

RESTRICTIVE COVENANT

CITY OF SYRACUSE LOT 88-94 INCLUSIVE,
TRACT HIAWATHA, k/a 312 STATE FAIR BOULEVARD

THIS COVENANT, made the ~~15~~ day of February 1995, by the CITY OF SYRACUSE, having an office at 233 East Washington Street, Syracuse, New York ("City"):

WHEREAS, the City and the New York State Department of Environmental Conservation ("DEC") entered into a Consent Order, Index #A601468803, on March 20, 1989, requiring the Remedial Investigation, Feasibility Study and implementation of a Remedial Program for an Inactive Hazardous Waste Disposal Site known as the Syracuse Fire Training Center, located at 312 State Fair Boulevard in Syracuse, NY, Site #734039 ("the Site"), and being more fully described as:

ALL THAT TRACT OR PARCEL OF LAND situated in the City of Syracuse, County of Onondaga and State of New York and being known and described as Lot Nos. 88-89-90-91-92-93 and 94 as shown on a Map entitled Hiawatha Tract on Farm Lots 291-292-293-294 and 324, Syracuse, N.Y. made by G.E. Higgins, C.E., dated August 30, 1917 and filed in the Onondaga County Clerk's Office on September 26, 1917 as Map No. 1606

WHEREAS, the City and the DEC have agreed, in the above referenced Consent Order, to file this Restrictive Covenant in the Office of the Onondaga County Clerk for the purpose of providing notice of the Consent Order and its property restrictions to all potential future purchasers of any portion of the Site.

NOW, THEREFORE, The City of Syracuse, for itself and its successors and/or assigns, covenants that:

1. Unless prior written approval by the Department of Environmental Conservation and Department of Health (or any subsequently delegated agencies)(all hereinafter referred to as "the relevant agencies") is first obtained, there shall be no construction, use or occupancy of the site which results in the disturbance or excavation of the waste materials on site, which threatens the integrity of the asphalt cap or soil cover materials, or which results in unacceptable human exposure to contaminated soils.

2. Unless prior written approval by the relevant agencies is obtained, there shall be no change in the use of the site in any way that is inconsistent with its use as a fire training center. If such a new use of the site is approved, any and all further remedial activities at the site deemed necessary and appropriate by the relevant agencies will be performed by the City of Syracuse, its successors and/or assigns.

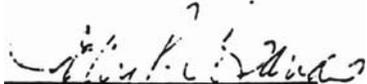
3. The City of Syracuse, its successors and/or assigns will not disturb the site in any way, except to properly maintain the integrity of the remedial measures undertaken and maintained at the site pursuant to the terms of the attached Record of Decision which is incorporated herein and made a part hereof as if herein set forth at length.

4. This Declaration is and shall be deemed to be a covenant running with the land, binding the City of Syracuse, its successors and/or assigns, and any agent, lessor or invitee of the City of Syracuse, its successors and/or assigns in perpetuity or until such time that the relevant agencies determine these restrictions are no longer necessary for the protection of human health and the environment.

IN WITNESS WHEREOF, the City of Syracuse has caused its corporation seal to be hereunto affixed by its City Clerk and this Covenant to be subscribed by its Mayor on the date and year first above written.

ATTEST:

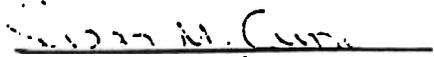
CITY OF SYRACUSE


John P. Copanas
City Clerk

By: 
Roy A. Bernardi
Mayor

State of New York)
County of Onondaga) SS:
City of Syracuse)

On this 16th day of June 1995, before me personally came Roy A. Bernardi, who being duly sworn, deposes and says: that he resides in the City of Syracuse, is Mayor of the City of Syracuse, the corporation described in and which executed the within instrument; that he knows the corporate seal of said corporation; that the seal affixed to the foregoing instrument is such corporate seal; that it was so affixed pursuant to the provision of the of the Charter of the City of Syracuse by like authority; and the said Roy A. Bernardi, further says that he is acquainted with John P. Copanas and knows him to be the City Clerk of said City of Syracuse and that the signature of John P. Copanas was hereto subscribed pursuant to said Charter and in the presence of him, the said Roy A. Bernardi, Mayor


Notary Public

SUSAN M. CURRY
NOTARY PUBLIC, State of New York
No. 01CU8024990
Qualified in Onondaga County
Commission Expires 03/21/98