



Department of  
Environmental  
Conservation

## 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  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*]

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:

**\*Please refer to the attached instructions for guidance on filling out this application\***

Section I. Existing Agreement Information		
BCP SITE NAME: 1777 East Henrietta Road		BCP SITE NUMBER: C828192
NAME OF CURRENT APPLICANT(S): GETINGE USA, INC.		
INDEX NUMBER OF EXISTING AGREEMENT: 828192-6-16		DATE OF EXISTING AGREEMENT: 07-20-16
Section II. New Requestor Information (if no change to Current Applicant, skip to Section V)		
NAME Getinge USA Sales, LLC (see attached sheet)		
ADDRESS 1777 East Henrietta Road		
CITY/TOWN Rochester, New York		ZIP CODE 14623
PHONE 585-272-5041	FAX 585-272-5372	E-MAIL jens.sjoborg@getinge.com
Is the requestor authorized to conduct business in New York State (NYS)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
<ul style="list-style-type: none"> <li>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 &amp; 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.</li> </ul>		
NAME OF NEW REQUESTOR'S REPRESENTATIVE Jens Sjoborg, Director, Getinge Real Estate & Facilities		
ADDRESS 1777 East Henrietta Road		
CITY/TOWN Rochester, New York		ZIP CODE 14623
PHONE 585-272-5041	FAX 585-272-5372	E-MAIL jens.sjoborg@getinge.com
NAME OF NEW REQUESTOR'S CONSULTANT (if applicable) LaBella Associates		
ADDRESS 300 State Street, Suite #201		
CITY/TOWN Rochester, New York		ZIP CODE 14614
PHONE 585-454-6110	FAX	E-MAIL jgillen@labelaPC.com
NAME OF NEW REQUESTOR'S ATTORNEY (if applicable) Phillips Lytle LLP		
ADDRESS One Canalside, 125 Main Street		
CITY/TOWN Buffalo, New York		ZIP CODE 14203
PHONE 716-847-8331	FAX 716-852-6100	E-MAIL khogan@phillipslytle.com
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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
Describe Requestor's Relationship to Existing Applicant: The Existing Applicant and the New Requestor are affiliated, brother-sister entities, within the Getinge Group of companies. Getinge USA Sales, LLC will assume full responsibility for the obligations of Existing Applicant under the Brownfield Cleanup Agreement. The Existing Applicant will be transfer legal title to the Site to Getinge USA Sales, LLC.		



**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) <b>See Attached Sheet</b>		
ADDRESS 1777 East Henrietta Road		
CITY/TOWN Rochester, New York		ZIP CODE 14623
PHONE 585-272-5041	FAX 585-272-5372	E-MAIL jens.sjoborg@getinge.com
OPERATOR'S NAME (if different from requestor or owner) N/A		
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.

- Are any enforcement actions pending against the requestor regarding this site?  Yes  No
- Is the requestor presently subject to an existing order for the investigation, removal or remediation relating to contamination at the site?  Yes  No
- 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.
- 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
- 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
- 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
- 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
- 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
- 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
- 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
- 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 1777 East Henrietta Road

CITY/TOWN Rochester, New York

ZIP CODE 14623

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

Parcel Address	Parcel No.	Section No.	Block No.	Lot No.	Acreage
1777 East Henrietta Road, Rochester, New York		162.10	1	1	34.9



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: \_\_\_\_\_

**ADDITIONAL PARCELS:**

Parcel Address	Parcel No.	Section No.	Block No.	Lot No.	Acreage

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 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 type="checkbox"/> No
<b>Please answer questions below and provide documentation necessary to support answers.</b>	
1. Is at least 50% of the site area located within an environmental zone pursuant to Tax Law 21(6)? Please see <a href="#">DEC's website</a> for more information.	<input type="checkbox"/> Yes <input type="checkbox"/> No
2. Is the property upside down as defined below?	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p><b>From ECL 27-1405(31):</b></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 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>	



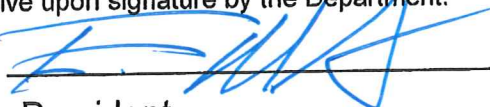
**PART II. BROWNFIELD CLEANUP PROGRAM AMENDMENT**

<b>Existing Agreement Information</b>	
BCP SITE NAME: 1777 East Henrietta Road	BCP SITE NUMBER: C828192
NAME OF CURRENT APPLICANT(S): GETINGE USA, INC.	
INDEX NUMBER OF EXISTING AGREEMENT: C828192-06-16	
EFFECTIVE DATE OF EXISTING AGREEMENT: July 20, 2016	

**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.

<b>Statement of Certification and Signatures: New Requestor(s) (if applicable)</b>
<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 <u>President</u>) of (entity <u>GETINGE USA SALES, LLC</u>); 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: <u>12/18/18</u> Signature: </p> <p>Print Name: <u>ERIC HONROTH, President</u></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 VP of Finance (title) of Getinge USA, 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. \_\_\_\_\_ signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

Date: 12/18/18 Signature: Tammy M. Gangarosa

Print Name: Tammy M. Gangarosa, Vice-President of Finance

**REMAINDER OF THIS AMENDMENT WILL BE COMPLETED SOLELY BY THE DEPARTMENT**

Status of Agreement:

<input type="checkbox"/> <b>PARTICIPANT</b> 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"/> <b>VOLUNTEER</b> 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:

\_\_\_\_\_  
Michael J. Ryan, 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

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**FOR DEPARTMENT USE ONLY**

**BCP SITE T&A CODE:** \_\_\_\_\_ **LEAD OFFICE:** \_\_\_\_\_

**PROJECT MANAGER:** \_\_\_\_\_

BROWNFIELD CLEANUP PROGRAM (BCP)  
APPLICATION TO AMEND BROWNFIELD CLEANUP  
AGREEMENT AND AMENDMENT

Existing Applicant: Getinge USA, Inc.  
New Requestor: Getinge USA Sales, LLC

BCP Site Name: 1777 East Henrietta Road, Rochester, New York  
BCP Site Number: C828192

SUPPLEMENTAL INFORMATION

Section II. New Requestor Information.

