

# New York State Department of Environmental Conservation

## Division of Environmental Remediation

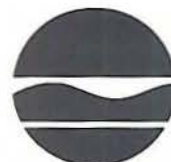
Office of the Director, 12th Floor

625 Broadway, Albany, New York 12233-7011

Phone: (518) 402-9706 • Fax: (518) 402-9020

Website: [www.dec.ny.gov](http://www.dec.ny.gov)

DEC 19 2011



Joe Martens  
Commissioner

Mr. Marc Newman  
Washington Development Associates, LLC  
PO Box 678  
Vestal, NY 13851-0678

Mr. Tracy Blazicek  
New York State Electric & Gas Corporation  
PO Box 5224  
Binghamton, NY 13902-5224

Re: Certificate of Completion  
Site Name: NYSEG-Washington St MGP  
Site No.: C704046  
City of Binghamton, Broome County

Dear Mr. Newman & Mr. Blazicek:

Congratulations on having satisfactorily completed the remedial program at the Washington Street Former MGP site. Enclosed please find an original, signed Certificate of Completion. The New York State Department of Environmental Conservation (Department) is pleased to inform you that the Final Engineering Report is hereby approved, allowing the Certificate of Completion (COC) to be issued for the above-referenced site.

Please note that you are required to perform the following tasks:

- If you are the site owner, you must record a notice of the COC in the recording office for the County (or Counties) where any portion of the site is located within 30 days of issuance of the COC; or if you are a prospective purchaser of the site, you must record a notice of the COC within 30 days of the date that you acquire the site. If you are a non-owner, you must work with the owner to assure the notice of COC is recorded within the time frame specified. A standard notice form is attached to this letter;
- Provide a notice of the COC and a fact sheet describing the institutional and engineering controls (IC/EC) that are required at the site to the Brownfield Site Contact list within 10 days of issuance of the COC;
- Implement the Department-approved Site Management Plan (SMP) which details the activities necessary to assure the performance, effectiveness, and protectiveness of the remedial program; and you must report the results of these activities to the Department in a Periodic Review Report





(PRR) which also includes any required IC/EC Certifications. The site IC/ECs are identified on the attached Site Management Form. The first PRR including the certification of the IC/ECs is due to the Department in June 2013, and

- You and your lessees must submit an annual report to the New York State Department of Taxation and Finance within one year and for each of the following eleven years after the execution of the Brownfield Site Cleanup Agreement. The Report must provide the information required by Chapter 390 of the Laws of 2008, Tax Law Section 171-s.

If you have any questions regarding any of these items, please contact Kiera Becker at 518-402-9662.

Sincerely,

Dale A. Desnoyers  
Director  
Division of Environmental Remediation

cc:

K. Kamlet – Hinman, Howard, and Kattell ([kkamlet@hhk.com](mailto:kkamlet@hhk.com))  
J. Brussel – ARCADIS ([John.Brussel@arcadis-us.com](mailto:John.Brussel@arcadis-us.com))  
S. Bates - NYSDOH  
J. Kenney - NYSDOH  
K. Becker  
D. Crobsy  
M. Ryan  
H. Warner  
M. Caruso  
Y. Ward



NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP)  
**CERTIFICATE OF COMPLETION**

**CERTIFICATE HOLDER(S):**

**Name**

New York State Electric & Gas Corporation  
Washington Development Associates, LLC

**Address**

P.O. Box 5224, Binghamton, NY 13902-5224  
P.O. Box 678, Vestal, NY 13854-0678

**BROWNFIELD CLEANUP AGREEMENT:**

**Execution:** 11/21/05    **Agreement Index No.:** A7-05 18-0505

**Application Approval Amendment:** 12/17/10

**Agreement Execution Amendment:** 12/17/10

**SITE INFORMATION**

**Site No.:** C704046    **Site Name:** NYSEG - Binghamton Washington St MGP

**Site Owner:** Washington Development Associates, LLC

**Street Address:** 25 Washington Street

**Municipality:** Binghamton    **County:** BroomeDEC **Region:** 7

**Site Size:** 1.326 Acres

**Tax Map Identification Number(s):** 160.56-2-10, 160.56-2-12, 160.56-2-13, 160.56-2-7, 160.56-2-8,  
160.56-2-9

**Percentage of site located in an EnZone:** 100 %

A description of the property subject to this Certificate is attached as Exhibit A and a site survey is attached as Exhibit B.

**CERTIFICATE ISSUANCE**

This Certificate of Completion, hereinafter referred to as the "Certificate," is issued pursuant to Article 27, Title 14 of the New York State Environmental Conservation Law ("ECL").

This Certificate has been issued upon satisfaction of the Commissioner, following review by the Department of the final engineering report and data submitted pursuant to the Brownfield Site Cleanup Agreement, as well as any other relevant information regarding the Site, that the applicable remediation requirements set forth in the ECL have been or will be achieved in accordance with the time frames, if any, established in the remedial work plan.

The remedial program for the Site has achieved a cleanup level that would be consistent with the following categories of uses (actual site use is subject to local zoning requirements):

**Allowable Uses under the BCP:** Restricted-Residential, Commercial, and Industrial

**Cleanup Track:** Track 4: Restricted use with site-specific soil cleanup objectives

**Tax Credit Provisions for Entities Taxable Under Article 9, 9-A, 32, and 33:**

Site Preparation and On-Site Groundwater Remediation Credit Component Rate is 20 %.

Tangible Property Credit Component Rate is 20 %.

**Tax Credit Provisions for Entities Taxable Under Article 22 & S Corporations:**

Site Preparation and On-Site Groundwater Remediation Credit Component Rate is 18 %.

