

Rick W. Kennedy  
Direct Dial: 716.848.1407  
rkennedy@hodgsonruss.com



March 5, 2007

Maura C. Desmond, Esq.  
Senior Attorney  
Division of Environmental Enforcement  
New York State Department of Environmental Conservation  
270 Michigan Avenue  
Buffalo, NY 14203-2999

Dear Ms. Desmond:

Re: Outokumpu American Brass Facility Site; Voluntary Cleanup Program  
Site No. V00314-9; Index No. B9-0573-99-10  
Declaration of Covenants and Restrictions

I have enclosed two (2) fully executed copies of the Declaration of Covenants and Restrictions for Outokumpu American Brass property located at 70 Sayre Street, Buffalo, New York 14207. This Declaration of Covenants and Restrictions was originally filed with the Erie County Clerk's office on August 15, 2006. It was re-filed on March 2, 2007, as evidenced by the date stamp located on the document to resolve any uncertainty over whether the Site Management Plan (Appendix D to the Declaration) was on file with the clerk.

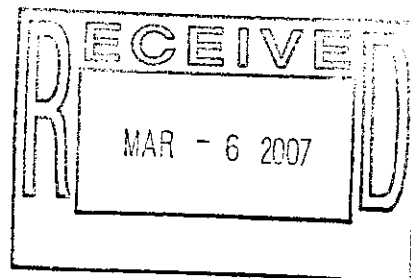
If you have any questions, please feel free to contact me.

Very truly yours,

A handwritten signature in black ink, appearing to be "Rick W. Kennedy", written over a horizontal line. The signature is stylized and loops back to the right.

Rick W. Kennedy

RK/ajt  
Enclosures



**FILED**

MAR - 2 2007

ERIE COUNTY  
CLERK'S OFFICE

**DECLARATION of COVENANTS and RESTRICTIONS**

**THIS COVENANT** is made this 13 day of April 2006, by Outokumpu American Brass, Inc., a corporation organized and existing under the laws of the State of Delaware and having an office for the transaction of business at 70 Sayre Street, Buffalo, New York 14207.

**WHEREAS**, Outokumpu American Brass, Inc. is the subject of a Voluntary Agreement (V00314-9) executed as part of the New York State Department of Environmental Conservation's (the Department's) Voluntary Cleanup Program, namely the parcels of real property located on 70 Sayre Street in the City of Buffalo, County of Erie, State of New York, identified by tax parcel numbers: 77.74-4-24; 77.74-4-1; 77.74-4-2; 77.59-6-1.1; 77.59-6-2; 77.66-2-4; and 77.75-1-25; which parcels are depicted on the tax maps attached to this Declaration as Exhibit A and described more particularly in the Deeds attached to this Declaration as Exhibit B, both appendices made a part hereof, and hereinafter referred to as "the Property"; and

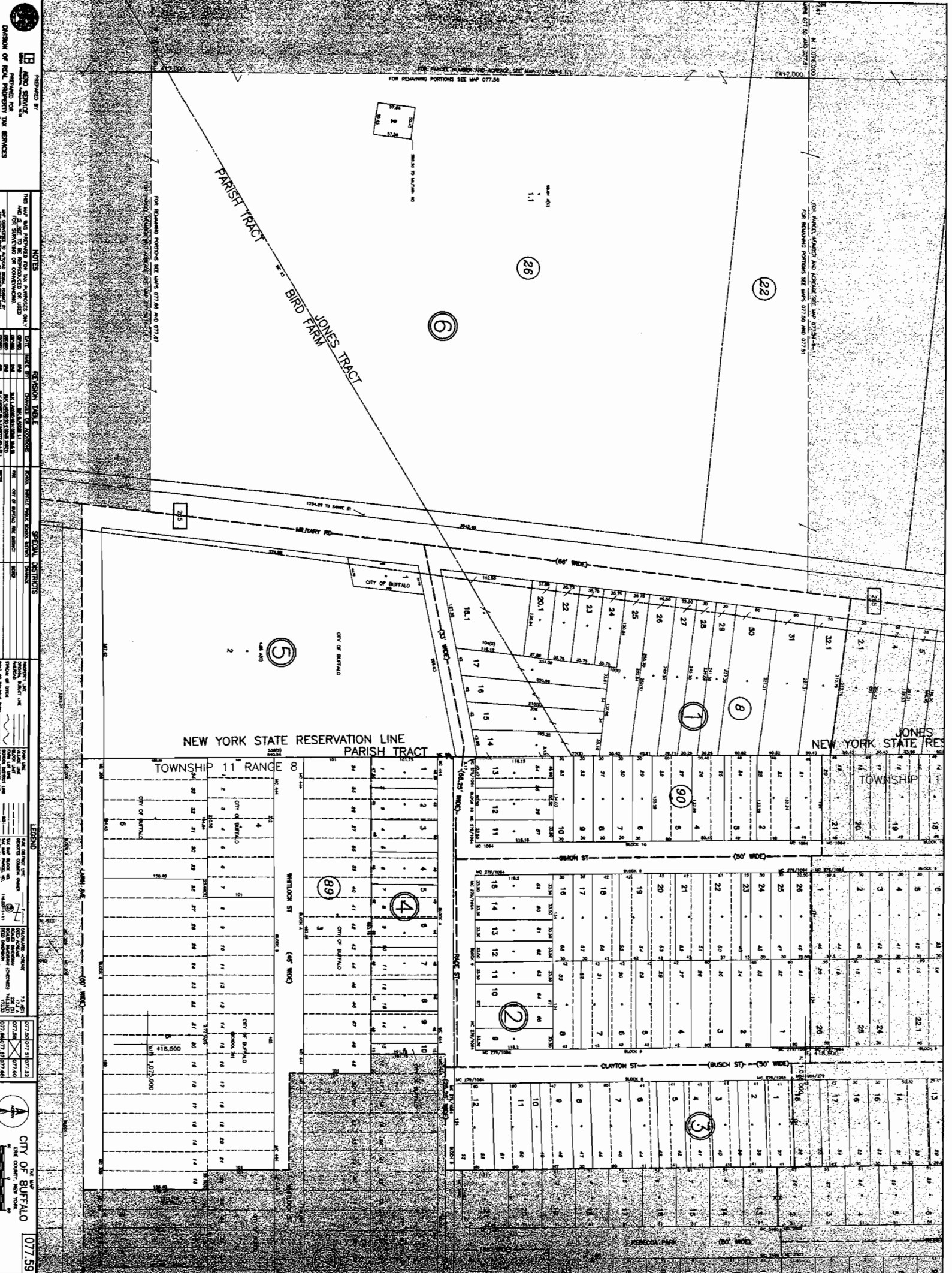
**WHEREAS**, the Department approved a remedy to eliminate or mitigate all significant threats to the environment presented by the contamination disposed at the Property and such remedy requires that the Property be subject to restrictive covenants.

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

First, portions of the Property, denominated areas A, C, D, J and M, were remediated and are expressly subject to this Declaration of Covenants and Restrictions. The metes and bounds descriptions of each of the respective areas are set out on the index plan and perimeter surveys which are attached to this Declaration as Appendix "C", and made a part hereof.

Second, the portions of the Property, denominated areas A, C, D, J and M were remediated through the use of engineering controls and include the following;

1. Area A: 4-inch asphalt pavement to cover contaminated soils (except those small grass or gravel covered areas shown on the survey drawing for Area A).
2. Area C: 4-inch asphalt pavement to cover contaminated soils.
3. Area D: 4-inch asphalt pavement to cover contaminated soils.
4. Area J: 6-inch common fill layer covered by a 6-inch topsoil layer, graded for turf or field grass and chain link security fencing.



