



September 7, 2017

VIA FEDEX

Kelly Lewandowski, Chief Site Control
New York State Department of Environmental Conservation
Division of Environmental Remediation
625 Broadway
Albany, NY 12233-7020

**RE: BCA Amendment
Volunteers of America Back Lot Site
BCP Site ID No. C828126**

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Dear Kelly:

Enclosed please find a Brownfield Cleanup Agreement (BCA) Amendment Form, with attachments, in both hardcopy and electronic form.

As has been contemplated and discussed with this Site's Project Manager Charlotte Theobald for quite some time, the Volunteer seeks to officially add Haidt Place to the Site. The front portion of VOA's Site was remediated under the Spills Program, and when the Volunteer submitted its BCP application in 2005 for the Back Lot Site, it intended to include, and thus remediate, all remaining portions of the property that were not remediated by the VCP. At that time, the Site boundary description requirements were not as stringent, and it was not until the easement process in 2016, when it was discovered that a partially street area known as Haidt Place was not included within either the first or Back Lot sites' remedial program boundary.

Haidt Place was an easement street for the benefit of the City of Rochester. In order to add this easement street to the Back Lot Site, it had to be remediated, abandoned by the City and then fully acquired during this past year. Recently, the easement street was fully remediated and formally abandoned by the City, which enabled the eastern half to revert in ownership back to VOA (which owns the Back Lot Site), and the western half to revert back to the adjacent property owner, the County of Monroe Industrial Development Agency (COMIDA). See the attached Certified Ordinance No. 2017-93. VOA then acquired COMIDA's portion, and now owns the entirety of Haidt Place. See attached Deed. Therefore, the attached BCA Amendment is intended to reflect the new BCP Site Boundaries shown in the attached final Easement Survey, which will be included with the final easement package as soon as this BCA Amendment is executed. See attached Easement Survey Map. This addition makes the former 3 acre VOA Back Lot Site a 3.118 acre BCP Site.

We have also included an original Written Consent document, showing that Kim Brumber, the new President and CEO of VOA is authorized to sign on behalf of the Volunteer.

Thank you, and please do not hesitate to contact me if you have any questions.

Sincerely,

KNAUF SHAW LLP



LINDA R. SHAW

cc: Charlotte Theobald (electronic only)



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 [x] 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]

[x] 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:

The Volunteer seeks to officially add Haidt Place to the Site. The front portion of VOA's Site was remediated under the VCP, and when the Volunteer submitted its BCP application in 2005, it intended to include, and thus remediate, all remaining portions of the property that we not remediated by the VCP. At that time, the site boundary description requirements were not at stringent, and through the easement process in 2016, it was discovered that Haidt Place was not within any remedial program boundary.

Haidt Place was an easement street for the benefit of the City of Rochester. It was recently abandoned and the eastern portion reverted back to VOA, with the western portion reverted back to COMIDA. See attachments. VOA purchased the western portion, and is now the sole fee title owner of the entire Haidt Place. The Department has already accepted the proposed remedy, which has been added to the RAWP.

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

Section I. Existing Application Information			
BCP SITE NAME: Volunteers of America Back Lot Site		BCP SITE NUMBER: C828126	
NAME OF CURRENT APPLICANT(S): Volunteers of America of Western New York, Inc.			
INDEX NUMBER OF EXISTING AGREEMENT: B-8-0688-05		DATE OF EXISTING AGREEMENT: 6/15/05	
Section II. New Requestor Information (if no change to Current Applicant, skip to Section V)			
NAME			
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
Is the requestor authorized to conduct business in New York State (NYS)? <input type="checkbox"/> Yes <input type="checkbox"/> No			
<ul style="list-style-type: none"> 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. 			
NAME OF NEW REQUESTOR'S REPRESENTATIVE			
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
NAME OF NEW REQUESTOR'S CONSULTANT (if applicable)			
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
NAME OF NEW REQUESTOR'S ATTORNEY (if applicable)			
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? <input type="checkbox"/> Yes <input type="checkbox"/> No			
Describe Requestor's Relationship to Existing Applicant:			

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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)		
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.

