

**BARCLAY DAMON <sup>LLP</sup>**

**Courtney M. Merriman**  
Partner

April 3, 2018

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Bureau of Remediation  
Office of General Counsel, 14<sup>th</sup> Floor  
New York State Department of Environmental Conservation  
625 Broadway  
Albany, NY 12233-1500

Re: Watertown (Anthony Street) MGP Deed Restriction  
Address: 175 Black River Parkway and a portion of J. B. Wise Place  
roadway, City of Watertown, County of Jefferson, NY  
(part of tax map #7-01-137.000)  
Owner: The City of Watertown  
DEC Site ID.: V00473-6

Dear Ladies and Gentlemen:

Enclosed please find the following documentation pertaining to the above-referenced matter:

1. Photocopy of the filing receipt from the Jefferson County Clerk;
2. Proof of mailing of the municipality notification letter to Joseph Butler, Jr., Mayor of the City of Watertown;
3. Proof of mailing of the municipality notification letter to Shawn McWayne, Code Enforcement Supervisor of the City of Watertown.

I trust this satisfies the final requirements related to the Deed Restriction at this location. Should you require any further information, please do not hesitate to contact me.

Very truly yours,

  
Courtney M. Merriman

CMM:jml  
Enclosures

cc: Bradford Burns, Esq. ✓



JEFFERSON COUNTY - STATE OF NEW YORK  
GIZELLE J. MEEKS, JEFFERSON COUNTY CLERK  
175 ARSENAL STREET  
WATERTOWN, NEW YORK 13601

COUNTY CLERK'S RECORDING PAGE

\*\*\*THIS PAGE IS PART OF THE DOCUMENT - DO NOT DETACH\*\*\*



Recording:

Cover Page	5.00
Recording Fee	70.00
Cultural Ed	14.25
Records Management - Coun	1.00
Records Management - Stat	4.75

INSTRUMENT #: 2018-00003891

Receipt#: 2018005437  
Clerk: VP  
Rec Date: 03/21/2018 11:35:51 AM  
Doc Grp: DEE  
Descrip: DECLARATION  
Num Pgs: 11  
Rec'd Frm: BROWNELL ABSTRACT CORP

Total: 95.00  
\*\*\*\* NOTICE: THIS IS NOT A BILL \*\*\*\*

Party1: WATERTOWN CITY OF  
Party2: DECLARATION OF COVENANTS AND  
RESTRICTIONS  
Town: WATERTOWN-CITY OF

WARNING\*\*\*

\*\*\*Information may change  
during the verification process  
and may not be reflected on this  
page

Gizelle J. Meeks  
Jefferson County Clerk

Record and Return To:

JOAN M LAMSON  
BARCLAY DAMON LLP  
BARCLAY DAMON TOWER  
125 E JEFFERSON ST  
SYRACUSE NY 13202-9801

## DECLARATION of COVENANTS and RESTRICTIONS

THIS COVENANT is made the 21st day of February 2018, by The City of Watertown, a municipal corporation, with principal offices at 245 Washington Street, Watertown, New York 13601; and

WHEREAS, the Watertown (Anthony Street) Former Manufactured Gas Plant Site (Site #V00473-6), is the subject of a Voluntary Consent Order (Index No. D0-0001-0011) executed by Niagara Mohawk Power Corporation (d/b/a National Grid) as part of the New York State Department of Environmental Conservation's (the "Department's") Manufactured Gas Plant Program, namely that parcel of real property located at 175 Black River Parkway (Tax Map ID# 7-01-137.000), City of Watertown, County of Jefferson, State of New York, which is a public parking lot being part of that property conveyed to The City of Watertown by Consolidated Rail Corporation, by deed dated July 7, 1986, and recorded July 17, 1986 at the Jefferson County Clerk in Liber 1030, Page 271, and the portion of J. B. Wise Place roadway (formerly Anthony Street), and being more particularly described in Schedule "A," attached to this declaration and 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, The City of Watertown (hereinafter defined as "Owner"), for itself and its successors and/or assigns, covenants that:

First, the Property subject to this Declaration of Covenants and Restrictions is as shown on a survey map attached to this declaration as Schedule "B" and made a part hereof.

Second, unless prior written approval by the Department 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 obtained, where contamination remains at the Property subject to the provisions of the approved Site Management Plan ("SMP"), there shall be no construction, use or occupancy of the Property that results in the disturbance or excavation of the Property, which threatens the integrity of the engineering control or which results in unacceptable human exposure to contaminated soils. The SMP specifies the engineering control, institutional controls and the responsibilities of the Owner and Niagara Mohawk Power Corporation (d/b/a National Grid) ("Remedial Party"). The controls and requirements listed in the SMP, including any and all Department approved amendments to the SMP as of the date of execution of this Declaration of Covenants and Restrictions, are incorporated into and made part of this Declaration of Covenants and Restrictions. The SMP may be obtained from the New

York State Department of Environmental Conservation, Division of Environmental Remediation, Site Control Section, 625 Broadway, Albany, New York, 12233.

Third, pursuant to the SMP, the Owner of the Property shall not disturb, remove, or otherwise interfere with the installation, use, operation, and maintenance of the engineering control described in the SMP, unless in each instance the Owner notifies the Remedial Party, and the Remedial Party on behalf of the Owner, obtains a written waiver of such prohibition from the Department or Relevant Agency.

Fourth, pursuant to the SMP, the Owner of the Property shall prohibit the Property from ever being used for purposes other than for restricted residential, commercial or industrial uses as described in 6 NYCRR Part 375-1.8(g)(2), unless the Owner notifies the Remedial Party and the Remedial Party, on behalf of the Owner obtains a written waiver of such prohibition by the Department or Relevant Agency.

Fifth, the use of groundwater underlying the Property is prohibited without necessary water quality treatment as determined by the New York State Department of Health or the County of Jefferson 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.

Sixth, pursuant to the SMP, the Remedial Party at its cost and on behalf of the Owner of the Property shall conduct groundwater monitoring and inspections as required by the SMP and provide a periodic certification, prepared and submitted by a professional engineer or environmental professional acceptable to the Department or Relevant Agency, which will certify, *inter alia* as provided in the SMP, that the institutional and engineering controls put in place are unchanged from the previous certification, comply with the SMP, and have not been impaired.

