



REPORT

BROWNFIELD CLEANUP PROGRAM APPLICATION

Legacy LaSalle LLC – 89 LaSalle Avenue Site

Buffalo, New York



Submitted To: Chief, Site Control Section
New York State Department of Environmental Conservation
Division of Remediation
Albany, New York 12233-7020

Submitted By: Golder Associates Inc.
2430 North Forest Rd., Suite 100
Getzville, NY 14068 USA

Distribution:

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NYSDEC – Albany
NYSDEC – Region 9
Legacy LaSalle LLC
Phillips Lytle, LLP

September 9, 2013

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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 #:

07/2010

Section I. Requestor Information

NAME

ADDRESS

CITY/TOWN

ZIP CODE

PHONE

FAX

E-MAIL

Is the requestor authorized to conduct business in New York State (NYS)?

Yes

No

-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.

NAME OF REQUESTOR'S REPRESENTATIVE

ADDRESS

CITY/TOWN

ZIP CODE

PHONE

FAX

E-MAIL

NAME OF REQUESTOR'S CONSULTANT

ADDRESS

CITY/TOWN

ZIP CODE

PHONE

FAX

E-MAIL

NAME OF REQUESTOR'S ATTORNEY

ADDRESS

CITY/TOWN

ZIP CODE

PHONE

FAX

E-MAIL

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:

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.

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):

Previous Owner

Current Owner

Potential /Future Purchaser

Other _____

If requestor is not the site owner, requestor will have access to the property throughout the BCP project.

Yes

No

-Proof of site access must be submitted for non-owners

Section II. Property Information

Check here if this application is to request significant changes to property set forth in an existing BCA: ☐

Existing BCP site number: _____

PROPERTY NAME **89 LaSalle Avenue Site**

ADDRESS/LOCATION **89 LaSalle Avenue**

CITY/TOWN **Buffalo**

ZIP CODE **14214**

MUNICIPALITY(IF MORE THAN ONE, LIST ALL):

City of Buffalo

COUNTY **Erie**

SITE SIZE (ACRES) **10.6**

LATITUDE (degrees/minutes/seconds) **42 ° 56 ' 43.00 "**

LONGITUDE (degrees/minutes/seconds) **78 ° 49 ' 40.00 "**

HORIZONTAL COLLECTION METHOD: ☐ SURVEY ☐ GPS ☒ MAP

HORIZONTAL REFERENCE DATUM: **NAD83**

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

SEE ATTACHED TABLE 1 (Attachment 1) FOR ALL TAX PARCEL

INFORMATION ASSOCIATED WITH BCP PROJECT BOUNDARIES

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 ☐ No

3. 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) Census Tract 46- Part B, no longer eligible for BCP en-zone credits

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

☐ Yes ☒ No

5. Property Description Narrative:

The proposed BCP eligible site consists of two properties (67 and 89 LaSalle Ave.) owned by Legacy LaSalle LLC with the four separate tax parcel designations identified in Table 1 and one property owned by the City of Buffalo (referred to as 71 NY L&W RR) to which Legacy LaSalle LLC has been awarded designated development rights by the City of Buffalo as documented and provided in Attachment 3. The proposed BCP site is 10.61 acres which is the combined acreage of these properties. Of the 10.61 acres, approximately 9.1 acres were quarried for stone and subsequently used as a landfill, and a portion developed with a building that housed a heating contractor, catering company and radio station. The 67 LaSalle parcel was historically used as a lumber yard. Legacy LaSalle is proposing to develop the 89 LaSalle Avenue Site as a high density multi-family residential housing complex.

6. List of Existing Easements (type here or attach information)

Easement Holder

Description

Please refer to Attachment 13 for a listing of existing easements.

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

Type

Issuing Agency

Description

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: FAL _____

Section III. Current Property Owner/Operator Information

OWNER'S NAME

ADDRESS

CITY/TOWN

ZIP CODE

PHONE

FAX

E-MAIL

OPERATOR'S NAME

ADDRESS

CITY/TOWN

ZIP CODE

PHONE

FAX

E-MAIL

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

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

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					
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					
Chlorinated Solvents					
Other VOCs					
SVOCs					
Metals					
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: _____

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: _____

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:

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. 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.

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.

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.		
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.		
16. Describe the geography and geology of the site in an attachment.		

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 Member (title) of Legacy LaSalle LLC (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: 9.6.13 Signature: [Signature] Print Name: Frank A. Chiodini

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: _____

LIST OF BCP APPLICATION ATTACHMENTS

LEGACY LASALLE LLC 89 LASALLE AVENUE SITE

NYSDEC BROWNFIELD CLEANUP PROGRAM APPLICATION

Attachment No.

