



Mary F. Strickland , County Clerk
Livingston County Government Center
6 Court Street, Room 201
Geneseo, New York 14454
(585) 243-7010 ~ Fax (585) 243-7928

Livingston County Clerk Recording Page

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LIVINGSTON COUNTY INDUSTRIAL
DEVELOPMENT AGENCY

Folder

Document Type: **DECLARATION OF
COVENANTS & RESTRICTIONS**

Receipt Number: 00512297

Grantor
LIVINGSTON COUNTY INDUSTRIAL DEVELOPMENT AGENCY

Grantee
LIVINGSTON COUNTY INDUSTRIAL DEVELOPMENT AGENCY

Recorded Information:
Recording Fee \$45.00
Pages Fee \$25.00
Mortgage Tax Affidavit \$0.00
Total Fees: \$70.00

Property Located in Town of **Mt Morris**
Village of **Mt Morris**

State of New York
County of Livingston

Recorded on the 25th date of March, 2015 at
09:59:08 AM in Liber **1274** of **Deeds** at
beginning page **0793**, ending at page **0798** and
examined.

Livingston County Clerk

This sheet constitutes the Clerk's endorsement required by section 319 of the Real Property Law of the State of New York

DECLARATION of COVENANTS and RESTRICTIONS

THIS COVENANT is made the 17th day of May, 2014, by Livingston County Industrial Development Agency, a not for profit corporation organized and existing under the laws of the State of New York and having an office for the transaction of business at 6 Court Street, Room 306, Geneseo, NY 14454.

WHEREAS, Mt. Morris Industrial Park Site (Site #B00122) is the subject of a State Assistance Contract executed by Livingston County Industrial Development Agency as part of the New York State Department of Environmental Conservation's (the "Department's") Environmental Restoration Program, namely that parcel of real property located at the address of Connor Avenue in the Village of Mount Morris, County of Livingston, State of New York, being the same as (or part of) that property conveyed to Livingston County Industrial Development Agency by Community Integrated Services by deed(s) dated January 9, 1997 and recorded on March 27, 1997 in the Livingston County Clerk's Office in Liber and Page 919/172 excepting therefrom, lands conveyed by Livingston County Industrial Development Agency to A & L Group by deed dated September 6, 2002 and recorded on September 12, 2002 in the Livingston County Clerk's Office in Liber 1080 of Deeds at page 108, 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.

NOW, THEREFORE, Livingston County Industrial Development Agency, 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 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. 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 **Commercial as described in 6 NYCRR Part 375-1.8(g)(2)(iii) and Industrial as described in 6 NYCRR Part 375-1.8(g)(2)(iv)** if current land use is selected, enter current use, without the express written waiver of such prohibition by the Department or Relevant Agency.

Fifth, the use of groundwater underlying the property is prohibited without necessary water quality treatment as determined by the NYSDOH or the Livingston 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.

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, which is incorporated 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 State Assistance Contract 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.

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

By: Julie A. Marshall

Print Name: Julie A. Marshall

Title: Executive Director Date: 5/19/14

Grantor's Acknowledgment

STATE OF NEW YORK)

) s.s.:

COUNTY OF Livingston

On the 19th day of MAY, in the year 2014, before me, the undersigned, personally appeared JULIE MARSHALL, 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.

Maureen E. Wheeler

Notary Public State of New York

MAUREEN E. WHEELER
NOTARY PUBLIC-STATE OF NEW YORK
No. 01WH6301855
Qualified in Livingston County
My Commission Expires 4/20/18

