

**Ithaca Falls Overlook Site
Environmental Restoration Project
Ithaca, Tompkins County, New York**

Final Engineering Report

**NYSDEC Site Number: E755018
USEPA ID # BF – 96288614**

Prepared for:
City of Ithaca
108 East Green Street
Ithaca, New York 14850

Prepared by:
Barton & Loguidice, D.P.C.
443 Electronics Parkway
Liverpool, New York 13088
315-457-5200



JANUARY 2018

Certifications

I, Scott D. Nostrand, P.E., am currently a registered professional engineer licensed by the State of New York, I had primary direct responsibility for implementation of the remedial program activities, and I certify that the Remedial Action Work Plan was implemented and that all construction activities were completed in substantial conformance with the Department-approved Remedial Action Work Plan.

I certify that the data submitted to the Department with this Final Engineering Report demonstrates that the remediation requirements set forth in the Remedial Action Work Plan and in all applicable statutes and regulations have been or will be achieved in accordance with the time frames, if any, established for the remedy.

I certify that all use restrictions, Institutional Controls, Engineering Controls, and/or any operation and maintenance requirements applicable to the Site are contained in an environmental easement created and recorded pursuant ECL 71-3605 and that all affected local governments, as defined in ECL 71-3603, have been notified that such easement has been recorded.

I certify that a Site Management Plan has been submitted for the continual and proper operation, maintenance, and monitoring of all Engineering Controls employed at the Site, including the proper maintenance of all remaining monitoring wells, and that such plan has been approved by the Department.

I certify that all documents generated in support of this report have been submitted in accordance with the DER's electronic submission protocols and have been accepted by the Department.

I certify that all data generated in support of this report have been submitted in accordance with the Department's electronic data deliverable and have been accepted by the Department.

I certify that all information and statements in this certification form are true. I understand that a false statement made herein is punishable as a Class "A" misdemeanor, pursuant to Section 210.45 of the Penal Law. I, Scott D. Nostrand, P.E., of Barton & Loguidice, D.P.C., am certifying as Owner's Designated Site Representative for the site.



075454

NYS Professional Engineer #

1/25/2018

Date

Signature

Table of Contents

<u>Section</u>	<u>Page</u>
1.0 Background and Site Description	1
2.0 Summary of Site Remedy.....	2
2.1 Remedial Action Objectives	2
2.1.1 Groundwater RAOs	2
2.1.2 Soil RAOs	2
2.1.3 Soil Vapor RAOs	2
2.2 Elements of Selected Remedy	2
3.0 Interim Remedial Measures	5
3.1 IRM 1: Soil Excavation and Cover – Western Accessway Area.....	5
3.2 IRM 2: Soil Excavation and Cover – Island, Raceway, and Former Walkway Areas	7
4.0 Supplemental Remediation	10
4.1 2017 Supplemental Remediation: Island, Western Slope, and Raceway	10
5.0 Site Conditions and Controls.....	12
5.1 Contamination Remaining at the Site	12
5.1.1 Soil	12
5.1.2 Groundwater	12
5.1.3 Soil Vapor	13
5.2 Soil Cover System.....	14
5.3 Environmental Easement	14

List of Tables

Table 1	Approximate Areas of Residual Soil Impacts.....	12
Table 2	Summary of Groundwater Results.....	13

List of Figures

Figure 1	Site Location Plan
Figure 2	Site Plan – Remedial Jurisdictions
Figure 3	Western Accessway Remedial Construction
Figure 4	Remedial Excavation Plan

Table of Contents – Continued

List of Appendices

Appendix A	Survey Map, Metes, and Bounds
Appendix B	Digital Copy of the FER (disc)
Appendix C	Waste Manifests (disc)
Appendix D	Environmental Easement

List of Acronyms

BCP	Brownfield Cleanup Program
CAMP	Community Air Monitoring Plan
CY	Cubic Yard
DER	Division of Environmental Remediation
EC	Engineering Control
ECL	Environmental Conservation Law
ERP	Environmental Restoration Program
FBG	Feet Below Grade
FT	Feet
FT ³	Cubic Feet
HASP	Health and Safety Plan
IC	Institutional Control
MW	Monitoring Well
NYSDEC	New York State Department of Environmental Conservation
NYSDOH	New York State Department of Health
NYCRR	New York Codes, Rules and Regulations
PPB	Parts Per Billion
PRR	Periodic Review Report
QA/QC	Quality Assurance/Quality Control
QAPP	Quality Assurance Project Plan
RAO	Remedial Action Objective
ROD	Record of Decision
SAC	State Assistance Contract
SCG	Standards, Criteria and Guidelines
SCO	Soil Cleanup Objective
SMP	Site Management Plan
SOP	Standard Operating Procedures
SV	Soil Vapor
TAL	Target Analyte List
TCLP	Toxicity Characteristic Leachate Procedure
USEPA	United States Environmental Protection Agency

1.0 Background and Site Description

The City of Ithaca entered into a State Assistance Contract (SAC) with the New York State Department of Environmental Conservation (NYSDEC) in April, 2008, to investigate and remediate a 0.95-acre property located in Ithaca, New York. The property was remediated to restricted residential use.

The site is located in the County of Tompkins, New York and is identified as Block 3 and Lot 21 on the City of Ithaca Tax Map # 11-3-1.2. The site is situated on an approximately 0.95-acre area bounded by the Fall Creek gorge to the north, Lake Street to the south, and City/Private property to the east and west (see Figure 1). The boundaries of the site are fully described in Appendix A: Survey Map, Metes and Bounds. The site plan is provided as Figure 2.

An electronic copy of this FER with all supporting documentation is included as Appendix B.

2.0 Summary of Site Remedy

2.1 Remedial Action Objectives

Based on the results of the Remedial Investigation, the following Remedial Action Objectives (RAOs) were identified for this site.

2.1.1 Groundwater RAOs

RAOs for Public Health Protection:

- Prevent ingestion of groundwater containing contaminant levels exceeding drinking water standards.
- Prevent contact with, or inhalation of, volatiles emanating from contaminated groundwater.

2.1.2 Soil RAOs

RAOs for Public Health Protection:

- Prevent ingestion/direct contact with contaminated soil.

RAOs for Environmental Protection:

- Prevent migration of contaminants that would result in groundwater or surface water contamination.

2.1.3 Soil Vapor RAOs

RAOs for Public Health Protection:

- Mitigate impacts to public health resulting from existing, or the potential for, soil vapor intrusion into buildings at the site.

2.2 Elements of Selected Remedy

The site was remediated in accordance with the remedy selected by the NYSDEC in the ROD dated September 25, 2017. The factors considered during the selection of the remedy are those listed in 6NYCRR 375-1.8. Based on the results of the investigations at the site, including the IRMs that have been performed, No Further Action was determined as the remedy for the site. This No Further Action remedy includes the implementation of institutional control in the form of an environmental easement and an engineering control consisting of a cover system, for

portions of the site, as the proposed remedy for the site. The elements of the IRMs already completed and the institutional and engineering controls are listed below:

