

# NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Remediation, Office of the Director  
625 Broadway, 12th Floor, Albany, New York 12233-7011  
P: (518) 402-9706 | F: (518) 402-9020  
www.dec.ny.gov

DEC 14 2015

Mark Hewko  
Homogeneous Metals, Inc.  
2395 Main Street  
P.O. Box 294  
Clayville, New York 13322

Re: Certificate of Completion  
Site Name: Former Homogeneous Metals, Inc. Facility  
Site No.: C622029  
Herkimer, Herkimer County,

Dear Mr. Hewko:

Congratulations on having satisfactorily completed the remedial program at the Former Homogeneous Metals, Inc. Facility site. Enclosed please find an original, signed Certificate of Completion (COC). The New York State Department of Environmental Conservation (DEC) is pleased to inform you that the Final Engineering Report is hereby approved, allowing the COC to be issued for the above-referenced site.

Please note that you are required to perform the following tasks:

- If you are the site owner, you must record a notice of the COC in the recording office for the County (or Counties) where any portion of the site is located within 30 days of issuance of the COC; or if you are a prospective purchaser of the site, you must record a notice of the COC within 30 days of the date that you acquire the site. A copy of the recorded notice should be provided to DEC's project manager. If you are a non-owner, you must work with the owner to assure the notice of COC is recorded within the time frame specified. A standard notice form is attached to this letter. Please return the proof of recording to:

Chief, Site Control Section  
New York State Department of Environmental Conservation  
Division of Environmental Remediation  
625 Broadway  
Albany, NY 12233-7020

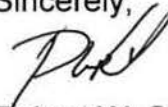


Department of  
Environmental  
Conservation

- Provide the notice of the COC to the Document Repositories within 10 days of issuance of the COC. The Department will develop a fact sheet announcing the issuance of the COC and describing the institutional and engineering controls (IC/ECs), if any, that are required at the site and distribute it to the County Listserv within 10 days;
- Implement the DEC-approved Site Management Plan (SMP) which details the activities necessary to assure the performance, effectiveness, and protectiveness of the remedial program; and you must report the results of these activities to the Department in a Periodic Review Report (PRR) which also includes any required IC/EC Certifications. The site IC/ECs are identified on the attached Site Management Form. The first PRR including the certification of the IC/ECs is due to DEC in April, 2017; and
- You and your lessees must submit an annual report to the New York State Department of Taxation and Finance within one year and for each of the following eleven years after the execution of the Brownfield Site Cleanup Agreement. The Report must provide the information required by Chapter 390 of the Laws of 2008, Tax Law Section 171-s.

If you have any questions regarding any of these items, please contact the project manager for this site, Keith Gronwald at (518) 402-9662.

Sincerely,



Robert W. Schick, P.E.

Director

Division of Environmental Remediation

#### Enclosures

ec: Kathleen McFadden, UTC  
 Joseph Tota, UTC'  
 John Brussel, ARCADIS of New York, Inc.  
 Mark Hewko, Pratt & Whitney HMI Metal Powders  
 Krista Anders, DOH  
 Scarlett McLaughlin, DOH  
 Michael Ryan, DEC  
 George Heitzman, DEC  
 David Crosby, DEC  
 Keith Gronwald, DEC  
 Peter Taylor, DEC  
 Andrew Guglielmi, DEC  
 Dolores Tuohy, DEC



NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP)  
*CERTIFICATE OF COMPLETION*

**CERTIFICATE HOLDER(S):**

**Name**

Homogeneous Metals, Inc.

**Address**

2395 Main Street, Clayville, NY 13322

**BROWNFIELD CLEANUP AGREEMENT:**

**Application Approval:** 2/14/12    **Agreement Execution:** 3/16/12    **Agreement Index No.:** C622029-02-12

**Application Approval:** 2/17/12

**Agreement Execution:** 3/16/12

**Application Approval Amendment:** 6/2/15

**Agreement Execution Amendment:** 6/2/15

**SITE INFORMATION:**

**Site No.:** C622029    **Site Name:** Former Homogeneous Metals, Inc. Facility

**Site Owner:** Homogeneous Metals, Inc.

**Street Address:** Don Reile Boulevard (fka West Canada Boulevard)

**Municipality:** Herkimer    **County:** Herkimer    **DEC Region:** 6

**Site Size:** 7.753 Acres

**Tax Map Identification Number(s):** 113.073-1-45, 113.073-1-46, 113.073-1-47, 113.081-2-56

**Percentage of site located in an EnZone:** 0 - 49 %

A description of the property subject to this Certificate is attached as Exhibit A and a site survey is attached as Exhibit B.

**CERTIFICATE ISSUANCE**

This Certificate of Completion, hereinafter referred to as the "Certificate," is issued pursuant to Article 27, Title 14 of the New York State Environmental Conservation Law ("ECL").

This Certificate has been issued upon satisfaction of the Commissioner, following review by the Department of the final engineering report and data submitted pursuant to the Brownfield Site Cleanup Agreement, as well as any other relevant information regarding the Site, that the applicable remediation requirements set forth in the ECL have been or will be achieved in accordance with the time frames, if any, established in the remedial work plan.

The remedial program for the Site has achieved a cleanup level that would be consistent with the following categories of uses (actual site use is subject to local zoning requirements):

**Allowable Uses under the BCP:** Commercial and Industrial

**Cleanup Track:** Track 4: Restricted use with site-specific soil cleanup objectives

**Tax Credit Provisions for Entities Taxable Under Article 9, 9-A, 32, and 33:**

Site Preparation and On-Site Groundwater Remediation Credit Component Rate is 25 %.

Tangible Property Credit Component Rate is 12 %.

**Tax Credit Provisions for Entities Taxable Under Article 22 & S Corporations:**

Site Preparation and On-Site Groundwater Remediation Credit Component Rate is 25 %.

Tangible Property Credit Component Rate is 10 %.



The Remedial Program includes use restrictions or reliance on the long term employment of institutional or engineering controls which are contained in the approved Site Management Plan and an Environmental Easement granted pursuant to ECL Article 71, Title 36 which has been duly recorded in the Recording Office for Herkimer County as 00194306.

#### **LIABILITY LIMITATION**

Upon issuance of this Certificate of Completion, and subject to the terms and conditions set forth herein, the Certificate holder(s) shall be entitled to the liability limitation provided in ECL Section 27-1421. The liability limitation shall run with the land, extending to the Certificate holder's successors or assigns through acquisition of title to the Site and to a person who develops or otherwise occupies the Site, subject to certain limitations as set forth in ECL Section 27-1421. The liability limitation shall be subject to all rights reserved to the State by ECL Section 27-1421.2 and any other applicable provision of law.

#### **CERTIFICATE TRANSFERABILITY**

This Certificate may be transferred to the Certificate holder's successors or assigns upon transfer or sale of the Site as provided by ECL Section 27-1419.5 and 6NYCRR Part 375-1.9.

#### **CERTIFICATE MODIFICATION/REVOCATION**

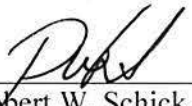
This Certificate of Completion may be modified or revoked by the Commissioner following notice and an opportunity for a hearing in accordance with ECL Section 27-1419 and 6NYCRR Part 375-1.9(e) upon a finding that:

- (1) either the Applicant or the Applicant's successors or assigns have failed to comply with the terms and conditions of the Brownfield Site Cleanup Agreement;
- (2) the Applicant made a misrepresentation of a material fact tending to demonstrate that it was qualified as a Volunteer;
- (3) either the Applicant or the Applicant's successors or assigns made a misrepresentation of a material fact tending to demonstrate that the cleanup levels identified in the Brownfield Site Cleanup Agreement were reached;
- (4) there is good cause for such modification or revocation;
- (5) either the Applicant or the Applicant's successors or assigns failed to manage the controls or monitoring in full compliance with the terms of the remedial program;
- (6) the terms and conditions of the environmental easement have been intentionally violated or found to be not protective or enforceable.

The Certificate holder(s) (including its successors or assigns) shall have thirty (30) days within which to cure any deficiency or to seek a hearing. If the deficiency is not cured or a request for a hearing received within such 30-day period, the Certificate shall be deemed modified or vacated on the 31st day after the Department's notice.

Basil Seggos  
Acting Commissioner  
New York State Department of Environmental Conservation

By:

  
Robert W. Schick, P.E., Director  
Division of Environmental Remediation

Date: December 14, 2015

**NOTICE OF CERTIFICATE OF COMPLETION**  
**Brownfield Cleanup Program**  
**6 NYCRR Part 375-1.9(d)**

**Former Homogeneous Metals, Inc. Facility, Site ID No. C622029**  
**Don Reile Boulevard, Herkimer, New York 13350**  
**Herkimer, Herkimer County, Tax Map Identification Numbers 113.073-1-45, 113.073-1-46,**  
**113.073-1-47, 113.081-2-56**

**PLEASE TAKE NOTICE**, the New York State Department of Environmental Conservation (Department) has issued a Certificate of Completion (Certificate) pursuant to Article 27, Title 14 of the New York State Environmental Conservation Law (ECL) to Homogeneous Metals, Inc. for a parcel approximately 7.753 acres located at Don Reile Boulevard in the Village of Herkimer, Herkimer County.

**PLEASE TAKE NOTICE**, the Certificate was issued upon satisfaction of the Commissioner, following review by the Department of the final engineering report and data submitted pursuant to the Brownfield Site Cleanup Agreement, as well as any other relevant information regarding the Site, that the remediation requirements set forth in ECL Article 27, Title 14 have been or will be achieved in accordance with the time frames, if any, established in the remedial work plan.

