



Tompkins County Clerk Recording Page

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Maureen Reynolds, County Clerk

Tompkins County Clerk
320 North Tioga Street
Ithaca, NY 14850
(607) 274-5431

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Party 1

EMERSUB 15 LLC

Party 2

EMERSUB 15 LLC

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Instrument #: 2018-10180

State of New York
County of Tompkins

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Tompkins County Clerk

This sheet constitutes the Clerk's endorsement required by section 319 of the Real Property Law of the State of New York

DECLARATION of COVENANTS and RESTRICTIONS

THIS DECLARATION (the "Declaration") is made the 6th day of September 2018, by **EMERSUB 15 LLC**, a Delaware limited liability company, having an office for the transaction of business at 8000 West Florissant Avenue, St. Louis, Missouri 63136 ("Owner").

WHEREAS, Owner is the owner of that certain real property located at 620 South Aurora Street and 810 Danby Road, in the Town of Ithaca, County of Tompkins and State of New York (the "State"), which is legally described on **Schedule A** attached to this declaration and made a part hereof, and is further known and designated on the tax map of the County Clerk of Tompkins as tax map parcel numbers: Section 106, Block 1, Lot 8, Section 40, Block 3, Lot 3, and a portion of Section 40, Block 3, Lot 14.2, being the same as that property conveyed to Owner by deeds recorded in the Tompkins County Clerk's Office in Liber 474, Page 68; Liber 556, Page 127; Liber 556, Page 1081; Liber 564, Page 91; Liber 567, Page 446; Liber 2512, Page 5758; and Instrument Number 555134-003 (the "Property"); and

WHEREAS, soil vapor contamination associated with the sewer lines serving the former National Cash Register site to the south of the Property and Ithaca College to the east of the Property was identified during past environmental investigations, which sewer lines comprise the main sanitary sewer trunk and the lateral sanitary sewer trunk and are located on a portion of the Property (collectively, the "NCR Sewer Line Area"); and

WHEREAS, the NCR Sewer Line Area comprises approximately +/- 2.983 acres, and is hereinafter more fully described in the Land Title Survey dated July 25, 2018, prepared by Richard M. Rybinski, and which is legally described on **Schedule B** attached to this declaration and made a part hereof; and

WHEREAS, the covenants and restrictions contained in this Declaration ensure the protection of public health and the environment.

NOW, THEREFORE, Owner, for itself, its assigns, and subsequent owners of the NCR Sewer Line Area covenants that:

First, the NCR Sewer Line Area subject to this Declaration is as shown on a map attached to this declaration as **Schedule B** and made a part hereof.

Second, prior to any construction activity that involves either connecting to the sewers located within the NCR Sewer Line Area or the erection of any occupied structure that lies partially or wholly within the NCR Sewer Line Area, Owner shall conduct an evaluation of soil vapor intrusion potential in accordance with the State's "Guidance for Evaluating Soil Vapor Intrusion in the State of New York" or equivalent and successor methodology or guidance thereto (collectively, the "Guidance"), and implement recommended actions in accordance with such Guidance ("Recommended Actions") if any, to address exposures related to soil vapor intrusion, or in the alternative, the owner may forego the soil vapor intrusion evaluation and install a soil

vapor intrusion mitigation system ("Engineering Controls") in any building on the Property intended for such occupation, as though the evaluation of soil vapor intrusion potential would have justified mitigation under the Guidance.

Third, all Engineering Controls shall be installed prior to occupancy of any structure that lies partially or wholly within the NCR Sewer Line Area or any structure served by a lateral that connects to the sewer located within the NCR Sewer Line Area.

Fourth, all Engineering Controls and Recommended Actions shall be performed, operated, maintained and monitored as specified in the Guidance.

Fifth, all Engineering Controls shall be inspected at a frequency and in a manner defined in the Guidance.

Sixth, data and information pertinent to the Recommended Actions and/or Engineering Controls shall be reported at the frequency and in a manner in accordance with the Guidance.

Seventh, access to the NCR Sewer Line Area shall be provided to agents, employees or other representatives of the State with reasonable prior notice to the Owner to assure compliance with the Guidance.

Eighth, the Recommended Actions and Engineering Controls shall be binding upon the Owner, its assigns, and subsequent owners of the NCR Sewer Line Area. The Recommended Actions and Engineering Controls may be modified in accordance with the State's statutory and regulatory authority. The Owner and all successors in title to the NCR Sewer Line Area, as well as their successors and assigns, assume the burden of complying with the Recommended Actions and Engineering Controls.

Owner shall provide all persons who acquire any interest in the NCR Sewer Line Area notice of the Recommended Actions and Engineering Controls along with any State approvals for the NCR Sewer Line Area.

Ninth, the Owner shall continue in full force and effect any Recommended Actions and Engineering Controls and maintain such controls, unless the Owner first obtains permission to discontinue such controls from the State.

Tenth, 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 NCR Sewer Line Area, and shall provide that any such owner and its successors and assigns consent to enforcement by the State or other relevant agency of the prohibitions and restrictions set forth in this Declaration, and hereby covenant not to contest the authority of the State to seek enforcement. Nothing contained in this Declaration shall be deemed a gift or dedication of any portion of the NCR Sewer Line Area to the general public or for the general public or for any public purpose whatsoever nor shall anything contained in this Declaration confer any benefits, rights, privileges, claims, actions or remedies to any person or entity as a third-party beneficiary or otherwise

Eleventh, any lease, license, deed of conveyance, or other instrument conveying the NCR Sewer Line Area, or any portion thereof, shall recite, unless the State has consented to the termination of such covenants and restrictions, that said conveyance is subject to this Declaration.

[Signature Page to Follow]

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

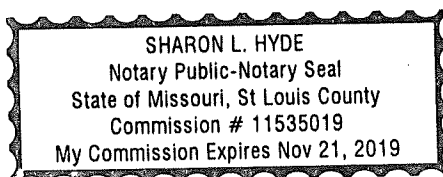
EMERSUB 16 LLC

By: *Stephen L. Clarke*
Print Name: Stephen L. Clarke
Title: President Date: 8/9/2018

STATE OF MISSOURI)
) ss.:
COUNTY OF St. Louis)

On the 9th day of August, in the year 2018, before me, the undersigned, personally appeared Stephen L. Clarke, 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.

Sharon L. Hyde
Notary Public State of Missouri



Schedule A

The Property

ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND, SITUATE, LYING AND BEING IN THE COUNTY OF TOMPKINS AND STATE OF NEW YORK, AND DESCRIBED AS FOLLOWS, TO WIT:

PARCEL 1

ALL THAT PORTION OF SOUTH TIOGA STREET LYING SOUTH OF THE CAYUGA AND SUSQUEHANNA RAILWAY, AND EXTENDING TO THE SOUTH BOUNDARY OF THE SAID CITY OF ITHACA, AND

BEGINNING AT THE POINT OF INTERSECTION OF THE EAST LINE OF SOUTH CAYUGA STREET WITH THE SOUTH BOUNDARY LINE OF THE SAID CITY OF ITHACA; THENCE NORTH ALONG THE EASTERLY LINE OF CAYUGA STREET TO THE SOUTH BOUNDARY OF THE CAYUGA AND SUSQUEHANNA RAIL ROAD CO'S LAND NOW OR FORMERLY LEASED TO THE DELAWARE, LACKAWANNA & WESTERN RAIL ROAD CO., THENCE NORTHEASTERLY ALONG THE SOUTH BOUNDARY OF SAID RAIL ROAD CO'S LAND TO THE WEST LINE OF SOUTH TIOGA STREET EXTENDED; THENCE SOUTH ALONG THE WEST LINE OF SAID TIOGA ST. EXTENSION TO THE SOUTH BOUNDARY LINE OF THE CITY OF ITHACA; THENCE WEST ALONG THE SOUTH BOUNDARY LINE OF SAID CITY TO THE PLACE OF BEGINNING, AND

PART OF MILITARY LOT 94 IN SAID CITY BOUNDED AND DESCRIBED AS FOLLOWS: BEGINNING ON THE SOUTHEAST SIDE OF THE RIGHT OF WAY OF THE DELAWARE, LACKAWANNA AND WESTERN RAILROAD WEST OF AURORA STREET, AT THE NORTHWEST CORNER OF THE LOT WILLED TO JOSEPH WILLIS MCGRAW BY SARAH A. MCGRAW; THENCE ALONG THE SOUTHEAST LINE OF THE RIGHT OF WAY TO THE EAST LINE OF SOUTH TIOGA STREET, THENCE SOUTH ON THE EAST LINE OF SOUTH TIOGA STREET TO A POINT TWENTY-FIVE (25) FEET FROM THE CENTER LINE OF THE UPPER BRANCH OF THE TURNOUT BUILT BY THE SAID LACKAWANNA RAILROAD COMPANY FOR THE USE OF MORSE CHAIN COMPANY; THENCE NORTHEASTERLY AT A DISTANCE OF TWENTY-FIVE FEET FROM THE CENTER LINE OF SAID TURNOUT TO A POINT ON THE SOUTH LINE OF THE SAID JOSEPH MCGRAW LOT; THENCE WESTERLY ALONG THE SOUTH LINE OF SAID MCGRAW LOT TO THE PLACE OF BEGINNING, AND

