

ERIE COUNTY CLERK'S OFFICE



County Clerk's Recording Page

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Book Type: D Book: 11219 Page: 1336

Page Count: 6

Doc Type: NT FILING

Rec Date: 03/12/2012

Rec Tim: 10:00:13 AM

Control #: 2012058602

UserID: Diane

Receipt#: 12038669

Document Sequence Number

Party 1:

NEW YORK STATE DEPT OF
ENVIRONMENTAL CONSERVATION

Party 2:

Consideration Amount:

Recording Fees:

Fee 1	\$50.00
Fee 2	\$1.00
COE STATE \$14.25 GEN	\$14.25
COE STATE \$4.75 RM	\$4.75

BASIC	\$0.00
SONYMA	\$0.00
ADDL	\$0.00
NFTA MT	\$0.00
TRANSFER	\$0.00
NFTA TT	\$0.00

Total: \$70.00

STATE OF NEW YORK
ERIE COUNTY CLERK'S OFFICE

WARNING - THIS SHEET CONSTITUTES THE CLERK'S ENDORSEMENT REQUIRED
BY SECTION 319&316-a (5) OF THE REAL PROPERTY LAW OF THE STATE OF NEW
YORK. DO NOT DETACH. THIS IS NOT A BILL.

Christopher L. Jacobs
COUNTY CLERK

ENVIRONMENTAL NOTICE

THIS ENVIRONMENTAL NOTICE is made the 22 day of November 2011, 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, that parcel of real property located at 302 Abby Street in the City of Buffalo, County of Erie, State of New York, which is part of lands conveyed to the City of Buffalo by Referee's Deed dated December 9, 1992 and recorded in the Erie County Clerk's Office on December 18, 1992 in Book 10576 of Deeds at Page 92, Tax Map Number 132.12-1-21, and that parcel of real property identified as Abby Street, both parcels being more particularly described as "Parcels 2 and 4" on the survey attached to this Notice and made a part hereof and hereinafter referred to as "the Property", are the subject of a remedial program performed by the Department; and

WHEREAS, the Property is part of an inactive hazardous waste disposal site known as the Alltft Landfill Site (the "Site") which is listed in the Registry of Inactive Hazardous Waste Disposal Sites in New York State as Site Number 915054; 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 part of lands subject to this Environmental Notice is as shown on a map attached to this Notice as Appendix "A" 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 Operations, Maintenance, and Monitoring Manual (OM&M Manual), March 2006, and the Construction Certification Report ("CCR"), April 2006, 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. The OM&M Manual and CCR are available from the Department. A violation of this provision is a violation of 6 NYCRR 375-1.1(b)(2).

THIRD, no person shall disturb, remove, or otherwise interfere with the installation, use, operation, and maintenance of engineering controls required for the Remedy, including but not limited to those engineering controls described in the OM&M Manual and the CCR unless in each instance they first obtain a written waiver of such prohibition from the Department or Relevant Agency.

70H-5 - 58602


Site Name: Alltiff Landfill
Site No.: 915054
302 Abby Street, Buffalo, New York
County of Erie
Tax Map: 132.12-1-21

FOURTH, the remedy was designed to be protective for commercial/industrial use. Therefore, any use for purposes other than commercial/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, the 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 has executed this instrument the day written below.

By: 
Dale A. Desnoyers, Director
Division of Remediation

STATE OF NEW YORK) ss:
COUNTY OF ALBANY)

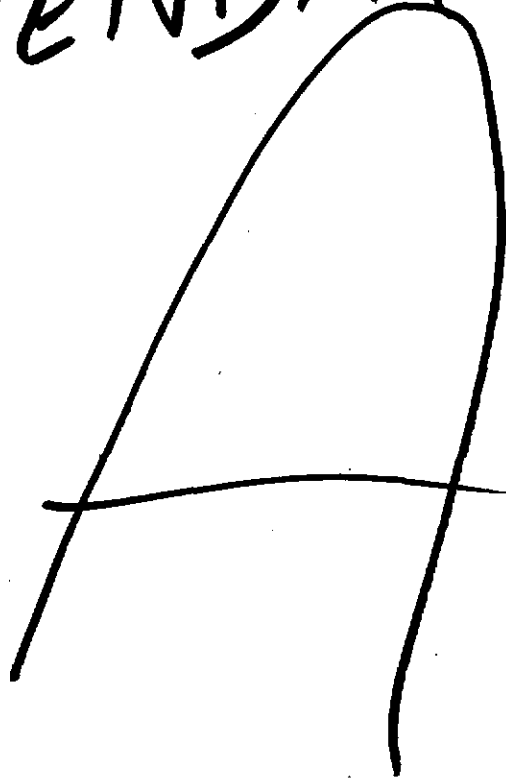
On the 22nd day of November, in the year 2011, before me, the undersigned, personally appeared Dale Desnoyers, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the 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 the individual acted, executed the instrument.

