

---

**ENVIRONMENTAL EASEMENT GRANTED PURSUANT TO ARTICLE 71, TITLE 36  
OF THE NEW YORK STATE ENVIRONMENTAL CONSERVATION LAW**

THIS INDENTURE made this 4<sup>th</sup> day of November, 2017, between Owner(s) The City of Poughkeepsie, having an office at 62 Civic Center Plaza, Poughkeepsie, New York 12601 (the "Grantor"), and The People of the State of New York (the "Grantee."), acting through their Commissioner of the Department of Environmental Conservation (the "Commissioner", or "NYSDEC" or "Department" as the context requires) with its headquarters located at 625 Broadway, Albany, New York 12233.

**WHEREAS**, the Legislature of the State of New York has declared that it is in the public interest to encourage the remediation of abandoned and likely contaminated properties ("sites") that threaten the health and vitality of the communities they burden while at the same time ensuring the protection of public health and the environment; and

**WHEREAS**, the Legislature of the State of New York has declared that it is in the public interest to establish within the Department a statutory environmental remediation program that includes the use of Environmental Easements as an enforceable means of ensuring the performance of operation, maintenance, and/or monitoring requirements and the restriction of future uses of the land, when an environmental remediation project leaves residual contamination at levels that have been determined to be safe for a specific use, but not all uses, or which includes engineered structures that must be maintained or protected against damage to perform properly and be effective, or which requires groundwater use or soil management restrictions; and

**WHEREAS**, the Legislature of the State of New York has declared that Environmental Easement shall mean an interest in real property, created under and subject to the provisions of Article 71, Title 36 of the New York State Environmental Conservation Law ("ECL") which contains a use restriction and/or a prohibition on the use of land in a manner inconsistent with engineering controls which are intended to ensure the long term effectiveness of a site remedial program or eliminate potential exposure pathways to hazardous waste or petroleum; and

**WHEREAS**, Grantor, is the owner of real property located at the address of Rinaldi Boulevard in the City of Poughkeepsie, County of Dutchess and State of New York, known and designated on the tax map of the County Clerk of Dutchess as tax map parcel numbers: Grid 1300 Section 6061 Block 43 Lot 752749, being the same as that property conveyed to Grantor by deed dated November 20, 1968 and recorded in the Dutchess County Clerk's Office in Liber 1255 Page 647. The property subject to this Environmental Easement (the "Controlled Property") comprises approximately 13.61 +/- acres, and is hereinafter more fully described in the Land Title Survey dated February 23, 2012, signed and certified September 10, 2013 prepared by Clough Harbor & Associates, Inc , which will be attached to the Site Management Plan. The Controlled Property description is set forth in and attached hereto as Schedule A; and

**WHEREAS**, the Department accepts this Environmental Easement in order to ensure the protection of public health and the environment and to achieve the requirements for remediation established for the Controlled Property until such time as this Environmental Easement is extinguished pursuant to ECL Article 71, Title 36; and

**NOW THEREFORE**, in consideration of the mutual covenants contained herein and the terms and conditions of State Assistance Contract Number: C302762, Grantor conveys to Grantee a permanent Environmental Easement pursuant to ECL Article 71, Title 36 in, on, over, under, and upon the Controlled Property as more fully described herein ("Environmental Easement")

1. Purposes. Grantor and Grantee acknowledge that the Purposes of this Environmental Easement are: to convey to Grantee real property rights and interests that will run with the land in perpetuity in order to provide an effective and enforceable means of encouraging the reuse and redevelopment of this Controlled Property at a level that has been determined to be safe for a specific use while ensuring the performance of operation, maintenance, and/or monitoring requirements; and to ensure the restriction of future uses of the land that are inconsistent with the above-stated purpose.

2. Institutional and Engineering Controls. The controls and requirements listed in the Department approved Site Management Plan ("SMP") including any and all Department approved amendments to the SMP are incorporated into and made part of this Environmental Easement. These controls and requirements apply to the use of the Controlled Property, run with the land, are binding on the Grantor and the Grantor's successors and assigns, and are enforceable in law or equity against any owner of the Controlled Property, any lessees and any person using the Controlled Property.

A. (1) The Controlled Property may be used 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)**

(2) All Engineering Controls must be operated and maintained as specified in the Site Management Plan (SMP);

(3) All Engineering Controls must be inspected at a frequency and in a manner defined in the SMP.

