

MICHAEL P. KEARNS, ERIE COUNTY CLERK
REF:

DATE:12/16/2021
TIME:10:30:39 AM
RECEIPT: 21205727

CARL P PALADINO
ACCOUNT #: 8907

ITEM - 01 CNT
RECD: 12/16/2021 10:42:51 AM
FILE: 2021251112 BK/PG D 11392/8345
Deed Sequence: TT2021010822
4216 GROUP LLC
Recording Fees 70.50
TP584 10.00
Subtotal 80.50

ITEM - 02 785
RECD: 12/16/2021 10:42:51 AM
FILE: 2021251113 BK/PG D 11392/8351
Deed Sequence: TT2021010823
COOPERAGE LLC
Recording Fees 90.50
TP584 10.00
Subtotal 100.50

ITEM - 03 785
RECD: 12/16/2021 10:42:51 AM
FILE: 2021251114 BK/PG D 11392/8361
Deed Sequence: TT2021010824
4216 GROUP LLC
Recording Fees 90.50
TP584 10.00
Subtotal 100.50

ITEM - 04 SERVICE
DEBIT ESCROW 11.00
Subtotal 11.00

TOTAL DUE	\$292.50
PAID TOTAL	\$292.50
PAID CHECK	\$292.50
Check #000383:	292.50

REC BY: Donna G
COUNTY RECORDER

Return to:
Box 237

COPY

TERMINATION AND RELEASE OF ENVIRONMENTAL EASEMENT

This Termination and Release of Environmental Easement is made as of 13th day of December 2021, by and between The People of the State of New York, acting through their Commissioner of the Department of Environmental Conservation ("NYSDEC" or the "Department") with its headquarters located at 625 Broadway, Albany, New York 12233; Owner, 4216 Group, LLC, having an office at 295 Main Street, Suite 700, Buffalo, New York 14203; and Owner, Cooperage, LLC, having an office at 295 Main Street, Suite 700, Buffalo, New York 14203 ("collectively the Grantor").

FILED

DEC 16 2021

RECITALS

1. WHEREAS, Grantor, 4216 Group, LLC, is the owner of certain land known as 300 Ohio Street, in the City of Buffalo, County of Erie and State of New York, known and designated on the tax map of the Erie County Clerk's Office as tax map parcel number: Section 122.10 Block 2, Lot 10.11 (formerly Lots 10, 11, 12, 13, 14, 15, 19 and 20), being the same as that property conveyed to Grantor, 4216 Group, LLC by deed dated November 12, 2018 and recorded in the Erie County Clerk's Office in Liber and Page 11337/6893.
2. WHEREAS, Grantor, Cooperage, LLC, is the owner and successor-in-interest to 4216 Group, LLC of that certain land known as 55 Chicago Street, in the City of Buffalo, County of Erie and State of New York, known and designated on the tax map of the Erie County Clerk's Office as tax map parcel number: Section 122.10 Block 2, Lot 15.21 (formerly Lots 2.1, 16.2, 17 and 18), being the same as that property conveyed to Grantor, 4216 Group, LLC by deed dated May 3, 2018 and recorded in the Erie County Clerk's Office in Liber and Page 11329/2532.
3. WHEREAS, 300 Ohio Street and a portion of 55 Chicago Street consist of the "Controlled Property" for that Brownfield Cleanup Program Site # C915257.
4. WHEREAS, the Department and Grantor, 4216 Group, LLC, entered into an Environmental Easement ("Easement Agreement") over the Controlled Property dated as of June 30, 2015, and recorded in the Erie County Clerk's Office on July 15, 2015, in Book 11282/Page 2680. The Controlled Property comprises approximately 4.850 +/- acres, and is hereinafter more fully described in Exhibit A.
5. WHEREAS, pursuant to Section 1, 2, 3, 4, and 5 of the Easement Agreement, Grantor granted the Department rights and interests that run with the land in perpetuity in order to provide an effective and enforceable means of encouraging the reuse and redevelopment of the Controlled Property at a level that has been determined to be safe for a specific use while ensuring the performance of maintenance, monitoring or operation requirements; and to ensure the potential restriction of future uses of the land that are inconsistent with the stated purpose.

6. WHEREAS, pursuant to Section 2 A of the Easement Agreement, the Controlled Property may only be used for Commercial and Industrial uses described in 6 NYCRR §375-1.8(g) and may only be used consistent with controls set out in that Section 2 A of the Easement Agreement.
7. WHEREAS, the Parties do hereby agree that all applicable remediation requirements for Site #C915257 set forth in the New York State Environmental Conservation Law have been achieved, and that further remediation of the site has resulted in a portion of the property the Controlled Property now being suitable for Restricted-Residential use, pursuant to 6 NYCRR §375-1.8(g).
8. WHEREAS, pursuant to Section 9 of the Easement Agreement, the Department has the unilateral right to terminate and release the Easement Agreement referenced in Paragraph 4 above.
9. WHEREAS, two separate Easement Agreements will be filed simultaneously with this termination in order to reflect the new ownership and changes in the allowed use of the Controlled Property.
10. Now therefore, pursuant to Section 9 of the Easement Agreement, the Department agrees to terminate and release the Easement Agreement.

