



NIAGARA COUNTY - STATE OF NEW YORK
 WAYNE F. JAGOW - NIAGARA COUNTY CLERK
 P.O. BOX 461, LOCKPORT, NEW YORK 14095-0461

COUNTY CLERK'S RECORDING PAGE
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Recording:

Cover Page	8.00
Recording Fee	17.00
Cultural Ed	14.25
Records Management - Coun	1.00
Records Management - Stat	4.75

Sub Total: 45.00

Total: 45.00

**** NOTICE: THIS IS NOT A BILL ****

RECEIPT NO. : 2012111615

Clerk: LJ
 Instr #: 2012-04904
 Rec Date: 03/06/2012 03:25:28 PM
 Doc Grp: DEED
 Descrip: MISCELLANEOUS
 Num Pgs: 5

Party1: NYS DEPT OF ENVIRONMENTAL
 CONSERVATION
 Party2: NYS DEPT OF ENVIRONMENTAL
 CONSERVATION
 Town: NIAGARA

RECEIVED
 NYSDEC - REGION 9
 APR 12 2012
 FOIL
 REL _____ UNREL _____

Record and Return To:

FRONTIER ABSTRACT & RESEARCH SERVICES
 30 W BROAD ST
 ROCHESTER NY 14614

ENVIRONMENTAL NOTICE

THIS ENVIRONMENTAL NOTICE is made the 25th 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, a parcel of real property located at 3425 Hyde Park Boulevard in the Town of Niagara, County of Niagara, State of New York, which is part of lands conveyed by Kanthal Corporation, a Connecticut corporation, to 3425 Hyde Park Boulevard, LLC by deed dated June 25, 2008 and recorded in Niagara County Clerk's Office on July 30, 2008 in Book 3444 of Deeds at Page 404 and which is identified by tax parcel numbers 130.19-2-1 (the "Property"); and being more particularly described in Appendix "A," attached to this notice and made a part hereof, and hereinafter referred to as "the Property," is the subject of a Consent Order executed by Elm Holdings 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 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 which threatens the integrity of the engineering controls, which will, or is reasonably anticipated to, interfere significantly with any proposed, ongoing, or completed remedial program at the site, or which results or may result in a significantly increased threat of harm or damage at the site. 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, operation, and maintenance of engineering controls required for the Remedy or with performance of the Groundwater Monitoring Work Plan for Operable Unit 2, DE&S, August 2000, including letter modifications of September 28, 2005, 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 use: industrial use. Therefore, any use for purposes other than for industrial use 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

2012111615

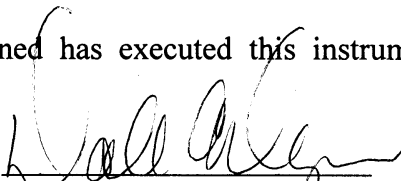
2012-04904
03/06/2012 03:25:28 PM
5 Pages
MISCELLANEOUS

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, upon change of use, re-occupancy of the site building, or new construction on the site, the site remedy requires evaluation of the potential for soil vapor intrusion and the possibility of adverse impacts on indoor air, and compliance with New York State Department of Health Guidance for Evaluating Soil Vapor Intrusion to address current or potential human exposures.

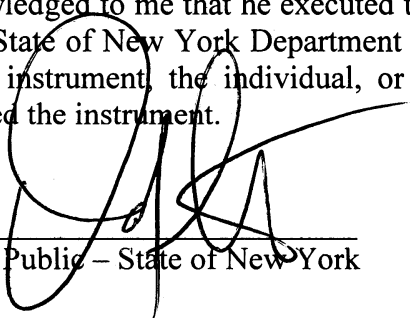
SEVENTH, it is a violation of 6 NYCRR 375-1.11(b) to use the Property in a manner inconsistent with this environmental notice.