**PLEASE TAKE NOTICE**, the remedial program for the Site has achieved a cleanup level that would be consistent with the following categories of uses (actual site use is subject to local zoning requirements):

- ☐ Unrestricted Use, as set forth in 6 NYCRR 375-1.8(g)(1)i
- ☐ Residential Use, as set forth in 6 NYCRR 375-1.8(g)(2)i.
- ☐ Restricted Residential Use, as set forth in 6 NYCRR 375-1.8(g)(2)ii.
- ☒ Commercial Use, as set forth in 6 NYCRR 375-1.8(g)(2)iii.
- ☒ Industrial Use, as set forth in 6 NYCRR 375-1.8(g)(2)iv.

Further, the use of groundwater is restricted and may not be used, unless treated in accordance with the requirements provided by the New York State Department of Health, or a local County Health Department with jurisdiction in such matters and such is approved by the Department as not inconsistent with the remedy.

**PLEASE TAKE NOTICE**, since the remedial program relies upon use restrictions or the long term employment of institutional or engineering controls; such institutional or engineering controls are contained in an Environmental Easement granted pursuant to ECL Article 71, Title 36 which has been duly recorded in the Recording Office for Herkimer County as 00194306.

**PLEASE TAKE NOTICE**, the Environmental Easement requires that the approved site management plan (SMP) for this property be adhered to. The SMP, which may be amended from time to time, may include sampling, monitoring, and/or operating a treatment system on the property, providing certified reports to the NYSDEC, and generally provides for the management of any and all plans and limitations on the property. A copy of the SMP is available upon request by writing to the Department's Division of Environmental Remediation, Site Control Section, 625 Broadway, Albany, New York 12233.

**PLEASE TAKE NOTICE**, provided that the Environmental Easement, SMP and Certificate are complied with, the Certificate holder(s) shall be entitled to the liability limitation provided in ECL Section 27-1421. The liability limitation shall run with the land, extending to the Certificate holder's successors or assigns through acquisition of title to the Site and to a person who develops or otherwise occupies the Site, subject to certain limitations as set forth in ECL Section 27-1421. The



**Former Homogeneous Metals, Inc. Facility, C622029, Don Reile Boulevard, Herkimer, New York**

liability limitation shall be subject to all rights reserved to the State by ECL Section 27-1421.2 and any other applicable provision of law.

**PLEASE TAKE NOTICE**, the Certificate may entitle the Certificate holder(s) to tax credits in accordance with Tax Law Sections 21, 22 and 23.

**PLEASE TAKE NOTICE**, any change of use of the site, as defined in 6 NYCRR 375, must be preceded by notice to the Department in accordance with 6 NYCRR 375-1.11(d). A transfer of any or all of the property constitutes a change of use.

**PLEASE TAKE NOTICE**, the Certificate may only be transferred to the Certificate holder's successors or assigns upon transfer or sale of the Site as provided by ECL Section 27-1419.5 and 6 NYCRR Part 375-1.9. Failure to comply with the regulatory requirements for transfer **WILL** bar the successors and assigns from the benefits of the Certificate.

**PLEASE TAKE NOTICE**, the Certificate may be modified or revoked by the Commissioner as set forth in the applicable regulations.

**PLEASE TAKE NOTICE**, the Certificate may be revoked if the Environmental Easement as implemented, if applicable, is not protective or enforceable.

**PLEASE TAKE NOTICE**, a copy of the Certificate can be reviewed at DEC's Region 6 located at Dulles State Office Building, 317 Washington St., Watertown, NY 13601, Phone (315) 785-2239, by contacting the Regional Environmental Remediation Engineer.

**WHEREFORE**, the undersigned has signed this Notice of Certificate

Homogeneous Metals, Inc.

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

STATE OF NEW YORK      ) SS:  
COUNTY OF                )

On the \_\_\_\_\_ day of \_\_\_\_\_, in the year 20\_\_\_\_, before me, the undersigned, personally appeared \_\_\_\_\_, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

\_\_\_\_\_  
Signature and Office of individual  
taking acknowledgment

**Please record and return to:**  
Homogeneous Metals, Inc.  
2395 Main Street  
P.O. Box 294  
Clayville, New York 13322



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
Site Management Form  
12/16/2015



**SITE DESCRIPTION**

**SITE NO.** C622029

**SITE NAME** Former Homogeneous Metals, Inc. Facility

**SITE ADDRESS:** Don Reile Boulevard (fka West Canada Boulevard) **ZIP CODE:** 13350

**CITY/TOWN:** Herkimer

**COUNTY:** Herkimer

**ALLOWABLE USE:** Commercial and Industrial

**SITE MANAGEMENT DESCRIPTION**

**SITE MANAGEMENT PLAN INCLUDES:** YES NO

IC/EC Certification Plan ☒ ☐

Monitoring Plan

Operation and Maintenance (O&M) Plan ☒ ☐

Periodic Review Frequency: once a year ☐ ☒

Periodic Review Report Submitted Date: 04/14/2017

**Description of Institutional Control**

**Homogeneous Metals Inc.**

P.O. Box 294, 2395 Main Street, Clayville, NY 13322

**German Street East**

Environmental Easement

Block: 1

Lot: 45

Sublot:

Section: 113

Subsection: 073

S\_B\_L Image: 113.073-1-45

Ground Water Use Restriction

IC/EC Plan

Landuse Restriction

Monitoring Plan

Site Management Plan

Soil Management Plan

**Homogeneous Metals, Inc.**

P.O.Box 294, 2395 Main Street, Clayville, NY 13322

**Don Reile Blvd (fka West Canada Blvd)**

Environmental Easement

Block: 1

Lot: 46

Sublot:

Section: 113

Subsection: 073

S\_B\_L Image: 113.073-1-46

Ground Water Use Restriction

IC/EC Plan

Landuse Restriction

Monitoring Plan

Site Management Plan

Soil Management Plan

Lot: 47

Sublot:

Section: 113

Subsection: 073

S\_B\_L Image: 113.073-1-47

Ground Water Use Restriction

IC/EC Plan

Landuse Restriction

Monitoring Plan

Site Management Plan

Soil Management Plan

Block: 2

Lot: 56

Sublot:

Section: 113

Subsection: 081

S\_B\_L Image: 113.081-2-56

Ground Water Use Restriction

IC/EC Plan

Landuse Restriction

Monitoring Plan

Site Management Plan

Soil Management Plan

**Description of Engineering Control**



**Homogeneous Metals Inc.**

P.O. Box 294, 2395 Main Street, Clayville, NY 13322

**German Street East**

Environmental Easement

Block: 1

Lot: 45

Sublot:

Section: 113

Subsection: 073

S\_B\_L Image: 113.073-1-45

Cover System

**Homogeneous Metals, Inc.**

P.O.Box 294, 2395 Main Street, Clayville, NY 13322

**Don Reile Blvd (fka West Canada Blvd.)**

Environmental Easement

Block: 1

Lot: 46

Sublot:

Section: 113

Subsection: 073

S\_B\_L Image: 113.073-1-46

Cover System

Lot: 47

Sublot:

Section: 113

Subsection: 073

S\_B\_L Image: 113.073-1-47

Cover System

Block: 2

Lot: 56

Sublot:

Section: 113

Subsection: 081

S\_B\_L Image: 113.081-2-56

Cover System

## **Exhibit A**

### **Site Description**

All that tract or parcel of land situate in the Village of Herkimer, County of Herkimer, State of New York, and being more precisely described as follows:

**Beginning** at a 5/8-inch rebar with a 1 1/4-inch diameter yellow plastic cap marked "NASH LS 49168 SURVEY MARKER" (0.1 feet below grade) found at the southwesterly corner of a strip of land utilized for an electrical distribution line conveyed by The New York Central Railroad Company to the Niagara Mohawk Power Corporation by deed dated September 15, 1959 and recorded in the Herkimer County Clerk's Office on October 27, 1959 in Liber 536 of Deeds at Page 276, said rebar being 20 feet distant easterly measured at right angles from the centerline of the former Herkimer, Newport, and Poland Narrow Gauge Railroad, said rebar having New York State Plane Coordinates (NAD83/2011 – East Zone) of 1,530,540.91 feet North and 362,734.89 feet East;

thence along the southerly and easterly lines of the said Niagara Mohawk Power Corporation strip of land, the following four courses and distances:

1. North 54 degrees 05 minutes 34 seconds East a distance of 67.81 to a set 5/8-inch rebar with a 1 1/4-inch diameter red plastic cap marked "THEW ASSOCIATES - UTICA NY" (herein after referred to as a 5/8-inch rebar), said rebar being 86 feet distant easterly measured at right angles from the centerline of the former Herkimer, Newport, and Poland Narrow Gauge Railroad;
2. North 22 degrees 28 minutes 59 seconds West, parallel to and 86 feet distant easterly measured at right angles from the centerline of the former Herkimer, Newport, and Poland Narrow Gauge Railroad, a distance of 1,092.55 feet to a found 5/8-inch rebar (flush with grade), said course passing over a 5/8-inch rebar set at a distance of 7.43 feet;
3. North 67 degrees 13 minutes 11 seconds East a distance of 9.01 feet to a point, said point being South 67 degrees 13 minutes 11 seconds West a distance of 1.02 feet from a 5/8-inch rebar (flush with grade) found at the former low water mark of West Canada Creek;
4. North 35 degrees 06 minutes 24 seconds West, parallel to and 1-foot distant measured at right angles from the former low water mark of West Canada Creek, a distance of 228.23 to a 5/8-inch rebar set on the southerly line of lands of the People of the State of New York (no deed reference);

thence along the lands of the People of the State of New York, the following five courses and distances:

