

# 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 31 2012



Joe Martens  
Commissioner

Andrew Germanow  
Germanow - Simon Corporation  
Germanow - Simon Supplies, Inc.  
408 St. Paul Street  
PO Box 101  
Rochester, NY 14603-1091

Re: Certificate of Completion  
Site Name: Ward Street Site  
Site No. C828117  
City of Rochester, Monroe County

Dear Mr. Germanow:

Congratulations on having satisfactorily completed the remedial program at the Ward Street Site. Enclosed please find an original, signed Certificate of Completion. The New York State Department of Environmental Conservation (DEC) 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.

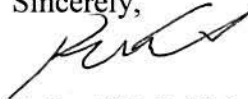
Please note that you are required to perform the following tasks:

- 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 the notice of the COC to the Document Repositories within 10 days of issuance of the COC. DEC will develop a fact sheet describing the institutional and engineering controls (IC/EC) that are required at the site and distribute it to the County Listserv within 10 days;
- Implement the DEC-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 DEC 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 next PRR including the certification of the IC/ECs are due to DEC in December 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 the project manager, Todd Caffoe at 585-226-5350.

Sincerely,



Robert W. Schick, P.E.

Director

Division of Environmental Remediation

cc: K. Anders, DOH  
D. McNaughton, DOH  
Todd Caffoe, DEC  
Bart Putzig, DEC  
Michael Cruden, DEC  
James Charles, DEC

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

**CERTIFICATE HOLDER(S):**

**Name**

GERMANOW - SIMON CORPORATION  
GERMANOW - SIMON SUPPLIES, INC.

**Address**

408 ST. PAUL STREET, Rochester, NY 14605

**BROWNFIELD CLEANUP AGREEMENT:**

**Application Approval:** 7/29/04   **Agreement Execution:** 10/13/04   **Agreement Index No.:** B8-0566-99-10

**Application Approval Amendment:** none

**Agreement Execution Amendment:** none

**SITE INFORMATION**

**Site No.:** C828117   **Site Name:** Ward Street Site

**Site Owner:** GERMANOW-SIMON CORPORATION

**Street Address:** Corner of Ward St. & St. Paul St.

**Municipality:** Rochester   **County:** Monroe   **DEC Region:** 8

**Site Size:** 1.859 Acres

**Tax Map Identification Number(s):** 106.62-01-028, 106.62-01-029, 106.62-01-030, 106.62-01-031,  
106.62-01-032, 106.62-01-057, 106.62-01-21

**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:** 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 a corrected Environmental Easement granted pursuant to ECL Article 71, Title 36 which has been duly recorded in the Recording Office for Monroe County as Liber 11163 of Deeds, Page 114.

#### **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. The effective date of this Corrected Certificate is the same as the original Certificate of Completion, December 22, 2006.

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

By:



Robert W. Schick, P.E., Director  
Division of Environmental Remediation

Date:

December 31, 2012



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

**CERTIFICATE HOLDER(S):**

**Name**

GERMANOW - SIMON CORPORATION  
GERMANOW - SIMON SUPPLIES. INC.

**Address**

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**BROWNFIELD CLEANUP AGREEMENT:**

**Application Approval:** 7/29/04    **Agreement Execution:** 10/13/04    **Agreement Index No.:** B8-0566-99-10

**Application Approval Amendment:** none

**Agreement Execution Amendment:** none

**SITE INFORMATION**

**Site No.:** C828117    **Site Name:** Ward Street Site

**Site Owner:** GERMANOW-SIMON CORPORATION

**Street Address:** Corner of Ward St. & St. Paul St.

**Municipality:** Rochester    **County:** Monroe    **DEC Region:** 8

**Site Size:** 1.859 Acres

**Tax Map Identification Number(s):** 106.62-01-028, 106.62-01-029, 106.62-01-030, 106.62-01-031,  
106.62-01-032, 106.62-01-057, 106.62-01-21

**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:** 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 a corrected Environmental Easement granted pursuant to ECL Article 71, Title 36 which has been duly recorded in the Recording Office for Monroe County as Liber 11163 of Deeds, Page 114.