Tangible Property Credit Component Rate is 18 %.



The Remedial Program includes use restrictions or reliance on the long term employment of institutional or engineering controls which are contained in the approved Site Management Plan and an Environmental Easement granted pursuant to ECL Article 71, Title 36 which has been duly recorded in the Recording Office for Broome County as 201100012171.

#### **LIABILITY LIMITATION**

Upon issuance of this Certificate of Completion, and subject to the terms and conditions set forth herein, the Certificate holder(s) shall be entitled to the liability limitation provided in ECL Section 27-1421. The liability limitation shall run with the land, extending to the Certificate holder's successors or assigns through acquisition of title to the Site and to a person who develops or otherwise occupies the Site, subject to certain limitations as set forth in ECL Section 27-1421. The liability limitation shall be subject to all rights reserved to the State by ECL Section 27-1421.2 and any other applicable provision of law.

#### **CERTIFICATE TRANSFERABILITY**

This Certificate may be transferred to the Certificate holder's successors or assigns upon transfer or sale of the Site as provided by ECL Section 27-1419.5 and 6NYCRR Part 375-1.9.

#### **CERTIFICATE MODIFICATION/REVOCATION**


This Certificate of Completion may be modified or revoked by the Commissioner following notice and an opportunity for a hearing in accordance with ECL Section 27-1419 and 6NYCRR Part 375-1.9(e) upon a finding that:

- (1) either the Applicant or the Applicant's successors or assigns have failed to comply with the terms and conditions of the Brownfield Site Cleanup Agreement;
- (2) the Applicant made a misrepresentation of a material fact tending to demonstrate that it was qualified as a Volunteer;
- (3) either the Applicant or the Applicant's successors or assigns made a misrepresentation of a material fact tending to demonstrate that the cleanup levels identified in the Brownfield Site Cleanup Agreement were reached;
- (4) there is good cause for such modification or revocation;
- (5) either the Applicant or the Applicant's successors or assigns failed to manage the controls or monitoring in full compliance with the terms of the remedial program;
- (6) the terms and conditions of the environmental easement have been intentionally violated or found to be not protective or enforceable.

The Certificate holder(s) (including its successors or assigns) shall have thirty (30) days within which to cure any deficiency or to seek a hearing. If the deficiency is not cured or a request for a hearing received within such 30-day period, the Certificate shall be deemed modified or vacated on the 31st day after the Department's notice.

Joseph J. Martens  
Commissioner  
New York State Department of Environmental Conservation

By:

  
Dale A. Desnoyers, Director  
Division of Environmental Remediation

Date: DEC 19 2011



## NOTICE OF CERTIFICATE OF COMPLETION

### Brownfield Cleanup Program

#### 6 NYCRR Part 375-1.9(d)

**Site Name:** NYSEG – Binghamton Washington St MGP, **Site ID No.:** C704046

**Site Address** 25 Washington Street, Binghamton, Broome County

**PLEASE TAKE NOTICE**, the New York State Department of Environmental Conservation (Department) has issued a Certificate of Completion (Certificate) pursuant to Article 27, Title 14 of the New York State Environmental Conservation Law (ECL) to Washington Development Associates, LLC and New York State Electric & Gas Corporation for a parcel approximately 1.326 acres located at the 25 Washington Street in the City of Binghamton, Broome County.

**PLEASE TAKE NOTICE**, the Certificate was issued upon satisfaction of the Commissioner, following review by the Department of the final engineering report and data submitted pursuant to the Brownfield Site Cleanup Agreement, as well as any other relevant information regarding the Site, that the remediation requirements set forth in ECL Article 27, Title 14 have been or will be achieved in accordance with the time frames, if any, established in the remedial work plan.

**PLEASE TAKE NOTICE**, the remedial program for the Site has achieved a cleanup level that would be consistent with the following categories of uses (actual site use is subject to local zoning requirements):

- ☐ Residential Use, as set forth in 6NYCRR 375-1.8(g)(2)i.
- ☒ Restricted Residential Use, as set forth in 6NYCRR 375-1.8(g)(2)ii.
- ☒ Commercial Use, as set forth in 6NYCRR 375-1.8(g)(2)iii.
- ☒ Industrial Use, as set forth in 6NYCRR 375-1.8(g)(2)iv.

Further, the use of groundwater is restricted and may not be used, unless treated in accordance with the requirements provided by the New York State Department of Health, or a local County Health Department with jurisdiction in such matters and such is approved by the Department as not inconsistent with the remedy.

**PLEASE TAKE NOTICE**, since the remedial program relies upon use restrictions or the long term employment of institutional or engineering controls; such institutional or engineering controls are contained in an Environmental Easement granted pursuant to ECL Article 71, Title 36 which has been duly recorded in the Recording Office for Broome County as Book 2342 of Deeds at page 425 (Control# 201100012171).

**PLEASE TAKE NOTICE**, the Environmental Easement requires that the approved site management plan (SMP) for this property be adhered to. The SMP, which may be amended from time to time, may include sampling, monitoring, and/or operating a treatment system on the property, providing certified reports to the NYSDEC, and generally provides for the management of any and all plans and limitations on the property. A copy of the SMP is available upon request by writing to the Department's Division of Environmental Remediation, Site Control Section, 625 Broadway, Albany, New York 12233.

**PLEASE TAKE NOTICE**, provided that the Environmental Easement, SMP and Certificate are complied with, the Certificate holder(s) shall be entitled to the liability limitation provided in ECL Section 27-1421. The liability limitation shall run with the land, extending to the Certificate holder's successors or assigns through acquisition of title to the Site and to a person who develops or otherwise occupies the Site, subject to certain limitations as set forth in ECL Section 27-1421. The liability limitation shall be subject to all rights reserved to the State by ECL Section 27-1421.2 and any other applicable provision of law.

