

RECORDED ON THE 5 DAY OF June 2003  
AT 9:46 O'CLOCK A M  
IN LIBER 1024 OF Deeds  
AT PAGE 1042 AND EXAMINED

ER1024 PAGE 1042

James K Griffith  
CATTARAUGUS COUNTY CLERK

SPACE RESERVED FOR COUNTY CLERK'S USE ONLY

COUNTY OF CATTARAUGUS  
OFFICE OF THE CLERK  
JAMES K. GRIFFITH, COUNTY CLERK  
303 COURT STREET, LITTLE VALLEY, NY 14755

PHONE: (716) 938-9111 EXT. 2297

FAX: (716) 938-6009

CATTARAUGUS COUNTY CLERK RECORDING PAGE

INSTRUMENT# 05403  
NUMBER OF PAGES 9  
(INCLUDING THIS PAGE)  
INDEX Deed  
KIND Declar  
DESCRIPTION Restrict  
TAX DISTRICT 15

CHECK IF A TAX AFFIDAVIT FILED

CHECK IF IS OR TO BE PRINCIPALLY  
IMPROVED BY A 1 OR 2 FAMILY   
RESIDENCE OR DWELLING.

SERIAL # _____
REAL ESTATE TRANSFER TAX
\$ _____
RECEIVED
_____/_____/_____
CATTARAUGUS COUNTY

MORTGAGE # \_\_\_\_\_

**RECORDING TAX RECEIPT**

BASIC \$ \_\_\_\_\_

SPECIAL \$ \_\_\_\_\_

ADDITIONAL \$ \_\_\_\_\_

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_

JAMES K. GRIFFITH, CO CLERK  
RECORDING OFFICER OF CATTARAUGUS COUNTY

THIS SHEET CONSTITUTES THE CLERK'S ENDORSEMENT REQUIRED BY SECTION 319 OF THE REAL PROPERTY TAX LAW OF THE STATE OF NY

**DO NOT DETACH**

RECEIPT # 84690  
Catt Co Atty

REFERENCES  
742-937  
901-804

ESC \_\_\_\_\_  
CAC \_\_\_\_\_

RECORDED  
JUN 5 9 46 AM '03  
CATTARAUGUS COUNTY  
CLERK

**DECLARATION of COVENANTS and RESTRICTIONS**

**THIS COVENANT**, made the 14<sup>th</sup> day of May, 2003, by the COUNTY OF CATTARAUGUS, a corporation organized and existing under the laws of the State of New York and having an office for the transaction of business at 303 Court Street, Little Valley, New York 14755.

**WHEREAS**, the COUNTY OF CATTARAUGUS is the owner of an inactive hazardous waste disposal site which is listed in the Registry of Inactive Hazardous Waste Disposal Sites in New York State as Site Number 905024, located in the Town of Ischua, County of Cattaraugus, State of New York, which is part of lands conveyed by Donald R. Farwell and Arlene J. Farwell to the County of Cattaraugus by deed dated September 25, 1973 and recorded in the Cattaraugus County Clerk's Office on October 4, 1973 in Book 742 of Deeds at Page 937 and by deed dated May 19, 1990 and recorded in the Cattaraugus County Clerk's Office on June 25, 1990 in Book 901 of Deeds at Page 804, 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 Property is the subject of a consent order issued by the New York State Department of Environmental Conservation to the COUNTY OF CATTARAUGUS; and

**WHEREAS**, the New York State Department of Environmental Conservation set forth a remedy to eliminate or mitigate all significant threats to the environment presented by hazardous waste disposal at the Site in a Record of Decision ("ROD") dated March 30, 2001, and such ROD or the Work Plan for the implementation of the ROD required that the Property be subject to restrictive covenants.

**NOW, THEREFORE**, the COUNTY OF CATTARAUGUS, for itself and its successors and/or assigns, covenants

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, and consists of that property owned by the County of Cattaraugus described in the first Whereas, supra.

