



**ALAN BERNSTEIN**  
**CATTARAUGUS COUNTY CLERK**

Cattaraugus County Center 303 Court Street  
Little Valley, NY 14755

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**Instrument Number**

**\*294034-002\***

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Parties  
To Transaction: NOTICE-NYS SUPERFUND SITE

Town/City:

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AECOM

ENV

**Deed Information**

Taxable Consideration:

State Transfer Tax:

RETT No.:

State of New York  
Cattaraugus County Clerk

**Mortgage Information**

Taxable Mortgage Amount:

Basic Mortgage Tax:

Special Mortgage Tax:

Additional Mortgage Tax:

Mortgage Serial No.:

This sheet constitutes the Clerk endorsement required by Section 316-A(5) & Section 319 of the Real Property Law of the State of New York.

*Alan Bernstein*

Cattaraugus County Clerk

**Please do not remove this page.**



**COPY**

**ENVIRONMENTAL NOTICE**

**THIS ENVIRONMENTAL NOTICE** is made the 12<sup>th</sup> day of February 2018, 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**, New York State Superfund Site #905008 is the subject of a remedial program performed by the New York State Department of Environmental Conservation (the "Department"), namely that parcels of real property located on Penn Avenue and on Vine Street in the City of Olean, County of Cattaraugus, State of New York, which are part of lands conveyed by Referee Deed to Van Der Horst Properties LLC by deed dated January 31, 2007 with the S.B.L. No.s 94.048-1-60 and 94.048-1-61 and recorded in the Cattaraugus County Clerk's Office in Instrument No. 73083-002, 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 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" 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.

- Site monitoring system.

**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 use 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.

**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 Remediation

STATE OF NEW YORK     )  
                                      ) ss:  
COUNTY OF                    )

On the 12<sup>th</sup> day of February, in the year 20 18, 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, 20 18

APPENDIX A  
LEGAL DESCRIPTION – PARCEL I

Site No. 905008

SBL 94.048-1-61

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Olean, County of Cattaraugus and State of New York, bounded and described as follows:

BEGINNING at the intersection of the centerline of Vine Street (66 feet wide) and the prolongation southwesterly of the southeasterly line of Water Street (66 feet wide);

THENCE S 32°38'29" E along the centerline of Vine Street, 222.68 feet to a point in the southeasterly extremity of Vine Street, also being the northerly line of the Van Der Horst Properties, LLC, also being the northerly line of a map filed in the Cattaraugus County Clerk's Office titled "Revised Map of Spindler Brothers Brookview Subdivision";

THENCE N 89°41'08" W along the said southeasterly extremity of Vine Street, also being the said northerly line of the Van Der Horst Properties, LLC, also being the said northerly line of the Revised Map of Spindler Brothers Brookview Subdivision, 66.68 feet to the northwesterly corner of Sublot 22 as shown on said Revised Map of Spindler Brothers Brookview Subdivision;

THENCE S 20°06'29" E along the westerly line of said Sublot 22, also being the westerly line of the Van Der Horst Properties, LLC, 113.00 feet to the northeasterly line of the Western New York and Pennsylvania Railway Company;

THENCE N 32°05'10" W, along a line parallel with and distant 50.00 feet northeasterly as measured at right angles from the centerline of the north bound main track of the western new York and Pennsylvania railway company, 296.53 feet to a point in southwesterly prolongation of the southeasterly line of Water Street;

THENCE N 57°12'42" E along the said southwesterly prolongation of the southeasterly line of Water Street, 77.60 feet to the POINT OR PLACE OF BEGINNING, containing 16,933 square feet of land, more or less.