**PLEASE TAKE NOTICE**, the Certificate may entitle the Certificate holder(s) to tax credits in accordance with Tax Law Sections 21, 22 and 23.

**Site Name:** NYSEG – Binghamton Washington St MGP, **Site ID No.:** C704046

**Site Address:** 25 Washington Street, Binghamton, Broome County

**PLEASE TAKE NOTICE**, any change of use of the site, as defined in 6 NYCRR 375, must be preceded by notice to the Department in accordance with 6 NYCRR 375-1.11(d). A transfer of any or all of the property constitutes a change of use.

**PLEASE TAKE NOTICE**, the Certificate may be only be transferred to the Certificate holder's successors or assigns upon transfer or sale of the Site as provided by ECL Section 27-1419.5 and 6 NYCRR Part 375-1.9. Failure to comply with the regulatory requirements for transfer **WILL** bar the successors and assigns from the benefits of the Certificate.

**PLEASE TAKE NOTICE**, the Certificate may be modified or revoked by the Commissioner as set forth in the applicable regulations.

**PLEASE TAKE NOTICE**, the Certificate may be revoked if the Environmental Easement as implemented, if applicable, is not protective or enforceable.

**PLEASE TAKE NOTICE**, a copy of the Certificate can be reviewed at the NYSDEC's Region 7 located at 615 Erie Blvd West, Syracuse, NY 13204, by contacting the Regional Environmental Remediation Engineer.

**WHEREFORE**, the undersigned has signed this Notice of Certificate

(Applicant)

By: \_\_\_\_\_

Title: \_\_\_\_\_

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

STATE OF NEW YORK ) SS:  
COUNTY OF )

On the \_\_\_\_\_ day of \_\_\_\_\_, in the year 20\_\_\_\_, before me, the undersigned, personally appeared \_\_\_\_\_, 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/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.

\_\_\_\_\_  
Signature and Office of individual  
taking acknowledgment

**Please record and return to:**

Mr. Marc Newman  
Washington Development Associates, LLC  
PO Box 678  
Vestal, NY 13851-0678

Mr. Tracy Blazicek  
New York State Electric & Gas Corporation  
PO Box 5224  
Binghamton, NY 13902-5224





NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
Site Management Form  
12/16/2011



SITE DESCRIPTION

SITE NO. C704046

SITE NAME NYSEG - Binghamton Washington St MGP

SITE ADDRESS: 25 Washington Street ZIP CODE: 13901

CITY/TOWN: Binghamton

COUNTY: Broome

ALLOWABLE USE: Restricted-Residential, Commercial, and Industrial

SITE MANAGEMENT DESCRIPTION

SITE MANAGEMENT PLAN INCLUDES: YES NO

IC/EC Certification Plan



Monitoring Plan



Operation and Maintenance (O&M) Plan



Periodic Review Frequency: once a year

First Periodic Review Date: 05/16/2013

Description of Institutional Control

Washington Development Associates, LLC

P.O. Box 678

21 Washington Street

Environmental Easement

Block: 2

Lot: 10

Sublot:

Section: 160

Subsection: 56

S\_B\_L Image: 160.56-2-10

Ground Water Use Restriction

IC/EC Plan

Landuse Restriction

Monitoring Plan

O&M Plan

Site Management Plan

Soil Management Plan

**31 Washington Street**

Environmental Easement

Block: 2

Lot: 9

Sublot:

Section: 160

Subsection: 56

S\_B\_L Image: 160.56-2-9

Ground Water Use Restriction

IC/EC Plan

Landuse Restriction

Monitoring Plan

O&M Plan

Site Management Plan

Soil Management Plan

**35 Washington Street**

Environmental Easement

Block: 2

Lot: 8

Sublot:

Section: 160

Subsection: 56

S\_B\_L Image: 160.56-2-8

Ground Water Use Restriction

IC/EC Plan

Landuse Restriction

Monitoring Plan

O&M Plan

Site Management Plan

Soil Management Plan

**37 Washington Street**

Environmental Easement

Block: 2

Lot: 7

Sublot:

Section: 160

Subsection: 56

S\_B\_L Image: 160.56-2-7

Ground Water Use Restriction

IC/EC Plan

Landuse Restriction

Monitoring Plan

O&M Plan



Site Management Plan

Soil Management Plan

**38 Water Street**

Environmental Easement

Block: 2

Lot: 12

Sublot:

Section: 160

Subsection: 56

S\_B\_L Image: 160.56-2-12

Ground Water Use Restriction

IC/EC Plan

Landuse Restriction

Monitoring Plan

O&M Plan

Site Management Plan

Soil Management Plan

**40 Water Street**

Environmental Easement

Block: 2

Lot: 13

Sublot:

Section: 160

Subsection: 56

S\_B\_L Image: 160.56-2-13

Ground Water Use Restriction

IC/EC Plan

Landuse Restriction

Monitoring Plan

O&M Plan

Site Management Plan

Soil Management Plan

**Description of Engineering Control**

**Washington Development Associates, LLC**

P.O. Box 678

**21 Washington Street**

Environmental Easement

Block: 2

Lot: 10

Sublot:

Section: 160

Subsection: 56

S\_B\_L Image: 160.56-2-10

Cover System

Vapor Mitigation

**31 Washington Street**

Environmental Easement

Block: 2

Lot: 9

Sublot:

