

GPS  
VCO195



***National Fuel***

February 5, 2003

Mr. Gregory P. Sutton, P.E.  
Project Engineer  
New York State  
Department of Environmental Conservation  
Division of Environmental Remediation  
270 Michigan Avenue  
Buffalo, New York 14203-2999

RECEIVED

FEB 07 2003

NYSDEC - REG. &  
FOIL  
✓ REL UNREL

RE: National Fuel Gas  
Mineral Springs Works Facility  
Voluntary Clean-Up Agreement  
B9-0538-98-08

Dear Mr. Sutton:

National Fuel Gas has filed deed restrictions with the Erie County Clerk for the Mineral Springs Road facility as required by paragraph X of the Voluntary Agreement. Copies of the filing and the receipt from the Erie County Clerk's Office are attached.

Please proceed with the issuance of the release on the Mineral Springs Road property as specified in paragraph I.F.2 of the Voluntary Agreement.

Please call me at (716) 827-2359 if you have any comments or concerns.

T  
Put w/ Consent Order  
on left side of  
file folder  
Greg

Sincerely yours,

Charles J. Burke, P.E.  
Engineer  
Risk Management Department

Attachment

cc: Tanya Alexander  
Glen Bailey, Esq., NYSDEC  
Cameron O'Connor, NYSDOH

\*\*

RECEIPT  
ERIE COUNTY CLERKS OFFICE  
DAVID J SWARTS  
COUNTY CLERK

RECEIPT: 01356150      OPR: FG

NATIONAL FUEL

DESCRIPTION	TRANS AMOUNT
COUNTY	55.00
COE STATE	4.75
COE COUNTY	1.00
COE ST GEN	14.25
Total Fees	75.00

DECL RSTRCT COV  
DATE: 1/31/2003      TIME: 2:24:57  
B/P D 11028 0716 Control# 200301310937  
1 NATIONAL FUEL GAS DISTRIBUTION  
CORPORATION

RECEIPT TOTAL:	75.00
Z CREDIT	75.00
TOTAL AMOUNT TENDERED	75.00
TOTAL REFUND	.00
PAYMENT TOTAL	75.00

## DECLARATION of COVENANTS and RESTRICTIONS

**THIS COVENANT**, made the 30th day of January 2003, by National Fuel Gas Distribution Corporation ("National Fuel"), a corporation organized and existing under the laws of the State of New York and having an office for the transaction of business at 10 Lafayette Square, Buffalo, NY 14203.

**WHEREAS**, National Fuel is the owner of the property located at 365 Mineral Springs Road in the City of Buffalo and Town of West Seneca, County of Erie, State of New York, described in Appendix "A" attached hereto and made a part hereof and which is part of lands conveyed by deeds recorded in the Erie County Clerk's office on August 16, 1923 in Liber 1671 of deeds at Page 379, August 16, 1923 in Liber 1716 of deeds at Page 183, August 22, 1923 in Liber 1693 of deeds at Page 164, October 23, 1923 in Liber 1705 of deeds at Page 308, October 29, 1923 in Liber 1710 of deeds at Page 43, November 20, 1923 in Liber 1707 of deeds at Page 315, December 23, 1923 in Liber 1663 of deeds at page 56, December 24, 1923 in Liber 1661 of deeds at Page 394, December 27, 1923 in Liber 1702 of deeds at Page 390, February 13, 1924 in Liber 1663 of deeds at Page 141, June 9, 1924 in Liber 1712 of deeds at Page 563, December 16, 1924 in Liber 1664 of deeds at Page 490, October 18, 1927 in Liber 7953 of deeds at Page 144, May 20, 1947 in Liber 4114 of deeds at Page 517, January 5, 1959 in Liber 6380 of deeds at Page 105, May 26, 1970 in Liber 7691 of deeds at Page 192, and hereinafter referred to as "the Property"; and

**WHEREAS**, the Property is the subject of a Voluntary Clean-up Agreement entered into by and between the New York State Department of Environmental Conservation and National Fuel; and

**WHEREAS**, the Voluntary Clean-up Agreement requires that the Property be subject to certain restrictive covenants.

NOW, THEREFORE, National Fuel, for itself and its successors and/or assigns, covenants that:

First, the Property subject to this Declaration of Covenants and Restrictions is as described above and in Appendix "A" attached hereto and made a part hereof.