PREPARED BY  
**ALCO SERVICE**  
 ENGINEERS AND ARCHITECTS  
 DIVISION OF REAL PROPERTY TAX SERVICES

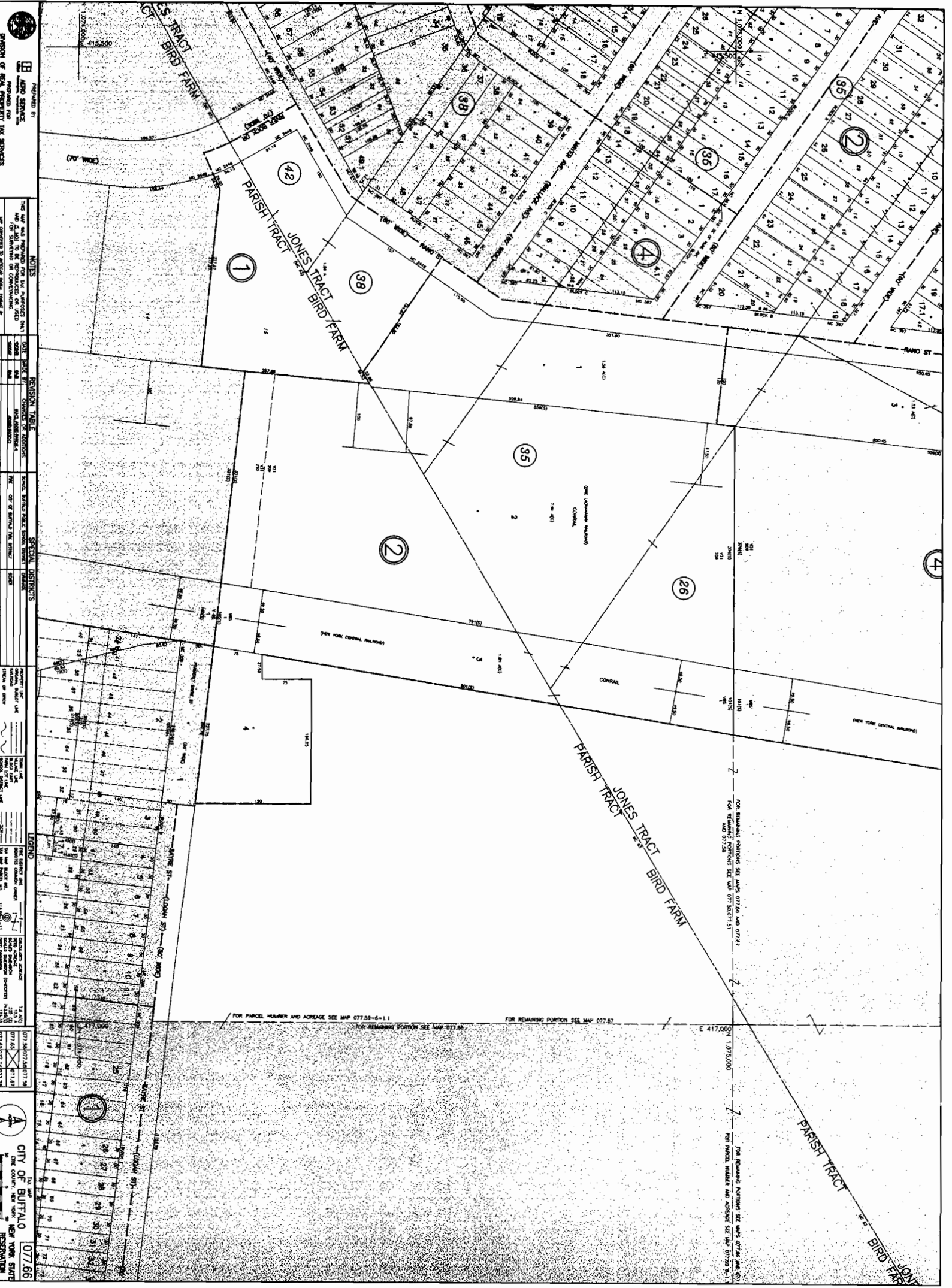
NOTES:  
 THIS MAP WAS PREPARED FOR THE PURPOSES OF THE CITY OF BUFFALO AND IS NOT TO BE USED FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN CONSENT OF THE CITY OF BUFFALO.

REVISION TABLE:  
 DATE: 07/26/23  
 BY: [Signature]  
 REVISION: [Description]

SPECIAL DISTRICTS:  
 CITY OF BUFFALO  
 CITY OF BUFFALO

LEGEND:  
 [Symbol] UNIMPROVED LOT  
 [Symbol] IMPROVED LOT  
 [Symbol] LOT WITH IMPROVEMENTS  
 [Symbol] LOT WITH IMPROVEMENTS AND EASEMENTS  
 [Symbol] LOT WITH IMPROVEMENTS AND EASEMENTS AND ENCUMBRANCES  
 [Symbol] LOT WITH IMPROVEMENTS AND EASEMENTS AND ENCUMBRANCES AND EASEMENTS

CITY OF BUFFALO  
 077.59



DIVISION OF REAL PROPERTY TAX SERVICES  
 PREPARED BY  
 AERD SERVICE

NOTES  
 THIS MAP WAS PREPARED FOR THE PURPOSES ONLY  
 AND IS NOT TO BE REPRODUCED OR USED  
 FOR ANY OTHER PURPOSE WITHOUT THE  
 WRITTEN PERMISSION OF THE DIVISION

REVISION TABLE

DATE	DESCRIPTION
07/86	ISSUED

SPECIAL DISTRICTS

DISTRICT	DESCRIPTION
1	...
2	...

