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ONEIDA COUNTY CLERK
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ONEIDA COUNTY CLERK *Richard D. Allen*

TRANSACTION NUMBER 2624
Declaration of Restrictive Covenants
TYPE OF INSTRUMENT

Charles A. Gaetano
FIRST PARTY

SECOND PARTY

Frances Blazer, Esq.
RECEIVED FROM

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8
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	SPECIAL ADDL _____
	MORTGAGE TAX TOTAL _____
TOTAL RECORDING FEES <u>39</u>	

**** THIS PAGE IS PART OF THE INSTRUMENT ****

I HEREBY CERTIFY THAT THE WITHIN AND FOREGOING WAS RECORDED IN THE CLERK'S OFFICE OF ONEIDA COUNTY, NEW YORK.

TERMINAL ID 2
INITIALS R

THIS SHEET CONSTITUTES THE CLERK'S ENDORSEMENT, REQUIRED BY SECTION 316 OF THE REAL PROPERTY LAW OF THE STATE OF NEW YORK. DO NOT DETACH. THIS PAGE IS PART OF THE RECORDED INSTRUMENT.

RETURN TO: (NAME) Frances Blazer, Esq. BOOK 2954 PAGE 168
(ADDRESS) P O Box 807
Vernon, NY 13476



DECLARATION OF RESTRICTIVE COVENANTS

THIS DECLARATION OF RESTRICTIVE COVENANTS (the "Deed Restriction") is made this ²⁴ day of Jan., 2001 by CHARLES A. GAETANO (the "Owner"), the owner of property located between Railroad and Mill Streets in the City of Rome, County of Oneida, which was formerly owned by the General Cable Company (the "Site"). The Site was subdivided in an approval granted by the City of Rome Planning Board on April 1, 1997. This Deed Restriction relates to the following parcels in that subdivision: Parcel No. 4 (2.578 acres) ("Parcel No. 4 Property") and the parcels that make up the Railroad Street Property. The Railroad Street Property is comprised of the following three (3) parcels: Parcel No. 3 a/k/a "Bldgs 33/39 Property" - 1.458 acres located to the west of the Parcel No. 4 Property; Parcel No. 2 - 2.019 acres located to the north of the Parcel No. 4 Property; and Parcel No. 1 - 1.500 acres located to the northwest of the Parcel No. 4 Property. The Parcel No. 4 Property and the parcels that make up the Railroad Street Property are referred to hereunder as the "Northern Redevelopment Area." They are more fully described in the property description set forth in the attached Exhibit A.

RECITALS

1. The Owner has entered into a Voluntary Remedial Agreement with the New York State Department of Environmental Conservation (the "Department") in the Matter of the Implementation of a Remedial Response for the Old General Cable Site a/k/a the Central Core of the East Rome Business Park (Index # D6-0001-97-01) (the "Order"). The Order became effective upon the signature of John P. Cahill, the Commissioner of the Department, on March 8, 1999.
2. The Owner has consented to the issuance of the Order for the purposes of addressing the environmental conditions at the Site (with the exception of the Roadway Parcel) so that it can be redeveloped and used for commercial and industrial purposes. The Order does not cover the portion of the Site known as the Roadway Parcel, because that parcel was conveyed by the Owner to the City of Rome on May 6, 1997.
3. There are three (3) separate Remedial Work Plans for areas of the Site that are described in the Order, including one for the Northern Redevelopment Area. The Remedial Work Plan for the Northern Redevelopment Area is attached as Exhibit C to the Order.
4. Upon the completion of the remedial activities described in the Remedial Work Plan for the Northern Redevelopment Area, the Owner is to submit for the Department's approval a Closure Report, summarizing the work. Jack Eisenbach Engineering, P.C. ("JEE"), on behalf of the Owner, submitted a Closure Report to the Department for the Northern Redevelopment Area on July 27, 2000.

5. By its letter dated ^{Jan 5, 2001} ~~12/1/2000~~, the Department approved JEE's Closure Report. Under subparagraph XI.A of the Order, the Owner is required to file a deed restriction covering the Northern Redevelopment Area within 30 days of his receipt of the Department's written approval of the Northern Redevelopment Area Closure Report. This Deed Restriction is being filed to comply with this requirement.

NOW, THEREFORE, the Owner, intending to be legally bound, and in consideration of good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, does hereby declare as follows:

1. Use Restriction.

(a) Each of the parcels in the Northern Redevelopment Area are hereby prohibited from ever being used for purposes other than for commercial or industrial use without the express written waiver of such prohibition by the Department, or if at such time the Department shall no longer exist, any New York State department, bureau, or other entity replacing the Department, respecting the parcel in question.

