

ALLEGANY COUNTY - STATE OF NEW YORK
ROBERT L. CHRISTMAN COUNTY CLERK
7 COURT STREET, BELMONT, NEW YORK 14813

COUNTY CLERK'S RECORDING PAGE
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RECEIPT NO. : 201199176

Clerk: LY
Instr #: 2011-50956
Rec Date: 10/11/2011 01:36:47 PM
Doc Grp: RP
Descrip: DECLARATION
Num Pgs: 15
Rec'd Frm: WNY ABSTRACT

Party1: CUBA VILLAGE OF
Town: CUBA

Recording:

Cover Page	7.00
Recording Fee	47.00
Cultural Ed	14.25
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Total: 74.00

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Record and Return To:

WNY ABSTRACT #10
MAILBOX

I hereby certify that the within and foregoing was recorded in the Allegany County Clerk's Office, State of New York. This sheet constitutes the Clerks endorsement required by Section 316 of the Real Property Law of the State of New York.

Robert L. Christman
Allegany County Clerk

DECLARATION of COVENANTS and RESTRICTIONS

THIS COVENANT is made the 12th day of SEPT. 2011 by the Village of Cuba, a municipality of the State of New York and having an office for the transaction of business at 17 East Main Street, Cuba, New York 14727.

WHEREAS, the Cuba Municipal Waste Disposal Site (the "Site") is the subject of a remedial program performed by the New York State Department of Environmental Conservation (the "Department"): and

WHEREAS, the Village of Cuba is the owner of property on which the Site is located and which consists of those parcels of real property located off of Deep Snow Road in the Town of Cuba, County of Allegany, State of New York, which are part of lands conveyed by Portville Forest Products, Inc. to the Village of Cuba by deed dated June 30, 1978 and recorded in the Allegany County Clerk's Office on August 15, 1978 in Liber 740 of Deeds at Page 117 (Town of Cuba Tax Map Parcel No 155.00-1-6.15), and part of lands conveyed by Ida Cleghorn Barber to the Village of Cuba by deed dated November 15, 1967 and recorded in the Allegany County Clerk's Office on November 17, 1967 in Liber 573 of Deeds at Page 45 (Town of Cuba Tax Map Parcel No. 155.00-1-7) being more particularly described in Appendix "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 Village of Cuba, 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 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 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.

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 a landfill without the express written waiver of such prohibition by the Department or Relevant Agency.

Fifth, the owner of the Property shall prohibit the use of 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.

Sixth, the owner of the Property shall provide a periodic certification, 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 unchanged from the previous certification, comply with the SMP, and have not been impaired.

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 of which the title page and Table of Contents are attached hereto as Appendix "C" and made enforceable hereto, subject to modifications as approved by the Department or Relevant Agency.

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 Department or Relevant Agency requires to be recorded, and the owner and its successors and assigns 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.

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

By: Thomas Taylor

Print Name: THOMAS TAYLOR

Title: MAYOR

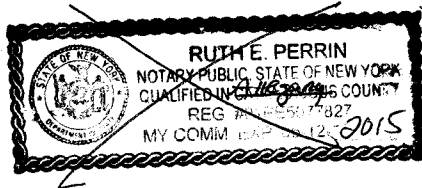
Date: 9/12/11

STATE OF NEW YORK)

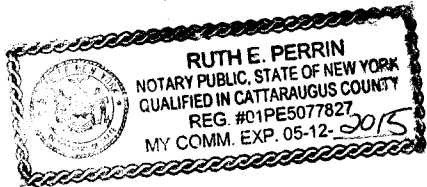
) s.s.:

COUNTY OF *Allegany*)

On the 12 day of September, in the year 2011, before me, the undersigned, personally appeared Thomas Taylor, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name 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 upon behalf of which the individual(s) acted, executed the instrument.



