

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Remediation, Office of the Director
625 Broadway, 12th Floor, Albany, New York 12233-7011
P: (518) 402-9706 | F: (518) 402-9020
www.dec.ny.gov

DEC 15 2015

Mr. Keith A. Nagel
Tecumseh Redevelopment Inc.
4020 Kinross Lakes Parkway
Richfield, Oh 44289

Re: Certificate of Completion
Site Name: Site III-1 Tecumseh Phase III Business Park
Site No. C915199
City of Lackawanna, Erie County

Dear Mr. Nagel:

Congratulations on having satisfactorily completed the remedial program at the Tecumseh Phase III-1 Business Park. Enclosed please find an original, signed Certificate of Completion (COC). The New York State Department of Environmental Conservation (DEC) is pleased to inform you that the Final Engineering Report is hereby approved, allowing the COC to be issued for the above-referenced site.

Please note that you are required to perform the following tasks:

- If you are the site owner, you must record a notice of the COC in the recording office for the County (or Counties) where any portion of the site is located within 30 days of issuance of the COC; or if you are a prospective purchaser of the site, you must record a notice of the COC within 30 days of the date that you acquire the site. A copy of the recorded notice should be provided to DEC's project manager. If you are a non-owner, you must work with the owner to assure the notice of COC is recorded within the time frame specified. A standard notice form is attached to this letter. Please return the proof of recording to:

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

- Provide the notice of the COC to the Document Repositories within 10 days of issuance of the COC. DEC will develop a fact sheet announcing the issuance of the COC and describing the institutional and engineering controls (IC/ECs), if any, that are required at the site and distribute it to the County Listserv within 10 days;

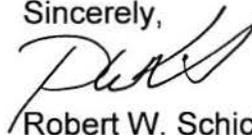


Department of
Environmental
Conservation

- Implement the DEC-approved Site Management Plan (SMP) which details the activities necessary to assure the performance, effectiveness, and protectiveness of the remedial program; and you must report the results of these activities to DEC in a Periodic Review Report (PRR) which also includes any required IC/EC Certifications. The site IC/ECs are identified on the attached Site Management Form. The first PRR including the certification of the IC/ECs is due to DEC in April, 2017; and
- You and your lessees must submit an annual report to the New York State Department of Taxation and Finance within one year and for each of the following eleven years after the execution of the Brownfield Site Cleanup Agreement. The Report must provide the information required by Chapter 390 of the Laws of 2008, Tax Law Section 171-s.

If you have any questions regarding any of these items, please contact the project manager for this site, Maurice Moore, at (716) 851-7220 or maurice.moore@dec.ny.gov.

Sincerely,



Robert W. Schick, P.E.

Director

Division of Environmental Remediation

Enclosures

ec: Thomas Forbes, Benchmark
Craig Slater, The Slater Law Firm
K. Anders, NYSDOH
M. Forcucci, NYSDOH
Michael Ryan, DEC
Michal Cruden, DEC
Maurice Moore, DEC
Chad Staniszewski, DEC
Karen Draves, DEC
Dolores Tuohy, DEC
Andrew Guglielmi, DEC

NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP)
CERTIFICATE OF COMPLETION

CERTIFICATE HOLDER(S):

Name	Address
Tecumseh Redevelopment Inc.	4020 Kinross Lakes Parkway, Richfield, OH 44286

BROWNFIELD CLEANUP AGREEMENT:

Application Approval: 12/15/06 **Agreement Execution:** 3/14/07 **Agreement Index No.:** B9-0696-05-06(C)

Application Approval Amendment: 8/22/12

Agreement Execution Amendment: 8/22/12

SITE INFORMATION:

Site No.: C915199 **Site Name:** Site III-1 Tecumseh Phase III Business Park

Site Owner: Tecumseh Redevelopment Inc.

Street Address: 2303 Hamburg Turnpike

Municipality: Lackawanna **County:** Erie **DEC Region:** 9

Site Size: 14.620 Acres

Tax Map Identification Number(s): 141.11-1-50

Percentage of site located in an EnZone: 100 %

A description of the property subject to this Certificate is attached as Exhibit A and a site survey is attached as Exhibit B.

CERTIFICATE ISSUANCE

This Certificate of Completion, hereinafter referred to as the "Certificate," is issued pursuant to Article 27, Title 14 of the New York State Environmental Conservation Law ("ECL").

