



Department of  
Environmental  
Conservation

## BROWNFIELD CLEANUP PROGRAM (BCP) APPLICATION TO AMEND BROWNFIELD CLEANUP AGREEMENT AND AMENDMENT

### PART I. BROWNFIELD CLEANUP AGREEMENT AMENDMENT APPLICATION

Check the appropriate box below based on the nature of the amendment modification requested:

☐ Amendment to [check one or more boxes below]

- ☐ Add
- ☐ Substitute
- ☐ Remove
- ☐ Change in Name

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applicant(s) to the existing Brownfield Cleanup Agreement [*Complete Section I-IV below and Part II*]

Does this proposed amendment involve a transfer of title to all or part of the brownfield site? ☒ Yes ☐ No

If yes, pursuant to 6 NYCRR Part 375-1.11(d), a Change of Use form should have been previously submitted. If not, please submit this form with this Amendment. See <http://www.dec.ny.gov/chemical/76250.html>

☐ Amendment to modify description of the property(ies) listed in the existing Brownfield Cleanup Agreement [*Complete Sections I and V below and Part II*]

☒ Amendment to Expand or Reduce property boundaries of the property(ies) listed in the existing Brownfield Cleanup Agreement [*Complete Section I and V below and Part II*]

☐ **Sites in Bronx, Kings, New York, Queens, or Richmond counties ONLY:** Amendment to request determination that the site is eligible for the tangible property credit component of the brownfield redevelopment tax credit. Please answer questions on the supplement at the end of the form.

☐ Other (explain in detail below)

Please provide a brief narrative on the nature of the amendment:

The owner of the Property has changed from Globe Mill Joint Venture, Inc., to the Volunteer Lofts at Globe Mill, L.P., on October 11, 2017. See deed in Exhibit A. An amendment to this effect was provided to the Department in February 2018 but it was combined with another request and was rejected based on the second request. Pursuant to a March 10, 2020 letter, the Department requested this updated BCA Amendment solely related to the change in site ownership to update the ownership information in the BCA.

In addition, based on the latest easement survey, the size of the BCP Site described in the BCA is slightly reduced from 4.874 acres to 4.859 acres.

**\*Please refer to the attached instructions for guidance on filling out this application\***

**Section I. Existing Application Information**

BCP SITE NAME: Former Globe Woolen Mill

BCP SITE NUMBER: C633084

NAME OF CURRENT APPLICANT(S): Lofts at Globe Mill, L.P.

INDEX NUMBER OF EXISTING AGREEMENT: C633084-09- DATE OF EXISTING AGREEMENT: 10/27/17

**Section II. New Requestor Information (if no change to Current Applicant, skip to Section V)**

NAME

ADDRESS

CITY/TOWN

ZIP CODE

PHONE

FAX

E-MAIL

Is the requestor authorized to conduct business in New York State (NYS)?

☐

Yes

☐

No

- If the requestor is a Corporation, LLC, LLP or other entity requiring authorization from the NYS Department of State to conduct business in NYS, the requestor's name must appear, exactly as given above, in the NYS Department of State's (DOS) Corporation & Business Entity Database. A print-out of entity information from the DOS database must be submitted to DEC with the application, to document that the applicant is authorized to do business in NYS.

NAME OF NEW REQUESTOR'S REPRESENTATIVE

ADDRESS

CITY/TOWN

ZIP CODE

PHONE

FAX

E-MAIL

NAME OF NEW REQUESTOR'S CONSULTANT (if applicable)

ADDRESS

CITY/TOWN

ZIP CODE

PHONE

FAX

E-MAIL

NAME OF NEW REQUESTOR'S ATTORNEY (if applicable)

ADDRESS

CITY/TOWN

ZIP CODE

PHONE

FAX

E-MAIL

Requestor must submit proof that the party signing this Application and Amendment has the authority to bind the Requestor. This would be documentation from corporate organizational papers, which are updated, showing the authority to bind the corporation, or a Corporate Resolution showing the same, or an Operating Agreement or Resolution for an LLC. Is this proof attached?

☐

Yes

☐

No

Describe Requestor's Relationship to Existing Applicant:

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**Section III. Current Property Owner/Operator Information (only include if new owner/operator or new existing owner/operator information is provided, and highlight new information)**

OWNER'S NAME (if different from requestor) Lofts at Globe Mill, L.P.

ADDRESS 9333 N. Meridian Street, Ste. 230

CITY/TOWN Indianapolis, IN

ZIP CODE 46260

PHONE 317-708-6519

FAX N/A

E-MAIL matt.gilhooly@kcgdevelopment.com

OPERATOR'S NAME (if different from requestor or owner)

ADDRESS

CITY/TOWN

ZIP CODE

PHONE

FAX

E-MAIL

**Section IV. Eligibility Information for New Requestor (Please refer to ECL § 27-1407 for more detail)**

If answering "yes" to any of the following questions, please provide an explanation as an attachment.

1. Are any enforcement actions pending against the requestor regarding this site? ☐ Yes ☐ No
2. Is the requestor presently subject to an existing order for the investigation, removal or remediation relating to contamination at the site? ☐ Yes ☐ No
3. Is the requestor subject to an outstanding claim by the Spill Fund for this site? ☐ Yes ☐ No  
Any questions regarding whether a party is subject to a spill claim should be discussed with the Spill Fund Administrator.
4. Has the requestor been determined in an administrative, civil or criminal proceeding to be in violation of i) any provision of the subject law; ii) any order or determination; iii) any regulation implementing ECL Article 27 Title 14; or iv) any similar statute, regulation of the state or federal government? If so, provide an explanation on a separate attachment. ☐ Yes ☐ No
5. Has the requestor previously been denied entry to the BCP? If so, include information relative to the application, such as name, address, Department assigned site number, the reason for denial, and other relevant information. ☐ Yes ☐ No
6. Has the requestor been found in a civil proceeding to have committed a negligent or intentionally tortious act involving the handling, storing, treating, disposing or transporting of contaminants? ☐ Yes ☐ No
7. Has the requestor been convicted of a criminal offense i) involving the handling, storing, treating, disposing or transporting of contaminants; or ii) that involves a violent felony, fraud, bribery, perjury, theft, or offense against public administration (as that term is used in Article 195 of the Penal Law) under federal law or the laws of any state? ☐ Yes ☐ No
8. Has the requestor knowingly falsified statements or concealed material facts in any matter within the jurisdiction of the Department, or submitted a false statement or made use of or made a false statement in connection with any document or application submitted to the Department? ☐ Yes ☐ No
9. Is the requestor an individual or entity of the type set forth in ECL 27-1407.9(f) that committed an act or failed to act, and such act or failure to act could be the basis for denial of a BCP application? ☐ Yes ☐ No
10. Was the requestor's participation in any remedial program under DEC's oversight terminated by DEC or by a court for failure to substantially comply with an agreement or order? ☐ Yes ☐ No
11. Are there any unregistered bulk storage tanks on-site which require registration? ☐ Yes ☐ No

THE NEW REQUESTOR MUST CERTIFY THAT IT IS EITHER A PARTICIPANT OR VOLUNTEER IN ACCORDANCE WITH ECL §27-1405 (1) BY CHECKING ONE OF THE BOXES BELOW:

☐ PARTICIPANT

A requestor who either 1) was the owner of the site at the time of the disposal of contamination or 2) is otherwise a person responsible for the contamination, unless the liability arises solely as a result of ownership, operation of, or involvement with the site subsequent to the disposal of contamination.

☐ VOLUNTEER

A requestor other than a participant, including a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum.

NOTE: By checking this box, a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site certifies that he/she has exercised appropriate care with respect to the hazardous waste found at the facility by taking reasonable steps to: i) stop any continuing discharge; ii) prevent any threatened future release; iii) prevent or limit human, environmental, or natural resource exposure to any previously released hazardous waste.

**If a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site, submit a statement describing why you should be considered a volunteer – be specific as to the appropriate care taken.**

Requestor's Relationship to Property (check one):

☐ Prior Owner ☐ Current Owner ☐ Potential /Future Purchaser ☐ Other \_\_\_\_\_

If requestor is not the current site owner, **proof of site access sufficient to complete the remediation must be submitted.** Proof must show that the requestor will have access to the property before signing the BCA and throughout the BCP project, including the ability to place an easement on the site Is this proof attached? ☐ Yes ☐ No

**Note: a purchase contract does not suffice as proof of access.**

#### Section V. Property description and description of changes/additions/reductions (if applicable)

ADDRESS

CITY/TOWN

ZIP CODE

TAX BLOCK AND LOT (TBL) (in existing agreement )

| Parcel Address       | Parcel No. | Section No. | Block No. | Lot No. | Acreage |
|----------------------|------------|-------------|-----------|---------|---------|
| 811-827 Court Street |            | 318.4       | 4         | 6       | 4.874   |
|                      |            |             |           |         |         |
|                      |            |             |           |         |         |



Check appropriate boxes below:

☐

Changes to metes and bounds description or TBL correction

☐

Addition of property (may require additional citizen participation depending on the nature of the expansion – see attached instructions)

Approximate acreage added: \_\_\_\_\_

**ADDITIONAL PARCELS:**

| Parcel Address | Parcel No. | Section No. | Block No. | Lot No. | Acreage |
|----------------|------------|-------------|-----------|---------|---------|
|                |            |             |           |         |         |
|                |            |             |           |         |         |
|                |            |             |           |         |         |

☒

Reduction of property

Approximate acreage removed: 0.015

**PARCELS REMOVED:**

| Parcel Address       | Parcel No. | Section No. | Block No. | Lot No. | Acreage |
|----------------------|------------|-------------|-----------|---------|---------|
| 811-827 Court Street |            | 318.4       | 4         | 6       | 4.859   |
|                      |            |             |           |         |         |
|                      |            |             |           |         |         |

If requesting to modify a metes and bounds description or requesting changes to the boundaries of a site, please attach a revised metes and bounds description, survey, or acceptable site map to this application.