(4) Groundwater and other environmental or public health monitoring must be performed as defined in the SMP;

(5) Data and information pertinent to Site Management of the Controlled Property must be reported at the frequency and in a manner defined in the SMP;

(6) All future activities on the property that will disturb remaining contaminated material must be conducted in accordance with the SMP;

(7) Monitoring to assess the performance and effectiveness of the remedy must be performed as defined in the SMP.

(8) Operation, maintenance, monitoring, inspection, and reporting of any mechanical or physical components of the remedy shall be performed as defined in the SMP.

(9) Access to the site must be provided to agents, employees or other representatives of the State of New York with reasonable prior notice to the property owner to assure compliance with the restrictions identified by this Environmental Easement.

B. The Controlled Property shall not be used for Residential or Restricted Residential purposes as defined in 6NYCRR 375-1.8(g)(2)(i) and (ii), and the above-stated engineering controls may not be discontinued without an amendment or extinguishment of this Environmental Easement.

C. The SMP describes obligations that the Grantor assumes on behalf of Grantor, its successors and assigns. The Grantor's assumption of the obligations contained in the SMP which may include sampling, monitoring, and/or operating a treatment system, and providing certified reports to the NYSDEC, is and remains a fundamental element of the Department's determination that the Controlled Property is safe for a specific use, but not all uses. The SMP may be modified in accordance with the Department's statutory and regulatory authority. The Grantor and all successors and assigns, assume the burden of complying with the SMP and obtaining an up-to-date version of the SMP from:

Site Control Section  
Division of Environmental Remediation  
NYSDEC  
625 Broadway  
Albany, New York 12233  
Phone: (518) 402-9553

D. Grantor must provide all persons who acquire any interest in the Controlled Property a true and complete copy of the SMP that the Department approves for the Controlled Property and all Department-approved amendments to that SMP.

E. Grantor covenants and agrees that until such time as the Environmental Easement is extinguished in accordance with the requirements of ECL Article 71, Title 36 of the ECL, the property deed and all subsequent instruments of conveyance relating to the Controlled Property shall state in at least fifteen-point bold-faced type:

**This property is subject to an Environmental Easement held by the New York State Department of Environmental Conservation pursuant to Title 36 of Article 71 of the Environmental Conservation Law.**

F. Grantor covenants and agrees that this Environmental Easement shall be incorporated in full or by reference in any leases, licenses, or other instruments granting a right to use the Controlled Property.

G. Grantor covenants and agrees that it shall annually, or such time as NYSDEC may allow, submit to NYSDEC a written statement by an expert the NYSDEC may find acceptable certifying under penalty of perjury, in such form and manner as the Department may require, that:

[6/11]

- (1) the inspection of the site to confirm the effectiveness of the institutional and engineering controls required by the remedial program was performed under the direction of the individual set forth at 6 NYCRR Part 375-1.8(h)(3).
- (2) the institutional controls and/or engineering controls employed at such site:
  - (i) are in-place;
  - (ii) are unchanged from the previous certification, or that any identified changes to the controls employed were approved by the NYSDEC and that all controls are in the Department-approved format; and
  - (iii) that nothing has occurred that would impair the ability of such control to protect the public health and environment;
- (3) the owner will continue to allow access to such real property to evaluate the continued maintenance of such controls;
- (4) nothing has occurred that would constitute a violation or failure to comply with any site management plan for such controls;
- (5) the report and all attachments were prepared under the direction of, and reviewed by, the party making the certification;
- (6) to the best of his/her knowledge and belief, the work and conclusions described in this certification are in accordance with the requirements of the site remedial program, and generally accepted engineering practices; and
- (7) the information presented is accurate and complete.

3. Right to Enter and Inspect. Grantee, its agents, employees, or other representatives of the State may enter and inspect the Controlled Property in a reasonable manner and at reasonable times to assure compliance with the above-stated restrictions.

