

**New York State Department of Environmental Conservation
Division of Environmental Remediation**

Office of the Director, 12th Floor

625 Broadway, Albany, New York 12233-7011

Phone: (518) 402-9706 • **Fax:** (518) 402-9020

Website: www.dec.ny.gov

DEC 30 2013



Joe Martens
Commissioner

David Baldauf, Esq.
Harbor District Associates, LLC
Harbor Lodging, LLC
570 Delaware Avenue
Buffalo, NY 14202

Mr. Thomas Dee
Erie Canal Harbor Development Corporation
95 Perry Street
Buffalo, NY 14203

Re: Certificate of Completion
Site Name: 125 Main Street
Site No.: C915262
City of Buffalo, Erie County

Dear Messrs. Baldauf and Dee:

Congratulations on having satisfactorily completed the remedial program at the 125 Main Street site. Enclosed please find an original, signed Certificate of Completion. The New York State Department of Environmental Conservation (Department) is pleased to inform you that the Final Engineering Report is hereby approved, allowing the Certificate of Completion (COC) to be issued for the above-referenced site.

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

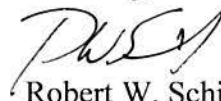
- If you are the site owner, you must record a notice of the COC in the recording office for the County (or Counties) where any portion of the site is located within 30 days of issuance of the COC; or if you are a prospective purchaser of the site, you must record a notice of the COC within 30 days of the date that you acquire the site. 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 enclosed with this letter;
- Place the notice of the COC in the document repository for the site within 10 days of issuance of the COC;
- Implement the Department-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 the Department in a Periodic Review Report (PRR) which also includes any required IC/EC Certifications. The site IC/ECs are identified on the enclosed Site Management Form. The first PRR including the certification of the IC/ECs is due to the Department in April 2015; 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.

The Department will prepare and distribute to the Site Contact List a fact sheet describing the institutional and engineering controls that are required at the site.

If you have any questions regarding any of these items, please contact the project manager for this site, David Locey, at (716) 851-7220 or dplocey@gw.dec.state.ny.us

Sincerely,



Robert W. Schick, P.E.

Director

Division of Environmental Remediation

Enclosures

cc: Craig Slater, Esq., The Slater Law Firm, PLLC (cslater@cslaterlaw.com)
Michael DePriest, Harbor District Associates, LLC (mikedepriest@benderson.com)
Daniel Popp, EnSol Inc. (dpopp@ensolinc.com)
Krista Anders, DOH
Scarlett McLaughlin, DOH
Michael Ryan, DEC
Ben Conlon, DEC
Andrew Guglielmi, DEC
David Locey, DEC
Martin Doster, DEC
Michael Cruden, DEC
Patrick Foster, DEC
George Heitzman, DEC

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 file no. 2013285166, book 11257 and page 6746.

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;

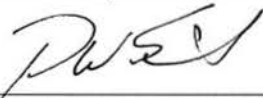
(4) there is good cause for such modification or revocation;

(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.

Joseph J. Martens
Commissioner
New York State Department of Environmental Conservation

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

Date: December 30, 2015

NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP)
CERTIFICATE OF COMPLETION

CERTIFICATE HOLDER(S):

Name

Harbor District Associates, LLC

Harbor Lodging, LLC

Address

570 Delaware Avenue, Buffalo, NY 14202

570 Delaware Avenue, Buffalo, NY 14202

BROWNFIELD CLEANUP AGREEMENT:

Application Approval: 5/15/12 **Agreement Execution:** 8/16/12 **Agreement Index No.:** C915262-05-12

Application Approval Amendment: 11/19/13

Agreement Execution Amendment: 11/25/13

Application Approval Amendment: 7/9/13

Agreement Execution Amendment: 11/15/13

SITE INFORMATION

Site No.: C915262 **Site Name:** 125 Main Street Site

Site Owner: Erie Canal Harbor Development Corporation

Street Address: 125 Main Street

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

Site Size: 1.820 Acres

Tax Map Identification Number(s): part of 111.17-7-1

Percentage of site located in an EnZone: 0 - 49 %

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: Restricted-Residential, 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 28 %.

