

ENVIRONMENTAL NOTICE

THIS ENVIRONMENTAL NOTICE is made the 21st day of June 2012, by the New York State Department of Environmental Conservation (Department), having an office for the transaction of business at 625 Broadway, Albany, New York 12233.

WHEREAS, a parcel of real property identified as 93 Main Street (Site 704027), located on 89 Main Street in the City of Binghamton, County of Broome, State of New York, which is part of lands conveyed by Neighborhood Clothing Outlets, Inc. to Robert J. McMahon and Mary A. McMahon by deed dated April 4, 1981 and recorded in the Broome County Clerk's Office County Clerk's Office on August 13, 1981 in Book 1328 of Deeds at Page 217 being more particularly described in Appendix "A", attached to this noticed and made a part hereof, and hereinafter referred to as "the Property" is the subject of a remedial program performed by the Department; and

WHEREAS, the Department approved a cleanup to address contamination disposed at the Property and such cleanup was conditioned upon certain limitations.

NOW, THEREFORE, the Department provides notice that:

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

SECOND, unless prior written approval by 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 disturbance or excavation of the Property which threatens the integrity of the engineering controls or which results or may result in a significantly increased threat of harm or damage at any site as a result of exposure to soils. A violation of this provision is a violation of 6 NYCRR 375-1.11(b)(2).

THIRD, no person shall disturb, remove, or otherwise interfere with the installation, use, operations, and maintenance of engineering controls required for the Remedy, including but not limited to those engineering controls described in the SMP and listed below, unless in each instance they first obtain a written waiver of such prohibition from the Department or Relevant Agency.

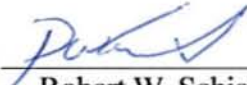
FOURTH, the remedy was designed to be protective for the following uses: **Commercial as described in 6 NYCRR Part 375-1.8(g)(2)(iii) and Industrial as described in 6 NYCRR Part 375-1.8(g)(2)(iv)**. Therefore, any use for purposes other than Commercial and Industrial without the express written waiver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

93 Main Street
Site No.: 704027
89 Main Street
Binghamton, Broome County, NY
Tax Map: 160.38-2-33

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

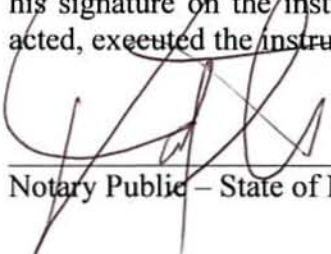
SIXTH, it is a violation of 6 NYCRR 375-1.11(b) to use the Property in a manner inconsistent with this environmental notice.

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

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

STATE OF NEW YORK)
) ss:
COUNTY OF)

On the 21st day of June, in the year 2012, before me, the undersigned, personally appeared Robert Schick, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity as Designee of the Commissioner of the State of New York Department of Environmental Conservation, and that by his signature on the instrument, the individual, or the person upon behalf of which individual acted, executed the instrument.


Notary Public – State of New York

David J. Chiusano
Notary Public, State of New York
No. 01CH5032146
Qualified in Schenectady County
Commission Expires August 22, 2014

Appendix A

METES AND BOUNDS DESCRIPTION

89 Main Street
County of Broome
Tax Map: Section 160.38, Block 2, Lot 33

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Binghamton, County of Broome and State of New York, bounded and described as follows, viz: beginning at a point in the west line of Arthur Street at the northeast corner of lands now or formerly owned or occupied by Helen Ireland and being also the southeast corner of lands conveyed to Clara L. Place by Charles H. Judd by William M. Mclean, Special Guardian, by deed dated on April 9, 1891, and recorded in the Broome County Clerk's office in Book of Deeds No. 147 at page 213 and also by Grace H. Judd and Maria H. Judd by a certain other deed dated on March 30, 1891 and recorded in said Clerk's Office in Book of Deeds No. 148 at page 117 and running thence northwardly along the west line of Arthur Street thirty-four feet and three inches (34 ft. 3 inches) more or less, to the southeast corner of lands now or formerly of J. Wesley Sheffield; thence westwardly along the south line of lands conveyed to said J. Wesley Sheffield by Clara L. Place by deed dated on June 8, 1899 and recorded in the said Clerk's Office in book of Deeds No. 132 at page 33, forty-five (45) feet, more or less, to the east line of lands formerly owned by Alfred Dunk; thence southwardly along the said east line of the said Dunk thirty (30) feet and four inches (30 ft. 4 inches) more or less, to the north line of the said lands formerly owned or occupied by Nelson Ireland; thence eastwardly along the north line of the said lands of the said Ireland forty-six (46) feet, more or less, to the place of beginning.

