



DECLARATION of COVENANTS and RESTRICTIONS

THIS COVENANT is made the 31 day of October, 2007, by 7992 Brewerton Road, LLC, having an office for the transaction of business at 1101 Monroe Street, Toledo, Ohio, 43624.

WHEREAS, 7992 Brewerton Road, Cicero, Onondaga County, New York, owned by 7992 Brewerton Road and being more particularly described in Appendix "A," attached to this declaration and made a part hereof "the Property" has been the subject of groundwater investigation as part of the New York State Department of Environmental Conservation's (the "Department's") Voluntary Cleanup Program, and certain contaminants remain in the groundwater as of this date, and

WHEREAS, the Department requires that the Property be subject to restrictive covenants, and

NOW, THEREFORE, 7992 Brewerton Road, LLC, for itself and its successors and/or assigns, covenants that:

First, the Property subject to this Declaration of Covenants and Restrictions consists of the metes and bounds as attached hereto as Appendix "A".

Second, 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, 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," Relevant Agency.

Third, the owner shall install a subslab depressurization system in any newly constructed structure constructed on the Property unless the owner investigates the potential for soil vapor contaminations and the Department or the Relevant Agency concurs that such system is not necessary based upon the results of such soil vapor investigation.

Fourth, 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 Relevant Agency, and hereby covenants not to contest the authority of the Relevant Agency to seek enforcement.

Fifth, any deed of conveyance of the Property, or any portion thereof, shall recite, unless the Relevant Agency has consented to the termination of such covenants and restrictions, that said conveyance is subject to this Declaration of Covenants and Restrictions.

Handwritten notes on the left margin: "New York State Department of Environmental Conservation", "c/o Hudson River Estuary", "1500 ATA Tower", "100 Madison St.", "Syracuse, NY 13202".

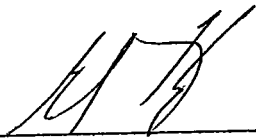
Handwritten number "08120" at the bottom left corner.

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Vertical stamp on the right margin: "14:07 11/02/07 1368907 DP DE-05021P-045".

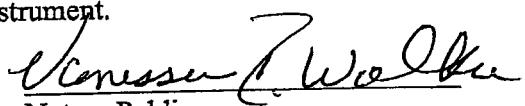
IN WITNESS WHEREOF, the undersigned has executed this instrument the day written below.

7992 Brewerton Road, LLC

By: 
Randolph S. Katz, Member

STATE OF OHIO)
COUNTY OF WCLAS) ss:

On the 31st day of October in the year 2007 before me, the undersigned, a Notary Public in and for said State, personally appeared Randolph S. Katz, 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, 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

VANESSA R. WALKER
Notary Public, State of Ohio
My Commission Expires 06/02/2009

EXHIBIT "A"

THAT TRACT OR PARCEL OF LAND situate in the Town of Cicero, County of Onondaga and State of New York, being part of Lot No. 66 in said Town, being part of lands conveyed by George A. and Myrtle Palmer to T. J. Martin by deed dated November 29, 1941 and recorded in the Onondaga County Clerk's Office December 3, 1941 in Book 991 of Deeds at Page 150 and being more particularly described as follows:

BEGINNING at a point in the easterly boundary of Syracuse-Brewerton Road (US Route No. 11), said point being the intersection of the Southerly boundary of said lands conveyed to Martin with said easterly boundary of Syracuse Brewerton Road; thence running North 21 degrees 35' 00" East along said easterly boundary of Syracuse Brewerton Road, a distance of 100.00 feet to a point therein; thence North 88 degrees 01' 45" East a distance of 180.00 feet to a point; thence South 87 degrees 38' 00" East parallel with said southerly boundary of lands conveyed to Martin, a distance of 70.00 feet to a point; thence South 79 degrees 55' 15" East a distance of 101.43 feet to a point; thence South 21 degrees 35' 00" West parallel with said easterly boundary of Syracuse Brewerton Road, a distance of 100.00 feet to said southerly boundary of lands conveyed to Martin; thence North 87 degrees 38' 00" West along said southerly boundary of lands conveyed to Martin, a distance of 350.00 feet to the point of beginning, containing 0.824 acre of land, more or less.

SUBJECT to easements and restrictions of record.

BEING the same premises conveyed to the grantor herein by Warranty Deed dated October 5, 1983, and recorded in the Onondaga County Clerk's Office on October 5, 1983, in Book 3041 of Deeds at Page 198.

TOGETHER with all condemnation awards for any taking by a government or agency of the whole or part of the property or buildings or any easement in connection with the foregoing property, including, but not limited to, awards for changes of grade of streets and any and all awards pertaining to the Appropriation by the People of the State of New York dated October 29, 1985, as shown on Map No. 255, Box No. 303, recorded in the Onondaga County Clerk's Office October 10, 1986 in Book 3297 at Page 284&c.