

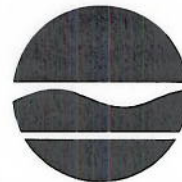
New York State Department of Environmental Conservation

Division of Environmental Remediation, 12th Floor

625 Broadway, Albany, New York 12233-7011

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

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Alexander B. Grannis
Commissioner

Mr. Andrew Germanow
President
Germanow-Simon Corporation
P.O. Box 31091
Rochester, New York 14603-1091

DEC 31 2008

RE: Certificate of Completion
8-28 Ward Street
City of Rochester, Monroe County, C828136

Dear Mr. Germanow:

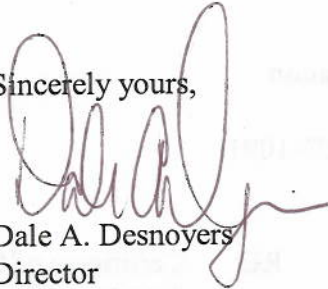
Congratulations on having satisfactorily completed the remedial program at the 8-28 Ward Street Site. Enclosed please find an original Certificate issued on December 31, 2008. The New York State Department of Environmental Conservation (NYSDEC) is pleased to inform you that the Final Engineering Report 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. A standard notice form is attached to this letter;
- You must provide a notice of the COC and a fact sheet describing the institutional and engineering controls (IC/EC) that are required at the site to the Brownfield Site Contact list within 10 days of issuance of the COC;
- You must 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 you must 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 IC/ECs is due to the Department in May 2010.
- 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 Todd M. Caffoe, P.E. at (585)226-5350.

Sincerely yours,



Dale A. Desnoyers
Director
Division of Environmental Remediation

Enclosure

ec w/o enc. T. Caffoe
B. Putzig
R. Knizek
D. McNaughton
J. Charles

Please record and return to:
Germanow-Simon Corporation
P.O. Box 31091
Rochester, New York 14603-1091

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 8-28 Ward Street Site.

The Certificate was issued on December 31, 2008 to Germanow-Simon Corporation for a parcel approximately 1.22 acres located at the 8-28 Ward Street 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 14414, 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

(Site Owner)

By: _____

Title: _____

Date: _____

Signature and Office of individual taking acknowledgment

NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP)
CERTIFICATE OF COMPLETION

CERTIFICATE HOLDER(S):

Name

GERMANOW-SIMON CORPORATION

Address

408 St. Paul Street, Rochester

BROWNFIELD CLEANUP AGREEMENT:

Application Approval: 8/14/06 **Agreement Execution:** 10/4/06 **Agreement Index No.:** B8-0566-99-10

SITE INFORMATION

Site No.: C828136 **Site Name:** 8-28 Ward Street

Site Owner: GERMANOW-SIMON CORPORATION

Site Location: Street Address: 8-28 Ward Street

Municipality - Rochester County - Monroe DEC Region - 8

Site Size: 1.22Acres

Tax Map Identification Number(s): 106.63-1-16

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 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 (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; 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 on December 29, 2008 in Liber 10703 Page 133.

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 31st 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

Date: DEC 31 2008

EXHIBIT "A"
PROPERTY DESCRIPTION

Address: 8-28 Ward Street, City of Rochester, NY
Monroe County
Tax Map:106.63-1-016

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

- 1) N 29° 10' 20" W, a distance of 74.17 feet to a point, thence
- 2) N 65° 58' 35" E, a distance of 41.60 feet to a point, thence
- 3) N 36° 43' 26" W, a distance of 105.92 feet to a point, thence
- 4) N 51° 42' 33" E, a distance of 71.01 feet to a point, thence
- 5) S 37° 22' 13" E, a distance of 2.00 feet to point, thence
- 6) N 50° 56' 44" E, a distance of 18.01 feet to a point, thence
- 7) N 37° 22' 13" W, a distance of 28.00 feet to a point, thence
- 8) N 50° 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° 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° 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° 00' 00" and a radius of 10.00 feet, thence
- 12) S 65° 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.

