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May 24, 2022

VIA FEDERAL EXPRESS

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

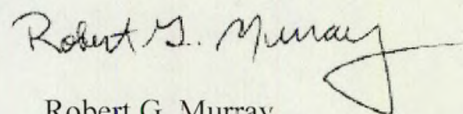
RE: **Brownfield Cleanup Program Application to Amend
Tecumseh Phase II Business Park Site II-II
BCP Site C915198K**

Dear Sir/Madam:

Enclosed please find the Brownfield Cleanup Program Application to Amend Brownfield Cleanup Agreement and Amendment regarding Tecumseh Phase II Business Park Site II-11, BCP C915198K, and specifically (i) the addition of The Uniland Partnership of Delaware L.P to the Brownfield Cleanup Agreement, (ii) reducing the acreage of Site II-11 and (iii) disclosing a newly assigned Tax Parcel/SBL Number for land which includes Site II-11.

Please feel free to contact me if you require additional information. Thank you for your attention to this matter.

Very truly yours



Robert G. Murray

RGM/kd
Enclosure



Department of
Environmental
Conservation

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

PART I. BROWNFIELD CLEANUP AGREEMENT AMENDMENT APPLICATION

1. Check the appropriate box(es) below based on the nature of the amendment modification requested:

☒ Amendment to modify the existing BCA: [check one or more boxes below]

- ☒ Add applicant(s)
- ☐ Substitute applicant(s)
- ☐ Remove applicant(s)
- ☐ Change in Name of applicant(s)

☐ Amendment to reflect a transfer of title to all or part of the brownfield site

1a. A copy of the recorded deed must be provided. Is this attached? ☐ Yes ☐ No

1b. ☐ Change in ownership ☐ Additional owner (such as a beneficial owner)

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)

2. Required: Please provide a brief narrative on the nature of the amendment:

SEE ATTACHED ADDENDUM.

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

Submission of a full BCP application will be required should this application be determined to be a major amendment. If the amendment involves more than an insignificant change in acreage, applicants are encouraged to consult with the DEC project team prior to submitting this application.

| | | |
|--|------------------|-------------------------------------|
| Section I. Current Agreement Information | | |
| BCP SITE NAME: Site II-11 Tecumseh Phase II Business Park BCP SITE NUMBER: C915198K | | |
| NAME OF CURRENT APPLICANT(S): Tecumseh Redevelopment Inc. and Buffalo and Erie County Industrial Land Development Corporation | | |
| INDEX NUMBER OF AGREEMENT: B9-0696-05-06(B) DATE OF ORIGINAL AGREEMENT: 03/14/2007 | | |
| Section II. New Requestor Information (complete only if adding new requestor or name has changed) | | |
| NAME The Uniland Partnership of Delaware L.P. | | |
| ADDRESS 100 Corporate Parkway, Suite 500 | | |
| CITY/TOWN Amherst, New York | | ZIP CODE 14226 |
| PHONE 716-834-5000 | FAX 716-834-5034 | E-MAIL MMontante@uniland.com |
| 1. Is the requestor authorized to conduct business in New York State (NYS)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No • 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. See Schedule C | | |
| NAME OF NEW REQUESTOR'S REPRESENTATIVE Michael Montante | | |
| ADDRESS 100 Corporate Parkway, Suite 500 | | |
| CITY/TOWN Amherst, New York | | ZIP CODE 14226 |
| PHONE 716-834-5000 | FAX 716-834-5034 | E-MAIL MMontante@uniland.com |
| NAME OF NEW REQUESTOR'S CONSULTANT (if applicable) Tom Forbes, c/o Benchmark Civil/Environmental Engineering & Geology, PLLC | | |
| ADDRESS 2558 Hamburg Turnpike, Suite 300 | | |
| CITY/TOWN Buffalo, New York | | ZIP CODE 14218 |
| PHONE 716-856-0599 | FAX 716-856-0538 | E-MAIL tforbes@benchmarkturnkey.com |
| NAME OF NEW REQUESTOR'S ATTORNEY (if applicable) Susan Hassinger, Esq. | | |
| ADDRESS 100 Corporate Parkway, Suite 500 | | |
| CITY/TOWN Amherst, New York | | ZIP CODE 14226 |
| PHONE 716-834-5000 | FAX 716-834-5034 | E-MAIL SHassinger@uniland.com |
| 2. 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? See Schedule D <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | | |
| 3. Describe Requestor's Relationship to Existing Applicant: The Uniland Partnership of Delaware L.P. has no relationship to Existing Applicants. | | |

Section III. Current Property Owner/Operator Information (only include if new owner/operator)Owner below is: ☐ Existing Applicant ☐ New Applicant ☐ Non-Applicant

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. See Schedule E

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.

