

BARCLAY DAMON^{LLP}

Danielle E. Mettler-LaFeir
Partner

June 11, 2025

CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Angel Javier Jr.
Mayor, Village of Albion
35-37 East Bank St
Albion, NY 14411

Re: Environmental Easement

Dear Mayor Javier:

Attached please find a copy of an environmental easement granted to the New York State Department of Environmental Conservation ("Department")

on May 21, 2025
by New York State Electric & Gas Corporation,
for property at 92 Ingersoll Street, Albion, New York,
Tax Map 73.6-03-07
DEC Site No: 837012.

This Environmental Easement restricts future use of the above-referenced property to commercial and industrial uses. Any on-site activity must be done in accordance with the Environmental Easement and the Site Management Plan which is incorporated into the Environmental Easement. Department approval is also required prior to any groundwater use.

Article 71, Section 71-3607 of the New York State Environmental Conservation Law requires that:

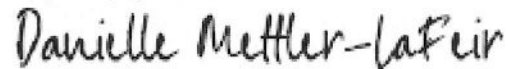
1. Whenever the department is granted an environmental easement, it shall provide each affected local government with a copy of such easement and shall also provide a copy of any documents modifying or terminating such environmental easement.
2. Whenever an affected local government receives an application for a building permit or any other application affecting land use or development of land that is subject to an environmental easement and that may relate to or impact such

Angel Javier Jr.
Mayor, Albion
Page 2

easement, the affected local government shall notify the department and refer such application to the department. The department shall evaluate whether the application is consistent with the environmental easement and shall notify the affected local government of its determination in a timely fashion, considering the time frame for the local government's review of the application. The affected local government shall not approve the application until it receives approval from the department.

An electronic version of every environmental easement that has been accepted by the Department is available to the public at: <http://www.dec.ny.gov/chemical/36045.html>. Please forward this notice to your building and/or planning departments, as applicable, to ensure your compliance with these provisions of New York State Environmental Conservation Law. If you have any questions or comments regarding this matter, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in black ink that reads "Danielle Mettler-LaFeir". The signature is written in a cursive, flowing style.

Danielle E. Mettler-LaFeir
Barclay Damon LLP

Enclosure



Orleans County Clerk
Nadine P. Hanlon

3 South Main Street, Suite 1
Albion, NY 14411
(585) 589-5334

Instrument Number
2025-129671

Document Type: EASEMENT

Receipt Number: 25-4984

Instrument Number: 2025-129671

Date/Time: 06/09/2025 10:52 AM

First Grantor: NEW YORK STATE ELECTRIC & GAS

First Grantee: NEW YORK STATE DEPARTMENT OF

Town: 342001 - VILLAGE OF ALBION-ALBION

Pages: 10

Transfer Tax Number: 01069

Business Address/Return To:

CSC ERECORDING

919 N 1000 W

LOGAN, UTAH

84321

Requested By: CSC ERECORDING

State of New York

County of Orleans

Deed Information

Transfer Tax	\$0.00
Consideration	\$0.00

Mortgage Information

Basic Tax	
Local Tax	
Additional Tax	
Special Tax	
Total Mortgage Tax	
Taxable Amount	\$0.00
	\$0.00

Total Fees \$95.00

This sheet constitutes the Clerk endorsement required by Section 316-A(5) & Section 319 of the Real Property Law of the State of New York.

Nadine P. Hanlon

Orleans County Clerk

**Please do not remove this
page**

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

THIS INDENTURE made this 21st day of May, 2025, between Owner, New York State Electric & Gas Corporation, having an office at 89 East Avenue, Rochester, County of Monroe, State of New York (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 92 Ingersoll Street in the Town of Albion, County of Orleans and State of New York, known and designated on the tax map of the County Clerk of Orleans as tax map parcel number: Section 73.6 Block 3 Lot 7, being the same as that property conveyed to Grantor by deed dated May 1, 1930 and recorded in the Orleans County Clerk's Office in Liber and Page 181/521. The property subject to this Environmental Easement (the "Controlled Property") comprises approximately 0.2 +/- acres, and is hereinafter more fully described in the Land Title Survey dated March 7, 2016, prepared by Paul James Olszewski, 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

County: Orleans Site No: 837012 Order on Consent Index : A4-0473-0000

NOW THEREFORE, in consideration of the mutual covenants contained herein and the terms and conditions of Order on Consent Index Number: A4-0473-0000, 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. The current Responsible Party to remediate the Controlled Property and implement the SMP is Niagara Mohawk Power Corporation d/b/a National Grid ("National Grid").