Ruth E. Perrin
Notary Public State of New York



APPENDIX "A" (CONTINUED)
METES AND BOUNDS DESCRIPTION
(TOWN OF CUBA TAX MAP PARCEL NO. 155.00-1-7)

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Cuba, County of Allegany and State of New York, being part of Lots No. 15 and 7 of the Holland Land Company Survey and bounded and described as follows:

COMMENCING at a point in the south boundary of Lot No. 15 which point is 524 feet east of the 35.57-chain western boundary line of the premises described in deed dated December 7, 1946, Robert L. Harbeck to Oliver N. Cleghorn, recorded May 21, 1949 in Liber 426 of Deeds at Page 37; thence from said point in the south boundary of Lot No. 15 north 550 feet to a point; thence east and parallel with the south line of Lots No. 15 and 7 and across the boundary line between lots 15 and 7 a total distance of 1,968 feet; thence south a distance of 550 feet more or less to the south boundary line of Lot No. 7; thence west and along the south boundary line of Lot No. 7 a distance of 1,968 feet more or less to the place and point of beginning, containing 25 Acres, be the same more or less;

ALSO CONVEYING a Right-of-Way to be used in common with Cuba Village, its successors and assigns and with grantor and her heirs, executors and assigns, from the public highway situate westerly of the premises hereby conveyed and being 33 feet in width and running along the south boundary of Lot No. 15 from said highway to the said 25-acre parcel hereby conveyed for all purposes of ingress and egress to and from said 25-Acre parcel.

EXCEPTING AND RESERVING unto said grantor, her heirs and assigns, the right to use the driveway running generally east and west across the south part of said 25-acre parcel, said right to use such driveway to be in common with the said Cuba Village, its successors and assigns, and to be for grantor, her heirs and assigns, for use and access to other former Cleghorn premises around said 25-Acre parcel.

All of the foregoing premises being part of the property once described in deed dated December 7, 1946 Robert L. Harbeck to Oliver N. Cleghorn, recorded May 21, 1949, Liber 426 of Deeds at Page 37.

APPENDIX "A"
METES AND BOUNDS DESCRIPTION
(TOWN OF CUBA TAX MAP PARCEL NO. 155.00-1-6.15)

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Cuba, County of Allegany and State of New York, being part of Lot 7, Township 3, Range 2 of the Holland Land Company Survey, bounded and described as follows:

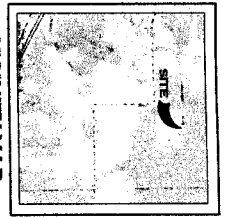
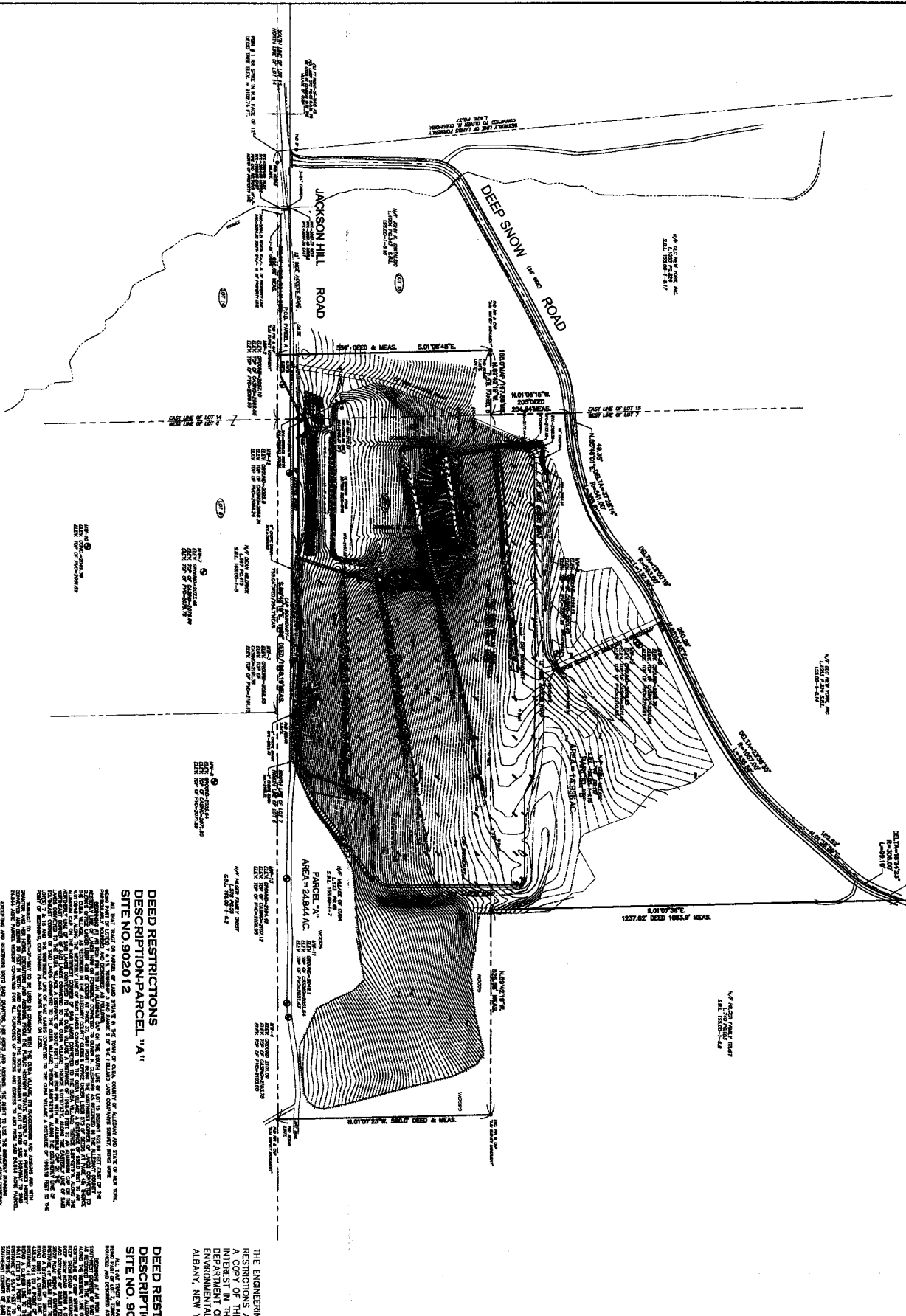
BEGINNING at a point on the west line of said Lot 7, 550 feet north of the south line of said lot; running thence east along the north line of the premises conveyed by Ida Cleghorn Barber to Cuba Village by Deed dated 11/15/67, recorded 11/17/67, in Liber 537 of Deeds at Page 45 in the office of the Allegany County Clerk, 1275 feet to a point; running thence north on a line parallel with the west lot line, 1237.62 feet to a point in the center line of the roadway or right of way known as Deep Snow Road; running thence westerly and southerly, 1700 feet along the various courses and distances of the center line of Deep Snow Road to the west lot line; running thence south along the west lot line 205 feet to the point or place of beginning, containing 21.12 acres more or less.