**LEGAL DESCRIPTION – PARCEL II**

Site No. 905008  
SBL 94.048-1-60

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Olean, County of Cattaraugus and State of New York, being designated on a Revised Map of Spindler Brothers Brookview Subdivision of Olean, NY as being Sublot numbers 17, 18, 19, 20, 21 and 22 in Block number 10, bounded and described as follows:

BEGINNING at the northwesterly corner of Sublot 22 as shown on said Revised Map of Spindler Brothers Brookview Subdivision;

THENCE S 89°41'08" E along the said southeasterly extremity of Vine Street, also being the said northerly line of the Van Der Horst Properties, LLC, also being the said northerly line of the Revised Map of Spindler Brothers Brookview Subdivision, 282.30 feet to the northeasterly corner of Sublot 17 as shown on said Revised Map of Spindler Brothers Brookview Subdivision;

THENCE S 08°43'38" E along the easterly line of said Sublot 17, 138.30 feet to a point in the northerly line of Penn Avenue (width varies), said point also being the southeasterly corner of said Sublot 17;

THENCE N 89°41'08" W along the said northerly line of Penn Avenue, 245.13 feet to the westerly line of said Revised Map of Spindler Brothers Brookview Subdivision;

THENCE N 32°05'10" W along the westerly line of said Revised Map of Spindler Brothers Brookview Subdivision, 36.34 feet to a deflection point in the westerly line of said Revised Map of Spindler Brothers Brookview Subdivision;

THENCE N 20°06'29" W along the westerly line of said Revised Map of Spindler Brothers Brookview Subdivision, also being the westerly line of the Van Der Horst Properties, LLC, 113.00 feet to the POINT OR PLACE OF BEGINNING, containing 36,444 square feet of land, more or less.

## APPENDIX B

**NOTES:**

HORIZONTAL DATUM: NAD 1983  
 RIGHTS TO MAINTAIN, RENEW OR REMOVE TELEPHONE AND TELEGRAPH WIRES AS RECORDED IN LIBER 462 PAGE 377 OF RECORDS OF THE STATE ENGINEERS ARE NO OVERHEAD WIRES ON THIS PROPERTY.

**LEGEND**

- FOUND IRON
- ⊞ NEW YORK STATE ENVIRONMENTAL MONUMENT
- ⊘ UTILITY POLE
- GUT WIRE
- OVERHEAD WIRES
- FENCE
- ++++ RAILROAD TRACK