12. Requestor's Relationship to Property (check one):

☐ Prior Owner ☐ Current Owner ☒ Potential /Future Purchaser ☐ Other _____

13. 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 See Schedule F

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

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

1. Property information on current agreement:

ADDRESS **2303 Hamburg Turnpike**

CITY/TOWN Lackawanna

ZIP CODE 14218

TAX BLOCK AND LOT (SBL) See Addendum

TOTAL ACREAGE OF CURRENT SITE: **10.74**

| Parcel Address | Section No. | Block No. | Lot No. | Acreage |
|--|-------------|-----------|---------|---------|
| A portion of 2303 Hamburg Turnpike, Lackawanna, NY 14218 | 141.11 | 1 | 48.13 | 10.74 |
| | | | | |
| | | | | |

2. Check appropriate boxes below:

☐ Addition of property (may require additional citizen participation depending on the nature of the expansion – see attached instructions)

2a. PARCELS ADDED:

| Parcel Address | Section No. | Block No. | Lot No. | Acreage Added by Parcel |
|----------------|-------------|-----------|---------|-------------------------|
| | | | | |
| | | | | |
| | | | | |

Total acreage to be added: _____

☒ Reduction of property

2b. PARCELS REMOVED:

| Parcel Address | Section No. | Block No. | Lot No. | Acreage Removed by Parcel |
|--|-------------|-----------|---------|---------------------------|
| A portion of 2303 Hamburg Turnpike, Lackawanna, NY 14218 | 141.11 | 1 | 52.1 | 2.45 |
| | | | | |
| | | | | |

Total acreage to be removed: **2.45**☒ Change to SBL (e.g. merge, subdivision, address change)

2c. NEW SBL INFORMATION:

| Parcel Address | Section No. | Block No. | Lot No. | Acreage |
|--|-------------|-----------|---------|---------|
| A portion of 2303 Hamburg Turnpike, Lackawanna, NY 14218 | 141.11 | 1 | 52.1 | 10.74 |
| | | | | |
| | | | | |

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.

See Schedule A and B**3. TOTAL REVISED SITE ACREAGE:** 8.29 acres

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

PART II. BROWNFIELD CLEANUP PROGRAM AMENDMENT

| | |
|---|---------------------------|
| Existing Agreement Information | |
| BCP SITE NAME: Site II-11 Tecumseh Phase II Business Park | BCP SITE NUMBER: C915198K |
| NAME OF CURRENT APPLICANT(S): Tecumseh Redevelopment Inc. and Erie County Industrial Land Development Corporation | |
| INDEX NUMBER OF AGREEMENT: B9-0696-05-06(B) | |
| EFFECTIVE DATE OF ORIGINAL AGREEMENT: 03/14/2007 | |

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.

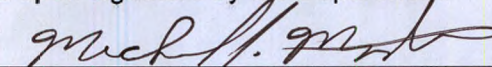
Date: _____ Signature: _____

Print Name: _____

(Entity)

I hereby affirm that I am (title **Authorized Agent**) of (entity The Uniland Partnership of Delaware L.P.); 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.

My _____ signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

Date: 5/23/2022 Signature: 

Print Name: Michael J. Montante

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)

Buffalo and Erie County
Industrial Land
Development Corporation

I hereby affirm that I am President/CEO (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: 5/23/2022 Signature: John Cappellino

Print Name: John Cappellino

REMAINDER OF THIS AMENDMENT WILL BE COMPLETED SOLELY BY THE DEPARTMENT

Please see the following page for submittal instructions.

NOTE: Applications submitted in fillable format will be rejected.

Status of Agreement:



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 contamination.

Effective Date of the Original Agreement: 03/14/2007

Signature by the Department:

DATED:

NEW YORK STATE DEPARTMENT OF
ENVIRONMENTAL CONSERVATION

By:

Susan Edwards, P.E., Acting Director
Division of Environmental Remediation

Site Code: C915198K

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 ^{Director of Land and Remediation} (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: 5/23/2022 Signature: Keith Nagel

Print Name: Keith Nagel

REMAINDER OF THIS AMENDMENT WILL BE COMPLETED SOLELY BY THE DEPARTMENT

Please see the following page for submittal instructions.

NOTE: Applications submitted in fillable format will be rejected.

Status of Agreement:

☐

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 contamination.

Effective Date of the Original Agreement: 3/14/2007

Signature by the Department:

DATED:

NEW YORK STATE DEPARTMENT OF
ENVIRONMENTAL CONSERVATION

By:

Susan Edwards, P.E., Acting Director
Division of Environmental Remediation

Site Code:

SUBMITTAL REQUIREMENTS:

- **Two (2)** copies, one hard copy with original signatures and one electronic copy in final, non-fillable 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

- **NOTE: Applications submitted in fillable format will be rejected.**

FOR DEPARTMENT USE ONLY

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

PROJECT MANAGER: _____

ADDENDUM

Part 1(2):

This Brownfield Cleanup Program (BCP) Application to Amend Brownfield Cleanup Agreement and Amendment (the "Amendment") reduces the property boundary of Site II-11 (Site Number C915198K). The acreage of Site II-11 is currently 10.74 +/- acres in size, and Site II-11 will be reduced in size by 2.45 +/- acres. Accordingly, the new acreage for Site II-11 will be 8.29 +/- acres in size. Schedule A contains the revised metes and bounds description of the reduced property boundary of Site II-11. Schedule B contains a survey showing the now revised property boundary for Site II-11.

This Amendment also adds The Uniland Partnership of Delaware L.P. to the Brownfield Site Cleanup Agreement for Site II-11.

Last, this Amendment is also being submitted to confirm the Tax Parcel/SBL No. for Site II-11. The original Brownfield Cleanup Agreement listed Site II-11 as being part of the historical Tax Parcel/SBL No. 141.11-1-1.111. At the time of conveyance of Site II-11 from Tecumseh Redevelopment Inc. to the Buffalo and Erie County Industrial Land Development Corporation, Site II-11 was identified as part of Tax Parcel/SBL No. 141.11-1-48.1. Over time and as a result of conveyances of other land, the Tax Parcel/SBL No., of which Site II-11 is a part, evolved to be Tax Parcel/SBL No. 141.11-1-48.13. As a result of further later conveyances of other parcels, Site II-11 then became part of Tax Parcel/SBL No. 141.11-1-52. As of the date of this Amendment, Site II-11 is part of Tax Parcel/SBL No. 141.11-1-52.1.

