

ONONDAGA COUNTY CLERK'S OFFICE
M. ANN CIARPELLI - COUNTY CLERK
401 Montgomery St - Room 200
Syracuse, NY 13202

Phone: 315-435-2226
Fax: 315-435-3455

Doc Type: NOTICE
Grantor: NYSDEC
Grantee: NEW YORK STATE DEPT OF ENVIR
DESTINY USA HOLDINGS LLC

Receipt: 965953 CP
Book/Page: 05183/0402 Inst: 45322
Date Filed: 12/06/2011 at 11:41AM
Updated: 12/06/2011 KG
Record and Return To:

Legal Desc: SYR LOT 11L ONE CAROUSEL CENTER
DRIVE

DESTINY USA HOLDINGS LLC
THE CLINTON EXCHANGE
4 CLINTON SQUARE
SYRACUSE NY 13202-1078

Prop Address: 306 HIAWATHA BLVD W

Submitted by: GILBERTI

Recording Fees			Miscellaneous Fees	
Addl pages:	2 x 5.00 =	\$ 10.00	RMI:	\$ 20.00
Addl Names:	0 x 0.50 =	\$ 0.00	TP 584:	\$ 0.00
Addl Refs:	1 x 0.50 =	\$ 0.50	RP5217:	\$ 0.00
Misc:		0.00	AFFTS:	\$ 0.00
Basic		\$25.50		
=====			=====	
TOTAL:		\$36.00	TOTAL:	\$ 20.00

MORTGAGE TAX		DEED TRANSFER TAX	
Mortgage:		Consideration	\$0.00
Basic:	\$0.00	Transfer Tax:	\$0.00
Ins Fund:	\$0.00	SWIS:	3115
Net Add:	\$0.00	Map #:	
Misc:	\$0.00		=====
=====		Total Paid	\$ 56.00
TOTAL	\$0.00	Control no	

WARNING - This sheet constitutes the Clerk's endorsement, required by Section 319 of the Real Property Law of the State of New York. Do not detach. Taxes imposed on this instrument at time of recording were paid. Certain information contained in this document is not verified by this office.

M. ANN CIARPELLI
Onondaga County Clerk

Book/Page 05183 / 0402 Instrument no.: 45322



051830402

NOTICE OF CERTIFICATE OF COMPLETION
Inactive Hazardous Waste Disposal Site Program
Pursuant to 6 NYCRR Part 375-1.9(d)

CITY OF SYRACUSE
3115

Oil City/Carousel Center - Phase 1, C734104
306 Hiawatha Boulevard West, Syracuse, NY

PLEASE TAKE NOTICE, the New York State Department of Environmental Conservation (Department) has issued a Certificate of Completion (Certificate) pursuant to 6 NYCRR Part 375 to Destiny USA Holdings, LLC for a parcel approximately 10.138 acres located at 306 Hiawatha Boulevard West in Syracuse, Onondaga 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 Order on Consent, as well as any other relevant information regarding the Site, that the remediation requirements set forth in ECL Article 27, Title 13 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 6 NYCRR 375-1.8(g)(2)i.
- ☐ Restricted Residential Use, as set forth in 6 NYCRR 375-1.8(g)(2)ii.
- ☒ Commercial Use, as set forth in 6 NYCRR 375-1.8(g)(2)iii.
- ☒ Industrial Use, as set forth in 6 NYCRR 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 Onondaga County as Instrument #38270, Book 05178, Page 0492.

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 6 NYCRR Part 375-2.9. 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 6 NYCRR Part 375-2.9. The liability limitation shall be subject to all rights reserved to the State by 6 NYCRR Part 375-2.9 and any other applicable provision of law.

Noted Deed BK 5171 pg 810
Easmt Deed BK 5178 pg 492

MAP 9855 LOT 11W
One Carousel Center Drive
Syr

Per Notice of Agreement Recorded 11:05 08/16/11 DB-5171 P-810

11:41 12/06/11 4532211 CP DB-5183P-402

Oil City/Carousel Center - Phase 1, C734104, 306 Hiawatha Blvd. West, Syracuse, NY

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 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 office located at 615 Erie Boulevard West, Syracuse, NY, 13204-2400, by contacting the Regional Environmental Remediation Engineer.

WHEREFORE, the undersigned has signed this Notice of Certificate

Destiny USA Holdings, LLC

By: [Signature]

Title: Vice President

Date: 12/6/11

STATE OF NEW YORK) SS:
COUNTY OF Onondaga)

On the 6th day of December, in the year 2011, before me, the undersigned, personally appeared Bruce A. Kenan, 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.

Elizabeth A. Fallon
Signature and Office of individual
taking acknowledgment
ELIZABETH A. FALLON
Notary Public, State of New York
Qualified in Onondaga Co. No. 01FA6236728
Commission Expires March 7, 2015

Please record and return to:
Destiny USA Holdings, LLC
The Clinton Exchange
4 Clinton Square
Syracuse, NY 13202-1078