Second, unless prior notice to the New York State Department of Environmental Conservation or, if the Department shall no longer exist, any New York State agency or agencies subsequently created to protect the environment of the State and the health of the State's citizens, hereinafter referred to as "the Relevant Agency," is first given, no person shall engage in any activity that will, or that reasonably is anticipated to, prevent or interfere significantly with any proposed, ongoing or completed program at the Property or that will, or is reasonably foreseeable to, expose the public health or the environment to a significantly increased threat of harm or damage. This prohibition is particularly applicable to those areas of the Property where contaminated materials have been "capped", identified on a map attached to this declaration as

Appendix "B" as Building 3 East Asphalt Cap, Building 3 South Asphalt Cap, Building 10 Asphalt Cap, Clay Cap, Eastern Swale HDPE Cap, Eastern Swale North Asphalt Cap and Eastern Swale South Asphalt Cap. With respect to these capped areas, day-to-day operations and maintenance will continue consistent with the contemplated use of the property (as identified in "Third" below) and subject to the restrictions contained herein. Excavation in capped areas should be performed by qualified individuals under the supervision of the owner of the property, in accordance with applicable hazardous waste operations regulations.

Third, the owner of the Property shall prohibit the Property from ever being used for purposes other than for an industrial/commercial operation, office, warehouse and garage facility and for the services associated with such use without the express written waiver of such prohibition by the Relevant Agency.

Fourth, the owner of the Property shall prohibit the use of the groundwater underlying the Property without treatment rendering it safe for drinking water or industrial purposes, as appropriate, unless the user first obtains permission to do so from the Relevant Agency.

Fifth, the owner of the Property shall continue in full force and effect any institutional and engineering controls the Department required National Fuel to put into place and maintain unless the owner first obtains permission to discontinue such controls from the Relevant Agency.

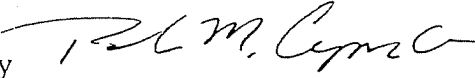
Sixth, this Declaration is and shall be deemed a covenant that shall run with the land and shall be binding upon all future owners of the Property and shall provide that the owner, and its successors and assigns, consents to the enforcement by the Relevant Agency of the prohibitions and restrictions that section X of the Voluntary Cleanup Agreement requires to be recorded, and hereby covenants not to contest the authority of the Department to seek enforcement.

Seventh, any deed of conveyance of the Property, or any portion thereof, shall recite, unless the Relevant Agency has consented to the termination of such covenants and restrictions, that said conveyance is subject to this Declaration of Covenants and Restrictions.

IN WITNESS WHEREOF, the undersigned has executed this instrument the day written below.

Date: January 30, 2003

NATIONAL FUEL GAS DISTRIBUTION  
CORPORATION

By 

Paula M. Ciprich  
Assistant Secretary & General Counsel

*RCA*

STATE OF NEW YORK

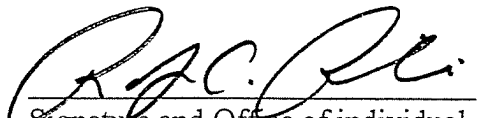
)

) ss:

COUNTY OF ERIE

)

On the 30th day of January, in the year 2003, before me, the undersigned, personally appeared Paula M. Ciprich, 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 she executed the same in her capacity, and that by her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

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

RANDY C. BUCINSKI  
Notary Public, State of New York  
Qualified in Erie County  
My Commission Expires 4-18-06

## PARCEL 'A'

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of West Seneca and the City of Buffalo, being a part of Lot Number one hundred thirty and one-half (130 1/2) of the Buffalo Creek Indian Reservation, being bounded and described as follows:

BEGINNING at the point of intersection of the center line of the Mineral Spring Road and a continuation northerly in a straight line, of the easterly line of said Lot Number one hundred thirty and one-half (130 1/2), running thence southerly along said continuation of the easterly line of Lot Number one hundred thirty and one-half (130 1/2) and the easterly line of Lot Number one hundred thirty and one-half (130 1/2) about one thousand three hundred twenty-five (1325) feet to the northeasterly line of the lands heretofore conveyed to the Buffalo and Washington Railroad Co.; running thence northwesterly along said northeasterly line of said Railroad Company's lands, three hundred twenty-nine (329) feet to a point distant one hundred fourteen (114) feet easterly from the easterly line of Calais Avenue, as laid out on a subdivision map of the lands of the Mineral Spring Land and Improvement Co. made by Ricker and Wing, filed in Erie County Clerk's Office under Cover of Maps Number 599, measured at right angles thereto; running thence northerly on a line parallel with said easterly line of Calais Avenue, and distant one hundred fourteen (114) feet easterly therefrom, measured at right angles thereto nine hundred twenty-six (926) feet to a point on said parallel line distant one hundred nineteen and twenty hundredths (119.20) feet southerly from the southerly line of said Mineral Spring Road measured along said parallel line; running thence westerly at right angles seventy-six (76) feet; running thence northerly at right angles about one hundred twenty-nine and fifty-eight hundredths (129.58) feet to the center line of the Mineral Spring Road; running thence easterly along the center line of said Mineral Spring Road three hundred seventy-nine and fifteen hundredths (379.15) feet to the place of beginning; excepting and reserving however from the operation of this conveyance Subdivision Lots Numbers seven (7), ten (10) and thirty-eight (38) in Block "C" and Subdivision Lots Numbers ninety-four (94), ninety-five (95), one hundred (100), one hundred one (101), one hundred seven (107), one hundred twelve (112) and one hundred nineteen (119) in Block "B" according to the aforesaid Subdivision Map filed in the office of the Clerk of the County of Erie, New York, under Cover of Maps Number 599. Also excepting therefrom:- ALL THAT CERTAIN TRACT OR PARCEL OF LAND situate, lying and being in Erie County, State of New York being part of Lot Number one hundred and thirty and one-half (130 1/2) of the Buffalo Creek Indian Reservation as surveyed by James Sperry, Surveyor, Township ten (10), Range seven (7) bounded and described as follows, viz:- Being a strip or piece of land situate in the Town of West Seneca; BEGINNING at a point in the northeasterly line of land of the Railway Company at the distance of thirty-three (33) feet measured northeasterly from the point in and radially to the line established as the center line of