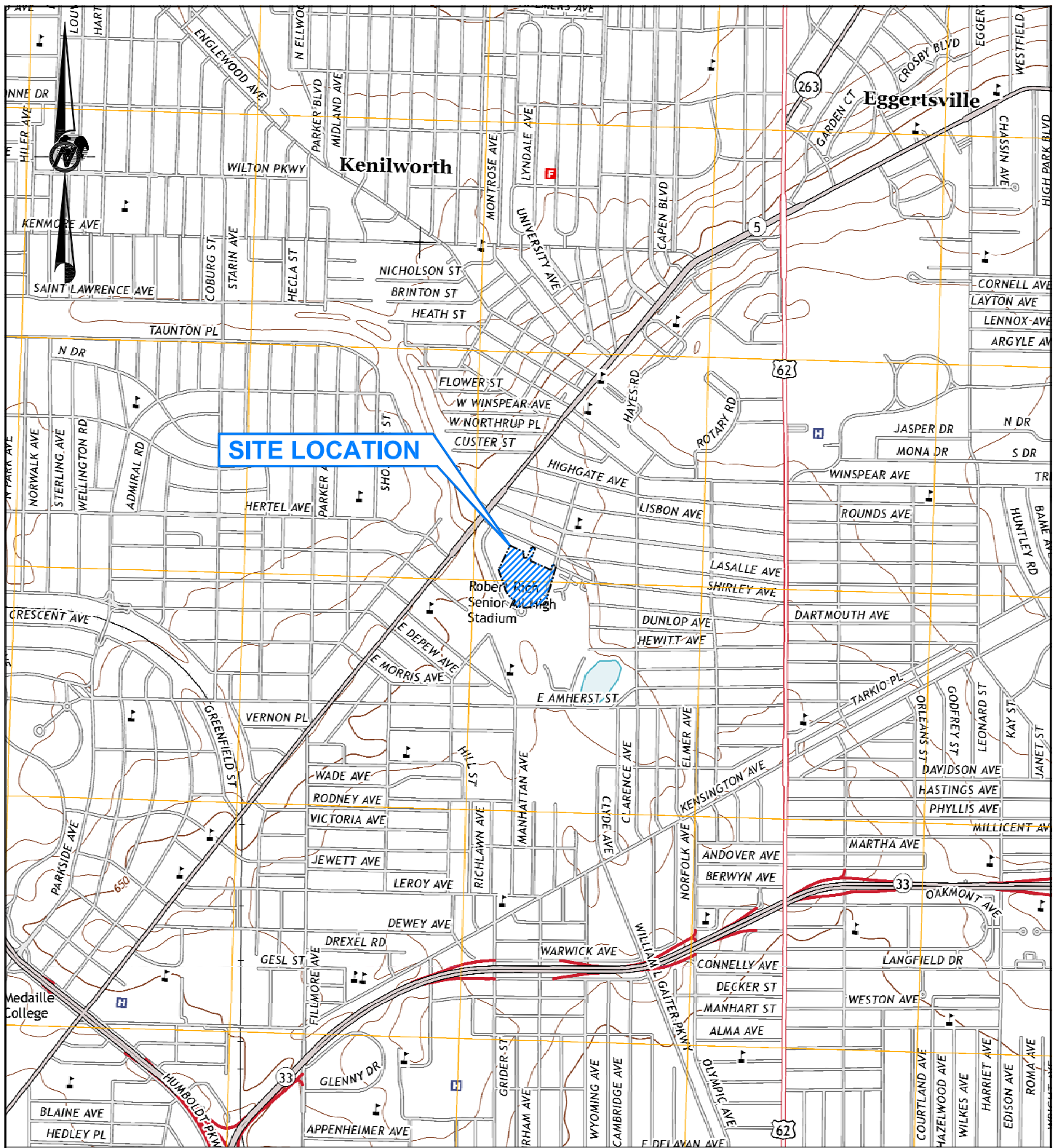
Description

1	Site Maps & Legal Description
2	Project Description
3	City of Buffalo Designated Developer Documentation
4	Previous Environmental Investigations
5	Listing of Previous Site Owners/Operators
6	Document Repository Confirmation Letter
7	Environmental Factors and Historic Land Use Considerations
8	Nearby Land Use
9	Groundwater Vulnerability Assessment
10	Description of Site Geography/Geology
11	NYS Department of State – Proof of Entity Information for Legacy LaSalle LLC
12	Public Contact List
13	List of Existing Easements

ATTACHMENT 1

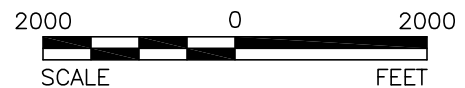
SITE MAPS & LEGAL DESCRIPTION

- **Figure 1-1: Site Vicinity Map**
- **Table 1-1: Summary of Tax Parcels Included in BCP Application**
 - **Tax map with SBL Parcel Designations**
 - **BCP Site Survey (MacIntosh & MacIntosh)**
 - **BCP Site Metes & Bounds Description**



REFERENCE

1.) BASE FROM 7.5 MINUTE QUADRANGLE OF BUFFALO NORTHEAST, NEW YORK DATED 2013.