Section: 160

Subsection: 56

S\_B\_L Image: 160.56-2-9

Cover System

Vapor Mitigation

**35 Washington Street**

Environmental Easement

Block: 2

Lot: 8

Sublot:

Section: 160

Subsection: 56

S\_B\_L Image: 160.56-2-8

Cover System

Vapor Mitigation

**37 Washington Street**

Environmental Easement

Block: 2

Lot: 7

Sublot:

Section: 160

Subsection: 56

S\_B\_L Image: 160.56-2-7

Cover System

Vapor Mitigation

**38 Water Street**

Environmental Easement

Block: 2

Lot: 12

Sublot:

Section: 160

Subsection: 56

S\_B\_L Image: 160.56-2-12

Cover System

Vapor Mitigation

**40 Water Street**

Environmental Easement

Block: 2

Lot: 13

Sublot:

Section: 160

Subsection: 56

S\_B\_L Image: 160.56-2-13

Cover System

Vapor Mitigation



**SCHEDULE "A" PROPERTY DESCRIPTION**

Address(es): 21 Washington Street, 31 Washington Street, 35 Washington Street,  
37 Washington Street, 38 Water Street, and 40 Water Street  
City of Binghamton, County of Broome, State of New York

Tax Map No(s): 160.56-2-10, 160.56-2-9, 160.56-2-8, 160.56-2-7, 160.56-2-12 and 160.56-2-13.

**SURVEYOR'S DESCRIPTION****TOTAL ENVIRONMENTAL EASEMENT**

ALL THAT TRACT OR PARCEL OF LAND situate in the City of Binghamton, County of Broome, State of New York, being portions of the properties now or formerly of Washington Development Associates, LLC as recorded in the Broome County Clerk's Office as follows: 1) Liber 2086 Page 483 on October 18, 2004 (TM# 160.56-2-12 & TM# 160.56-2-9); 2) Liber 2237 Page 304 on July 30, 2008 (a portion of TM# 160.56-2-7 & a portion of TM# 160.56-2-8); 3) Liber 2242 Page 95 on August 29, 2008 (TM# 160.56-2-10); and 4) Liber 2254 Page 531 on December 18, 2008 (TM# 160.56-2-13), hereinafter collectively referred to as property of Washington Development;

COMMENCING at a point on the southerly boundary of Susquehanna Street at its intersection with the easterly boundary of Water Street (abandoned); thence S10°52'45"W along said Water Street, a distance of 72.77 feet to a point;