The Existing Applicant, Getinge USA, Inc. and the New Requestor, Getinge USA Sales, LLC, are brother-sister legal entities.

They are both, directly or indirectly, wholly owned by Getinge Holding USA II Inc. (See the attached chart.)

Section III. Current Property Owner.

The Existing Applicant, Getinge USA, Inc. is the current property owner.

Prior to December 31, 2018, certain actions will take place incident to a corporate reorganization of the Existing Applicant. Incident to that corporate reorganization, Existing Applicant will transfer legal title to the Property to Getinge USA Sales, LLC. (See the attached chart.)

Getinge USA Sales, LLC (the new property owner and the New Requestor) will assume full responsibility for the obligations of Existing Applicant as a participant (as defined in the New York Environmental Conservation Law) under the Brownfield Cleanup Agreement ("BCA") and it makes this Application to participate in the Brownfield Cleanup Program as a participant and to be added as a party to the BCA. Incident to the corporate reorganization, Getinge USA, Inc. will be dissolved.



Getinge Holding USA II Inc.

100%

Datascope Corp.

100%

Getinge USA, Inc.  
Current Property Owner  
BCA Participant Party

Getinge USA Sales, LLC  
Added as a BCA Participant Party

Transfer of  
Title to Property

# NYS Department of State

## Division of Corporations

### Entity Information

The information contained in this database is current through December 19, 2018.

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Selected Entity Name: GETINGE USA, INC.

Selected Entity Status Information

**Current Entity Name:** GETINGE USA, INC.

**DOS ID #:** 2135634

**Initial DOS Filing Date:** APRIL 22, 1997

**County:** MONROE

**Jurisdiction:** DELAWARE

**Entity Type:** FOREIGN BUSINESS CORPORATION

**Current Entity Status:** ACTIVE

Selected Entity Address Information

**DOS Process (Address to which DOS will mail process if accepted on behalf of the entity)**

C/O NATIONAL REGISTERED AGENTS, INC.  
1777 EAST HENRIETTA RD  
ROCHESTER, NEW YORK, 14623

**Chief Executive Officer**

CHRIS ODOM  
1777 E HENRIETTA ROAD  
ROCHESTER, NEW YORK, 14623-3133

**Principal Executive Office**

GETINGE USA, INC.  
 1777 E HENRIETTA ROAD  
 ROCHESTER, NEW YORK, 14623

**Registered Agent**

NATIONAL REGISTERED AGENTS, INC.  
 111 EIGHTH AVENUE  
 NEW YORK, NEW YORK, 10011

This office does not record information regarding the names and addresses of officers, shareholders or directors of nonprofessional corporations except the chief executive officer, if provided, which would be listed above. Professional corporations must include the name(s) and address(es) of the initial officers, directors, and shareholders in the initial certificate of incorporation, however this information is not recorded and only available by viewing the certificate.

**\*Stock Information**

# of Shares	Type of Stock	\$ Value per Share
No Information Available		

\*Stock information is applicable to domestic business corporations.

**Name History**

Filing Date	Name Type	Entity Name
APR 01, 2003	Actual	GETINGE USA, INC.
APR 22, 1997	Actual	GETINGE/CASTLE, INC.

A **Fictitious** name must be used when the **Actual** name of a foreign entity is unavailable for use in New York State. The entity must use the fictitious name when conducting its activities or business in New York State.



# NYS Department of State

## Division of Corporations

### Entity Information

The information contained in this database is current through December 19, 2018.

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Selected Entity Name: GETINGE USA SALES, LLC

Selected Entity Status Information

**Current Entity Name:** GETINGE USA SALES, LLC

**DOS ID #:** 5202888

**Initial DOS Filing Date:** SEPTEMBER 15, 2017

**County:** NEW YORK

**Jurisdiction:** DELAWARE

**Entity Type:** FOREIGN LIMITED LIABILITY COMPANY

**Current Entity Status:** ACTIVE

Selected Entity Address Information

**DOS Process (Address to which DOS will mail process if accepted on behalf of the entity)**

C/O NATIONAL REGISTERED AGENTS, INC.  
111 EIGHTH AVENUE  
NEW YORK, NEW YORK, 10011

**Registered Agent**

NATIONAL REGISTERED AGENTS, INC.  
111 EIGHTH AVENUE  
NEW YORK, NEW YORK, 10011

This office does not require or maintain information regarding the names and addresses of members or managers of nonprofessional limited liability companies. Professional limited liability companies must include the name(s) and address(es) of the original members, however this information is not recorded and only available by viewing the certificate.

### **\*Stock Information**

<b># of Shares</b>	<b>Type of Stock</b>	<b>\$ Value per Share</b>
No Information Available		

\*Stock information is applicable to domestic business corporations.

### **Name History**

<b>Filing Date</b>	<b>Name Type</b>	<b>Entity Name</b>
SEP 15, 2017	Actual	GETINGE USA SALES, LLC

A **Fictitious** name must be used when the **Actual** name of a foreign entity is unavailable for use in New York State. The entity must use the fictitious name when conducting its activities or business in New York State.

NOTE: New York State does not issue organizational identification numbers.

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CERTIFICATE OF THE CHAIRPERSON OF  
THE BOARD OF DIRECTORS  
OF  
GETINGE USA, INC.

The undersigned, Chairperson of the Board of Directors of GETINGE USA, INC. (the "Corporation"), does hereby certify to New York State Department of Environmental Conservation as follows:

1. The Corporation is duly organized, validly existing and in good standing under the laws of the State of Delaware with all requisite corporate power and authority to own, operate and lease its properties and to carry on its business as now being conducted.

2. The Corporation's entire Board of Directors consists of the following persons:  
Eric Honroth  
José Miguel Marti

3. Attached hereto as Exhibit A is a full, true and complete copy of the resolutions duly adopted by the unanimous written consent of the Board of Directors of the Corporation on or about December 19, 2018. The resolutions are in full force and effect without amendment or modification, and said resolutions are not inconsistent with the Certificate of Incorporation or By-Laws of the Corporation or any other agreement or instrument to which the Corporation is a party or by which its assets may be bound, each as of the date hereof.

