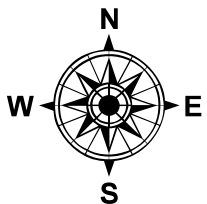


Ellicott Station East Site
C819023
City of Batavia, New York



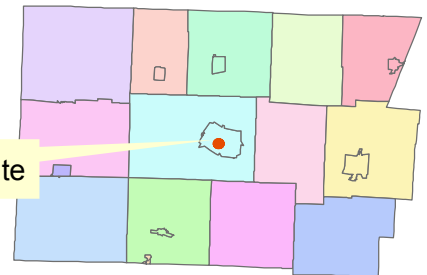
Genesee County
New York

0 125 250 500 Feet



NYSDEC - December 2017

Ellicott Station East Site





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

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:

On 4/25/2018, Ellicott Station LLC, the Volunteer, deeded to itself Ellicott Station East Site (C819023), plus Ellicott Station Site (C819021), for the purpose of combining various tax parcel into one- 84.015-1-2.1. See Attachment 1 (Deed) & 2 (County Tax GIS Parcel Map). On October 24, 2019, Lot 84.015-1-2.1 was subdivided into three different tax parcels: 84.015-1-2.11, 84.015-1-2.12, 84.015-1-2.13. See Attachment 3 (Official Subdivision Map). Neither the County nor Municipal tax maps have been updated to reflect this subdivision. One purpose of this BCA Amendment is to reflect the new tax lots for the Ellicott Station East Site (C819023): a portion of 84.015-1-2.12, and a portion of lot 84.015-1-2.13. See Attachment 4 (Illustrative Map of New Lots).

The other purpose is to add Ellicott Station Apartments, LLC to the BCA Amendment. Ellicott Station Apartments, LLC will be the owner of the commercial portion of the Site- Lot 84.015-1-2.13. Ellicott Station LLC will remain the owner of the residential portion of the Site- Lot 84.015-1-2.12.

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

Section I. Existing Agreement Information

BCP SITE NAME: Ellicott Station East

BCP SITE NUMBER: C819023

NAME OF CURRENT APPLICANT(S): Ellicott Station LLC

INDEX NUMBER OF EXISTING AGREEMENT: C819023-05 DATE OF EXISTING AGREEMENT: 6.12.19

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

NAME Ellicott Station Apartments, LLC

ADDRESS 500 Seneca Street, Suite 508

CITY/TOWN Buffalo, NY

ZIP CODE 14204

PHONE 716-332-5959

FAX

E-MAIL courtneyc@savarinocompanies.com

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. See Attachment 5

NAME OF NEW REQUESTOR'S REPRESENTATIVE Samuel J. Savarino

ADDRESS 500 Seneca Street, Suite 508

CITY/TOWN Buffalo, NY

ZIP CODE 14204

PHONE 716-332-5959

FAX

E-MAIL courtneyc@savarinocompanies.com

NAME OF NEW REQUESTOR'S CONSULTANT (if applicable) N/A-same as Volunteer's

ADDRESS

CITY/TOWN

ZIP CODE

PHONE

FAX

E-MAIL

NAME OF NEW REQUESTOR'S ATTORNEY (if applicable) N/A-same as Volunteer's

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? See Attachment 5 ☒ Yes ☐ No

Describe Requestor's Relationship to Existing Applicant:

Requestor is a prospective purchaser of the commercial portion of the Site- Lot 84.015-1-2.13, and is a related entity to Volunteer. The Site is being partially funded through Homes and Community Renewal, which is requiring that the residential and commercial portions of the Site be separately owned. Ellicott Station Apartments, LLC was created to own the commercial portion of the Site.

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) N/A

ADDRESS

CITY/TOWN

ZIP CODE

PHONE

FAX

E-MAIL

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. *See below

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 *See Attachment 6*

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

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

ADDRESS 56-70 Ellicott Street

CITY/TOWN Batavia, NY

ZIP CODE 14020

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

Parcel Address	Parcel No.	Section No.	Block No.	Lot No.	Acreage
56-70 Ellicott Street		84.015	1	5	
		84.015	1	4	
					Total= .810

*Requestor is a Volunteer because it does not own the Site yet. Its prospective ownership and involvement with the Site is under the auspices of the Brownfield Cleanup Program, where it will exercise reasonable care 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.

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
56-70 Ellicott Street	Part of	84.015	1	2.12	
	Part of	84.015	1	2.13	Total= .810

- ☐ Reduction of property

Approximate acreage removed: _____

PARCELS REMOVED:

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

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.

PART II. BROWNFIELD CLEANUP PROGRAM AMENDMENT

Existing Agreement Information

BCP SITE NAME: Ellicott Station East

BCP SITE NUMBER: C819023

NAME OF CURRENT APPLICANT(S): Ellicott Station LLC

INDEX NUMBER OF EXISTING AGREEMENT: C819023-05-19

EFFECTIVE DATE OF EXISTING AGREEMENT: 6.12.19

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 Sole Member) of (entity Ellicott Station Apartments, LLC), 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.