BEING a portion of the premises conveyed by Ida Cleghorn Barber to the grantor herein by Warranty Deed, dated June 29, 1978, and not yet recorded.

EXCEPTING AND RESERVING to the grantor or others, any right of way, either of record or visible, but also conveying any rights of way for ingress and egress, either of record or visible, held by or used by the grantor and used or useful for the premises conveyed, whether common or singly, subject to the rights of others who have or are granted similar rights of way. The grantor is under no obligation to repair roads, but the grantor reserves to itself and its grantees the right to take dirt, rock, sand or gravel from the premises conveyed herein to maintain the roads for as long as it (or its grantees) has timber rights on the above described premises or on premises accessible over such rights of way.

EXCEPTING AND RESERVING from said sale to the grantor, to the holders thereof, any valid and existing rights of way for electric, telephone or for gas, oil or water pipelines.

APPENDIX "B"
SURVEY



REFERENCES:
 TOWN OF CUBA, TAX MAP PARCELS NOS. 15200-1-7 AND 15200-1-15
 TOWN OF CUBA, TAX MAP PARCELS NOS. 15200-1-7 AND 15200-1-15

NOTES:
 1. THE ENGINEERING AND INSTITUTIONAL CONTROLS FOR THIS DEED RESTRICTIONS SHALL BE OBTAINED BY ANY PARTY WITH AN INTEREST IN THE PROPERTY. THE SMP CAN BE OBTAINED FROM NYS DEPARTMENT OF ENVIRONMENTAL CONSERVATION, DIVISION OF ENVIRONMENTAL REMEDIATION, SITE CONTROL, SECTION, 625 BROADWAY, ALBANY, NEW YORK 12223 OR AT dec.state.ny.us.

