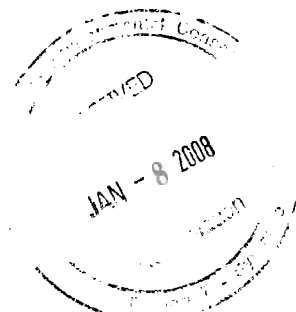


Please record and return to:  
Mr. Jed Schneider  
Pioneer Midler Avenue, LLC  
250 South Clinton Street  
Syracuse, New York 13202-1258

## NOTICE OF CERTIFICATE OF COMPLETION



### State of New York Onondaga County

The undersigned, being duly sworn, hereby deposes and states:

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) for the Midler City Industrial Park Site.

The Certificate was issued on December 31, 2007 to Pioneer Midler Avenue, LLC for a parcel approximately 21.8 acres located at the 621 and 629 South Midler Avenue in the City of Syracuse, Onondaga County. A metes and bounds description of the Site subject to this Certificate is attached to the Certificate as Exhibit A and a site survey is attached as Exhibit B.


The Certificate entitles the Certificate holder(s) 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.

A copy of the Certificate can be reviewed at the NYSDEC's Region 7 located at 615 Erie Boulevard West, Syracuse, NY by contacting the Regional Environmental Remediation Engineer.

This Notice of Certificate of Completion is being filed with the Onondaga County Clerk's office in accordance with ECL Section 27-1419.8 to give all parties who may acquire any interest in the Site notice of the Certificate.

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

Pioneer Midler Avenue, LLC

By: 

Title: Authorized Agent

Date: 1/4/08

STATE OF NEW YORK )

) SS:

COUNTY OF ONONDAGA)

On the 4<sup>th</sup> day of January, in the year 2008, before me, the undersigned, personally appeared Ted Scheidegger 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.

Donna M. St. Cyr  
Reg. 01ST5081714  
Notary Public State of New York  
Onondaga County  
Commission Expires 7/7

7	7	11
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**Signature and Office of individual  
taking acknowledgment**

**EXHIBIT A**  
**Parcel Description**  
**Pioneer Midler Avenue LLC**  
**Syracuse, NY**

All that tract or parcel of land situate in the City of Syracuse, Onondaga County, State of New York, being part of Military Lot Number 40 of the former Town of Dewitt, bounded and described as follows:

Beginning at a concrete monument on the easterly right of way line of South Midler Avenue as appropriated to the State of New York (Map No. 66, Parcel No. 106 & 107); thence, along the easterly line of said appropriated Parcel No. 106 the following two courses and distances:

North 02°-36'-16" West, a distance of 330.71 feet to a point; thence,

North 07°-30'-43" West, a distance of 276.38 feet to a concrete monument on the southerly right of way line of New York State Route 690 (as appropriated to the State of New York - Map No. 354, Parcel No. 450 & 451; and Map No. 351, Parcel No. 445); thence,

North 71°-46'-10" East, along the southerly right of way line of said Route 690, a distance of 17.28 feet to the northwest corner of Proposed Lot 5; thence, the following three courses and distances along said Lot 5:

South 18°-23'-56" East, a distance of 47.11 feet to a point; thence,

North 73°-21'-19" East, a distance of 23.85 feet to a point; thence,

North 18°-23'-47" West, a distance of 47.77 feet to a point on the southerly right of way line of said Route 690; thence,

North 71°-46'-10" East, along said southerly right of way line of Route 690, a distance of 486.65 feet to an angle point; thence,

North 68°-07'-00" East, continuing along said southerly right of way line of Route 690, a distance of 37.53 feet to the northwest corner of proposed Lot 4; thence, the following three courses and distances along said Lot 4:

South 21°-53'-00" East, a distance of 50.84 feet to a point; thence,

North 68°-07'-00" East, a distance of 23.84 feet to a point; thence,

North 21°-53'-00" West, a distance of 50.84 to a point on the southerly right of way line of said NYS Route 690; thence, continuing along said southerly right of way line of Route 690 the following three courses and distances:

North 68°-07'-00" East, a distance of 65.62 feet to an angle point; thence,

North 77°-43'-00" East, a distance of 197.00 feet to a concrete monument; thence,

North 76°-10'-30" East, a distance of 244.30 feet to the northwest corner of proposed Lot 3; thence, the following three courses and distances along said Lot 3:

South 13°-49'-30" East, a distance of 50.50 feet to a point; thence,

North 76°-10'-30" East, a distance of 23.84 feet to a point; thence,

North 13°-49'-30" West, a distance of 50.50 to a point on the southerly right of way line of said NYS Route 690; thence,

North 76°-10'-30" East, along said southerly right of way line of Route 690, a distance of 126.52 feet to a point; thence,

South 13°-49'-30" East, a distance of 656.54 feet to a point on the northerly line of lands now or formerly of the City of Syracuse (Tax Map No. 33.01-1-20); thence,

North 73°-21'-19" East, on said northerly line, a distance of 996.00 feet to a point on the easterly line of said property of the City of Syracuse; thence,

South 04°-09'-10" East, a distance of 39.81 feet to a point on the northerly line of lands now or formerly of New York Central Lines, LLC; thence,

South 73°-21'-19" West, on said northerly line, a distance of 2356.10 feet to a point on the easterly right of way line of South Midler Avenue; thence,

North 00°-23'-35" West, on said easterly right of way line, a distance of 31.20 feet to a concrete monument; thence,

North 73°-43'-32" East, a distance of 168.40 feet to a point; thence,

North 04°-19'-45" West, a distance of 61.40 feet to the northeast corner of aforesaid appropriation to the State of New York (Map No. 66, Parcel No. 107) ; thence, the following two (2) courses and distances on said appropriation:

South 75°-02'-08" West, a distance of 144.06 feet to a concrete monument; thence,

North 57°-44'-29" West, a distance of 21.26 feet to the Point of Beginning.

Said parcel containing 21.727 acres, more or less, shown on a map prepared by Bergmann Associates entitled "ALTA/ACSM Land Title Survey – Proposed Retail Development, Midler Avenue, Syracuse, New York", dated August 13, 2004, last revised on August 22, 2005.