1. North 52 degrees 34 minutes 30 seconds East a distance of 37.46 feet to a 5/8-inch rebar set at the former northwesterly corner of the machine shop (now razed);



2. North 64 degrees 36 minutes 39 seconds East, in part along the northerly face of the former machine shop, a distance of 80.01 feet to a set 5/8-inch rebar;
3. South 25 degrees 23 minutes 01 seconds East a distance of 458.60 feet to a 5/8-inch rebar with a 1 1/4-inch diameter yellow plastic cap marked "NASH LS 49168 SURVEY MARKER" (extends 0.2 feet above grade) found at the former low water mark of the West Canada Creek;
4. South 39 degrees 30 minutes 30 seconds East, along the low water mark of the West Canada Creek, a distance of 825.99 feet to a found 5/8-inch rebar with a 1 1/4-inch diameter yellow plastic cap marked "NASH LS 49168 SURVEY MARKER" (flush with grade);
5. thence North 54 degrees 05 minutes 34 seconds East a distance 37.68 feet, more or less, to the westerly shore of West Canada Creek;

thence South 34 degrees 32 minutes 00 seconds East, along the westerly shore of West Canada Creek, a distance of 218.07 feet, more or less, to a point;

thence along the lands of the People of the State of New York, the following two courses and distances:

1. South 56 degrees 09 minutes 35 seconds West a distance of 145.39 feet to a found 5/8-inch rebar;
2. along on a curve deflecting to the left, non-tangent to the previous course, having a central angle of 01 degrees 47 minutes 58 seconds and a radius of 955.37 feet, an arc distance of 30.00 feet (chord: South 34 degrees 03 minutes 04 seconds East, 30.00 feet) to a 5/8-inch rebar set at the northeasterly corner of a parcel of land utilized for an electrical substation conveyed by The New York Central Railroad Company to the Niagara Mohawk Power Corporation by deed dated September 15, 1959 and recorded in the Herkimer County Clerk's Office on October 27, 1959 in Liber 536 of Deeds at Page 276;

thence along the northerly line of the Niagara Mohawk Power Corporation substation parcel, the following three courses and distances:

1. South 56 degrees 09 minutes 35 seconds West a distance of 246.00 feet to a set 5/8-inch rebar;
2. North 41 degrees 20 minutes 25 seconds West a distance of 30.26 feet to a found 5/8-inch rebar with a 1 1/4-inch diameter yellow plastic cap marked "NASH LS 49168 SURVEY MARKER" (flush with grade);
3. thence South 56 degrees 09 minutes 35 seconds West a distance of 102.45 feet to a point on the easterly line of a parcel of land conveyed by Douglas M. Spear to Trafalgar Power, Inc. by deed dated November 30, 1987 and recorded in the Herkimer County Clerk's Office on December 3, 1987 in Liber 735 of Deeds at Page 159, said point being 20 feet distant easterly measured at right angles from the centerline of the former Herkimer, Newport, and Poland Narrow Gauge Railroad, said point also being South 31 degrees 08 minutes 22 seconds East a distance of 1.18 feet from a found 1-inch iron pipe (0.1 feet below grade);
4. thence North 22 degrees 37 minutes 10 seconds West, along the easterly line of Trafalgar Power, Inc., and parallel to and 20 feet distant easterly measured at right angles from the centerline of the former Herkimer, Newport, and Poland Narrow Gauge Railroad, a distance of 205.56 feet to the **Point of Beginning**.

To contain 337,711 square feet or 7.753 acres of land, more or less.

The above-described parcel of land is intended to be a portion of the same premises conveyed by George R. Cogar to Homogeneous Metals, Inc. by deed dated March 23, 1979 and recorded in the Herkimer County Clerk's Office on March 23, 1979 in Liber 663 of Deeds at Page 914, the same premises conveyed by the Niagara Mohawk Power Corporation to Homogeneous Metals, Inc. by deed dated December 1, 1987 and recorded in the Herkimer County Clerk's Office on January 20, 1988 in Liber 737 of Deeds at Page 338, and the same premises conveyed by The People of the State of New York to Homogeneous Metals, Inc. by deed dated April 29, 1993 and recorded in the Herkimer County Clerk's Office on July 22, 1993 in Liber 806 of Deeds at Page 318.

