

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

THIS INDENTURE made this 10th day of August, 2020, between Owner, New York State Electric & Gas Corporation, having an office at 89 East Avenue, Rochester, County of Monroe, 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 abandoned and likely contaminated properties ("sites") that threaten the health and vitality of the communities they burden while at the same time ensuring the protection of public health and the environment; and

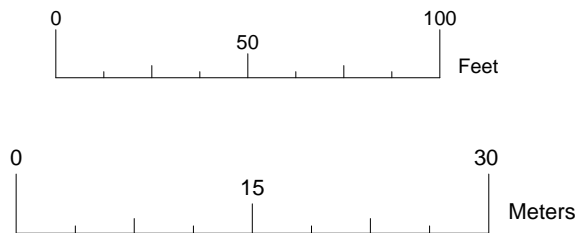
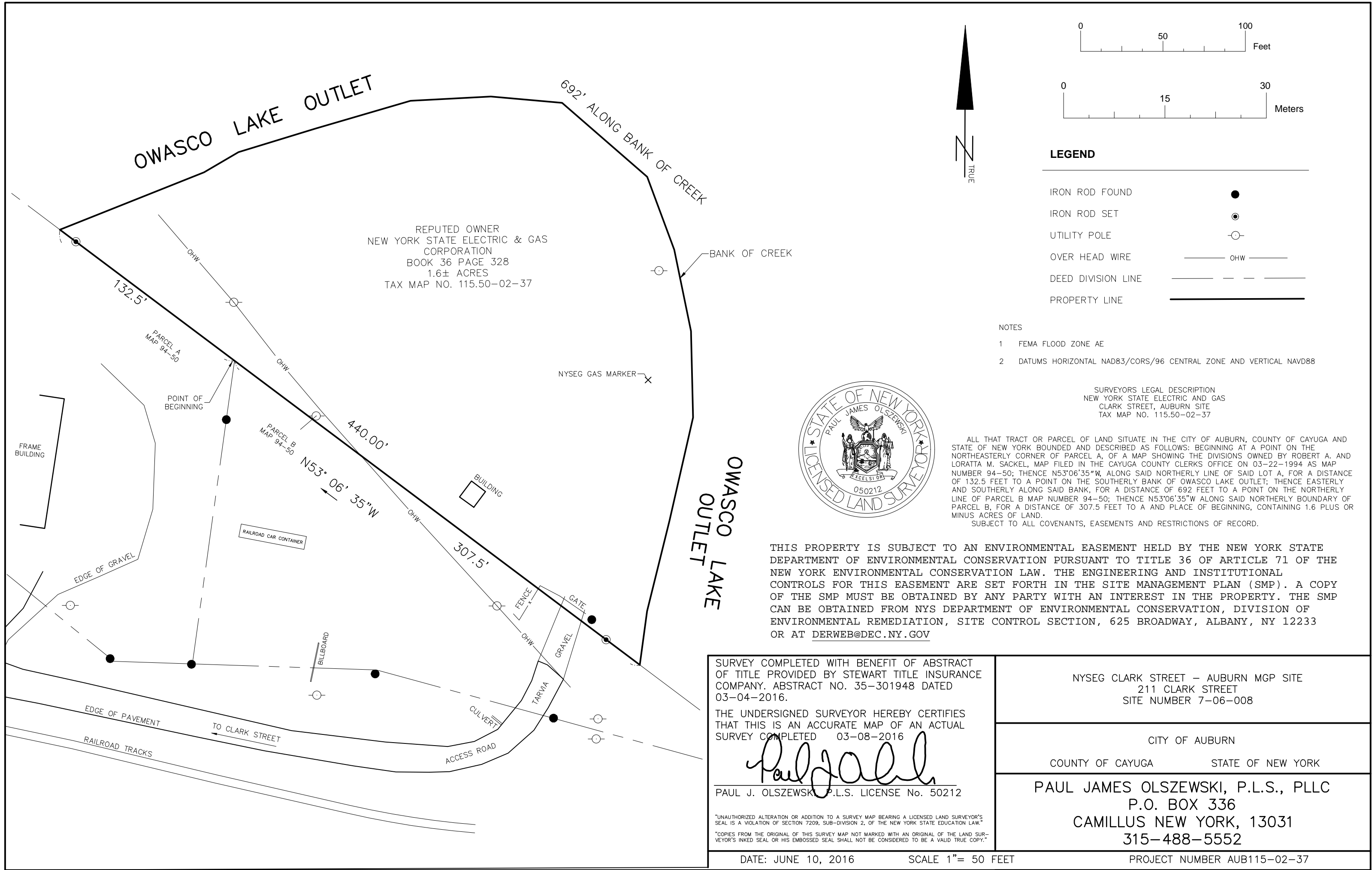
WHEREAS, the Legislature of the State of New York has declared that it is in the public interest to establish within the Department a statutory environmental remediation program that includes the use of Environmental Easements as an enforceable means of ensuring the performance of operation, maintenance,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

