

THIS IS NOT  
A BILL



Erie County Clerk's Office  
County Clerk's Recording Page

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Index DEED LIBER

Book 10888 Page 7505

No. Pages 0006

Instrument DECL RSTRCT COV

Date : 7/21/1995

Time : 2:28:04

Return To:

BOX 374

OSMOSE REALTY CORP

MORTGAGE TAX

Serial #

City/Town \$ .00

S.M.A. \$ .00

Trans. Auth. \$ .00

Total \$ .00

COUNTY	\$	23.00
	\$	.00
COE	\$	5.00
	\$	.00
	\$	.00
	\$	.00
	\$	.00
	\$	.00
	\$	.00
	\$	.00
Total:	\$	28.00

STATE OF NEW YORK  
Erie County Clerk's Office

TRANSFER TAX

Transfer Tax \$ .00

Amount \$ .00

Transfer Tax #

WARNING - THIS SHEET CONSTITUTES THE CLERKS  
ENDORSEMENT, REQUIRED BY SECTION 316-A(5) OF  
THE REAL PROPERTY LAW OF THE STATE OF NEW YORK  
DO NOT DETACH

DAVID J SWARTS  
County Clerk



D108887505

Box 374

**DECLARATION  
OF  
COVENANTS AND RESTRICTIONS**

**Made By: Osmose Realty Corp.  
Osmose Wood Preserving, Inc.  
Buffalo, NY**

**Dated: July 20, 1995**

779-5-  
DW R209913  
C0826

## **DECLARATION OF COVENANTS AND RESTRICTIONS**

This DECLARATION OF RESTRICTIONS, made this 20th day of July, 1995, by Osmose Realty Corp., a corporation organized and existing under the laws of the State of New York, doing business in the State of New York, and having a place of business at 980 Ellicott Street, in the City of Buffalo, County of Erie, State of New York (hereinafter "Osmose Realty").

### **WITNESSETH**

WHEREAS, Osmose Realty is the owner of certain premises located in the County of Erie, State of New York, with an address of 980 Ellicott Street in the City of Buffalo, described and delineated more particularly on Schedule A attached hereto (hereinafter the "Premises");

WHEREAS, Osmose Wood Preserving, Inc. ("Osmose") is the tenant of Osmose Realty Corp. at the Premises and is the Respondent under New York State Department of Environmental Conservation ("NYSDEC") Order on Consent Index #B9-0314-90-01, In the Matter of Development and Implementation of an Interim Remedial Measure and Feasibility Study for an Inactive Hazardous Waste Disposal Site Pursuant to Article 27, Title 13 of the Environmental Conservation Law of the State of the New York, ("Order on Consent") as related to the Premises;

WHEREAS, the Order on Consent provides for the implementation by Osmose of an "Interim Remedial Measure and Feasibility Study", in accordance with a work plan and schedules made a part of the Order on Consent;

WHEREAS, the Order on Consent at Section X provides for the filing of a declaration of covenants and restrictions with the Erie County Clerk to give all parties who may acquire any interest in the Premises notice of the Order on Consent;

WHEREAS, Osmose Realty seeks to make this Declaration and Osmose seeks to provide said notice in conformance with the Order on Consent.

**NOW THEREFORE, Osmose and Osmose Realty declare that the Premises shall be held, transferred, sold, conveyed, and occupied subject to the covenants and restrictions hereinafter set forth.**

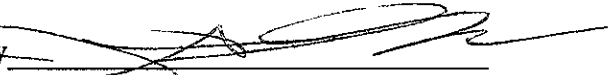
**Osmose and Osmose Realty declare the following conditions, covenants and restrictions are imposed and shall be binding upon the subsequent grantees, their distributees, heirs, administrators, successors and assigns:**

- 1. All parties who may acquire any interest in the Premises are hereby put on notice of the existence of the Order on Consent. A complete copy of the Order on Consent, with the Work Plan, schedules and attachments, can be obtained from the Region 9 Buffalo (currently at 270 Michigan Avenue, Buffalo, New York, 14208-2999), New York offices of the New York State Department of Environmental Conservation;**
- 2. Each person or entity acquiring an interest in the Premises, or any part thereof, covenants and agrees for him, her, or itself, and for his, her on its heirs, successors and assigns, to be bound by the notice contained herein, and that said notice shall be construed as running with the land; and**
- 3. Upon satisfaction of the Order on Consent, the notice provided by this Declaration shall no longer be required. Osmose Realty and/or Osmose or the then owner of the Premises may certify to such satisfaction by an affidavit executed by a party with knowledge of such satisfaction and recorded in the Erie County Clerk's Office. Upon such recording, this Declaration shall be deemed terminated.**

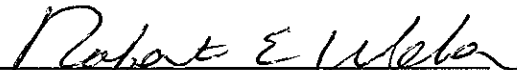
**Any amendment of this Declaration shall not become effective until the instrument evidencing such change has been duly recorded in the office of the Erie County Clerk.**

IN WITNESS WHEREOF, Osmose Realty Corp. and Osmose Wood Preserving, Inc. has caused this Declaration to be duly executed on this 20th day of July, 1995.

**OSMOSE REALTY CORP.**

By   
James T. Clark

**OSMOSE WOOD PRESERVING, INC.**

By   
Robert E. Weber

261463.01  
DDDwd

**SCHEDULE A**

**TO  
DECLARATION OF COVENANTS AND RESTRICTONS**

ALL THAT TRACT OR PARCEL OF LAND situate in the City of Buffalo, County of Erie and State of New York, being part of Lot No. 31, Township 11, Range 8 of the Holland Land Company's survey, bounded and described as follows:

Beginning at the point of intersection of the west line of Ellicott Street (66' wide) and the north line of Best Street (as dedicated by Resolution June 15, 1976); thence N-13°-40'-13"-E along the west line of Ellicott Street (66' wide), 90.21 feet; thence N-75°-09'-01"-W and partially along the south wall of a brick and concrete block building 53.17 feet; thence N-13°-30'-58"-E 44.72 feet; thence N-89°-03'-07"-W 145.97 feet; thence N-13°-40'-13"-E 50.00 feet; thence N-89°-03'-07"-W 28.67 feet; thence N-13°-33'-39"-E and partially along a west wall of a brick and concrete building 110.21 feet; thence along the exterior wall of such brick and concrete building the following 13 courses and distances:

- (1) N-88°-44'-36"-W 52.90 feet;
- (2) N-13°-41'-06"-E 77.65 feet;
- (3) S-88°-40'-34"-E 15.21 feet;
- (4) N-13°-42'-43"-E 40.53 feet;
- (5) S-89°-01'-46"-E 36.94 feet;
- (6) N-13°-52'-04"-E 21.24 feet;
- (7) S-88°-49'-03"-E 13.80 feet;
- (8) S-50°-45'-56"-E 10.40 feet;
- (9) S-89°-07'-15"-E 33.87 feet;
- (10) S-01°-11'-17"-W 11.35 feet;
- (11) S-89°-04'-37"-E 79.35 feet;
- (12) N-00°-55'-11"-W 9.65 feet; and
- (13) S-88°-55'-18"-E 93.49 feet to the west line of Ellicott Street; thence S-13°-40'-13"-W along the west line of Ellicott Street 349.11 feet to the point or place of beginning.