

MONROE COUNTY CLERK'S OFFICE

ROCHESTER, NY

THIS IS NOT A BILL. THIS IS YOUR RECEIPT

Receipt # 1356438

Index DEEDS

Book 11646 Page 507

No. Pages : 7

Instrument DECLARATION

Date : 01/19/2016

Time : 04:22:07PM

Control # 201601190773

Return To:

AECOM

TAMARA RABY

257 N WEST GENESEE STREET SUITE 400

BUFFALO, NY 14202-2657

BURNS, THOMAS W

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL
CONSERVATION

Ref 1 #

Employee : RoseM

COUNTY FEE NUMBER PAGES	\$	30.00
RECORDING FEE	\$	45.00

Total \$ 75.00

State of New York

MONROE COUNTY CLERK'S OFFICE

WARNING - THIS SHEET CONSTITUTES THE CLERKS
ENDORSEMENT, REQUIRED BY SECTION 317-a(5) &
SECTION 319 OF THE REAL PROPERTY LAW OF THE
STATE OF NEW YORK. DO NOT DETACH OR REMOVE.

RICHARD T TURNER

MONROE COUNTY ACTING COUNTY CLERK



DECLARATION of COVENANTS and RESTRICTIONS

RECORDED

2016 JAN 19 PM 4:22

THIS COVENANT is made the 30 day of DECEMBER, 2015, by Thomas W. Burns, a natural person residing at 2255 South Union Street, Spencerport, New York and having an office for the transaction of business at same. MONROE COUNTY CLERK

WHEREAS, the Trimmer Road Landfill Site 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 Trimmer Road in the Town of Parma, County of Monroe, State of New York, which is part of lands conveyed by Patrick T. Fasciano to Thomas W. Burns by deed dated December 18, 2012 and recorded in the Monroe County Clerk's Office in Liber and Page 11203/392, 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, Thomas W. Burns, 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 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 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 to render it safe for drinking water or for industrial purposes, as appropriate, and the user must first notify and obtain written approval 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 and engineering 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.

Tenth, owner, its successors and assigns, shall take no action which would extinguish the right-of-way referenced in Appendix "A" herein and filed with the Clerk of the County of Monroe in Liber 250 of Deeds, at Page 342.

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

By: Thomas W. Burns

Print Name: THOMAS W. BURNS

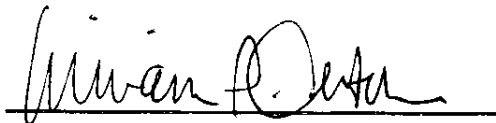
Title: OWNER Date: 12-30-15

STATE OF NEW YORK)

) s.s.:

COUNTY OF MONROE)

On the 30th day of DECEMBER, in the year 2015, before me, the undersigned, personally appeared THOMAS WILLIAM BURNS, 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

WILLIAM P. FLETCHER
Notary Public, State of New York
No. 4830429
Qualified in Monroe County
Commission Expires March 30, 2019

Trimmer Road Landfill Site
Site #073413
Town of Parma
County of Monroe
Tax Parcels 056.04-1-4.1 and 056.04-1-4.2

Appendix A
Legal Description

152 Trimmer Road
054.04-1-4.1

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Parma, being part of Lot No. 8 on the Gore, so-called, in said Town, and bounded and described as follows:

North by North line of the Gore; east by land deeded to Samuel Bushnell on March 3, 1826, being the north part of land deeded by David Darling to Benjamin Veasie on August 30, 1827; running across said lot at the distance of 88 rods south of the north line, parallel with the north line thereof, supposed to contain about 19 ½ acres more or less.

ALSO, that other certain piece or parcel of land, situate and lying in the Town of Parma, being part of Lot No. 8, on the Gore, so-called, bounded and described as follows: Commencing on the south line of lands now or formerly owned by Andrew McLaughlin; thence easterly on Z. Timmer's south line to land now or formerly by Martin Goodberlet and Thomas Connally; thence south along Goodberlet's and Connally's west line to land formerly owned by Mary McLaughlin and the northwest corner of land now or formerly owned by Andrew McLaughlin; thence along the east line of said McLaughlin's land to the place of beginning, containing 3 ½ acres of land more or less.

ALSO, the right of way through and across the land sold to William E. Trimmer, by Deed October 7, 1969, recorded February 9, 1872 in Liber 250 of Deeds, at page 342, with all the rights and privileges therein contained, as reserved by Aaron Trimmer in the said conveyance to said William E. Trimmer; said land which said right of way crosses was formerly owned by A.J. McLaughlin.