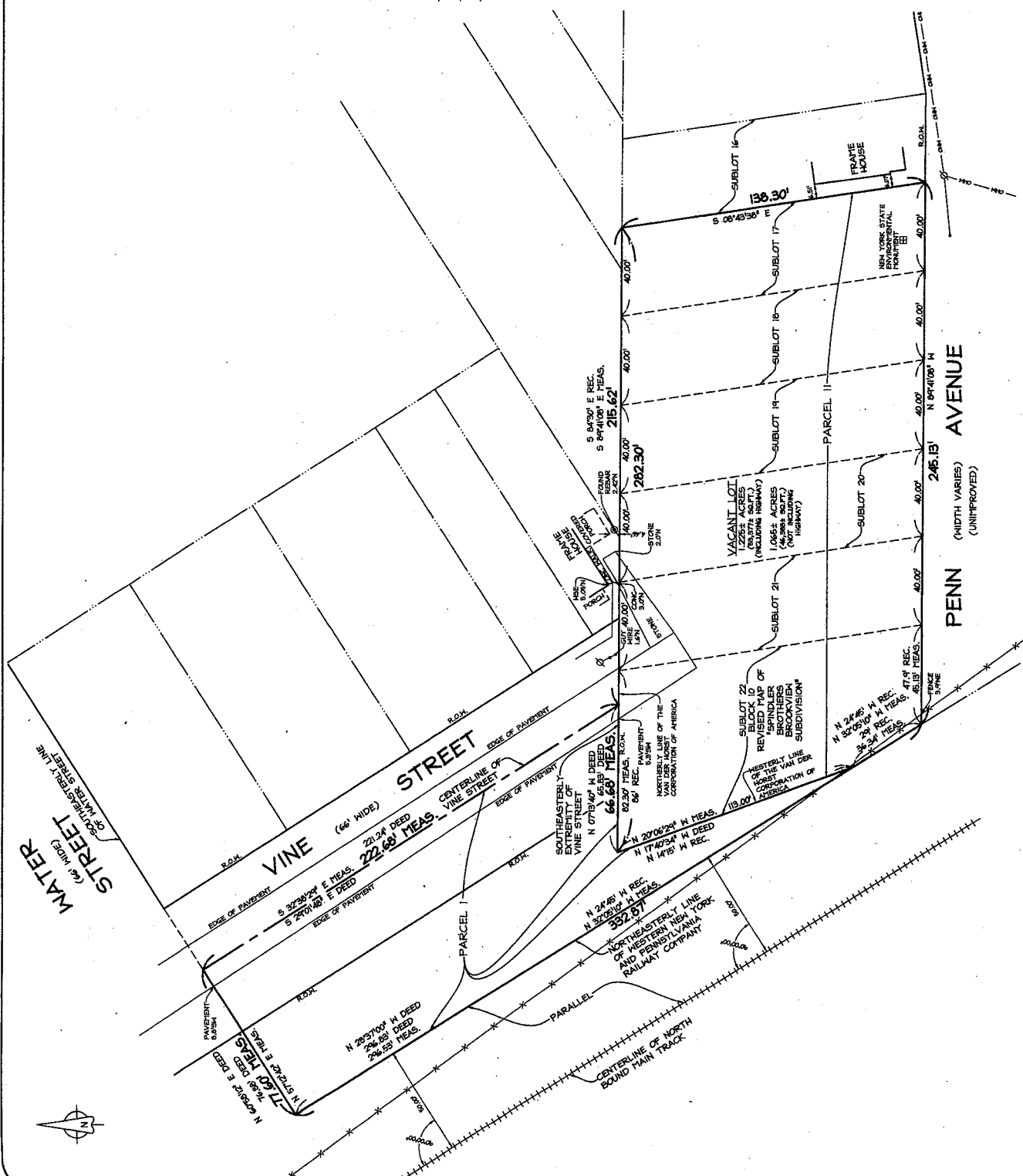


**BOUNDARY SURVEY**  
 OF  
**VAN DER HORST CORPORATION SITE;**  
**NYSDEC REGISTRY #050008**

CITY OF OLEAN  
 COUNTY OF CATTARAUGUS STATE OF NEW YORK

**Wassbauer & Clark, Inc.**  
 Engineers and Surveyors  
 3555 Lake Shore Road  
 Buffalo, New York 14219-1494  
 (716) 827-8000  
 www.wassbauer.com

DRAWN BY: HCB	REV. 10/24/2016	10/31/2016	SHEET NO.
DATE: 09/16/2016	JOB NO. 16-12-1137		OF
SCALE: 1"=30'	DWG. NO.		



NO BOUND SET OR FOUND AT PROPERTY CORNERS UNLESS NOTED HEREON.  
 NOTES: 1. THIS SURVEY WAS MADE IN ACCORDANCE WITH THE SURVEYING ACT OF 1928, AS AMENDED, AND THE RULES AND REGULATIONS OF THE SURVEYING BOARD OF THE STATE OF NEW YORK.  
 2. THE SURVEYOR HAS NOTED THE EXISTENCE OF AN EASEMENT FOR THE LAYING OF WATER MAINS ACROSS THE PROPERTY OF THE VAN DER HORST CORPORATION, AS SHOWN ON THE PLAT OF THE SURVEY.  
 3. THE SURVEYOR HAS NOTED THE EXISTENCE OF A EASEMENT FOR THE LAYING OF WATER MAINS ACROSS THE PROPERTY OF THE VAN DER HORST CORPORATION, AS SHOWN ON THE PLAT OF THE SURVEY.  
 4. THE SURVEYOR HAS NOTED THE EXISTENCE OF A EASEMENT FOR THE LAYING OF WATER MAINS ACROSS THE PROPERTY OF THE VAN DER HORST CORPORATION, AS SHOWN ON THE PLAT OF THE SURVEY.

Successors to the records of James L. Shaler, Land Surveyor