My _____ signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

Date: 6/19/2020 Signature: _____

Print Name: Samuel J. Savarino

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 Member (title) of Ellicott Station LLC (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. My _____ signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

Date: 6/19/2020 Signature: _____

Print Name: Samuel J. Savarino

REMAINDER OF THIS AMENDMENT WILL BE COMPLETED SOLELY BY THE DEPARTMENT

Status of Agreement:

☐

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 contamination.

Effective Date of the Original Agreement: June 12, 2019

Signature by the Department:

DATED: 8/10/20

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

FOR DEPARTMENT USE ONLY

BCP SITE T&A CODE: _____ **LEAD OFFICE:** _____

PROJECT MANAGER: _____

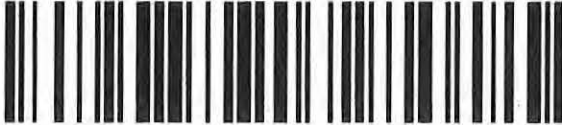
Attachment 1



GENESEE COUNTY – STATE OF NEW YORK
MICHAEL T. CIANFRINI, COUNTY CLERK
15 MAIN STREET, BATAVIA, NEW YORK 14020

COUNTY CLERK'S RECORDING PAGE

THIS PAGE IS PART OF THE DOCUMENT – DO NOT DETACH



INSTRUMENT #: DE2018-634

Receipt#: 9777
Clerk: NYGEFEE
Rec Date: 04/26/2018 03:12:40 PM
Doc Grp: D
Descrip: DEED
Num Pgs: 6
Rec'd Frm: SAVARINO COMPANIES/JZ

Party1: ELLICOTT STATION LLC
Party2: ELLICOTT STATION LLC
Town: BATAVIA CITY

Recording:

Cover Page	5.00
Recording Fee	45.00
Cultural Ed	14.25
Records Management - Coun	1.00
Records Management - Stat	4.75
TP584	5.00
RP5217 - County	9.00
RP5217 All others - State	241.00

Sub Total: 325.00

Transfer Tax
Transfer Tax - State 0.00

Sub Total: 0.00

Total: 325.00

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

***** Transfer Tax *****

Transfer Tax #: 1312

Transfer Tax

Consideration: 0.00

Total: 0.00

Record and Return To:

ELLICOTT STATION LLC
500 SENECA ST SUITE 508
BUFFALO NY 14204

WARNING***

*** Information may be amended during the verification process, and may not be reflected on this cover page.

THIS PAGE CONSTITUTES THE CLERK'S
ENDORSEMENT, REQUIRED BY SECTION 316-a (5) &
319 OF THE REAL PROPERTY LAW OF THE STATE OF
NEW YORK.

Michael T. Cianfrini

Michael T. Cianfrini
Genesee County Clerk

GENESEE COUNTY CLERK
MICHAEL T. CIANFRINI

Receipt

Receipt Date: 04/26/2018 03:12:41 PM

RECEIPT # 9777

Recording Clerk: NYGEFEE

Cash Drawer: CASH1

Rec'd Frm: SAVARINO COMPANIES/JZ

Rec'd In Person

Instr#: DE2018-634

DOC: DEED

DEED STAMP: 1312

OR Party: ELLICOTT STATION LLC

EE Party: ELLICOTT STATION LLC

Recording Fees

Cover Page	\$5.00
Recording Fee	\$45.00
Cultural Ed	\$14.25
Records Management - County	\$1.00
Records Management - State	\$4.75
TP584	\$5.00
RP5217 - County	\$9.00
RP5217 All others - State	\$241.00

Transfer Tax

Transfer Tax - State	\$0.00
----------------------	--------

DOCUMENT TOTAL: ----> \$325.00

Misc Fees

Postage	\$1.50
---------	--------

Receipt Summary

TOTAL RECEIPT: ---->	\$326.50
TOTAL RECEIVED: ---->	\$326.50

CASH BACK: ---->	\$0.00
------------------	--------

PAYMENTS

Credit Card AMERICAN EXPRESS ->	\$326.50
---------------------------------	----------

Genesee County Clerk
PO Box 379
Batavia NY 14021

Receipt

Location: 0

Employee: 11

Transaction Information

Transaction Type: Recording Fees
ID: SAVARINO COMPANIES
Amount Due: \$326.50
Convenience Fee: \$9.80
Total Amount Due: \$336.30

Payment Information

Payment Method: Credit Card
Card Type: American Express
Card Holder Name: DEBORAH L LOGUE
Reference #: 2504
Transaction #: AL3JF845593A
Authorization #: 174317
Processed Date: 04/26/2018
Processed Time: 02:11:42 PM

**** APPROVED ****

Please Sign Here:

Transaction Details

Phone #: N/A

Thank you for your payment!
Your credit card statement will reflect this transaction with the name
GOVERNMENT PAYMENTS
If you have any questions regarding your credit card transaction, you can call us
at 956-682-3466 during our business hours of 8:00 AM to 5:00 PM Central
Standard Time on Monday through Friday

...