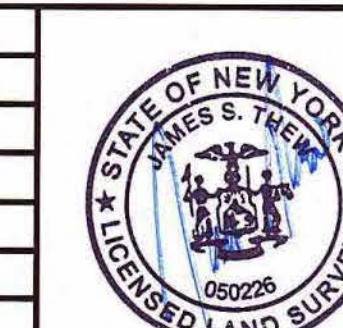
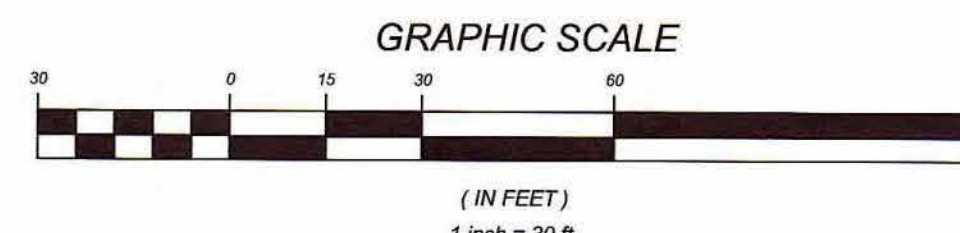
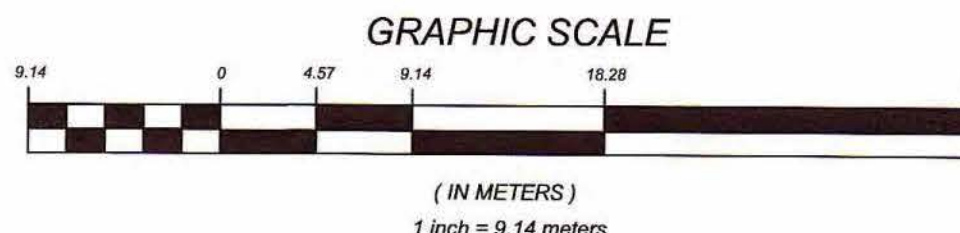
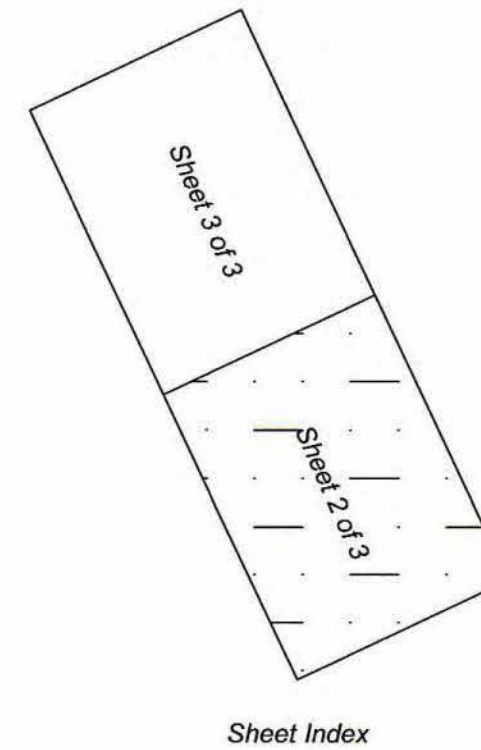
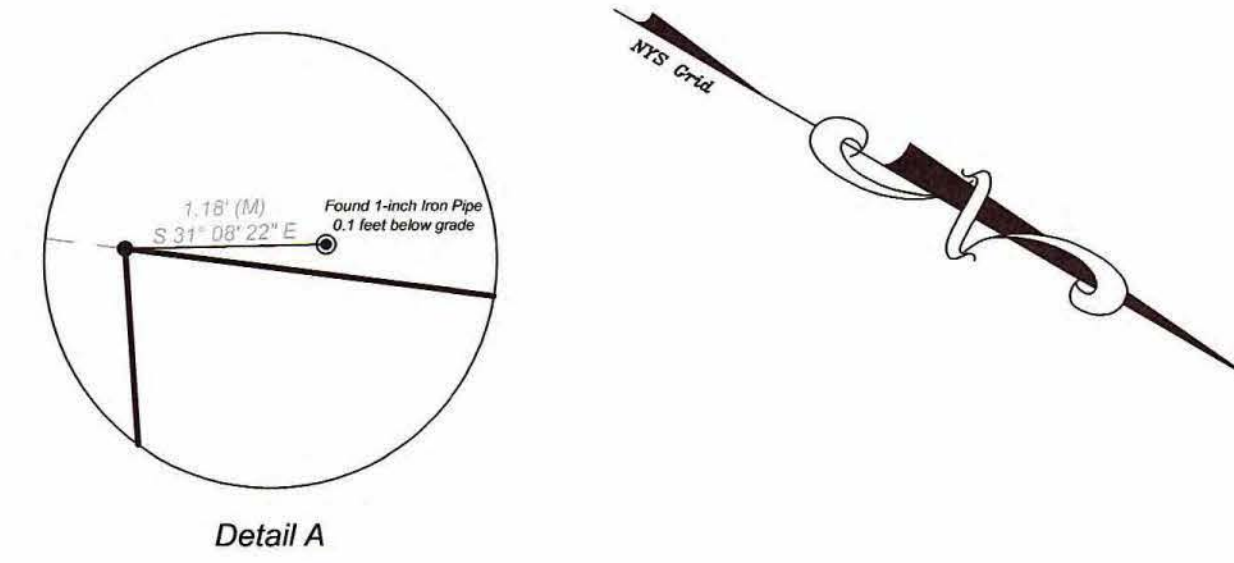
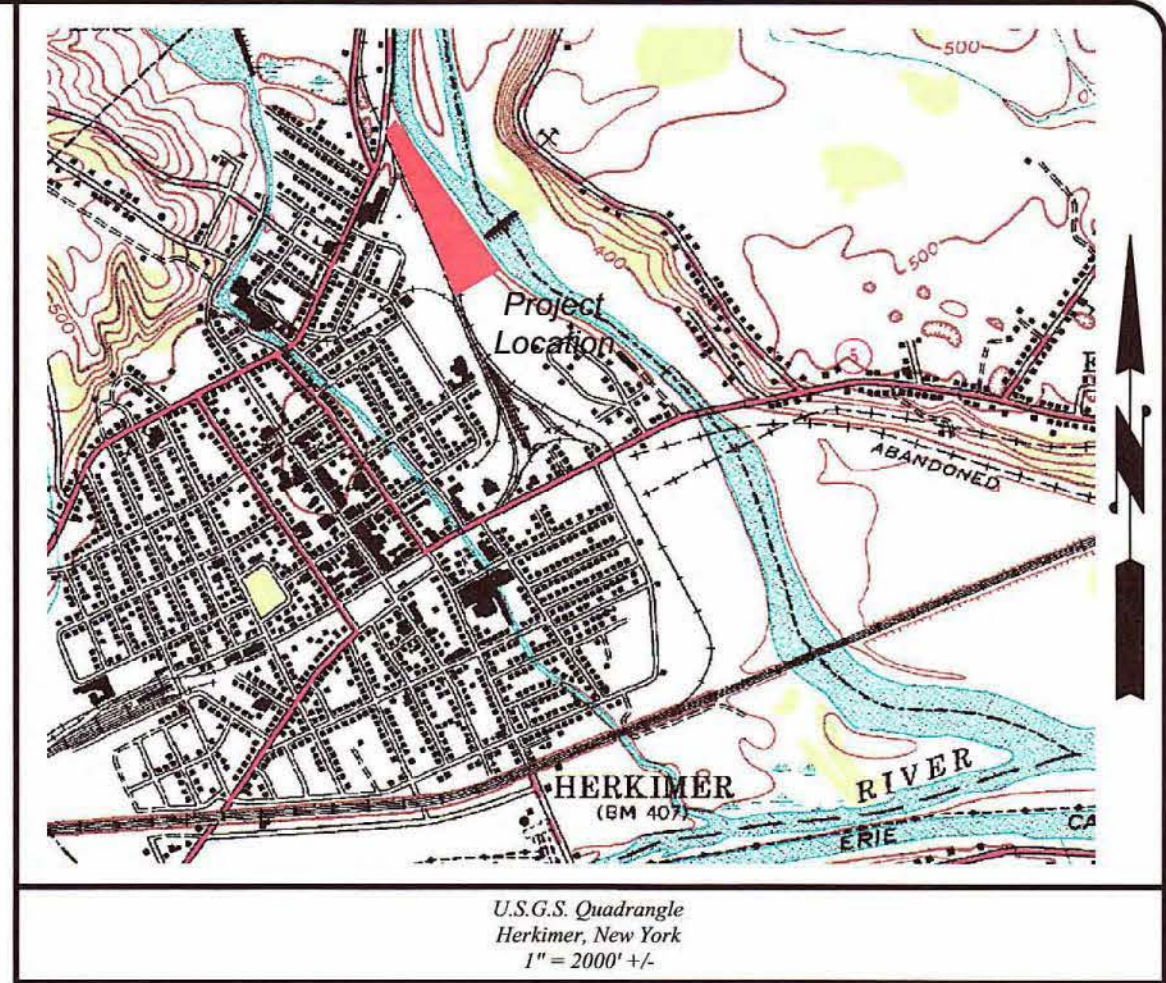
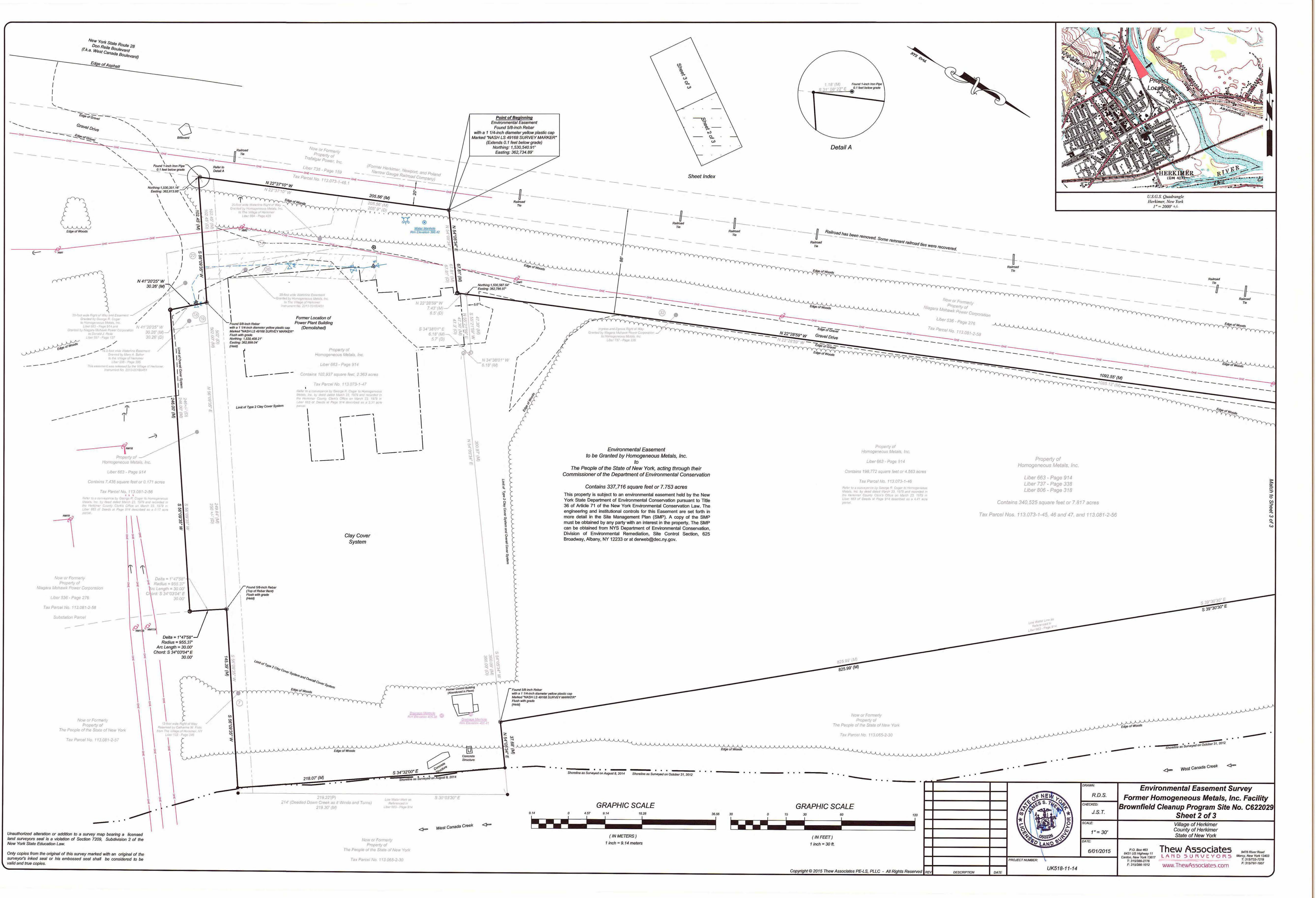
The above-mentioned coordinates, bearings, and distances are referenced to the North American Datum of 1983 – 2011 adjustment (NAD83/2011), projected on the New York State Plane Coordinate System (East Zone).

A map of the above-described parcel of land, dated June 1, 2015, was prepared by Thew Associates PE-LS, PLLC, and is distinguished as Drawing No. UK518-11-14.