1. Excavation: Excavation and off-site disposal of lead contaminated soil was conducted in two IRM soil removal events that occurred between August 2013 and June 2015. The two soil removals events were conducted in four different areas of the site, collectively addressing all site surface soil that had lead concentrations exceeding the restricted residential use SCOs, as defined by 6 NYCRR Part 375-6.8. Soil in the southern portion of the Western Accessway, Island, and Raceway areas were removed to bedrock or until restricted residential SCOs were achieved. A site cover system is required in two areas of the site and is described below. Approximately 2,652 tons of lead contaminated soil and 327 tons of concrete were removed from the site. A supplemental excavation was completed in April of 2017. Visible lead shot was removed from portions of the Island, Western Slope and Raceway through vacuuming efforts. A total of 3.09 tons of lead contaminated material was removed from the site as part of the April 2017 supplemental remediation. Additional IRM details are provided in Section 3.0.
2. Cover System: Site covers were constructed as IRMs in the northern portion of the Western Accessway area and the Former Walkway area to replace excavated soil, establish design grades, and allow for restricted-residential use of the site. In these areas, a minimum of two feet of soil cover material meeting the requirements of 6 NYCRR Part 375-6.7(d) was placed over a demarcation layer. Erosion control mats were used over the surface topsoil and the areas were revegetated. Additional IRM details are provided in Section 3.0.
3. Institutional Control: Imposition of an institutional control in the form of an environmental easement for the controlled property which will:
 - Require the remedial party or site owner to complete and submit to the Department a periodic certification of institutional and engineering controls in accordance with Part 375-1.8(h)(3);
 - Allow the use and development of the controlled property for restricted residential, commercial, and industrial uses as defined by Part 375-1.8(g), although land use is subject to local zoning laws;
 - Restrict the use of groundwater as a source of potable or process water, without necessary water quality treatment as determined by the NYSDOH or County DOH; and

- Require compliance with the Department approved Site Management Plan.
4. Site Management Plan: A Site Management Plan is required, which includes the following:
- Institutional and Engineering Control Plan that identifies all use restrictions and engineering controls for the site and details the steps and media-specific requirements necessary to ensure the following institutional and/or engineering controls remain in place and effective.
 - Excavation Plan which details the provisions for management of future excavations in areas of remaining contamination;
 - Descriptions of the provisions of the environmental easement including any land use, and groundwater use restrictions;
 - Provision for evaluation of the potential for soil vapor intrusion for any new buildings developed on the site, including provision for implementing actions recommended to address exposures related to soil vapor intrusion;
 - Provisions for the management and inspection of the identified engineering controls;
 - Maintaining site access controls and Department notification; and
 - Steps necessary for the periodic reviews and certification of the institutional and engineering controls.

3.0 Interim Remedial Measures

The information and certifications made in the March 2016 Site Investigation Report were relied upon to prepare these IRM descriptions and certify that the remediation requirements for the site have been met. The Construction Completion Report section of the March 2016 Site Investigation Report provides additional IRM construction detail.

3.1 IRM 1: Soil Excavation and Cover – Western Accessway Area

Excavation and off-site disposal of the surface soil lead contaminated areas in the Western Accessway portion of the site began in August 2013 and was completed in January 2014. Soils with lead concentrations exceeding the restricted residential use SCO of 400 mg/kg, as defined by 6 NYCRR Part 375-6.8, were excavated from two separate areas to a depth of two feet below grade and removed from the site. The excavation area in the northern portion of the Western Accessway covered an area of approximately 5,400 square feet, and the excavation area in the southern portion of the Western Accessway, near Lake Street, covered an area of approximately 600 square feet. In the southern excavation area, bedrock was encountered within two feet of the ground surface, in these areas the bedrock surface was vacuumed to remove any loose soil/debris. A total of 785 tons of lead contaminated soil was removed from the Western Accessway area.

Following excavation in the northern area, a demarcation layer (i.e., orange snow fence) was placed above the remaining soil with lead at concentrations exceeding the restricted-residential use SCOs. Above the demarcation layer, a soil cover with a minimum thickness of two feet was constructed using imported fill material and topsoil meeting the requirements of 6 NYCRR Part 375-6.7(d) for restricted-residential use. The soil cover also included use of erosion control mats and was revegetated with a steep slope vegetation mix.

The following is a summary of IRM 1:

- Barton & Loguidice, D.P.C. (B&L) designed the remedial systems. The project manager was David R. Hanny and the Engineer of Record was Scott D. Nostrand, P.E.
- The remedial contractor was Trec Environmental Construction, Inc.
- Construction observation was provided primarily by Darik M. Jordan of B&L.
- B&L reviewed all plans and submittals for this remedial project (i.e., those listed above plus contractor submittals). All remedial documents were submitted to the NYSDEC prior to the start of work.

- The Community Participation Plan was a separately bound Appendix to the SIWP, which was maintained at the Tompkins County Public Library throughout the duration of construction. Updates to the project were also provided to Community Advisory Groups.
- Site preparation included the following general tasks:
 - Acquisition of agency approvals, permits, etc.
 - NYSDEC and NYSDOH approval of the IRM Work Plan (June 2013)
 - Utility marker layout through Dig Safely, NY (August 2013)
 - Mobilization/ soil staging area and road way construction (August 2013)
- The following site controls were implemented throughout construction:
 - Site security – The main entrance to the site had security fencing that ran along Lake Street.
- Disposal Details:
 - Total Quantities Removed:
 - 376 tons of non-hazardous soil was removed
 - 338 cubic yards (409 tons) of hazardous soil was fixated on-site, then removed as non-hazardous
 - 29.25 tons of stabilization agent (GypBlend™) was added to Areas 3-5 soils
 - Disposal Facility Names:
 - Ontario County Landfill, Stanley, New York
 - Waste Manifests are included in Appendix C
 - Summary of Waste Characterization Sampling:
 - Waste characterization sampling was performed by the remedial contractor, Trec Environmental. Analysis was determined by the requirements of the disposal facility.
 - One TCLP sample was collected from each of the five areas to determine if lead concentrations were hazardous or non-hazardous. Soils above the hazardous waste limit were stabilized on-site and were retested to be determined suitable for disposal as a non-hazardous waste.

- Transporter Names:
 - Riccelli Trucking, Inc. – Part 364 Waste Transporter Permit No. 7A-434
 - Manifests and bills of lading are included in Appendix C
- Western Accessway IRM Imported Backfill/Topsoil:
 - Backfill Source: RMS Gravel, Inc. Dryden, New York
 - Topsoil Source: BC Commodities, Freeville, New York

3.2 IRM 2: Soil Excavation and Cover – Island, Raceway, and Former Walkway Areas

Excavation and off-site disposal of lead contaminated soil from the Island, Raceway, and Former Walkway areas was conducted from November 2014 through June 2015.

Prior to excavation of soil on the Island area, concrete and asphalt slabs were removed and disposed of off-site. Excavation on the Island area mainly consisted of removing non-native lead contaminated industrial soil. The excavation area extended off-site to include the steep western slope of the Island area. Thickness of the industrial soils ranged from approximately two to seven feet. Greatest thicknesses were found along edges of the Island where bedrock dropped off to the west and south. Clearance sampling was conducted through grid based sampling over the entire excavation area. Excavation was continued until analytical results for soil in each grid met the restricted residential use SCOs. In areas that encountered competent bedrock, the surface of the bedrock was vacuumed to remove any loose soil/debris. The bridge to the Island area was removed during excavation activities in order to access contaminated soil around the bridge foundation. A total of 1,750 tons of lead contaminated soil and 327 tons of concrete were removed from the Island area.

Removal of lead contaminated soil in the Raceway included areas along the base of the Raceway and the sidewalls. Throughout most of the Raceway, soil was removed using a combination of hand tools and vacuuming; however, in the plunge pool area of the Raceway, a mini-excavator was used along with hand tools to remove soil. Soil was transported out of the plunge pool to the soil staging area by a crane and two-yard skip boxes. The excavation of the plunge pool area extended off-site beyond the western property boundary. Soils were fully removed to bedrock in the Raceway with the exception of sidewall areas along the northern side of the Raceway where post-excavation sampling confirmed that the soil meets the restricted-residential use SCOs. The IRM area was extended beyond the eastern property boundary to include the eastern limits of the raceway. A total of 42 tons of lead contaminated soil was removed from the Raceway area.

