

MONROE COUNTY CLERK'S OFFICE

THIS IS NOT A BILL. THIS IS YOUR RECEIPT.

Receipt # 3689593

Book Page D 12908 0409

No. Pages: 7

Instrument: EASEMENT AGREEMENT

Control #: 202401021510

Ref #: TT0000008874

Date: 01/02/2024

Time: 4:44:31 PM

Return To:
BOX 14 1/2

GERMANOW-SOMON CORPORTION,
PEOPLE OF THE STATE OF NEW YORK,
DEPARMENT OF ENVIRONMENTAL CONSERVATION,

GERMANOW-SOMON CORPORTION,
PEOPLE OF THE STATE OF NEW YORK,
DEPARMENT OF ENVIRONMENTAL CONSERVATION,

Recording Fee	\$26.00	
Pages Fee	\$30.00	
State Fee Cultural Education	\$14.25	
State Fee Records	\$4.75	Employee: RRR
Management		
TP-584 Form Fee	\$5.00	
Total Fees Paid:	\$80.00	

State of New York

MONROE COUNTY CLERK'S OFFICE
WARNING – THIS SHEET CONSTITUTES THE CLERKS
ENDORSEMENT, REQUIRED BY SECTION 317-a(5) &
SECTION 319 OF THE REAL PROPERTY LAW OF THE
STATE OF NEW YORK. DO NOT DETACH OR REMOVE.

Consideration: \$1.00

JAMIE ROMEO

MONROE COUNTY CLERK



6
Box 14 1/2
County: Monroe Site No: C828117 & C828136 Document Type: B8-0566-99-10

AMENDMENT TO ENVIRONMENTAL EASEMENT

This Amendment to Environmental Easement is made this 20th day of November, 2023, between the Germanow-Simon Corporation, having an office at 408 St. Paul Street, Rochester, New York 14605 (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.

RECITALS

1. The Grantor, is the owner of real property located at the address of 376-378, 384, 388-392, 398-402 & 408 St. Paul Street, and 19-23 Emmett Street in the City of Rochester, County of Monroe and State of New York comprising Site Nos.: C828117 and C828136 (collectively, the "Site" or the "Controlled Property").
2. The Department and Grantor entered into that certain Environmental Easement, dated as of August 24, 2012 ("Environmental Easement"), covering all of the Controlled Property and recorded in the Monroe County Clerk's office on September 4, 2012 in Liber 11163 of Deeds at page 114. Capitalized terms used herein without definition have the meanings ascribed to them in the Environmental Easement.
3. Pursuant to Section 1, 2, 3, and 5, of the Environmental Easement, Grantor granted the Department rights and interests that run with the land in perpetuity in order to provide an effective and enforceable means of encouraging the reuse and redevelopment of the Controlled Property at a level that has been determined to be safe for a specific use while ensuring the performance of certain maintenance, monitoring or operation requirements; and to ensure the restriction of future uses of the land that are inconsistent with the above-stated purpose.
4. This Amendment to Environmental Easement is filed solely in order to reflect the merger of two parcels of Controlled Property, formerly being addressed 8-28 Ward Street (and formerly designated as tax parcel number 106.63-1-016) and formerly being addressed 25 Cork Street (and formerly designated as tax parcel number 106.62-1-057) into the parcel of the Controlled Property with the address of 19-23 Emmett Street (and formerly designated as tax parcel number 106.62-1-021, which was given the new tax parcel number 106.62-1-021.001, and to revise the legal description for the Controlled Property that was attached as Schedule "A" to the Environmental Easement to reflect that merger.
5. Pursuant to Section 8 of the Environmental Easement, the Department agrees to this amending of the Environmental Easement by this Amendment to Environmental Easement and the filing of this Amendment to Environmental Easement with the Monroe County Clerk's Office in the manner prescribed by Article 9 of the Real Property Law.
6. The above recitals are hereby incorporated into this Amendment to Environmental Easement.