## **Exhibit B**

### **Site Survey**



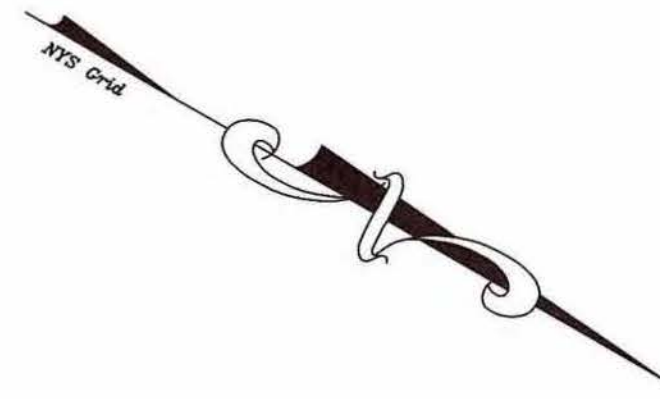
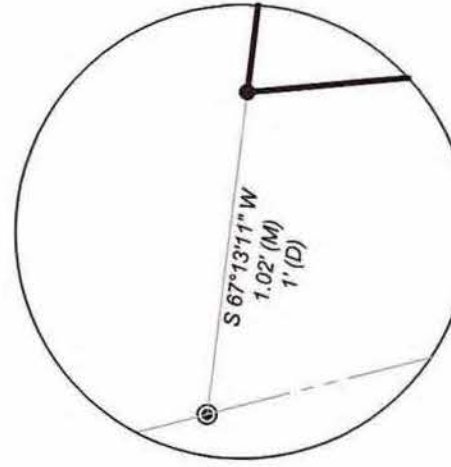
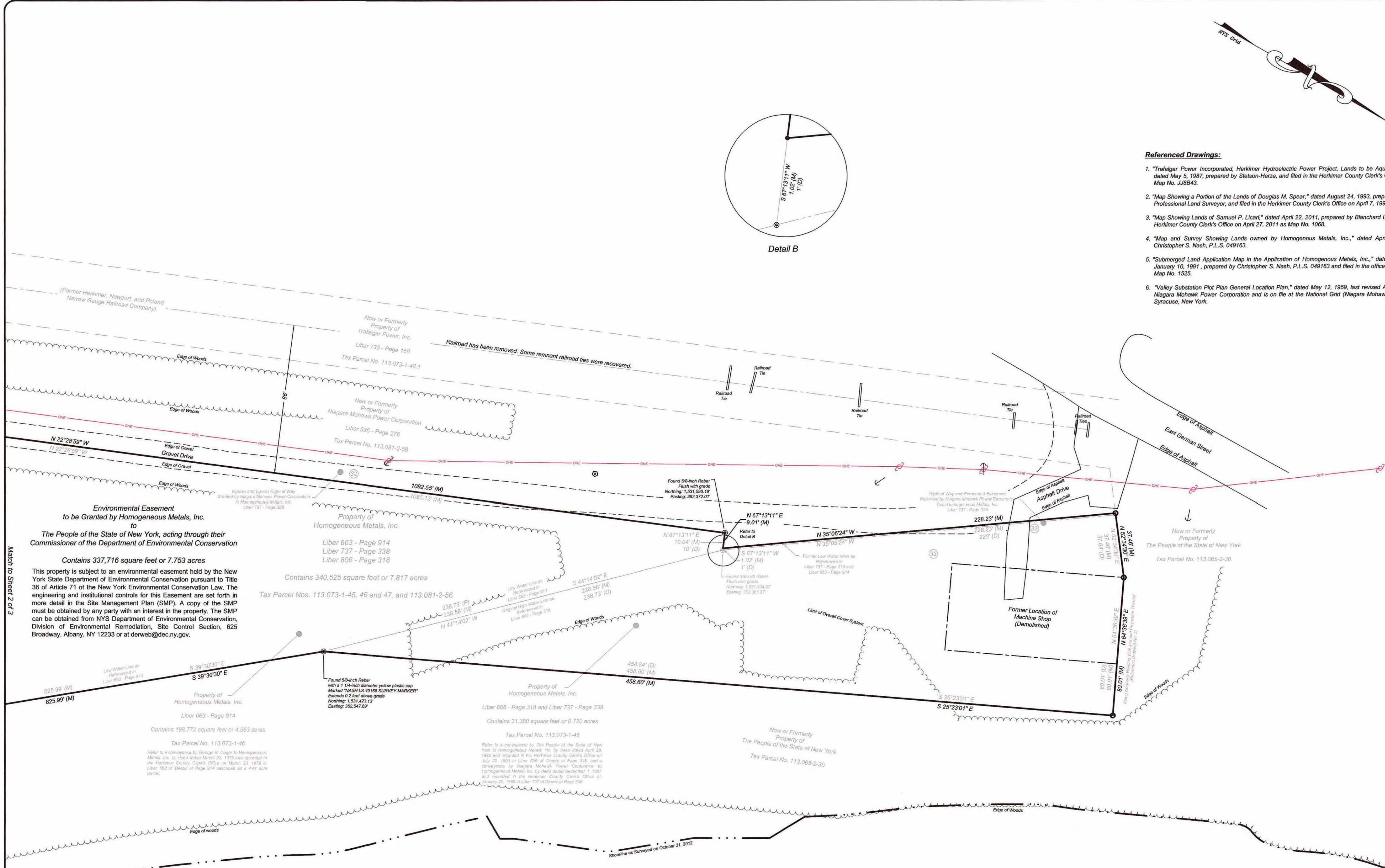


DRAWN: R.D.S.	<b>Environmental Easement Survey</b> <b>Former Homogeneous Metals, Inc. Facility</b> <b>Brownfield Cleanup Program Site No. C62029</b> <b>Sheet 2 of 3</b> Village of Herkimer County of Herkimer State of New York
CHECKED: J.S.T.	
SCALE: 1" = 30'	
DATE: 6/01/2015	
PROJECT NUMBER: UK518-11-14	P.O. Box 483 6431 US Highway 11 Canton, New York 13617 T: 315/285-2776 F: 315/285-1012 www.ThewAssociates.com

Unauthorized alteration or addition to a survey map bearing a licensed land surveyors seal is a violation of Section 7209, Subdivision 2 of the New York State Education Law.

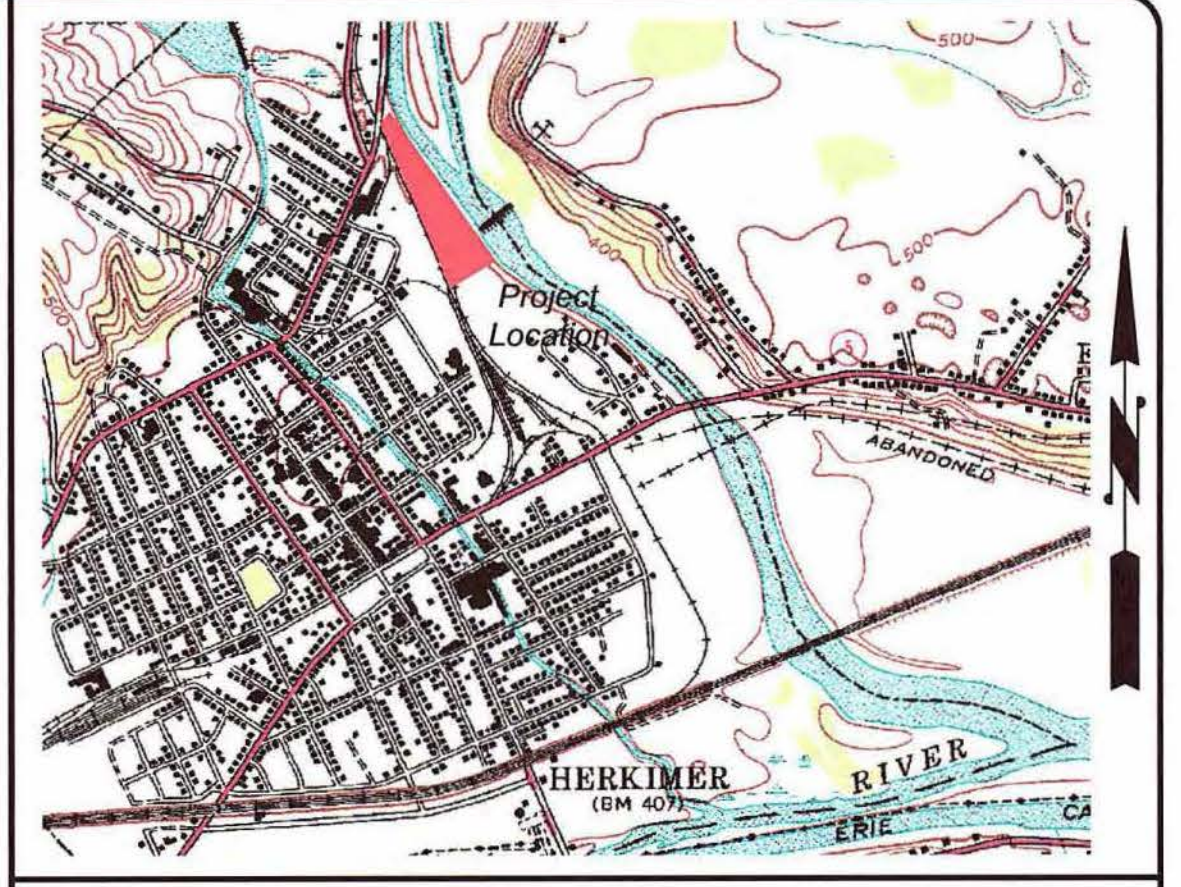
Only copies from the original of this survey marked with an original of the surveyor's inked seal or his embossed seal shall be considered to be valid and true copies.





**Referenced Drawings:**

1. "Trafalgar Power Incorporated, Herkimer Hydroelectric Power Project, Lands to be Acquired from Douglas M. Spear," dated May 5, 1987, prepared by Stetson-Harza, and filed in the Herkimer County Clerk's Office on December 3, 1987 as Map No. J08945.
2. "Map Showing a Portion of the Lands of Douglas M. Spear," dated August 24, 1993, prepared by Edward L. Beauchamp Professional Land Surveyor, and filed in the Herkimer County Clerk's Office on April 7, 1994 as Map No. J11688.
3. "Map Showing Lands of Samuel P. Lican," dated April 22, 2011, prepared by Blanchard Land Surveying, and filed in the Herkimer County Clerk's Office on April 27, 2011 as Map No. 1068.
4. "Map and Survey Showing Lands owned by Homogenous Metals, Inc.," dated April 26, 1990 and prepared by Christopher S. Nash, P.L.S. 049163.
5. "Submerged Land Application Map in the Application of Homogenous Metals, Inc.," dated April 25, 1988, last revised January 10, 1991, prepared by Christopher S. Nash, P.L.S. 049163 and filed in the office of General Services as O.G.S. Map No. 1525.
6. "Valley Substation Plot Plan General Location Plan," dated May 12, 1959, last revised April 16, 1980 and prepared by Niagara Mohawk Power Corporation and is on file at the National Grid (Niagara Mohawk Power Corporation) office in Syracuse, New York.