**Supplement to the Application To Amend Brownfield Cleanup Agreement And Amendment - Questions for Sites Seeking Tangible Property Credits in New York City ONLY.**

|  |   |
|--|---|
| Property is in Bronx, Kings, New York, Queens, or Richmond counties.   | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Requestor seeks a determination that the site is eligible for the tangible property credit component of the brownfield redevelopment tax credit.   | <input type="checkbox"/> Yes <input type="checkbox"/> No            |
| <b>Please answer questions below and provide documentation necessary to support answers.</b>   |   |
| 1. Is at least 50% of the site area located within an environmental zone pursuant to Tax Law 21(6)?<br>Please see <u>DEC's website</u> for more information.   | <input type="checkbox"/> Yes <input type="checkbox"/> No            |
| 2. Is the property upside down as defined below?   | <input type="checkbox"/> Yes <input type="checkbox"/> No            |
| <p><b>From ECL 27-1405(31):</b></p> <p>"Upside down" shall mean a property where the projected and incurred cost of the investigation and remediation which is protective for the anticipated use of the property equals or exceeds seventy-five percent of its independent appraised value, as of the date of submission of the application for participation in the brownfield cleanup program, developed under the hypothetical condition that the property is not contaminated.</p>  |   |
| 3. Is the project an affordable housing project as defined below?  | <input type="checkbox"/> Yes <input type="checkbox"/> No            |
| <p>From 6 NYCRR 375- 3.2(a) as of August 12, 2016:</p> <p>(a) "Affordable housing project" means, for purposes of this part, title fourteen of article twenty seven of the environmental conservation law and section twenty-one of the tax law only, a project that is developed for residential use or mixed residential use that must include affordable residential rental units and/or affordable home ownership units.</p> <p>(1) Affordable residential rental projects under this subdivision must be subject to a federal, state, or local government housing agency's affordable housing program, or a local government's regulatory agreement or legally binding restriction, which defines (i) a percentage of the residential rental units in the affordable housing project to be dedicated to (ii) tenants at a defined maximum percentage of the area median income based on the occupants' households annual gross income.</p> <p>(2) Affordable home ownership projects under this subdivision must be subject to a federal, state, or local government housing agency's affordable housing program, or a local government's regulatory agreement or legally binding restriction, which sets affordable units aside for home owners at a defined maximum percentage of the area median income.</p> <p>(3) "Area median income" means, for purposes of this subdivision, the area median income for the primary metropolitan statistical area, or for the county if located outside a metropolitan statistical area, as determined by the United States department of housing and urban development, or its successor, for a family of four, as adjusted for family size.</p> |   |

## PART II. BROWNFIELD CLEANUP PROGRAM AMENDMENT

| Existing Agreement Information                          |                          |
|---|--------------------------|
| BCP SITE NAME: Former Globe Woolen Mill                 | BCP SITE NUMBER: C633084 |
| NAME OF CURRENT APPLICANT(S): Lofts at Globe Mill, L.P. |                          |
| INDEX NUMBER OF EXISTING AGREEMENT: C633084-09-17       |                          |
| EFFECTIVE DATE OF EXISTING AGREEMENT: 10/27/17          |                          |

### Declaration of Amendment:

By the Requestor(s) and/or Applicant(s) signatures below, and subsequent signature by the Department, the above application to amend the Brownfield Cleanup Agreement described above is hereby approved. This Amendment is made in accordance with and subject to all of the BCA and all applicable guidance, regulations and state laws applicable thereto. All other substantive and procedural terms of the Agreement will remain unchanged and in full force and effect regarding the parties to the Agreement.

Nothing contained herein constitutes a waiver by the Department or the State of New York of any rights held in accordance with the Agreement or any applicable state and/or federal law or a release for any party from any obligations held under the Agreement or those same laws.

| Statement of Certification and Signatures: New Requestor(s) (if applicable)  |
|--|
| (Individual)   |
| I hereby affirm that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to section 210.45 of the Penal Law. My signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.                                    |
| Date: _____ Signature: _____   |
| Print Name: _____  |
| (Entity)   |
| I hereby affirm that I am (title _____) of (entity _____); that I am authorized by that entity to make this application; that this application was prepared by me or under my supervision and direction; and that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law. |
| _____ signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.   |
| Date: _____ Signature: _____   |
| Print Name: _____  |

**Statement of Certification and Signatures: Existing Applicant(s) (an authorized representative of each applicant must sign)**

(Individual)

I hereby affirm that I am a party to the Brownfield Cleanup Agreement and/or Application referenced in Section I above and that I am aware of this Application for an Amendment to that Agreement and/or Application. My signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

Date: \_\_\_\_\_ Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

(Entity)

I hereby affirm that I am the Authorized Signatory (title) of Lofts at Globe Mill, L.P. (entity) which is a party to the Brownfield Cleanup Agreement and/or Application referenced in Section I above and that I am aware of this Application for an Amendment to that Agreement and/or Application. R.J. Pasquesi's signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

Date: 03/10/2020 Signature: 

Print Name: Robert J. Pasquesi II

**REMAINDER OF THIS AMENDMENT WILL BE COMPLETED SOLELY BY THE DEPARTMENT**

Status of Agreement:

|   |  |
|---|--|
| <input type="checkbox"/> <b>PARTICIPANT</b><br>A requestor who either 1) was the owner of the site at the time of the disposal of contamination or 2) is otherwise a person responsible for the contamination, unless the liability arises solely as a result of ownership, operation of, or involvement with the site subsequent to the disposal of contamination. | <input checked="" type="checkbox"/> <b>VOLUNTEER</b><br>A requestor other than a participant, including a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the contamination. |
|---|--|


Effective Date of the Original Agreement: October 27, 2017

Signature by the Department:

DATED: July 16, 2020

NEW YORK STATE DEPARTMENT OF  
ENVIRONMENTAL CONSERVATION

By:

  
Michael J. Ryan, P.E., Director Division  
of Environmental Remediation



**SUBMITTAL INFORMATION:**

- **Two (2) copies, one hard copy with original signatures and one electronic copy in Portable Document Format (PDF) must be sent to:**

Chief, Site Control Section  
New York State Department of Environmental Conservation  
Division of Environmental Remediation  
625 Broadway  
Albany, NY 12233-7020

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**FOR DEPARTMENT USE ONLY**

**BCP SITE T&A CODE:** \_\_\_\_\_ **LEAD OFFICE:** \_\_\_\_\_

**PROJECT MANAGER:** \_\_\_\_\_



March 12, 2020

VIA FEDERAL EXPRESS

Bradford D. Burns, Esq.  
New York State Division of  
Environmental Conservation  
Bureau Chief, Corporate Bureau  
Office of General Counsel  
625 Broadway, 14th Floor  
Albany, NY 12233-1500

Rosalie Rusinko, Esq.  
New York State Division of  
Environmental Conservation  
Project Counsel  
100 Hillside Avenue, Suite 1W  
White Plains, New York 10603

**RE: Environmental Easement Package, BCA Amendment &  
Condominium Declaration Amendment for Approval  
Former Globe Woolen Mills BCP Site C#633084  
811-827 Court Street Utica, New York**

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Dear Brad and Rosalie:

Pursuant to the discussion we had with the Department via a conference call on February 12, 2020, attached is an easement package for the aforementioned Former Globe Woolen Mills BCP Site C#633084. As we discussed, the Environmental Easement legal description as depicted on the survey includes all three currently mapped tax parcels that make up the 5.321 acre Globe Mills development site (Tax #318.40-4-6, 318.40-4-22 & 318.48-1-8) even though the BCP Site includes only one of these three parcels (Tax #318.40-4-6). As we discussed on February 12<sup>th</sup>, the Volunteer has agreed to have the easement cover all of the development parcels. As a result, while the deed matches the Environmental Easement Legal description, the BCP Site description in the Brownfield Cleanup Agreement ("BCA") does not match these legal descriptions since the BCP Site is smaller, as more fully explained in the narrative attached to the easement package.

In addition, pursuant to a March 10, 2020 Letter received by the Department, a new BCA Amendment to change the ownership information related to the BCP Site in the BCA from Globe Mill Joint Venture, Inc., to the Volunteer Lofts at Globe Mill, L.P. is attached. This amendment was originally submitted in February 2018, but was reject in the recent March 10, 2020 letter because it was combined with a second request to add the other two tax parcels to the BCP Site, which request was rejected. This amendment also slightly adjusts the acreage of the BCP Site down from 4.874 acres to 4.859 acres pursuant to the most up-to-date attached easement survey map. An original executed BCA Amendment is attached to Rosalie's set of documents and only a second original BCA Amendment is being sent to Kelly Lewandowski.

Finally, a draft of a Condominium Declaration Amendment is attached, the terms of which we discussed on the February 12th conference call. Once you have reviewed and approved the language in this Declaration Amendment, it will also need to be reviewed and approved by the



Brad Burns and Rosalie Rusinko  
March 12, 2020  
Page 2

lender and investor. However, we believed your initial review was more critical to ensure the language is acceptable to the Department.

Thank you for the time it will take you to review this package of documents.

Sincerely,

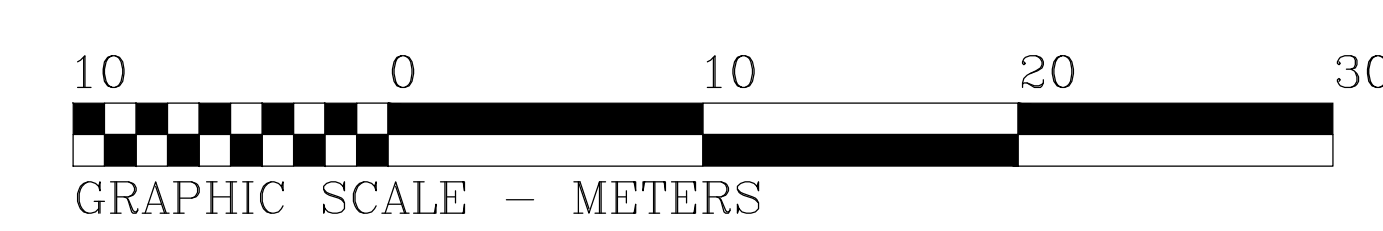
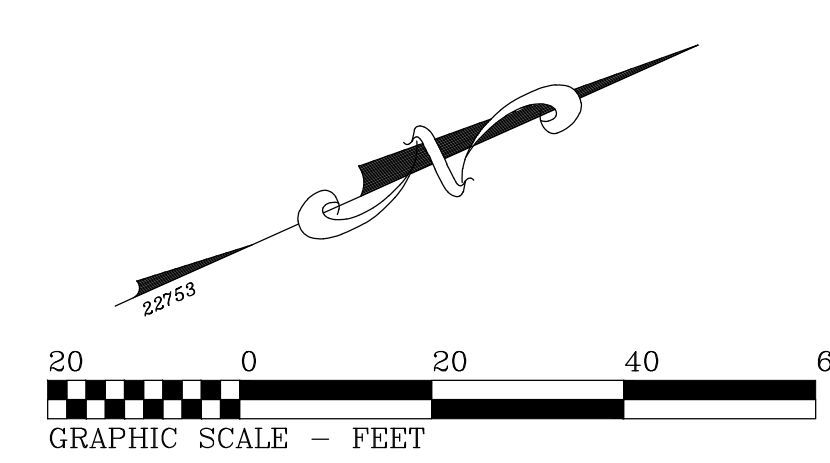
**KNAUF SHAW LLP**

A handwritten signature in black ink, appearing to read "Linda R. Shaw", written in a cursive style.

LINDA R. SHAW

cc: Kelly Lewandowski for BCA Amendment only





LEGEND

- |      |                           |        |                |
|------|---------------------------|--------|----------------|
| Ø    | UTILITY / SERVICE POLE    | R.O.W. | RIGHT OF WAY   |
| ⊗    | WATER LINE VALVE          | CONC.  | CONCRETE       |
| ⊕    | FIRE HYDRANT              | INV.   | INVERT         |
| ⊗    | D.I. (DROP INLET - STORM) | M.H.   | MANHOLE        |
| ⊗    | MANHOLE (STORM)           | —      | GAS LINE       |
| ⊗    | MANHOLE (ELECTRIC)        | —      | WATER LINE     |
| ⊗    | MANHOLE (TRAFFIC)         | —      | TELEPHONE LINE |
| ⊗    | MANHOLE (SANITARY)        | —      | ELECTRIC LINE  |
| ⊗    | MANHOLE (TELEPHONE)       | —      | UTILITY LINES  |
| ⊗    | GASLINE MARKER            | —      | CABLE LINES    |
| ⊗    | GAS LINE VALVE            | D.     | DEED           |
| ⊗    | LIGHT STANDARD            | M.     | MEASURED       |
| ⊗    | SIGN                      | L.     | LIBER          |
| H.C. | HANDICAP                  | P.     | PAGE           |

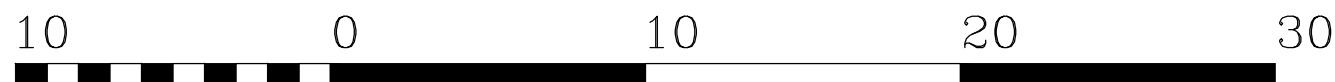
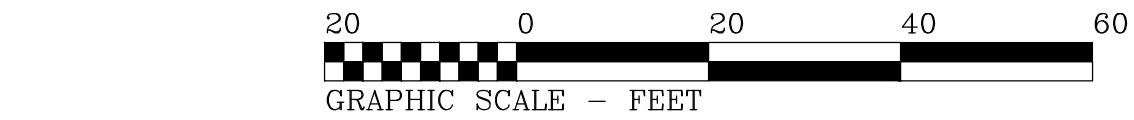
THIS PROPERTY IS SUBJECT TO AN ENVIRONMENTAL EASEMENT HELD BY THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION PURSUANT TO TITLE 36 OF ARTICLE 71 OF THE NEW YORK ENVIRONMENTAL CONSERVATION LAW. THE ENGINEERING AND INSTITUTIONAL CONTROLS FOR THIS EASEMENT ARE SET FORTH IN THE SITE MANAGEMENT PLAN (SMP). A COPY OF THE SMP MUST BE OBTAINED BY ANY PARTY WITH AN INTEREST IN THE PROPERTY. THE SMP CAN BE OBTAINED FROM NYS DEPARTMENT OF ENVIRONMENTAL CONSERVATION, DIVISION OF ENVIRONMENTAL REMEDIATION, SITE CONTROL SECTION, 625 BROADWAY, ALBANY, NY 12233 OR AT [DERWEB@DEC.NY.GOV](mailto:DERWEB@DEC.NY.GOV).