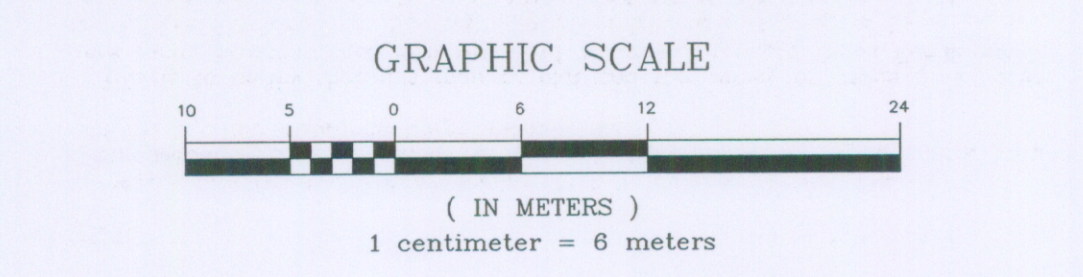
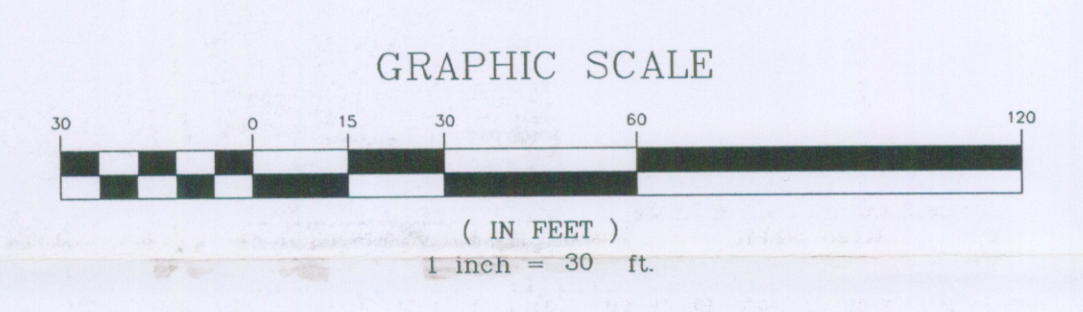
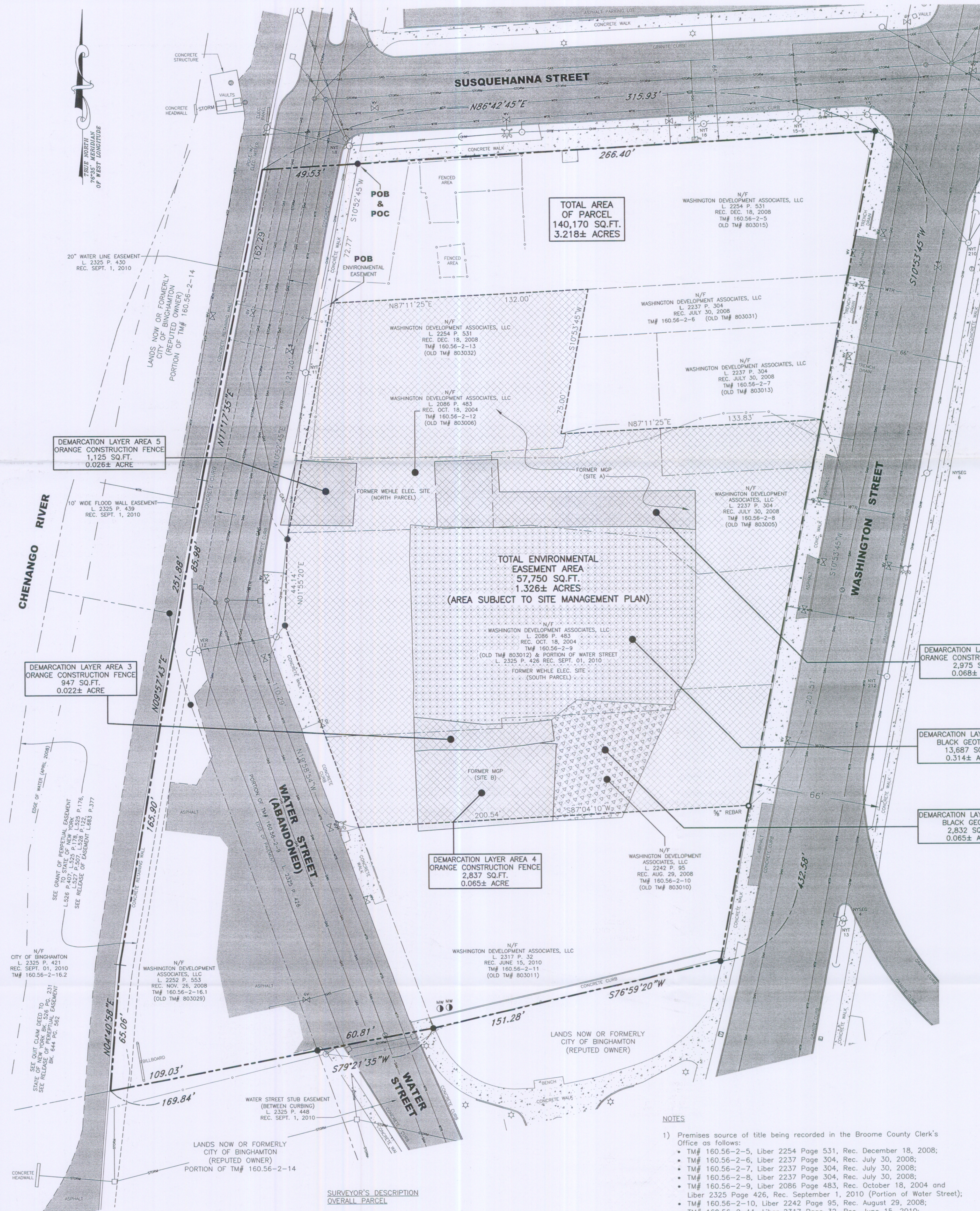
RUNNING THENCE N87°11'25"E through the property of Washington Development and along the division line between another property of Washington Development Associates, LLC per L. 2254 P. 531 (TM# 160.56-2-5) on the north and said Washington Development on the south, a distance of 132.00 feet to a point at its intersection with the division line between another property now or formerly of Washington Development Associates, LLC per L. 2237 P. 304 (TM# 160.56-2-6) on the east and said Washington Development on the west; thence S10°53'45"W along the last mentioned division line and through said Washington Development Associates, LLC, a distance of 75.00 feet to a point; thence N87°11'25"E through said Washington Development, a distance of 133.83 feet to a point at its intersection with the westerly boundary of Washington Street; thence S10°53'45"W along said Washington Street, a distance of 201.51 feet to a 5/8" rebar at its intersection with the division line between the property now or formerly of Washington Development Associates, LLC per L. 2317 P. 32 (TM# 160.56-2-11) on the south and said Washington Development on the north; thence S87°04'10"W, a distance of 200.54 feet to a point at its intersection with the easterly boundary of Water Street (abandoned); thence along said Water Street (abandoned) the following three (3) courses and distances:

- 1) N19°58'54"W, a distance of 110.29 feet to a KEYSTONE capped rebar;
- 2) N01°55'20"E, a distance of 44.14 feet to a KEYSTONE capped rebar;
- 3) N10°52'45"E, a distance of 123.20 feet to the POINT OF BEGINNING.

The above described parcel contains 57,750 square feet or 1.326 acre, more or less.

## EXHIBIT B





- LEGEND**
- 5/8" REBAR SET "KEYSTONE BING NY"
  - MONUMENT FOUND AND NOTED
  - NOW OR FORMERLY
  - TAX MAP NUMBER
  - UTILITY POLE
  - UTILITY POLE WITH LIGHT
  - LIGHT POLE
  - TRAFFIC SIGNAL POLE
  - PROPERTY LINE
  - EASEMENT LINE
  - TAX MAP LINE
  - OVERHEAD UTILITIES
  - UNDERGROUND UTILITIES
  - SANITARY SEWER LINE
  - STORM SEWER LINE
  - GAS LINE
  - WATER LINE
  - CHAIN LINK FENCE
  - GUY WIRE
  - ELECTRIC BOX
  - ELECTRIC METER
  - CATV PEDESTAL
  - TRAFFIC CONTROL BOX
  - TELEPHONE MANHOLE
  - SANITARY SEWER MANHOLE
  - DRAINAGE MANHOLE
  - CATCH BASIN
  - WATER VALVE
  - FIRE HYDRANT
  - GAS VALVE
  - GAS METER
  - MONITORING WELL