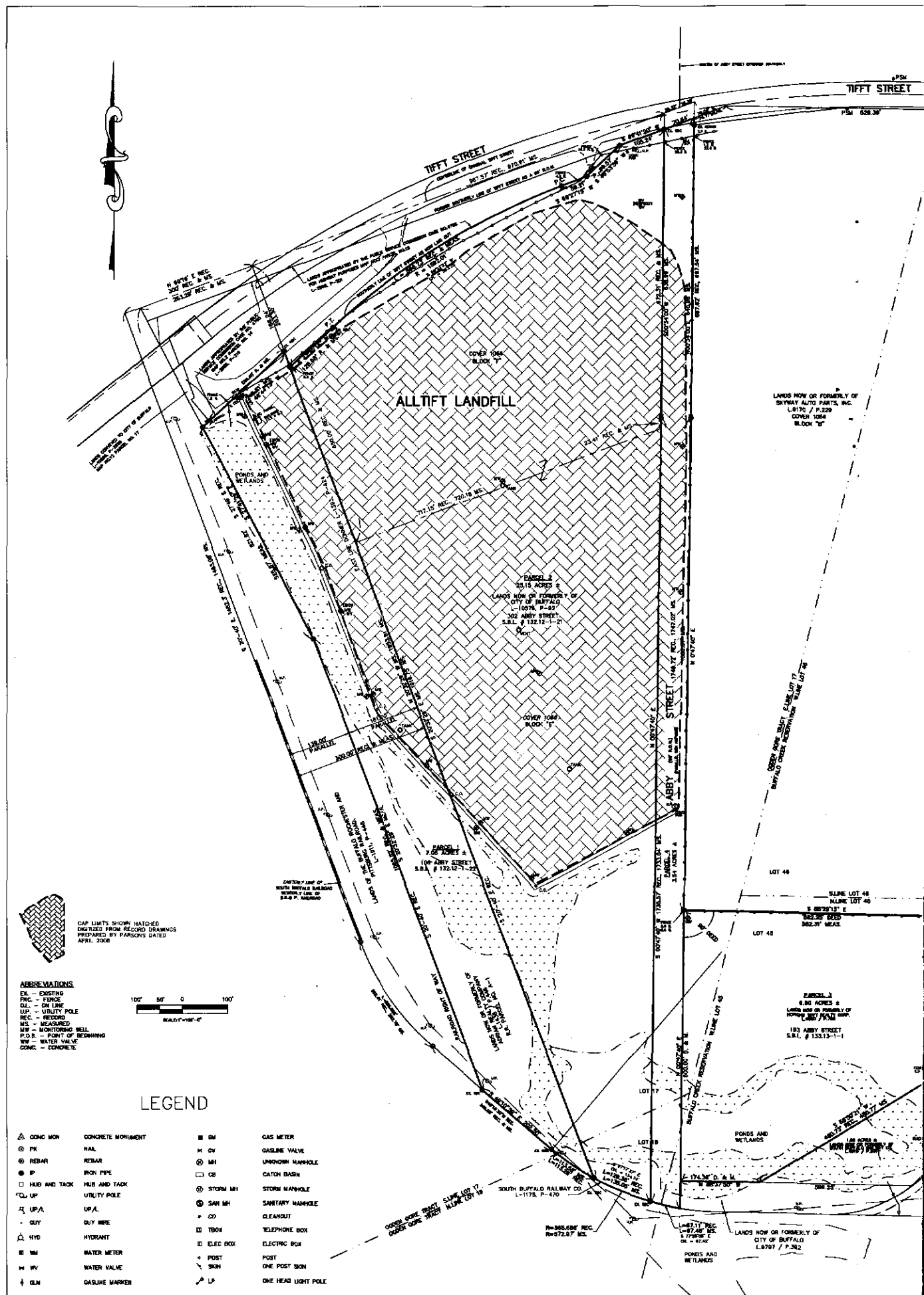

Notary Public – State of New York

David J. Chiusano
Notary Public, State of New York
No. 01CH5032146
Qualified in Schenectady County
Commission Expires August 22, 2014

