



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

- [x] 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.
[x] Other (explain in detail below)

Please provide a brief narrative on the nature of the amendment: This Brownfield Cleanup Program ("BCP") Application to Amend Brownfield Cleanup Agreement and Amendment (the "Amendment Application") modifies the description of and reduces the property boundary of the existing Brownfield Site Cleanup Agreement for BCP Site C915197B (the "Site"). This Amendment Application removes approximately 0.75 acres of real property from the Site. Note that the 0.75 acres of real property removed from the Site will be added to BCP Site No. C915197L, and that the addition of the 0.75 acres to BCP Site No. C915197L will be the subject of a separate and contemporaneous Amendment Application to BCP Site No. C915197L. Attachment A contains the revised metes and bounds description for the Site. Attachment B contains the new survey for the Site, showing the metes and bounds of the Site, as hereby amended.

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

Section I. Existing Agreement Information			
BCP SITE NAME: Site I-2 Tecumseh Phase I Business Park BCP SITE NUMBER: C915197B			
NAME OF CURRENT APPLICANT(S): Tecumseh Redevelopment, Inc. and Buffalo and Erie County Industrial Land Development Corporation			
INDEX NUMBER OF EXISTING AGREEMENT: B9-0696-05-06(A) DATE OF EXISTING AGREEMENT: 04/18/18			
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 2303 Hamburg Turnpike

CITY/TOWN Lackawanna

ZIP CODE 14218

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

Parcel Address	Parcel No.	Section No.	Block No.	Lot No.	Acreage
A portion of 2303 Hamburg Turnpike		141.11	1	48.1	6.23+/-

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: 0.75+/-

PARCELS REMOVED:

Parcel Address	Parcel No.	Section No.	Block No.	Lot No.	Acreage
A portion of 2303 Hamburg Turnpike		141.11	1	48.1	0.75+/-

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.

* Attachment A contains a new metes and bounds description of the Site, reflecting the new description of the Site as amended by the removal of a 0.75+/- acre parcel of real property, resulting in a new acreage amount for the Site of 5.48+/- acres.

** Attachment B contains a survey showing the entire new boundary of the Site, as hereby amended.

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. Yes No

Requestor seeks a determination that the site is eligible for the tangible property credit component of the brownfield redevelopment tax credit. Yes 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. Yes No

2. Is the property upside down as defined below? Yes No

From ECL 27-1405(31):

"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.

3. Is the project an affordable housing project as defined below? Yes No

From 6 NYCRR 375- 3.2(a) as of August 12, 2016:

(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.

(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.

(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.

(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.

PART II. BROWNFIELD CLEANUP PROGRAM AMENDMENT

Existing Agreement Information	
BCP SITE NAME: Site I-2 Tecumseh Phase I Business Park	BCP SITE NUMBER: C915197B
NAME OF CURRENT APPLICANT(S): Tecumseh Redevelopment, Inc. and Buffalo and Erie County Industrial Land Development Corporation	
INDEX NUMBER OF EXISTING AGREEMENT: B9-0696-05-06(A)	
EFFECTIVE DATE OF EXISTING AGREEMENT: April 18, 2018	

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)
(Individual) 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. Date: _____ Signature: _____ Print Name: _____
(Entity) 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. _____ 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: _____

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 Executive Vice President (title) of Buffalo and Erie County Industrial Land Development Corporation (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. My _____ signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

Date: Jan 14, 19 Signature: John Cappellino

Print Name: John Cappellino

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 checked="" 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: 12/12/05

Signature by the Department:

DATED: 2/14/19

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

By: Michael J. Ryan
Michael J. Ryan, P.E., Director
Division of Environmental Remediation

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 Vice President Environmental Affairs & Real Estate (title) of Tecumseh Redevelopment, 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. My signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

Date: 12/4/2018 Signature: Keith Nagel

Print Name: Keith Nagel

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 checked="" 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: 12/12/05

Signature by the Department:

DATED: 2/14/19

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

By: [Signature]
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

FOR DEPARTMENT USE ONLY

BCP SITE T&A CODE: _____ **LEAD OFFICE:** _____

PROJECT MANAGER: _____

ATTACHMENT A

See Attached

RETAINED LAND
BCP SITE NO. C915197B
PARCEL I-2

ALL THAT TRACT OF PARCEL OF LAND, SITUATE IN THE CITY OF LACKAWANNA COUNTY OF ERIE, STATE OF NEW YORK, BEING PART OF LOT 21 OF THE OGDEN GORE TRACT, BEING BCP SITE NUMBER C915197B, AS SHOWN ON A MAP OF "BUSINESS PARK PHASE I"; PREPARED BY WENDEL. JUNE 2012 PROJECT NUMBER 411107, BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT IN THE WESTERLY HIGHWAY BOUNDARY OF THE HAMBURG TURNPIKE (ALSO KNOWN AS STATE ROUTE NO. 5), AS APPROPRIATED BY NEW YORK STATE DEPARTMENT OF PUBLIC WORKS MAP 40-R2, PARCEL 44, RECORDED IN THE ERIE COUNTY CLERK'S OFFICE IN LIBER 5650 OF DEEDS AT PAGE 388, BEING 3126.22 FEET SOUTH OF THE DIVISION LINE BETWEEN LANDS CONVEYED TO TECUMSEH REDEVELOPMENT INC. RECORDED IN THE ERIE COUNTY CLERK'S OFFICE IN USER 11040 OF DEEDS AT PAGE 8953 ON THE SOUTH, AND LANDS CONVEYED TO GATEWAY TRADE CENTER, INC. RECORDED IN THE ERIE COUNTY CLERK'S OFFICE IN UBER 10886 OF DEEDS AT PAGE 1115 ON THE NORTH, MEASURED ALONG SAID WESTERLY HIGHWAY BOUNDARY OF THE HAMBURG TURNPIKE;

THENCE ALONG THE SOUTH LINE OF BCP SITE NUMBER C915197D, S 51° 38' 54" W A DISTANCE OF 41.96 FEET TO A POINT;

THENCE CONTINUING ALONG THE SOUTH LINE OF BCP SITE NUMBER C915197D, S 52 °-04'-46" W, A DISTANCE OF 10.91 FEET TO THE POINT OF BEGINNING, ALSO BEING A POINT ON THE WEST LINE OF A PERMANENT EASEMENT CONVEYED TO THE COUNTY OF ERIE BY DEED RECORDED IN THE ERIE COUNTY CLERK'S OFFICE IN LIBER 11318 OF DEEDS AT PAGE 6658;

THENCE SOUTHERLY ALONG THE WEST LINE OF SAID PERMANENT EASEMENT, THE FOLLOWING 2 COURSES AND DISTANCES:

1. S 17°-56'-19° E (*S 17° 56' 46" W DEED*) A DISTANCE OF 276.33 FEET TO A POINT;
2. S 20°-10' -40" E A DISTANCE OF 347.88 FEET TO A POINT ON THE SOUTH LINE OF SAID BUSINESS PARK PHASE I;

THENCE ALONG THE SOUTH LINE OF SAID BUSINESS PARK PHASE I, S 71°-31'-33" W, A DISTANCE OF 448.89 FEET TO THE SOUTHEAST CORNER OF THE BCP SITE NUMBER C915197;

THENCE ALONG THE EASTERLY LINE OF BCP SITE NUMBER C915197, N 20°-13'-05" W, A DISTANCE OF 258.87 FEET TO A POINT;

THENCE CONTINUING ALONG THE EASTERLY LINE OF BCP SITE NUMBER C915197, N 18°-49'-51" W, A DISTANCE OF 194.50 FEET TO A POINT IN THE APPROXIMATE CENTERLINE OF A ROAD, ALSO BEING THE SOUTHWEST CORNER OF BCP SITE NUMBER C915197D;