Copyright 2018
v8.3.20

DEED TO MERGE TAX PARCELS

THIS INDENTURE, made the 25TH day of April, 2018

BETWEEN

ELLICOTT STATION, LLC, a New York limited liability company with offices at
500 Seneca Street, Suite 508, Buffalo, New York 14204 ("**ESL**")

Grantor,

and

ELLICOTT STATION, LLC, a New York limited liability company with offices at
500 Seneca Street, Suite 508, Buffalo, New York 14204 ("**ESL**")

Grantee,

WITNESSETH that Grantor, in consideration of One Dollar (\$1.00) lawful money of the United States, paid by Grantee, does hereby release and quitclaim unto Grantee, their distributees and assigns forever:

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Batavia, County of Genesee and State of New York commonly known as 40 Ellicott Street, Batavia, New York, Tax Parcel No. 84.015-1-2, 56-70 Ellicott Street, Batavia, New York, Tax Parcel No. 84.015-1-5 and two commercial vacant lots on Ellicott Street, Tax Parcel No. 84.015-1-37.311 and 84.015-1-37.312 AND Tax Parcel No. 84.015-1-4 and as more particularly described in the attached Schedule A ("Premises").

Subject to all covenants, easements and restrictions of record affecting said Premises.

**THE INTENT OF THIS DEED IS TO COMBINE (MERGE) THE DESCRIBED
PARCELS INTO ONE TAX MAP PARCEL.**

Tax Account No. 84.015-1-2, 84.015-1-5, 84.015-1-37.311, 84.015-1-37.312, &
84.015-1-4

Property and

Tax Billing Address: 40 Ellicott Street and 56-70 Ellicott Street, Batavia, NY 14020

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 Grantee, their distributees and assigns forever.

AND, GRANTOR, in compliance with Section 13 of the Lien Law, covenants that the Grantor will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the costs of the improvement and will apply the same first to the payment of the cost of improvements before using any part of the total of the same for any other purpose.

This conveyance is not intended to defraud creditors and will not render Grantor insolvent.

The words "Grantor and Grantee" shall be construed as if they read "Grantors and Grantees" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, Grantor and Grantee have executed this indenture as of the day and year first above written.

IN PRESENCE OF:

ELLICOTT STATION LLC,
a New York limited liability company

By: Ellicott Station Development LLC,
its sole member

By: X
Name: Samuel J. Savarino
Title: Managing Member

STATE OF NEW YORK
COUNTY OF ERIE SS.:

On the 25TH day of April, 2018 before me, personally appeared **SAMUEL J. SAVARINO**, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Deborah L. Logue
Notary Public

DEBORAH L. LOGUE
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
My Commission Expires January 11, 2019
Notary #01L06018451

Schedule A

PARCEL "A" (84.015-1-5)

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Batavia, County of Genesee, State of New York, being part of Village Lots 19, 21 and 23 bounded and described as follows:

BEGINNING at the intersection of the south line of Ellicott Street with the west line of Jackson Street; thence westerly along the south line of Ellicott Street, 262.15 feet; thence North 79° 24' 35" West, a distance of 44.24 feet to the center line of a 16.5 foot wide alley; thence southerly along said center line, 173 feet to the south line of a 33 foot alley; thence south 75° 03' 42" East, a distance of 133.45 feet to the center line of a 16.5 foot wide alley; thence South 45° East, a distance of 8.25 feet; thence South 76° 54' 41" East, a distance of 116.63 feet to the west line of a 16.5 foot wide alley; thence South 68° 52' 45" East, a distance of 9.02 feet to the center line of said alley; thence South 76° 59' 45" East, a distance of 92.26 feet to the west line of Jackson Street; thence northerly along said west line, 20 feet to the point of beginning.

Parcel "B" (84.015-1-37.312)

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Batavia, County of Genesee and State of New York, being part of Original Lots 21 and 23, Township 12, Range 1 of the Holland Land Company's survey, and described as follows:

BEGINNING at a point on the westerly street line of Jackson Street at a distance of 19.55' southerly from the intersection of the westerly street line of Jackson Street and the southerly street line of Ellicott Street; Thence South 01°-25'-00" West, along the westerly street line of Jackson Street, a distance of 38.44' to a point, said point being the northeasterly corner of land conveyed to The Salvation Army at Liber 507 of Deeds, page 338; Thence the following courses along the northerly line of The Salvation Army lands: 1) South 84°-12'-44" West, 180.04' to a point; 2) South 05°-47'-16" East, 15.78' to a point; 3) South 84°-12'-44" West, 15.00' to a point; 4) North 80°-51'-12" West, 38.09' to a point; 5) South 83°-33'-23" West, 137.35' to a point; Thence North 04°-43'-03" East, a distance of 102.85' to a point, said point being the southwesterly corner of land conveyed to Raymond S. Zigrossi at Liber 450 of Deeds, at page 472; Thence the following courses along the southerly line of Zigrossi lands; 1) South 86°-12'-26" East, 134.75' to a point; 2) South 56°-38'-11" East, 8.25' to a point; 3) South 88°-41'-38" East, 116.81' to a point; 4) South 73°-29'-40" East, 13.79' to a point; 5) North 89°-33'-16" East, 87.69' to the point of beginning.

