

BCP APPLICATION

for

73-79 W. Huron St. Site
Buffalo, NY 14202
(Site #C915282)



August 2013
(Revised September 2013)

Submitted by
Hurondel I, Inc.
Buffalo, NY



Prepared by
Iyer Environmental Group, PLLC
Orchard Park, NY 14127

IYER ENVIRONMENTAL GROUP, PLLC
CONSULTING ENGINEERS & SCIENTISTS



September 21, 2013

44 Rolling Hills Drive
Orchard Park, NY 14127
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Phone: (716) 662-4157
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Ms. Kelly A. Lewandowski, P.E.
Chief, Site Control Section
NYSDEC
Bureau of Technical Support, 11th Floor
625 Broadway
Albany, NY 12233-7020

RE: BCP Application (Revised) – 73-79 W Huron Street, Buffalo, NY (ID C915282)

Dear Ms. Lewandowski:

Enclosed for your review and approval is the revised BCP application for the site located at 73-79 W Huron in Buffalo, NY. This application is revised to address comments in your letter dated 9/11/13, and includes additional documents requested therein. The revised/new pages are as follows:

Section I, Requestor Information:

- Updated BCP application form,
- Print-out of business entity information

Section II, Property Information:

- Corrected details on the three parcels
- Included property base map as Figure 4B
- Included complete application form, signed/initialed by property owner

Section III, Current Property Owner/Operator Information

- Included operator address/contact information

Section XIII, Contact List Information:

- Included names of contact persons where available
- Included copy of letter from repository (Erie County library)

Section IX, Land Use Factors:

- Question 14 – reference should be to Attachment C, and Figure 4B
- Question 15 – added description for groundwater

Miscellaneous:

- Included electronic copy of entire application package in pdf format on CD
- Revised all figures to show north arrow

We trust this will meet the NYSDEC's requirements. Please contact us if you need additional information.

Sincerely,

IYER ENVIRONMENTAL GROUP, PLLC

Dharmarajan R. Iyer, Ph.D., P.E.

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**NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
BROWNFIELD CLEANUP PROGRAM (BCP)**



ECL ARTICLE 27 / TITLE 14

DEPARTMENT USE ONLY BCP SITE #:

08/2013

Section I. Requestor Information		
NAME HURONDEL I, INC.		<i>see entity info in ATTACHMENT A</i>
ADDRESS 257 Franklin St.		
CITY/TOWN Buffalo, NY		ZIP CODE 14202
PHONE (716)853-3400	FAX (716)847-6296	E-MAIL aria3907@ aol.com
<p>Is the requestor authorized to conduct business in New York State (NYS)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>-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 Corporation & Business Entity Database. A print-out of entity information from the database must be submitted to DEC with the application, to document that the applicant is authorized to do business in NYS.</p> <p>-Individuals that will be certifying BCP documents, as well as their employers, meet the requirements of Section 1.5 of DER-10: Technical Guidance for Site Investigation and Remediation and New York State Education Law. Documents that are not properly certified will not be approved under the BCP.</p> <p align="right"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>		
NAME OF REQUESTOR'S REPRESENTATIVE James Jerge, President, Hurondel I, Inc.		
ADDRESS 257 Franklin St.		
CITY/TOWN Buffalo		ZIP CODE 14202
PHONE (716)853-3400	FAX (716)847-6296	E-MAIL aria3907@ aol.com
NAME OF REQUESTOR'S CONSULTANT Dharmarajan Iyer, Ph.D., PE, Iyer Environmental Group PLLC		
ADDRESS 44 Rolling Hills Drive		
CITY/TOWN Orchard Park, NY		ZIP CODE 14127
PHONE (716) 662-4157	FAX (716) 662-2118	E-MAIL iegpllc@aol.com
NAME OF REQUESTOR'S ATTORNEY Robert E. Knoer, Esq., The Knoer Group, PLLC		
ADDRESS 424 Main Street, Suite 1820		
CITY/TOWN Buffalo, NY		ZIP CODE 14202
PHONE (716)332-0032	FAX (716)362-8748	E-MAIL rknoer@knoergroup.com
THE REQUESTOR MUST CERTIFY THAT HE/SHE IS EITHER A PARTICIPANT OR VOLUNTEER IN ACCORDANCE WITH ECL 27-1405 (1) BY CHECKING ONE OF THE BOXES BELOW:		
<input type="checkbox"/> PARTICIPANT A requestor who either 1) was the owner of the site at the time of the disposal of hazardous waste or discharge of petroleum 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 hazardous waste or discharge of petroleum.	<input checked="" type="checkbox"/> 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, the requestor 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; and iii) prevent or limit human, environmental, or natural resource exposure to any previously released hazardous waste.	
Requestor Relationship to Property (check one):		
<input type="checkbox"/> Previous Owner <input checked="" type="checkbox"/> Current Owner <input type="checkbox"/> Potential /Future Purchaser <input type="checkbox"/> Other _____		
If requestor is not the site owner, requestor will have access to the property throughout the BCP project. <input type="checkbox"/> Yes <input type="checkbox"/> No -Proof of site access must be submitted for non-owners		
SEE TITLE SEARCH IN ATTACHMENT F		

Section II. Property InformationCheck here if this application is to request significant changes to property set forth in an existing BCA:

Existing BCP site number: _____

PROPERTY NAME **73-79 W. Huron St.**ADDRESS/LOCATION **73 - 79 W. Huron St.** CITY/TOWN **Buffalo, NY** ZIP CODE **14202**MUNICIPALITY(IF MORE THAN ONE, LIST ALL): **Buffalo**COUNTY **Erie** SITE SIZE (ACRES) **0.576 (total of 3 parcels)**LATITUDE (degrees/minutes/seconds) **42 ° 53 ' 24 "** LONGITUDE (degrees/minutes/seconds) **78 ° 52 ' 48 "**HORIZONTAL COLLECTION METHOD: SURVEY GPS MAP HORIZONTAL REFERENCE DATUM: **NAD83 - NY- W zone 3103**

COMPLETE TAX MAP INFORMATION FOR ALL TAX PARCELS INCLUDED WITHIN THE PROPERTY BOUNDARIES. ATTACH REQUIRED MAPS PER THE APPLICATION INSTRUCTIONS.

Parcel Address	Parcel No.	Section No.	Block No.	Lot No.	Acreage
73-75 W Huron St., Buffalo, NY 14202 (building)		111.37	-4-	10	0.340
77 W Huron St., Buffalo, NY 14202 (parking lot)		111.37	-4-	11	0.216
79 W Huron St., Buffalo, NY 14202 (parking lot)		111.37	-4-	17.2	0.020

1. Do the property boundaries correspond to tax map metes and bounds? Yes No

If no, please attach a metes and bounds description of the property.

2. Is the required property map attached to the application? (application will not be processed without map) Yes No3. Is the property part of a designated En-zone pursuant to Tax Law § 21(b)(6)? Yes No

For more information please see Empire State Development's website.

If yes, identify area (name) City of Buffalo (see map in Attachment B)Percentage of property in En-zone (check one): 0-49% 50-99% 100%4. Is this application one of multiple applications for a large development project, where the development Yes No

project spans more than 25 acres (see additional criteria in BCP application instructions)? If yes, identify name of properties in related BCP applications: _____

5. Property Description Narrative:

Site comprises an old, vacant six-story parking garage building (#73, previously included #75), and a rectangular parking lot (#77 and #79). (see site survey/maps/topo in ATTACHMENT B; and historical aerial and Sanborn maps in Attachment C)

6. List of Existing Easements (type here or attach information) *SEE ATTACHMENT F for Deed & Title Search*

<u>Easement Holder</u>	<u>Description</u>

7. List of Permits issued by the NYSDEC or USEPA Relating to the Proposed Site (type here or attach information)

<u>Type</u>	<u>Issuing Agency</u>	<u>Description</u>
NONE		

If any changes to Section II are required prior to application approval, a new page, initialed by each requestor, must be submitted.

Initials of each Requestor: JR

Section III. Current Property Owner/Operator Information

OWNER'S NAME Hurondel I, Inc.

ADDRESS 257 Franklin St.

CITY/TOWN Buffalo, NY

ZIP CODE 14202

PHONE (716)853-3400

FAX (716)847-6296

E-MAIL aria3907@ aol.com

OPERATOR'S NAME Pay2Park (parking lots); Hurondel I (vacant building)

ADDRESS 257 Franklin St.

CITY/TOWN Buffalo, NY

ZIP CODE 14202

PHONE (716)853-3400

FAX (716)847-6296

E-MAIL joepuinno@gmail.com

Section IV. Requestor Eligibility Information (Please refer to ECL § 27-1407)

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 subject to an existing order 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
- 4. Has the requestor been determined to have violated any provision of ECL Article 27? Yes No
- 5. Has the requestor previously been denied entry to the BCP? Yes No
- 6. Has the requestor been found in a civil proceeding to have committed a negligent or intentionally tortious act involving contaminants? Yes No
- 7. Has the requestor been convicted of a criminal offense that involves a violent felony, fraud, bribery, perjury, theft, or offense against public administration? Yes No
- 8. Has the requestor knowingly falsified or concealed material facts or knowingly submitted or made use of a false statement in a matter before 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

Section V. Property Eligibility Information (Please refer to ECL § 27-1405)

- 1. Is the property, or was any portion of the property, listed on the National Priorities List? Yes No
If yes, please provide relevant information as an attachment.
- 2. Is the property, or was any portion of the property, listed on the NYS Registry of Inactive Hazardous Waste Disposal Sites? Yes No
If yes, please provide: Site # _____ Class # _____
- 3. Is the property subject to a permit under ECL Article 27, Title 9, other than an Interim Status facility? Yes No
If yes, please provide: Permit type: _____ EPA ID Number: _____
Date permit issued: _____ Permit expiration date: _____
- 4. Is the property subject to a cleanup order under navigation law Article 12 or ECL Article 17 Title 10? Yes No
If yes, please provide: Order # _____
- 5. Is the property subject to a state or federal enforcement action related to hazardous waste or petroleum? Yes No
If yes, please provide explanation as an attachment.

Section VI. Project Description

What stage is the project starting at? Investigation Remediation

Please attach a description of the project which includes the following components:

- Purpose and scope of the project
- Estimated project schedule - see Attachment A for Supporting Information

Section VII. Property's Environmental History

To the extent that existing information/studies/reports are available to the requestor, please attach the following:

1. Environmental Reports

A Phase I environmental site assessment report prepared in accordance with ASTM E 1527 (American Society for Testing and Materials: Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process), and all environmental reports related to contaminants on or emanating from the site.

If a final investigation report is included, indicate whether it meets the requirements of ECL Article 27-1415(2): Yes No

2. SAMPLING DATA: INDICATE KNOWN CONTAMINANTS AND THE MEDIA WHICH ARE KNOWN TO HAVE BEEN AFFECTED. LABORATORY REPORTS SHOULD BE REFERENCED AND COPIES INCLUDED.

Contaminant Category	Soil	Groundwater	Surface Water	Sediment	Soil Gas
Petroleum	BTEX compounds	BTEX compounds			
Chlorinated Solvents					
Other VOCs					
SVOCs					
Metals					
Pesticides					
PCBs					
Other*					

*Please describe: _____

3. SUSPECTED CONTAMINANTS: INDICATE SUSPECTED CONTAMINANTS AND THE MEDIA WHICH MAY HAVE BEEN AFFECTED. PROVIDE BASIS FOR ANSWER AS AN ATTACHMENT.

Contaminant Category	Soil	Groundwater	Surface Water	Sediment	Soil Gas
Petroleum	exceeds SCOs	exceeds GW Standards			
Chlorinated Solvents					
Other VOCs					
SVOCs	to be investigated	to be investigated			
Metals	to be investigated	to be investigated			
Pesticides					
PCBs					
Other*					

*Please describe: _____

4. INDICATE KNOWN OR SUSPECTED SOURCES OF CONTAMINANTS (CHECK ALL THAT APPLY). PROVIDE BASIS FOR ANSWER AS AN ATTACHMENT.

- Above Ground Pipeline or Tank
 Lagoons or Ponds
 Underground Pipeline or Tank
 Surface Spill or Discharge
 Routine Industrial Operations
 Dumping or Burial of Wastes
 Septic tank/lateral field
 Adjacent Property
 Drums or Storage Containers
 Seepage Pit or Dry Well
 Foundry Sand
 Electroplating
 Coal Gas Manufacture
 Industrial Accident
 Unknown

Other: Industrial fill and refuse

5. INDICATE PAST LAND USES (CHECK ALL THAT APPLY):

- Coal Gas Manufacturing
 Manufacturing
 Agricultural Co-op
 Dry Cleaner
 Salvage Yard
 Bulk Plant
 Pipeline
 Service Station
 Landfill
 Tannery
 Electroplating
 Unknown

Other: Auto fueling station, parking garage and parking lot

6. PROVIDE A LIST OF PREVIOUS PROPERTY OWNERS AND OPERATORS WITH NAMES, LAST KNOWN ADDRESSES AND TELEPHONE NUMBERS AS AN ATTACHMENT. DESCRIBE REQUESTOR'S RELATIONSHIP, IF ANY, TO EACH PREVIOUS OWNER AND OPERATOR. IF NO RELATIONSHIP, PUT "NONE".

Section VIII. Contact List Information

Please attach, at a minimum, the names and addresses of the following:

see contact info in ATTACHMENT A

1. The chief executive officer and planning board chairperson of each county, city, town and village in which the property is located.
2. Residents, owners, and occupants of the property and properties adjacent to the property.
3. Local news media from which the community typically obtains information.
4. The public water supplier which services the area in which the property is located.
5. Any person who has requested to be placed on the contact list.
6. The administrator of any school or day care facility located on or near the property.
7. In cities with a population of one million or more, the local community board if the proposed site is located within such community board's boundaries (*note: per the 2010 census, New York City is the only city in NY with a population over one million).
8. The location of a document repository for the project (e.g., local library). In addition, attach a copy of a letter sent to the repository acknowledging that it agrees to act as the document repository for the property.

see letter from county library in ATTACHMENT A

Section IX. Land Use Factors (Please refer to ECL § 27-1415(3))

1. Current Use: Residential Commercial Industrial Vacant Recreational (check all that apply)
Provide summary of business operations as an attachment. *Parking lot is active; building is vacant*

2. Intended Use Post Remediation: Unrestricted Residential Commercial Industrial (check all that apply)
Provide specifics as an attachment.

3. Do current historical and/or recent development patterns support the proposed use? (See #14 below re: discussion of area land uses) Yes No

4. Is the proposed use consistent with applicable zoning laws/maps? Yes No

5. Is the proposed use consistent with applicable comprehensive community master plans, local waterfront revitalization plans, designated Brownfield Opportunity Area plans, other adopted land use plans? Yes No

6. Are there any Environmental Justice Concerns? (See §27-1415(3)(p)). Yes No

7. Are there any federal or state land use designations relating to this site? Yes No

8. Do the population growth patterns and projections support the proposed use? Yes No

9. Is the property accessible to existing infrastructure? Yes No

10. Are there important cultural resources, including federal or state historic or heritage sites or Native American religious sites within ½ mile? Yes No

11. Are there important federal, state or local natural resources, including waterways, wildlife refuges, wetlands, or critical habitats of endangered or threatened species within ½ mile? Yes No

12. Are there floodplains within ½ mile? Yes No

13. Are there any institutional controls currently applicable to the property? Yes No

14. Describe the proximity to real property currently used for residential use, and to urban, commercial, industrial, agricultural, and recreational areas in an attachment. *see ATTACHMENT A*

15. Describe the potential vulnerability of groundwater to contamination that might migrate from the property, including proximity to wellhead protection and groundwater recharge areas in an attachment. *see ATTACHMENT A*

16. Describe the geography and geology of the site in an attachment. *see ATTACHMENT A*

Section X. Statement of Certification and Signatures

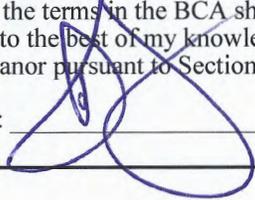
(By requestor who is an individual)

If this application is approved, I acknowledge and agree to the general terms and conditions set forth in DER-32 *Brownfield Cleanup Program Applications and Agreements* and to execute a Brownfield Cleanup Agreement (BCA) within 60 days of the date of DEC's approval letter. I also agree that in the event of a conflict between the general terms and conditions of participation set forth in DER-32 and the terms contained in a site-specific BCA, the terms in the BCA shall control. 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.

Date: _____ Signature: _____ Print Name: _____

(By an requestor other than an individual)

I hereby affirm that I am President (title) of Hurondel I Inc. (entity); that I am authorized by that entity to make this application; that this application was prepared by me or under my supervision and direction. If this application is approved, I acknowledge and agree to the general terms and conditions set forth in DER-32 *Brownfield Cleanup Program Applications and Agreements* and to execute a Brownfield Cleanup Agreement (BCA) within 60 days of the date of DEC's approval letter. I also agree that in the event of a conflict between the general terms and conditions of participation set forth in DER-32 and the terms contained in a site-specific BCA, the terms in the BCA shall control. 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.

Date: 9/20/2013 Signature:  Print Name: James Jerge

SUBMITTAL INFORMATION:

Three (3) complete copies are required.

- **Two (2)** copies, one paper copy with original signatures and one electronic copy in Portable Document Format (PDF) on a CD, 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

- **One (1)** paper copy must be sent to the DEC regional contact in the regional office covering the county in which the site is located. Please check our [website](#) for the address of our regional offices.

FOR DEPARTMENT USE ONLY

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

**NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

07/2010

**BROWNFIELD CLEANUP PROGRAM (BCP)
INSTRUCTIONS FOR COMPLETING A BCP APPLICATION**

The New York State Department of Environmental Conservation (DEC) strongly encourages all applicants to schedule a pre-application meeting with DEC staff to review the benefits, requirements, and procedures for completing a project in the BCP. Contact your [Regional office](#) to schedule a meeting. To add a party to an existing BCP Agreement and/or Application, use the [BCP Application Amendment for a Change in Party](#).

SECTION I

REQUESTOR INFORMATION

Requestor Name	Provide the name of the person(s)/entity requesting participation in the BCP. (If more than one, attach additional sheets with requested information. If an LLC, the members/owners names need to be provided on a separate attachment). The requestor is the person or entity seeking DEC review and approval of the remedial program. 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 Corporation & Business Entity Database . A print-out of entity information from the database must be submitted to DEC with the application, to document that the applicant is authorized to do business in NYS.
Address, etc.	Provide the requestor's mailing address, telephone number; fax number and e-mail address.
Representative Name	Provide the name of the requestor's authorized representative. This is the person to whom all correspondence, notices, etc will be sent, and who will be listed as the contact person in the BCA.
Representative Address, etc	Provide the representative's mailing address, telephone number, fax number and e-mail address. Invoices will be sent to the representative unless another contact name and address is provided with the application.
Consultant Name	Provide the name of the requestor's consultant.
Consultant address, etc	Provide the mailing address, telephone number, fax number and e-mail address.
Attorney Name	Provide the name of the requestor's attorney.
Attorney address, etc	Provide the mailing address, telephone number, fax number and e-mail address.
Participant/Volunteer Certification	The requestor is required to certify whether it is applying as a "Participant" or a "Volunteer" as defined in Environmental Conservation Law (ECL) 27-1405.1.
Relationship to Property	The requestor is required to identify its relationship to the property (previous owner, current owner, etc). If the requestor is not the owner, proof of access to the property throughout the BCP project must be provided (e.g. an access agreement).

SECTION II

PROPERTY INFORMATION

DEC requires an application to request major changes to the description of the property set forth in the BCA (e.g., adding a significant amount of new property, or adding property that could affect an eligibility determination due to contamination levels or intended land use). The application must be submitted to DEC in the same manner as the original application to participate. **If any changes to this section are required prior to application approval, a new page, initialed by each requestor, must be submitted.**

Property Name	Provide a name for the property. The name could be an owner's name, current or historical operations (i.e. ABC Furniture) or the general location of the property. Consider whether the property is know by DEC by a particular name, and if so, use that name.
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SECTION II**PROPERTY INFORMATION (Continued)**

Property Address

Provide a street address, city/town, zip code, and each municipality and county in which the property is located. For properties with multiple addresses, provide information for all.

Property Size

Provide the approximate acreage of the property.

GIS Information

Provide the latitude and longitude from the approximate center of the property. Show the latitude and longitude in degrees, minutes and seconds. Indicate method used to acquire the location (horizontal collection method); the Horizontal Reference Datum (NAD27 or NAD82) used in determining latitude and longitude coordinates; and the Reference Point. If more than one property is listed in the NIR, list separate latitude and longitudes.

Tax Parcel Information

Provide the tax parcel/section/block/lot information and map. Tax map information may be obtained from the tax assessor's office for all tax parcels that are included in the property boundaries. Attach a county tax map with identifier numbers, along with any figures needed to show the location and boundaries of the property. Include a USGS 7.5 minute quad map on which the property appears.

1. Tax Map Boundaries

State whether the boundaries of the property correspond to the tax map boundaries. If no, a metes and bounds description of the property must be attached. The site boundary can occupy less than a tax lot or encompass portions of one or more tax lots and may be larger or smaller than the overall redevelopment/reuse project area.

2. Map

Provide a property base map(s) of sufficient detail, clarity and accuracy to show the following: i) a distance of at least 1,000 feet around the proposed brownfield property at a scale no smaller than one inch equal to 200 feet; ii) map scale, north arrow orientation, date, and location of the property with respect to adjacent streets and roadways; iii) proposed brownfield property boundary lines, with adjacent property owners clearly identified; iv) surrounding land uses; and v) existing easements or rights-of-way currently in effect for the property(ies) comprising the property. A site survey with metes and bounds will be required to establish the site boundaries before the Remedial Investigation is approved.

3. En-zone

Is any part of the property in an En-zone? If so, what percentage? For information on En-zones, please see Empire State Development's [website](#).

4. Multiple applications

Generally, only one application can be submitted, and one BCA executed, for a development project. In limited circumstances, the DEC may consider multiple applications/BCAs for a development project where 1) the development project spans more than 25 acres; 2) the approach does not negatively impact the remedial program, including timing, ability to appropriately address areas of concern, and management of off-site concerns; and 3) the approach is not advanced to increase the value of future tax credits (i.e., circumvent the tax credit caps provided under New York State Tax Law Section 21).

5. Property Description Narrative

Provide any additional relevant information.

6. Easements

Identify and describe all current easements, including names of easement holders.

7. Present or Past Permits

Identify any permits issued by the NYSDEC or USEPA.

SECTION III**CURRENT PROPERTY OWNER/OPERATOR INFORMATION**

Owner Name

Provide the name of the current owner of the property. List all parties holding an interest in the property.

Owner Address, etc

Provide the owner's mailing address, telephone number, fax number and e-mail address.

Operator Name

Provide the name of the current operator (if different from the requestor or owner).

Operator Address, etc

Provide the operator's mailing address, telephone number, fax number and e-mail address.

SECTION IV**REQUESTOR ELIGIBILITY INFORMATION**

As a separate attachment, provide complete and detailed information in response to any eligibility questions answered in the affirmative. It is permissible to reference specific sections of existing property reports; however, it is requested that such information be summarized. For properties with multiple addresses or tax parcels, please include this information for each address or tax parcel.

- | | |
|---|---|
| 1. Enforcement Action Pending | Are any enforcement actions relating to the proposed brownfield property pending against the requestor? |
| 2. Existing Order | Is the requestor presently subject to an order for the investigation, removal or remediation of the contamination at the property? |
| 3. Outstanding Spill Fund Claim | Is the requestor subject to an outstanding claim by the Spill Fund? Any questions regarding whether a party is subject to a spill claim should be discussed with the Spill Fund Administrator. |
| 4. Violation of ECL Article 27 | 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 related order or determination; iii) any regulation implementing Title 14; or iv) any similar statute, regulation of the state or federal government? If so, provide an explanation on a separate attachment. |
| 5. Previous BCP Denial | Has the requestor previously applied for and been denied entry into 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. |
| 6. Negligent/Intentionally Tortious Act | 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? |
| 7. Criminal Convictions | 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? |
| 8. False Statements | 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? |
| 9. BCP Application Denial | Is the requestor an individual or entity of the type set forth in ECL 27-1407.8(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? |

SECTION V**PROPERTY ELIGIBILITY INFORMATION**

As a separate attachment, provide complete and detailed information in response to the following eligibility questions answered in the affirmative. It is permissible to reference specific sections of existing property reports; however, it is requested that that information be summarized.

- | | |
|-------------------------|--|
| 1. CERCLA / NPL Listing | Is any portion of the property listed on the National Priorities List (NPL) established under CERCLA? If so, provide relevant information. |
| 2. Registry Listing | Has any portion of the property ever been listed on the New York State Registry of Inactive Hazardous Waste Disposal Sites established under ECL 27-1305? If so, please provide the site number and classification. See the Division of Environmental Remediation (DER) website for a database of sites with classifications. |
| 3. RCRA | Does the property have a Resource Conservation and Recovery Act (RCRA) TSDF Permit in accordance with the ECL 27-0900 <i>et seq</i> ? If so, please provide the EPA Identification Number, the date the permit was issued, and its expiration date. See DER website for a list of RCRA permitted sites. Note: for purposes of this application, interim status facilities are not deemed to be subject to a RCRA permit. |

SECTION V**PROPERTY ELIGIBILITY INFORMATION (Continued)**

4. Existing Order Is the property subject to an order for cleanup under Article 12 of the Navigation Law or Article 17 Title 10 of the ECL? If so, please provide information on an attachment. Note: if the property is subject to a stipulation agreement, relevant information should be provided; however, property will not be deemed ineligible solely on the basis of the stipulation agreement.
5. Enforcement Action Pending Is the property subject to an enforcement action under Article 27, Titles 7 or 9 of the ECL or subject to any other ongoing state or federal enforcement action related to the contamination which is at or emanating from the property? If so, please provide information on an attachment.

SECTION VI**PROJECT DESCRIPTION**

As a separate attachment, provide complete and detailed information about the project, including the purpose of the project, proposed use after remediation and the estimated project schedule.

SECTION VII**PROPERTY ENVIRONMENTAL HISTORY**

1. Environmental Reports Summarize the results of all previous environmental studies, including any Phase I or Phase II Investigations as well as maps and data. The summary should include information concerning past uses, known or suspected contamination, and the names of any known primary contaminants to be addressed. Copies of all environmental reports and assessments must be included. The application must identify the standard used to prepare such reports (e.g. ASTM E 1527 [American Society for Testing and Materials: Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process])
2. Sampling Data Provide a table of known contaminants (from sampling and analysis) at the property with the maximum concentration detected and the media in which each contaminant was detected. Reference and include laboratory reports.
3. Suspected Contaminants Provide a table of suspected contaminants and the media which may have been affected.
4. Known or Suspected Sources of Contamination Indicate any known or suspected sources of contamination.
5. Past Land Uses Indicate past land uses.
6. Previous Owners and Operators Provide the names, address and phone numbers of all previous owners and operators, including a statement as to any relationship of the requestor to any prior owner(s).

SECTION VIII**CONTACT LIST INFORMATION**

Provide the names and addresses of the parties on the Site Contact List (SCL). The SCL consists of (i) the chief executive officer and planning board chairperson of each county, city, town, and village in which the site is located; ii) residents, owners, and occupants of the site and properties immediately adjacent to the site; iii) local news media from which the community typically obtains information; iv) the public water supplier which services the area in which the site is located; v) any person who has requested to be placed on the SCL; and, vi) the administrator of any school or day care facility located on or near the site. Also, provide the name and address of a document repository, along with a copy of a letter sent to the repository acknowledging that it agrees to act as the document repository for the site.

SECTION IX**LAND USE FACTORS**

1. Current Use Identify the current use category. Attach a summary of current business operations or uses, with an emphasis on identifying possible contaminant source areas. If operations or uses have ceased, provide the date.
2. Intended Use Identify the use category post remediation. Attach a statement detailing the specific proposed use.

SECTION IX**LAND USE FACTORS (Continued)**

- | | |
|-----------------------------------|--|
| 3. Historical/current development | Is the proposed use consistent with historical and/or current development patterns for the neighborhood? (See “Adjacent Uses” description below). |
| 4. Applicable zoning laws/maps | Is the proposed post-remediation use consistent with local zoning, planning and maps? Provide relevant documentation supporting the consistency. |
| 5. Comprehensive Plans | Is the proposed post-remediation use consistent with applicable comprehensive community master plans, local waterfront revitalization plans, designated Brownfield Opportunity Area plans, and other adopted land use plans? Provide relevant documentation supporting the consistency. |
| 6. EJ concerns | Are there any environmental justice concerns? If yes, explain. |
| 7. Federal/State designations | Are there any federal or state land use designations relating to the property? If yes, explain. |
| 8. Population growth patterns | Identify whether the growth patterns and projections support the proposed plan. Information on demographics can be found on Empire State Development’s website . |
| 9. Existing infrastructure | Is the property accessible to existing infrastructure (highways, utilities, sewer and water lines, etc)? |
| 10. Cultural resources | Are there important cultural resources, including federal or state historic or heritage sites or Native American religious sites within ½ mile of the site? If yes, explain. |
| 11. Natural Resources | Are there important federal, state or local natural resources, including waterways, wildlife refuges, wetlands, or critical habitats of endangered or threatened species within ½ mile? If yes, explain. |
| 12. Flood Plains | Are there floodplains within ½ mile of the site? If yes, explain. |
| 13. Institutional Controls | Does the property have any institutional controls imposed as part of a remedial program? If yes, describe the controls and the remedial program under which the controls were imposed. |
| 14. Adjacent uses | Attach a description of the general land uses (unrestricted, residential, commercial, industrial, agricultural, recreational, mixed, urban, etc.) in the area. Providing an area map depicting uses is the best approach. |
| 15. Groundwater vulnerability | Describe the potential vulnerability of groundwater to contamination that might migrate from the site, including proximity to wellhead protection and groundwater recharge areas, and other areas identified by the Department and the State’s Comprehensive Groundwater Remediation and Protection Program. |
| 16. Geography/Geology | Describe (in general terms) the geography and geology of the property on an attachment. |

SECTION X**SIGNATURE PAGE**

The Requestor must sign the application, **not** the requestor’s representative, contact, consultant or attorney. If there are multiple parties applying, then each must sign a signature page.