THENCE ALONG THE APPROXIMATE CENTERLINE OF A SAID ROAD AND THE SOUTHERLY LINE OF SAID BCP SITE NUMBER C915197D THE FOLLOWING 5 COURSES AND DISTANCES:

1. N 60°-48'-58" E, A DISTANCE OF 89.70 FEET TO A POINT;
2. N 47°-56'-56" E, A DISTANCE OF 145.74 FEET TO A POINT;
3. N 46°-50'-02" E, A DISTANCE OF 156.41 FEET TO A POINT;
4. N 52°-04'-16" E A DISTANCE OF 56.19 FEET TO A POINT;
5. N 52°-04'-46" E, A DISTANCE OF 35.43 FEET TO THE POINT OF BEGINNING;

CONTAINING 5.48 ACRES OF LAND, MORE OR LESS.

ATTACHMENT B

See Attached

NOTES:
 -ONLY COPIES FROM THE ORIGINAL OF THIS SURVEY MAP MARKED WITH THE SIGNATURE AND AN ORIGINAL OF THE LAND SURVEYOR'S SEAL SHALL BE CONSIDERED TO BE VALID TRUE COPIES.

-UNAUTHORIZED ALTERATION OR ADDITION TO ANY SURVEY DRAWING, DESIGN, SPECIFICATION, PLAN OR REPORT IS A VIOLATION OF SECTION 7209, PROVISION 2 OF THE NEW YORK STATE EDUCATION LAW.

THIS PROPERTY IS SUBJECT TO AN ENVIRONMENTAL 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.

ENVIRONMENTAL EASEMENT AREA ACCESS

THE DEC OR THEIR AGENT MAY ACCESS THE ENVIRONMENTAL EASEMENT AREA AS SHOWN HEREON THROUGH ANY EXISTING STREET ACCESS OR BUILDING INGRESS/EGRESS ACCESS POINT

ENVIRONMENTAL EASEMENT FOR PART OF BCP SITE No. C915197B

ALL THAT TRACT OF PARCEL OF LAND, SITUATE IN THE CITY OF LACKAWANNA, COUNTY OF ERIE, STATE OF NEW YORK, BEING PART OF LOT 21 OF THE OGDEN CORE TRACT, BEING BCP SITE NUMBER C915197B, AS SHOWN ON A MAP OF "BUSINESS PARK PHASE I", PREPARED BY WENDEL, JUNE 2012, PROJECT NUMBER 411107, BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT IN THE WESTERLY HIGHWAY BOUNDARY OF THE HAMBURG TURNPIKE (ALSO KNOWN AS STATE ROUTE NO. 5), AS APPROPRIATED BY NEW YORK STATE DEPARTMENT OF PUBLIC WORKS MAP 40-02, PARCEL 44, RECORDED IN THE ERIE COUNTY CLERK'S OFFICE IN LIBER 5650 OF DEEDS AT PAGE 308, BEING 3126.22 FEET SOUTH OF THE DIVISION LINE BETWEEN LANDS CONVEYED TO TEGUMSEH REDEVELOPMENT INC. RECORDED IN THE ERIE COUNTY CLERK'S OFFICE IN LIBER 11040 OF DEEDS AT PAGE 8953 ON THE SOUTH, AND LANDS CONVEYED TO GATEWAY TRADE CENTER, INC. RECORDED IN THE ERIE COUNTY CLERK'S OFFICE IN LIBER 10896 OF DEEDS AT PAGE 1115 ON THE NORTH, MEASURED ALONG SAID WESTERLY HIGHWAY BOUNDARY OF THE HAMBURG TURNPIKE;

THENCE ALONG THE SOUTH LINE OF BCP SITE NUMBER C915197D, S 51°-38'-54" W A DISTANCE OF 41.86 FEET TO A POINT;