SCALE	AS SHOWN
DATE	08/08/13
DESIGN	AML
CADD	AM

TITLE

SITE VICINITY MAP

LEGACY LASALLE LLC

FIGURE

1-1

FILE No. 1300732A001

PROJECT No. 1300732 REV. 0

CHECK

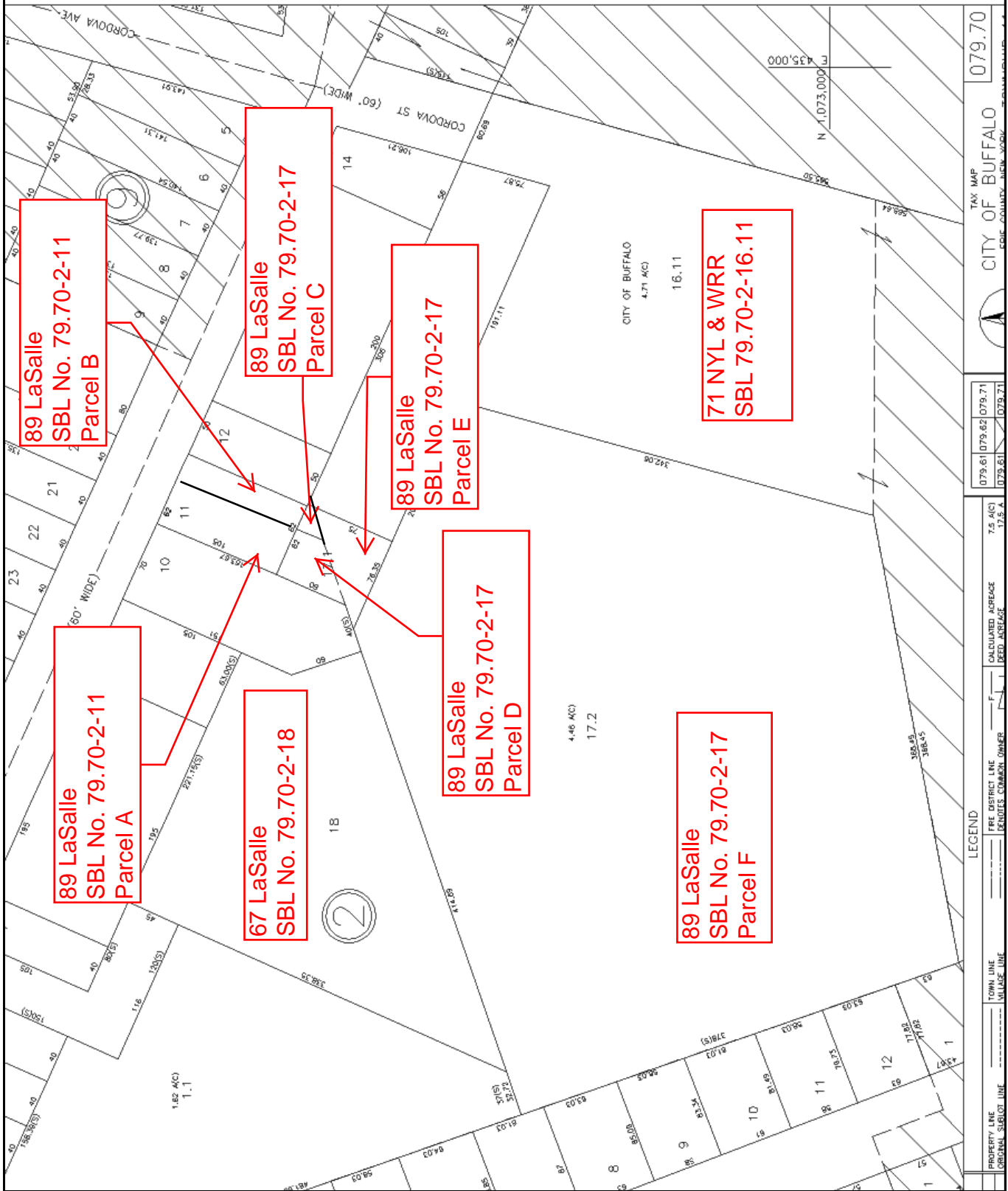
REVIEW

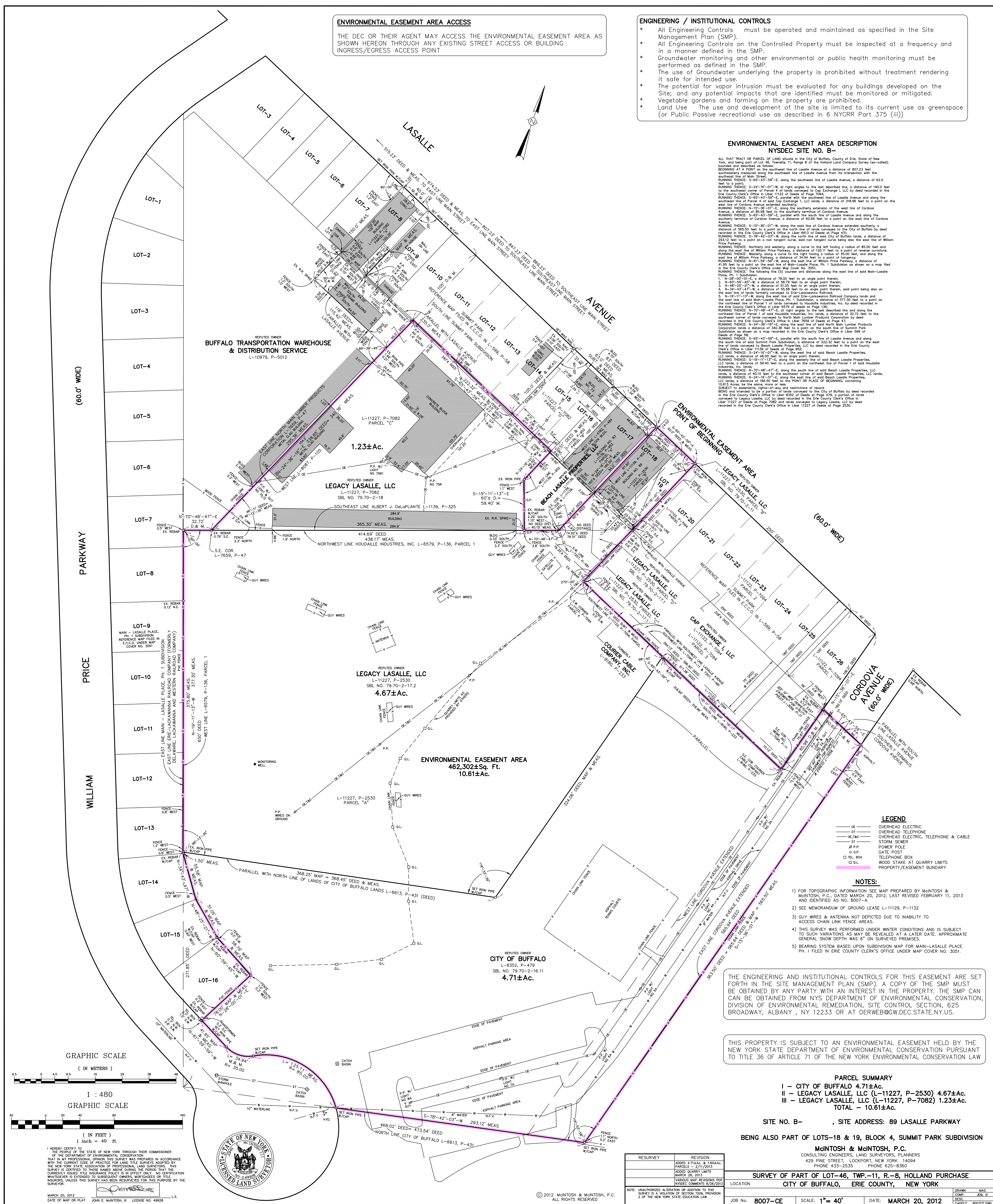
TABLE 1
Attachment 1

Legacy LaSalle LLC - 89 LaSalle Avenue Site BCP Application
Summary of Tax Parcels Included in BCP Application

Parcel	Current Owner	County SBL	Notes
67 LaSalle	Legacy LaSalle LLC	79.70-2-18	
89 LaSalle	Legacy LaSalle LLC	79.70-2-11	
	Legacy LaSalle LLC	79.20-2-17	
71 NY L&W RR	City of Buffalo	79.70-2-16.11	Legacy has designated developer status for this parcel from the City of Buffalo

Provided by www.Landmaxdata.com





Job No. 8007

ALL THAT TRACT OR PARCEL OF LAND situate in the City of Buffalo, County of Erie, State of New York, and being part of Lot 46, Township 11, Range 8 of the Holland Land Company Survey (so-called), bounded and described as follows:

BEGINNING AT A POINT on the southwest line of Lasalle Avenue at a distance of 807.23 feet southeasterly measured along the southwest line of Lasalle Avenue from its intersection with the southeast line of Main Street;

RUNNING THENCE: S-65°-43'-59"-E, along the southwest line of Lasalle Avenue, a distance of 62.0 feet to a point;

RUNNING THENCE: S-24°-16'-01"-W, at right angles to the last described line, a distance of 190.0 feet to the southwest corner of Parcel 4 of lands conveyed to Cap Exchange I, LLC by deed recorded in the Erie County Clerk's Office in Liber 11122 of Deeds at Page 7094;

