



Chicago Title Insurance Company

19 West Main Street, Suite 100  
Rochester, NY 14614  
585-546-6350  
Fax: 585-546-5465

**PLEASE RECORD THE ATTACHED DOCUMENTS**

**DATE: 9/14/11**

**RECORD DATE: ASAP**

**TO: Erie County Title**

**FROM: Susan Hindmarsh**

**PROPERTY ADDRESS: Tift Farm Nature Preserve**

**COUNTY: Erie**

**DOCUMENTS TO BE RECORDED: Environmental Notice**

**INSTRUCTIONS: Please record the attached documents & send recording information to Susan Hindmarsh. ASAP.**

**Thank you.**

JOHN J. CRANGLE, JR., INTERIM ERIE COUNTY CLERK

NEW YORK STATE DEPT OF ENVIRONMENT  
ACCOUNT #: 9159  
RECEIPT: 11141076  
DATE: 10/4/2011 TIME: 10:57:02 AM

ITEM - 01 70H  
RECD: 10/4/2011 10:57:02 AM  
FILE: 201119929 BK/PG D 11209/5139  
NEW YORK STATE DEPT OF ENVIRONMENTAL CONSERVATION  
Recording Fees 70.00  
Sub. Total 70.00

TOTAL DUE \$70.00  
PAID TOTAL \$70.00  
PAID CHECK 70.00  
Check #101913: 70.00

REC BY: Eileen  
COUNTY RECORDER

## ENVIRONMENTAL NOTICE

**THIS ENVIRONMENTAL NOTICE** is made the 10 day of August 2011, 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**, that parcel of real property located at the address of 1200 Fuhrmann Blvd in the Town of Buffalo, County of Erie and State of New York, known and designated on the tax map of the County Clerk of Erie and tax map parcel numbers: in map No. 137, parcel No. 143, being the same as that property conveyed by deed dated December 13, 1972 and recorded in the office of the Erie County Clerk on December 14, 1972 in book 7995 of deeds at page 255. Commencing from the intersection of the north line of Tiffit Street, and the east line of Fuhrmann Blvd, County of Erie, State of New York, the property being more particularly described in Metes and Bounds description and attached hereto as Appendix "A" to this notice and made a part hereof, and hereinafter referred to as "the Property" and is the subject of a remedial program performed by the Department; 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 part of lands 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, there shall be no disturbance or excavation of the Property identified in Appendix B which threatens the integrity of the existing soil cover 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 375-1.1 1(b)(2).

**THIRD**, no person shall disturb, remove, or otherwise interfere with the Property identified in Appendix B as residual contamination exists due to its proximity to rail yards and steel mills, as well as its former industrial uses. If excavations are planned, proper care must be taken and any contamination or solid waste exposed must be properly managed and/or disposed. For additional information the Department or Relevant Agency may be contacted.

**FOURTH**, any change in the existing use of the property identified in Appendix B requires notification to, and the express written waiver of such prohibition, by the Relevant Agency.

**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.

FILED

OCT 04 2011

ERIE COUNTY  
CLERK'S OFFICE