Second, unless prior written approval by the New York State Department of Environmental Conservation 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, no person shall engage in any activity that will, or that reasonably is anticipated to, prevent or interfere significantly with any proposed, ongoing or completed program at the Property or that will, or is reasonably foreseeable to, expose the public health or the environment to a significantly increased threat of harm or damage.

Third, the owner of the Property shall maintain the cap covering the Property by maintaining its grass cover or, after obtaining the written approval of the Relevant Agency, by capping the Property with another material.

Fourth, the owner of the Property shall prohibit the Property from ever being used for purposes other than for solid waste management facilities as defined in New York State County Law Section 226-b, without the express written waiver of such prohibition by the Relevant Agency.

Fifth, the owner of the Property shall prohibit the use of 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 Relevant Agency.

REC'D  
CATTARAUGUS COUNTY  
CLERK  
JUN 9 4 45 AM '03  
RECORDED



Sixth, the owner of the Property shall continue in full force and effect any institutional and engineering controls the Department required Respondent to put into place and maintain unless the owner first obtains permission to discontinue such controls from the Relevant Agency and shall operate, maintain and monitor the property in accordance with the Farwell Landfill Comprehensive Document, August, 2001.

Seventh, 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, consents to the enforcement by the Relevant Agency of the prohibitions and restrictions required to be recorded, and hereby covenants not to contest the authority of the Department to seek enforcement.

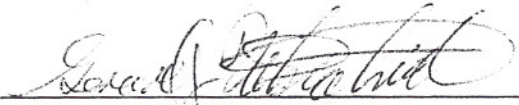
Eighth, any deed of conveyance of the Property, or any portion thereof, shall recite, unless the Relevant Agency has consented to the termination of such covenants and restrictions, that said conveyance is subject to this Declaration of Covenants and Restrictions.

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

IN PRESENCE OF

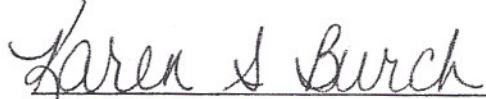
(Corporate Seal)

COUNTY OF CATTARAUGUS

  
GERARD J. FITZPATRICK, Chair  
Cattaraugus County Legislature

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

On this 14<sup>th</sup> day of May, Two Thousand and Three, before me personally came GERARD J. FITZPATRICK, to me personally known, who, being by me duly sworn, did depose and say that he resides at Ellicottville, New York; that he is the Chair of the Legislature of the County of Cattaraugus, the corporation described in and which executed the foregoing instrument; that he knows the seal of the said corporation and that the seal affixed hereto is such corporate seal; that it was so affixed by order of the Cattaraugus County Legislature and that he signed his name thereto by like order.

  
Notary Public

KAREN S. BURCH  
Notary Public  
Cattaraugus County, New York  
2003

04700



# This Indenture

Made the 25<sup>th</sup> day of September

Nineteen Hundred and Seventy-three,

Between DONALD R. FARWELL and ARLENE J. FARWELL, his wife,  
R. D. # 1, Hinsdale, New York 14743 (no street address),

parties of the first part, and

THE COUNTY OF CATTARAUGUS,  
State of New York,

Witnesseth that the parties of the first part, in consideration of

ONE HUNDRED FIFTEEN THOUSAND-----Dollars (\$115,000.00)  
lawful money of the United States,  
paid by the party of the second part, do hereby grant and release unto the  
party of the second part, its successors

and assigns forever, all THAT TRACT OR PARCEL OF LAND, situate in the Town  
of Ischua, County of Cattaraugus and State of New York, known and disting-  
uished as a part of Lot number forty-four, Township Three, Range Three  
of the Holland Land Company's Survey and bounded and described as follows:  
Beginning at the northeast corner of said lot; thence south on the  
lot line to the southeast corner of lands deeded by John H. Farwell  
to Jonathan Davis and Abram Farwell for mill purposes; thence westerly  
along the south bounds of said lot to the center of the highway; thence  
northerly along the center of the highway to the north bounds of lot  
forty-four; and from thence east on lot line to the place of beginning,  
be the same more or less, excepting and reserving however, the part  
thereof owned by the heirs at law or grantees of said Jonathan Davis  
in said mill property.