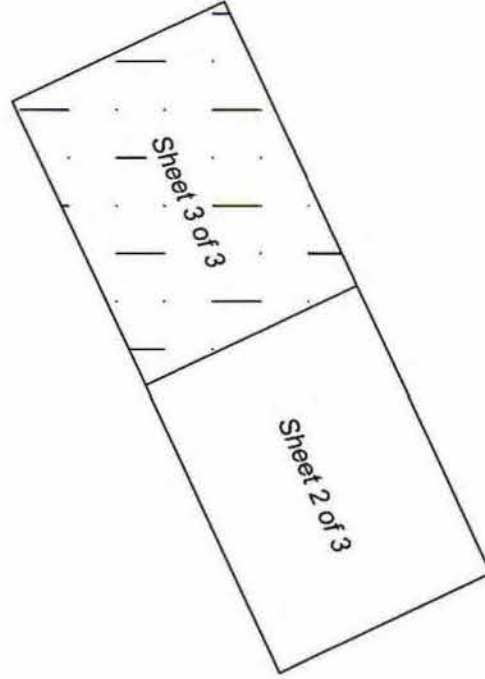
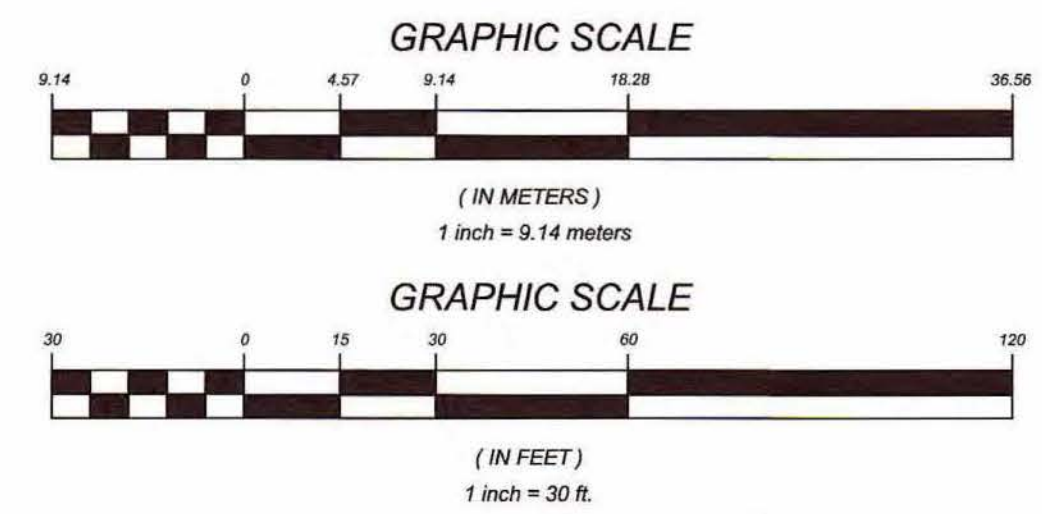
U.S.G.S. Quadrangle  
Herkimer, New York  
1" = 2000' +/-

**Legend:**

- Environmental Easement Line
- Property Line
- Existing Easement Line
- Adjoiner Deed Line
- Edge of Gravel
- Edge of Woods
- Edge of Water
- Former Building Location
- Overhead Electric
- Waterline
- Limit of Cover System
- Water Valve
- Fire Hydrant
- Water Manhole
- Utility Pole
- Guy Wire
- Measured Distance
- Deeded Distance
- Platted Distance
- Found 6-inch Triangular Monument Marked "H.W. STA NO"
- Found Rebar, Pipe, Pin, et cetera
- 5/8-inch rebar with a 1 1/4-inch diameter red plastic cap marked "THEW ASSOCIATES UTICA NY" to be set
- Point not Monumented
- Gas Marker

**General Notes:**

1. This survey is referenced horizontally to the North American Datum of 1983-2011 Adjustment (NAD83/11) and projected on the New York State Plane Coordinate System (East Zone).
2. North arrow as shown indicates Grid North referenced to NAD83/11 and projected on the New York State Plane Coordinate System (East Zone).
3. The reference horizontal control station is a GPS Continuously Operating Reference Station (CORS) designated as "HERKIMER CORS ARP" (NYHM). NYHM is a horizontal and vertical Control Station established by the National Geodetic Survey (NGS) in 2006.
- The reference benchmark is a disc distinguished as "T 316 RESET 1964" established in 1964 by the New York Highway Department (NYHD). T 316 RESET 1964 is a third order benchmark. Elevation 422.5 feet
4. Subsurface utilities exist throughout the site, but have been intentionally omitted, with the exception of the waterline.
5. The information shown hereon is based on an ongoing field survey completed between June 2012 and May 28, 2015.
6. In 2012, Thew Associates PE - L.S. PLLC (THEW), field located the power plant building and machine shop prior to razing. The outline of each building shown hereon is based on the field survey performed in 2012.
7. As of the date of this survey, environmental corrective measures were being performed to include the removal and placement of earth and general site grading.



Unauthorized alteration or addition to a survey map bearing a licensed land surveyor's seal is a violation of Section 7209, Subdivision 2 of the New York State Education Law.

Only copies from the original of this survey marked with an original of the surveyor's inked seal or his embossed seal shall be considered to be valid and true copies.

	DRAWN: R.D.S.	<b>Environmental Easement Survey</b> <b>Former Homogeneous Metals, Inc. Facility</b> <b>Brownfield Cleanup Program Site No. C622029</b> <b>Sheet 3 of 3</b>
	CHECKED: J.S.T.	
	SCALE: 1" = 30'	
	DATE: 6/01/2015	
PROJECT NUMBER: UK518-11-14	P.O. Box 403 6431 US Highway 11 Canton, New York 13617 T: 315/386-2776 F: 315/386-1012	
www.ThewAssociates.com		9479 River Road Macedon, New York 13063 T: 315/723-7278 F: 315/791-1857



**Schedule "B" Title Exceptions**

This survey is based on an owner's report prepared for Bond, Schoenock & King, Attys. for informational purposes only. Title Number HF20150131, received May 7, 2015.

Items not listed below are standard title exceptions and are not matters that pertain to this survey.