CERTIFICATION
 I, THE UNDERSIGNED, ENGINEER OF CONSERVATION AND DESIGN, DO HEREBY CERTIFY THAT THE MAP ON FILE WITH THE STATE OF NEW YORK IS A TRUE AND CORRECT COPY OF THE ORIGINAL AS SUBMITTED TO ME BY THE ENGINEER OF SURVEYING, AND THAT THE SAME COMPLY WITH ALL THE REQUIREMENTS OF THE ENVIRONMENTAL CONSERVATION LAW AND THE REGULATIONS THEREUNDER. THE FIELD WORK WAS COMPLETED ON 04/29/2011.
 DATE OF FIELD WORK: 04/29/2011
 ENGINEER'S NO.: 12156
 STATE OF NEW YORK

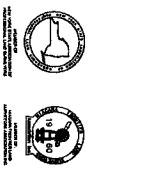
DEED RESTRICTIONS
 DESCRIPTION: PARCEL "A"
 SITE NO. 902012

DEED RESTRICTIONS
 DESCRIPTION: PARCEL "B"
 SITE NO. 902012

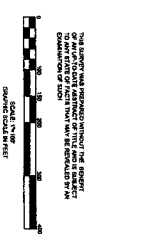
ALL THE LANDS AND INTERESTS IN THE SAME, TOGETHER WITH ALL THE RIGHTS AND PRIVILEGES IN AND TO THE SAME, ARE HEREBY DEED RESTRICTED TO THE USE OF A WASTE DISPOSAL SITE, AND THE LANDS AND INTERESTS IN THE SAME, TOGETHER WITH ALL THE RIGHTS AND PRIVILEGES IN AND TO THE SAME, SHALL BE SUBJECT TO THE DEED RESTRICTIONS AND COVENANTS SET FORTH IN THE ATTACHED DEED RESTRICTIONS AND COVENANTS, WHICH ARE HEREBY INCORPORATED BY REFERENCE INTO THIS DEED. THE DEED RESTRICTIONS AND COVENANTS SHALL BE APPLICABLE TO ALL THE LANDS AND INTERESTS IN THE SAME, TOGETHER WITH ALL THE RIGHTS AND PRIVILEGES IN AND TO THE SAME, AND SHALL BE APPLICABLE TO ALL THE LANDS AND INTERESTS IN THE SAME, TOGETHER WITH ALL THE RIGHTS AND PRIVILEGES IN AND TO THE SAME, AND SHALL BE APPLICABLE TO ALL THE LANDS AND INTERESTS IN THE SAME, TOGETHER WITH ALL THE RIGHTS AND PRIVILEGES IN AND TO THE SAME.

THE ENGINEERING AND INSTITUTIONAL CONTROLS FOR THIS DEED RESTRICTIONS SHALL BE OBTAINED BY ANY PARTY WITH AN INTEREST IN THE PROPERTY. THE SMP CAN BE OBTAINED FROM NYS DEPARTMENT OF ENVIRONMENTAL CONSERVATION, DIVISION OF ENVIRONMENTAL REMEDIATION, SITE CONTROL, SECTION, 625 BROADWAY, ALBANY, NEW YORK 12223 OR AT dec.state.ny.us.

NO.	DESCRIPTION	DATE
1	DEED RESTRICTIONS	04/29/2011



CUBA MUNICIPAL WASTE DISPOSAL SITE
 NYS DEC SITE CODE 902012



PROJECT NO.	CUBA
CHECKED BY	05/05/2011
DRAWN BY	05/05/2011

TOWN OF CUBA
 COUNTY OF ALLEGANY, STATE OF NEW YORK
 PART OF LOTS 7 & 15, TOWNSHIP 3, RANGE 2
 HOLLAND LAND COMPANY'S SURVEY
 JACKSON HILL ROAD
 ALTAJASCOM LAND TITLE SURVEY

W.M. SCHULTZ
 37 CENTRAL AVE.
 JAMICA, NY 11450
 FAX: 718-685-5189
 WWW.WMSCHULTZ.COM

BS-1
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 RECORDING NO. 1178

Poor Copy recorded at request of Abstract Co.

APPENDIX "C"
AUGUST 2011 SITE MANAGEMENT PLAN

LIST OF FIGURES

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Village of Cuba Landfill Site
ALLEGANY COUNTY, NEW YORK

Site Management Plan

NYSDEC Site Number: 902012

Prepared for:

New York State Department of Environmental Conservation
Division of Environmental Remediation
625 Broadway, 12th Floor
Albany, New York 12233-7017

