

Honorable David J Swarts  
County Clerk  
Erie County  
92 Franklin Street  
Buffalo, NY 14202  
(716) 858-8865

DATE:12/28/2006  
TIME:03:08:19 PM  
RECEIPT:272230

PAT SMITH

ITEM -01 70H 03:08:19 PM  
FILE:2006283565 BK/PG:D11123/6506  
257 W GENESEE LLC  
RECORDING FEE 46.00  
MARKOFF FEE 0.00  
Sub. Total 46.00

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AMOUNT DUE: \$46.00  
PAID CASH: \$46.00  
TOTAL PAID: \$46.00

REC BY:PATTI  
County Clerk  
Have a nice day!

## NOTICE OF CERTIFICATE OF COMPLETION

State of INDIANA  
County of HAMILTON ss:

The undersigned, being duly sworn, hereby deposes and states:

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) for the 4 New Seventh Street site ("Site"). The DER Site Number is C915203.

The Certificate was issued on December 22, 2006 to 257 West Genesee, LLC for a parcel of approximately 1.66 acres located at 4 New Seventh Street in the City of Buffalo. A metes and bounds description of the Site subject to the Certificate is attached as Schedule A.

The Certificate entitles the Certificate holder(s) 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.

A copy of the Certificate can be reviewed at the Department's Region 9 offices located at 270 Michigan Avenue, Buffalo, New York by contacting the Regional Environmental Remediation Engineer.

This Notice of Certificate of Completion is being recorded with the Erie County Clerk in accordance with ECL Section 27-1419.8 to give all parties who may acquire any interest in the Site.

WHEREFORE, the undersigned has signed this Notice of Certificate.

257 W. Genesee, LLC

By: [Signature]  
Title: Senior Vice President  
Date: December 14, 2006

Sworn to before me this  
14th day of December, 2006.

[Signature]  
Notary Public (Affix Stamp)

821674

Julie D. Hohlt  
Qualified in Hamilton County  
My Commission Expires 10/27/2013

**FILED**  
DEC 28 2006  
ERIE COUNTY  
CLERK'S OFFICE

## SCHEDULE A

**ALL THAT TRACT OR PARCEL OF LAND** situate in the City of Buffalo, County of Erie and State of New York, being part of Disposition Lot 2, Outer Lot 16 of the Village of New Amsterdam and part of the bed of Busti Terrace being more particularly bounded and described as follows:

**BEGINNING** at the intersection of the northwesterly right of way bounds of New Seventh Street, being 66 feet in width, with the southerly right of way bounds of former Court Street as a 6 rod road;

**THENCE** westerly along the southerly right of way bound of former Court Street a distance of 129.80 feet to a point;

**THENCE** southerly at a right angle a distance of 5.00 feet to a point;

**THENCE** westerly parallel with the southerly right of way bound of former Court Street, and distant 5.00 feet southerly therefrom a distance of 80.00 feet to a point on a northeasterly line of lands conveyed to the New York State Urban Development Corporation by deed recorded in Liber 8442 of Deeds at page 247;

**THENCE** southeasterly along said northeasterly line of lands conveyed to the New York State Urban Development Corporation, at an interior angle to the right as measured from the last described course of  $41^{\circ} 55' 39''$  for a distance of 51.26 feet to a point;

**THENCE** southwesterly at an exterior angle to the left as measured from the last described course of  $92^{\circ} 43' 40''$  a distance of 171.96 feet to a point lying on a southwesterly boundary of said lands conveyed to the New York State Urban Development;

**THENCE** southeasterly along said southwesterly boundary of lands conveyed to the New York State Urban Development and the southeasterly extension thereof, at an interior angle to the right as measured from the last described course  $90^{\circ} 46' 33''$  for a distance of 248.91 feet to a point;

**THENCE** continuing southeasterly at an exterior angle to the left as measured from the last described course of  $166^{\circ} 03' 00''$  for a distance of 152.16 feet to the aforementioned northwesterly right of way bounds of New Seventh Street;

**THENCE** northeasterly along said northwesterly right of way bounds of New Seventh Street at an interior angle to the right as measured from the last described course of  $36^{\circ} 04' 28''$  for a distance of 455.41 feet to the point of beginning.