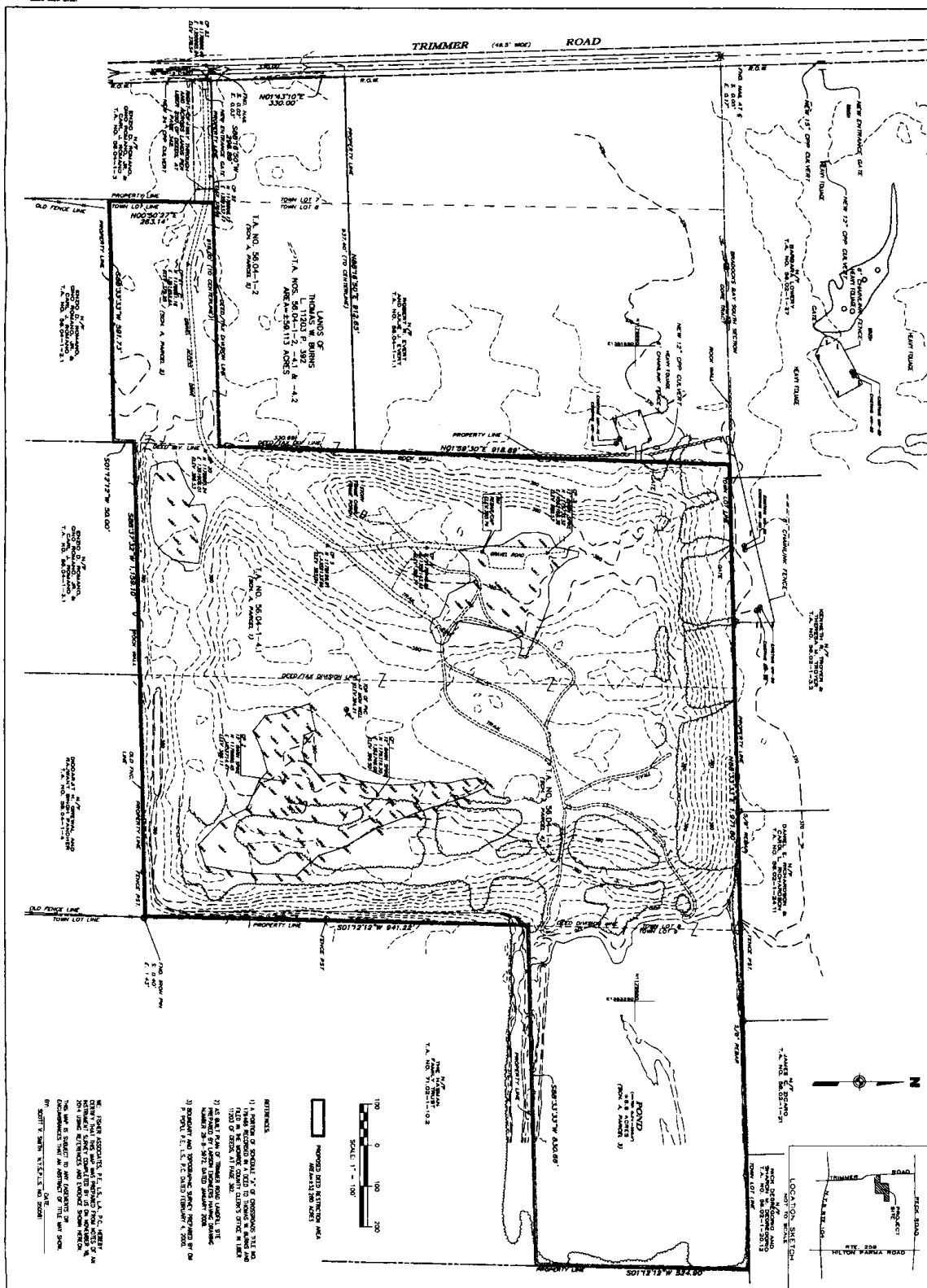
158 Trimmer Road
056.04-1-4.2


ALSO, all that tract or parcel of land situate in the Town of Parma, County of Monroe, New York, on the Gore, so-called, and being the north end of the west one-half of Lot No. 9 of the Gore Tract, according to John Smith's seconds survey and bounded on the north and west by the lines of said lot, on the south by lands formerly owned by John Darling and on the east by lands formerly owned by Ruffus Warner containing 10 acres of land and no more.

ALSO, all that tract or parcel of land situate in the Town of Parma, County of Monroe, New York, on the Gore (so-called) to wit, 19.06 acres of land of the East part of Lot No. 8 of Smith's second Allotment of said Gore and bounded as follows: Commencing at the Northeast corner of said Lot No. 8; thence running westerly along the north line of said lot, 8 chains and 60 links (8.60) to land now or formerly owned by Charles Coe; thence running southerly along said Chas. Coe's east line 22 chains and 13 links (22.13) to said Chas. Coe's southeast corner; thence easterly to the east line of said Lot No. 8; thence northerly along said lot line 22 chains and 20 links (22.20) to the place of beginning, containing 19.06 acres of land and no more and being the same premises conveyed to

Trimmer Road Landfill Site
Site #073413
Town of Parma
County of Monroe
Tax Parcels 056.04-1-4.1 and 056.04-1-4.2

Mial H. Peck by John Wellman and wife by deed dated April 10, 1882, and recorded in Monroe County Clerk's Office on the 29th day of April, 1882 in Liber 353 of Deeds at page 178, the said Mial H. Peck being name in said deed as Milo Peck.