BCP APPLICATION
SITE: 73-79 W Huron St, Buffalo, NY 14202

ATTACHMENT A
SUPPORTING INFORMATION

BCP APPLICATION
ATTACHMENT A – SUPPORTING INFORMATION
73-79 W. Huron St. Site, Buffalo, NY
August 2013 (revised September 2013)

SECTION IV – PROJECT DESCRIPTION

Site Description: This Site located at 73-79 W Huron St. in Buffalo, NY (see Figure 1) consists of a building and a parking lot. The six (6) story rectangular parking garage is at 73 W Huron. It previously also included #75 which was merged into #73 several years ago. This vacant parking garage is a brick structure with a basement and has a 0.34-acre footprint. The 0.23-acre rectangular parking lot (77-79 W Huron) is located to the west of the parking garage (see aerial photo on Figure 2). The lot is shown in current Erie County tax records as #77 W Huron (0.216 ac) and #79 W Huron (0.020 ac), but historically #79 has always been part of #77 W Huron. No testing or investigation in the past has ever distinguished the two, and #79 can only be accessed through #77. The asphalt-paved parking lot is currently in use, operated by Pay2Park. Attachment B includes a photo page of the different parcels, and figures with site maps.

The following is a cross-reference between the street address for the parcels and their corresponding numbers in the tax map and survey/deed (in Attachment B and F):

ADDRESS	SURVEY MAP/DEED	AREA	CURRENT TAX ID
#77 W Huron	A & B (parking lot)	0.216 ac	111.37-4-11
#79 W Huron	D & DD (parking lot)	0.020 ac	111.37-4-17.2
#73-75 W Huron	C (six-story building)	0.340 ac	111.37-4-10

The subject site is located in the commercial district of Buffalo. It is bounded to the north by another paved parking lot, to the south by Huron Street, and to the east by an office building. The commercial properties to the west include an auto repair shop, restaurant, copy and repo center, an event center and an office building. Beyond Huron Street to the south are more office buildings. The parking garage was used as a horse stable in the early 1820s, and operated as an automotive garage from 1924. The parking lot once housed an automotive fueling station with USTs that were since removed.

Due to the history associated with this site and with the adjacent Sunoco site to the west at 181/183 Delaware Ave, these two sites have been the subject of investigations and remedial activities since the 1990s. Two Phase I ESAs for the site date back to 1993 (Enasco) and 1998 (Maxim). The site assessments and remedial actions associated with spill #0375208 spanned across these contiguous properties, including Phase II investigations in 2001 (Benchmark) and 2003 (GZA), subsurface investigations and groundwater monitoring from 2003 to 2012 (GZA, Nature’s Way and GES for Sunoco, and IEG for Hurondel), remedial efforts from 2007 to 2009 (air sparging/soil vapor extraction, and AS/SVE, by GES for Sunoco), and a pilot test (bioaugmentation with oxygen injection by Matrix Environmental Technologies for Sunoco) in 2011. In September 2011, the NYSDEC separated the 181 Delaware Avenue site from this group and issued Spill #1106834 under which all further remedial work by Sunoco is being performed, including site remediation (oxygen injection and bioaugmentation). The southernmost part of the parking lot at 77 W Huron is supposed to be remediated by Sunoco as part of its in-situ bioaugmentation currently in operation on the adjacent property. The original Spill #0375208 from July 2003 associated with the earlier work across the two sites and continuing work on the subject site remains associated with 77 West Huron.

Site History: The environmental history of the site gathered from previous investigation reports (copies are included as Attachment G2 through G9) is summarized below. For ease of reference, selected pages or cutouts from these reports are included as Attachment G1 in the same order discussed below.

JUN '93 –ENVIRONMENTAL ASSESSMENT REPORT BY ENASCO - parking garage

The first Phase I ESA completed in 1993 identified the use of above ground and underground petroleum storage tanks inside the building and the parking lot.

MAY '99 - PHASE I ESA REPORT. BY MAXIM – parking garage and parking lot

This follow up 1993 Phase I ESA for the garage and parking lot noted Historical records indicate that many tank removals have occurred at the subject property. However, it is not clear whether all UST's have been removed from the parcel” The Report recommended that a Phase II ESA consisting of a subsurface investigation and surficial/drum sampling plan be implemented.

AUG '01 - PHASE II ESI EPORT BY BENCHMARK - parking garage and parking lot

Benchmark completed a Phase II ESI consisting of subsurface soil sampling (up to 4 feet below ground surface) in the parking lot and groundwater inside the garage basement. Trace VOCs were detected in the top four feet of the subsurface soil, none in the basement water.

AUG '01 - PHASE II INVESTIGATION REPORT BY GZA – parking garage and parking lot

GZA completed a Phase II investigation within the #77 West Huron parking lot. It consisted of 10 soil probes up to 20 feet below ground surface, and the collection of 3 subsurface soil and 3 groundwater samples. VOCs were detected above TAGM 4046 values in two of the soil samples, and above Class GA groundwater standards in two groundwater samples.

APR '07 - BASEMENT INVESTIGATION BY IYER ENVIRONEMTAL – parking garage

In a January 2007 indoor air sampling by GES, several VOCs were detected in the garage basement. In a follow up basement investigation by Iyer Environmental, indoor basement air and water in three sumps were screened for VOCs with a Photoionization Detector (PID). The elevated PID readings indicated the presence of petroleum products in the southwest corner of the garage basement that is closest to the adjacent parking lot and auto service property.

OCT '11 - GPR SURVEY BY IYER ENVIRONEMTAL – parking lot

In October 2011, Iyer Environmental conducted a GPR and metal detector survey across the parking lot at #77 and #79 W Huron St., and also a small area at the northwest corner of the garage. The survey revealed subsurface anomalies at several locations across the parking lot.

FEB '13 – GEOPROBE SOIL INVESTIGATION BY IYER ENVIRONEMTAL – parking lot

Iyer Environmental completed a subsurface soil investigation across the parking lot that included 17 soil samples from Geoprobe borings completed at depths of up to 22 feet below ground surface. VOCs in the soil ranged up to 576 mg/ Kg in the subsurface. These high levels of VOCs were predominantly in the southern portion of the parking lot.

Summary: The garage (#73-75 W Huron) and the parking lot (#77-79 W Huron) have been the subject of Phase I and II site assessments since 1993. Historical activities like fueling station and automobile parking at this site dating back to 1925 included the use of petroleum products in above ground and underground tanks and drums. In addition, a plume of petroleum contamination from the adjacent auto service station extends into the parking lot and abuts the southwest corner of the garage – this adjacent source is in the process of being remediated.

Purpose and Scope of the Project:

The garage and parking lot need additional investigation to define the extent of contamination for all possible sources and subsequent remediation based on the results. Previous investigations at the parking lot (#77-79) have included subsurface soil and groundwater characterization, while the garage (#73-75) has been limited to air and sump water sampling in the basement that is otherwise in an open ventilated area.

The supplemental investigation under the BCP will target areas of the parking lot (e.g. anomalies in the 2011 GPR survey) not previously investigated, as well as subsurface soil and groundwater in the garage basement that could have been impacted by the plume of petroleum contamination across the parking lot as well as from the use of other petroleum tanks and drums within the garage.

Hurondel I, Inc. is in the process of redeveloping the now vacant parking garage building and the parking lot back to commercial use. As part of this development, Hurondel proposes to further investigate the site, assess the nature and extent of contamination, and undertake remedial measures that will render the property suitable for redevelopment and use.

Tentative Project Schedule

BCP Application process	July – October 2013
Remedial Investigation/AAR - work plan, field work, report	November 2013 – May 2014
Remedial Action / IRM - work plan, field work, report	June 2014 – October 2014
COC / Environmental Easement	November – December 2014
Site development	January – December 2015

SECTION VII – PROPERTY’S ENVIRONMENTAL HISTORY

The historical maps write-up in Attachment C and the Phase I and II ESA reports in Attachment G provide additional details on the site’s environmental history.

Item 6: Previous Owners/Operators

Ownership and operator information was identified from a review of deeds and title search (see Attachment F), and from historical maps (Sanborn, topos and aerials; see Attachment C). The following are historical owners/operators of the Site:

DATES	OWNERS
10/2/2003 to present	Hurondel I, Inc. (#73-garage, #77& #79 – parking lot)
11/3/1986 to 10/2/2003	Huron Parking Services, Inc.
6/10/1960 to 11/3/1986	75 West Huron Street Inc.
3/7/1922 to 6/10/1960	Anna Weber (parcel “C”)
9/2/1918 to 3/7/1922	Susquehanna Holding Corporation (parcel “C”)
2/28/1900 to 9/2/1918	C. W. Miller Transfer Company (parcel “C”)

DATES	OPERATORS
2003 – present	#73: Vacant building (Hurondel I, Inc.) #77 & #79: parking lot operated by Pay2Park
11/3/1986 to 10/2/2003	Huron Parking Services, Inc.

SECTION VIII: CONTACT LIST INFORMATION

1. City of Buffalo / Erie County

Honorable Byron Brown
Mayor, City of Buffalo
65 Niagara Square, City Hall
Buffalo, NY 14202

Honorable Mark Poloncarz
Erie County Executive
95 Franklin St.
Buffalo, NY 14202

Mr. Martin F. Kennedy
Assessment & Taxation Dept.
65 Niagara Square, City Hall
Buffalo, NY 14202

Mr. Garnell W. Whitfield, Jr.
Buffalo Fire Department
65 Niagara Square, City Hall
Buffalo, NY 14202

Mr. Paul Kranz
Erie Co Environment & Plan.
95 Franklin Street
Buffalo, NY 14202

Honorable Richard Fontana
President, Common Council
65 Niagara Square, City Hall
Buffalo, NY 14202

Ms. Christie Nelson
Director of Real Estate
95 Franklin Street, 1st Floor
Buffalo, NY 14202

Mr. Mark Smith
Empire State Development
95 Perry St.
Buffalo, NY 14202

2. Adjacent Properties (all Buffalo, NY 14202)

Dave's Performance Auto
183 Delaware Avenue

King's Court Restaurant
189 Delaware Avenue

Vinal & Vinal, P.C. Attorneys
193 Delaware Avenue

Wallach Attorneys at Law
169 Delaware Avenue

Hawthorne & Vesper, PLLC
197 Delaware Avenue

Barcelona Night Club
199 Delaware Avenue

Allpro Parking
196 Franklin St.

Club 220
220 Franklin St.

Law Offices
80 W. Huron ST.

3. Local News Media

Buffalo News
Attn: Environment News Desk
1 News Plaza
Buffalo, NY 14240

WKBW News Channel 7
Attn: Environment News Desk
7 Broadcast Plaza
Buffalo, NY 14202

WGRZ TV – CH. 2
Attn: Environment News Desk
259 Delaware Avenue
Buffalo, NY 14202

WIVB – CH. 4
Attn: Environment News Desk
2077 Elmwood Avenue
Buffalo, NY 14207

4. Public Water Supply

Buffalo Water Authority
Attn: Customer Service
607 City Hall
Buffalo, NY 14202

Buffalo Sewer Authority
Attn: Customer Service
90 West Ferry Street
Buffalo, NY 14213

5. Persons requested to be on List

To be determined

6. School/Day care facilities

None

7. Document Repository

Ms. Susan Carson
Erie County Central Library
1 Lafayette Square
Buffalo, NY 14203

8. Local Agencies

N.Y.S.D.E.C., Region 9
Attn: Mr. Marty Doster
270 Michigan Avenue
Buffalo, NY 14203

N.Y.S.D.O.H.
Attn: Mr. Mathew Forcucci
584 Delaware Avenue
Buffalo, NY 14202

Community Outreach File
N.Y.S.D.E.C., Region 9
270 Michigan Avenue

Erie Co. Emergency Services
95 Franklin Street
Buffalo, NY 14202

U.S.E.P.A. – Public Information Office
186 Exchange Street
Buffalo, NY 14204

Business First
465 Main Street
Buffalo, NY 14203 - 1793

SECTION IX – LAND USE FACTORS

Item 14 – Proximity to real property: The site is surrounded by commercial business all around as identified in Figure 4B and Attachment C.

Item 15 – Groundwater vulnerability: Based on existing monitoring wells in and around the site, shallow groundwater is seen to start at a depth of 5 to 8 feet below ground surface. Groundwater contamination is a concern due to past petroleum fueling operations at the adjacent auto repair shop (former Sunoco gas station) to the west and this Site. Groundwater monitoring reports for the adjacent Sunoco site indicate plumes of groundwater contamination with petroleum compounds extending across the adjacent and this Site. Groundwater is not a source of potable water for this area which depends on surface water supply from Lake Erie.

Item 16: Geography and geology

The site is located in the Erie-Ontario Lake plain physiographic province, and the topography surrounding the site is relatively flat typical of a commercial district. Surface water runoff from the site is directed to various City of Buffalo storm water intakes along West Huron Street. Soils on the site are mapped as Urban Land which can typically contain fill materials with little native soil conditions remaining. Depth to bedrock is estimated to occur within 25 feet. Groundwater at the site is approximately 10 feet below ground surface, and the local regional groundwater flow is generally to the east-southeast.

NYS Department of State

Division of Corporations

Entity Information

The information contained in this database is current through September 13, 2013.

Selected Entity Name: HURONDEL I, INC.

Selected Entity Status Information

Current Entity Name: HURONDEL I, INC.

DOS ID #: 2917471

Initial DOS Filing Date: JUNE 10, 2003

County: ERIE

Jurisdiction: NEW YORK

Entity Type: DOMESTIC BUSINESS CORPORATION

Current Entity Status: ACTIVE

Selected Entity Address Information

DOS Process (Address to which DOS will mail process if accepted on behalf of the entity)

THE KNOER GROUP, PLLC
424 MAIN STREET
SUITE 1820
BUFFALO, NEW YORK, 14202

Chief Executive Officer

JAMES F JERGE JR
3907 NORTH BUFFALO RD
ORCHARD PARK, NEW YORK, 14127

Principal Executive Office

HURONDEL I, INC.
3907 NORTH BUFFALO RD
ORCHARD PARK, NEW YORK, 14127

Registered Agent

NONE

This office does not record information regarding the names and addresses of officers, shareholders or directors of nonprofessional corporations except

the chief executive officer, if provided, which would be listed above. Professional corporations must include the name(s) and address(es) of the initial officers, directors, and shareholders in the initial certificate of incorporation, however this information is not recorded and only available by [viewing the certificate.](#)

***Stock Information**

# of Shares	Type of Stock	\$ Value per Share
200	No Par Value	

*Stock information is applicable to domestic business corporations.

Name History

Filing Date	Name Type	Entity Name
JUN 10, 2003	Actual	HURONDEL I, INC.

A **Fictitious** name must be used when the **Actual** name of a foreign entity is unavailable for use in New York State. The entity must use the fictitious name when conducting its activities or business in New York State.

NOTE: New York State does not issue organizational identification numbers.

[Search Results](#) [New Search](#)

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[Homepage](#) | [Contact Us](#)



September 20, 2013

Dharma Iyer
Iyer Environmental Group, PLLC
Orchard Park, NY 14127

Dear Mr. Iyer:

This is to inform you that the Buffalo and Erie County Public Library agrees to act as the document repository for the site titled, "73-79 W. Huron Street Site, Buffalo, NY 14202" during the course of the BCP investigation and remediation. Upon receipt of the document, it will be made available for public review.

Regardless of the address, this letter also serves as permission to submit other future documents that should be made available for public review. You will no longer need to obtain a letter of permission for future locations/addresses that you submit to the Library. Thank you.

Regards,

A handwritten signature in blue ink that reads "Carol Ann Batt".

Carol Ann Batt
Assistant Deputy Director
Chief Operating Officer

CAB/at

BCP APPLICATION
SITE: 73-79 W Huron St, Buffalo, NY 14202

ATTACHMENT B
PHOTO PAGE & FIGURES WITH SITE MAPS

73-79 W HURON STREET, BUFFALO, NEW YORK
PHOTO PAGE
PAGE 1 OF 1



View of the front of the building at 73 W Huron St



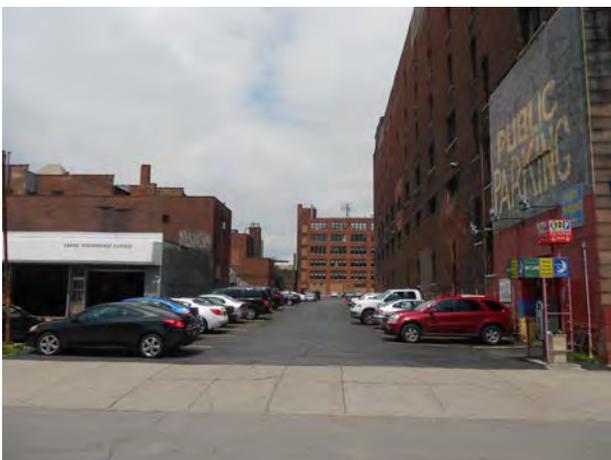
View of the back of the building at 73 W Huron St



View of the west side of the building at 73 W Huron St as seen from the 77 W Huron lot



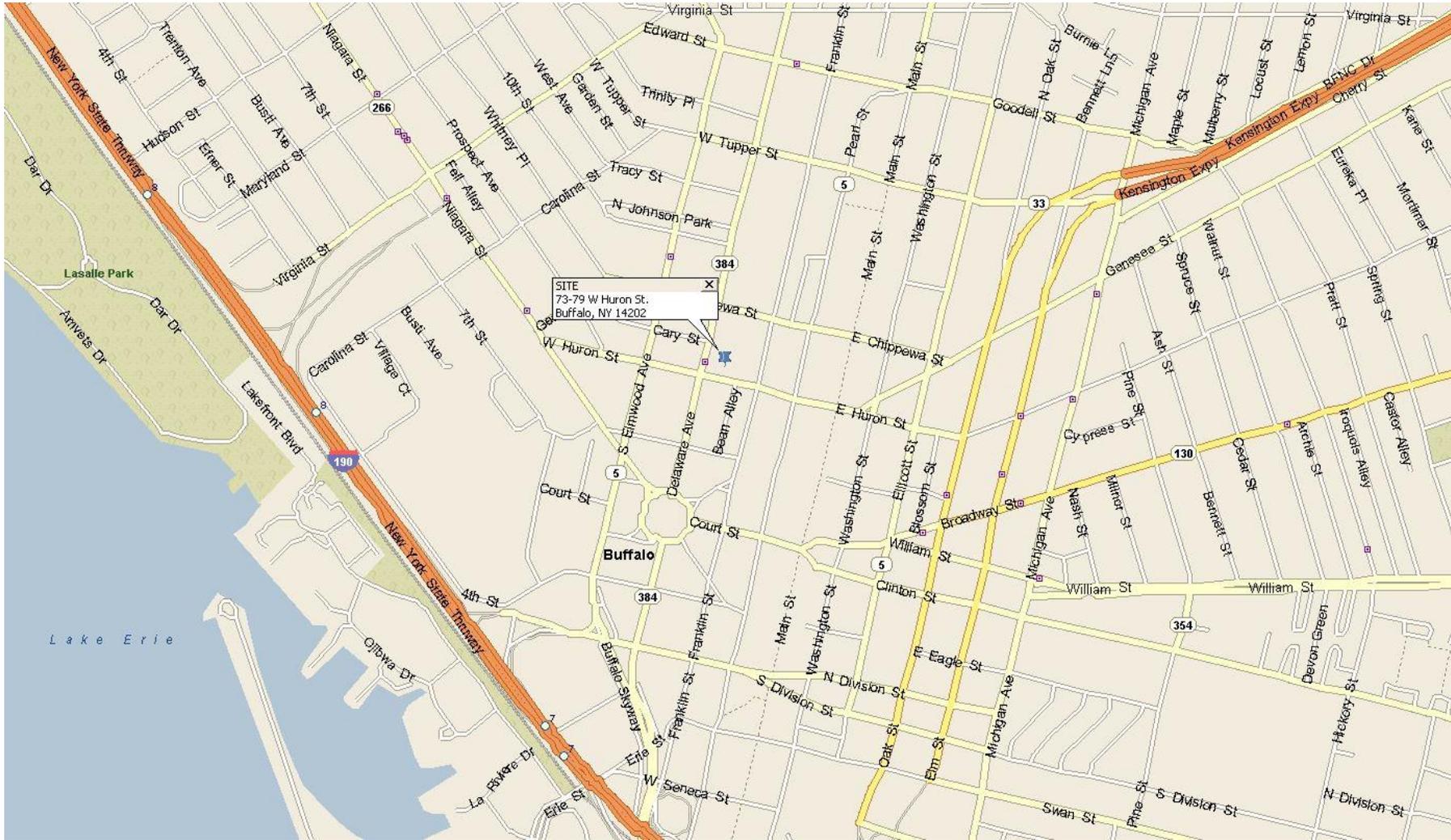
View of the east side of the building at 73 W Huron St as seen from Franklin St



The W Huron St entrance to the parking lot at 77 W Huron St



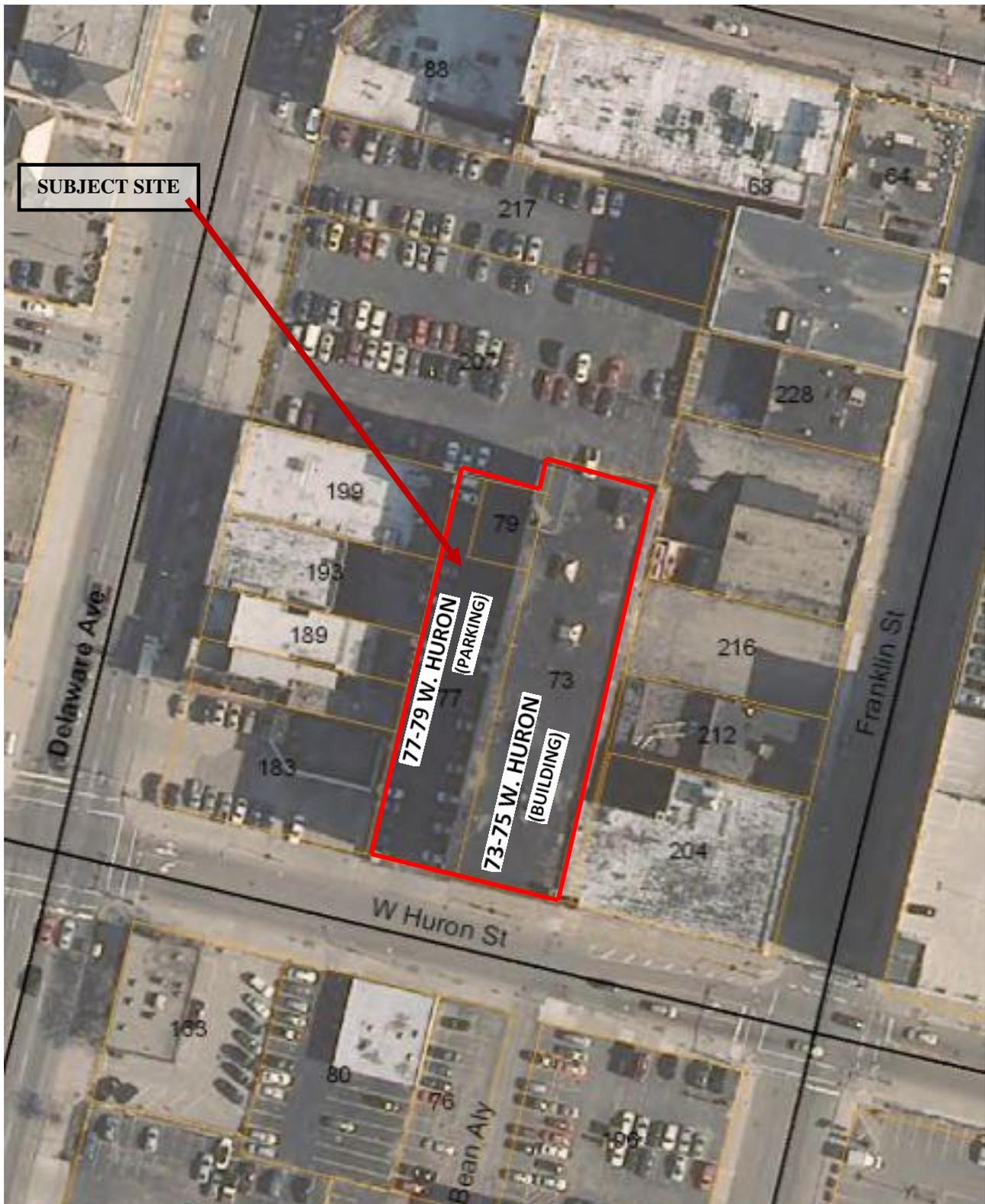
Looking south at the parking lot at 77 and 79 W Huron St



**73-79 W HURON ST., BUFFALO, NY
SITE LOCATION MAP**

FIGURE 1

IEG



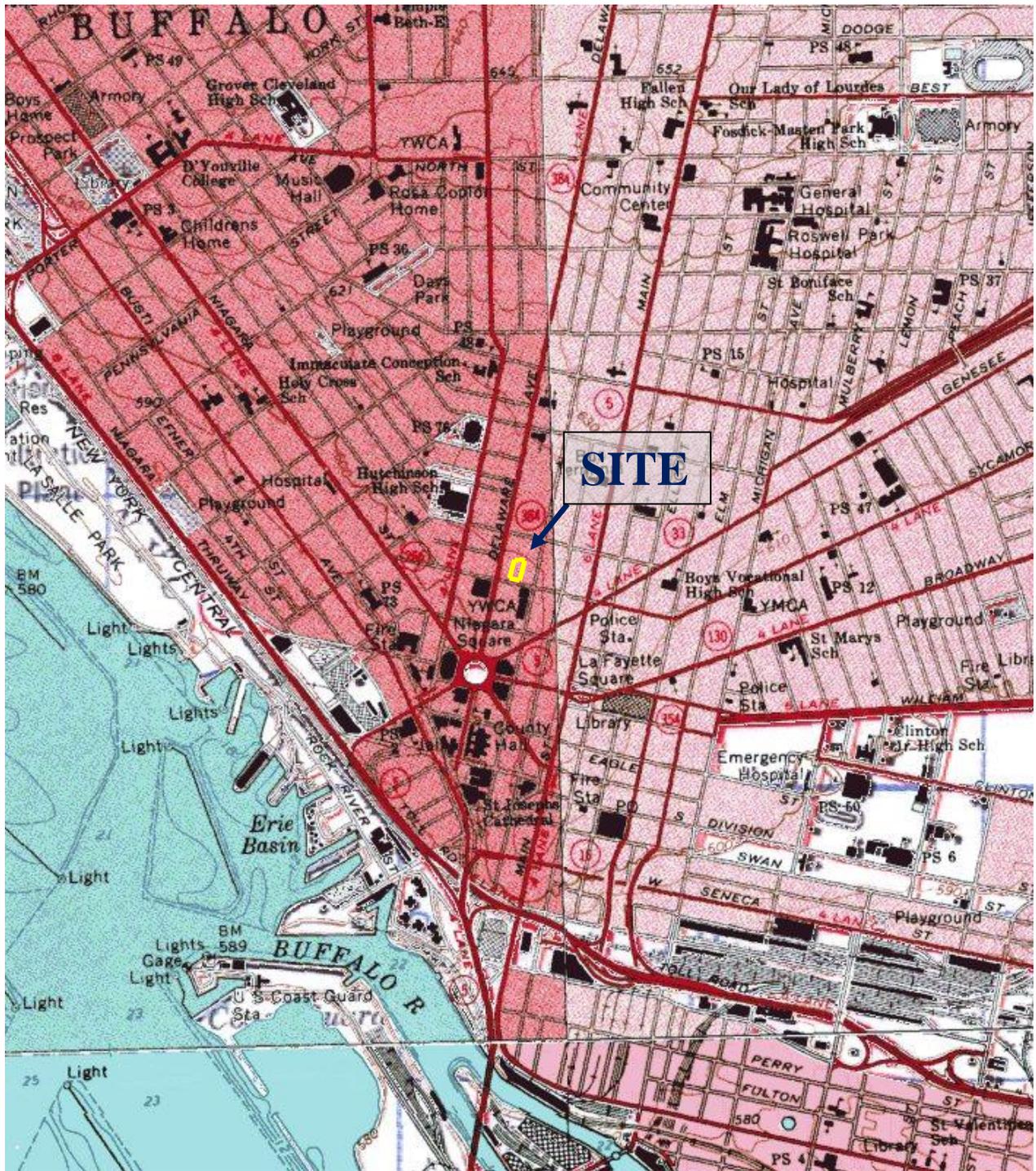
NOTE: 73-75 W. Huron have historically been part of one multi-story building
77-79 W. Huron have historically been part of one parking lot