In reference to the new Tax Parcel/SBL Number, please refer to Schedule G containing a tax map generated by Erie County confirming that Site II-11 is part of Tax Parcel/SBL No. 141.11-1-52.1

SCHEDULE A

LEGAL DESCRIPTION FOR REDUCED BCP PARCEL NUMBER C915198K

ALL THAT TRACT OR PARCEL OF LAND SITUATE IN THE CITY OF LACKAWANNA, COUNTY OF ERIE AND STATE OF NEW YORK, BEING PART OF LOTS 20 AND 21 OF THE OGDEN GORE TRACT AND PART OF LOT 24, TOWNSHIP 10, RANGE 8 OF THE BUFFALO CREEK RESERVATION AND BEING BCP SITE NUMBER C915198K, AS SHOWN ON A MAP OF "BUSINESS PARK PHASE II", PREPARED BY WENDEL, JUNE 2012, PROJECT NUMBER 411107, BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE WESTERLY HIGHWAY BOUNDARY OF THE HAMBURG TURNPIKE (ALSO KNOWN AS STATE ROUTE NO. 5), BEING 3,791.41 FEET SOUTH OF THE DIVISION LINE BETWEEN LANDS CONVEYED TO TECUMSEH 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 10886 OF DEEDS AT PAGE 1115 ON THE NORTH, MEASURED ALONG THE WESTERLY HIGHWAY BOUNDARY OF THE HAMBURG TURNPIKE, BEING THE SOUTHEAST CORNER OF BCP SITE NUMBER C915197B; THENCE ALONG THE SOUTH LINE OF SAID BCP SITE NUMBER C915197B, S 71°-31'-33" W, A DISTANCE OF 45.39 FEET TO A POINT ON THE WEST LINE OF LANDS CONVEYED TO THE COUNTY OF ERIE BY DEED RECORDED IN THE ERIE COUNTY CLERK'S OFFICE IN LIBER 11353 OF DEEDS AT PAGE 8397;

THENCE SOUTHERLY ALONG THE EAST LINE OF BCP SITE NUMBER C915198K AND THE WEST LINE OF LANDS CONVEYED TO THE COUNTY OF ERIE, S 20°-11'-07" E, A DISTANCE OF 100.04 FEET TO THE PRINCIPAL POINT OF BEGINNING;

THENCE SOUTHERLY ALONG THE WEST LINE OF LANDS CONVEYED TO THE COUNTY OF ERIE THE FOLLOWING 2 COURSES AND DISTANCES:

1. S 20°-11'-07" E, A DISTANCE OF 588.15 FEET, TO A POINT;
2. S 18°-25'-54" E, A DISTANCE OF 350.89 FEET, TO A POINT ON THE NORTH LINE OF BCP SITE NUMBER C915195H;

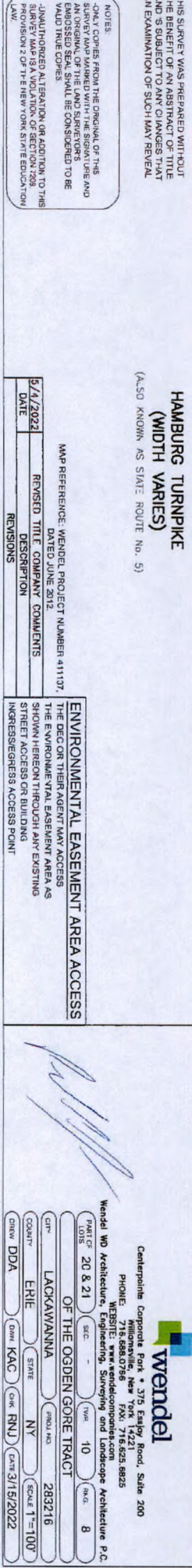
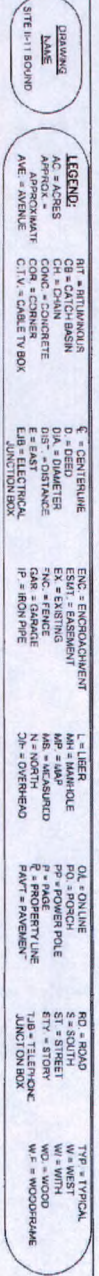
THENCE WESTERLY ALONG THE NORTH LINE OF BCP SITE NUMBER C915198H, S 71°-00'-00" W, A DISTANCE OF 383.92 FEET, TO A POINT;


THENCE NORTHERLY AND THROUGH THE LANDS OF BCP SITE NUMBER C915198K, THE FOLLOWING 3 COURSES AND DISTANCES:

1. N 18°-45'-42" W, A DISTANCE OF 391.24 FEET, TO A POINT;
2. N 19°49'-34" W, A DISTANCE OF 399.57 FEET, TO A POINT;
3. N 20°-13'-10' W, A DISTANCE OF 151.68 FEET, TO A POINT;

THENCE EASTERLY THROUGH THE LANDS OF BCP SITE NUMBER C915198K N 71°-31'-34" E, A DISTANCE OF 382.52 FEET, TO THE PRINCIPAL POINT OF BEGINNING. CONTAINING 8.29 ACRES OF LAND, MORE OR LESS.