TERMINATION AND RELEASE OF ENVIRONMENTAL EASEMENT

- A. The above recitals are hereby incorporated into this Termination and Release of Environmental Easement.
- B. The Department confirms that the date hereof is the "Termination Date" and the Department accordingly hereby terminates and releases the property as described in Exhibit A.
- C. This Termination and Release of Environmental Easement inures to and binds the parties hereto and their respective successors assigns.
- D. This Termination and Release of Environmental Easement shall be governed by and interpreted in accordance with the laws of the State of New York.

Remainder of Page Intentionally Left Blank

**THIS TERMINATION AND RELEASE OF THE EASEMENT AGREEMENT IS
HEREBY ACCEPTED BY THE PEOPLE OF THE STATE OF NEW YORK, Acting By
and Through the Department of Environmental Conservation as Designee of the Commissioner,**

By: Susan Edwards
Susan Edwards, Acting Director
Division of Environmental Remediation

Grantee's Acknowledgement

STATE OF NEW YORK)
) ss:
COUNTY OF ALBANY)

On the 13th day of December, in the year 2021, before me, the undersigned, personally appeared Susan Edwards, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity as Designee of the Commissioner of the State of New York Department of Environmental Conservation, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Jennifer Andoloro
Notary Public – State of New York

JENNIFER ANDALORO
Notary Public, State of New York
No. 02AN6098246
Qualified in Albany County
Commission Expires January 14, 2024

EXHIBIT A- PROPERTY DESCRIPTION

Environmental Easement Description

For 300 Ohio Street Site

BCP Site No. C915257

300, 326, 328, 340 and 354 Ohio Street

11 Chicago Street

49 and 53 Mackinaw Street

ALL THAT PLOT OF LAND SITUATE in the City of Buffalo, County of Erie and State of New York, being part of Out Lot No. 56 in said City, more particularly bounded and described as follows:

BEGINNING at the intersection of the easterly line of Chicago Street (66 feet wide) with the northeasterly line of Ohio Street (66 feet wide);

THENCE southeasterly, along the northeasterly line of Ohio Street, a distance of 596.00 feet to the point of intersection of said northeasterly line of Ohio Street with the southerly line of Wabash Street (66 feet wide), now discontinued and closed;

THENCE N 61° 28' 40" E, along the southerly line of the former Wabash Street, a distance of 55.77 feet to an angle point therein;

THENCE N 13° 17' 30" E, along the easterly line of the former Wabash Street, a distance of 843.22 feet, more or less, to a point in the southerly line of Mackinaw Street (originally 66 feet wide, but now discontinued in part);

THENCE N 76° 42' 30" W, along the southerly line of Mackinaw Street, a distance of 225.57 feet to a point on said southerly line of Mackinaw Street distant 140.00 feet easterly from the intersection of said southerly line of Mackinaw Street with the easterly line of Chicago Street, as measured along said southerly line of Mackinaw Street;

THENCE southerly, at right angles, and parallel to Chicago Street, a distance of 100.00 feet;

THENCE easterly, at right angles, and parallel to Mackinaw Street, a distance of 12.00 feet to a point on a line drawn parallel to Chicago Street;

THENCE southerly, at right angles, and parallel to Chicago Street, a distance of 158.50 feet to a point on a line drawn parallel to Mackinaw Street;

THENCE westerly, parallel to Mackinaw Street, a distance of 91.00 feet to a point which is 61.00 feet east of the easterly line of Chicago Street as measured along a line drawn at right angles to the easterly line of Chicago Street;

THENCE northerly, at right angles and parallel with the easterly line of Chicago Street, a

distance of 20.00 feet;

THENCE westerly, parallel with the southerly line of Mackinaw Street, a distance of 61.00 feet to a point in the easterly line of Chicago Street which point is 141.00 feet north of the intersection of said easterly line of Chicago Street and the northeasterly line of Ohio Street as measured along the easterly line of Chicago Street;

THENCE southerly, along the easterly line of Chicago Street, 141.00 feet to the point and place of beginning.

71, 73, & 75 Chicago Street

ALL THAT PLOT OF LAND SITUATE in the City of Buffalo, County of Erie and State of New York, Bounded and described as follows, to wit:

BEGINNING at a point in the easterly line of Chicago Street twenty-five (25) feet south of Mackinaw Street; running thence easterly on a line parallel with Mackinaw Street one hundred (100) feet; thence southerly and parallel with Chicago Street twenty-nine (29) feet; thence westerly and parallel with Mackinaw Street one hundred (100) feet to Chicago Street, and thence northerly along the easterly line of Chicago Street twenty-nine (29) feet to the place of beginning.

AND ALSO, ALL THAT PLOT OF LAND SITUATE in the City of Buffalo, County of Erie and State of New York, being part of Outer Lot No. 56 in said City, bounded and described as follows:

BEGINNING at a point in the south line of Mackinaw Street distant ninety-nine (99) feet east of its intersection with the east line of Chicago Street; thence easterly along the south line of Mackinaw Street one (1) foot; thence southerly and parallel with the east line of Chicago Street twenty-five (25) feet; thence westerly and parallel with the south line of Mackinaw Street one (1) foot; thence northerly and parallel with the east line of Chicago Street twenty-five (25) feet to the point or place of beginning.

Environmental Easement area containing 4.825 ± acres more or less.