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

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

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

ADDRESS 18 Ambrose Street and portion of 214 Lake Avenue

CITY/TOWN Rochester, New York

ZIP CODE 14608

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

Parcel Address	Parcel No.	Section No.	Block No.	Lot No.	Acreage
portion of 214 Lake Avenue		105.60	2	1.002	.6
18 Ambrose Street		105.60	2	59.003	2.4

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: .118

ADDITIONAL PARCELS:

Parcel Address	Parcel No.	Section No.	Block No.	Lot No.	Acreage
Haidt Place (no tax parcel number- added to 105.60-2-59.003)	N/A	N/A	N/A	N/A	.118

- 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.

Supplement to the Application To Amend Brownfield Cleanup Agreement And Amendment - Questions for Sites Seeking Tangible Property Credits in New York City ONLY.

Property is in Bronx, Kings, New York, Queens, or Richmond counties.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Requestor seeks a determination that the site is eligible for the tangible property credit component of the brownfield redevelopment tax credit.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Please answer questions below and provide documentation necessary to support answers.	
1. Is at least 50% of the site area located within an environmental zone pursuant to Tax Law 21(6)? Please see DEC's website for more information.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
2. Is the property upside down as defined below?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>From ECL 27-1405(31):</p> <p>"Upside down" shall mean a property where the projected and incurred cost of the investigation and remediation which is protective for the anticipated use of the property equals or exceeds seventy-five percent of its independent appraised value, as of the date of submission of the application for participation in the brownfield cleanup program, developed under the hypothetical condition that the property is not contaminated.</p>	
3. Is the project an affordable housing project as defined below?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>From 6 NYCRR 375- 3.2(a) as of August 12, 2016:</p> <p>(a) "Affordable housing project" means, for purposes of this part, title fourteen of article twenty seven of the environmental conservation law and section twenty-one of the tax law only, a project that is developed for residential use or mixed residential use that must include affordable residential rental units and/or affordable home ownership units.</p> <p>(1) Affordable residential rental projects under this subdivision must be subject to a federal, state, or local government housing agency's affordable housing program, or a local government's regulatory agreement or legally binding restriction, which defines (i) a percentage of the residential rental units in the affordable housing project to be dedicated to (ii) tenants at a defined maximum percentage of the area median income based on the occupants' households annual gross income.</p> <p>(2) Affordable home ownership projects under this subdivision must be subject to a federal, state, or local government housing agency's affordable housing program, or a local government's regulatory agreement or legally binding restriction, which sets affordable units aside for home owners at a defined maximum percentage of the area median income.</p> <p>(3) "Area median income" means, for purposes of this subdivision, the area median income for the primary metropolitan statistical area, or for the county if located outside a metropolitan statistical area, as determined by the United States department of housing and urban development, or its successor, for a family of four, as adjusted for family size.</p>	

PART II. BROWNFIELD CLEANUP PROGRAM AMENDMENT

Existing Agreement Information	
BCP SITE NAME: Volunteers of America Back Lot Site	BCP SITE NUMBER: C828126
NAME OF CURRENT APPLICANT(S): Volunteers of America of Western New York, Inc.	
INDEX NUMBER OF EXISTING AGREEMENT: #B-8-0688-05-04	
EFFECTIVE DATE OF EXISTING AGREEMENT: 6/15/2005	

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)
<p>(Individual)</p> <p>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.</p> <p>Date: _____ Signature: _____</p> <p>Print Name: _____</p>
<p>(Entity)</p> <p>I hereby affirm that I am (title _____) of (entity _____); 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.</p> <p>_____ signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.</p> <p>Date: _____ Signature: _____</p> <p>Print Name: _____</p>

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 President/CEO (title) of Volunteers of America of Western New York, Inc. (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. Kim Brumber's signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

Date: 9/7/17 Signature: 

Print Name: Kim Brumber

REMAINDER OF THIS AMENDMENT WILL BE COMPLETED SOLELY BY THE DEPARTMENT

Status of Agreement:

<input type="checkbox"/> 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.	<input type="checkbox"/> 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.
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Effective Date of the Original Agreement:

Signature by the Department:

DATED:

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

By:

Robert W. Schick, 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: _____



City of Rochester

City Clerks Office

Certified Ordinance

Rochester, N.Y., _____

TO WHOM IT MAY CONCERN:

I hereby certify that the following is a true copy of an ordinance which was duly passed by the Council of the City of Rochester on **April 25, 2017** and **Approved** by the Mayor of the City of Rochester, and was deemed duly adopted on **April 26, 2017** in accordance with the applicable provisions of law.