LEGEND

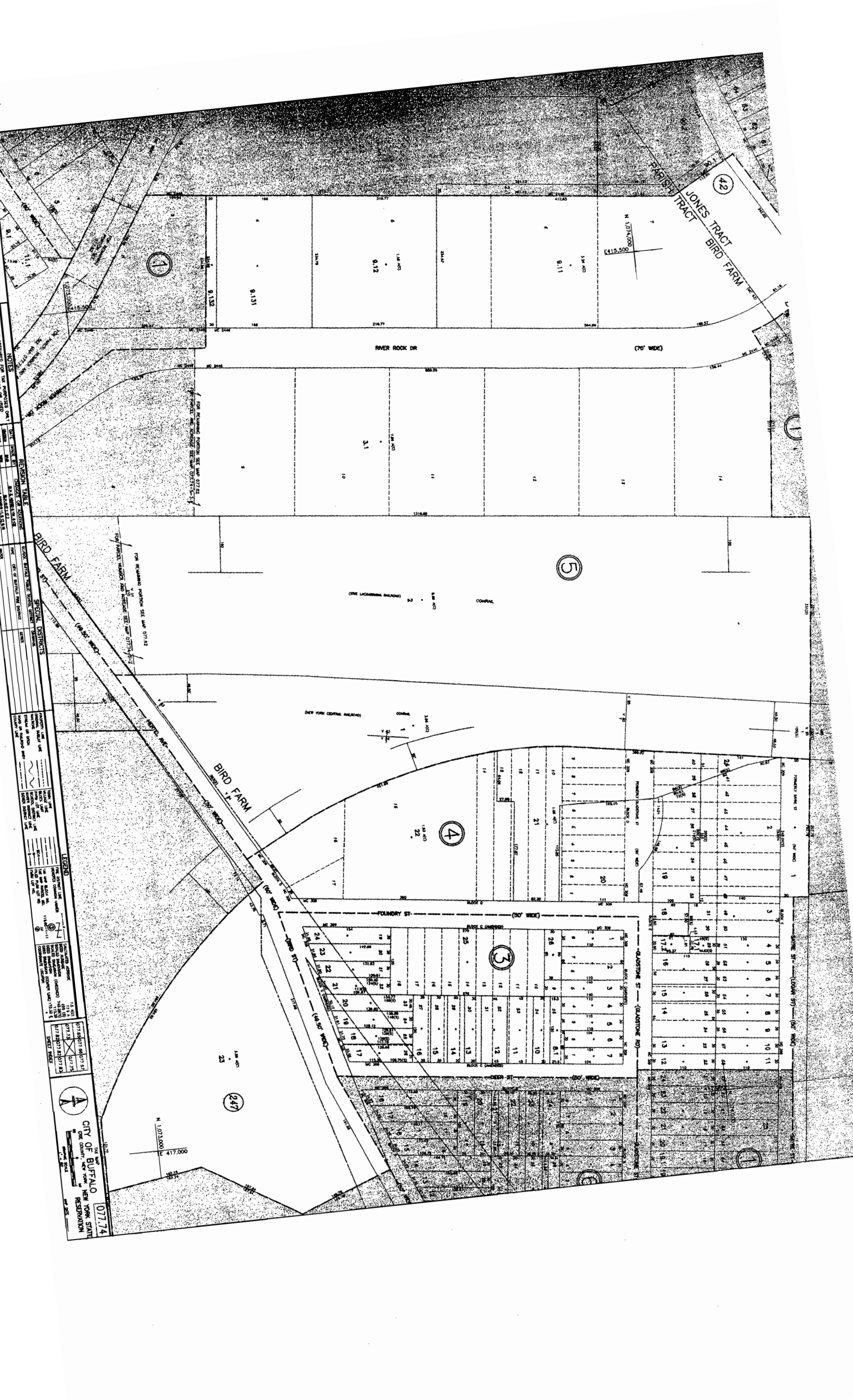
[Symbol]	...
[Symbol]	...
[Symbol]	...

FOR PARCEL NUMBER AND ACREAGE SEE MAP 07758-4-1-1

FOR REMAINING PORTION SEE MAP 07748

FOR REMAINING PORTION SEE MAP 07767

CITY OF BUFFALO  
 NEW YORK STATE  
 07/86



NOTES:  
 1. ALL LOTS ARE TO BE CONVEYED TO THE PURCHASER BY DEED.  
 2. THE CITY OF BUFFALO HAS THE RIGHT TO TAKE EASES IN THE LOTS FOR PUBLIC UTILITIES AND HIGHWAYS.  
 3. THE CITY OF BUFFALO HAS THE RIGHT TO TAKE EASES IN THE LOTS FOR PUBLIC UTILITIES AND HIGHWAYS.

REVISION TABLE  
 DATE: 07/27/74  
 BY: [Signature]  
 FOR: [Signature]

SPECIAL DISTRICTS  
 DISTRICT: [Blank]  
 NAME: [Blank]

LEGEND  
 PROPOSED LOT: [Symbol]  
 EXISTING LOT: [Symbol]  
 OTHER LOT: [Symbol]

CITY OF BUFFALO  
 NEW YORK STATE RESERVATION  
 0774  
 0774  
 0774  
 0774

0774  
 0774  
 0774  
 0774

NOTES

THIS MAP WAS PREPARED FOR THE PURPOSES ONLY AND IS NOT TO BE USED FOR CONVEYANCE OF LAND OR AS A BASIS FOR ANY OTHER ACTION.

REVISION TABLE

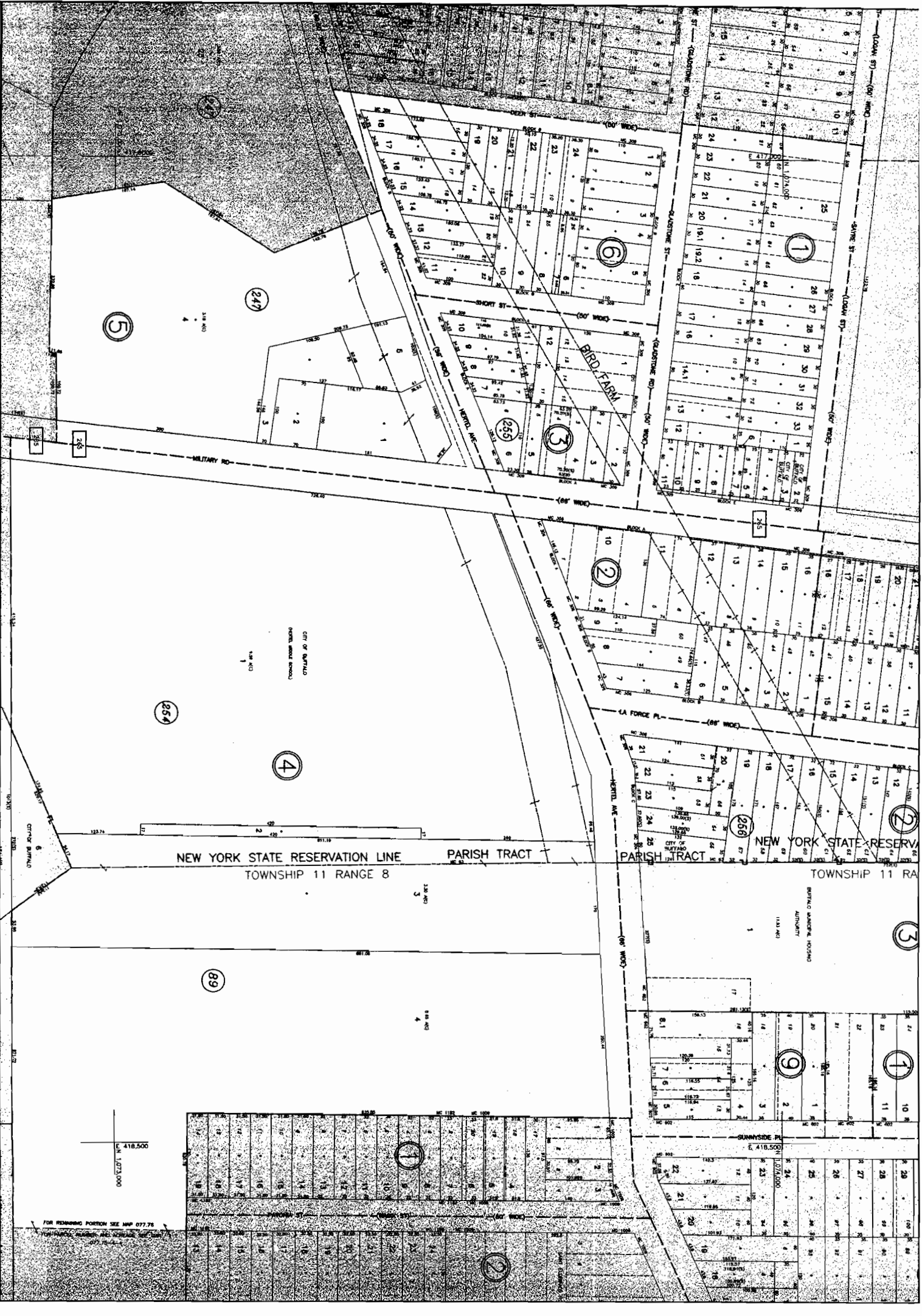
NO.	DATE	DESCRIPTION
1	07/17/74	ISSUED
2	07/17/74	ISSUED
3	07/17/74	ISSUED
4	07/17/74	ISSUED
5	07/17/74	ISSUED

SPECIAL DISTRICTS

DISTRICT	NO.	DATE	DESCRIPTION
...	...	...	...