THENCE CONTINUING ALONG THE SOUTH LINE OF BCP SITE NUMBER C915197D, S 32°-04'-48" W, A DISTANCE OF 10.91 FEET TO THE POINT OF BEGINNING, ALSO BEING A POINT ON THE WEST LINE OF A PERMANENT EASEMENT CONVEYED TO THE COUNTY OF ERIE, BY DEED RECORDED IN THE ERIE COUNTY CLERK'S OFFICE IN LIBER 11318 OF DEEDS AT PAGE 6658;

THENCE SOUTHERLY ALONG THE WEST LINE OF SAID PERMANENT EASEMENT, THE FOLLOWING 2 COURSES AND DISTANCES:

1. S 17°-58'-19" E, A DISTANCE OF 278.33 FEET TO A POINT;
2. S 20°-10'-40" E, A DISTANCE OF 347.88 FEET TO THE A POINT ON THE SOUTH LINE OF SAID BUSINESS PARK PHASE I;

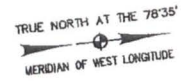
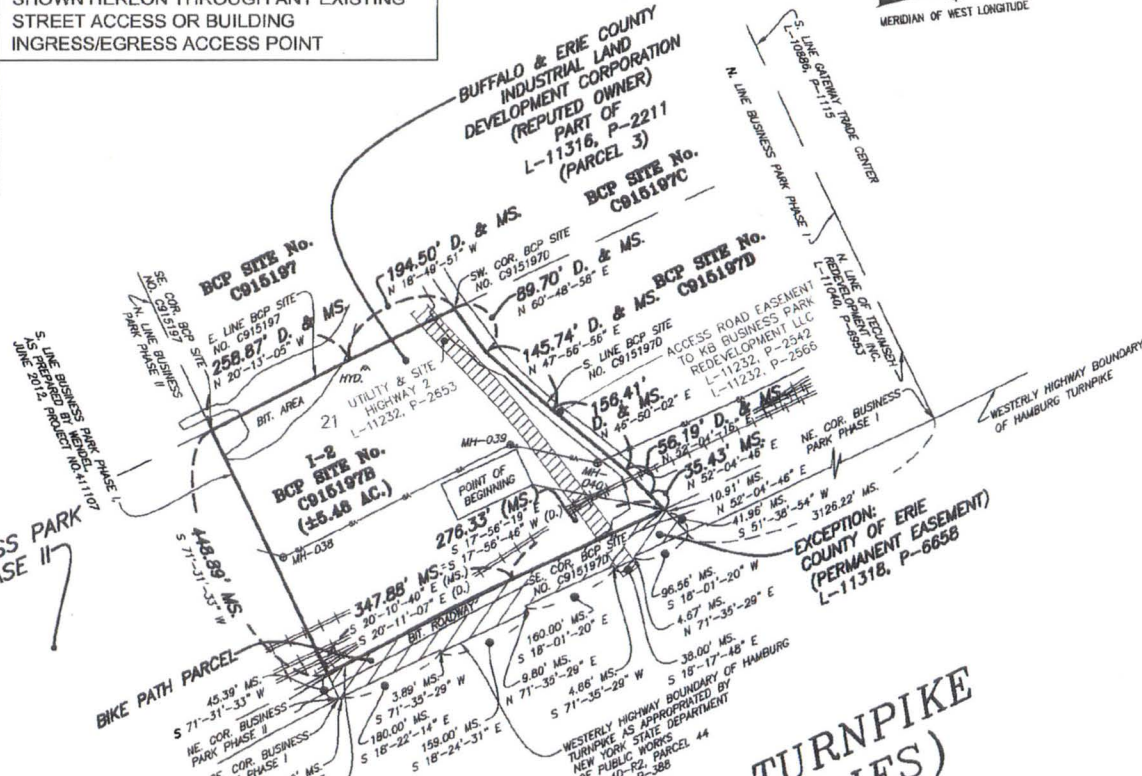
THENCE ALONG THE SOUTH LINE OF SAID BUSINESS PARK PHASE I, S 71°-31'-33" W, A DISTANCE OF 448.89 FEET TO THE SOUTHEAST CORNER OF THE BCP SITE NUMBER C915197;