THE PORTION OF THE EAST HALF OF SOUTH TIOGA STREET WHICH LIES BETWEEN THE LACKAWANNA RIGHT OF WAY AND THE LINE TWENTY-FIVE FEET EASTERLY FROM THE CENTER LINE OF THE TURNOUT ABOVE DESCRIBED, AND

BEGINNING AT THE POINT OF INTERSECTION OF THE SOUTH BOUNDARY LINE OF THE CITY OF ITHACA WITH THE WEST BOUNDARY LINE OF SOUTH CAYUGA STREET; THENCE WESTERLY ALONG SAID CITY LINE TO THE SOUTHERN BOUNDARY LINE OF LANDS OF THE CAYUGA AND SUSQUEHANNA RAILROAD, (NOW OR FORMERLY LEASED BY THE DELAWARE, LACKAWANNA AND WESTERN RAILROAD); THENCE NORTHEASTERLY ALONG SAID RAILROAD BOUNDARY LINE TO ITS INTERSECTION WITH THE WEST BOUNDARY LINE OF SOUTH CAYUGA STREET; THENCE SOUTHERLY ALONG SAID CAYUGA STREET LINE TO THE PLACE OF BEGINNING, AND

ALL THAT PORTION OF SOUTH CAYUGA STREET EXTENDING FROM THE SOUTHERLY LINE OF THE RIGHT OF WAY OF THE DELAWARE, LACKAWANNA & WESTERN RAILROAD COMPANY TO THE CITY LINE, AND

ON SOUTH HILL, DESIGNATED AS LOT 20 ON A MAP OF SOUTH HILL LANDS MADE BY KIRK P. CRANDALL, DATED MAY, 1905, AND FILED IN THE TOMPKINS COUNTY CLERK'S OFFICE ON THE 31ST DAY OF AUGUST, 1906, SAID LOT 20 BEING BOUNDED AS FOLLOWS: ON THE SOUTH BY THE RIGHT OF WAY OF THE D. L. & W. RAILROAD; ON

THE WEST BY SOUTH CAYUGA STREET, ON THE NORTH BY SOUTH HILL TERRACE AND LOT 21, AND ON THE EAST BY LAND FORMERLY BELONGING TO THE CITY WATER BOARD, AND

COMMENCING ON THE EAST LINE OF SOUTH AURORA STREET IN SAID CITY AT THE SOUTH-WEST CORNER OF LAND OWNED BY PHILIPP STEPHENS AT THE TIME OF HIS DEATH, AND RUNNING THENCE NORTH 26° AND 30' EAST ALONG THE EAST LINE OF SAID SOUTH AURORA STREET 353 ½ FEET TO THE SOUTH LINE OF LANDS DEVISED TO FITCH H. STEPHENS BY SAID PHILIPP STEPHENS BY HIS WILL ADMITTED TO PROBATE MAY 11, 1908, AND RECORDED IN BOOK C. C. OF WILLS AT PAGE 398 IN THE SURROGATE'S OFFICE OF SAID COUNTY OF TOMPKINS; THENCE NORTH 88° 45' EAST 703 FEET TO THE WEST LINE OF LANDS, WHICH BY THE TERMS OF SAID WILL, THE EXECUTOR THEREIN NAMED WAS EMPOWERED TO SELL; THENCE SOUTH 4° 15' WEST ALONG SAID WEST LINE OF SAID LANDS, WHICH SAID EXECUTOR WAS EMPOWERED TO SELL, 316 ½ FEET TO THE SOUTH LINE OF SAID PHILIPP STEPHENS' LAND; THENCE SOUTH 88° AND 15' WEST ALONG THE SOUTH LINE OF SAID LAND OWNED BY SAID STEPHENS AT THE TIME OF HIS DEATH 841 FEET TO THE EAST LINE OF SOUTH AURORA STREET, THE PLACE OF BEGINNING, EXCEPTING THEREFROM TWO LOTS OF 40 FEET BY 200 FEET DONATED BY SAID STEPHENS TO THE CONGREGATIONAL CHURCH AND A LOT 50 FEET BY 200 FEET SOLD BY SAID STEPHENS TO LEVI HOLLISTER AND BEING AND INTENDED TO BE THE SOUTHWEST LOT OF LAND ON SAID SOUTH AURORA STREET DEVISED BY SAID WILL OF PHILIPP STEPHENS, DECEASED, TO ELIZABETH BARTO. ALSO, COMMENCING AT A POINT ON THE EAST SIDE OF SOUTH AURORA STREET IN SAID CITY 110 FEET NORTHERLY FROM A POINT WHERE THE SOUTH LINE OF PREMISES FORMERLY OWNED BY PHILIPP STEPHENS JOINS THE EAST SIDE OF SAID SOUTH AURORA STREET, AND RUNNING FROM THENCE EAST 200 FEET; THENCE NORTHERLY PARALLEL WITH SOUTH AURORA STREET 50 FEET; THENCE WEST 200 FEET TO THE EAST SIDE OF SOUTH AURORA STREET; AND THENCE ALONG THE EAST SIDE OF SOUTH AURORA STREET 50 FEET TO THE PLACE OF BEGINNING. BEING 50 FEET ON SOUTH AURORA STREET BY 200 FEET DEEP EASTERLY AND WESTERLY, AND

ON SOUTH HILL DESCRIBED AS FOLLOWS: BEGINNING AT A POINT WHERE A PROLONGATION TO THE SOUTH OF THE WEST LINE OF TIOGA STREET WILL INTERSECT THE NORTH LINE OF THE DELAWARE, LACKAWANNA & WESTERN, RAILROAD; THENCE NORTH ALONG SAID WEST LINE OF SAID PROLONGATION OF TIOGA STREET, 170 FEET, THENCE WEST 210 FEET; THENCE SOUTH PARALLEL WITH SAID LINE ON TIOGA STREET TO THE NORTH LINE OF SAID RAILROAD; THENCE EASTERLY ALONG THE NORTH LINE OF SAID RAILROAD TO THE PLACE OF BEGINNING. BEING KNOWN AS THE SOUTH HILL RESERVOIR SITE, AND

A PART OF MILITARY LOT NO. 94 AND BEING A PART OF LANDS DEEDED TO SARAH MCGRAW BY ABEL BURRITT AND WIFE; RECORDED IN THE CLERK'S OFFICE OF TOMPKINS COUNTY IN LIBER 7 OF ITHACA DEEDS AT PAGE 519, BOUNDED AS FOLLOWS, TO WIT: BEGINNING AT THE INTERSECTION OF THE SOUTH LINE OF WALNUT STREET, WITH THE WEST LINE OF THE OLD OWEGO AND ITHACA TURNPIKE ROAD; THENCE WEST ALONG SAID SOUTH LINE OF WALNUT STREET TO THE EAST LINE OF TIOGA STREET; THENCE SOUTH ALONG TIOGA STREET TO THE LANDS DEVISED TO FRANK SEARS MCGRAW, UNDER THE TERMS OF THE LAST WILL AND TESTAMENT OF SARAH MCGRAW, TO WHICH MORE COMPLETE REFERENCE IS MADE HEREINAFTER; THENCE RUNNING EAST ALONG THE NORTH LINE OF SAID MCGRAW'S LAND TO THE OLD OWEGO AND ITHACA TURNPIKE ROAD; THENCE NORTHEASTERLY ALONG SAID ROAD TO THE PLACE OF BEGINNING, AND

BEGINNING AT THE INTERSECTION OF THE SOUTH LINE OF FOUNTAIN STREET, WITH THE WEST LINE OF THE OLD OWEGO AND ITHACA TURNPIKE ROAD; THENCE SOUTHERLY ON THE WEST LINE OF SAID TURNPIKE TO WALNUT STREET; THENCE WESTERLY ON THE NORTH LINE OF WALNUT STREET TO TIOGA STREET; THENCE NORTHERLY ON THE EAST LINE OF TIOGA STREET TO LANDS PREVIOUSLY DEEDED TO MORSE CHAIN COMPANY BY MARY CELESTIA GAUNTLETT AND GEORGIA MCGRAW CURTISS, AS IS RECORDED AT THE TOMPKINS COUNTY CLERK'S OFFICE IN LIBER 168 OF ITHACA DEEDS AT PAGE 169; THENCE NORTHEASTERLY ALONG SAID MORSE CHAIN COMPANY'S LAND TO THE SOUTH LINE OF FOUNTAIN STREET; THENCE EASTERLY ALONG THE SOUTH LINE OF FOUNTAIN STREET TO THE PLACE OF BEGINNING, AND

A PART OF MILITARY LOT NO. 94 AS FOLLOWS, TO WIT: ALL THAT PART OF WALNUT STREET AND FOUNTAIN STREET, BETWEEN THE OLD OWEGO AND ITHACA TURNPIKE ROAD AND SOUTH TIOGA STREET; AND ALL THAT PART OF SOUTH TIOGA STREET EXTENDING FROM THE NORTH SIDE OF FOUNTAIN STREET TO THE SOUTHWEST CORNER OF LANDS FORMERLY OWNED AND OCCUPIED BY SARAH MCGRAW. SAID WALNUT STREET, BEING THE SAME AS IS INDICATED BY A MAP OF THE BLOODGOOD ESTATE, FILED IN THE CLERK'S OFFICE OF TOMPKINS COUNTY, MARCH 21, 1837. SAID PORTION OF FOUNTAIN STREET AND SOUTH TIOGA STREET BEING THE SAME AS LAID OUT IN A MAP OF ITHACA, BY A.G. BARDIN, DATED 1872, AND