- 2 Subject to rights granted as set forth in a conveyance by William Smith and Mary M. Smith to the Herkimer, Newport & Poland Narrow Gauge Railroad Company by deed dated August 1880 and recorded in Herkimer County Clerk's Office on September 17, 1880 in Liber 114 of Deeds at Page 439. *Does not encumber the surveyed premises.*
- 3 Subject to a 16.5-foot wide Right of Way referenced in a deed between William Smith and Mary Smith and the Herkimer, Newport & Poland Narrow Gauge Railroad Company, dated March 27, 1889 and recorded in Herkimer County Clerk's Office on July 3, 1889 in Liber 136 of Deeds at Page 227. *Does not encumber the surveyed premises.*
- 4 Subject to rights as set forth in a conveyance by Catharine W. Folts to the Herkimer, Newport & Poland Narrow Gauge Railroad Company by deed dated August 1880 and recorded in Herkimer County Clerk's Office on September 21, 1880 in Liber 114 of Deeds at Page 445. *Does not encumber the surveyed premises.*
- 5 Subject to rights reserved and granted as set forth in a conveyance between Catharine W. Folts and the Herkimer, Newport & Poland Narrow Gauge Railroad Company by deed dated September 9, 1891 and recorded in Herkimer County Clerk's Office on September 9, 1891 in Liber 144 of Deeds at Page 68. *The description is ambiguous and may encumber the surveyed premises.*
- 6 Subject to rights and an ingress and egress easement as set forth in a conveyance by The New York Central Railroad Company to Niagara Mohawk Power Corporation by deed dated September 25, 1959 and recorded in Herkimer County Clerk's Office on October 27, 1959 in Liber 536 of Deeds at Page 276. *Does not encumber the surveyed premises.*
- 7 Subject to a Right of Way reserved as set forth in a conveyance by Catharine W. Folts to The Village of Herkimer, NY by deed dated September 9, 1891 and recorded in Herkimer County Clerk's Office on September 9, 1891 in Liber 132 of Deeds at Page 346. *Encumbers Tax Parcel No. 113.73-1-47 and is shown herein.*
- 8 Subject to a Notice of Appropriation for a Permanent Easement by the New York State Department of Public Works Bureau of Rights and Claims to Niagara Mohawk Power Corporation by deed dated March 23, 1979 and recorded in Herkimer County Clerk's Office on March 7, 1981 in Liber 663 of Deeds at Page 540. *Does not encumber the surveyed premises.*
- 9 Subject to rights and easements granted and reserved as set forth in a conveyance between Niagara Mohawk Power Corporation and the Town of Herkimer by deed dated December 22, 1964 and recorded in Herkimer County Clerk's Office on December 31, 1964 in Liber 572 of Deeds at Page 788. *The description is ambiguous and encumbers Tax Parcel Nos. 113.73-1-47 and is not shown herein.*
- 10 Subject to rights and easements granted and reserved as set forth in a conveyance between The Town of Herkimer and Niagara Mohawk Power Corporation by deed dated May 4, 1968 and recorded in Herkimer County Clerk's Office on March 13, 1967 in Liber 586 of Deeds at Page 629. *The description is blank in nature and encumbers Tax Parcel Nos. 113.73-1-47 and is not shown herein.*
- 11 Subject to rights and easements granted and reserved as set forth in a conveyance between Niagara Mohawk Power Corporation and the Town of Herkimer by deed dated June 3, 1966 and recorded in Herkimer County Clerk's Office on March 13, 1967 in Liber 586 of Deeds at Page 624. *The description is ambiguous and encumbers Tax Parcel Nos. 113.73-1-46 and 47 and is not shown herein.*
- 12 Subject to rights granted as set forth in a conveyance by William Smith and Mary Smith to the Village of Herkimer by deed dated March 23, 1880 and recorded in Herkimer County Clerk's Office on April 3, 1880 in Liber 136 of Deeds at Page 129. *The description is ambiguous and encumbers Tax Parcel Nos. 113.73-1-47 and is not shown herein.*
- 13 Subject to a rights granted and reserved as set forth in a conveyance between the Village of Herkimer to Standard Furniture Company by deed dated October 31, 1940 and recorded in Herkimer County Clerk's Office on June 1, 1942 in Liber 345 of Deeds at Page 577. *The description is ambiguous and may encumber Tax Parcel Nos. 113.73-1-46 and 47.*
- 14 Subject to rights granted and reserved as set forth in a conveyance between The New York Central and Hudson River Railroad Company and the Municipal Commission of the Village of Herkimer by agreement dated October 10, 1910 and recorded in Herkimer County Clerk's Office on March 13, 1911 in Liber 207 of Deeds at Page 289. *The description is ambiguous and encumbers Tax Parcel Nos. 113.73-1-47 and is not shown herein.*
- The existing waterline easement across Tax Parcel No. 113-1-47 was released in Exception No. 35.
- 15 Subject to rights granted as set forth in a conveyance by William Seward Webb and Eliza Ogden Webb to Samuel W. Stimson by deed dated August 12, 1880 and recorded in Herkimer County Clerk's Office on January 15, 1897 in Liber 180 of Deeds at Page 364. *Does not encumber the surveyed premises.*
- 16 Subject to a rights granted as set forth in a conveyance by Samuel W. Stimson to Joseph W. Baker by deed dated January 14, 1897 and recorded in Herkimer County Clerk's Office on January 20, 1897 in Liber 180 of Deeds at Page 373. *Does not encumber the surveyed premises.*
- 17 Subject to a rights granted as set forth in a conveyance by Joseph W. Baker to the Consolidated Water Company of Utica, N. Y. by an undated deed recorded in Herkimer County Clerk's Office on November 5, 1906 in Liber 192 of Deeds at Page 6. *Does not encumber the surveyed premises.*
- 18 Subject to rights granted and released as set forth in a conveyance by L.J. Folts and J.W. Baker to the Village of Herkimer and the People of the State of New York by deed dated February 7, 1899 and recorded in Herkimer County Clerk's Office on October 30, 1908 in Liber 180 of Deeds at Page 216. *The description is blank in nature and encumbers Tax Parcel No. 113.73-1-47 and is not shown herein.*
- 19 Subject to rights and easement granted and released as set forth in a conveyance by Mary A. Baker to the Village of Herkimer by deed dated November 26, 1930 and recorded in Herkimer County Clerk's Office on December 2, 1930 in Liber 268 of Deeds at Page 396. *Encumbers Tax Parcel No. 113.081-2-56 and is shown herein.*
- This easement across Tax Parcel No. 113.081-2-56 was released in Exception No. 35 and is shown herein.
- 20 Subject to rights and easements reserved, granted and released as set forth in a conveyance by the Village of Herkimer to the Niagara Mohawk Power Corporation by deed dated June 1, 1959 and recorded in Herkimer County Clerk's Office on March 2, 1959 in Liber 537 of Deeds at Page 173. *The description is blank in nature and encumbers Tax Parcel Nos. 113.73-1-46 and 47, and 113.081-2-56 and is not shown herein.*
- Subject to a Right of Way referenced. Refer to Exception No. 7.
- The waterline easement across Tax Parcel Nos. 113.73-1-46 and 47, and 113.081-2-56 was released in Exception No. 35.
- 21 Subject to rights and easements granted as set forth in a conveyance by the Village of Herkimer and the Municipal Commission of the Village of Herkimer to the Niagara Mohawk Power Corporation by deed dated June 1, 1959 and recorded in Herkimer County Clerk's Office on June 2, 1959 in Liber 537 of Deeds at Page 177. *The description is blank in nature and encumbers Tax Parcel Nos. 113.73-1-46 and 47, and 113.081-2-56 and is not shown herein.*
- 22 Subject to a 30-foot Right of Way and Easement granted as set forth in a conveyance by Niagara Mohawk Power Corporation to Donald J. Reile by deed dated September 14, 1967 and recorded in Herkimer County Clerk's Office on September 12, 1968 in Liber 597 of Deeds at Page 137. *Benefits Tax Parcel No. 113.081-2-56 and is shown herein.*
- 23 Subject to rights and easements granted as set forth in a conveyance by Donald J. Reile to George Cogar by deed dated February 20, 1969 and recorded in Herkimer County Clerk's Office on March 21, 1969 in Liber 600 of Deeds at Page 509. *Encumbers and benefits Tax Parcel Nos. 113.73-1-46 and 47, and 113.081-2-56 and is not shown herein.*
- Subject to Right of Ways and Easements referenced. Refer to Exception Nos. 7 and 22.
- 24 Subject to rights and easements granted as set forth in a conveyance by George Cogar to Donald J. Reile by deed dated April 20, 1970 and recorded in Herkimer County Clerk's Office on May 12, 1970 in Liber 607 of Deeds at Page 745. *The description is ambiguous and encumbers and benefits Tax Parcel Nos. 113.73-1-46 and 47, and 113.081-2-56 and is not shown herein.*
- Subject to Right of Ways and Easements referenced. Refer to Exception Nos. 7 and 22.
- 25 Subject to rights reserved as set forth in a conveyance by The Village of Herkimer to the Village of Herkimer Commercial & Industrial Improvement Corporation by deed dated December 24, 1964 and recorded in Herkimer County Clerk's Office on March 4, 1965 in Liber 573 of Deeds at Page 576. *The description is blank in nature and encumbers Tax Parcel Nos. 113.73-1-46 and 47, and is not shown herein.*
- 26 Subject to rights as set forth in a conveyance by the Village of Herkimer Commercial & Industrial Improvement Corporation to Mohawk Data Sciences, Corp by deed dated March 1, 1965 and recorded in Herkimer County Clerk's Office on March 4, 1965 in Liber 573 of Deeds at Page 580. *The description is blank in nature and encumbers Tax Parcel Nos. 113.73-1-46 and 47, and is not shown herein.*
- 27 Subject to a Right of Way reserved as set forth in a conveyance by the Village of Herkimer, New York to George P. Cogar by deed dated December 18, 1974 and recorded in Herkimer County Clerk's Office on December 18, 1974 in Liber 637 of Deeds at Page 711. *The description is blank in nature and encumbers Tax Parcel Nos. 113.73-1-46 and 47, and is not shown herein.*
- 28 Subject to rights and easements reserved as set forth in a conveyance by the Irving Trust Company to The New York Central Railroad Company by deed dated April 21, 1960 and recorded in Herkimer County Clerk's Office on May 23, 1960 in Liber 96 of Release and Satisfaction of Mortgages at Page 544. *Does not encumber the surveyed premises.*
- 29 Subject to rights and easement granted as set forth in a conveyance by The New York Central Railroad Company to Consolidated Water Company by deed dated February 16, 1915 and recorded in Herkimer County Clerk's Office on June 10, 1915 in Liber 225 of Deeds at Page 199. *Does not encumber the surveyed premises.*
- 30 Subject to a 16.5-foot Right of Way granted as set forth in a conveyance by William Smith and Mary Smith to the Herkimer Newport and Poland Narrow Gauge Railway by deed dated March 27, 1889 and recorded in Herkimer County Clerk's Office on July 3, 1889 in Liber 136 of Deeds at Page 227. *Does not encumber the surveyed premises.*
- 31 Subject to rights and an easement granted as set forth in a conveyance by The New York Central Railroad Company to Niagara Mohawk Power Corporation by deed dated September 25, 1959 and recorded in Herkimer County Clerk's Office on October 27, 1959 in Liber 536 of Deeds at Page 276. *Does not encumber the surveyed premises.*
- 32 Subject to a right of Way and Easement granted and reserved as set forth in a conveyance by Niagara Mohawk Power Corporation to Homogeneous Metals, Inc. by deed dated December 1, 1987 and recorded in Herkimer County Clerk's Office on January 20, 1988 in Liber 737 of Deeds at Page 338. *Encumbers Tax Parcel No. 113.73-1-45, and is shown herein. Benefits Tax Parcel Nos. 113.73-1-45, 46 and 47, and 113.081-2-56 and is shown herein.*
- 33 Subject to rights as set forth in a conveyance by The People of the State of New York to Homogeneous Metals, Inc. by deed dated April 29, 1993 and recorded in Herkimer County Clerk's Office on July 22, 1993 in Liber 806 of Deeds at Page 318. *Benefits Tax Parcel No. 113.73-1-45 and is shown herein.*
- 34 Subject to rights and easement granted and reserved as set forth in a conveyance by Homogeneous Metals, Inc. to the Village of Herkimer by deed dated May 28, 1999 and recorded in Herkimer County Clerk's Office on June 28, 1999 in Liber 864 of Deeds at Page 429. *Encumbers Tax Parcel No. 113.73-1-47 and is shown herein.*
- 35 Release of Easements as set forth in a Release of Easements by Village of Herkimer to Homogeneous Metals, Inc. by deed dated May 23, 2013 and recorded in Herkimer County Clerk's Office on August 8, 2013 in Instrument No. 2013-00180450. *Benefits Tax Parcel Nos. 113.73-1-46 and 47, and 113.081-2-56 and is shown herein.*
- 36 Rights and easement granted and reserved as set forth in a Easement Agreement between Homogeneous Metals, Inc. and the Village of Herkimer by deed dated May 23, 2013 and recorded in Herkimer County Clerk's Office on August 8, 2013 in Instrument No. 2013-00180451. *Encumbers Tax Parcel No. 113.73-1-47 and is shown herein.*

Unauthorized alteration or addition to a survey map bearing a licensed land surveyors seal is a violation of Section 7209, Subdivision 2 of the New York State Education Law.

