

Judith M. Hunter, County Clerk
3 East Pulteney Square
Bath, NY 14810
(607) 664-2564

Steuben County Clerk Recording Cover Sheet

Received From :
STEUBEN COUNTY DPW
SOLID WAST DIVISION ATTN: ASSISTANT COMM
3 E PULTENTY SQ
BATH, NY 14810

Return To :
STEUBEN COUNTY DPW
SOLID WAST DIVISION ATTN: ASSISTANT COMM
3 E PULTENTY SQ
BATH, NY 14810

Method Returned : BOX

First GRANTOR

PRATTSBURGH TOWN

First GRANTEE

COHOCTON TOWN

Index Type : Deeds

Book : 2549

Page : 146

Type of Instrument : Declaration

**Type of Transaction : Miscellaneous Deed Item W-Out
Tp584**

Recording Fee: \$85.00

Recording Pages : 9

Recorded Information

State of New York

County of Steuben

I hereby certify that the within and foregoing was
recorded in the Clerk's office for Steuben County,
New York

On (Recorded Date) : 08/11/2015

At (Recorded Time) : 11:33:24 AM

Judith M. Hunter
Judith M. Hunter, County Clerk



8

DECLARATION of COVENANTS and RESTRICTIONS

*Return to: Steuben County DPW
Solid Waste Division
Attn: Assistant Commissioner
3 E. PUTNEY SQ.
BATH, NY 14810*

THIS COVENANT is made the 20th day of July 2015, by the Town of Prattsburgh, a municipality of the State of New York and having an office for the transaction of business at 19 North Main Street, Prattsburgh, NY 14873 and by the Town of Cohocton, a municipality of the State of New York and having an office for the transaction of business at 17 South Main Street, Cohocton, NY 14826..

WHEREAS, Prattsburgh Landfill (Site #851013) is the subject of an Order on Consent executed by County of Steuben as part of the New York State Department of Environmental Conservation's (the "Department's") State Superfund Program, namely that parcel of real property located at the address of 11410 Wheaton Road in the Town of Cohocton, County of Steuben, State of New York, being the same as (or part of) that property conveyed to Town of Cohocton & Town of Prattsburgh by Alfred & Mary Corey by deed(s) dated March 3, 1976 and recorded on March 11, 1976 in the Steuben County Clerk's Office in Liber and Page ,Page 962, Liber 729, and being more particularly described in Schedule "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, Towns of Cohocton and Prattsburgh, 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 Schedule "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. The SMP may be obtained from the New York State Department of Environmental Conservation, Division of Environmental Remediation, Site Control Section, 625 Broadway, Albany, NY 12233.

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 as described in 6 NYCRR Part 375-1.8(g)(2)(iii) and Industrial as described in 6 NYCRR Part 375-1.8(g)(2)(iv)** without the express written waiver of such prohibition by the Department or Relevant Agency.

Fifth, the use of groundwater underlying the property is prohibited without necessary water quality treatment as determined by the NYSDOH or the Steuben County Department of Health to render it safe for use as drinking water or for industrial purposes, and the user must first notify and obtain written approval to do so from the Department.

Sixth, the owner of the Property shall provide a periodic certification, prepared and submitted by a professional engineer or environmental professional acceptable to the Department or Relevant Agency, which will certify that the institutional and engineering controls put in place are unchanged from the previous certification, comply with the SMP, and 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 Order on Consent requires to be recorded, and 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: Jack Zigenfus

By: _____

Print Name: Jack Zigenfus

Print Name: So

Title: town Supervisor
Cohocton

Date: 7/9/2015

Title: _____

Date: _____

Grantor's Acknowledgment

STATE OF NEW YORK)

) s.s.:

COUNTY OF Steuben)

On the 9th day of July, in the year 2015, before me, the undersigned, personally appeared Jack Zigenfus, 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.

Janet L. Olin

Notary Public State of New York

JANET L. OLIN
Notary Public, State of New York
No. 01OL6046196
Qualified in Steuben County
Commission Expires Aug. 7, 2018

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

By: [Signature]

By: _____

Print Name: LEONARD McCONNELL

Print Name: (SO)

Title: SUPERVISOR Date: 7/24/15

Title: _____ Date: _____

Town of Prattsburgh
(SO)

Grantor's Acknowledgment

STATE OF NEW YORK)

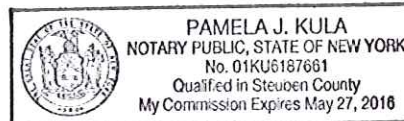
) s.s.:

COUNTY OF Steuben)
(SO)

On the 24th day of JULY, in the year 2015 before me, the undersigned, personally appeared LEONARD McCONNELL, 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.