ALSO, CONVEYING ALL THAT TRACT OR PARCEL OF LAND situate in the Town,  
County and State aforesaid, known and distinguished as the north part  
of lot forty-four, township, range and survey as aforesaid and bounded;  
north by lot forty-five, thirty-eight chains, forty-one links; east  
by lot number nine, fourteen chains, seventy-five links; west by lot  
line, fourteen chains, seventy-five links; and south by a line parallel  
to the north bounds of said lot, thirty-eight chains, thirty-five links,  
to the place of beginning, containing fifty-six and three-fourths acres  
of land more or less. Excepting, however, therefrom all that part thereof  
which was deeded by John H. Farwell to Jonathan Davis and Abram M. Farwell  
for mill purposes.

ALSO CONVEYING ALL THAT TRACT OR PARCEL OF LAND situate in the Town,  
County and State aforesaid, known and distinguished as the north part  
of lot number thirty-six, Town Three, Range Three of said survey, bounded;  
north by lot thirty-seven, forty chains, sixty links; east by lot number  
twenty-eight, fourteen chains, seventy-five links; south by land deeded  
by the Holland Land Company to Jonathan Davis, forty chains, seventy-  
eight links; and west by lot number forty-four, fourteen chains, seventy-  
five links, containing sixty acres more or less.

ALSO CONVEYING ALL THAT TRACT OR PARCEL OF LAND, situate in the Town,  
County and State aforesaid and township and range aforesaid, bounded  
and described as follows: Beginning at the southwest corner of said  
lot, and thence north on lot line, thirty-four chains, sixty-three links  
to the southwest corner of lands formerly owned by Thaddeus Farwell;  
thence east on the south line of said Farwell's land to the center of  
the Ischua Creek; thence southerly along the center of said Ischua Creek  
to the south line of said lot; thence west on the lot line to the place  
of beginning, containing eighty-nine acres more or less.

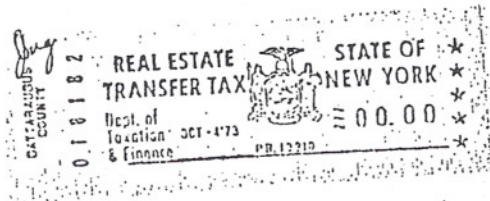


FOREGOING PREMISES ARE ALSO BOUNDED AND DESCRIBED AS FOLLOWS:  
ALL THAT TRACT OF PARCEL OF LAND, situate in the Town of Ischua, County of Cattaraugus and State of New York, being part of Lot 44 and 45, Township 3, Range 3 of the Holland Land Company's survey and bounded and described as follows:

Beginning at the southwest corner of Lot 45; thence North 0° 54' 30" east along the west bounds of Lot 45 a distance of 2285.58 feet to a point; thence south 89° 51' 30" east a distance of 835.42 feet to a point in the center of the Pennsylvania Railroad; thence southerly along the centerline of said Railroad to the centerline of Farwell Road; thence North 75° 13' 30" east along said centerline a distance of 79.6 feet to the center of Ischua Creek; thence southerly along center of said creek a distance of 660+ to the south bounds of Lot 45 and north bounds of Lot 44; thence south 89° 49' east along said Lot line a distance of 170 feet to a point; thence south 21° 29' east a distance 378.84 feet to a point; thence south 89° 49' east a distance of 419.1 feet to a point in the east bounds of Lot 44; thence south 0° 11' west along the east bounds of Lot 44 a distance of 676.5 feet to a point; thence north 89° 49' west a distance of 115.5 feet to the centerline of Route 16; thence South 0° 38' 30" east along the centerline of Route 16 a distance of 818.81 feet to a point; thence north 89° 28' west a distance of 561.0 feet to a point; thence south 0° 32' west a distance of 162.0 feet to a point; thence north 89° 54' west a distance of 710.26 feet to a point in the centerline of the Pennsylvania Railroad thence southerly along the centerline of said railroad to the south bounds of Lot 44; thence south 89° 34' west along the south bounds of Lot 44 a distance of 1212.88 feet to the west bounds of Lot 44; thence north 0° 54' 30" east a distance of 3940.86 feet to the north bounds of Lot 44 and the point of beginning containing 230.70 acres of land more or less.

