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Instrument: DECLARATION OF COVENANTS

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Date: 01/05/2024

Time: 4:02:02 PM

Return To:
CROSSROADS ABSTRACT
25 E Main St Ste 200
Rochester, NY 14614-1806

VILLAGE OF BROCKPORT,

BROCKPORT, VILLAGE OF

Recording Fee	\$26.00	
Pages Fee	\$25.00	
State Fee Cultural Education	\$14.25	
State Fee Records Management	\$4.75	Employee: CT
TP-584 Form Fee	\$5.00	
Total Fees Paid:	\$75.00	

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.

Consideration: \$0.00

JAMIE ROMEO

MONROE COUNTY CLERK



R+R Box 49
Denver, Massachusetts

DECLARATION of COVENANTS and RESTRICTIONS

THIS COVENANT is made the ⁶~~8~~ day of ^{December}~~February~~ 20²³ by The Village of Brockport, a municipality of the State of New York and having an office for the transaction of business at 127 Main St., Brockport, NY 14420.

WHEREAS, the Brockport Landfill (Site #828038) is the subject of an Order on Consent executed by the Village of Brockport as part of the New York State Department of Environmental Conservation's ("the Department") State Superfund Program, namely that parcel of real property located at the address of 6791 East Canal Road in the Town of Sweden, County of Monroe, State of New York, being the same as (or part of) that property conveyed to The Village of Brockport by Walter G. and Lillian V. Anderson by deed dated December 28, 1950, and recorded on the 29th day of December 1950 in the Monroe County Clerk's Office in Liber 2658 and Page 521, 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 (the "Remedy");

NOW, THEREFORE, The Village of Brockport, 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 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) and any modification thereof approved in writing by the Department or Relevant Agency which is incorporated herein and made enforceable hereby, 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 controls or which results in unacceptable human exposure to contaminated soils. The SMP may be obtained from the New York State Department of Environmental Conservation, Division of Environmental Remediation, Site Control Section, 625 Broadway, Albany, NY 12233.

Third, the owner of the Property 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 first obtains a written waiver of such prohibition from the Department or Relevant Agency.

Fourth, the owner of the Property shall prohibit the Property from ever being used for purposes other than for its current use as a closed landfill upon which a solar farm operates, without the express written waiver of such prohibition by the Department or Relevant Agency. An express written waiver from the prohibition is required for changed uses including, but not limited to, expansion of the solar farm from its size as of the date of this deed restriction and upgrades, modifications, and alterations to the solar farm to accommodate new solar technology.

Fifth, the owner of the Property shall prohibit the use of groundwater underlying the property without necessary water quality treatment as determined by the NYSDOH or the Monroe County 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 or Relevant Agency.

Sixth, the owner of the Property shall provide a periodic report and certification at the intervals set forth in the SMP, prepared and submitted by a professional engineer or environmental professional acceptable to the Department or Relevant Agency, which will certify that the institutional and engineering controls put in place are compliant with the SMP.

Seventh, the owner of the Property shall continue, in full force and effect, any institutional and engineering controls required for the Remedy, and maintain such controls, unless the owner first obtains permission to discontinue such controls from the Department or Relevant Agency, in compliance with the approved SMP.

Eighth, this Declaration 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 Order on Consent 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.

Property Address:	6791 East Canal Road, Brockport, NY 14420
Tax ID	Part of Nos. 69.04-1-2.12; 69.04-1-2.13; 69.04-1-3; 69.04-1-5.2; 69.04-1-5.3; 69.04-1-13.1
Tax Address:	127 Main Street, Brockport, NY 14420

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

By: 

Print Name: Margaret B. Blackman

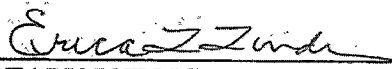
Title Mayor, Village of Brockport

Date: 2/8/23

GRANTOR'S ACKNOWLEDGEMENT

STATE OF NEW YORK)
)s.s.:
COUNTY OF MONROE)

On the 8th day of February in the year 20223 before me, the undersigned, personally appeared Margaret B. Blackman, 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/she executed the same in his/her capacity, and that by his/her signature on the instrument the individual, or the person upon behalf of which the individual acted, executed the instrument.