**73-79 W HURON ST., BUFFALO, NY
AERIAL PHOTO**

FIGURE 2

IEG



**73-79 W HURON ST., BUFFALO, NY
TOPO MAP WITH PROPERTY BOUNDARY**

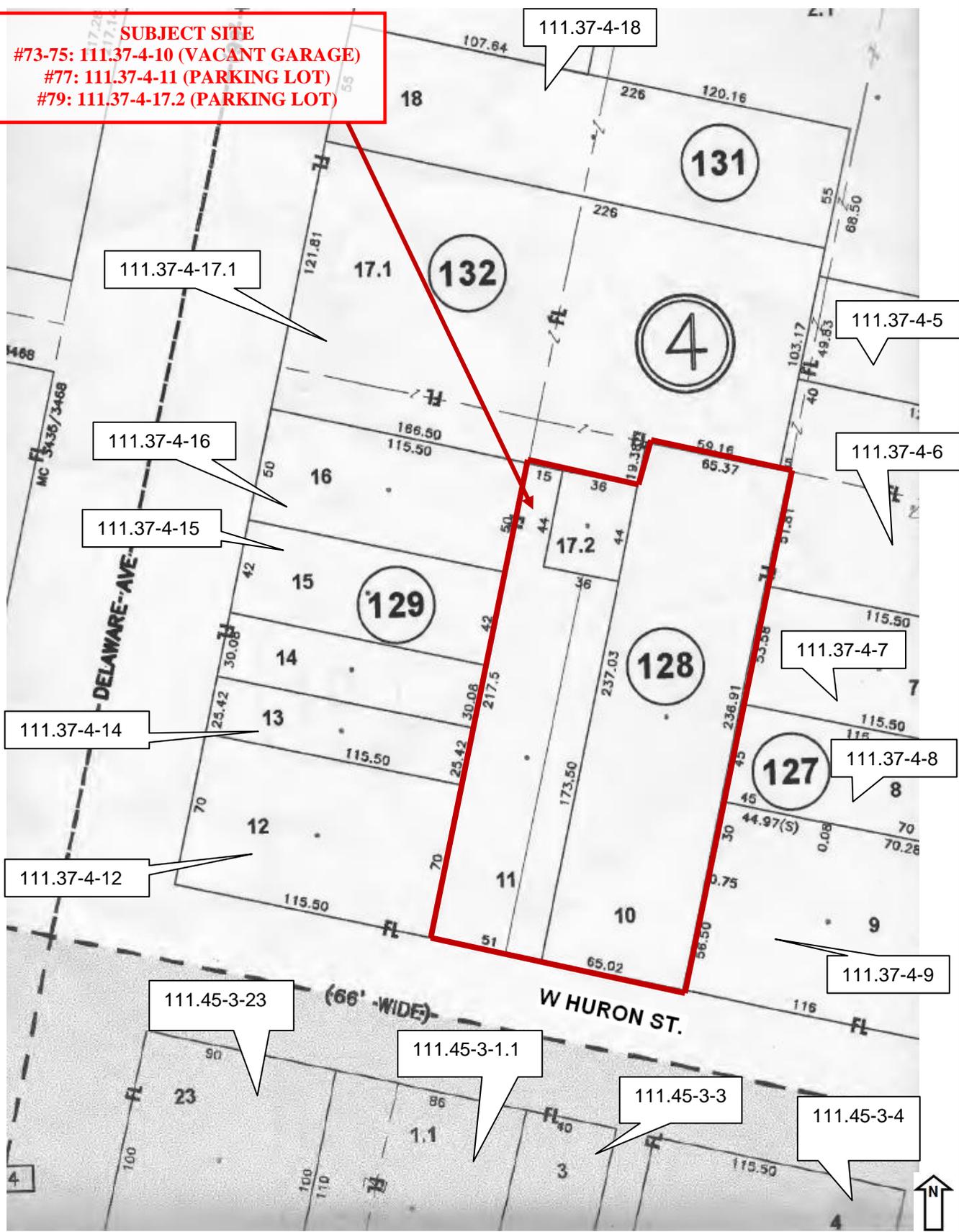
FIGURE 3B
IEG



73-79 W HURON ST., BUFFALO, NY
TOPO MAP WITH PROPERTY BOUNDARY

FIGURE 3A
IEG

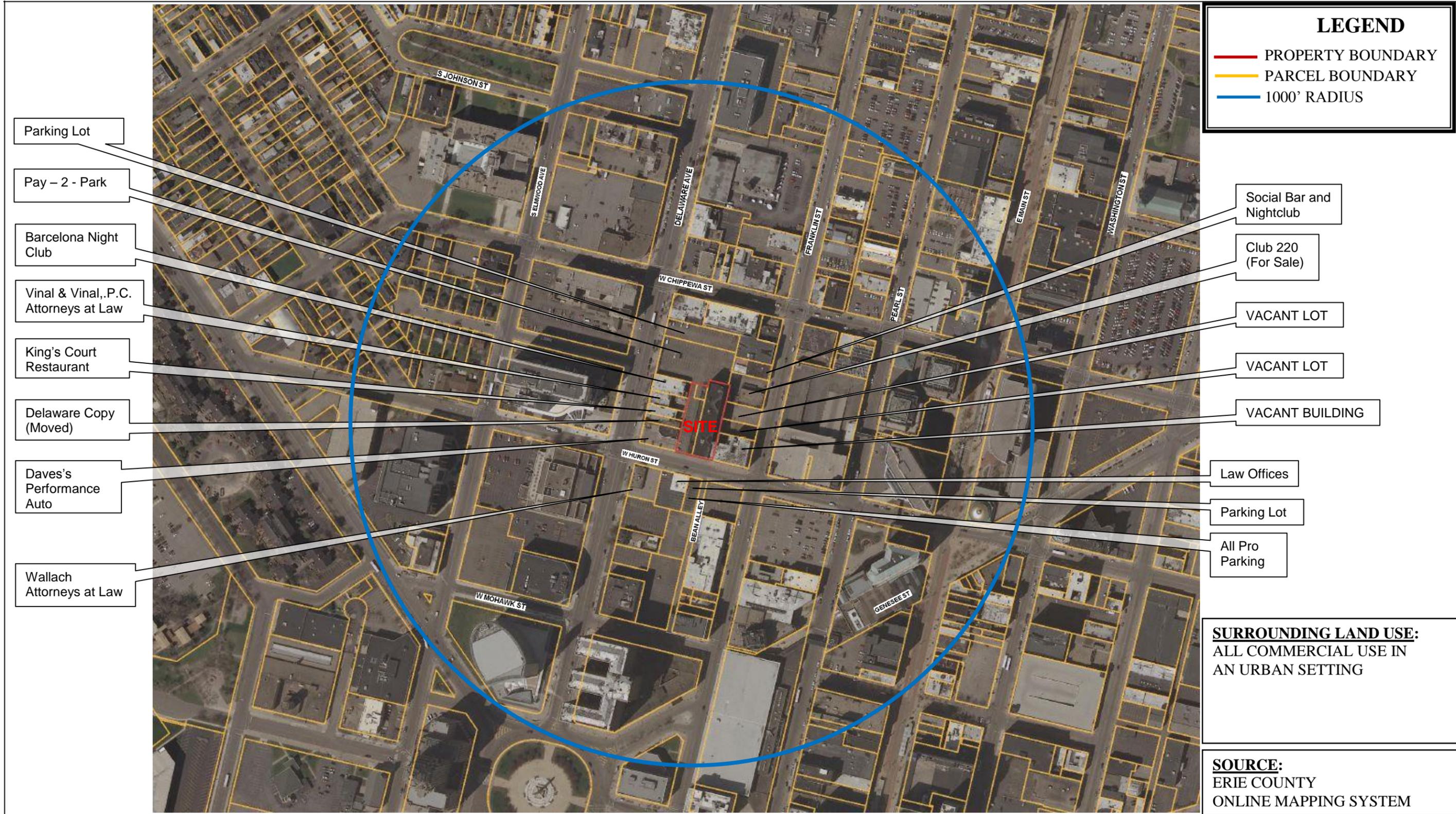
SUBJECT SITE
 #73-75: 111.37-4-10 (VACANT GARAGE)
 #77: 111.37-4-11 (PARKING LOT)
 #79: 111.37-4-17.2 (PARKING LOT)



**73-79 W HURON ST., BUFFALO, NY
 TAX MAP WITH PARCEL NUMBERS**

FIGURE 4A

IEG



LEGEND

- PROPERTY BOUNDARY
- PARCEL BOUNDARY
- 1000' RADIUS

Parking Lot

Pay - 2 - Park

Barcelona Night Club

Vinal & Vinal, P.C. Attorneys at Law

King's Court Restaurant

Delaware Copy (Moved)

Daves's Performance Auto

Wallach Attorneys at Law

Social Bar and Nightclub

Club 220 (For Sale)

VACANT LOT

VACANT LOT

VACANT BUILDING

Law Offices

Parking Lot

All Pro Parking

SURROUNDING LAND USE:
ALL COMMERCIAL USE IN AN URBAN SETTING

SOURCE:
ERIE COUNTY
ONLINE MAPPING SYSTEM

73-79 W HURON ST., BUFFALO, NY
BASE MAP SHOWING PROPERTY USE WITHIN 1000' AROUND SITE

↑
N

SCALE: 1" = 200'

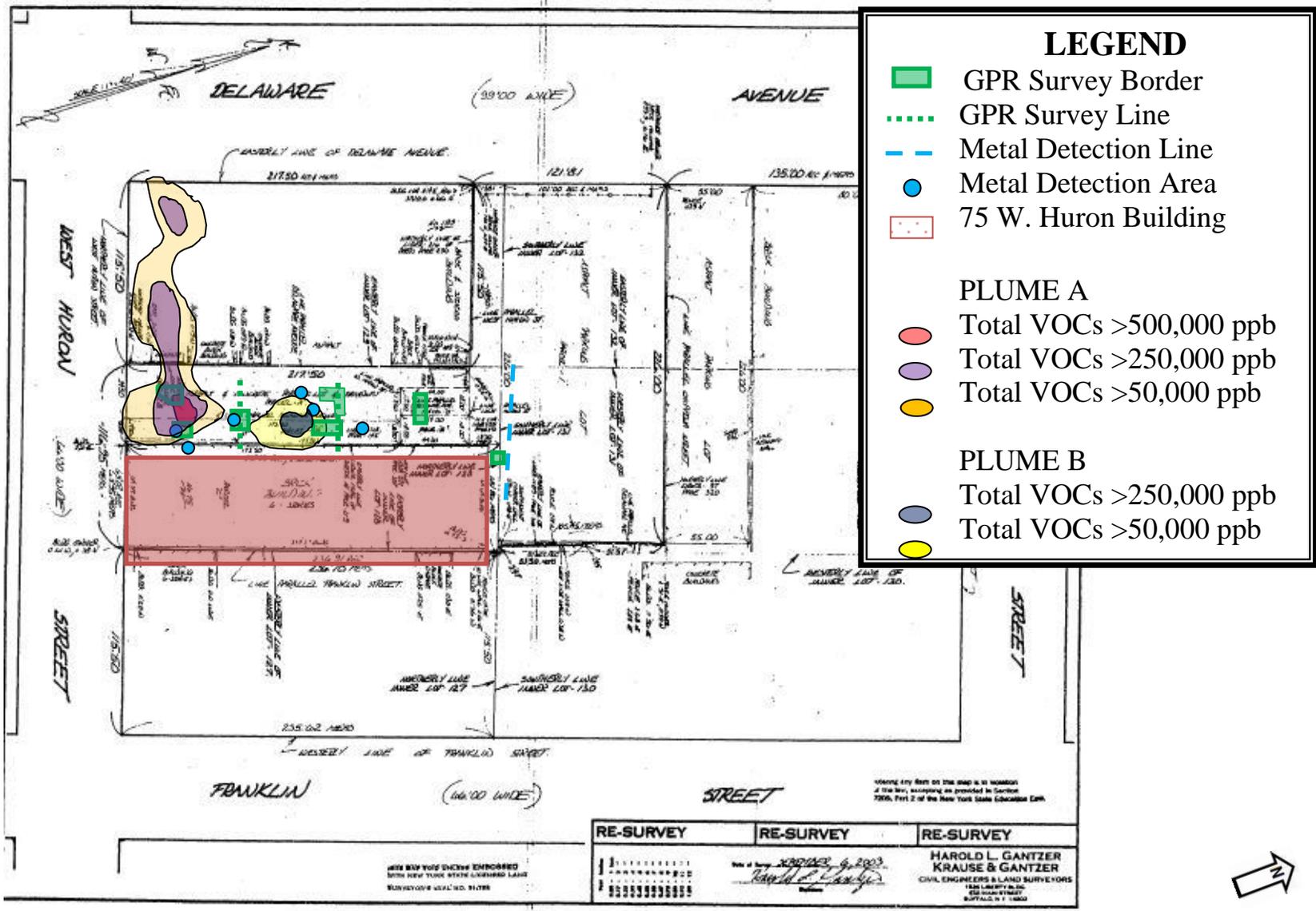
0' 200' 400'

DATE: 9/20/13

BY: DRI/RJA

FIGURE 4B

IEG



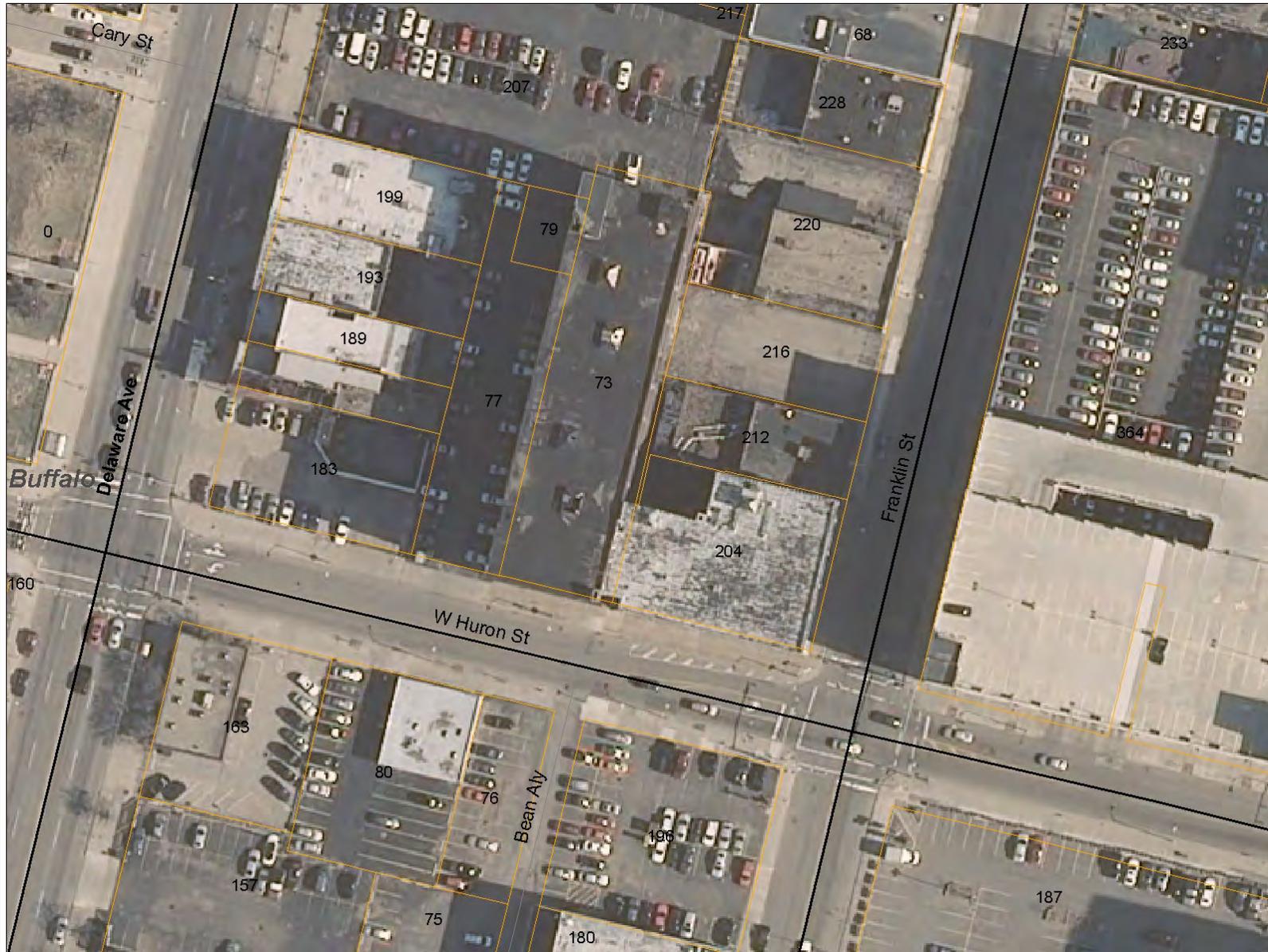
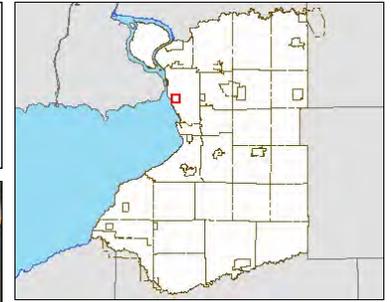
**73-79 W HURON ST., BUFFALO, NY
SURVEY MAP WITH RECS**

FIGURE 5

IEG



Erie County On-Line Mapping System



Legend

Streets and Highways

- Interstate
- Primary State Road
- Secondary State Road
- County Road
- Local Road

Parcels

1ft Color Orthos

- Red: Band_1
- Green: Band_2
- Blue: Band_3

2ft Color Orthos

- Red: Band_1
- Green: Band_2
- Blue: Band_3

1: 1,021



Notes

77-79 West Huron and 75 West Huron

0.0 0 0.02 0.0 Miles

Erie County and its officials and employees assume no responsibility or legal liability for the accuracy, completeness, reliability, timeliness, or usefulness of any information provided. Tax parcel data was prepared for tax purposes only and is not to be reproduced or used for surveying or conveying.

ERIE COUNTY, NEW YORK
DEPARTMENT OF ENVIRONMENT & PLANNING
OFFICE OF GEOGRAPHIC INFORMATION SERVICES

Real Property Information

Parcel Status	ACTIVE	City/Town	Buffalo	Village
S-B-L	111.37-4-10	Owner	HURONDEL I INC	
Property Location	73 HURON WEST	Mailing Address		
Property Class	437 PARKING GAR	Line 2		
Assessment	150000	Line 3		
Taxable	150000	Street	257 FRANKLIN ST	
Desc	115.50 W FRANKLIN	City/State	BUFFALO NY	
Desc		Zip	14202	
Deed Book	11058	Deed Page	2362	
Frontage	64.5	Depth	235	Acres 0
Year Built		Square Ft		
Beds		Baths		
FirePlace		School	BUFFALO SCHOOL DIST	

[History Link](#) [Taxes](#)
 [Click Here](#)

Owner Name {Last Name First} or

Property Address No./ Street

S-B-L

Search All

Erie County On-Line Mapping System Parcel Detail Report

Address: 77 HURON WEST

SBL: 111.37-4-11

Report generated: 9/30/2011 10:40:22 AM



Parcel Overview Map



Parcel Detail Map

PIN: 1402001113700004011000

SBL: 111.37-4-11

Address: 77 HURON WEST

Owner 1: HURONDEL I INC

Owner 2:

Mailing Address: 257 FRANKLIN ST

City/Zip: BUFFALO NY 14202

Municipality: City of Buffalo

Property Class: 438

Class Description: C - Parking lot

Front: 51

Depth: 0

Deed Roll: 1

Deed Book: 11058

Deed Page: 2362

Deed Date: 10/02/2003

Acreage: 0.216

Total Assessment: \$123,600

Land Assessment: \$57,100

County Taxes: \$123,600

Town Taxes: \$0

School Taxes: \$0

Village Taxes: \$0

School District: CITY OF BUFFALO

Year Built: 0

Sqft Living Area: 0

Condition: 0

Heating: 0

Basement: 0

Fireplace: 0

Beds: 0

Baths: 0

Real Property Information

Parcel Status	ACTIVE	City\Town	Buffalo	Village
S-B-L	111.37-4-11	Owner	HURONDEL I INC	
Property Location	77 HURON WEST	Mailing Address		
Property Class	438 PARKING LOT	Line 2		
Assessment	123600	Line 3		
Taxable	123600	Street	257 FRANKLIN ST	
Desc	115.50 E DELAWARE	City/State	BUFFALO NY	
Desc	173.50; W/PC 15 X 44	Zip	14202	
Deed Book	11058	Deed Page	2362	
Frontage	51	Depth	0	Acres 0
Year Built		Square Ft		
Beds		Baths		
FirePlace		School	BUFFALO SCHOOL DIST	

[History Link](#)

[Taxes](#)

Google maps

[Click Here](#)

Owner Name {Last Name First} or

Property Address No./ Street

S-B-L

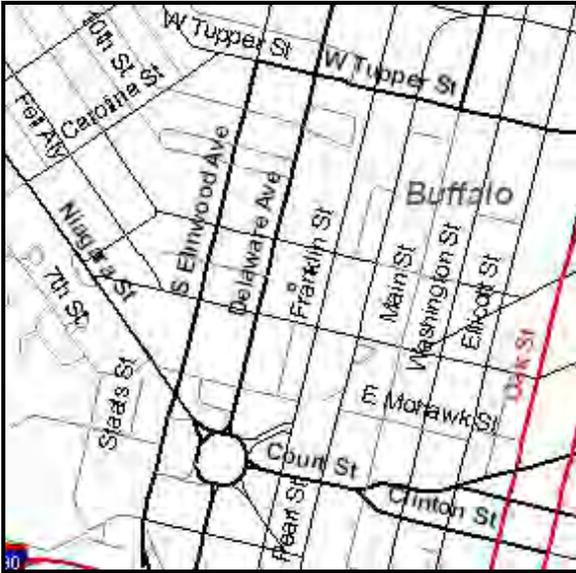
Search All

Erie County On-Line Mapping System Parcel Detail Report

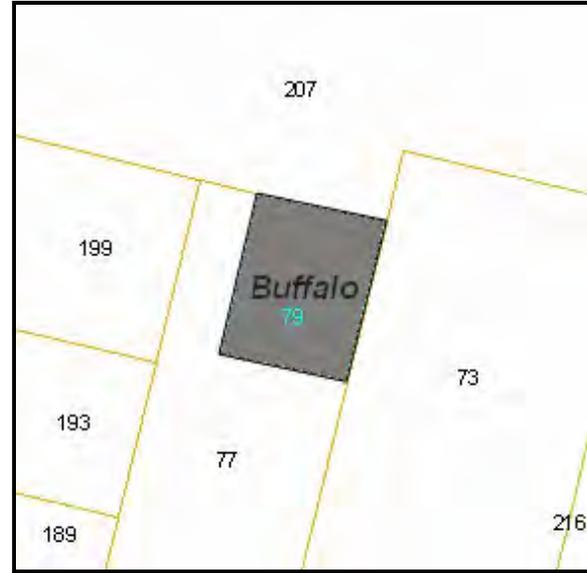
Address: 79 HURON WEST

SBL: 111.37-4-17.2

Report generated: 10/3/2012 9:53:15 AM



Parcel Overview Map



Parcel Detail Map

PIN: 1402001113700004017200

SBL: 111.37-4-17.2

Address: 79 HURON WEST

Owner 1: HURONDEL I INC.

Owner 2:

Mailing Address: 257 FRANKLIN ST

City/Zip: BUFFALO NY 14202

Municipality: City of Buffalo

Property Class: 438

Class Description: C - Parking lot

Front: 36

Depth: 44

Deed Roll: 1

Deed Book: 11058

Deed Page: 2362

Deed Date:

Acreage: 0.02

Total Assessment: \$25,300

Land Assessment: \$9,500

County Taxes: \$25,300

Town Taxes: \$0

School Taxes: \$0

Village Taxes: \$0

School District: CITY OF BUFFALO

Year Built: 0

Sqft Living Area: 0

Condition: 0

Heating: 0

Basement: 0

Fireplace: 0

Beds: 0

Baths: 0

Real Property Information

Parcel Status	ACTIVE	City\Town	Buffalo	Village
S-B-L	111.37-4-17.2	Owner	HURONDEL I INC.	
Property Location	79 HURON WEST	Mailing Address		
Property Class	438 PARKING LOT	Line 2		
Assessment	25300	Line 3		
Taxable	25300	Street	257 FRANKLIN ST	
Desc	135. E DELAWARE	City/State	BUFFALO NY	
Desc	172. N OF	Zip	14202	
Deed Book	11058	Deed Page	2362	
Frontage	36	Depth	44	Acres 0
Year Built		Square Ft		
Beds		Baths		
FirePlace		School	BUFFALO SCHOOL DIST	

[History Link](#)

[Taxes](#)

Google maps

[Click Here](#)

Owner Name {Last Name First} or

Property Address No./ Street

S-B-L

Search All

New York State Environmental Zones Northern Erie County Eligible Tracts

Eligibility Criteria

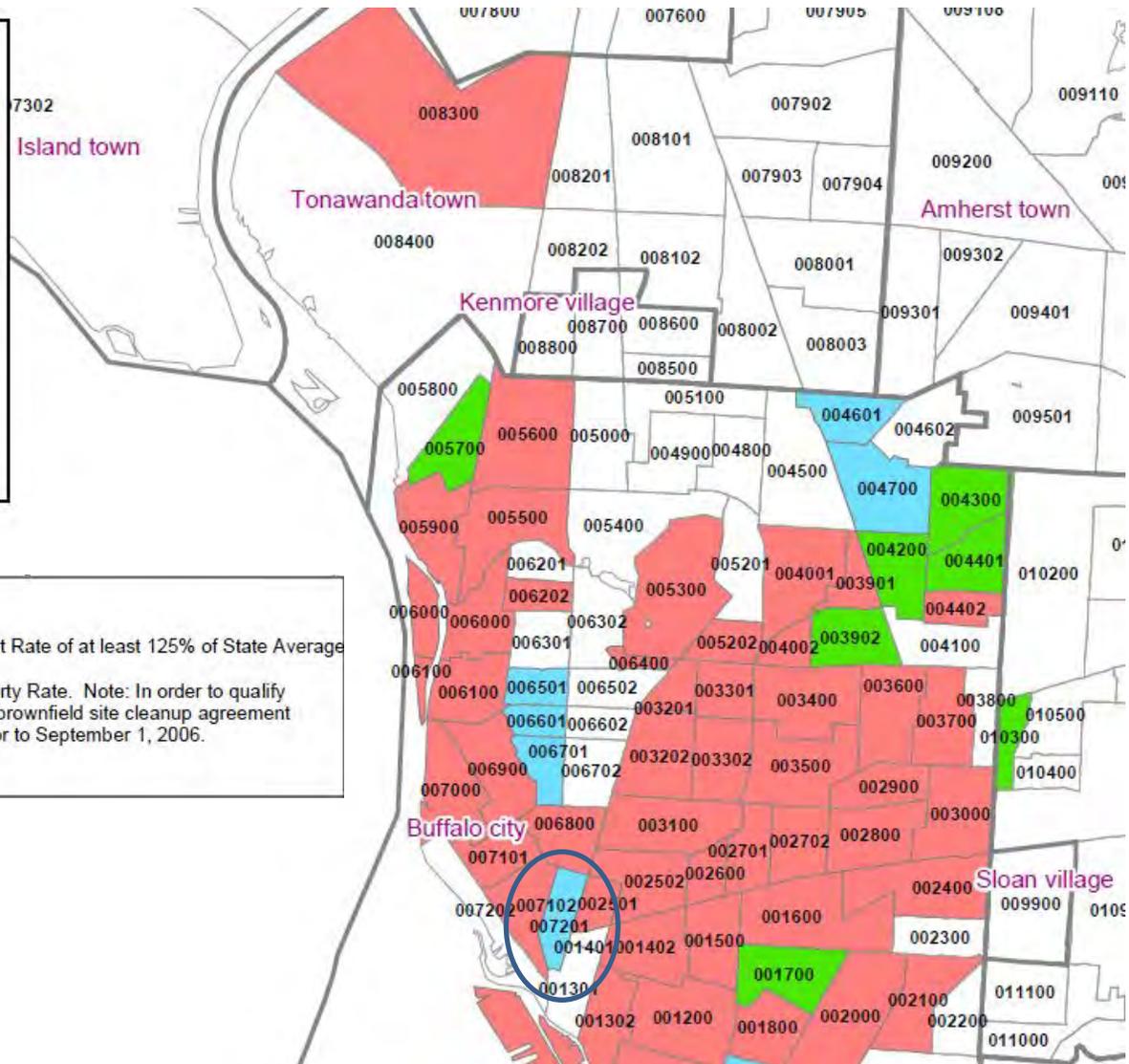
- Only A
- Only B
- A and B
- Not Eligible
- Municipal Boundaries

Eligibility Criteria:

A: Poverty Rate of at least 20% and Unemployment Rate of at least 125% of State Average

B: Poverty Rate of at least double the County Poverty Rate. Note: In order to qualify under this category, the site must be the subject of a brownfield site cleanup agreement pursuant to ECL § 27-1409 that was entered into prior to September 1, 2006.

A&B: Meets both of the above Criteria



street address city state zip

Geographies containing 74 W Huron St, BUFFALO, NY, 14202:

Select geographies to add to Your Selections

Geography Results:

Geography Name	Geography Type	Geography Code
New York	State	040
Erie County, New York	County	050
Buffalo city, Erie County, New York	County Subdivision	060
Block 2002, Block Group 2, Census Tract 72.01, Erie County, New York	Block	100
Census Tract 72.01, Erie County, New York	Census Tract	140
Block Group 2, Census Tract 72.01, Erie County, New York	Block Group within Census Tract	150
Buffalo city, New York	Place within State	160
Buffalo--Niagara Falls, NY MSA	MSA/CMSA	380
Buffalo, NY Urbanized Area	Urban Area	400
Congressional District 27 (110th Congress), New York	Congressional District	500
Congressional District 30 (106th Congress), New York	Congressional District	500
State Senate District 58 (2006), New York	State Legislative District (Upper)	610
Assembly District 144 (2006), New York	State Legislative District (Lower)	620
State House District 144 (2000), New York	State Legislative District (Lower)	620
Voting District 0602008 0602009 0602013 0602017, Erie County, New York	Voting District/Remainder	700
01402, New York	Public Use Microdata Area (PUMA)	795
ZCTA5 14202	5-Digit ZCTA	860
BUFFALO CITY SCHOOL DISTRICT, New York	School District (Unified)/Remainder	970

BCP APPLICATION
SITE: 73-79 W Huron St, Buffalo, NY 14202

ATTACHMENT C
HISTORICAL MAPS AND CITY DIRECTORY

73-79 W HURON ST. SITE HISTORICAL MAPS AND CITY DIRECTORY ABSTRACTS

1. AERIAL PHOTOGRAPHS

Aerial photographs from years 1927 to 2006 for the Site area were obtained from EDR and are included herein.

YEAR(S)	SCALE	Past Site Uses
2006	1" = 604'	Photo shows a heavily urbanized site with the present large commercial brick building.
1995	1" = 750'	Photo resolution is poor. Heavily urbanized site is apparent.
1985	1" = 1000"	Photo resolution is poor. Heavily urbanized site is apparent.
1983	1" = 750'	Photo shows a heavily urbanized site with the present large commercial brick building.
1978	1" = 833'	Photo shows a heavily urbanized site with the present large commercial brick building.
1966	1" = 500'	Photo shows a heavily urbanized site with the present large commercial brick building.
1959	1" = 750"	Photo shows a heavily urbanized site with the present large commercial brick building.
1927	1" = 750"	Photo shows a heavily urbanized site with the present large commercial brick building.

