, 2002. MONITORING WELLS AND TEST PITS WERE FIELD LOCATED ON DECEMBER 9, 2002. NO TITLE RESEARCH OR FIELD UPDATE WAS PERFORMED FOR THE SITE MANAGEMENT PLAN.
- NORTH ORIENTATION AND BEARING BASE ARE GRID NORTH AS OBTAINED FROM GPS OBSERVATIONS ON OCTOBER 1, 2002.
- NORTH ORIENTATION AND BEARINGS ARE BASED ON THE NYS STATE PLANE COORDINATE SYSTEM, NEW YORK EAST ZONE, NAD 83. THE DISTANCES SHOWN ARE HORIZONTAL GROUND DISTANCES. GRID LENGTHS MAY BE OBTAINED BY A MULTIPLIER OF 0.99989806 (COMBINED FACTOR).
- THE LOCATION OF UNDERGROUND IMPROVEMENTS OR ENCROACHMENTS, IF ANY EXIST, OR AS SHOWN HEREON, ARE NOT CERTIFIED. THERE MAY BE UNDERGROUND UTILITIES, THE EXISTENCE OF WHICH ARE NOT KNOWN TO THE UNDERSIGNED. SIZE AND LOCATION OF ALL UNDERGROUND UTILITIES AND STRUCTURES MUST BE VERIFIED BY THE APPROPRIATE AUTHORITIES. DIO SAFELY NEW YORK MUST BE NOTIFIED PRIOR TO CONDUCTING TEST BORINGS, EXCAVATION AND CONSTRUCTION.
- VERTICAL DATUM SHOWN HEREON IS NGVD 1988 AND WAS OBTAINED THROUGH GPS OBSERVATIONS ON OCTOBER 1, 2002.
- THE PURPOSE OF THIS SURVEY IS TO SHOW STRUCTURES AND IMPROVEMENTS RELATIVE TO PROPERTY LINES. PROPERTY CORNERS WERE NOT SET.
- THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF AN UP TO DATE ABSTRACT OF TITLE OR TITLE REPORT AND IS THEREFORE SUBJECT TO ANY EASEMENTS, COVENANTS, RESTRICTIONS OR ANY STATEMENT OF FACT THAT SUCH DOCUMENTS MAY DISCLOSE.

LEGEND

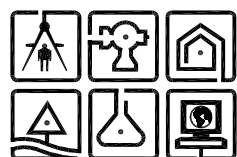
- o IP IRON PIPE
- o MAG MAG NAIL FOUND
- o DH DRILL HOLE FOUND
- o PK PK NAIL FOUND
- o CB o CB CATCH BASIN
- o DMH DRAINAGE MANHOLE
- o SMH SANITARY MANHOLE
- o MH MANHOLE
- o GT GAS TEST
- g — UNDERGROUND GAS LINE
- u — UTILITY POLE
- OHW — OVERHEAD WIRES
- o WV WATER VALVE
- o HYD FIRE HYDRANT
- o TMH TELEPHONE MANHOLE
- o TP TELEPHONE PEDESTAL
- T — UNDERGROUND TELEPHONE LINE
- (21) LOT NUMBER
- o CIRF CAPPED IRON ROD FOUND
- o IRF IRON ROD FOUND
-) END SECTION

SITE MANAGEMENT PLAN AREA

LANDS NOW OR FORMERLY OF
CHERRY BURRELL CORPORATION
AND A PORTION OF LANDS NOW OR FORMERLY OF
CARTON FILLER ACQUISITION CORPORATION
PREPARED FOR ARCADIS U.S., INC.

C.T. MALE ASSOCIATES
Engineering, Surveying, Architecture & Landscaping Architecture, P.C.

50 CENTURY HILL DRIVE, LATHAM, NY 12110
518.786.7400 * FAX 518.786.7299



SHEET 1 OF 1
DWG. NO: 12-339