



James Culbertson, County Clerk
Livingston County Government Center
6 Court Street, Room 201
Geneseo, New York 14454
(585) 243-7010 ~ Fax (585) 243-7928

Received From:

FRONTIER ABSTRACT & RESEARCH
30 WEST BROAD ST
SUITE 100
ROCHESTER, NY 14614

Return To:

Receipt #: 00437884
Transaction #: 932492
Paid By: FRONTIER ABSTRACT & RESEARCH
Payment Comment:

Fees for: DECLARATION OF COVENANTS & RESTRICTIONS

\$70.00

Book: 1265 Page: 0907
Recorded: 04/25/2012 10:55:59 AM

Grantor: BENSON WILLIAM J
Grantee: NYS DEPT OF ENVIRONMENTAL
CONSERVATION

Total Charges for Transaction:

\$70.00

Payments Received:

Check (02309)	\$70.00
Refund	\$0.00

The information described on this document
has been received in this office on
04/25/2012 10:55:59 AM and the said fees
collected.

A handwritten signature in cursive script, appearing to read "James Culbertson".

Livingston County Clerk



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Livingston County Clerk Recording Page

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SUITE 100
ROCHESTER, NY 14614
Envelope

**Document Type: DECLARATION OF
COVENANTS & RESTRICTIONS**

Receipt Number: 00437884

Grantor

BENSON WILLIAM J

Grantee

NYS DEPT OF ENVIRONMENTAL
CONSERVATION

Recorded Information:

Recording Fee	\$45.00
Pages Fee	\$25.00
Mortgage Tax Affidavit	\$0.00
Total Fees:	\$70.00

Property Located in Town of Livonia
Village of

State of New York
County of Livingston

Recorded on the 25th date of April, 2012 at 10:
55:59 AM in Liber 1265 of Deeds at beginning
page 0907, ending at page 0912 and examined.

A handwritten signature in cursive script, appearing to read "James Culbertson".

Livingston County Clerk

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

COPY

DECLARATION of COVENANTS and RESTRICTIONS

THIS COVENANT is made the 9 day of April 2012, by William J. Benson, a natural person with fee simple ownership, residing at 7440 Richmond Mills Road, Livonia, New York 14487, and having an office for the transaction of business at the same address.

WHEREAS, the William J. Benson Landfill 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 on 7402 Richmond Mills Road, Livonia, New York 14487, in the Town of Livonia, County of Livingston, State of New York, which is part of lands conveyed by Jean M. Benson to William J. Benson by Deed dated December 1, 2011, and recorded in the Livingston County Clerk's Office on December 2, 2011, in Liber 1264 of Deeds at Page 437, 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, William J. Benson, for himself 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 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 its current land use as a capped and closed landfill 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.

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

By: William J. Benson

Print Name: WILLIAM J. BENSON

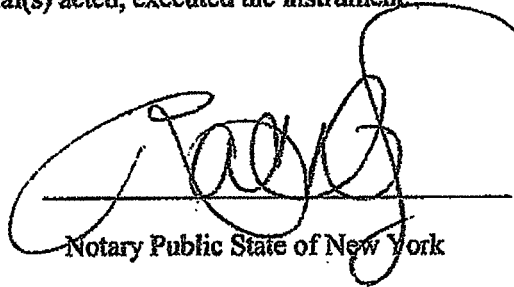
Title: _____ Date: 4/18/12

STATE OF NEW YORK)

) s.s.:

COUNTY OF LIVINGSTON .)

On the 19 day of April, in the year 2012, before me, the undersigned, personally appeared William J. Benson, 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.



Notary Public State of New York

RACHEL SCURA LICKLITER
NOTARY PUBLIC, State of New York
Livingston County
Commission Expires 7-6-15
Registration No. 01SC8027345

APPENDIX A

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Livonia, County of Livingston and State of New York bounded and described as follows:

BEGINNING at an iron post found, said post being 3" in diameter and 4' in height, said point also being at the northeast corner of lands now or formerly owned by Jean M. Benson by Deed recorded in the Livingston County Clerk's Office in Liber 109 of Deeds at Page 189 (tax map number 76.-1-18.1); thence, S 79° 10' 59" W, a distance of 830.51 feet to an iron rod set and to the true point and place of beginning; thence,

1. S 24° 26' 05" W, a distance of 916.33 feet to an iron rod set; thence,
2. S 61° 27' 20" W, a distance of 301.50 feet to a point; thence,
3. S 90° 00' 00" W, a distance of 130.89 feet to a point; thence,
4. N 41° 07' 26" W, a distance of 121.31 feet to an iron rod set; thence,
5. N 12° 12' 21" E, a distance of 937.02 feet to an iron rod set; thence,
6. S 87° 28' 49" E, a distance of 657.10 feet to the point and place of beginning.

INTENDING TO DESCRIBE a parcel of land that surrounds former tax map number 76.-1-18.2 as shown on a map prepared by Donald R. Hughes, L.S. NO. 050207 dated October 3, 2011, and listed as Map No. 12320 and entitled "Map Showing The Site Boundary Around The Former Landfill Known As The William Benson Landfill Site IS No. 826007 And Being The Lands Of William J. Benson, Liber 709, Page 191 And Being A Part Of The Lands Of Jean M. Benson, Liber 709, Page 189, Located In A Part Of Lots 7&8, Township 9 Range 6 Of The Phelps And Gorham Purchase, The Town of Livonia, County Of Livingston, State Of New York." Said map was filed in the Livingston County Clerk's Office on October 18, 2011 as Map Number A09336.

Tax Account Number 76.-1-18.21