Former Globe Woolen Mills BCP Site  
Site No. C633084  
Tax ID: 318.40-4-6  
811-827 Court Street, Utica, NY  
BCP Site Acreage: 4.859  
Easement Area Acreage: 5.321

3-9-20: AMEND PER COMMENTS

|  |  |
|--|--|
| INSTRUMENT(S) UTILIZED IN DETERMINING LOCATION OF BOUNDARY LINES: SCHEDULE A, FIRST AMERICAN TITLE INSURANCE COMPANY, TITLE NO. NCS-87428-INDY, EFFECTIVE DATE 6/22/2018<br>THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT ABSTRACT OF TITLE AND IS SUBJECT TO ANY STATE OF FACTS THAT MAY BE REVEALED IN SAID ABSTRACT.<br>NOTE: THIS SURVEY WAS PERFORMED UNDER SEVERE SNOW AND ICE CONDITIONS. |  |
| THIS SURVEY MAP WAS PREPARED IN ACCORDANCE WITH THE CURRENT STANDARDS FOR LAND SURVEYS ADOPTED BY THE MAP ASSOCIATION OF ONE COUNTY AT THE REQUEST OF<br><br>FRANCIS C. DELLES<br>NYSPS No. 080477   | ©COPYRIGHT 2020 BY:<br><b>Millard, MacKay &amp; Delles</b><br>LAND SURVEYORS, LLP<br>150 AERO DRIVE<br>BUFFALO, NEW YORK 14225<br>PHONE (716) 631-5140 ~ FAX 631-3811                                    |
| AMEND:<br>SURVEY DATE: 2-18-19<br>DRAWING DATE: 3-2-20<br>SCALE: 1" = 20'<br>"ALL RIGHTS RESERVED"   | THIS MAP VOID UNLESS<br>EMBOSSED<br>SURVEYOR'S SEAL, ALTERING ANY ITEM<br>ON THIS MAP IS A VIOLATION OF THE<br>LAW EXCEPT AS PROVIDED IN SECTION<br>7209, PART 2, OF THE NEW YORK<br>STATE EDUCATION LAW |
| SHEET 1 OF 2<br>PART OF LOT _____ SECTION _____ TOWNSHIP _____ RANGE _____ OF THE<br>SURVEY - _____ Oneida _____ COUNTY, N.Y.<br>SURVEY OF: 933 Stark St., 811-827 Court St. & 814 Warren St., City of Utica   |  |
| SBL No. 318.40-4-6 AND 22<br>318.40-1-8  |  |





GRAPHIC SCALE - METERS

#### TAX PARCEL LEGAL DESCRIPTIONS

PARCEL 1 (933 STARK STREET, 318.40-4-22)

ALL THAT PIECE OR PARCEL OF LAND situate in the City of Utica, County of Oneida and State of New York, being Parcel "B" outlined in red on a Map showing part of premises formerly American Woolen Co., Inc., Utica, N.Y. made for Morton & Louis Kowalsky et al, dated December 28, 1956, made by Merritt and LaBella, Engineers and Surveyors, filed in the Oneida County Clerk's Office on December 28, 1956, said Parcel "B" is bounded and described as follows, to wit:

The point of beginning is from the following two (2) courses and distances, N 30 deg 23' E 232.16 feet along the easterly line of Stark Street from the point of intersection of the northerly line of Warren Street with the easterly line of Stark Street, S 60 deg 02' E 43.42 feet to the point of beginning and shown on the above mentioned Map; running thence N 30 deg 23' E along the westerly face of a 1 1/2 story brick building formerly Engine Room 12.87 feet to stairway thence N 30 deg 23' E along the center of party wall between said Engine Room Building and Stairway 10.35 feet to corner thereof, thence S 60 deg 02' E along the center of party wall between Engine Room Building and 4 Story Brick Building, formerly Mill No. 4 a distance of 23.45 feet to a point, thence N 30 deg 23' E along the center of the party wall between former Mill No. 4 and 2 Story Brick Building, formerly Dry House 97.65 feet to northwesterly corner of former Dry House Building, thence S 60 deg 02' E along the center of the party wall between former Dry House Building and Water Closets 6.32 to a corner of said Water Closets; thence N 30 deg 23' E along center of party wall between Water Closets and Platform 23.75 feet to a point marked by an iron pipe distant 2.75 feet northerly from the northeasterly corner of Water Closets Building, thence S 59 deg 10' E 40 feet to the northwesterly corner of 1 Story Brick Building, formerly No. 4 Dye House; thence S 59 deg 10' E along the northerly face of said Dye House and northerly face of 1 Story Frame Building next easterly of Dye House 57.9 feet to a point marked by an iron pipe, thence S 59 deg 10' E parallel with and distant 50 feet easterly of the easterly main wall of 1 Story Brick Building, formerly No. 4 Dye House 142.69 feet to a point marked by an iron pipe, thence N 60 deg 02' W 58.18 feet to southeasterly corner of 1 1/2 Story Brick Building, formerly Engine Room, thence N 60 deg 02' W along the southerly face of said former Engine Room Building 67.65 feet to the point of beginning.

TOGETHER WITH the right to use Stairway and also the right to use three (3) right of ways, and bounded and described as follows, to wit:

1st. A Right of Way 20 feet wide and 97.85 feet in length on the northerly side and 97.9 feet on the southerly side situate next northerly of 1 Story Brick Building, formerly No. 4 Dye House and shown on the above mentioned Map.

2nd. A Right of Way 20 feet front and rear, and 169.18 feet in length situate next southerly of the 1 1/2 Story Brick Building, formerly Engine Room and running easterly from the easterly line of Stark Street 169.18 feet in length on the southerly line and 169.25 feet on northerly line and shown on the above mentioned Map.

3rd. Right of Way beginning at a point marked by an iron pipe in the easterly line of Stark Street distant 232.16 feet N 30 deg 23' E along the easterly line of Stark Street from the point of intersection of the northerly line of Warren Street with the easterly line of Stark Street running thence N 30 deg 23' E along the easterly line of Stark Street 9.11 feet to a point marked by an iron pipe, thence easterly along the southerly face of the 1 Story Brick Building, formerly Transformer Building 16.65 feet to corner thereof, thence northerly along the easterly face of said 1 Story Brick Building 3.7 feet to Stairway, thence easterly along the southerly face of said stairway 26.85 feet to a point in the westerly face of 1 1/2 Story Brick Building, formerly Engine Room, thence southerly along the westerly face of said Building 12.87 feet to southwesterly corner of said former Engine Room Building; thence westerly along the line between two (2) Right of Ways 43.42 feet to the point of beginning.

Said Parcel containing 0.357 acres, more or less.

PARCEL 2 (811-827 COURT STREET, 318.40-4-6) (BCP SITE LEGAL DESCRIPTION)

All that tract or parcel of land situated in the City of Utica, County of Oneida and State of New York described as follows:

Beginning at the intersection of the southerly line of Court Street with the easterly line of Stark Street, thence running south 68 deg 48' east two hundred eighty-eight and 24/100 (288.24) feet along Court Street to a point, thence south 67 deg 21' E one hundred eighty-three and 21/100 (183.21) feet along Court Street to the easterly line of land conveyed to Globe Woolen Company by William Walter Lane and wife by deed recorded in the Oneida County Clerk's Office on January 26, 1888 in Book 420 of Deeds at page 337, thence south 31 deg 02' west in a line parallel to Sunset Avenue one hundred ten and 96/100 (110.96) feet to an iron pipe; thence north 58 deg 58' west in a line at right angles to Sunset Avenue sixty-four and 13/100 (64.19) feet to the southwesterly corner of premises conveyed to Globe Woolen Company by John Thom and wife, by deed recorded in said Clerk's Office on April 19, 1881, in Book 403 of Deeds at page 455; thence south 23 deg 02' west one hundred fifty-eight and 20/100 (158.20) feet to an iron pipe; thence south 42 deg 07' west two hundred sixty-seven and 26/100 (267.26) feet to a post in a fence, thence south 31 deg 02' west in a line parallel to Sunset Avenue forty-seven and 43/100 (47.32) feet to a post of land of the City of Utica; thence north 58 deg 58' west one hundred seventeen (117) feet by land of said City of Utica, to a post, thence south 63 deg 28' west by said land of the City of Utica one hundred seventy-four (174) feet more or less to land now or formerly of George W. and Helen B. Stoddard; thence north 59 deg 37' west one hundred twenty-five and 94/100 (125.94) feet to a post, thence south 27 deg 34' west thirty-three and 26/100 (33.26) feet; thence north 60 deg 20' west forty-five and 80/100 (45.80) feet by land now or formerly of Ball; thence north 30 deg 23' east eight and 52/100 (8.52) feet, thence north 59 deg 37' west thirty-one and 5/10 (31.5) feet to an iron pipe of land now formerly of Okowak; thence north 30 deg 23' east thirty-seven (37) feet; thence north 59 deg 37' west sixty-eight and 5/10 (68.5) feet to Stark Street, said line two courses being by land now or formerly of Okowak; thence north 30 deg 23' east six hundred sixty-six and 63/100 (666.63) feet along Stark Street to the place of beginning.

Excepting from the above parcel that property conveyed to Oneida County Realty, Inc. by warranty deed dated December 28, 1956, and recorded in the office of the Oneida County Clerk the same day in Book 1536 of Deeds at page 493, and also excepting that property conveyed to August Engler and Warranty Deed dated January 3, 1957, and recorded in the office of the Oneida County Clerk the same day in Book 1538 of Deeds at page 76.

Said Parcel containing 4.859 acres, more or less.

PARCEL 3 (814 WARREN STREET, 318.48-1-8)

ALL THAT CERTAIN LOT, PIECE OR PARCEL OF LAND situate, lying and being in the City of Utica, County of Oneida and State of New York, and being part of Lot No. 2 in Block No. 1 as shown on a map of property in the City of Utica, belonging to Charles McVean and made by L. M. Taylor and filed in Oneida County Clerk's Office August, 1845, being the Westerly 35 feet in width front and rear of said lot.