the railroad of the said Company said point in center line being distant one thousand three hundred and seventy-one and sixty-nine hundredths (1371.69) feet measured southeastwardly along that line from the center of the bridge which carries the said railroad over Mineral Spring Road; extending thence along line of land now or formerly of John Scurpe, north 3° 38' 30" east, fifty-seven and three tenths (57.3) feet to the southwesterly line of land now or formerly of Iroquois Gas Corporation; thence along the same southeastwardly curving toward the left with a radius of eleven thousand three hundred seventy-six and nineteen hundredths (11,376.19) feet parallel with and eighty-three (83) feet northeastwardly from the said center line a distance of three hundred twenty-five and sixty-six hundredths (325.66) feet to another line of said land now or formerly of Iroquois Gas Corporation; thence partly along the same and partly along land of said Railway Company south 3° 38' 30" west fifty-six and four tenths (56.4) feet; and thence along said northeasterly line of land of said Railway Company northwestwardly curving toward the right with a radius of eleven thousand four hundred twenty-six and nineteen hundredths (11,426.19) feet parallel with and thirty-three (33) feet northeastwardly from said center line, a distance of three hundred and twenty-nine (329) feet to the place of beginning.

PARCEL 'B'

ALL THAT CERTAIN STRIP OR PIECE OF LAND, situate, lying and being in Erie County, State of New York, being part of Lot Number one hundred thirty and one-half (130 1/2) of the Buffalo Creek Indian Reservation, as surveyed by James Sperry, Surveyor, Township ten (10), Range seven (7), bounded and described as follows, viz:-

BEING a strip or piece of land thirty (30) feet wide situate in the Town of West Seneca, beginning at a point in the easterly line of land conveyed by Charles J. Schurpf to said Western New York and Pennsylvania Railway Company by deed dated April 5 1927, the said beginning point being a distance of fifty-three (53) feet measured northeastwardly from a point in and at right angles to the line established as the center line of the railroad of the said Railway Company, the said point in the center line being at a distance of one thousand three hundred sixty and sixty-one hundredths (1360.61) feet measured southeastwardly along the said center line from its intersection with the middle line of the bridge which carries the said railroad over Mineral Spring Road; and extending thence along the land acquired from Charles J. Schurpf as aforesaid north 3° 38' 30" east thirty-four and forty-three hundredths (34.43) feet to a point in the southwesterly line of land of the said Iroquois Gas Corporation; thence by the last mentioned land as follows:- First, southeastwardly on a line parallel with and eighty-three (83) feet northeastwardly from the said center line and curving to the left with a radius of eleven thousand three hundred seventy-six and nineteen hundredths (11,376.19) feet a distance of three hundred twenty-five and sixty-six hundredths (325.66) feet to a point; and Second, south 3° 38' 30" west thirty-three and eighty-nine hundredths (33.89) feet to a point, which is at a distance of

fifty-three (53) feet measured northeastwardly from and radially to the said center line; and thence northwestwardly by other land of the said Railway Company on a line parallel with and fifty-three (53) feet northeastwardly from the said center line and curving to the right with a radius of eleven thousand four hundred six and nineteen hundredths (11,406.19) feet a distance of three hundred twenty-five and fifty-four hundredths (325.54) feet to the place of beginning.

PARCEL 'C'

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Buffalo and Town of West Seneca, County of Erie and State of New York being part of Lot Number one hundred thirty and one-half (130 1/2), Township ten (10), Range seven (7) of the Buffalo Creek Reservation and according to map filed in the Erie County Clerk's Office under Cover Number 599 is known and distinguished as Subdivision Lots Numbers one (1), seven (7) and eight (8) in Block "B" and more fully bounded and described as follows:-