Tangible Property Credit Component Rate is 12 %.

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

Site Preparation and On-Site Groundwater Remediation Credit Component Rate is 28 %.

Tangible Property Credit Component Rate is 10 %.

NOTICE OF CERTIFICATE OF COMPLETION

Brownfield Cleanup Program

6 NYCRR Part 375-1.9(d)

125 Main Street, Site ID No. C915262

Site Address: 125 Main Street, Buffalo, New York, 14204

City of Buffalo, Erie County, Tax Map Identification Number P/O 111.17-7-1

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 Harbor District Associates, LLC and Harbor Lodging, LLC for a parcel of approximately 1.82 acres located at 125 Main Street in the City of Buffalo and 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):

- 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 in Book 11257 of Deeds at Page 6746.

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.

125 Main Street, Site No. C915262, 125 Main St., Buffalo, NY

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 be 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 office 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

Harbor District Associates, LLC
Harbor Lodging, LLC

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:
Harbor District Associates, LLC
Harbor Lodging, LLC
570 Delaware Avenue
Buffalo, NY 14202



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Site Management Form
12/13/2013



SITE DESCRIPTION

SITE NO. C915262

SITE NAME 125 Main Street Site

SITE ADDRESS: 125 Main Street **ZIP CODE:** 14204

CITY/TOWN: Buffalo

COUNTY: Erie

ALLOWABLE USE: Restricted-Residential, Commercial, and Industrial

SITE MANAGEMENT DESCRIPTION

SITE MANAGEMENT PLAN INCLUDES: YES NO

IC/EC Certification Plan

☒ ☐

Monitoring Plan

☐ ☒

Operation and Maintenance (O&M) Plan

☐ ☒

Periodic Review Frequency: once a year

Periodic Review Report Submitted Date: 04/15/2015

Description of Institutional Control

Erie Canal Harbor Development Corp.

95 Perry Street, Suite 500

125 Main Street

Environmental Easement

Block: 7

Lot: 1

Sublot:

Section: 111

Subsection: 17

S_B_L Image: part of 111.17-7-1

Ground Water Use Restriction

IC/EC Plan

Landuse Restriction

Site Management Plan

Soil Management Plan

Description of Engineering Control

Erie Canal Harbor Development Corp.

95 Perry Street, Suite 500

125 Main Street

Environmental Easement

Block: 7

Lot: 1

Sublot:

Section: 111

Subsection: 17

S_B_L Image: part of 111.17-7-1

Cover System

EXHIBIT A

BCP PARCEL 1 ENVIRONMENTAL EASEMENT

ALL THAT TRACT OR PARCEL OF LAND situate in the City of Buffalo, County of Erie and State of New York, being part of Inner Lots Nos. 1, 2 and 215 and part of Outer Lot No. 83 and being a portion of lands now or formerly conveyed to the Erie Canal Harbor Development Corporation by deed recorded in the Erie County Clerks Office in Liber 11140 of Deeds at Page 8014, and as shown on a map entitled "Parcel Map" prepared by Foit-Albert Associates Architecture, Engineering and Surveying, P.C., Buffalo, NY, dated November 17, 2011 and revised February 25, 2013, and being more particularly bounded and described as follows:

COMMENCING at a point on the east line of Main Street (width varies) at its intersection with the north line of Scott Street (width varies), said point being the southwest corner of lands conveyed to the Erie Canal Harbor Development Corporation by deed recorded in the Erie County Clerks Office in Liber 11140 of Deeds at Page 8014;

Thence N 13° 54' 34" E along the said east line of Main Street, a distance of 133.70 feet to the **POINT OF BEGINNING**;

Thence continuing N 13° 54' 34" E along the said east line of Main Street, a distance of 350.73 feet to the northwest corner of said lands conveyed to the Erie Canal Harbor Development Corporation;