EXCEPTING AND RESERVING ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Ischua, County of Cattaraugus and State of New York, known and distinguished as being part of Lot No. 45, township 3, range 3 of the Holland Land Company Survey bounded and described as follows: Beginning at a point in the centerline of Farwell Road on Lot No. 45 which said point is south 84° 18' 30" east, measured along the centerline of Farwell Road a distance of 1024.25 feet from the intersection of the centerline of Farwell Road and the west boundary line of Lot No. 45; thence south 4° 47' 30" west from the point of beginning 612.14 feet to a point; thence south 85° 51' 30" east a distance of 637.84 feet to a point in the centerline of the Pennsylvania Railroad right of way and which said point is 91.5 feet northerly, measured along the centerline of said Railroad from the intersection of said Railroad and the south boundary of Lot No. 45; thence northeasterly along the centerline of the right of way of the Pennsylvania Railroad to the intersection of the centerline of said Railroad and the centerline of said Farwell Road; thence south 82° 19' 30" west along the centerline of Farwell Road a distance of 313.94 feet to an angle point therein; thence north 64° 51' 30" west along the centerline of said Farwell Road a distance of 253.62 feet to an angle point in said Farwell Road; thence north 84° 18' 30" west along the centerline of Farwell Road a distance of 128.56 feet to the place and point of beginning containing 9.34 acres be the same more or less; all of the foregoing 9.34 acres more or less being a portion of the premises once described in a Deed dated May 4, 1973 Clement H. Farwell to Donald R. Farwell and Arlene J. Farwell recorded May 7, 1973 in Liber 738 of Deeds at Page 355.

The net acreage hereby described is calculated as follows:  
Total-----230.70  
Less EXCEPTION-----9.34  
Net acres described-----221.36 acres.



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

We have and to hold the premises herein granted unto the party of the second part, its successors and assigns forever.

And said parties of the first part

covenant s as follows:

First, That the party of the second part shall quietly enjoy the said premises;

Second, That said parties of the first part

will forever Warrant the title to said premises.

Third, That, in Compliance with Sec. 13 of the Lien Law, the grantor s will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

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

In Presence of

Donald R. Farwell  
DONALD R. FARWELL  
Arlene J. Farwell  
ARLENE J. FARWELL

State of New York ss. On this 25<sup>th</sup> day of September  
County of Allegany ss. Nineteen Hundred and Seventy-three,  
before me, the subscriber, personally appeared

Donald R. Farwell and Arlene J. Farwell

to me personally known and known to me to be the same person s described in and who executed the within Instrument, and t he y acknowledged to me that t he y executed the same.

Peter R. Sprague  
Notary Public

PETER R. SPRAGUE  
Notary Public, State of New York  
Residing in Allegany Co. Clerk's No. 723  
Commission Expires March 30, 1975.

STATE OF NEW YORK SS.  
COUNTY OF CATTARAUGUS  
RECORDED Oct. 4, 1973  
AT 11:36 AM IN LIBER 742  
PAGE 937 OF 1000  
AND EXAMINED

Maryetta T. Tucker CLERK

LIBER 1024 PAGE 1047



Form 1583S N.Y. DEED--WARRANTY with Lien Covenant

LIBER 901 PAGE 804

BROOKHOLM LEGAL SUPPLY INC. PUBLISHERS, 78 HOLLAND ROAD  
P.O. BOX 1624, BROOKHOLM, NEW YORK 11992-1624

**This Indenture**, Made the 19th day of  
May Nineteen Hundred and Ninety  
Between

DONALD R. FARWELL and ARLENE J. FARWELL, husband and wife, residing  
at R.D. 1, Hinsdale, New York 14743

parties of the first part, and

THE COUNTY OF CATTARAUGUS, a municipality with a place for the  
transaction of buisness at Court Street, Little Valley, New York  
14755

