

RECORDED

EXT

MAR 25 11 03 AM '02

CATTARAUGUS COUNTY

DECLARATION OF RESTRICTION

This Declaration dated March 18, 2002, is made by the Town of Machias, a municipal corporation under the laws of the State of New York located in the County of Cattaraugus.

WHEREAS, Town of Machias is the owner of certain property as described in a Deed to it dated May 4th, 1964 and recorded in the Cattaraugus County Clerk's Office on May 6th, 1964 in Liber 650 of Deeds at Page 355, and that the description therein is incorporated in this Declaration by reference thereto and that this document pertains to that property so described, which has become known as the Very Road Gravel Pit of the Town of Machias; and

WHEREAS, the property is subject to the provisions of a certain Order on Consent No. B9-0335-90-05 dated July 25th, 1993 between the State of New York Department of Environmental Conservation, the Town of Machias and Motorola, Inc.; and

WHEREAS, the property has been impacted.

NOW, THEREFORE, in consideration of the foregoing premises the Town of Machias hereby declares that no well for drinking water shall be drilled or otherwise constructed at, in or under the said real property and that this covenant shall run with the land and shall be binding upon the Town of Machias and its successors, assignees or all others who may acquire an interest in the property until such time as the ground water has achieved applicable drinking water standards as confirmed in writing by the New York State Department of Environmental Conservation.

#44350
Morality & Swartz
16.50

650-355

The Supervisor was authorized to execute this Declaration by unanimous action of the Town Board taken March 18, 2002 and recorded in the Town records.

IN WITNESS WHEREOF, Declarant has executed this Declaration as of the date and year first above written.

TOWN OF MACHIAS

By *Douglas A. Law*
Douglas A. Law, Supervisor

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

On this 20TH day of March in the year 2002 before me, the undersigned, a Notary Public in and for said state, personally appeared DOUGLAS A. LAW, 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, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Gail L. Watkins
Notary Public

STATE OF NEW YORK SS
COUNTY OF CATTARAUGUS
RECORDED Mar 25, 2002
AT 11:03 IN LIBER 1011
PAGE 844 OF Deeds
AND EXAMINED

Danick Griffith CLERK

Gail L. Watkins
Notary Public, State of New York
Qualified in Cattaraugus County
Registration No. 6045394
My Commission Expires July 31, 2002

FILED
MAR 26 11 03 AM '02
CLERK

This Indenture

Made the
sixty-four,
Between

4th

day of

May,

Nineteen Hundred and

JOHN L. BENZ and ANNE B. BENZ, his wife,
residing on East Avenue (no number) in the Village
of Springville, Town of Concord, County of Erie and
State of New York,

parties of the first part, and

TOWN OF MACHIAS, a municipal corporation in the County
of Cattaraugus, Machias, New York,

part y of the second part.

Witnesseth, that the said parties of the first part, in consideration of
One and more ----- Dollars,
(\$1.00 +) lawful money of the United States,
paid by the part y of the second part, do hereby grant
and release unto the part y of the second part, its successors and assigns forever,

All that Tract or Parcel of Land, situate in the Town of Machias, County
of Cattaraugus and State of New York, being part of Lot No. 38, Town-
ship 5 and Range 5 of the Holland Land Company's Survey, described
as follows:

BEGINNING at a point in the westerly line of lands owned by Edwin J. Sisson, which line is also the easterly line of lands conveyed by said Sisson to Glen C. and Mabel O. Sisson by deed recorded in the Cattaraugus County Clerk's Office in Liber 400 of Deeds at page 247, said point being distant 1633.92 feet northerly measured along said line from the south bounds of Lot No. 38; thence northerly, parallel to the west bounds of said lot and along the easterly line of Glen Sisson, and westerly line of E.J. Sisson, a distance of 509.10 feet to a corner thereof; thence easterly at an interior angle of 89°35' and parallel to the south bounds of said lot and along the southerly line of land now owned by Harrison Shanks, a distance of 396.66 feet to a corner thereof; thence northerly at an exterior angle of 89°45' parallel to the east bounds of said lot and along the easterly line of said Shanks, a distance of 834.90 feet to a point in the centerline of the Very Road; thence southeasterly at an interior angle of 78°30' along the centerline of said road and along the northerly line of E.J. Sisson a distance of 530.50 feet to an angle in the said road; thence southeasterly at a deflection angle to the right of 29°33' and along the centerline of said road and northerly line of said Sisson a distance of 573.20 feet to the northeasterly corner of lands owned by E.J. Sisson; thence southwesterly at an interior angle of 110°23' and along the westerly line of lands now owned by D.Y. Very a distance of 319.30 feet to an angle in said line; thence southerly at an exterior angle of 159°30' and parallel to the east bounds of said lot and along the westerly line of said Very a distance of 710.60 feet to a point; thence northwesterly at an interior angle of 83°10' and running through the lands of E.J. Sisson a distance of 1246.80 feet to the place of beginning, containing 30.73 acres of land be the same more or less.

See L. 1011 Deeds P. 844 for Declaration Restriction 3/25/02

Together with the appurtenances and all the estate and rights of the parties of the first part in and to the said premises.

To have and to hold, the above granted premises unto the said party of the second part, its successors and assigns forever.

And the said parties of the first part do covenant with said party of the second part as follows:

First.— That the party of the second part shall quietly enjoy the said premises.

Second.— That the said parties of the first part will forever warrant the title to said premises.

Third.— Subject to the trust fund provisions of section thirteen of the lien law:

In Witness Whereof, The said parties of the first part have hereunto set their hands and seals the day and year first above written.

In Presence of

880
R.L.

John L Benz
Anne B. Benz

State of New York

County of Erie

} ss.

On this 4th day of May, Nineteen Hundred and sixty-four,

before me, the subscriber, personally appeared

JOHN L. BENZ and ANNE B. BENZ, his wife,

to me personally known and known to me to be the same persons described in and who executed the within Instrument, and they severally acknowledged to me that they executed the same.

Marie L Seider



WARIE S. SEIDER
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 30, 1962

RECORDED

MAY 6 11 55 AM '64
CATTARAUGUS COUNTY
CLERK

JOHN L. BENZ and
ANNE B. BENZ, his wife

To 38-515

TOWN OF MACHIAS,
a municipal corporation

Dated May 4th, 1964

State of New York, } ss.
County of Cattaraugus, }
Recorded on the 6th day of
May, 1964 at 11:55 o'clock A.M.
in Liber 650 of Book 355
at page 355 and examined
E. Scott Smith
Clerk

LIBER 650 PAGE 356

James M. Cook, Atty.
Franklinville, N.Y.