BEGINNING at an iron pipe set at the intersection of the southerly bounds of Mineral Spring Road (laid out as a sixty-six (66) foot highway) and the easterly bounds of Calais Avenue, formerly Lennox Avenue (laid out as a sixty (60) foot street); which said point of beginning is also the northwest corner of Subdivision Lot Number one (1) in Block "B" according to map filed in the Erie County Clerk's Office under Cover Number 599, running thence southerly at an interior angle of 107° 40' and along the said easterly bounds of Calais Avenue which is also the westerly line of Subdivision Lots Numbers one (1), seven (7) and eight (8) in Block "B" a distance of one hundred forty three and fifty-seven one hundredths (143.57) feet to a stake set in the said easterly bounds of Calais Avenue at the southwesterly corner of said Subdivision Lot Number eight (8), running thence easterly and along the southerly line of said Subdivision Lot Number eight (8) a distance of one hundred fourteen (114.0) feet to a stake set in the southeast corner of said Subdivision Lot Number eight (8); running thence northerly and along the easterly line of said Subdivision Lots Numbers seven (7) and eight (8) a distance of sixty (60.0) feet to a stake set in the northeasterly corner of said Subdivision Lot Number seven (7); running thence westerly at right angles and along the northerly line of said Subdivision Lot Number seven (7) a distance of seventy-six (76.0) feet to a stake set in the southeast corner of said Subdivision Lot Number one (1), running thence northerly at right angles and along the easterly line of said Subdivision Lot Number one (1), a measured distance of ninety-five and seventy-five hundredths (95.75) feet and the recorded distance of ninety-four and ninety hundredths (94.90) feet to a stake set in the said southerly bounds of Mineral Spring Road, which point is also the northeast corner of said Subdivision Lot Number one (1), running thence westerly and along the said southerly bounds of Mineral Spring Road, which is also the northerly line of said Subdivision Lot Number one (1), a measured distance of thirty-nine and ninety hundredths (39.90) feet and the recorded distance of thirty-nine and fifty-five hundredths

(39.55) feet to the point or place of beginning.

PARCEL 'D'

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of West Seneca, County of Erie and State of New York, being a part of Lot Number one hundred thirty and one-half (130 1/2) of the Buffalo Creek Reservation as surveyed by James Sperry, Surveyor, in Township ten (10), Range seven (7), known and distinguished as Subdivision Lot Number ninety-four (94) in Block "B" according to a subdivision map made by Riker & Wing, Surveyors, for the Mineral Springs Avenue Land & Improvement Company, filed in Erie County Clerk's Office under Cover Number 599 on the 5th day of September 1896.

PARCEL 'E'

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of West Seneca, County of Erie and State of New York, being a part of Lot Number one hundred thirty and one-half (130 1/2) of the Buffalo Creek Reservation, as surveyed by James Sperry, Surveyor, in Township ten (10), Range seven (7) and known and distinguished as Subdivision Lot Number ninety-five (95), in Block "B", according to a subdivision map made by Ricker & Wing, Surveyors, for the Mineral Springs Avenue Land and Improvement Company, filed in the Erie County Clerk's Office under Cover Number 599, on the 5th day of September 1896.

PARCEL 'F'

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of West Seneca, County of Erie and State of New York, being a part of Lot Number one hundred thirty and one-half (130 1/2) of the Buffalo Creek Reservation as surveyed by James Sperry, Surveyor, in Township ten (10), Range seven (7) and known and distinguished as Subdivision Lot Number one hundred (100) in Block "B", according to a subdivision map made by Ricker and Wing, Surveyors, for the Mineral Spring Avenue Land and Improvement Company, filed in the Erie County Clerk's Office under Cover Number 599 on the 5th day of September 1896.

PARCEL 'G'

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of West Seneca, County of Erie and State of New York, being part of Lot Number one hundred thirty and one-half (130 1/2), Township ten (10), Range seven (7), of the Buffalo Creek Reservation, and according to a subdivision map of the Mineral Spring Land and Improvement Company filed in the Erie County Clerk's Office under Map Cover Number 450 and Map Cover Number 599, is known and distinguished as Subdivision Lot Number one hundred one (101) in Block "B".

PARCEL 'H'

ALL THAT PLOT OF LAND, situate in the Town of West Seneca, County of Erie and State of New York, being a part of Lot Number one hundred thirty and one-half (130 1/2) of the Buffalo Creek Reservation as surveyed by James Sperry, Surveyor, in Township ten (10), Range seven

(7) and known and distinguished as Subdivision Lot Number one hundred seven (107) in Block "B", according to a subdivision map made by Ricker & Wing, Surveyors, for the Mineral Springs Avenue Land and Improvement Company, filed in the Erie County Clerk's Office under Cover Number 450 and Cover Number 599.

PARCEL 'I'

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of West Seneca, County of Erie and State of New York, being a part of Lot Number one hundred thirty and one-half (130 1/2) of the Buffalo Creek Reservation, as surveyed by James Sperry, Surveyor, in Township ten (10), Range seven (7), and known and distinguished as Subdivision Lot Number one hundred twelve (112) in Block "B", according to a subdivision map made by Riker & Wing, Surveyors, for the Mineral Springs Avenue Land & Improvement Company, filed in Erie County Clerk's Office under Cover Number 599 on the 5th day of September 1896.