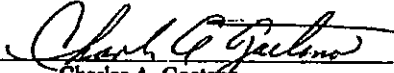
(b) The groundwater underlying the parcels in the Northern Redevelopment Area shall not be used unless the user first obtains permission to do so from the Department, or if at such time the Department shall no longer exist, any New York State department, bureau, or other entity replacing the Department.

2. Enforcement.

(a) The Owner, on behalf of himself and his heirs, successors, and assigns, hereby consents to the enforcement by the Department, or if at such time the Department shall no longer exist, any New York State department, bureau, or other entity replacing the Department, of the prohibitions and restrictions set forth in this Deed Restriction and hereby covenants not to contest such enforcement.

(b) This Deed Restriction shall be deemed a covenant running with the land and an encumbrance on the fee simple title to the parcels that make up the Northern Redevelopment Area. It shall be binding on the Owner, his heirs, successors and assigns and all others claiming by them.

WHEREFORE, the undersigned has signed this Deed Restriction to comply with Subparagraph XI.A of the Order.


Charles A. Gaetano

Date: Jan 24, 2001
Utica, New York

STATE OF NEW YORK)
) s.s.:
COUNTY OF ONEIDA)

On the 24th day of Jan., 2001 before me, the undersigned, a notary public in and for said State, personally appeared CHARLES A. GAETANO, 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 executed this instrument.

Francis E. Blazer
Notary Public
Qualified in Oneida County
My commission expires
1-17-03

EXHIBIT "A"
EAST ROME BUSINESS PARK LOT 1
1.500 ACRES

All that piece or parcel of real property lying and being in the City of Rome, County of Oneida and State of New York and bounded and described as follows:

Commencing at a point of reference on the southerly bounds of Railroad Street at its intersection with the division line between the lands of John Serway (L. 1892 P.547) on the southeast and the lands of Charles A. Gaetano on the northwest; thence along the southerly bounds of Railroad Street N 71° 27' 46" W, 301.08 feet to the point of beginning of the premises herein described; thence S 18° 32' 14" W, 343.15 feet to a point; thence N 71° 38' 13" W, 73.12 feet to a point; thence N 71° 48' 56" W, 130.38 feet to a point on the easterly bounds of a proposed road; thence along said road bounds the following four (4) courses and distances: N 24° 47' 24" E, 105.58 feet, on a curve to the left with a radius of 1030.00 feet, a distance of 118.02 feet; N 18° 13' 31" E, 106.36 feet, on a curve to the right with a radius of 15.00 feet, a distance of 23.64 feet to a point on the southeasterly bounds of Railroad Street; thence along said street bounds S 71° 27' 46" E, 171.46 feet to the point of beginning containing 1.500 acres of land.

The above described premises being a portion of the premises conveyed by the Board of County Legislators of the County of Oneida to Charles A. Gaetano by deed dated July 16, 1987 and recorded in the Oneida County Clerk's Office in Liber 2356 of Deeds at page 315.

**EAST ROME BUSINESS PARK LOT 2
2.019 ACRES**

All that piece or parcel of real property lying and being in the City of Rome, County of Oneida and State of New York and bounded and described as follows:

Beginning at a point on the southerly bounds of Railroad Street at its intersection with the division line between the lands of John Serway (L. 1892 P.547) on the southeast and the lands of Charles A. Gaetano on the northwest; thence along said division line S 35° 42' 10" W, 215.48 feet to a point on the division line between the lands of John Serway (L. 1892 P.547) on the east and the lands of Charles A. Gaetano on the west; thence along said division line S 18° 36' 46" W, 136.54 feet to a point; thence N 71° 38' 13" W, 237.31 feet to a point; thence N 18° 32' 14" E, 343.15 feet to a point on the southerly bounds of Railroad Street; thence along said street bounds S 71° 27' 46" E, 301.08 feet to the point of beginning containing 2.019 acres of land.

The above described premises being a portion of the premises conveyed by the Board of County Legislators of the County of Oneida to Charles A. Gaetano by deed dated July 16, 1987 and recorded in the Oneida County Clerk's Office in Liber 2356 of Deeds at page 315.