Thence easterly along the north line of said lands conveyed to the Erie Canal Harbor Development Corporation, the following three (3) courses and distances:

1. S 65° 11' 12" E, a distance of 65.70 feet to a point:
2. S 73° 45' 17" E, a distance of 67.42 feet to a point:
3. S 78° 05' 06" E, a distance of 67.70 feet to the west line of Washington Street (66' wide), said point also being the northeast corner of said lands conveyed to the Erie Canal Harbor Development Corporation:

Thence S 13° 54' 32" W along the said west line of Washington Street, a distance of 332.93 feet to a point;

Thence S 83° 56' 11" W, a distance of 78.12 feet to a point;

Thence on a curve to the right having a radius of 48.11 feet, an arc length of 57.74 feet, a chord bearing of N 61° 40' 57" W, a chord length of 54.34 feet to a point;

Thence S 83° 02' 04" W, a distance of 47.10 feet to a point;

Thence N 06° 57' 56" W, a distance of 26.72 feet to a point;

Thence S 76° 03' 40" W, a distance of 19.97 feet to the **POINT OR PLACE OF BEGINNING**, containing 70,266 square feet or 1.61 acres of land, more or less.

BCP PARCEL 2 ENVIRONMENTAL EASEMENT

ALL THAT TRACT OR PARCEL OF LAND situate in the City of Buffalo, County of Erie and State of New York, being part of part of Outer Lot No. 83 and being a portion of lands now or formerly conveyed to the Erie Canal Harbor Development Corporation by deed recorded in the Erie County Clerks Office in Liber 11140 of Deeds at Page 8014 and as shown on a map entitled "Parcel Map" prepared by Foit-Albert Associates Architecture, Engineering and Surveying, P.C., Buffalo, NY, dated November 17, 2011 and revised February 25, 2013, and being more particularly bounded and described as follows:

BEGINNING at a point on the east line of Main Street (width varies) at its intersection with the north line of Scott Street (width varies), said point being the southwest corner of lands conveyed to the Erie Canal Harbor Development Corporation by deed recorded in the Erie County Clerks Office in Liber 11140 of Deeds at Page 8014;

Thence N 13° 54' 34" E along the said east line of Main Street, a distance of 16.69 feet to a point;

Thence S 76° 05' 28" E, a distance of 24.60 feet to a point;

Thence N 83° 02' 03" E, a distance of 187.23 feet to the west line of Washington Street (66' wide);

Thence S 13° 54' 32" W along the said west line of Washington Street, a distance of 82.49 feet to the said north line of Scott Street;