	SCALE	Past Surrounding Property Uses
Direction	1" = 604'	2006
North		Photo shows large commercial building immediately north of the site has been replaced with a parking lot.
East		Photo shows large commercial buildings
South		Photo shows commercial buildings and parking lots
West		Photo shows commercial buildings
Direction	1" = 750"	1995
North		Photo shows large commercial buildings
East		Photo shows large commercial buildings
South		Photo shows large commercial buildings
West		Photo shows commercial buildings
Direction	1" = 1000"	1985
North		Photo is of poor resolution. Shows urbanized area.
East		Photo is of poor resolution. Shows urbanized area.
South		Photo is of poor resolution. Shows urbanized area.
West		Photo is of poor resolution. Shows urbanized area.
Direction	1" = 750'	1983
North		Photo shows large commercial buildings
East		Photo shows large commercial buildings
South		Photo shows large commercial buildings
West		Photo shows large commercial buildings

Direction	1" = 833"	1978
North		Photo shows large commercial buildings
East		Photo shows large commercial buildings
South		Photo shows large commercial buildings
West		Photo shows large commercial buildings
Direction	1" = 500"	1966
North		Photo shows large commercial buildings
East		Photo shows large commercial buildings
South		Photo shows large commercial buildings
West		Photo shows large commercial buildings
Direction	1" = 750"	1959
North		Photo shows large commercial buildings
East		Photo shows commercial buildings
South		Photo shows commercial buildings
West		Photo shows commercial buildings
Direction	1" = 750"	1927
North		Photo shows large commercial buildings
East		Photo shows commercial buildings
South		Photo shows commercial buildings
West		Photo shows commercial buildings

2. SANBORN MAPS

Sanborn Fire Insurance maps for years 1889 to 1986 depicting the target property at the specified location were provided by EDR/Sanborn.

YEAR(S)	SITE USE - DESCRIPTION
1986	<p>73 W Huron:</p> <ul style="list-style-type: none"> - Map shows the present large building as "HURON GARAGE". - Two rectangles are shown inside with no description - Frame enclosed elevator "FE" shown near west wall, south section - Features are shown at both north corners with ineligible descriptions <p>77 W Huron:</p> <ul style="list-style-type: none"> - Very small structure shown near south end near 183 Delaware lot - 77 and 79 is an open lot as in the present
1981	<p>73 W Huron:</p> <ul style="list-style-type: none"> - Large present day commercial building is shown - Huron Garage <p>77 W Huron:</p> <ul style="list-style-type: none"> - Very small structure shown near south end of otherwise open lot
1951	<p>73 W Huron:</p> <ul style="list-style-type: none"> - Large present day commercial building is shown - Huron Garage <p>77 W Huron:</p> <ul style="list-style-type: none"> - Very small structure shown near south end of otherwise open lot

YEAR(S)	SITE USE - DESCRIPTION
1925	73 W Huron: <ul style="list-style-type: none"> - Large present day commercial building is shown - Huron Garage 77 W Huron: <ul style="list-style-type: none"> - Very small structure shown on south end of otherwise open lot
1899	73 W Huron: <ul style="list-style-type: none"> - Large present day commercial building is shown - Building is being used as a stable 77 W Huron: <ul style="list-style-type: none"> - Large Dwelling is shown
1889	73 W Huron: <ul style="list-style-type: none"> - Site is divided into 73 and 75? - Two large Dwellings shown that share a common wall 77 W Huron <ul style="list-style-type: none"> - Large Dwelling is shown 79 W Huron: <ul style="list-style-type: none"> - Smaller rectangle shown than present lot size - Illegible designation inside the rectangle

Direction	ADJACENT PROPERTY USE - DESCRIPTION
1986	
North	Commercial – Media Study Building
East	Commercial – Mission, Restaurant, NYS Dept of Labor and Auto Parking
South	Residential – Stores, Restaurant, Hotel, Commercial Building and NYS Dept of Labor
West	Residential – Restaurant, Stores, Commercial Building at present 183 Delaware Ave
1981	
North	Commercial – Mars Hotel
East	Commercial – Mission, Restaurant, NYS Dept of Labor and Auto Parking
South	Residential – Stores, Restaurant, Hotel, Commercial Building and NYS Dept of Labor
West	Residential – Restaurant, Stores, Commercial Building at present 183 Delaware Ave
1951	
North	Commercial – B.P.O.E. Club House
East	Commercial – including Cash Register Sales, Restaurant, and Auto Parking
South	Residential – Stores, Restaurant, Hotel, Filling Station at present 163 Delaware Ave
West	Residential – Restaurant, Stores, Filling Station at present 183 Delaware Ave
1925	
North	Large solid black area shown
East	Commercial – several stores and a large solid black area are shown
South	Residential - Shows large Dwellings
West	Residential - Shows large and small Dwellings
1899	

North	Residential - Shows large Dwellings
East	Residential - Shows large Dwellings
South	Lots are not shown in detail on map
West	Residential - Shows large and small Dwellings
1889	
North	Residential - Shows large Dwellings
East	Shows large Dwellings
South	Residential - Does not show on map
West	Residential - Shows large Dwellings

3. CITY DIRECTORY

The following summarizes the historical past use of the property at 73 W Huron St. based on a review of City Directory abstracts in previous Phase I ESAs:

Dates	PAST SITE USES
73/75 W Huron St (six-story Building)	
1993	Empark
1989 - present	Burke Associates Real Estate
1990 - 92	All Right Garage
1984 - 85	Hertz Rent A Car & Truck
1933 - 60	Cyphers Incubator Co
1933 - 60	Cyphers Card Co
1933 - 88	Huron Auto Rental & U-Drive-it Corp
1933 - 89	Huron Street Garage

IEG conducted a reconnaissance of businesses on and around the site in July 2013, and the following table lists current businesses:

Number	PRESENT SITE USE
W Huron St	
73	Commercial multi-story brick building now vacant. Owned by Hurondel Inc.
77	Asphalt parking lot being used for parking autos. Owned by Hurondel Inc.
79	Asphalt parking lot being used for parking autos. Owned by Hurondel Inc.

Number	SURROUNDING PROPERTY USES
W Chippewa St	
64	SOHO Burger Bar
70 - 86	(Erie County Map is 68) Emerson Buffalo Public School
88	Hockey Heaven, Jim's Steak Out, Spot Coffee
Delaware Ave	
169	(Erie County Map is 163) Wallach Attorneys at Law
183	Dave's Performance Auto
187	Delaware Copy & Repro Center (Moved)
189	King's Court Restaurant
193	Vinal & Vinal, P.C. Attorneys at Law
197	(Erie County Map not listed) Hawthorne & Vesper, PLLC. Attorneys at Law

Number	SURROUNDING PROPERTY USES
199	Barcelona Night Club
207	Pay-2-Park
217	Parking Lot
Franklin St	
196	Allpro Parking
210	(Erie County map is 204) Commercial Building (Vacant)
212	Vacant Lot
216	Vacant Lot
220	Club 220 (For Sale)
228	Social Bar and Nightclub
W Huron St	
76	Parking Lot
80	Law Offices

4. Historical Topographic Maps

Available topographic map dated 1995 from Map Card was reviewed.

YEAR(S)	PAST SITE DESCRIPTION
1995	Urban Area

Direction	Past Surrounding Property Description
1995	
North	Urban Area –
East	Urban Area –
South	Urban Area – commercial structures are present.
West	Urban Area – commercial structures are present.

5. TITLE SEARCH

Deed dated 2003 was obtained from Erie County Clerk's office, and Title Search by Trinity Title & Abstract Corp.

DATE	TYPE	Description
10/2/2003	Warranty Deed	From Huron Parking Services, Inc. to Hurondel I, Inc. Parcels A (#77), B (#75), C (#73) & D (#79) in 2003 survey
11/3/1986	Warranty Deed	From 75 West Huron Street Inc. to Huron Parking Services, Inc. (all parcels)
6/10/1960	Warranty Deed	From Anna Weber to 75 West Huron Street Inc. (all parcels)
3/7/1922	Warranty Deed	From Susquehanna Holding Corporation to Anna Weber (parcel "C")
9/2/1918	Warranty Deed	From C. W. Miller Transfer Company to Susquehanna Holding Corporation (parcel "C")
2/28/1900	Warranty Deed	From Charles W. and Louisa L. Miller To C. W. Miller Transfer Company (parcel "C")



75 West Huron

75 West Huron

Buffalo, NY 14202

Inquiry Number: 2683812.1

January 25, 2010

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440 Wheelers Farms Road
Milford, CT 06461
800.352.0050
www.edrnet.com

EDR Aerial Photo Decade Package

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Date EDR Searched Historical Sources:

Aerial Photography January 25, 2010

Target Property:

75 West Huron

Buffalo, NY 14202

<u>Year</u>	<u>Scale</u>	<u>Details</u>	<u>Source</u>
1927	Aerial Photograph. Scale: 1"=750'	Panel #: 2442078-H8/Flight Date: June 01, 1927	EDR
1959	Aerial Photograph. Scale: 1"=750'	Panel #: 2442078-H8/Flight Date: May 08, 1959	EDR
1966	Aerial Photograph. Scale: 1"=500'	Panel #: 2442078-H8/Flight Date: June 12, 1966	EDR
1978	Aerial Photograph. Scale: 1"=833'	Panel #: 2442078-H8/Flight Date: October 31, 1978	EDR
1983	Aerial Photograph. Scale: 1"=750'	Panel #: 2442078-H8/Flight Date: March 17, 1983	EDR
1985	Aerial Photograph. Scale: 1"=1000'	Panel #: 2442078-H8/Flight Date: May 03, 1985	EDR
1995	Aerial Photograph. Scale: 1"=750'	Panel #: 2442078-H8/Flight Date: March 28, 1995	EDR
2006	Aerial Photograph. 1" = 604'	Flight Year: 2006	EDR



INQUIRY #: 2683812.1

YEAR: 1927

| = 750'



ERIE COUNTY NEW YORK
OFFICE OF THE COUNTY ENGINEER
GREATER MOTORWAY SYSTEM
JUNE 19 1927

SCALE



INQUIRY #: 2683812.1

YEAR: 1959

 = 750'





INQUIRY #: 2683812.1

YEAR: 1966

|—————| = 500'





INQUIRY #: 2683812.1

YEAR: 1978

| = 833'





INQUIRY #: 2683812.1

YEAR: 1983

| = 750'





INQUIRY #: 2683812.1

YEAR: 1985

| = 1000'





INQUIRY #: 2683812.1

YEAR: 1995

| = 750'





INQUIRY #: 2683812.1

YEAR: 2006

|—————| = 604'





EDR™ Environmental
Data Resources Inc

The EDR Aerial Photo Decade Package

**Former Sunoco Svce Station 0000-1289
181 Delaware Avenue
Buffalo, NY 14201**

August 3, 2004

Inquiry Number: 1242515.2

The Source For Environmental Risk Management Data

440 Wheelers Farms Rd
Milford, Connecticut 06460

Nationwide Customer Service

Telephone: 1-800-352-0050
Fax: 1-800-231-6802
Internet: www.edrnet.com

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ASTM E 1527-00, Section 7.3 on Historical Use Information, identifies the prior use requirements for a Phase I environmental site assessment. The ASTM Standard requires a review of *reasonably ascertainable standard historical sources*. *Reasonably ascertainable means information that is publicly available, obtainable from a source within reasonable time and cost constraints, and practically reviewable*. To meet the prior use requirements of ASTM E 1527-00, Section 7.3.4, the following *standard historical sources* may be used: aerial photographs, fire insurance maps, property tax files, land title records (although these cannot be the sole historical source consulted), topographic maps, city directories, building department records, or zoning/land use records. ASTM E 1527-00 requires *"All obvious uses of the property shall be identified from the present, back to the property's obvious first developed use, or back to 1940, whichever is earlier. This task requires reviewing only as many of the standard historical sources as are necessary, and that are reasonably ascertainable and likely to be useful."* (ASTM E 1527-00, Section 7.3.4, page 12).

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Date EDR Searched Historical Sources:

Aerial Photography August 03, 2004

Target Property:

181 Delaware Avenue
Buffalo, NY 14201

<u>PUR ID</u>		<u>Portion-Findings</u> <u>(FIM Information Only)</u>	<u>Source</u>
<u>Year</u>	<u>Uses</u>		
¹ 1959	Aerial Photograph. Scale: 1"=750'	Panel #: 2442078-H8/FlightDate: May 8, 1959	nar
² 1966	Aerial Photograph. Scale: 1"=750'	Panel #: 2442078-H8/FlightDate: June 12, 1966	nar
³ 1978	Aerial Photograph. Scale: 1"=833'	Panel #: 2442078-H8/FlightDate: October 31, 1978	nar
⁴ 1983	Aerial Photograph. Scale: 1"=750'	Panel #: 2442078-H8/FlightDate: March 17, 1983	nar
⁵ 1995	Aerial Photograph. Scale: 1"=833'	Panel #: 2442078-H8/FlightDate: March 28, 1995	nar













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Data Resources Inc

"Linking Technology with Tradition"

Sanborn® Map Report

Ship To: Tom Hellert
GES, Inc.
90 Pearce Avenue
Tonawanda, NY 14150

Order Date: 8/3/2004 **Completion Date:** 8/3/2004

Inquiry #: 1242515.4S

P.O. #: 0900633

Site Name: Former Sunoco Svce Station 0000-1289

Address: 181 Delaware Avenue

City/State: Buffalo, NY 14201

Cross Streets:

Customer Project: 0900633
1191867ERK 716-873-4021

Based on client-supplied information, fire insurance maps for the following years were identified

- 1889 - 1 Map
- 1899 - 1 Map
- 1925 - 1 Map
- 1951 - 1 Map
- 1981 - 1 Map
- 1986 - 1 Map

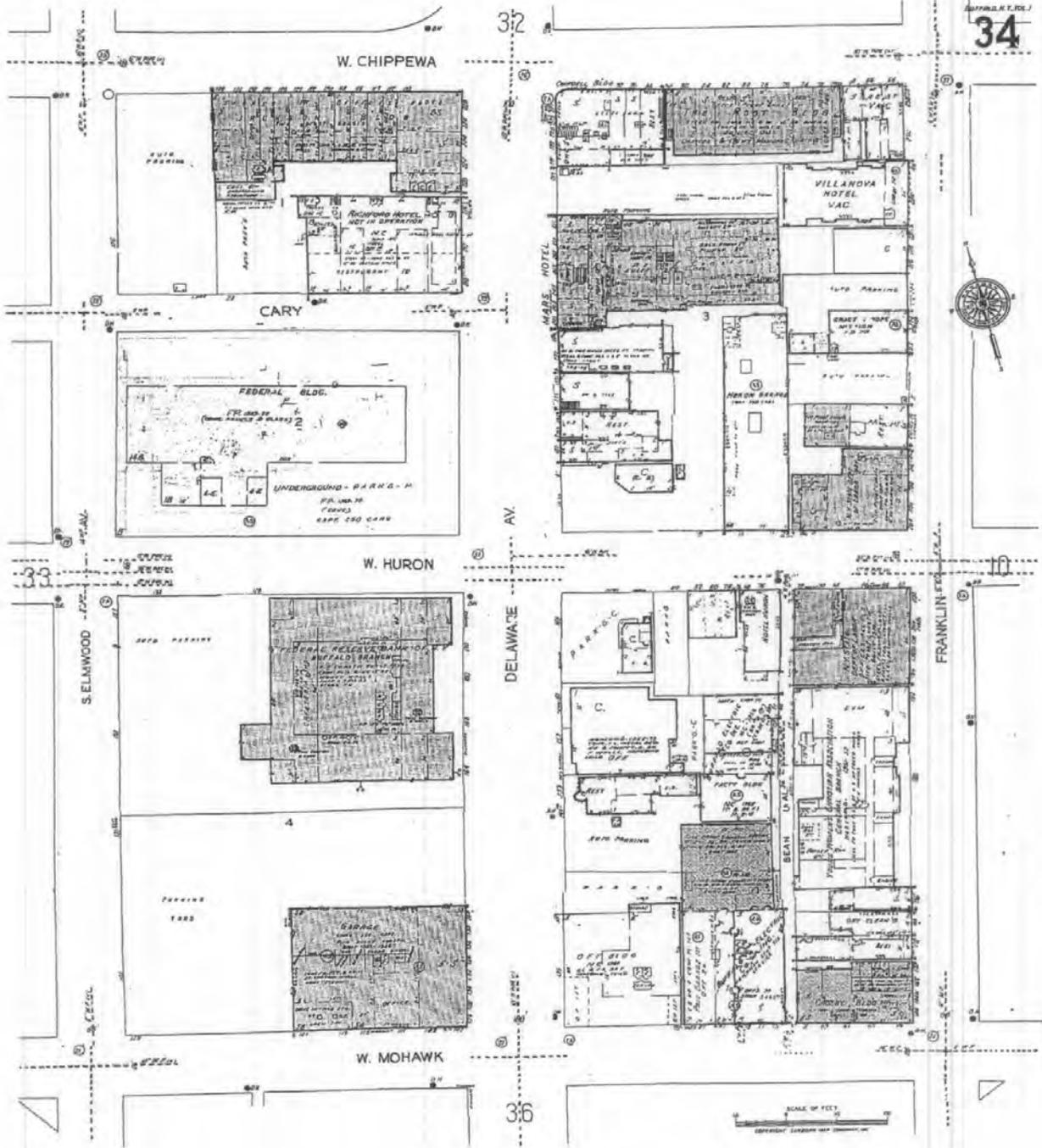
Limited Permission to Photocopy

Total Maps: 6

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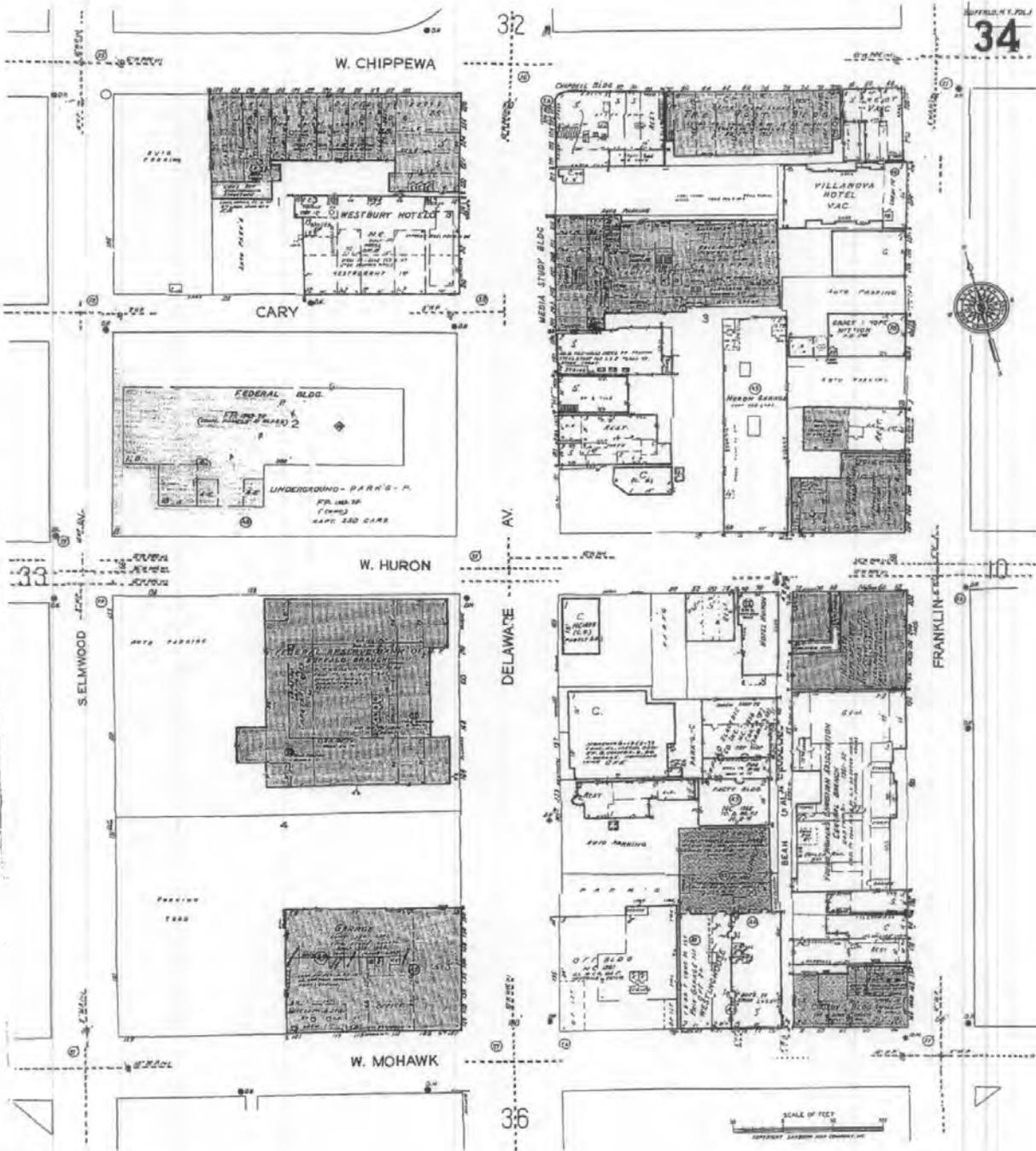
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1901
BUFFALO, N.Y. PLAN
34
(6-18-27)

NY 027

3:2

AV.

3:6

W. CHIPPEWA

CARY

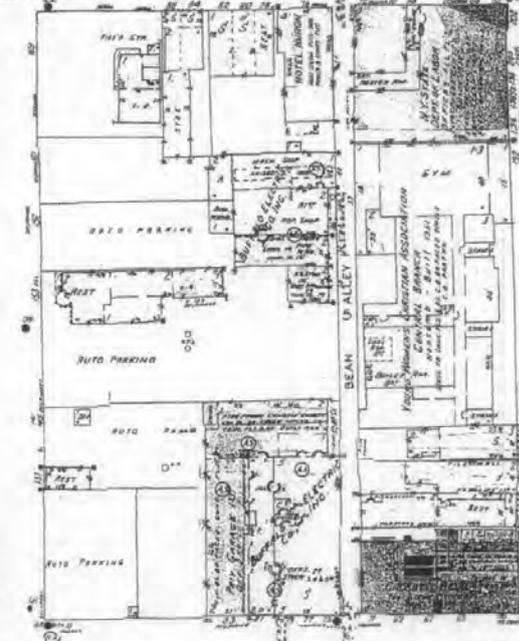
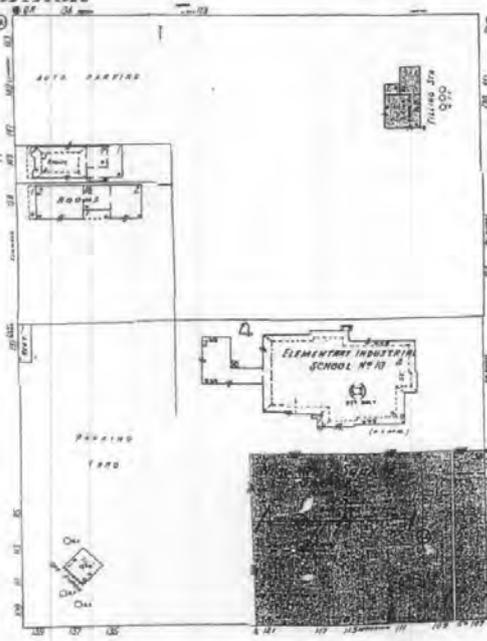
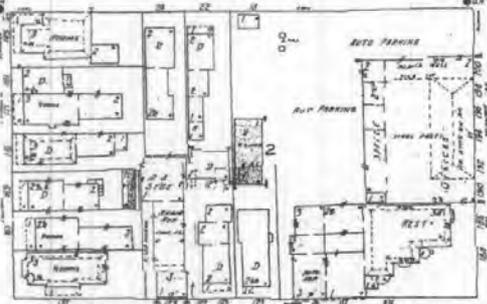
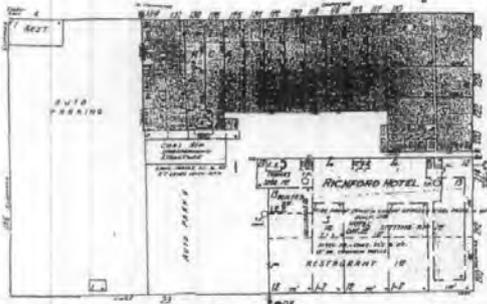
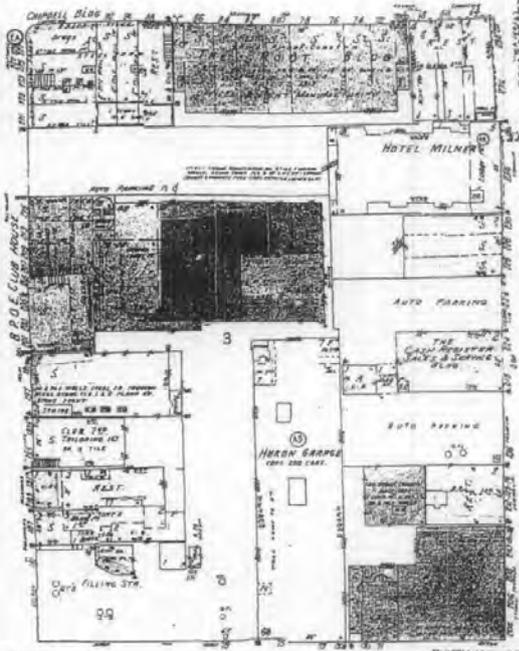
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S. ELMWOOD

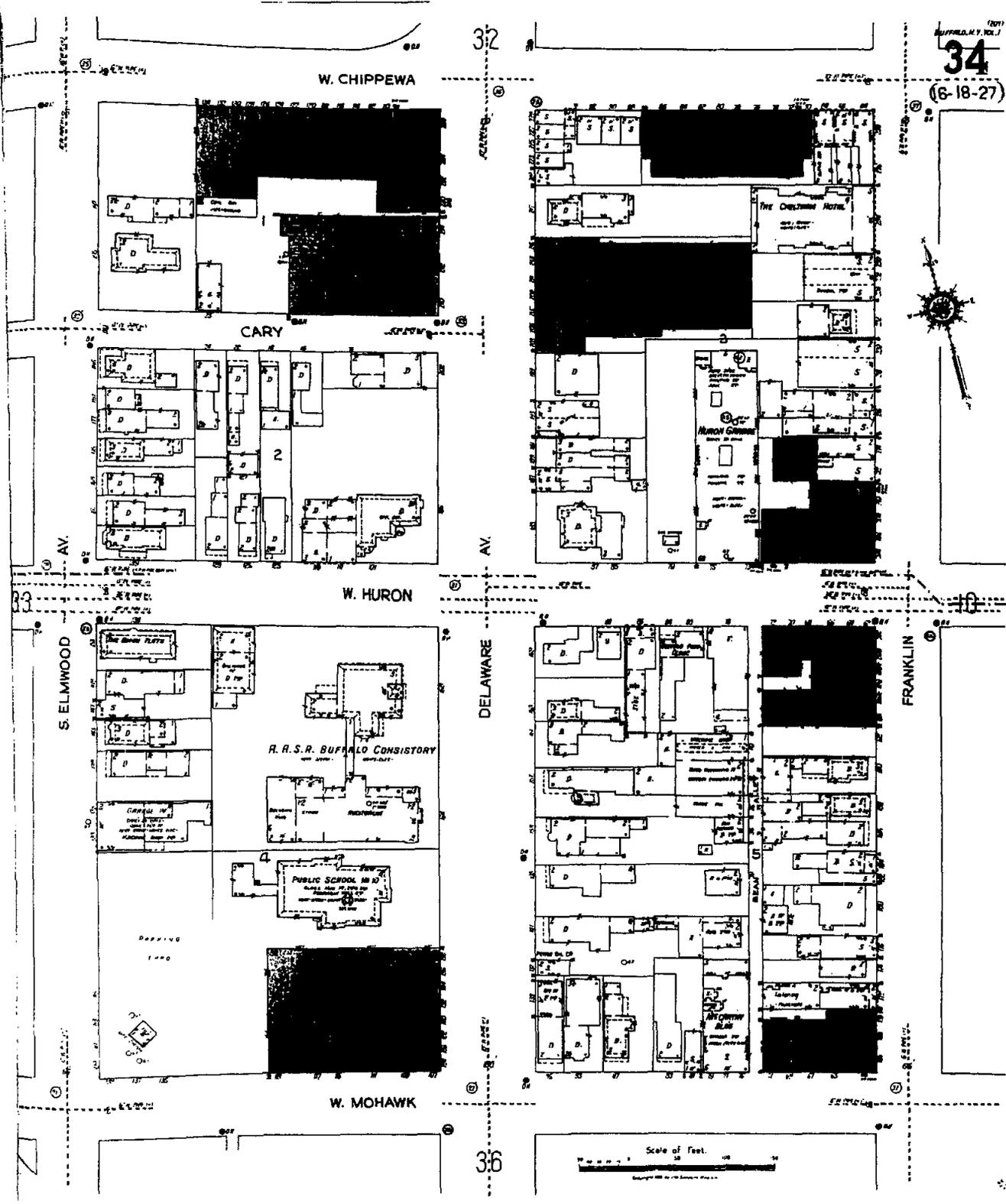
DELAWARE

FRANKLIN

W. MOHAWK



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27

18

25

DELAWARE AV.

16

SEMI ALLEY

FRANKLIN

W. HURON

W. CHIPPEWA

28

19

PEARL

MAIN

Scale of Feet

S E E U D I U M

T H R E E

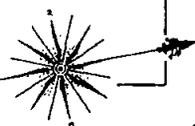
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CHERRY ST.