RUNNING THENCE: S-65°-43'-59"-E, parallel with the southwest line of Lasalle Avenue and along the southwest line of Parcel 4 of said Cap Exchange 1, LLC lands, a distance of 318.96 feet to a point on the west line of Cordova Avenue extended southerly;

RUNNING THENCE: N-15°-36'-01"-E, along the southerly extension of the west line of Cordova Avenue, a distance of 85.98 feet to the southerly terminus of Cordova Avenue;

RUNNING THENCE: S-65°-43'-59"-E, parallel with the south line of Lasalle Avenue and along the southerly terminus of Cordova Avenue, a distance of 60.69 feet to a point on the east line of Cordova Avenue;

RUNNING THENCE: S-15°-36'-01"-W, along the east line of Cordova Avenue extended southerly, a distance of 565.50 feet to a point on the north line of lands conveyed to the City of Buffalo by deed recorded in the Erie County Clerk's Office in Liber 6613 of Deeds at Page 431;

RUNNING THENCE: S-78°-42'-03"-W, along the north line of said City of Buffalo lands, a distance of 293.12 feet to a point on a non tangent curve, said non tangent curve being also the east line of William Price Parkway;

RUNNING THENCE: Northerly and westerly, along a curve to the left having a radius of 85.00 feet and along the east line of William Price Parkway, a distance of 125.11 feet to a point of reverse curvature;