Lead contaminated surface soil was removed from the Former Walkway area. Soil in the approximately 3,200 square foot area was removed to a depth of up to two feet. A total of 76 tons of lead contaminated soil was removed from the Former Walkway area. Following excavation, a demarcation layer was placed above the remaining soil with lead at concentrations exceeding the restricted-residential use SCOs. Above the demarcation layer, a soil cover with a minimum thickness of two feet was constructed using imported fill material and topsoil meeting the requirements of 6 NYCRR Part 375-6.7(d) for restricted-residential use. The soil cover also included use of erosion control mats and was revegetated.

The following is a summary of the IRM 2 remedial construction:

- B&L designed the remedial systems. The project manager was David R. Hanny and the Engineer of Record was Scott D. Nostrand, P.E.
- The remedial construction contractor was Paragon Environmental Construction, Inc.
- Construction observation was provided primarily by Darik M. Jordan of B&L.
- B&L reviewed all plans and submittals for this remedial project (i.e., those listed above plus contractor submittals) and confirmed that they were in compliance with the Work Plan.
- The Community Participation Plan was a separately bound Appendix to the SIWP, which was maintained at the Tompkins County Public Library throughout the duration of construction.
- Site preparation included the following general tasks:
- Acquisition of agency approvals, permits, etc.
 - NYSDEC, NYSDOH and USEPA approval of the August 2014 Contract Documents
- Mobilization and pre-construction sampling in accordance with off-site access agreement (November 2014)
- The following site controls were implemented throughout construction:
 - Site security – The main entrance to the site had security fencing that ran along Lake Street.

- Disposal Details:

Western Slope and Island - Total Hazardous Soils	410 Cubic Yards (435 tons)
Western Slope and Island - Total Non-Hazardous Soils	1,315 Tons
Raceway - Total Hazardous Soils	20 Cubic Yards (28 tons)
Raceway- Total Non-Hazardous Soils	14 Tons
Former Walkway - Total Hazardous Soils	0
Former Walkway- Total Non-Hazardous Soils	76 Tons
Concrete	215 Cubic Yards (327 tons)

- Disposal Facility Names:

- Seneca Meadows Landfill
- Waste Manifests are included in Appendix C

- Summary of Waste Characterization Sampling:

- Waste characterization sampling was performed by the remedial contractor, PEC. Analysis was determined by the requirements of the disposal facility.

- Transporter Names:

- PEC Environmental – Part 364 Waste Transporter Permit No. 7A-516
- Manifests and bills of lading are included in Appendix C

- No imported backfill was utilized on the Island or Raceway, as these areas were removed to native rock or until SCOs were achieved. Imported backfill from Cortlandville Sand & Gravel, Cortland, New York was utilized for construction of the cover system along the former walkway.

4.0 Supplemental Remediation

4.1 2017 Supplemental Remediation: Island, Western Slope, and Raceway

In late 2016 an additional area of lead shot was observed following completion of IRM-2 that led to a supplemental targeted remedial effort in 2017. Lead shot was observed on the southwest portion of the Island and along the Raceway and Western Slope sidewalls directly below the targeted area of the Island. The 2017 supplemental remediation was conducted from April 12 – 13, 2017. Removal of lead shot was completed using a combination of hand tools and vacuuming. Observed lead shot was removed along with loose soils and stone. A total of 3.09 tons of lead contaminated material was removed.

The following is a summary of the 2017 Supplemental Remediation construction:

- B&L designed the remedial systems. The project manager was David R. Hanny and the Engineer of Record was Scott D. Nostrand, P.E.
- The remedial construction contractor was Paragon Environmental Construction, Inc.
- Construction observation was provided primarily by Darik M. Jordan of B&L.
- The following site controls were implemented throughout construction:
 - Site security – The main entrance to the site had security fencing that ran along Lake Street.
- Disposal Details:
 - Total Quantities Removed:
 - 3.09 tons of non-hazardous lead contaminated material was removed
 - 1.0 ton of stabilization agent was added to the lead contaminated materials, equating to 4.09 tons of lead contaminated material transported for disposal.
- Disposal Facility Names:
 - Seneca Meadows Landfill
 - Waste Manifests are included in Appendix C
- Summary of Waste Characterization Sampling:
 - Waste characterization sampling was performed by the remedial contractor, PEC. Analysis was determined by the requirements of the disposal facility.

- Transporter Names:
 - PEC Environmental – Part 364 Waste Transporter Permit No. 7A-516
 - Manifests and bills of lading are included in Appendix C
- No imported backfill was utilized during this supplemental remediation effort, as these areas were removed to native rock.

5.0 Site Conditions and Controls

5.1 Contamination Remaining at the Site

5.1.1 Soil

It is approximated that 2,170 cubic yards of lead contaminated soils above the 400 ppm SCO are left in-place beneath the cover system of the Western Accessway. It is approximated that 118 cubic yards of lead contaminated soils above the 400 ppm SCO are left in-place beneath the cover system on the Former Walkway area. Based on final clearance sampling no contamination is present within the Island, Raceway and plunge pool portions of the site. The areas of residual soil contamination above Part 375 Restricted Residential SCOs included in Table 1.

Table 1. Approximate Areas of Residual Soil Impacts				
Description	Area (ft ²)	Impacted Depth (fbg)	Soil Volume (ft ³)	Soil Volume (cy)
Western Accessway	7200	2-16	58,600	2170
Former Walkway	3200	2-3	3200	118

Note: Impacted soils occur at various depths throughout the site. The Impacted Depth represents the potential range of impacted soils.

Figures 3 and 4 depicts the remaining areas of subsurface contamination with lead concentrations above Restricted Residential Use SCOs. The areas depicted are all below 2 feet and are covered with an approved cover system.

5.1.2 Groundwater

Three 2-inch bedrock monitoring wells (MW-5 through MW-7) were installed as part of the site investigation. Historic monitoring wells MW-3 and MW-4 were also sampled as part of the groundwater investigation. Based on the results of the groundwater monitoring well sampling, the site groundwater within the fractured bedrock has been impacted by VOCs. The results appear to indicate the source is to the east emanating from the Former Ithaca Gun Factory site. Table 2 summarizes the results of all samples of groundwater that exceed the SCGs.

Table 2. Summary of Groundwater Results			
Detected Constituents	Concentration Range (ppb) ^a	SCG ^b (ppb)	Frequency Exceeding SCG
VOCs			
1,1-Dichloroethane	ND – 19	5	2 of 10
1,1-Dichloroethene	ND – 18	5	2 of 10
Benzene	ND – 2.1	1	2 of 10
Cis-1,2-Dichloroethene	ND – 1,800	5	6 of 10
Tetrachloroethene	ND - 230	5	3 of 10
Trans-1,2-Dichloroethene	ND – 11	5	2 of 10
Trichloroethene	ND – 1,700	5	7 of 10
Vinyl chloride	ND – 91	2	2 of 10
SVOCs			
Bis(2-Ethylhexyl)phthalate	ND – 7	5	1 of 10
Inorganics			
Antimony	5.42 JN – 18.9 N	3	10 of 10
Chromium	ND – 86.5	50	1 of 10
Iron	80.6 – 1,100	300	5 of 10
Manganese	20.4 – 3,140	300	2 of 10
Sodium	13,200 – 271,000	20,000	9 of 10

a - ppb: parts per billion, which is equivalent to micrograms per liter, ug/L, in water.

b- SCG: Standard Criteria or Guidance - Ambient Water Quality Standards and Guidance Values (TOGs 1.1.1), 6 NYCRR Part 703, Surface water and Groundwater Quality Standards, and Part 5 of the New York State Sanitary Code (10 NYCRR Part 5).

ND – compound was not detected.

J – reported value was obtained from a reading that was less than the quantification limit, but greater than the method detection limit.

N – matrix spike recovery was outside control limits.