**SURVEYOR'S DESCRIPTION**  
**TOTAL ENVIRONMENTAL EASEMENT**

ALL THAT TRACT OR PARCEL OF LAND situate in the City of Binghamton, County of Broome, State of New York, being portions of the properties now or formerly of Washington Development Associates, LLC as recorded in the Broome County Clerk's Office as follows: 1) Liber 2086 Page 483 on October 18, 2004 (TM# 160.56-2-12 & TM# 160.56-2-9); 2) Liber 2237 Page 304 on July 30, 2008 (a portion of TM# 160.56-2-7 & a portion of TM# 160.56-2-8); 3) Liber 2242 Page 95 on August 29, 2008 (TM# 160.56-2-10); and 4) Liber 2254 Page 531 on December 18, 2008 (TM# 160.56-2-13), hereinafter collectively referred to as property of Washington Development;

COMMENCING at a point on the southerly boundary of Susquehanna Street at its intersection with the easterly boundary of Water Street (abandoned); thence S10°52'45"W along said Water Street, a distance of 72.77 feet to a point;

RUNNING THENCE N87°11'25"E through the property of Washington Development and along the division line between another property of Washington Development Associates, LLC per L. 2254 P. 531 (TM# 160.56-2-5) on the north and said Washington Development on the south, a distance of 132.00 feet to a point at its intersection with the division line between another property now or formerly of Washington Development Associates, LLC per L. 2237 P. 304 (TM# 160.56-2-6) on the east and said Washington Development on the west; thence S10°53'45"W along the last mentioned division line and through said Washington Development Associates, LLC, a distance of 75.00 feet to a point; thence N87°11'25"E through said Washington Development, a distance of 133.83 feet to a point at its intersection with the westerly boundary of Washington Street; thence S10°53'45"W along said Washington Street, a distance of 201.51 feet to a 5/8" rebar at its intersection with the division line between the property now or formerly of Washington Development Associates, LLC per L. 2317 P. 32 (TM# 160.56-2-11) on the south and said Washington Development on the north; thence S87°04'10"W, a distance of 200.54 feet to a point at its intersection with the easterly boundary of Water Street (abandoned); thence along said Water Street (abandoned) the following three (3) distances:

- 1) N19°58'54"W, a distance of 110.29 feet to a KEYSTONE capped rebar;
- 2) N01°55'20"E, a distance of 44.14 feet to a KEYSTONE capped rebar;
- 3) N01°52'45"E, a distance of 123.20 feet to the POINT OF BEGINNING.

The above described parcel contains 57,750 square feet or 1.326 acre, more or less.

The above described Environmental Easement Area consists of two separate NYSDEC Brownfield Cleanup Program sites as indicated below: - BCP Site #C704046 - This is subject to the Brownfield Cleanup Agreement (BCA) between New York State Electric & Gas (NYSEG) and the New York State Department of Environmental Conservation (NYSDEC) (Index #A7-0518-0505) and comprises a portion of the former MGP property that includes all of Tax ID parcels 160.56-2-10 (803010) and 160.56-2-13 (803032), and part of parcels 160.56-2-8 (803005) and 160.56-2-7 (803013). - BCP Site #C704047 - This is subject to the BCA between Washington Development Associates, LLC (WDA) and the NYSDEC (Index #A7-0518-0506) and includes the entire portion of land formerly occupied by the Wehle Electric facility (and the remaining portion of the former MGP property). Site #C704047 includes all of Tax Map parcels 160.56-2-12 (803006) and 160.56-2-9 (803012).

**SURVEYOR'S DESCRIPTION**  
**OVERALL PARCEL**

ALL THAT TRACT OR PARCEL OF LAND situate in the City of Binghamton, County of Broome, State of New York, being all of the property now or formerly of Washington Development Associates, LLC as recorded in the Broome County Clerk's Office as follows: 1) TM# 160.56-2-5 in L. 2254 P. 531 Rec. December 18, 2008; 2) TM# 160.56-2-6, TM# 160.56-2-7 & TM# 106.56-2-8 in L. 2237 P. 304 Rec. July 30, 2008; 3) TM# 160.56-2-9 & TM# 160.56-2-12 in L. 2086 P. 483 Rec. October 18, 2004; 4) TM# 160.56-2-10 in L. 2242 P. 95 Rec. August 29, 2008; 5) TM# 160.56-2-11 in L. 2317 P. 32 Rec. June 15, 2010; 6) TM# 160.56-2-13 in L. 2254 P. 531 Rec. December 18, 2008; 7) TM# 160.56-2-16.1 in L. 2252 P. 553 Rec. November 26, 2008; and 8) a Portion of Water Street in L. 2325 P. 426 Rec. September 1, 2010, hereinafter collectively referred to as the property of Washington Development;

BEGINNING at a KEYSTONE capped rebar on the southerly boundary of Susquehanna Street at its intersection with the easterly boundary of Water Street (abandoned);