Ordinance No. 2017-93

Amending the Official Map by abandonment of Haidt Place

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Chapter 76 of the Municipal Code, Official Map or Plan, as amended, is hereby further amended by changing and deleting therefrom the following described property, heretofore dedicated to street purposes and constituting Haidt Place, provided that the adjoining owner enters into a binding agreement to release and indemnify the City against all claims or costs related to any contamination that may be located on or under Haidt Place and satisfies such additional conditions as the City Engineer deems to be appropriate:

LEGAL DESCRIPTION OF PROPOSED LANDS TO BE ABANDONED - HAITT PLACE

ALL THAT TRACT OR PARCEL OF LAND situate in the City of Rochester, County of Monroe, and State of New York, Section A of the Jones Tract in Lot 46, 20,000 acre tract, Township 1, Short Range, Mill Seat Tract, Phelps & Gorham Purchase, bounded and described as follows:

Beginning at the point of intersection of the westerly right of way line of Haidt Place (45' wide) with the northerly right of way line of Ambrose Street (60' wide), said point being the southeast corner of Parcel "A" as shown on a map entitled "Volunteers of America Subdivision Map", filed at the Monroe County Clerk's Office on August 28, 1998, in Liber 297 of Maps, Page 53; thence,

North 29°-19'-43" West, on said westerly right of way line, a distance of 115.00 feet to a point on the northerly right of way line of Haidt Place; thence,

North 59°-46'-17" East, on said northerly right of way line, a distance of 45.00 feet to the easterly right of way line of Haidt Place; thence,

South 29°-19'-43" East, on said easterly right of way line, a distance of 115.00 feet to a point on said northerly right of way line of said Ambrose Street; thence,

South 59°-46'-17" West, on said northerly right of way line, a distance of 45.00 feet to the Point of Beginning

INTENDING TO DESCRIBE a parcel of land which contains 5,175 square feet, as shown on a map entitled "Volunteers of America Resubdivision Map of Lot 'A'", prepared by Bergmann Associates, dated November 23, 1998.

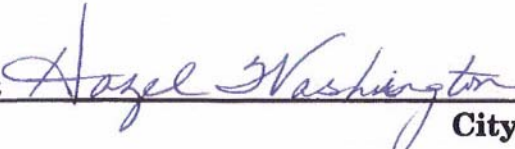
Section 2. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Haag, McFadden, Miller, Ortiz, Patterson, Spaul - 8.

Nays - None - 0.

Attest



City Clerk

QUITCLAIM DEED

THIS INDENTURE, made the 26 day of April, 2017,

BETWEEN the County of Monroe Industrial Development Agency ("COMIDA"), nominal owner of the western portion of a public right-of-way and easement street known as Haidt Place, Rochester, New York 14608 ("Haidt Place"), party of the first part, and Volunteers of America of Western New York, Inc. ("VOA"), owner of the eastern portion of Haidt Place, party of the second part,

WITNESSETH, that the party of the first part, in consideration of one dollar (\$1.00) and other valuable consideration paid by the party of the second part, does hereby remise, release and quitclaim unto the party of the second part, the heirs and successors and assigns of the party of the second part forever,

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Rochester, County of Monroe and State of New York, described as an easement street known as the Haidt Place right-of-way, which runs northerly from Ambrose Street, Rochester, New York, and westerly from 18 Ambrose Street, Rochester, New York (Tax Parcel Number 105.60-2-59.003), and easterly from 214 Lake Avenue, Rochester, New York (Tax Parcel Number 105.60-2-1.002).

TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part 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 cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

COUNTY OF MONROE INDUSTRIAL DEVELOPMENT AGENCY

By: [Signature] Jeffrey R. Adair, Executive Director

STATE OF NEW YORK) COUNTY OF MONROE) ss:

On the 26 day of April, 2017, before me the undersigned, personally appeared Jeffrey R. Adair, personally known to me or proved to me on the basis of satisfactory evidence to be the individuals whose names are subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

[Signature] Notary Public

Michael J. Townsend Notary Public, State of New York Qualified in Monroe County My Commission Expires Dec. 11, 2020

ADAM J BELLO COUNTY CLERK OFFICE OF THE COUNTY CLERK 39 WEST MAIN STREET ROCHESTER, NY 14614

Doc#: 201709070440 Pgs: 2 Ref#: T1000002485 Type: DEED OTHER Book: 11916 Pages: 1-2 Name: COUNTY OF MONROE INDUSTRIAL DEVELOPMENT Name: VOLUNTEERS OF AMERICA Time: 2:17:14 PM STATE FEE TRANSFER TAX \$ 0.00 RPS217 STATE EQUAL ADITS \$ 241.00 RPS217 COUNTY FEE \$ 9.00 STATE FEE CULTURAL EDU \$ 14.25 STATE FEE RECORDS MANAG \$ 4.75 COUNTY FEE RECORDING \$ 26.00 COUNTY FEE NUMBER PAGES \$ 5.00 MISCELLANEOUS COUNTY FEES \$ 0.00 COUNTY FEE TP584 \$ 5.00

Total Credit Card \$ 305.00 Balance \$ 305.00 Total Documents: 1 Total Fees: 9

Client Name GENERAL PUBLIC Sep 7 2017 2:17:30 PM Cashier: Em1lyD

MONROE COUNTY CLERK 2017 SEP -7 PM 2:17

REC'D BELLO

WRITTEN CONSENT

The undersigned, being the Board Chair of Volunteers of America of Western New York, Inc., does hereby certify as follows:

1. Volunteers of America of Western New York, Inc., is the Volunteer for the Volunteers of America Back Lot Site located at 18 Ambrose Street, Rochester, New York, 14614 (the "Site").

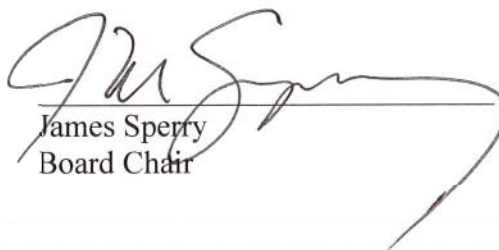
2. The following person, Kim Brumber, has been chosen as the new President and CEO of Volunteers of America of Western New York, Inc., and after September 6, 2016, will be authorized to execute any documents required by the New York State Department of Environmental Conservation on behalf of Brownfield Site Volunteer, Volunteers of America of Western New York, Inc., holding the office position in Volunteers of America of Western New York, Inc., indicated opposite her respective name:

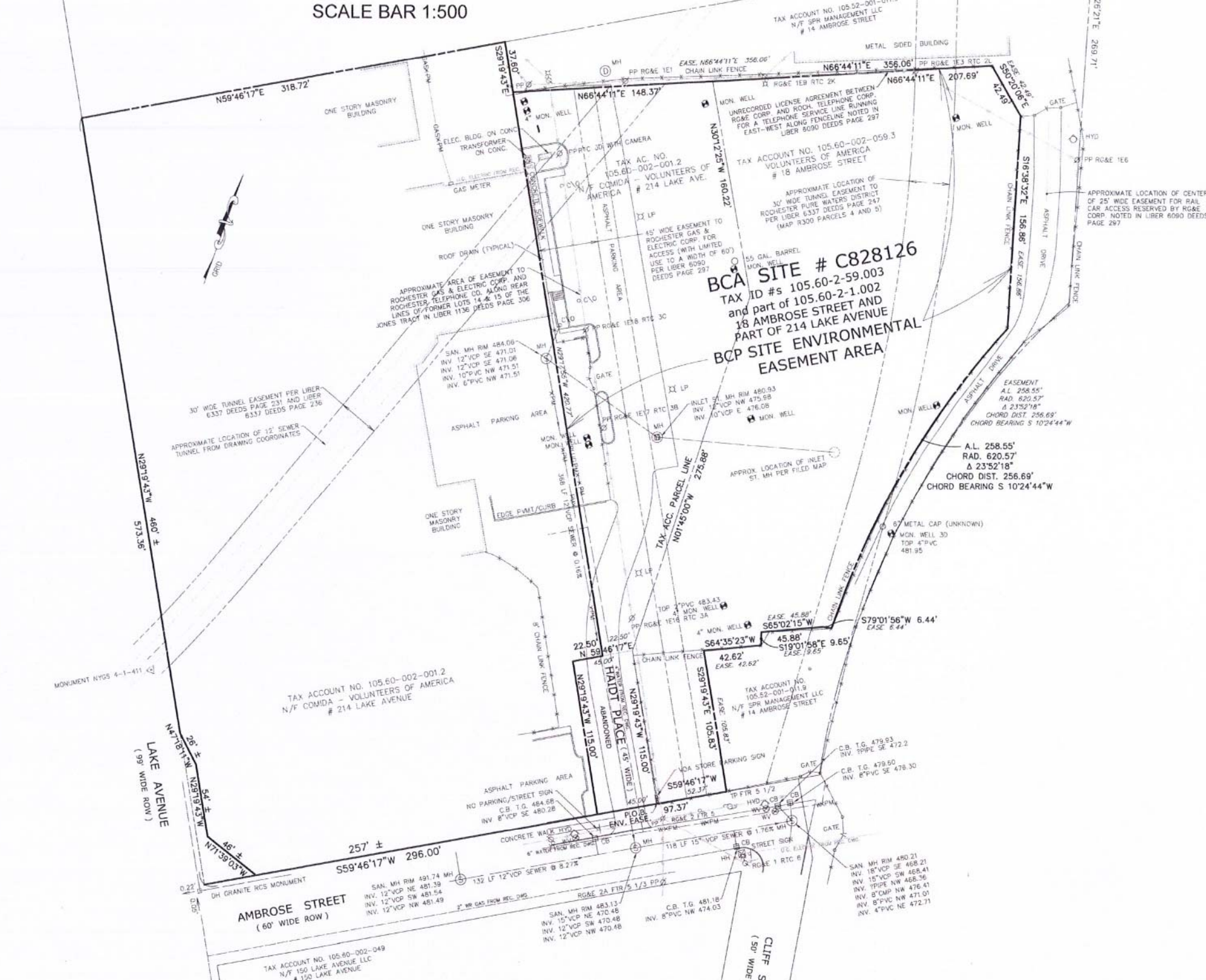
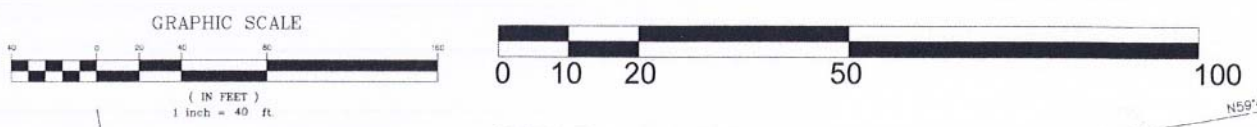
<u>Officer</u>	<u>Office</u>
Kim Brumber	President/CEO of Volunteers of America of Western New York, Inc.

3. I, James Sperry, hold the position of Board Chair in Volunteers of America of Western New York, Inc.

4. Kim Brumber is hereby authorized to execute any document required as a result of the Site's participation in the Brownfield Cleanup Program on behalf of Volunteers of America of Western New York, Inc., including any Change of Use applications, BCA Amendments, and the environmental easement.

21st IN WITNESS WHEREOF, the undersigned has executed this Certificate on this
day of July 2016.


