

Darrell Klute, County Clerk  
303 Court St  
Little Valley, NY 14755  
(716) 938-2293

## Cattaraugus County Clerk Recording Cover Sheet

Received From :  
351 FRANKLIN ST LLC  
130 S UNION ST  
SUITE 300

Return To :  
351 FRANKLIN ST LLC  
130 S UNION ST  
SUITE 300

Method Returned : IN OFFICE

**First PARTY 1**

351 FRANKLIN STREET LLC

**First PARTY 2**

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Index Type : Deeds

Inst Number : 202500243

Book : Page :

Type of Instrument : Miscellaneous Deed

Recording Fee: \$75.00

Recording Pages : 7

### Recorded Information

State of New York

County of Cattaraugus

I hereby certify that the within and foregoing was  
recorded in the Clerk's office for Cattaraugus  
County, New York

On (Recorded Date) : 01/07/2025

At (Recorded Time) : 1:05:55 PM



Doc ID - 015238450007

Darrell Klute, County Clerk



**NOTICE OF CERTIFICATE OF COMPLETION**  
**Brownfield Cleanup Program**  
**6 NYCRR Part 375-1.9(d)**

351 Franklin Street Site, Site ID No. C905047  
351 Franklin Street, Olean, NY, 14760  
City of Olean, Cattaraugus County, Tax Map Identification Number: p/o 94.040-1-29.1

**PLEASE TAKE NOTICE**, the New York State Department of Environmental Conservation (NYSDEC) has issued a Certificate of Completion (Certificate) pursuant to Article 27, Title 14 of the New York State Environmental Conservation Law (ECL) to 351 Franklin Street LLC for a parcel approximately 6.35 acres located at 351 Franklin Street in Olean, Cattaraugus County.

**PLEASE TAKE NOTICE**, the Certificate was issued upon satisfaction of the Commissioner, following review by NYSDEC 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.

**PLEASE TAKE NOTICE**, 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):

- ☐ Unrestricted Use, as set forth in 6 NYCRR 375-1.8(g)(1)i
- ☐ Residential Use, as set forth in 6 NYCRR 375-1.8(g)(2)i.
- ☐ Restricted Residential Use, as set forth in 6 NYCRR 375-1.8(g)(2)ii.
- ☒ Commercial Use, as set forth in 6 NYCRR 375-1.8(g)(2)iii.
- ☒ Industrial Use, as set forth in 6 NYCRR 375-1.8(g)(2)iv.

Further, the use of groundwater is restricted and may not be used, unless treated in accordance with the requirements provided by the New York State Department of Health, or a local County Health Department with jurisdiction in such matters and such is approved by NYSDEC as not inconsistent with the remedy.

**PLEASE TAKE NOTICE**, the remedial program relies upon use restrictions or 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 Cattaraugus County as Instrument No. 202409404.

**PLEASE TAKE NOTICE**, the Environmental Easement requires that the approved Site Management Plan (SMP) for this property be adhered to. The SMP, which may be amended from time to time, may include sampling, monitoring, and/or operating a treatment system on the property, providing certified reports to the NYSDEC, and generally provides for the management of any and all plans and limitations on the property. A copy of the SMP is available upon request by writing to NYSDEC's Division of Environmental Remediation, Site Control Section, 625 Broadway, Albany, New York 12233.

**PLEASE TAKE NOTICE**, provided that the Environmental Easement, SMP and Certificate are complied with, 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.

351 Franklin Street Site, Site ID No. C905047  
351 Franklin Street, Olean, NY, 14760

**PLEASE TAKE NOTICE**, any change of use of the site, as defined in 6 NYCRR 375, must be preceded by notice to NYSDEC in accordance with 6 NYCRR 375-1.11(d). A transfer of any or all of the property constitutes a change of use.

**PLEASE TAKE NOTICE**, the Certificate may be revoked if the Environmental Easement as implemented, if applicable, is not protective or enforceable.

**PLEASE TAKE NOTICE**, the Certificate may entitle the Certificate holder(s) to tax credits in accordance with Tax Law Sections 21, 22 and 23.