4. Eric Honroth, President, and Tammy Gangarosa, Vice President of Finance and Corporate Secretary, are each duly elected (or appointed), qualified and, acting alone, duly authorized to execute and deliver to New York State Department of Environmental Conservation an Application to Amend the Brownfield Cleanup Agreement with respect to the Corporation's real property commonly known as 1777 East Henrietta Road, Rochester, New York to add Getinge USA Sales, LLC as a participant party to that Agreement.

IN WITNESS WHEREOF, I have hereunto affixed my signature this 19th day of December, 2018.

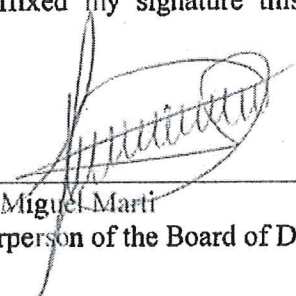
  
\_\_\_\_\_  
José Miguel Marti  
Chairperson of the Board of Directors



Exhibit A

(See attached)

UNANIMOUS CONSENT OF DIRECTORS

OF

GETINGE USA, INC.

The undersigned, being all of the Directors of GETINGE USA, INC., a Delaware corporation, do hereby consent pursuant to Section 141 of the General Corporation Law of the State of Delaware, to the adoption of the following resolutions as and for the resolutions of the Board of Directors in the place and in the stead of a special meeting of the Board of Directors, which consent may be executed in any number of counterparts and delivered electronically or via facsimile.

**Transfer of Real Estate Pursuant to Plan of Reorganization  
and Application to Amend the Brownfield Cleanup Agreement**

WHEREAS, GETINGE USA, INC., (the "Corporation") is in the process of transferring its assets to one or more affiliated entities, including GETINGE USA SALES, LLC (the "Transferee"), and dissolving pursuant to that certain Agreement and Plan of Reorganization dated as of October 31, 2017; and

WHEREAS, the Corporation owns the real property known as 1777 East Henrietta Road, Rochester, New York 14623 (the "Real Property"); and

WHEREAS, the Corporation is a party to that certain Brownfield Cleanup Agreement ("BCA") dated July 20, 2016 between the Corporation and New York State Department of Environmental Conservation with respect to the Real Property; and

WHEREAS, the Corporation proposes to transfer to Transferee legal title to the Real Property and, in connection with the transfer to Transferee of legal title to the Real Property, the Transferee is willing to become a party to the BCA and to otherwise assume the obligations of the Corporation under the BCA;

NOW, THEREFORE, be it

RESOLVED, that the Corporation is hereby authorized to transfer to the Transferee the legal title to the Real Property on or before December 31, 2018; and it is further

RESOLVED, that the proper officers of Corporation are, and each of them acting alone is, hereby authorized on behalf of the Corporation, to execute and deliver such documents as may be necessary, appropriate or advisable in order to provide for the transfer to Transferee of legal title to the Real Property and to provide for the Transferee to be added as a participant party to the BCA and to otherwise assume the obligations of the Corporation under the BCA; and it is further

**RESOLVED**, that such documents will include a Deed evidencing the transfer of title to the Real Property, in the form required by the laws of the State of New York shall be signed on behalf of the Corporation, delivered to the Transferee and recorded in the Office of the County Clerk of the County of Monroe, State of New York, and it is further

**RESOLVED**, the proper officers of this Corporation are, and each of them acting alone is, hereby authorized on behalf of the Corporation, to execute and deliver to New York State Department of Conservation such documents as may be necessary, appropriate or advisable in order to provide for the amendment of the BCA to add the Transferee as a participant party to the BCA; and

**RESOLVED**, that the proper officers of the Corporation are, and each of them acting alone is, hereby authorized on behalf of the Corporation, to do any and all other acts necessary or appropriate to effectuate the purposes of these resolutions and the transactions contemplated hereby; and that any and all other documents heretofore executed and actions heretofore taken in connection therewith, or to effectuate the purpose of these resolutions, are hereby in all respects ratified and confirmed; and be it further

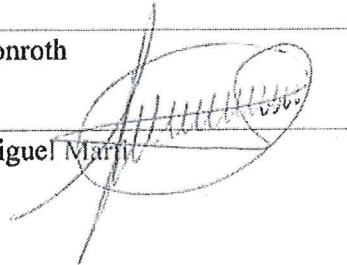
**RESOLVED**, that each of documents shall be in such form and content as the officer of the Corporation executing them shall approve, his approval to be conclusively evidenced by his execution thereof; and be it further

**RESOLVED**, that Eric Honroth, President, and Tammy Gangarosa, Vice President of Finance and Corporate Secretary, are hereby designated as the proper officers of the Corporation for the purposes of these resolutions.

Dated as of December 19, 2018

Eric Honroth

José Miguel Martí

A handwritten signature in dark ink, appearing to read "José Miguel Martí", is written over two horizontal lines. The signature is somewhat stylized and overlaps the lines.



**RESOLVED**, that such documents will include a Deed evidencing the transfer of title to the Real Property, in the form required by the laws of the State of New York shall be signed on behalf of the Corporation, delivered to the Transferee and recorded in the Office of the County Clerk of the County of Monroe, State of New York, and it is further

**RESOLVED**, the proper officers of this Corporation are, and each of them acting alone is, hereby authorized on behalf of the Corporation, to execute and deliver to New York State Department of Conservation such documents as may be necessary, appropriate or advisable in order to provide for the amendment of the BCA to add the Transferee as a participant party to the BCA; and

**RESOLVED**, that the proper officers of the Corporation are, and each of them acting alone is, hereby authorized on behalf of the Corporation, to do any and all other acts necessary or appropriate to effectuate the purposes of these resolutions and the transactions contemplated hereby; and that any and all other documents heretofore executed and actions heretofore taken in connection therewith, or to effectuate the purpose of these resolutions, are hereby in all respects ratified and confirmed; and be it further

**RESOLVED**, that each of documents shall be in such form and content as the officer of the Corporation executing them shall approve, his approval to be conclusively evidenced by his execution thereof; and be it further

**RESOLVED**, that Eric Honroth, President, and Tammy Gangarosa, Vice President of Finance and Corporate Secretary, are hereby designated as the proper officers of the Corporation for the purposes of these resolutions.