Seventh, pursuant to the SMP, the Remedial Party at its cost and on behalf of the Owner of the Property shall continue in full force and effect any institutional and engineering controls described in the SMP and maintain such controls, unless the Remedial Party on behalf of the Owner first obtains permission to discontinue such controls from the Department or Relevant Agency, in compliance with the approved SMP, which is incorporated and made enforceable hereto, subject to modifications as approved by the Department or Relevant Agency.

Eighth, this Declaration of Covenants and Restrictions 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, consent to enforcement by the Department or Relevant Agency of the prohibitions and restrictions that the SMP requires to be recorded, and hereby covenant not to contest the authority of the Department or Relevant Agency to seek enforcement.

Ninth, any deed of conveyance of the Property, or any portion thereof, shall recite, unless the Department or Relevant Agency has consented to the termination of

such covenants and restrictions, that said conveyance is subject to this Declaration of Covenants and Restrictions.

Tenth, to the extent there is any conflict or inconsistency between the terms of this Declaration of Covenants and Restrictions and the SMP, the terms of the SMP will control.

[Signature Page Follows]

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

The City of Watertown

By: Sharon Addison

Print Name: Sharon Addison

Title: City Manager Date: 2/22/18

STATE OF NEW YORK )  
 )ss:  
COUNTY OF Jefferson

On the 21 day of February in the year 2018, before me, the undersigned, personally appeared Sharon Addison, 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 on behalf of which the individual(s) acted, executed the instrument.

Elaine Giso  
Notary Signature

Notary Stamp & Expiration Date:

**ELAINE GISO**  
Notary Public, State of New York  
Qualified in Jefferson County  
No. 01G14619507  
Commission Expires 1/31/22

PCDoc#362137

**Schedule A**

14678930.1

SUGGESTED LEGAL DESCRIPTION  
DEED RESTRICTION PARCEL UPON  
CITY OF WATERTOWN TAX PARCEL 7-01-137  
LANDS OF THE CITY OF WATERTOWN

All that certain tract, piece or parcel of land, situate in the City of Watertown, County of Jefferson, State of New York, and being more particularly bounded and described as follows:

BEGINNING at the northeast corner of the northerly terminus of J.B. Wise Place (formerly Anthony Street);

Thence South 16 deg. 28 min. 12 sec. East, along the easterly margin thereof, 182.72 feet to a point;

Thence through the lands now or formerly of the City of Watertown as described in Liber 1030 of Deeds at Page 271 the following three (3) courses and distances:

- 1) North 53 deg. 00 min. 45 sec. East, 68.73 feet to a point; thence
- 2) North 35 deg. 06 min. 03 sec. West, 335.00 feet to a point; and
- 3) South 56 deg. 34 min. 16 sec. West, 127.50 feet to a point on the northeasterly line of the lands now or formerly of S&J Properties of Watertown, LLC as described in Instrument Number 2016-00005913;

Thence South 33 deg. 06 min. 16 sec. East, along said northeasterly line, 22.00 feet to a point on the northwesterly line of the lands now or formerly of The J.B. Wise Block, LLC as described in Instrument Number 2015-00005840;

Thence North 57 deg. 08 min. 10 sec. East, along the northwesterly line said lands of The J.B. Wise Block, LLC, 89.25 to the northeasterly corner thereof;

Thence South 33 deg. 03 min. 24 sec. East, along the northeasterly line of the said lands of The J.B. Wise Block, LLC and the northeasterly line of the lands now or formerly of Fun Xcape LLC as described in Instrument Number 2015-00004068, in part by each, 141.32 feet to the northerly terminus of J.B. Wise Place;

Thence North 56 deg. 49 min. 54 sec. East, along the northerly terminus of J.B. Wise Place, 33.77 feet to the point or place of beginning.

Containing 15,530 square feet or 0.356 acres of land more or less.



The bearings in the foregoing description are referenced to the Central Zone of the New York State Plane Coordinate System NAD 83.

Intending to describe a New York State Department of Environmental Conservation Deed Restriction over a portion of the lands conveyed to the City of Watertown by quit Claim Deed dated July 7, 1986 and filed and filed July 17, 1986 in the Jefferson County Clerk's Office in Liber 1030 of Deeds at Page 271.

SUGGESTED LEGAL DESCRIPTION  
DEED RESTRICTION PARCEL UPON  
CITY OF WATERTOWN PARCEL KNOWN AS  
J.B. WISE PLACE (FORMERLY ANTHONY STREET)

All that certain tract, piece or parcel of land, situate in the City of Watertown, County of Jefferson, State of New York, and being more particularly bounded and described as follows:

BEGINNING at the northeast corner of the northerly terminus of J.B. Wise Place (formerly Anthony Street);

Thence South 16 deg. 28 min. 12 sec. East, along the easterly margin thereof, 182.72 feet to a point;

Thence South 53 deg. 00 min. 45 sec. West, through the margin of J.B. Wise Place, 42.71 to a point on the westerly margin thereof;

Thence North 16 deg. 28 min. 12 sec. West, along said westerly margin, 185.69 feet to the northwest corner thereof;

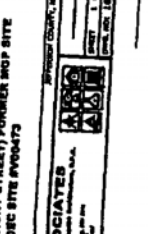
Thence North 56 deg. 49 min. 54 sec. East, 41.77 to the point or place of beginning.

Containing 7,370 square feet or 0.169 acres of land more or less.

The bearings in the foregoing description are referenced to the Central Zone of the New York State Plane Coordinate System NAD 83.

Intending to describe a New York State Department of Environmental Conservation Deed Restriction over a portion of the lands of the City of Watertown known as J.B. Wise Place.

**Schedule B**  
**(Property Survey Map)**

[illegible][illegible]

U.S. Postal Service<sup>TM</sup>  
CERTIFIED MAIL<sup>TM</sup> RECEIPT  
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

OFFICIAL USE

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Sent Shawn McWayne, Code Enforcement Sup  
Street, Apt. No., City of Watertown  
or PO Box No. 245 Washington Street  
City, State, ZIP+4 Watertown NY 13601

See Reverse for Instructions

PS Form 3800, August 2006

SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:

SHAWN MCWAYNE  
CODE ENFORCEMENT SUPERVISOR  
CITY OF WATERTOWN  
CITY HALL  
245 WASHINGTON STREET  
WATERTOWN NY 13601



9590 9402 2129 6132 4428 99

2. Article Number (Transfer from service label)

7014 0510 0001 0187 1633

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature [Signature] ☐ Agent ☐ Addressee

