

**NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
DIVISION OF ENVIRONMENTAL REMEDIATION**

CERTIFICATE OF COMPLETION

Effective Date: October 12, 2006

Certificate holder: 1915 Erie Boulevard East, LLC
430 East Genesee Street, Suite 401
Syracuse, New York 13202

Tax ID No 16-1606735

Site Information:

Site Name: 1915 Erie Boulevard East (Former Carbacio Auto)
Site Owner: 1915 Erie Boulevard East, LLC
Site Location: 1915 Erie Boulevard East
City of Syracuse
County of Onondaga

DER Site Tracking Number: C734090

Site Description: The site consists of one (1) parcel of land totaling approximately 1.1 acres bounded by Erie Boulevard East to the south, Peat Street to the East, Kidd Street to the North, and by a private commercial property to the west. The site is located within the City's eastern corridor of commercial/retail and light industrial district.

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

Tax Map Identification Number(s): Tax Map number 032.1-01-17.0

Brownfield Site Cleanup Agreement Index No. R7-0001-00-10

Effective Date of Brownfield Site Cleanup Agreement: April 8, 2004

Is at least 50% of the Site located in an EnZone? yes no
Is 100% of the Site located in an EnZone? yes no

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 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.

The remedial program for the Site has achieved a cleanup level that would be consistent with the following categories of uses:

- Unrestricted Use (Track 1)
- Restricted Use (Tracks 2, 3, and 4):
 - Residential
 - Restricted Residential
 - Commercial
 - Industrial

The Remedial Program includes use restrictions or reliance on 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 Onondaga County at Book 4574 (Liber of Deeds) Page 135.

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.

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 upon a finding that:

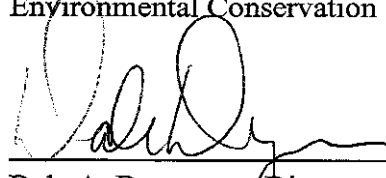
- (1) either the Applicant or the Applicant's successors or assigns have failed to comply with the terms and conditions of the Brownfield Site Cleanup Agreement;
- (2) the Applicant made a misrepresentation of a material fact tending to demonstrate that it was qualified as a Volunteer;
- (3) either the 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; or
- (4) there is good cause for such modification or revocation.

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.

Issuance Date: OCT 12 2006

Denise M. Sheehan,
Commissioner
New York State Department of
Environmental Conservation

By:



Dale A. Desnoyers, Director
Division of Environmental Remediation

EXHIBIT A

ALL THAT TRACT OR PARCEL OF LAND situate in the City of Syracuse, County of Onondaga, State of New York, being part of Farm Lot No. 222, and being more particularly described as follows:

Beginning at the intersection of the northerly highway boundary of Erie Boulevard East and the westerly street boundary of Peat Street; thence N 09° 29' 12" W 213.15 feet to a point in the southerly street boundary of Kidd Street;

Thence, S 68° 04' 36" W – 252.75 feet along said southerly street boundary of Kidd Street to a point;

Thence, S 21° 55' 21" E – 205.60 feet along the division line the lands of El-Roh Realty Corp, as recorded in the Onondaga County Clerk's Office in Liber 2483 at Page 1013 on the west and the lands of 1915 Erie Blvd. East, LLC, as recorded in the Onondaga County Clerk's Office at Page 4574 at Page 135 on the east to a point in said northerly highway boundary of Erie Boulevard;

Thence, along said northerly highway boundary of Erie Boulevard, the following three (3) courses and distances:

- 1) N 68° 04' 39" E – 33.00 feet to a point;
- 2) N 69° 30' 35" E – 132.00 feet to a point;
- 3) N 67° 03' 14" E – 41.86 feet to the point of beginning.

Containing 47,646 square feet or 1.094 acres more or less.

Subject to easements and restrictions of record.

The above described parcel is in accordance with a map made by Bryant Associates, P.C., entitled "1915 Erie Blvd. East, LLC" dated April 5, 2005.