LEGEND

SYMBOL	DESCRIPTION
(Solid line)	PROPERTY LINE
(Dashed line)	NEW YORK STATE RESERVATION LINE
(Dotted line)	...



FOR REMAINING PORTION SEE MAP 077.75

LOT NO.	AREA	OWNER
1	...	...
2	...	...
3	...	...
4	...	...
5	...	...
6	...	...
7	...	...
8	...	...
9	...	...



SCHEDULE A

PARCEL I

ALL THAT TRACT OR PARCEL OF LAND situate in the City of Buffalo, County of Erie and State of New York, being part of Lot Nos. 13, 16, 19, 22 and 26 of the Jones Tract and part of the Bird farm, being further bounded and described as follows:

Beginning at the intersection of the north line of Sayre Street (50 feet wide) and Military Road (66 feet wide);

(1) Running thence westerly along the north line of Sayre Street 1122.78 feet to its intersection with the east line of lands owned by Conrail (formerly Penn-Central Railroad);

(2) Thence northerly along the east line of Conrail's land 2572.70 feet to its intersection with the south line of other lands owned by Conrail (formerly Erie Lackawanna Railroad);

(3) Thence easterly along the south line of lands owned by Conrail (formerly Erie Lackawanna Railroad) the following described courses: (a) easterly at an interior angle with lands owned by Conrail (formerly Penn-Central Railroad) of  $131^{\circ} 53' 31''$ , a distance of 244.34 feet to a point of curve; (b) thence continuing easterly along a curve to the right with a radius of 1383.50 and tangent to the last described line an arc distance of 779.94 feet; (c) thence continuing easterly along a line tangent to the last described line 110.50 feet to the west line of Military Road (66 feet wide);

(4) Thence south along the west line of Military Road 3042.45 feet to the point or place of beginning.

PARCEL II

ALL THAT TRACT OR PARCEL OF LAND situate in the City of Buffalo, County of Erie and State of New York and being part of the Bird farm, further known as Subdivision Lot Nos. 59, 60, 61, 62, 63, 64 and 65, Block "B", Map Cover 309, being further bounded and described as follows:

Beginning at a point in the south line of Sayre Street (50 feet wide) distant 350 feet westerly from its intersection with Military Road (66 feet wide);

(1) Thence westerly along the south line of Sayre Street 210 feet;

(2) Thence southerly parallel with the west line of Military Road 110 feet;

(3) Thence easterly parallel with the south line of Sayre Street 210 feet;

(4) Thence northerly parallel with the west line of Military Road 110 feet to the point or place of beginning.

PARCEL III

ALL THAT TRACT OR PARCEL OF LAND situate in the City of Buffalo, County of Erie and State of New York, being part of the Bird farm and further known as part of Sayre Street and parts of Subdivision Lot Nos. 41-47 inclusive, part of Subdivision Lot No. 48, part of Subdivision Lot Nos. 32-40 inclusive, Block "B", Map Cover 309, being further bounded and described as follows:

Beginning at a point in the north line of Sayre Street (50 feet wide) distant 872 feet westerly from its intersection with Military Road;

(1) Running thence westerly along the north line of Sayre Street 250.78 feet to the east line of lands of Conrail (formerly Penn-Central Railroad);

(2) Thence southerly along the east line of lands of Conrail 190.18 feet to a point;

(3) Thence easterly parallel with the south line of former Sayre Street 259.37 feet;

(4) Thence northerly parallel with the east line of Military Road 190 feet to the point or place of beginning.



PARCEL IV

ALL THAT TRACT OR PARCEL OF LAND situate in the City of Buffalo, County of Erie and State of New York, and being part of Lot No. 26 of the Jones Tract and bounded and described as follows:

Beginning at a point on the westerly line of Military Road, 66 feet wide, 1254.26 feet north of its intersection with the north line of Sayre Street; running thence westerly at right angles 338.50 feet to the principal point of beginning; thence southerly at an interior angle of  $90^{\circ} 04'$  along the easterly face of a concrete wall 57.59 feet to a point on the center line of an 8 inch wide concrete party wall; thence westerly along the aforesaid center line 50.45 feet to a point on the center line of an 8 inch wide concrete party wall, thence northerly at right angles and along the center line of said last mentioned center line 57.64 feet to a point; thence easterly along the northerly face of a concrete wall 50.43 feet to the principal point of beginning.

U 010210 P 372

BOX 74 (WKF)

BAKGAIN AND SADE  
DEED

AMERICAN BRASS COMPANY,  
L.P.

To 558

OUTOKUMPU AMERICAN BRASS,  
INC.

Dated: August 30, 1990

Please return by mail to:  
Mendy K. Fechter, Esq.  
Hodgson, Russ, Andrews,  
Woods & Goodyear  
1800 One M & T Plaza  
Buffalo, New York 14203

STATE OF NEW YORK  
ERIE COUNTY CLERK'S OFFICE

Recorded in Liber 10270, Page 370

of ...  
on the ... day of ...  
A.D. 19... at ... o'clock... P.M.  
and examined.

*David J. Swartz*  
CLERK

6070092-12  
1-40

1990 AUG 30 PM 4: 03  
ERIE COUNTY  
CLERK'S OFFICE

FILED

# This Indenture,

Made the <sup>23rd</sup> 30<sup>th</sup> day of August  
Nineteen Hundred and Ninety

Between Erie County Industrial Development Agency, a corporate governmental agency constituting a body corporate and politic and a public benefit corporation duly organized and existing under the laws of the State of New York having its principal office at 424 Main Street, Suite 300, Buffalo, New York 14202

CITY  
0

party of the first part, and  
American Brass Company, L.P., a Delaware limited partnership having its principal office at 70 Sayre Street, Buffalo, New York

Witnesseth that the party of the first part, in consideration of One and No

More Dollars (\$1.00 and) No More  
lawful money of the United States,  
paid by the party of the second part, does hereby grant and release unto the party of the second part, its successors and assigns forever, all

that tract or parcel of land situate in the City of Buffalo, County of Erie and State of New York and more particularly described on Schedule A attached hereto and made a part hereof.

RECEIVED  
\$... EXEMPT.  
REAL ESTATE  
AUG 30 1990  
TRANSFER TAX  
ERIE COUNTY LH

11 010210 P 378

Together with the appurtenances and all the estate and rights of the party of the first part in and to said premises,

To have and to hold the premises herein granted unto the party of the second part, its successors and assigns forever.

AND that, in compliance with Section 13 of the Lien Law, the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the cost of the payment of the cost of the improvement before using any part of the same for any other purpose.

In Presence of

In Witness Whereof, the party of the first part has caused its corporate seal to be hereunto affixed, and these presents to be signed by its duly authorized officer this 30th day of August Nineteen Hundred and ninety

Erie County Industrial Development Agency

By Karla M. Folmsbee Asst. Treasurer



State of New York } On this 30th day of August  
County of ERIE } ss. Nineteen Hundred and Ninety  
before me personally came Karla M. Folmsbee

to me personally known, who, being by me duly sworn, did depose and say that he resides in 1340 W. 1st St. No. Tonawanda, NY that he is the Asst. Treasurer of Erie County Industrial Development Agency the corporation described in, and which executed, the within Instrument; that he knows the seal of said corporation; that the seal affixed to said Instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said corporation; and that he signed his name thereto by like order.

