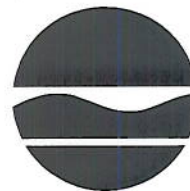


**New York State Department of Environmental Conservation  
Division of Environmental Remediation, 12<sup>th</sup> Floor**

625 Broadway, Albany, New York 12233-7011

Phone: (518) 402-9706 • FAX: (518) 402-9020

Website: [www.dec.state.ny.us](http://www.dec.state.ny.us)



Alexander B. Grannis  
Commissioner

OCT 06 2008

Mr. Allen Handelman  
Genesee Hamilton, L.P.  
183 East Main Street, #600  
Rochester, New York 14604

**RE: Certificate of Completion  
Riverpark Commons Tower Site  
Site #C828124, Rochester**

Dear Mr. Handelman:


The New York State Department of Environmental Conservation is pleased to inform you that the Final Engineering Report is hereby approved, allowing the Certificate of Completion to be issued for the above referenced site. Enclosed please find an original Certificate issued on October 6, 2008.

With the issuance of this Certificate, please note that the Environmental Conservation Law (ECL) requires the following:

- As required by ECL 27-1419.8, a notice of this Certificate must be recorded in the recording office for the County (or Counties) where any portion of the Site is located within 30 days of the date of issuance, if the Certificate is issued to the Site owner, or within 30 days of acquiring title to the Site, if the Certificate is issued to a prospective purchaser of the Site. A copy of the standard notice form is attached.
- As required by ECL 27-1417.3(i), since institutional and/or engineering controls (IC/ECs) are required at the site, a notice of this Certificate and a fact sheet describing such controls must be provided to the Brownfield Site Contact List within 10 days of the date of issuance.
- As required by ECL 27-1415.7, since the site is now in the site management phase, as remedial party/site owner, you are required to implement the Department-approved Site Management Plan (SMP), which details the activities necessary to assure the performance, effectiveness, and protectiveness of the remedial program, and report the results of these activities to the Department in a Periodic Review Report (PRR), which also includes any required IC/EC Certifications. The first PRR including the certification of the ICs/ECs, is due to the Department by April 30, 2010.

If you have any questions regarding any of these items, please contact Kelly Cloyd at 585-226-5351.

Sincerely,

Sincerely,  
  
Dale A. Desnoyers

Dale A. Desnoyers  
Director  
Division of Environmental Remediation

ec w/o enc.      K. Cloyd  
                         B. Putzig  
                         R. Knizek  
                         D. McNaughton  
                         J. Charles  
                         Y. Ward

Please record and return to:  
**Genesee Hamilton, L.P.**  
**183 East Main Street, #600**  
**Rochester, New York 14604**

## NOTICE OF CERTIFICATE OF COMPLETION

**State of New York**  
**Monroe 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 River Park Commons Tower.

The Certificate was issued on October 6, 2008 to Genesee Hamilton for a parcel approximately 1.105 acre located at the 185 Mount Hope Avenue in the City of Rochester, Monroe County. A (metes and bounds or section/block/lot) description of the Site subject to this Certificate is attached to the Certificate as Exhibit A.

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 8 located at 6274 East Avon-Lima Road, Avon, New York, by contacting the Regional Environmental Remediation Engineer.

This Notice of Certificate of Completion is being filed with the Monroe 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

Genesee Hamilton, L.P.

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

[illegible]

On the \_\_\_\_\_ day of \_\_\_\_\_, in the year 200 , 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



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

**CERTIFICATE OF COMPLETION**

**Certificate Holder(s):** Genesee Hamilton, L.P.  
183 East Main Street, #600  
Rochester, New York 14604  
Tax ID No: 26-2757283

**Site Information:**

Site Name: River Park Commons Tower  
Site Owner: Genesee Hamilton, L.P.  
Site Location: Street Address - 185 Mount Hope Avenue  
Municipality - City of Rochester  
County - Monroe

DER Site Number: C828124

Brownfield Site Cleanup Agreement: B8-0673-04-08N

Effective Date of Brownfield Site Cleanup Agreement: December 2, 2004, amended August 1, 2008.

Site Description: The subject property is an approximate 1.105-acre parcel addressed as 185 Mount Hope Avenue, Rochester, New York. The property is improved with an apartment building and a paved parking lot.

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): Section 121.55 Block 01 Lot 59.002

Percentage of site located in an EnZone?    0-49% \_\_\_\_\_ 50-99% \_\_\_\_\_ 100%   X



### **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  
☐ Track 2 ☐ Track 3 ☒ Track 4  
☒ 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 Monroe County as Liber 10669 of Deeds/ Page 7.

### **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) 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;

(5) the terms and conditions of the environmental easement have been intentionally violated; or

(6) 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 31<sup>st</sup> day after the Department's notice.

Alexander B. Grannis  
Commissioner  
New York State Department of  
Environmental Conservation

By:



Dale A. Desnoyers, Director  
Division of Environmental Remediation

OCT 06 2008

Date of Issuance: \_\_\_\_\_

**Exhibit A**  
**CONTROLLED PROPERTY DESCRIPTION**

Address: 185 Mt. Hope Avenue, Rochester, NY  
Tax Id No: 121.55-1-59.002

ALL that tract or parcel of land, situated in the City of Rochester, County of Monroe, State of New York, and being more particularly described as follows:

BEGINNING on the Westerly right of way of Mt. Hope Avenue, (66' row), at the Southeasterly property corner of Tax Account No. 121.55-01-058;

RUNNING THENCE South 34 degrees 59 minutes 13 seconds West, along said right of way, a distance of 196.00 feet to a point;

RUNNING THENCE North 55 degrees 00 minutes 47 seconds West, a distance of 242.84 feet to a point;

RUNNING THENCE North 26 degrees 12 minutes 58 seconds East, a distance of 46.29 feet to a point;

RUNNING THENCE North 34 degrees 59 minutes 13 seconds East, a distance of 150.25 feet to a point;

RUNNING THENCE South 55 degrees 00 minutes 47 seconds East, a distance of 249.90 feet to the point of beginning.

Together with the benefits of a Declaration of Easement and Covenants made by Genesee Common Associates Limited Partnership and Genesee Gateway Houses, Inc., dated September 7, 2005 and recorded September 13, 2005 in Monroe County Clerk's Office in Liber 10184 of Deeds, page 194.



**SURVEY**