PARCEL 'J'

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of West Seneca, County of Erie and State of New York, being a part of Lot Number one hundred thirty and one-half (130 1/2) of the Buffalo Creek Reservation, as surveyed by James Sperry, Surveyor, in Township ten (10), Range seven (7) and known and distinguished as Subdivision Lot Number one hundred and nineteen (119), in Block "B", according to a subdivision map made by Ricker & Wing, Surveyors, for the Mineral Spring Avenue Land and Improvement Company, filed in Erie County Clerk's Office under Cover Number 599, on the 5th day of September 1896.

PARCEL 'K'

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of West Seneca, County of Erie and State of New York, being a part of Lot Number one hundred thirty and one-half (130 1/2) of the Buffalo Creek Reservation, as surveyed by James Sperry, Surveyor, in Township ten (10), Range seven (7) and known and distinguished as Subdivision Lot Number seven (7) in Block "C" according to a subdivision map made by Ricker & Wing, Surveyors, for the Mineral Spring Avenue Land and Improvement Company, filed in Erie County Clerk's Office under Cover Number 599, on the 5th day of September 1896.

PARCEL 'L'

ALL THAT CERTAIN PIECE OR PARCEL OF LAND, situate in the Town of West Seneca, County of Erie and State of New York, being a part of Lot Number one hundred thirty and one-half (130 1/2) of the Buffalo Creek Reservation, as surveyed by James Sperry, Surveyor, in Township ten (10), Range seven (7) and known and distinguished as Subdivision Lot Number ten (10) in Block "C" according to a subdivision map made by Ricker & Wing, Surveyors, for the Mineral Spring Avenue Land and Improvement Company, filed in Erie County Clerk's Office under Cover Number 599, on the 5th day of September 1896.

PARCEL 'M'

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of West Seneca, County of Erie and State of New York, being part of Lot Number one hundred thirty and one-half (130 1/2), Township ten (10), Range seven (7) of the Buffalo Creek Reservation, and on a subdivision map filed in the office of the Clerk of the County of Erie under Cover of Maps No. 599, known as Subdivision Lot Number thirty-eight (38) in Block "C".

PARCEL 'N'

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of West Seneca, County of Erie and State of New York, being part of Lot Number one hundred twenty-eight (128) in Township ten (10) and Range seven (7) of the Buffalo Creek Reservation and more particularly bounded and described as follows:-

BEGINNING at a point in the center line of Mineral Spring Road at its intersection with the east line of said Lot Number one hundred twenty-eight (128); thence south along the east line of Lot Number one hundred twenty-eight (128), approximately three hundred seventy-seven and thirty hundredths (377.30) feet to its intersection with the south line of Lot Number one hundred twenty-eight (128); thence west along the south line of Lot Number one hundred twenty-eight (128), a distance of seventy (70) feet to a point; thence north on a line parallel to the east line of Lot Number one hundred twenty-eight (128), approximately two hundred ninety-five and eighty-seven hundredths (295.87) feet to the center line of Mineral Spring Road; thence northeast along the center line of Mineral Spring Road, approximately eighty-two and thirty-three (82.33) feet to its intersection with the east line of Lot Number one hundred twenty-eight (128) at the point of beginning.

PARCEL 'O'

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of West Seneca, County of Erie and State of New York, and being a part of the tract of land commonly known and designated as The Buffalo Creek Reservation, which upon a certain survey and map of a part of said Reservation made by James Sperry is known and distinguished as Lot Number one hundred thirty-one (131) in Township ten (10), Range seven (7).

EXCEPTING and reserving from the premises hereinabove described that portion thereof lying southerly of the northerly line of the right of way now owned or occupied by the Pennsylvania Railroad Company.

PARCEL 'P'

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of West Seneca, County of Erie and State of New York, being parts of Lots Numbers one hundred thirty-two (132) and one hundred twenty-seven (127), in Township Number ten (10), and Range Number seven (7), of the Buffalo Creek Indian Reservation and more particularly bounded and described as follows:-

BEGINNING at a point in the westerly line of said Lot Number one hundred thirty-two (132) distant one thousand six hundred ten (1610) feet northerly from the northerly line of Winchester Avenue; running thence easterly parallel with Winchester Avenue, about eight hundred ninety-four and fifty-seven hundredths (894.57) feet to the east line of said Lot Number one hundred thirty-two (132); running thence northerly along the east line of said Lots Numbers one hundred thirty-two (132) and one hundred twenty-seven (127), one thousand nine hundred one and ninety-seven hundredths (1901.97) feet to the center of the Mineral Spring Road; running thence southwesterly along the center of the Mineral Spring Road, one thousand fifty (1050) feet to the westerly line of said Lot Number one hundred twenty-seven (127); running thence southerly along the westerly line of said Lots Numbers one hundred twenty-seven (127) and one hundred thirty-two (132), one thousand three hundred forty-four and eighty-nine hundredths (1344.89) feet to the place of beginning.