This Certificate has been issued upon satisfaction of the Commissioner, following review by the Department of the final engineering report and data submitted pursuant to the Brownfield Site Cleanup Agreement, as well as any other relevant information regarding the Site, that the applicable remediation requirements set forth in the ECL have been or will be achieved in accordance with the time frames, if any, established in the remedial work plan.

The remedial program for the Site has achieved a cleanup level that would be consistent with the following categories of uses (actual site use is subject to local zoning requirements):

Allowable Uses under the BCP: Commercial and Industrial

Cleanup Track: Track 4: Restricted use with site-specific soil cleanup objectives

Tax Credit Provisions for Entities Taxable Under Article 9, 9-A, 32, and 33:

Site Preparation and On-Site Groundwater Remediation Credit Component Rate is 20 %.

Tangible Property Credit Component Rate is 20 %.

Tax Credit Provisions for Entities Taxable Under Article 22 & S Corporations:

Site Preparation and On-Site Groundwater Remediation Credit Component Rate is 18 %.

Tangible Property Credit Component Rate is 18 %.

The Remedial Program includes use restrictions or reliance on the long term employment of institutional or engineering controls which are contained in the approved Site Management Plan and an Environmental Easement granted pursuant to ECL Article 71, Title 36 which has been duly recorded in the Recording Office for Erie County as 2014137592 bk/pg d 11266/5467.

LIABILITY LIMITATION

Upon issuance of this Certificate of Completion, and subject to the terms and conditions set forth herein, the Certificate holder(s) shall be entitled to the liability limitation provided in ECL Section 27-1421. The liability limitation shall run with the land, extending to the Certificate holder's successors or assigns through acquisition of title to the Site and to a person who develops or otherwise occupies the Site, subject to certain limitations as set forth in ECL Section 27-1421. The liability limitation shall be subject to all rights reserved to the State by ECL Section 27-1421.2 and any other applicable provision of law.

CERTIFICATE TRANSFERABILITY

This Certificate may be transferred to the Certificate holder's successors or assigns upon transfer or sale of the Site as provided by ECL Section 27-1419.5 and 6NYCRR Part 375-1.9.

CERTIFICATE MODIFICATION/REVOCATION

This Certificate of Completion may be modified or revoked by the Commissioner following notice and an opportunity for a hearing in accordance with ECL Section 27-1419 and 6NYCRR Part 375-1.9(e) upon a finding that:

- (1) either the Applicant or the Applicant's successors or assigns have failed to comply with the terms and conditions of the Brownfield Site Cleanup Agreement;
- (2) the Applicant made a misrepresentation of a material fact tending to demonstrate that it was qualified as a Volunteer;
- (3) either the Applicant or the Applicant's successors or assigns made a misrepresentation of a material fact tending to demonstrate that the cleanup levels identified in the Brownfield Site Cleanup Agreement were reached;
- (4) there is good cause for such modification or revocation;
- (5) either the Applicant or the Applicant's successors or assigns failed to manage the controls or monitoring in full compliance with the terms of the remedial program;
- (6) the terms and conditions of the environmental easement have been intentionally violated or found to be not protective or enforceable.

The Certificate holder(s) (including its successors or assigns) shall have thirty (30) days within which to cure any deficiency or to seek a hearing. If the deficiency is not cured or a request for a hearing received within such 30-day period, the Certificate shall be deemed modified or vacated on the 31st day after the Department's notice.

Basil Seggos
Acting Commissioner
New York State Department of Environmental Conservation

By:



Robert W. Schick, P.E., Director
Division of Environmental Remediation

Date: December 15, 2015

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

Tecumseh Phase III-1 Business Park Site, Site ID No. C915199
2303 Hamburg Turnpike, Lackawanna, New York, 14218
City of Lackawanna, Erie County, Tax Map Identification Number(s) 141.11-1-50

PLEASE TAKE NOTICE, the New York State Department of Environmental Conservation (Department) has issued a Certificate of Completion (Certificate) pursuant to Article 27, Title 14 of the New York State Environmental Conservation Law (ECL) to Tecumseh Redevelopment Inc. for a parcel approximately 14.62 acres located at 2303 Hamburg Turnpike in the City of Lackawanna, Erie County.