#### **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. The effective date of this Corrected Certificate is the same as the original Certificate of Completion, December 22, 2006.

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

By:  Date: December 31, 2012  
Robert W. Schick, P.E., Director  
Division of Environmental Remediation

## **NOTICE OF CERTIFICATE OF COMPLETION**

### **Brownfield Cleanup Program**

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

**Ward Street Site, Site ID No. C828117**

**Corner of Ward Street and St Paul Street**

**City of Rochester, Monroe County, Tax Map Identification Number(s) 106.62-01-028,  
106.62-01-029, 106.62-01-030, 106.62-01-031, 106.62-01-032, 106.62-01-057, 106.62-01-21**

**PLEASE TAKE NOTICE**, the New York State Department of Environmental Conservation (Department) has issued a corrected Certificate of Completion (Certificate) pursuant to Article 27, Title 14 of the New York State Environmental Conservation Law (ECL) to Germanow-Simon Supplies, Inc and Germanow-Simon Corporation for a parcel approximately 1.859 Acres located at the corner of Ward Street and St Paul Street in the City of Rochester.

**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 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.

**PLEASE TAKE NOTICE**, provided that the Certificate is 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.

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 Monroe County as 11163 of Deeds, Page 114.

**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



**Ward St Site, C828117, Corner of Ward Street and St Paul Street**

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.

**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 8 located at 6274 East Avon-Lima Rd, Avon, NY, by contacting the Regional Environmental Remediation Engineer.

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

Germanow-Simon Corp.

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:**  
Germanow-Simon Corp.  
Andrew Germanow  
408 St. Paul Street  
PO Box 101  
Rochester, New York 14603-1091





NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
Site Management Form  
12/28/2012



**SITE DESCRIPTION**

**SITE NO.** C828117

**SITE NAME** Ward Street Site

**SITE ADDRESS:** Corner of Ward St. & St. Paul St. **ZIP CODE:** 14603

**CITY/TOWN:** Rochester

**COUNTY:** Monroe

**ALLOWABLE USE:** 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

Periodic Review Report Submitted Date: 12/15/2012

**Description of Institutional Control**

**Germanow-Simon Corporation**

408 St. Paul Avenue

**19-23 Emmett Street**

Environmental Easement

Block: 01

Lot: 21

Sublot:

Section: 106

Subsection: 62

S\_B\_L Image: 106.62-01-21

Ground Water Use Restriction

Landuse Restriction

O&M Plan

Site Management Plan

Soil Management Plan

**376-378 St. Paul Street**

Environmental Easement

Block: 01  
Lot: 032  
Sublot:  
Section: 106  
Subsection: 62  
S\_B\_L Image: 106.62-01-032  
Ground Water Use Restriction  
Landuse Restriction  
O&M Plan  
Site Management Plan  
Soil Management Plan

**384 St. Paul Street**  
Environmental Easement  
Block: 01  
Lot: 031  
Sublot:  
Section: 106  
Subsection: 62  
S\_B\_L Image: 106.62-01-031  
Ground Water Use Restriction  
Landuse Restriction  
O&M Plan  
Site Management Plan  
Soil Management Plan

**388-392 St. Paul Street**  
Environmental Easement  
Block: 01  
Lot: 030  
Sublot:  
Section: 106  
Subsection: 62  
S\_B\_L Image: 106.62-01-030  
Ground Water Use Restriction  
Landuse Restriction  
O&M Plan  
Site Management Plan  
Soil Management Plan

**398-402 St. Paul Street**  
Environmental Easement  
Block: 01  
Lot: 029  
Sublot:  
Section: 106  
Subsection: 62



S\_B\_L Image: 106.62-01-029  
Ground Water Use Restriction  
Landuse Restriction  
O&M Plan  
Site Management Plan  
Soil Management Plan