BEGINNING AT THE CENTER OF THE TURNPIKE LEADING FROM ITHACA TO OWEGO, AT A STAKE AND STONES, NOW A POINT IN THE EAST LINE OF SOUTH AURORA STREET, BEING THE SOUTHWEST CORNER OF A SMALL LOT SOLD BY JOHN SCOTT TO MRS. GEE; THENCE RUNNING NORTH 89° 30' EAST 8 CHAINS AND 25 LINKS TO A STAKE AND STONES; THENCE NORTH 22° 30' EAST 1 CHAIN AND 74 LINKS TO A STAKE AND STONES; THENCE SOUTH 89° 30' WEST 7 CHAINS AND 80 LINKS TO THE CENTER OF THE OLD OWEGO TURNPIKE, NOW AURORA STREET, THENCE SOUTH 28° WEST TO THE PLACE OF BEGINNING, EXCEPTING OUT OF THE SOUTH WEST PROPERTY BELONGING TO ABIGAL AND CATHARINE GEE, NOW OR FORMERLY, THE BALANCE HEREBY CONVEYED.

ALSO ALL THAT CERTAIN OTHER PIECE OR PARCEL OF LAND ADJOINING THE ABOVE AND DESCRIBED AS FOLLOWS, TO WIT: BEGINNING AT A CORNER FORMED BY THE CENTER OF THE OLD OWEGO AND ITHACA TURNPIKE ROAD AND ON THE LINE OF A BOARD FENCE, FROM THENCE NORTH 89° 30' EAST ALONG THE LINE OF JESSIE D. SMITH'S LAND 8 CHAINS AND 25 LINKS TO A POST; THENCE NORTH 22° 30' EAST ON THE LINE OF JAMES TRUESDALL'S LAND 180 TO A POST; THENCE SOUTH 89° 30' WEST 8 CHAINS TO THE CENTER OF SAID TURNPIKE ROAD; THENCE SOUTH 28° WEST TO THE PLACE OF BEGINNING.

ALSO ALL THAT CERTAIN PIECE OR PARCEL OF LAND BEING PART OF LOT NUMBER 3 OF A SUBDIVISION OF A PART OF MILITARY LOT NO. 94 OF THE TOWN OF ULYSSES, NOW ITHACA, MADE BY WILLIAM R. COLLINS AND DESCRIBED AS FOLLOWS, TO WIT: BEGINNING AT THE SOUTH WEST CORNER OF SAID SUBDIVISION NUMBER 3 ON THE EAST LINE OF THE OLD ITHACA AND OWEGO TURNPIKE, RUNNING THENCE NORTHERLY ALONG SAID TURNPIKE 3 RODS; THENCE NORTH 89° 30' EAST 6 RODS; THENCE SOUTHERLY ON A LINE PARALLEL WITH SAID TURNPIKE 3 RODS TO THE SOUTH LINE OF SAID SUBDIVISION NO. 3; THENCE WESTERLY ON SAID LINE 6 RODS TO THE PLACE OF BEGINNING. EXCEPTING AND RESERVING FROM THE PREMISES ABOVE DESCRIBED ALL THAT PIECE OR PARCEL OF LAND CONVEYED BY PATRICK WALL AND WIFE TO JAMES HILICK, JR., AND MARY HILICK, HIS WIFE, BY DEED DATED JUNE 28, 1911, AND RECORDED IN THE TOMPKINS COUNTY CLERK'S OFFICE IN LIBER 177 OF DEEDS AT PAGE 32, BEING LOT NO. 10 AS LAID OUT ON A MAP OF THE PREMISES ABOVE DESCRIBED.

ALSO ALL THAT TRACT OR PARCEL OF LAND BEGINNING AT THE NORTHEAST CORNER OF LOT NO. 85, OF THE TOWN OF ITHACA, NOW WITHIN THE CITY LIMITS, RUNNING THENCE NORTH ALONG THE EAST LINE OF SOUTH TIOGA STREET EXTENDING TO WHERE IT IS INTERSECTED, BY THE SOUTH LINE OF LANDS NOW OR FORMERLY OWNED BY FRANK E. BROWN AND STELLA BROWN, THENCE EAST ALONG SAID BROWN'S SOUTH LINE TO THE WEST LINE OF SOUTH AURORA STREET; THENCE SOUTHWESTERLY ALONG THE WEST LINE OF SOUTH AURORA STREET TO THE PLACE OF BEGINNING, AND

A PART OF MILITARY LOT NO. 94 AND BEING A PART OF LANDS DEEDED TO SARAH MCGRAW BY ABEL BURRITT AND WIFE, RECORDED IN THE CLERK'S OFFICE AT TOMPKINS COUNTY IN LIBER 7 OF ITHACA DEEDS AT PAGE 519; BOUNDED AS FOLLOWS, TO WIT: BEGINNING AT THE NORTHEAST CORNER OF LAND FORMERLY OWNED BY ABRAHAM MASTERS, JR.; THENCE NORTHEASTERLY ALONG THE WEST LINE OF THE OLD OWEGO AND ITHACA TURNPIKE ROAD TO THE LANDS DEVISED TO MARY CELESTIA GAUNTLETT AND GEORGIA MCGRAW CURTISS, UNDER THE TERMS OF THE LAST WILL AND TESTAMENT OF SARAH MCGRAW, TO WHICH MORE COMPLETE REFERENCE IS MADE HEREINAFTER, THENCE WEST ALONG THE SOUTH LINE OF SAID GAUNTLETT AND CURTISS LAND TO THE EAST LINE OF TIOGA STREET; THENCE SOUTH ALONG TIOGA STREET TO LAND NOW OR FORMERLY OWNED OR IN THE POSSESSION OF SARAH HITCHCOCK; RUNNING THENCE EAST ALONG THE NORTH LINE OF SAID LAND TO THE SOUTHWEST CORNER OF SAID ABRAHAM MASTER'S JR., LAND; THENCE NORTH ALONG THE WEST LINE OF SAID MASTER'S LAND 83 FEET; THENCE EAST ALONG THE NORTH LINE OF SAID MASTER'S LAND TO THE PLACE OF BEGINNING, AND

BEGINNING AT A POINT IN THE INTERSECTION OF THE WEST LINE OF SOUTH AURORA STREET AND THE SOUTH LINE OF THE CITY OF ITHACA, NEW YORK; THENCE SOUTHWESTERLY ALONG THE WEST LINE OF SOUTH AURORA STREET, 480 FEET; THENCE WEST, PARALLEL WITH THE CITY LINE TO A POINT IN THE EAST LINE OF CAYUGA STREET EXTENSION; THENCE NORTH ALONG THE EAST LINE OF CAYUGA STREET EXTENSION TO THE SOUTH LINE OF THE CITY OF ITHACA; THENCE EAST ALONG THE SOUTH LINE OF THE CITY OF ITHACA TO THE PLACE OF BEGINNING, AND

ALL THAT TRACT OR PARCEL OF LAND, NOW OR FORMERLY OWNED BY EBENEZER T. TURNER, A WIDOWER,

LYING WESTERLY OF THE EXTENSION OF SOUTH AURORA STREET (FORMERLY KNOWN AS THE OWEGO TURNPIKE), SOUTHEASTERLY OF THE D. L. & W. R. R. RIGHT OF WAY, SOUTH OF THE SOUTH CORPORATION LINE OF THE CITY OF ITHACA AND LANDS OF SUSAN WIGLEY, AND NORTHERLY OF THE BATES FARM, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT IN THE CENTER OF THE OWEGO TURNPIKE IN THE LINE BETWEEN THE LANDS NOW OR FORMERLY OF EBENEZER T. TURNER, WIDOWER, AND THE BATES FARM; RUNNING THENCE WESTERLY ALONG THE NORTH LINE OF THE SAID BATES FARM $84-1/4^{\circ}$ WEST 1437 FEET TO A CORNER IN A STONE WALL; THENCE NORTH $7-1/2^{\circ}$ EAST 770 FEET TO THE SOUTHEASTERLY LINE OF THE RIGHT OF WAY OF THE D. L. & W. RY.; THENCE NORTHEASTERLY ALONG THE RIGHT OF WAY OF THE SAID D. L. & W. RY. ABOUT 2205 FEET TO THE SOUTH CORPORATION LINE OF THE CITY OF ITHACA; THENCE SOUTH $84-1/4^{\circ}$ EAST ALONG THE SOUTH CORPORATION LINE OF THE CITY OF ITHACA 396 FEET TO THE NORTHWEST CORNER OF LAND CONVEYED TO SUSAN WIGLEY BY DEED DATED JANUARY 29, 1907, AND RECORDED IN THE TOMPKINS COUNTY CLERK'S OFFICE IN BOOK 167 OF DEEDS AT PAGE 217; THENCE SOUTH $6-3/4^{\circ}$ WEST ALONG THE WEST LINE OF SAID WIGLEY LOT 421 FEET TO THE SOUTHWEST CORNER OF SAID WIGLEY LOT; THENCE SOUTH $84-1/4^{\circ}$ EAST ALONG THE SOUTH LINE OF THE SAID WIGLEY LOT 322 FEET, MORE OR LESS, TO THE WESTERLY LINE OF THE EXTENSION OF SOUTH AURORA STREET, KNOWN AS THE DANBY MACADAM ROAD; THENCE ON A CONTINUATION OF THE SAID LAST MENTIONED LINE 27 FEET TO THE CENTER OF SAID ROAD; THENCE SOUTH $33-3/4^{\circ}$ WEST ALONG THE CENTER OF SAID MACADAM ROAD 1411 FEET, MORE OR LESS, THENCE SOUTH $23-3/4^{\circ}$ WEST 682 FEET TO THE PLACE OF BEGINNING, ACCORDING TO A SURVEY MADE BY CARL CRANDALL, C. E., DATED JULY, 1917, AND,