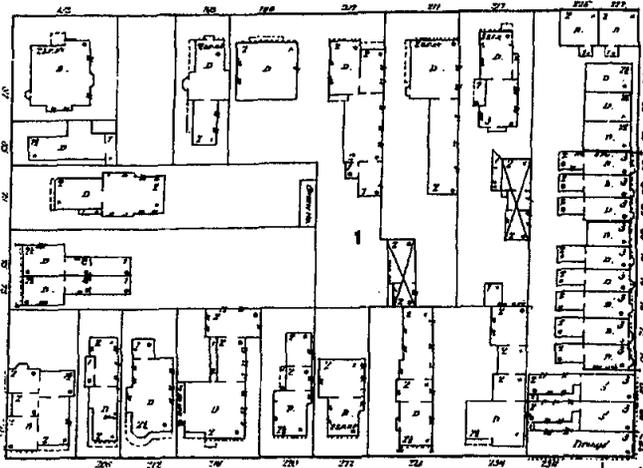
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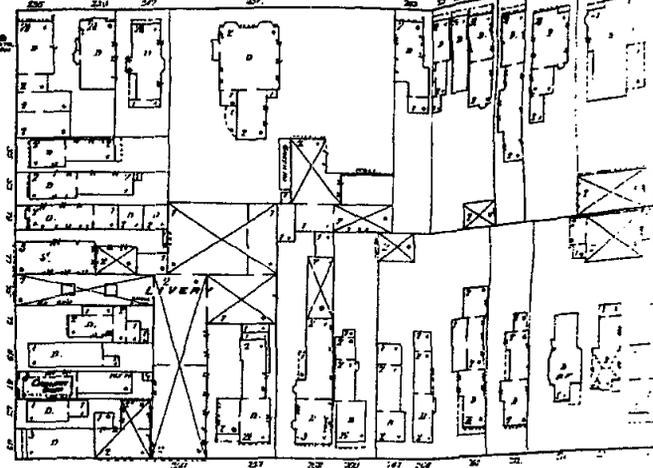
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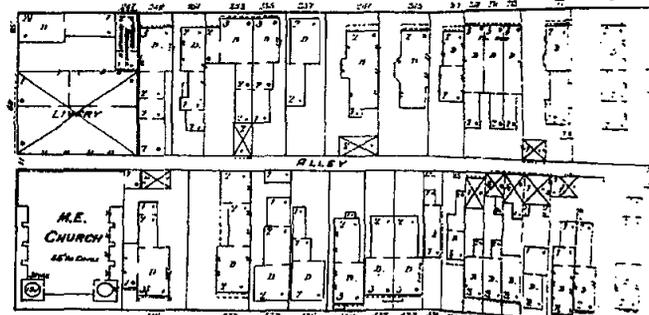
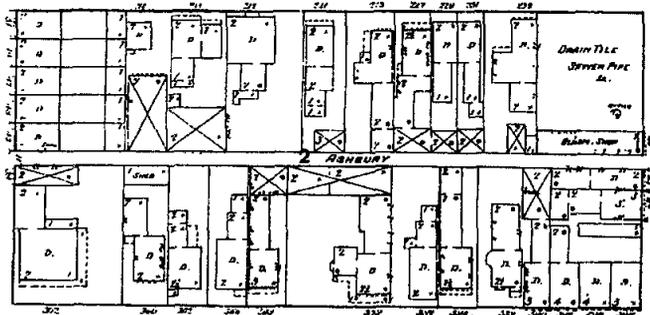
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STREET



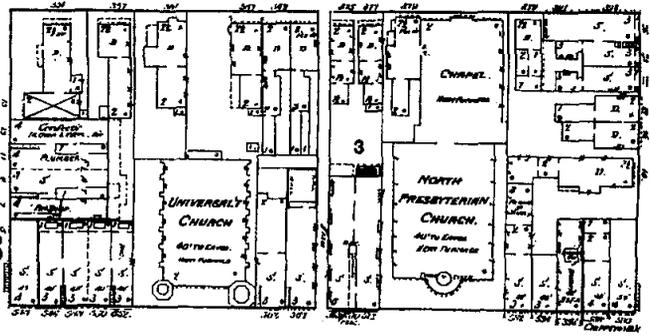
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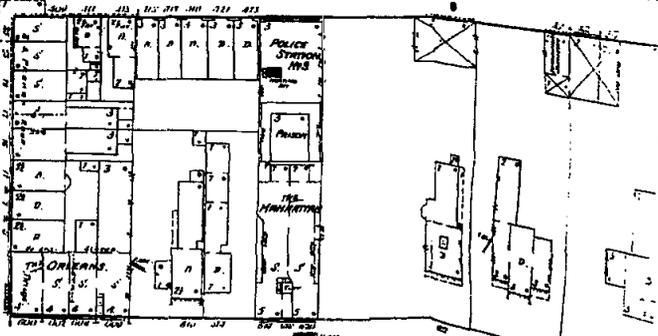
PEARL

W. HURON

18



W. CHIPPEWA



MAIN

7

7

8



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27

Lawrence St.

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Frank St.

Tracy St.

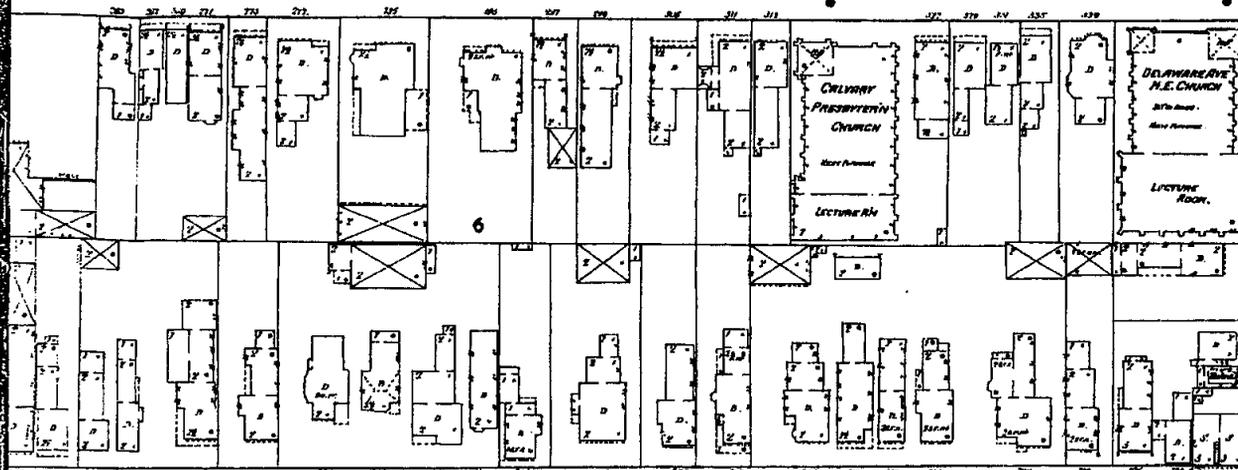
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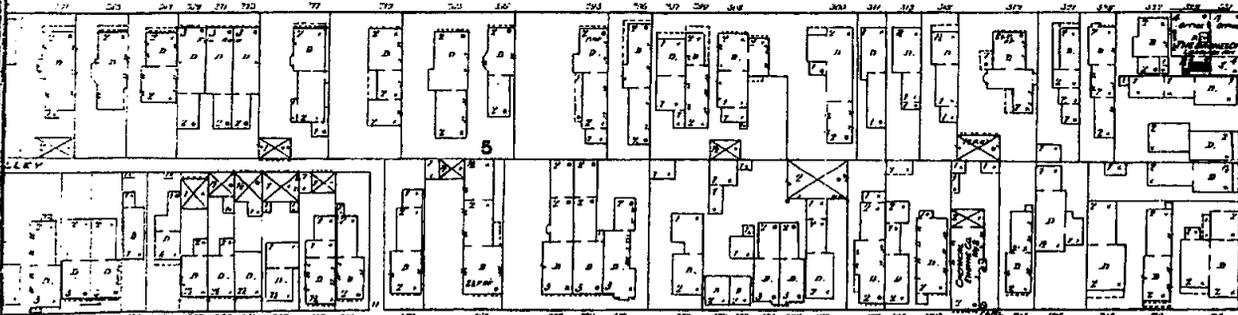
AVENUE

16

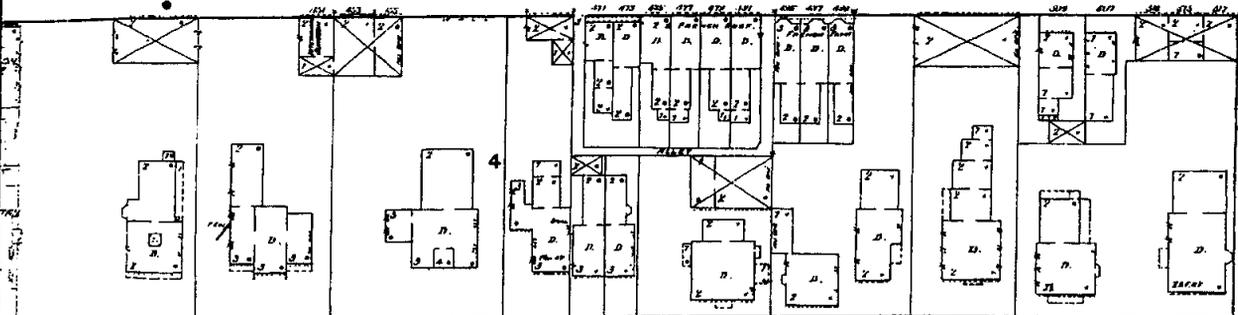
STREET



STREET



STREET



W. TUPPER

16

STREET

Scale of Feet.



8



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BCP APPLICATION
SITE: 73-79 W Huron St, Buffalo, NY 14202

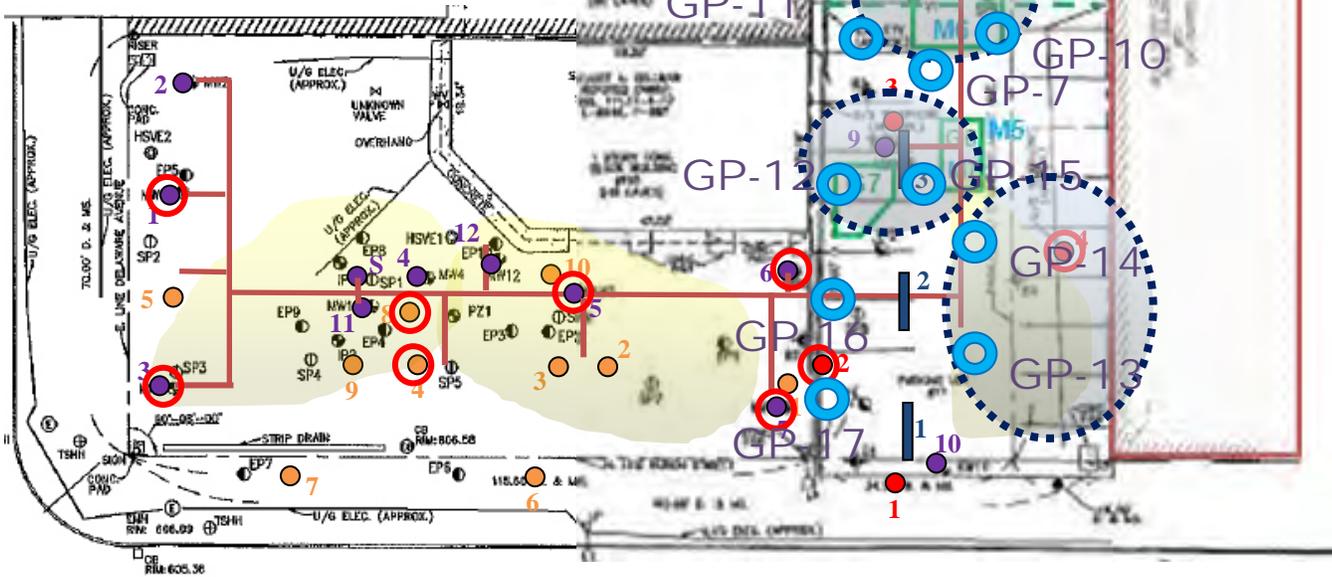
ATTACHMENT D
ANALYTICAL DATA

LEGEND

- GPR Survey Border
- G1 GPR Survey Number
- GPR Survey Line
- Metal Detection Line
- M1 Metal Detection Number
- 75 W. Huron Building

**SAMPLING LOCATIONS
(PREVIOUS SI & RA)**

- Test Pits [TPs/2001/BES]
- Geoprobe Borings [B/2003/GZA]
- Earthprobe Borings [EP/2003/NW]
- Plume [2011/Matrix]
- Monitoring Wells [2004-11/GES]
- GES SVE Lines [2007/GES]
- Elevated VOCs reported



**77 W HURON ST & 183 DELAWARE AVE
INVESTIGATION / REMEDIATION HISTORY**

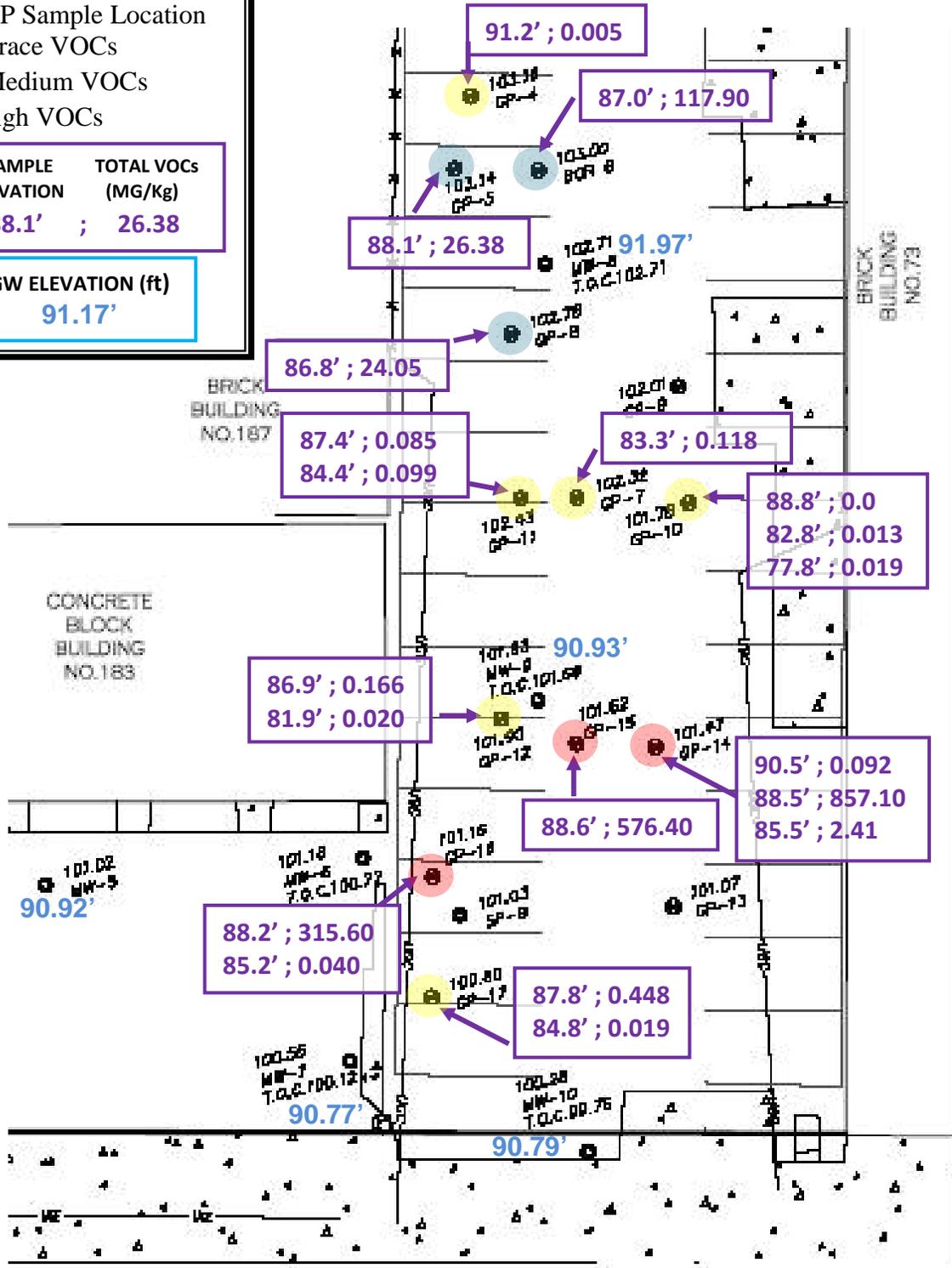
FIGURE 2
IEG

LEGEND

- GP Sample Location
- Trace VOCs
- Medium VOCs
- High VOCs

SAMPLE ELEVATION	TOTAL VOCs (MG/Kg)
88.1'	26.38

GW ELEVATION (ft)
91.17'



Note: Soil samples from 8/14&16/12 by IEG; GW level data from 9/8/11 by Sunoco

**77 W HURON STREET
SOIL VOC CONCENTRATIONS**

FIGURE 3
IEG

TABLE 3
77 W. HURON ST. - GEOPROBE SOIL INVESTIGATION
ANALYTICAL RESULTS FOR SOIL SAMPLES

SAMPLE ID/ PARAMETER	SCOs - Gasoline	GP-1	GP-2- 7'	GP-3- 13'	GP-4- 12'	GP-5- 15'	GP-6- 16'	GP-7- 19'	GP-8- 16'	GP-9	GP-10- 13'	GP-10- 19'	GP-10- 24'		
	CP51-SOIL														
SAMPLING DEPTH (VOCs)			7	13	12	15	16	19	16		13	19	24		
SAMPLING DEPTH (SVOCs)									16						
Percent Solids (%)			80.8	87.3	84.3	85.1	84.5	87.2	84		83.5	87.8	82.5		
VOLATILE ORGANICS (ug/Kg)															
1,2,4-Trimethylbenzene	3,600	NA	2.0 JB	2.0 JB	1.4 JB		39000	87	2400	NA		4.0 J	3.0 JB		
1,3,5-Trimethylbenzene	8,400						1200								
p-Isopropyltoluene	10,000					4800	5700		2900						1.7 J
Benzene	60														
Ethylbenzene	1,000			0.60 J	0.61 J				0.67 J						
Isopropylbenzene	2,300							1000 J	1.8 J		55 J				
m-Xylene & p-Xylene	(in total)			2.6 J	2.6 J	1.7 J			1.1 J					1.2 J	1.9 JB
Naphthalene	12,000								16		120			3.1 J	
n-Butylbenzene	12,000						15000	24000			10000				5.7 J
n-Propylbenzene	3,900						280	40000	10		5200			3.8 J	3.3 J
o-Xylene	(in total)														
sec-Butylbenzene	11,000						6300	7000			3300				1.9 J
tert- Butylbenzene	5,900										77 J				
Toluene	700			1.4 J	1.1 J										
Total Xylenes	260			2.6 J	2.6 J	1.7 J			1.1 J					1.2 J	1.9 JB
TOTAL BTEX				5	4	2	0	0	2		0		0	1	2
TOTAL VOCs	1,000		9	9	5	26,380	117,900	118	24,052		0	13	19		
SEMIVOLATILE ORGANICS (ug/Kg)															
Naphthalene	--	NA	NA	NA	NA	NA	NA	NA	NA	ND	NA	NA	NA	NA	

- Notes: 1. ND - Not Detected; NA = Not Analyzed
2. Only detected volatile and semivolatile compounds are listed
3. Values exceeding CP51 Soil SCOs for gasoline compounds are highlighted in yellow

TABLE 3
77 W. HURON ST. - GEOPROBE SOIL INVESTIGATION
ANALYTICAL RESULTS FOR SOIL SAMPLES

SAMPLE ID/ PARAMETER	SCOs - Gasoline	GP-11- 15'	GP-11- 18'	GP-12- 15'	GP-12- 20'	GP-13	GP-14- 11'	GP-14- 13'	GP-14- 16'	GP-15- 13'	GP-16- 13'	GP-16- 16'	GP-17- 13'	GP-17- 16'	
	CP51-SOIL														
SAMPLING DEPTH (VOCs)		15	18	15	20		11	13	16	13	13	16	13	16	
SAMPLING DEPTH (SVOCs)								13	16		13		13-Jan		
Percent Solids (%)		84.7	84.7	87	85.9		82.4	84.6	82.1	84.6	84.8	84.2	84.4	86.8	
VOLATILE ORGANICS (ug/Kg)															
1,2,4-Trimethylbenzene	3,600	25 B	69 B	29 B	3.6 JB	NA	26 J	290000	1100	220000	69000	4.8 J	110	2.0 J	
1,3,5-Trimethylbenzene	8,400			6.4					81000	300	69000	21000		26	2.9 J
p-Isopropyltoluene	10,000	7.1	1.4 J	1.2 J				31	2200		3600	1600		1.9 J	
Benzene	60														
Ethylbenzene	1,000														
Isopropylbenzene	2,300		1.2 J					17 J	8700		11000	3500		2.4 J	
m-Xylene & p-Xylene	(in total)	1.6 JB	2.3 JB	3.8 JB	3.6 JB				140000	100 J	74000	69000		55	1.8 J
Naphthalene	12,000		9.9 B	110 B	7.0 B				49000	530	31000	11000	35	140	9.6
n-Butylbenzene	12,000	21	5.3 J	4.9 J	1.4 J				22000	160	23000	7800	0.54 J	5.7 J	
n-Propylbenzene	3,900	20	7.5	3.4 J	1.0 J			18 J	39000	120	29000	9900		10	
o-Xylene	(in total)			1.5 J					26000		9800	11000		13	
sec-Butylbenzene	11,000	8.5							3200		4300	1600			
tert- Butylbenzene	5,900														
Toluene	700											3200		3.7 J	
Total Xylenes	260	1.6 JB	2.3 JB	5.3 JB	3.6 JB				170000	100 J	95000	88000		68	1.8 J
TOTAL BTEX		2	2	5	4			0	196,000	100	101,700	110,200	0	84	3
TOTAL VOCs	1,000	85	99	166	20		92	857,100	2,410	576,400	315,600	40	448	19	
SEMIVOLATILE ORGANICS (ug/Kg)															
Naphthalene	--	NA	NA	NA	NA	NA	NA	NA	10000	ND	NA	530 J	NA	66 J	NA

- Notes: 1. ND - Not Detected; NA = Not Analyzed
2. Only detected volatile and semivolatile compounds are listed
3. Values exceeding CP51 Soil SCOs for gasoline compounds are highlighted in yellow

BCP APPLICATION
SITE: 73-79 W Huron St, Buffalo, NY 14202

ATTACHMENT E
SI/RA WORK PLAN

**WORK PLAN
BROWNFIELDS SITE
INVESTIGATION/INTERIM REMEDIAL MEASURE**

for
**73-79 W. Huron St. Site
Buffalo, NY 14202**



August 2013

Submitted by
Hurondel I, Inc.
Buffalo, NY



Prepared by
Iyer Environmental Group, PLLC
Orchard Park, NY 14127

**PROPOSED WORK PLAN
BROWNFIELDS SITE SI/IRM
73-79 W Huron St, Buffalo, NY 14202**

1.0 INTRODUCTION AND PURPOSE

77 West Huron, owned by Hurondel I, LLC, has been the subject of investigations and remedial action since 2001, along with - 181 Delaware Avenue (Former Sunoco Gas Station) to the west. The in-situ remediation systems have been in the control of Sunoco since 2003. Site assessments and remedial actions associated with this spill number spanned across three contiguous properties, including investigations and groundwater monitoring (GZA, Nature's Way and GES for Sunoco) from 2003 to 2010, remedial efforts (air sparging/soil vapor extraction, AS/SVE, by GES for Sunoco) from 2007 to 2009, and a pilot test (bioaugmentation with oxygen injection by Matrix Environmental Technologies for Sunoco) in May/June 2011. In September 2011, the NYSDEC separated 181 Delaware Avenue site from this group and issued Spill No. 1106834 under which all further remedial work by Sunoco is being performed, including site remediation (oxygen injection and bioaugmentation) However, the original Spill No. 0375208 from July 2003 associated with this earlier work remains associated with 77 West Huron.

This Work Plan for a supplemental site Investigation and remedial action provides details on the proposed supplemental investigation and remedy to be undertaken at the site. The supplemental investigation is to address areas of the property not targeted in previous investigations and to assess the presence of any contamination not previously identified. The remedy will consist of, at a minimum, the removal of contaminated soil associated with past activities at the property. Following the remedial action, Hurondel I proposes to redevelop 73-77 West Huron with its six-story building for mixed commercial/residential use.

2.0 SITE DESCRIPTION AND HISTORY

This irregular shaped, 0.216 acre parcel located at 77 W Huron Street (see aerial photo on Figure 1), is an asphalt parking lot which is currently being leased by auto drivers for parking spaces. A small parcel of the asphalt lot (75 W Huron St) is located at the northeast corner of the aforementioned lot and is also owned by Hurondel.

To the north is another asphalt parking lot which extends both west and east of 77 W. Huron. The eastern end of this lot borders the north side of the building at 73 W. Huron St which is also owned by Hurondel. To the south is West Huron Street and across this road is an office building at 80 W Huron St. To the west are five (5) commercial buildings. These include, from north to south, an Event Center (#199 Delaware Ave), an office building (#193), King's Court Restaurant (#189), Delaware Copy and Repo Center (#187), and Dave's Direct Performance Auto Repair shop (#181). The auto repair shop is the site of the former Sunoco Gas Station (Note: this site is shown as 183 Delaware Avenue in the Erie County property tax map).

Between 2004 and 2008, Sunoco installed air-sparging (AS) and soil vapor extraction (SVE) points at the site, and converted selected monitoring wells for use as SVE points. The AS/SVE system was shut down in December 2009 after hydrocarbon vapors were detected in the on-site building and three neighboring buildings, and due to groundwater mounding, that has apparently pushed the contamination beyond its original boundaries, and underperformance of the treatment system. Subsequently, Matrix installed

horizontal soil vapor extraction laterals, and following a pilot test, implemented an in-situ technology comprising of oxygen injection and bioaugmentation that is currently in operation at the 181 Delaware Ave site.

In October 2011, Hurondel I, (IEG) conducted a ground penetrating radar (GPR) survey of the 77 W. Huron parcel, and found most of the areas appeared to be disturbed geology, including soil excavation and backfilling. The GPR/metal detector survey and the accompanying review of historical documents did not reveal any USTs at 77 W. Huron St. as a possible source of the plumes in the parking lot. In late 2012, IEG completed a Geoprobe soil investigation at the 77 W. Huron site. The results of this investigation indicated soil contamination more directly related to groundwater migration than the presence of a UST source. As indicated in previous reports by GES and Matrix, the regional groundwater flow is from the west to the east across the former Sunoco service station at 181 Delaware and thence across 77 W. Huron. Over these years, the water table sloped gently to the east, ranging from 90.7' at MW-2 to 89.5' at MW-6. Historical groundwater flow, and hence historical contamination migration has been from the Sunoco site at 181 Delaware to 77 W. Huron.

Sunoco has acknowledged that the impact identified at the southwestern portion of 77 W. Huron is a continuation of the contamination from the Sunoco site. Hurondel will further investigate the 73-79 W Huron parcels and undertake appropriate remediation through this BCP.

3.0 SUMMARY OF ENVIRONMENTAL CONDITIONS

Two areas of petroleum contamination are identified as shown on Figure 2 at the site which are to be remediated:

- Near center area (AREA A):
 - Soil contamination in this area ranges from 24 to 118 mg/Kg based on the 2012 Geoprobe Soil Investigation by IEG.
 - This area is approximately 30' by 30' with contaminated soil at a depth of 10' to 20' –corresponds to an estimated contaminated soil volume of approx. 400 cy

- Southern area (AREA B):
 - Soil contamination in this area ranges from 315 to 857 mg/Kg based on the 2012 Geoprobe Soil Investigation by IEG.
 - This area is approximately 50' (N-W) by 40' (E-W), with contaminated soil at a depth of 10' to 20' – this corresponds to an estimated contaminated soil volume of approx. 800 CY.
 - The property boundary with the Sunoco site to the west is approx. 40' long. A 40' wide by at least 20' deep sheet pile would be required to separate the two sites.

In addition, the 2011 GPR survey identified several subsurface anomalies across the parking lot. These areas will be further investigated by test pitting and laboratory analysis of subsurface soils showing elevated PID readings and/or visible evidence of contamination. Those with petroleum contamination exceeding the NYSDEC's CP-51 soil cleanup criteria will be included with Area A for remediation.

4.0 WORK PLAN FOR SUPPLEMENTARY INVESTIGATION

4.1 Objectives

The supplemental investigation will be performed to fill in data gaps and areas not previously covered so as to remediate and bring closure to this property under the Brownfields Cleanup Program. The objectives of this investigation will therefore be as follows:

- Determine the extent of on site contamination, if any, beyond the limits of the previous investigation,
- Establish the groundwater table and obtain other hydrogeological data such as hydraulic conductivity and groundwater flow/velocity,
- Qualitatively assess exposure pathways and potential risks to human health and the environment, and
- Evaluate and develop a remedy for soil and groundwater contamination.

4.2 Soils Sampling and Analysis

The site will be further investigated by test pitting and laboratory analysis of subsurface soils showing elevated PID readings and/or visible evidence of contamination. Samples for laboratory analysis will be selected based on PID readings, visual observations and prior contaminated sample locations. Samples will be sent to an off-site laboratory for analysis for TCL volatiles, SVOCs, PCBs, pesticides and TCL metals (including mercury), as appropriate. Analytical methods and QA/QC, including matrix duplicates and spikes, and field blanks and duplicates will be in accordance to NYSDEC's ASP protocols and USEPA methods, as applicable.

4.3 Groundwater Sampling and Analysis

The three existing wells on the site will be sampled for parameters detected in the soil samples. All samples will follow NYSDEC guidelines for sample packaging and shipment (in coolers with ice), chain of custody, and QA/QC requirements. Field measurements during sampling will include pH, specific conductivity and temperature.

4.5 QA/QC Plan

The soil and groundwater sampling will be conducted in accordance with accepted NYSDEC/USEPA guidelines, and all samples will be analyzed as per NYSDEC ASP requirements. QA/QC samples will include a field rinse blank (per event), field duplicate (one per 20 samples), and matrix spike/matrix spike duplicate (one per 20 samples). A NYSDOH ELAP-certified laboratory will be utilized for all analysis during the supplemental investigation, remedial construction and long-term monitoring. Category B deliverables will be provided for all samples. All analytical data will be evaluated according the Division of Environmental Remediation (DER) Data Usability Summary Report (DUSR) guidelines.

4.6 Health and Safety Plan (HASP)

A site-specific Health & Safety Plan (HASP) for the protection of on-site workers and other field personnel will be developed prior to implementation of this work plan – an outline of the HASP is attached to this Work Plan. The H&S program will include air

quality monitoring during remedial construction as per New York State Department of Health requirements and the NYSDEC TAGM 4031 for the prevention of fugitive dust.

4.7 Report

The results of the supplemental investigation will be compiled in a report along with data evaluation, and a qualitative risk assessment for both on-site and off-site. The Interim Remedial Measure will be revised as necessary to incorporate other areas of contamination that require remediation and to ensure that this property is remediated to the satisfaction of the regulatory agencies.

5.0 REGULATORY CRITERIA

The NYSDEC has established goals for acceptable contamination levels in soils based on a combination of human health risk factors and potential groundwater impacts. These goals are applicable when considering the need for a remedial measure at contaminated sites.