SCHEDULE B





Centerpointe Corporate Park • 375 Enjay Road, Suite 200
PHOENIX, AZ 85028
PHONE: 716.688.0756 FAX: 716.625.8825
WEBSITE: www.wendelcompanies.com

Wendel MD Architecture, Surveying and Landscape Architecture P.C.

PART C: 20 & 21

| LOTS | S&C | TYP | 10 | INCL |
|--------------------------------|------------|-----|------------|--------|
| OF THE OGDEN GORE TRACT | | | | |
| CITY | LACKAWANNA | | PARCEL NO. | 283216 |
| COUNTY | ERIE | | STATE | NY |
| DATE | DDA | KAC | CHK | RNJ |
| DATE 3/15/2022 | | | | |

SCHEDULE C

Delaware

The First State

Page 1

I, JEFFREY W. BULLOCK, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED ARE TRUE AND CORRECT COPIES OF ALL DOCUMENTS ON FILE OF "THE UNILAND PARTNERSHIP OF DELAWARE L.P." AS RECEIVED AND FILED IN THIS OFFICE.

THE FOLLOWING DOCUMENTS HAVE BEEN CERTIFIED:

CERTIFICATE OF LIMITED PARTNERSHIP, FILED THE TWENTY-NINTH DAY OF DECEMBER, A.D. 1997, AT 5:31 O'CLOCK P.M.

CERTIFICATE OF MERGER, FILED THE THIRTIETH DAY OF JUNE, A.D. 1998, AT 12 O'CLOCK P.M.

CERTIFICATE OF MERGER, FILED THE THIRTIETH DAY OF JUNE, A.D. 1998, AT 1 O'CLOCK P.M.

CERTIFICATE OF MERGER, FILED THE TWENTY-FOURTH DAY OF DECEMBER, A.D. 2003, AT 12:47 O'CLOCK P.M.

AND I DO HEREBY FURTHER CERTIFY THAT THE EFFECTIVE DATE OF THE AFORESAID CERTIFICATE OF MERGER IS THE FIRST DAY OF JANUARY, A.D. 2004.



2839473 8100H
SR# 20220625181

You may verify this certificate online at corp.delaware.gov/authver.shtml

A handwritten signature in black ink, appearing to read "JBullock", is written over a horizontal line. Below the line, the text "Jeffrey W. Bullock, Secretary of State" is printed in a small font.

Authentication: 202722597
Date: 02-21-22

Delaware

The First State

Page 2

*AND I DO HEREBY FURTHER CERTIFY THAT THE AFORESAID
CERTIFICATES ARE THE ONLY CERTIFICATES ON RECORD OF THE
AFORESAID LIMITED PARTNERSHIP, "THE UNILAND PARTNERSHIP OF
DELAWARE L.P.".*



2839473 8100H
SR# 20220625181

You may verify this certificate online at corp.delaware.gov/authver.shtml

A handwritten signature in black ink, appearing to read "JBullock", is written over a horizontal line.

Jeffrey W. Bullock, Secretary of State

Authentication: 202722597
Date: 02-21-22

**CERTIFICATE OF LIMITED PARTNERSHIP
OF
THE UNILAND PARTNERSHIP OF DELAWARE L.P.**

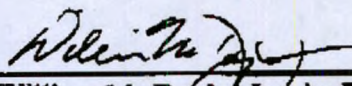
The undersigned on the 29th day of December, 1997 desiring to form a limited partnership pursuant to the Delaware Revised Uniform Limited Partnership Act, 6 Delaware Code, Chapter 17 (the "Act"), does hereby certify as follows:

- I. The name of the limited partnership is **THE UNILAND PARTNERSHIP OF DELAWARE L.P.** (the "Partnership")
- II. The address of the Partnership's registered office in the State of Delaware is Corporation Trust Center, 1209 Orange Street, Wilmington, County of New Castle. The name of the limited partnership's registered agent for service of process in the State of Delaware at such address is The Corporation Trust Company.
- III. The name and mailing address of the general partner is as follows:
- | NAME | MAILING ADDRESS |
|-----------------------|---|
| Univest I Corporation | c/o William M. Doyle, Jr. 525 W Monroe St / Ste 1600 Chicago, Illinois 60661-3693 |
- IV. The Partnership shall commence upon the filing of this Certificate and shall continue until December 1, 2047 unless sooner terminated as provided in the Act.

IN WITNESS WHEREOF, the undersigned has executed this Certificate of Limited Partnership of **THE UNILAND PARTNERSHIP OF DELAWARE L.P.** on the date and year first above written,

UNIVEST I CORPORATION, its general partner

By:


William M. Doyle, Jr., its President

CERTIFICATE OF MERGER

of

THE UNILAND PARTNERSHIP, L.P.
(a New York limited partnership)

INTO

THE UNILAND PARTNERSHIP OF DELAWARE L.P.
(a Delaware limited partnership)

Under Section 17-211 of the
Delaware Revised Uniform Limited Partnership Act

The Uniland Partnership of Delaware L.P., a Delaware
limited partnership, does hereby certify that:

FIRST: The Uniland Partnership of Delaware L.P., a
limited partnership formed pursuant to the Delaware Revised Uniform
Limited Partnership Act (the "DRULPA"), and The Uniland
Partnership, L.P., a limited partnership pursuant to the New York
Revised Limited Partnership Act, are the constituent partnerships
(individually, each a "Constituent Partnership").

