

ENVIRONMENTAL NOTICE

THIS ENVIRONMENTAL NOTICE is made the 10 day of August 2011, by the New York State Department of Environmental Conservation (Department), having an office for the transaction of business at 625 Broadway, Albany, New York 12233

WHEREAS, that parcel of real property located at the address of 1200 Fuhrmann Blvd in the Town of Buffalo, County of Erie and State of New York, known and designated on the tax map of the County Clerk of Erie and tax map parcel numbers: in map No. 137, parcel No. 143, being the same as that property conveyed by deed dated December 13, 1972 and recorded in the office of the Erie County Clerk on December 14, 1972 in book 7995 of deeds at page 255. Commencing from the intersection of the north line of Tiffit Street, and the east line of Fuhrmann Blvd, County of Erie, State of New York, the property being more particularly described in Metes and Bounds description and attached hereto as Appendix "A" to this notice and made a part hereof, and hereinafter referred to as "the Property" and is the subject of a remedial program performed by the Department; and

WHEREAS, the Department approved a cleanup to address contamination disposed at the Property and such cleanup was conditioned upon certain limitations.

NOW, THEREFORE, the Department provides notice that:

FIRST, the part of lands subject to this Environmental Notice is as shown on a map attached to this Notice as Appendix "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, there shall be no disturbance or excavation of the Property identified in Appendix B which threatens the integrity of the existing soil cover or which results or may result in a significantly increased threat of harm or damage at any site as a result of exposure to soils. A violation of this provision is a violation of 6 NYCRR 375-1.1 1(b)(2).

THIRD, no person shall disturb, remove, or otherwise interfere with the Property identified in Appendix B as residual contamination exists due to its proximity to rail yards and steel mills, as well as its former industrial uses. If excavations are planned, proper care must be taken and any contamination or solid waste exposed must be properly managed and/or disposed. For additional information the Department or Relevant Agency may be contacted.

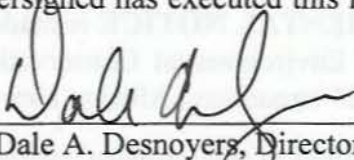
FOURTH, any change in the existing use of the property identified in Appendix B requires notification to, and the express written waiver of such prohibition, by the Relevant Agency.

FIFTH, no person shall use 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 Relevant Agency. Use of the groundwater without appropriate treatment may result in a significantly increased threat of harm or damage at any site.

SIXTH, it is a violation of 6 NYCRR 375-1.11(b) to use the Property in a manner inconsistent with this environmental notice.

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

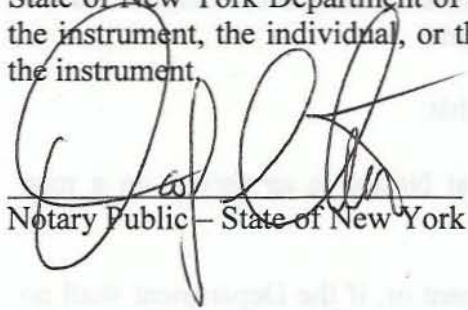
By:



Dale A. Desnoyers, Director
Division of Environmental Remediation

STATE OF NEW YORK) ss:
COUNTY OF ALBANY)

On the 10 day of August in the year 2011, before me, the undersigned, personally appeared Dale Desnoyers, 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.


Notary Public - State of New York

David J. Chiusano
Notary Public, State of New York
No. 01CH5032146
Qualified in Schenectady County
Commission Expires August 22, 2014

APPENDIX "A"
METES AND BOUNDS DESCRIPTION

Tift Farm Nature Preserve
Site No.: 915072
1200 Fuhrmann Boulevard
Erie County, New York
Tax Map: 132.11-1-1

ALL THAT CERTAIN PLOT, piece or parcel of land situate, lying and being in the Town of Buffalo, County of Erie and State of New York; being more particularly bounded and described as follows:

BEGINNING AT THE INTERSECTION OF THE NORTH LINE of Tift Street and the East line of Fuhrmann Blvd; running thence the following courses and distances:

- 1) Northerly, along easterly line of lands as described in Map No. 137, Parcel No.143, and Map No. 134 , Parcel No. 138, of the aforementioned Fuhrmann Blvd. arterial, said line making an interior angle of $90^{\circ}-43'-35''$ with said south line of former Tift Street for a distance of 1003.32 feet to an angle point, said angle point being also the southeast corner of lands described in Map No. 301, Parcel No. 301 of said Fuhrmann Blvd. arterial; running thence;
- 2) Northerly, along the easterly line of lands described in Map No. 301, Parcel No. 301, and making an interior angle of $178^{\circ}-02'-30''$ with the last described course, for a distance of 818.4 feet to an angle point; thence
- 3) Along the same, making an interior angle of $171^{\circ}-53'-35''$ with the last course, for a distance of 487.00 feet to an angle point; thence
- 4) Along the same, and making an interior angle of $189^{\circ}-47'-25''$ with the last course, for a distance of 1953.65 feet to the southwesterly corner of lands conveyed to the City of Buffalo by deed recorded in the Erie County Clerk's Office in Liber 6907 of Deeds at page 339; thence
- 5) Along the same, northeasterly along a line making an interior angle of $120^{\circ}-57'-55''$ with the last course, for a distance of 112.2 feet; thence
- 6) Northerly, on a line making an interior angle of $246^{\circ}-22'-13''$ with the last course, for a distance of 208.00 feet; thence
- 7) Easterly, at right angles to the last course, 228.00 feet; thence
- 8) Northerly, at right angles to the last course, 31.10 feet; thence
- 9) Easterly, at right angles to the last course, 24.48 feet; thence
- 10) Along the same, on a line making an interior angle of $155^{\circ}-48''-33''$ with the last course, for a distance of 130.88 feet; thence
- 11) Along the same, on a line making an interior angle of $168^{\circ}-59'-20''$ with the last course, for a distance of 1351.28 feet to a point of curve; thence
- 12) Along a line curving to the left, tangent to the last course, and having a radius of 415.00 feet, an arc distance of 60.80 feet; thence

- 13) Northerly, at right angles to the second last mentioned course extended, for a distance of 30.55 feet to the terminal point of Course No.1, parcel No.1 as described in a deed to the Republic Steel Corporation recorded in Liber 5937 of the deeds at page 448; thence
- 14) Along the southerly and westerly boundaries of lands conveyed to Niagra Mohawk Power Corporation by deed of Republic Steel Corporation recorded in Erie County Clerk's Office in Liber 7993 of Deeds at page 547 the following three courses and distances:
- 15) Easterly, on a line making an interior angle of $102^{\circ}-01'-59''$ with the last described course of 30.55 feet in length, for a distance of 440.43 feet; thence
- 16) Southeasterly, on a line making an interior angle of $121^{\circ}-05'-16''$ with the last described course for a distance of 509.86 feet; thence
- 17) Along the same, on a line making an interior angle of $171^{\circ}-50'-44''$ with the last described course, for a distance of 2851.55 feet to the southerly point of Niagra Mohawk Power Corporation land conveyed as above recited; thence
- 18) Southwesterly on a line making an interior angle of $119^{\circ}-48'-00''$ with the last described course, for a distance of 449.94 feet; thence
- 19) Along the same, on a line making an interior angle of $158^{\circ}-00'-18''$ with the last described course, for a distance of 583.318 feet to a point in the north line of former Tiftt Street; thence
- 20) Southerly, at right angles to said north line of former Tiftt Street, 66.00 feet to the south line of former Tiftt Street; thence
- 21) Westerly along said south line of former Tiftt Street, 1793.40 feet to the point of beginning.

Containing 231.891 acres more or less.

APPENDIX B

Site Name: Tiffth Farm Nature Preserve
Site ID: 915072

