

ENVIRONMENTAL NOTICE

THIS ENVIRONMENTAL NOTICE is made the 8th day of August 2013, by the New York State Department of Environmental Conservation (Department), Having an office for the transaction of business at 625 Broadway, Albany, New York 12233

WHEREAS, a parcel of real property identified as Davis-Howland Oil Corporation (Site 828088), located on 200 Anderson Avenue in the City of Rochester, County of Monroe, State of New York, which is part of lands conveyed by Davis-Howland Oil Corp to Samille Inc. by deed dated 01/28/1995 and recorded in the Monroe County Clerk's Office on 03/01/1995 in Book 8582 of Deeds at Page 177 and being more particularly described in Appendix "A", attached to this noticed and made a part hereof, and hereinafter referred to as "the Property" and is the subject of a remedial program performed by the Department; and

WHEREAS, the Department approved a cleanup to address contamination disposed at the Property and such cleanup was conditioned upon certain limitations.

NOW, THEREFORE, the Department provides notice that:

FIRST, the Property subject to this Environmental Notice is as shown on a map attached to this Notice as Appendix "B" as Parcel 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 disturbance or excavation of the Property which threatens the integrity of the engineering controls or which results or may result in a significantly increased threat of harm or damage at any site as a result of exposure to soils. A violation of this provision is a violation of 6 NYCRR 375-1.11 (b)(2).

THIRD, no person shall disturb, remove, or otherwise interfere with the installation, use, operations, and maintenance of engineering controls required for the Remedy, including but not limited to those engineering controls described in the SMP and listed below, unless in each instance they first obtain a written waiver of such prohibition from the Department or Relevant Agency.

FOURTH, the remedy was designed to be protective for the following uses: Industrial as described in 6 NYCRR Part 375-1.8(g)(2)(iv). Therefore, any use for purposes other than Industrial without the express written waiver of such prohibition by the Relevant Agency may result in a significantly increased threat of harm or damage at any site.

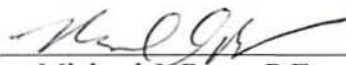
Davis-Howland Oil Corporation Site
Site No. 828088
200 Anderson Avenue
Rochester, Monroe County, NY
Tax Map ID: 106.84-1-6

FIFTH, no person shall use 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. Use of the groundwater without appropriate treatment may result in a significantly increased threat of harm or damage at any site.

SIXTH, it is a violation of 6 NYCRR 375-1.11(b) to use the Property in a manner inconsistent with this environmental notice.

IN WITNESS WHEREOF, the undersigned, acting by and through the Department of Environmental Conservation as Designee of the Commissioner, has executed this instrument the day written below.

By:

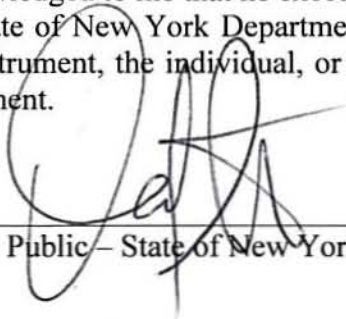

Michael J. Ryan, P.E.

Assistant Director

Division of Environmental Remediation

STATE OF NEW YORK)
) ss:
COUNTY OF Albany)

On the 8th day of August, in the year 2013, before me, the undersigned, personally appeared Michael J. Ryan, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity as Designee of the Commissioner of the State of New York Department of Environmental Conservation, and that by his signature on the instrument, the individual, or the person upon behalf of which individual acted, executed the instrument.


Notary Public – State of New York

David J. Chiusano
Notary Public, State of New York
No. 01CH5032146
Qualified in Schenectady County
Commission Expires August 22, 2014

Appendix A

Metes and Bounds Description

PARCEL 'B' DESCRIPTION

All that piece or parcel of property hereinafter designated as Parcel B to which a declaration of covenants and restrictions apply, being in the City of Rochester, County of Monroe and State of New York and more particularly described as follows:

BEGINNING at a point on the northerly boundary of Anderson Avenue, an existing city street, at its intersection with the westerly line of Lot 185 of the Perry, Bly and Holmes Tract according to a map thereof filed in Book 3 of Maps, page 18 in the Monroe County Clerk's Office, thence; N3° 01' 33" W a distance of 100.00 feet to a point on the division line between the property of Samille, Inc. (reputed owner) on the south and the property of Gary and Marcia Stem Family Limited Partnership (reputed owner) on the north, thence; along the last mentioned division line the following two (2) courses and distances: (1) N86° 58' 27" E a distance of 39.98 feet to a point, thence; (2) S 72° 55' 49" E a distance of 53.26 feet to a point, thence; S3° 01' 33" E along the easterly line of Lot 186 of the Perry, Bly and Holmes Tract a distance of 81.70 feet to a point on the first mentioned street boundary, thence; S 86° 58' 27" W a distance of 90.00 feet to the point of beginning, being 8,542 +/- square feet or 0.196 acres more or less.

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Appendix B
Map