Wendy K. Fechte

WENDY K. FECHTE,  
Notary Public, State of New York  
Qualified in Erie County  
My Commission Expires April 30, 1991

Schedule A

*All part tract as parcel of land s. locate in  
City of Buffalo, County of Erie - State of New York,  
part of lot 26 of the Sayre tract, bounded as  
follows:*

BEGINNING at a point on the westerly line of Military Road, 66 feet wide, 1254.26 feet north of its intersection with the north line of Sayre Street; running thence westerly at right angles 586.50 feet to the principal point of beginning; thence southerly at an interior angle of  $90^{\circ} 04'$  along the easterly face of a concrete wall 57.59 feet to a point on the center line of an 8" wide concrete party wall; thence westerly along the aforesaid center line 50.45 feet to a point on the center line of an 8" wide concrete party wall; thence northerly at right angles and along the center line of said last mentioned center line 57.64 feet to a point; thence easterly along the northerly face of a concrete wall 50.43 feet to the principal point of beginning.

TOGETHER with a non-exclusive easement for ingress and egress westerly, along a concrete roadway, from the westerly line of Military Road and southerly along a concrete roadway and drive to the northerly line of the above described parcel as shown on a Survey No. 861837 dated November 25, 1986, by Ray L. Sonnenberger, Surveyor (the "Sonnenberger Survey").

11 010210 P 380

MAIL BOX  
**MAIL**  
CORPORATION, BARRON AND BARRON

ERIE COUNTY INDUSTRIAL  
DEVELOPMENT AGENCY 560  
TO  
AMERICAN BRASS COMPANY, L.P.

FILED  
1990 AUG 30 PM 4:01  
ERIE COUNTY  
CLERK'S OFFICE

Dated August 30 1990

STAMPS  
RECORDED IN LIBRARY  
of ... LIBRARY'S OFFICE  
on the ... day of ...  
A.D. 1990 at ... o'clock ... M  
and examined.

*David J. ...*  
CLERK

\* Acad, Fox, Kinders, Plotkin Kahn  
1050 Connecticut Ave. NW  
Washington, DC 20036-1339  
Attn: Adam Dickstein



THIS IS NOT  
A BILL

Erie County Clerk's Office  
County Clerk's Recording Page



Control # 199611270032  
Index DEED LIBER  
Book 10909 Page 6304  
No. Pages 0004  
Instrument DEED-EXEMPT  
Date : 11/27/1996  
Time : 9:13:55

Return To:

BOX 61

OUTOKUMPU AMERICAN BRASS INC  
ERIE COUNTY INDUSTRIAL AGENCY

MORTGAGE TAX

COUNTY	\$	27.00
STATE	\$	25.00
COE	\$	5.00
	\$	.00
	\$	.00
	\$	.00
	\$	.00
	\$	.00
	\$	.00
	\$	.00
Total:	\$	32.00

Serial #		
City/Town	\$	.00
S.M.A.	\$	.00
Trans. Auth.	\$	.00
Total	\$	.00

STATE OF NEW YORK  
Erie County Clerk's Office

**WARNING - THIS SHEET CONSTITUTES THE CLERKS  
ENDORSEMENT, REQUIRED BY SECTION 316-A(5) OF  
THE REAL PROPERTY LAW OF THE STATE OF NEW YORK  
DO NOT DETACH**

DAVID J SWARTS  
County Clerk

TRANSFER TAX

Transfer Tax	\$	.00
Amount	\$	1.00
Transfer Tax #	TT1996008896	



D109096304

THIS INDENTURE, made as of the 1st day of November, 1996

BETWEEN OUTOKUMPU AMERICAN BRASS, INC., a Delaware corporation with offices at 70 Sayre Street, Buffalo, New York 14207, party of the first part, and

ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY, a New York public benefit corporation with offices at 424 Main Street, Suite 300, Buffalo, New York 14202, party of the second part,

WITNESSETH, that the party of the first part, in consideration of One Dollar and No More consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the successors and assigns of the party of the second part forever the following described premises:

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Buffalo, County of Erie, State of New York and being more particularly described on Schedule A attached hereto and made a part hereof.

SUBJECT TO any and all easements and restrictions of record.

TOGETHER with the appurtenances; and all the estate and rights of the party of the first part in and to said premises.

TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, its successors and assigns forever.

AND the said party of the first part covenants with the party of the second part as follows:

THAT the party of the second part shall quietly enjoy the said premises;

THAT the party of the first part, in compliance with Section 13 of the Lien Law, will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment to the cost of the improvement before using any part of the total of the same for any other purpose.

THAT the said party of the first part will forever warrant the title to said premises.

THAT THIS CONVEYANCE is not of all or substantially all of the property of the party of the first part and is made in the regular course of business actually conducted by the party of the first part.

Box 61 (CJH)

DID -3

City

2568  
AMV  
32



IN WITNESS WHEREOF, the party of the first part has caused its corporate seal to be hereunto affixed, and these presents to be signed by its duly authorized officer this 21 day of November, 1996.

OUTOKUMPU AMERICAN BRASS, INC.

By *Warren E. Bartel*  
President



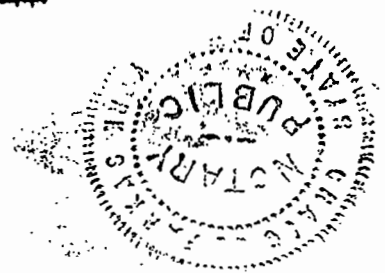
STATE OF NEW YORK    )  
                                  ):     SS  
COUNTY OF ERIE        )

On this 21 day of November, 1996, before me came **WARREN E. BARTEL**, to me known and who, being by me duly sworn, did depose and say that he resides at 9683 Cobblestone Drive, Clarence, New York, that he is the President of **OUTOKUMPU AMERICAN BRASS, INC.**, the corporation described in and which executed the foregoing instrument; and that he signed his name thereto by order of the Board of Directors of said corporation.

*Craig J. Paskas*  
Notary Public

**CRIG J. PASKAS**  
Notary Public, State of New York  
Qualified in Erie County  
My Commission Expires December 31, 1997

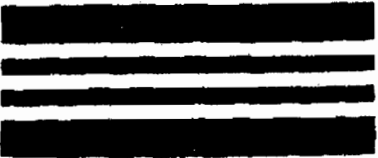
CORPORATE:88148\_1 (1W0K\_1)



## SCHEDULE A

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Buffalo, County of Erie and State of New York, being part of Lot No. 26 of the Jones Tract and part of the Bird Farm, being further bounded and described as follows:

COMMENCING at the intersection of the west line of Military Road with the north line of Sayre Street; thence along the north line of Sayre Street westerly a distance of 1,122.78 feet to its intersection with the east line of lands owned by Conrail (formerly Penn-Central Railroad) to the true point or place of beginning; running thence northerly along the east line of lands owned by Conrail, a distance of 75.0 feet; thence running easterly at right angles a distance of 37.50 feet; thence running northerly at right angles a distance of 75.0 feet; thence running easterly at right angles a distance of 190.25 feet; thence running southerly at right angles a distance of 150.0 feet to the north line of Sayre Street; thence running westerly along the north line of Sayre Street a distance of 227.75 feet more or less to the point or place of beginning.