RUNNING THENCE N86°42'45"E along said Susquehanna Street, a distance of 266.40 feet to a KEYSTONE capped rebar at its intersection with the westerly boundary of Washington Street; thence S10°53'45"W along said Washington Street, a distance of 432.58 feet to a KEYSTONE capped rebar at its intersection with the division line between a property now or formerly of the City of Binghamton on the south and the property now or formerly of said Washington Development on the north; thence S76°59'20"W along said division line, a distance of 151.28 feet to a KEYSTONE capped rebar at its intersection with the division line between the property known as the Water Street Slub Easement per L. 2325 P. 448 on the south and the property now or formerly of Washington Development on the north; thence S79°21'35"W along the last mentioned division line, through a KEYSTONE capped rebar at a distance of 60.81 feet, and along the division line between the property now or formerly of the City of Binghamton (TM# 160.56-2-14) on the west and said Washington Development on the east, a distance of 169.84 feet to a point at its intersection with the division line between the property now or formerly of the City of Binghamton per L. 2325 P. 421 (TM# 160.56-2-16.2) on the west and said Washington Development on the east; thence N04°40'58"E along the last mentioned division line, a distance of 65.06 feet to a point; thence N09°57'43"E continuing along the last mentioned division line and along the division line between the property now or formerly of the City of Binghamton (TM# 160.56-2-14) on the west and said Washington Development on the east, a distance of 251.88 feet to a point; thence N11°17'35"E along the last mentioned division line, a distance of 162.29 feet to a point at its intersection with said southerly boundary of Susquehanna Street; thence N86°42'45"E along said southerly boundary of Susquehanna Street, a distance of 49.53 feet to the POINT OF BEGINNING.

The above described parcel contains 140,170 square feet or 3.218 acres, more or less.

**NOTES**

- 1) Premises source of title being recorded in the Broome County Clerk's Office as follows:
  - TM# 160.56-2-5, Liber 2254 Page 531, Rec. December 18, 2008;
  - TM# 160.56-2-6, Liber 2237 Page 304, Rec. July 30, 2008;
  - TM# 160.56-2-7, Liber 2317 Page 304, Rec. July 30, 2008;
  - TM# 160.56-2-8, Liber 2237 Page 304, Rec. July 30, 2008;
  - TM# 160.56-2-9, Liber 2086 Page 483, Rec. October 18, 2004 and Liber 2325 Page 426, Rec. September 1, 2010 (Portion of Water Street);
  - TM# 160.56-2-10, Liber 2242 Page 95, Rec. August 29, 2008;
  - TM# 160.56-2-11, Liber 2317 Page 32, Rec. June 15, 2010;
  - TM# 160.56-2-12, Liber 2086 Page 483, Rec. October 18, 2004;
  - TM# 160.56-2-13, Liber 2254, Page 531, Rec. December 18, 2008;
  - TM# 160.56-2-16.1, Liber 2252 Page 553, Rec. November 26, 2008.
- 2) Subject to any and all other easements of record and/or as found in the field.
- 3) Horizontal Datum - NYS Central Zone (NAD 83 Feet).
- 4) Subject to a "Memorandum of Lease" granted to the Broome County Industrial Development Agency recorded in the Broome County Clerk's Office in Liber 2325 Page 457 on September 1, 2010.
- 5) The bearings shown on the survey map prepared by CT Mole Associates, P.C., were based on Horizontal Datum from Liber 522 Page 446. This survey map is based on Horizontal Datum NAD 83 (Feet) New York Central Zone. (a shift of 00'44"15" counter clockwise from Liber 522 Page 446 to Central Zone), notwithstanding this, the premises surveyed hereon are the same as those described in the respective source deeds noted hereon.
- 6) No buildings existing on the surveyed property.
- 7) The Demarcation Layer Areas on this map are from field data provided by Arcadis U.S., Inc., field inspections and field survey.

**REFERENCE DATA**

- 1) Map entitled "Partition Map of the Real Estate of William Stuart Esq, Dec'd, Being Lots Nos. 66 and 67 and 4 in the Village of Binghamton, Drawn in conformity with the partition thereof as made 1836, By Stephen Weed, Lewis Squires and Lewis St. John Commissioners for that purpose appointed" Prepared by William Wentz Surveyor, Recorded in the Broome County Clerk's office March 29, 1877 in Map Book No. 1, at Page 19 and relocated in Plot Cabinet 2, Sleeve 24A.
- 2) Map entitled "Map of Gas Property on Washington & Water St., Binghamton City, N.Y." Prepared by S.M. Baird, Civil Eng'r, A true copy of the original, Recorded in the Broome County Clerk's office March 20, 1889 in Map Book No. 1, at Page 181 and relocated in Plot Cabinet 2, Sleeve 508.
- 3) Map entitled "ALTA/ACSM Land Title Survey, Lands Now or Formerly, Washington Development Associates, LLC, #31 Washington Street Binghamton, New York" prepared by CT Mole Associates, P.C., Dated May of 2008.
- 4) Map entitled "Map Showing a Portion of Water Street in the City of Binghamton to be Abandoned Together with a Proposed Slub Easement, City of Binghamton, Broome County, New York" Prepared by CT Mole Associates, P.C., Dated March 10, 2010 and last revised on August 31, 2010.
- 5) Map entitled "ALTA/ACSM Land Title Survey, Brownfield Cleanup Agreement, Former Wehle Electric & MGP Sites, Index No. A7-0518-0505 / BCP Site No. C704047, Index No. A7-0518-0505 / BCP Site No. C704046, Water Street & Washington Street, City of Binghamton, Broome County, New York State" prepared by Keystone Associates Architects, Engineers and Surveyors, LLC, Dated October 1, 2010, Project No. 1840.15710, Sheet No. SU-1.