RECORDED

Time: 4:44 PM

JAN 02 2024

Monroe County Clerk's Office

County: Monroe Site No: C828117 & C828136 Document Type: B8-0566-99-10

7. The Department and Grantor hereby agree that the 4th WHEREAS clause of the Environmental Easement is hereby amended to read as follows:

WHEREAS, Grantor, is the owner of real property located at the address of 376-378, 384, 388-392, 398-402 & 408 St. Paul Street, and 19-23 Emmett Street in the City of Rochester, County of Monroe and State of New York, known and designated on the tax map of the County Clerk of Monroe as tax map parcel numbers:

Section 106.62 Block 1 Lot 028 [408 St. Paul Street]; Section 106.62 Block 1 Lot 029 [398-402 St. Paul Street]; Section 106.62 Block 1 Lot 030 [388-392 St. Paul Street]; Section 106.62 Block 1 Lot 031 [384 St. Paul Street]; Section 106.62 Block 1 Lot 032 [376-378 St. Paul Street]; and Section 106.62 Block 1 Lot 021.001 [19-23 Emmett Street]; being the same as that property conveyed to Grantor by the following deeds: (i) deed dated December 19, 2005 and recorded in the Monroe County Clerk's Office in Liber 10235 of Deeds at page 660, (ii) deed dated December 19, 2005 and recorded in the Monroe County Clerk's Office in Liber 10235 of Deeds at page 666, (iii) deed dated April 27, 2006 and recorded in the Monroe County Clerk's Office in Liber 10289 of Deeds at page 506, (iv) deed dated February 6, 2012 and recorded in the Monroe County Clerk's Office in Liber 11098 of Deeds at page 83, and (v) deed dated June 23, 2023 and recorded in the Monroe County Clerk's Office in Liber 12834 of Deeds at page 0283. The property subject to this Environmental Easement (the "Controlled Property") comprises approximately 3.081 +/- acres, and is hereinafter more fully described in the Land Title Survey dated November 9, 2011, and amended May 5, 2023, prepared by Stantec Consulting Services, Inc., which will be attached to the Site Management Plan. The Controlled Property description is set forth in and attached hereto as Schedule A; and

8. The Department and Grantor hereby agree that the metes and bounds description of the Controlled Property attached hereto as "Schedule "A" – Amended Description of the Controlled Property" shall replace the original metes and bounds description attached as Schedule "A" to the Environmental Easement.
9. All other terms of the Environmental Easement shall remain in effect.
10. This Amendment to Environmental Easement Agreement inures to and bind the parties hereto their respective successors and assigns.
11. This Amendment to Environmental Easement Agreement shall be governed by and interpreted in accordance with the laws of the State of New York

County: Monroe Site No: C828117 & C828136 Document Type: B8-0566-99-10

IN WITNESS WHEREOF, Grantor has caused this instrument to be signed in its name.

Grantor: Germanow-Simon Corporation:

By: 

Print Name: Andrew Germanow

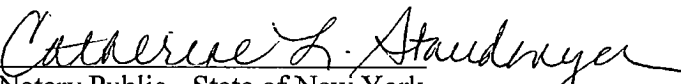
Title: President

Date: 10/19/2023

Grantor's Acknowledgment

STATE OF NEW YORK)
) ss:
COUNTY OF MONROE)

On the 19th day of Oct., in the year 2023, before me, the undersigned, personally appeared Andrew Germanow, 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.


Notary Public - State of New York

CATHERINE L. STAUDMYER
Notary Public, State of New York
No. 01ST6068068
Qualified in Monroe County
Commission Expires Dec. 24, 2025

County: Monroe Site No: C828117 & C828136 Document Type: B8-0566-99-10

THIS ENVIRONMENTAL EASEMENT IS HEREBY ACCEPTED BY THE PEOPLE OF THE STATE OF NEW YORK, Acting By and Through the Department of Environmental Conservation as Designee of the Commissioner,

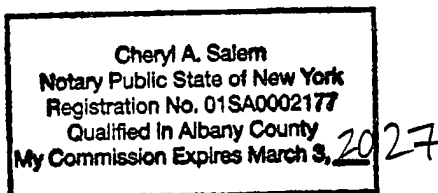
By: Andrew Guglielmi
Andrew O. Guglielmi
Division of Environmental Remediation