BEGINNING IN THE EASTERLY LINE OF SPENCER STREET IN SAID CITY AT THE SOUTHWESTERLY CORNER OF LANDS CONVEYED TO EBENEZER T. TURNER TO DANIEL CROWLEY AND HELEN S. CROWLEY BY DEED DATED FEBRUARY 26, 1924, AND RECORDED IN THE TOMPKINS COUNTY CLERK'S OFFICE IN LIBER 196 OF DEEDS AT PAGE 227; RUNNING THENCE EASTERLY ALONG THE SOUTHERLY BOUNDARY OF LANDS OF CROWLEY 123 FEET TO THE SOUTHEASTERLY CORNER THEREOF; THENCE NORTHERLY ALONG THE EASTERLY BOUNDARY OF LANDS OF CROWLEY 22.5 FEET TO THE SOUTHWESTERLY CORNER OF A PARCEL OF LAND CONVEYED BY EBENEZER T. TURNER TO AUGUST KAMINSKY BY DEED DATED NOVEMBER 14, 1923 AND RECORDED IN LIBER 205 OF DEEDS AT PAGE 433; THENCE EASTERLY ALONG THE SOUTHERLY BOUNDARY OF KAMINSKY TO THE SOUTHEASTERLY CORNER OF SAID KAMINSKY IN THE WESTERLY LINE OF SOUTH CAYUGA STREET EXTENSION; THENCE SOUTHERLY ALONG THE WESTERLY LINE OF SOUTH CAYUGA STREET EXTENSION TO THE INTERSECTION WITH THE WESTERLY RIGHT OF WAY LINE OF THE DELAWARE, LACKAWANNA AND WESTERN RAILROAD NEAR THE UNDERPASS BRIDGE; THENCE SOUTHWESTERLY ALONG THE WESTERLY BOUNDARY OF LANDS OF SAID RAILROAD TO THE NORTH LINE OF THE OLD INCLINED PLANE AT A POINT 185 FEET NORTHEASTERLY ALONG THE RAILROAD BOUNDARY FROM ITS INTERSECTION WITH THE SOUTH CORPORATION LINE OF THE CITY OF ITHACA, THE NORTH LINE OF THE OLD INCLINED PLANE BEING THE NORTHERLY BOUNDARY OF THE SECOND PARCEL DESCRIBED IN A CONVEYANCE FROM WILLIAM SHEEHY TO JOHN SHEEHY, DATED NOVEMBER 21, 1921, AND RECORDED IN LIBER 201 OF DEEDS AT PAGE 442; THENCE WESTERLY ALONG THE NORTH LINE OF THE OLD INCLINED PLANE AND NORTHERLY BOUNDARY OF LANDS OF SAID SHEEHY TO THE INTERSECTION WITH THE EASTERLY LINE OF SPENCER STREET; THENCE NORTHERLY ALONG THE EASTERLY LINE OF SPENCER STREET TO THE PLACE OF BEGINNING. EXCEPTING ALL RIGHT, TITLE AND INTEREST OF THE CITY OF ITHACA IN AND TO A WATER MAIN RUNNING ACROSS THE WESTERLY PORTION OF SAID PREMISES AND ALONG THE ABANDONED LOCATION OF SPENCER ROAD, AND

ALL THAT TRACT, PIECE OR PARCEL OF LAND BOUNDED AND DESCRIBED AS FOLLOWS: ON THE NORTH AND WEST BY THE SOUTHERLY AND EASTERLY BOUNDARY LINE OF THE DELAWARE, LACKAWANNA & WESTERN R. CO.; ON THE EAST AND SOUTH BY SOUTH AURORA STREET AND ITS EXTENSION SOUTHERLY KNOWN AS THE ITHACA-OWEGO TURNPIKE AND THE NORTHERLY LINE OF THE OLD JACOB BATES' FARM SITUATED ADJOINING THE WESTERLY SIDE OF THE SAID TURNPIKE, AND

BEGINNING AT AN IRON PIPE MARKING THE SOUTHEASTERLY CORNER OF LANDS CONVEYED BY MORSE CHAIN COMPANY TO WILLIAM P. RYAN BY DEED DATED APRIL 7, 1925, AND RECORDED IN THE TOMPKINS COUNTY CLERK'S OFFICE IN LIBER 206 OF DEEDS AT PAGE 330, SAID PIPE BEING 130 FEET EASTERLY AT RIGHT ANGLES FROM THE EASTERLY LINE OF SOUTH AURORA STREET AND ALSO BEING IN THE NORTH BOUNDARY OF LANDS NOW OR FORMERLY OF JULIA E. STARKINS; THENCE EAST ALONG THE NORTH BOUNDARY OF LANDS NOW OR FORMERLY OF JULIA E. STARKINS, ABOUT 54 FEET TO THE NORTHEASTERLY

CORNER OF LANDS NOW OR FORMERLY OF JULIA E. STARKINS; THENCE SOUTHWESTERLY ALONG THE EASTERLY BOUNDARY OF LANDS NOW OR FORMERLY OF JULIA E. STARKINS ABOUT 77 FEET TO THE SOUTHEASTERLY CORNER OF LANDS NOW OR FORMERLY OF JULIA E. STARKINS 10 FEET NORTH OF THE PRESENT OR FORMER NORTH LINE OF A 40 FOOT STREET KNOWN AS WALL STREET; THENCE WEST ALONG A LINE 10 FEET NORTH OF AND PARALLEL WITH SAID NORTH LINE OF WALL STREET 24 FEET TO THE NORTHEASTERLY CORNER OF A 10 FOOT STRIP OF LAND CONVEYED BY MORSE CHAIN COMPANY TO JULIA E. STARKINS; THENCE NORTH 70 FEET IN A STRAIGHT LINE TO THE PLACE OF BEGINNING, AND

BEGINNING AT AN IRON PIPE MARKING THE INTERSECTION OF THE NORTH LINE OF WALL STREET WITH THE EASTERLY LINE OF SOUTH AURORA STREET AND THE SAME POINT OF BEGINNING DESCRIBED IN A CONVEYANCE OF A 10 FOOT STRIP OF LAND BY MORSE CHAIN COMPANY TO JULIA E. STARKINS BY DEED DATED JANUARY 2, 1926; THENCE EAST ALONG THE NORTH LINE OF WALL STREET (40 FEET WIDE) A DISTANCE OF 25 FEET; THENCE NORTHWESTERLY AND NORTHERLY ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 15 FEET FOR 30.9 FEET TO A POINT IN THE EASTERLY LINE OF SOUTH AURORA STREET; THENCE SOUTHWESTERLY ALONG THE EASTERLY LINE OF SOUTH AURORA STREET 25 FEET TO THE PLACE OF BEGINNING, AND

LOT NO. 21 AS LAID OUT ON A MAP OF SOUTH HILL LANDS OF S. B. AND E. T. TURNER, MADE BY KIRK P. CRANDALL DATED MAY, 1905, AND FILED IN THE TOMPKINS COUNTY CLERK'S OFFICE ON THE 31ST DAY OF AUGUST, 1906, AND IN MAP BK B1 PAGE 35.

LOT NO. 33 AS SHOWN ON A MAP OF THE PROPERTY OF S. B. AND E. T. TURNER OF SOUTH HILL MADE BY K.P. CRANDALL, C. E., MAY, 1905, FILED IN TOMPKINS COUNTY CLERK'S OFFICE AUGUST 31, 1906, AND FILED IN MAP BOOK B1 PAGE 33.