B. Received by (Printed Name) [Name] C. Date of Delivery [Date]

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

3. Service Type ☐ Adult Signature ☐ Adult Signature Restricted Delivery ☐ Certified Mail ☐ Certified Mail Restricted Delivery ☐ Collect on Delivery ☐ Collect on Delivery Restricted Delivery ☐ Insured Mail ☐ Insured Mail Restricted Delivery ☐ Priority Mail Express<sup>®</sup> ☐ Registered Mail<sup>TM</sup> ☐ Registered Mail Restricted Delivery ☐ Return Receipt for Merchandise ☐ Signature Confirmation<sup>TM</sup> ☐ Signature Confirmation Restricted Delivery

Domestic Return Receipt

**BARCLAY DAMON <sup>LLP</sup>**

**Courtney M. Merriman**  
*Partner*

March 28, 2018

**CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

Honorable Joseph Butler, Jr.  
City of Watertown  
City Hall  
245 Washington Street  
Room 302A  
Watertown, NY 13601

Re: Watertown (Anthony Street) MGP Deed Restriction  
Address: 175 Black River Parkway and a portion of J. B. Wise Place  
roadway, City of Watertown, County of Jefferson, NY  
(part of tax map #7-01-137.000)  
Owner: The City of Watertown  
DEC Site ID.: V00473-6

Dear Mayor Butler:

Attached please find a copy of a Declaration of Covenants and Restrictions dated February 26, 2018, and recorded in the office of the Jefferson County Clerk on March 21, 2018 as Instrument #2018-00003891, and issued by The City of Watertown, for property located at 175 Black River Parkway and a portion of J. B. Wise Place (part of tax map #7-01-137.000), City of Watertown, New York,  
DEC Site No: V00473-6.

This Declaration of Covenants and Restrictions restricts future use of the above referenced property to residential, commercial and industrial uses. Any on-site activity must be done in accordance with the Declaration of Covenants and Restrictions and the Site Management Plan ("SMP") referred to in the Declaration of Covenants and Restrictions. Approval by the New York State Department of Environmental Conservation (the Department") is also required prior to any groundwater use. The Declaration of Covenants and Restrictions also covenants and restricts among other things, that there shall be no construction, use or

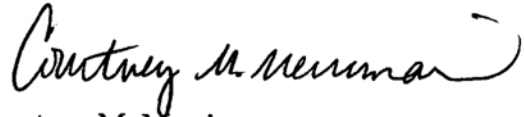
March 28, 2018

Page 2

occupancy of the subject property that results in the disturbance or excavation of the subject property, which threatens the integrity of the engineering controls or which results in unacceptable human exposure to contaminated soils. The owner shall not disturb, remove, or otherwise interfere with the installation, use, operation, and maintenance of engineering controls required for the remedy, which are described in the SMP, unless in each instance the owner obtains written waiver of such prohibition from the Department or Relevant Agency.

Please forward this notice to your building and/or planning departments, as applicable, to ensure your compliance with these provisions of New York State Environmental Conservation Law. If you have any questions or comments regarding this matter, please do not hesitate to contact me.

Very truly yours,



Courtney M. Merriman

CMM/jml

cc: Shawn McWayne, Code Enforcement Supervisor (with enclosure) ✓



JEFFERSON COUNTY - STATE OF NEW YORK  
GIZELLE J. MEEKS, JEFFERSON COUNTY CLERK  
175 ARSENAL STREET  
WATERTOWN, NEW YORK 13601

COUNTY CLERK'S RECORDING PAGE  
\*\*\*THIS PAGE IS PART OF THE DOCUMENT - DO NOT DETACH\*\*\*



Recording:

Cover Page	5.00
Recording Fee	70.00
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Records Management - Coun	1.00
Records Management - Stat	4.75

INSTRUMENT #: 2018-00003891

Receipt#: 2018005437  
Clerk: VP  
Rec Date: 03/21/2018 11:35:51 AM  
Doc Grp: DEE  
Descrip: DECLARATION  
Num Pgs: 11  
Rec'd Frm: BROWNELL ABSTRACT CORP

Total: 95.00  
\*\*\*\* NOTICE: THIS IS NOT A BILL \*\*\*\*

Party1: WATERTOWN CITY OF  
Party2: DECLARATION OF COVENANTS AND  
RESTRICTIONS  
Town: WATERTOWN-CITY OF

WARNING\*\*\*

\*\*\*Information may change  
during the verification process  
and may not be reflected on this  
page

Gizelle J. Meeks  
Jefferson County Clerk

Record and Return To:

JOAN M LAMSON  
BARCLAY DAMON LLP  
BARCLAY DAMON TOWER  
125 E JEFFERSON ST  
SYRACUSE NY 13202-9801



## DECLARATION of COVENANTS and RESTRICTIONS

**THIS COVENANT** is made the 21st day of February 2018, by The City of Watertown, a municipal corporation, with principal offices at 245 Washington Street, Watertown, New York 13601; and

**WHEREAS**, the Watertown (Anthony Street) Former Manufactured Gas Plant Site (Site #V00473-6), is the subject of a Voluntary Consent Order (Index No. D0-0001-0011) executed by Niagara Mohawk Power Corporation (d/b/a National Grid) as part of the New York State Department of Environmental Conservation's (the "Department's") Manufactured Gas Plant Program, namely that parcel of real property located at 175 Black River Parkway (Tax Map ID# 7-01-137.000), City of Watertown, County of Jefferson, State of New York, which is a public parking lot being part of that property conveyed to The City of Watertown by Consolidated Rail Corporation, by deed dated July 7, 1986, and recorded July 17, 1986 at the Jefferson County Clerk in Liber 1030, Page 271, and the portion of J. B. Wise Place roadway (formerly Anthony Street), and being more particularly described in Schedule "A," attached to this declaration and 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**, The City of Watertown (hereinafter defined as "Owner"), for itself and its successors and/or assigns, covenants that:

First, the Property subject to this Declaration of Covenants and Restrictions is as shown on a survey map attached to this declaration as Schedule "B" and made a part hereof.

Second, unless prior written approval by the Department 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 obtained, where contamination remains at the Property subject to the provisions of the approved Site Management Plan ("SMP"), there shall be no construction, use or occupancy of the Property that results in the disturbance or excavation of the Property, which threatens the integrity of the engineering control or which results in unacceptable human exposure to contaminated soils. The SMP specifies the engineering control, institutional controls and the responsibilities of the Owner and Niagara Mohawk Power Corporation (d/b/a National Grid) ("Remedial Party"). The controls and requirements listed in the SMP, including any and all Department approved amendments to the SMP as of the date of execution of this Declaration of Covenants and Restrictions, are incorporated into and made part of this Declaration of Covenants and Restrictions. The SMP may be obtained from the New

York State Department of Environmental Conservation, Division of Environmental Remediation, Site Control Section, 625 Broadway, Albany, New York, 12233.