**Physical Address of properties located within the Environmental Easement Area:**

- 21 Washington Street (former Southern New York Auto Club site, TM# 160.56-2-9)
- 31 Washington Street (former Wehle Electric/Revel Electric site, portion of TM# 160.56-2-9)
- 35 Washington Street (former Torto Properties, portion of TM# 160.56-2-8)
- 37 Washington Street (former Torto Properties, portion of TM# 160.56-2-7)
- 43 Washington Street (former Torto Properties, TM# 160.56-2-6)
- 45 Washington Street (former Blair-Martin/Berger Ski Shop Property, TM# 160.56-2-5)
- 2 Water Street (former Henneken's Used Car Site, TM# 160.56-2-11)
- 11 Water Street (former Callahan Indian Motorcycle Shop, TM# 160.56-2-16.1)

**Physical Address of other properties located within the overall Washington Development Associates, LLC parcel but outside the Environmental Easement Area:**

- 31 Washington Street (portion of Water Street (abandoned), portion of TM# 160.56-2-9)
- 35 Washington Street (former Torto Properties, portion of TM# 160.56-2-8)
- 37 Washington Street (former Torto Properties, portion of TM# 160.56-2-7)
- 43 Washington Street (former Torto Properties, TM# 160.56-2-6)
- 45 Washington Street (former Blair-Martin/Berger Ski Shop Property, TM# 160.56-2-5)
- 2 Water Street (former Henneken's Used Car Site, TM# 160.56-2-11)
- 11 Water Street (former Callahan Indian Motorcycle Shop, TM# 160.56-2-16.1)

That certain preliminary insurance commitment #080419-ENVIRO dated January 10, 2011 issued by Fidelity National Title Insurance Company as successor by merger to Lawyers Title Insurance Corporation was reviewed by the undersigned and the Survey reflects all of the exceptions contained in Schedule B of that commitment or, if any such exceptions cannot be located, the same are indicated in the notes appearing on this Survey as being unlocatable.

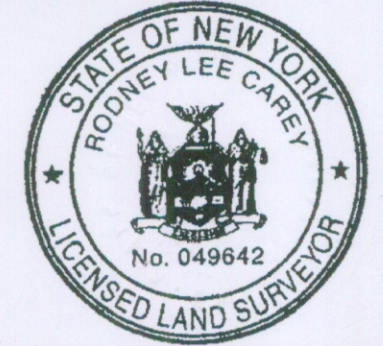
**CERTIFICATION**

To Washington Development Associates, LLC, The People of the State of New York acting through its Commissioner of the Department of Environmental Conservation and Fidelity Title Insurance Corporation:

This is to certify that this map or plot and the survey on which it is based were made in accordance with the 2011 Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 4, 11(b), and 12 of Table A thereof. The field work was completed on September 14, 2010.

Date of Map: March 22, 2011

*Rodney L. Carey*  
Rodney L. Carey, PLS - License No. 049642



**ENGINEERING / INSTITUTIONAL CONTROLS**

- Passive SSDS- for proposed College Suites as a precautionary measure.
- Composite Cover System.
- Soil Cover consisting of 24" of clean fill (or clean fill plus a paving system or concrete totalling 24") to cover entire environmental easement area or, for non-vegetated areas (buildings, roadways, parking lots, etc.), a cover by either asphalt or concrete at least 6 inches thick, or a building.
- Restricted Residential Use.
- Ground water use restriction covers entire Environmental Easement area.
- Evaluation for potential vapor intrusion of any buildings is required.

- ASPHALT HATCH
- CONCRETE HATCH
- BRICK HATCH
- DEMARCATION LAYER AREA 1 - BLACK GEOTEXTILE
- DEMARCATION LAYER AREA 2 - BLACK GEOGRID
- DEMARCATION LAYER AREA 3, 4, 5 & 6 - ORANGE CONSTRUCTION FENCE
- ENVIRONMENTAL EASEMENT HATCH - (ENVIRONMENTAL EASEMENT AREA SUBJECT TO SITE MANAGEMENT PLAN)

**THE ENGINEERING AND INSTITUTIONAL CONTROLS for these Easements are set forth in more detail 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 may be obtained from New York State Department of Environmental Conservation, Division of Environmental Remediation, Site Control Section, 625 Broadway, Albany, NY 12233 or at [derweb@gw.dec.state.ny.us](mailto:derweb@gw.dec.state.ny.us).**

ALTA/ACSM LAND TITLE SURVEY BROWNFIELD CLEANUP AGREEMENT FORMER WEHLE ELECTRIC & MGP SITES INDEX NO. A7-0519-0505 / BCP SITE NO. C704047 INDEX NO. A7-0518-0505 / BCP SITE NO. C704046 WATER STREET (ABANDONED) & WASHINGTON STREET CITY OF BINGHAMTON BROOME COUNTY NEW YORK STATE	SHEET NO. SU-4 PROJECT NO. 20100611 DATE OF FIELD WORK 5/14/2010 DATE OF PLOT 5/14/2010 DRAWN BY R.L.C.	NO.	REVISIONS AND DESCRIPTIONS	DATE:	WARNING: It is a violation of Section 7209, Subdivision 2, of the New York State Education Law for any person to use this map or plot for any purpose other than that for which it was prepared, unless such use is under the direction of a Licensed Professional Architect, Engineer or Surveyor to whom it is duly referred. In any case, the user shall be responsible for the accuracy of the data and the propriety of the use of the map or plot. The user shall be responsible for the accuracy of the data and the propriety of the use of the map or plot. The user shall be responsible for the accuracy of the data and the propriety of the use of the map or plot. © Copyright 2011 Keystone Associates Architects, Engineers and Surveyors, LLC	 <b>KEYSTONE ASSOCIATES</b> ARCHITECTS, ENGINEERS AND SURVEYORS, LLC 58 Exchange Street Binghamton, New York 13901 Phone: 607.722.1100 Fax: 607.722.2515 Email: <a href="mailto:info@keystoneassociatesllc.com">info@keystoneassociatesllc.com</a> <a href="http://www.keystoneassociatesllc.com">www.keystoneassociatesllc.com</a>
--	--	-----	----------------------------	-------	---	---