EXCEPTING THEREFROM, all that tract or parcel of land, situate in the Town of West Seneca, County of Erie and State of New York, and being parts of Lots Numbers one hundred twenty-seven (127) and one hundred thirty-two (132), Township ten (10) and Range seven (7), of the Holland Land Company's Survey, and bounded and described as follows:-

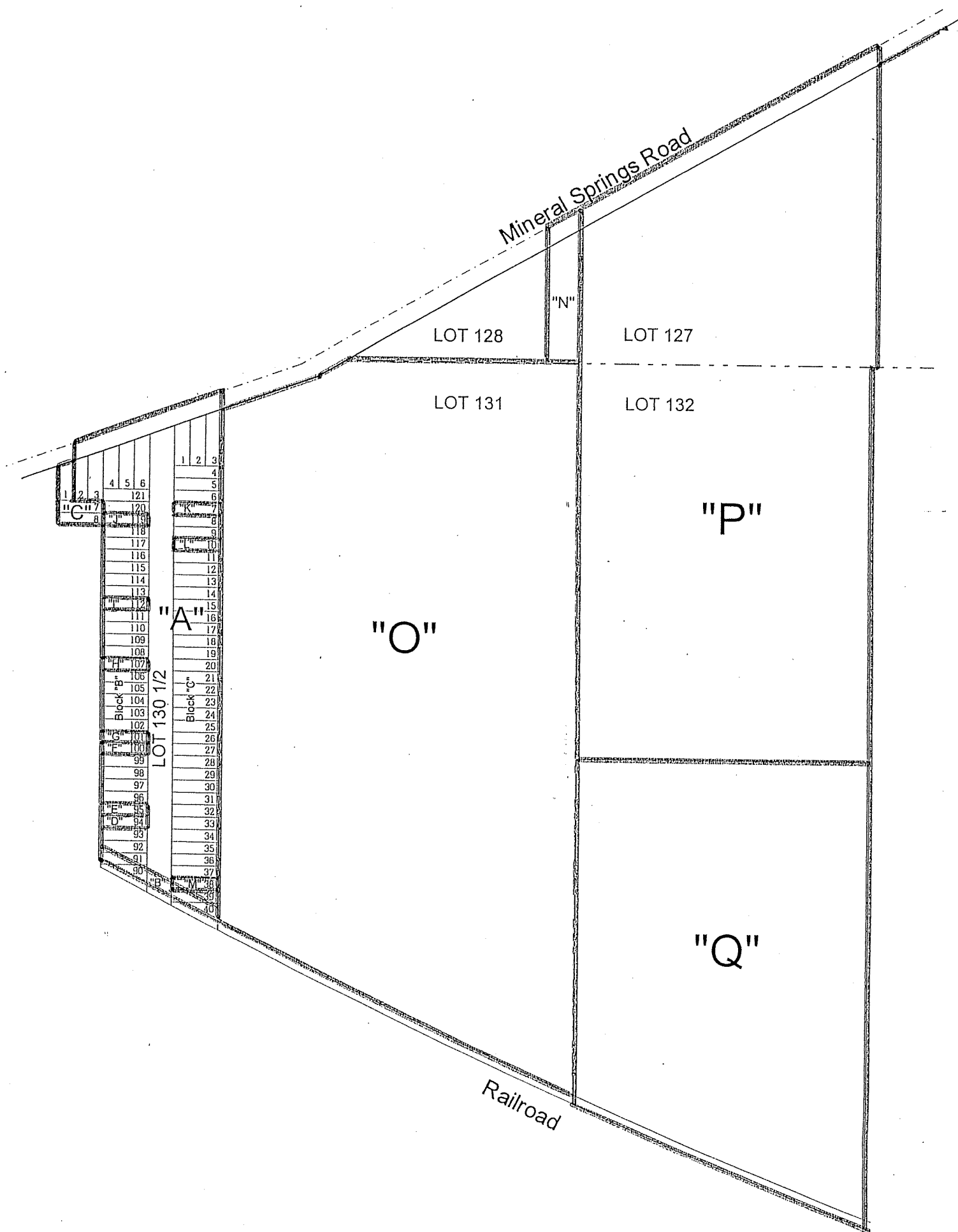
BEGINNING at a stone monument marking corner to Lots Numbers one hundred twenty-seven (127), one hundred twenty-six (126), one hundred thirty-three (133) and one hundred thirty-two (132), distant along division line between Lots Numbers one hundred twenty-seven (127) and one hundred thirty-two (132), S.  $88^{\circ} 18' E.$ , one hundred five and eighty-three hundredths (105.83) feet from filed centre line of the Lehigh & Lake Erie Railroad; thence (1) along westerly line of Lot Number one hundred thirty-three (133), S.  $1^{\circ} 42' W.$ , one thousand eight and sixty hundredths (1008.60) feet to the northerly line of lands now or formerly of Herman J. Kreinheder, said line being parallel with and distant northerly one thousand six hundred ten (1610) feet from the northerly line of Winchester Avenue; thence (2) along said northerly line of lands now or formerly of Herman J. Kreinheder, N  $88^{\circ} 20' W.$ , one hundred eighty-one and twenty hundredths (181.20) feet to a point distant westerly eighty (80.0) feet at right angles from said filed centre line of the Lehigh & Lake Erie Railroad; thence (3) through lands of Mineral Springs Realty Co., parallel with said filed centre line, N  $1^{\circ} 26' E.$ , one thousand eight and seventy-three (1008.73) feet to a division line between Lots Numbers one hundred thirty-two and one hundred twenty-seven (127); thence (4) along same, S  $88^{\circ} 18' E.$ , fifteen (15.0) feet to a point distant westerly sixty-five (65.0) feet at right angles from said filed centre line; thence (5) continuing through lands of Mineral Springs Realty Co., parallel with said filed centre line, N  $1^{\circ} 26' E.$ , seven hundred forty-eight and sixteen (748.16) feet to the southerly line of Mineral Spring Road; thence (6) along same, N  $59^{\circ} 46' E.$ , two hundred five and forty hundredths (205.40) feet to a point in division line between Lots Numbers one hundred