PLEASE TAKE NOTICE, the Certificate was issued upon satisfaction of the Commissioner, following review by the Department of the final engineering report and data submitted pursuant to the Brownfield Site Cleanup Agreement, as well as any other relevant information regarding the Site, that the remediation requirements set forth in ECL Article 27, Title 14 have been or will be achieved in accordance with the time frames, if any, established in the remedial work plan.

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 the Department as not inconsistent with the remedy.

PLEASE TAKE NOTICE, since 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 Erie County as File #2014137592 BK/PG 11266/5467.

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 the Department'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.

**Tecumseh Phase III-1 Business Park Site, Site #C915199 2303 Hamburg Turnpike, Lackawanna,
New York, 14218**

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, any change of use of the site, as defined in 6 NYCRR 375, must be preceded by notice to the Department 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 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, the Certificate may be revoked if the Environmental Easement as implemented, if applicable, is not protective or enforceable.

PLEASE TAKE NOTICE, a copy of the Certificate can be reviewed at the NYSDEC's Region 9 located at 270 Michigan Avenue Buffalo, New York 14203-2915, by contacting the Regional Environmental Remediation Engineer.

WHEREFORE, the undersigned has signed this Notice of Certificate

Tecumseh Redevelopment Inc.

By: _____

Title: _____

Date: _____

STATE OF NEW YORK) SS:
COUNTY OF)

On the _____ day of _____, in the year 20__, before me, the undersigned, personally appeared _____, 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.

Signature and Office of individual
taking acknowledgment

Please record and return to:
Tecumseh Redevelopment Inc.
4020 Kinross Lakes Parkway
Richfield, OH 44286



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Site Management Form
 11/30/2015



SITE DESCRIPTION

SITE NO. C915199

SITE NAME Site III-1 Tecumseh Phase III Business Park

SITE ADDRESS: 2303 Hamburg Turnpike **ZIP CODE:** 14218

CITY/TOWN: Lackawanna

COUNTY: Erie

ALLOWABLE USE: Commercial and Industrial

SITE MANAGEMENT DESCRIPTION

SITE MANAGEMENT PLAN INCLUDES:

- IC/EC Certification Plan
- Monitoring Plan
- Operation and Maintenance (O&M) Plan

Periodic Review Frequency: once a year

Periodic Review Report Submitted Date: 04/30/2017

Description of Institutional Control

Tecumseh Redevelopment Inc.
 4020 Kinross Lakes Parkway
2303 Hamburg Turnpike
 Environmental Easement
 Block: 11
 Lot: 50
 Sublot:
 Section: 141
 Subsection:
 S_B_L Image: 141.11-1-50
 Ground Water Use Restriction
 IC/EC Plan
 Landuse Restriction
 O&M Plan
 Site Management Plan
 Soil Management Plan

Description of Engineering Control

Tecumseh Redevelopment Inc.

4020 Kinross Lakes Parkway

2303 Hamburg Turnpike

Environmental Easement

Block: 11

Lot: 50

Sublot:

Section: 141

Subsection:

S_B_L Image: 141.11-1-50

Cover System

EXHIBIT A

Environmental Easement Description

EXHIBIT A

ENVIRONMENTAL EASEMENT DESCRIPTION FOR BCP SITE NUMBER C1915199

ALL THAT TRACT OR PARCEL OF LAND SITUATE IN THE CITY OF LACKAWANNA, COUNTY OF ERIE, STATE OF NEW YORK, BEING PART OF LOTS 16 AND 17 OF THE OGDEN GORE TRACT, AND LOT 23 OF THE BUFFALO CREEK RESERVATION, TOWNSHIP 10, RANGE 8 OF THE HOLLAND LAND COMPANY'S SURVEY, BEING BCP SITE NUMBER C915199, AS SHOWN ON A MAP OF "BUSINESS PARK PHASE III", PREPARED BY WENDEL, JULY 2015, PROJECT NUMBER 411107, BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF 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 1, PARCEL 1 AND AS RECORDED IN THE ERIE COUNTY CLERK'S OFFICE IN LIBER 5650 OF DEEDS, PAGE 404, AND THE MUNICIPAL BOUNDARY LINE BETWEEN THE CITY OF LACKAWANNA (TO THE NORTH) AND THE TOWN OF HAMBURG (TO THE SOUTH), SAID POINT ALSO BEING ON THE NORTHERLY BOUNDARY OF LANDS CONVEYED TO THE SOUTH BUFFALO RAILWAY COMPANY BY DEED RECORDED IN THE ERIE COUNTY CLERK'S OFFICE IN LIBER 10119 OF DEEDS AT PAGE 131;