4. Reserved Grantor's Rights. Grantor reserves for itself, its assigns, representatives, and successors in interest with respect to the Property, all rights as fee owner of the Property, including:

A. Use of the Controlled Property for all purposes not inconsistent with, or limited by the terms of this Environmental Easement;

B. The right to give, sell, assign, or otherwise transfer part or all of the underlying fee interest to the Controlled Property, subject and subordinate to this Environmental Easement;

5. Enforcement

A. This Environmental Easement is enforceable in law or equity in perpetuity by Grantor, Grantee, or any affected local government, as defined in ECL Section 71-3603, against the owner of the Property, any lessees, and any person using the land. Enforcement shall not be defeated because of any subsequent adverse possession, laches, estoppel, or waiver. It is not a defense in any action to enforce this Environmental Easement that: it is not appurtenant to an interest in real property; it is not of a character that has been recognized traditionally at common law; it imposes a negative burden; it imposes affirmative obligations upon the owner of any interest in the burdened property; the benefit does not touch or concern real property; there is no privity of estate or of contract; or it imposes an unreasonable restraint on alienation.

B. If any person violates this Environmental Easement, the Grantee may revoke the Certificate of Completion with respect to the Controlled Property.

[6/11]



the Commissioner of the New York State Department of Environmental Conservation, or the Commissioner's Designee, and filed with the office of the recording officer for the county or counties where the Property is situated in the manner prescribed by Article 9 of the Real Property Law.

10. Joint Obligation. If there are two or more parties identified as Grantor herein, the obligations imposed by this instrument upon them shall be joint and several.

IN WITNESS WHEREOF, Grantor has caused this instrument to be signed in its name.

Grantor: CITY OF POUGHKEEPSIE

By: \_\_\_\_\_

Print Name: John C. Tkazyik

Title: Mayor

Date: 10/24/13

**Grantor's Acknowledgment**

STATE OF NEW YORK    )  
  ) ss:  
COUNTY OF                    )

On the 24th day of October, in the year 20 13, before me, the undersigned, personally appeared John C. Tkazyik, 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.

Erian N. Buckley  
Notary Public - State of New York

Erian N Buckley  
Notary Public, State of New York  
No. 01BU6193006  
Qualified in Dutchess County  
Commission Expires September 08, 2016



**SCHEDULE "A" ENVIRONMENTAL EASEMENT**  
**PROPERTY DESCRIPTION**

ENVIRONMENTAL EASEMENT PARCEL - ERP SITE No. B00190-3

All those certain pieces or parcels of land situate and lying on the easterly bank of the Hudson River, in the City of Poughkeepsie, County of Dutchess and State of New York being more particularly bounded and described as follows:

BEGINNING at a point at the intersection of the southerly Right-Of Way line of Pine Street and the westerly railroad Right-Of Way line of lands now or formerly of Conrail Corp; being the property division line between lands now or formerly of The City Of Poughkeepsie as described in Liber 22005 of Deeds at page 11133, on the West; thence southerly along said westerly Conrail Corp. Right-Of Way line the following eleven (11) courses and distances:

1. Along an arc of a curve to the left having a radius of 3,146.00 feet, through a central angle of 07°36'40", and an arc length of 417.91' to a point,
2. South 40°07'48" East, departing said curve non radially, a distance of 14.86 feet to a non-tangent point of curvature,
3. Along an arc of a curve to the left having a radius of 3,136.00 feet, through a central angle of 09°29'08", and an arc length of 519.18' to a point,
4. South 82°10'52" West, departing said curve non radially, a distance of 5.00 feet to a non-tangent point of curvature,
5. Along an arc of a curve to the left having a radius of 3,141.00 feet, through a central angle of 04°15'10", and an arc length of 233.14 feet to a point,
6. South 11°40'38" East, departing said curve non radially, a distance of 109.60 feet to a point,
7. South 78°19'22" West, a distance of 3.10 feet to a point,
8. South 09°52'18" East, a distance of 183.06 feet to a point,
9. South 11°40'38" East, a distance of 25.00 feet to a point,
10. South 83°39'52" West, a distance of 7.16 feet to a point,
11. South 11°40'38" East, a distance of 515.89 feet to a point on the property division line between said lands of The City of Poughkeepsie. on the north and lands now or formerly of Norfe Realty Corp. as described in Liber 1110 of Deeds at page 571, on the south; thence along said property division line South 79°49'22" West a distance of 249.77 feet to a point on the property division line between said lands of The City of Poughkeepsie. on the east and lands now or formerly of The People of The State of New York on the west: thence along said property division line the following twenty three (23) courses and distances:
  1. North 09°54'38" West, a distance of 28.62 feet to a point,
  2. North 10°18'58" West, a distance of 16.94 feet to a point,
  3. South 79°51'44" West, a distance of 3.00 feet to a point,
  4. North 10°13'03" West, a distance of 338.19 feet to a point,
  5. North 79°51'44" East, a distance of 2.95 feet to a point,
  6. North 10°08'48" West, a distance of 146.21 feet to a point,
  7. North 54°14'28" West, a distance of 33.65 feet to a point,
  8. North 10°12'38" West, a distance of 181.01 feet to a point,
  9. North 10°12'28" West, a distance of 300.59 feet to a point,
  10. North 40°54'42" East, a distance of 67.85 feet to a point,
  11. North 10°18'40" West, a distance of 376.73 feet to a point,
  12. South 84°31'52" West, a distance of 1.00 feet to a point,

