

MONROE COUNTY CLERK'S OFFICE

THIS IS NOT A BILL. THIS IS YOUR RECEIPT.

Receipt # 4121741

Book Page D 13038 0385

No. Pages: 4

Instrument: EASEMENT WITHOUT A TPS584

Control #: 202412040496

Ref #: TT0000007091

Date: 12/04/2024

Time: 1:41:31 PM

Return To:  
HARTER SECREST AND EMERY  
1600 BAUSCH AND LOMB PL  
DENISE HUBBARD  
ROCHESTER, NY 14604-2711

DEPARTMENT OF ENVIRONMENTAL CONSERVATION,  
300 OAKVIEW LLC,

DEPARTMENT OF ENVIRONMENTAL CONSERVATION,  
300 OAKVIEW LLC,

Recording Fee	\$26.00
Pages Fee	\$15.00
State Fee Cultural Education	\$14.25
State Fee Records Management	\$4.75
<b>Total Fees Paid:</b>	<b>\$60.00</b>

Employee: JI

State of New York

MONROE COUNTY CLERK'S OFFICE  
WARNING - THIS SHEET CONSTITUTES THE CLERK'S  
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.

JAMIE ROMEO

MONROE COUNTY CLERK



RECORDED  
Time: 1:21 PM

DEC 04 2024

**Monroe County Clerk's Office** TERMINATION AND RELEASE OF ENVIRONMENTAL EASEMENT

This Termination and Release of Environmental Easement is made as of 22nd day of July 2024, by and between The People of the State of New York, acting through their Commissioner of the Department of Environmental Conservation ("NYSDEC" or the "Department") with its headquarters located at 625 Broadway, Albany, New York 12233, and Owner, 300 Oakview, LLC, having an office at 202 Cherry Creek Lane, Rochester, New York 14626("the Grantor").

**RECITALS**

1. Grantor is the owner of certain land known as 300 Commerce Drive in the Town of Henrietta, County of Monroe and State of New York, known and designated on the tax map of the Monroe County Clerk's Office as tax map parcel number: Section 161.10 Block 01, Lot 18 ("Property"), being the same as that property conveyed to Grantor by deed dated October 19, 2023, and recorded in the Monroe County Clerk's Office in Liber 12880 and Page 0458.
2. The Department and Grantor's predecessor in title, Commerce CRE, LLC entered into an Environmental Easement ("Easement Agreement") dated as of February 9, 2021, and recorded in the Monroe County Clerk's Office on March 10, 2021, Control # 202103100304, Liber 12472 and Page 0380. Capitalized terms used herein without definition have the meanings ascribed to them in the Environmental Easement Agreement. The property comprises approximately 2.689 +/- acres, and is hereinafter more fully described in Exhibit A.
3. Pursuant to Section 1, 2, 3, 4, and 5 of the Easement Agreement, 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 Property at a level that has been determined to be safe for a specific use while ensuring the performance of maintenance, monitoring or operation requirements; and to ensure the potential restriction of future uses of the land that are inconsistent with the stated purpose.
4. The Parties do hereby agree that all applicable remediation requirements set forth in the New York State Environmental Conservation Law have not been achieved, and that there may be a need for institutional controls including, but not limited to, any use restrictions, or engineering controls at the Property upon the completion of the remedial program at the Property.
5. Pursuant to Section 9 of the Easement Agreement, the Department agrees to terminate and release the Easement Agreement.

**TERMINATION AND RELEASE OF ENVIRONMENTAL EASEMENT**

- A. The above recitals are hereby incorporated into this Termination and Release of Environmental Easement.

- B. The Department confirms that the date hereof is the "Termination Date" and the Department accordingly hereby terminates and releases the property as described in Exhibit A.
- C. This Termination and Release of Environmental Easement inures to and binds the parties hereto and their respective successors assigns.
- D. This Termination and Release of Environmental Easement shall be governed by and interpreted in accordance with the laws of the State of New York.

**THIS TERMINATION AND RELEASE OF THE EASEMENT AGREEMENT 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, Director  
 Division of Environmental Remediation

**Grantee's Acknowledgement**

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

On the 22<sup>nd</sup> day of July, in the year 2024 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 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.

Cheryl A. Salem  
 Notary Public - State of New York  
 Cheryl A. Salem  
 Notary Public State of New York  
 Registration No. 01SA0002177  
 Qualified in Albany County  
 My Commission Expires March 3, 2027

**EXHIBIT A- PROPERTY DESCRIPTION**

All that tract or parcel of land situate in part of Town Lot 7, Range 5, Township 12, Range 7, Phelps and Gorham Purchase, Town of Henrietta, County of Monroe, State of New York, and being more particularly bounded and described as follows:

Beginning at a point being the southeast corner of lands now of formerly owned by Yarn Enterprises Inc. having T.A. # 161.10-01-18 and the southwest corner of lands now or formerly owned by Hany Blain Jr. having T.A. # 161.10-01-17, said point also being a point on the north right-of-way line of Commerce Drive; thence

1. S 88 ° 20' 29" W, and along said north bounds of Commerce Drive a distance of 348.78 feet to a point; thence
2. N 35° 09' 16" W, and along said north bounds of Commerce Drive a distance of 33.11 feet to a point on said east bounds of Commerce Drive; thence
3. N 21 ° 20' 59" E, and along said east bounds of Commerce Drive a distance of 404.57 feet to a point; thence
4. N 88° 20' 29" E, a distance of 208.92 feet to a point; thence
5. S 01 ° 39' 31" E, a distance of 400.00 feet to the point and place of beginning.

Containing 2.689 acres of land, more or less.



Harter Secrest & Emery LLP

ATTORNEYS AND COUNSELORS

WWW.HSELAW.COM

Received

DEC 16 2024

NYSDEC OGC

December 11, 2024

Ms. Cheryl A. Salem  
Legal Assistant II  
Remediation Bureau  
Office of the General Counsel  
625 Broadway, 14<sup>th</sup> Floor  
Albany, New York 12233-1500

Re: Site Name: 300 Commerce Drive  
Site No. C828158

Dear Cheryl:

As per your request in the correspondence to Harter Secrest & Emery LLP dated July 10, 2024, enclosed please find a copy of the Recorded Termination and Release of Environmental Easement for the above-referenced site name and number.

If you have any questions, please contact me at your convenience.

Very truly yours,

Harter Secrest & Emery LLP

Melissa M. Valle  
DIRECT DIAL: 585.231.1425  
EMAIL: MVALLE@HSELAW.COM

MMV:dmh

Enclosure

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