

MONROE COUNTY CLERK'S OFFICE

THIS IS NOT A BILL. THIS IS YOUR RECEIPT

ROCHESTER, NY

Receipt # 1558830

Index DEEDS

Book 11827 Page 390

No. Pages : 5

Instrument NOTICE

Date : 03/01/2017

Time : 02:41:19PM

Control # 201703010634

Ref 1 #

Employee : RebeccaZ

Return To:

AECOM
ATTN TAMARA RABY
257 WEST GENESEE STREET SUITE 400
BUFFALO, NY 14202-

NYS DEPARTMENT OF ENVIRONMENTAL CONSERVATION

COUNTY FEE NUMBER PAGES	\$	20.00
RECORDING FEE	\$	45.00

Total \$ 65.00

State of New York

MONROE COUNTY CLERK'S OFFICE

WARNING - THIS SHEET CONSTITUTES THE CLERKS
ENDORSEMENT, REQUIRED BY SECTION 317-a(5) &
SECTION 319 OF THE REAL PROPERTY LAW OF THE
STATE OF NEW YORK. DO NOT DETACH OR REMOVE.

ADAM J BELLO
MONROE COUNTY CLERK



ENVIRONMENTAL NOTICE

To be issued in lieu of Environmental Easement/Deed Restriction as referenced in DER-33

THIS ENVIRONMENTAL NOTICE is made the 10th day of February 2017 by the New York State Department of Environmental Conservation (Department), having an office for the transaction of business at 625 Broadway, Albany, New York 12233.

WHEREAS, a parcel of real property identified as the Former Rochester Metal Etching Company (Site 828100), located on 100 Lake Avenue and 67 Spencer Street in the City of Rochester, County of Monroe, State of New York, which is part of lands conveyed by Joseph Kuntz to The Brotherhood MCInc. by deed dated July 16, 2003 and recorded in the Monroe County Clerk's Office on July 16, 2003 in Book 09815 of Deeds at Page 0339 and being more particularly described in Appendix "A", attached to this noticed and made a part hereof, and hereinafter referred to as "the Property" is the subject of a remedial program under the Department's State Superfund Program.

WHEREAS, the Department approved a cleanup to address contamination disposed at the Property and such cleanup was conditioned upon certain limitations.

NOW, THEREFORE, the Department provides notice that:

FIRST, the Property subject to this Environmental Notice is as shown on a map attached to this Notice as Appendix "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 Site Management Plan ("SMP"), there shall be no disturbance or excavation of the Property which threatens the integrity of the engineering controls or which results or may result in a significantly increased threat of harm or damage at any site as a result of exposure to soils. A violation of this provision is a violation of 6 NYCRR 375-1.11(b)(2).

THIRD, no person shall disturb, remove, or otherwise interfere with the installation, use, operations, and maintenance of engineering controls required for the Remedy, including but not limited to those engineering controls described in the SMP and listed below, unless in each instance they first obtain a written waiver of such prohibition from the Department or Relevant Agency.

FOURTH, the remedy was designed to be protective for the following uses: **Commercial as described in 6 NYCRR Part 375-1.8(g)(2)(iii) and Industrial as described in 6 NYCRR Part 375-1.8(g)(2)(iv)**. Therefore, any use for purposes other than Commercial and Industrial without the express written waiver of such prohibition by the Relevant Agency may result in a significantly increased threat of harm or damage at any site.

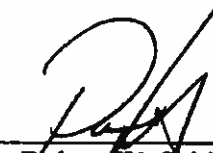
2017 MAR -1 PM 2:41
MONROE COUNTY CLERK

RECORDED

FIFTH, no person shall use 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 Department or Relevant Agency. Use of the groundwater without appropriate treatment may result in a significantly increased threat of harm or damage at any site.

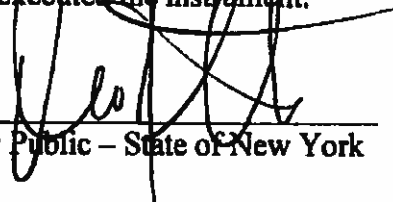
SIXTH, it is a violation of 6 NYCRR 375-1.11(b) to use the Property in a manner inconsistent with this environmental notice.

IN WITNESS WHEREOF, the undersigned, acting by and through the Department of Environmental Conservation as Designee of the Commissioner, has executed this instrument the day written below.

By: 
Robert W. Schick, P.E.,
Acting Director, Division of
Remediation

STATE OF NEW YORK)
) ss:
COUNTY OF)

On the 10th day of February, in the year 2017, before me, the undersigned, personally appeared Robert Schick, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity as Designee of the Commissioner of the State of New York Department of Environmental Conservation, and that by his signature on the instrument, the individual, or the person upon behalf of which individual acted, executed the instrument.