RUNNING THENCE: Westerly, along a curve to the right having a radius of 35.00 feet, and along the east line of William Price Parkway, a distance of 34.94 feet to a point of tangency;

RUNNING THENCE: N-61°-59'-59"-W, along the east line of William Price Parkway, a distance of 41.95 feet to a point on the east line of Main-Lasalle Place, Ph. 1 Subdivision as shown on a map filed in the Erie County Clerk's Office under Map Cover No. 3051;

RUNNING THENCE: The following five (5) courses and distances along the east line of said Main-Lasalle Place, Ph. 1 Subdivision:

1. N-28°-00'-01"-E, a distance of 78.00 feet to an angle point therein;
2. N-60°-59'-45"-W, a distance of 58.79 feet to an angle point therein;
3. N-48°-25'-21"-W, a distance of 51.05 feet to an angle point therein;
4. N-34°-43'-47"-W, a distance of 55.58 feet to an angle point therein, said point being also on the east line of lands formerly conveyed to Erie-Lackawanna Railroad;
5. N-19°-11'-13"-W, along the east line of said Erie-Lackawanna Railroad Company lands and the east line of said Main-Lasalle Place, Ph. 1 Subdivision, a distance of 377.30 feet to a point on the northwest line of Parcel 1 of lands conveyed to Houdaille Industries, Inc. by deed recorded in the Erie County Clerk's Office in Liber 6579 of deeds at Page 136;

RUNNING THENCE: N-70°-48'-47"-E, at right angles to the last described line and along the northwest line of Parcel 1 of said Houdaille Industries, Inc. lands, a distance of 32.72 feet to the southwest corner of lands conveyed to North Main Lumber Products Corporation by deed recorded in the Erie County Clerk's Office in Liber 7659 of Deeds at Page 47;

RUNNING THENCE: N-24°-36'-16"-E, along the east line of said North Main Lumber Products Corporation lands a distance of 340.36 feet to a point on the south line of Summit Park Subdivision as shown on a map recorded in the Erie County Clerk's Office in Liber 599 of Deeds at Page 58;

RUNNING THENCE: S-65°-43'-59"-E, parallel with the south line of Lasalle Avenue and along the south line of said Summit Park Subdivision, a distance of 222.32 feet to a point on the west line of lands conveyed to Beach Lasalle Properties, LLC by deed recorded in the Erie County Clerk's Office in Liber 11139 of Deeds at Page 952;

RUNNING THENCE: S-24°-16'-01"-W, along the west line of said Beach Lasalle Properties, LLC lands, a distance of 46.00 feet to an angle point therein;

RUNNING THENCE: S-19°-11'-13"-E, along the westerly line of said Beach Lasalle Properties, LLC lands, a distance of 59.40 feet to a point on the northwest line of Parcel 1 of said Houdaille Industries, Inc. lands;

RUNNING THENCE: N-70°-48'-47"-E, along the south line of said Beach Lasalle Properties, LLC lands, a distance of 40.15 feet to the southeast corner of said Beach Lasalle Properties, LLC lands;

RUNNING THENCE: N-24°-16'-01"-E, along the east line of said Beach Lasalle Properties, LLC lands, a distance of 166.50 feet to the POINT OR PLACE OF BEGINNING, containing 10.613 Acres, be the same, more or less.

SUBJECT to easements, rights-of-way and restrictions of record.

BEING and intended to be a portion of lands conveyed to the City of Buffalo by deed recorded in the Erie County Clerk's Office in Liber 8352 of Deeds at Page 479, a portion of lands conveyed to Legacy Lasalle, LLC by deed recorded in the Erie County Clerk's Office in Liber 11227 of Deeds at Page 7082 and lands conveyed to Legacy Lasalle, LLC by deed recorded in the Erie County Clerk's Office in Liber 11227 of Deeds at Page 2530

8007 10 acres

ATTACHMENT 2
PROJECT DESCRIPTION

ATTACHMENT 2

LEGACY LASALLE LLC
89 LASALLE AVE. SITE
BROWNFIELD CLEANUP PROGRAM

PROJECT DESCRIPTION & SCHEDULE

Background

Legacy LaSalle LLC (Legacy) owns or has exclusive development rights to four parcels comprising approximately 10.61 acres and identified by address and Erie County SBL number on Table 1 (attached) and described in the metes and bounds description of the proposed project boundaries contained in Attachment 1. All parcels are adjoining and located in the City of Buffalo, New York. The BCP Site is bordered by: various Lasalle Ave parcels to the north; William Price Memorial Parkway properties to the west and south; Cordova Ave. to the east; and City of Buffalo property (McCarthy Park) also located to the south.

With the exception of the City of Buffalo owned parcel (i.e., 71 NY L&W RR, also referred to as 71 Cordova Ave), the other parcels that constitute the BCP Site are owned by Legacy.