13. North 16°11'17" West a distance of 58.32 feet to a point,  
14. North 10°02'03" West a distance of 366.87 feet to a point,  
15. North 79°20'12" East a distance of 3.83 feet to a point,  
16. North 10°39'48" West a distance of 29.11 feet to a point,  
17. North 15°58'08" West, a distance of 28.77 feet to a point,  
18. North 18°44'08" West, a distance of 25.70 feet to a point,  
19. North 18°19'08" West, a distance of 9.46 feet to a point,  
20. North 15°16'08" West, a distance of 21.59 feet to a point,  
21. North 14°10'08" West, a distance of 20.34 feet to a point,  
22. North 64°45'42" East, a distance of 3.99 feet to a point, and  
23. North 15°25'08" West, a distance of 219.87 feet to a point on the property division line between said lands of The City of Poughkeepsie. on the south and lands now or formerly of The City of Poughkeepsie I.D.A. on the north; thence along said property division line and along other lands now or formerly of The City Of Poughkeepsie I.D.A. , as described in Liber 22004 of Deeds at page 4060, the following nine (9) courses and distances:

1. North 75°51'22" East, a distance of 129.24 feet to a point,  
2. North 63°20'16" East, a distance of 4.83 feet to a point,  
3. South 89°50'48" East, a distance of 23.07 feet to a point,  
4. North 87°51'12" East, a distance of 19.07 feet to a point,  
5. North 85°24'12" East, a distance of 27.79 feet to a point,  
6. North 75°43'42" East, a distance of 10.14 feet to a point,  
7. North 59°23'02" East, a distance of 50.07 feet to a point,  
8. North 46°44'22" East, a distance of 57.74 feet to a point, and  
9. South 04°39'19" East, a distance of 294.64 feet to a point at the westerly terminus of Pine Street; thence along the property division line between said lands now or formerly of The City Of Poughkeepsie and the southerly Right-Of Way line of Pine Street the following three (3) courses and distances:

1. South 55°28'58" East, a distance of 42.02 feet to a point,  
2. North 65°03'32" East, a distance of 111.26 feet to a point, and  
3. North 66°00'02" East, a distance of 13.83 feet to the point or place of beginning.

Containing 611,369 square feet or 14.04 acres of land, more or less.

Excepting and Reserving from the above described easement all that piece or parcel of land that are described as follows:

BEGINNING at a point at the intersection of the southerly Right-Of Way line of Pine Street and the westerly railroad Right-Of Way line of lands now or formerly of Conrail Corp; being the property division line between lands now or formerly of The City Of Poughkeepsie as described in Liber 22005 of Deeds at page 11133, on the West; thence southerly along said westerly Conrail Corp. Right-Of Way line along an arc of a curve to the left having a radius of 3,146.00 feet, through a central angle of 06°03'05", and an arc length of 332.27 feet to a point, thence through said lands of the C.O.P. the following twelve (12) courses and distances:

1. North 40°12'48" West, a distance of 30.03 feet to a point,  
2. North 27°09'00" West, a distance of 69.38 feet to a point,  
3. North 20°55'44" West, a distance of 39.60 feet to a point,  
4. North 34°00'47" West, a distance of 38.93 feet to a point,  
5. North 04°36'35" West, a distance of 42.50 feet to a point,  
6. North 36°07'19" East, a distance of 20.53 feet to a point,  
7. North 72°23'09" East, a distance of 20.34 feet to a point,  
8. North 88°47'33" East, a distance of 25.42 feet to a point,  
9. North 39°03'20" East, a distance of 88.93 feet to a point,  
10. North 26°21'01" East, a distance of 22.98 feet to a point,

11. North 10°30'39" East, a distance of 15.82 feet to a point and,
  12. North 38°33'22" East, a distance of 6.37 feet to the point or place of beginning.
- Containing 17,251 square feet or 0.40 acres of land, more or less.