The Brownfield Cleanup Program provides for a multi-track approach to the remediation of soil contamination. The NYSDEC has developed tables of soil cleanup goals from four tracks ranging from unrestricted use (Tracks 1) to different degrees of restricted use (Tracks 2, 3 and 4). The intent of this remedial effort is to clean up this property to restricted residential/commercial use under Track 2. Any excavation and off-site disposal of the contaminated soils will be compliant with the Resource Conservation and Recovery Act (RCRA) and the Toxic Substances Control Act (TSCA).

6.0 WORK PLAN FOR INTERIM REMEDIAL MEASURE

This preliminary approach is developed based on the results of previous investigation. It will be expanded as necessary to include additional areas of contamination that may be discovered as part of the supplemental investigation described in this Work Plan. The overall objective of this interim remedial measure is to remediate this site to the Track 2, restricted residential or commercial requirements under the Brownfields program.

6.1 Extent of Contamination

As described in Section 3 above, petroleum contamination has been identified in the southern half of the parking lot, with levels ranging from 24 to 857 m/Kg total VOCs. The contamination straddles across the groundwater table, from a depth of 10' to 20' below ground surface. Other areas targeted by the supplemental investigation will be included in the remedy if warranted.

6.2 Description of Remedy

The remedial measure is anticipated to consist of at least the excavation of contaminated soils exceeding SCOs for Track 2 (residential/commercial use). Other areas will be included for excavation if necessary in incremental amounts based on additional investigations.

6.3 Mobilization and Staging

The northern half of the parking lot at 77 West Huron will be used as a staging area for the soil stockpile, and a Baker tank for excavation water. An HDPE liner will be placed beneath the soil stock pile area. A sewer use permit will be obtained from the Buffalo Sewer Authority for the discharge of treated excavation water.

6.4 Soil Excavation and Off-Site Disposal

The soil excavation will be carried out with a backhoe large enough to reach the anticipated depths. To the extent possible the contaminated soil will be loaded directly on to dump trucks for off-site disposal. The excavation will continue until the walls and bottom of the excavation meet the CP51 cleanup goals.

6.5 Excavation Water Treatment and Disposal

The anticipated depths of soil excavation (at least to 20' bgs) in the two areas will require the handling of groundwater infiltrating into the excavation since the groundwater table is at 9' to 11' at this site. The excavation water will be pumped into a storage tank where it will be allowed to settle and then treated on-site through bag filters and activated carbon drums in series before discharge into the sanitary sewer.

6.6 Backfill

The excavation will be backfilled with clean fill from a known source that is tested as necessary to ensure it is appropriate for use at the site. After backfilling, the area will be regarded and paved for its intended use.

6.7 Engineering Evaluation of the Remedy

Besides off-site disposal, available options for remediation of the soils include in-situ (e.g., soil vapor extraction, bioaugmentation) and ex-situ (e.g., thermal desorption) on-site treatment processes. The in-situ treatment options are generally cost effective for areas with large volumes of soil and groundwater contamination and where remediation times can extend to a year or more. At times, the in-situ processes may not reach all areas of contamination which then reoccurs at one or more monitoring points.

Excavation of contaminated soils will essentially remove the source and may eliminate the need for extensive long-term monitoring. Also, by excavating first in the hot spot areas and allowing the groundwater to drain into the excavation, the surrounding areas of low level contamination can also be targeted. Confirmatory sampling would be required in these surrounding areas to ensure that the residual contamination is within acceptable levels.

Excavation/off-site disposal of contaminated soil, and pumping/treatment of groundwater from the excavation can facilitate the redevelopment and commercialization of the property more easily and sooner than the other options.

6.8 Reporting

During remedy construction, daily field reports will be developed and provided to the NYSDEC. Within 90 days after completion of remediation, a final construction report will be submitted with details of the implemented remedy, as-built drawings, and a long-term monitoring plan. The report and drawings will be certified by a professional engineer.

7.0 INSTITUTIONAL CONTROLS

The need for institutional controls will be determined following completion of additional investigations and after a final remedial measure is developed.

8.0 O&M AND LONG-TERM MONITORING

Long-term monitoring will include routine water level measurements and sampling of groundwater at the monitoring wells. The samples will be analyzed for parameters found to be of concern based on the supplemental investigation. The sampling and analysis will be performed in accordance with NYSDEC ASP.

9.0 SCHEDULE

Subject to NYSDEC approval, the following is a tentative schedule for the site:

- | | |
|--------------------------------|-----------------------|
| ➤ Work Plan | July/August 2013 |
| ➤ Supplemental Investigation | October/November 2013 |
| ➤ Interim Remedial Measure | Spring/Summer 2014 |
| ➤ Remedial Construction Report | Summer 2014/2005 |

10.0 PROJECT ORGANIZATION

The proposed project organization chart is presented as Figure 3. Resumes of key personnel are included in Appendix D.



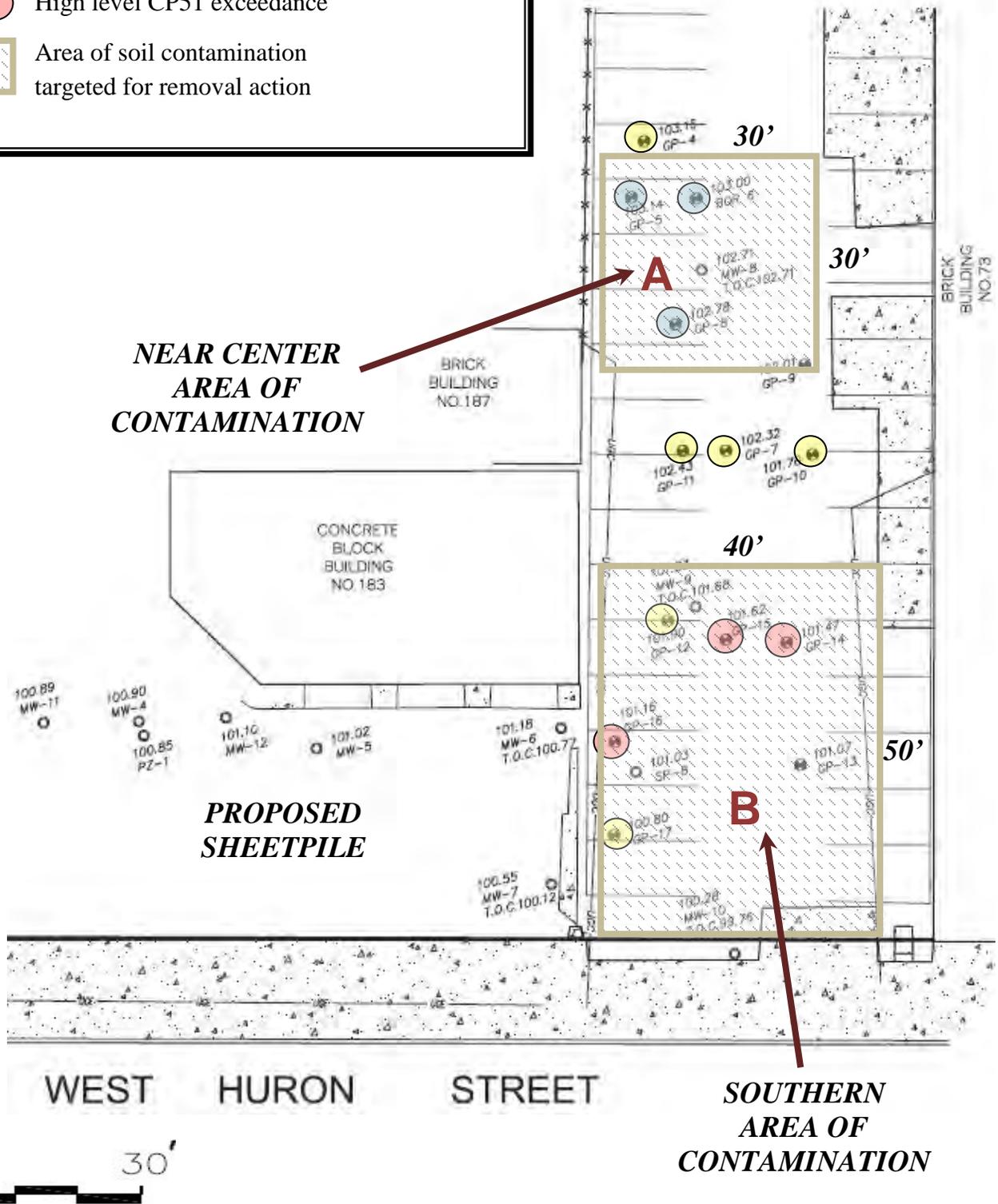
77 W HURON ST., BUFFALO, NY
AERIAL PHOTO OF SITE

FIGURE 1

IEG

LEGEND

-  Geoprobe soil sample Location (IEG; 2012)
-  Trace VOCs (below CP51 values)
-  Low to medium level CP51 exceedance
-  High level CP51 exceedance
-  Area of soil contamination targeted for removal action



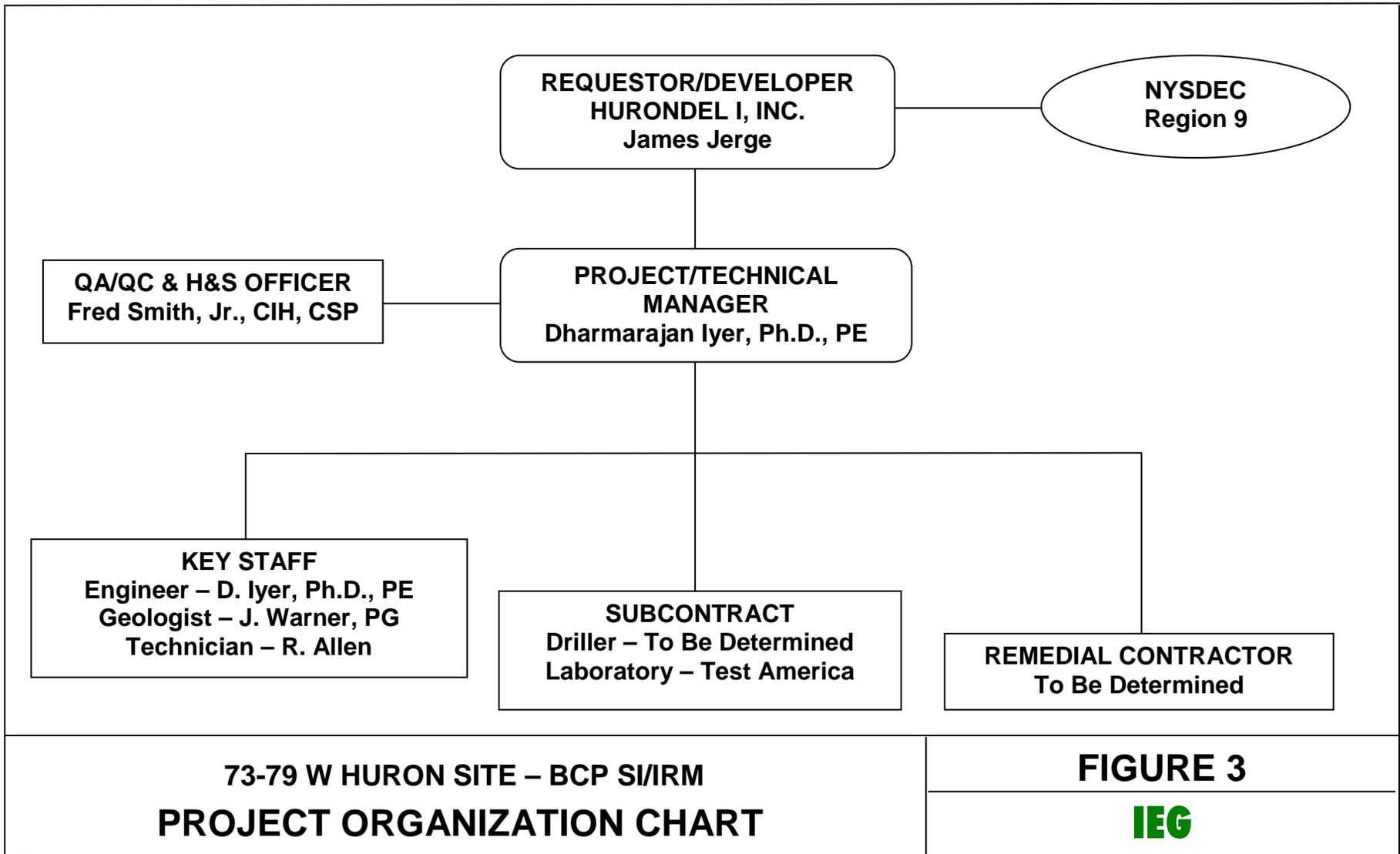
**NEAR CENTER
AREA OF
CONTAMINATION**

**PROPOSED
SHEETPILE**

**SOUTHERN
AREA OF
CONTAMINATION**

**77 W HURON ST., BUFFALO, NY
EXTENT OF SOIL CONTAMINATION/CLEANUP**

FIGURE 2
IEG



BCP APPLICATION
SITE: 73-79 W Huron St, Buffalo, NY 14202

ATTACHMENT F
DEEDS & EASEMENTS

Property: 73 West Huron, 77 West Huron, Buffalo, New York

Abstract of Title

No.: 500306229

by

TICOR TITLE INSURANCE COMPANY

420 MAIN STREET, SUITE 200
BUFFALO, NEW YORK 14202-3501
(716) 854-2982
FAX: (716) 852-7346

The established leader in quality, service and value.

TICOR TITLE INSURANCE COMPANY
420 MAIN STREET - STE 200, BUFFALO, NY 14202

TAX SEARCH

SEARCH NO. 5003-06229

TITLE INSURANCE NO.:

Property Information

CITY OF BUFFALO

Dist. 3 64' x 235' (#73) Huron West N 115.50' W Franklin
51' x 173.50' (#77) Huron West N 115.50' E Delaware
w/pc. 15' x 44' NW cor

SBL Number: 111.37-4-10 111.37-4-11

TICOR TITLE INSURANCE COMPANY, a California corporation, for a valuable consideration to it paid, hereby guarantees to the record owners and successors in interest of record, that there are no STATE TAX SALES, CITY or COUNTY TAXES, LOCAL ASSESSMENTS or TAX SALES for taxes, now payable, levied and assessed against the real estate described as above on the tax rolls of the City of Buffalo or County of Erie, (Sewer Rents based on water consumption of water charges not included), except as follows:

Date of Sale	For What Tax or Tax Sale	Number of Roll	Name of Purchaser	Amount of Tax Sale/Remarks
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NO SEARCH IS MADE FOR OCCUPANCY TAXES OR USER FEES FOR REFUSE PICKUP

See Tax Sheet Below

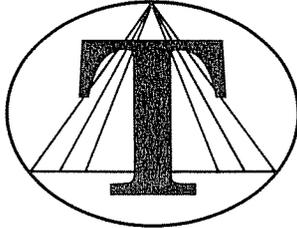
TICOR TITLE INSURANCE COMPANY

By 
Authorized Signatory

Dated OCTOBER 14, 2003

kaf

ABSTRACT OF TITLE MADE BY



TRINITY TITLE & ABSTRACT CORP.

74 Niagara Street
Buffalo, New York 14202
716-842-0333 • FAX: 716-842-1902

5003-25397

Search No. S03-3569

Tax District 3, 64 feet front by 235 feet in depth, No. 73 West Huron, north side, 115.50 feet west of Franklin;
and
Tax District 3, 51 feet front by ___ feet in depth, No. 77 West Huron, north side, 115.50 feet east of Delaware.

Assessed on 2003 roll to Huron Parking Services

SBL No. 111.37-4-10 and 111.37-4-11, respectively

OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY, a New York licensed Title Insurance Company, by its agent, TRINITY TITLE & ABSTRACT CORP., a corporation duly incorporated and existing under the laws of the State of New York, for a valuable consideration to it paid, hereby guarantees and warrants, that there are no STATE TAX SALES, CITY or COUNTY TAXES, or TAX SALES or LOCAL ASSESSMENTS, now payable, affecting the above described REAL ESTATE on the tax rolls of the City of Buffalo or County of Erie (Sewer Rents based on water consumption or water charges not included),

EXCEPT AS FOLLOWS

NO SEARCH IS MADE FOR OCCUPANCY TAXES
NO SEARCH IS MADE FOR CITY OF BUFFALO USER FEES FOR SOLID WASTE COLLECTION

73 West Huron - Second Half City Taxes for 2003-2004	\$2,794.20
77 West Huron - Second Half City Taxes for 2003-2004	\$ 707.87

Dated: August 7 2003

Trinity Title & Abstract Corp.

By 

Authorized Signature

- TITLE INSURANCE
- ABSTRACTS OF TITLE
- GUARANTEED TAX SEARCHES
- FEDERAL COURT SEARCHES
- UCC FINANCING SEARCHES
- FRANCHISE TAX SEARCHES

TICOR TITLE GUARANTEE COMPANY

A New York corporation, for a valuable consideration to it paid, GUARANTEES to the record owners of an interest in or a specific lien upon the premises particularly described as parcels "A" to "E" inclusive below on the date hereof and their successors in interest of record, that the SET-OUTS designated herein by marginal numbers One to 79 inclusive, are all the references affecting title to said premises, which appear upon

- (a) INDICES to records, papers, files and documents in the office of the CLERK of the COUNTY wherein said premises are situate, and
- (b) INDICES to wills and administration of decedent's estates in the office of the SURROGATE of the COUNTY wherein said premises are situate, and
- (c) INDICES to bankrupts in the office of CLERK of the UNITED STATES BANKRUPTCY COURT for the WESTERN DISTRICT of NEW YORK

against the names of the parties appearing in the within abstract during the periods in which it appears there was a record interest in said premises under said names from

November 5 1829 to the date hereof, and upon

- (d) JUDGMENT DOCKETS for ten years last past, and

(e) DOCKETS of FEDERAL LIENS since October 4, 1984. against the names of the parties in such ownership in the office of the Clerk of the County wherein said premises are situate and the corporation GUARANTEES FURTHER that the SET-OUTS HEREIN are correct statements as to such records and indices. No search is made for filings made pursuant to the requirements of Chapter 579 of the Laws of 1990.

The Guaranty under this Certificate shall not be limited by time.

Dated this 12th day of May 19 93 at - - - - o'clock ---- M. and executed under seal.

.....
.....
.....
.....

No. *B-07222*

By *[Signature]*
TICOR TITLE GUARANTEE COMPANY
Authorized Signature

Upon continuation from the date and hour last above this GUARANTEE, for a valuable consideration, is reissued to the record owners of an interest in or a specific lien upon the premises particularly described

the grantee in marginal number in the within abstract, including search against affecting title to said premises to the date hereof that appear upon the indices and dockets particularly since the date of the deed, showing all references detailed as (a) to (e) above, designated by marginal numbers inclusive. Redated this day of 19 at o'clock M.

.....
.....
.....



TICOR TITLE GUARANTEE COMPANY
No. By:
Authorized Signature

Upon continuation from the date and hour last above this GUARANTEE for a valuable consideration is reissued to the record owners of an interest in or a specific lien upon the premises particularly described

the grantee in marginal number affecting title to said premises to the date hereof that appear upon the indices and dockets particularly detailed as (a) to (e) above, designated by marginal numbers Redated this day of 19 at o'clock M. in the within abstract, including search against since the date of the deed, showing all references upon the indices and dockets particularly inclusive.

.....
.....
.....
.....

TICOR TITLE GUARANTEE COMPANY

No. By
Authorized Signature

Upon continuation from the date and hour last above this GUARANTEE for a valuable consideration is reissued to the record owners of an interest in or a specific lien upon the premises particularly described

the grantee in marginal number affecting title to said premises to the date hereof that appear upon the indices and dockets particularly detailed as (a) to (e) above, designated by marginal numbers Redated this day of 19 at o'clock M. in the within abstract, including search against since the date of the deed, showing all references upon the indices and dockets particularly inclusive.

.....
.....
.....
.....

TICOR TITLE GUARANTEE COMPANY

No. By
Authorized Signature

~~Parcel "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 Inner Lot No. 128 and described as follows:

Beginning at a point in the northerly line of Huron Street, where it is intersected by the westerly line of said Inner Lot No. 128, one hundred fifteen and five tenths (115.5) feet easterly from the intersection of the said northerly line of Huron Street with the easterly line of Delaware Avenue: thence running easterly on said line of Huron Street thirty-four and five tenths (34.5) feet: thence running northerly, parallel with the westerly line of Delaware Avenue, one hundred seventy-three and five tenths (173.5) feet: thence running westerly nineteen and five tenths (19.5) feet parallel with the said northerly line of Huron Street: thence running northerly parallel with said westerly line of Delaware Avenue forty-four (44) feet: thence running westerly to the westerly line of said Inner Lot No. 128, fifteen (15) feet: thence running southerly along the westerly line of said Inner Lot No. 128, two hundred seventeen and five tenths (217.5) feet to the place of beginning.

Parcel "B"

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 Lot No. 128 and described as follows:

Beginning at a point in the northerly line of Huron Street, thirty-four and five tenths (34.5) feet easterly from the southwest corner of Inner Lot No. 128, measured along said northerly line of Huron Street: running thence easterly along said northerly line of Huron Street sixteen and five tenths (16.5) feet to the easterly line of the premises conveyed by Isaac E. Harris and one to Delaware Mohawk Realty Corporation by deed recorded in Erie County Clerk's Office in liber 1586 of Deeds at page 219: running thence northerly along said easterly line of land so

conveyed one hundred seventy-three and fifty hundredths (173.50) feet; thence running westerly parallel with said northerly line of Huron Street sixteen and one-half (16-1/2) feet; thence running southerly parallel with said westerly line of Inner Lot No. 128, one hundred seventy-three and fifty hundredths (173.50) feet to the northerly line of Huron Street at the place of beginning

Parcel "C"

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 Lot No. 128 and described as follows:-

Beginning in the northerly line of Huron Street one hundred fifteen and one-half (115-1/2) feet westerly from its intersection with the westerly line of Franklin Street; running thence westerly along said line of Huron Street sixty-five and two tenths (65.02) feet; thence at right angles northerly and parallel with Franklin Street two hundred thirty-seven and three hundredths (237.03) feet; thence at right angles easterly sixty-five and thirty-seven hundredths (65.37) feet and thence at right angles southerly two hundred thirty-six and ninety-one hundredths (236.91) feet to Huron Street at the place of beginning

Parcel "D"

Together with an easement over 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 Lot No. 128 of the Holland Land Company's Survey, described as follows:-

Commencing at a point fifteen (15) feet easterly on the westerly line of Inner Lot No. 128 as measured on a line parallel to Huron Street and two hundred seventeen and fifty hundredths (217.50) feet northerly of the northerly line of Huron Street; thence southerly on a line parallel to Delaware Avenue and fifteen (15) feet easterly of the westerly line of Inner Lot No. 128 for a distance of forty-four (44) feet; thence easterly on a line parallel to Huron Street eighteen (18) feet; thence northerly on a line parallel to Delaware Avenue forty-four (44) feet; thence westerly on a line parallel

to Huron Street eighteen (18) feet to the place
of beginning

Parcel "E"

Together with an easement over 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
Lot No. 128 of the Holland Land Company's Survey,
described as follows:-

Beginning at a point in the northeast corner
of lands conveyed to E. Alan Nordstrom by deed
recorded in Erie County Clerk's Office in liber 5951
of Deeds page 251: running thence southerly on a
line parallel with Delaware Avenue and along the east
line of lands conveyed to E. Alan Nordstrom by afore-
mentioned deed forty-four (44) feet to a point one
hundred seventy-three and fifty hundredths (173.50)
feet north of Huron Street, measured along a line
parallel with Delaware Avenue being the north line
of lands conveyed to Buffalo Lodge Number 23,
Benevolent & Protective Order of Elks by deed recorded
in the Erie County Clerk's Office in liber 1718 of
Deeds page 145: running thence easterly along the
north line of lands conveyed to Buffalo Lodge Number 23
Benevolent & Protective Order of Elks eighteen (18)
feet: running thence northerly along the west line
of land conveyed to Charles W. Miller by deed recorded
in Erie County Clerk's Office in liber 571 of Deeds
page 387, forty-four (44) feet: running thence westerly
parallel with Huron Street eighteen (18) feet to the
point or place of beginning

- - - - -

1 Wilhem Willink W Deed dated November 5 1829
 and others recorded in liber 13 of Deeds .
 to page 48 January 15 1830
 Ebenezer Johnson Conveys premises and more

NOTE:- We find no deed out of Ebenezer Johnson or into Atherton Thayer Jr. of premises and more

2 Atherton Thayer Jr. Mortgage for \$4500.00 dated
 to December 15 1831 recorded in
 Ebenezer Johnson liber 7 of Mortgages page 100
 December 22 1831
 Covers premises and more

3 Stephen Osborn, Sheriff's Certificate of Sale
 Sheriff recorded in liber 1 of Sheriff's
 to Certificate's of Sale page 88
 Albert Hayden June 22 1832
 Sells all interest of Atherton
 Thayer Jr. in premises and more
 Sold June 19 1832

4 Ebenezer Johnson In Chancery
 vs Lis Pendens to foreclose
 Atherton Thayer Jr., above mortgage No. 2
 Albert Hayden and Filed January 30 1835
 others C. B. Lord, Sol'r.

5 Stephen Osborn, Sheriff's Deed dated May 20 1835
 Sheriff recorded in liber 27 of Deeds
 to page 215 May 21 1835

Albert Hayden

Conveys all interest said
Atherton Thayer Jr. had in
premises and more on April 9
1832 or at any time thereafter,
pursuant to No. 3 above

Albert Hayden and
Sevilla B. his wife

W Deed dated May 21 1835
recorded in liber 28 of Deeds
page 375 May 22 1835
Conveys premises and more,
subject to above mortgage No. 2

6

to

John Lathrop

Ebenezer Johnson

Q C Deed dated April 27 1837
recorded in liber 43 of Deeds
page 399 May 8 1837
Conveys premises and more
Recites that the grantor herein
on or about December 15 1831
conveyed by deed of warranty to
Atherton Thayer in fee, Inner
Lot No. 128: that said deed has
not been recorded, this deed
being given in place of said
deed to quiet the title to said
premises and subject to above
mortgage No. 2 which is still a
lien at this date

7

to

John Lathrop

Ebenezer Johnson

Assignment dated September 22 1838
recorded in liber 34 of Mortgages
page 62 October 8 1838
Assigns above mortgage No. 2

8

to

Joseph D. Beers,
President of the
North American Trust
and Banking Company

Joseph D. Beers,
President of the
North American Trust
and Banking Co.

In Chancery before the Chancellor
Lis Pendens to foreclose above
mortgage No. 2
Filed March 6 1840

9

vs
Athereton Thayer Jr.,
Ebenezer Johnson,
John Lathrop and
others

Graham, Noyes & Martin,
Sol'rs.

Joseph D. Beers,
President of the
North American Trust
and Banking Company

Assignment dated February 1 1840
recorded in liber 43 of Mortgages
page 314 May 2 1840
Assigns above mortgage No. 2

10

to
Joseph D. Beers,
John Lorimer Graham
and Daniel E. Tylee,
Trustees

Joseph D. Beers,
John Lorimer Graham
and Daniel E. Tylee,
Trustees

Assignment dated February 1 1840
recorded in liber 43 of Mortgages
page 404 May 28 1840
Assigns above mortgage No. 2

11

to
Joseph D. Beers,
President of the North
American Trust and
Banking Co.

Joseph D. Beers,
President of the North
American Trust and

Assignment dated February 1 1840
recorded in liber 43 of Mortgages
page 511 June 4 1840

Banking Co.

Assigns above mortgage No. 2

12

to

Lewis Curtis,
Richard Milford
Blatchford and
John Lorimer Graham,
Trustees

Lewis Curtis,
Richard M. Blatchford
and John L. Graham,
Trustees of the first
part, David Leavitt,
Receiver of the North
American Trust and
Banking Company of
the second part

Assignment dated January 13 1843
recorded in liber 48 of Mortgages
page 389 January 23 1843
Assigns above mortgage No. 2 and
others to party of the third
part

13

to

John J. Palmer,
Special Receiver &c.
of the third part

John J. Palmer,
Special Receiver &c.

In Chancery before the Chancellor
Lis Pendens to foreclose
above mortgage No. 2

14

vs

Joseph D. Beers,
President of the
North American Trust
and Banking Co., Thomas
G. Talmage, President
of the North American
Trust and Banking Co.,
Lewis Curtis, Richard

Filed July 18 1844

B. W. Bonney, Sol'r.

M. Blatchford and
John L. Graham,
Trustees and David
Leavitt, Receiver of
the North American
Trust and Banking Co.

The People of the
State of New York
15 to
Charles Augustus Davis

Supreme Court New York County
Certified Copy of Order dated
February 18 1858 recorded in
Erie County Clerk's Office in
liber 186 of Deeds page 256
April 15 1858
Appoints said Davis, special
receiver in place of John J.
Palmer, deceased in certain
lawsuits and directs the transfer
to him of all the moneys, securities,

property and assets held by said Palmer as such receiver at the
time of his death

Certificate of Clerk of New York County recorded herewith recites
that the bond required by this Order has been filed

Charles Augustus Davis,
Special Receiver and
successor of John J.
Palmer, late Special
Receiver, deceased
16 to
Atherton Thayer Jr.

