

%% RECEIPT
 Chautauqua County Clerk
 Sandra K. Sopak
 County Clerk

REC: 00507361 OPR: STRANDBK
 JAECKLE FLEISCHMANN & MUGEL LLP
 12 FOUNTAIN PLAZA
 800 FLEET BANK BLDG
 BUFFALO, NY 14202

DESCRIPTION	TRANS AMOUNT
COUNTY	51.50
SED/CEA	19.00
Total Fees	70.50
AMENDED DECLAR # DE2011001561 DATE: 04/18/2011 TIME: 03:33:05 P/P D 02718 0201 ControlM 201104180202 1 VACAIR ALLOYS DIVISION OF KEYW ELL L L C 2 VACIAR ALLOYS DIVISION OF KEYW ELL L L C	
RECEIPT TOTAL	70.50
K CHECK	70.50
TOTAL AMOUNT TENDERED	70.50
TOTAL CHANGE RETURNED	.00
PAYMENT TOTAL	70.50

COPY

DECLARATION OF COVENANTS AND RESTRICTIONS AMENDMENT

THIS COVENANT is made the 14th day of APRIL, 2011 by VacAir Alloys Division of Keywell L.L.C., a limited liability company organized and existing under the laws of the State of Illinois, authorized to do business in the State of New York and having an office for the transaction of business at 11900 South Cottage Grove, Chicago, Illinois 60628.

WHEREAS, the Keywell L.L.C. VacAir Division site is the subject of Order on Consent Index# B9-0333-90-05 fully executed on November 30, 1992 as part of the New York State Department of Environmental Conservation's (the "Department's") Inactive Hazardous Waste Site Remedial Program, namely that parcel of real property located on Falconer Road in the Town of Carroll, County of Chautauqua, State of New York, which is subject to a Declaration of Covenants and Restrictions dated February 19, 1997 and recorded in the Chautauqua County Clerk's Office on March 3, 1997 in Book 2361 of Deeds at Page 856 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 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 the noted restrictive covenants.

WHEREAS, the Department has determined that such restrictive covenants must be amended to assure the protection of human health and the environment.

NOW, THEREFORE, VacAir Alloys Division of Keywell L.L.C., for itself and its successors and/or assigns, additionally covenants that:

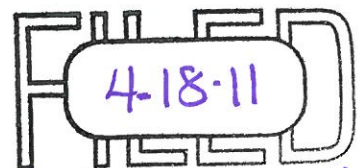
First, if the Property is changed by the addition of a separate building to be used solely as an office then a Department approved soil vapor investigation must be conducted at such building unless an approvable soil vapor mitigation system is installed in the new structure in the first instance.

Second, if the Property is used for any other purpose than industrial, a Department approved soil vapor investigation must be conducted at the Property, unless an approvable soil vapor mitigation system is installed at the Property in the first instance in connection with such change of use.

Third, this amended 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 its enforcement by the Department and hereby covenants not to contest the authority of the Department to seek enforcement.

Fourth, any deed of conveyance of the Property, or any portion thereof, shall recite, unless the Department has consented to the termination of such covenants and restrictions,

CHAUT CO. CLERK'S OFFICE



AT 3:33 OCLOCK PM

that said conveyance is subject to the already recorded and this amended Declaration of Covenants and Restrictions.

IN WITNESS WHEREOF, the VacAir Alloys Division of Keywell L.L.C. undersigned has executed this instrument the day written below.

VacAir Alloys Division of Keywell L.L.C.

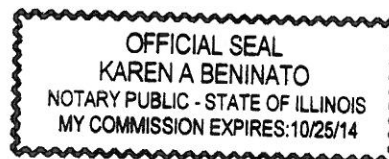
By: Ronald G. Gostek
Name: RONALD G. GOSTEK
Title: SENIOR VICE PRESIDENT

STATE OF ILLINOIS)
COUNTY OF COOK) SS:

On this the 14th day of April, 2011, before me, the undersigned, a Notary Public, personally appeared Ronald Gostek, 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/she executed the same in his/her capacity and that by his/her signature on the instrument, the individual or the person on behalf of which the individual acts, executed the instrument in Chicago, Illinois.

Karen A Beninato
Notary Public

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DECLARATION OF COVENANTS AND RESTRICTIONS

The VacAir Alloys Division of the Keywell Corporation, owner in fee simple of certain real property, as described below, in accordance with the Order of Consent issued by New York State Department of Environmental Conservation on October 21, 1996, hereby imposes the following covenants and restrictions on the described real estate (the "VacAir Property") which has been identified as Site Number 907016 in the New York State Department of Environmental Conservation's Registry of Inactive Hazardous Waste Disposal Sites and located in Frewsburg, Town of Carroll, County of Chautauqua, New York ("VacAir Site"):

Being part of Lot 55, Township 1, Range 10, Holland Land Company Survey, Town of Carroll, Chatauqua County, New York State.