Pamela J. Kula

Notary Public State of New York



SCHEDULE "A"

Enter Property Description

DECLARATION OF COVENANTS AND RESTRICTIONS AND

ENVIRONMENTAL EASEMENT AREA

SURVEYOR'S DESCRIPTION OF 12.611 ACRE PARCEL

CLOSED AND CAPPED LANDFILL PARCEL (WITHIN PARCEL 1)

ALL THAT TRACT OR PARCEL OF LAND situate in Township 6 Range 4, being a portion of Lot 108, Town of Prattsburgh, County of Steuben and State of New York bounded and described as follows:

Beginning at an iron pin on the west line of Great Lot 108, said pin being N 13°34'38" E a distance of 740.69 feet from the southwest corner of Great Lot 108;

Thence North 13°34'38" East along the west line of Great Lot 108 a distance of 504.53 feet to a point on the easterly road limits of Wheaton Road (a/k/a Pine Hill Road;

Thence North 20°16'30" East along the easterly road limits of Wheaton Road a distance of 9.24 feet to a point;

Thence North 22°43'30" East along the easterly road limits of said Wheaton Road a distance of 179.78 feet to a point in the centerline of said Wheaton Road;

Thence South 77°17'59" East along the south line of Denering as recorded in Liber 2126 Page 153 a distance of 10.34 feet to an iron pin and continuing along the same above described course a distance of 808.05 feet for a total distance of 818.39 feet to a point;

Thence South 17°46'39" West a distance of 594.46 feet to a point;

Thence South 86°15'10" West a distance of 346.25 feet to a point on the north line of Wolcott as recorded in Liber 1543 Page 264.;

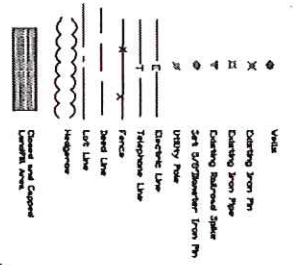
Thence North 77°21'38" West along the north line of said Wolcott a distance of 473.93 feet to the point of beginning. Comprising an area of 12.611 acres.

Subject to all right of ways and/or easements of record.

Being a portion of the premises deeded by Alfred & Mary Corey to the Town of Cohocton and Town of Prattsburgh on March 3, 1976 recorded in Liber 962 Page 729.

SCHEDULE "B"

NOTE: THIS ENTRY IS SUBJECT TO ANY STATEMENT OF FACT THAT AN UPDATED ABSTRACT MAY REVEAL.