Grantee's Acknowledgment

STATE OF NEW YORK)
) ss:
COUNTY OF)

On the 20th day of November in the year 2023, before me, the undersigned, personally appeared Andrew O. Guglielmi 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/ executed the same in his/her/ capacity as Designee of the Commissioner of the State of New York Department of Environmental Conservation, and that by his/her/ signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Cheryl A. Salem
Notary Public - State of New York



County: Monroe Site No: C828117 & C828136 Document Type: B8-0566-99-10

SCHEDULE "A" AMENDED DESCRIPTION OF CONTROLLED PROPERTY

Address: 376-378, 384, 388-392, 398-402 & 408 St. Paul St., and 19-23 Emmett St..

Tax Map: 106.62-1-028; 106.62-1-029; 106.62-1-030; 106.62-1-031; 106.62-1-032,
106.62-1-021.001;

LANDS COMPRISING N.Y.S. BROWNFIELD CLEANUP PROGRAM
WARD STREET SITE NO. C828117 & 8-28 WARD STREET SITE NO. C828136

DESCRIPTION OF LANDS DESIGNATED AS TAX MAP PARCELS: 106.62-1-028, BEING 408 ST. PAUL STREET; 106.62-1-029, BEING 398-402 ST. PAUL STREET; 106.62-1-030, BEING 388-392 ST. PAUL STREET; 106.62-1-031, BEING 384 ST. PAUL STREET; 106.62-1-032 BEING 376-378 ST. PAUL STREET; 106.62-1-021.1 BEING 19-23 EMMETT STREET

All that tract or parcel of land containing 3.081 acres, more or less, situate in the City of Rochester, County of Monroe, State of New York, all as shown on a map entitled "Germanow-Simon, ALTA/ACSM Land Title Survey" prepared by Stantec Consulting Services, Inc., dated November 9, 2011, having Drawing No. 190500014 V-3 and being more particularly bounded and described as follows:

Beginning at a point on the southeasterly right-of-way line of St. Paul Street (66 feet wide), said point being at the intersection with the northeasterly right-of-way line of Ward Street (80' wide); thence

1. N 38°20'00" W, along said southeasterly right-of-way line, a distance of 277.70 feet to a point of intersection with the common line dividing lands now or formerly of Gordon J. Van Vliet (Tax Map No. 106.62-1-027) to the northwest and lands formerly of Mineth Realty Company (Tax 106.62-1-028) to the southeast; thence
2. N 50°56'44" E, along said common line, a distance of 241.87 feet to a point of intersection with the northwesterly right-of-way line of Cork Street (18 feet wide); thence
3. N 50°56'44" E, along the southeasterly end of remaining Cork Street, the southeasterly portion of which was abandoned per City of Rochester Ordinance No. 2011-275, a distance of 18.00 feet; thence
4. N 37°22'13" W, along the remaining existing right-of-way line of Cork Street, a distance of 49.08 feet to a point of intersection with the common line dividing lands of the County of Monroe Industrial Development Agency (Tax Map No. 106.62-1-020) on the northwest and the former lands of Upper Falls Realty Co. (Tax Map No. 106.62-1-021) on the southeast; thence
5. N 50°56'44" E, along said common line, a distance of 132.00 feet to a point on the northwesterly right-of-way line of Emmett Street (62 feet wide), thence
6. S 37°22'13" E, along the said northwesterly right-of-way line of Emmett Street, a distance of 332.26 feet to a point of curvature; thence
7. Southeasterly, continuing along the said northwesterly right-of-way line of Emmett Street, along a curve to the right, having a radius of 369.00 feet, through a central angle of 13°20'48", a distance of 85.96 feet to a point of compound curvature; thence

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8. Southeasterly, continuing along the said northwesterly right-of-way line of Emmett Street, along a curve to the right, having a radius of 10.00 feet, through a central angle of $90^{\circ}00'00''$, a distance of 15.71 feet to a point of tangency on the aforementioned northeasterly right-of-way line of Ward Street; thence
9. S $65^{\circ}58'35''$ W, along the said northeasterly right-of-way line, a distance of 375.17 feet to the Point of Beginning.