Third, pursuant to the SMP, the Owner of the Property shall not disturb, remove, or otherwise interfere with the installation, use, operation, and maintenance of the engineering control described in the SMP, unless in each instance the Owner notifies the Remedial Party, and the Remedial Party on behalf of the Owner, obtains a written waiver of such prohibition from the Department or Relevant Agency.

Fourth, pursuant to the SMP, the Owner of the Property shall prohibit the Property from ever being used for purposes other than for restricted residential, commercial or industrial uses as described in 6 NYCRR Part 375-1.8(g)(2), unless the Owner notifies the Remedial Party and the Remedial Party, on behalf of the Owner obtains a written waiver of such prohibition by the Department or Relevant Agency.

Fifth, the use of groundwater underlying the Property is prohibited without necessary water quality treatment as determined by the New York State Department of Health or the County of Jefferson 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.

Sixth, pursuant to the SMP, the Remedial Party at its cost and on behalf of the Owner of the Property shall conduct groundwater monitoring and inspections as required by the SMP and provide a periodic certification, prepared and submitted by a professional engineer or environmental professional acceptable to the Department or Relevant Agency, which will certify, *inter alia* as provided in the SMP, that the institutional and engineering controls put in place are unchanged from the previous certification, comply with the SMP, and have not been impaired.

Seventh, pursuant to the SMP, the Remedial Party at its cost and on behalf of the Owner of the Property shall continue in full force and effect any institutional and engineering controls described in the SMP and maintain such controls, unless the Remedial Party on behalf of the Owner first obtains permission to discontinue such controls from the Department or Relevant Agency, in compliance with the approved SMP, which is incorporated and made enforceable hereto, subject to modifications as approved by the Department or Relevant Agency.

Eighth, this Declaration of Covenants and Restrictions 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, consent to enforcement by the Department or Relevant Agency of the prohibitions and restrictions that the SMP requires to be recorded, and hereby covenant not to contest the authority of the Department or Relevant Agency to seek enforcement.

Ninth, any deed of conveyance of the Property, or any portion thereof, shall recite, unless the Department or Relevant Agency has consented to the termination of

such covenants and restrictions, that said conveyance is subject to this Declaration of Covenants and Restrictions.

Tenth, to the extent there is any conflict or inconsistency between the terms of this Declaration of Covenants and Restrictions and the SMP, the terms of the SMP will control.

[Signature Page Follows]

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

The City of Watertown

By: Sharon Addison

Print Name: Sharon Addison

Title: City Manager Date: 2/20/18

STATE OF NEW YORK )  
 )ss:  
COUNTY OF Jefferson

On the 21 day of February in the year 2018, before me, the undersigned, personally appeared Sharon Addison, 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 on behalf of which the individual(s) acted, executed the instrument.

Elaine Giso  
Notary Signature

Notary Stamp & Expiration Date:

**ELAINE GISO**  
Notary Public, State of New York  
Qualified in Jefferson County  
No. 01G14619507/  
Commission Expires 1/31/22

PCDoc#362137

**Schedule A**

14678930.1

SUGGESTED LEGAL DESCRIPTION  
DEED RESTRICTION PARCEL UPON  
CITY OF WATERTOWN TAX PARCEL 7-01-137  
LANDS OF THE CITY OF WATERTOWN

All that certain tract, piece or parcel of land, situate in the City of Watertown, County of Jefferson, State of New York, and being more particularly bounded and described as follows:

BEGINNING at the northeast corner of the northerly terminus of J.B. Wise Place (formerly Anthony Street);

Thence South 16 deg. 28 min. 12 sec. East, along the easterly margin thereof, 182.72 feet to a point;

Thence through the lands now or formerly of the City of Watertown as described in Liber 1030 of Deeds at Page 271 the following three (3) courses and distances:

- 1) North 53 deg. 00 min. 45 sec. East, 68.73 feet to a point; thence
- 2) North 35 deg. 06 min. 03 sec. West, 335.00 feet to a point; and
- 3) South 56 deg. 34 min. 16 sec. West, 127.50 feet to a point on the northeasterly line of the lands now or formerly of S&J Properties of Watertown, LLC as described in Instrument Number 2016-00005913;

Thence South 33 deg. 06 min. 16 sec. East, along said northeasterly line, 22.00 feet to a point on the northwesterly line of the lands now or formerly of The J.B. Wise Block, LLC as described in Instrument Number 2015-00005840;

Thence North 57 deg. 08 min. 10 sec. East, along the northwesterly line said lands of The J.B. Wise Block, LLC, 89.25 to the northeasterly corner thereof;

Thence South 33 deg. 03 min. 24 sec. East, along the northeasterly line of the said lands of The J.B. Wise Block, LLC and the northeasterly line of the lands now or formerly of Fun Xcape LLC as described in Instrument Number 2015-00004068, in part by each, 141.32 feet to the northerly terminus of J.B. Wise Place;

Thence North 56 deg. 49 min. 54 sec. East, along the northerly terminus of J.B. Wise Place, 33.77 feet to the point or place of beginning.

Containing 15,530 square feet or 0.356 acres of land more or less.

The bearings in the foregoing description are referenced to the Central Zone of the New York State Plane Coordinate System NAD 83.

Intending to describe a New York State Department of Environmental Conservation Deed Restriction over a portion of the lands conveyed to the City of Watertown by quit Claim Deed dated July 7, 1986 and filed and filed July 17, 1986 in the Jefferson County Clerk's Office in Liber 1030 of Deeds at Page 271.

SUGGESTED LEGAL DESCRIPTION  
DEED RESTRICTION PARCEL UPON  
CITY OF WATERTOWN PARCEL KNOWN AS  
J.B. WISE PLACE (FORMERLY ANTHONY STREET)

All that certain tract, piece or parcel of land, situate in the City of Watertown, County of Jefferson, State of New York, and being more particularly bounded and described as follows:

BEGINNING at the northeast corner of the northerly terminus of J.B. Wise Place (formerly Anthony Street);

Thence South 16 deg. 28 min. 12 sec. East, along the easterly margin thereof, 182.72 feet to a point;

Thence South 53 deg. 00 min. 45 sec. West, through the margin of J.B. Wise Place, 42.71 to a point on the westerly margin thereof;

Thence North 16 deg. 28 min. 12 sec. West, along said westerly margin, 185.69 feet to the northwest corner thereof;

Thence North 56 deg. 49 min. 54 sec. East, 41.77 to the point or place of beginning.