**408 St. Paul Street**  
Environmental Easement  
Block: 01  
Lot: 028  
Sublot:  
Section: 106  
Subsection: 62

S\_B\_L Image: 106.62-01-028  
Ground Water Use Restriction  
Landuse Restriction  
O&M Plan  
Site Management Plan  
Soil Management Plan

#### Description of Engineering Control

**Germanow-Simon Corporation**

408 St. Paul Avenue

**19-23 Emmett Street**

Environmental Easement

Block: 01

Lot: 21

Sublot:

Section: 106

Subsection: 62

S\_B\_L Image: 106.62-01-21

Cover System

Vapor Mitigation

**376-378 St. Paul Street**

Environmental Easement

Block: 01

Lot: 032

Sublot:

Section: 106

Subsection: 62

S\_B\_L Image: 106.62-01-032

Cover System

Vapor Mitigation

**384 St. Paul Street**

Environmental Easement

Block: 01

Lot: 031

Sublot:  
Section: 106  
Subsection: 62  
S\_B\_L Image: 106.62-01-031  
Cover System  
Vapor Mitigation

**388-392 St. Paul Street**

Environmental Easement  
Block: 01  
Lot: 030  
Sublot:  
Section: 106  
Subsection: 62  
S\_B\_L Image: 106.62-01-030  
Cover System  
Vapor Mitigation

**398-402 St. Paul Street**

Environmental Easement  
Block: 01  
Lot: 029  
Sublot:  
Section: 106  
Subsection: 62  
S\_B\_L Image: 106.62-01-029  
Cover System  
Vapor Mitigation

**408 St. Paul Street**

Environmental Easement  
Block: 01  
Lot: 028  
Sublot:  
Section: 106  
Subsection: 62  
S\_B\_L Image: 106.62-01-028  
Cover System  
Vapor Mitigation



## EXHIBIT A

### PROPERTY DESCRIPTION

Address: 376-378, 384, 388-392, 398-402 & 408 St. Paul St., 19-23 Emmett St. & 25 Cork St.

Tax Map No.: 106.62-1-028; 106.62-1-029; 106.62-1-030; 106.62-1-031; 106.62-1-032; 106.62-1-021; and 106.62-1-057

1405205  
11/10/2011  
M.J.G.

### LANDS COMPRISING N.Y.S. BROWNFIELD CLEANUP PROGRAM WARD STREET SITE NO. C828117

DESCRIPTION OF LANDS DESIGNATED AS TAX MAP PARCELS 106.62-1-028, 106.62-1-029, 106.62-1-030, 106.62-1-031 AND 106.62-1-032 BEING 376-378, 384, 388-392, 398-402 AND 408 ST. PAUL STREET; LANDS DESIGNATED AS TAX MAP PARCEL 106.62-1-021 BEING 19-23 EMMETT STREET; LANDS DESIGNATED AS TAX MAP PARCEL 106.63-1-016 BEING 8-28 WARD STREET, AND THE ABANDONED PORTION OF CORK STREET.

All that tract or parcel of land containing 3.081 acres, more or less, situate in the City of Rochester, County of Monroe, State of New York, all as shown on a map entitled "Germanow-Simon, ALTA/ACSM Land Title Survey" prepared by Stantec Consulting Services, Inc., dated November 9, 2011 and certified August 1, 2012, having Drawing No. 190500014 V-3 and being more particularly bounded and described as follows:

Beginning at a point on the southeasterly right-of-way line of St. Paul Street (66 feet wide), said point being at the intersection with the northeasterly right-of-way line of Ward Street (80' wide); thence