The parcels as delineated in Table 1 are currently vacant with the exception of the City of Buffalo owned parcel which has tennis courts and parking that are currently in use as part of the adjacent City owned McCarthy Park complex and will be replaced or rebuilt pursuant to the requirements of the Designated Developer Agreement

Proposed Project – Legacy LaSalle High Density Residential Complex

The BCP Site will be developed as a high density, multifamily student housing community primarily for rent to the State University at Buffalo students. The project will consist of 4 - 6 separate residential buildings, a community building, parking facilities, a maintenance building and common area. Buildings will range in height from 3 to 5 stories and will contain approximately 300,000 square feet of space and up to 550 beds. Amenities will include in-ground pool, extensive work-out facilities and community spaces for recreation and study.

The project will capitalize on its location adjacent to the LaSalle Station of the Buffalo Metro Rail allowing residents to walk to the train which leads to the South Campus one stop east or all the way to the Buffalo Niagara Medical and Downtown Buffalo to the South.

Known and Suspected Environmental Conditions

A limited Phase II Environmental Site Assessment (ESA) was conducted on a portion of the proposed BCP project site including the 89 LaSalle and 71 Cordova Ave. properties on March 7, 2013 (“Limited Phase II Environmental Site Assessment for 89 LaSalle Avenue Site”, Ensol

ATTACHMENT 2

LEGACY LASALLE LLC
89 LASALLE AVE. SITE
BROWNFIELD CLEANUP PROGRAM

Inc., April 2013). The following is a summary of pertinent information obtained during the course of the limited Phase II ESA and extracted from the referenced report.

- **Lithology** – All subsurface soils observed during the course of the investigation consisted of fill materials characterized primarily as ash and cinder materials. Various amounts of sand, gravel, brick, and glass debris were also observed.
- **Bedrock** - Depth to bedrock ranged from approximately 3 feet to approximately 11 feet below grade in the test pits located on the approximate northern half of the 89 LaSalle property. Bedrock was not encountered in test pits located over the southern portion of the investigation area consistent with their probable location within the limits of the historic quarry/landfill area.
- **Groundwater** – Groundwater was not encountered during the course of the test pit investigation. Historical information indicates depth to groundwater in the area as 40 feet below grade or greater. Therefore, no groundwater samples were collected during the Limited Phase II ESA and no conclusions regarding the groundwater quality beneath the property could be made in the context of the Phase II ESA.
- **SVOCs** – Multiple SVOCs were detected above respective NYCRR Part 375 SCO. SVOC concentrations of this nature are commonly found in urban fill materials.
- **Metals** – Arsenic was detected in TP-1 and TP-15 at concentrations above the Restricted Residential Use SCO. Cadmium was detected in TP-9 above the Restricted Residential Use SCO. Iron was detected in all samples above the CP-51 soil standard however, these iron concentrations fall within the range of various published values for naturally occurring background levels of iron, which are reported as high as 50,000 ppm.
- **Pesticides** – Two pesticides, DDT and Dieldrin were detected in the soil sample collected from TP-15 at concentrations above respective Residential and Restricted Residential Use SCOs. TP-15 was the only test pit to exhibit a notable odor during test pitting operations.
- **PCBs** – There were no detections of PCBs above respective SCOs and/or laboratory method detection limits at any location.
- **VOCs** – The only VOCs detected above SCOs are common laboratory contaminants. Due to the lack of other VOC detections and/or field screening results (via PID) to indicate the presence of VOCs; it is assumed that these detections are anomalous and do not indicate the presence of VOCs in site related soils.

ATTACHMENT 2

LEGACY LASALLE LLC
89 LASALLE AVE. SITE
BROWNFIELD CLEANUP PROGRAM

Based on the results of a recently conducted Phase I Environmental Site Assessment, the southern portions of the 89 LaSalle parcel and associated unaddressed parcels to the south including the City of Buffalo parcel were used as a stone quarry from approximately 1915 through 1950 by the Buffalo Crushed Stone company. Subsequently the quarried areas were used by the City of Buffalo as a landfill in the 1950s and 1960s for the disposal of a variety of demolition debris, ash, railroad ballast and reportedly some municipal waste.

According to a recently performed Phase I ESA, the 67 LaSalle parcel has a history of use as a lumber yard since the early 1900s, more recently some of the structures on the parcel have been used for automotive storage after lumber yard operations ceased. There were no other noted uses of this property.

It may be inferred from these past uses that other impacts in the form of petroleum based volatile organic compounds (VOCs) from lumber yard equipment fueling, used oil or other petroleum waste disposal may be possible on the property. These potential impacts will be assessed as part of the planned Remedial Investigation for the BCP.

Schedule

Legacy is proposing the following approximate timetable for the BCP activities associated with the proposed Legacy LaSalle residential development project:

- | | |
|--|------------------------|
| 1. Submit Final BCP application: | September 12, 2013 |
| 2. Submit RI Work Plan | September 20, 2013 |
| 3. NYSDEC BCP Application Review/Comments: | October 11, 2013 |
| 4. Advertise BCP/Distribute Fact Sheet | October 14, 2013 |
| 5. Public Comment Period: | Oct. 14– Nov. 14, 2013 |
| 6. NYSDEC RI Work Plan Review/Comments: | October 18, 2013 |
| 7. Finalize and Approval of Work Plan: | October 25, 2013 |
| 8. BCA Reviewed/Executed: | November 29, 2013 |
| 9. RI Field Work | Nov. 4 – 15, 2013 |
| 10. Prepare RI/AA Report | Nov. 18 – Dec 27, 2013 |
| 11. Submit RI/AA Report | Dec. 30 , 2013 |
| 12. NYSDEC RI/AA Report Review/Comments | Jan 30, 2014 |
| 13. Finalize RI/AA Report: | February 7, 2014 |
| 14. Public Comment Period | Feb. 10 – Mar 10, 2014 |
| 15. NYSDEC Approval of RI/AA Report: | March 14, 2014 |

