KCS ABSTRACT CORPORATION
MAIN OFFICE
9 Mohawk Place
Amsterdam, New York 12010
Phone: (518) 842-9101 Fax: (518) 842-9279
President: Joy L. Sherman

KCS ABSTRACT CORPORATION
JOHNSTOWN OFFICE
Phone: (518) 762-7809
Fax: (518) 762-3839

KCS ABSTRACT CORPORATION
FONDA OFFICE
Phone: (518) 853-4871
Fax: (518) 853-4641

FAX TRANSMITTAL SHEET

Date: 7, 18, 2011

To: Yvonne M Ward

Fax #: 402-9018

From: Michele

Office: ☐ Amsterdam (Main Office) ☐ Johnstown (Fulton County) ☐ Fonda (Montgomery County)

RE: ERP Site No. B 00052 Forest Ave and Lyon Street Amsterdam NY

Pages Sent: 3

Message: Receipt of filed Easement

The pages comprising this fax contain confidential information intended solely for use by the individual identified above. If you are not the intended recipient be advised that any form of distribution or use of the contents of this fax are prohibited. If you have received this transmission in error, please notify us at (518-842-9101) to retrieve this transmission.

MONTGOMERY COUNTY CLERK

HELEN A BARTONE

Receipt

Create Time: 7/18/2011 1:05:40 PM
RECEIPT # 2011115306

Recording Clerk: WN
Account: cash5
Rec'd Frm: KCS ABSTRACT
By Mail/In Person (M/P): P

Instr#: 2011-43060
DOC: EASEMENT
DEED STAMP: 1444
OR Party: CITY OF AMSTERDAM THE
EE Party: PEOPLE OF THE STATE OF NEW
THE

STANDTP		
Cover Page	1	$5.00
Recording Fee	13	$85.00
Cultural Ed	1	$14.25
Records Management - County	1	$1.00
Records Management - State	1	$4.75
TP584	1	$5.00
Transfer Tax		
Transfer Tax		$140.00
Receipt Summary		
TOTAL RECEIPT: ---->		$255.00
TOTAL RECEIVED: ---->		$255.00
Cash Back		$0.00
PAYMENTS		
Customer Charge ->		$255.00
KCS ABSTRACT		

County: Montgomery Site No: B00052 SAC No: C302571

COPY
MONTGOMERY COUNTY
CLERKS OFFICE
2011 JUL 18 PM 1:06
FONDA, NEW YORK

ENVIRONMENTAL EASEMENT GRANTED PURSUANT TO ARTICLE 71, TITLE 36 OF THE NEW YORK STATE ENVIRONMENTAL CONSERVATION LAW

THIS INDENTURE made this 20th day of April, 2011, between Owner(s) The City of Amsterdam, having an office at 61 Church Street, Amsterdam, New York 12010, (the "Grantor"), and The People of the State of New York (the "Grantee."), acting through their Commissioner of the Department of Environmental Conservation (the "Commissioner", or "NYSDEC" or "Department" as the context requires) with its headquarters located at 625 Broadway, Albany, New York 12233.

WHEREAS, the Legislature of the State of New York has declared that it is in the public interest to encourage the remediation of abandoned and likely contaminated properties ("sites") that threaten the health and vitality of the communities they burden while at the same time ensuring the protection of public health and the environment; and

WHEREAS, the Legislature of the State of New York has declared that it is in the public interest to establish within the Department a statutory environmental remediation program that includes the use of Environmental Easements as an enforceable means of ensuring the performance of operation, maintenance, and/or monitoring requirements and of ensuring the potential restriction of future uses of the land, when an environmental remediation project leaves residual contamination at levels that have been determined to be safe for a specific use, but not all uses, or which includes engineered structures that must be maintained or protected against damage to perform properly and be effective, or which requires groundwater use or soil management restrictions; and

WHEREAS, the Legislature of the State of New York has declared that Environmental Easement shall mean an interest in real property, created under and subject to the provisions of Article 71, Title 36 of the New York State Environmental Conservation Law ("ECL") which contains a use restriction and/or a prohibition on the use of land in a manner inconsistent with engineering controls which are intended to ensure the long term effectiveness of a site remedial program or eliminate potential exposure pathways to hazardous waste or petroleum; and

WHEREAS, Grantor, is the owner of real property located at Corner of Lyon Street and Forest Avenue, City of Amsterdam, County of Montgomery, State of New York, known and designated on the tax map of the County Clerk of Montgomery as tax map parcel numbers: Section 40.13 Block 7 Lot 2 (portion of) , being the same as that property conveyed to Grantor by Deed dated December 23, 1994 and recorded in the Montgomery County Clerk's Office in Book 587 at page 123 of deeds, comprising of approximately 16.31 ± acres, and hereinafter more fully described in the ALTA/ACSM Land Title Boundary Survey "Lands now or formerly of the City of Amsterdam, New York 350 Forest Avenue" dated August 29, 2008 revised November 24, 2008, November 26, 2008 and October 21, 2010 , prepared by C.T. Male Associates, P.C., and corresponding Schedule "A" property description, both documents are attached hereto and made a part hereof (the "Controlled Property"); and

WHEREAS, the Commissioner does hereby acknowledge that the Department accepts this Environmental Easement in order to ensure the protection of human health and the environment and to achieve the requirements for remediation established at this Controlled Property until such time as this Environmental Easement is extinguished pursuant to ECL Article 71, Title 36; and