Dated as of December 19, 2018

  
Eric Honroth

\_\_\_\_\_  
José Miguel Marti

CERTIFICATE OF A MANAGER  
OF  
GETINGE USA SALES, LLC

The undersigned, Manager of GETINGE USA SALES, LLC (the "Company"), does hereby certify to New York State Department of Environmental Conservation as follows:

1. The Company is duly organized, validly existing and in good standing under the laws of the State of Delaware with all requisite corporate power and authority to own, operate and lease its properties and to carry on its business as now being conducted.

2. The Company is duly authorized to conduct business in the State of New York.

3. The Company is managed by its Managers and the Managers of the Company consist of the following persons:

José Miguel Marti  
Eric Honroth

4. Attached hereto as Exhibit A is a full, true and complete copy of the resolutions duly adopted by the unanimous written consent of the Managers of the Company on or about December 19, 2018. The resolutions are in full force and effect without amendment or modification, and said resolutions are not inconsistent with the Certificate of Formation or Limited Liability Company Operating Agreement of the Company or any other agreement or instrument to which the Company is a party or by which its assets may be bound, each as of the date hereof.

5. Eric Honroth, President, and Philip Freed, Chief Commercial Officer, are each duly elected (or appointed), qualified and, acting alone, duly authorized to execute and deliver to New York State Department of Environmental Conservation an Application to Amend the Brownfield Cleanup Agreement with respect to the real property commonly known as 1777 East Henrietta Road, Rochester, New York to add the Company as a participant party to the Agreement.

IN WITNESS WHEREOF, I have hereunto affixed my signature this 19th day of December, 2018.

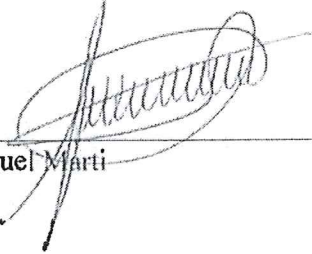
  
\_\_\_\_\_  
José Miguel Marti  
Manager

Exhibit A

(See Attached)



UNANIMOUS CONSENT OF MANAGERS

OF

GETINGE USA SALES, LLC

The undersigned, being all of the Managers of GETINGE USA SALES, LLC, a Delaware limited liability company, do hereby consent to the adoption of the following resolutions as and for the resolutions of the Managers in the place and in the stead of a meeting of the Managers pursuant to the authority granted by the Amended and Restated Limited Liability Company Operating Agreement of Getinge USA Sales LLC dated as of December 12, 2018 and the Delaware Limited Liability Company Act, which consent may be executed in any number of counterparts and delivered electronically or via facsimile.

**Acceptance of Real Estate**  
**Assumption of Environmental Remediation Obligations**  
**under Brownfield Cleanup Agreement**

**WHEREAS**, GETINGE USA, INC., (“GUSA”) is in the process of transferring its assets to one or more affiliated entities, including GETINGE USA SALES, LLC (the “Company”), and dissolving pursuant to that certain Agreement and Plan of Reorganization dated as of October 31, 2017; and

**WHEREAS**, GUSA owns the real property known as 1777 East Henrietta Road, Rochester, New York 14623 (the “Real Property”); and

**WHEREAS**, GUSA is a party to that certain Brownfield Cleanup Agreement (the “BCA”) dated July 20, 2016 between GUSA and New York State Department of Environmental Conservation with respect to the Real Property; and

**WHEREAS**, GUSA proposes to transfer to the Company legal title to the Real Property and, in connection with the transfer to the Company of legal title to the Real Property, the Company is willing to become a participant party to the BCA and to otherwise assume the obligations of GUSA under the BCA;

**NOW, THEREFORE**, be it

**RESOLVED**, that the Company is hereby authorized to accept the transfer from GUSA of legal title to the Real Property, such transfer to occur on or before December 31, 2018; and it is further

**RESOLVED**, that the proper officers of the Company are, and each of them acting alone is, hereby authorized on behalf of the Company, to execute and deliver such documents as may be necessary, appropriate or advisable in order to provide for the transfer to the Company of legal title to the Real Property and to provide for the Company to become a participant party to the BCA and to otherwise assume the obligations of GUSA under the BCA; and it is further

**RESOLVED**, that such documents will include a Deed evidencing the transfer of title to the Real Property, in the form required by the laws of the State of New York to be signed on behalf of GUSA, delivered to the Company and recorded in the Office of the County Clerk of the County of Monroe, State of New York, and it is further

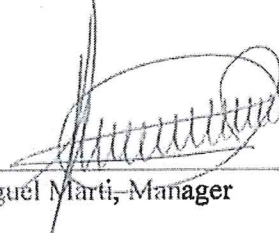
**RESOLVED**, the proper officers of this Company are, and each of them acting alone is, hereby authorized on behalf of the Company, to execute and deliver to New York State Department of Conservation such documents as may be necessary, appropriate or advisable in order to provide for the amendment of the BCA to add the Company as a participant party to the BCA; and it is further

**RESOLVED**, that the proper officers of the Company are, and each of them acting alone is, hereby authorized on behalf of the Company, to do any and all other acts necessary or appropriate to effectuate the purposes of these resolutions and the transactions contemplated hereby; and that any and all other documents heretofore executed and actions heretofore taken in connection therewith, or to effectuate the purpose of these resolutions, are hereby in all respects ratified and confirmed; and it is further

**RESOLVED**, that each of documents shall be in such form and content as the officer of the Company executing them shall approve, his approval to be conclusively evidenced by his execution thereof; and it is further

**RESOLVED**, that Eric Honroth, President, and Philip Freed, Chief Commercial Officer, are hereby designated as the proper officers of the Company for the purposes of these resolutions.