Exhibit B

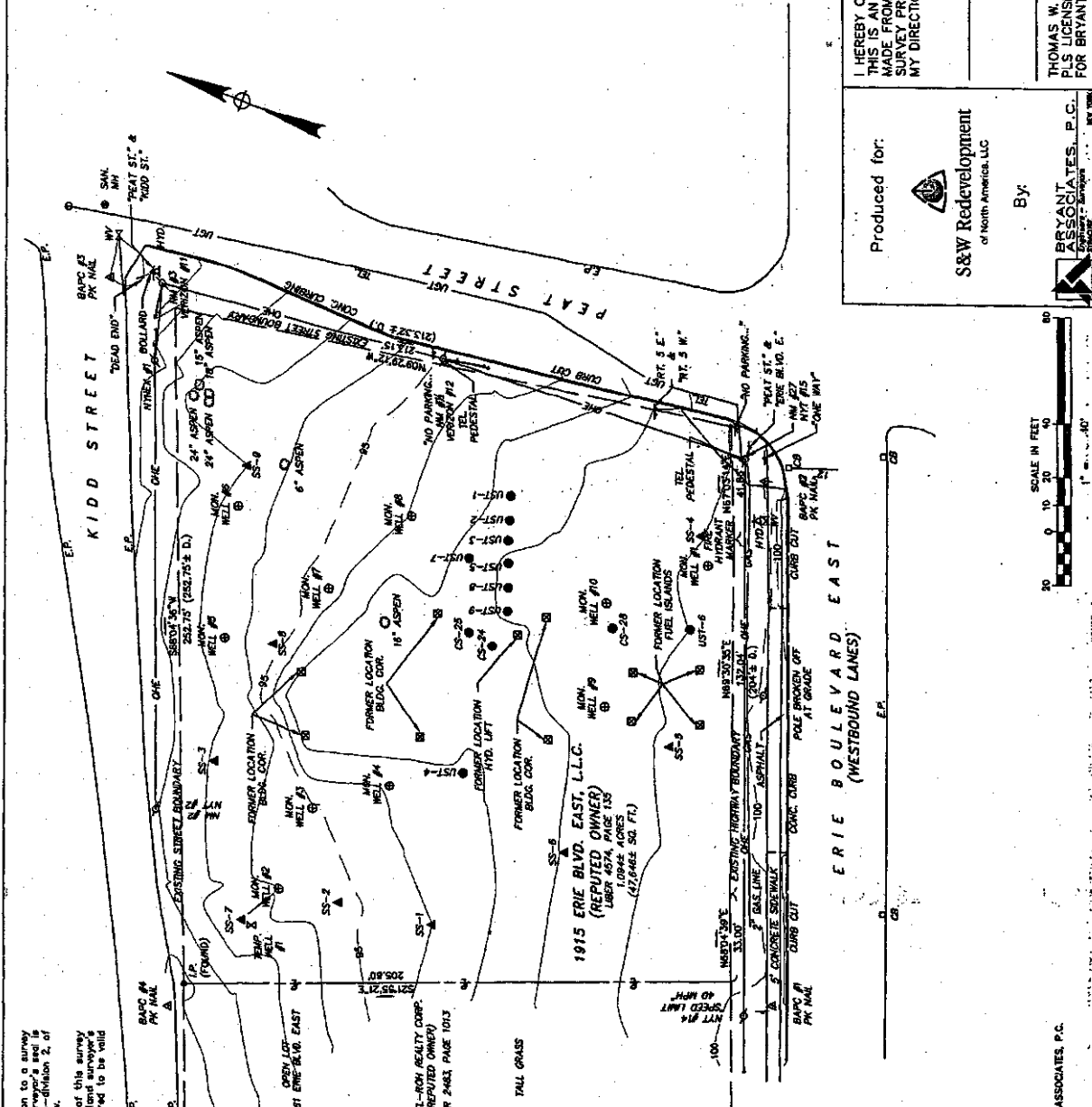
TABLE OF MON. WELLS

MON. WELL I.D.	GROUND ELEVATION	TOP OF PVC PIPE
1	88.74	88.74
2	84.04	88.51
3	86.15	88.08
4	93.65	88.76
5	81.47	85.44
6	82.05	88.24
7	88.59	88.59
8	86.91	88.19
9		
10		

FIGURE - 2 SAMPLE LOCATIONS

FIELD REFERENCE POINTS FROM THE CITY OF SYRACUSE TO 1915 ERIE BLVD. EAST, L.L.C. RECORDED IN ONONDAGA COUNTY CLERK'S OFFICE IN LIBER 4574 AT PAGE 138 ON JULY 13, 2001.

UTILITY NOTE
EXISTING UNDERGROUND FACILITIES, STRUCTURES, AND UTILITIES HAVE BEEN PLOTTED FROM AVAILABLE PLANS, RECORDS AND SURVEYS. THE SURVEYOR HAS MADE NO ASSURANCE AS TO THE ACCURACY AND NO GUARANTEE IS MADE BY ANY ASSOCIATED PARTY TO THE HORIZONTAL OR VERTICAL LOCATION OF SUCH FACILITIES, STRUCTURES AND UTILITIES. THERE MAY BE OTHERS, THE EXISTENCE OF WHICH THE SURVEYOR HAS NOT BEEN ADVISED. THE CLIENT IS RESPONSIBLE FOR VERIFYING THE HORIZONTAL AND VERTICAL LOCATIONS OF SUCH FACILITIES, STRUCTURES AND UTILITIES IN THE FIELD PRIOR TO COMMENCING WORK.



Unauthorized alteration or addition to a survey map bearing a licensed land surveyor's seal is a violation of section 7200, sub-division 2, of the New York State Education Law.
Only copies from the original of this survey marked with an original of the land surveyor's seal shall be considered to be valid true copies.

UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP BEARING A LICENSED LAND SURVEYOR'S SEAL IS A VIOLATION OF SECTION 7200, SUB-DIVISION 2, OF THE NEW YORK STATE EDUCATION LAW.
ONLY COPIES FROM THE ORIGINAL OF THIS SURVEY MARKED WITH AN ORIGINAL OF THE LAND SURVEYOR'S SEAL SHALL BE CONSIDERED TO BE VALID TRUE COPIES.

I HEREBY CERTIFY THAT THIS IS AN ACCURATE MAP MADE FROM AN ACCURATE SURVEY PREPARED UNDER MY DIRECTION

Produced for:
S&W Redevelopment
of North America, LLC

By:
BRYANT ASSOCIATES, P.C.
Surveyors - Syracuse, NY

1915 ERIE BLVD. EAST, L.L.C.
(REPUTED OWNER)

CITY OF SYRACUSE
ONONDAGA COUNTY

PART OF FARM LOT 222



SURVEY NOTE
SURVEY WAS PERFORMED BY BRYANT ASSOCIATES, P.C.
ON JUNE 12, 2003.
TAX MAP NO. 032-01-01-17-0