**PLEASE TAKE NOTICE**, the Certificate may only 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 6 NYCRR Part 375-1.9. Failure to comply with the regulatory requirements for transfer **WILL** bar the successors and assigns from the benefits of the Certificate.

**PLEASE TAKE NOTICE**, the Certificate may be modified or revoked by the Commissioner as set forth in the applicable regulations.

**PLEASE TAKE NOTICE**, a copy of the Certificate can be reviewed at the NYSDEC's Region 9 Office located at 700 Delaware Avenue, Buffalo, NY 14209, by contacting the Regional Environmental Remediation Engineer, or at <https://www.dec.ny.gov/data/DecDocs/C905047>.

**WHEREFORE**, the undersigned has signed this Notice of Certificate.

351 Franklin Street LLC

By: R. Donald Benson

Title: Managing Member

Date: JAN 6, 2025

STATE OF NEW YORK ) SS:  
COUNTY OF )

On the 6 day of January, in the year 2025, before me, the undersigned, personally appeared R. Donald Benson, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Holly A. Yates, Notary

Signature and Office of individual  
taking acknowledgment

**Please record and return to:**

351 Franklin Street LLC  
130 South Union Street, Suite 300  
Olean, NY 14760

**HOLLY A YATES**  
Notary Public, State of New York  
Commission Number # 01YA6018322  
Qualified in Allegany County  
Commission Expires Jan. 11, 2027

**Exhibit A**  
**Site Description**

**SCHEDULE "A" PROPERTY DESCRIPTION**

**Easement Description**

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Olean, Cattaraugus County, State of New York, being part of Lot 4, Section 5, Township 2, Range 4 of the Holland Land Company's Survey, also being a portion of Blocks 65 and 66 of the Olean Depot Plat, according to a map by Joseph Mann, Esq., in 1853, a copy of which is on file in the Cattaraugus County Clerk's Office, bounded and described as follows:

BEGINNING at a point 49.76' south of the intersection of the centerline of Franklin Street with the west bounds of Lot 4, Section 5, thence through the lands of 351 Franklin Street LLC N 56-33-55 E, a distance of 251.47' to a point; thence N 57-35-05 E, a distance of 422.35' to a point, thence S 32-47-48 E along the southwest bounds of lands now or formerly of DST Properties NY LLC, a distance of 351.40' to a pin found, thence S 57-22-12 W along the north bounds of lands now or formerly of Southern Tier Rail Authority, a distance of 899.76' to a capped rebar set, thence N 00-08-29 E along the west bounds of Lot 4, Section 5 (which is the east bounds of lands now or formerly of Nipperland Properties, LLC) a distance of 415.60' to the point of beginning;

Contains 6.35 acres of land.

**Deed Description**

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Olean, Cattaraugus County, State of New York, being part of Lot 4, Section 5, Township 2, Range 4 of the Holland Land Company's Survey, also being a portion of Blocks 65 and 66 of the Olean Depot Plat, according to a map by Joseph Mann, Esq., in 1853, a copy of which is on file in the Cattaraugus County Clerk's Office, bounded and described as follows:

BEGINNING at the intersection of the centerline of Franklin Street with the west bounds of Lot 4, Section 5, thence along said centerline of Franklin Street on a curve to the left having a radius of 93.20 an arc distance of 63.47', a chord of N 73-17-12 E, 62.25' to a point; thence N 56-33-17 E, a distance of 163.37' to a point; thence N 57-35-03 E, a distance of 422.63' to a point, thence S 32-47-48 E along the southwest bounds of lands now or formerly of DST Properties NY LLC, a distance of 376.40' to a pin found, thence S 57-22-12 W along the north bounds of lands now or formerly of Southern Tier Rail Authority, a distance of 899.76' to a capped rebar set, thence N 00-08-29 E along the west bounds of Lot 4, Section 5 (which is the east bounds of lands now or formerly of Nipperland Properties, LLC) a distance of 467.07' to the point of beginning;

Contains 6.74 acres of land.

**Exhibit B**  
**Site Survey**