BEGINNING AT AN IRON PIPE IN THE NORTHWESTERLY LINE OF SOUTH AURORA STREET AT THE NORTHEASTERLY CORNER OF LANDS NOW OR FORMERLY OF CHARLES GUTENBERGER; THENCE NORTHWESTERLY AT RIGHT ANGLES WITH SOUTH AURORA STREET 100 FEET TO AN IRON PIPE; THENCE NORTHEASTERLY PARALLEL WITH SOUTH AURORA STREET 50 FEET TO AN IRON PIPE; THENCE SOUTHEASTERLY AT RIGHT ANGLES WITH SOUTH AURORA STREET 100 FEET TO AN IRON PIPE SET IN THE NORTHWESTERLY LINE OF SAID STREET; THENCE SOUTHWESTERLY ALONG THE LINE OF SAID STREET 50 FEET TO THE PLACE OF BEGINNING, AND

BEGINNING AT THE SOUTHEAST CORNER OF THE PARCEL CONVEYED BY MORSE CHAIN COMPANY TO ALLEN WALES ADDING MACHINE CORPORATION BY DEED DATED AUGUST 27, 1947 AND RECORDED SEPTEMBER 2, 1947 IN LIBER 302 OF DEEDS AT PAGE 170, SAID POINT OF BEGINNING BEING IN THE WEST LINE OF SOUTH AURORA STREET ABOUT 135 FEET NORTHEASTERLY ALONG SAID LINE FROM ITS INTERSECTION WITH THE SOUTH LINE OF THE CITY OF ITHACA; RUNNING THENCE NORTH $81^{\circ} 33'$ WEST (MAGNETIC 1947) ALONG THE SOUTH LINE OF SAID PARCEL 272 FEET TO A PIPE; RUNNING THENCE NORTH $37^{\circ} 30'$ EAST ALONG A WESTERLY LINE OF SAID PARCEL 389.2 FEET TO A PIPE; RUNNING THENCE SOUTHEASTERLY ABOUT 138 FEET TO A PIPE (PIPE A) AT THE NORTHWESTERLY CORNER OF THE PARCEL KNOWN AS 764 SOUTH AURORA STREET CONVEYED BY THE NATIONAL CASH REGISTER COMPANY TO FRANK J. AND ALICE J. RAPONI, HUSBAND AND WIFE, BY DEED DATED MAY 7, 1956 AND RECORDED JUNE 4, 1956 IN LIBER 387 OF DEEDS AT PAGE 531; RUNNING THENCE SOUTH $36^{\circ} 24'$ WEST ALONG THE WESTERLY LINE OF SAID RAPONI PARCEL 40 FEET TO A PIPE; CONTINUING THENCE SOUTH $36^{\circ} 24'$ WEST 121.5 FEET TO A PIPE; RUNNING THENCE SOUTH $09^{\circ} 37'$ WEST 35.3 FEET TO A POINT; RUNNING THENCE SOUTH 75° EAST 89 FEET TO A PIPE IN THE WEST LINE OF SOUTH AURORA STREET (THE PRECEDING THREE COURSES BEING ALONG LINES OF THE PREMISES KNOWN AS 766 SOUTH AURORA STREET CONVEYED BY THE NATIONAL CASH REGISTER COMPANY TO JOHN R. AND NORMA E. CAPOZZI BY DEED DATED AUGUST 28, 1953 AND RECORDED SEPTEMBER 3, 1953 IN LIBER 361 OF DEEDS AT PAGE 269); RUNNING THENCE SOUTH $36^{\circ} 24'$ WEST ALONG THE WEST LINE OF SOUTH AURORA STREET 48 FEET TO THE POINT OR PLACE OF BEGINNING. TOGETHER WITH A RIGHT OF WAY, IN COMMON WITH OTHERS, ENTITLED NOW OR HEREAFTER TO USE THE SAME, FOR PEDESTRIANS AND VEHICLES FROM THE NORTHEASTERLY CORNER OF THE ABOVE-DESCRIBED PARCEL EASTERLY TO AURORA STREET OVER A STRIP OF LAND DESCRIBED AS FOLLOWS: BEGINNING AT SAID PIPE A; RUNNING THENCE SOUTHEASTERLY ALONG THE NORTH LINE OF SAID RAPONI PARCEL 72.3 FEET; RUNNING THENCE SOUTHEASTERLY AT A SLIGHT ANGLE TO THE RIGHT ALONG THE NORTH LINE OF SAID RAPONI PARCEL 32

FEET TO A PIPE IN THE WEST LINE OF SOUTH AURORA STREET; RUNNING THENCE NORTH $36^{\circ} 24'$ EAST ALONG THE WEST LINE OF SOUTH AURORA STREET 28 FEET TO A PIPE; RUNNING THENCE NORTH $64^{\circ} 44'$ WEST ALONG THE SOUTHERLY LINE OF THE PARCEL CONVEYED BY THE NATIONAL CASH REGISTER COMPANY TO JOSEPH AND MARIE W. POKERWINSKI BY DEED DATED JANUARY 12, 1954 AND RECORDED JANUARY 26, 1954 IN LIBER 365 OF DEEDS AT PAGE 165, 101 FEET TO THE SOUTHWESTERLY CORNER OF SAID POKERWINSKI PARCEL; RUNNING THENCE WESTERLY ABOUT 40 FEET TO A POINT IN THE NORTHERLY LINE OF THE ABOVE DESCRIBED PARCEL (THE 138 FOOT COURSE); RUNNING THENCE SOUTHEASTERLY ALONG SAID NORTH LINE 35 FEET TO PIPE A, AND

LOT NO. 26 AS LAID OUT ON A MAP OF SOUTH HILL LANDS OF S.B. AND E.T. TURNER, MADE BY KIRK P. CRANDALL, DATED MAY, 1905, AND FILED IN THE TOMPKINS COUNTY CLERK'S OFFICE ON AUGUST 31, 1906, AND

ALSO, ALL THAT TRACT OR PARCEL OF LAND SITUATE IN THE TOWN AND CITY OF ITHACA, COUNTY OF TOMPKINS AND STATE OF NEW YORK, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE PRESENT CENTER LINE OF STONE QUARRY ROAD (ONCE KNOWN AS TEERS ROAD), SAID POINT OF BEGINNING BEING THE INTERSECTION OF THE PRESENT CENTER LINE OF STONE QUARRY ROAD AND THE NORTHERLY RIGHT OF WAY LINE OF LANDS OF LEHIGH VALLEY RAILROAD (FORMERLY THE DELAWARE, LACKAWANNA AND WESTERN RAILROAD), SAID POINT OF BEGINNING ALSO BEING LOCATED THIRTY-THREE (33) FEET NORTHERLY FROM THE CENTER LINE STATIONS THIRTEEN THOUSAND SIX HUNDRED FORTY-FOUR PLUS NINETY FOUR ($13644 + 94$) \pm AS SHOWN ON MAP ENTITLED "RIGHT OF WAY AND TRACK MAP - ITHACA BRANCH - ITHACA YARD TRACKS - LEHIGH VALLEY R.R. COMPANY", DATED DECEMBER 6, 1956.

RUNNING THENCE (1) ALONG THE NORTHERLY RIGHT OF WAY LINE OF SAID RAILROAD NORTH $67^{\circ} 52' 50''$ EAST FIFTY-SIX AND FIFTY-SEVEN HUNDREDTHS (56.57) FEET TO A PIPE, SAID PIPE MARKING THE INTERSECTION OF THE NORTHERLY RIGHT OF WAY LINE OF SAID RAILROAD AND THE EASTERLY HIGHWAY LINE OF STONE QUARRY ROAD;

RUNNING THENCE (2) ON A CURVE TO THE LEFT ALONG THE LANDS REPUTEDLY OF HOLLISTER A DISTANCE OF TWO HUNDRED SIXTY-SEVEN AND FIFTY HUNDREDTHS (267.50) FEET TO A CONCRETE MONUMENT, SAID CURVE HAVING A CHORD BEARING AND DISTANCE OF NORTH $63^{\circ} 32' 37''$ EAST TWO HUNDRED SIXTY-SEVEN AND TWENTYFOUR HUNDREDTHS (267.24) FEET;

RUNNING THENCE (3) NORTH $60^{\circ} 08' 00''$ EAST ALONG THE REMAINS OF AN OLD FENCE LINE AND CONTINUING ALONG THE LANDS REPUTEDLY OF HOLLISTER, RUNSEY, AND ROEDEL, A TOTAL DISTANCE OF SEVEN HUNDRED FORTY-THREE AND FORTY-NINE HUNDREDTHS (743.49) FEET TO A CONCRETE MONUMENT;

RUNNING THENCE (4) ON A CURVE TO THE LEFT ALONG LANDS REPUTEDLY OF ROEDEL, LUCENTE, WHITING, AND O'NEIL A DISTANCE OF FOUR HUNDRED SIXTY-TWO AND FIFTY-THREE HUNDREDTHS (462.53) FEET, SAID CURVE HAVING A CHORD BEARING AND DISTANCE OF NORTH $56^{\circ} 03' 51''$ EAST FOUR HUNDRED SIXTY-TWO AND FOURTEEN HUNDREDTHS (462.14) FEET;

RUNNING THENCE (5) ON A CURVE TO THE LEFT AND ALONG THE LANDS REPUTEDLY OF O'NEIL AND CONSOLIDATED GAS SUPPLY CORPORATION A TOTAL DISTANCE OF SIX HUNDRED FIFTEEN AND SIXTY-FOUR HUNDREDTHS (615.64) FEET TO A CONCRETE MONUMENT, SAID CURVE HAVING A CHORD BEARING AND DISTANCE OF NORTH $48^{\circ} 54' 32''$ EAST SIX HUNDRED FIFTEEN AND THIRTY-THREE HUNDREDTHS (615.33) FEET;