5.1.3 Soil Vapor

A soil vapor survey was conducted as part of the ERP site investigation to evaluate the potential for volatilization of soil vapors into occupied spaces of potential future adjacent off-site structures. The survey included the sampling of four soil vapor points (SV-01, SV-02, SV-03, and SV-04) along the Western Accessway. The soil vapor survey revealed elevated levels of TCE at SV-01 and SV-02 (located near the soil borings on the Western Accessway). Other low-level VOC detections were also observed in the soil vapor samples.

Since contaminated soil, and groundwater and soil vapor remains beneath the site after completion of the Remedial Action, Institutional and Engineering Controls are required to protect human health and the environment. These Engineering and Institutional Controls (ECs/ICs) are described in the following sections. Long-term management of these EC/ICs and residual contamination will be performed under the Site Management Plan (SMP) approved by the NYSDEC.

5.2 Soil Cover System

Exposure to remaining contamination in soil/fill at the site is prevented by a soil cover system placed over the site. This cover system is comprised of a minimum of 20 inches of clean backfill, 4 inches of clean topsoil and an erosion control blanket/ vegetation. A demarcation layer consisting of orange safety fence was placed beneath the cover system to easily identify between site soils and the cover system. Figures 3 and 4 show the location of each cover type built at the Site. An Excavation Work Plan, which outlines the procedures required in the event the cover system and/or underlying residual contamination are disturbed, is provided in Appendix D of the SMP.

Procedures for monitoring, operating and maintaining the soil cover system are provided in the Operation and Maintenance Plan Section of the Site Management Plan (SMP). The Monitoring Plan also addresses inspection procedures that must occur after any severe weather condition has taken place that may affect on-site ECs.

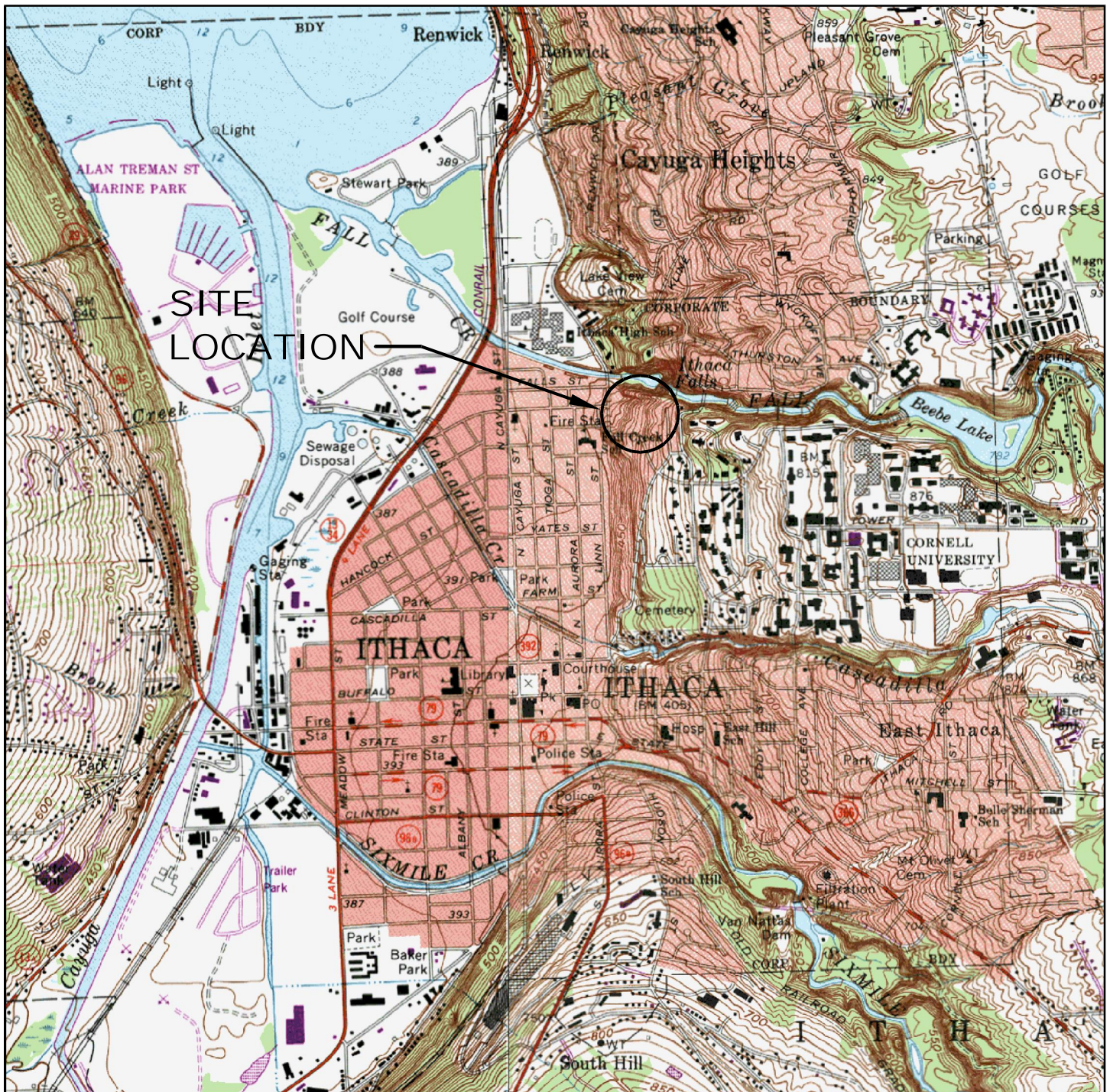
5.3 Environmental Easement

The site remedy requires that an environmental easement be placed on the property to (1) implement, maintain and monitor the Engineering Controls; (2) prevent future exposure to remaining contamination by controlling disturbances of the subsurface contamination; and (3) limit the use and development of the site to restricted residential uses only.

The environmental easement for the site was executed by the Department on December 8, 2017 and filed with the Tompkins County Clerk on January 12, 2018. The County Recording Identifier number for this filing is 2018-00512. A copy of the easement and proof of filing is provided in Appendix D.

Figure 1

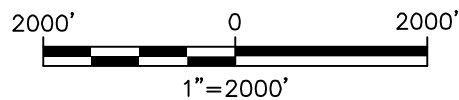
Site Location Plan



SOURCE: ITHACA EAST & ITHACA WEST, NEW YORK U.S.G.S. QUADRANGLE MAPS, DATE 1979.