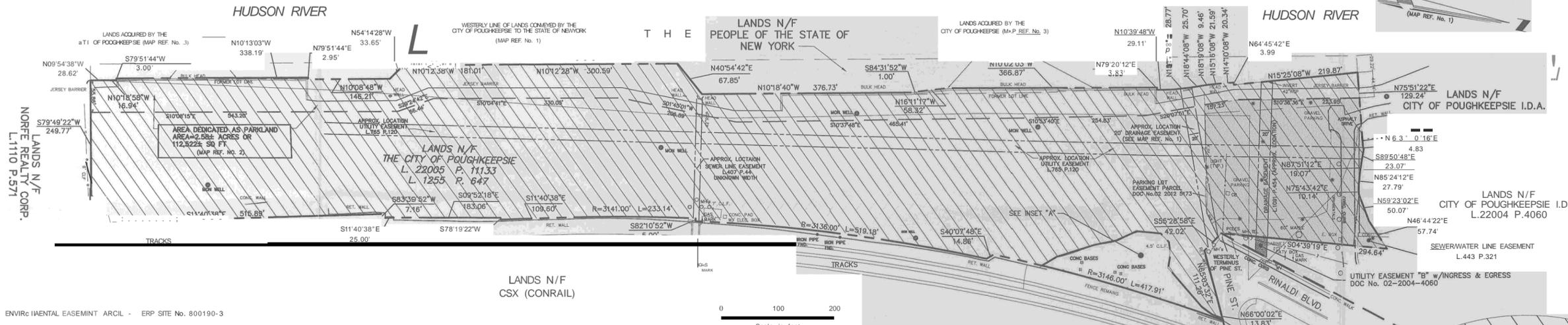
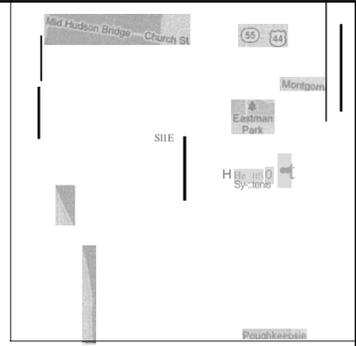
County: Dutchess

Site No.: B00190

State Assistance Contract: C302762

---

**SURVEY**



ENVIRONMENTAL EASEMENT ARCIL - ERP SITE No. 800190-3  
All those certain pieces of parcels of land situated and lying on the easterly bank of the Hudson River, in the City of Poughkeepsie, County of Dutchess and State of New York being more particularly bounded and described as follows:

- BEGINNING at a point at the intersection of the southerly Right-Of-Way line of Pine Street and the westerly railroad Right-Of-Way line of lands now for the City of Poughkeepsie...  
1. Along an arc of a curve to the left having a radius of 3,146.00 feet, through a central angle of 07°35'40", and an arc length of 417.91' to a point.  
2. South 40°07'48" East, departing said curve non-radially, a distance of 11.86 feet to a non-tangent point of curvature.  
3. Along an arc of a curve to the left having a radius of 1,136.00 feet, through a central angle of 09°29'08", and an arc length of 519.18' to a point.  
4. South 82°10'52" West, departing said curve non-radially, a distance of 5.00 feet to a non-tangent point of curvature.  
5. Along an arc of a curve to the left having a radius of 1,141.00 feet, through a central angle of 04°15'00", and an arc length of 233.14 feet to a point.  
6. South 11°40'38" East, departing said curve non-radially, a distance of 109.60 feet to a point.  
7. South 78°19'22" West, a distance of 3.10 feet to a point.  
8. South 09°52'16" East, a distance of 181.16 feet to a point.  
9. South 111°43'39" East, a distance of 25.00 feet to a point.  
10. South 83°39'52" West, a distance of 7.16 feet to a point.  
11. South 11°40'38" East, a distance of 515.89 feet to a point on the property division line between lands of the City of Poughkeepsie, on the north and lands now or formerly of the City of Poughkeepsie, on the south, as described in Liber 1110 of Deeds at page 571, on the south, thence along said property division line South 79°49'22" West a distance of 249.77 feet to a point on the property division line between said lands of the City of Poughkeepsie, on the east and lands now or formerly of The People of the State of New York on the west; thence along said property division line the following twenty three (23) courses and distances:

- 20. North 15°16'08" West, a distance of 21.59 feet to a point.  
21. North 14°10'08" West, a distance of 20.34 feet to a point.  
22. North 64°45'42" East, a distance of 3.99 feet to a point.  
23. North 15°25'08" West, a distance of 215.87 feet to a point on the property division line between lands of the City of Poughkeepsie, on the south and lands now or formerly of the City of Poughkeepsie I.O.A. on the north; thence along said property division line and along other lands now or formerly of The City of Poughkeepsie I.O.A., as described in Liber 22004 of Deeds at page 4060, the following nine (9) courses and distances:  
1. North 75°51'22" East, a distance of 129.24 feet to a point.  
2. North 63°20'16" East, a distance of 4.83 feet to a point.  
3. South 89°50'48" East, a distance of 23.07 feet to a point.  
4. North 57°51'12" East, a distance of 19.07 feet to a point.  
5. North 85°43'42" East, a distance of 27.79 feet to a point.  
6. North 59°23'02" East, a distance of 50.07 feet to a point.  
7. North 46°44'22" East, a distance of 57.74 feet to a point.  
8. North 04°09'19" East, a distance of 29.64 feet to a point on the westerly terminus of Pine Street; thence along the property division line between said lands now or formerly of the City of Poughkeepsie and the southerly Right-Of-Way line of Pine Street the following three (3) courses and distances:  
1. South 55°28'58" East, a distance of 42.02 feet to a point.  
2. North 65°03'32" East, a distance of 11.26 feet to a point, and  
3. North 66°00'02" East, a distance of 13.83 feet to the point or place of beginning.  
Containing 17.251 square feet or 0.40 acres of land, more or less.

Excepting and Reserving from the above described easement all that piece or parcel of land that are described as follows:

- BEGINNING at a point at the intersection of the southerly Right-Of-Way line of Pine Street and the westerly railroad Right-Of-Way line of lands now or formerly of the City of Poughkeepsie as described in Liber 22005 of Deeds at page 1113, on the West thence southerly along said westerly Conrail Corp. Right-Of-Way line along an arc of a curve to the left having a radius of 3,146.00 feet, through a central angle of 06°03'05", and an arc length of 332.27 feet to a point, thence through said lands of the C.O.P. the following twelve (12) courses:  
1. North 40°12'48" West, a distance of 30.03 feet to a point.  
2. North 27°09'00" West, a distance of 69.33 feet to a point.  
3. North 20°55'44" West, a distance of 39.90 feet to a point.  
4. North 34°00'47" West, a distance of 38.93 feet to a point.  
5. North 04°36'35" West, a distance of 42.50 feet to a point.  
6. North 36°23'19" East, a distance of 29.64 feet to a point.  
7. North 88°47'33" East, a distance of 25.42 feet to a point.  
8. North 39°03'20" East, a distance of 88.93 feet to a point.  
9. North 26°21'01" East, a distance of 22.98 feet to a point.  
10. North 10°30'39" East, a distance of 15.82 feet to a point, and  
12. North 39°31'22" East, a distance of 6.37 feet to the point or place of beginning.

Containing 17.251 square feet or 0.40 acres of land, more or less.

- ENGINEERING/INSTITUTIONAL CONTROLS  
a. 12" MINIMUM CLEAN SOIL COVER SYSTEM  
b. 6-0Z NON-MOVEABLE GEOTEXTILE FABRIC DEMARCATION BARRIER BENEATH SOIL COVER  
c. STEEL SHEET PILE BULKHEADS ALONG WATERFRONT  
d. SUB-SLAB DEPRESSURIZATION SYSTEMS BENEATH ANY BUILDINGS REQUIRED  
e. ACTIVITIES AND LAND USE RESTRICTIONS - COMMERCIAL AND PASSIVE RECREATION  
f. ANNUAL CERTIFICATION & GROUNDWATER MONITORING REQUIRED  
g. GROUNDWATER USE RESTRICTIONS COVER ENTIRE ENVIRONMENTAL EASEMENT