ATTACHMENT 3

**CITY OF BUFFALO DESIGNATED DEVELOPER DOCUMENTATION
& SITE ACCESS AGREEMENT EXAMPLE**



CITY OF BUFFALO
OFFICE OF STRATEGIC PLANNING
DIVISION OF REAL ESTATE



BYRON W. BROWN
Mayor

CHRISTIE R. NELSON
Director

February 5, 2013

Mr. Frank A. Chinnici
Legacy Development
250 Ramsdell Avenue
Buffalo NY 14216

Dear Mr. Chinnici:

Re: DEVELOPER DESIGNATION for 71 NYL & W RR – Legacy Building Company LLC
d/b/a Legacy Development

Dear Mr. Chinnici:

Please be advised that the City of Buffalo Common Council at their meeting held, Tuesday, December 26, 2012 approved the designation of Legacy Building Company LLC d/b/a Legacy Development and/or a corporation, partnership, or other legal entity to be formed by Developer, Item No. 9, C.C.P. 12/26/12 for a period of twelve (12) months, subject to the following terms and conditions:

- a. Submission by the Developer of a detailed site plan of the Project for approval by the City of Buffalo Planning Board (if necessary) and construction plans, including landscaping and a breakdown of estimated total Project costs, for review and approval by the City of Buffalo. Said plans shall also be in accordance with the Zoning Ordinance of the City of Buffalo.
- b. Submission of a colored rendering of the Project suitable for presentation to the Common Council which shall be submitted by the Developer to the Office of Real Estate prior to Common Council approval of a Land Disposition Agreement ("LDA").
- c. Submission of monthly progress reports by the Developer to the Office of Real Estate by the fifth (5th) of each month, beginning in the month following this designation.

Mr. Chinnici
February 5, 2013
Re: Designated Developer 72 NYL & W RR
Page 2

- d. Submission by the Developer to the Office of Real Estate of evidence of equity capital and mortgage financing necessary for the completion of the Project which shall be submitted prior to closing.
- e. Payment of a designation fee of Five Hundred Dollars (\$500.00) per month ("Designation Fee") by Developer to the Office of Real Estate, payable within five (5) days from the date of Common Council approval of the designation and due thereafter by the first (1st) day of every month.
- f. In the event the Developer shall decide to move forward and take subsequent steps to formally acquire the Property pursuant to the LDA to be negotiated by Developer and the City, said Designation Fee shall be applied as a credit towards the Purchase Price. In the event Developer shall not proceed with the acquisition of the Property within the designation period or in the event a mutually satisfactory DLA cannot be agreed upon, Developer shall forfeit all fees paid on account and the City shall retain all such fees, and the Developer shall have no further rights with respect to the Property.
- g. Developer is responsible for performing soil borings and soil investigations and any other tests, investigations, or surveys consistent with, and subject to, prior execution and compliance with Access, Indemnification and Insurance Agreement(s), by each and every Contractor hired by Developer that will access the Property, for the purpose of determining, to Developer's satisfaction, the suitability of the Property for Developer's intended use, and/or the presence or absence of hazardous substances as such term is used in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, 42 USC ss 9601 et seq.; the Hazardous Materials Transportation Act, as amended, 49 USC ss 1801 et seq.; the Resource Conservation and Recovery Act, as amended, 42 USC ss 6901 et seq.; Articles 15 and 27 of the New York State Environmental Conservation Law or any other federal, state, or local law, regulation, rule, ordinance, by-law, policy guidance, procedure, interpretation, decision, order, or directive, existing as of the date hereof, whether previously enforced or subsequently enacted. The Access Agreement and evidence of insurance saving the City of Buffalo harmless from any and all liability must be approved as to form by City of Buffalo's Corporation Counsel's Office and signed by the City of Buffalo prior to any and all contractors accessing the Property.

FKC

Mr. Chinnici
February 5, 2013
Re: Designated Developer 72 NYL & W RR
Page 3

- h. The successful negotiation of an LDA for approval by the Common Council no later than twelve (12) months from the date the Common Council approves the designation.
- i. The Developer, or an entity to be designated by the Developer, must sign an Environmental Release and Indemnification Agreement releasing the City of Buffalo from any and all liability, said document to be in form and substance acceptable to the City in the City's (City's Department of Public Works, Parks & Streets) sole discretion.
- j. Regarding the recreational components for the "public" now existing at the Property and/or to be relocated, improved and/or expanded upon and or enhanced at the Project, the LDA shall require that the Developer, or an entity to be designated, replace and reconstruct (the same size) tennis courts currently on the Property and to make such tennis courts available to the public for use. As part of the Project, the Developer will also provide for one for one replacement parking for the public to replace the small parking lot currently on the Property. All such measures must be acceptable to the City (City's Department of Public Works, Parks & Streets) in the City's sole discretion.
- k. The LDA will require that the Developer, or an entity to be designated, to provide the City of Buffalo with easements rights and access arrangements satisfactory to the City (City's Division of Real Estate, Department of Public Works, Parks & Streets and the Corporation Counsel) in their sole discretion.
- l. The LDA shall also require the Developer to provide certain mitigation measures for the benefit of the residents on William Price Parkway included but not necessary limited to those set forth in the letter from the Developer to the William Price Parkway Block Club ("WPP") dated August 31, 2012 and clarified in correspondence subsequent thereto, and accepted conditionally by the WPP in a letter dated September 5, 2012 to the Mayor of the City of Buffalo.



