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NOTICE OF TRANSFER OF CERTIFICATE OF COMPLETION

Environmental Restoration Program

Pursuant to 6 NYCRR Part 375-1.9(d)

Richmond Avenue Project, Site No. B00154

Canal, Church, and Niagara Streets, Lockport, Niagara County, New York

City of Lockport Tax Map Identification No. 109.54-2-14

PLEASE TAKE NOTICE, that pursuant to 6 NYCRR 375-1.9(d), **City of Lockport** hereby transfer(s) the Certificate of Completion (COC) issued by the Department of Environmental Conservation on June 26, 2009 for the portion of the Site transferred (the "Transferred Site") as described below. Such COC was issued upon satisfaction of the Commissioner, following review by the Department of the final engineering report and data submitted pursuant to the State Assistance Contract, as well as any other relevant information regarding the Site, that the remediation requirements set forth in ECL Article 56, title 5 had been or would be achieved in accordance with the time frame, if any, established in the remedial work plan.

PLEASE TAKE NOTICE, that Richmond Avenue Project (site) is located at Canal, Church, and Niagara Streets, City of Lockport, Niagara County, New York. The Site is bearing DEC site number: B00154 and is more fully described on Schedule A attached hereto ("Site"). The Tax Map Identification Numbers for the site are:

109.54-2-14, 109.54-2-15, 109.54-2-16, 109.54-2-17, 109.54-2-18, 109.54-2-19,
109.54-2-21, 109.54-2-24, 109.54-2-30

PLEASE TAKE NOTICE, that a Notice of Certificate of Completion for the Site was filed in the Niagara County Clerk's Office on November 21, 2012, at Instrument No. 2012-24644.

PLEASE TAKE NOTICE, that on April 24, 2013, the **City of Lockport** conveyed title to the Transferred Site, which is comprised of Section 109.54 Block 2 Lot 14 to **Lake Effect Canal Street, LLC** by Deed recorded at Instrument No. 2013-07890.

PLEASE TAKE NOTICE, the **City of Lockport** retains the Certificate for that portion of the Site comprised of Section 109.54 Block 2 Lot 15, Section 109.54 Block 2 Lot 16, Section 109.54 Block 2 Lot 17, Section 109.54 Block 2 Lot 18, Section 109.54 Block 2 Lot 19, and Section 109.54 Block 2 Lot 21, and hereby transfers the Certificate for that portion of the Site comprised of Section 109.54 Block 2 Lot 14 to the following new property owner as provided for pursuant to 6 NYCRR 375-1.9(d):

New Property Owner:

LAKE EFFECT CANAL STREET, LLC

By: 

Erik Bernardi, Member

20 Lock Street

Lockport, New York 14094

Employer Identification No. 46-1626836

Representative:

Diane Tiveron, Esq.

2410 North Forest Road, Suite 301

Amherst, New York 14068

716-932-6700

PLEASE TAKE FURTHER NOTICE, that if there is an environmental easement for this site, that **Lake Effect Canal Street, LLC** recognizes and agrees to implement the Department-approved Site Management Plan, and any amendments thereto, and to fully comply with all restrictions and affirmative obligations contained therein as well as in the Environmental Easement for the Site. In addition, **Lake Effect Canal Street, LLC** recognizes and agrees that one periodic report shall be due from the City of Lockport for the entire site, and recognizes its obligation to comply with that requirement.

WHEREFORE, the undersigned have signed this Notice of Transfer of Certificate of Completion as of this 23rd day of ~~March~~ April, 2013.

Certificate Holder:

CITY OF LOCKPORT

By: 

Michael W. Tucker, Mayor


Sworn to before me this 20
day of March, 2013.


Notary Public

JOHN J. OTTAVIANO, #4876211
Notary Public, State of New York
Qualified in Niagara County
My Commission Expires Oct. 20, 2014 14

New Property Owner:

LAKE EFFECT CANAL STREET, LLC

By: 
Erik Bernardi, Member

Sworn to before me this 23rd
day of April, 2013.


Notary Public

DIANE L. McFARLAND
NOTARY PUBLIC - STATE OF NEW YORK
NO. 01MC5026028
QUALIFIED IN NIAGARA COUNTY
MY COMMISSION EXPIRES APRIL 11, 2014

SCHEDULE "A"
ENVIRONMENTAL EASEMENT
CONTROLLED PROPERTY DESCRIPTION

Address: Richmond Avenue, City of Lockport, NY
Tax Id No: 109.54-2-14, 15, 16, 17, 18, 19, 21, 24 & 30

(Suggested Description)

1.45± Acres

Job No. 6084-A

ALL THAT TRACT OR PARCEL OF LAND situate in the City of Lockport, County of Niagara, State of New York, and being part of Lot 12, Section 14, Township 14, Range 6 of the Holland Land Company Survey (so called), and also being City Lots 7, 8, 9 and 10 and part of City Lots 1, 2, 4, 5 and 6 as shown on a map filed in the Niagara County Clerk's Office in Microfilm Map Book 25 at Page 2433, bounded and described as follows:

BEGINNING AT A POINT on the south line of Ontario Street at a distance of 83.75 feet easterly measured along the south line of Ontario Street from its intersection with the east line of Church Street; RUNNING THENCE N-89°-42'-53"-E, along the south line of Ontario Street, a distance of 309.91 feet to a point on the northwest line of Richmond Avenue;

RUNNING THENCE S-38°-21'-02"-W, along the northwest line of Richmond Avenue, a distance of 446.59 feet to a point on the north line of Niagara Street;

RUNNING THENCE N-88°-50'-04"-W, along the north line of Niagara Street, a distance of 38.33 feet to the most easterly line of lands conveyed to Zimmie's Service, Inc. By deed recorded in the Niagara County Clerk's Office in Liber 1416 of Deeds at Page 321;

RUNNING THENCE N-00°-22'-02"-E, along said most easterly line of Zimmie's Service, Inc. lands a distance of 71.80 feet to an angle point therein;

RUNNING THENCE N-47°-21'-44"-W, along said easterly line of Zimmie's Service, Inc. lands, a distance of 18.25 feet to an angle point therein;

RUNNING THENCE N-02°-43'-54"-E, along said east line of Zimmie's Service, Inc. lands and the east line of lands conveyed to Zimmie's Services, Inc. by deed recorded in the Niagara County Clerk's Office in Liber 1468 of Deeds at Page 1039, a distance of 58.34 feet to an angle point therein;

RUNNING THENCE N-00°-22'-37"-E, along the east line of said lastly referred to Zimmie's Service, Inc. lands, a distance of 31.43 feet to a northeast corner thereof;

RUNNING THENCE S-89°-42'-53"-W, along a north line of said lastly referred to Zimmie's Service, Inc. lands, a distance of 22.0 feet to a northeast corner thereof;

RUNNING THENCE N-00°-44'-49"-W, along an east line of said lastly referred to Zimmie's Service, Inc. lands, a distance of 35.0 feet to a point on the most northerly line thereof, said point being also on the south line of lands conveyed to the First Presbyterian Church Society;

RUNNING THENCE N-89°-42'-53"-E, along the south line of said First Presbyterian Church Society lands, a distance of 38.08 feet to a point;