Discharge dated September 16
1859 recorded in liber 137 of
Mortgages page 616 September
24 1859
Discharge of above mortgage No. 2
Not signed by County Clerk on
face of mortgage

9
17 Affidavit
of

Affidavit sworn to June 6 1857
recorded in liber 185 of Deeds

Washington Adgate

page 136 June 6 1857

Lathrop

Recites that he knew John Lathrop, grantee in above deeds Nos. 6 and 7, who was deponent's father: that said John Lathrop's second and last wife was deponent's mother, who died in Auburn in or prior to 1841: that said John Lathrop

had by her five children, whose names are Charles K., Harriet E., William B., Franklin K. and deponent: that said father had by his first wife, only two children, namely: John A. and Frederick M.: that after his (deponent's) mother's death his said father did not marry, but died suddenly leaving his said seven children, his only heirs: that said Harriet E. deponent's sister was never married and died intestate in 1845 at the age of 15 years, leaving her said six brothers, her only heirs: that of the said six surviving children of said John Lathrop, only two have ever intermarried viz: said John A. and William B., said John Lathrop died in the year 1841 and that deponent is the grantor in deed No. 25 below

Charles H. Lathrop

W Deed dated November 2 1848

18

to

recorded in liber 101 of Deeds

Henry Roop

page 409 November 4 1848

Conveys an undivided 1/6 of premises and more

Henry Roop and

W Deed dated June 14 1852

Elizabeth his wife

recorded in liber 131 of Deeds

19

to

page 251 August 5 1852

Sarah L. Marvin

Conveys an undivided 1/6 of premises and more

John A. Lathrop and
Louisa his wife
to
Frederick M. Lathrop

W Deed dated January 10 1849
recorded in liber 106 of Deeds
page 124 January 27 1849
Conveys an undivided 1/6 of
premises and more, being said
John A. Lathrop's interest
therein, as one of the heirs
of John Lathrop, deceased

William B. Lathrop,
one of the six heirs
of John Lathrop,
deceased and Anna
L. his wife

W Deed dated May 2 1853
recorded in liber 139 of Deeds
page 331 May 30 1853
Conveys an undivided 1/6 of
premises and more

to
Sarah L. Marvin

Frederick M. Lathrop,
one of the six heirs
of John Lathrop,
deceased

W Deed (covenant seizen) dated
April 14 1854 recorded in liber
151 of Deeds page 537 May 1 1854
Conveys two undivided sixth parts
of premises and more

to
Sarah L. Marvin

Franklin K. Lathrop,
one of the six heirs
of John Lathrop,
deceased

W Deed (covenant seizen) dated
April 23 1855 recorded in liber
162 of Deeds page 321 May 16 1855
Conveys an undivided 1/6 of
premises and more

to
Legrand Marvin

Le Grand Marvin and
Julia E. R. his wife

Q C Deed dated August 25 1859
recorded in liber 203 of Deeds

24	<p>to</p> <p>Sarah L. Marvin</p> <p>Washington A. Lathrop</p> <p>one of the six heirs</p> <p>of John Lathrop,</p> <p>deceased</p>	<p>page 148 September 9 1859</p> <p>Conveys an undivided 1/6 of</p> <p>premises and more</p> <p>W Deed dated June 5 1857</p> <p>recorded in liber 185 of Deeds</p> <p>page 134 June 6 1857</p> <p>Conveys an undivided 1/6 of</p> <p>premises and more</p>
25	<p>to</p> <p>Sarah L. Marvin</p> <p>Sarah L. Marvin,</p> <p>widow</p>	<p>Contains certain recitals as</p> <p>to the heirs of John Lathrop,</p> <p>deceased, being to the same</p> <p>effect as those in above affidavit</p> <p>No. 17</p> <p>Q C Deed dated August 27 1859</p> <p>recorded in liber 203 of Deeds</p> <p>page 147 September 9 1859</p> <p>Conveys premises and more</p>
26	<p>to</p> <p>George L. Marvin</p> <p>George L. Marvin and</p> <p>Elizabeth S. his wife</p>	<p>Q C Deed dated September 22 1859</p> <p>recorded in liber 196 of Deeds</p> <p>page 483 September 24 1859</p> <p>Conveys premises and more</p>
27	<p>to</p> <p>Sarah L. Marvin,</p> <p>widow</p> <p>Sarah L. Marvin,</p> <p>widow</p>	<p>Q C Deed dated September 22 1859</p> <p>recorded in liber 196 of Deeds</p> <p>page 483 September 24 1859</p> <p>Conveys premises and more</p>
28	<p>to</p> <p>Kate Ganson Sweeney,</p> <p>wife of James Sweeney</p>	<p>W Deed (covenant seizen) dated</p> <p>December 4 1862 recorded in</p> <p>liber 215 of Deeds page 460</p> <p>December 31 1862</p> <p>Conveys parcels "A", "B", "D",</p> <p>"E" and more</p>

29 Kate Ganson Sweeney
to
Walter C. Hurd

Q C Deed dated July 19 1912
recorded in liber 1357 of Deeds
page 156 November 20 1916
Conveys parcels "A", "B", "D", "E"
and more

30 Walter C. Hurd,
bachelor
to
Kate Ganson Sweeney,
Louise W. Sweeney
and James Sweeney Jr.
as joint tenants and
not as tenants in
common

Q C Deed dated July 19 1912
recorded in liber 1357 of Deeds
page 154 November 20 1916
Conveys parcels "A", "B", "D", "E"
and more

NOTE:- This certificate includes an examination against the name
Louise S. Ballard since July 19 1912

66 James Sweeney Jr.,
individually and as
executor of and
trustee under the
last will and testament
of James Sweeney,
deceased, Louise S.
Ballard and Kate G.
Sweeney, widow of said
James Sweeney, said
Louise S. Ballard,
daughter of said James
Sweeney and said James
Sweeney Jr., being
residuary legatees
and devisees under

Mortgage for \$328,908.93 dated
June 10 1915 recorded in liber
1189 of Mortgages page 607
July 1 1915
Covers parcels "A", "B", "D", "E"
and more
Recites in case of the death, etc.
of any or more of second parties
successor trustees shall be appointed
as follows:- In place of Edwin G.
S. Miller by the German American
Bank of Buffalo, N. Y. etc. The
discharge of this mortgage shall be
effective to relieve the premises
herein described from the lien
hereof only in case such discharge
shall have been duly executed and

said will and the
beneficiaries under
the trusts therein
created

31

to
Welles V. Moot,
Edwin G. S. Miller
and Legrand S. DeGraff
as Trustees for the
benefit of the
following named
creditors, A. Weston
& Son, J. S. Thompson,
State National Bank,
Durolithic Company and
German American Bank

acknowledged by all of second
parties or their successors
duly appointed as hereinbefore
provided and no release of any
portion of said premises from the
lien hereto shall be effective
unless such release shall be
executed and acknowledged in the
same manner as the discharge of
said mortgage

The appointment of such successor
trustee shall be evidenced by a
writing duly executed and
acknowledged and recorded in
Office of each County Clerk
wherein this mortgage is recorded.
Any such successor trustee shall
be vested with and possess all
the title power and authority
herein given or granted to the
trustee of whom he shall be the
successor

NOTE:- Bankruptcy Proceedings of James J. Sweeney filed January
21 1916 are omitted

32

In re
Edwin G. S. Miller,
deceased
(Case No. 52145)

Surrogate's Court Erie County
Petition for Probate filed
December 17 1915 recites that
decedent died on or about
November 3 1915

33

In re
Kate Ganson Sweeney,

Surrogate's Court Erie County
Petition for Probate filed

deceased
(Case No. 54029)

November 20 1916 recites that
decedent died on or about January
14 1916 leaving her surviving
Louise Sweeney Ballard, daughter
and James Sweeney Jr., son and
others

Welles V. Moot,
Henry C. Zeller
and LeGrand S.
DeGraff, trustees
to
James Sweeney Jr.
as executor and
trustee under the last
will and testament of
James Sweeney, deceased

Release dated January 26 1920
recorded in liber 1457 of Deeds
page 558 March 3 1920
Releases parcels "A", "B", "D",
"E" and more from the lien of
mortgage No. 31

34

James Sweeney Jr.,
as executor of and
trustee under the last
will and testament of
James Sweeney, deceased

Executor's Deed dated January 26
1920 recorded in liber 1456 of
Deeds page 513 March 3 1920
Conveys Parcels "A", "B", "D", "E"
and more, subject to two certain
mortgages which second parties assume
and agree to pay, one of the said
mortgages being upon said Huron
Street property and held by
the Erie County Savings Bank
upon which there is now due and
unpaid the sum of \$8,000.00 of
principal and interest from the
last interest date and the
second which said mortgage is now

35

to
Isaac E. Harris and
Solomon Ginsburg, as
joint tenants and not
as tenants in common

held by Lucretia S. Grosvenor
covering said Delaware Avenue
property upon which there is now
due \$14,500.00 of principal and interest from the last interest
date and said premises are also conveyed subject to the leases at
present outstanding upon said premises and which said leases expire
May 1 1920, together with the appurtenances and also all the estate
which the said testator had at the time of his death in said premises
and also the estate therein which the said party of the first part
has or has power to dispose of whether individually or by virtue
of said will or otherwise

36 In re Complaint in an action of
Appointment of The State National Bank of
Henry Zeller, North Tonawanda and others
Trustee against James Sweeney Jr.
and others filed September 23
1919 recites that in accordance
with and pursuant to the terms
of above mortgage No. 31, Henry
Zeller was hereby appointed a
trustee under said mortgage in place of Edwin G. S. Miller who
had died, by writing effectual to accomplish that purpose duly
executed and acknowledged by German Bank of Buffalo and recorded
in Erie County Clerk's Office on May 16 1916

James Sweeney Jr., Q C Deed dated January 27 1922
unmarried and Louise recorded in liber 1567 of Deeds
Sweeney Ballard page 620 February 3 1922

37 to Conveys parcels "A", "B", "D", "E"
Isaac E. Harris and and more
Solomon Ginsburg,
as joint tenants and
not as tenants in common

Isaac E. Harris and
Solomon Ginsburg as
joint tenants and not
as tenants in common

38

to
Delaware Mohawk
Realty Corporation

W Deed dated January 27 1922
recorded in liber 1586 of Deeds
page 219 February 14 1922
Conveys parcels "A", "B", "D", "E"
and more, subject to two mortgages
since discharged

39

In re
Delaware-Mohawk
Realty Corporation

Certificate of Incorporation
dated April 9 1920 recorded
in liber 47 of Certificates of
Incorporation page 181 April 23 1920

Delaware-Mohawk
Realty Corporation

40

to
Buffalo Lodge Number
23, Benevolent
Protective Order
of Elks
NO SEARCH VS GRANTEE

W Deed dated May 12 1922
recorded in liber 1453 of Deeds
page 339 May 13 1922

Conveys those tracts or parcels
of land situate in the City of
Buffalo, County of Erie and
State of New York, being part
of Inner Lot No. 131, bounded
and described as follows:-

Parcel "A": Beginning at a
point distant 130 feet easterly
from the easterly line of Delaware

Avenue, measured along a line drawn at right angles to the easterly
line of Delaware Avenue from a point in the easterly line of Delaware
Avenue 186 feet southerly from the intersection of the easterly line
of Delaware Avenue with the southerly line of Chippewa Street,
which point is also in the southerly line of lands formerly conveyed
by Henry H. Sizer and wife to George S. Hazard by deed recorded
in Erie County Clerk's Office in liber 101 of Deeds page 479:
running thence easterly and along said southerly line of said

lands formerly conveyed by Sizer and along said line drawn at right angles to the easterly line of Delaware Avenue 36 feet: thence southerly on a line parallel with Delaware Avenue 7 feet: thence westerly on a line parallel with the first mentioned boundary 36 feet: thence northerly on a line parallel with Delaware Avenue 7 feet to the place of beginning.

Parcel "B": Beginning at the southeasterly corner of Parcel "A" above described: running thence southerly on a line parallel with Delaware Avenue 44 feet, more or less to the northerly line of Inner Lot No. 128: thence westerly along the northerly line of Inner Lot No. 128, 18 feet: thence northerly on a line parallel with Delaware Avenue 44 feet more or less to the southerly line of Parcel "A" above described: thence easterly along the said southerly line of Parcel "A", 18 feet to the place of beginning. Saving and reserving however to the said first party, its successors and assigns forever the right to use and enjoy the above described Parcel "B" jointly with the said second party, its successors and assigns, as an open court or alley and vehicular passageway to be used for the enjoyment of the premises now owned by the said first party and the said second party and bordering on the said Parcel "B" and of such other premises bordering on the further right of way hereinafter described as may acquire from the said first party, its successors and assigns a like right of way over the said Parcel "B" the said second party, its successors and assigns however, to have the right to build and maintain a basement or vault under the said Parcel "B", provided the said structure is adequately roofed over at the level of Delaware Avenue so that the use of the said Parcel "B" for said court or alley purposes shall not be impaired because of such subterranean structure and the said second party, its successors and assigns to have the right to have fire escapes overhang the said parcel "B" at a height of not less than 13 feet above the said Delaware Avenue level, or at such lesser height as may be at any time hereafter required by any municipal or state authority having jurisdiction in the premises and for a distance of not more than five feet from the building lines.

And for the consideration aforesaid, as well as for the further consideration of the several stipulations herein contained, the said first party does also grant, bargain, sell and convey unto the said second party, its successors and assigns forever a perpetual right of way, privilege and easement as hereinafter defined and over, upon and across the premises hereinafter described now owned by the said first party, which said right of way is to be used in conjunction with Parcel "B" above described as an open court or alley and vehicular passageway for the enjoyment jointly of the premises which now are owned by the parties hereto and border on the said right of way hereinafter described (being Parcels "C" and "D" on the map hereto attached) and of such other premises bordering on the said right of way as may hereafter acquire from the said first party, its successors and assigns a like right to enjoy the same and not otherwise. But the said first party shall not be required to remove any buildings which encroach on the right of way herein granted for a period of three years from the date hereof, but that thereafter there shall be no buildings on the said right of way except as hereinafter provided.

The said right of way shall be in and over all that tract or parcel of land situate in the said City of Buffalo and bounded and described as follows:

Parcel "C": Beginning at a point in the northerly line of Huron Street distant thirty-four and one-half (34.5) feet easterly from the southwest corner of Inner Lot No. 128, measured along the said northerly line of Huron Street: running thence northerly and parallel with the westerly line of said Lot to the northerly line of said Lot: thence easterly along said northerly line of said Inner Lot No. 128, sixteen and one-half (16.5) feet to the easterly line of premises formerly conveyed to the said first party by Solomon Ginsburg and Isaac E. Harris by deed recorded in liber 1586 of Deeds page 219: thence southerly along the said easterly line of said lands conveyed by Ginsberg and Harris to a point on said easterly line of said lands distant 70 feet northerly from the northerly

line of Huron Street: thence westerly parallel with Huron Street 2 feet: thence southerly parallel with the westerly line of Inner Lot No. 128, 70 feet to the northerly line of Huron Street: thence westerly along said northerly line of Huron Street, fourteen and one-half (14.5) feet, to the place of beginning and the said right of way shall be also in and over all that other tract or parcel of land situate in the said City of Buffalo, bounded and described as follows:

Parcel "D": Beginning at the southwesterly corner of Parcel "B" above described and at a point in the northerly line of Inner Lot No. 128: running thence westerly along said northerly line of Inner Lot No. 128, 18 feet: thence northerly parallel with Delaware Avenue 44 feet, more or less to the southerly line of Parcel "A" above described: thence easterly along the said southerly line of Parcel "A" 18 feet: thence southerly parallel with Delaware Avenue and along the westerly line of Parcel "B" above described, 44 feet, more or less to the northerly line of Inner Lot No. 128 and the place of beginning.

But the basements or vaults of buildings which may be erected on lands now owned by the said first party and bordering on the said right of way may extend under the said right of way (but not under Parcel "B" above described) provided any such structure is adequately roofed over at the Delaware Avenue level so that the use of the said premises for said court and alley purposes shall not be impaired because of such subterranean structure and the said first party, its successors and assigns shall have the right to have fire-escapes overhand the said right of way at a height of not less than 13 feet above the Delaware Avenue level or at such lesser height as may be at any time hereafter required by any municipal or state authority having jurisdiction in the premises and for a distance of not more than five feet from the building lines and to build over the southerly 70 feet of Parcel "C" of the said right of way, provided the alley passageway through such building be at least 13 feet high and that it shall be kept at all times free and clear of obstruction

for its full specified width for the said 70 feet of length and of fourteen and one-half (14.5) feet in width

The several parcels of land hereinabove described being shown on the map hereto attached

Delaware-Mohawk
Realty Corporation

with

Buffalo Lodge No. 23,
Benevolent and
Protective Order
of Elks
NO SEARCH VS SECOND
PARTY

Agreement dated August 16 1923
recorded in liber 1716 of Deeds
page 253 September 24 1923

Whereas, under the terms of
an agreement heretofore entered
into between the parties hereto
and set forth in above deed No. 40,
certain reciprocal easements and
rights of way were granted and
created with reference to establishing
a turning court to be located partly
on the premises owned by each of the
parties.

And whereas, the party of the first
part under deed of even date herewith has granted to the party of the
second part the fee to the portion of the premises owned by it at
the time of the making of the aforesaid agreement and intended to
be used as a portion of said turning court and referred to in the
aforesaid deed as parcel "D". And whereas under deed of even date
herewith, the party of the first part has granted to party of the
second part, title in fee to premises immediately to the south
of said Parcel "D", which are described in said deed of even date
as parcel "M" and a further agreement has been made between the
parties which is set forth in said last mentioned deed for the
establishment of a turning court immediately to the south of said
parcel "M" and over premises described in said deed as parcels
"N" and "O". And whereas, by the deed first herein referred to
recorded May 13 1922, certain rights of way over an alley were
granted to the party of the second part and reserved by the party

of the first part, as provided in said deed which alley was described as Parcel "C" in said deed. And, whereas the parties hereto intend that the rights acquired by the party of the second part in said alley and as reserved to the party of the first part therein under said deed recorded May 13th 1922 shall continue in all respects except as said alley is now shortened by the taking from the north end thereof, the width of parcels "M" and "O" as described in the deed of even date herewith.

Now therefore, in consideration of the premises and for a good and valuable consideration each to the other in hand paid the parties hereto mutually covenant and agree as follows:

The reciprocal rights and easements created by said deed recorded May 13th 1922 in parcels therein described as "B" and "D" are hereby wholly abrogated and released and the party of the second part has the fee simple absolute therein:

The rights of way granted and reserved over the alley by said deed recorded May 13th 1922 and constituting parcel "C" therein are wholly abrogated to the extent only that the northerly portion of said alley as therein described has been acquired in fee simple absolute by the party of the second part (constituting a portion of parcel "M" as described in the said deed of even date herewith) and to the further extent that an additional northerly portion thereof has been acquired by the said party of the second part (constituting a portion of Parcel "O" in said deed of even date) and forming a portion of a new turning court as by said deed of even date provided.

42
Delaware-Mohawk
Realty Corporation
to
Buffalo Lodge Number
23, Benevolent and
Protective Order of
Elks
NO SEARCH VS GRANTEE

Deed dated August 16 1923
recorded in liber 1718 of Deeds
page 145 September 24 1923
Conveys parcel "K", being all
that tract or parcel of land
situate in the City of Buffalo,
County of Erie and State of New
York and more particularly bounded

and described as follows:- Beginning at a point in the easterly line of Delaware Avenue, 186 feet southerly from the southerly line of Chippewa Street: running thence easterly and at right angles to Delaware Avenue and along the southerly line of lands formerly conveyed by Henry H. Sizer and wife to George S. Hazard, 166 feet to the northwest corner of lands heretofore conveyed by James Sweeney Jr., as executor etc. to the purchaser by deed dated July 9th 1915 and recorded in the Erie County Clerk's Office in liber 1288 of Deeds at page 528: running thence southerly on a line parallel with Delaware Avenue and along the west line of lands described in said last mentioned deed 51 feet more or less to the southerly line of Inner Lot No. 131: running thence westerly on a line parallel with the first mentioned boundary and along the southerly lines of Inner Lots Nos. 131 and 132, 166 feet to the easterly line of Delaware Avenue and thence running northerly along said easterly line of Delaware Avenue 51 feet more or less to the place of beginning and being the parcel designated "K" on the attached map which forms a part hereof.

Excepting therefrom a strip of land 7 feet north and south lines by 36 feet east and west lines in the northeast corner of said premises and heretofore conveyed to the purchaser by the owner by deed dated May 12 1922 and recorded in liber 1453 of Deeds page 339 and described in said deed as parcel "A", Parcels "L" and "M"

Also all that certain other piece or parcel of land, situate in the City of Buffalo, County of Erie and State of New York, being part of Inner Lots Nos. 129 and 128 in said City and bounded and described as follows:- Commencing at a point in the easterly line of Delaware Avenue, 217½ feet northerly from the point of intersection of said line of Delaware Avenue with the northerly line of Huron Street, said point of beginning being in the northerly line of lands formerly conveyed by Seth H. Grosvenor and wife to Charlotte M. Fiske by deed dated January 29 1863 and recorded in the Erie County Clerk's Office in liber 216 of Deeds at page 250: running thence easterly and parallel with Huron Street and along the northerly line of lands

conveyed by said Seth H. Grosvenor and wife to Charlotte M. Fiske and a continuation easterly of said line, 166.84 feet more or less to the east line of lands thirdly described in deed to the owner by Isaac E. Harris and another by deed dated January 27 1922 recorded in liber 1586 of Deeds page 219: running thence northerly and parallel with Delaware Avenue, 19.38 feet more or less to the northerly line of said Inner Lot No. 128: running thence westerly and along the northerly lines of Inner Lots Nos. 128 and 129, 166.84 feet to said east line of Delaware Avenue and running thence southerly along said line of Delaware Avenue, 19.81 feet, more or less to the point of beginning and being the lands secondly described in deed to the owner recorded in liber 1453 of Deeds page 339 and also a strip of land off the north part of the lands thirdly described in said last mentioned deed and being the parcels designated "L" and "M" on the attached map which forms a part hereof

Parcel "O": Also all that certain other piece or parcel of land situate in the City of Buffalo, County of Erie and State of New York, being part of Inner Lot No. 131, bounded and described as follows: Beginning at the southeast corner of parcel "M" above described: running thence southerly on a line parallel with Delaware Avenue and along the east line of lands thirdly described in deed to the owner by Isaac E. Harris and another by deed recorded in liber 1586 of Deeds page 219, 44 feet to a point in said line, 173.50 feet north of the north line of Huron Street measured along a line parallel with Delaware Avenue: thence running westerly parallel with Huron Street, 18 feet: thence running northerly on a line parallel with Delaware Avenue 44 feet to the southerly line of parcel "M": thence running easterly and along the southerly line of parcel "M", 18 feet to the place of beginning and being the parcel designated "O" on the attached map which forms a part hereof.

Saving and reserving however to the said owner, its successors and assigns forever, the right to use and enjoy the above described parcel "O" jointly with said purchaser, its successors and assigns as an open court or alley and vehicular passageway to be used for the

enjoyment of the premises now owned by the owner and the said purchaser bordering on the said parcel "O" and of such other premises bordering on the further right of way hereinafter described as may acquire from the said owner, its successors and assigns a like right of way over said parcel "O"

The said purchaser, its successors and assigns, however to have the right to build and maintain a basement or vault under the said parcel "O", provided the said structure is adequately roofed over at the level of Delaware Avenue, so that the use of the said parcel "O" for said court and alley purposes shall not be impaired because of such subterranean structure and the purchaser, its successors and assigns to have the right to have fire-escapes overhang the said parcel "O" at a height of not less than 13 feet above the Delaware Avenue level or at such lesser height as may be at any time hereafter required by any municipal or State authority having jurisdiction in the premises and for a distance of not more than 5 feet from the building lines.

And for the consideration herein aforesaid as well as for the further consideration of the several stipulations herein contained the said owner does grant, bargain, sell and convey unto the said purchaser, its successors and assigns forever a perpetual right of way, privilege and easement as hereinafter defined and over, upon and across the premises hereinafter described now owned by the owner, which said right of way is to be used in conjunction with parcel "O" above described as an open court or alley and vehicular passageway for the enjoyment jointly of the premises which are now owned by the parties hereto and border on said right of way hereinafter described (being parcels "N" and "P" on the map hereto attached) and of such other premises bordering on said right of way as may hereinafter acquire from the said owner, its successors and assigns a like right to use and enjoy the same and not otherwise.

The said owner also covenants and agrees, at its own cost and expense and on or before December 1st 1923 to remove any and all buildings and other obstructions which encroach on the right of way

herein granted so that from said date there will be no buildings or obstructions on said right of way. The said owner also covenants and agrees to move the turning court designated "D" and "B" on the map attached to deed recorded in the Erie County Clerk's Office in liber 1453 of Deeds page 339 from the place where now agreed to be located according to said map attached to said deed to the plot marked "N" and "O" on the map hereto attached, the north and south lines being 36 feet and the east and west lines being 44 feet. The said right of way shall be over, upon and across all that tract or parcel of land situate in the said City of Buffalo and bounded and described as follows:

Parcel "N": Beginning at a point at the northwest corner of said parcel "O" last described: running thence southerly on a line parallel with Delaware Avenue and along the west line of said parcel "O" 44 feet to a point 173.50 feet north of Huron Street, measured along a line parallel with Delaware Avenue: running thence westerly parallel with Huron Street 18 feet: running thence northerly parallel with Delaware Avenue 44 feet to the south line of parcel "M" hereinabove described and running thence easterly parallel with Huron Street and along the south line of parcel designated "M" 18 feet to the place of beginning and being parcel designated "N" on the attached map which forms a part hereof.

And the said right of way shall be also over, upon and across all that other tract or parcel of land situate in the City of Buffalo and bounded and described as follows:

Parcel "P": Beginning at a point in the northerly line of Huron Street, distant 34.5 feet easterly from the southwest corner of Inner Lot No. 128, measured along the said northerly line of Huron Street: running thence northerly and parallel with the westerly line of said Lot, 173.50 feet to the southerly line of parcel "O" above described and running thence easterly parallel with Huron Street and along the southerly line of said parcel designated "O" on the attached map, 16.5 feet to the easterly line of the premises formerly conveyed to the said owner by Isaac E. Harris

and one by deed recorded in liber 1586 of Deeds page 219: running thence southerly along said easterly line of lands so conveyed by Harris and others to a point in said easterly line of said lands distant 70 feet northerly from the northerly line of Huron Street: thence running westerly parallel with Huron Street, 2 feet: thence running southerly parallel with the westerly line of Inner Lot No. 128, 70 feet to the northerly line of Huron Street: thence running westerly along said northerly line of Huron Street 14.5 feet to the place of beginning.

But the basements or vaults of the buildings which may be erected on the lands now owned by the said owner and bordering on said right of way may extend under the said right of way (but not under Parcel "O") above described, provided any such structure is adequately roofed over at the Delaware Avenue level, so that the use of the said premises for said court and alley purposes shall not be impaired because of such subterranean structure and the said owner, its successors and assigns shall have the right to have fire-escapes overhang the said right of way at a height of not less than 13 feet above the Delaware Avenue level, or at such lesser height as may be at any time hereafter required by any municipal or State authority having jurisdiction in the premises and for a distance of not more than 5 feet from the building lines and to build over the southerly 70 feet of parcel "P" of the said right of way provided the alley passageway through such building be at least 13 feet high and that it shall be kept at all times free and clear of obstructions for its fully specified width for the said 70 feet of length and of 14.5 feet in width

The several parcels of land hereinabove described being shown on the map hereto attached and forming a part hereof and according to said map are marked as follows:

Parcel "K" firstly described, marked "K"

Parcels "L" and "M", secondly described marked "L" and "M"

Parcel "O", thirdly described, marked "O"

Parcel "N", fourthly described, marked "N"

Parcel "P", fifthly described, marked "P"
Subject to mortgage recorded in liber 1419 of Mortgages page 197,
since discharged

Delaware Mohawk
Realty Coporation

43

to

Lyle A. Findlay

W Deed dated February 2 1925
recorded in liber 1784 of Deeds
page 440 February 5 1925

Conveys parcels "A" and "B",
subject to certain rights of way
and easements recited in Nos. 40,
41 and 42 above

Recites party of the first part also
grants and assigns to the party of
the second part, his heirs, grantees

and assigns all rights and privileges pertaining to the use and
enjoyment of the premises hereby conveyed and the rights and
privileges pertaining to a turning court and rights of way described
in aforesaid deeds, including the rights and privileges to construct
basement and vaults beneath said last described premises and to
erect a building over the southerly 70 feet of last described
premises providing that the passageway through such building be
at least 13 feet high and at all times free and clear of all
obstructions in its entire 70 feet in length for 14.5 feet in
width, but subject however to the terms of said deeds

Lyle A. Findlay,
unmarried

44

to

Abraham Weber

Q C Deed dated February 11 1925
recorded in liber 1757 of Deeds
page 456 February 11 1925

Conveys parcels "A" and "B",
subject to same and contains
same recital as in above deed No. 43

Abraham Weber

45

to

Q C Deed dated October 22 1930
recorded in liber 2084 of Deeds

Anna Weber his wife

page 494 October 24 1930

Conveys parcels "A" and "B",
subject to same and contains
same recital as in above deed
No. 43

Will

Will dated December 26 1863

46

of

recorded in Erie County Surro-

Sarah L. Marvin

gate's Office in liber 5 of Wills
page 566

Not certified as a will by the
Surrogate

Devises all her real property to her
nephew, Francis G. Lockwood, in trust,
under the direction of her acting
executor. Makes specific bequests

of personal property, money &c. to Anna Savage, Stephen W. Caldwell,
Henry Lockwood, Jane Lockwood, Sally Lockwood and Ralph Lockwood
Marvin

Appoints her son, LeGrand Marvin, executor until he resigns, dies
or becomes otherwise incapacitated and thereafter her nephew,
Francis G. Lockwood, giving to her executor power to sell and convey
any and all real estate of which she may die seized

George L. Marvin and
Elizabeth S. his wife

Supreme Court Erie County

47

vs

Lis Pendens in an action to
declare the devise of real
estate in last above will null
and void and for a partition
of parcel "C" and more among
the owners thereof

LeGrand Marvin and
Julia E. R. his wife,
Francis G. Lockwood,
Anna Savage, Stephen
W. Cadwell, Henry

Filed May 20 1864

Lockwood, Jane Lockwood,
Sally Lockwood, Ralph

Dennis Bowen, Att'y.