Parcel "C" (84.015-1-37.311)

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Batavia, County of Genesee and State of New York, being part of Original Village Lots Nos. 19, 21, and 23, Township 12, Range 1 of the Holland Land Company's Survey, and described as follows:

BEGINNING at a point on the easterly street line of Evans Street, said point being 577.20' southerly from the intersection of the easterly street line of Evans Street and the southerly highway boundary of Ellicott Street, said point also being the southwest corner of land conveyed to Benny P. Potrzebowski at Liber 427 of Deeds, page 40; Thence N 79°-27'-35" E, along the south line of Potrzebowski a distance of 179.98' to a point, said point being the southeast corner of Potrzebowski and the southerly corner of land conveyed to David and Georgia Larocco at Liber 493 of Deeds, page 142; Thence N 00°-36'-34" E, along Larocco's line, a distance of 35.18' to a point; Thence N 82°-20'-14" E, along Larocco's line, a distance of 158.21' to a point, said point being the southeast corner of Larocco lands; Thence N 01°-30'-46" E, along the east line of Larocco lands, a distance of 10.83' to a point, said point being the southwest corner of land conveyed to Peter Della Penna at Liber 496 of Deeds, page 343; Thence N 77°-06'-22" E, along the south line of Della Penna lands, a distance of 81.71' to a point; Thence N 70°-27'-24" E, along the south line of Della Penna lands, a distance of 45.00' to a point, said point being the southeast corner of Della Penna lands; Thence S 04°-43'-03" W, a distance of 102.85' to a point on the northerly line of land conveyed to The Salvation Army at Liber 507 of Deeds, page 338; Thence S 82°-16'-30" W along the northerly line of the Salvation Army lands and the northerly line of land conveyed to the Hunting Company at Liber 444 of Deeds, page 242, a distance of 140.75' to a point; Thence S 03°-34'-46" W, along the Hunting Company's line, a distance of 5.47' to a point; Thence S 80°-50'-26" W, along the Hunting Company's line, a distance of 87.55' to a point; Thence southwesterly, along the Hunting Company's line and a curve to the left with a radius of 955.00' an arc distance of 250.58' to a point; Thence N 56°-12'-13" W, along the Hunting Company's line a distance of 10.11' to a point on the easterly street line of Evans Street, said point being the northwesterly corner of the Hunting Company's land; Thence N 19°-27'-49" E, along the easterly street line of Evans Street, a distance of 78.04' to the point of beginning.

Parcel "D" (84.015-1-2)

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Batavia, County of Genesee and State of New York, being part of Lots 21 and 23, Township 12, Range 1 of the Holland Land Company's Survey, bounded and described as follows:

COMMENCING at the intersection of the southerly line of Ellicott Street with the easterly line of Evans Street; thence southeasterly along the southerly line of Ellicott Street a distance of 226.04' to a point, said point being the northeasterly corner of an alley owned by the City of Batavia, said point also being the true point of beginning for the parcel to be described; thence South 56° 31' 35" East continuing along the southerly line of Ellicott Street a distance of 215.38' to a point; thence South 33° 28' 25" West a