Only copies from the original of this survey marked with an original of the surveyor's inked seal or his embossed seal shall be considered to be valid and true copies.

**Property of**

**Homogeneous Metals, Inc.**

**Tax Parcel No. 113.073-1-45**

**Contains: 31,380 square feet or 0.720 acres**

All that tract or parcel of land situate in the Village of Herkimer, County of Herkimer, State of New York, and being more precisely described as follows:

**Beginning** at a 5/8-inch rebar (flush with grade) found at the reputed former low water mark of West Canada Creek, said rebar also being at the northeasterly corner of a 4.41-acre parcel of land described in a conveyance from George R. Cogar to Homogeneous Metals, Inc. by deed dated March 23, 1979 and recorded in the Herkimer County Clerk's Office on March 23, 1979 in Liber 663 of Deeds at Page 914, said rebar having New York State Plane Coordinates (NAD83/2011 - East Zone) of 1,531,524.07 feet North and 362,381.27 feet East;

thence South 67 degrees 13 minutes 11 seconds West, along the northerly line of said 4.41-acre parcel, a distance of 1.02 feet to a point on the easterly line of a strip of land utilized for an electrical distribution line conveyed by The New York Central Railroad Company to the Niagara Mohawk Power Corporation by deed dated September 15, 1959 and recorded in the Herkimer County Clerk's Office on October 27, 1959 in Liber 536 of Deeds at Page 276;

thence North 35 degrees 06 minutes 24 seconds West, along the easterly line of the said Niagara Mohawk Power Corporation strip of land, a distance of 228.23 feet to a 5/8-inch rebar set at an angle point on a line of the lands of the People of the State of New York (no deed reference);

thence along the lands of the People of the State of New York, the following three courses and distances:

1. North 52 degrees 34 minutes 30 seconds East a distance of 37.46 feet to a 5/8-inch rebar with a 1 1/4-inch diameter red plastic cap marked "THEW ASSOCIATES - UTICA NY" (herein after referred to as a 5/8-inch rebar) set at the former northerly corner of the machine shop (now razed);

2. North 64 degrees 36 minutes 39 seconds East, in part along the northerly face of the former machine shop, a distance of 80.01 feet to a set 5/8-inch rebar;

3. South 25 degrees 23 minutes 01 seconds East a distance of 458.60 feet to a 5/8-inch rebar with a 1 1/4-inch diameter yellow plastic cap marked "NASH LS 49168 SURVEY MARKER" (extends 0.2 feet above grade) found at the former low water mark of the West Canada Creek, said rebar also being on the easterly line of said 4.41-acre parcel;

thence North 44 degrees 14 minutes 02 seconds West, along the easterly line of said 4.41-acre parcel, a distance of 238.58 feet to the Point of Beginning;

To contain 31,380 square feet or 0.720 acres of land, more or less.

The above-described parcel of land is intended to be the same premises conveyed by the Niagara Mohawk Power Corporation to Homogeneous Metals, Inc. by deed dated December 1, 1987 and recorded in the Herkimer County Clerk's Office on January 20, 1988 in Liber 737 of Deeds at Page 338, and the same premises conveyed by The People of the State of New York to Homogeneous Metals, Inc. by deed dated April 29, 1993 and recorded in the Herkimer County Clerk's Office on July 22, 1993 in Liber 806 of Deeds at Page 318.

This parcel is subject to an environmental easement held by the New York State Department of Environmental Conservation pursuant to Title 36 of Article 71 of the New York Environmental Conservation Law. The engineering and institutional controls for this Easement are set forth in more detail in the Site Management Plan (SMP). A copy of the SMP must be obtained by any party with an interest in the property. The SMP can be obtained from NYS Department of Environmental Conservation, Division of Environmental Remediation, Site Control Section, 625 Broadway, Albany, New York 12233 or at [derweb@dec.ny.gov](mailto:derweb@dec.ny.gov).

The above-mentioned coordinates, bearings, and distances are referenced to the North American Datum of 1983 - 2011 adjustment (NAD83/2011) and projected on the New York State Plane Coordinate System (East Zone).

A map of the above-described parcel of land, dated June 1, 2015, was prepared by Thew Associates PE-LS, PLLC, and is distinguished as Drawing No. UKS18-11-14.

ALSO ALL THAT TRACT OR PARCEL OF LAND situate in the Village of Herkimer, County of Herkimer and State of New York bounded and described as follows: beginning at a point at the Northwest corner of the 4.41-acre parcel first described in a deed from George R. Cogar to Homogeneous Metals, Inc. dated March 23, 1979 and recorded in the Herkimer County Clerk's Office on March 23, 1979 in Liber 663 of Deeds at Page 914, which point is situate in the former low water mark of West Canada Creek and which point is also situate in the East line of parcel No. 2 of lands conveyed to Niagara Mohawk Power Corporation by the New York Central Railroad Company by deed dated September 25, 1959 and recorded in the Herkimer County Clerk's Office on October 27, 1959 in Liber 536 of Deeds at Page 276; thence North along said former low water mark of West Canada Creek and East line of lands conveyed to Niagara Mohawk Power Corporation a distance of 220 feet, more or less, to the Northeast corner of parcel No. 2 as conveyed to Niagara Mohawk Power Corporation as aforesaid; thence Westerly along the North line of parcel No. 2 as conveyed to Niagara Mohawk Power Corporation as aforesaid a distance of 1 foot, more or less, to a point which will cause the next mentioned course to be a uniform distance of 1 foot West of the first mentioned course herein as measured at right angles thereto; thence Southerly and parallel to the first mentioned course herein and a uniform distance of 1 foot West therefrom as measured at right angles thereto a distance of 220 feet, more or less, to the North line of lands conveyed by George R. Cogar to Homogeneous Metals, Inc., as aforesaid; thence Easterly along said North line of lands conveyed to Homogeneous Metals, Inc., as aforesaid a distance of 1 foot, more or less, to the place of beginning.

ALSO ALL THAT PIECE OR PARCEL OF LAND formerly under the waters of West Canada Creek situate in the Village and Town of Herkimer, County of Herkimer, State of New York, and more particularly described as follows:

Beginning at an iron pin and survey cap set on the original high water line of West Canada Creek at the Northeast corner of land of Homogeneous Metals, Inc., (Liber 663, Page 914) and the Southeast corner of other lands of Homogeneous Metals, Inc., (Liber 737, Page 338); thence N. 27°-53'-32" W. along the Easterly bounds of said lands of Homogeneous Metals, Inc., (Liber 737, Page 338) and said original high water line 228.45 feet to a point at the Northeast corner of lands of Homogeneous Metals, Inc., (Liber 737, Page 338); thence through the lands of the people of the State of New York a distance of three (3) courses and distances: (1) N. 69°-37'-48" E., 36.84 feet to an existing building corner at an angle point; (2) N. 71°-48'-00" E. along the Northerly wall of said existing building, and a projection thereof, 80.01 feet to an iron pin and survey cap set at an angle point and (3) S. 18°-10'-17" E., 458.84 feet to an iron pin and survey cap set on the aforesaid original high waterline and the said Easterly line of lands of Homogeneous Metals, Inc., (Liber 663, Page 914); thence N. 37°-03'-09" W. along said original high water line and the said Easterly line of lands of Homogeneous Metals, Inc., 238.73 feet to the point of beginning.

Bearings are referenced to magnetic north circa 1950.

Intending to describe a parcel of land formerly underwater, the Easterly boundary of which is fixed and not ambulatory.

As shown and designated as "Parcel A" on a map entitled State of New York, Office of General Services, Submerged Land Application Map in the application of Homogeneous Metals, Inc. for lands formerly under the water of West Canada Creek, Village and Town of Herkimer, County of Herkimer, State of New York dated April 26, 1980, and recorded in Herkimer County Clerk's Office on May 23, 1980 in Liber 96 of Release and Satisfaction of Mortgages at Page 544, and filed in the Office of General Services as O.G.S. Map No. 1525.

As shown and designated as "Parcel A" on a map entitled State of New York, Office of General Services, Submerged Land Application Map in the application of Homogeneous Metals, Inc. for lands formerly under the water of West Canada Creek, Village and Town of Herkimer, County of Herkimer, State of New York dated April 26, 1980, and recorded in Herkimer County Clerk's Office on May 23, 1980 in Liber 96 of Release and Satisfaction of Mortgages at Page 544, and filed in the Office of General Services as O.G.S. Map No. 1525.

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**Property of**