THENCE N 86°-32'-54" W, ALONG THE NORTHERLY LINE OF THE SOUTH BUFFALO RAILWAY COMPANY, A DISTANCE OF 507.02 FEET TO A POINT;

THENCE N 56°-55'-40" W, ALONG THE NORTHERLY LINE OF THE SOUTH BUFFALO RAILWAY COMPANY, A DISTANCE OF 386.48 FEET TO THE POINT OF BEGINNING OF BUSINESS PARK PHASE III PARCEL "A" AS SHOWN ON SAID MAP PREPARED BY WENDEL;

THENCE N 56°-55'-40" W, ALONG THE NORTHERLY LINE OF THE SOUTH BUFFALO RAILWAY COMPANY, A DISTANCE OF 186.59 FEET TO THE POINT OF BEGINNING, SAID POINT BEING THE SOUTHEAST CORNER OF BCP SITE NUMBER C915199;

THENCE N 56°-55'-40" W, A DISTANCE OF 989.25 FEET TO THE SOUTHEAST CORNER OF BCP SITE NUMBER C915199B;

THENCE N 26°-14'-11" E ALONG THE WESTERLY LINE OF BCP SITE NUMBER C915199, A DISTANCE OF 800.00 FEET TO A POINT;

THENCE S 63°-45'-49" E ALONG THE NORTHERLY LINE OF BCP SITE NUMBER C915199, A DISTANCE OF 53.41 FEET TO A POINT;

THENCE N 86°-34'-33" E ALONG THE NORTHERLY LINE OF BCP SITE NUMBER C915199, A DISTANCE OF 242.95 FEET TO A POINT OF CURVATURE;

THENCE ALONG A CURVE HAVING A RADIUS OF 110.00 FEET, AN ARC DISTANCE OF 172.79 FEET TO A POINT;

THENCE S 03°-25'-27" E ALONG THE EASTERLY LINE OF BCP SITE NUMBER C915199, A DISTANCE OF 1147.12 FEET TO THE POINT OF BEGINNING. CONTAINING 14.62 ACRES OF LAND, MORE OR LESS.

EXHIBIT B

Site Survey

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.

GENERAL NOTES:

- HORIZONTAL DATUM: NORTH AMERICAN DATUM OF 1983 (NAD83), WESTERN ZONE, US SURVEY FEET.
- MONUMENTS ACQUIRED:
 NGS MONUMENT "LEHR" PID: AE2177
 NORTHING: 1030094.885
 EASTING: 1076447.880

 SITE CONTROL MONUMENT PIN WITH ALUMINUM CAP "BSP2"
 NORTHING: 1024721.330
 EASTING: 1076610.356
- BUFFALO CREEK RESERVATION & OGDEN GORE TRACT INFORMATION IS SHOWN IN ITS APPROXIMATE LOCATION FROM MAPS FILED IN THE ERIE COUNTY CLERKS OFFICE.
- REFER TO NEW YORK STATE DEPARTMENT OF TRANSPORTATION APPROPRIATION MAPS FOR MAP DISTANCES & BEARINGS.
- THIS SURVEY WAS PREPARED WITH THE BENEFIT OF A TITLE REPORT, PREPARED BY CHICAGO TITLE INSURANCE COMPANY, NO. 1213-25117, DATED MAY 14, 2012.
- SANITARY MANHOLES ARE SHOWN IN THEIR APPROXIMATE LOCATIONS FROM PLANS PROVIDED BY OTHERS.
- PROPERTY CORNERS TO BE STAKED AT A LATER DATE.
- BCP SITE No. ### = PARCEL DESIGNATION
- REFERENCE MAPS: MAP PREPARED BY BERGMANN ASSOCIATES 10/16/00 AND MAP NO. 303, PARCEL 303 OF THE HAMBURG TURNPIKE ARTERIAL HIGHWAY, DATED APRIL 15, 1960, PREPARED BY THE NEW YORK STATE DEPARTMENT OF PUBLIC WORKS AND BUSINESS PARK PHASE III, PREPARED BY WENDEL, JUNE 2012, PROJECT NO. 411107.
- SUBJECT TO WIRE LINE AGREEMENT L-11198, P-4531