APPENDIX A

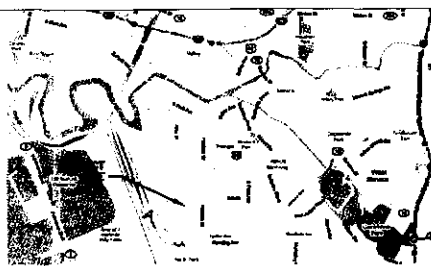
APPENDIX





1. THE SUBJECT PROPERTY IS LOCATED IN ZONE X (AREA OF MINIMAL FLOODING PER FIRM FLOOD INSURANCE RATE MAP). COMMUNITY PANEL NO. 38029 C 0327 06, EFFECTIVE DATE SEPTEMBER 28, 2008 AND 38029 C 0329 C PANEL NO. 38029 C 0327 06 (NO SPECIAL FLOOD AREAS).

2. THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAINAGES. THE SURVEYOR MAKES NO GUARANTEES THAT THE UNDERGROUND UTILITIES SHOWN CORRELATE ALL SUCH UTILITIES IN THE AREA. EITHER BEFORE OR AFTER CONSTRUCTION, THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED THOUGH THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES. THE CONTRACTOR SHALL CONFIRM



LOCATION MAP
not to scale

PARCEL 1 ADRIAN REALTY CO.
ABSTRACT BY STEWART TITLE No. 548772, DATED 5/18/70

[illegible]

AS SURVEYED DESCRIPTION

[illegible]

PARCEL 3 HOPKINS TRFT REALTY CORP.
ABSTRACT BY STEWART TIDE NO. 848714 DATED 5-28-01

[illegible]

AS SURVEYED DESCRIPTION

ALL THAT TRACT OR PARCELS OF LAND situate in the City of Buffalo, County of Erie and State of New York, being part of Lot No. 43 of the Buffalo Creek Indian Reservation and part of Lot No. 17 of the Buffalo Creek Indian Reservation, as shown on a certain survey map of the Buffalo Creek Indian Reservation, made and recorded in the Erie County Clerk's Office under Case No. 1008, being more particularly described as follows:

BEGINNING at the point of intersection of the east line of Albany street with the north line of Colgate Avenue (hereinafter referred to as "Point A") along the east line of Albany street, 500 feet; thence S 89° 47' 40" E along the east line of Albany street, 134.36 feet to the South Buffalo Railway Company by record recorded in the Erie County Clerk's Office in Liber 4019 of Deeds at page 841 on November 13 1946; thence S 00° 47' 40" E along said west line of said north line on conveyed 340.00 feet to an angle point; thence S 89° 52' 21" W along the said north line of Colgate Avenue, 174.36 feet to the Point of Beginning; thence S 89° 52' 21" W along the said north line of Colgate Avenue, 174.36 feet to the Point of Beginning.

PARCEL 2 CITY OF BUFFALO - PERFECTING TITLE
ABSTRACT BY STEWART TITLE No. 548723 DATED 5/18/10

RECORD DESCRIPTION:
PARCEL NO. 1
ALL THAT TRACT OR PARCEL OF LAND situated in the City of Buffalo, County of Erie and State of New York, bounded and described as follows:
To-wit: A certain lot of land in Block 1 of the 1st Street where the same would be intersected by a certain alleyway on the southerly line of Abby Street on the same is now owned by the Buffalo Electric Railway Company, bounded on the north by the southerly line of the Erie Railroad for a distance of \$62.72 feet to the southerly line of lands conveyed to William H. Dwyer by Deed of Conveyance No. 1000 of the Erie Railroad Company, dated the 10th day of May, 1890, and on the south by the southerly line of the Erie Railroad for a distance of 100 feet, and on the east by the southerly line of the Erie Railroad for a distance of 171.10 feet to the southerly line of the patented Abby Street for a distance of 33.41 feet on an angle point, thence continuing northerly and along the southerly line of the property owned by the Buffalo Electric Railway Company for a distance of 100 feet to the southerly line of the Erie Railroad, containing 1,784.00 acres and as the lands within the line of 1st Street marked, Block 1, on a certain map made in the Erie Railroad Company's map of the City of Buffalo, New York, dated the 10th day of May, 1890.

PARCEL NO.