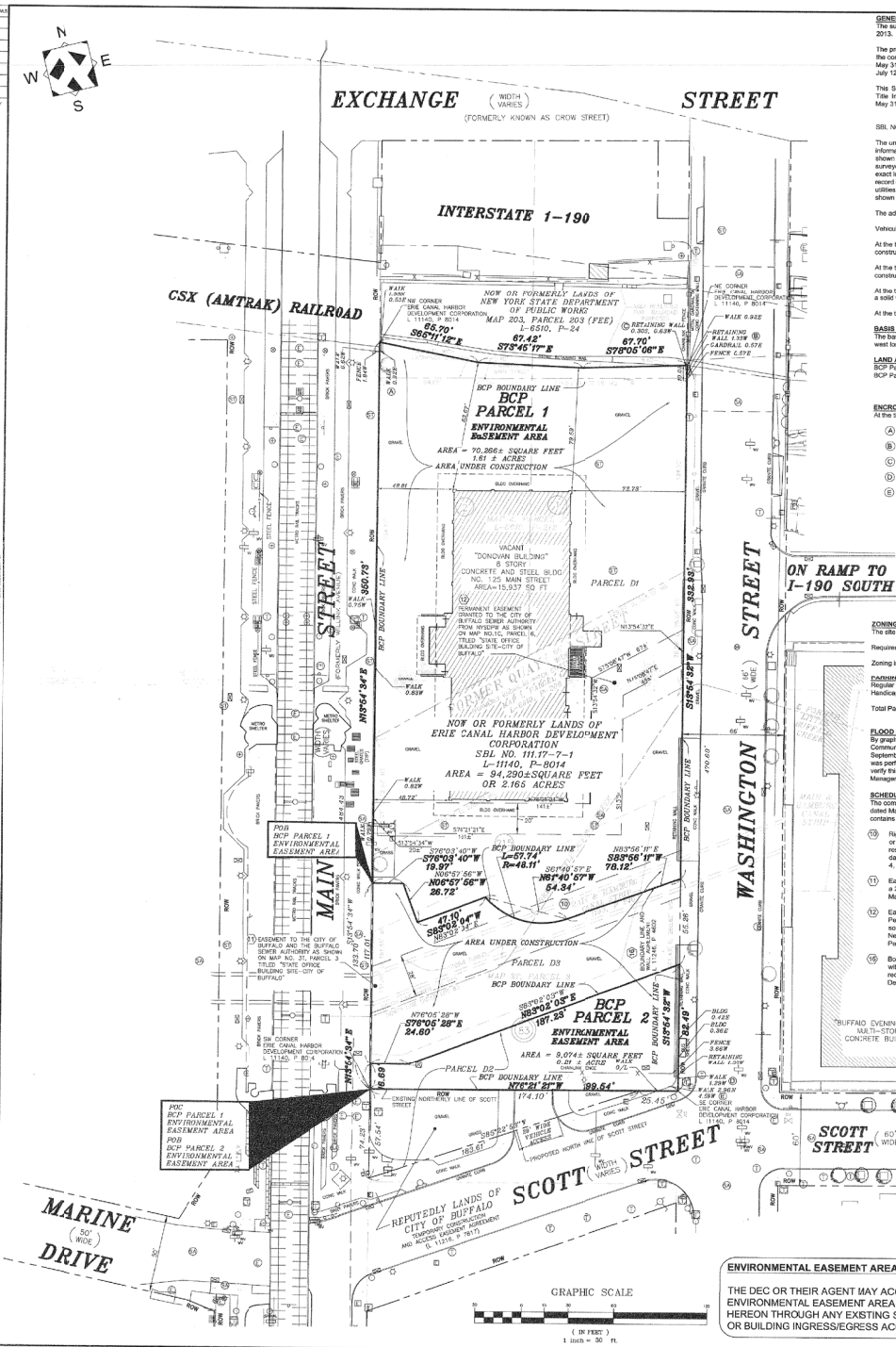
Thence N 76° 21' 21" W along the said north line of Scott Street, a distance of 199.54 feet to the **POINT OR PLACE OF BEGINNING**, containing 9,074 square feet or 0.21 acre of land, more or less.