CENTRELINE OF TRAVELLED WAY
N 173430 E 693.77

NY
VOLUNT
L 1343
P. 1344

all, T-107, T-108, T-109, T-110, T-111, T-112, T-113, T-114, T-115, T-116, T-117, T-118, T-119, T-120, T-121, T-122, T-123, T-124, T-125, T-126, T-127, T-128, T-129, T-130, T-131, T-132, T-133, T-134, T-135, T-136, T-137, T-138, T-139, T-140, T-141, T-142, T-143, T-144, T-145, T-146, T-147, T-148, T-149, T-150, T-151, T-152, T-153, T-154, T-155, T-156, T-157, T-158, T-159, T-160, T-161, T-162, T-163, T-164, T-165, T-166, T-167, T-168, T-169, T-170, T-171, T-172, T-173, T-174, T-175, T-176, T-177, T-178, T-179, T-180, T-181, T-182, T-183, T-184, T-185, T-186, T-187, T-188, T-189, T-190, T-191, T-192, T-193, T-194, T-195, T-196, T-197, T-198, T-199, T-200, T-201, T-202, T-203, T-204, T-205, T-206, T-207, T-208, T-209, T-210, T-211, T-212, T-213, T-214, T-215, T-216, T-217, T-218, T-219, T-220, T-221, T-222, T-223, T-224, T-225, T-226, T-227, T-228, T-229, T-230, T-231, T-232, T-233, T-234, T-235, T-236, T-237, T-238, T-239, T-240, T-241, T-242, T-243, T-244, T-245, T-246, T-247, T-248, T-249, T-250, T-251, T-252, T-253, T-254, T-255, T-256, T-257, T-258, T-259, T-260, T-261, T-262, T-263, T-264, T-265, T-266, T-267, T-268, T-269, T-270, T-271, T-272, T-273, T-274, T-275, T-276, T-277, T-278, T-279, T-280, T-281, T-282, T-283, T-284, T-285, T-286, T-287, T-288, T-289, T-290, T-291, T-292, T-293, T-294, T-295, T-296, T-297, T-298, T-299, T-300, T-301, T-302, T-303, T-304, T-305, T-306, T-307, T-308, T-309, T-310, T-311, T-312, T-313, T-314, T-315, T-316, T-317, T-318, T-319, T-320, T-321, T-322, T-323, T-324, T-325, T-326, T-327, T-328, T-329, T-330, T-331, T-332, T-333, T-334, T-335, T-336, T-337, T-338, T-339, T-340, T-341, T-342, T-343, T-344, T-345, T-346, T-347, T-348, T-349, T-350, T-351, T-352, T-353, T-354, T-355, T-356, T-357, T-358, T-359, T-360, T-361, T-362, T-363, T-364, T-365, T-366, T-367, T-368, T-369, T-370, T-371, T-372, T-373, T-374, T-375, T-376, T-377, T-378, T-379, T-380, T-381, T-382, T-383, T-384, T-385, T-386, T-387, T-388, T-389, T-390, T-391, T-392, T-393, T-394, T-395, T-396, T-397, T-398, T-399, T-400, T-401, T-402, T-403, T-404, T-405, T-406, T-407, T-408, T-409, T-410, T-411, T-412, T-413, T-414, T-415, T-416, T-417, T-418, T-419, T-420, T-421, T-422, T-423, T-424, T-425, T-426, T-427, T-428, T-429, T-430, T-431, T-432, T-433, T-434, T-435, T-436, T-437, T-438, T-439, T-440, T-441, T-442, T-443, T-444, T-445, T-446, T-447, T-448, T-449, T-450, T-451, T-452, T-453, T-454, T-455, T-456, T-457, T-458, T-459, T-460, T-461, T-462, T-463, T-464, T-465, T-466, T-467, T-468, T-469, T-470, T-471, T-472, T-473, T-474, T-475, T-476, T-477, T-478, T-479, T-480, T-481, T-482, T-483, T-484, T-485, T-486, T-487, T-488, T-489, T-490, T-491, T-492, T-493, T-494, T-495, T-496, T-497, T-498, T-499, T-500, T-501, T-502, T-503, T-504, T-505, T-506, T-507, T-508, T-509, T-510, T-511, T-512, T-513, T-514, T-515, T-516, T-517, T-518, T-519, T-520, T-521, T-522, T-523, T-524, T-525, T-526, T-527, T-528, T-529, T-530, T-531, T-532, T-533, T-534, T-535, T-536, T-537, T-538, T-539, T-540, T-541, T-542, T-543, T-544, T-545, T-546, T-547, T-548, T-549, T-550, T-551, T-552, T-553, T-554, T-555, T-556, T-557, T-558, T-559, T-560, T-561, T-562, T-563, T-564, T-565, T-566, T-567, T-568, T-569, T-570, T-571, T-572, T-573, T-574, T-575, T-576, T-577, T-578, T-579, T-580, T-581, T-582, T-583, T-584, T-585, T-586, T-587, T-588, T-589, T-590, T-591, T-592, T-593, T-594, T-595, T-596, T-597, T-598, T-599, T-600, T-601, T-602, T-603, T-604, T-605, T-606, T-607, T-608, T-609, T-610, T-611, T-612, T-613, T-614, T-615, T-616, T-617, T-618, T-619, T-620, T-621, T-622, T-623, T-624, T-625, T-626, T-627, T-628, T-629, T-630, T-631, T-632, T-633, T-634, T-635, T-636, T-637, T-638, T-639, T-640, T-641, T-642, T-643, T-644, T-645, T-646, T-647, T-648, T-649, T-650, T-651, T-652, T-653, T-654, T-655, T-656, T-657, T-658, T-659, T-660, T-661, T-662, T-663, T-664, T-665, T-666, T-667, T-668, T-669, T-670, T-671, T-672, T-673, T-674, T-675, T-676, T-677, T-678, T-679, T-680, T-681, T-682, T-683, T-684, T-685, T-686, T-687, T-688, T-689, T-690, T-691, T-692, T-693, T-694, T-695, T-696, T-697, T-698, T-699, T-700, T-701, T-702, T-703, T-704, T-705, T-706, T-707, T-708, T-709, T-710, T-711, T-712, T-713, T-714, T-715, T-716, T-717, T-718, T-719, T-720, T-721, T-722, T-723, T-724, T-725, T-726, T-727, T-728, T-729, T-730, T-731, T-732, T-733, T-734, T-735, T-736, T-737, T-738, T-739, T-740, T-741, T-742, T-743, T-744, T-745, T-746, T-747, T-748, T-749, T-750, T-751, T-752, T-753, T-754, T-755, T-756, T-757, T-758, T-759, T-760, T-761, T-762, T-763, T-764, T-765, T-766, T-767, T-768, T-769, T-770, T-771, T-772, T-773, T-774, T-775, T-776, T-777, T-778, T-779, T-780, T-781, T-782, T-783, T-784, T-785, T-786, T-787, T-788,