- MAP REFERENCES:  
1. NEW YORK STATE OFFICE OF GENERAL SERVICES - BUREAU OF LAND MANAGEMENT MAP No. 1844, AS PREPARED BY CHAZEN ENGINEERING & LAND SURVEYING CO., I.C., DATED ARCH 11, 2000 AND LAST REVISED FEBRUARY 12, 2001.  
2. LANDS TO BE DEDICATED AS PARKLAND AND REMAINDER OF DELAVAL SITE CITY OF POUGHKEEPSIE, DUTCHESS COUNTY, NY., AS PREPARED BY ROY EDWARD TELLER, L.L.S., DATED JUNE 13, 2004.  
3. STATE OF NEW YORK OFFICE OF GENERAL SERVICES SUBMERGED LAND APPLICATION MAP 1 - THE APPLICATION OF THE CITY OF POUGHKEEPSIE FOR A GRANT OF LANDS UNDER THE WATERS OF THE HUDSON RIVER CITY OF POUGHKEEPSIE, COUNTY OF DUTCHESS, STATE OF NEW YORK AS PREPARED BY CHAZEN ENGINEERING & LAND SURVEYING CO., I.C., DATED NOVEMBER 24, 2009, LAST REVISED APRIL 10, 2013 AND FILED WITH THE BUREAU OF LAND MANAGEMENT ON APRIL 16, 2013 AS MAP No. 2433.  
NOTES:  
1. EASE MAPPING PREPARED BY CHAZEN FROM A NOVEMBER 2006, NOVEMBER 2009, FEBRUARY 2010, AND FEBRUARY 2012 FIELD SURVEYS  
2. NORTH ORIENTATION IS REFERENCED TO MAP REF. No. 1.  
3. UNDERGROUND UTILITIES ARE NOT SHOWN  
4. SUBJECT TO CHICAGO TITLE INSURANCE COMPANY POLICY No. 1310040164, AS PREPARED BY FELD AN - JACOBSON ABSTRACT CORP., EFFECTIVE DATE: JUNE 1, 2013.  
SURVEYOR'S COMMENTS:  
SCHEDULE B - ITEM 5 - SEWER AND WATER LINE EASEMENT, AS DESCRIBED IN LIBER 443 OF DEEDS AT PAGE 321 AFFECTS SUBJECT PARCEL AND IS AS SHOWN HEREOF.  
SCHEDULE B - ITEM 7 - SUBJECT TO RESERVATION AND RIGHT OF WAY AS DESCRIBED IN LIBER 265 OF DEEDS AT PAGE 350, NON-PROTRACTABLE.  
SCHEDULE B - ITEM 8 - SUBJECT TO RIGHT OF WAY, AS DESCRIBED IN LIBER 143 OF DEEDS AT PAGE 568 AND LIBER 184 OF DEEDS AT PAGE 332, NON-PROTRACTABLE.  
SCHEDULE B - ITEM 13 - SEWER EASEMENT, AS DESCRIBED IN LIBER 407 OF DEEDS AT PAGE 44, AFFECTS SUBJECT PARCEL AND IS AS SHOWN HEREOF.  
SCHEDULE B - ITEM 14 - SUBJECT TO EASEMENT AGREEMENT, AS DESCRIBED IN LIBER 440 OF DEEDS AT PAGE 372, NON-PROTRACTABLE.  
SCHEDULE B - ITEM 15 - SUBJECT TO UTILITY EASEMENTS, AS DESCRIBED IN LIBER 765 OF DEEDS AT PAGE 129 (SHOWN HEREOF), DOC No. 02-2011-3228 (NON-PROTRACTABLE), AND DOC No. 02-2011-3231 (NON-PROTRACTABLE).  
SCHEDULE B - ITEM 15 - EASEMENTS AS DESCRIBED IN LIBER 1110 OF DEEDS AT PAGE 568 AND LIBER 1110 OF DEEDS AT PAGE 571 DO NOT AFFECT SUBJECT PARCEL.  
SCHEDULE B - ITEM 18 - PARKING LOT EASEMENT, AS DESCRIBED IN DOC 02-2012-5173 AFFECTS SUBJECT PARCEL AND IS AS SHOWN HEREOF.