SCHEDULE A

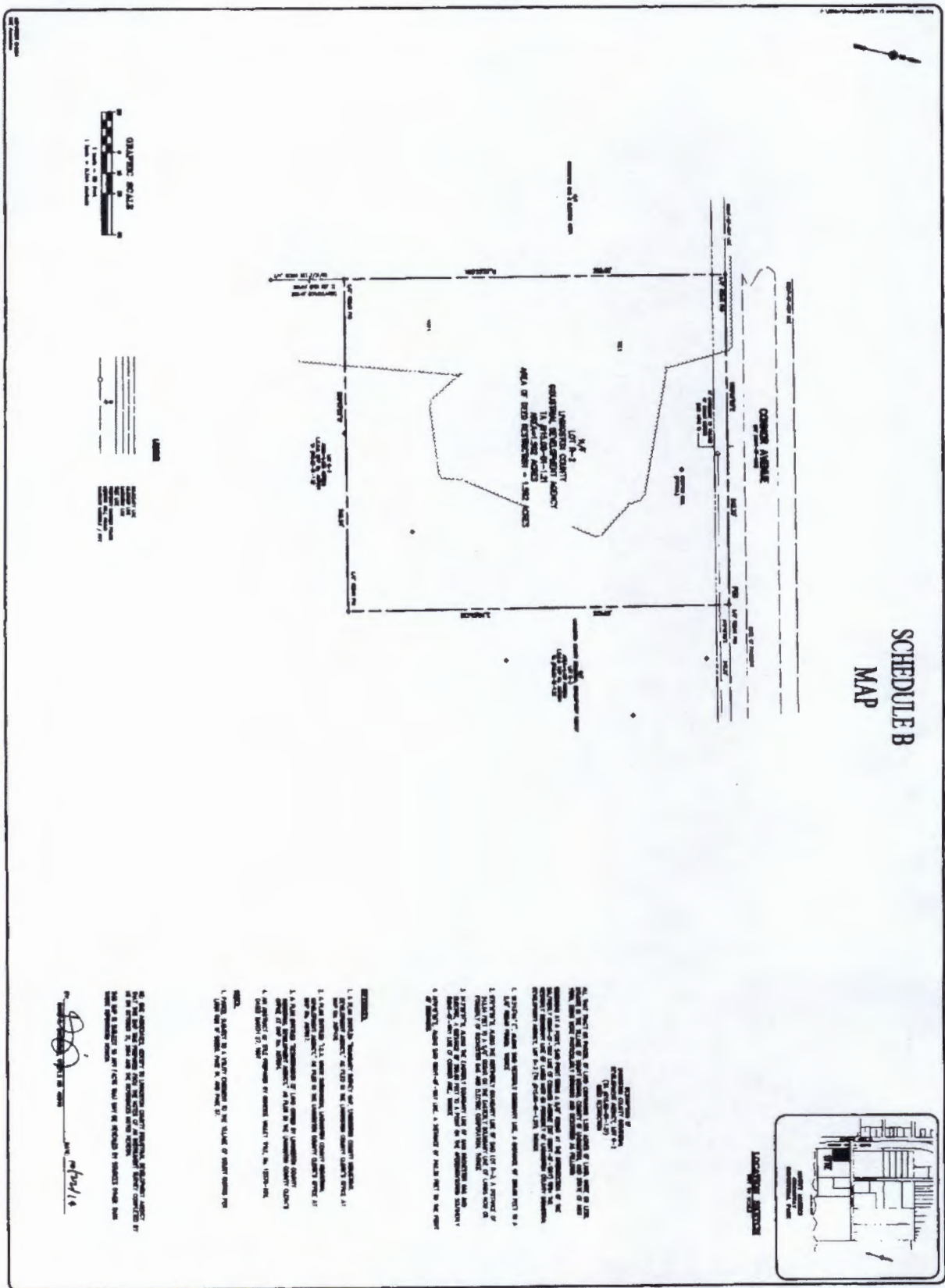
**DESCRIPTION OF
LIVINGSTON COUNTY INDUSTRIAL
DEVELOPMENT AGENCY, LOT R-2
(TA #115.08-01-1.21)
DEED RESTRICTION**

**ALL THAT TRACT OR PARCEL OF LAND CONTAINING 1.562 ACRES OF LAND,
MORE OR LESS, SITUATE IN THE VILLAGE OF MOUNT MORRIS, COUNTY OF
LIVINGSTON, AND STATE OF NEW YORK, BEING MORE PARTICULARLY BOUNDED
AND DESCRIBED AS FOLLOWS:**