INVENTOR'S ASSOCIATION OF 18,911 ACRES PARCEL
CLOSED AND CUTTED LAMBERT PARKS (77THIN PARCEL 1)

ALL THAT TRACT OF LAND situated in Township 5 Range 4 and a portion of Lot 120, Town of Pittsburgh, County of Steuben and State of New York bounded and described as follows:

Beginning at an iron pin on the west line of Grant Lot 120, and go bearing N 13°42'30" E a distance of 74.655 feet to the southwest corner of Grant Lot 120;

[illegible]

UNAUTHORIZED ALLOCATION OF ASSETION TO A
 NON-REPRESENTATIVE CLASS SERVANTS E.G. IS
 AN ALLOCATION OF ASSETION FROM SUBSERVING E.G. OF THE
 NEW YORK STATE EDUCATION LAW.
 CERTS FROM THE ORIGINAL OF THE SERVANT WAS NOT
 PROVIDED WITH AN ORIGINAL OF THE CLASS SERVANTS
 SERVED E.G. OF HIS DIRECTED E.G. SHALL NOT BE
 CONSIDERED TO BE A VALID TELL CERT.

ENCLOSURE, 6, VISA MAILED TO ALAN & JOSEPHINE CLARK AND GARY & LARNA VIDEL BY SHAW & FREEMAN ON FEBRUARY 1, 1963 RECEIVED BY NAC FILE NO. 3074.

JAMES P. WICKHAM BY MCCONNELL & WALKER L.L. ON DECEMBER 9, 1987 RECORDED IN LANCE LEASE PAGE 252.

PLAY OF LANCE BY THE TOWN OF COCONINO & TOWN OF PAVETTAROSE SURVEYED BY MCCONNELL & WALKER L.L. SAVED MARCH 24, 1988 ON RE 3073.

PLAY OF LANCE BY JAMES P. WICKHAM SURVEYED BY MCCONNELL & WALKER L.L. FILED IN THE STATION COUNTY CLERK'S OFFICE ON MAY 10, 1988.

THIS IS TO CERTIFY THAT I AM A LICENSED LAND SURVEYOR AND THAT THIS PLAN WAS COMPLETED ON JULY 8, 2013 FROM AN INSTRUMENT SURVEY ON JUNE 18, 2013.

XXXXXX

MICHAEL G. MULLER L.L.M. AND PHILIP



PLAN OF UNINC. OF
TOWN OF COHOCTON &
TOWN OF PRATTSBURGH

TOWNSHIP & RANGE 4 LOT 308
TOWN OF PRATTSLAND
COUNTY OF STURGEON
STATE OF NEW YORK

COHOCTON & PATTSBURGH	
DATE	DATE
APPROVED	07/04/13
SCALE	1" = 100'
SHEET	3875
DESIGNED BY MODWELL & KILLER LAND SURVEYORS 100 BOX 360 MILF. VT 05648 (802) 333-7777 PROJECT NO.	