Beginning at the southwest corner of lands conveyed to Samuel G. Keywell Company, Inc. by Liber of Deed 2147 at Page 300. Said point being N 0° 02'-33" W a distance of 295.68' from the south line of Lot 55.

Thence N 0° 02'-33" W on the west line of Keywell Company at distance of 809.58' to a point.

Thence S 89° 25'-45" E a distance of 37.36' to the principle point of beginning.

Thence S 89° 25'-45" E a distance of 637.88' to a point.

Thence S 2° 48'-57" E a distance of 277.95' to a point.

Thence S 39° 52'-43" E a distance of 33.59' to a point.

Thence N 85° 54'-25" E a distance of 78.88' to a point.

Thence N 42° 20'-32" E a distance of 33.80' to a point.

Thence N 1° 40'-31" W a distance of 431.39' to a point.

Thence N 87° 10'-10" E a distance of 209.28' to a point.

Thence N 5° 46'-01" E a distance of 550.11' to a point.

Thence N 86° 38'-11" W a distance of 131.33' to a point.

Thence N 22° 10'-09" W a distance of 40.06' to a point.

Thence N 8° 44'-35" W a distance of 91.02' to a point.

Thence N 12° 13'-57" E a distance of 47.68' to a point.

Thence N 84° 10'-13" W a distance of 115.73' to a point.

Thence N 17° 53'-07" W a distance of 160.78' to a point.

2147
300 ✓

1000

Thence N 8° 37'-48" W a distance of 148.3' to a point.
 Thence S 87° 23'-31" W a distance of 113.13' to a point.
 Thence S 54° 17'-03" W a distance of 363.59' to a point.
 Thence S 7° 53'-34" W a distance of 200.07' to a point.
 Thence S 23° 38'-36" W a distance of 313.78' to a point 38.81' east of
 the West Line of Keywell Company,
 Thence S 0° 08'-14" W a distance of 463.69' to the principle point of
 beginning containing 21.05 acres of land more or less.

The above described parcel of land of a portion of lands conveyed
 to Samuel G. Keywell Company, Inc. by Liber of Deeds 2147 at
 Page 300 as shown on a survey prepared by Gary E. Krull Land
 Surveyor dated July 24, 1991.

The following covenants and restrictions are imposed on the VacAir
 Property, its present and any future owners, their authorized agents, assigns,
 employees or persons acting under their direction or control, for the purpose of
 protecting public health and the environment and preventing interference with
 remedial action work and maintenance work approved by the New York State
 Department of Environmental Conservation ("NYSDEC").

1. During the period of time for which the terms of the Order of
 Consent apply, any and all parties who may acquire any interest in any portion
 of the VacAir Site are hereby notified that on October 21, 1996, the NYSDEC
 entered an Order of Consent, a copy of which is attached hereto as Exhibit 1,
 which requires that specific remedial work and other requirements, as set forth
 in the NYSDEC's Record of Decision and the "Remedial Design Scope of Work,
 VacAir Alloys Division, Frewsburg, New York", be performed and completed at
 the VacAir Site.

2. During the period of time for which the terms of the Order of
 Consent apply, the Order of Consent runs with the VacAir Property and will

follow the VacAir Property should there be any transfer or conveyance of the VacAir Property to subsequent owners.

3. During the period of time for which the terms of the Order of Consent apply, any and all present and/or future owners of the VacAir Property wishing to transfer or convey the whole or any part of their ownership interest in the VacAir Property, must, not fewer than sixty(60) days of the date of transfer or conveyance, notify the NYSDEC in writing of the identity of the transferee and of the nature and proposed date of the conveyance and must notify the transferee in writing, with a copy to the NYSDEC, the applicability of the Order of Consent.

All of the above restrictions shall run with the land and continue during the period of time for which the terms of the Order of Consent apply.

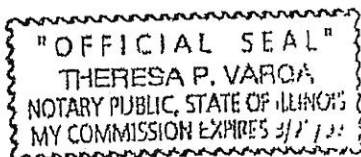
IN WITNESS WHEREOF, the VacAir Alloys Division of the Keywell Corporation has caused these Declarations of Covenant and Restrictions to be executed this 19th day of FEBRUARY, 1997.

By: [Signature] President
P.C.D.

SUBSCRIBED AND SWORN TO
before me this 19th day of
February, 1997

[Signature: Theresa P. Varca]
Notary Public

JEH/Key077



State of New York
Chautauque County ss.
Recorded 402 3 1997
at 407 o'clock P.M. in
Book 2361 of deeds
Page 858 and examined
[Signature]
Clerk

RECEIVED
CHAUTAUCQUE COUNTY CLERK
57 MAR -3 PM 4:07