Dated as of December 19, 2018



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José Miguel Martí, Manager

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Eric Honroth, Manager

**RESOLVED**, that such documents will include a Deed evidencing the transfer of title to the Real Property, in the form required by the laws of the State of New York to be signed on behalf of GUSA, delivered to the Company and recorded in the Office of the County Clerk of the County of Monroe, State of New York, and it is further

**RESOLVED**, the proper officers of this Company are, and each of them acting alone is, hereby authorized on behalf of the Company, to execute and deliver to New York State Department of Conservation such documents as may be necessary, appropriate or advisable in order to provide for the amendment of the BCA to add the Company as a participant party to the BCA; and it is further

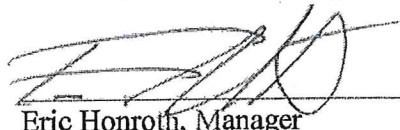
**RESOLVED**, that the proper officers of the Company are, and each of them acting alone is, hereby authorized on behalf of the Company, to do any and all other acts necessary or appropriate to effectuate the purposes of these resolutions and the transactions contemplated hereby; and that any and all other documents heretofore executed and actions heretofore taken in connection therewith, or to effectuate the purpose of these resolutions, are hereby in all respects ratified and confirmed; and it is further

**RESOLVED**, that each of documents shall be in such form and content as the officer of the Company executing them shall approve, his approval to be conclusively evidenced by his execution thereof; and it is further

**RESOLVED**, that Eric Honroth, President, and Philip Freed, Chief Commercial Officer, are hereby designated as the proper officers of the Company for the purposes of these resolutions.

Dated as of December 19, 2018

\_\_\_\_\_  
José Miguel Marti, Manager

  
\_\_\_\_\_  
Eric Honroth, Manager





**60-Day Advance Notification of Site Change of Use, Transfer of  
Certificate of Completion, and/or Ownership**

Required by 6NYCRR Part 375-1.11(d) and 375-1.9(f)

To be submitted at least 60 days prior to change of use to:

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

**I. Site Name:** 1777 East Henrietta Road **DEC Site ID No.** C828192

**II. Contact Information of Person Submitting Notification:**

Name: Jens Sjoborg  
Address1: Getinge USA, Inc.  
Address2: 1777 East Henrietta Road, Rochester, New York 14623  
Phone: 585-272-5041 E-mail: jens.sjoborg@getinge.com

**III. Type of Change and Date:** Indicate the Type of Change(s) (check all that apply):

- Change in Ownership or Change in Remedial Party(ies)  
 Transfer of Certificate of Completion (CoC)  
 Other (e.g., any physical alteration or other change of use)

Proposed Date of Change (mm/dd/yyyy):

**IV. Description:** Describe proposed change(s) indicated above and attach maps, drawings, and/or parcel information.

~~The Existing Applicant and the New Owner/New Remedial Party are affiliated entities. The New Owner/~~  
New Remedial Party is assuming all of the Existing Applicant's obligations as a participant (as defined in  
the NYECL) under the Brownfield Cleanup Agreement

If "Other," the description must explain and advise the Department how such change may or may not affect the site's proposed, ongoing, or completed remedial program (attach additional sheets if needed).

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V. **Certification Statement:** Where the change of use results in a change in ownership or in responsibility for the proposed, ongoing, or completed remedial program for the site, the following certification must be completed (by owner or designated representative; see §375-1.11(d)(3)(i)):

I hereby certify that the prospective purchaser and/or remedial party has been provided a copy of any order, agreement, Site Management Plan, or State Assistance Contract regarding the Site's remedial program as well as a copy of all approved remedial work plans and reports.

Name: Tammy M. Gangarosa Dec 20, 2018  
(Signature) (Date)

Tammy M. Gangarosa, VP of Finance  
(Print Name)

Address1: Getinge USA, Inc.  
Address2: 1777 East Henrietta Road, Rochester, New York 14623  
Phone: 585-272-5041 E-mail: tammy.gangarosa@getinge.com

VI. **Contact Information for New Owner, Remedial Party, or CoC Holder:** If the site will be sold or there will be a new remedial party, identify the prospective owner(s) or party(ies) along with contact information. If the site is subject to an Environmental Easement, Deed Restriction, or Site Management Plan requiring periodic certification of institutional controls/engineering controls (IC/ECs), indicate who will be the certifying party (attach additional sheets if needed).

Prospective Owner  Prospective Remedial Party  Prospective Owner Representative

Name: Getinge USA Sales, LLC  
Address1: 1777 East Henrietta Road  
Address2: Rochester, New York 14623  
Phone: 585-272-5041 E-mail: jens.sjoborg@getinge.com

Certifying Party Name: Getinge USA Sales, LLC  
Address1: 1777 East Henrietta Road  
Address2: Rochester, New York 14623  
Phone: 585-272-5041 E-mail: jens.sjoborg@getinge.com

**VII. Agreement to Notify DEC after Transfer:** If Section VI applies, and all or part of the site will be sold, a letter to notify the DEC of the completion of the transfer must be provided. If the current owner is also the holder of the CoC for the site, the CoC should be transferred to the new owner using DEC's form found at <http://www.dec.ny.gov/chemical/54736.html>. This form has its own filing requirements (see 6NYCRR Part 375-1.9(f)).

Signing below indicates that these notices will be provided to the DEC within the specified time frames. If the sale of the site also includes the transfer of a CoC, the DEC agrees to accept the notice given in VII.3 below in satisfaction of the notice required by VII.1 below (which normally must be submitted within 15 days of the sale of the site).

Within 30 days of the sale of the site, I agree to submit to the DEC:

1. the name and contact information for the new owner(s) (see §375-1.11(d)(3)(ii));
2. the name and contact information for any owner representative; and
3. a notice of transfer using the DEC's form found at <http://www.dec.ny.gov/chemical/54736.html> (see §375-1.9(f)).