1. N 38°20'00" W, along said southeasterly right-of-way line, a distance of 277.70 feet to a point of intersection with the common line dividing lands now or formerly of Gordon J. Van Vliet (Tax Map No. 106.62-1-027) to the northwest and lands formerly of Mineth Realty Company (Tax 106.62-1-028) to the southeast; thence
2. N 50°56'44" E, along said common line, a distance of 241.87 feet to a point of intersection with the northwesterly right-of-way line of Cork Street (18 feet wide); thence
3. N 50°56'44" E, along the southeasterly end of remaining Cork Street, the southeasterly portion of which was abandoned per City of Rochester Ordinance No. 2011-275, a distance of 18.00 feet; thence
4. N 37°22'13" W, along the remaining existing right-of-way line of Cork Street, a distance of 49.08 feet to a point of intersection with the common line dividing lands of the County of Monroe Industrial Development Agency (Tax Map No. 106.62-1-020) on the northwest and the former lands of Upper Falls Realty Co. (Tax Map No. 106.62-1-021) on the southeast; thence
5. N 50°56'44" E, along said common line, a distance of 132.00 feet to a point on the northwesterly right-of-way line of Emmett Street (62 feet wide), thence
6. S 37°22'13" E, along the said northwesterly right-of-way line of Emmett Street, a distance of 332.26 feet to a point of curvature; thence

7. Southeasterly, continuing along the said northwesterly right-of-way line of Emmett Street, along a curve to the right, having a radius of 369.00 feet, through a central angle of  $13^{\circ}20'48''$ , a distance of 85.96 feet to a point of compound curvature; thence
8. Southeasterly, continuing along the said northwesterly right-of-way line of Emmett Street, along a curve to the right, having a radius of 10.00 feet, through a central angle of  $90^{\circ}00'00''$ , a distance of 15.71 feet to a point of tangency on the aforementioned northeasterly right-of-way line of Ward Street; thence
9.  $S 65^{\circ}58'35'' W$ , along the said northeasterly right-of-way line, a distance of 375.17 feet to the Point of Beginning.

**EXCEPTING THEREFROM** that certain parcel known as 8-28 Ward Street with Tax Map Parcel No. 106.63-1-016, more particularly described as follows:

All that tract or parcel of land containing 1.220 acres, more or less, situate in the City of Rochester, County of Monroe and State of New York and more particularly bounded and described as follows:

Commencing at a point which is the intersection of the easterly right-of-way line of St. Paul Street (66' R.O.W.) and the northerly right-of-way line of Ward Street (80' R.O.W.), thence

$N 65^{\circ} 58' 35'' E$ , a distance of 117.02 feet to the point of beginning, thence

- 1)  $N 29^{\circ} 10' 20'' W$ , a distance of 74.17 feet to a point, thence
- 2)  $N 65^{\circ} 58' 35'' E$ , a distance of 41.60 feet to a point, thence
- 3)  $N 36^{\circ} 43' 26'' W$ , a distance of 105.92 feet to a point, thence
- 4)  $N 51^{\circ} 42' 33'' E$ , a distance 71.01 feet to a point, thence
- 5)  $S 37^{\circ} 22' 13'' E$ , a distance of 2.00 feet to point, thence
- 6)  $N 50^{\circ} 56' 44'' E$ , a distance of 18.01 feet to a point, thence
- 7)  $N 37^{\circ} 22' 13'' W$ , a distance of 28.00 feet to a point, thence
- 8)  $N 50^{\circ} 56' 44'' E$ , a distance of 132.00 feet to a point on the westerly right-of-way line of Emmett Street, (62' R.O.W.), thence
- 9)  $S 37^{\circ} 22' 13'' E$ , along the westerly right-of-way line of Emmett Street, a distance of 168.26 feet to a point of curvature, thence
- 10) Southerly, along a curve to the right, a distance of 85.96 feet along the westerly right-of-way line of Emmett Street to a point of compound curvature, said curve having a delta angle of  $13^{\circ} 20' 48''$  and a radius of 369.00 feet, thence
- 11) Southwesterly, along a curve to the right, a distance of 15.71 feet to a point on the northerly right-of-way line of Ward Street, said curve having a delta angle of  $90^{\circ} 00' 00''$  and a radius of 10.00 feet, thence
- 12)  $S 65^{\circ} 58' 35'' W$ , along the northerly right-of-way line of Ward Street, a distance of 258.15 feet to the point and place of beginning.