Said Parcel containing 0.105 acres, more or less.

#### ENVIRONMENTAL EASEMENT LEGAL DESCRIPTION

PER SCHEDULE A, FIRST AMERICAN TITLE INSURANCE COMPANY, TITLE No. NCS-871458-INDY, EFFECTIVE DATE 6/22/2018

ALL THAT TRACT OR PARCEL OF LAND SITUATE IN THE CITY OF UTICA, COUNTY OF ONEIDA AND STATE OF NEW YORK, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON ROD ON THE SOUTHERLY HIGHWAY BOUNDARY OF COURT STREET, SAID IRON ROD STANDING AT THE INTERSECTION OF THE SOUTHERLY HIGHWAY BOUNDARY OF COURT STREET WITH THE EASTERLY HIGHWAY BOUNDARY OF STARK STREET;

THENCE SOUTH 69° 48' 58" EAST 290.86 FEET ALONG THE SOUTHERLY HIGHWAY BOUNDARY OF COURT STREET TO A POINT;

THENCE SOUTH 68° 33' 49" EAST 82.80 FEET CONTINUING ALONG THE SOUTHERLY HIGHWAY BOUNDARY OF COURT STREET TO AN IRON ROD STANDING ON THE WESTERLY BOUNDARY OF THE BOLLERMAKER ROAD RACE, INC. (NOW OR FORMERLY);

THENCE SOUTH 21° 44' 16" WEST 90.88 FEET ALONG THE WESTERLY BOUNDARY OF THE BOLLERMAKER ROAD RACE, INC. TO AN IRON ROD STANDING ON THE NORTHWESTERLY BOUNDARY OF THE BOLLERMAKER ROAD RACE, INC.;

THENCE SOUTH 40° 59' 56" WEST 481.70 FEET ALONG THE NORTHWESTERLY BOUNDARY OF THE BOLLERMAKER ROAD RACE, INC. AND THEN ALONG THE NORTHWESTERLY BOUNDARY OF ATWATER, INC. (NOW OR FORMERLY) TO AN IRON ROD STANDING ON THE NORTHERLY BOUNDARY OF THE CITY OF UTICA (NOW OR FORMERLY);

THENCE NORTH 60° 00' 04" WEST 32.35 FEET ALONG THE NORTHERLY BOUNDARY OF THE CITY OF UTICA TO AN IRON ROD STANDING ON THE WESTERLY BOUNDARY OF THE CITY OF UTICA;

THENCE SOUTH 22° 52' 28" WEST 176.08 FEET ALONG THE NORTHERLY BOUNDARY OF THE CITY OF UTICA TO AN IRON ROD STANDING ON THE NORTHERLY BOUNDARY OF GARY G. NEWMAN (NOW OR FORMERLY);

THENCE NORTH 60° 19' 44" WEST 50.44 FEET ALONG THE NORTHERLY BOUNDARY OF GARY G. NEWMAN TO AN IRON ROD STANDING ON THE WESTERLY BOUNDARY OF GARY G. NEWMAN;

THENCE SOUTH 22° 42' 50" WEST 128.53 FEET ALONG THE WESTERLY BOUNDARY OF GARY G. NEWMAN TO AN IRON ROD STANDING ON THE NORTHERLY HIGHWAY BOUNDARY OF WARREN STREET;

THENCE NORTH 68° 02' 44" WEST 35.00 FEET ALONG THE NORTHERLY HIGHWAY BOUNDARY OF WARREN STREET TO AN IRON ROD STANDING ON THE EASTERLY BOUNDARY OF MARYKEAN HOUGHMASTER AND DOMINICK R. ALDI, JR. (NOW OR FORMERLY);

THENCE NORTH 22° 49' 24" EAST 133.24 FEET ALONG THE EASTERLY BOUNDARY OF MARYKEAN HOUGHMASTER AND DOMINICK R. ALDI, JR. TO AN IRON ROD STANDING ON THE NORTHERLY BOUNDARY OF MARYKEAN HOUGHMASTER AND DOMINICK R. ALDI, JR.;

THENCE NORTH 60° 19' 44" WEST 40.50 FEET ALONG THE NORTHERLY BOUNDARY OF MARYKEAN HOUGHMASTER AND DOMINICK R. ALDI, JR. TO AN IRON ROD STANDING ON THE WESTERLY BOUNDARY OF MARYKEAN HOUGHMASTER AND DOMINICK R. ALDI, JR.;

THENCE SOUTH 26° 51' 16" WEST 33.26 FEET ALONG THE WESTERLY BOUNDARY OF MARYKEAN HOUGHMASTER AND DOMINICK R. ALDI, JR. TO AN IRON ROD STANDING ON THE NORTHERLY BOUNDARY OF JOHN P. PANNACCIULLI AND LILY H. PREK (NOW OR FORMERLY);

THENCE NORTH 61° 02' 44" WEST 45.80 FEET ALONG THE NORTHERLY BOUNDARY OF JOHN P. PANNACCIULLI AND LILY H. PREK TO AN IRON ROD STANDING ON THE EASTERLY BOUNDARY OF W.R.G.I.T. PROPERTIES, INC. (NOW OR FORMERLY);

THENCE NORTH 29° 40' 16" EAST 8.52 FEET ALONG THE EASTERLY BOUNDARY OF W.R.G.I.T. PROPERTIES, INC. TO AN IRON ROD STANDING ON THE NORTHERLY BOUNDARY OF W.R.G.I.T. PROPERTIES, INC.;

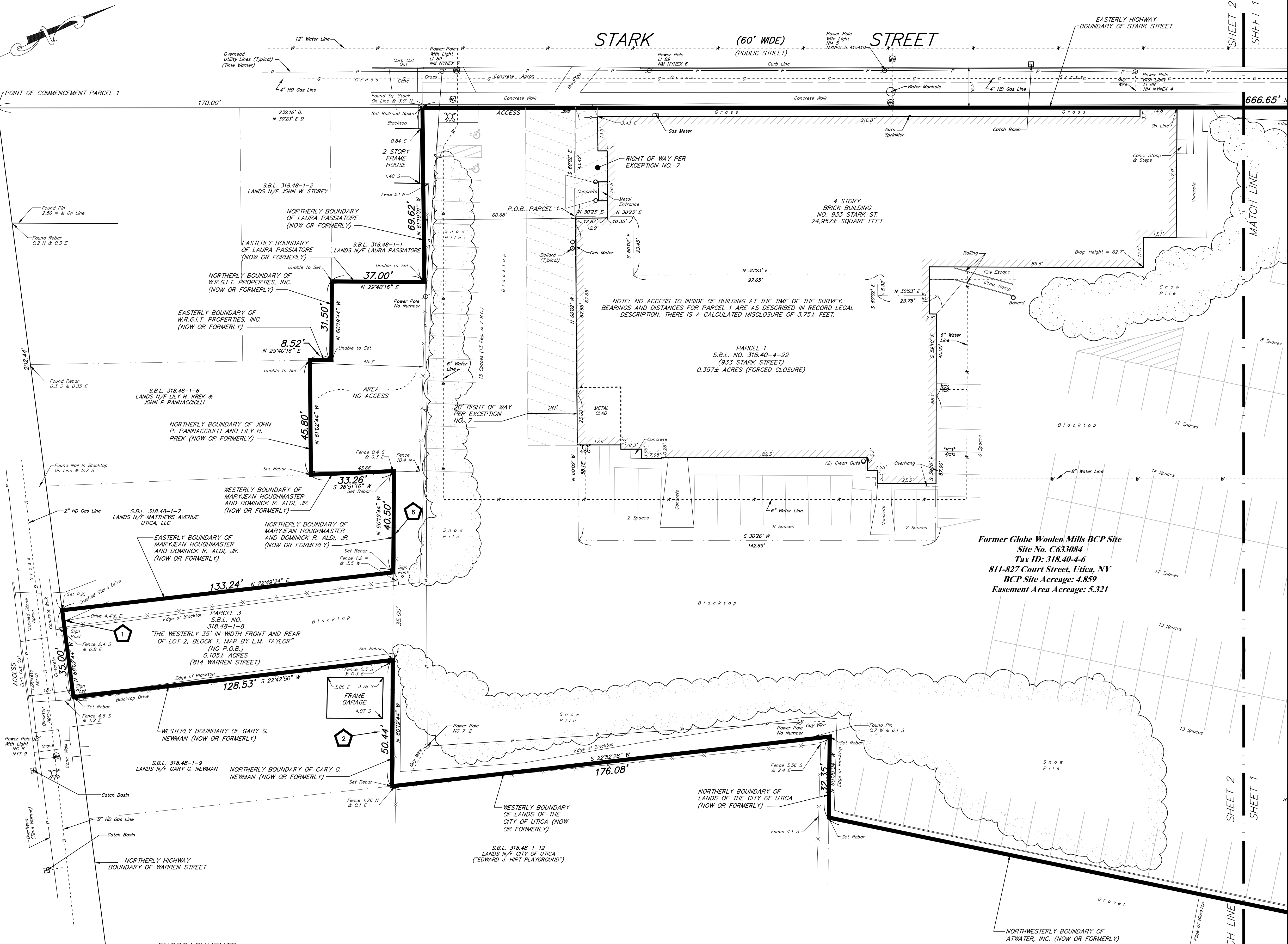
THENCE NORTH 60° 19' 44" WEST 31.50 FEET ALONG THE NORTHERLY BOUNDARY OF W.R.G.I.T. PROPERTIES, INC. TO AN IRON ROD STANDING ON THE EASTERLY BOUNDARY OF LAURA PASSIATORE (NOW OR FORMERLY);

THENCE NORTH 29° 40' 16" EAST 37.00 FEET ALONG THE EASTERLY BOUNDARY OF LAURA PASSIATORE TO AN IRON ROD STANDING ON THE NORTHERLY BOUNDARY OF LAURA PASSIATORE;

THENCE NORTH 61° 19' 01" WEST 69.62 FEET ALONG THE NORTHERLY BOUNDARY OF LAURA PASSIATORE TO AN IRON PIN STANDING ON THE EASTERLY HIGHWAY BOUNDARY OF STARK STREET;

THENCE NORTH 29° 18' 57" EAST 666.65 FEET ALONG THE EASTERLY HIGHWAY BOUNDARY OF STARK STREET TO THE POINT AND PLACE OF BEGINNING.

TOTAL AREA = 5.321± ACRES



#### ENCROACHMENTS

- 1 CRUSHED STONE DRIVEWAY ENCROACHES UP TO 4.4' ONTO SUBJECT PROPERTY.
- 2 FENCE MAY ENCROACH UP TO 1.26' ONTO SUBJECT PROPERTY OR 0.3' ONTO ADJOINER PROPERTY, DEPENDING UPON OWNERSHIP OF FENCE.
- 3 CONCRETE STEPS ENCROACH UP TO 2.3' INTO COURT STREET R.O.W.
- 4 BUILDING ENCROACHES 0.91' ONTO STARK STREET R.O.W.
- 5 BUILDING ENCROACHES 0.66' ONTO STARK STREET R.O.W.
- 6 FENCE MAY ENCROACH UP TO 1.2' ONTO SUBJECT PROPERTY OR 0.4' ONTO ADJOINER PROPERTY, DEPENDING UPON OWNERSHIP OF FENCE.

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 THIS EASEMENT ARE SET FORTH 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 CAN BE OBTAINED FROM NYS DEPARTMENT OF ENVIRONMENTAL CONSERVATION, DIVISION OF ENVIRONMENTAL REMEDIATION, SITE CONTROL SECTION, 625 BROADWAY, ALBANY, NY 12233 OR AT [DERWEB@DEC.NY.GOV](mailto:DERWEB@DEC.NY.GOV).