SECOND: An Agreement and Plan of Merger has been
approved, adopted, certified, executed and acknowledged by each of
the Constituent Partnerships in accordance with Section 17-
211(c)(2) of the DRULPA.

THIRD: The surviving domestic limited partnership
shall be The Uniland Partnership of Delaware L.P. and shall be
named The Uniland Partnership of Delaware L.P.

FOURTH: The executed Agreement and Plan of Merger is on
file at the principal place of business of the surviving limited
partnership at University Corporate Centre, 100 Corporate Parkway,
Amherst, New York 14226.

FIFTH: A copy of the Agreement and Plan of Merger will

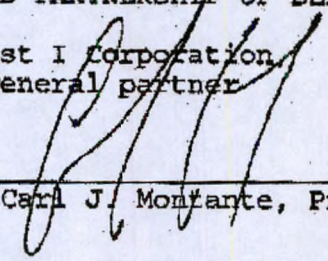
be furnished by the surviving limited partnership, on request and without cost, to any partner of either Constituent Partnership, or any domestic limited partnership or any person holding an interest in any other business entity which is to merge or consolidate.

SIXTH: The effective date of the merger of The Uniland Partnership, L.P. into The Uniland Partnership of Delaware L.P. shall be July 1, 1998.

IN WITNESS WHEREOF, the undersigned has executed this Certificate of Merger on this 25th day of June, 1998.

THE UNILAND PARTNERSHIP OF DELAWARE L.P.

By: Uninvest I Corporation
its general partner

By: 
Carl J. Montante, President

CERTIFICATE OF MERGER

of

UNILAND DEVELOPMENT COMPANY
(a New York general partnership)

INTO

THE UNILAND PARTNERSHIP OF DELAWARE L.P.
(a Delaware limited partnership)

Under Section 17-211 of the
Delaware Revised Uniform Limited Partnership Act

The Uniland Partnership of Delaware L.P., a Delaware
limited partnership, does hereby certify that:

FIRST: The Uniland Partnership of Delaware L.P., a
limited partnership formed pursuant to the Delaware Revised Uniform
Limited Partnership Act (the "DRULPA"), and Uniland Development
Company, a general partnership pursuant to the Partnership Law of
the State of New York, are the constituent partnerships
(individually, each a "Constituent Partnership").

SECOND: An Agreement and Plan of Merger has been
approved, adopted, certified, executed and acknowledged by each of
the Constituent Partnerships in accordance with Section 17-
211(c)(2) of the DRULPA.

THIRD: The surviving domestic limited partnership
shall be The Uniland Partnership of Delaware L.P. and shall be
named The Uniland Partnership of Delaware L.P.

FOURTH: The executed Agreement and Plan of Merger is on
file at the principal place of business of the surviving limited
partnership at University Corporate Centre, 100 Corporate Parkway,
Amherst, New York 14226.

FIFTH: A copy of the Agreement and Plan of Merger will

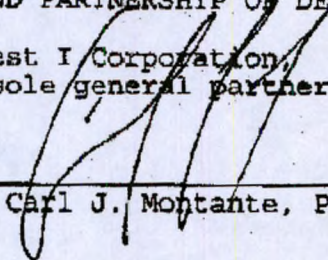
be furnished by the surviving limited partnership, on request and without cost, to any partner of either Constituent Partnership, or any domestic limited partnership or any person holding an interest in any business entity which is to merger or consolidate.

SIXTH: The effective date of the merger of Uniland Development Company into The Uniland Partnership of Delaware L.P. shall be July 1, 1998.

IN WITNESS WHEREOF, The Uniland Partnership of Delaware L.P. has caused this Certificate to be signed by Carl J. Montante, the President of its general partner, Univest I Corporation, on this 25th day of June, 1998.

THE UNILAND PARTNERSHIP OF DELAWARE L.P.

By: Univest I Corporation,
its sole general partner

By: 
Carl J. Montante, President

CERTIFICATE OF MERGER

of

SHERIDAN MEADOWS OFFICE PARK PARTNERSHIP
(a New York limited partnership)

INTO

THE UNILAND PARTNERSHIP OF DELAWARE L.P.
(a Delaware limited partnership)

Under Section 17-211 of the
Revised Limited Partnership Act

Each of the undersigned do hereby certify that:

1. The name of each constituent limited partnership is Sheridan Meadows Office Park Partnership, a New York limited partnership, and The Uniland Partnership of Delaware L.P., a Delaware limited partnership (individually, each a "Constituent Partnership"). The name of the surviving limited partnership is The Uniland Partnership of Delaware L.P.

2. The original certificate of limited partnership of Sheridan Meadows Office Park Partnership was filed in the Erie County Clerk's Office on June 23, 1981. Its certificate of adoption of the Revised Limited Partnership Act was filed with the Department of State on June 17, 1992.

3. The original Certificate of Limited Partnership of The Uniland Partnership of Delaware L.P. was filed with the Office of the Secretary of State of the State of Delaware on December 29, 1997. Its Application for Authority was filed with the New York Department of State on June 30, 1998.

4. A Plan and Agreement of Merger has been approved and executed by Sheridan Meadows Office Park Partnership and The Uniland Partnership of Delaware L.P.

