

Receipt# 772030

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CHERYL DINOLFO  
COUNTY CLERK  
OFFICE OF THE COUNTY CLERK  
39 WEST MAIN STREET  
ROCHESTER, NY  
14614  
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Doc#: 201209180512 Pgs: 6  
Type: NOTICE  
Book: 11167 Pages: 605-610  
Name: NEW YORK STATE DEPARTMENT OF ENVIR  
Name: NEW YORK STATE DEPARTMENT OF ENVIR  
Time: 1:42:49 PM  
STATE FEE CULTURAL EDUCA\$ 14.25  
STATE FEE RECORDS MANAGE\$ 4.75  
COUNTY FEE RECORDING \$ 26.00  
COUNTY FEE NUMBER PAGES \$ 25.00

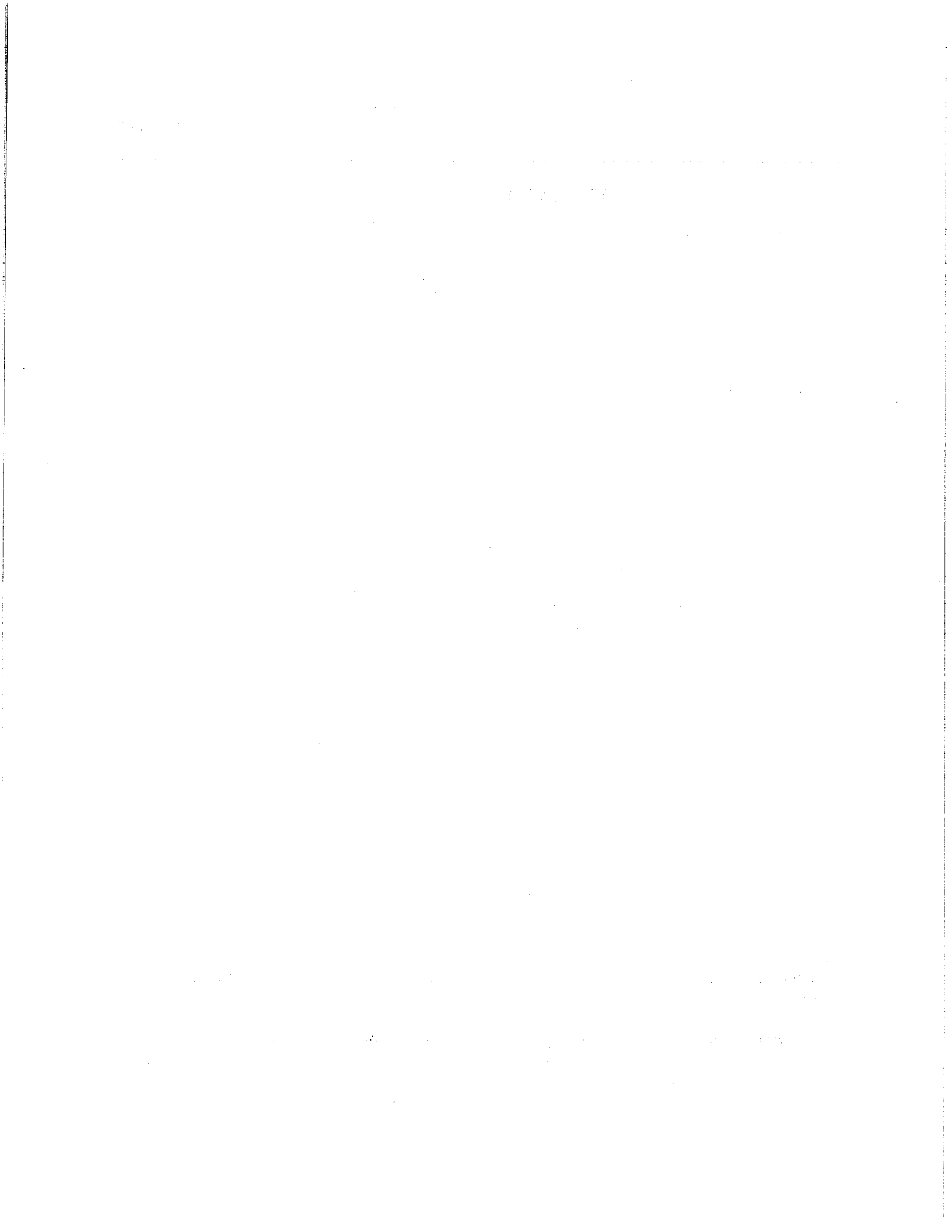
Total	\$	70.00
Check(s) Tendered	\$	70.00
Balance	\$	0.00

