

RESOLUTION #812 - 10/22/97

AUTHORIZING THE INCORPORATION OF RESTRICTIVE COVENANTS INTO THE MOOERS LANDFILL PROPERTY DEEDS - SOLID WASTE

BY: Mr. Bruno

WHEREAS, the Consent Order entered into on March 1, 1990 between the County of Clinton and New York State Department of Conservation for the Mooers Landfill required restrictive covenants be incorporated into future property deeds; and

WHEREAS, the County Attorney drafted the restrictive covenant; and

WHEREAS, New York State Department of Conservation has reviewed and approved the County Attorney's proposed restrictive covenant; then

BE IT RESOLVED, the Clinton County Legislature hereby approves the restrictive covenant be incorporated into future property deeds; and

BE IT FURTHER RESOLVED, the Clinton County Legislature hereby authorizes the County Administrator to execute and record the necessary documents.

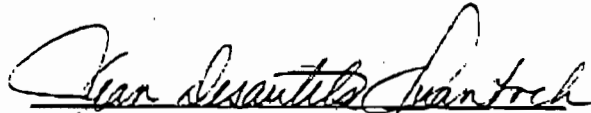
SECONDED BY: Mr. Garran
ADOPTED

"Yes" 9
"No" 0
Absent 1 (Mr. Trambley)

STATE OF NEW YORK)
COUNTY OF CLINTON) SS:
LEGISLATIVE CHAMBERS)

I HEREBY CERTIFY, that the foregoing is a true copy of a resolution acted upon by the County Legislature, at the Regular Session of October 22, 1997.

A quorum being present, and a majority voting therefor.


JEAN DESAUTELS QUANTOCK
DEPUTY CLERK OF THE LEGISLATURE

(SEAL)

RESTRICTIVE COVENANT

THIS COVENANT, made the 24th day of October, 1997, by the County of Clinton, having an office at 137 Margaret Street, Plattsburgh, New York:

WHEREAS, the County and the New York State Department of Environmental Conservation (DEC) entered into a Consent Order, Index #A5-0152-88-09, on March 1, 1990, requiring the Remedial Investigation, Feasibility Study and implementation of a Remedial Program for an Inactive Hazardous Waste Disposal Site known as the "Clinton County Landfill", located at Northstar Road in Mooers, NY, Site #510005 ("the Site"), and being more fully described as:

ALL THE TRACTS OR PARCELS OF LAND situated in the Town of Mooers, County of Clinton, State of New York and being described in a deed from the County of Clinton to the County of Clinton, dated May 10, 1995 and recorded in the Clinton County Clerk's Office on June 1, 1995 in Book 947 at page 222; and a deed from Robert Barnard as Executor of the last Will and Testament of Foster I. Barnard to the County of Clinton dated March 31, 1995 and recorded in the Clinton County Clerk's Office on April 7, 1995 in Book 943 at page 210.

WHEREAS, the county of Clinton and the DEC have agreed, in the above referenced Consent Order, to file this Restrictive Covenant in the Office of the Clinton County Clerk for the purpose of providing notice of the Consent Order and its property restrictions to all potential future purchasers of any portion of the Site and the adjoining parcel to the north.

NOW, THEREFORE, The County of Clinton, for itself and its successors, and/or assigns, covenants that:

1. Unless prior written approval by the Department of Environmental Conservation and Department of Health (or any subsequently delegated agencies) (all hereinafter referred to as "the relevant agencies") is first obtained, there shall be no construction, use or occupancy of the Site and the adjoining parcel to the north, or usage of the groundwater or surface water, which results in the disturbance or excavation of the waste materials on site, which threatens the integrity of the geomembrane cap, soil cover materials or impoundments, or which results in unacceptable human exposure to contaminated media.

2. Unless prior written approval by the relevant agencies is obtained, there shall be no change in the use of the Site and the adjoining parcel to the north in any way that is inconsistent with their present uses. If such a new use of either site is approved, any and all further remedial activities at the site deemed necessary and appropriate by the relevant

agencies will be performed by the County, its successors and/or assigns.

3. The County of Clinton, its successors and/or assigns will not disturb either site in any way, except to properly maintain the integrity of the remedial measures undertaken and maintained at the site pursuant to the terms of the Record of Decision which is incorporated herein by reference and made a part hereof.

4. This declaration is and shall be deemed to be a covenant running with the land, binding the County of Clinton, its successors and/or assigns, and any agent, lessor or invitee of the County, its successors and/or assigns in perpetuity or until such time that the relevant agencies determine these restrictions are no longer necessary for the protection of human health and the environment.

IN WITNESS WHEREOF, the County of Clinton has caused its corporation seal to be hereunto affixed by its County Clerk and this Covenant to be subscribed by the County Administrator on the date and year first above written.

COUNTY OF CLINTON

By: William J. Bingel
William J. Bingel,
County Administrator

Sworn to before me this 24
day of October 1997.