QUADRANGLE LOCATION



ITHACA URBAN RENEWAL AGENCY
ITHACA FALLS OVERLOOK
ENVIRONMENTAL RESTORATION PROGRAM
SITE LOCATION PLAN

Figure Number
1

Project Number
1307.002.001

Date
OCTOBER, 2011

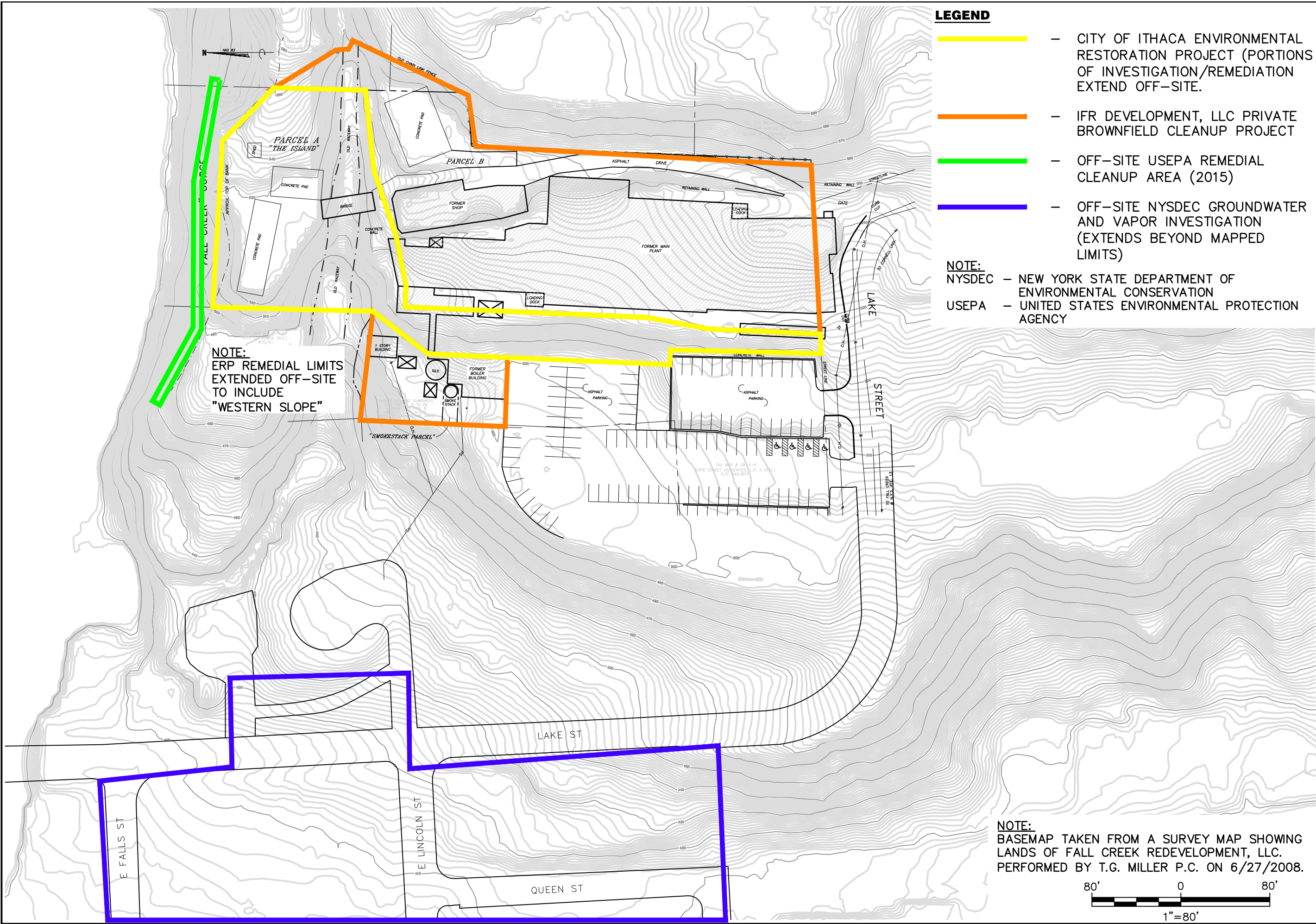
Scale
1" = 2000'

CITY OF ITHACA

TOMPKINS COUNTY, NEW YORK

Figure 2

Site Plan – Remedial Jurisdictions

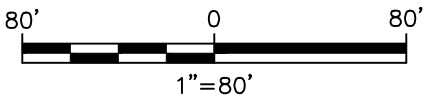


LEGEND

- CITY OF ITHACA ENVIRONMENTAL RESTORATION PROJECT (PORTIONS OF INVESTIGATION/REMEDIAL EXTEND OFF-SITE).
- IFR DEVELOPMENT, LLC PRIVATE BROWNFIELD CLEANUP PROJECT
- OFF-SITE USEPA REMEDIAL CLEANUP AREA (2015)
- OFF-SITE NYSDEC GROUNDWATER AND VAPOR INVESTIGATION (EXTENDS BEYOND MAPPED LIMITS)

NOTE:
NYSDEC - NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
USEPA - UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

NOTE:
BASEMAP TAKEN FROM A SURVEY MAP SHOWING LANDS OF FALL CREEK REDEVELOPMENT, LLC. PERFORMED BY T.G. MILLER P.C. ON 6/27/2008.



ITHACA URBAN RENEWAL AGENCY
ITHACA FALLS OVERLOOK

SITE PLAN – REMEDIAL JURISDICTIONS

ITHACA URBAN RENEWAL AGENCY
ITHACA FALLS OVERLOOK

CITY OF ITHACA

TOMPKINS COUNTY, NEW YORK

Barton & Loguidice, D.P.C.

Date
SEPTEMBER 2015

Scale
1" = 80'

Figure Number
2

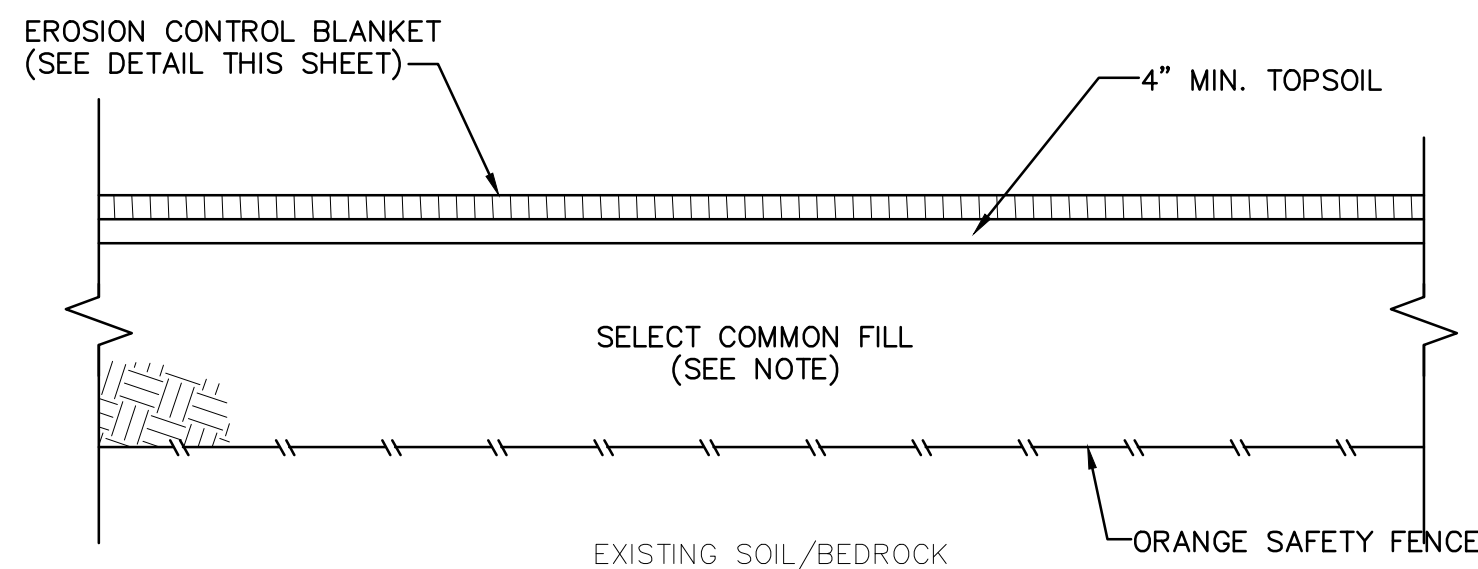
Project Number
1307.002.001

Figure 3

**Western Accessway
Remedial Construction**

Figure 4

Remedial Excavation Plan



1. SAFETY FENCE PLACED VERTICALLY FROM TOP TO BOTTOM OF SLOPE.
2. SAFETY FENCE ANCHORED AT TOP OF SLOPE IN 6" BY 6" TRENCH PRIOR TO SOIL PLACEMENT.
3. 1'-8" OF SELECT COMMON FILL TO BE PLACED IN ALL AREAS OF EXCAVATION.