3-9-20: AMEND PER COMMENTS

INSTRUMENT(S) USED IN DETERMINING LOCATION OF BOUNDARY LINES: SCHEDULE A, FIRST AMERICAN TITLE INSURANCE COMPANY, TITLE No. NCS-871458-INDY, EFFECTIVE DATE 6/22/2018  
THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT ABSTRACT OF TITLE AND IS SUBJECT TO ANY STATE OF FACTS THAT MAY BE REVEALED IN SAID ABSTRACT.  
NOTE: THIS SURVEY WAS PERFORMED UNDER SEVERE SNOW AND ICE CONDITIONS.

|   |  |  |
|---|--|--|
| THIS SURVEY MAP WAS PREPARED IN ACCORDANCE WITH THE CURRENT STANDARDS FOR LAND SURVEYING ADOPTED BY THE LAND ASSOCIATION OF THE STATE OF NEW YORK.                                      | ©COPYRIGHT 2020, BY:<br><b>Millard, MacKay &amp; Delles</b><br>LAND SURVEYORS, LLP<br>150 AERO DRIVE<br>BUFFALO, NEW YORK 14225<br>PHONE (716) 631-5140 ~ FAX 631-3811 | AMEND:<br>SURVEY DATE: 2-18-19<br>DRAWING DATE: 3-2-20<br>SCALE: 1" = 20'<br>"ALL RIGHTS RESERVED" |
| THIS MAP VOID UNLESS EMBOSSED SURVEYOR'S SEAL, ALTERING ANY ITEM ON THIS MAP IS A VIOLATION OF THE LAW EXCEPT AS PROVIDED IN SECTION 7209, PART 2, OF THE NEW YORK STATE EDUCATION LAW. | SHEET 2 OF 2<br>PART OF LOT _____ SECTION _____ TOWNSHIP _____ RANGE _____ OF THE _____ SURVEY- _____ Oneida COUNTY, N.Y.  | SBL No. 318.40-4-6 AND 22 318.48-1-8   |
| SURVEY OF: 933 Stark St., 811-827 Court St. & 814 Warren St., City of Utica   |  |  |





ONEIDA COUNTY – STATE OF NEW YORK  
SANDRA J. DEPERNO COUNTY CLERK  
800 PARK AVENUE, UTICA, NEW YORK 13501

COUNTY CLERK'S RECORDING PAGE  
\*\*\*THIS PAGE IS PART OF THE DOCUMENT – DO NOT DETACH\*\*\*



INSTRUMENT #: 2017-015499

Receipt#: 2017803377  
Clerk: LG  
Rec Date: 10/11/2017 03:15:42 PM  
Doc Grp: RP  
Descrip: DEED  
Num Pgs: 4

Party1: KIRSHTein JS MURRAY  
Party2: LOFTS AT GLOBE MILL  
Town: UTICA

Recording:

|                           |        |
|---------------------------|--------|
| Cover Page                | 20.00  |
| Number of Pages           | 20.00  |
| Cultural Ed               | 14.25  |
| Records Management - Coun | 1.00   |
| Records Management - Stat | 4.75   |
| TP584                     | 5.00   |
| RP5217 - County           | 4.50   |
| RP5217 - County Clerk     | 4.50   |
| RP5217 All others - State | 241.00 |

Sub Total: 315.00

Transfer Tax  
Transfer Tax 6000.00

Sub Total: 6000.00

Total: 6315.00

\*\*\*\* NOTICE: THIS IS NOT A BILL \*\*\*\*

\*\*\*\*\* Transfer Tax \*\*\*\*\*

Transfer Tax #: 1580

Commercial

Consideration: 1500000.00

Transfer Tax 6000.00

Total: 6000.00

Record and Return To:

JOSHUA A SAVAGE  
WOODEN & MCLAUGHLIN LLP  
ONE INDIANA SQUARE STE 1800  
INDIANAPOLIS INDIANA 46204

WARNING\*\*\*

I hereby certify that the within and foregoing was recorded in the Oneida County Clerk's Office, State of New York. This sheet constitutes the Clerks endorsement required by Section 316 of the Real Property Law of the State of New York.

Sandra J. DePerno  
Oneida County Clerk

THIS INDENTURE Made the 12<sup>th</sup> day of September, 2017  
BETWEEN Murray JS Kirshtein, Steven Kowalsky, Edward Kowalsky, The Estate of Ruth Weitzman,  
The Charles Weitzman Testamentary Trust, doing Business as Globe Mill Joint Venture, with offices at  
811 Court St., Utica, NY 13502

parties of the first part

2017803377

Clerk: LG

2017-015499

10/11/2017 03:15:42 PM  
DEED

4 Pages

Sandra J. DePerno, Oneida County Clerk

and

Lofts at Globe Mill, LP a New York Limited Partnership

parties of the second part,

WITNESSETH that the parties of the first part, in consideration of One Million Five Hundred  
Thousand and 00/100ths Dollar (\$1, 500,00.00) lawful money of the United States, and other good  
and valuable consideration paid by the party of the second part, do hereby grant and release unto the  
party of the second part, his heirs, successors and assigns forever all,

**SEE SCHEDULE "A" ATTACHED**

BEING a part of the same premises conveyed to Morton Kowalsky, Louis Kowalsky, Barnet Kirshtein  
and Jack Utica Realty Corp. and Jacob Gennis by Warranty Deed dated May 14, 1956 and recorded in  
the Office of Oneida County Clerk in Book 1513 of Deeds at page 269.

SUBJECT to any and all conditions, covenants, easements, restrictions and rights of way of record.  
TOGETHER with the appurtenances and all the estate and rights of the grantor in and to said premises.  
TO HAVE AND TO HOLD the premises herein granted unto the grantee, the heirs or successors and  
assigns of the grantees forever. AND the grantor covenants as follows:

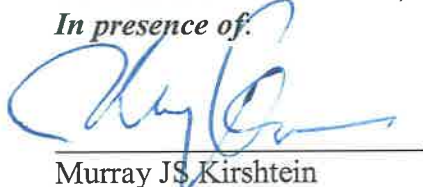
FIRST-The grantee shall quietly enjoy the said premises;

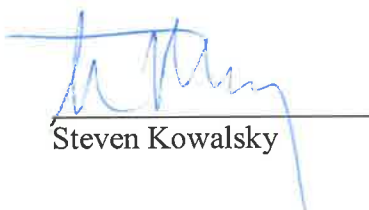
SECOND.-The grantor will forever warrant the title to said premises;

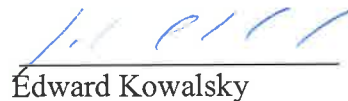
This deed is subject to the trust provisions of Section 13 of the Lien Law. The words "grantor" and  
"grantee" shall be construed to read in the plural whenever the sense of this deed so requires.

IN WITNESS WHEREOF, the grantor has executed this deed the day and year first above written.

*In presence of:*

  
Murray JS Kirshtein

  
Steven Kowalsky

  
Edward Kowalsky

The Estate of Ruth Weitzman

The Charles Weitzman Trust

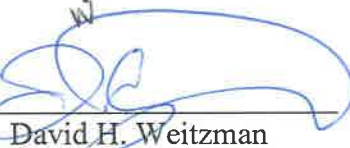
By:   
Ann E. Weitzman Nathan

By:   
Ann E. Weitzman Nathan

By:   
Adele Sossen

By:   
Adele Sossen

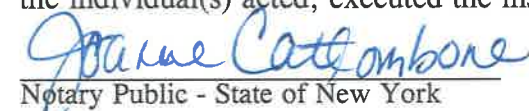
By:   
David H. Weitzman

By:   
David H. Weitzman



STATE OF NEW YORK,  
COUNTY OF ONEIDA ss.:

On the 12<sup>th</sup> day of September in the year 2017 before me, the undersigned, personally  
appeared, Murray JS Kirshtein, Steven Kowalsky, Edward Kowalsky, Ann E. Weitzman Nathan,  
Adele Sossen, David H. Weitzman personally known to me or proved to me on the basis of  
satisfactory evidence to be the individual(s) whose name(s) 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.

  
Notary Public - State of New York

JOANNE CATROMBONE  
Notary Public  
No. 01-HO-5082050  
County of Oneida, State of New York  
My Commission Expires 6-21-2021

### SCHEDULE "A"

All that tract or parcel of land situate in the City of Utica, County of Oneida and State of New York, bounded and described as follows:

Beginning at an iron rod on the southerly highway boundary of Court Street, said iron rod standing at the intersection of the southerly highway boundary of Court Street with the easterly highway boundary of Stark Street; thence S 69° 48' 58" E 290.96 feet along the southerly highway boundary of Court Street to a point; thence S 68° 33' 49" E 82.80 feet continuing along the southerly highway boundary of Court Street to an iron rod standing on the westerly boundary of The Boilermaker Road Race, Inc. (Now or Formerly); thence S 21° 44' 16" W 90.88 feet along the westerly boundary of The Boilermaker Road Race, Inc. to an iron rod standing on the northwesterly boundary of The Boilermaker Road Race, Inc.; thence S 40° 59' 56" W 481.70 feet along the northwesterly boundary of The Boilermaker Road Race, Inc. and then along the northwesterly boundary of Atwater, Inc. (Now or Formerly) to an iron rod standing on the northerly boundary of The City of Utica (Now or Formerly); thence N 60° 00' 04" W 32.35 feet along the northerly boundary of The City of Utica to an iron rod standing on the westerly boundary of The City of Utica; thence S 22° 52' 28" W 176.08 feet along the westerly boundary of The City of Utica to an iron rod standing on the northerly boundary of Gary G. Newman (Now or Formerly); thence N 60° 19' 44" W 50.44 feet along the northerly boundary of Gary G. Newman to an iron rod standing on the westerly boundary of Gary G. Newman; thence S 22° 42' 50" W 128.53 feet along the westerly boundary of Gary G. Newman to an iron rod standing on the northerly highway boundary of Warren Street; thence N 68° 02' 44" W 35.00 feet along the northerly highway boundary of Warren Street to an iron rod standing on the easterly boundary of Maryjean Houghmaster and Dominick R. Aldi, Jr. (Now or Formerly); thence N 22° 49' 24" E 133.24 feet along the easterly boundary of Maryjean Houghmaster and Dominick R. Aldi, Jr. to an iron rod standing on the northerly boundary of Maryjean Houghmaster and Dominick R. Aldi, Jr.; thence N 60° 19' 44" W 40.50 feet along the northerly boundary of Maryjean Houghmaster and Dominick R. Aldi, Jr. to an iron rod standing on the westerly boundary of Maryjean Houghmaster and Dominick R. Aldi, Jr.; thence S 26° 51' 16" W 33.26 feet along the westerly boundary of Maryjean Houghmaster and Dominick R. Aldi, Jr. to an iron rod standing on the northerly boundary of John P. Pannacciulli and Lily H. Prek (Now or Formerly); thence N 61° 02' 44" W 45.80 feet along the northerly boundary of John P. Pannacciulli and Lily H. Prek to

an iron rod standing on the easterly boundary of W.R.G.I.T. Properties, Inc. (Now or Formerly ); thence N 29° 40' 16" E 8.52 feet along the easterly boundary of W.R.G.I.T. Properties, Inc. to an iron rod standing on the northerly boundary of W.R.G.I.T. Properties, Inc.; thence N 60° 19' 44" W 31.50 feet along the northerly boundary of W.R.G.I.T. Properties, Inc. to an iron rod standing on the easterly boundary of Laura Passiatore (Now or Formerly); thence N 29° 40' 16" E 37.00 feet along the easterly boundary of Laura Passiatore to an iron rod standing on the northerly boundary of Laura Passiatore; thence N 61° 19' 01" W 69.62 feet along the northerly boundary of Laura Passiatore to an iron pin standing on the easterly highway boundary of Stark Street; thence N 29° 18' 57" E 666.65 feet along the easterly highway boundary of Stark Street to the point and place of beginning.

