



K N A U F

S H A W

L L P

September 17, 2010

Scott Smith, Esq.  
Corporation Counsel  
City of Rochester  
City Hall, Room 400A  
30 Church Street  
Rochester, NY 14614-1290

**Re: Erie Harbor, Inc.  
Notice of Environmental Easement  
Brownfield Cleanup Program Site No. C828125**

Dear Scott:

Attached please find a copy of the required Notice of the Environmental Easement recorded in relation to the Erie Harbor site located at 205-405 Mount Hope Avenue Rochester, NY (*see* Exhibit A). The site has been fully remediated under the NYS Brownfield Cleanup Program. However, due to the need for long term institutional and engineering controls, an environmental easement has been filed (*see* Exhibit B).

You are receiving notice of this easement because the City of Rochester has the following pre-existing rights associated with the above property:

- Reservation of right of the City of Rochester pursuant to the deed dated November 28, 1972 to New York State Urban Development Corporation, which deed was duly recorded December 13, 1972 at Liber 4373 of Deeds at page 91 (*see* Exhibit C).
- Conditions, covenants, and limitations contained in the deed from Rochester Urban Renewal Agency to the New York State Urban Development Corporation, dated March 30, 1973 and recorded April 3, 1973 in Liber 4424 of Deeds, page 79 (*see* Exhibit D).
- Reservations of perpetual easements to the City of Rochester contained in the deed recorded April 3, in Liber 4424 of Deeds, page 79 (*see* Exhibit E).
- Contract for Sale of Land for Redevelopment for Residential Use between the Rochester Urban Renewal Agency and New York State Urban Development Corporation, dated March 30, 1973 and recorded April 3, 1973 at Liber 4424 of Deeds, page 10 (*see* Exhibit F).
- Building Loan Agreement filed June 11, 2009 under File Number B2009015101 (*see* Exhibit G).

- Declaration of Covenant Running with the Land dated June 4, 2009 between Erie Harbor, LLC and the City of Rochester recorded June 11, 2009 in Liber 10754 of Deeds, page 667 (*see* Exhibit H).
- Mortgage made by Erie Harbor, LLC to the City of Rochester for \$2,000,000.00 and interest dated June 4, 2009 and recorded June 11, 2009 in Liber 22432 of Mortgages, page 524 (*see* Exhibit I).

If you have any questions, please feel free to call.

Sincerely,



KNAUF SHAW LLP  
Linda R. Shaw

\\Linda\clients\Conifer\Erie Harbor\Final Easement Documents\Notice of Easement\City of Rochester Notice Letter 9-17-10.wpd



K N A U F

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September 17, 2010

Genesee Hamilton L.P. & Genesee Gateway Homes, Inc.  
Genesee Gateway Houses, Inc.  
Genesee Common Associates Limited Partnership  
c/o Allen Handleman  
183 East Main Street, Suite 600  
Rochester, NY 14604

**Re: Erie Harbor, Inc.  
Notice of Environmental Easement  
Brownfield Cleanup Program Site No. C828125**

Dear Allen:

Attached please find a copy of the required Notice of the Environmental Easement recorded in relation to the Erie Harbor site located at 205-405 Mount Hope Avenue Rochester, NY (*see Exhibit A*). The site has been fully remediated under the NYS Brownfield Cleanup Program. However, due to the need for long term institutional and engineering controls, an environmental easement has been filed (*see Exhibit B*).

You are receiving notice of this easement because Genesee Hamilton L.P. & Genesee Gateway Homes, Inc., Genesee Gateway Houses, Inc., and Genesee Common Associates Limited Partnership have the following pre-existing rights associated with the above property:

- Land Conveyance Agreement from New York State Urban Development Corporation to Genesee Gateway Houses, Inc., dated October 23, 1973 and recorded December 4, 1973 in Liber 4566 of Deeds, page 164 (*see Exhibit C*).
- Amendment to the Land Conveyance Agreement from New York State Urban Development Corporation to Genesee Gateway Houses, Inc., dated October 23, 1973 and recorded December 16, 1973 in Liber 4769 of Deeds, page 226 (*see Exhibit D*).
- 30 foot wide Permanent Easement on the property granted by Genesee Homes, Inc. to Rochester Gas & Electric Corporation, dated April 13, 1979 and recorded May 22, 1979 in Liber 5618 of Deeds, page 48 (*see Exhibit E*).
- Regulatory Agreement made by the New York State Housing Finance Agency and Genesee Gateway Houses, Inc., dated August 11, 1995 and recorded August 29, 1995 in Monroe County Clerk's Office in Liber 8647 of Deeds, page 7 (*see Exhibit F*).
- Amended Regulatory Agreement made by Genesee Gateway Houses, Inc. and the

New York State Housing Finance Agency dated August 15, 1996 and recorded October 18, 1996 in the Monroe County Clerk's Office in Liber 13126 of Mortgages, page 664 (*see Exhibit G*).

- First Amendment to the Regulatory Agreement made by Genesee Gateway Houses, Inc. and Erie Harbor, LLC and the New York State Housing Finance Agency dated October 23, 2008 and recorded October 24, 2008 in Liber 10681 at page 187 (*see Exhibit H*).
- Declaration of Easement and Shared Covenants Shared Driveway Access Easement 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 Declaration Restrictive Covenants page 194 (*Exhibit I*).
- Parking Easement from Erie Harbor, LP to Genesee Gateway Houses, Inc. and Genesee Hamilton, LP dated October 23, 2008 and recorded October 24, 2008 in Liber 10681 page 215 (*Exhibit J*).
- Restrictive covenants between Erie Harbor, LLC and the New York State Housing Finance Agency dated October 23, 2008 and recorded October 24, 2008 in Liber 10681 of Deeds, page 199 (*see Exhibit K*).
- Building Loan Agreement filed June 11, 2009 under File Number B2009015101 (*see Exhibit L*).
- Declaration of Covenant Running with the Land dated June 4, 2009 between Erie Harbor, LLC and the City of Rochester recorded June 11, 2009 in Liber 10754 of Deeds, page 667 (*see Exhibit M*).
- Mortgage made by Erie Harbor, LLC to the City of Rochester for \$2,000,000.00 and interest dated June 4, 2009 and recorded June 11, 2009 in Liber 22432 of Mortgages, page 524 (*see Exhibit N*).


If you have any questions, please feel free to call.

Sincerely,



KNAUF SHAW LLP  
Linda R. Shaw

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K N A U F

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September 17, 2010

Jacqueline Dalton  
Vice President - Portfolio Management & Finance  
Empire State Development Corporation  
633 Third Avenue  
New York, NY 10017

**Re: Erie Harbor, Inc.  
Notice of Environmental Easement  
Brownfield Cleanup Program Site No. C828125**

Dear Jacqueline:

Attached please find a copy of the required Notice of the Environmental Easement recorded in relation to the Eric Harbor site located at 205-405 Mount Hope Avenue Rochester, NY (*see Exhibit A*). The site has been fully remediated under the NYS Brownfield Cleanup Program. However, due to the need for long term institutional and engineering controls, an environmental easement has been filed (*see Exhibit B*).

You are receiving notice of this easement because the Empire State Development Corporation has the following pre-existing rights associated with the above property:

- Reservation of right of the City of Rochester pursuant to the deed dated November 28, 1972 to New York State Urban Development Corporation, which deed was duly recorded December 13, 1972 at Liber 4373 of Deeds at page 91 (*see Exhibit C*).
- Conditions, covenants, and limitations contained in the deed from Rochester Urban Renewal Agency to the New York State Urban Development Corporation, dated March 30, 1973 and recorded April 3, 1973 in Liber 4424 of Deeds, page 79 (*see Exhibit D*).
- Contract for Sale of Land for Redevelopment for Residential Use between the Rochester Urban Renewal Agency and New York State Urban Development Corporation, dated March 30, 1973 and recorded April 3, 1973 at Liber 4424 of Deeds, page 10 (*see Exhibit E*).
- Land Conveyance Agreement from New York State Urban Development Corporation to Genesee Gateway Houses, Inc., dated October 23, 1973 and recorded December 4, 1973 in Liber 4566 of Deeds, page 164 (*see Exhibit F*).