SCALE: $3/8" = 1'-0"$



SCALE: 1" = 2000'



PIN NO.	NORTHING	EASTING
1	893068.47	844501.00
2	893069.42	844518.61
3	893169.19	844523.06
4	893204.16	844504.26
5	893204.75	844490.99
6	893224.98	844533.45
7	893350.61	844497.45
8	893422.20	844500.62
9	893471.78	844539.03
10	893442.82	844542.89
11	893442.01	844561.60
12	893450.68	844605.74

PROPERTY LINE
 EXISTING CONTOUR
 EXISTING CHAIN LINK FENCE
 EXISTING RETAINING WALL
 LOCATION OF STEEL PIN
 EXISTING MONITORING WELL
 LIMITS OF REMAINING CONTAMINATION



Barton & Loguidice, D.P.C.

File Number
1307.002.002

Checked by _____ Drawn by _____ JGS _____ Designed by _____ JMB2 _____ In charge of _____ SDN _____

Drawn by JCS

Designed by JMB2 In charge of

SDN

1

1

1

1

1

1

1

1

1

1

Appendix A

Survey Map, Metes, and Bounds

"FALL CREEK" GORGE

TAX MAP # 11-3-1.1
CITY OF ITHACA (R.O.)
851/7

(R & M) Legal Description -

ALL THAT TRACT OR PARCEL OF LAND situate in the City of Ithaca, County of Tompkins, State of New York, being bounded and described as follows:
BEGINNING at a point in the north line of Lake Street, said point being located South 86° 55' 12" West 156.76 feet from the southeast corner of lands of Fall Creek Redevelopment, LLC, as described in Instrument No.: 482204-001;
RUNNING THENCE South 86° 55' 12" West along the north line of Lake Street for a distance of 17.64 feet to a point;
RUNNING THENCE North 01° 22' 34" East for a distance of 135.73 feet to a point;
RUNNING THENCE North 87° 27' 48" West for a distance of 13.29 feet to a point;
RUNNING THENCE North 02° 32' 12" East 217.66 feet to a point;
RUNNING THENCE North 37° 45' 42" East for a distance of 62.73 feet to a point;
RUNNING THENCE North 01° 25' 32" East for a distance of 144.20 feet to a point;
RUNNING THENCE South 86° 34' 50" East for a distance of 150.25 feet to a point;
RUNNING THENCE South 45° 39' 52" East for a distance of 66.20 feet to a fence post at the top of bank of the "Fall Creek Gorge";
RUNNING THENCE South 01° 28' 24" West for a distance of 82.33 feet to a point;
RUNNING THENCE South 84° 03' 39" West for a distance of 72.19 feet to a point;
RUNNING THENCE South 71° 27' 26" West for a distance of 63.71 feet to a point;
RUNNING THENCE South 78° 53' 42" West for a distance of 44.98 feet to a point;
RUNNING THENCE North 87° 32' 15" West for a distance of 18.73 feet to a point;
RUNNING THENCE South 02° 28' 49" West for a distance of 218.05 feet to a point;
RUNNING THENCE South 10° 33' 13" West for a distance of 56.74 feet to a point;
RUNNING THENCE South 02° 33' 08" West for a distance of 99.87 feet to the point and place of beginning;
Said parcel containing 0.948 acres. (41,349 SQ. FT.)

"This property 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, NY 12233 or at derweb@dec.ny.gov".

REFERENCE MAPS

- 1.) REFERENCE SURVEY MAP ENTITLED "SURVEY MAP LANDS OF ITHACA GUN COMPANY LOCATED NORTH OF LAKE STREET..." DATED JANUARY 11, 1988 AND LAST REVISED SEPTEMBER 12, 1989 BY T.G. MILLER P.C.
- 2.) REFERENCE SURVEY MAP ENTITLED "SURVEY MAP LANDS IFR DEVELOPMENT, LLC DATED 8/8/2012 LAST REVISED 7/11/2013 BY T.G. MILLER P.C.
- 3.) REFERENCE SURVEY MAP ENTITLED "ALTA/ACSM MAP SHOWING LANDS OF STATE STREET ASSOCIATES, L.P..." DATED 9/16/99 AND REVISED 9/21/99 BY T.G. MILLER P.C.
- 4.) REFERENCE SURVEY MAP ENTITLED "SURVEY MAP SHOWING LANDS OF FALL CREEK REDEVELOPMENT, LLC..." DATED 6/27/2008 AND REVISED 12/29/2008 BY T.G. MILLER P.C.

NOTES:

- 1) ALL UTILITIES SHOWN HEREON ARE APPROXIMATE LOCATION ONLY. VERIFY EXISTANCE AND LOCATION OF ALL UTILITIES PRIOR TO DESIGN OR CONSTRUCTION.
- 2) CONTOUR INFORMATION SHOWN FOR INFORMATIONAL PURPOSES ONLY, BASED ON 7/11/2013 FIELD WORK.
- 3) REFERENCE TITLE POLICY NO. AGT 201-31560 BY MONROE TITLE INSURANCE CORPORATION

NO. 230 WILLARD WAY
TAX MAP PARCEL 11-3-2.2
SIGMA NU LODGE (R.O.)
188/134

NO. 210 WILLARD WAY LOOP
TAX MAP PARCEL 11-3-11
BLOOM & GREENFIELD (R.O.)
2510/10119

TITLE INFORMATION

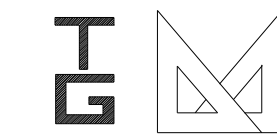
CITY OF ITHACA
SEE INSTR. #536781-001
TAX MAP No. 11-3-1.21
AREA = 41,349 SQ. FT.

SUBJECT TO covenants, restrictions, easements and encumbrances of record.

LEGEND

- | | |
|-----|---------------------------------|
| --- | PROPERTY LINE |
| --- | WATER MAIN |
| --- | SANITARY SEWER MAIN |
| --- | UNDERGROUND ELECTRIC |
| --- | UNDERGROUND TELEPHONE |
| --- | FENCE/LINE |
| --- | MANHOLE |
| --- | RECORD AND MEASURED |
| --- | REPUTED OWNER |
| --- | POINT OF BEGINNING |
| --- | DEED BOOK & PAGE |
| --- | CALCULATED POINT |
| --- | GAS VALVE |
| --- | FIRE HYDRANT |
| --- | WATER VALVE |
| --- | -PIN FOUND WITH T.G. MILLER CAP |
| --- | -PIN/PIPE FOUND. LABELED |

0' 20' 40' 60'
SCALE: 1"=20'



T. G. MILLER P.C.
ENGINEERS AND SURVEYORS
203 NORTH AURORA STREET
ITHACA, NEW YORK 14850
TEL: (607) 272-6477

TITLE: ALTA/NSPS SURVEY MAP
SHOWING LANDS OWNED BY THE
CITY OF ITHACA
LOCATED ON LAKE STREET
CITY OF ITHACA, TOMPKINS COUNTY, NEW YORK

DATE: 10/30/2017
SCALE: 1"=20'

REVISIONS

NO. 210 WILLARD WAY LOOP
TAX MAP PARCEL 11-3-11
BLOOM & GREENFIELD (R.O.)
2510/10119

LOCATION MAP

Appendix B

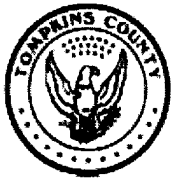
Digital Copy of the FER (Disc)

Appendix C

Waste Manifests (Disc)

Appendix D

Environmental Easement



Tompkins County Clerk Recording Page

Return To

CITY OF ITHACA

Maureen Reynolds, County Clerk

Tompkins County Clerk
320 North Tioga Street
Ithaca, NY 14850
(607) 274-5431

Document Type: **EASEMENT**

Receipt Number: 18-186018

Grantor (Party 1)

CITY OF ITHACA

Grantee (Party 2)

PEOPLE OF THE STATE OF NEW YORK

Fees

Recording Fee	\$0.00
TP-584 Form Fee	\$0.00
Pages Fee	\$0.00
State Surcharge	\$0.00
Total Fees Paid:	\$0.00

Transfer Amt: \$0.00

Instrument #: 2018-00512

Transfer Tax #: 001009

Property located in **City of Ithaca**

State of New York
County of Tompkins

Recorded on January 12th, 2018 at 2:39:46 PM with
a total page count of **10**.