James Sperry
Board Chair



- REFERENCES
- MAP PREPARED BY BERENSON ASSOCIATES, ENGINEERS, ARCHITECTS, SURVEYORS, P.C. ENTITLED "VOLUNTEERS OF AMERICA SUBDIVISION MAP" FILED IN THE MONROE COUNTY CLERK'S OFFICE IN LIBER 297 OF MAPS PAGE 53.
 - MAP PREPARED BY EDWIN A. SUMMERS, LAND SURVEYOR ENTITLED "SUBDIVISION MAP SHOWING 238 LAKE AVENUE AND 14 AMBROSE STREET" FILED IN THE MONROE COUNTY CLERK'S OFFICE.
 - PERMANENT EASEMENT FOR TUNNEL PURPOSES WITHOUT SURFACE RIGHTS TO ROCHESTER PURE WATERS DISTRICT AS SHOWN ON MAP R-300 PARCELS 4 & 5, DEED RECORDED IN THE MONROE COUNTY CLERK'S OFFICE, LIBER 8337 PAGE 247.
 - DEED RECORDED IN THE MONROE COUNTY CLERK'S OFFICE IN LIBER 4034 PAGE 179.
 - DEED RECORDED IN THE MONROE COUNTY CLERK'S OFFICE IN LIBER 8090 PAGE 293.
 - DEED RECORDED IN THE MONROE COUNTY CLERK'S OFFICE IN LIBER 9124 PAGE 064.
 - DEED RECORDED IN THE MONROE COUNTY CLERK'S OFFICE IN LIBER 8337 PAGE 231.
 - DEED RECORDED IN THE MONROE COUNTY CLERK'S OFFICE IN LIBER 8337 PAGE 234.
 - DEED RECORDED IN THE MONROE COUNTY CLERK'S OFFICE IN LIBER 8337 PAGE 247.
 - DEED RECORDED IN THE MONROE COUNTY CLERK'S OFFICE IN LIBER 8342 PAGE 173.
 - CITY OF ROCHESTER REENGINEERING SERVICES MAPS AND SURVEY RECORD INFORMATION FOR THE RIGHT OF WAYS OF LAKE AVENUE AND AMBROSE STREET. NO ABSTRACT OF TITLE HAS BEEN PROVIDED FOR THE COMPLETION OF THIS SURVEY.

ENTIRE ENVIRONMENTAL EASEMENT DESCRIPTION:

ALL THAT TRACT OR PARCELS OF LAND SITUATED IN LOT 48, 20,000 ACRES TRACT, TOWNSHIP 1, SHORT RANGE, WILL SEAT TRACT, PHILIPS & CORHAM PURCHASE, IN THE CITY OF ROCHESTER, COUNTY OF MONROE, STATE OF NEW YORK, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHERLY RIGHT-OF-WAY OF AMBROSE STREET, (60' ROW), AT ITS INTERSECTION WITH THE EASTERLY RIGHT-OF-WAY OF HADJI PLACE, (45' ROW), THENCE:

- SOUTH 59°46'17" WEST, ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF AMBROSE STREET EXTENDED WESTERLY, A DISTANCE OF 45.00 FEET TO A POINT, THENCE
- NORTH 29°18'43" WEST, ALONG THE WESTERLY RIGHT-OF-WAY LINE OF HADJI PLACE, A DISTANCE OF 118.00 FEET TO A POINT, THENCE
- NORTH 50°46'17" EAST, ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF HADJI PLACE, A DISTANCE OF 22.50 FEET TO A POINT, THENCE
- NORTH 29°17'30" WEST, A DISTANCE OF 430.77 FEET TO A POINT, THENCE
- NORTH 86°44'11" EAST, A DISTANCE OF 356.06 FEET TO A POINT, THENCE
- SOUTH 50°20'00" EAST, A DISTANCE OF 42.48 FEET TO A POINT, THENCE
- SOUTH 18°38'00" EAST, A DISTANCE OF 158.56 FEET TO A POINT, THENCE
- SOUTHWESTERLY, ALONG A CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 23°32'18", A RADIUS OF 630.57 FEET, AN ARC LENGTH OF 258.55 FEET, A CHORD BEARING OF SOUTH 10°24'44" WEST, AND A CHORD DISTANCE OF 258.69 FEET TO A POINT, THENCE
- SOUTH 79°01'56" WEST, A DISTANCE OF 6.44 FEET TO A POINT, THENCE
- SOUTH 85°02'15" WEST, A DISTANCE OF 45.88 FEET TO A POINT, THENCE
- SOUTH 19°01'00" EAST, A DISTANCE OF 9.85 FEET TO A POINT, THENCE
- SOUTH 84°30'23" WEST, A DISTANCE OF 42.62 FEET TO A POINT, THENCE
- SOUTH 29°18'43" EAST, A DISTANCE OF 102.83 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY OF AMBROSE STREET, THENCE
- SOUTH 09°48'17" WEST, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 93.37 FEET TO THE POINT OF BEGINNING, CONTAINING 133,088 SQUARE FEET OR 3.052 ACRES, MORE OR LESS.