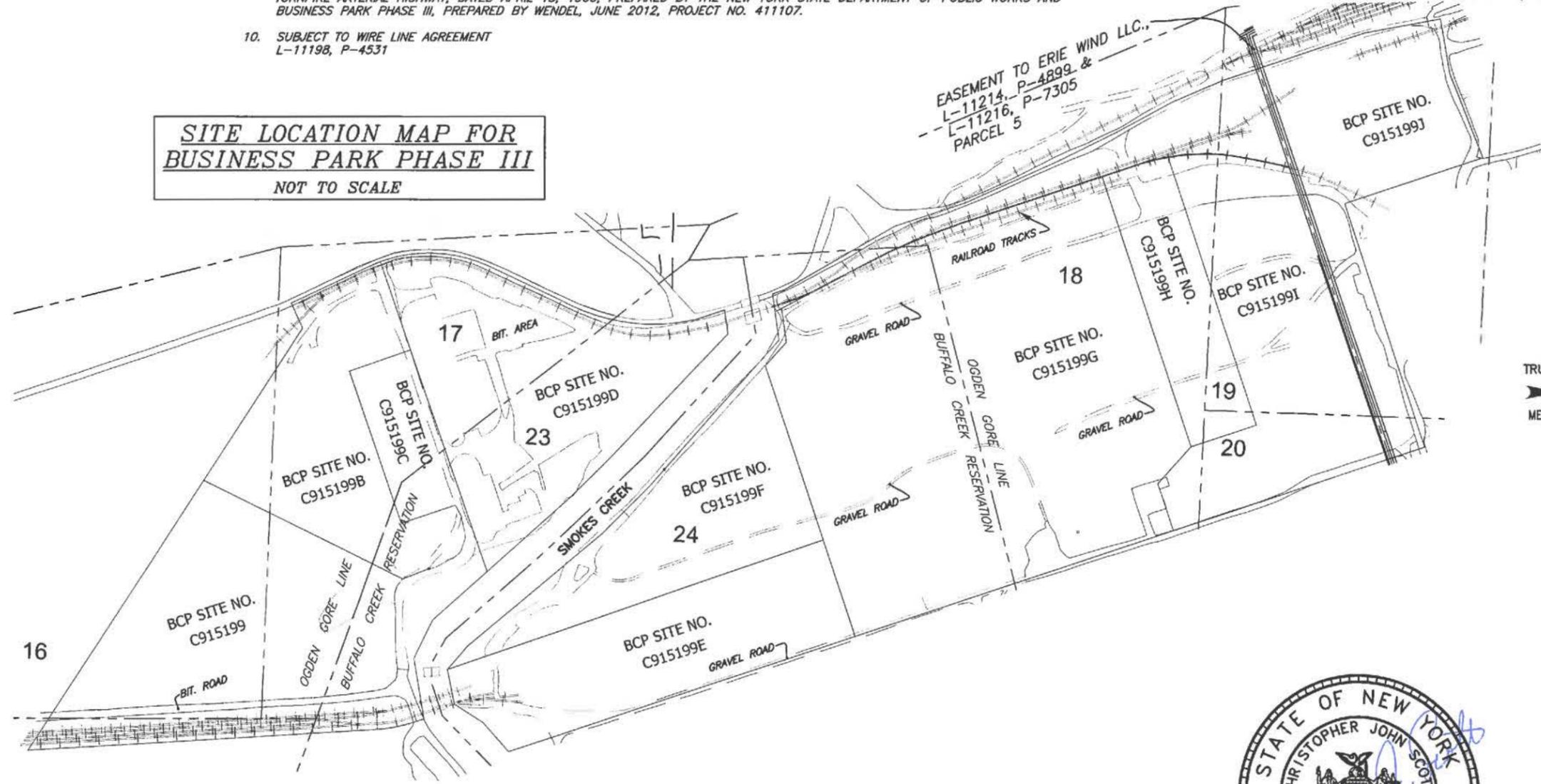
**SCHEDULE B, SECTION 2:
 CHICAGO TITLE INSURANCE COMPANY
 COMMITMENT FOR TITLE INSURANCE
 #1213-25117:**