Tompkins County Clerk

This sheet constitutes the Clerk's endorsement required by section 319 of the Real Property Law of the State of New York

County: Tompkins Site No: E755018 State Assistance Contract : C304197

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

THIS INDENTURE made this 8th day of December, 2017 between Owner(s) City of Ithaca, having an office at 108 East Green Street, Ithaca, New York 14850, County of Tompkins, State of New York (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 the 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 the address of Lake Street in the City of Ithaca, County of Tompkins and State of New York, known and designated on the tax map of the County Clerk of Tompkins as tax map parcel number: Section 11 Block 3 Lot 1.21, being the same as that property conveyed to Grantor by deed dated December 26, 2008 and recorded in the Tompkins County Clerk's Office in Instrument No. 536781-001. The property subject to this Environmental Easement (the "Controlled Property") comprises approximately 0.948 +/- acres, and is hereinafter more fully described in the Land Title Survey dated October 30, 2017 prepared by Lee Dresser, L.L.S. of T.G. Miller P.C., which will be attached to the Site Management Plan. The Controlled Property description is set forth in and attached hereto as Schedule A; and

WHEREAS, the Department accepts this Environmental Easement in order to ensure the protection of public health and the environment and to achieve the requirements for remediation established for the Controlled Property until such time as this Environmental Easement is

County: Tompkins Site No: E755018 State Assistance Contract : C304197

extinguished pursuant to ECL Article 71, Title 36; and

NOW THEREFORE, in consideration of the mutual covenants contained herein and the terms and conditions of State Assistance Contract Number: C304197, Grantor conveys to Grantee a permanent Environmental Easement pursuant to ECL Article 71, Title 36 in, on, over, under, and upon the Controlled Property as more fully described herein ("Environmental Easement").

1. Purposes. Grantor and Grantee acknowledge that the Purposes of this Environmental Easement are: to convey to Grantee real property rights and interests that will run with the land in perpetuity in order to provide an effective and enforceable means of encouraging the reuse and redevelopment of this Controlled Property at a level that has been determined to be safe for a specific use while ensuring the performance of operation, maintenance, and/or monitoring requirements; and to ensure the restriction of future uses of the land that are inconsistent with the above-stated purpose.

2. Institutional and Engineering Controls. The controls and requirements listed in the Department approved Site Management Plan ("SMP") including any and all Department approved amendments to the SMP are incorporated into and made part of this Environmental Easement. These controls and requirements apply to the use of the Controlled Property, run with the land, are binding on the Grantor and the Grantor's successors and assigns, and are enforceable in law or equity against any owner of the Controlled Property, any lessees and any person using the Controlled Property.

A. (1) The Controlled Property may be used for:

**Restricted Residential as described in 6 NYCRR Part 375-1.8(g)(2)(ii),
Commercial as described in 6 NYCRR Part 375-1.8(g)(2)(iii) and Industrial
as described in 6 NYCRR Part 375-1.8(g)(2)(iv)**

(2) All Engineering Controls must be operated and maintained as specified in the Site Management Plan (SMP);

(3) All Engineering Controls must be inspected at a frequency and in a manner defined in the SMP;

(4) The use of groundwater underlying the property is prohibited without necessary water quality treatment as determined by the NYSDOH or the Tompkins County Department of Health to render it safe for use as drinking water or for industrial purposes, and the user must first notify and obtain written approval to do so from the Department;

(5) Groundwater and other environmental or public health monitoring must be performed as defined in the SMP;

(6) Data and information pertinent to Site Management of the Controlled Property must be reported at the frequency and in a manner defined in the SMP;

(7) All future activities on the property that will disturb remaining contaminated material must be conducted in accordance with the SMP;

County: Tompkins Site No: E755018 State Assistance Contract : C304197

(8) Monitoring to assess the performance and effectiveness of the remedy must be performed as defined in the SMP;

(9) Operation, maintenance, monitoring, inspection, and reporting of any mechanical or physical components of the remedy shall be performed as defined in the SMP;

(10) Access to the site must be provided to agents, employees or other representatives of the State of New York with reasonable prior notice to the property owner to assure compliance with the restrictions identified by this Environmental Easement.

B. The Controlled Property shall not be used for Residential purposes as defined in 6NYCRR 375-1.8(g)(2)(i), and the above-stated engineering controls may not be discontinued without an amendment or extinguishment of this Environmental Easement.

C. The SMP describes obligations that the Grantor assumes on behalf of Grantor, its successors and assigns. The Grantor's assumption of the obligations contained in the SMP which may include sampling, monitoring, and/or operating a treatment system, and providing certified reports to the NYSDEC, is and remains a fundamental element of the Department's determination that the Controlled Property is safe for a specific use, but not all uses. The SMP may be modified in accordance with the Department's statutory and regulatory authority. The Grantor and all successors and assigns, assume the burden of complying with the SMP and obtaining an up-to-date version of the SMP from:

Site Control Section
Division of Environmental Remediation
NYSDEC
625 Broadway
Albany, New York 12233
Phone: (518) 402-9553

D. Grantor must provide all persons who acquire any interest in the Controlled Property a true and complete copy of the SMP that the Department approves for the Controlled Property and all Department-approved amendments to that SMP.

E. Grantor covenants and agrees that until such time as the Environmental Easement is extinguished in accordance with the requirements of ECL Article 71, Title 36 of the ECL, the property deed and all subsequent instruments of conveyance relating to the Controlled Property shall state in at least fifteen-point bold-faced type:

This property 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 Environmental Conservation

County: Tompkins Site No: E755018 State Assistance Contract : C304197

Law.

F. Grantor covenants and agrees that this Environmental Easement shall be incorporated in full or by reference in any leases, licenses, or other instruments granting a right to use the Controlled Property.

G. Grantor covenants and agrees that it shall, at such time as NYSDEC may require, submit to NYSDEC a written statement by an expert the NYSDEC may find acceptable certifying under penalty of perjury, in such form and manner as the Department may require, that:

(1) the inspection of the site to confirm the effectiveness of the institutional and engineering controls required by the remedial program was performed under the direction of the individual set forth at 6 NYCRR Part 375-1.8(h)(3).

(2) the institutional controls and/or engineering controls employed at such site:

(i) are in-place;

(ii) are unchanged from the previous certification, or that any identified changes to the controls employed were approved by the NYSDEC and that all controls are in the Department-approved format; and

(iii) that nothing has occurred that would impair the ability of such control to protect the public health and environment;

(3) the owner will continue to allow access to such real property to evaluate the continued maintenance of such controls;

(4) nothing has occurred that would constitute a violation or failure to comply with any site management plan for such controls;

(5) the report and all attachments were prepared under the direction of, and reviewed by, the party making the certification;

(6) to the best of his/her knowledge and belief, the work and conclusions described in this certification are in accordance with the requirements of the site remedial program, and generally accepted engineering practices; and

(7) the information presented is accurate and complete.

3. Right to Enter and Inspect. Grantee, its agents, employees, or other representatives of the State may enter and inspect the Controlled Property in a reasonable manner and at reasonable times to assure compliance with the above-stated restrictions.