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) The use of groundwater underlying the property is prohibited without necessary water quality treatment as determined by the NYSDOH or the Orleans 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;

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

(6) 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;

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

County: Orleans Site No: 837012 Order on Consent Index : A4-0473-0000

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

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

(10) 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 but may not be limited to, granting site access to the Responsible Party to complete: 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 hereby acknowledges that the Grantor has entered into an Access Agreement with Responsible Party dated May 11, 2018 ("Access Agreement") to allow the Responsible Party access to the Property in order to fulfill its responsibilities pursuant to Order on Consent Index Number: A4-0473-0000 and the attendant Department approved Site Management Plan ("SMP"). These responsibilities will be distinguished in the SMP and may be modified in accordance with the Department's statutory and regulatory authority. Notwithstanding the foregoing, Grantor shall remain responsible for complying with the obligations herein and in the SMP.

E. 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.

F. 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

County: Orleans Site No: 837012 Order on Consent Index : A4-0473-0000

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.

G. 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.

H. Grantor covenants and agrees that it shall, at such time as NYSDEC may require, 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:

(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;

Environmental Easement Page 5

County: Orleans Site No: 837012 Order on Consent Index : A4-0473-0000

625 Broadway
Albany, NY 12233

All notices and correspondence shall be delivered by hand, by registered mail or by Certified mail and return receipt requested. The Parties may provide for other means of receiving and communicating notices and responses to requests for approval.

7. Recordation. Grantor shall record this instrument, within thirty (30) days of execution of this instrument by the Commissioner or her/his authorized representative in 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.

8. Amendment. Any amendment to this Environmental Easement may only be executed by 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.

9. Extinguishment. This Environmental Easement may be extinguished only by a release by 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.

11. Consistency with the SMP. To the extent there is any conflict or inconsistency between the terms of this Environmental Easement and the SMP, regarding matters specifically addressed by the SMP, the terms of the SMP will control.

Remainder of Page Intentionally Left Blank

County: Orleans Site No: 837012 Order on Consent Index : A4-0473-0000

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

New York State Electric and Gas Corporation:

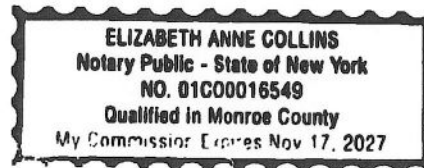
By: Steve MullinPrint Name: Steve MullinTitle: Director,
Env. Remediation Date: 5/14/2025

Grantor's Acknowledgment

STATE OF NEW YORK)
) ss:
COUNTY OF Monroe)

On the 14th day of May, in the year 2025 before me, the undersigned, personally appeared Steve Mullin, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name is (is) 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.

Elizabeth Anne Collins
Notary Public - State of New York



County: Orleans Site No: 837012 Order on Consent Index : A4-0473-0000

THIS ENVIRONMENTAL EASEMENT IS HEREBY ACCEPTED BY THE PEOPLE OF THE STATE OF NEW YORK, Acting by and Through the Department of Environmental Conservation as Designee of the Commissioner,

By: Andrew Guglielmi
 Andrew O. Guglielmi, Director
 Division of Environmental Remediation

Grantee's Acknowledgment

STATE OF NEW YORK)
) ss:
 COUNTY OF ALBANY)

On the 21st day of MAY, in the year 2025 before me, the undersigned, personally appeared Andrew O. Guglielmi, 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/ executed the same in his/her/ capacity as Designee of the Commissioner of the State of New York Department of Environmental Conservation, and that by his/her/ signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Cheryl A. Salem
 Notary Public - State of New York

Cheryl A. Salem
 Notary Public State of New York
 Registration No. 01SA0002177
 Qualified in Albany County
 My Commission Expires March 3, 2027

County: Orleans Site No: 837012 Order on Consent Index : A4-0473-0000

SCHEDULE "A" PROPERTY DESCRIPTION

ALL THAT TRACT, PIECE OR PARCEL OF LAND SITUATE, LYING AND BING
IN THE VILLAGE OF ALBION, COUNTY OF ORLEANS AND STATE OF NEW YORK,
AND BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON ROD IN THE WESTERLY STREET LINE OF
INGERSOLL STREET, SAID POINT BEING 94.1' FROM THE NORTH LINE OF BANK
STREET; THENCE FROM SAID POINT OF BEGINNING, N88°51' 00" W A DISTANCE
OF 120.00 FEET TO AN IRON ROD; THENCE N00°36' 20"E A DISTANCE OF 87.40 FEET
TO AN IRON ROD; THEN S75°20' 40"E A DISTANCE OF 123.70 FEET TO A POINT ON
THE WESTERLY STREET LINE INGERSOLL STREET; THENCE ALONG SAID
WESTERLY STREET LINE S00°36' 20"W A DISTANCE OF 58.51 FEET TO THE POINT
OR PLACE OF BEGINNING. CONTAINING 0.20 PLUS OR MINUS ACRES OF LAND.