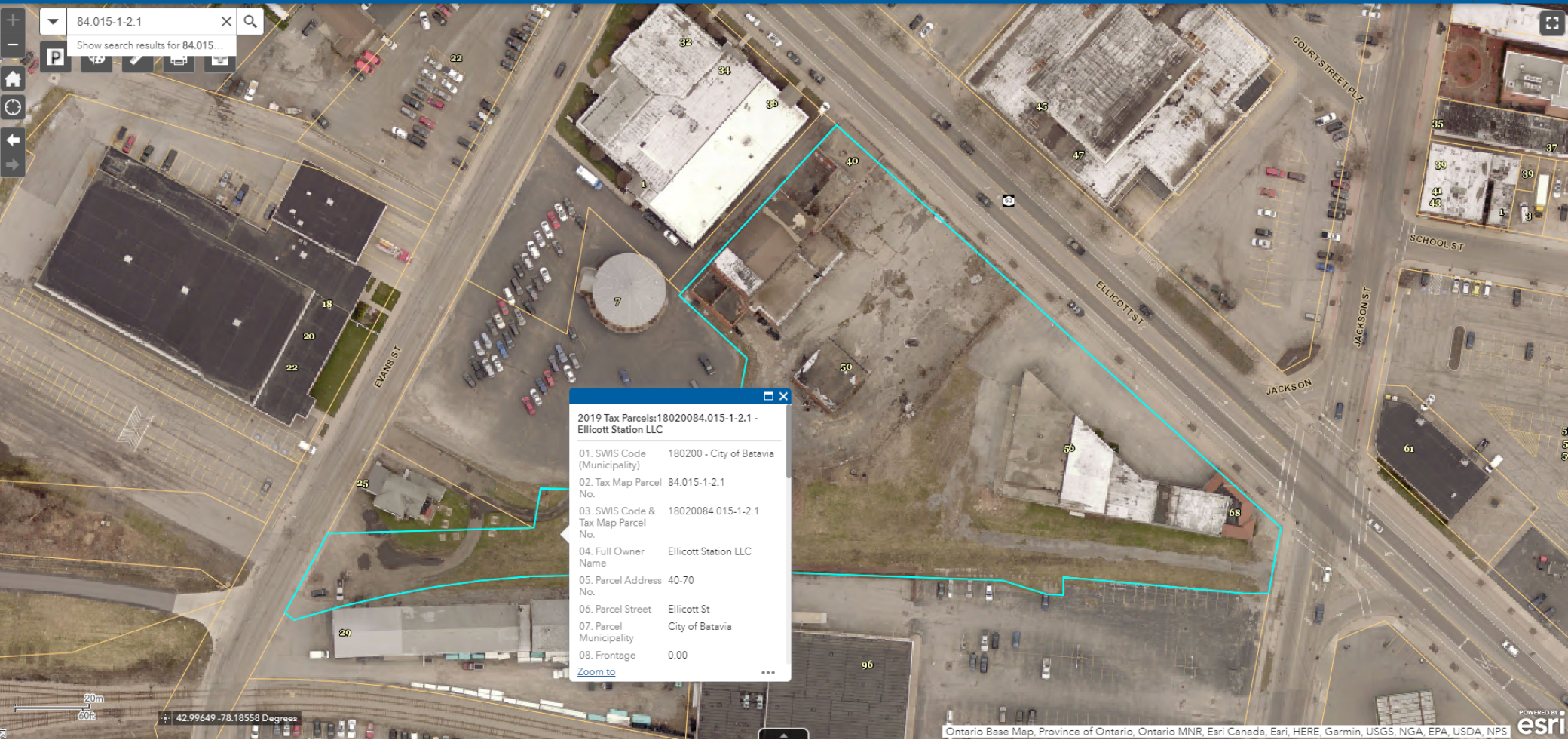
distance of 197.77' to a point; thence South 56° 31' 35" East a distance of 5.83' to a point on the northwesterly line of land conveyed to Peter R. Della Penna by deed recorded in the Genesee County Clerk's Office in Liber 585 of deeds at page 310; thence South 70° 27' 24" West along the said northwesterly line of Della Penna's land a distance of 45.00' to a point; thence South 77° 06' 22" West continuing along the northwesterly line of said Della Penna's land a distance of 81.71' to a point on the easterly line of land conveyed to J Enterprises of Batavia, LLC, by deed recorded in the Genesee County Clerk's Office in Liber 775 of deeds at page 137; thence North 01° 30' 46" East along the said easterly line of J Enterprises of Batavia, LLC's land a distance of 108.21' to a point; thence North 56° 38' 11" West along the northerly line of said J Enterprises of Batavia, LLC's land a distance of 80.09' to a point; thence North 33° 21' 47" East a distance of 3.00' to a point at the southeasterly corner of the alley owned by the City of Batavia as aforementioned; thence North 33° 21' 47" East along the said alley a distance of 201.20' to the southerly line of Ellicott Street and the point and place of beginning.

Parcel "E" (84.015-1-4)

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Batavia, County of Genesee, State of New York, being part of Lots 21 and 23, Township 12, Range 1 of the Holland Land Company's Survey, bounded and described as follows: BEGINNING at a point on the southwesterly boundary line of Ellicott Street (99.5' wide), distant 441.42 feet from the easterly line of Evans Street (49.5' wide), said point also being the intersection of the southwesterly boundary line of said Ellicott Street and the easterly bounds of lands conveyed to Peter Della Penna by Warranty Deed recorded in Liber 496 of Deeds at page 343; Thence (1) S 33 degrees 28' 25" W along the bounds of said Della Penna a distance of 197.77 feet to a point, said point being located on the eastern bounds of said Della Penna; Thence (2) S 56 degrees 31' 35" E along the south bounds of a former alley a distance of 5.83 feet to a point, said point being located on the western bounds of lands conveyed to Raymond S. Zigrossi by a Warranty Deed recorded in Liber 450 of Deeds at page 472, and also being located on the western bounds of lands conveyed to Ellicott Holding, LLC by Warranty Deed recorded in Liber 882 of Deeds at page 659; Thence (3) northeasterly along the western bounds of said Zigrossi and Ellicott Holdings, LLC, and along the eastern bounds of a former alley a distance of 173.18 feet to a point, said point being located on the western bounds of said Zigrossi and Ellicott Holding, LLC; Thence (4) S 79 degrees 24' 35" E along the south bounds of land described in a Warranty Deed to the Tonawanda Railroad Company recorded in Liber 64 of Deeds at page 188 a distance of 45 feet to a point on the southwesterly bounds of Ellicott Street, said point being measured 262.15 feet from the intersection of the southwesterly boundary line of Ellicott Street and the western bounds of Jackson Street; Thence (5) northwesterly along the southwesterly bounds of Ellicott Street a distance of 43.48 feet to a point, said point being located on the southwesterly bounds of Ellicott Street where it intersects the east bounds of the aforementioned Della Penna, and being the point or place of beginning.

