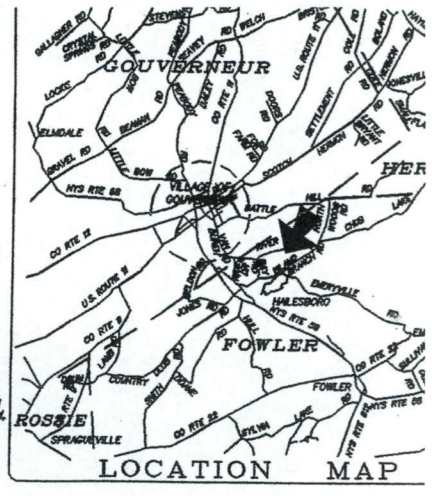


ISLAND BRANCH SUBDIVISION PROTECTIVE COVENANTS

- 1) The premises conveyed shall be used for single family homes, non-commercial agricultural and non-commercial recreational uses only except for in-home offices and Bed and Breakfast businesses shall be allowed. No other commercial or industrial use of the property is allowed.
- 2) Only one dwelling shall be allowed per parcel.
- 3) Grantees agree to keep this lot in good and sanitary condition and shall not use it as a dumping ground for trash and rubbish. The outside placement or storage of un-registered vehicles is prohibited.
- 4) Single side mobile homes are not allowed.
- 5) No Camping trailers, tents or other recreational or temporary structures will be allowed on the premises except for the purpose of camping for temporary periods, not to exceed 180 days per calendar year. Such camping trailers or other recreational vehicles must have self contained sanitary facilities or sanitary facilities connected to an approved septic system. All camping trailers, tents, or other recreational or temporary living quarters allowed under this section must be removed from the premises at the end of the 180 day period, except that legally registered recreational vehicles may be stored upon the premises if a permanent dwelling exists on the lot.
- 6) No parcel shall be further subdivided.
- 7) Individual owners are responsible for obtaining the necessary state and local permits for buildings, wells, and septic systems.
- 8) All driveway crossings and culvert sizes shall be approved by the Town of Fowler Highway Superintendent.
- 9) There will be no change allowed to existing drainage patterns of ditches and culverts along the town road without approval from the Town Highway Superintendent.
- 10) Grantor reserves, in a deed to each parcel, the right to grant an easement of sufficient width for the distribution of utilities.
- 11) For as long as any portion of the property described in this deed is subject to regulation under state or federal wetland laws, there shall be no construction, grading, filling, excavating, clearing or other activity as defined by these laws on the property within any wetland area or any adjacent area as set forth in said laws, at any time without having first secured the necessary permission and permit required pursuant to the above noted laws. This restriction shall bind the Grantee's, their successors and assigns.
- 12) There shall be no construction of any permanent dwelling, or associated dwelling facilities (i.e., sewage disposal system or well) within 100 feet of the Oswegatchie River.
- 13) These Protective Covenants are to run with the land and shall be binding on New York Land & Lakes Inc. and the grantees and their successors and assigns. The violation of any one of the protective covenants by judgment or court order shall in no way affect any of the other provisions which shall remain in full force and effect. These protective covenants may be enforced by New York Land & Lakes Inc., or the owner of any parcel within the subdivision, if New York Land & Lakes Inc. brings an action to enforce any of these protective covenants, the victor shall pay all costs and expense of such action, including reasonable attorney's fees.
- 14) The Deeds to Lots 5-10 shall contain the following language: Subject to and together with the right to use in common with others the private right-of-way leading generally in a southerly and southeasterly direction from Island Branch Road across lots 5-10 as shown on the abovementioned subdivision map for ingress, egress and the installation and maintenance of utilities. The parties of the second part agree, together with the other owners of lots 5-10, to maintain the abovementioned right-of-way at their sole cost and expense. The parties of the second part further agree that neither the Town of Fowler nor New York Land & Lakes Inc. will be responsible in any way for construction, repair, maintenance, reconstruction or any other matter associated with said right-of-way now or in the future regardless of any improvements made thereto. The parties of the second part execute this Deed to acknowledge their agreement with the terms of this indenture.



TRUE NORTH
at 74°-30' meridian
of west longitude
NAD 83

15 Emeryville rd
13642

NOTES:

- 1) Total area 111.519 acres.
- 2) Contours were digitized from "United States Department of the Interior Geological Survey" 7.5 minute series Fowler, New York Quadrangle.
- 3) FOR THOSE PRINTS SHOWING PHOTO: New York State 2000 Digitally Enhanced Orthology Map Name - Fowler Primary Source Date - 1984-1998
- 4) REFERENCE MAP- "Map of Survey For Bob Murphy", L.862 P.698, Town of Fowler, St. Lawrence County, State of New York as surveyed by Carlton E. Morrow dated November 8, 1985 and map revised October 1, 1996.
- 5) REFERENCE MAP- "ALTA/ACSM Land Title Survey, Emerys", State Highway 55, Fowler, New York, Project No. 1072-02-0367-001, as surveyed by James S. Thw. Registered Land Surveyor dated December 18, 2002 and Revised February 24, 2003.
- 6) The map was prepared from an actual field survey using both GPS and conventional surveying methods.