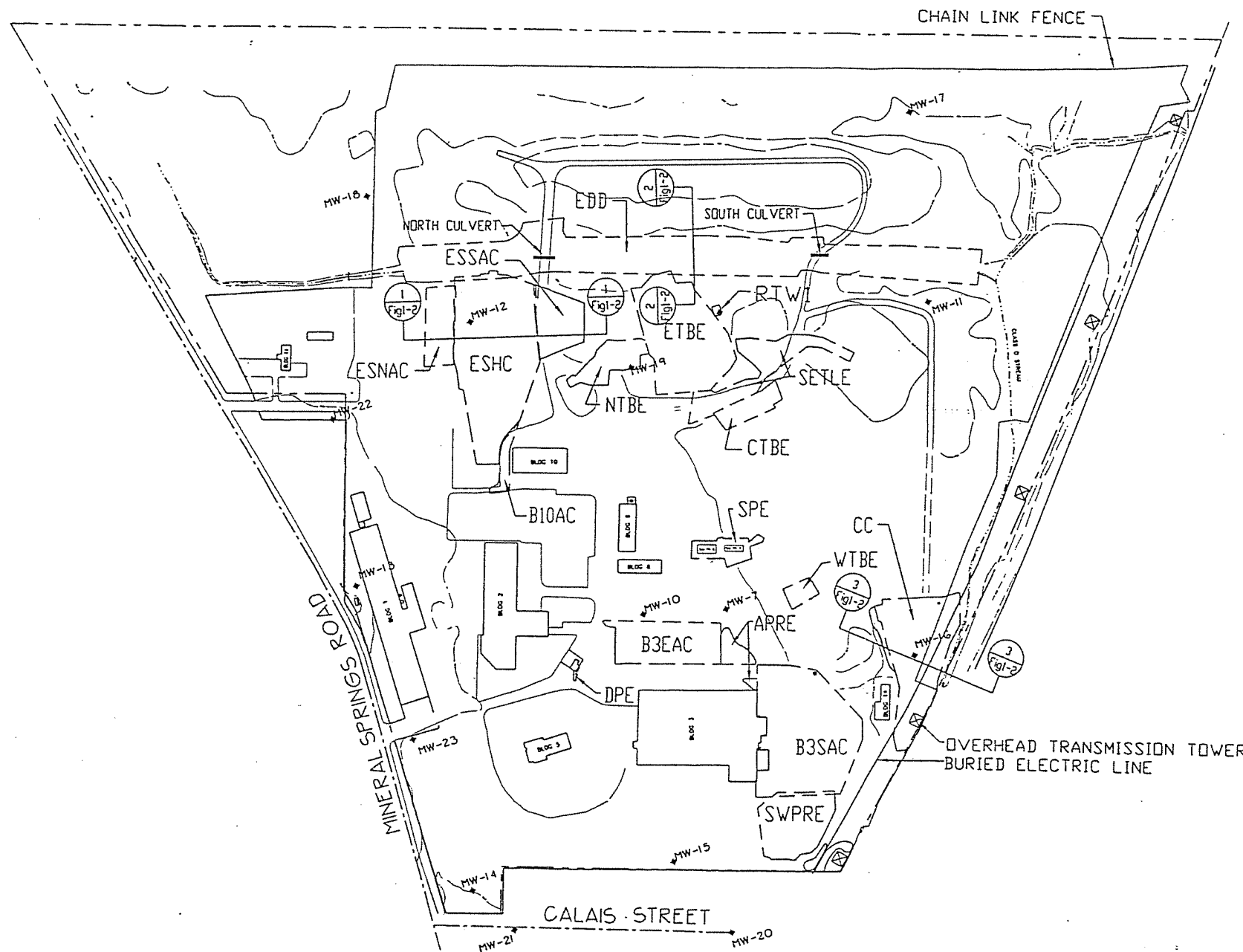
twenty-seven (127) and one hundred twenty-six (126), distant along southerly line of Mineral Spring Road, N 59° 46' E., one hundred twenty-nine and three hundredths (129.03) feet from said filed centre line of the Lehigh & Lake Erie Railroad; thence (7) along westerly line of Lot Number one hundred twenty-six (126), S 1° 42' W., eight hundred fifty-six and seventy-eight (856.78) feet to place of beginning.