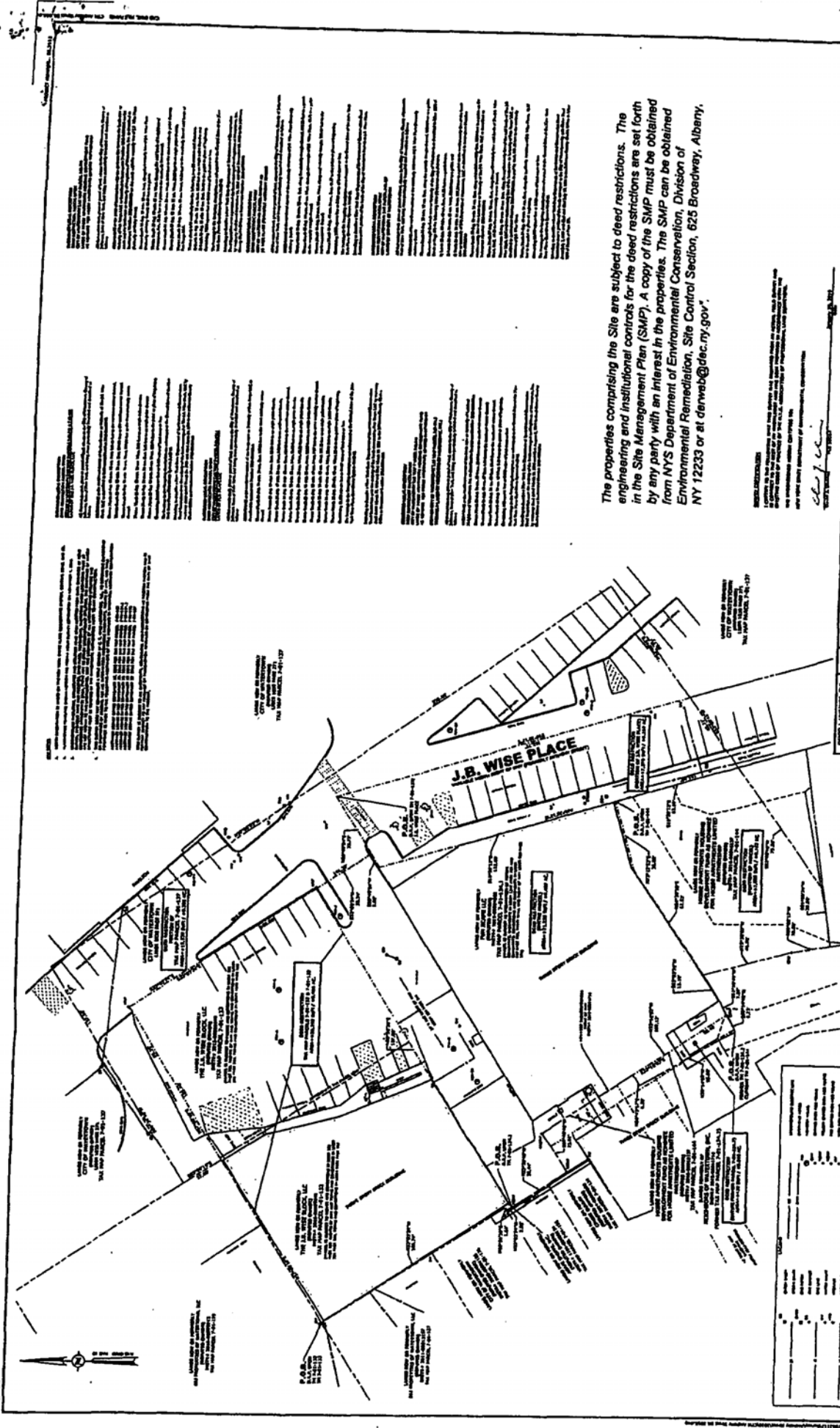
Containing 7,370 square feet or 0.169 acres of land more or less.

The bearings in the foregoing description are referenced to the Central Zone of the New York State Plane Coordinate System NAD 83.

Intending to describe a New York State Department of Environmental Conservation Deed Restriction over a portion of the lands of the City of Watertown known as J.B. Wise Place.



**Schedule B**  
(Property Survey Map)



THE PROPERTIES COMPRISING THE SITE ARE SUBJECT TO DEED RESTRICTIONS. THE ENGINEERING AND INSTITUTIONAL CONTROLS FOR THE DEED RESTRICTIONS ARE SET FORTH IN THE SITE MANAGEMENT PLAN (SMP). A COPY OF THE SMP MUST BE OBTAINED BY ANY PARTY WITH AN INTEREST IN THE PROPERTIES. 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 [denweb@dec.ny.gov](mailto:denweb@dec.ny.gov).

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<b>MAP OF DESIGNATION PARCELS</b> <b>WATERTOWN (ANTHONY STREET) FORMER WUP SITE</b> <b>DEC SITE #000473</b>	
<b>C.T. MALE ASSOCIATES</b> 1000 N. 1ST STREET, SUITE 100 ALBANY, NY 12207 TEL: 518/861-1234 FAX: 518/861-1235	
CITY OF WATERTOWN 100 N. 1ST STREET, SUITE 100 ALBANY, NY 12207 TEL: 518/861-1234 FAX: 518/861-1235	
COUNTY OF ALBANY 100 N. 1ST STREET, SUITE 100 ALBANY, NY 12207 TEL: 518/861-1234 FAX: 518/861-1235	
STATE OF NEW YORK 100 N. 1ST STREET, SUITE 100 ALBANY, NY 12207 TEL: 518/861-1234 FAX: 518/861-1235	
DATE: 12/15/2011 SCALE: 1" = 100'	

U.S. Postal Service<sup>TM</sup>  
CERTIFIED MAIL<sup>TM</sup> RECEIPT  
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

OFFICIAL USE

Postage \$	1.50
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees \$	1.50



Sent To  
Joseph Butler, Jr., Mayor  
Street, Apt. No.: City of Watertown  
or PO Box No.  
City, State, ZIP+4<sup>®</sup> City-Hall  
Watertown NY 13601