Also ALL THAT TRACT OR PARCEL OF LAND, situate in the city of Binghamton, County of Broome and State of New York, bounded as follows: Beginning at the southwesterly corner of a parcel of land first above described and in the line of land formerly owned by Alfred Dunk; thence southerly along the Dunk line about 4 feet to an iron post corner placed by Clara L. Place and J. Wesley Sheffield, thence easterly by a line which shall be parallel to and 5 ¼ inches northerly from the brick basement wall of the dwelling on land of J. Wesley Sheffield north to the southeasterly corner of the lot heretofore conveyed by deed above mentioned, thence by the southerly line of land of J. Wesley Sheffield so conveyed to him by Clara L. Place, to the place of beginning, being the same more or less, together with the right to keep, maintain, and use the retaining wall along the south side of the premise hereby conveyed and at the easterly end thereof for the purpose of a wall, and entrance to said dwelling of J. Wesley Sheffield as said retaining wall is now built and used.

Also ALL THAT TRACT OR PARCEL OF LAND, situate in the city of Binghamton, county of Broome and State of New York, on the west side of Arthur Street, bounded and described as follows: Commencing at a point in the westerly bounds of Arthur Street, the southeasterly corner

of a lot of land formerly owned by Mrs. Pullen; running thence along the line of Arthur Street southerly 36 feet to a corner; thence westerly parallel with the northerly line of land formerly owned by Nelson A. Ireland about 50 feet to the line of land formerly owned by Alfred Dunk; thence northerly along the said Dunk line 36 feet to the corner of the Pullen land; and thence easterly along the Pullen line to the place of beginning. Being 36 feet off the northerly side of a lot of land conveyed to Clara A. Place by two deeds, one from Grace A. Judd and Maria Judd dated March 30, 1891 recorded in Broome County Clerk's Office May 19, 1891 in Liber 148 at page 117 and one from Charles H. Judd and William M. McLean, his guardian, dated April 9, 1891 recorded in said Clerk's Office May 19, 1891 in Liber 147 at page 213.

Being the same premises conveyed to the mortgagors herein by First-City national Bank of Binghamton, N.Y. by deed dated January 15, 1979 and recorded in the Broome County Clerk's Office June 1st, 1979 in Book 1290 of Deeds at page 494.

Also ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Binghamton, County of Broome and State of New York, briefly described as follows: On the west side of the Chenango River, on the south side of Main Street, and bounded as follows: On the north by Main Street; on the west by a lot formerly owned and occupied by L.M. Hall, now owned and occupied by Georgena S. Hammond, on the south by lands formerly owned by William Rennie, now owned or occupied by N.L. Ireland, on the east by lands formerly owned and occupied by H.R. Clerk and Mrs. Judd, now owned or occupied by Mrs. Whitney Smith and others, and the lot herein described is three rods wide, front and rear and twelve rods deep from said Main Street, be the same more or less, and contains thirty-six rods of land.