- EXCEPTION NUMBER:
- AIRSPACE AND EASEMENT RIGHTS SETTLEMENT LIBER 11145, PAGE 2422, (DOES NOT AFFECT PREMISES)
 - RE-PURCHASE RIGHTS & EASEMENT TO BQ ENERGY LIBER 11145, PAGE 2733, (DOES NOT AFFECT PREMISES)
 - EASEMENT TO GREAT LAKES INDUSTRIAL DEVELOPMENT, LLC LIBER 11194, PAGE 6243, (DOES NOT AFFECT PREMISES)
 - EASEMENT TO NATIONAL FUEL GAS DISTRIBUTION CORPORATION LIBER 11220, PAGE 2359 (DOES NOT AFFECT PREMISES)
 - EASEMENT FOR ACCESS, INGRESS AND EGRESS TO ERIE WIND, LLC LIBER 11214, PAGE 4899 & LIBER 11216 PAGE 7305; PARCEL 5 ONLY (SHOWN HEREON)
 - PUBLIC AND PRIVATE RIGHTS OF OTHERS TO THE BED AND WATERS OF SMOKE CREEK, INCLUDING ANY REGULATORY STATUES AFFECTING THE SAME. (UNABLE TO PLOT)



**BUFFALO SE QUADRANGLE
 7.5 MINUTE SERIES
 (TOPOGRAPHIC)**

**SITE LOCATION MAP FOR
 BUSINESS PARK PHASE III
 NOT TO SCALE**



TRUE NORTH AT THE 78°35'
 MERIDIAN OF WEST LONGITUDE

LEGEND:	E = EAST	MP. = MAP	S = SOUTH	OVERHEAD WIRES
AC. = ACRES	ELEV. = ELEVATION	MS. = MEASURED	ST. = STREET	EDGE OF ROADWAY
APPROX. = APPROXIMATE	EJB = ELECTRICAL JUNCTION BOX	MW = MONITORING WELL	STA. = STATION	PROPERTY LINES
BIT. = BITUMINOUS		N = NORTH	SMH = SANITARY MANHOLE	FENCE (TYPE NOTED)
CB = CATCH BASIN	ESMT. = EASEMENT	NTS = NOT TO SCALE	T.M.# = TAX MAP NUMBER	APPROXIMATE LOT LINE
CH. = CHAIN	EX. = EXISTING	O/H = OVERHEAD	TJB = TELEPHONE JUNCTION BOX	EDGE OF VEGETATION/WOODS
CONC. = CONCRETE	FNC. = FENCE	O/L = ON LINE	TYP. = TYPICAL	SUB-PARCELS
COR. = CORNER	GLM = GAS LINE MARKER	P = PAGE	W = WEST	SANITARY SEWER LINE
CL = CENTERLINE	L = LIBER	PL = PROPERTY LINE	W/ = WITH	
D. = DEED	LS = LIFT STATION	PP = POWER POLE	WD. = WOOD	
DIA. = DIAMETER	MH = MANHOLE	RD. = ROAD	W.F. = WOODFRAME	
DIST. = DISTANCE				

WENDEL PROJECT NUMBER: 411107
 DRAWING NAME: PH3 COVER SHEET.DWG



ALTERATION OF THIS DOCUMENT, EXCEPT BY A LICENSED LAND SURVEYOR, IS ILLEGAL
 NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
 PREPARED BY THE CONSULTANT

wendel
 140 John James Audubon Pkwy, Suite 201
 Buffalo, NY 14228
 www.wendelcompanies.com
 p:716.688.0766 f:716.625.6825