RUNNING THENCE (6) NORTH $45^{\circ} 43' 49''$ EAST ALONG LANDS REPUTEDLY OF CONSOLIDATED GAS SUPPLY CORPORATION, NEW YORK STATE NATURAL GAS CORPORATION, BORG-WARNER CORPORATION AND NEW YORK STATE ELECTRIC AND GAS CORPORATION A TOTAL DISTANCE OF ONE THOUSAND TWO HUNDRED FOUR AND SIXTY-FIVE HUNDREDTHS (1204.65) FEET TO A POINT;

RUNNING THENCE (7) ON A CURVE TO THE RIGHT ALONG LANDS REPUTEDLY OF NEW YORK STATE ELECTRIC

AND GAS CORPORATION AND BORG-WARNER CORPORATION A TOTAL DISTANCE OF FOUR HUNDRED NINETY-FOUR AND ONE HUNDREDTHS (494.01) FEET TO A POINT, SAID CURVE HAVING A CHORD BEARING AND DISTANCE OF NORTH 52° 15' 05" EAST FOUR HUNDRED NINETY-TWO AND NINETY-SIX HUNDREDTHS (492.96) FEET;

RUNNING THENCE (8) NORTH 58° 44' 17" EAST ALONG THE NORTHERLY RIGHT OF WAY LINE OF SAID RAILROAD AND ALONG LANDS REPUTEDLY OF BORG-WARNER CORP. FOUR HUNDRED THIRTY-SEVEN AND NINETY-ONE HUNDREDTHS (437.91) FEET TO A PIPE, SAID PIPE MARKING THE INTERSECTION OF THE RAILROAD RIGHT OF WAY AND THE EAST STREET LINE OF TURNER PLACE, THENCE CONTINUING ON SAID COURSE ONE HUNDRED SIXTY-ONE AND EIGHT TENTHS (161.8) FEET TO A PIPE, SAID LINE BEING ALONG PREMISES REPUTEDLY OF ANDREWS, AND SAID PIPE MARKING THE INTERSECTION OF THE RAILROAD RIGHT OF WAY AND THE SOUTH LINE OF FOUNTAIN STREET (AN UNOPENED STREET); THENCE CONTINUING ALONG SAID COURSE EIGHTY AND TWO TENTHS (80.2) FEET TO A PIPE MARKING THE INTERSECTION OF THE RAILROAD RIGHT OF WAY LINE AND THE NORTHERLY LINE OF FOUNTAIN STREET;

RUNNING THENCE (9) SOUTH 89° 17' 06" EAST ALONG THE NORTHERLY LINE OF FOUNTAIN STREET A DISTANCE OF SEVEN AND SIXTY HUNDREDTHS (7.60) FEET TO A PIPE, SAID PIPE MARKING THE SOUTHWEST CORNER OF LANDS CONVEYED TO THE CAYUGA AND SUSQUEHANNA RAILROAD BY GEORGE TALMAN (DEEDS BOOK 63, PAGE 18);

RUNNING THENCE (10) NORTH 08° 33' 52" EAST ALONG THE WEST LINE OF LANDS CONVEYED BY TALMAN A DISTANCE OF SEVEN AND NO HUNDREDTHS (7.00) FEET TO A PIPE, SAID PIPE MARKING THE INTERSECTION OF THE NORTHERLY LINE OF THE RAILROAD RIGHT OF WAY AND THE WEST LINE OF TALMAN, SAID PIPE ALSO MARKING THE SOUTHWEST CORNER OF LANDS REPUTEDLY OF VARAK;

RUNNING THENCE (11) NORTH 62° 27' 22" EAST ALONG THE RAILROAD RIGHT OF WAY THIRTEEN AND FORTY-FOUR HUNDREDTHS (13.44) FEET TO A PIPE;

RUNNING THENCE (12) ON A CURVE TO THE RIGHT, ALONG THE LANDS REPUTEDLY OF VARAK, LEDGER AND SNOWDEN, A DISTANCE OF ONE HUNDRED SIXTY-SEVEN AND TEN HUNDREDTHS (167.10) FEET TO A CONCRETE MONUMENT, SAID CURVE HAVING A CHORD BEARING AND DISTANCE OF NORTH 61° 22' 01" EAST, ONE HUNDRED SIXTY-SEVEN AND FOUR HUNDREDTHS (167.04) FEET;

RUNNING THENCE (13) ON A CURVE TO THE RIGHT, ALONG THE LANDS REPUTEDLY OF SNOWDEN, CHACONA, HEAVNER AND STERLING, A DISTANCE OF ONE HUNDRED THIRTY-NINE AND EIGHTEEN HUNDREDTHS (139.18) FEET TO A POINT, SAID POINT HAVING A CHORD BEARING AND DISTANCE OF NORTH 66° 44' 49" EAST, ONE HUNDRED THIRTY-NINE AND EIGHTEEN HUNDREDTHS (139.18) FEET;

RUNNING THENCE (14) ON A CURVE TO THE RIGHT, ALONG THE LANDS REPUTEDLY OF STERLING, A DISTANCE OF FORTY-SIX AND EIGHT HUNDREDTHS (46.08) FEET TO A CONCRETE MONUMENT LOCATED IN THE WESTERLY STREET LINE OF SOUTH AURORA STREET, SAID CURVE HAVING A CHORD BEARING AND DISTANCE OF NORTH 70° 13' 23 " EAST, FORTY-SIX AND SIX HUNDREDTHS (46.06) FEET;

RUNNING THENCE (15) SOUTH 05° 42' 23" WEST ALONG THE WESTERLY STREET LINE OF SOUTH AURORA STREET A DISTANCE OF SEVENTY-TWO AND FORTY-TWO HUNDREDTHS (72.42) FEET TO A PIPE, SAID PIPE MARKING THE SOUTHERLY RAILROAD RIGHT OF WAY;

RUNNING THENCE (16) ON A CURVE TO THE LEFT A DISTANCE OF SEVEN AND FIFTY-EIGHT HUNDREDTHS (7.58) FEET TO A PIPE, SAID CURVE HAVING A CHORD BEARING AND DISTANCE OF SOUTH 68° 35' 49" WEST, SEVEN AND FIFTY-EIGHT HUNDREDTHS (7.58) FEET;

RUNNING THENCE (17) ON A CURVE TO THE LEFT, PASSING THROU A CONCRETE MONUMENT AT TWO HUNDRED FIFTY-FOUR AND FIFTY-FOUR HUNDREDTHS (254.54) FEET ALONG THE PREMISES REPUTEDLY OF MARSDEN A TOTAL DISTANCE OF THREE HUNDRED AND FORTY HUNDREDTHS (300.40) FEET TO A POINT, SAID CURVE HAVING A CHORD BEARING AND DISTANCE OF SOUTH SIXTY-THREE DEGREES FIFTY-ONE MINUTES SEVENTEEN SECONDS WEST (S 63° 51' 17" W), THREE HUNDRED (300) FEET;

RUNNING THENCE (18) SOUTH FIFTY-EIGHT DEGREES FORTY-FOUR MINUTES SEVENTEEN SECONDS WEST (S 58° 44' 17" W) A DISTANCE OF SEVEN HUNDRED FOUR AND NINE HUNDREDTHS (704.09) FEET TO A POINT;

RUNNING THENCE (19) ON A CURVE TO THE LEFT A DISTANCE OF FOUR HUNDRED SEVENTY-NINE AND TEN HUNDREDTHS (479.10) FEET TO A POINT, SAID CURVE HAVING A CHORD BEARING AND DISTANCE OF SOUTH FIFTY-TWO DEGREES FIFTEEN MINUTES SIX SECONDS WEST (S 52° 15' 06" W) A DISTANCE OF FOUR HUNDRED SEVENTY-EIGHT AND FIVE HUNDREDTHS (478.05) FEET;

RUNNING THENCE (20) SOUTH FORTY-FIVE DEGREES FORTY-SIX MINUTES FIFTY SECOND WEST (S 45° 46' 50" W) A DISTANCE OF ONE THOUSAND TWO HUNDRED FOUR AND SIXTY-ONE HUNDREDTHS (1,204.61) FEET TO A CONCRETE MONUMENT;

RUNNING THENCE (21) ON A CURVE TO THE RIGHT A DISTANCE OF SIX HUNDRED TWENTY-TWO AND EIGHTY-FOUR HUNDREDTHS (622.84) FEET TO A CONCRETE MONUMENT, SAID CURVE HAVING A CHORD BEARING AND DISTANCE OF SOUTH FORTY-EIGHT DEGREES FORTY-EIGHT MINUTES FIFTY-ONE SECOND WEST (S 48° 48' 51" W), SIX HUNDRED TWENTY-TWO AND FIFTY-THREE HUNDREDTHS (622.53) FEET;

RUNNING THENCE (22) ON A CURVE TO THE RIGHT A DISTANCE OF FOUR HUNDRED SEVENTY-ONE AND EIGHTY-NINE HUNDREDTHS (471.89) FEET TO A CONCRETE MONUMENT, SAID CURVE HAVING A CHORD BEARING AND DISTANCE OF SOUTH FIFTY-SIX DEGREES SEVEN MINUTES FOUR SECONDS WEST (S 56° 07' 04" W), FOUR HUNDRED SEVENTY-ONE AND ONE HUNDREDTHS (471.01) FEET;