Rev 5-8-2013

EXHIBIT B

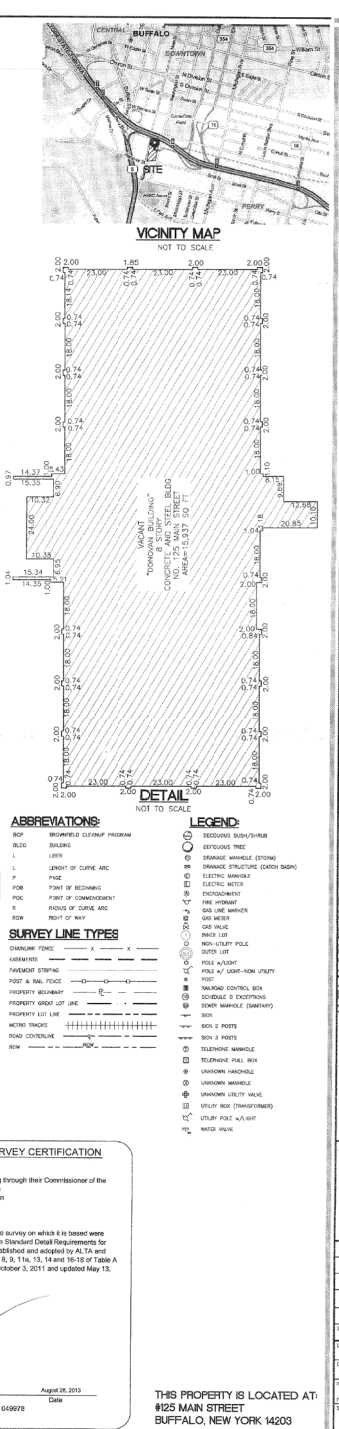
DATE: 5/12/12
DRAWN BY: MPO
CHECKED BY: MPO
APPROVED BY: MPO
PROJECT: ALTA/ACSM LAND TITLE SURVEY
PROJECT NO.: 1000122