PARCEL 'Q'

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of West Seneca, County of Erie and State of New York, being part of Lot Number one hundred thirty-two (132) in Township Number ten (10) and Range Number seven (7) of the Buffalo Creek Indian Reservation, more particularly bounded and described as follows:-

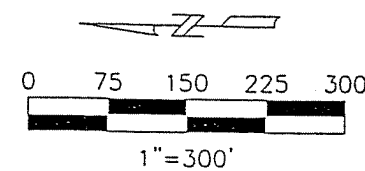
BEGINNING at a point in the westerly line of Lot Number one hundred thirty-two (132) of Township Number ten (10) and Range Number seven (7) of the Buffalo Creek Indian Reservation, distant one thousand six hundred ten (1610) feet northerly of the north line of Winchester Road, which point is also the southwesterly corner of lands now or formerly owned by The Mineral Springs Realty Company, which said lands were conveyed to The Mineral Springs Realty Company by Frederick G. Bagley, Referee, by deed dated the 15th day of November 1902, and recorded in the office of the Clerk of the County of Erie, State of New York, in Liber 954 of Deeds at page 110 on the 17th day of November 1902; running thence easterly parallel with Winchester Road and along the said southerly line of lands of the said The Mineral Springs Realty Company, seven hundred thirteen and sixty-five hundredths (713.65) feet to the westerly line of lands now owned by The Lehigh and Lake Erie Railroad Company, which said lands were conveyed to the said The Lehigh and Lake Erie Railroad Company by Kate M. Kreinheder, individually and as executrix of the last Will and Testament of Herman J. Kreinheder, deceased, by deed dated December 28 1906, and recorded in the office of the Clerk of the County of Erie, State of New York, in Liber 1064 of Deeds at page 244 December 31 1906; running thence southerly along the said westerly line of the lands of the Lehigh and Lake Erie Railroad Company, one thousand one hundred fifteen and thirteen hundredths (1115.13) feet to the northerly line of lands now owned by the Pennsylvania Railroad Company; running thence northwesterly along said northerly line of the lands of the Pennsylvania Railroad Company, about seven hundred seventy-five (775) feet to the westerly line of said Lot Number one hundred thirty-two (132), being the easterly line of lands now or formerly owned by John B. Weber, which said lands were conveyed to the said John B. Weber by Edmund H. Schermerhorn and William C. Schermerhorn, as surviving executors of the last Will and Testament of Peter Schermerhorn, deceased, by deed dated June 2 1887, and recorded in the Erie County Clerk's Office in Liber 461 of Deeds at page 119 June 27 1887; running thence northerly along the westerly line of said Lot Number one hundred thirty-two (132), being also the easterly line of *LANDS now or formerly owned by John Weber, about eight hundred thirty-seven (837) feet to the place of beginning.*





**LEGEND**

	EXISTING STRUCTURE
	REMEDIAL CONSTRUCTION
	MONITORING WELLS
APRE	ADDITIONAL PURIFIER RESIDUALS EXCAVATION
B3EAC	BUILDING 3 EAST ASPHALT CAP
B3SAC	BUILDING 3 SOUTH ASPHALT CAP
B10AC	BUILDING 10 ASPHALT CAP
CC	CLAY CAP
CTBE	CENTRAL TAR BOILS EXCAVATION
DPE	DEISEL PAD EXCAVATION
EDD	EASTERN DRAINAGE DITCH
ESHC	EASTERN SWALE HDPE CAP
ESNAC	EASTERN SWALE NORTH ASPHALT CAP
ESSAC	EASTERN SWALE SOUTH ASPHALT CAP
ETBE	EASTERN TAR BOILS EXCAVATION
NTBE	NORTHERN TAR BOILS EXCAVATION
SETLE	SOUTHEASTERN TAR LENSES EXCAVATION
SPE	SEPARATOR PITS EXCAVATION
SWPRE	SOUTHWEST RESIDUALS EXCAVATION
WTBE	WESTERN TAR BOILS EXCAVATION



Mineral Springs Road MGP Site NFGD3-14852		As-Built Site Plan Figure 1-1	
DATE: 06/07/02	DRWN: SLC	FILE: 11X17FIGURE1ASB	LAYOUT: Layout1