- Amendment to the Land Conveyance Agreement from New York State Urban Development Corporation to Genesee Gateway Houses, Inc., dated October 23, 1973 and recorded December 16, 1973 in Liber 4769 of Deeds, page 226 (*see* Exhibit G).

If you have any questions, please feel free to call.

Sincerely,



KNAUF SHAW LLP  
Linda R. Shaw

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K N A U F

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September 17, 2010

Barbara Roslyn, Esq.  
New York State Housing Finance Agency  
641 Lexington Avenue, 4th Floor  
New York, NY 10022

**Re: Erie Harbor, Inc.  
Notice of Environmental Easement  
Brownfield Cleanup Program Site No. C828125**

Dear Barbara:

Attached please find a copy of the required Notice of the Environmental Easement recorded in relation to the Erie Harbor site located at 205-405 Mount Hope Avenue Rochester, NY (*see* Exhibit A). The site has been fully remediated under the NYS Brownfield Cleanup Program. However, due to the need for long term institutional and engineering controls, an environmental easement has been filed (*see* Exhibit B).

You are receiving notice of this easement because the New York State Housing Finance Agency has the following pre-existing rights associated with the above property:

- Regulatory Agreement made by the New York State Housing Finance Agency and Genesee Gateway Houses, Inc., dated August 11, 1995 and recorded August 29, 1995 in Monroe County Clerk's Office in Liber 8647 of Deeds, page 7 (*see* Exhibit C).
- Amended Regulatory Agreement made by Genesee Gateway Houses, Inc. and the New York State Housing Finance Agency dated August 15, 1996 and recorded October 18, 1996 in the Monroe County Clerk's Office in Liber 13126 of Mortgages, page 664 (*see* Exhibit D).
- First Amendment to the Regulatory Agreement made by Genesee Gateway Houses, Inc. and Erie Harbor, LLC and the New York State Housing Finance Agency dated October 23, 2008 and recorded October 24, 2008 in Liber 10681 at page 187 (*see* Exhibit E).
- Restrictive covenants between Erie Harbor, LLC and the New York State Housing Finance Agency dated October 23, 2008 and recorded October 24, 2008 in Liber 10681 of Deeds, page 199 (*see* Exhibit F).

If you have any questions, please feel free to call.

1125 CROSSROADS BUILDING, 2 STATE STREET, ROCHESTER, NEW YORK 14614  
TEL: 585-546-8430 FAX: 585-546-4324 INTERNET: [www.nyenvlaw.com](http://www.nyenvlaw.com)

Sincerely,

A handwritten signature in black ink, appearing to read "Linda R. Shaw". The signature is fluid and cursive, with the first name "Linda" being more prominent than the last name "Shaw".

KNAUF SHAW LLP  
Linda R. Shaw

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K N A U F

S H A W

L L P

September 17, 2010

Rochester Gas & Electric Corporation  
Legal Department  
89 East Avenue  
Rochester, NY 14649

**Re: Erie Harbor, Inc.  
Notice of Environmental Easement  
Brownfield Cleanup Program Site No. C828125**

To Whom It May Concern:

Attached please find a copy of the required Notice of the Environmental Easement recorded in relation to the Erie Harbor site located at 205-405 Mount Hope Avenue Rochester, NY (*see* Exhibit A). The site has been fully remediated under the NYS Brownfield Cleanup Program. However, due to the need for long term institutional and engineering controls, an environmental easement has been filed (*see* Exhibit B).

You are receiving notice of this easement because the Rochester Gas & Electric Corporation has a 30 foot wide Permanent Easement on the property granted by Genesee Homes, Inc. to Rochester Gas & Electric Corporation, dated April 13, 1979 and recorded May 22, 1979 in Liber 5618 of Deeds, page 48 (*see* Exhibit C).

If you have any questions, please feel free to call.

Sincerely,

KNAUF SHAW LLP  
Linda R. Shaw

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