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CHECK Number  
3003 \$ 70.00  
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Total Documents: 1  
Total Fees: 4  
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Client Name GENERAL PUBLIC  
Sep 18 2012 1:46:03 PM

Cashier: RoseM



COPY RECEIVED

Golden Road Disposal Site  
Site No. 828021  
189 Golden Road  
Town of Chili, County of Monroe, NY  
Tax Map: 132.20-1-3.2

2012 SEP 18 PM 1:44

MONROE COUNTY CLERK  
**ENVIRONMENTAL NOTICE**

**THIS ENVIRONMENTAL NOTICE** is made the 10<sup>th</sup> day of September 2012, 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 indentified as Golden Road Disposal Site (Site 828021), located on 189 Golden Road in the Town of Chili, County of Monroe, State of New York, which is part of lands conveyed by Howard J. FitzSimons, Sr. and Katharina FitzSimons to Howard J. FitzSimons, Jr. by deed dated June 5, 1981 and recorded in the Monroe County Clerk's Office on June 5, 1981 in Book 5986 of Deeds at Page 7 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 Order on Consent executed by Chevron Environmental Management Company, and Chevron U.S.A. Inc. as part of the Department's State Superfund Program; and

**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 Sate 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:  
**its current use as undeveloped land.** Therefore, any use for purposes other than 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.

**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, Director  
Division of Environmental Remediation

STATE OF NEW YORK    )  
                                  ) ss:  
COUNTY OF            )

On the 10<sup>th</sup> day of September, in the year 2012, 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, 2014

**APPENDIX A**

**METES and BOUNDS Description**

ALL THAT TRACT OR PARCEL OF LAND, situate in Town Lot 74 of the John Smith Allotment, East Pultney Tract, Township 2, Range 1, Town of Chili, County of Monroe, State of New York and being more particularly described as follows:

Beginning in the south line of the lane or roadway south of the New York Central Railroad, now Conrail, which is also the northeasterly corner of the land conveyed to Loretta Lehard by Anna Fitzsimmons by deed recorded in the Monroe County Clerk's Office in Liber 1514 Of Deeds, page 236; thence,