5. The surviving limited partnership agrees that it may be served with process in New York State in any action or special proceeding for the enforcement of any liability or obligation of any domestic limited partnership or of any foreign limited partnership previously amenable to suit in New York State which is a constituent limited partnership in the merger, and the enforcement of the rights of partners of any domestic limited partnership to receive payment for their interest pursuant to Section 121-1105 of the Partnership Law.

6. The effective date of the merger of Sheridan Meadows Office Park Partnership into The Uniland Partnership of Delaware L.P. shall be January 1, 2004.

7. The executed Plan and Agreement of Merger is on file at the principal place of business of the surviving limited partnership. The address of the principal place of business of the surviving limited partnership is 100 Corporate Parkway, Suite 500, Amherst, New York 14226

8. A copy of the Plan and Agreement of Merger will be furnished by the surviving limited partnership, on request and without cost, to any partner of Sheridan Meadows Office Park Partnership or any partner of The Uniland Partnership of Delaware L.P.

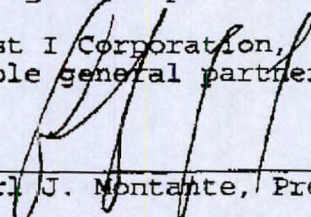
IN WITNESS WHEREOF, the undersigned have caused this Certificate of Merger to be signed this 22 day of December, 2004³, and affirms the statements contained herein as true under the penalties of perjury.

SHERIDAN MEADOWS OFFICE PARK PARTNERSHIP

By: THE UNILAND PARTNERSHIP OF DELAWARE
L.P.

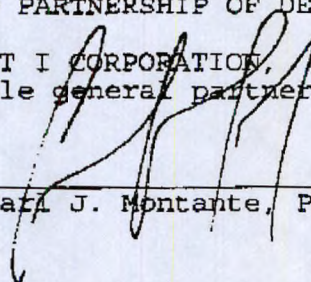
its sole general partner

By: Univest I Corporation,
its sole general partner

By: 
Carl J. Montante, President

THE UNILAND PARTNERSHIP OF DELAWARE L.P.

By: UNIVEST I CORPORATION,
its sole general partner

By: 
Carl J. Montante, President

Delaware

The First State

Page 1

I, JEFFREY W. BULLOCK, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY "THE UNILAND PARTNERSHIP OF DELAWARE L.P." IS DULY FORMED UNDER THE LAWS OF THE STATE OF DELAWARE AND IS IN GOOD STANDING AND HAS A LEGAL EXISTENCE SO FAR AS THE RECORDS OF THIS OFFICE SHOW, AS OF THE NINTH DAY OF FEBRUARY, A.D. 2022.

AND I DO HEREBY FURTHER CERTIFY THAT THE SAID "THE UNILAND PARTNERSHIP OF DELAWARE L.P." WAS FORMED ON THE TWENTY-NINTH DAY OF DECEMBER, A.D. 1997.

AND I DO HEREBY FURTHER CERTIFY THAT THE ANNUAL TAXES HAVE BEEN PAID TO DATE.



2839473 8300

SR# 20220432886

You may verify this certificate online at corp.delaware.gov/authver.shtml

A handwritten signature in black ink, appearing to read "JB", is written over a horizontal line. Below the line, the text "Jeffrey W. Bullock, Secretary of State" is printed.

Jeffrey W. Bullock, Secretary of State

Authentication: 202614979

Date: 02-09-22

STATE OF NEW YORK

DEPARTMENT OF STATE

Certificate of Status

I, ROBERT J. RODRIGUEZ, Acting Secretary of State of the State of New York and custodian of the records required by law to be filed in my office, do hereby certify that upon a diligent examination of the records of the Department of State, as of the date and time of this certificate, the following entity information is reflected:

| | |
|----------------------------------|--|
| Entity Name: | THE UNILAND PARTNERSHIP OF DELAWARE L.P. |
| DOS ID Number: | 2274664 |
| Entity Type: | FOREIGN LIMITED PARTNERSHIP |
| Entity Status: | AUTHORIZED |
| Date of Initial Filing with DOS: | 06/30/1998 |

No information is available from this office regarding the financial condition, business activity or practices of this entity.



WITNESS my hand and official seal of the Department of State,
at the City of Albany, on February 10, 2022 at 12:39 P.M.

ROBERT J. RODRIGUEZ, Acting Secretary of State

Brendan C. Hughes

By Brendan C. Hughes
Executive Deputy Secretary of State

Authentication Number: 100001062091 To Verify the authenticity of this document you may access the
Division of Corporation's Document Authentication Website at <http://ecorp.dos.ny.gov>

SCHEDULE D

**CERTIFICATE OF THE ASSISTANT SECRETARY
OF
UNIVEST I CORPORATION**

The undersigned, Secretary of Univest I Corporation. ("**Company**"), hereby certifies that the following resolutions were duly adopted by the Board of Directors of the Company at a duly called meeting thereof:

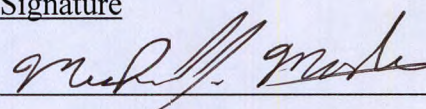
RESOLVED, that the Company is authorized to act on behalf of The Uniland Partnership of Delaware L.P. (the "**Partnership**"), as its general partner, to enter into on behalf of, and bind the Partnership to, a Brownfield Cleanup Program Application to Amend Brownfield Cleanup Agreement and Amendment for BCP Site C915198K – Site II-11 Tecumseh Phase II Business Park; and it is further