4. Reserved Grantor's Rights. Grantor reserves for itself, its assigns, representatives, and successors in interest with respect to the Property, all rights as fee owner of the Property, including:

A. Use of the Controlled Property for all purposes not inconsistent with, or limited by the terms of this Environmental Easement:

B. The right to give, sell, assign, or otherwise transfer part or all of the underlying fee interest to the Controlled Property, subject and subordinate to this Environmental Easement:

5. Enforcement

A. This Environmental Easement is enforceable in law or equity in perpetuity by Grantor, Grantee, or any affected local government, as defined in ECL Section 71-3603, against

County: Tompkins Site No: E755018 State Assistance Contract : C304197

the owner of the Property, any lessees, and any person using the land. Enforcement shall not be defeated because of any subsequent adverse possession, laches, estoppel, or waiver. It is not a defense in any action to enforce this Environmental Easement that: it is not appurtenant to an interest in real property; it is not of a character that has been recognized traditionally at common law; it imposes a negative burden; it imposes affirmative obligations upon the owner of any interest in the burdened property; the benefit does not touch or concern real property; there is no privity of estate or of contract; or it imposes an unreasonable restraint on alienation.

B. If any person violates this Environmental Easement, the Grantee may revoke the Certificate of Completion with respect to the Controlled Property.

C. Grantee shall notify Grantor of a breach or suspected breach of any of the terms of this Environmental Easement. Such notice shall set forth how Grantor can cure such breach or suspected breach and give Grantor a reasonable amount of time from the date of receipt of notice in which to cure. At the expiration of such period of time to cure, or any extensions granted by Grantee, the Grantee shall notify Grantor of any failure to adequately cure the breach or suspected breach, and Grantee may take any other appropriate action reasonably necessary to remedy any breach of this Environmental Easement, including the commencement of any proceedings in accordance with applicable law.

D. The failure of Grantee to enforce any of the terms contained herein shall not be deemed a waiver of any such term nor bar any enforcement rights.

6. Notice. Whenever notice to the Grantee (other than the annual certification) or approval from the Grantee is required, the Party providing such notice or seeking such approval shall identify the Controlled Property by referencing the following information:

County, NYSDEC Site Number, NYSDEC Brownfield Cleanup Agreement, State Assistance Contract or Order Number, and the County tax map number or the Liber and Page or computerized system identification number.

Parties shall address correspondence to: Site Number: E755018
Office of General Counsel
NYSDEC
625 Broadway
Albany New York 12233-5500

With a copy to: Site Control Section
Division of Environmental Remediation
NYSDEC
625 Broadway
Albany, NY 12233

All notices and correspondence shall be delivered by hand, by registered mail or by Certified mail and return receipt requested. The Parties may provide for other means of receiving and communicating notices and responses to requests for approval.

7. Recordation. Grantor shall record this instrument, within thirty (30) days of execution of this instrument by the Commissioner or her/his authorized representative in the office of the

County: Tompkins Site No: E755018 State Assistance Contract : C304197

recording officer for the county or counties where the Property is situated in the manner prescribed by Article 9 of the Real Property Law.

8. Amendment. Any amendment to this Environmental Easement may only be executed by the Commissioner of the New York State Department of Environmental Conservation or the Commissioner's Designee, and filed with the office of the recording officer for the county or counties where the Property is situated in the manner prescribed by Article 9 of the Real Property Law.

9. Extinguishment. This Environmental Easement may be extinguished only by a release by the Commissioner of the New York State Department of Environmental Conservation, or the Commissioner's Designee, and filed with the office of the recording officer for the county or counties where the Property is situated in the manner prescribed by Article 9 of the Real Property Law.

10. Joint Obligation. If there are two or more parties identified as Grantor herein, the obligations imposed by this instrument upon them shall be joint and several.

Remainder of Page Intentionally Left Blank

County: Tompkins Site No: E755018 State Assistance Contract : C304197

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

City of Ithaca:

By: Amk

Print Name: Swank Myrk

Title: Mayor Date: 11/20/2017

Grantor's Acknowledgment

[illegible]

On the 20 day of November, in the year 20 17, before me, the undersigned, personally appeared Grant Myrick, 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.

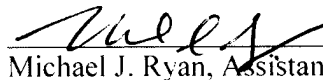

Notary Public - State of New York

KRIN MARIE BARRY
Notary Public, State of New York
No. 01BA6088225
Qualified in Tompkins County
Commission Expires April 13, 2019

County: Tompkins Site No: E755018 State Assistance Contract : C304197

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:



Michael J. Ryan, Assistant Director
Division of Environmental Remediation

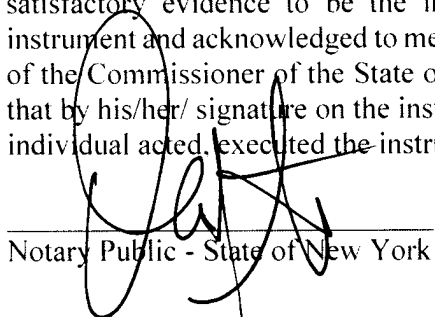
Grantee's Acknowledgment

STATE OF NEW YORK)

) ss:

COUNTY OF ALBANY)

On the 8th day of December, in the year 2017 before me, the undersigned, personally appeared Michael J. Ryan, 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.



Notary Public - State of New York

David J. Chiusano
Notary Public, State of New York
No. 01CH5032146
Qualified in Schenectady County
Commission Expires August 22, 2018

County: Tompkins Site No: E755018 State Assistance Contract : C304197

SCHEDULE "A" PROPERTY DESCRIPTION

Legal Description

ALL THAT TRACT OR PARCEL OF LAND situate in the City of Ithaca, County of Tompkins, State of New York, being bounded and described as follows:

BEGINNING at a point in the north line of Lake Street, said point being located South 86 55' 12" West 156.76 feet from the southeast corner of lands of Fall Creek Redevelopment, LLC, as described in Instrument No.: 482204-001.

RUNNING THENCE South 86 55' 12" West along the north line of Lake Street for a distance of 17.64 feet to a point;

RUNNING THENCE North 01 22' 34" East for a distance of 135.73 feet to a point;

RUNNING THENCE North 87 27' 48" West for a distance of 13.29 feet to a point;

RUNNING THENCE North 02 32' 12" East 217.66 feet to a point;

RUNNING THENCE North 37 45' 42" East for a distance of 62.73 feet to a point;

RUNNING THENCE North 01 25' 32" East for a distance of 144.20 feet to a point;

RUNNING THENCE South 86 34' 50" East for a distance of 150.25 feet to a point;

RUNNING THENCE South 45 39' 52" East for a distance of 66.20 feet to a fence post at the top of bank of the "Fall Creek Gorge;"

RUNNING THENCE South 01 28' 24" West for a distance of 82.33 feet to a point;

RUNNING THENCE South 84 03' 39" West for a distance of 72.19 feet to a point;

RUNNING THENCE South 71 27' 26" West for a distance of 63.71 feet to a point;

RUNNING THENCE South 78 53' 42" West for a distance of 44.98 feet to a point;

RUNNING THENCE North 87 32' 15" West for a distance of 18.73 feet to a point;

RUNNING THENCE South 02 28' 49" West for a distance of 218.05 feet to a point;

RUNNING THENCE South 10 33' 13" West for a distance of 56.74 feet to a point;

RUNNING THENCE South 02 33' 08" West for a distance of 99.87 feet to the point and place of beginning.

Said parcel containing 0.948 acres.

For a more particular description thereof, reference is hereby made to Parcel "A" on a survey map entitled "Survey Map Showing Lands of Fall Creek Redevelopment, LLC, located at No. 121-125 Lake Street, City of Ithaca, Tompkins County, New York," dated June 27, 2008, and revised December 29, 2008, prepared by T.G. Miller, P.C., Engineers and Surveyors, Ithaca, New York.