ERIE COUNTY CLERKS OFFICE  
County Clerk's Recording Page

Return To:

BOX 74 HGM

Index DEED LIBER

Book 11020 Page 6576

No. Pages 0005

Instrument DEED

Date : 11/26/2002

Time : 4:07:07

Control # 200211261291

OLDTT

TT# TT 2002 010089

Employee ID MRV

OUTOKUMPU AMERICAN BRASS INC  
(A DELAWARE CORPORATION)  
OAK HOLDING INC (A DELAWARE CORPORATION)

7113007

COUNTY	\$	30.00
STATE E&A	\$	22.00
COE STATE	\$	4.75
TRANSFER	\$	.00
NFTA/TT	\$	.00
COUNTY E&A	\$	3.00
COE COUNTY	\$	1.00
COE ST GEN	\$	14.25
	\$	.00
<b>Total:</b>	<b>\$</b>	<b>75.00</b>

STATE OF NEW YORK  
ERIE COUNTY CLERKS OFFICE

TRANSFER TAX

WARNING - THIS SHEET CONSTITUTES THE CLERK'S  
ENDORSEMENT, REQUIRED BY SECTIONS 319&316-a  
(5) OF THE REAL PROPERTY LAW OF THE STATE OF  
NEW YORK. DO NOT DETACH. THIS IS NOT A BILL.

CONSIDERATN	\$	1.00
TRANSFER TAX	\$	.00

DAVID J SWARTS  
COUNTY CLERK



0110206576

1304 74  
HGM

**WARRANTY DEED**

This Warranty Deed is given as of the 1st day of November, 2002, by **OUTOKUMPU AMERICAN BRASS, INC.**, a Delaware business corporation having an address at 70 Sayre Street, Buffalo, New York (the "Grantor") to **OAB HOLDING, INC.**, a Delaware business corporation having an address at 70 Sayre Street, Buffalo, New York (the "Grantee").

WITNESSETH, that the Grantor, in consideration of ONE DOLLAR (\$1.00) and NO other good and valuable consideration, paid by the Grantee, does hereby grant and release unto the Grantee, and to its successors and assigns forever:

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Buffalo, County of Erie and State of New York, being more particularly described on attached Schedule A.

SUBJECT to all easements, rights of way and restrictions of record.

TOGETHER with the appurtenances and all the estate and rights of the Grantor in and to said premises.

TO HAVE AND TO HOLD the premises herein granted unto the Grantee, it successors and assigns forever.

AND THE GRANTOR COVENANTS AS FOLLOWS:

FIRST: That the Grantor is seized of said premises in fee simple, and has good right to convey the same;

SECOND: That the Grantee shall quietly enjoy the said premises;

THIRD: That the said premises are free from encumbrances except as aforesaid;

FOURTH: That the Grantor will execute or procure any further necessary assurance of the title to said premises;

FIFTH: That the Grantor will forever warrant the title to said premises as described above only; and

SIXTH: That in compliance with Section 13 of the Lien Law, the Grantor will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

IN WITNESS WHEREOF, the Grantor has hereunto set its hand the day and year first above written.

**OUTOKUMPU AMERICAN BRASS, INC.**

By: *Richard N. Adams*  
Name: RICHARD N. ADAMS  
Title: CONTROLLER

1304 74  
HGM

1328 479  
1291  
CITY MRU  
NIB-H

STATE OF NEW YORK )  
  :SS  
COUNTY OF ERIE       )

On the 25 day of November, in the year 2002, before me, the undersigned, a notary public in and for said state, personally appeared Richard N. Lyons, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) 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.

Nancy A. Szadek  
Notary Public

NANCY A. SZADEK  
Notary Public, State of New York  
Qualified in Erie County  
My Commission Expires 7/6/03



124  
20



SCHEDULE A

Parcel "I"

All that tract or parcel of land situate in the City of Buffalo, County of Erie and State of New York, being part of Lots Nos. 13, 16, 19, 22 and 26 of the Jones Tract and part of the Bird Farm bounded and described as follows:-

Beginning at the intersection of the north line of Sayre Street (50 feet wide) and the west line of Military Road (66 feet wide):

- (1) running thence westerly along the north line of Sayre Street, 1122.78 feet to its intersection with the east line of lands owned by Conrail (formerly Penn-Central Railroad):
- (2) thence northerly along the east line of Conrail's land, 2572.70 feet to its intersection with the south line of other lands owned by Conrail (formerly Erie Lackawanna Railroad):
- (3) thence easterly along the south line of lands owned by Conrail (formerly Erie Lackawanna Railroad) the following described courses:
  - (a) easterly at an interior angle with lands owned by Conrail (formerly Penn-Central Railroad) of  $131^{\circ} 53' 31''$ , a distance of 244.34 feet to a point of curve:
  - (b) thence continuing easterly along a curve to the right with a radius of 1383.50 and tangent to the last described line, an arc distance of 779.94 feet:
  - (c) thence continuing easterly along a line tangent to the last described line, 110.50 feet to the west line of Military Road (66 feet wide):
- (4) thence south along the west line of Military Road, 3042.45 feet to the point or place of beginning.

Parcel II

All that tract or parcel of land situate in the City of Buffalo, County of Erie and State of New York, being part of the Bird Farm and according to map filed in Erie County Clerk's Office under Cover No. 309, is known as Subdivision Lots Nos. 59 to 65 inclusive in Block "E" bounded and described as follows:-

Beginning at a point in the south line of Sayre Street (50 feet wide), distant 350 feet westerly from its intersection with the west line of Military Road (66 feet wide):

- (1) thence westerly along the south line of Sayre Street, 210 feet:
- (2) thence southerly parallel with the west line of Military Road, 110 feet:
- (3) thence easterly parallel with the south line of Sayre Street, 210 feet:
- (4) thence northerly parallel with the west line of Military Road, 110 feet to the point or place of beginning.

Parcel III

All that tract or parcel of land situate in the City of Buffalo, County of Erie and State of New York, being part of the Bird Farm and further known as part of Sayre Street according to map filed in Erie County Clerk's Office under Cover No. 309, is known as parts of Subdivision Lots Nos. 41 to 47 inclusive, part of Subdivision Lot No. 48, part of Subdivision Lots Nos. 32 to 40 inclusive in Block "B" bounded and described as follows:-

Beginning at a point in the north line of Sayre Street (50 feet wide), distant 872 feet westerly from its intersection with the west line of Military Road:

- (1) running thence westerly along the north line of former Sayre Street, 250.78 feet to the east line of lands of Conrail (formerly Penn-Central Railroad):
- (2) thence southerly along the east line of lands of Conrail, 190.18 feet to a point:
- (3) thence easterly parallel with the south line of former Sayre Street, 259.37 feet: (4) thence northerly parallel with the east line of Military Road, 190 feet to the point or place of beginning.

EXCEPTING THEREFROM, the following described parcel conveyed by a Deed made by Outokumpu American Brass, Inc. to Erie County Industrial Development Agency dated November 1, 1996 and recorded November 27, 1996 in Liber 10909 of Deeds at Page 6304:

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Buffalo, County of Erie and State of New York, being part of Lot No. 26 of the Jones Tract and part of the Bird Farm, being further bounded and described as follows:

COMMENCING at the intersection of the west line of Military Road with the north line of Sayre Street; thence along the north line of Sayre Street westerly a distance of 1,122.78 feet to its intersection with the east line of lands owned by Conrail (formerly Penn-Central Railroad) to the true point or place of beginning; running thence northerly along the east line of lands owned by Conrail a distance of 75.0 feet; thence running easterly at right angles a distance of 37.50 feet; thence running northerly at right angles a distance of 75.0 feet; thence running easterly at right angles a distance of 190.25 feet; thence running southerly at right angles a distance of 150.0 feet to the north line of Sayre Street; thence running westerly along the north line of Sayre Street a distance of 227.75 feet more or less to the point or place of beginning.