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

WHEREAS, Grantor, is the owner of real property located at the address of 211 Clark Street, in the City of Auburn, County of Cayuga and State of New York, known and designated on the tax map of the County Clerk of Cayuga as tax map parcel numbers: Section 115.50 Block 02 Lot 37, being the same as that property conveyed to Grantor by deed dated October 9, 1905 and recorded in the Cayuga County Clerk's Office in Liber and Page 36/328. The property subject to this Environmental Easement (the "Controlled Property") comprises approximately 1.6 +/- acres, and is hereinafter more fully described in the Land Title Survey dated June 10, 2016 prepared by Paul J. Olszewski, P.L.S., which will be attached to the Site Management Plan. The Controlled Property description is set forth in and attached hereto as Schedule A; 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

Recorded in
Bavliay Damon LLP
2000 First Street Bank Plaza
100 West Main Street
Rochester NY 14604



LEGEND	
IRON ROD FOUND	●
IRON ROD SET	⊙
UTILITY POLE	⊖
OVER HEAD WIRE	— OHW —
DEED DIVISION LINE	- - - - -
PROPERTY LINE	—————

- NOTES
- 1 FEMA FLOOD ZONE AE
 - 2 DATUMS HORIZONTAL NAD83/CORS/96 CENTRAL ZONE AND VERTICAL NAVD88



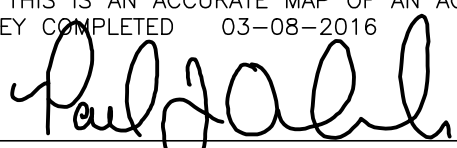
SURVEYORS LEGAL DESCRIPTION
NEW YORK STATE ELECTRIC AND GAS
CLARK STREET, AUBURN SITE
TAX MAP NO. 115.50-02-37

ALL THAT TRACT OR PARCEL OF LAND SITUATE IN THE CITY OF AUBURN, COUNTY OF CAYUGA AND STATE OF NEW YORK BOUNDED AND DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE NORTHEASTERLY CORNER OF PARCEL A, OF A MAP SHOWING THE DIVISIONS OWNED BY ROBERT A. AND LORATTA M. SACKEL, MAP FILED IN THE CAYUGA COUNTY CLERKS OFFICE ON 03-22-1994 AS MAP NUMBER 94-50; THENCE N53°06'35"W, ALONG SAID NORTHERLY LINE OF SAID LOT A, FOR A DISTANCE OF 132.5 FEET TO A POINT ON THE SOUTHERLY BANK OF OWASCO LAKE OUTLET; THENCE EASTERLY AND SOUTHERLY ALONG SAID BANK, FOR A DISTANCE OF 692 FEET TO A POINT ON THE NORTHERLY LINE OF PARCEL B MAP NUMBER 94-50; THENCE N53°06'35"W ALONG SAID NORTHERLY BOUNDARY OF PARCEL B, FOR A DISTANCE OF 307.5 FEET TO A AND PLACE OF BEGINNING, CONTAINING 1.6 PLUS OR MINUS ACRES OF LAND.
SUBJECT TO ALL COVENANTS, EASEMENTS AND RESTRICTIONS OF RECORD.

THIS PROPERTY IS SUBJECT TO AN ENVIRONMENTAL EASEMENT HELD BY THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION PURSUANT TO TITLE 36 OF ARTICLE 71 OF THE NEW YORK ENVIRONMENTAL CONSERVATION LAW. THE ENGINEERING AND INSTITUTIONAL CONTROLS FOR THIS EASEMENT ARE SET FORTH IN THE SITE MANAGEMENT PLAN (SMP). A COPY OF THE SMP MUST BE OBTAINED BY ANY PARTY WITH AN INTEREST IN THE PROPERTY. THE SMP CAN BE OBTAINED FROM NYS DEPARTMENT OF ENVIRONMENTAL CONSERVATION, DIVISION OF ENVIRONMENTAL REMEDIATION, SITE CONTROL SECTION, 625 BROADWAY, ALBANY, NY 12233 OR AT DERWEB@DEC.NY.GOV

SURVEY COMPLETED WITH BENEFIT OF ABSTRACT OF TITLE PROVIDED BY STEWART TITLE INSURANCE COMPANY. ABSTRACT NO. 35-301948 DATED 03-04-2016.

THE UNDERSIGNED SURVEYOR HEREBY CERTIFIES THAT THIS IS AN ACCURATE MAP OF AN ACTUAL SURVEY COMPLETED 03-08-2016


PAUL J. OLSZEWSKI, P.L.S. LICENSE No. 50212

"UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP BEARING A LICENSED LAND SURVEYOR'S SEAL IS A VIOLATION OF SECTION 7209, SUB-DIVISION 2, OF THE NEW YORK STATE EDUCATION LAW."
"COPIES FROM THE ORIGINAL OF THIS SURVEY MAP NOT MARKED WITH AN ORIGINAL OF THE LAND SURVEYOR'S INKED SEAL OR HIS EMBOSSED SEAL SHALL NOT BE CONSIDERED TO BE A VALID TRUE COPY."

NYSEG CLARK STREET – AUBURN MGP SITE
211 CLARK STREET
SITE NUMBER 7-06-008

CITY OF AUBURN
COUNTY OF CAYUGA STATE OF NEW YORK

PAUL JAMES OLSZEWSKI, P.L.S., PLLC
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