Notary Public – State of New York

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

Appendix A

Real Property Description

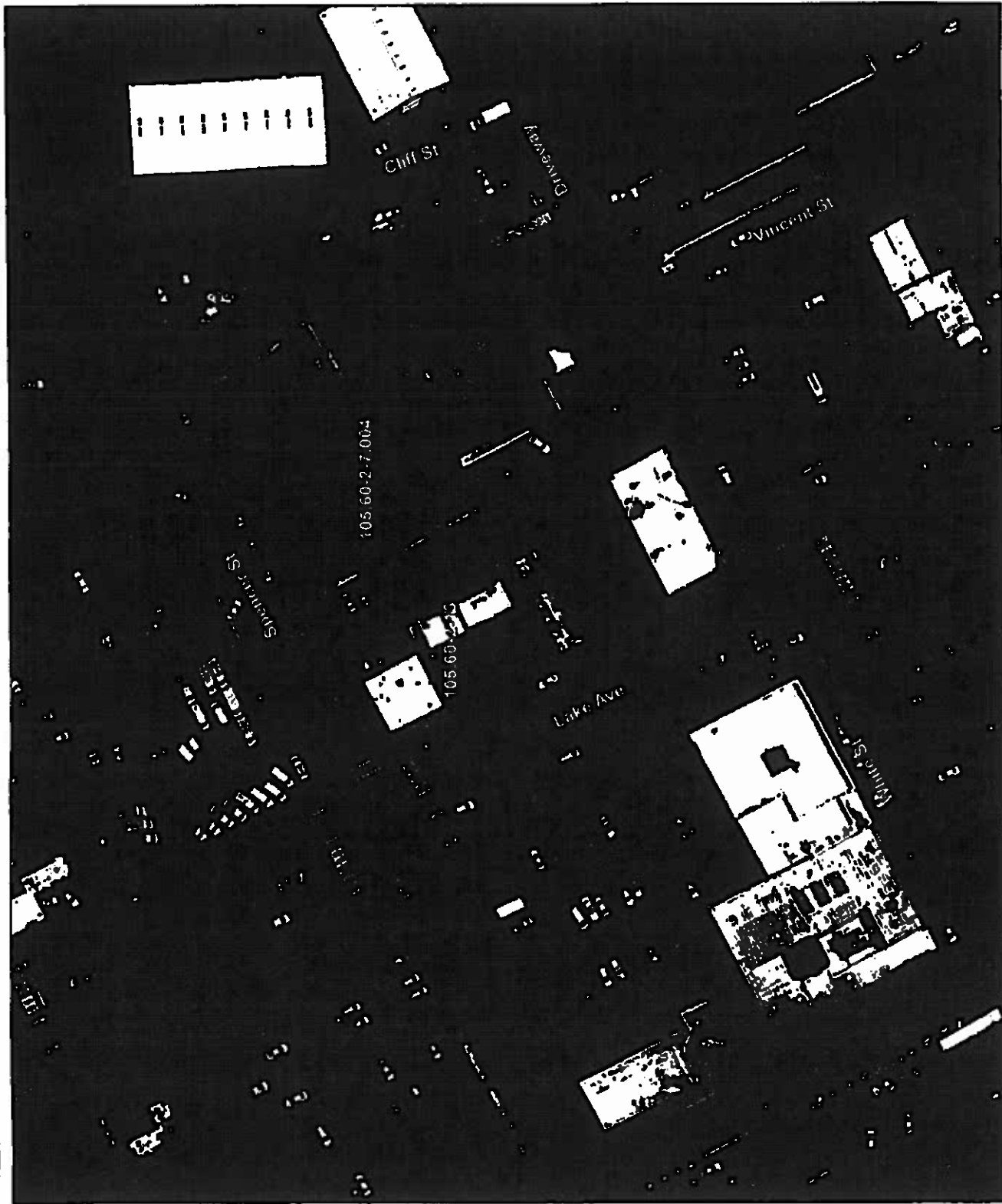
*100 Lake Ave
(105.60-2-13)*
ALL THAT TRACT OR PARCEL OF LAND situate in the City of Rochester, County of Monroe and State of New York, bounded and described as follows Being lot numbers six hundred twenty-one (621) and six hundred twenty-two (622) of the subdivision of Lot Numbers forty-six (46) and forty-seven (47) of the Jones Tract, as shown on a map filed in Monroe County Clerk's Office in Liber 3 of Maps at page 137, being the east side of Lake Avenue, each lot being forty-four (44) feet in width and running back of equal width one hundred ten (110) feet.

Together with all the right, title and interest of the party of the first part of, in and to the land lying in Lake Avenue in front of and adjacent to said premises to the center line thereof.

*of Spencer Street
105.60-2-7.004*
ALSO ALL THAT TRACT OR PARCEL OF LAND situated in part of Lot Q in the S D Porter Subdivision of the Jones Tract, in Lots 46 and 47 of the 20,000 acre tract, City of Rochester, County of Monroe and State of New York and being more particularly described as follows:

Beginning on the southerly right-of-way of Spencer Street (60' right of way) at the northeasterly property corner of lands now or formerly of Allen E Peters, thence (1) easterly, along said right-of-way, a distance of 10.57 feet to a point, thence, NOTE courses 2, 3 and 4 are along an existing building now or formerly of Robert Landry, (2) southerly, forming an angle to the left with course 1 of $91^{\circ} 19' 03''$, a distance of 17.90 feet to a point, thence (3) westerly, forming an angle to the left with course 2 of $90^{\circ} 00' 00''$, a distance of 9.31 feet to a point, thence, (4) southerly, forming an angle to the left with course 3 of $269^{\circ} 42' 28''$, a distance of 112.11 feet to a point, thence (5) westerly, forming an angle to the left with course 4 of $88^{\circ} 04' 29''$, a distance of 5.72 feet to a point on the existing easterly property line now or formerly of Peter E and Ethelyn Phillippsen, thence, (6) northerly, forming an angle to the left with course 5 of $90^{\circ} 00' 00''$, a distance of 130.12 feet to the point of beginning, encompassing 0.014 acres of land, more or less.

Former Rochester Metal Etching (Site No. 828100)



State Superfund
Site No.: 828076

**ENVIRONMENTAL
NOTICE**

Appendix B

100 Lake Avenue
City of Rochester
Monroe County

Legend

Property subject to
this Environmental
Notice (site)

Tax Parcel and SBL
Number

Notes:
2012 Orthoregistry and 2013
Tax Parcel Data for Monroe
County



1 inch = 50 feet