Intending to be the southwest corner part of parcel I of lands conveyed to Outokumpu American Brass by deed dated August 30, 1986 and recorded in the Erie County Clerk's Office on August 30, 1986 in Liber 10210 of Deeds at page 370.

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2002/11/27 11:44:00 AM





PERIMETER DESCRIPTION AREA C  
JOB NO. 04-63006

ALL THAT TRACT OR PARCELS OF LAND, situate in the City of Buffalo, County of Erie and State of New York, being part of Lot No. 36 of the James Tract, bounded and described as follows:

COMMENCING at a point in the westerly line of Military Road (see a street 66 feet wide), a distance of 1907.56 feet northwesterly of Sage Street, formerly Logan Street (on a street 50 feet wide);

Thence westerly on a line forming an angle of 91 degrees 36 minutes 21 seconds as measured from south to west from the extended line of Military Road a distance of 811.38 feet;

Thence northwesterly on a line curving double left and having a radius of 73.70 feet, being tangent with the last described line an arc length of 11.02 feet;

Thence southerly on a straight line, tangent to the last described course, a distance of 73.19 feet to a point;

Thence southwest on a line curving to the left, having a radius of 73.0 feet, being tangent with the last described line an arc length of 18.96 feet, to a point on a continuation southerly of the last described course on an arc length of 72.17 feet to a point;

Thence southerly in a straight line and tangent to the last described course a distance of 880.56 feet to the southerly corner of lots described in APPENDIX "B" in ASSIGNMENT OF INTEREST IN REAL ESTATE, recorded in the Erie County Clerk's Office in Liber 10224 of Deeds at page 101;

Thence southerly, 0.03 feet, to the left, then a straight line with the extension northerly of the westerly face of the westerly wall of a brick building straddling the parcel herein described, being the principal part of piece of beginning;

Thence S00°13'17"E along the abutted extension and along the westerly face of a brick building and the extension of same southerly, a distance of 132.03 feet to a point;

Thence S89°08'08"E a distance of 38.66 feet to a point;

Thence S44°24'02"E a distance of 8.42 feet to a point;

Thence S00°08'01"E a distance of 104.08 feet to a point;

Thence S27°48'52"W a distance of 10.33 feet to a point;

Thence S48°21'28"W a distance of 9.53 feet to a point;

Thence S73°33'00"W a distance of 18.62 feet to a point;

Thence S89°14'14"W a distance of 31.09 feet to a point;

Thence S02°20'46"W a distance of 8.01 feet to a point;

Thence N88°31'18"W a distance of 20.08 feet to the westerly face of a concrete retaining wall;

Thence S02°15'00"W and along the westerly face of the abutted retaining wall, a distance of 23.71 feet to the northerly face of the northerly wall of a concrete block building standing on the parcel to the south of the parcel herein described;

Thence S89°26'43"W and along the northerly face of the abutted concrete block wall and the extension of same westerly, a distance of 23.67 feet to a point;

Thence N00°01'12"E a distance of 81.00 feet to a point;

Thence N02°18'12"W a distance of 61.12 feet to a point;

Thence N03°03'49"W a distance of 56.51 feet to a point;

Thence N00°23'38"W a distance of 32.36 feet to a point;

Thence N07°24'37"E a distance of 23.79 feet to a point;

Thence N13°09'33"E a distance of 8.05 feet to the southerly corner of the abutted lot described in APPENDIX "B" in ASSIGNMENT OF INTEREST IN REAL ESTATE, recorded in the Erie County Clerk's Office in Liber 10224 of Deeds at page 101;

Thence S80°00'00"E and along the southerly line of said APPENDIX "B" a distance of 88.88 feet to the PRINCIPAL POINT OR PLACE OF BEGINNING.

Containing an area of 0.714 Acres (30,888.49).

THIS SURVEY WAS PREPARED WITHOUT THE ASSISTANCE OF A LICENSED SURVEYOR. THE SURVEYOR'S LIABILITY IS LIMITED TO THE ACCURACY OF THE DATA PROVIDED BY THE CLIENT. THE SURVEYOR DOES NOT WARRANT THE ACCURACY OF THE DATA OR THE RESULTS OF THE SURVEY.

NOTES: THIS SURVEY IS SUBJECT TO ANY AND ALL EASEMENTS, RIGHTS OF WAY, AND OTHER INTERESTS OF RECORD. THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE PROPERTY AND HAS FOUND NO EVIDENCE OF ANY UNRECORDED EASEMENTS OR RIGHTS OF WAY.

**PERIMETER SURVEY**  
PART OF  
**AREA C**  
**OUTOKUMPU AMERICAN BRASS**

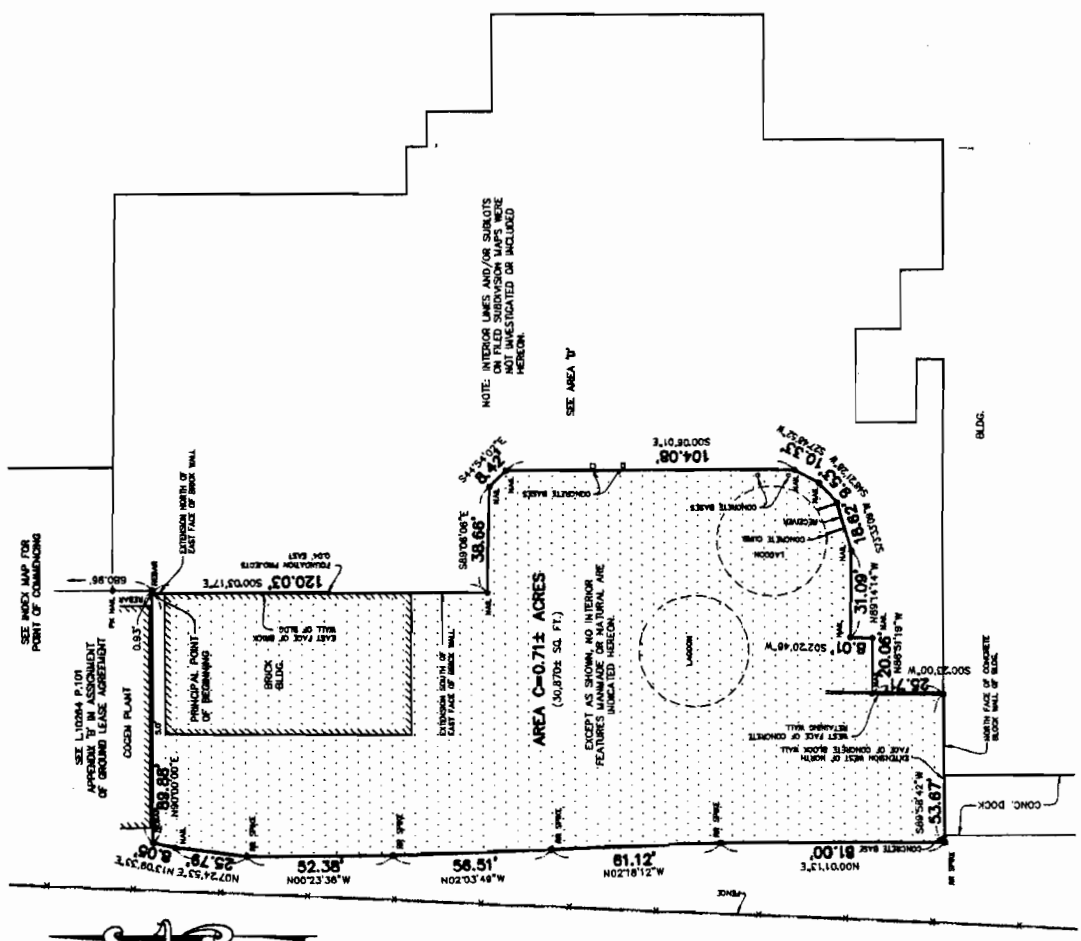
PART OF THE JAMES TRACT  
CITY OF BUFFALO, COUNTY OF ERIE, STATE OF NEW YORK  
NYSDEC SITE NO.: 915007  
VCP AGREEMENT NO.: V00314-9