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

By: 
Dale A. Desnoyers, Director
Division of Remediation

STATE OF NEW YORK) ss:
COUNTY OF ALBANY)

On the 25th day of August in the year 2011, before me, the undersigned, personally appeared Dale Desnoyers, 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 the 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, 20 14

APPENDIX "A"

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Niagara, County of Niagara and State of New York, being part of Lot No. 23, Township 13, Range 9 of the Holland Land Company's Survey and being more fully bounded and described as follows:

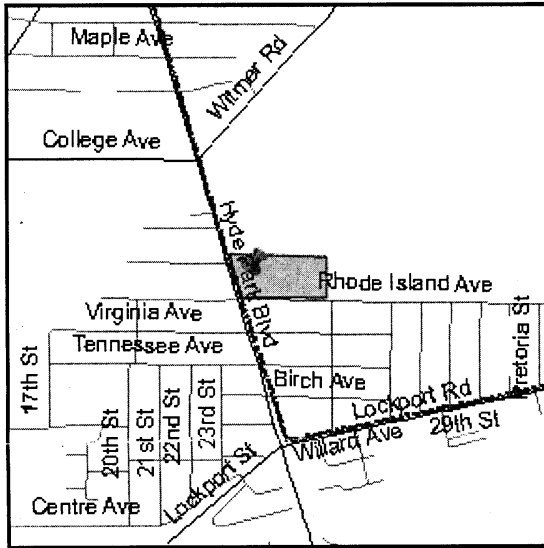
BEGINNING at the intersection of the east highway boundary of Hyde Park Boulevard, formerly known as Sugar Street, as it existed in 1993, which east line is the east line of Map No. 179, Parcel 179 of property acquired by the New York State Department of Public Works with the north right of way line of Rhode Island Avenue (60 feet wide), formerly known as Pennsylvania Avenue; thence northerly along the east highway boundary of Hyde Park Boulevard, a distance of 209.10 feet to an angle point in said right of way line; continuing thence along said east right of way line of Hyde Park Boulevard and at an interior angle of $178^{\circ} 38; 28$: with the previous course, a distance of 172.94 feet to a point in the south line of the Cheers II Subdivision as filed in the Niagara County Clerk's Office in Book 51 of Microfilmed Maps at pages 5088 and 5089; thence easterly at an interior angle with the previous course of $72^{\circ} 57; 41$ " and along said south line of Cheers II Subdivision, a distance of 855.20 feet to a point; thence southerly at right angles to the previous course a distance of 250 feet to a point; thence easterly at right angles to the previous course, a distance of 38.20 feet to the west line of Portland Avenue (60 foot right of way); thence southerly along said west line of Portland Avenue at an angle left of $89^{\circ} 49; 31$ " with the previous course, a distance of 116.13 feet to the north right of way line of Rhode Island Avenue (formerly Pennsylvania Avenue); thence westerly at right angles to the previous course and along said north line of Rhode Island Avenue a distance of 776.56 feet to the point of beginning.

Niagara County On-Line Mapping System Parcel Detail Report

Address: 3425 Hyde Park Blvd

SBL: 130.19-2-1

Report generated: 9/1/2011 1:15:32 PM



Parcel Overview Map



Parcel Detail Map

PIN: 130.19-2-1

SBL: 1300190002001000

Address: 3425 Hyde Park Blvd

Municipality: 293000 - Niagara

Owner: 3425 Hyde Park Boulevard,LLC

Frontage:

Depth: 0

Acreage: 7

Property Class: 710

Total Assessment: \$1,140,000

Land Assessment: \$81,700

School District Code: 293001

School District Name: NIAGARA-WHEATFIELD (N)

XY-Coordinates: 1028218 , 1136737

Deed Book: 3444

Deed Page: 404

Sale Date: 2008/07/17

Sale Price: 425000

Sqft Living Area: 0

Grade:

Condition:

Year Built: 0

Building Style:

Districts:

- **Agricultural:**
- **County Sewer:**
- **Drainage:**
- **Fire:** FD301
- **Fire Protection:**
- **Firemans Retirement Area:**
- **Gas Lighting:**
- **Light:** LD301
- **Paving:**
- **Refuse:** RD301
- **Road Improvement:**
- **Sewer:** SD301
- **Special Parking:**
- **Sewers:**
- **Storm Water:**
- **Village Sewer:**
- **Water:** WD301, WD302