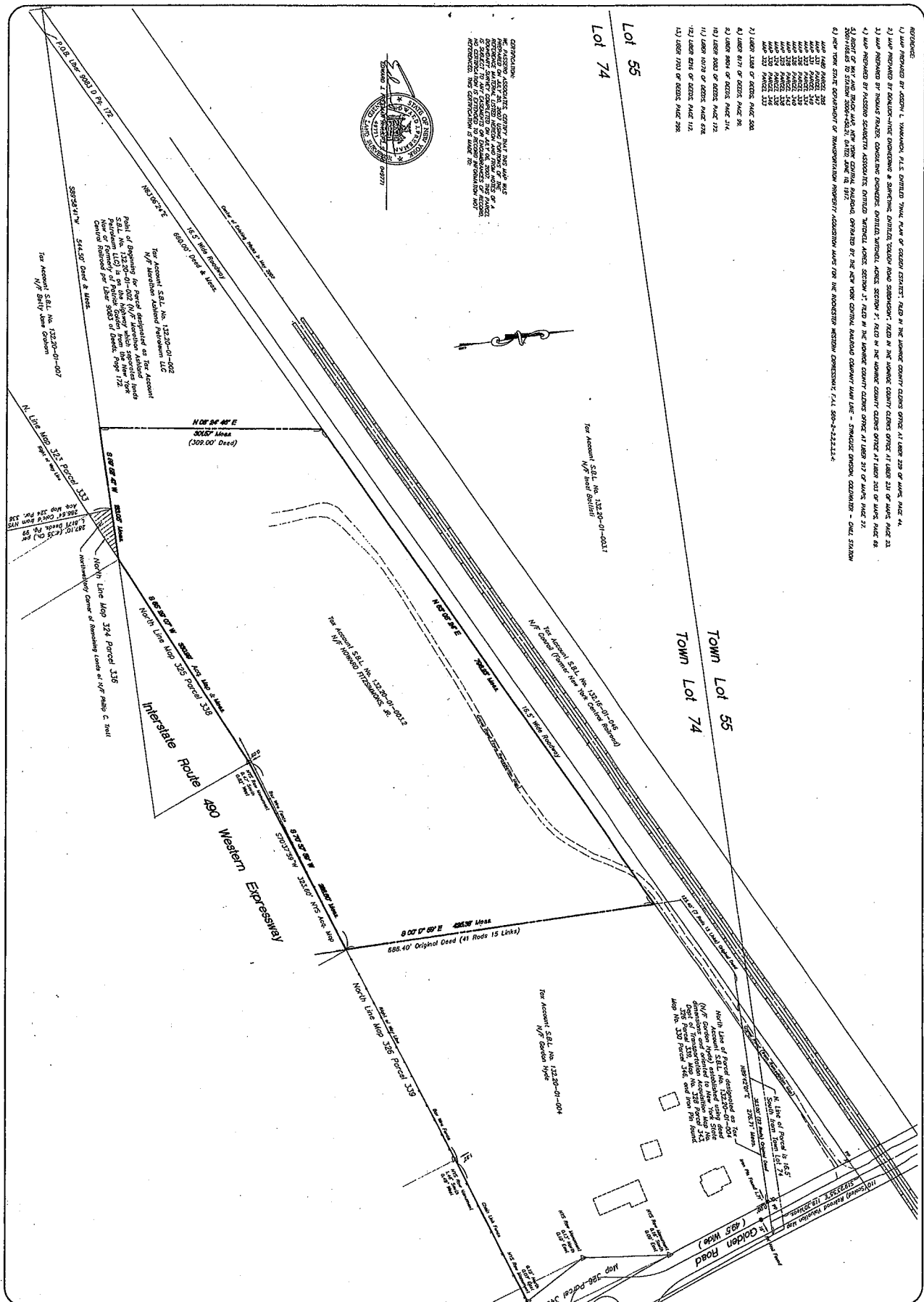
1. South  $08^{\circ}24'46''$  west, along said easterly property line, a distance of 301.57 feet to a point; thence,
2. North  $89^{\circ}58'41''$  east, a distance of 183.05 feet to a point on the northerly line of Interstate Route 490; thence,
3. North  $65^{\circ}29'07''$  east, along said line of Interstate Route 490, a distance of 330.99 feet to a point; thence,
4. North  $70^{\circ}37'59''$  east, along said line of Interstate Route 490, a distance of 288.60 feet to a point; thence,
5. North  $00^{\circ}17'59''$  west, a distance of 425.38 feet to a point on the southerly line of said lane or roadway; thence,
6. South  $63^{\circ}06'24''$  west, along said lane or roadway, a distance of 796.23 feet to the point of beginning, encompassing 6.340 acres of land, more or less.

All as shown on a boundary map prepared by Passero Associates entitled "Lands of Now or Formerly of Fitzsimmons, West Side of Golden Road", Drawing number BS-1, Project No. 2007694.01, and last dated 01/27/11.