PS Form 3800, August 2006 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:

JOSEPH BUTLER JR  
MAYOR  
CITY OF WATERTOWN  
CITY HALL  
245 WASHINGTON STREET  
WATERTOWN NY 13601



9590 9402 2129 6132 4428 75

2. Article Number (Transfer from service label)

7014 0510 0001 0167 1619

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *Elas Can* ☐ Agent ☐ Addressee

B. Received by (Printed Name)

*Elas Can*

C. Date of Delivery

*July 13 2015*

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

3. Service Type
- |  |  |  |
|--|--|--|
| <input checked="" type="checkbox"/> Adult Signature              | <input type="checkbox"/> Registered Mail <sup>TM</sup>                       | <input type="checkbox"/> Priority Mail Express <sup>®</sup>              |
| <input type="checkbox"/> Adult Signature Restricted Delivery     | <input type="checkbox"/> Registered Mail Restricted Delivery                 | <input type="checkbox"/> Registered Mail Restricted Delivery Merchandise |
| <input type="checkbox"/> Certified Mail <sup>®</sup>             | <input type="checkbox"/> Certified Mail Restricted Delivery                  | <input type="checkbox"/> Return Receipt for Merchandise                  |
| <input type="checkbox"/> Collect on Delivery                     | <input type="checkbox"/> Collect on Delivery Restricted Delivery             | <input type="checkbox"/> Signature Confirmation <sup>TM</sup>            |
| <input type="checkbox"/> Collect on Delivery Restricted Delivery | <input type="checkbox"/> Collect on Delivery Restricted Delivery Merchandise | <input type="checkbox"/> Signature Confirmation Restricted Delivery      |

Domestic Return Receipt

**BARCLAY DAMON<sup>LLP</sup>**

**Courtney M. Merriman**  
Partner

March 28, 2018

**CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

Honorable Joseph Butler, Jr.  
City of Watertown  
City Hall  
245 Washington Street  
Room 302A  
Watertown, NY 13601

Re: Watertown (Anthony Street) MGP Deed Restriction  
Address: 175 Black River Parkway and a portion of J. B. Wise Place  
roadway, City of Watertown, County of Jefferson, NY  
(part of tax map #7-01-137.000)  
Owner: The City of Watertown  
DEC Site ID.: V00473-6

Dear Mayor Butler:

Attached please find a copy of a Declaration of Covenants and Restrictions dated February 26, 2018, and recorded in the office of the Jefferson County Clerk on March 21, 2018 as Instrument #2018-00003891, and issued by The City of Watertown, for property located at 175 Black River Parkway and a portion of J. B. Wise Place (part of tax map #7-01-137.000), City of Watertown, New York,  
DEC Site No: V00473-6.

This Declaration of Covenants and Restrictions restricts future use of the above referenced property to residential, commercial and industrial uses. Any on-site activity must be done in accordance with the Declaration of Covenants and Restrictions and the Site Management Plan ("SMP") referred to in the Declaration of Covenants and Restrictions. Approval by the New York State Department of Environmental Conservation (the Department") is also required prior to any groundwater use. The Declaration of Covenants and Restrictions also covenants and restricts among other things, that there shall be no construction, use or

March 28, 2018

Page 2

occupancy of the subject property that results in the disturbance or excavation of the subject property, which threatens the integrity of the engineering controls or which results in unacceptable human exposure to contaminated soils. The owner shall not disturb, remove, or otherwise interfere with the installation, use, operation, and maintenance of engineering controls required for the remedy, which are described in the SMP, unless in each instance the owner obtains written waiver of such prohibition from the Department or Relevant Agency.

Please forward this notice to your building and/or planning departments, as applicable, to ensure your compliance with these provisions of New York State Environmental Conservation Law. If you have any questions or comments regarding this matter, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read "Courtney M. Merriman". The signature is fluid and cursive, with a long horizontal stroke at the end.

Courtney M. Merriman

CMM/jml

cc: Shawn McWayne, Code Enforcement Supervisor (with enclosure)



JEFFERSON COUNTY - STATE OF NEW YORK  
GIZELLE J. MEEKS, JEFFERSON COUNTY CLERK  
175 ARSENAL STREET  
WATERTOWN, NEW YORK 13601

COUNTY CLERK'S RECORDING PAGE

\*\*\*THIS PAGE IS PART OF THE DOCUMENT - DO NOT DETACH\*\*\*



Recording:

Cover Page	5.00
Recording Fee	70.00
Cultural Ed	14.25
Records Management - Coun	1.00
Records Management - Stat	4.75

INSTRUMENT #: 2018-00003891

Receipt#: 2018005437  
Clerk: VP  
Rec Date: 03/21/2018 11:35:51 AM  
Doc Grp: DEE  
Descrip: DECLARATION  
Num Pgs: 11  
Rec'd Frm: BROWNELL ABSTRACT CORP

Total: 95.00  
\*\*\*\* NOTICE: THIS IS NOT A BILL \*\*\*\*

Party1: WATERTOWN CITY OF  
Party2: DECLARATION OF COVENANTS AND  
RESTRICTIONS  
Town: WATERTOWN-CITY OF

WARNING\*\*\*

\*\*\*Information may change  
during the verification process  
and may not be reflected on this  
page

Gizelle J. Meeks  
Jefferson County Clerk

Record and Return To:

JOAN M LAMSON  
BARCLAY DAMON LLP  
BARCLAY DAMON TOWER  
125 E JEFFERSON ST  
SYRACUSE NY 13202-9801

## DECLARATION of COVENANTS and RESTRICTIONS

**THIS COVENANT** is made the 21st day of February 2018, by The City of Watertown, a municipal corporation, with principal offices at 245 Washington Street, Watertown, New York 13601; and

**WHEREAS**, the Watertown (Anthony Street) Former Manufactured Gas Plant Site (Site #V00473-6), is the subject of a Voluntary Consent Order (Index No. D0-0001-0011) executed by Niagara Mohawk Power Corporation (d/b/a National Grid) as part of the New York State Department of Environmental Conservation's (the "Department's") Manufactured Gas Plant Program, namely that parcel of real property located at 175 Black River Parkway (Tax Map ID# 7-01-137.000), City of Watertown, County of Jefferson, State of New York, which is a public parking lot being part of that property conveyed to The City of Watertown by Consolidated Rail Corporation, by deed dated July 7, 1986, and recorded July 17, 1986 at the Jefferson County Clerk in Liber 1030, Page 271, and the portion of J. B. Wise Place roadway (formerly Anthony Street), and being more particularly described in Schedule "A," attached to this declaration and 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**, The City of Watertown (hereinafter defined as "Owner"), for itself and its successors and/or assigns, covenants that:

First, the Property subject to this Declaration of Covenants and Restrictions is as shown on a survey map attached to this declaration as Schedule "B" and made a part hereof.