RUNNING THENCE (23) SOUTH SIXTY DEGREES SEVEN MINUTES THIRTY-SIX SECONDS WEST (S 60° 07' 36" W) ALONG THE LANDS REPUTEDLY OF BORG-WARNER AND BENJAMIN A TOTAL DISTANCE OF SEVEN HUNDRED FORTY-TWO AND NINETY HUNDREDTHS (742.90) FEET TO A CONCRETE MONUMENT;

RUNNING THENCE (24) ON A CURVE TO THE RIGHT AND ALONG THE LANDS REPUTEDLY OF BENJAMIN A DISTANCE OF THREE HUNDRED AND TWENTY-TWO HUNDREDTHS (300.22) FEET TO A CONCRETE MONUMENT, SAID CURVE HAVING A CHORD BEARING AND DISTANCE OF SOUTH SIXTY-FOUR DEGREES SEVENTEEN MINUTES FIFTY-SEVEN SECONDS WEST (S 64° 17' 57" W) TWO HUNDRED NINETY-NINE AND NINETY-SIX HUNDREDTHS (299.96) FEET;

RUNNING THENCE (25) SOUTH SIXTY-SEVEN DEGREES FIFTY-TWO MINUTES FIFTY SECONDS WEST (S 67° 52' 50" W) ALONG THE LANDS REPUTEDLY OF FARRELL, PASSING THROUGH A PIPE AT SEVENTY-THREE AND FORTY-FOUR HUNDREDTHS (73.44) FEET, SAID PIPE BEING NORTH SIXTY-SEVEN DEGREES FIFTY-TWO MINUTES FIFTY SECONDS EAST (N 67° 52' 50" E) TEN (10) FEET FROM THE INTERSECTION OF THE SOUTHERLY RAILROAD RIGHT OF WAY AND THE EASTERLY HIGHWAY LINE OF STONE QUARRY ROAD, A TOTAL DISTANCE OF ONE HUNDRED SEVENTY-THREE AND NINETY-FOUR HUNDREDTHS (173.94) FEET TO THE PRESENT CENTER LINE OF STONE QUARRY ROAD;

RUNNING THENCE (26) NORTHERLY ALONG THE PRESENT CENTER LINE OF STONE QUARRY ROAD THE FOLLOWING COURSES: NORTH FIFTY-FIVE DEGREES FORTY-NINE MINUTES FORTY-TWO SECONDS EAST (N 55° 49' 42" E) SIXTY AND FIFTY-ONE HUNDREDTHS (60.51) FEET; NORTH THIRTY EIGHT DEGREES THREE MINUTES NINETEEN SECOND EAST (N 38° 03' 19" E) FIFTY-TWO AND SIXTY-NINE HUNDREDTHS (52.69) FEET; NORTH THIRTY-THREE DEGREES TWENTY-FIVE MINUTES THIRTY-EIGHT SECONDS EAST (N 33° 25' 38" E) FORTY-THREE AND SIXTY-SIX HUNDREDTHS (43.66) FEET TO THE POINT OR PLACE OF BEGINNING.

ALSO, ALL THAT TRACT OR PARCEL OF LAND SITUATE IN THE CITY OF ITHACA, COUNTY OF TOMPKINS, STATE OF NEW YORK, AND MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE WEST LINE OF SOUTH AURORA STREET AT ITS INTERSECTION WITH THE SOUTHERLY LINE OF THE RIGHT OF WAY OF THE FORMER LEHIGH VALLEY RAILROAD, NOW OWNED BY BORG WARNER CORPORATION (SEE LIBER 556 OF DEEDS AT PAGE 1081); THENCE SOUTHERLY ALONG THE WEST LINE OF SOUTH AURORA STREET 152.5 FEET, MORE OR LESS, TO OTHER LANDS OF BORG WARNER CORPORATION; THENCE WESTERLY ALONG A NORTHERLY LINE OF SAID LANDS OF BORG WARNER

CORPORATION 245 FEET, MORE OR LESS, TO THE SOUTHERLY LINE OF SAID RAILROAD RIGHT OF WAY; THENCE NORTHEASTERLY ALONG THE SAID SOUTHERLY LINE OF SAID RAILROAD RIGHT OF WAY TO THE POINT OR PLACE OF BEGINNING.

PARCEL 2

ALL THAT TRACT OR PARCEL OF LAND SITUATE IN THE CITY OF ITHACA, TOMPKINS COUNTY, NEW YORK, SHOWN ON A SURVEY MAP ENTITLED "BOUNDARY AND TOPOGRAPHIC MAP, NATIONAL CASH REGISTER CO. PROPERTY ON SOUTH AURORA ST., CITY OF ITHACA, TOMPKINS CO., N.Y.", BY THOMAS G. MILLER, ENGINEER AND SURVEYOR, ITHACA, NEW YORK, DATED FEBRUARY 7, 1974, REVISED OCTOBER 14, 1976, A COPY OF WHICH WAS FILED IN THE TOMPKINS COUNTY CLERK'S OFFICE ON FEBRUARY 23, 1977 IN ENVELOPE 144, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A PIPE SET IN THE WESTERLY LINE OF SOUTH AURORA STREET (AT THE WESTERLY EDGE OF THE EXISTING CONCRETE SIDEWALK), SAID PIPE BEING A CHORD DISTANCE OF 114.6 FEET SOUTHERLY ALONG THE WEST LINE OF SOUTH AURORA STREET FROM AN IRON PIPE MARKING THE NORTHEAST CORNER OF PREMISES OF BORGWARNER CORPORATION (SAID LAST MENTIONED PIPE ALSO MARKING THE SOUTHEAST CORNER OF PREMISES DEEDED TO SARAH H. MARSDEN AT 285 DEEDS, PAGE 473);

RUNNING THENCE THE FOLLOWING COURSES AND DISTANCES (MERIDIAN 1947):

1. NORTH 83° 02' WEST A DISTANCE OF 190.5 FEET TO AN IRON PIPE;
 2. SOUTH 62° 38' WEST A DISTANCE OF 120.2 FEET TO AN IRON PIPE;
 3. NORTH 72° 48' WEST A DISTANCE OF 59.6 FEET TO AN IRON PIPE;
 4. NORTH 46° 07' WEST A DISTANCE OF 45.0 FEET TO A NAIL SET;
 5. SOUTH 47° 00' WEST A DISTANCE OF 99.0 FEET TO A FOUR INCH DIAMETER GALVANIZED IRON GATE POST;
 6. SOUTH 38° 55' WEST A DISTANCE OF 172.3 FEET TO AN IRON PIN (SAID IRON PIN BEING 15.5 FEET FROM THE NORTHWESTERLY FACE OF THE NATIONAL CASH REGISTER BUILDING);
 7. SOUTH 37° 08' WEST A DISTANCE OF 183.4 FEET TO AN IRON PIPE (SAID PIPE BEING 4.55 FEET FROM THE NORTHWESTERLY FACE OF THE NATIONAL CASH REGISTER BUILDING);
 8. SOUTH 04° 00' EAST ALONG THE WESTERLY FACE OF A CONCRETE WALL A DISTANCE OF 70.00 FEET TO A POINT;
 9. THENCE ON A CURVE TO THE RIGHT HAVING A CHORD BEARING OF SOUTH 27° 34' WEST A CHORD DISTANCE OF 60 FEET AND MIDDLE ORDINATE DISTANCE OF 6 FEET TO A POINT;
 10. SOUTH 38° 30' EAST A DISTANCE OF 95 FEET TO A POINT ON AN EXISTING FENCE LINE;
 11. SOUTH 31° 06' EAST IN PART ALONG SAID FENCE LINE A DISTANCE OF 137.4 FEET TO AN IRON PIPE AT THE NORTHWESTERLY CORNER OF A BLOCK WALL, SAID PIPE MARKING THE NORTHWESTERLY CORNER OF PREMISES REPUTEDLY OF RAPONI.
- THE ABOVE COURSES AND DISTANCES ALL BEING ALONG THE SOUTHERLY AND EASTERLY BOUNDARY OF LANDS OF BORGWARNER CORPORATION;
12. SOUTH 73° 35' EAST ALONG THE NORTHERLY LINE OF SAID RAPONI A DISTANCE OF 72.3 FEET TO AN IRON PIN;

13. SOUTH 55° 48' EAST ALONG THE NORTHERLY LINE OF SAID RAPONI A DISTANCE OF 32.0 FEET TO AN IRON PIN AT THE WESTERLY EDGE OF A CONCRETE WALK AND THE WESTERLY LINE OF SOUTH AURORA STREET;

14. NORTH 36° 24' EAST ALONG THE WESTERLY LINE OF SOUTH AURORA STREET A DISTANCE OF 28.0 FEET TO A POINT MARKING THE SOUTHEAST CORNER OF PREMISES OF POKERWINSKI (DEED BOOK 365 AT PAGE 165), SAID POINT BEING 1.4 FEET NORTHWEST OF AN EXISTING IRON PIN;

15. NORTH 64° 44' WEST ALONG THE SOUTHERLY LINE OF SAID POKERWINSKI A DISTANCE OF 101.0 FEET FROM THE SAID WESTERLY LINE OF SOUTH AURORA STREET TO AN IRON PIPE AT THE SOUTHWESTERLY CORNER OF SAID POKERWINSKI;

16. NORTH 36° 24' EAST ALONG THE NORTHWESTERLY LINE OF PREMISES OF POKERWINSKI, PEARSON, STANLEY, DYER AND HOOVER, A TOTAL DISTANCE OF 413 FEET TO AN IRON FENCE POST AT THE MOST NORTHERLY CORNER OF SAID HOOVER PREMISES;

17. SOUTH 53° 36' EAST ALONG THE NORTHEASTERLY LINE OF HOOVER A DISTANCE OF 100 FEET TO AN IRON PIPE AT THE WEST EDGE OF THE EXISTING CONCRETE WALK AND THE WESTERLY LINE OF SOUTH AURORA STREET;

18. THENCE NORTHWESTERLY ALONG THE WESTERLY LINE OF SOUTH AURORA STREET AS MARKED BY THE WESTERLY EDGE OF THE EXISTING CONCRETE SIDEWALK AS IT CURVES TO THE LEFT A DISTANCE OF 411.6 FEET TO THE POINT OR PLACE OF BEGINNING.