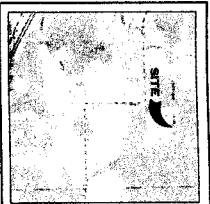
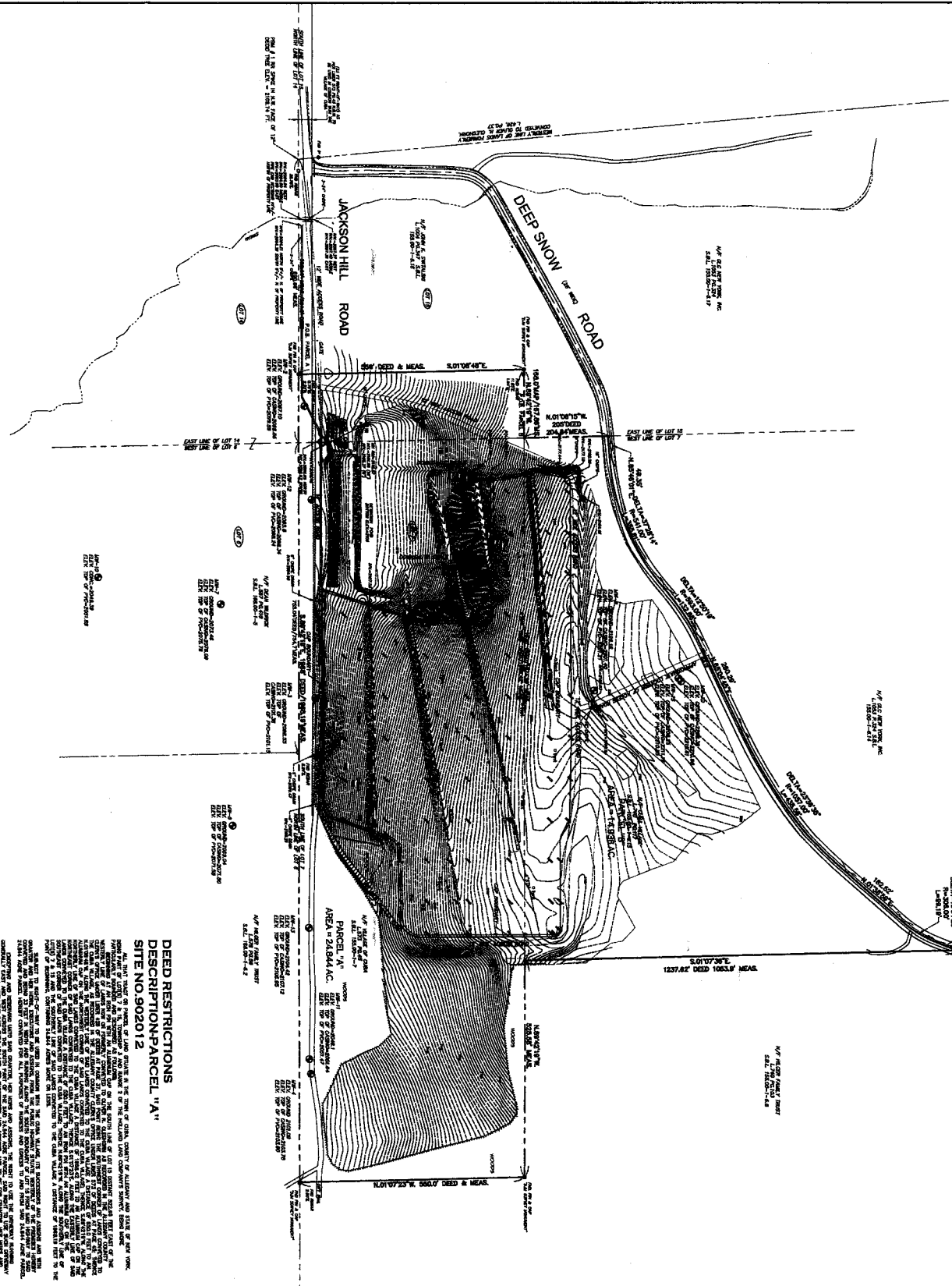
Prepared by:

EA Engineering, P.C. and Its Affiliate
EA Science and Technology
6712 Brooklawn Parkway, Suite 104
Syracuse, New York 13211-2158
(315) 431-4610

Revisions to Final Approved Site Management Plan:

Revision #	Submitted Date	Summary of Revision	DEC Approval Date

AUGUST 2011



VICINITY MAP

REFERENCES:

- 1. RECORD MAP NO. 155,000-17, 155,000-14, 155,000-15, 155,000-16, 155,000-17, 155,000-18, 155,000-19, 155,000-20, 155,000-21, 155,000-22, 155,000-23, 155,000-24, 155,000-25, 155,000-26, 155,000-27, 155,000-28, 155,000-29, 155,000-30, 155,000-31, 155,000-32, 155,000-33, 155,000-34, 155,000-35, 155,000-36, 155,000-37, 155,000-38, 155,000-39, 155,000-40, 155,000-41, 155,000-42, 155,000-43, 155,000-44, 155,000-45, 155,000-46, 155,000-47, 155,000-48, 155,000-49, 155,000-50, 155,000-51, 155,000-52, 155,000-53, 155,000-54, 155,000-55, 155,000-56, 155,000-57, 155,000-58, 155,000-59, 155,000-60, 155,000-61, 155,000-62, 155,000-63, 155,000-64, 155,000-65, 155,000-66, 155,000-67, 155,000-68, 155,000-69, 155,000-70, 155,000-71, 155,000-72, 155,000-73, 155,000-74, 155,000-75, 155,000-76, 155,000-77, 155,000-78, 155,000-79, 155,000-80, 155,000-81, 155,000-82, 155,000-83, 155,000-84, 155,000-85, 155,000-86, 155,000-87, 155,000-88, 155,000-89, 155,000-90, 155,000-91, 155,000-92, 155,000-93, 155,000-94, 155,000-95, 155,000-96, 155,000-97, 155,000-98, 155,000-99, 155,000-100.

NOTES

1. THE ENGINEERING AND INSTITUTIONAL CONTROLS FOR THIS DEED RESTRICTIONS ARE SHOWN ON THE PLAN SHEET BY AN INDICATED PARTY WITH AN INTEREST IN THE PROPERTY. THE SMP CAN BE OBTAINED FROM THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION, DIVISION OF ENVIRONMENTAL REMEDIATION, SITE CONTROL SECTION, 625 BROADWAY, ALBANY, NEW YORK 12223 OR AT derweb@ny.gov; [518-487-2325](tel:518-487-2325).

CERTIFICATION

I, the undersigned, being duly qualified and duly sworn, do hereby certify that the foregoing is a true and correct copy of the original as the same appears on file in my office. I am a duly qualified and duly sworn Professional Engineer in the State of New York.

DATE OF PLAN OR MAP: 04/27/2011
DRAWN BY: [Name]
CHECKED BY: [Name]

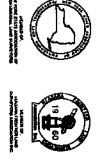
DEED RESTRICTIONS
DESCRIPTION-PARCEL "B"

THE ENGINEERING AND INSTITUTIONAL CONTROLS FOR THIS DEED RESTRICTIONS ARE SHOWN ON THE PLAN SHEET BY AN INDICATED PARTY WITH AN INTEREST IN THE PROPERTY. THE SMP CAN BE OBTAINED FROM THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION, DIVISION OF ENVIRONMENTAL REMEDIATION, SITE CONTROL SECTION, 625 BROADWAY, ALBANY, NEW YORK 12223 OR AT derweb@ny.gov; [518-487-2325](tel:518-487-2325).

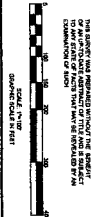
DEED RESTRICTIONS
DESCRIPTION-PARCEL "A"

THE ENGINEERING AND INSTITUTIONAL CONTROLS FOR THIS DEED RESTRICTIONS ARE SHOWN ON THE PLAN SHEET BY AN INDICATED PARTY WITH AN INTEREST IN THE PROPERTY. THE SMP CAN BE OBTAINED FROM THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION, DIVISION OF ENVIRONMENTAL REMEDIATION, SITE CONTROL SECTION, 625 BROADWAY, ALBANY, NEW YORK 12223 OR AT derweb@ny.gov; [518-487-2325](tel:518-487-2325).

NO.	DATE	DESCRIPTION



CUBA MUNICIPAL WASTE DISPOSAL SITE
NYSDEC SITE CODE 902012



PROJECT NO.	CUBA
DATE	04/27/2011
SCALE	AS SHOWN
DRAWN BY	[Name]
CHECKED BY	[Name]

TOWN OF CUBA
COUNTY OF ALLEGANY, STATE OF NEW YORK
PART OF LOTS 7 & 15, TOWNSHIP 3, RANGE 2
HOLLAND LAND COMPANY'S SURVEY
JACKSON HILL ROAD
ALTAVASCUM LAND TITLE SURVEY

W.M. SCHULTZ
37 CENTRAL AVE.
LANCASTER, NY 14090-2143
TEL: 716-683-3100
WWW.WMSCHULTZ.COM

DRAWING SCALE: 1"=40'
DATE: 04/27/2011
SHEET NO. 11/16

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