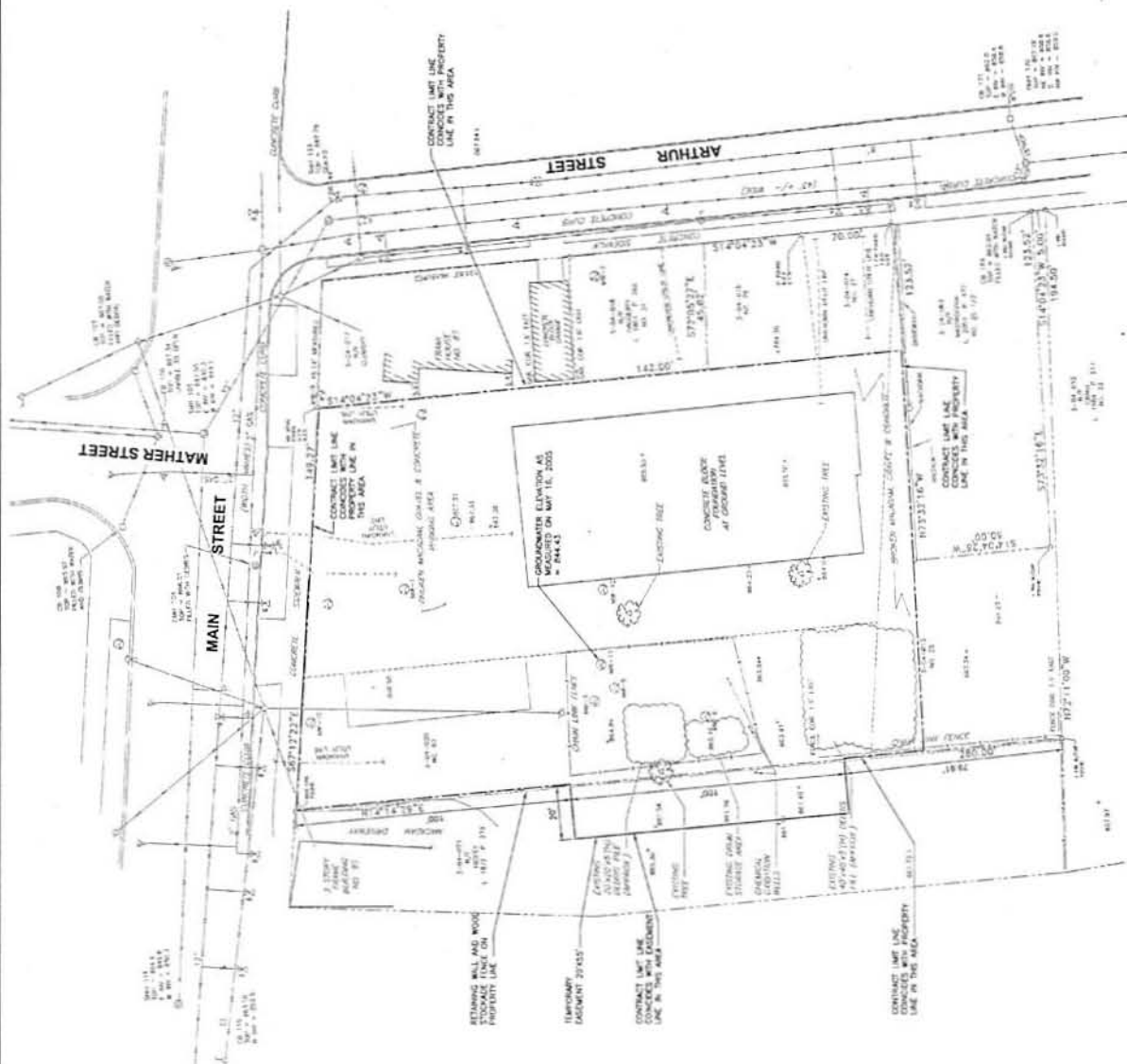
Being the same premises conveyed to the mortgagors herein by Neighborhood Clothing Outlets, Inc. by deed bearing even date herewith and to be recorded simultaneously with this mortgage.

93 Main Street
Site No.: 704027
89 Main Street
Binghamton, Broome County, NY
Tax Map: 160.38-2-33

Appendix B

1. SOURCE MAP ENTITLED "EE INC., 83 MAIN STREET SURVEY, CITY OF BIRMINGHAM, STROUD COUNTY, L.S. NYS NO. 47958 VERTICAL DATUM IS MOVED BY DONALD R. BIGGINS, C.L.S. NYS NO. 47958 HORIZONTAL DATUM IS MOVED BY MICHAEL J. SACHA, DEPOSITION U-457. HORIZONTAL DATUM IS MAG 83, 8"-10" NAD80 COVER ORN DATE OF FIELD SURVEY.

2. UTILITY DATA ADDED BY #ESTONE ASSOCIATES, LLC. BASED UPON UTILITY MARKET PERFORMED BY ADVANCED GEOSURVEILL SERVICES ON OCTOBER 30, 2007

[illegible]