Name: Tammy M. Gangarosa Dec 20, 2018  
(Signature) (Date)

Tammy M. Gangarosa, VP of Finance  
(Print Name)

Address1: Getinge USA, Inc.  
Address2: 1777 East Henrietta Road, Rochester, New York 14623  
Phone: 585-272-5041 E-mail: tammy.gangarosa@getinge.com





**Phillips Lytle** LLP

Via FedEx

January 8, 2019

**Chief, Site Control Section**

New York State Department of Environmental Conservation  
Division of Environmental Remediation  
625 Broadway  
Albany, NY 12233-7020

Re: Notice of Transfer of Title  
Brownfield Cleanup Program  
**Site Name: 1777 East Henrietta Road**  
**Site Number: C828192**

Enclosed is a Notice of Transfer of Title to the above-referenced site.

Please do not hesitate to contact the undersigned with any questions.

Very truly yours,

Phillips Lytle LLP

By

Robert F. Zogas  
Enclosure

#649066

RECEIVED

JAN 09 2019

Bur. Of Tech. Support

ATTORNEYS AT LAW

ROBERT F. ZOGAS, PARTNER DIRECT 585 238 2007 RZOGAS@PHILLIPSLYTLLE.COM

28 EAST MAIN STREET SUITE 1400 ROCHESTER, NY 14614-1935 PHONE 585 238 2000 FAX 585 232 3141

NEW YORK: ALBANY, BUFFALO, CHAUTAUQUA, GARDEN CITY, NEW YORK, ROCHESTER | WASHINGTON, DC | CANADA: WATERLOO REGION | PHILLIPSLYTLLE.COM

**Chief, Site Control Section**

New York State Department of Environmental Conservation  
Division of Environmental Remediation  
625 Broadway  
Albany, NY 12233-7020

**NOTICE OF TRANSFER OF TITLE**

**Brownfield Cleanup Program**

**Pursuant to 6 NYCRR Part 375-1.9(f)**

1777 East Henrietta Road, C828192

1777 East Henrietta Road, Monroe County, Henrietta NY

**PLEASE TAKE NOTICE**, that 1777 East Henrietta Road (site name) is located at 1777 East Henrietta Road, Monroe County, Henrietta, NY. The Site is bearing DEC site number: C828192 and is more fully described on Schedule A attached hereto (“Site”). The Tax Map Identification Number for the Site is: 162.10-1-1.

**PLEASE TAKE NOTICE**, that a Certificate of Completion for the Site has not been issued as of this date.

**PLEASE TAKE NOTICE**, that on December 27, 2018, Getinge USA, Inc. conveyed title to the Site to Getinge USA Sales, LLC by Deed recorded in Liber 12128 of Deeds at Page 0350.

New Property Owner:  
GETINGE USA SALES, LLC

Address:  
1777 East Henrietta Road  
Rochester, NY 14623-3133

Federal Employer ID Number:  
32-0503354

Representative:  
Jens Sjöborg, Director  
Getinge Real Estate & Facilities  
1777 East Henrietta Road,  
Rochester, NY 14623-3133  
jens.sjoborg@getinge.com

**PLEASE TAKE FURTHER NOTICE**, that Getinge USA Sales, LLC agrees to implement a Department-approved Site Management Plan, and any amendments thereto, and to fully comply with all restrictions and affirmative obligations contained therein as well as in any Environmental Easement for the Site.

WHEREFORE, the undersigned have signed this Notice of Transfer of Title as of January 3, 2019.

Current Applicant:  
GETINGE USA, INC.

By Tammy M. Gangarosa  
Tammy M. Gangarosa  
Vice-President of Finance and Corporate Secretary

Sworn to before me this  
4<sup>th</sup> of January, 2019

Bradford Durham  
Notary Public

BRADFORD DURHAM  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 01DU6326313  
Qualified in Ontario County  
My Commission Expires June 15, 2019

New Property Owner:  
GETINGE USA SALES, LLC

By: Philip Freed  
Philip Freed, Chief Commercial Officer

Sworn to before me this  
7<sup>th</sup> of January, 2019

Janine M. Benigno  
Notary Public

Doc #02-648624.3

JANINE M. BENIGNO  
Notary Public State of New Jersey  
No. 50045509  
Commission Expires September 9, 2021



## SCHEDULE A

### EXHIBIT A

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Henrietta, Monroe County, New York, being parts of Lots five and six in the Third Range of Lots, Township twelve, Range seven, bounded and described as follows:

BEGINNING at a point in the centerline of East Henrietta Road distant southerly three hundred ten and 30/100 feet from the intersection of the center line of East Henrietta Road with the center line of Jefferson Road; thence

1. Northwesterly and forming an interior angle with the center line of East Henrietta Road of one hundred forty-two degrees and fifty-two minutes thirty seconds a distance of two hundred twenty-one and 34/100 feet to a point; thence,
2. Westerly and forming an interior angle with the last course of one hundred twenty-seven degrees thirty-one minutes thirty seconds a distance of six hundred fifty-four and 65/100 feet to a point; thence,
3. Continuing westerly and deflecting to the right fourteen degrees fifty-one minutes thirty seconds a distance of four hundred forty-six and 60/100 feet to a point; thence,
4. Southwesterly and forming an interior angle with the last course of one hundred twelve degrees, thirty-seven minutes thirty seconds a distance of one thousand one hundred feet to a point; thence.
5. Westerly and forming an interior angle with the last course of seventy degrees twenty-two minutes a distance of one thousand four hundred ninety-seven and 6/100 feet to a point; thence.
6. Northwesterly and forming an interior angle with the last course of one hundred nine degrees thirty-three minutes forty-five seconds a distance of four hundred forty-five feet to a point; thence,
7. Easterly deflecting to the right fifty-one degrees thirty-five minutes thirty-five seconds a distance of one hundred ninety-nine and 98/100 feet to a point in the center line of East Henrietta Road; thence,
8. Northerly along the center line of East Henrietta Road and forming an interior angle with the last course of ninety degrees thirty-five minutes forty seconds a distance of six hundred eighty-four and 80/100 feet to the place of beginning.