EXCEPTING PREMISES APPROPRIATED BY THE PEOPLE OF THE STATE OF NEW YORK BY APPROPRIATION RECORDED MAY 10, 1966 IN LIBER 462 OF DEEDS, PAGE 564.

Schedule B

NCR Sewer Line Area

(see attached)

RICHARD M. RYBINSKI, L.S.

8236 Indian Hill Road, ~ Manlius, NY 13104

Phone (315)682-4852 ~ Fax (315)682-4852 ~ Email rmrls@twcny.rr.com

Legal Description:
Emerson Power Transmission Corporation
80 feet NCR AND Ithaca College
Sewer Line Area Easements
Within the Unrestricted Area
Ithaca, NY

80 feet Easement NCR Sewer Line Area
Main Sanitary Sewer Trunk

An 80 feet easement and right of way centered on the existing 20' sanitary sewer right of way recorded in the Tompkins County Clerk's Office in Book of Deeds 395 and Page 489 across and under its premises located on Military Lot 85 in the Town of Ithaca, County of Tompkins and State of New York being a portion of lands of Emerson Power Transmission Corporation recorded in the Tompkins County Clerk's Office in Book of Deeds 2014 and Page 14695 known as the 34.336 acres more or less parcel shown on a map titled "NCR and Ithaca College Sewer Line Areas through the Unrestricted Lands of Emerson Power Transmission Corp." prepared by Richard M. Rybinski, L.S. dated November 26, 2010 and revised to show the NCR and Ithaca College Sewer Line Areas dated August 23, 2018. A reduced-sized copy of which is attached hereto and made a part hereof.

The centerline of the easement intended to be conveyed herein is more particularly described as follows: beginning at a point on the south line of lands of said Emerson Transmission Corp., said point being S 87°29'58" W and a distance of 30.64' from an iron pipe at the southeast corner of lands of said Emerson, said point also being N 15°32'20" E and a distance of 3.70' from sanitary manhole MH-12 on the lands of South Hill Business Campus, LLC recorded in the Tompkins County Clerk's Office in Book of Deeds 46586 and Page 9001; thence N 15°32'20" E a distance of 964.13' to manhole MH-7; thence N 35°27'06" E a distance of 308.59' to a point on a concrete raceway and a point on the boundary line of the said Unrestricted Area as shown on said map, said point being S 35°27'06" W a distance of 167.42' from manhole MH-6 and is the end point of the said 80 feet easement.

The right of way hereby granted is for a width of 40 feet on each side of the said existing center line of the sanitary sewer right of way with a total width of 80 feet containing 2.260 acres more or less.

Subject to easements, covenants and restrictions of record as the same may now be in force and effect. Bearings are related to NAD83 CNY Zone.

80 Feet Easement Ithaca College Sewer Line Lateral Area Lateral Sanitary Sewer Trunk

An 80 feet easement and right of way centered on the existing 20' Ithaca College Lateral Sanitary Sewer right of way recorded in the Tompkins County Clerk's Office in Book of Deeds 428 and Page 529 across and under its premises located in the said Unrestricted Area of the said lands of Emerson Power Transmission Corp., the location of such 80 feet Lateral Area easement as shown on a map titled ""NCR and Ithaca College Sewer Line Areas through the Unrestricted Lands of Emerson Power Transmission Corp." prepared by Richard M. Rybinski, L.S. dated November 26, 2010 and revised to show the NCR and Ithaca College Sewer Line Areas dated August 23, 2018. A reduced-sized copy of which is attached hereto and made a part hereof.

The centerline of the easement intended to be conveyed herein is more particularly described as follows: beginning at a point on the northwesterly street line of NYS Route 96B (Ithaca – Danby Road), said point N 20°26'52" E a distance of 100.24' from the southwest corner of New York State Department of Transportation Map No. 6 Parcel 8 and also being a point on the northerly line of Town of Ithaca Tax Map Parcel 40-3-8 as recorded in Tompkins County Clerk's Office in Book 60040 Page 1001 marked by a stone monument; thence N 73°31'23" W parallel with and northerly 100' of the said north line of Tax Map Parcel 4-3-8 a distance of 443.68' through lands of said Emerson Transmission Corporation, now or formerly as recorded in Tompkins County Clerk's Office in Book 2014 Page 14695 to the westerly line of the NCR 20 feet sanitary sewer easement as recorded in Tompkins County Clerk's Office in Book 395 Page 489 and is the end point of the said 80 feet easement.

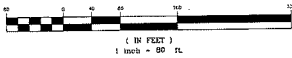
The right of way hereby granted is for a width of 40 feet on each side of the existing center line of the said sanitary sewer right of way with a total width of 80 feet containing 0.815 acres more or less.

Subject to easements, covenants and restrictions of record as the same may now be in force and effect. Bearings are related to NAD83 CNY Zone.

NCR AND ITHACA COLLEGE SEWER LINE AREAS THROUGH THE
UNRESTRICTED LANDS OF
EMERSON POWER TRANSMISSION CORP.
CITY AND TOWN OF ITHACA
TOMPKINS COUNTY
NEW YORK

NOVEMBER 26, 2010
APRIL 11, 2017
MAY 9, 2018
JULY 9, 2018
AUGUST 23 2018

GRAPHIC SCALE



- NOTES
1. THIS INSTRUMENT BEARING DATE AND BY CERTAIN DATE.
 2. THIS SURVEY HAS BEEN MADE WITHOUT THE BENEFIT OF AN ADJUDICATED TITLE.
 3. THE SURVEYOR HAS BEEN ADVISED BY THE OWNER THAT THE LAND IS UNRESTRICTED.
 4. UNRESTRICTED EASEMENT LINES SHOWN IN BLACK.
 5. SURVEYED SEWER EASEMENT AND GENERAL EASEMENT AREAS.

LEGEND

- STONE MON
- 1/2" IP
- PROPERTY LINE
- 80' SANITARY EASEMENT
- 20' SANITARY EASEMENT
- MH-10
- STREET LINE
- TAX MAP PARCEL NUMBER
- CENTER LINE OF STREAM

"Unauthorized alteration or addition to a survey map bearing a licensed land surveyor's seal is a violation of Section 7209, Subsection 2, of the New York State Education Law."

"Only copies from the original of this survey map, with an original of the land surveyor's, embossed seal and signature, shall be considered as the true copies."

"Certifications indicated herein signify that this survey was prepared in accordance with the existing laws of practice for Land Surveys created by the New York State Association of Professional Land Surveyors."

Richard M. Rybinski, L.S.
N.Y.S. License No. 49779

$\Delta = 00^{\circ}13'03''$
 $R = 5703.73'$
 $L = 21.65'$

EMERSON POWER TRANSMISSION CORP., N/F
BK 2014 PG 14695
95.687 +/- AC.
TM 40-3-3 AND TM 106-1-8

80' NCR SEWER LINE AREA
2.260 +/- AC.

CENTER LINE OF
ITHACA COLLEGE
SANITARY SEWER
EASEMENT

END POINT OF
80' ITHACA COLLEGE
SEWER LINE AREA EASEMENT
80' ITHACA COLLEGE
SEWER LINE AREA EASEMENT
0.815 +/- AC.

COMBINED AREA OF THE 80' NCR AND
80' ITHACA COLLEGE SEWER LINE AREA EASEMENT
2.983 +/- AC.

UNRESTRICTED AREA
34.336 +/- AC.

CENTER LINE OF NCR SANITARY SEWER

20' NCR SANITARY SEWER ROW
BK 395 PG 489
0.584 +/- AC.

TM-40-3-9
SOUTH HILL BUSINESS CAMPUS, L.L.O.
BK 46586 PG 9001

POINT OF
BEGINNING
NCR SEWER LINE AREA



Richard M. Rybinski, L.S.
8236 Indian Hill Road
Manlius, New York 13104
phone & fax (315) 682-4852

BK 14: 26, 28-33 BK 16: 56 10234 EPT81857 049