L. Marvin, LeGrand
Marvin, executor of
the last will and
testament of Sarah
L. Marvin, deceased

Same

48 vs

Same

Report of Commissioners and
Judgment thereon signed and
filed November 22 1866
By which parcel "C" was set off
and allotted to George L. Marvin,
said George L. and LeGrand Marvin
being the sons and only heirs of
Sarah L. Marvin, deceased according
to proofs in this action

Will

49 of

Sarah L. Marvin
(Case No. 14386)

Will dated July 29 1861
Admitted to probate and
recorded in Erie County Surro-
gate's Office in liber 10 of
Wills page 497 May 17 1871
Devises all her property to her
son, George L. Marvin in trust
Appoints her sons, LeGrand Marvin
and George L. Marvin or the survivor
of them, executors or executor
with power to sell or otherwise
dispose of the same

George L. Marvin and
Elizabeth S. his wife

50 to

William C. Phelps

Q C Deed dated November 3 1870
recorded in liber 293 of Deeds
page 197 November 3 1870
Conveys parcel "C" and more

William C. Phelps,
bachelor
51 to
Elizabeth S. Marvin,
wife of Geo. L. Marvin

Q C Deed dated November 3 1870
recorded in liber 293 of Deeds
page 210 November 3 1870
Conveys parcel "C" and more

Elizabeth S. Marvin,
wife of George L.
Marvin

Q C Deed dated October 26 1882
recorded in liber 495 of Deeds
page 320 March 4 1886

52 to
Percy L. Marvin

Conveys parcel "C" and more

Percy L. Marvin,
bachelor
53 to
Elizabeth S. Marvin

W Deed dated April 12 1888
recorded in liber 561 of Deeds
page 263 September 30 1889
Conveys parcel "C" and more

Elizabeth S. Marvin by
Percy L. Marvin her
attorney

Land Contract dated March 20 1890
recorded in liber 570 of Deeds
page 557 April 11 1890

54 to
H. J. Pierce

Contract for the sale of parcel "C"
Percy L. Marvin acknowledges
as agent

Henry J. Pierce
55 to
Charles W. Miller

Assignment dated April 14 1890
recorded in liber 570 of Deeds
page 618 April 23 1890
Assigns last above land contract
Said contract is re-recorded
and an agreement by Elis S. Marvin
by Percy L. Marvin of extension of
time is recorded with this assignment

Elizabeth S. Marvin

56 to

Charles W. Miller

W Deed dated March 20 1890

recorded in liber 571 of Deeds

page 387 April 22 1890

Conveys parcel "C"

Margaret F. Rochester

57 to

Nathaniel Rochester

General Power of Attorney dated

April 28 1892 recorded in liber

6 of Powers of Attorney page 258

April 3 1893

Gives power to convey &c.

Emily N. Rochester

58 to

Nathaniel Rochester

General Power of Attorney dated

April 28 1892 recorded in liber

6 of Powers of Attorney page 259

April 3 1893

Gives power to convey &c.

Elizabeth C. Rochester

59 to

Nathaniel Rochester

General Power of Attorney dated

April 29 1892 recorded in liber

6 of Powers of Attorney page 260

April 3 1893

Gives power to convey &c.

Charles W. Miller

60 with

Nathaniel Rochester,

Delancey Rochester,

Frances R. Wheeler,

Elizabeth C. Rochester,

Margaret F. Rochester

and Emily N. Rochester

NO SEARCH VS THE

CONTRACTEES NOR AGAINST

Agreement dated October 11 1892

recorded in liber 650 of Deeds

page 519 October 17 1892

Elizabeth C., Margaret F. and

Emily N. Rochester, execute and

acknowledge this instrument by

Nathaniel Rochester, their attorney

Said agreement (among other things)

recites that whereas said second

parties own 60.30 feet by 116 feet

THOSE UNDER WHOM
THEY CLAIM

on the west side of Franklin Street
131½ feet north of Huron Street and
said C. W. Miller is the owner of
64½ feet by 235 feet on the north
side of Huron Street, 115½ feet west of Franklin Street upon which
he is about to erect a building and whereas there is a dispute of
title as to the land on which second parties' rear wall stands, it
is agreed that the party of the first part may tear down and remove
the said rear wall and build on a line parallel to and 115½ feet
west of Franklin Street. That this agreement is entered into to settle
all dispute as to boundary line &c.

Fanny F. Bartow,
wife of Dr. Bernard
Bartow

61 to

Charles W. Miller

NO SEARCH VS GRANTOR
NOR VS THOSE UNDER
WHOM SHE CLAIMS

Q C Deed dated December 23 1892.
recorded in liber 654 of Deeds
page 465 December 24 1892

Conveys parts of Inner Lots Nos. 127
and 128, described as follows:-
Beginning at a point in the northerly
line and at the northwest corner
of said Lot No. 127: thence southerly
45 feet more or less, parallel to the
westerly line of Franklin Street
to the southerly line of the lot of
land deeded by warranty deed by
James M. Ganson and wife to Fanny F.
Bartow on or about December 3rd 1889
and also to land owned by the heirs
of the late Dr. Thomas F. Rochester
and lately conveyed by the heirs
of Dr. Rochester to said C. W. Miller:
thence westerly along said line
continued 1½ feet: thence northerly
across the northeasterly corner of
Inner Lot No. 128 to a point 119 feet

and 2 inches distant from the point
in Franklin Street where said northerly
line of Lots Nos. 127 and 128 crosses
the same: thence 2 feet and 8 inches to the place of beginning
Recites it being the intention to convey all of the land formerly
occupied by Fanny F. Bartow westerly of a line 115½ feet distant
from the west line of Franklin Street

62

In re
Sarah L. Marvin,
deceased

Surrogate's Court Erie County
Letters of Administration with
the will annexed granted to
George H. Marvin recorded in
liber 14 of Letters page 619
December 9 1889
Grants such letters upon the
Estate of Sarah L. Marvin in
above will No. 49

George H. Marvin, as
administrator with the
will annexed of Sarah
L. Marvin, deceased,
George H. Marvin,
individually, bachelor,
Antoinette G. Marvin
and Grace E. Marvin
being with Percy L.
Marvin, the only
children and heirs
at law of George L.
Marvin deceased and
the only heirs at law
of LeGrand Marvin,
deceased

Q C Deed dated August 12 1893
recorded in liber 722 of Deeds
page 164 August 15 1893
Conveys parcel "C"

63

to

Charles W. Miller

George L. Kingston,
as sole executor of
and trustee under the
last will and testament
of LeGrand Marvin,
deceased and The Buffalo
Library a corporation,
sole residuary legatee
and devisee under said
will

Q C Deed dated August 14 1893
recorded in liber 718 of Deeds
page 75 August 15 1893
Conveys parcel "C"

64

to

Charles W. Miller

Evangeline F. Hubbell
wife of Alvin A. Hubbell
NO SEARCH VS GRANTOR

Q C Deed dated March 15 1893
recorded in liber 658 of Deeds
page 467 March 15 1893

65

to

Charles W. Miller

Conveys part of Inner Lots Nos. 127
and 128, described as follows:-
Beginning at a point distant
4 inches easterly from the east
face of the wall of the building of
the party of the second part with
the northerly line of the piece of
land owned by the party of the first
part located on the westerly line of
Franklin Street between Huron and
Chippewa Streets in the said City
of Buffalo: running thence southerly
about 45 feet along a line parallel
to and distant 4 inches easterly

from the said east face of the wall
of party of the second part to the
northerly line of a piece of land
owned by William C. Barrett: thence
westerly along said last mentioned line to the line of lands of the
party of the second part: thence northerly along said last mentioned
line about 45 feet: thence easterly to the place of beginning
Recites this deed is given for the purpose of conveying to the party
of the second part a narrow strip of land across the westerly end of the
lot to the party of the first part, being parts of the premises claimed
by the party of the first part by adverse possession by reason of
the location of a fence westerly from the westerly line of
Inner Lot No. 127

William C. Barrett and
Amelia H. his wife
NO SEARCH VS GRANTORS

to

Charles W. Miller

Q C Deed dated March 15 1893
recorded in liber 658 of Deeds
page 468 March 15 1893
Conveys a strip of land 4 inches
by 30 feet adjoining the premises
of the party of the second part
on the east and bounded northerly
by lands of Evangeline T. Hubbell
and southerly by lands of the Estate
of Amelia L. Curtis
Recites this deed is given for the
purpose of conveying to the party
of the second part a narrow strip
of land across the westerly end
of the lot of the parties of the

first part, being part of the premises claimed by the parties of the
first part by adverse possession by reason of the location of a
fence westerly from the westerly line of Inner Lot No. 127

67	<p>Charles W. Miller and Louisa L. his wife</p> <p style="text-align: center;">to</p> <p>C. W. Miller Transfer Company</p>	<p>W Deed dated February 28 1900 recorded in liber 903 of Deeds page 5 March 5 1900</p> <p>Conveys parcel "C"</p>
68	<p>In re</p> <p>C. W. Miller Transfer Company</p>	<p>Certificate of Incorporation dated February 17 1900 recorded in liber 12 of Certificates of Incorporation page 172 February 24 1900</p>
69	<p>C. W. Miller Transfer Company</p> <p style="text-align: center;">to</p> <p>Susquehanna Transfer Corporation</p>	<p>W Deed dated September 2 1918 recorded in liber 1384 of Deeds page 436 November 1 1918</p> <p>Conveys parcel "C", subject to mortgage recorded in liber 907 of Mortgages page 243, since discharged</p>
70	<p>In re</p> <p>Susquehanna Transfer Corporation</p>	<p>Certificate of Incorporation dated July 29 1918 recorded in liber 42 of Certificates of Incorporation page 623 August 2 1918</p>
71	<p>Susquehanna Holding Corporation</p> <p style="text-align: center;">to</p> <p>Anna Weber</p>	<p>W Deed dated March 7 1922 recorded in liber 1597 of Deeds page 424 March 8 1922</p> <p>Conveys parcel "C", subject to mortgage recorded in liber 907 of Mortgages page 243, since discharged</p>

Anna Weber
72 to
75 West Huron
Street Inc.

W Deed dated June 10 1960
recorded in liber 6555 of Deeds
page 245 June 14 1960
Conveys Parcels "A", "B", "D" and
"E", subject to certain rights of
way and easements recited in above
deeds Nos. 40 and 42 and above
agreement No. 41
Contains recital as to a turning
court upon said premises

73 In re
75 West Huron
Street Inc.
(Case No. 36398)

Certificate of Incorporation
Dated June 3 1960
Filed in the Office of Secretary
of State June 6 1960 and filed
in Erie County Clerk's Office
July 16 1960

j-6-86

75 West Huron Street Inc.
a New York Corporation
74 to
Huron Parking Services
Inc.

W Deed dated November 3 1986
recorded in liber 9641 of Deeds
page 144 November 7 1986
Conveys premises

75 In re
Huron Parking
Services Inc.
(Case No. 78561)

Certificate of Incorporation
Dated August 29 1986
Filed in the Office of Secretary of
State September 3 1986 and filed in
Erie County Clerk's Office
September 23 1986

Huron Parking
Services Inc.
76 to
Chase Lincoln
First Bank, N.A.

Mortgage for \$250,000.00 dated
November 7 1986 recorded in
liber 9502 of Mortgages page
337 November 7 1986
Covers premises, subject to
restrictions, covenants, ease-
ments and rights of way of record

Same

Assignment of Rents dated November
7 1986 recorded in liber 9502 of
Mortgages page 329 and liber 9641
of Deeds page 147 November 7 1986
Assigns all rents now due or
hereafter due on premises

DISCHARGE RECORDED
LIBER 9502 OF MORTGAGE AT PAGE 337
TRINITY TITLE & ABSTRACT CORP.
72893
AUTHORIZED SIGNATURE
6/28/93
6/28/93
6/28/93

Same

78 to
Same
Financing Statement No. 86-16740
Filed in Erie County Clerk's
Office November 7 1986
Covers all fixtures to be attached
to real estate on premises
Continuation of Financing State-
ment No. 91-13370
Filed in Erie County Clerk's
Office September 6 1991

Q26-9868

Continuations filed on 7/28/93, 7/29/96, 6/28/01

NOTE:- We find no change of name from Chase Lincoln First Bank
N.A. into Chase Manhattan Bank N.A. on record

The Chase Manhattan
Bank N.A. successor
by merger to Chase
Lincoln First Bank N.A.

Supreme Court Erie County
Lis Pendens to foreclose
above mortgage No. 76
Filed February 11 1993
Recorded in liber 386 of
Lis Pendens page 326

TRINITY TITLE & ABSTRACT CORP.
Cancelled 7/28/93
AUTHORIZED SIGNATURE

79 vs
Huron Parking

Pen
8/7/03

Pen
8/7/03

6-7-86
6 P.M.

Services Inc.,
Theodore S. Flemming,
Thomas M. Burke Jr.,
People of the State
of New York, John Doe
One through John Doe
Ten, fictitious names
intended to designate
persons in possession
of or claiming an interest
in the mortgaged premises

Phillips, Lytle, Hitchcock,
Blain & Huber, Att'ys.

1608/93

-12-93
25

**OLD REPUBLIC NATIONAL TITLE
INSURANCE COMPANY,**

*a New York licensed Title Insurance Company, by its agent
TRINITY TITLE & ABSTRACT CORP.*

New York corporation, for a valuable consideration to it paid, GUARANTEES to the record owners of an interest in or a specific lien upon the premises particularly described at set out No. 80 below on the date hereof and their successors in interest of record, that the setouts designated by marginal number(s) 81 through 83 inclusive, is/are all the reference(s) affecting title to said premises, which appear upon

- (a) INDICES to records, papers, files and documents maintained in the office of the CLERK of the COUNTY wherein said premises are situate; and
- (b) INDICES to wills and administration of decedent's estates maintained in the office of the SURROGATE of the COUNTY wherein said premises are situate; and
- (c) INDICES to bankrupts in the Buffalo Office of the Clerk of the United States Bankruptcy Court for the Western District of New York against the names of the parties appearing in the within abstract during the periods in which it appears there was a record interest in said premises under said names from May 12 1993, to the date herein; and
- (d) JUDGMENT DOCKETS for ten years last past; and
- (e) DOCKETS OF FEDERAL LIENS for ten (10) years and one (1) month last past against the names of the parties in such ownership in the Office of the Clerk of the County of Erie; and
- (f) The INDEX to Inactive Hazardous Waste Disposal Sites by Section, Block and Lot, as provided for in Section 316-b of the Real Property Law since July 1, 1993.

against the names of the parties in such ownership in the office of the Clerk of the County wherein said premises are situate and the company GUARANTEES FURTHER that the SET-OUTS herein are correct statements as to such records and indices. The Guaranty under this Certificate shall not be limited by time.

This search does not set forth mortgages, judgments, liens, notices of pendency or encumbrances recorded or filed prior to or during the period of this search for which cancellations, discharges or satisfactions have been recorded or filed.

DATED: August 7 2003 at '8:59' AM and executed under seal.

NO.: S03-3569

Trinity Title & Abstract Corp.

By: 
Authorized Signature

Upon continuation from the date and hour last above, this GUARANTEE, for a valuable consideration, is reissued to the record owners of an interest in or a specific lien upon the premises particularly described in the within abstract, including search against the grantee in marginal number _____ since the date of the deed, showing all references affecting title to said premises to the date hereof that appear upon the indices and dockets particularly detailed as (a) to (f) above, designated by marginal numbers _____ inclusive.

Redated on _____ at _____

NO.: _____

Trinity Title & Abstract Corp.

By: _____
Authorized Signature

TRINITY TITLE & ABSTRACT CORP.

CONTINUATION FROM MAY 12 1993 AT '8:59' AM TO DATE

80 Premises being same as described at head of search.

The Chase Manhattan Assignment
Bank, N.A. Dated July 23 1993
81 To Recorded July 28 1993 in
Key Bank of New York Liber 12167 of Mortgages at page 822
Assigns mortgage recorded in
Liber 9502 of Mortgages at page 337.

Huron Parking Services, Inc. Mortgage and Security Agreement
82 To Dated July 28 1993
Key Bank of New York Recorded July 28 1993 in
Liber 12167 of Mortgages at page 824
Given to secure \$190,000.00
on premises. Consolidates with the
mortgage recorded in Liber 9502 of
Mortgages at page 337 to form a single lien in the amount of
\$190,000.00; the balance owing on the mortgage recorded in Liber
9502 of Mortgages at page 337 is \$188,000.00.

Huron Parking Services, Inc. Assignment of Rents and Leases
83 To Dated July 28 1993
Key Bank of New York Recorded July 28 1993 in
Liber 12167 of Mortgages at page 598
Assigns all rents and leases
now due or hereafter to become due
on premises.

Aug-7-2003
At '8:59' AM
CY/ch

TRINITY TITLE & ABSTRACT CORP.,
A corporation duly incorporated and existing
Under the laws of the State of New York,
Individually and as Agent for
OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY,
A New York Licensed Title Insurance Company

Privacy Policy Notice

PURPOSE OF THIS NOTICE

Title V of the Gramm-Leach-Bliley Act (GLBA) generally prohibits any financial institution, directly or through its affiliates, from sharing nonpublic personal information about you with a nonaffiliated third party unless the institution provides you with a notice of its privacy policies and practices, such as the type of information that it collects about you and the categories of persons or entities to whom it may be disclosed. In compliance with the GLBA, we are providing you with this document, which notifies you of the privacy policies and practices of Old Republic National Title Insurance Company.

We may collect nonpublic personal information about you from the following sources:

Information we receive from you such as on applications or other forms.

Information about your transactions we secure from our files, or from (our affiliates or) others.

Information we receive from a consumer reporting agency.

Information that we receive from others involved in your transaction, such as the real estate agent or lender.

Unless it is specifically stated otherwise in an amended Privacy Policy Notice, no additional nonpublic personal information will be collected about you.

We may disclose any of the above information that we collect about our customers or former customers to our affiliates or to nonaffiliated third parties as permitted by law.

We also may disclose this information about our customers or former customers to the following types of nonaffiliated companies that perform marketing services on our behalf or with whom we have joint marketing agreements:

Financial services providers such as companies engaged in banking, consumer finance, securities and insurance.

Non-financial companies such as envelope stuffers and other fulfillment service providers.

WE DO NOT DISCLOSE ANY NONPUBLIC PERSONAL INFORMATION ABOUT YOU WITH ANYONE FOR ANY PURPOSE THAT IS NOT SPECIFICALLY PERMITTED BY LAW.

We restrict access to nonpublic personal information about you to those employees who need to know that information in order to provide products or services to you. We maintain physical, electronic, and procedural safeguards that comply with federal regulations to guard your nonpublic personal information.

TICOR TITLE INSURANCE COMPANY
420 MAIN STREET - STE 200, BUFFALO, NY 14202

SEARCH NO. 5003-06229

A California corporation, for a valuable consideration to it paid, GUARANTEES to the record owners of an interest in or a specific lien upon the premises particularly described as **Parcels "A" to "E" inclusive described at head of search** on the date hereof and their successors in interest of record, that the SET-OUTS designated herein by marginal numbers **84 and 85** inclusive, are all the references affecting title to said premises, which appear upon

- (a) INDICES to records, papers, files and documents in the office of the CLERK of the COUNTY wherein said premises are situate, and
- (b) INDICES to wills and administration of decedent's estates in the office of the SURROGATE of the COUNTY wherein said premises are situate, and
- (c) INDICES to bankrupts in the office of CLERK of the UNITED STATES BANKRUPTCY COURT for the WESTERN DISTRICT OF NEW YORK

against the names of the parties appearing in the within abstract during the periods in which it appears there was a record interest in said premises under said names from **August 7, 2003, 859 A.M.** to the date hereof, and upon

- (d) JUDGMENT DOCKETS for ten years last past, and
- (e) DOCKETS of FEDERAL LIENS for ten years and thirty days last past

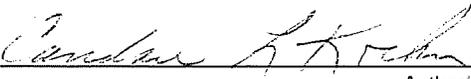
against the names of the parties in such ownership in the office of the Clerk of the County wherein said premises are situate and the corporation GUARANTEES FURTHER that the SET-OUTS HEREIN are correct statements as to such records and indices.

- (f) Inactive Hazardous Waste Disposal Site Registry Index maintained in the County Clerk's Office for the County in which the Subject Premises is located against the tax map parcel number of the section, block and lot number of the Subject Premises.

The Guaranty under this Certificate shall not be limited by time.

Dated this 2nd day of October, 2003, 1:16 P.M. and executed under seal.

TICOR TITLE INSURANCE COMPANY

By 
Authorized Signature



TICOR TITLE INSURANCE COMPANY

SEARCH NO. 5003-06229

Note:- We find no Change of Name from Key Bank of New York into Key Bank National Association on record

84. Huron Parking Services Inc., a corporation organized under the Laws of the State of New York
-To-

Hurondel I Inc.
NO SEARCH VS GRANTEE

Warranty Deed

Dated: September 30, 2003
Ack.: September 30, 2003
Rec.: October 2, 2003
Liber 11058 of Deeds page 2362
at 1:06 P.M.
Consideration \$1.00 and more

Conveys Parcels "A", "B", "C" and more

85. Hurondel I Inc.

-To-

Huron Parking Services Inc.

Purchase Money Mortgage
for \$850,000.00

Dated: September 30, 2003
Ack.: September 30, 2003
Rec.: October 2, 2003

Liber 13114 of Mortgages, page 2472

Covers: Parcels "A", "B", "C" and more

PDM
October 2, 2003, 116 P.M.
GL

	Type of Tax	Lien Date	Fiscal
Buffalo (Assessor's Office - 851-5733)	City	About June 19	July 1
	County	January 1	January 1
	Sewer	July 1	July 1
Lackawanna (Treasurers Certificates may be obtained at Lackawanna City Hall 827-6471) City Hall, Ridge Rd., Lackawanna, N.Y. 14218	City	January 1	January 1
	County	January 1	January 1
	School	September 1	July 1
City of Tonawanda (Treasurers Certificates may be obtained at Tonawanda City Hall 695-1800) City Hall, 200 Niagara St., Tonawanda, N.Y. 14150	City	March 15	January 1
	County	January 1	January 1
	School	September 1	July 1
All Towns	School	September 1	July 1
	County	January 1	January 1
Villages	Village	June 1	June 1

To obtain a Treasurers Certificate contact	Treasurers Office	Phone No.
Akron	PO Box 180, 21 Main St., 14001	542-9636
Alden	13336 Broadway, 14004	937-9216
Angola	41 Commercial St., 14006	549-1126
Blasdell	121 Miriam Ave., 14219	822-1921
Depew	85 Manitou Street, 14043	683-7451
East Aurora	571 Main St., 14052	652-6000
Farnham	526 Commercial, 14061	549-0890
Gowanda	27 E. Main St., 14070	532-3353
Hamburg	100 Main St., 14075	649-0200
Kenmore	Room 17, Municipal Bldg., 2919 Delaware, 14217	873-5700
Lancaster	5423 Broadway, 14086	683-2105
North Collins	10543 Main St., 14111	337-3160
Orchard Park	S-4295 S. Bflo., 14127	662-9327
Sloan	425 Reiman St., 14212	897-1560
Springville	5 W. Main St., 14141	592-4936
Williamsville	5583 Main St., 14221	632-4120



TICOR TITLE INSURANCE COMPANY

420 MAIN STREET • SUITE 200
LIBERTY BUILDING
BUFFALO, NEW YORK 14202-3501

(716) 854-2982
FAX: (716) 854-0223

The established leader in quality, service and value.

OTHER UPSTATE NEW YORK AREA OFFICES:

ALBANY

80 State Street
Albany, NY 12207-2549
(518) 465-2282
FAX: (518) 465-6473

BATH

33 Liberty Street
P.O. Box 111
Bath, NY 14810
(607) 776-7866
FAX: (607) 776-5198

LOCKPORT

122 Niagara Street
Lockport, NY 14094-2797
(716) 434-2825
FAX: (716) 434-9531

LYONS

66 William Street
Lyons, NY 14489-0349
(315) 946-4363
FAX: (315) 946-6462

OSWEGO

38 East Bridge Street
Oswego, NY 13126
(315) 342-2184
FAX: (315) 342-5959

ROCHESTER

19 West Main Street
Rochester, NY 14614-1501
(716) 546-6350
FAX: (716) 546-5465

SYRACUSE

The Century Plaza
201 E. Jefferson Street
Syracuse, NY 13202-2510
(315) 474-1273
FAX: (315) 474-4281

WHITE PLAINS

245 Main Street
White Plains, NY 10601-9724
(914) 946-7600
FAX: (914) 949-5845

BATAVIA

104 Bank Street
P.O. Box 439
Batavia, NY 14021-0439
(716) 343-8088
FAX: (716) 343-5482

1 Link _____	7 92/100 inches
1 Link _____	66/100 of a Foot
1 Rod, Rood or Perch _____	16 1/2 Feet
1 Chain (100 Links or 4 Rods) _____	66 Feet
1 Mile (80 Chains) _____	5,280 Feet
1 Acre (10 Square Chains) _____	43,560 Square Feet
1 Square Mile _____	640 Acres

ERIE COUNTY CLERKS OFFICE
County Clerk's Recording Page

Return To:

BOX 116

HURON PARKING SERVICES INC
HURONDEL I INC

COUNTY	\$	27.00
STATE E&A	\$	41.00
COE STATE	\$	4.75
TRANSFER	\$	3,700.00
NFTA TT	\$	4,625.00
COUNTY E&A	\$	9.00
COE COUNTY	\$	1.00
COE ST GEN	\$	14.25
	\$.00
Total:	\$	8,422.00

STATE OF NEW YORK
ERIE COUNTY CLERKS OFFICE

WARNING - THIS SHEET CONSTITUTES THE CLERK'S
ENDORSEMENT, REQUIRED BY SECTIONS 319&316-a
(5) OF THE REAL PROPERTY LAW OF THE STATE OF
NEW YORK. DO NOT DETACH. THIS IS NOT A BILL.

DAVID J SWARTS
COUNTY CLERK

Index DEED LIBER

Book 11058 Page 2362

No. Pages 0004

Instrument DEED

Date : 10/02/2003

Time : 1:06:38

Control # 200310020583

OLDTT

TT# TT 2003 005737

Employee ID EMS

TRANSFER TAX

CONSIDERATN \$ 925,000.00

TRANSFER TAX \$ 8,325.00



D110582362

Box 116

WARRANTY DEED

THIS INDENTURE, made the 30 day of September, 2003,

BETWEEN HURON PARKING SERVICES, INC. a corporation organized under the laws of the State of New York, having its office at 1088 Delaware Avenue, Buffalo, New York 14209 ("**Grantor**"), and

HURONDEL I, INC. with offices at 3906 Orchard Park Road, Orchard Park, New York 14127 ("**Grantee**").

WITNESSETH, that the Grantor, in consideration of ONE AND MORE DOLLARS (\$1.00 and more), lawful money of the United States, paid by the Grantee, does hereby grant and release unto the Grantee, the successors and assigns forever,

**ALL THAT TRACT OR PARCEL OF LAND,
SEE ATTACHED SCHEDULE A**

TOGETHER with the appurtenances and all the estate and rights of the Grantor in and to said premises, and

SUBJECT to easements, rights of way and restrictions of record, if any.

TO HAVE and to hold the premises herein granted unto the Grantee, the successors and assigns forever.

AND the Grantor covenants as follows:

- FIRST**, that the Grantee shall quietly enjoy said premises; and
- SECOND**, that the Grantor will forever warrant the title to said premises.

THE Grantor, in compliance with Section 13 of the Lien Law, covenants that the Grantor will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

IN WITNESS WHEREOF, the Grantor has caused these presents to be signed by its duly authorized officer this 30 day of September, 2003.

HURON PARKING SERVICES, INC.

By: *Theodore S. Flemming*, Pres.
Name: **THEODORE S. FLEMMING**
Title: **PRESIDENT**

STATE OF NEW YORK)
COUNTY OF ERIE)SS:

On the 30th day of September in the year 2003, before me, the undersigned, personally appeared Theodore S. Flemming, 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, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

NOTARY PUBLIC

David R. Pfalzgraf, Jr.
Notary Public, State of New York
Qualified in Erie County
My Commission Expires 09/08/06

CTY
DIB-3 em 583-3355

HURON PARKING SERVICES LEGAL DESCRIPTION PAGE 1

Parcel "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 Inner Lot No. 128 and described as follows:

Beginning at a point in the northerly line of Huron Street, where it is intersected by the westerly line of said Inner Lot No. 128, one hundred fifteen and five tenths (115.5) feet easterly from the intersection of the said northerly line of Huron Street with the easterly line of Delaware Avenue: thence running easterly on said line of Huron Street thirty-four and five tenths (34.5) feet; thence running northerly, parallel with the westerly line of Delaware Avenue, one hundred seventy-three and five tenths (173.5) feet; thence running westerly nineteen and five tenths (19.5) feet parallel with the said northerly line of Huron Street: thence running northerly parallel with said westerly line of Delaware Avenue forty-four (44) feet; thence running westerly to the westerly line of said Inner Lot No. 128, fifteen (15) feet; thence running southerly along the westerly line of said Inner Lot No. 128, two hundred seventeen and five tenths (217.5) feet to the place of beginning.

Parcel "B"

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 Lot No. 128 and described as follows:

Beginning at a point in the northerly line of Huron Street, thirty-four and five tenths (34.5) feet easterly from the southwest corner of Inner Lot No. 128, measured along said northerly line of Huron Street: running thence easterly along said northerly line of Huron Street sixteen and five tenths (16.5) feet to the easterly line of the premises conveyed by Isaac E. Harris and one to Delaware Mohawk Realty Corporation by deed recorded in Erie County Clerk's Office in liber 1586 of Deeds at page 219: running thence northerly along said easterly line of land so

Huron to Huron del I

conveyed one hundred seventy-three and fifty hundredths (173.50) feet; thence running westerly parallel with said northerly line of Huron Street sixteen and one-half (16-1/2) feet; thence running southerly parallel with said westerly line of Inner Lot No. 128, one hundred seventy-three and fifty hundredths (173.50) feet to the northerly line of Huron Street at the place of beginning

parcel "C" 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 Lot No. 128 and described as follows:-

Beginning in the northerly line of Huron Street one hundred fifteen and one-half (115-1/2) feet westerly from its intersection with the westerly line of Franklin Street; running thence westerly along said line of Huron Street sixty-five and two tenths (65.02) feet; thence at right angles northerly and parallel with Franklin Street two hundred thirty-seven and three hundredths (237.03) feet; thence at right angles easterly sixty-five and thirty-seven hundredths (65.37) feet and thence at right angles southerly two hundred thirty-six and ninety-one hundredths (236.91) feet to Huron Street at the place of beginning

parcel "D" 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 Lot No. 128, described as follows:

Beginning at a point in a line drawn parallel with the northerly line of Huron Street from a point in the easterly line of Delaware Avenue distant two hundred seventeen and fifty hundredths (217.50) feet northerly from the intersection of said easterly line of Delaware Avenue with said northerly line of Huron Street, which said point of beginning is the easterly line of lands conveyed to Delaware-Mohawk Realty Corporation by deed recorded in Erie County Clerk's Office in Liber 1586 of Deeds page 219; thence southerly on a line parallel with Delaware Avenue forty-four (44) feet; thence westerly and parallel with Huron Street thirty-six (36) feet; thence northerly and parallel with Delaware Avenue forty-four (44) feet; thence easterly and parallel with Huron Street thirty-six (36) feet to the point of beginning.

Huron to Huron del.