#### EXCEPTING

- i. All that certain property appropriated by the State of New York on November 20, 1969, shown and described on Map No. 13A-2, Parcel Nos. 27, 23, and 55, filed in the Office of the State Department of Transportation and in the Office of the County Clerk for Monroe County; and
- ii. All that certain property appropriated by the State of New York on April 18, 1978, shown and described on Map No. 719, Parcel Nos. 753 and 754, filed in the Offices of the Department of Transportation and in the Office of the County Clerk for Monroe County; and

Such Parcels being described as follows:

PARCEL NO. 22

BEGINNING at a point in the existing division line between the property of The People of the State of New York, on the east and the property of Sybron Corporation (reputed owner) on the west, at its intersection with the division line between the property of James D. Andrews, Ruth Jane Andrews, Mary Ruth Andrews Swesting and John Bruce Andrews (reputed owners) on the south and property of Sybron Corporation (reputed owner) on the north, said intersection being southeasterly 185.03 feet measured at right angles from station 267+85.96 of the hereinafter described survey base line for Construction of Genesee Expressway (East Henrietta - Rochester, State Highway 494 to Thruway); thence N 82° 16' 46" W 452.75 feet to a point, said point being northwesterly 100.00 feet measured at right angles from base line station 271+37.76; thence N 58° 11' 15" E, 565.34 feet to a point, said point being northwesterly 46.00 feet measured at right angles from base line station 265+75.00; thence N 51° 33' 45" E 167.60 feet to a point in the division line between the property of Southern Oil Company of New York, Inc. (reputed owner) on the east, and the property of Sybron Corporation (reputed owner) on the west, said point being northwesterly 4934 feet measured at right angles from base line station 264+07.44; thence S 20° 56' 31" W, 445.20 feet along the last mentioned division line and the above mentioned division line between the property of The People of the State of New York, on the east and the property of James D. Andrews, Ruth Jane Andrews, Mary Ruth Andrews Swesting and John Bruce Andrews (reputed owners) on the west, to the point of beginning.

PARCEL NO. 23

BEGINNING at a point in the existing westerly highway boundary line of East Henrietta-Rochester State Highway 494 at its intersection with the division line between the property of Southern Oil Company of New York, Inc. (reputed owner) on the south and the property of Sybron Corporation (reputed owner) on the north, said intersection being southeasterly 34.11 feet measured at right angles from station 262+54.09 of the hereinafter described survey base line for the Construction of Genesee Expressway (East Henrietta-Rochester State Highway 494 to Thruway); thence S 72° 32' 17" W, 166.71 feet along the above mentioned division line to a point, said point being northwesterly 49.34 feet measured at right angles from base line station 264+07.44; thence N 28° 33' 09" E, 205.60 feet to a point said point being northwesterly 97.30 feet measured at right angles from base line station 261+95.96; thence N 16° 57' 58" W, 234.82 feet to a point, said point being northwesterly 296.12 feet measured at right angles from base line station 261+71.02; thence N 73° 02' 02" E 20.00 feet to a point in the above mentioned highway boundary line, said point being northwesterly 285.47 feet measured at right angles from base line station 260+54.28; thence S 16° 57' 58" E, 377.44 feet along said highway boundary line to the point of beginning.

PARCEL NO. 55

BEGINNING at a point in the existing westerly highway boundary line of East Henrietta-Rochester State Highway 494, said point being northwesterly 592.56 feet measured at right angles from station 258+61.10 of the hereinafter described survey base line for the Construction of Genesee Expressway (East Henrietta-Rochester State Highway 494 to Thruway); thence S 16° 57' 58" E 362.69 feet along the above mentioned highway boundary line to a point, said point being northwesterly 285.47 feet measured at right angles from base line station 260+54.28; thence S 73° 02' 02" W 20.00 feet to a point, said point being northwesterly 296.12 feet measured at right angles from base line station 260+71.02; thence N 16° 57' 58" W 388.97 feet to a point in the above mentioned highway boundary line, said point being northwesterly 625.46 feet measured at right angles from base line station 258+64.08; thence S 54° 17' 12" E, 33.04 feet continuing along said highway boundary line to the point of beginning.

The above mentioned base lines for Parcels 22, 23 and 55 is a portion of the survey base line for the Construction of Genesee Expressway (East Henrietta-Rochester State Highway No. 494 to Thruway) as shown on a map and plan on file in the office of the State Department of Transportation and described as follows:

BEGINNING at B-B P.I. Station 251+67.28; thence S 40° 53' 22" W, 1,214.35 feet to B-11 Station P.I. 263+82.63; thence S 52° 42' 33" W, 827.05 feet to B-13 Station P.I. 272+09.68.

PARCEL NO. 751

BEGINNING at a point in the existing westerly highway boundary line of East Henrietta-Rochester State Highway 494, said point being northwesterly 296.12 feet measured at right angles from station 260+71.02 of the hereinafter described survey base line for the Construction of Interstate Route 509 (390) Genesee Expressway, Section 13 (East Henrietta-Rochester E.H. 494 to Thruway); thence S 16° 57' 58" E 234.82 feet along said highway boundary line to its intersection with the existing northwesterly highway boundary line of Interstate Route 509 (390) Genesee Expressway, Section 13 (East Henrietta-Rochester E.H. 494 to Thruway) said intersection being northwesterly 97.30 feet measured at right angles from base line station 261+95.96; thence S 20° 33' 09" W 39.02 feet along the last mentioned highway boundary line to a point, said point being northwesterly 88.96 feet measured at right angles from base line station 262+34.08; thence through the property of Sybron Corporation (reputed owner) the following (3) courses and distances:



1. N 01° 01' 21" W 65.01 feet to a point, said point being northwesterly 132.40 feet measured at right angles from baseline station 261+85.77; thence,
2. N 16° 57' 58" W 199.64 feet to a point, said point being northwesterly 301.44 feet measured at right angles from base line station 260+79.55; thence,
3. N 73° 02' 02" E 10.0 feet to the point of beginning.