RESOLVED, that Michael J. Montante, as President of the Company, be, and hereby is, acting alone, authorized, empowered and directed to approve the form, terms and conditions of, and to make, execute and deliver in the name and on behalf of the Company as general partner of the Partnership, all such Brownfield Cleanup Program Application to Amend Brownfield Cleanup Agreement and Amendment for BCP Site C915198K – Site II-11 Tecumseh Phase II Business Park and all such other written instruments, documents, certificates, agreements, execution of deeds, powers of attorney, transfers, assignments, contracts, obligations, and other instruments of whatever nature entered into by the Company as general partner of the Partnership and generally to do all such other acts and things as may be necessary or appropriate and it is further

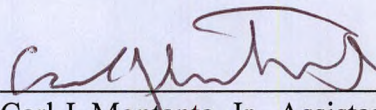
RESOLVED, that all acts done in the name of, and all documents signed and agreements entered into on behalf of, the Company as general partner of the Partnership by the President pursuant to the authority granted by this Consent resolution shall be binding on the Company until the same is withdrawn by giving written notice thereof; and be it further

SPECIMEN: the signature appearing below is a true specimen of the authorized agent's signature:

| <u>Name of Authorized Agent</u> | <u>Signature</u> |
|---------------------------------|------------------|
|---------------------------------|------------------|

| | |
|---------------------|--|
| Michael J. Montante |  |
|---------------------|--|

Dated: May 23, 2022

| |
|--|
|  Carl J. Montante, Jr., Assistant Secretary |
|--|

SCHEDULE E

Brownfield Cleanup Program

Application to Amend Brownfield Cleanup Program Agreement and Amendment

Statement re Volunteer Status:

The Uniland Partnership of Delaware L.P. has appropriately answered "no" to all the eligibility questions within Section IV of this application and hereby certifies that it is a volunteer and that its liability arises solely as a result of ownership of the site subsequent to the disposal of hazardous waste or discharge of petroleum.

The Uniland Partnership of Delaware L.P., being the New Requestor, has and had no current or prior direct or indirect ownership interest or any other interest in any prior owner or operator of the site. New Requestor will acquire its fee title interest in the site only after this BCA Amendment is executed thus confirming removal of the "Divested Parcel" as so described herein.

To date, New Requestor is a contract vendee with respect to the site. It has not undertaken any activity on the site resulting in soil disturbance or otherwise undertaken any activity affecting the soil or groundwater, has taken appropriate care to ensure that there are no continuing releases of contamination on the site and that there are no threatened future releases of contamination on the site and has prevented human, environmental, or natural resource exposure to any previously released contamination.

As such, New Requestor confirms that its liability will arise solely as a result of taking ownership and having involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum, and affirms and confirms that New Requestor should be a "Volunteer" as that term is defined in Section 27-1405(1)(b) of the New York Environmental Conservation Law.

SCHEDULE F

CERTIFICATION

Date: May 13, 2022

New York State Brownfield Cleanup Program ("BCP")

Site II-11 Tecumseh Phase II Business Park

BCP Site Number C915198K

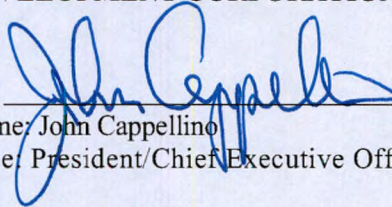
BCP Application to Amend Brownfield Cleanup Agreement and Amendment ("BCPA")

The undersigned hereby certifies as follows:

- 1) I am the duly appointed President/Chief Executive Officer of the Buffalo and Erie County Industrial Land Development Corporation (the "Owner") and authorized to furnish this Certification on behalf of the Owner.
- 2) As of the date hereof, the Owner is the fee simple owner of the property associated with BCP Site Number C915198K (the "Property").
- 3) The Owner confirms: (a) that The Uniland Partnership of Delaware L.P. (the "Applicant") and Owner have entered into a certain purchase and sale agreement by which the Owner would sell, and the Applicant would purchase, the Property, (b) that Applicant desires to become a party to that certain Brownfield Site Cleanup Agreement ("BSCA") with respect to the Property, (c) that a condition of sale of the Property requires Applicant to become a party to the BSCA with respect to the Property, and (d) that upon taking title to the Property, Applicant will be contractually obligated to complete the remediation of the Property in compliance with the Property's BSCA.
- 4) The Owner confirms the Property is already subject to the required BCP environmental easement.
- 5) The Owner confirms that the Applicant, as contract vendee, currently has access to the Property, and upon taking title to the Property, will be continue to have access to the Property ensuring remediation of the Property in compliance with the Property's BSCA.
- 6) This will confirm that the Applicant has been granted legal access to the Property for the purposes of the BCPA and will, upon taking title to the Property, hold all necessary legal access, to complete the remediation of the Property in compliance with the Property's BSCA.

IN WITNESS WHEREOF, this Certification has been duly executed and delivered as of the date set forth above.