Intending to describe City of Batavia Tax Parcel #84.015-1-4 and being all lands between City of Batavia Tax Parcel #84.015-1-2 and Tax Parcel #84.015-1-5.

Attachment 2



2019 Tax Parcels:18020084.015-1-2.1 - Ellicott Station LLC

01. SWIS Code	180200 - City of Batavia (Municipality)
02. Tax Map Parcel No.	84.015-1-2.1
03. SWIS Code & Tax Map Parcel No.	18020084.015-1-2.1
04. Full Owner Name	Ellicott Station LLC
05. Parcel Address No.	40-70
06. Parcel Street	Ellicott St
07. Parcel Municipality	City of Batavia
08. Frontage	0.00

[Zoom to](#)

Attachment 3

RESERVED FOR GENESEE COUNTY HEALTH DEPARTMENT

This particular referenced action is not subject to Genesee County Health Department review under NYS Public Health Law Article 11 Title II.

PURSUANT TO CHAPTER 605 OF THE LAWS OF 1985, I HEREBY CERTIFY THAT THIS SUBDIVISION MAP WAS PREPARED UNDER MY DIRECTION AND THE OUTBOUNDS SURVEY OF THE PREMISES CONTAINED WITHIN SAID SUBDIVISION WAS PREPARED BY AND SHOWN ON A ALTA/NSPS SURVEY PREPARED BY GPI ENGINEERING, LANDSCAPE ARCHITECTURE & SURVEYING, LLP JOB NO. 2017602.33 DATED SEPTEMBER 19, 2017 LAST REVISED ON JUNE 20, 2018.



MARK J. ANDREWS, L.S.
NEW YORK STATE LICENSE NO. 50455

GENESEE COUNTY CLERK'S OFFICE

MAP COVER NO. 2620 DATE: 10/24/19

DEPUTY COUNTY CLERK: [Signature]

APPROVED BY THE FOLLOWING CITY OF BATAVIA DEPARTMENTS:

CITY ENGINEER AS PER ORDINANCE CHAPTER LXXI
[Signature] DATE: 10/24/19

CITY CLERK
[Signature] DATE: 10/24/19
CITY PLANNING BOARD CHAIRMAN

REAL PROPERTY TAX SERVICES

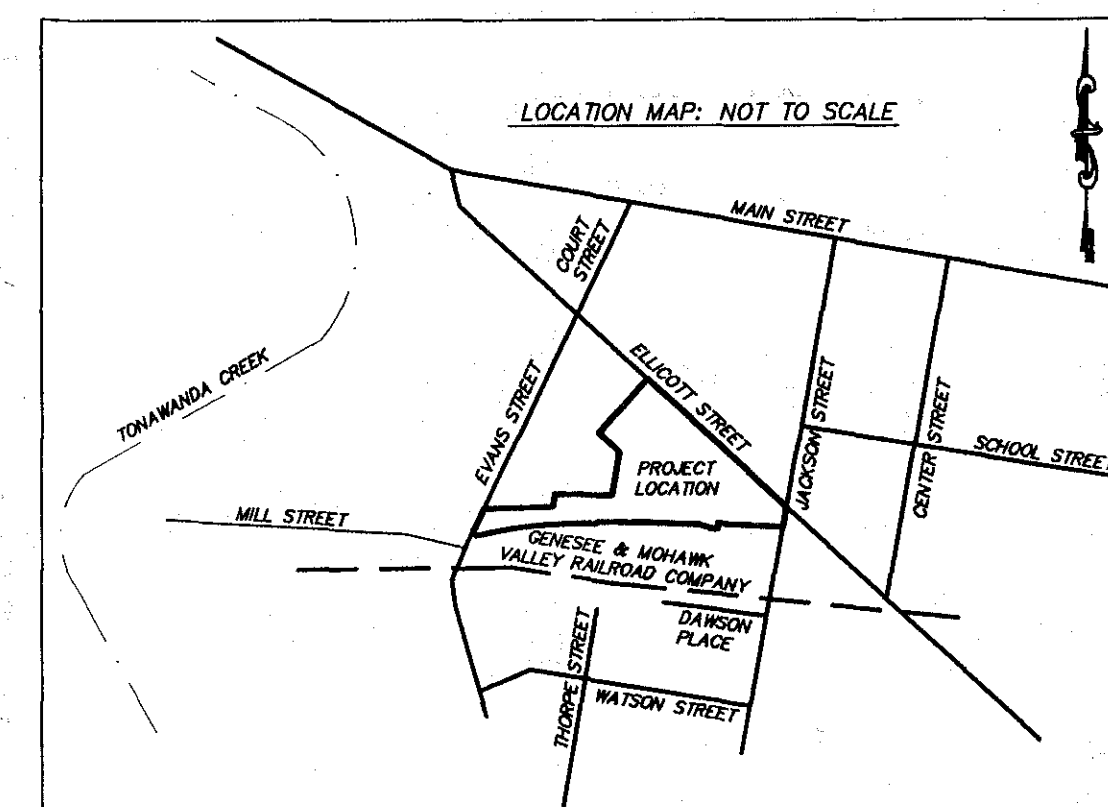
DATE: 10/24/2019

APPROVED BY: [Signature]