Emma E. Marshall
Associate

January 4, 2024

CERTIFIED MAIL RETURN RECEIPT REQUESTED

Malik D. Evans, Mayor
City of Rochester
30 Church St., City Hall Room 308A
Rochester NY, 14614

Re: Environmental Easement Notice

Dear Mayor Evans:

Attached please find a copy of an amended environmental easement granted to the New York State Department of Environmental Conservation ("Department")

on January 2, 2024
by Germanow-Simon Machine Company Inc.,
for property located on Ward Street, Rochester, N.Y.,
on parcel numbers: 106.62-1-028, 106.62-1-029, 106.62-1-030, 106.62-1-031, 106.62-1-032,
and 106.62-1-021.001
DEC Site Nos: C828117 & C828136.

In early 2022¹, two former tax parcels (106.63-1-016 being 8-28 Ward Street; and 106.62-1-057 being 25 Cork Street) covered by the existing Environmental Easement were merged into another former parcel (106.62-1-021 being 19-23 Emmett Street) covered by the existing Environmental Easement at the request of the City of Rochester during a facility expansion, and given the new tax parcel number of 106.62-1-021.001. All three former parcels were covered under the existing Environmental Easement, dated August 24, 2012. This Amendment to Environmental Easement is being submitted solely to reflect the parcel merger. The Amendment to Environmental Easement continues to restricts future use of the above-referenced property to commercial and industrial use. Any on-site activity must be done in accordance with the existing Environmental Easement as amended by the Amendment to Environmental Easement and the Site Management Plan which is incorporated into the existing Environmental Easement.

¹ Exact date is unknown. Per the request of the City of Rochester, the re-subdivision form was submitted in November 2021 and by July 2022 the parcels were identified as merged on the City of Rochester's records.

Article 71, Section 71-3607 of the New York State Environmental Conservation Law requires that:

1. Whenever the department is granted an environmental easement, it shall provide each affected local government with a copy of such easement and shall also provide a copy of any documents modifying or terminating such environmental easement.
2. Whenever an affected local government receives an application for a building permit or any other application affecting land use or development of land that is subject to an environmental easement and that may relate to or impact such easement, the affected local government shall notify the department and refer such application to the department. The department shall evaluate whether the application is consistent with the environmental easement and shall notify the affected local government of its determination in a timely fashion, considering the time frame for the local government's review of the application. The affected local government shall not approve the application until it receives approval from the department.

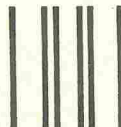
An electronic version of every environmental easement that has been accepted by the Department is available to the public at: <http://www.dec.ny.gov/chemical/36045.html>. Please forward this notice to your building and/or planning departments, as applicable, to ensure your compliance with these provisions of New York State Environmental Conservation Law. If you have any questions or comments regarding this matter, please do not hesitate to contact me.

Very truly yours,

/s/Emma E. Marshall

Emma E. Marshall
Thomas F. Walsh
Barclay Damon LLP

USPS TRACKING #



First-Class Mail
Postage & Fees Paid
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9590 9402 8121 2349 4856 98

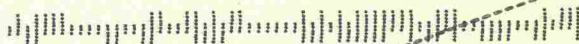
United States
Postal Service

• Sender: Please print your name, address, and ZIP+4® in this box•

Barclay Damon
80 State Street
6th Floor
Albany, NY 12207

Attn: E. Marshall

RECEIVED
JAN 11 2024



SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Malik D. Evans, Mayor
City of Rochester
30 Church St, City Hall Room 308A
Rochester NY 14614



9590 9402 8121 2349 4856 98

2. Article Number (Transfer from service label)

7020 3160 0001 6764 8607

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent☐ Addressee

B. Received by (Printed Name)

Buccini

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☐ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
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PS Form 3811, July 2020 PSN 7530-02-000-9053

Domestic Return Receipt