Witnesseth that the party of the first part, in consideration of

ONE ----- Dollar (\$ 1.00 )

lawful money of the United States,  
paid by the party of the second part, does hereby grant and release unto the  
party of the second part, its successors and assigns forever, all

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Ischua,

County of Cattaraugus and State of New York, known and distinguished as being  
part of Lot No. 45, Township 3, Range 3 of the Holland Land Company Survey  
bounded and described as follows:

BEGINNING at a point in the centerline of Farwell Road on Lot No. 45  
which said point is south 84° 18' 30" east, measured along the centerline of  
Farwell Road a distance of 1024.25 feeet from the intersection of the centerline  
of Farwell Road and the west boundary line of Lot No. 45; thence south 4° 47' 30"  
west from the point of beginning 612.14 feet to a point; thence south 85° 51' 30"  
east a distance of 637.84 feet to a point in the centerline of the Pennsylvania  
Railroad right of way and which said point is 91.5 feet northerly, measured along  
the centerline of said Railroad from the intersection of said Railroad and the  
south boundary of Lot No. 45; thence northeasterly along the centerline of the  
right of way of the Pennsylvania Railroad to the intersection of the centerline  
of said Railroad and the centerline of said Farwell Road; thence south 82° 19'  
30" west along the centerline of Farwell Road a distance of 313.94 feet to an  
angle point therein; thence north 64° 51' 30" west along the centerline of said  
Farwell Road a distance of 253.62 feet to an angle point in said Farwell Road;  
thence north 84° 18' 30" west along the centerline of Farwell Road a distance of  
128.56 feet to the place and point of beginning. Containing 9.34 acres be the  
same more or less; all of the foregoing 9.34 acres more or less being a portion  
of the premises once described in a deed dated May 4, 1973 Clement H. Farwell to  
Donald R. Farwell and Arlene J. Farwell recorded May 7, 1973 in Liber 738 of  
Deeds at Page 355.

04283

RECEIVED  
EXCHG  
REAL ESTATE  
JUN 25 1990  
TRANSFER TAX  
CATTARAUGUS  
COUNTY

Together with the appurtenances and all the estate and rights of the part ies of the first part in and to said premises,  
To have and to hold the premises herein granted unto the part y of the second part, and assigns forever.

And said part ies of the first part covenant as follows:  
First, That the part y of the second part shall quietly enjoy the said premises;

Second, That said part ies of the first part will forever Warrant the title to said premises.

Third, That, in Compliance with Sec. 13 of the Lien Law, the grantor will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

In Witness Whereof, the part ies of the first part have hereunto set their hand and seal the day and year first above written.

In Presence of

*Donald R. Farwell*  
DONALD R. FARWELL

*Arlene J. Farwell*  
ARLENE J. FARWELL

State of New York } ss. On this 19th day of May  
County of Cattaraugus } Nineteen Hundred and Ninety

before me, the subscriber, personally appeared  
DONALD R. FARWELL and ARLENE J. FARWELL

to me personally known and known to me to be the same person described in and who executed the within instrument, and they acknowledged to me that they executed the same.

*Raymond W. Bulson*  
Notary Public 11/30/90  
day of

State of New York } ss. On this  
County of } Nineteen Hundred and

before me, the subscriber, personally appeared

to me personally known and known to me to be the same person described in and who executed the within instrument, and he acknowledged to me that he executed the same.

