



OSWEGO COUNTY – STATE OF NEW YORK  
MICHAEL C. BACKUS COUNTY CLERK  
46 EAST BRIDGE STREET, OSWEGO, NEW YORK 13126

COUNTY CLERK'S RECORDING PAGE

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Number of Pages	35.00
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Total: 75.00  
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INSTRUMENT #: R-2014-005906

Receipt#: 20148932328  
Clerk: TALLEN  
Rec Date: 07/07/2014 01:46:26 PM  
Doc Grp: D  
Descrip: COVENANTS  
Num Pgs: 7  
Rec'd Frm: OVAC / JOE

Party1: OSWEGO COUNTY OF

I hereby certify that the within and  
foregoing was recorded in the Oswego  
County Clerk's Office

Record and Return To:

FRONTIER  
30 W BROAD STREET SUITE 100  
ROCHESTER, NY 14614

Michael C. Backus  
Oswego County Clerk



Columbia Mills Site  
Site # 738012  
Town of Minetto  
County of Oswego  
Tax Parcel # 183.02-02-05

## DECLARATION of COVENANTS and RESTRICTIONS

**THIS COVENANT** is made the 19 day of June 2014 by Oswego County, a municipality of the State of New York and having an office for the transaction of business at 46 Bridge street, Oswego, New York .

**WHEREAS**, Columbia Mills Site Number 738012 is the subject of a remedial program performed by the New York State Department of Environmental Conservation (the "Department"), namely that parcel of real property located off State Route 48 in the Town of Minetto, County of Oswego, State of New York, which is part of lands conveyed by William J. Brouse, as County Treasurer of the County of Oswego, State of New York to Oswego County by deed dated November 20, 1981 and recorded in the Oswego County Clerk's Office in Liber and Page 854:328, 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.

**NOW, THEREFORE**, Oswego County, 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.

Third, the owner of the Property shall not prevent access by the Department or its agents to the property nor disturb, remove, or otherwise interfere with the installation, use, operation, and maintenance of engineering controls required for the Remedy, which are described in the



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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 Commercial or Industrial use 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 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.

Sixth, the owner of the Property, upon request, shall provide a periodic certification, to the Department or Relevant Agency, which will certify that: the institutional controls put in place are unchanged from the previous certification, that the owner has complied with the provisions of this restrictive covenant, including compliance with the SMP, that there has been no change in use of the property, unless the Department has been properly notified, and that the engineering controls have not been impaired.

Seventh, the owner of the Property shall continue in full force and effect any institutional 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 Department or Relevant Agency requires to be recorded, and the owner and its successors and assigns 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.



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

By: Kevin L Gardner

Print Name: KEVIN L. GARDNER

Title: Chairman (Oswego county) Date: 6/19/14

STATE OF NEW YORK )

) s.s.:

COUNTY OF Oswego )

On the 19th day of June, in the year 2014, before me, the undersigned, personally appeared Kevin L. Gardner, 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.

Wendy M Falls

Notary Public State of New York

WENDY M. FALLS  
Notary Public, State of New York  
No. 01FA6219888  
Qualified in Oswego County  
Commission Expires April 5, 2018

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## Appendix A

### Metes and Bounds

All that Tract or Parcel of Land, situated in the town and village of Minetto, County of Oswego, State of New York, and being part of farm lots 22 and 29, more particularly bounded and described as Follows:

Beginning at a point in the Easterly right of way line of the former D.L. &W. Railroad, said point being N33 deg. 06' 37" W a distance of 492.43 feet, as measured along said right of way from its intersection with northerly road line of Benson Avenue; Thence N33 deg. 06' 37" W along said Right of way line a distance 433.80 feet to a point; Thence N 74 deg 19'40" E a distance of 347.95 to an Iron Rod; Thence N 83 deg. 19'17"E a distance of 172.84 feet to an Iron Rod; Thence N 84 deg. 32'45"E a distance of 379.28 feet to an Iron Rod; Thence S 05 deg. 32'55"W a distance of 338.20 feet to an Iron rod; Thence S 45 deg. 22' 16"W a distance of 210.25 feet to an Iron rod; Thence S 74 deg. 39'31" a distance of 299.79 feet to an Iron rod; thence N74 deg. 05'18" a distance of 182.85 feet to the point of beginning.

Containing 7.862 acres of land more or less. Subject to easements and restrictions of record which may affect this property. Also including access to this site across lands of the former Columbia Mills Property.



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## Appendix B

### Site Figure





Appendix B

November 5, 2013

# Columbia Mills Site

Site Number 7-38-012

Route 48  
Minetto, NY 13115

## Legend

- Site Boundary
- ⊠ Tax Parcel # 183.02-02-05



0 35 70 140 210 280 Feet

Project Manager: Payson Long  
Map Arranged By: Payson Long

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Columbia Mills Site