THIS SURVEY WAS PREPARED BY FOIT ALBERT ASSOCIATES, INC. IN ACCORDANCE WITH THE PROFESSIONAL STANDARDS OF THE STATE OF NEW YORK. THE SURVEYOR'S CERTIFICATE OF QUALITY IS ATTACHED TO THIS SURVEY. THE SURVEYOR'S CERTIFICATE OF QUALITY IS ATTACHED TO THIS SURVEY. THE SURVEYOR'S CERTIFICATE OF QUALITY IS ATTACHED TO THIS SURVEY.



GENERAL NOTES:
The survey for this map was completed on October 3, 2011, and updated May 13, 2013.
The property herein described is the same as the pertinent property as described in the certificate for the insurance issued by Stewart Title Insurance Company, dated May 31, 2013, as Comment No. B413-4355(DEC) (4th Amended) and revised July 12, 2013.
This Survey has been revised with the benefit of The Report prepared by Stewart Title Insurance Company, Comment No. B413-4355(DEC) (4th Amended) dated May 31, 2013, and revised July 12, 2013.
SBL No. 111-17-7-1
The underground utilities shown have been located from field survey and record information provided. The surveyor does not guarantee that the underground utilities shown comprise all such utilities in the area, either in service or abandoned. The surveyor is not responsible for the location of any underground utilities shown in the area that are not shown on the map. The surveyor is not responsible for the location of any underground utilities shown in the area that are not shown on the map. The surveyor is not responsible for the location of any underground utilities shown in the area that are not shown on the map.
The address point on the subject property is 123 Main Street.
Vehicle access to the site is via Scott Street, a public dedicated highway.
At the time of this survey there was no observable evidence of earth moving, building construction or building additions within recent months.
At the time of this survey there was no observable evidence of recent street or sidewalk construction or repairs.
At the time of this survey there was no observable evidence of the site being used as a golf course, tennis court, or other recreational facility.
At the time of this survey there was no observable evidence of a cemetery.
BASIS OF BEARINGS:
The basis of bearings for the subject property is True North at 78° 30' meridian of longitude.
LAND AREA:
BCP Parcel 1 70,268 +/- s. 1.81 +/- acres
BCP Parcel 2 10,714 +/- s. 0.21 +/- acres
BCP Parcel 2 76,300 +/- s. 1.82 +/- acres
ENCROACHMENT STATEMENT:
At the time of this survey there were the following encroachments:
A. Walk encroaches 0.52E
B. Retaining Wall encroaches 1.03W
C. Retaining Wall encroaches 0.37S, 0.89W
D. Walk encroaches 1.29W
E. Walk encroaches 2.96N, 4.59W
ZONING INFORMATION:
The site is zoned Community Opportunity District (CO)
Zoning information obtained from the City of Buffalo Office of Strategic Planning
Permitted Building Types: None
Permitted Parking Spaces: 0
Permitted Parking Spaces: 0
Total Parking Spaces: 0
FLOOD STATEMENT:
By graphic platting only, this property lies Zone X of the Flood Insurance Map No. 22023, dated 10/20/03, which bears an effective date of September 20, 2006 and is in a special flood hazard area. No field surveying was performed to determine this zone, and an elevation certificate may be needed to verify this determination or apply for a variance from the Federal Emergency Management Agency.
SCHEDULE B NOTES:
The commitment to the insurance issued by Stewart Title Insurance Company, dated May 31, 2013, as B413-4355(DEC) (4th Amended) and revised July 12, 2013 contains the following exceptions which are survey matters:
1. Rights of the City of Buffalo with respect to any sewers, drains or water pipes or manholes located within the boundaries of the former Buffalo Canal Ship reserved in Deed made by City of Buffalo to Pioneer Real Estate Company dated March 4, 1915 and recorded in the Erie County Clerk's Office on March 4, 1915 in Liber 1199 of Deeds at page 246. Affects premises, shown hereon.
2. Easement rights of the City of Buffalo and the Buffalo Sewer Authority in and to a 20 foot wide Sewer Line Easement set forth on Transfer of Jurisdiction Map No. 31, Parcel No. 3. Affects premises, shown hereon.
3. Easement rights of the City of Buffalo and the Buffalo Sewer Authority in and to a 20 foot wide Sewer Line Easement set forth on Transfer of Jurisdiction Map No. 31, Parcel No. 3. Affects premises, shown hereon.
4. Easement rights of the City of Buffalo and the Buffalo Sewer Authority in and to a 20 foot wide Sewer Line Easement set forth on Transfer of Jurisdiction Map No. 31, Parcel No. 3. Affects premises, shown hereon.
5. Boundary Line and Wall Agreement made by Harbor District Associates, LLC with the Erie Canal Harbor Development Corporation dated May 8, 2013 and recorded in the Erie County Clerk's Office on May 23, 2013 in Liber 11366 of Deeds at page 4602. Affects premises, shown hereon.