NOTARY PUBLIC
State of New York

ERICA L. LINDEN
Notary Public, State of New York
Monroe County, #0116314529
Term Exp. 11-10-2026

Schedule A

NORTH PARCEL

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Sweden, County of Monroe, State of New York and being part of Lots 3, 4 and 9, Section 12, Township 3 of the Triangular Tract, bounded and described as follows:

COMMENCING AT the intersection of the south line of Parcel No. 104 of lands appropriated by the People of the State of New York for the construction of Canal Road made necessary by the improvements of the Erie Barge Canal and the west line of Parcel No. 1 of lands conveyed to Village of Brockport by deed recorded in the Monroe County Clerk's Office in Liber 9141 of Deeds at Page 353;

RUNNING THENCE: S-00°-44'-03"-E, along the west line of said Village of Brockport lands and its extension southerly, a distance of 1415.20 feet to a point;

RUNNING THENCE: N-89°-15'-57"-E, a distance of 11.89 feet to the Point or Place of Beginning of the parcel herein described;

RUNNING THENCE: N-00°-22'-38"-W, a distance of 444.31 feet to a point;

RUNNING THENCE: S-87°-22'-53"-E, a distance of 137.04 feet to a point;

RUNNING THENCE: N-79°-14'-03"-E, a distance of 544.44 feet to a point;

RUNNING THENCE: S-07°-32'-56"-E, a distance of 802.29 feet to a point on the north line of lands conveyed to the County of Monroe;

RUNNING THENCE: N-65°-44'-50"-W, along the north line of said County of Monroe lands, a distance of 863.59 feet to the POINT OR PLACE OF BEGINNING, containing 10.03 Acres, be the same, more or less.

SUBJECT TO easements, rights of way and restrictions of record,

BEING AND INTENDED TO BE a portion of lands conveyed to Village of Brockport by deeds recorded in the Monroe County Clerk's Office in Liber 2658 of Deeds at Page 521, Liber 9141 of Deeds at Page 353 - Parcel No. 1 and Liber 9141 of Deeds at Page 356 - Parcel No. 1.

SOUTH PARCEL

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Sweden, County of Monroe, State of New York and being part of Lots 3, 4 and 9, Section 12, Township 3 of the Triangular Tract, bounded and described as follows:

COMMENCING AT the intersection of the south line of Parcel No. 104 of lands appropriated by the People of the State of New York for the construction of Canal Road made necessary by the improvements of the Erie Barge Canal and the west line of Parcel No. 1 of lands conveyed to Village of Brockport by deed recorded in the Monroe County Clerk's Office in Liber 9141 of Deeds at Page 353;

RUNNING THENCE: S-00°-44'-03"-E, along the west line of said Village of Brockport lands and its extension southerly, a distance of 1487.91 feet to a point;

RUNNING THENCE: N-89°-15'-57"-E, a distance of 11.89 feet to the Point or Place of Beginning of the parcel herein described; said point being also on the south line of lands conveyed to the County of Monroe;

RUNNING THENCE: S-65°-44'-50"-E, along the south line of said County of Monroe lands, a distance of 864.79 feet to a point;

RUNNING THENCE: S-04°-27'-21"-W, a distance of 340.96 feet to a point;

RUNNING THENCE: S-80°-52'-37"-W, a distance of 190.60 feet to a point;

RUNNING THENCE: S-76°-30'-48"-W, a distance of 149.03 feet to a point of curvature;

RUNNING THENCE: Westerly, along a curve to the right having a radius of 782.67 feet, a distance of 130.66 feet to a point;

RUNNING THENCE: S-05°-40'-38"-W, a distance of 153.47 feet to a point;

RUNNING THENCE: S-01°-21'-20"-W, a distance of 134.57 feet to a point;

RUNNING THENCE: N-00°-08'-46"-W, a distance of 423.65 feet to a point;

RUNNING THENCE: N-00°-42'-24"-W, a distance of 389.10 feet to the POINT OR PLACE OF BEGINNING, containing 10.32 Acres, be the same, more or less.

SUBJECT TO easements, rights of way and restrictions of record,

BEING AND INTENDED TO BE a portion of lands conveyed to Village of Brockport by deeds recorded in the Monroe County Clerk's Office in Liber 2658 of Deeds at Page 521, Liber 9141 of Deeds at Page 353 - Parcel No. 2 and Liber 9141 of Deeds at Page 356 - Parcel No. 2.

Schedule B