**BEGINNING AT A POINT, SAID POINT BEING A 5/8" REBAR AT THE INTERSECTION
OF THE SOUTHERLY RIGHT-OF-WAY LINE OF CONNOR AVENUE (50' RIGHT-OF-
WAY) WITH THE WESTERLY BOUNDARY LINE OF LANDS NOW OR FORMERLY OF
LIVINGSTON COUNTY INDUSTRIAL DEVELOPMENT AGENCY, LOT R-3 (TA #115.08-
01-1.22); THENCE**

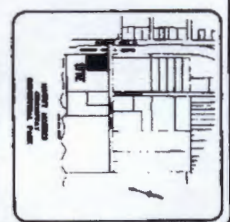
- 1. S13°43'04"E, ALONG SAID WESTERLY BOUNDARY LINE, A DISTANCE OF
280.00 FEET TO A 5/8" REBAR FOUND; THENCE**
- 2. S76°16'56"W, ALONG THE NORTHERLY BOUNDARY LINE OF SAID LOT R-3, A
DISTANCE OF 243.54 FEET TO A 5/8" REBAR ON THE EASTERLY BOUNDARY
LINE OF LANDS NOW OR FORMERLY OF ROCHESTER GAS AND ELECTRIC
CORPORATION, THENCE**
- 3. N13°28'57"W, ALONG THE EASTERLY BOUNDARY LINE OF SAID ROCHESTER
GAS AND ELECTRIC, A DISTANCE OF 280.00 FEET TO A POINT ON THE
AFOREMENTIONED SOUTHERLY RIGHT-OF-WAY LINE OF CONNOR AVE.;
THENCE**
- 4. N76°16'56"E, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 242.39 FEET
TO THE POINT OF BEGINNING.**

**SCHEDULE B
MAP**



LEGEND

---	Property Line
- - - -	Easement
---	Setback Line
---	Other Boundary



BY ORDER OF THE BOARD OF SUPERVISORS
LIVINGSTON COUNTY INDUSTRIAL DEVELOPMENT AGENCY
DATE: 03/25/15

ARTICLE I
THE BOARD OF SUPERVISORS OF LIVINGSTON COUNTY, NEW YORK, DO HEREBY APPROVE AND CONFIRM THE FOLLOWING:

SECTION 1
THE BOARD OF SUPERVISORS OF LIVINGSTON COUNTY, NEW YORK, DO HEREBY APPROVE AND CONFIRM THE FOLLOWING:

SECTION 2
THE BOARD OF SUPERVISORS OF LIVINGSTON COUNTY, NEW YORK, DO HEREBY APPROVE AND CONFIRM THE FOLLOWING:

SECTION 3
THE BOARD OF SUPERVISORS OF LIVINGSTON COUNTY, NEW YORK, DO HEREBY APPROVE AND CONFIRM THE FOLLOWING:

SECTION 4
THE BOARD OF SUPERVISORS OF LIVINGSTON COUNTY, NEW YORK, DO HEREBY APPROVE AND CONFIRM THE FOLLOWING:

SECTION 5
THE BOARD OF SUPERVISORS OF LIVINGSTON COUNTY, NEW YORK, DO HEREBY APPROVE AND CONFIRM THE FOLLOWING:

NO	10
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LIVINGSTON COUNTY INDUSTRIAL DEVELOPMENT AGENCY
100 STATE STREET, LIVINGSTON COUNTY, NEW YORK 14450
PHONE: 518-782-2100
FAX: 518-782-2101
WWW: www.livingstoncounty.gov



BME ASSOCIATES
INCORPORATED
1000 STATE STREET, LIVINGSTON COUNTY, NEW YORK 14450
PHONE: 518-782-2100
FAX: 518-782-2101
WWW: www.bmeassociates.com

NO	10
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BY ORDER OF THE BOARD OF SUPERVISORS
LIVINGSTON COUNTY INDUSTRIAL DEVELOPMENT AGENCY
DATE: 03/25/15