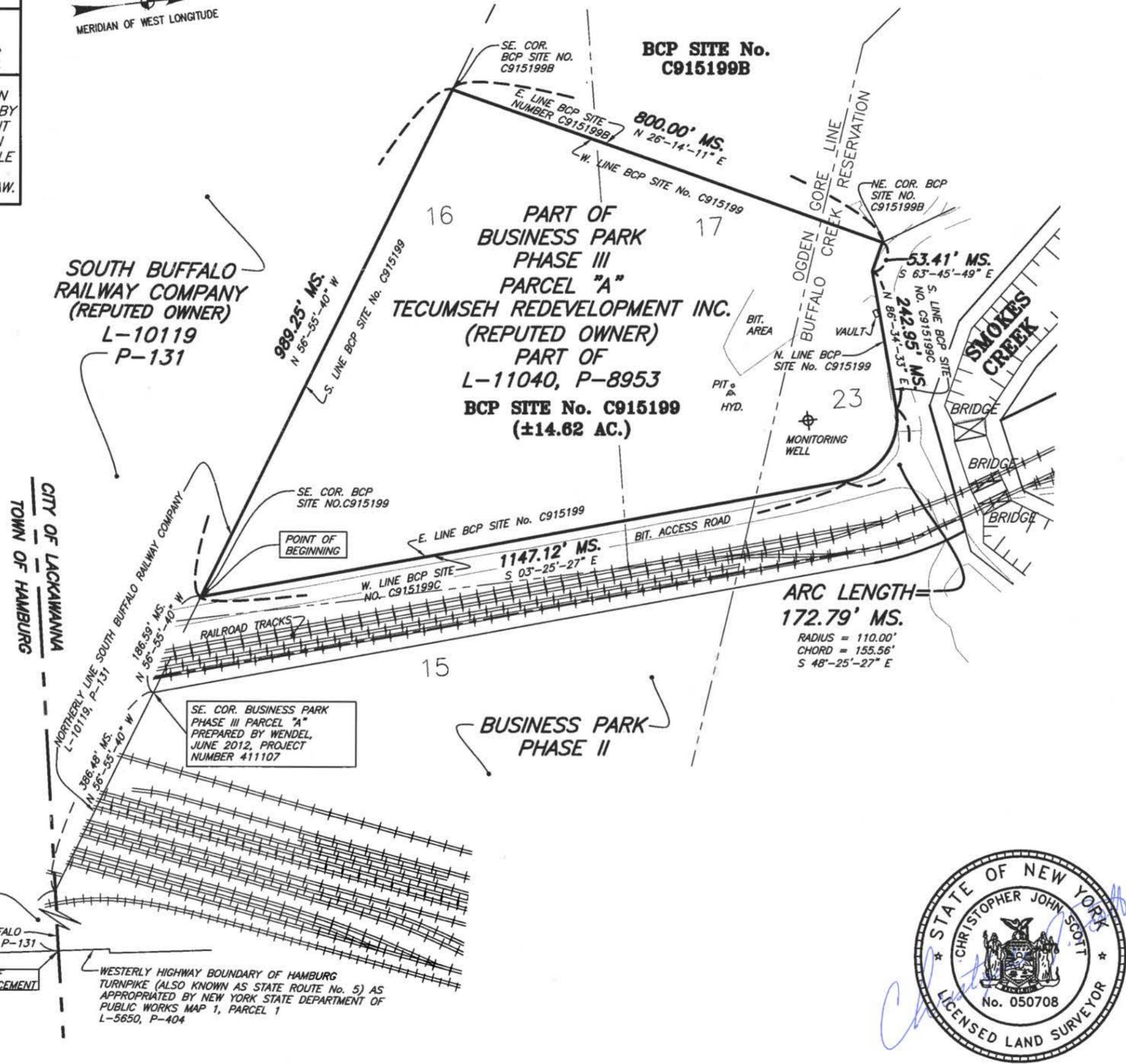
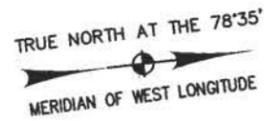
MAP OF
 BCA BOUNDARIES & PLANNED SUB-PARCELS BROWNFIELD CLEAN-UP PROGRAM
 BUSINESS PARK PHASE III
 TO
 THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
 SITUATE IN PARTS OF LOTS 18, 19 & 20 OF THE OGDEN GORE TRACT
 TOWNSHIP 10, RANGE 8 OF THE HOLLAND LAND COMPANY'S SURVEY
 CITY OF LACKAWANNA, COUNTY OF ERIE, STATE OF NEW YORK
 T.M.#: PART OF 141.11-1-1.111

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, SEPTEMBER 1989. FIELD SURVEY COMPLETED JUNE 2012.

Christopher J. Scott 7/24/15
 CHRISTOPHER J. SCOTT, LAND SURVEYOR #050708 DATE

SHEET 1 of 2 CHECKED BY: CJS MAP NUMBER

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 DESCRIPTION FOR BCP SITE NUMBER C915199:

ALL THAT TRACT OR PARCEL OF LAND SITUATE IN THE CITY OF LACKAWANNA, COUNTY OF ERIE, STATE OF NEW YORK, BEING PART OF LOTS 16 AND 17 OF THE OGDEN GORE TRACT, AND LOT 23 OF THE BUFFALO CREEK RESERVATION, TOWNSHIP 10, RANGE 8 OF THE HOLLAND LAND COMPANY'S SURVEY, BEING BCP SITE NUMBER C915199, AS SHOWN ON A MAP OF "BUSINESS PARK PHASE III", PREPARED BY WENDEL, JULY 2015, PROJECT NUMBER 411107, BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF 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 1, PARCEL 1 AND AS RECORDED IN THE ERIE COUNTY CLERK'S OFFICE IN LIBER 5650 OF DEEDS, PAGE 404, AND THE MUNICIPAL BOUNDARY LINE BETWEEN THE CITY OF LACKAWANNA (TO THE NORTH) AND THE TOWN OF HAMBURG (TO THE SOUTH), SAID POINT ALSO BEING ON THE NORTHERLY BOUNDARY OF LANDS CONVEYED TO THE SOUTH BUFFALO RAILWAY COMPANY BY DEED RECORDED IN THE ERIE COUNTY CLERK'S OFFICE IN LIBER 10119 OF DEEDS AT PAGE 131;

THENCE N 86°-32'-54" W, ALONG THE NORTHERLY LINE OF THE SOUTH BUFFALO RAILWAY COMPANY, A DISTANCE OF 507.02 FEET TO A POINT;

THENCE N 56°-55'-40" W, ALONG THE NORTHERLY LINE OF THE SOUTH BUFFALO RAILWAY COMPANY, A DISTANCE OF 386.48 FEET TO THE POINT OF BEGINNING OF BUSINESS PARK PHASE III PARCEL "A" AS SHOWN ON SAID MAP PREPARED BY WENDEL;

THENCE N 56°-55'-40" W, ALONG THE NORTHERLY LINE OF THE SOUTH BUFFALO RAILWAY COMPANY, A DISTANCE OF 186.59 FEET TO THE POINT OF BEGINNING, SAID POINT BEING THE SOUTHEAST CORNER OF BCP SITE NUMBER C915199;

THENCE N 56°-55'-40" W, A DISTANCE OF 989.25 FEET TO THE SOUTHEAST CORNER OF BCP SITE NUMBER C915199B;

THENCE N 26°-14'-11" E ALONG THE WESTERLY LINE OF BCP SITE NUMBER C915199, A DISTANCE OF 800.00 FEET TO A POINT;

THENCE S 63°-45'-49" E ALONG THE NORTHERLY LINE OF BCP SITE NUMBER C915199, A DISTANCE OF 53.41 FEET TO A POINT;

THENCE N 86°-34'-33" E ALONG THE NORTHERLY LINE OF BCP SITE NUMBER C915199, A DISTANCE OF 242.95 FEET TO A POINT OF CURVATURE;

THENCE ALONG A CURVE HAVING A RADIUS OF 110.00 FEET, AN ARC DISTANCE OF 172.79 FEET TO A POINT;

THENCE S 03°-25'-27" E ALONG THE EASTERLY LINE OF BCP SITE NUMBER C915199, A DISTANCE OF 1147.12 FEET TO THE POINT OF BEGINNING, CONTAINING 14.62 ACRES OF LAND, MORE OR LESS.

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

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
 PREPARED BY THE CONSULTANT

wendel
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MAP OF
 BCA BOUNDARIES & PLANNED SUB-PARCELS BROWNFIELD CLEAN-UP PROGRAM
 IN BUSINESS PARK PHASE III
 TO
 THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
 SITUATE IN PARTS OF LOTS 16 & 17 OF THE OGDEN GORE TRACT AND
 PART OF LOT 23 OF THE BUFFALO CREEK RESERVATION,
 TOWNSHIP 10, RANGE 8 OF THE HOLLAND LAND COMPANY'S SURVEY
 CITY OF LACKAWANNA, COUNTY OF ERIE, STATE OF NEW YORK
 T.M.#: PART OF 141.11-1-1.111

200' 100' 50' 0' 200' 400'
 1 inch = 200 Feet
 1:2400

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, SEPTEMBER 1989.
 FIELD SURVEY COMPLETED JUNE 2012.

Christopher J. Scott
 CHRISTOPHER J. SCOTT, LAND SURVEYOR #050708 12/10/15
 DATE

REVISOR: CJS
 SHEET 2 of 2
 CHECKED BY: CJS
 MAP NUMBER BCP SITE No. C915199



WENDEL PROJECT NUMBER: 411107
 DRAWING NAME: PH3-1 C915199.DWG

REVISED 12/10/2015; DESCRIPTION INFORMATION