PARCEL NO. 754

BEGINNING at a point in the existing highway boundary line of East Henrietta-Rochester State Highway 494, said point being northwesterly 296.12 feet measured at right angles from station 260+71.08 of the hereinafter described survey base line for the Construction of Interstate Route 509 (390) Genesee Expressway, Section 13 (East Henrietta-Rochester, S.H. 494 to Thruway); thence through the property of Sybron Corporation (reputed owner) to the following (3) courses and distances:

1. S 73° 02' 02" W, 10.0 feet to a point, said point being northwesterly 301.44 feet measured at right angles from baseline station 260+9.55; thence
2. N 16° 57' 58" W, 198.03 feet to a point, said point being northwesterly 469.11 feet measured at right angles from baseline station 259+74.19; thence
3. N 73° 02' 02" E, 10.0 feet to a point in the above mentioned highway boundary line, said point being northwesterly 463.79 feet measured at right angles from baseline station 259+68.72; thence S 16° 57' 58" E 198.03 feet along said highway boundary line to the point of beginning.

The above mentioned base line for Parcels 753 and 754 is a portion of the survey base line for the Construction of Interstate Route 509 (390) Genesee Expressway, Section 13, (East Henrietta-Rochester S.H. 494 to Thruway) as shown on a map and plan on file in the Office of the State Department of Transportation and described as follows:

BEGINNING at B-2, Station P.I. 251+67.28; thence S 40° 53' 22" W to B-11, Station P.I. 263+82.63.



THE ABOVE PREMISES IS MORE RECENTLY DESCRIBED AS FOLLOWS:

ALL THAT TRACT OR PARCEL OF LAND, BEING PART OF LOTS 5 AND 6 IN THE THIRD RANGE OF LOTS, TOWNSHIP 12, RANGE 7 AND SITUATE IN THE TOWN OF HENRIETTA, COUNTY OF MONROE AND STATE OF NEW YORK, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHWESTERLY BOUNDARY OF INTERSTATE ROUTE 390 AT ITS INTERSECTION WITH THE DIVIDING LINE BETWEEN LANDS NOW OR FORMERLY OWNED BY GETINGE USA INC. (L. 7384; P. 323) ON THE NORTH AND LANDS NOW OR FORMERLY OWNED BY CARL J. MONTANTE (L. 7745, P. 240) ON THE SOUTH;

THENCE N 88° 44' 42" W, ALONG SAID DIVIDING LINE, A DISTANCE OF 1054.79' TO A POINT ON A CORNER OF SAID LANDS NOW OR FORMERLY OWNED BY MONTANTE;

THENCE N 20° 53' 03" E, ALONG THE EASTERLY BOUNDARY OF SAID LANDS NOW OR FORMERLY OWNED BY MONTANTE, ALONG THE EASTERLY BOUNDARY OF LANDS NOW OR FORMERLY OWNED BY GORDON & IRENE HALL (L. 5751 P. 170) AND ALONG THE EASTERLY BOUNDARY OF LANDS NOW OR FORMERLY OWNED BY LINDA W. STABONS (L. 9461 P. 47), A DISTANCE OF 1100.75' TO A POINT ON THE SOUTHERLY BOUNDARY OF LANDS NOW OR FORMERLY OWNED BY GENESEE VALLEY REGIONAL MARKET AUTHORITY;

THENCE N 88° 21' 18" E, ALONG SAID SOUTHERLY BOUNDARY OF GENESEE VALLEY REGIONAL MARKET AUTHORITY, A DISTANCE OF 446.39' TO AN IRON PIN;

THENCE N 73° 24' 21" E, CONTINUING ALONG THE SOUTHERLY BOUNDARY OF GENESEE VALLEY REGIONAL MARKET AUTHORITY, A DISTANCE OF 653.34' TO A POINT;

THENCE S 54° 23' 22" E, A DISTANCE OF 132.42' TO A POINT ON THE WESTERLY BOUNDARY OF N.Y.S. ROUTE 15A, EAST HENRIETTA ROAD;

THENCE THE FOLLOWING FIVE (5) COURSES AND DISTANCES ALONG SAID WESTERLY BOUNDARY OF N.Y.S. ROUTE 15A, EAST HENRIETTA ROAD;

1. S 17° 04' 00" E, A DISTANCE OF 190.94' TO A POINT;
2. S 72° 56' 00" W, A DISTANCE OF 10.00' TO A POINT;
3. S 17° 04' 00" E, A DISTANCE OF 397.67' TO A POINT;
4. S 01° 07' 23" E, A DISTANCE OF 65.01' TO A POINT;
5. S 28° 27' 01" W, A DISTANCE OF 167.12' TO A POINT ON THE FIRST ABOVE MENTIONED NORTHWESTERLY BOUNDARY OF INTERSTATE ROUTE 390;

THENCE S 51° 32' 16" W, ALONG SAID NORTHWESTERLY BOUNDARY OF INTERSTATE ROUTE 390, A DISTANCE OF 167.93' TO A POINT;

THENCE S 58° 13' 48" W, CONTINUING ALONG SAID NORTHWESTERLY BOUNDARY OF INTERSTATE ROUTE 390, A DISTANCE OF 554.25' TO THE POINT OF BEGINNING.

PURSUANT TO A SURVEY MAP PREPARED BY PASSERO ASSOCIATES LAST REVISED 12-5-18.

TOGETHER WITH AN ACCESS EASEMENT AGREEMENT BENEFITING THE PREMISES MADE BY GENESEE VALLEY REGIONAL MARKET AUTHORITY TO GETINGE USA, INC., DATED JUNE 19, 2015 AND RECORDED JUNE 23, 2015 IN THE MONROE COUNTY CLERK'S OFFICE IN BOOK 11550 OF DEEDS AT PAGE 675.