Notary Public

**Beed**

Warranty With Lien Covenant

DONALD R. FARWELL and  
ARLENE J. FARWELL

45-3/3

TO

COUNTY OF CATTARAUGUS  
Att: Beth Newman

19

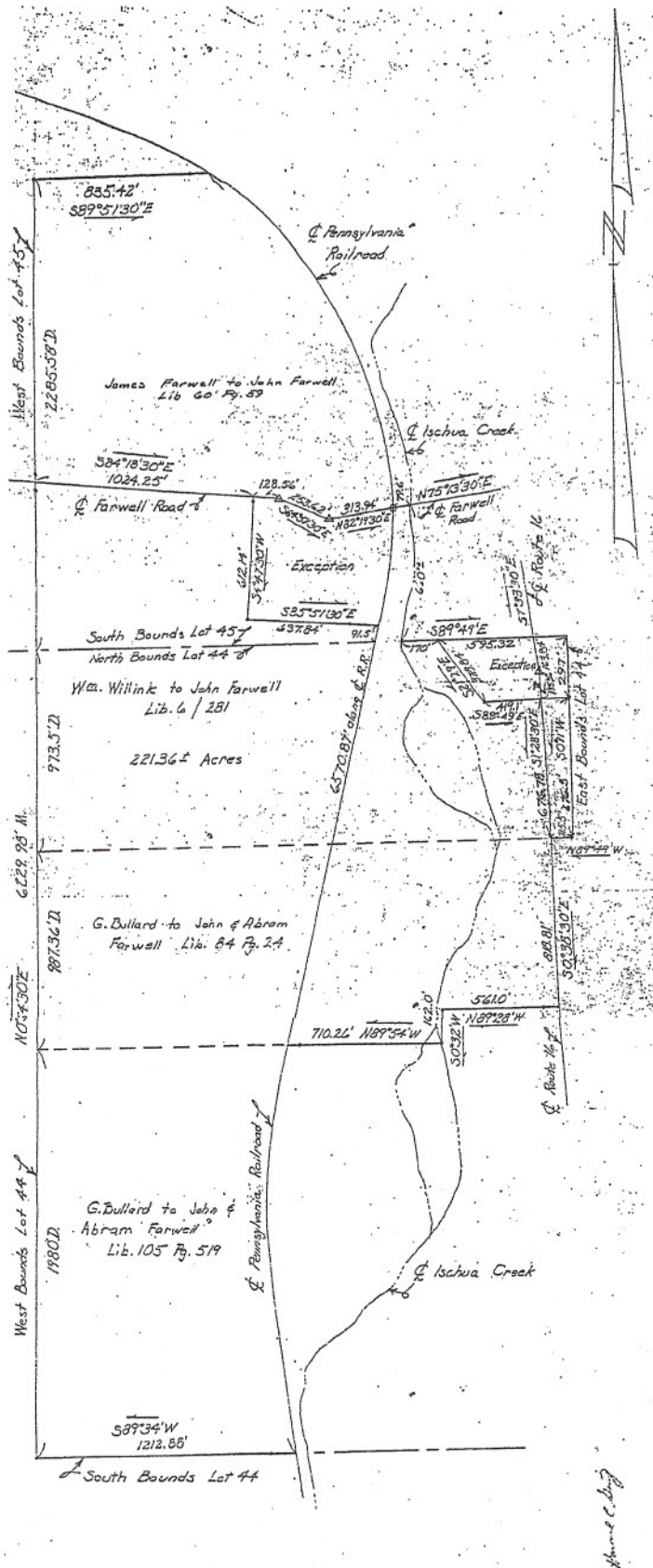
Dated,

STATE OF NEW YORK SS.  
COUNTY OF CATTARAUGUS  
RECORDED JUN 25, 1990  
AT 2:03PM IN LIBER 901  
PAGE 804 OF *None*  
AND EXAMINED  
*Glenn Bilotta* CLERK

LIB 901 PAGE 805

Raymond W. Bulson  
Attorney at Law  
6 South Main Street  
Pottsville, New York 14770





Note: • Indicates Iron Pin

MAP OF LANDS IN THE TOWN OF ISCHUA, CATTARAUGUS COUNTY, NEW YORK  
 Lots 44 & 45, T.3, R.3 N.C. Scale: 1" = 400' August 17, 1973.

Survey & Map by: Howard C. Garwitz P.L.S. 13376  
 741 Main Street  
 West Valley, New York