Second, unless prior written approval by the Department 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 obtained, where contamination remains at the Property subject to the provisions of the approved Site Management Plan ("SMP"), there shall be no construction, use or occupancy of the Property that results in the disturbance or excavation of the Property, which threatens the integrity of the engineering control or which results in unacceptable human exposure to contaminated soils. The SMP specifies the engineering control, institutional controls and the responsibilities of the Owner and Niagara Mohawk Power Corporation (d/b/a National Grid) ("Remedial Party"). The controls and requirements listed in the SMP, including any and all Department approved amendments to the SMP as of the date of execution of this Declaration of Covenants and Restrictions, are incorporated into and made part of this Declaration of Covenants and Restrictions. The SMP may be obtained from the New

York State Department of Environmental Conservation, Division of Environmental Remediation, Site Control Section, 625 Broadway, Albany, New York, 12233.

Third, pursuant to the SMP, the Owner of the Property shall not disturb, remove, or otherwise interfere with the installation, use, operation, and maintenance of the engineering control described in the SMP, unless in each instance the Owner notifies the Remedial Party, and the Remedial Party on behalf of the Owner, obtains a written waiver of such prohibition from the Department or Relevant Agency.

Fourth, pursuant to the SMP, the Owner of the Property shall prohibit the Property from ever being used for purposes other than for restricted residential, commercial or industrial uses as described in 6 NYCRR Part 375-1.8(g)(2), unless the Owner notifies the Remedial Party and the Remedial Party, on behalf of the Owner obtains a written waiver of such prohibition by the Department or Relevant Agency.

Fifth, the use of groundwater underlying the Property is prohibited without necessary water quality treatment as determined by the New York State Department of Health or the County of Jefferson 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.

Sixth, pursuant to the SMP, the Remedial Party at its cost and on behalf of the Owner of the Property shall conduct groundwater monitoring and inspections as required by the SMP and provide a periodic certification, prepared and submitted by a professional engineer or environmental professional acceptable to the Department or Relevant Agency, which will certify, *inter alia* as provided in the SMP, that the institutional and engineering controls put in place are unchanged from the previous certification, comply with the SMP, and have not been impaired.

Seventh, pursuant to the SMP, the Remedial Party at its cost and on behalf of the Owner of the Property shall continue in full force and effect any institutional and engineering controls described in the SMP and maintain such controls, unless the Remedial Party on behalf of the Owner first obtains permission to discontinue such controls from the Department or Relevant Agency, in compliance with the approved SMP, which is incorporated and made enforceable hereto, subject to modifications as approved by the Department or Relevant Agency.

Eighth, this Declaration of Covenants and Restrictions 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, consent to enforcement by the Department or Relevant Agency of the prohibitions and restrictions that the SMP requires to be recorded, and hereby covenant not to contest the authority of the Department or Relevant Agency to seek enforcement.

Ninth, any deed of conveyance of the Property, or any portion thereof, shall recite, unless the Department or Relevant Agency has consented to the termination of



such covenants and restrictions, that said conveyance is subject to this Declaration of Covenants and Restrictions.

Tenth, to the extent there is any conflict or inconsistency between the terms of this Declaration of Covenants and Restrictions and the SMP, the terms of the SMP will control.

[Signature Page Follows]

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

The City of Watertown

By: Sharon Addison

Print Name: Sharon Addison

Title: City Manager Date: 2/22/18

STATE OF NEW YORK )  
 )ss:  
COUNTY OF Jefferson

On the 21 day of February in the year 2018, before me, the undersigned, personally appeared Sharon Addison, 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 on behalf of which the individual(s) acted, executed the instrument.

Elaine Giso  
Notary Signature

Notary Stamp & Expiration Date:

**ELAINE GISO**  
Notary Public, State of New York  
Qualified in Jefferson County  
No. 01G14619507  
Commission Expires 1/31/22

PCDoc#362137

**Schedule A**

14678930.1

SUGGESTED LEGAL DESCRIPTION  
DEED RESTRICTION PARCEL UPON  
CITY OF WATERTOWN TAX PARCEL 7-01-137  
LANDS OF THE CITY OF WATERTOWN

All that certain tract, piece or parcel of land, situate in the City of Watertown, County of Jefferson, State of New York, and being more particularly bounded and described as follows:

BEGINNING at the northeast corner of the northerly terminus of J.B. Wise Place (formerly Anthony Street);

Thence South 16 deg. 28 min. 12 sec. East, along the easterly margin thereof, 182.72 feet to a point;

Thence through the lands now or formerly of the City of Watertown as described in Liber 1030 of Deeds at Page 271 the following three (3) courses and distances:

- 1) North 53 deg. 00 min. 45 sec. East, 68.73 feet to a point; thence
- 2) North 35 deg. 06 min. 03 sec. West, 335.00 feet to a point; and
- 3) South 56 deg. 34 min. 16 sec. West, 127.50 feet to a point on the northeasterly line of the lands now or formerly of S&J Properties of Watertown, LLC as described in Instrument Number 2016-00005913;

Thence South 33 deg. 06 min. 16 sec. East, along said northeasterly line, 22.00 feet to a point on the northwesterly line of the lands now or formerly of The J.B. Wise Block, LLC as described in Instrument Number 2015-00005840;

Thence North 57 deg. 08 min. 10 sec. East, along the northwesterly line said lands of The J.B. Wise Block, LLC, 89.25 to the northeasterly corner thereof;

Thence South 33 deg. 03 min. 24 sec. East, along the northeasterly line of the said lands of The J.B. Wise Block, LLC and the northeasterly line of the lands now or formerly of Fun Xcape LLC as described in Instrument Number 2015-00004068, in part by each, 141.32 feet to the northerly terminus of J.B. Wise Place;

Thence North 56 deg. 49 min. 54 sec. East, along the northerly terminus of J.B. Wise Place, 33.77 feet to the point or place of beginning.

Containing 15,530 square feet or 0.356 acres of land more or less.

The bearings in the foregoing description are referenced to the Central Zone of the New York State Plane Coordinate System NAD 83.