18 AMBROSE ENVIRONMENTAL EASEMENT AREA DESCRIPTION:

ALL THAT TRACT OR PARCELS OF LAND, SITUATED IN LOT 48, 20,000 ACRES TRACT, TOWNSHIP 1, SHORT RANGE, WILL SEAT TRACT, PHILIPS & CORHAM PURCHASE, IN THE CITY OF ROCHESTER, COUNTY OF MONROE, STATE OF NEW YORK, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHERLY RIGHT-OF-WAY OF AMBROSE STREET, (60' ROW), AT ITS INTERSECTION WITH THE WESTERLY RIGHT-OF-WAY OF HADJI PLACE, (45' ROW), THENCE:

- NORTH 29°18'43" WEST, ALONG THE WESTERLY RIGHT-OF-WAY LINE OF HADJI PLACE, A DISTANCE OF 118.00 FEET TO A POINT, THENCE
- SOUTH 59°46'17" EAST, ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF HADJI PLACE, A DISTANCE OF 45.00 FEET TO A POINT, THENCE
- NORTH 09°48'17" EAST, A DISTANCE OF 278.88 FEET TO A POINT, THENCE
- NORTH 30°23'23" WEST, A DISTANCE OF 160.22 FEET TO A POINT, THENCE
- NORTH 68°44'11" EAST, A DISTANCE OF 356.06 FEET TO A POINT, THENCE
- SOUTH 50°20'00" EAST, A DISTANCE OF 42.48 FEET TO A POINT, THENCE
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- SOUTH 29°18'43" EAST, A DISTANCE OF 102.83 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF AMBROSE STREET, THENCE
- SOUTH 09°48'17" WEST, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 93.37 FEET TO THE POINT OF BEGINNING, CONTAINING 137 ACRES ±.

ALL AS SHOWN ON A MAP, PREPARED BY PASSERO ASSOCIATES, ENTITLED "BROWNFIELD AREA MAP", PROJECT NUMBER 2012154-0005, DATED OCTOBER 18, 2014, AND REVISED ON APRIL 20, 2017.

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ALL THAT TRACT OR PARCELS OF LAND, SITUATED IN LOT 48, 20,000 ACRES TRACT, TOWNSHIP 1, SHORT RANGE, WILL SEAT TRACT, PHILIPS & CORHAM PURCHASE, IN THE CITY OF ROCHESTER, COUNTY OF MONROE, STATE OF NEW YORK, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF HADJI PLACE, (45' ROW), SAID POINT BEING NORTH 29°18'43" WEST, 118.00 FEET FROM THE INTERSECTION OF SAID EASTERLY RIGHT-OF-WAY LINE OF HADJI PLACE AND THE NORTHERLY RIGHT-OF-WAY LINE OF AMBROSE STREET, (60' ROW), THENCE:

- SOUTH 59°46'17" WEST, ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF HADJI PLACE, A DISTANCE OF 22.50 FEET TO A POINT, THENCE
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THIS PROPERTY IS SUBJECT TO AN EASEMENT HELD BY THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION PURSUANT TO TITLE 36 OF ARTICLE 71 OF THE NEW YORK ENVIRONMENTAL CONSERVATION LAW. THE ENGINEERING AND INSTITUTIONAL CONTROLS FOR THIS EASEMENT ARE SET FORTH IN THE SITE MANAGEMENT PLAN (SMP). A COPY OF THE SMP MUST BE OBTAINED BY ANY PARTY WITH AN INTEREST IN THE PROPERTY. THE SMP CAN BE OBTAINED FROM NYS DEPARTMENT OF ENVIRONMENTAL CONSERVATION, DIVISION OF ENVIRONMENTAL REMEDIATION, SITE CONTROL SECTION, 625 BROADWAY, ALBANY, NY 12233 OR AT derweb@dec.ny.gov