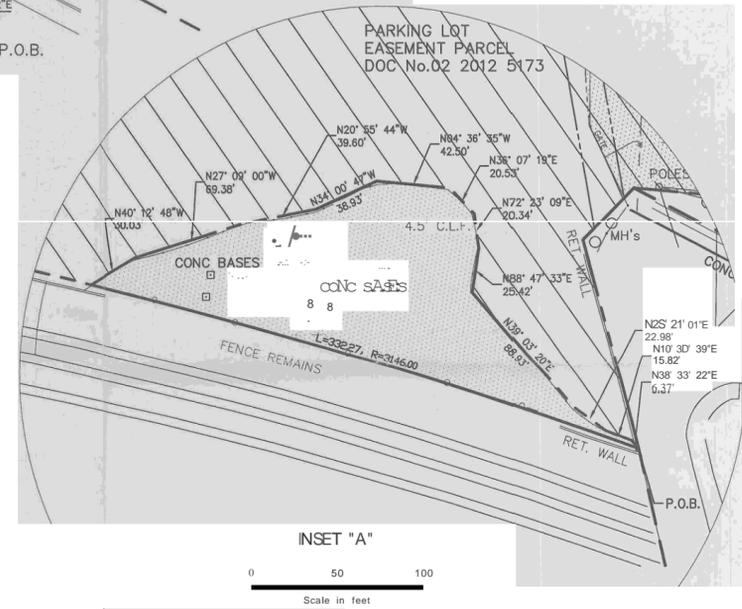


TABLE OF AREAS  
TMP# 13:300-6061-43-752749 - 0000 RINALDI BLVD AREA = 14.01 ACRES (INCLUDING PROPOSED DEDICATED PARK LANDS)  
EXCEPTED AREA = 0.40 ACRES  
TOTAL EASEMENT AREA = 13.61 ACRES

CERTIFICATION EXTENDS TO THE EXTENTS OF THE ENVIRONMENTAL EASEMENT ONLY  
CERTIFIED BY:  
1. THE PEOPLE OF THE STATE OF NEW YORK, ACTING THROUGH THEIR COMMISSIONER OF THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
2. CITY OF POUGHKEEPSIE  
3. CHICAGO TITLE INSURANCE COMPANY  
WILLIAM S. LUCARELLI, P. NYS Lic. No. 49-477 DATE: \_\_\_\_\_

The DEC or their agent may access the Environmental Easement area, as shown here on, through any existing street access or building ingress/egress access point.  
This property is subject to an Environmental Easement held by the New York State Department of Environmental Conservation pursuant to Title 36 of Article 71 of the New York Environmental Conservation Law.

THE ENGINEERING AND INSTITUTIONAL CONTROLS for the Easement are set forth in more detail in the Site Management Plan ("SMP"). A copy of the SMP must be obtained by any party with an interest in the property. 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 or at [derweb@gw.dec.state.ny.us](mailto:derweb@gw.dec.state.ny.us).

REVISED PER TITLE COMMITMENT (SEE NOTE 4)	DATE	BY	REVISIONS
1	07/10/13	JEQ	FOR VOM THE SURVEY WAS PREPARED AND ON THEIR BEHALF TO THE ADDITIONAL PARTIES LISTED HEREON. IF PARTIES ARE NOT NOT LISTED HEREON.
2	04/18/13	JECI	FOR VOM THE SURVEY WAS PREPARED AND ON THEIR BEHALF TO THE ADDITIONAL PARTIES LISTED HEREON. IF PARTIES ARE NOT NOT LISTED HEREON.

Drawing Copied to: 2/28/2013  
**CIA**  
111 Winners Circle, PO Box 5269 - Albany, NY 12205-0269  
Main (518) 453-4500 - [www.chicagotitles.com](http://www.chicagotitles.com)  
CHA Project Number: 14357-2000 - 34000



ENVIRONMENTAL EASEMENT OVER LANDS OF CITY OF POUGHKEEPSIE  
DeLaval Property ERP Site  
NYS/IEC S. E. Ho. BOO190-3  
STATE OF NEW YORK  
COUNTY OF DUTCHESS CITY OF POUGHKEEPSIE  
SCALE: 1"=100' DATE: 02/23/12 Sheet 1 of 1