REV. 04/03/08  
DATE: 10-08-04  
JOB NO. 04-63006

SCALE: 1" = 30'

LAND SURVEYOR  
RAY L. SOMMERGER, PLS.  
(716) 884-0382  
FAX (716) 884-1888

PLAT NO. **3**



Ray L. Sommerger  
RAY L. SOMMERGER, PLS.  
A.T.S. Lic. No. 028113







*Raymond J. Gorman*  
 RAYMOND J. GORMAN, P.E.  
 N.Y.S. Lic. No. 021133

This map was prepared without the benefit of a survey of the tract of land and is subject to correction if a survey is made.

LAND SURVEYOR  
 RAYMOND J. GORMAN  
 BUFFALO, N.Y. 14203  
 (716) 846-0100  
 Fax: (716) 846-1600



<p><b>PERIMETER SURVEY</b>          PART OF  <b>OUTOKUMPU AMERICAN BRASS</b>  <b>AREA M</b></p>	<p>PART OF THE JONES TRACT          CITY OF BUFFALO, COUNTY OF ERIE, STATE OF NEW YORK          NYSDEC SITE NO.: 915007          VCP AGREEMENT NO.: V00314-9</p>	<p>REV. 04/03/06          DATE: 10-08-04          JOB NO. 04-630 M</p>
<p>SCALE: 1" = 30'</p>	<p>PLANNED BY: 5</p>	<p>DATE: 10-08-04</p>
<p>LI. NO. 99500</p>	<p>DATE: 10-08-04</p>	<p>DATE: 10-08-04</p>

THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A SURVEY OF THE TRACT OF LAND AND IS SUBJECT TO CORRECTION IF A SURVEY IS MADE.

NOTE: UNAPPORTIONED ALIENATIONS OR ASSIGNMENTS TO ANY SURVEY, OPERATIONAL, TECHNICAL, SPECIFICATION, PLAN, OR INSTRUMENTATION, SHALL BE VOID UNDER THE PROVISIONS OF THE NEW YORK STATE REGULATION.

**PERIMETER DESCRIPTION AREA M**  
**JOB NO. 04-630M.**

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

BEGINS at a point in the northern line of Sayre Street (formerly Logan Street) a distance of 872.00 feet westerly from the intersection of the northern line of Sayre Street and the westerly line of Military Road (on a street 66 feet wide);

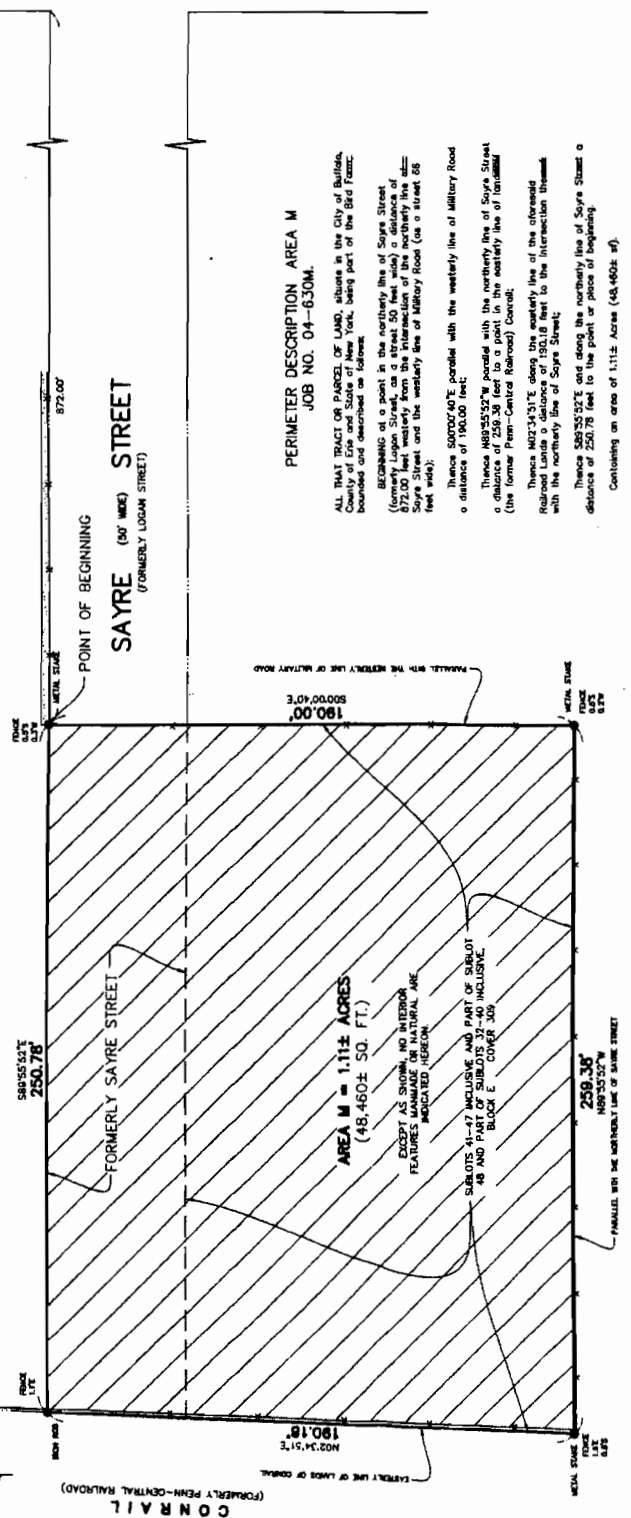
Thence S00°00'40"E parallel with the westerly line of Military Road a distance of 190.00 feet;

Thence N89°55'52"W parallel with the northern line of Sayre Street a distance of 259.36 feet to a point in the westerly line of Conrail (the former Penn-Central Railroad) Canal;

Thence N02°34'31"E along the easterly line of the elevated Railroad Landa a distance of 190.18 feet to the intersection thereof with the northern line of Sayre Street;

Thence S85°55'32"E and along the northern line of Sayre Street a distance of 250.78 feet to the point of place of beginning.

Containing an area of 1.11± Acres (48,460± sq. ft.).



MILITARY ROAD (66' WIDE)

POINT OF BEGINNING

SAYRE STREET (60' WIDE) (FORMERLY LOGAN STREET)

CONRAIL (FORMERLY PENN-CENTRAL RAILROAD)

PARALLEL WITH THE WESTERN LINE OF MILITARY ROAD

PARALLEL WITH THE NORTHERN LINE OF SAYRE STREET