The above described parcel containing 5.321 acres (231,772.7 sq. ft.) of land, more or less.



ONEIDA COUNTY – STATE OF NEW YORK  
SANDRA J. DEPERNO COUNTY CLERK  
800 PARK AVENUE, UTICA, NEW YORK 13501

COUNTY CLERK'S RECORDING PAGE  
\*\*\*THIS PAGE IS PART OF THE DOCUMENT – DO NOT DETACH\*\*\*



INSTRUMENT #: 2017-015499

Receipt#: 2017803377  
Clerk: LG  
Rec Date: 10/11/2017 03:15:42 PM  
Doc Grp: RP  
Descrip: DEED  
Num Pgs: 4

Party1: KIRSHTEIN JS MURRAY  
Party2: LOFTS AT GLOBE MILL  
Town: UTICA

Recording:

|                           |        |
|---------------------------|--------|
| Cover Page                | 20.00  |
| Number of Pages           | 20.00  |
| Cultural Ed               | 14.25  |
| Records Management - Coun | 1.00   |
| Records Management - Stat | 4.75   |
| TP584                     | 5.00   |
| RP5217 - County           | 4.50   |
| RP5217 - County Clerk     | 4.50   |
| RP5217 All others - State | 241.00 |

Sub Total: 315.00

Transfer Tax  
Transfer Tax 6000.00

Sub Total: 6000.00

Total: 6315.00

\*\*\*\* NOTICE: THIS IS NOT A BILL \*\*\*\*

\*\*\*\*\* Transfer Tax \*\*\*\*\*

Transfer Tax #: 1580

Commercial

Consideration: 1500000.00

Transfer Tax 6000.00

Total: 6000.00

Record and Return To:

JOSHUA A SAVAGE  
WOODEN & MCLAUGHLIN LLP  
ONE INDIANA SQUARE STE 1800  
INDIANAPOLIS INDIANA 46204

WARNING\*\*\*

I hereby certify that the within and foregoing was recorded in the Oneida County Clerk's Office, State of New York. This sheet constitutes the Clerks endorsement required by Section 316 of the Real Property Law of the State of New York.

Sandra J. DePerno  
Oneida County Clerk



THIS INDENTURE Made the 12<sup>th</sup> day of September, 2017  
BETWEEN Murray JS Kirshtein, Steven Kowalsky, Edward Kowalsky, The Estate of Ruth Weitzman,  
The Charles Weitzman Testamentary Trust, doing Business as Globe Mill Joint Venture, with offices at  
811 Court St., Utica, NY 13502

parties of the first part

2017803377

Clerk: LG

2017-015499

10/11/2017 03:15:42 PM

DEED

4 Pages

Sandra J. DePerno, Oneida County Clerk

and

Lofts at Globe Mill, LP a New York Limited Partnership

parties of the second part,

WITNESSETH that the parties of the first part, in consideration of One Million Five Hundred  
Thousand and 00/100ths Dollar (\$1, 500,00.00) lawful money of the United States, and other good  
and valuable consideration paid by the party of the second part, do hereby grant and release unto the  
party of the second part, his heirs, successors and assigns forever all,

**SEE SCHEDULE "A" ATTACHED**

BEING a part of the same premises conveyed to Morton Kowalsky, Louis Kowalsky, Barnet Kirshtein  
and Jack Utica Realty Corp. and Jacob Gennis by Warranty Deed dated May 14, 1956 and recorded in  
the Office of Oneida County Clerk in Book 1513 of Deeds at page 269.

SUBJECT to any and all conditions, covenants, easements, restrictions and rights of way of record.  
TOGETHER with the appurtenances and all the estate and rights of the grantor in and to said premises.  
TO HAVE AND TO HOLD the premises herein granted unto the grantee, the heirs or successors and  
assigns of the grantees forever. AND the grantor covenants as follows:

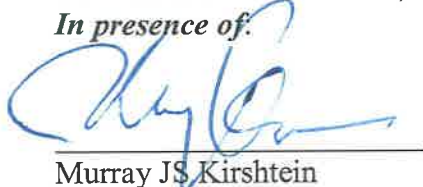
FIRST-The grantee shall quietly enjoy the said premises;

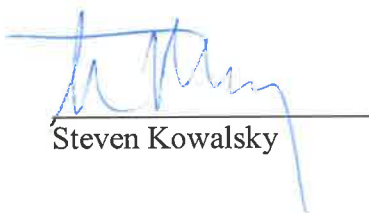
SECOND.-The grantor will forever warrant the title to said premises;

This deed is subject to the trust provisions of Section 13 of the Lien Law. The words "grantor" and  
"grantee" shall be construed to read in the plural whenever the sense of this deed so requires.

IN WITNESS WHEREOF, the grantor has executed this deed the day and year first above written.

In presence of:


  
Murray JS Kirshtein

  
Steven Kowalsky

  
Edward Kowalsky

The Estate of Ruth Weitzman

The Charles Weitzman Trust

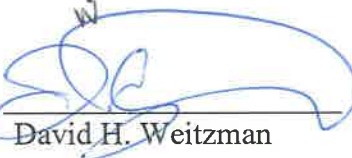
By:   
Ann E. Weitzman Nathan

By:   
Ann E. Weitzman Nathan

By:   
Adele Sossen

By:   
Adele Sossen

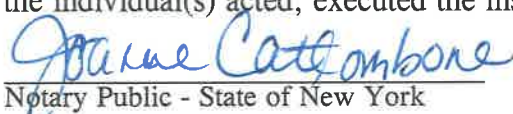
By:   
David H. Weitzman

By:   
David H. Weitzman



STATE OF NEW YORK,  
COUNTY OF ONEIDA ss.:

On the 12<sup>th</sup> day of September in the year 2017 before me, the undersigned, personally  
appeared, Murray JS Kirshtein, Steven Kowalsky, Edward Kowalsky, Ann E. Weitzman Nathan,  
Adele Sossen, David H. Weitzman personally known to me or proved to me on the basis of  
satisfactory evidence to be the individual(s) whose name(s) 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.

  
Notary Public - State of New York

JOANNE CATROMBONE  
Notary Public  
No. 01-HO-5082050  
County of Oneida, State of New York  
My Commission Expires 6-21-2021

### SCHEDULE "A"

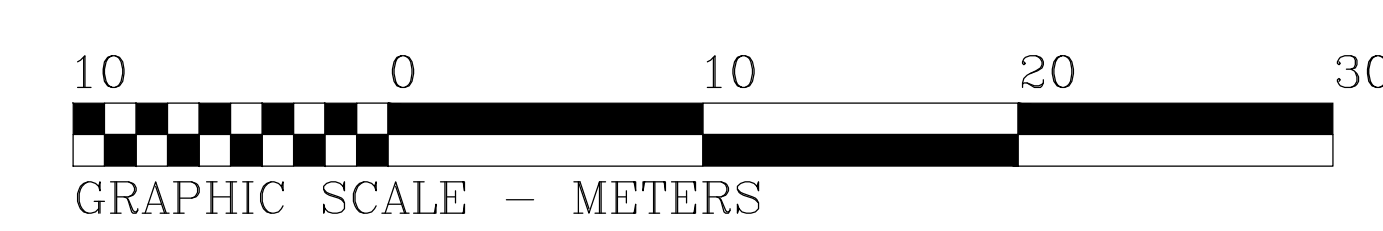
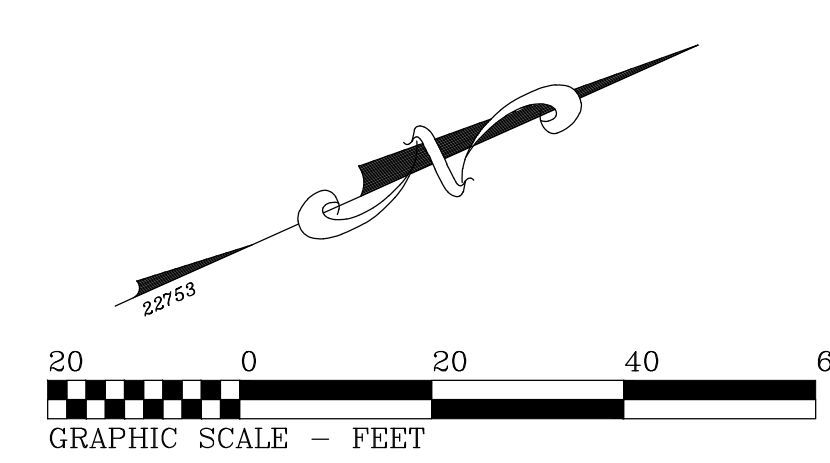
All that tract or parcel of land situate in the City of Utica, County of Oneida and State of New York, bounded and described as follows:

Beginning at an iron rod on the southerly highway boundary of Court Street, said iron rod standing at the intersection of the southerly highway boundary of Court Street with the easterly highway boundary of Stark Street; thence S 69° 48' 58" E 290.96 feet along the southerly highway boundary of Court Street to a point; thence S 68° 33' 49" E 82.80 feet continuing along the southerly highway boundary of Court Street to an iron rod standing on the westerly boundary of The Boilermaker Road Race, Inc. (Now or Formerly); thence S 21° 44' 16" W 90.88 feet along the westerly boundary of The Boilermaker Road Race, Inc. to an iron rod standing on the northwesterly boundary of The Boilermaker Road Race, Inc.; thence S 40° 59' 56" W 481.70 feet along the northwesterly boundary of The Boilermaker Road Race, Inc. and then along the northwesterly boundary of Atwater, Inc. (Now or Formerly) to an iron rod standing on the northerly boundary of The City of Utica (Now or Formerly); thence N 60° 00' 04" W 32.35 feet along the northerly boundary of The City of Utica to an iron rod standing on the westerly boundary of The City of Utica; thence S 22° 52' 28" W 176.08 feet along the westerly boundary of The City of Utica to an iron rod standing on the northerly boundary of Gary G. Newman (Now or Formerly); thence N 60° 19' 44" W 50.44 feet along the northerly boundary of Gary G. Newman to an iron rod standing on the westerly boundary of Gary G. Newman; thence S 22° 42' 50" W 128.53 feet along the westerly boundary of Gary G. Newman to an iron rod standing on the northerly highway boundary of Warren Street; thence N 68° 02' 44" W 35.00 feet along the northerly highway boundary of Warren Street to an iron rod standing on the easterly boundary of Maryjean Houghmaster and Dominick R. Aldi, Jr. (Now or Formerly); thence N 22° 49' 24" E 133.24 feet along the easterly boundary of Maryjean Houghmaster and Dominick R. Aldi, Jr. to an iron rod standing on the northerly boundary of Maryjean Houghmaster and Dominick R. Aldi, Jr.; thence N 60° 19' 44" W 40.50 feet along the northerly boundary of Maryjean Houghmaster and Dominick R. Aldi, Jr. to an iron rod standing on the westerly boundary of Maryjean Houghmaster and Dominick R. Aldi, Jr.; thence S 26° 51' 16" W 33.26 feet along the westerly boundary of Maryjean Houghmaster and Dominick R. Aldi, Jr. to an iron rod standing on the northerly boundary of John P. Pannacciulli and Lily H. Prek (Now or Formerly); thence N 61° 02' 44" W 45.80 feet along the northerly boundary of John P. Pannacciulli and Lily H. Prek to

an iron rod standing on the easterly boundary of W.R.G.I.T. Properties, Inc. (Now or Formerly ); thence N 29° 40' 16" E 8.52 feet along the easterly boundary of W.R.G.I.T. Properties, Inc. to an iron rod standing on the northerly boundary of W.R.G.I.T. Properties, Inc.; thence N 60° 19' 44" W 31.50 feet along the northerly boundary of W.R.G.I.T. Properties, Inc. to an iron rod standing on the easterly boundary of Laura Passiatore (Now or Formerly); thence N 29° 40' 16" E 37.00 feet along the easterly boundary of Laura Passiatore to an iron rod standing on the northerly boundary of Laura Passiatore; thence N 61° 19' 01" W 69.62 feet along the northerly boundary of Laura Passiatore to an iron pin standing on the easterly highway boundary of Stark Street; thence N 29° 18' 57" E 666.65 feet along the easterly highway boundary of Stark Street to the point and place of beginning.