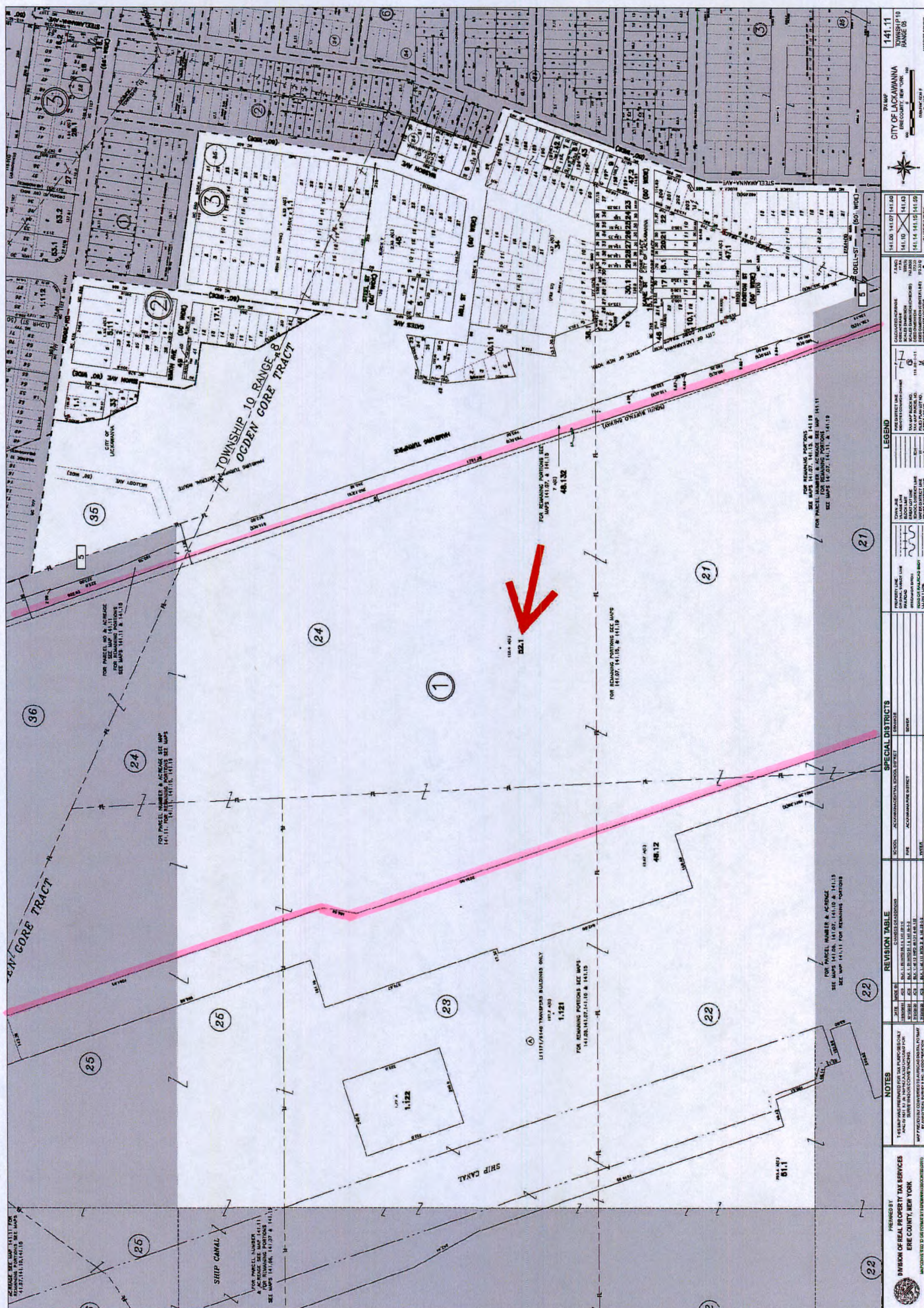
**BUFFALO AND ERIE COUNTY
INDUSTRIAL LAND
DEVELOPMENT CORPORATION**

By: 
Name: John Cappellino
Title: President/Chief Executive Officer

SCHEDULE G

As stated in the Addendum, the original Brownfield Cleanup Agreement listed Site II-11 as being part of the historical Tax Parcel/SBL No. 141.11-1-1.111. At or about the time of conveyance of Site II-11 from Tecumseh Redevelopment Inc. to the Buffalo and Erie County Industrial Land Development Corporation, Site II-11 was part of Tax Parcel/SBL No. 141.11-1-48.1. The tax parcel number further evolved as other lands were conveyed. As of the date of this Amendment, Site II-11 is a part of Tax Parcel/SBL No. 141.11-1-52.1.

Relative to the foregoing please refer to a tax map generated by Erie County confirming that Site II-11 is a part of Parcel/SBL Number 141.11-1-52.1



NOTES
 1. THIS MAP WAS PREPARED FOR THE PURPOSE OF SHOWING THE LOCATION OF THE PROPERTY DESCRIBED HEREIN.
 2. THE PROPERTY DESCRIBED HEREIN IS SHOWN IN ACCORDANCE WITH THE RECORDS OF THE COUNTY CLERK.
 3. THE PROPERTY DESCRIBED HEREIN IS SHOWN IN ACCORDANCE WITH THE RECORDS OF THE COUNTY CLERK.

REVISION TABLE

| DATE | BY | REVISION |
|----------|----------|----------|
| 11/11/11 | 11-11-11 | 11-11-11 |

SPECIAL DISTRICTS

| DISTRICT | NAME |
|----------|------|
| 1 | 1 |

LEGEND

| SYMBOL | DESCRIPTION |
|--------|-------------|
| 1 | 1 |

LEGEND

| SYMBOL | DESCRIPTION |
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