FILED
GENESEE COUNTY CLERK
2019 OCT 24 AM 11:50

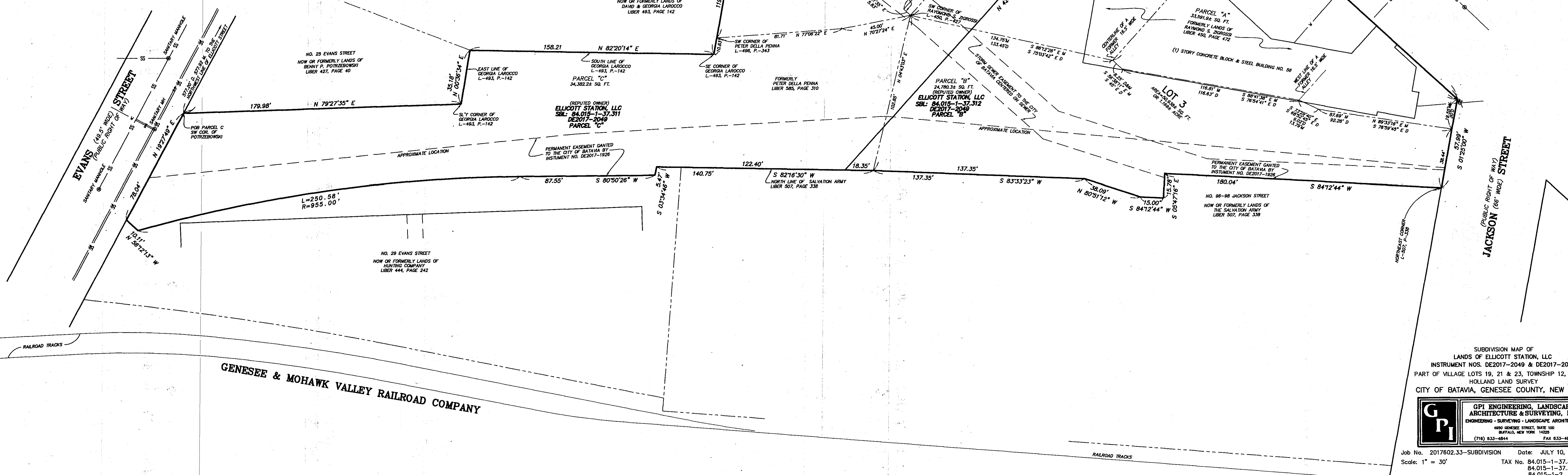
Instrument # 2620

30' 0' 30' 60'
GRAPHIC SCALE 1" = 30'

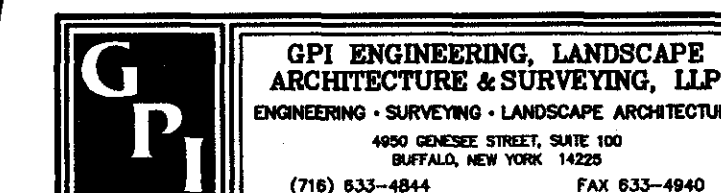


REFERENCE MAP
ALTA/NSPS SURVEY PERFORMED BY GPI ENGINEERING, LANDSCAPE ARCHITECTURE & SURVEYING, LLP
JOB NO. 2017602.33 DATED SEPTEMBER 19, 2017
LAST REVISED ON JUNE 20, 2018.

NOTE:
NOT ALL IMPROVEMENTS SHOWN



SUBDIVISION MAP OF
LANDS OF ELLICOTT STATION, LLC
INSTRUMENT NOS. DE2017-2049 & DE2017-2050
PART OF VILLAGE LOTS 19, 21 & 23, TOWNSHIP 12, RANGE 1
HOLLAND LAND SURVEY
CITY OF BATAVIA, GENESEE COUNTY, NEW YORK



Job No. 2017602.33-SUBDIVISION Date: JULY 10, 2019
Scale: 1" = 30' TAX No. 84.015-1-37.311
84.015-1-37.312
84.015-1-2
84.015-1-4
84.015-1-5

Attachment 4

Attachment 5

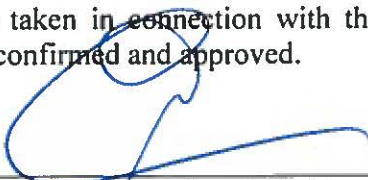
SOLE MEMBER RESOLUTION

The undersigned, being the Sole Member of Ellicott Station Apartments, LLC, a New York limited liability company (the "Company"), pursuant to and in accordance with the provisions of New York Limited Liability Company Law, hereby waives notice of a meeting and consents to and adopts the following resolutions:

RESOLVED, that Samuel J. Savarino, as the sole member of the Company, is authorized to sign on behalf of the Company, is authorized to execute any and all instruments and documents, including any Brownfield Cleanup Agreement Amendments and Easements, and is authorized to take any and all actions as he deems necessary or desirable to evidence, implement, secure and/or consummate the Certificate of Completion for the Ellicott Station Site, Site No. C819021, and Ellicott Station East Site, Site No. C819023 through the Brownfield Cleanup Program.