The above described parcel containing 5.321 acres (231,772.7 sq. ft.) of land, more or less.





LEGEND

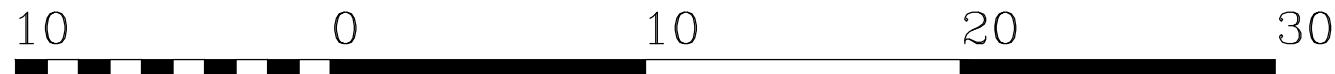
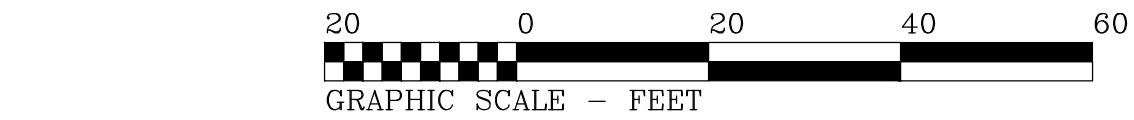
- |                           |                     |
|---------------------------|---------------------|
| UTILITY / SERVICE POLE    | R.O.W. RIGHT OF WAY |
| WATER LINE VALVE          | CONC. CONCRETE      |
| FIRE HYDRANT              | INV. INVERT         |
| D.I. (DROP INLET - STORM) | M.H. MANHOLE        |
| MANHOLE (STORM)           | — GAS LINE          |
| MANHOLE (ELECTRIC)        | — WATER LINE        |
| MANHOLE (TRAFFIC)         | — TELEPHONE LINE    |
| MANHOLE (SANITARY)        | — ELECTRIC LINE     |
| MANHOLE (TELEPHONE)       | — UTILITY LINES     |
| GASLINE MARKER            | — CABLE LINES       |
| GAS LINE VALVE            | D. DEED             |
| LIGHT STANDARD            | M. MEASURED         |
| SIGN                      | L. LIBER            |
| H.C. HANDICAP             | P. PAGE             |

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 THIS EASEMENT ARE SET FORTH 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 CAN BE OBTAINED FROM NYS DEPARTMENT OF ENVIRONMENTAL CONSERVATION, DIVISION OF ENVIRONMENTAL REMEDIATION, SITE CONTROL SECTION, 625 BROADWAY, ALBANY, NY 12233 OR AT [DERWEB@DEC.NY.GOV](mailto:DERWEB@DEC.NY.GOV).

3-9-20: AMEND PER COMMENTS

|   |  |
|---|--|
| INSTRUMENT(S) UTILIZED IN DETERMINING LOCATION OF BOUNDARY LINES: SCHEDULE A, FIRST AMERICAN TITLE INSURANCE COMPANY, TITLE NO. NCS-87428-INDY, EFFECTIVE DATE 6/22/2018. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT ABSTRACT OF TITLE AND IS SUBJECT TO ANY STATE OF FACTS THAT MAY BE REVEALED IN SAID ABSTRACT. NOTE: THIS SURVEY WAS PERFORMED UNDER SEVERE SNOW AND ICE CONDITIONS. |  |
| THIS SURVEY MAP WAS PREPARED IN ACCORDANCE WITH THE CURRENT STANDARDS FOR LAND SURVEYS ADOPTED BY THE MAP ASSOCIATION OF ONE COUNTY AT THE REQUEST OF FRANKS C. DELLES  | ©COPYRIGHT 2020 BY: Millard, MacKay & Delles LAND SURVEYORS, LLP 150 AERO DRIVE BUFFALO, NEW YORK 14225 PHONE (716) 631-5140 ~ FAX 631-3811  |
| AMEND: SURVEY DATE: 2-18-19 DRAWING DATE: 3-2-20 SCALE: 1" = 20' "ALL RIGHTS RESERVED"  | THIS MAP VOID UNLESS EMBOSSED SURVEYOR'S SEAL, ALTERING ANY ITEM ON THIS MAP IS A VIOLATION OF THE LAW EXCEPT AS PROVIDED IN SECTION 7209, PART 2, OF THE NEW YORK STATE EDUCATION LAW |
| SHEET 1 OF 2  |  |
| PART OF LOT _____ SECTION _____ TOWNSHIP _____ RANGE _____ OF THE SURVEY - Oneida COUNTY, N.Y.  |  |
| SURVEY OF: 933 Stark St., 811-827 Court St. & 814 Warren St., City of Utica   |  |
| SBL No. 318-40-4-6 AND 22 318-40-1-8  |  |





GRAPHIC SCALE - METERS

#### TAX PARCEL LEGAL DESCRIPTIONS

PARCEL 1 (933 STARK STREET, 318.40-4-22)

ALL THAT PIECE OR PARCEL OF LAND situate in the City of Utica, County of Oneida and State of New York, being Parcel "B" outlined in red on a Map showing part of premises formerly American Woolen Co., Inc., Utica, N.Y. made for Morton & Louis Kowalsky et al, dated December 28, 1956, made by Merritt and LaBella, Engineers and Surveyors, filed in the Oneida County Clerk's Office on December 28, 1956, said Parcel "B" is bounded and described as follows, to wit:

The point of beginning is from the following two (2) courses and distances, N 30 deg 23' E 232.16 feet along the easterly line of Stark Street from the point of intersection of the northerly line of Warren Street with the easterly line of Stark Street, S 60 deg 02' E 43.42 feet to the point of beginning and shown on the above mentioned Map; running thence N 30 deg 23' E along the westerly face of a 1 1/2 story brick building formerly Engine Room 12.87 feet to stairway thence N 30 deg 23' E along the center of party wall between said Engine Room Building and Stairway 10.35 feet to corner thereof, thence S 60 deg 02' E along the center of party wall between Engine Room Building and 4 Story Brick Building, formerly Mill No. 4 a distance of 23.45 feet to a point, thence N 30 deg 23' E along the center of the party wall between former Mill No. 4 and 2 Story Brick Building, formerly Dry House 97.65 feet to northwesterly corner of former Dry House Building, thence S 60 deg 02' E along the center of the party wall between former Dry House Building and Water Closets 6.32 to a corner of said Water Closets; thence N 30 deg 23' E along center of party wall between Water Closets and Platform 23.75 feet to a point marked by an iron pipe distant 2.75 feet northerly from the northeasterly corner of Water Closets Building, thence S 59 deg 10' E 40 feet to the northwesterly corner of 1 Story Brick Building, formerly No. 4 Dye House; thence S 59 deg 10' E along the northerly face of said Dye House and northerly face of 1 Story Frame Building next easterly of Dye House 57.9 feet to a point marked by an iron pipe, thence S 59 deg 10' E parallel with and distant 50 feet easterly of the easterly main wall of 1 Story Brick Building, formerly No. 4 Dye House 142.69 feet to a point marked by an iron pipe, thence N 60 deg 02' W 58.18 feet to southeasterly corner of 1 1/2 Story Brick Building, formerly Engine Room, thence N 60 deg 02' W along the southerly face of said former Engine Room Building 67.65 feet to the point of beginning.

TOGETHER WITH the right to use Stairway and also the right to use three (3) right of ways, and bounded and described as follows, to wit:

1st. A Right of Way 20 feet wide and 97.85 feet in length on the northerly side and 97.9 feet on the southerly side situate next northerly of 1 Story Brick Building, formerly No. 4 Dye House and shown on the above mentioned Map.

2nd. A Right of Way 20 feet front and rear, and 169.18 feet in length situate next southerly of the 1 1/2 Story Brick Building, formerly Engine Room and running easterly from the easterly line of Stark Street 169.18 feet in length on the southerly line and 169.25 feet on northerly line and shown on the above mentioned Map.

3rd. Right of Way beginning at a point marked by an iron pipe in the easterly line of Stark Street distant 232.16 feet N 30 deg 23' E along the easterly line of Stark Street from the point of intersection of the northerly line of Warren Street with the easterly line of Stark Street running thence N 30 deg 23' E along the easterly line of Stark Street 9.11 feet to a point marked by an iron pipe, thence easterly along the southerly face of the 1 Story Brick Building, formerly Transformer Building 16.65 feet to corner thereof, thence northerly along the easterly face of said 1 Story Brick Building 3.7 feet to Stairway, thence easterly along the southerly face of said stairway 26.85 feet to a point in the westerly face of 1 1/2 Story Brick Building, formerly Engine Room, thence southerly along the westerly face of said Building 12.87 feet to southwesterly corner of said former Engine Room Building; thence westerly along the line between two (2) Right of Ways 43.42 feet to the point of beginning.

Said Parcel containing 0.357 acres, more or less.

PARCEL 2 (811-827 COURT STREET, 318.40-4-6) (BCP SITE LEGAL DESCRIPTION)

All that tract or parcel of land situated in the City of Utica, County of Oneida and State of New York described as follows:

Beginning at the intersection of the southerly line of Court Street with the easterly line of Stark Street, thence running south 68 deg 48' east two hundred eighty-eight and 24/100 (288.24) feet along Court Street to a point, thence south 67 deg 21' E one hundred eighty-three and 21/100 (183.21) feet along Court Street to the easterly line of land conveyed to Globe Woolen Company by William Walter Lane and wife by deed recorded in the Oneida County Clerk's Office on January 26, 1888 in Book 420 of Deeds at page 337, thence south 31 deg 02' west in a line parallel to Sunset Avenue one hundred ten and 96/100 (110.96) feet to an iron pipe; thence north 58 deg 58' west in a line at right angles to Sunset Avenue sixty-four and 13/100 (64.19) feet to the southwesterly corner of premises conveyed to Globe Woolen Company by John Thom and wife, by deed recorded in said Clerk's Office on April 19, 1881, in Book 403 of Deeds at page 453, thence south 23 deg 02' west one hundred fifty-eight and 20/100 (158.20) feet to an iron pipe; thence south 42 deg 07' west two hundred sixty-seven and 26/100 (267.26) feet to a post in a fence, thence south 31 deg 02' west in a line parallel to Sunset Avenue forty-seven and 43/100 (47.32) feet to a post of land of the City of Utica; thence north 58 deg 58' west one hundred seventeen (117) feet by land of said City of Utica, to a post, thence south 63 deg 28' west by said land of the City of Utica one hundred seventy-four (174) feet more or less to land now or formerly of George W. and Helen B. Stoddard; thence north 59 deg 37' west one hundred twenty-five and 94/100 (125.94) feet to a post, thence south 27 deg 34' west thirty-three and 26/100 (33.26) feet; thence north 60 deg 20' west forty-five and 80/100 (45.80) feet by land now or formerly of Ball; thence north 30 deg 23' east eight and 52/100 (8.52) feet, thence north 59 deg 37' west thirty-one and 5/10 (31.5) feet to an iron pipe of land now formerly of Okowak; thence north 30 deg 23' east thirty-seven (37) feet; thence north 59 deg 37' west sixty-eight and 5/10 (68.5) feet to Stark Street, said line two courses being by land now or formerly of Okowak; thence north 30 deg 23' east six hundred sixty-six and 63/100 (666.63) feet along Stark Street to the place of beginning.