PROJECT TRIMMER ROAD LANDFILL SITE TOWN OF PARRA COUNTY OF MORRIS NYSDC SITE NO. 08-012	 FISHER ASSOCIATES www.fisherassoc.com	PROJECT NO. 142032	Comment 1 (see REVISIONS SHEET) P. 10 (A-F)	7		
		PROJECT MANAGER S SMITH	The following information was obtained from the project files and is being provided for your information. It is not intended to be a part of the project files.	8		
TITLE OF PROJECT AS-BUILT TOPOGRAPHIC SURVEY	OWNER: M MILLER 804 174 100 1420014	REVISION NO. 142032	1. If the project files are not available, the project files should be reviewed for any changes to the project files.	9	REVISED DETD RESECTION ANGLE	6/30/05
		REVISION NO. 142032	2. If the project files are not available, the project files should be reviewed for any changes to the project files.	10	REVISED ACCESS POINT FOR COMMENTS	6/30/05
		REVISION NO. 142032	3. If the project files are not available, the project files should be reviewed for any changes to the project files.	11	ADDED DETD RESECTION ANGLE	6/30/05
		REVISION NO. 142032	4. If the project files are not available, the project files should be reviewed for any changes to the project files.	12	ADDED DETD RESECTION ANGLE	6/30/05
		REVISION NO. 142032	5. If the project files are not available, the project files should be reviewed for any changes to the project files.	13	ADDED DETD RESECTION ANGLE	6/30/05
		REVISION NO. 142032	6. If the project files are not available, the project files should be reviewed for any changes to the project files.	14	ADDED DETD RESECTION ANGLE	6/30/05
		REVISION NO. 142032	7. If the project files are not available, the project files should be reviewed for any changes to the project files.	15	ADDED DETD RESECTION ANGLE	6/30/05
		REVISION NO. 142032	8. If the project files are not available, the project files should be reviewed for any changes to the project files.	16	ADDED DETD RESECTION ANGLE	6/30/05
		REVISION NO. 142032	9. If the project files are not available, the project files should be reviewed for any changes to the project files.	17	ADDED DETD RESECTION ANGLE	6/30/05
		REVISION NO. 142032	10. If the project files are not available, the project files should be reviewed for any changes to the project files.	18	ADDED DETD RESECTION ANGLE	6/30/05
		REVISION NO. 142032	11. If the project files are not available, the project files should be reviewed for any changes to the project files.	19	ADDED DETD RESECTION ANGLE	6/30/05
		REVISION NO. 142032	12. If the project files are not available, the project files should be reviewed for any changes to the project files.	20	ADDED DETD RESECTION ANGLE	6/30/05
		REVISION NO. 142032	13. If the project files are not available, the project files should be reviewed for any changes to the project files.	21	ADDED DETD RESECTION ANGLE	6/30/05
		REVISION NO. 142032	14. If the project files are not available, the project files should be reviewed for any changes to the project files.	22	ADDED DETD RESECTION ANGLE	6/30/05
		REVISION NO. 142032	15. If the project files are not available, the project files should be reviewed for any changes to the project files.	23	ADDED DETD RESECTION ANGLE	6/30/05
		REVISION NO. 142032	16. If the project files are not available, the project files should be reviewed for any changes to the project files.	24	ADDED DETD RESECTION ANGLE	6/30/05
		REVISION NO. 142032	17. If the project files are not available, the project files should be reviewed for any changes to the project files.	25	ADDED DETD RESECTION ANGLE	6/30/05
		REVISION NO. 142032	18. If the project files are not available, the project files should be reviewed for any changes to the project files.	26	ADDED DETD RESECTION ANGLE	6/30/05
		REVISION NO. 142032	19. If the project files are not available, the project files should be reviewed for any changes to the project files.	27	ADDED DETD RESECTION ANGLE	6/30/05
		REVISION NO. 142032	20. If the project files are not available, the project files should be reviewed for any changes to the project files.	28	ADDED DETD RESECTION ANGLE	6/30/05
		REVISION NO. 142032	21. If the project files are not available, the project files should be reviewed for any changes to the project files.	29	ADDED DETD RESECTION ANGLE	6/30/05
		REVISION NO. 142032	22. If the project files are not available, the project files should be reviewed for any changes to the project files.	30	ADDED DETD RESECTION ANGLE	6/30/05
		REVISION NO. 142032	23. If the project files are not available, the project files should be reviewed for any			