Golden Road Disposal Site  
Site No. 828021  
189 Golden Road  
Town of Chili, County of Monroe, NY  
Tax Map: 132.20-1-3.2

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**APPENDIX B**  
**Map**



- REFERENCES:**
- 1.) LOTS 74 AND 75, TOWN OF GOLDEN ROAD, PARCEL 338, AS SHOWN ON THE TOWN OF GOLDEN ROAD OFFICE AT 1000 2ND OF JUNE, PAGE 14.
  - 2.) LOTS 74 AND 75, TOWN OF GOLDEN ROAD, PARCEL 338, AS SHOWN ON THE TOWN OF GOLDEN ROAD OFFICE AT 1000 2ND OF JUNE, PAGE 23.
  - 3.) LOTS 74 AND 75, TOWN OF GOLDEN ROAD, PARCEL 338, AS SHOWN ON THE TOWN OF GOLDEN ROAD OFFICE AT 1000 2ND OF JUNE, PAGE 24.
  - 4.) LOTS 74 AND 75, TOWN OF GOLDEN ROAD, PARCEL 338, AS SHOWN ON THE TOWN OF GOLDEN ROAD OFFICE AT 1000 2ND OF JUNE, PAGE 25.
  - 5.) LOTS 74 AND 75, TOWN OF GOLDEN ROAD, PARCEL 338, AS SHOWN ON THE TOWN OF GOLDEN ROAD OFFICE AT 1000 2ND OF JUNE, PAGE 26.
  - 6.) LOTS 74 AND 75, TOWN OF GOLDEN ROAD, PARCEL 338, AS SHOWN ON THE TOWN OF GOLDEN ROAD OFFICE AT 1000 2ND OF JUNE, PAGE 27.
  - 7.) LOTS 74 AND 75, TOWN OF GOLDEN ROAD, PARCEL 338, AS SHOWN ON THE TOWN OF GOLDEN ROAD OFFICE AT 1000 2ND OF JUNE, PAGE 28.
  - 8.) LOTS 74 AND 75, TOWN OF GOLDEN ROAD, PARCEL 338, AS SHOWN ON THE TOWN OF GOLDEN ROAD OFFICE AT 1000 2ND OF JUNE, PAGE 29.
  - 9.) LOTS 74 AND 75, TOWN OF GOLDEN ROAD, PARCEL 338, AS SHOWN ON THE TOWN OF GOLDEN ROAD OFFICE AT 1000 2ND OF JUNE, PAGE 30.
  - 10.) LOTS 74 AND 75, TOWN OF GOLDEN ROAD, PARCEL 338, AS SHOWN ON THE TOWN OF GOLDEN ROAD OFFICE AT 1000 2ND OF JUNE, PAGE 31.
  - 11.) LOTS 74 AND 75, TOWN OF GOLDEN ROAD, PARCEL 338, AS SHOWN ON THE TOWN OF GOLDEN ROAD OFFICE AT 1000 2ND OF JUNE, PAGE 32.
  - 12.) LOTS 74 AND 75, TOWN OF GOLDEN ROAD, PARCEL 338, AS SHOWN ON THE TOWN OF GOLDEN ROAD OFFICE AT 1000 2ND OF JUNE, PAGE 33.
  - 13.) LOTS 74 AND 75, TOWN OF GOLDEN ROAD, PARCEL 338, AS SHOWN ON THE TOWN OF GOLDEN ROAD OFFICE AT 1000 2ND OF JUNE, PAGE 34.

Project No. 2007084.01  
 Drawing No. B8-1  
 Date: July 2007

**Lands Now or Formerly of Fitzsimmons West Side of Golden Road**  
 Town Lot No. 74 of The John, Bruth Abbott, East Pulney Tract, Town of & Range 1 of the City, County of Monroe, State of New York

**Boundary Survey**

Client: ARCADIS BBL  
 295 Woodruff Dr. Ste. 301  
 Fairport, New York 14450

Principal-in-Charge: J.F.C.  
 Project Manager: E.J.F.  
 Designed by: D.P.S.

**Passero Associates**  
 100 Liberty Pole Way, Rochester, NY 14604  
 585-325-1000 FAX: 585-325-1001  
 www.passero.com

**Engineering Surveying**  
**Architecture Planning**


**Revisions**

No.	Date	By	Description
1	7.11.07	E.F.	REVISED SHAPLE AREAS
2	12.21.11	E.F.	REVISED TAX ACCOUNT NUMBERS AND OWNERS NAME
3	02.11.08	G.S.	ADD TEST PIT LOCATIONS FROM FEB. 04, 2008