Intending to describe a New York State Department of Environmental Conservation Deed Restriction over a portion of the lands conveyed to the City of Watertown by quit Claim Deed dated July 7, 1986 and filed and filed July 17, 1986 in the Jefferson County Clerk's Office in Liber 1030 of Deeds at Page 271.

SUGGESTED LEGAL DESCRIPTION  
DEED RESTRICTION PARCEL UPON  
CITY OF WATERTOWN PARCEL KNOWN AS  
J.B. WISE PLACE (FORMERLY ANTHONY STREET)

All that certain tract, piece or parcel of land, situate in the City of Watertown, County of Jefferson, State of New York, and being more particularly bounded and described as follows:

BEGINNING at the northeast corner of the northerly terminus of J.B. Wise Place (formerly Anthony Street);

Thence South 16 deg. 28 min. 12 sec. East, along the easterly margin thereof, 182.72 feet to a point;

Thence South 53 deg. 00 min. 45 sec. West, through the margin of J.B. Wise Place, 42.71 to a point on the westerly margin thereof;

Thence North 16 deg. 28 min. 12 sec. West, along said westerly margin, 185.69 feet to the northwest corner thereof;

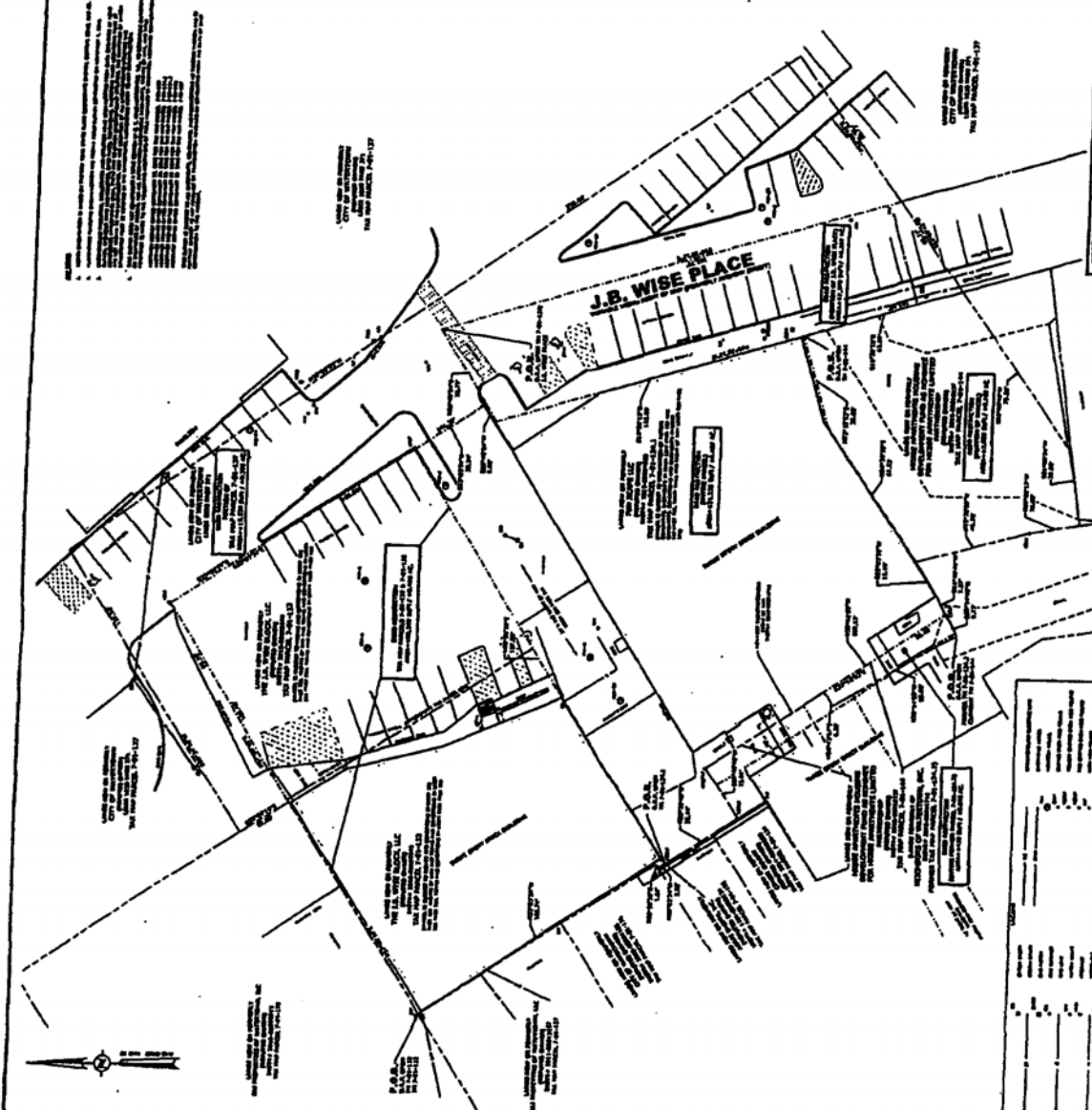
Thence North 56 deg. 49 min. 54 sec. East, 41.77 to the point or place of beginning.

Containing 7,370 square feet or 0.169 acres of land more or less.

The bearings in the foregoing description are referenced to the Central Zone of the New York State Plane Coordinate System NAD 83.

Intending to describe a New York State Department of Environmental Conservation Deed Restriction over a portion of the lands of the City of Watertown known as J.B. Wise Place.

**Schedule B**  
**(Property Survey Map)**



**DEED RESTRICTIONS**

The properties comprising the Site are subject to deed restrictions. The engineering and institutional controls for the deed restrictions are set forth in the Site Management Plan (SMP). A copy of the SMP must be obtained by any party with an interest in the properties. 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](mailto:derweb@dec.ny.gov).

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<b>MAP OF DEED RESTRICTION PARCELS</b> NATIONAL GRID WATERTOWN (WATERTOWN STREET) FORMER BOP SITE DEC SITE #000473		PROJECT COUNTY, NEW YORK TOWN, WATERTOWN SECTION, 10 RANGE, 10 MAP, 10																																												
<b>C.T. MALE ASSOCIATES</b> 1000 W. 10th Street, Suite 100 Waukegan, IL 60094-1000 TEL: 847.491.1000 FAX: 847.491.1001		DATE: 10/1/03 SCALE: 1" = 100'																																												
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