Angela B. Waterhouse
Notary Public

ANGELA B. WATERHOUSE
Notary Public, State of New York
No. 4840801
Qualified in Clinton County
Commission Expires 5/31/97

Record and Return to :

William J. Bingel, County Administrator
County of Clinton
Clinton County Government Center
137 Margaret Street
Plattsburgh, New York 12901

RESOLUTION #411 - 05/10/95

AUTHORIZING THE CHAIRMAN TO SIGN A PERPETUAL DEED RESTRICTION FOR THE CLOSURE OF THE MOOERS HAZARDOUS WASTE LANDFILL - SOLID WASTE

BY: Mr. Zurlo

WHEREAS, the Army Corps of Engineers requires that Clinton County submit to the New York District a copy of a perpetual deed restriction on the Mooers Hazardous Waste Landfill mitigation site restricting all activities not directly related to the wetland mitigation; and

WHEREAS, the Assistant County Attorney has prepared the required deed restriction which must be signed and filed in the County Clerk's Office; and

WHEREAS, the Solid Waste Committee reviewed and approved the deed restriction at their May 4, 1995 Committee Meeting; then

BE IT RESOLVED, the Clinton County Legislature hereby authorizes the Chairman to execute the required deed restriction.

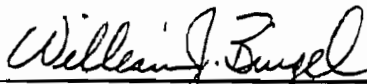
SECONDED BY: Mrs. Trombley
ADOPTED.

"Yes" 10
"No" 0
Absent 0

STATE OF NEW YORK)
COUNTY OF CLINTON) SS:
LEGISLATIVE CHAMBERS)

I HEREBY CERTIFY, that the foregoing is a true copy of a resolution acted upon by the County Legislature, in Regular Session on May 10, 1995.

A quorum being present, and a majority voting therefor.



WILLIAM J. BINGEL
CLERK OF THE LEGISLATURE

(SEAL)

WARRANTY WITH LIEN COVENANT

Beed

TO

Dated,

19

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 heirs, successors and assigns forever.

And said party of the first part

First, That the party of the second part shall quietly enjoy the said premises; covenants as follows:

Second, That said party of the first part

will forever warrant the title to said premises.

Third, That, in Compliance with Sec. 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 party of the first part has hereunto set its hand and seal the day and year first above written.

In Presence of

COUNTY OF CLINTON

Melvin R. Bruno

BY: [Three blank lines with circular notary seals to the right]

State of New York } ss.
County of CLINTON }
before me, the subscriber, personally appeared

On this 10th day of May
Nineteen Hundred and Ninety-five
Melvin R. Bruno

to me personally known and known to me to be the same person described in and who executed the within Instrument, and he acknowledged to me that he executed the same.

Angela B. Waterhouse
Notary Public

ANGELA B. WATERHOUSE
Notary Public, State of New York
No. 4840801
Qualified in Clinton County
Commission Expires 5/31/97

SCHEDULE "A"

ALL THAT CERTAIN PIECE OR PARCEL OF LAND situate, lying and being in the Town of Mooers, County of Clinton, and State of New York, being part of Lot No. 118 of the 420-acre lots of the Canadian and Nova Scotia Refugee Tract, and bounded and described as follows:

COMMENCING at a point in the center line of the North Star Road, which point lies 1540 feet, more or less, easterly of the intersection of what is known as the Blackman Corneis Road and the North Star Road and which point lies along the great lot line in said town, commencing at said point and proceeding at right angles to the North Star Road a distance of 2220 feet, more or less, to the northwest corner of lands owned by the grantor herein; thence turning and proceeding easterly along the grantor's north line a distance of 2600 feet, more or less, to a point; thence turning and proceeding southerly a distance of 850 feet, more or less; thence turning and proceeding easterly a distance of 620 feet, more or less to a point; thence turning and running southerly along the grantor's east line a distance of 1540 feet to a point in the center line of the North Star Road so called; thence turning and proceeding in a generally westerly direction along the center line of the North Star Road as it winds and turns the following distances; 625 feet to a point; thence deflecting and proceeding a distance of 1125 additional feet to a point; thence deflecting and proceeding a further distance of 1485 feet to a point marking the point or place of beginning.

HEREBY INTENDING TO CONVEY a parcel of land lying northerly of the North Star Road, having a frontage on the North Star Road of 3235 feet and having an irregular depth, and containing 145 acres of land, more or less.

Said measurements were taken from the Clinton County Tax Maps as drawn in 1976.

BEING PART of the same premises conveyed by Mabel Hamilton to Lawrence DeVuyt by Deed dated July 3, 1973, and recorded in Clinton County Clerk's Office in Volume 559 of Deeds at page 392.

The above conveyance is SUBJECT to any and all easements this day of record affecting said premises.

BEING the same premises conveyed by Lawrence DeVuyt to the County of Clinton by deed dated September 24, 1976 and recorded in the Clinton County Clerk's Office in Volume 583 of Deeds at page 631.

The premises herein conveyed shall be used solely for those purposes directly related to the wetland mitigation effort and plan to be entered into between the County of Clinton and the Department of the Army (New York District Corps of Engineers), a copy of which mitigation effort and plan is intended to be recorded in the office of the Clinton County Clerk at a later date. The term of said restriction shall be perpetual and will run with the land.

This conveyance is being made solely for the purpose of adding restrictive covenant to run perpetually with the land.

REGISTERED U. S. PAT. OFFICE
TYPE LEAD PRINT, PLATTSBURGH, N.Y. 12074

This Indenture

Made the _____ day of
Nineteen Hundred and Ninety-Five

Between
COUNTY OF CLINTON, a municipal corporation organized
under the laws of the State of New York with offices
located at 137 Margaret Street, Plattsburgh, NY

_____ party of the first part, and

COUNTY OF CLINTON, a municipal corporation organized
under the laws of the State of New York with offices
located at 137 Margaret Street, Plattsburgh, NY

Witnesseth that the party of the first part, in consideration of _____ party of the second part,
ONE and 00/100 _____ Dollar (\$ 1.00)
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, heirs
and assigns forever. ~~RMX~~

See Attached Schedule "A"