NOTES ON EROSION AND SILTATION CONTROL

General precautions appropriate to construction on the individual sites are as follows:

- 1) Antisiltation berms of silt fencing or other suitable material shall be installed in accordance with "reducing the impacts of storm water runoff from new development" (blue book) on the down hill side of all excavation or fill sites prior to the initiation of excavation or filling operations.
- 2) All work shall be scheduled to minimize the times during which open excavations or uncovered fill material are left exposed.
- 3) Excavating for septic tanks and dosing tanks shall be made on the day those services are to be installed and backfilling shall be accomplished as soon as practicable.
- 4) Fillpiles shall be covered with tarps during rainy weather and overnight in all cases.
- 5) Excess material from excavation operations shall be promptly removed to a location not subject to erosion.
- 6) All disturbed areas shall be mulched and seeded as soon as possible. Mulch shall be left in place until grass cover is established.

GENERAL NOTES

- 1) Unauthorized alteration in addition to a survey map bearing a licensed land surveyor's seal is a violation of Section 240, subdivision 2, of the New York State Education Law.
- 2) Only copies from the original of this survey which are certified by the land surveyor shall be considered to be valid true copies.
- 3) Certifications indicated herein shall be considered to be valid true copies in accordance with the correct laws or provisions of the Land Survey Act of the New York State Association of Professional Land Surveyors. Said certifications shall run only to the person for whom the survey was prepared, and in his behalf to the title company, governmental agency and institutions named herein, and to the easement of the levelling instrument. Certifications are not severable to additional instruments or subsequent instruments.
- 4) Subject to utility lines or other easements, encumbrances or restrictions affecting the surveyed premises, if any. All visible above ground evidence of easements are shown.

CERTIFICATION OF THIS SURVEY SHALL RUN TO:
New York Land & Lakes, Inc.
United General Title Insurance Company

REVISIONS

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LEGEND

- Rubber with plastic yellow cap topped with iron pin or pipe found
- Iron pin or pipe found
- Underground telephone cable backmarker
- Utility pole with overhead distribution & service lines
- Easement line
- Property or boundary
- Fencing line
- Stone wall & stone wall remains
- Edge of wooded area
- Edge of gravel drive or road
- Edge of improved drive or road

FINAL PLAT
SUBDIVISION OF
ISLAND BRANCH
ISLAND BRANCH ROAD & EMERYVILLE ROAD
TAX MAP NO. -173.004-2-24.21 & 173.002-2-23
TOWN OF FOWLER
COUNTY OF ST. LAWRENCE STATE OF NEW YORK

SOILS INVESTIGATION SUMMARY - ISLAND BRANCH SUBDIVISION

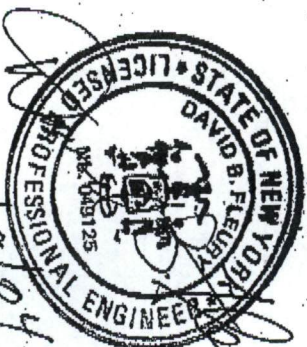
| Lot No. | Test pit depth(in) | Bedrock depth(in) | Ground water depth(in) | Seasonal high water table depth(in) | Grade (%) | Perc. test depth(in) | Perc. rate (min/in) | Type of *SAS req'd (SAT/ALT) |
|---------|--------------------|-------------------|------------------------|-------------------------------------|-----------|----------------------|---------------------|------------------------------|
| 1 | 60 | none observed | none observed | 36 | 5 | 24 | 15 | SAT |
| 2 | 52 | none observed | none observed | 18 | 2 | 12 | >60 | ALT |
| 3 | 48 | none observed | none observed | 12 | 10 | 6 | 25 | ALT |
| 4 | 42 | 42 | none observed | 18 | 5 | 6 | 20 | ALT |
| 5 | 60 | none observed | none observed | 18 | 6 | 6 | 45 | ALT |
| 6 | 54 | none observed | none observed | 15 | 6 | 6 | 12 | ALT |
| 7 | 60 | none observed | none observed | 42 | 5 | 18 | 18 | SAT |
| 8 | 48 | none observed | none observed | 14 | 5 | 6 | 45 | ALT |
| 9 | 54 | none observed | 40 | 12 | 2 | 6 | 36 | ALT |
| 10 | 54 | none observed | none observed | 32 | 2 | 18 | 5 | SAT |

*SAS = soil absorption system

SAT = conventional shallow absorption trenches

ALT = alternative system

- NOTE:**
1. Soil test pits and percolation tests conducted on the site on November 2, 2004.
 2. These results are valid only for the specific locations where the tests were conducted. Further tests and/or engineering design may be required by the permit issuing official.
 3. Further percolation tests at depths of 12 inches are required to design the alternative systems.
 4. NYSDOH regulations require plans for alternative systems be designed by a licensed design professional and submitted to the permit issuing official prior to construction.



7°01'38"E
63.00'

6°33'28"E 112.80'
543°44'00"E 49.5'
(total frontage 806.38')

Lot 2
439 Acres

50'00"W

S29°50'00"E
1384.83'

+ 3
Acres

S29°50'00"E 434.83'
N29°50'00"W 550'
S29°50'00"E 519'±

soil test

Rad-650.00'
Arc-209.28'
Ch.-207.39'

S15°00'00"W 757.67'
N15°00'00"E 757.67'

Lot 1
10.11 Acres

Rad-650.00'
Arc-33.36'
Ch.-33.35'

soil test

(total frontage 474.34')

S14°59'31"W
852.68'

Reputed Owner:
DEBRA TUPPER

Liber 1107 page 924
Tax Map No.- 173.004-2-50.1

S65°02'00"E 88.75'
Rad-1275.00'
Arc-209.27'
Ch.-209.04'

S72°26'15"E 742.96'±

(total frontage 474.34')

soil test

iron pipe found

rebar found

rebar found

rebar found

soil test

EMERYVILLE

ROAD

Reputed Owner:
DUSTIN A. & WANDA S.
Liber 2001 page
Tax Map No.- 173.004