Excepting from the above parcel that property conveyed to Oneida County Realty, Inc. by warranty deed dated December 28, 1956, and recorded in the office of the Oneida County Clerk the same day in Book 1536 of Deeds at page 493, and also excepting that property conveyed to August Engler and Warranty Deed dated January 3, 1957, and recorded in the office of the Oneida County Clerk the same day in Book 1538 of Deeds at page 76.

Said Parcel containing 4.859 acres, more or less.

PARCEL 3 (814 WARREN STREET, 318.48-1-8)

ALL THAT CERTAIN LOT, PIECE OR PARCEL OF LAND situate, lying and being in the City of Utica, County of Oneida and State of New York, and being part of Lot No. 2 in Block No. 1 as shown on a map of property in the City of Utica, belonging to Charles McVean and made by L. M. Taylor and filed in Oneida County Clerk's Office August, 1845, being the Westerly 35 feet in width front and rear of said lot.

Said Parcel containing 0.105 acres, more or less.

#### ENVIRONMENTAL EASEMENT LEGAL DESCRIPTION

PER SCHEDULE A, FIRST AMERICAN TITLE INSURANCE COMPANY, TITLE No. NCS-871458-INDY, EFFECTIVE DATE 6/22/2018

ALL THAT TRACT OR PARCEL OF LAND situate in the CITY OF UTICA, COUNTY OF ONEIDA AND STATE OF NEW YORK, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON ROD ON THE SOUTHERLY HIGHWAY BOUNDARY OF COURT STREET, SAID IRON ROD STANDING AT THE INTERSECTION OF THE SOUTHERLY HIGHWAY BOUNDARY OF COURT STREET WITH THE EASTERLY HIGHWAY BOUNDARY OF STARK STREET;

THENCE SOUTH 69° 48' 58" EAST 290.86 FEET ALONG THE SOUTHERLY HIGHWAY BOUNDARY OF COURT STREET TO A POINT;

THENCE SOUTH 68° 33' 49" EAST 82.80 FEET CONTINUING ALONG THE SOUTHERLY HIGHWAY BOUNDARY OF COURT STREET TO AN IRON ROD STANDING ON THE WESTERLY BOUNDARY OF THE BOLLERMAKER ROAD RACE, INC. (NOW OR FORMERLY);

THENCE SOUTH 21° 44' 16" WEST 90.88 FEET ALONG THE WESTERLY BOUNDARY OF THE BOLLERMAKER ROAD RACE, INC. TO AN IRON ROD STANDING ON THE NORTHWESTERLY BOUNDARY OF THE BOLLERMAKER ROAD RACE, INC.;

THENCE SOUTH 40° 59' 56" WEST 481.70 FEET ALONG THE NORTHWESTERLY BOUNDARY OF THE BOLLERMAKER ROAD RACE, INC. AND THEN ALONG THE NORTHWESTERLY BOUNDARY OF ATWATER, INC. (NOW OR FORMERLY) TO AN IRON ROD STANDING ON THE NORTHERLY BOUNDARY OF THE CITY OF UTICA (NOW OR FORMERLY);

THENCE NORTH 60° 00' 04" WEST 32.35 FEET ALONG THE NORTHERLY BOUNDARY OF THE CITY OF UTICA TO AN IRON ROD STANDING ON THE WESTERLY BOUNDARY OF THE CITY OF UTICA;

THENCE SOUTH 22° 52' 28" WEST 176.08 FEET ALONG THE NORTHERLY BOUNDARY OF THE CITY OF UTICA TO AN IRON ROD STANDING ON THE NORTHERLY BOUNDARY OF GARY G. NEWMAN (NOW OR FORMERLY);

THENCE NORTH 60° 19' 44" WEST 50.44 FEET ALONG THE NORTHERLY BOUNDARY OF GARY G. NEWMAN TO AN IRON ROD STANDING ON THE WESTERLY BOUNDARY OF GARY G. NEWMAN;

THENCE SOUTH 22° 42' 50" WEST 128.53 FEET ALONG THE WESTERLY BOUNDARY OF GARY G. NEWMAN TO AN IRON ROD STANDING ON THE NORTHERLY HIGHWAY BOUNDARY OF WARREN STREET;

THENCE NORTH 68° 02' 44" WEST 35.00 FEET ALONG THE NORTHERLY HIGHWAY BOUNDARY OF WARREN STREET TO AN IRON ROD STANDING ON THE EASTERLY BOUNDARY OF MARYKEAN HOUGHMASTER AND DOMINICK R. ALDI, JR. (NOW OR FORMERLY);

THENCE NORTH 22° 49' 24" EAST 133.24 FEET ALONG THE EASTERLY BOUNDARY OF MARYKEAN HOUGHMASTER AND DOMINICK R. ALDI, JR. TO AN IRON ROD STANDING ON THE NORTHERLY BOUNDARY OF MARYKEAN HOUGHMASTER AND DOMINICK R. ALDI, JR.;

THENCE NORTH 60° 19' 44" WEST 40.50 FEET ALONG THE NORTHERLY BOUNDARY OF MARYKEAN HOUGHMASTER AND DOMINICK R. ALDI, JR. TO AN IRON ROD STANDING ON THE WESTERLY BOUNDARY OF MARYKEAN HOUGHMASTER AND DOMINICK R. ALDI, JR.;

THENCE SOUTH 26° 51' 16" WEST 33.26 FEET ALONG THE WESTERLY BOUNDARY OF MARYKEAN HOUGHMASTER AND DOMINICK R. ALDI, JR. TO AN IRON ROD STANDING ON THE NORTHERLY BOUNDARY OF JOHN P. PANNAICUOLI AND LILY H. PREK (NOW OR FORMERLY);

THENCE NORTH 61° 02' 44" WEST 45.80 FEET ALONG THE NORTHERLY BOUNDARY OF JOHN P. PANNAICUOLI AND LILY H. PREK TO AN IRON ROD STANDING ON THE EASTERLY BOUNDARY OF W.R.G.I.T. PROPERTIES, INC. (NOW OR FORMERLY);

THENCE NORTH 29° 40' 16" EAST 8.52 FEET ALONG THE EASTERLY BOUNDARY OF W.R.G.I.T. PROPERTIES, INC. TO AN IRON ROD STANDING ON THE NORTHERLY BOUNDARY OF W.R.G.I.T. PROPERTIES, INC.;

THENCE NORTH 60° 19' 44" WEST 31.50 FEET ALONG THE NORTHERLY BOUNDARY OF W.R.G.I.T. PROPERTIES, INC. TO AN IRON ROD STANDING ON THE EASTERLY BOUNDARY OF LAURA PASSIATORE (NOW OR FORMERLY);

THENCE NORTH 29° 40' 16" EAST 37.00 FEET ALONG THE EASTERLY BOUNDARY OF LAURA PASSIATORE TO AN IRON ROD STANDING ON THE NORTHERLY BOUNDARY OF LAURA PASSIATORE;

THENCE NORTH 61° 19' 01" WEST 69.62 FEET ALONG THE NORTHERLY BOUNDARY OF LAURA PASSIATORE TO AN IRON PIN STANDING ON THE EASTERLY HIGHWAY BOUNDARY OF STARK STREET;

THENCE NORTH 29° 18' 57" EAST 666.65 FEET ALONG THE EASTERLY HIGHWAY BOUNDARY OF STARK STREET TO THE POINT AND PLACE OF BEGINNING.

TOTAL AREA = 5.321± ACRES

STARK STREET

WARREN STREET

#### ENCROACHMENTS

- 1 CRUSHED STONE DRIVEWAY ENCROACHES UP TO 4.4' ONTO SUBJECT PROPERTY.
- 2 FENCE MAY ENCROACH UP TO 1.26' ONTO SUBJECT PROPERTY OR 0.3' ONTO ADJONER PROPERTY, DEPENDING UPON OWNERSHIP OF FENCE.
- 3 CONCRETE STEPS ENCROACH UP TO 2.3' INTO COURT STREET R.O.W.
- 4 BUILDING ENCROACHES 0.91' ONTO STARK STREET R.O.W.
- 5 BUILDING ENCROACHES 0.66' ONTO STARK STREET R.O.W.
- 6 FENCE MAY ENCROACH UP TO 1.2' ONTO SUBJECT PROPERTY OR 0.4' ONTO ADJONER PROPERTY, DEPENDING UPON OWNERSHIP OF FENCE.

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 THIS EASEMENT ARE SET FORTH 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 CAN BE OBTAINED FROM NYS DEPARTMENT OF ENVIRONMENTAL CONSERVATION, DIVISION OF ENVIRONMENTAL REMEDIATION, SITE CONTROL SECTION, 625 BROADWAY, ALBANY, NY 12233 OR AT [DERWEB@DEC.NY.GOV](mailto:DERWEB@DEC.NY.GOV).

3-9-20: AMEND PER COMMENTS

INSTRUMENT(S) USED IN DETERMINING LOCATION OF BOUNDARY LINES: SCHEDULE A, FIRST AMERICAN TITLE INSURANCE COMPANY, TITLE No. NCS-871458-INDY, EFFECTIVE DATE 6/22/2018  
THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT ABSTRACT OF TITLE AND IS SUBJECT TO ANY STATE OF FACTS THAT MAY BE REVEALED IN SAID ABSTRACT.  
NOTE: THIS SURVEY WAS PERFORMED UNDER SEVERE SNOW AND ICE CONDITIONS.

|   |  |  |
|---|--|--|
| THIS SURVEY MAP WAS PREPARED IN ACCORDANCE WITH THE CURRENT STANDARDS FOR LAND SURVEYING ADOPTED BY THE MAP ASSOCIATION OF THE STATE OF NEW YORK.                                       | ©COPYRIGHT 2020, BY:<br><b>Millard, MacKay &amp; Delles</b><br>LAND SURVEYORS, LLP<br>150 AERO DRIVE<br>BUFFALO, NEW YORK 14225<br>PHONE (716) 631-5140 ~ FAX 631-3811 | AMEND:<br>SURVEY DATE: 2-18-19<br>DRAWING DATE: 3-2-20<br>SCALE: 1" = 20'<br>"ALL RIGHTS RESERVED" |
| THIS MAP VOID UNLESS EMBOSSED SURVEYOR'S SEAL, ALTERING ANY ITEM ON THIS MAP IS A VIOLATION OF THE LAW EXCEPT AS PROVIDED IN SECTION 7209, PART 2, OF THE NEW YORK STATE EDUCATION LAW. | SHEET 2 OF 2<br>PART OF LOT _____ SECTION _____ TOWNSHIP _____ RANGE _____ OF THE _____ SURVEY— _____ Oneida COUNTY, N.Y.  | SBL No. 318.40-4-6 AND 22 318.48-1-8   |
| SURVEY OF: 933 Stark St., 811-827 Court St. & 814 Warren St., City of Utica   |  |  |