RESOLVED, that all actions heretofore taken and all documents heretofore executed and all present and future actions taken in connection with the above and/or these resolutions, be, and they hereby are, ratified, confirmed and approved.

Dated July 31, 2019



Samuel J. Savarino, Sole Member
Ellicott Station Apartments, LLC

NYS Department of State

Division of Corporations

Entity Information

The information contained in this database is current through June 16, 2020.

Selected Entity Name: ELLICOTT STATION APARTMENTS, LLC

Selected Entity Status Information

Current Entity Name: ELLICOTT STATION APARTMENTS, LLC

DOS ID #: 5589841

Initial DOS Filing Date: JULY 19, 2019

County: ERIE

Jurisdiction: NEW YORK

Entity Type: DOMESTIC LIMITED LIABILITY COMPANY

Current Entity Status: ACTIVE

Selected Entity Address Information

DOS Process (Address to which DOS will mail process if accepted on behalf of the entity)

ELLICOTT STATION APARTMENTS, LLC

C/O SAVARINO COMPANIES, LLC

500 SENECA STREET, SUITE 508

BUFFALO, NEW YORK, 14204

Registered Agent

NONE

This office does not require or maintain information regarding the names and addresses of members or managers of nonprofessional limited liability companies. Professional limited liability companies must include the name(s) and address(es) of the original members, however this information is not recorded and only available by [viewing the certificate](#).

***Stock Information**

# of Shares	Type of Stock	\$ Value per Share
-------------	---------------	--------------------

No Information Available

*Stock information is applicable to domestic business corporations.

Name History

Filing Date	Name Type	Entity Name
JUL 19, 2019	Actual	ELLICOTT STATION APARTMENTS, LLC

A **Fictitious** name must be used when the **Actual** name of a foreign entity is unavailable for use in New York State. The entity must use the fictitious name when conducting its activities or business in New York State.

NOTE: New York State does not issue organizational identification numbers.

[Search Results](#) [New Search](#)

[Services/Programs](#) | [Privacy Policy](#) | [Accessibility Policy](#) | [Disclaimer](#) | [Return to DOS](#)
[Homepage](#) | [Contact Us](#)

Attachment 6

SITE ACCESS AGREEMENT

This Site Access Agreement is dated the 31 of July, 2019 by and between Ellicott Station LLC, a New York limited liability company having its principal offices at 500 Seneca Street, Suite 508, Buffalo, New York 14204, and Ellicott Station Apartments, LLC, a New York limited liability company having its principal offices at 500 Seneca Street, Suite 508, Buffalo, New York 14204.

WITNESSETH

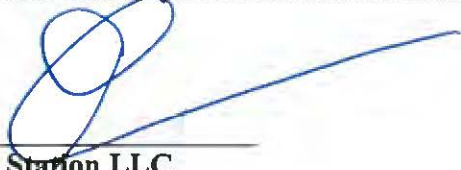
WHEREAS, Ellicott Station LLC is the owner of two sites admitted into the New York State Brownfield Cleanup Program ("BCP"); Ellicott Station Site, Site No. C819021, located at 40-52 Ellicott Street, Batavia, New York 14020, and Ellicott Station East Site, Site No. C819023, located at 56-70 Ellicott Street, Batavia, New York 14020 (together the "Sites");


WHEREAS, Ellicott Station Apartments, LLC is the prospective purchaser of a portion of the Sites, and seeks to be added onto the respective Sites' Brownfield Cleanup Agreements ("BCA");

WHEREAS, the BCP requires all parties wishing to be added onto a BCA enter into a Site Access Agreement with the current owner;

NOW THEREFORE, in consideration of the mutual agreements and covenants set forth herein, Ellicott Station LLC, and Ellicott Station Apartments, LLC covenant and agree as follows:

1. Ellicott Station LLC hereby grants Ellicott Station Apartments, LLC what is known as a "temporary license" to allow any contractor to enter the Sites and perform any and all investigations and remedial work in accordance with the BCP.
2. Ellicott Station Apartments, LLC will provide Ellicott Station LLC copies of any information generated related the Sites, and all BCP documents and forms.
3. Ellicott Station Apartments, LLC covenants that if the Sites are damaged in any way, that it will promptly repair the damages, restoring the Sites to their previous condition.
4. If Ellicott Station Apartments, LLC does not purchase a portion of the Sites, Ellicott Station LLC hereby gives Ellicott Station Apartments, LLC permission to encumber the Sites with an Environmental Easement if required by the BCP.


Ellicott Station LLC
Samuel J. Savarino, Member


Ellicott Station Apartments, LLC
Samuel J. Savarino, Sole Member