EAST ROME BUSINESS PARK LOT 3
1.458 ACRES

All that piece or parcel of real property lying and being in the City of Rome, County of Oneida and State of New York and bounded and described as follows:

Commencing at a point of reference on the southerly bounds of Railroad Street at its intersection with the division line between the lands of John Serway (L.1892 P.547) on the southeast and the lands of Charles A. Gaetano on the northwest; thence along the southerly bounds of Railroad Street N 71° 27' 46" W, 472.54 feet to a point on the easterly bounds of a proposed road; thence along said road bounds the following four (4) courses and distances: on a curve to the left with a radius of 15.00 feet a distance of 23.64 feet; S 18° 13' 31" W, 106.36 feet; on a curve to the right with a radius of 1030.00 feet a distance of 118.02 feet; S 24° 47' 24" W, 105.53 feet to the point of beginning of the premises herein described; thence S 71° 48' 56" E, 130.38 feet to a point; thence S 18° 14' 39" W, 402.46 feet to a point; thence N 71° 58' 17" W, 35.33 feet to a point; thence N 18° 30' 43"E, 47.82 feet to a point; thence N 71° 29' 17" W, 96.92 feet to a point; thence S 18° 29' 18" W, 48.52 feet to a point; thence on a curve to the right with a radius of 140.00 feet, a distance of 54.17 feet to a point; thence N47° 28' 19" W, 36.25 feet to a point; thence on a curve to the right with a radius of 15.00 feet a distance of 23.02 feet to a point on the easterly bounds of a proposed road; thence along said road bounds the following three (3) courses and distances: N 40° 27' 25" E, 156.64 feet; on a curve to the left with a radius of 310.00 feet, a distance of 84.77 feet; N 24° 47' 24" E, 130.14 feet to the point of beginning containing 1.458 acres of land.

EAST ROME BUSINESS PARK LOT 4
2.578 ACRES

ALL THAT PIECE OR PARCEL OF REAL PROPERTY lying and being in the City of Rome, County of Oneida and State of New York bounded and described as follows: Commencing at a point of reference on the southerly bounds of Railroad Street at its intersection with the division line between the lands of John Serway on the southeast and the lands of Charles Gaetano on the northwest; thence along said division line S 35° 42' 10" W, 215.48 feet to a point on the division line between the lands of John Serway on the east the lands of Charles Gaetano on the west; thence along said division line S 18° 36' 46" W, 136.54 feet to the point of beginning of the premises herein described; thence continuing along said division line S 18° 36' 46" W, 326.88 feet to a point on the division line between the lands of John Serway on the south and the lands of Charles Gaetano on the north; thence along said division line N 71° 30' 25" W, 159.73 feet to a point on the division line between the lands of John Serway on the east and the lands of Charles Gaetano on the west; thence along said division line S 18° 01' 03" W, 75.08 feet to a point on the division line between the lands of Mosca Brothers Moving and Storage, Inc. on the South and the lands of Charles Gaetano on the north; thence along said division line N 71° 58' 17" W., 148.90 feet to a point; thence N 18° 14' 39" E., 402.46 feet to a point; thence S 71° 38' 13" E., 310.43 feet to the point of beginning.

ALSO ALL THAT PIECE OR PARCEL OF REAL PROPERTY lying and being in the City of Rome, County of Oneida and State of New York, bounded and described as follows:

Commencing at a point of reference on the southerly bounds of Railroad Street at its intersection with the division line between the lands of John Serway on the southeast and the lands of Charles Gaetano on the northwest; thence along said division line S 35° 42' 10" W, 215.48 feet to a point on the division line between the lands of John Serway on the east and the lands of Charles Gaetano on the west; thence along said division line S 18° 36' 46" W, 463.42 feet to a point on the division line between the lands of John Serway on the south and the lands of Charles Gaetano on the north; thence along said division line N 71° 30' 25" W, 159.73 feet to a point on

the division line between the lands of John Serway on the east and the lands of Charles Gaetano on the west; thence along said division line S 18° 01' 03" W, 75.08 feet to a point; thence N 71° 58' 17" W, 148.90 feet to the point of beginning of the herein described easement; thence N 71° 58' 17" W, 35.33 feet to a point; thence N 18° 30' 43" E, 47.82 feet to a point; thence N 71° 29' 17" W, 127.98 feet to a point; thence on a curve to the right with a radius of 107.50 feet a distance of 41.17 feet to a point; THENCE N 49° 32' 35" W, 16.83 feet to a point on the easterly bounds of a road; thence along said road bounds N 40° 27' 25" E, 15.00 feet to a point; thence S 49° 32' 35" E, 16.83 feet to a point; thence on a curve to the left with a radius of 92.50 feet a distance of 35.43 feet to a point; thence S 71° 29' 17" E, 162.91 feet to a point; thence S 18° 14' 39" W, 62.52 feet to the point of beginning.