THENCE ALONG THE EASTERLY LINE OF BCP SITE NUMBER C915197, N 20°-13'-05" W, A DISTANCE OF 258.87 FEET TO A POINT;

THENCE CONTINUING ALONG THE EASTERLY LINE OF BCP SITE NUMBER C915197, N 18°-49'-51" W, A DISTANCE OF 194.50 FEET TO A POINT IN THE APPROXIMATE CENTERLINE OF A ROAD, ALSO BEING THE SOUTHWEST CORNER OF BCP SITE NUMBER C915197D;

THENCE ALONG THE APPROXIMATE CENTERLINE OF A SAID ROAD AND THE SOUTHERLY LINE OF SAID BCP SITE NUMBER C915197D THE FOLLOWING 5

1. N 60°-48'-58" E, A DISTANCE OF 89.70 FEET TO A POINT;
2. N 47°-58'-56" E, A DISTANCE OF 145.74 FEET TO A POINT;
3. N 48°-50'-02" E, A DISTANCE OF 158.41 FEET TO A POINT;
4. N 52°-04'-48" E, A DISTANCE OF 58.19 FEET TO A POINT;
5. N 52°-04'-48" E, A DISTANCE OF 35.43 FEET TO THE POINT OF BEGINNING, CONTAINING 3.48 ACRES OF LAND, MORE OR LESS.



BUSINESS PARK PHASE II

HAMBURG TURNPIKE (WIDTH VARIES)
 (ALSO KNOWN AS STATE ROUTE No. 5)

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 THE NYS DEPARTMENT OF ENVIRONMENTAL CONSERVATION, DIVISION OF ENVIRONMENTAL REMEDIATION, SITE CONTROL SECTION, 625 BROADWAY, ALBANY, NY 12233 OR AT DERWEB@GW.DEC.STATE.NY.US.

WENDEL PROJECT NUMBER: 2832-13
 DRAWING NAME: PH1-2 C915197B.DWG

SEE ENVIRONMENTAL EASEMENT SURVEY DATED MAY 2014, TITLE NO. 1313-25072 (AMENDED), FOR THE LOCATION OF SUBJECT PROPERTY WITHIN THE CONTROLLED SITE.



REVISED 11/06/2018; NEW TAX MAP PARCEL NO.

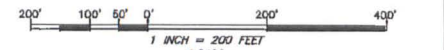
ALTERATION OF THIS DOCUMENT, EXCEPT BY A LICENSED LAND SURVEYOR, IS ILLEGAL



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
 PREPARED BY THE CONSULTANT
 Centerpointe Corporate Park * 375 Essay Road, Suite 200
 Williamsville, New York 14221
 PHONE: 716.889.3768 FAX: 716.835.8825
 WEBSITE: www.wendelcompanies.com
 Wendel WD Architecture, Engineering, Surveying and
 Landscape Architecture P.C.

MAP OF LANDS OF
 BCA BOUNDARIES & PLANNED SUB-PARCELS BROWNFIELD CLEAN-UP PROGRAM
 IN BUSINESS PARK PHASE I

THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
 BEING PART OF LOT 21 OF THE OGDEN CORE TRACT
 CITY OF LACKAWANNA, COUNTY OF ERIE, STATE OF NEW YORK
 TAX MAP NO.: PART OF 141.11-1-43.13



I HEREBY CERTIFY THAT THIS IS AN ACCURATE SURVEY MAP PREPARED UNDER MY DIRECTION FROM AN ACTUAL SURVEY, PERFORMED IN ACCORDANCE TO THE STANDARDS AND PROCEDURES ADOPTED BY THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION, MARCH 2018.
 FIELD SURVEY COMPLETED APRIL 2017.
 11/6/18

CHRISTOPHER J. SCOTT, LAND SURVEYOR #050708 DATE: 11/6/18