ALSO ALL THAT TRACT OR PARCEL OF LAND situate in the City of Bufile, County of Bufile, State of Bufile, and bounded as follows, to-wit: Beginning at a point in the westerly line of the proposed Abby Street hereinafter described where the same would be intersected by the westerly line of lands described in Parcel No. 1, and extending easterly along the westerly line of said lands for a distance of 1,712.11 feet to the northerly line of lands conveyed to the South Bufile Railroad Company by deed recorded in the Erie County Clerk's Office in Parcel No. 1, and then southerly along the northerly line of said lands with a radius of 563.95 feet, for a distance of 128.35 feet to the easterly line of lands conveyed to William H. Danner by deed recorded in the Erie County Clerk's Office in Parcel No. 1, and then southerly along the easterly line of said lands for a distance of 1,506.17 feet to the westerly line of the lands described in Parcel No. 1, and then southerly along the westerly line of said lands for a distance of 721.15 feet to the westerly line of the proposed Abby Street at the place of beginning, containing 0.71 acres more or less, "to be known as the Bufile Block," an

AS SURVEYED DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND situate in the City of Buffalo, County of Erie and State of New York, being part of Lot Nos. 17 and 18 of the Ogden Cove Tract and as shown on a map filed in the Erie County Clerk's Office under Cover No. 1008 as being Block E and part of Block F, bounded and described as follows:

[illegible]

PARCEL 4, ABBY STREET
ABSTRACT BY STEWART TITLE No. 546775, DATED 5/18/19

RECORD DESCRIPTION

All THAT TRACT OR PARCEL OF LAND situated in the City of Buffalo, County of Erie and State of New York, bounded and described as follows:

To begin at a point on the corner of Elm Street where the same would be intersected by the extension southerly of the center line of Abby Street as the same is now shown on a plan of record; thence northwesterly along the center line of Abby Street for a distance of 670.32 feet to a point; thence northeasterly and parallel with Hoskins Street for a distance of 293.31 feet to an angle point; thence southeasterly and parallel with Hoskins Street for a distance of 293.31 feet to another angle point; thence southwesterly and parallel with Hoskins Street for a distance of 87.11 feet to a point; thence northeasterly and parallel with Hoskins Street for a distance of 1,748.72 feet to an angle point; thence southeasterly and parallel with Hoskins Street for a distance of 1,748.72 feet to the center line of Elm Street; thence northwesterly and along the center line of Elm Street for a distance of 35.32 feet to the

A5 SURVEYED DESCRIPTION

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

BEING one of a point in the corner of the lot in the 1st Ward where the same would be intersected by a point in the corner of the corner lot of Abby Street, the same is now located north of Tenth Street, thence northeasterly and along the said center line of Tenth Street, 55.51 feet to a point; thence S 03°04'00" W and parallel with the center line of Tenth Street, 177.472 feet to a point; thence S 89°54'00" W and parallel with Hopkins Street, 17.732 feet to the north line of lands conveyed to the South Buffalo Railway Company by deed recorded in the Erie County Clerk's Office in Liber 117 of Deeds at page 470; thence northeasterly on a curve to the left with a radius of 672.67 feet and an angle of 110°00'00" to a point; thence northeasterly and along the center line of Hopkins Street, 174.7702 feet to an angle point; thence N 02°00'00" E and parallel with Hopkins Street, 88.914 feet to the corner line of Tenth Street; thence northeasterly and along the center line of Tenth Street, 55.51 feet to the

SURVEY CERTIFICATION

TO NEW YORK STATE - DEPARTMENT OF ENVIRONMENTAL CONSERVATION

THIS IS TO CERTIFY THAT THIS MAP OR PLAN AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE MINIMUM STANDARD TECHNIQUE REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS JOINTLY ESTABLISHED AND ADOPTED BY ALTA, ACSM AND NPS IN 2008 AND PURSUANT TO THE RECOGNITION STANDARDS APPROVED BY ADOPTED BY AIAA AND AIAA EFFECTIVE DATE OF THESE CERTIFICATIONS). THE UNDERSIGNED FURTHER CERTIFIES THAT IN MY PROFESSIONAL OPINION, THE RELATIVE POSITIONAL ACCURACY OF THIS SURVEY DOES NOT EXCEED THAT WHICH IS SPECIFIED THEREIN.

DATE: Jun-25, 2010

Latest Revision 6/23/2011

DOUGLAS R. HAGER
PROFESSIONAL LAND SURVEYOR NO. 090254

ALTA/ACSM LAND TITLE SURVEY

PART OF LOT 45, T 10, R 7
PART OF LOTS 17 & 18 OF THE OGDEN GORE TRACT
CITY OF BUFFALO, COUNTY OF ERIE, STATE OF NEW YORK

ALLTFT LANDFILL
SITE CODE 9-15-054

[illegible]