BCP PARCEL 1 ENVIRONMENTAL EASEMENT
Being the part of the parcel of land conveyed to Erie Canal Harbor Development Corporation, from New York State Urban Development Corporation, by deed dated February 8, 2008 recorded on February 10, 2008 in Liber 1140 of Deeds at Page 8014 in the Erie County Clerk's Office.
ALL THAT TRACT OR PARCEL OF LAND situated in the City of Buffalo, County of Erie and State of New York, being part of lot No. 1, 2 and 213 and part of lot No. 214 and 215 and being a portion of lands now owned by the Erie Canal Harbor Development Corporation by deed recorded in the Erie County Clerk's Office in Liber 1146 of Deeds at Page 8014 and being a map entitled "Parcel Map" prepared by Foit-Albert Associates, Inc., dated November 17, 2011 and recorded in the Erie County Clerk's Office on May 23, 2013 in Liber 11366 of Deeds at page 4602, and being more particularly bounded and described as follows:
COMMENCING at a point on the east line of Main Street (width varies) at its intersection with the north line of Scott Street (width varies), said point being the southeast corner of said parcel of land conveyed to the Erie Canal Harbor Development Corporation by deed recorded in the Erie County Clerk's Office in Liber 1146 of Deeds at Page 8014;
Thence N 13° 54' 34" E along the said east line of Main Street, a distance of 133.10 feet to the POINT OF BEGINNING;
Thence continuing N 13° 54' 34" E along the said east line of Main Street, a distance of 350.73 feet to the northwest corner of said lands conveyed to the Erie Canal Harbor Development Corporation, the following three (3) courses and distances:
1. S 60° 11' 12" E, a distance of 65.70 feet to a point;
2. S 73° 49' 12" E, a distance of 67.42 feet to a point;
3. S 79° 02' 06" E, a distance of 67.70 feet to the west line of Washington Street (80' wide) and being the northeast corner of said lands conveyed to the Erie Canal Harbor Development Corporation;
Thence S 13° 54' 34" W along the said west line of Washington Street, a distance of 332.30 feet to a point;
Thence S 83° 56' 11" W, a distance of 78.12 feet to a point;
Thence on a curve to the right having a radius of 48.11 feet, an arc length of 87.74 feet, a chord bearing of N 1° 40' 57" W, a chord length of 54.34 feet to a point;
Thence S 83° 02' 04" W, a distance of 47.10 feet to a point;
Thence N 80° 57' 50" W, a distance of 26.72 feet to a point;
Thence S 78° 03' 47" W, a distance of 19.87 feet to the POINT OR PLACE OF BEGINNING, containing 70,268 square feet or 1.81 acres of land, more or less.
BCP PARCEL 2 ENVIRONMENTAL EASEMENT
Being the part of the parcel of land conveyed to Erie Canal Harbor Development Corporation, from New York State Urban Development Corporation, by deed dated February 8, 2008 recorded on February 10, 2008 in Liber 1140 of Deeds at Page 8014 in the Erie County Clerk's Office.
ALL THAT TRACT OR PARCEL OF LAND situated in the City of Buffalo, County of Erie and State of New York, being part of lot No. 1, 2 and 213 and being a portion of lands now or formerly conveyed to the Erie Canal Harbor Development Corporation by deed recorded in the Erie County Clerk's Office in Liber 1146 of Deeds at Page 8014 and being a map entitled "Parcel Map" prepared by Foit-Albert Associates, Inc., dated November 17, 2011 and recorded in the Erie County Clerk's Office on May 23, 2013 in Liber 11366 of Deeds at page 4602, and being more particularly bounded and described as follows:
BEGINNING at a point on the east line of Main Street (width varies) at its intersection with the north line of Scott Street (width varies), said point being the southeast corner of said parcel of land conveyed to the Erie Canal Harbor Development Corporation by deed recorded in the Erie County Clerk's Office in Liber 1146 of Deeds at Page 8014;
Thence N 13° 54' 34" E along the said east line of Main Street, a distance of 156.69 feet to a point;
Thence S 70° 05' 28" E, a distance of 24.60 feet to a point;
Thence S 83° 02' 04" W, a distance of 167.23 feet to the west line of Washington Street (80' wide);
Thence S 13° 54' 34" W along the said west line of Washington Street, a distance of 32.49 feet to the said east line of Scott Street;
Thence N 78° 31' 21" W along the said north line of Scott Street, a distance of 199.5 feet to the POINT OF PLACE OF BEGINNING, containing 10,714 square feet or 0.21 acre of land, more or less.
Subject to the burden of Temporary Construction and Access Agreement by and between Erie Canal Harbor Development Corporation and Harbor District Associates, LLC dated December 14, 2011 and recorded in the Erie County Clerk's Office on December 20, 2011 in Liber 11214 of Deeds at page 6750, as amended by agreement concerning Land Descriptions recorded in the Erie County Clerk's Office on February 1, 2012 in Liber 11218 of Deeds at page 7817. As supplemented by Amended and Restated Temporary Construction and Access Agreement dated May 8, 2013 and recorded in the Erie County Clerk's Office on May 23, 2013 in Liber 11366 of Deeds at page 4601.



FOIT ALBERT ASSOCIATES
1700 Main Street
Buffalo, New York 14203
Phone: 716.851.1222
Fax: 716.851.1223
Email: info@foitalbert.com
www.foitalbert.com
ALTA/ACSM LAND TITLE SURVEY
ENVIRONMENTAL EASEMENT
NYS DEPARTMENT OF ENVIRONMENTAL CONSERVATION SITE NO. C9582
PART OF INNER LOTS 1, 2 AND 5 AND PART OF OUTER LOT 88
CITY OF BUFFALO, COUNTY OF ERIE
STATE OF NEW YORK
THIS PROPERTY IS LOCATED AT:
123 MAIN STREET
BUFFALO, NEW YORK 14203
BS-101