CERTIFICATION:

WE, PASSERO ASSOCIATES, CERTIFY THAT THIS MAP WAS PREPARED ON SEPTEMBER 10, 2012 USING PORTIONS OF THE REFERENCE MATERIAL LISTED HEREON AND FROM NOTES OF A BOUNDARY AND TOPOGRAPHIC SURVEY COMPLETED ON AUGUST 13, 2012. PARCEL WAS REINSPECTED ON MAY 04, 2016 WITH CHANGES AND/OR ADDITIONS SHOWN HEREON. THIS PARCEL IS SUBJECT TO ANY EASEMENTS OR ENCUMBRANCES OF RECORD. NO CERTIFICATION IS EXTENDED TO RECORD INFORMATION NOT REFERENCED. THIS CERTIFICATION IS MADE TO:



Robert A. Vento
ROBERT A. VENTO N.Y.S.P.L.S. NO. 049701



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ONLY COPIES FROM THE ORIGINAL OF THIS SURVEY MAPS WITH AN ORIGINAL SEAL OF REGISTERED SEAL AND ARCHITECTURE SHALL BE CONSIDERED A TRUE AND VALID COPY.

CERTIFICATION INDICATED HEREON SHALL BE ONLY TO THE PERSON FOR WHOM THE SURVEY IS PREPARED, AND ON THE BASIS OF THE ADDRESS LISTED HEREON. CERTIFICATIONS ARE NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.

ENTIRE ENVIRONMENTAL EASEMENT DESCRIPTION:

ALL THAT TRACT OR PARCELS OF LAND SITUATED IN LOT 48, 20,000 ACRES TRACT, TOWNSHIP 1, SHORT RANGE, WILL SEAT TRACT, PHILIPS & CORHAM PURCHASE, IN THE CITY OF ROCHESTER, COUNTY OF MONROE, STATE OF NEW YORK, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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- SOUTH 59°46'17" WEST, ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF AMBROSE STREET EXTENDED WESTERLY, A DISTANCE OF 45.00 FEET TO A POINT, THENCE
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- NORTH 50°46'17" EAST, ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF HADJI PLACE, A DISTANCE OF 22.50 FEET TO A POINT, THENCE
- NORTH 29°17'30" WEST, A DISTANCE OF 430.77 FEET TO A POINT, THENCE
- NORTH 86°44'11" EAST, A DISTANCE OF 356.06 FEET TO A POINT, THENCE
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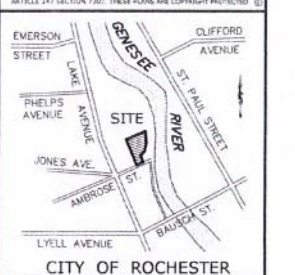
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Revisions

No.	Date	By	Description
1.	11.18.14	DS	Revisions per Review Letter
2.	05.04.16	DS	Update Survey to 1995DEC, mapping requirements
3.	05.09.16	BV	Revised per comments.
4.	08.05.16	BV	Added legal descriptions.
5.	04.20.17	BV	Revised to include Hadji Place



CITY OF ROCHESTER

Passero Associates
22 West Main Street Suite 100
Rochester, NY 14624
Principal-in-Charge: John F. Caruso, P.E.
Project Manager: Robert A. Vento, P.L.S.
Drafted by: D. Sauve

Volunteers of America
of Western New York, Inc.
214 Lake Ave. Admin. Bldg. C
Rochester, N.Y. 14608

BCP Site Environmental
Easement Area
BCA Site # C828126
Volunteers of America
18 Ambrose Street and
Part of 214 Lake Avenue
Tax Acct. No. 105.60-002-059.003
and Part of 105.60-002-001.002
Lot 45, 20,000 Acre Tract, Twp. 1, Short Range
City of Rochester, Monroe County, New York

Project No. 2012154.0005

Drawing No. Ea-1	Sheet No. 1 of 1
Scale: 1" = 40'	
Date: May 2016	