Mr. Chinnici

February 5, 2013

Re: Designated Developer 72 NYL & W RR

Page 4

- m. The LDA will need to address to the City of Buffalo Corporation Counsel's Office satisfaction any factors regarding the "Cordova Road" access and other access to McCarthy Park as well as the use agreement the City of Buffalo currently has or has had with the Medaille College and how those factors are or may be impacted by the proposed Project development.
- n. Upon signing of the LDA there shall be a payment by the Developer to the City's Division of Real Estate, a non-refundable deposit in the amount of ten percent (10%) of the to be agreed upon Purchase Price. The Purchase Price is to be established in accordance with Article 27 of the City of Buffalo Charter.
- o. Individuals and/or corporations are ineligible for designation if they have outstanding taxes, water bills, parking tickets, user fee and/or demolition liens or any other liens or debts owed to the City of Buffalo, or if code violations exist on any property owned by them.
- p. The designation will expire twelve (12) months from the date the Common Council approves the designation.
- q. The City of Buffalo may terminate the designation should the Developer fail to meet any of the deadlines set forth above. Should the City elect to terminate this designation on or before the end of the designation period for failure by the Developer to comply with the above conditions, the City will give written notice to the Developer via certified mail and allow the Developer two (2) weeks to cure.
- r. The designation and the LDA shall be subject to any and all other terms and conditions that the City of Buffalo Corporation Counsel's Office deems necessary.

The City of Buffalo may terminate this designation should the Developer fail to meet any of the deadlines set forth above. Should the City elect to terminate this designation on or before the end of the designation period for failure to meet a timely deadline, the City will first allow the Developer two (2) weeks to cure by written notice.



Mr. Chinnici
February 5, 2013
Re: Designated Developer 72 NYL & W RR
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Please forward your designation fee of \$500.00 per month, commencing December 26, 2012 and the 1st of each and every month thereafter, to the Division of Real Estate, Attn: Christine Kasianowicz, 65 Niagara Square, Room 901 City Hall, Buffalo, New York 14202 and make the check payable to the City of Buffalo.

If you agree with the above designation terms, please sign below and return to this office by no later than one week from the date of this letter. If you have any questions regarding the above, please do not hesitate to contact me at 851-5275.


Sincerely,


Christie R. Nelson
Director of Real Estate

CRN:plg

APPROVALS:

Legacy Building Company LLC d/b/a Legacy Development agrees to the terms and conditions of the designation.



Name of Legacy Building Company LLC d/b/a
Legacy Development Authority Representative and Title
Frank A. Chinnici, Member

2/6/13
Date



Christie R. Nelson, Director of Real Estate

2-13-13.
Date



**City Clerk's Department
BUFFALO**

December 28, 2012

HON. BYRON W. BROWN
MAYOR OF BUFFALO

DEAR SIR:

Pursuant to the provisions of Section 3-19 of the Charter, I present
herewith the attached resolution item.

No. 9

PASSED December 26, 2012

Strat Plan- Perm to Designate Developer- Legacy Building Co- For Residential
Community "The Property" (Univ)

Gerald A Chwalinski
City Clerk



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2 (Rev. 1/93) MULTIPLE PAGE COMMUNICATION TO THE COMMON COUNCIL

TO: THE COMMON COUNCIL: DATE: December 21, 2012

FROM : DEPARTMENT: Strategic Planning

DIVISION: Real Estate

SUBJECT: Permission to Designate Developer
Legacy Building Company LLC d/b/a Legacy
Development
1 Parcel – 71 NYL & W RR - SBL 79.70-2-16.11
For a Residential Community (the "Property")
University District

The City of Buffalo Office of Strategic Planning, Division of Real Estate ("Office of Real Estate") has received an application from Legacy Building Company LLC d/b/a Legacy Development ("Developer"), with a mailing address of 250 Ramsdell Avenue, Buffalo, New York, 14216 to purchase the above captioned Property which is approximately 4.71 acres in connection with Developer's proposed construction and operation of a collegiate residential community.

The Developer is proposing to construct a collegiate residential community comprised of several different apartment and townhouse buildings and common facilities located on approximately 9.69 acres of primarily vacant former industrial land at a cost of approximately \$40,000,000 ("Project"). Besides the Property, the Developer already owns the remaining parcels of land necessary for the Project. The Project will be financed privately, through a bank loan for short-term construction financing and then Developer will obtain long-term financing through the private market, through an insurance company or other lender. Developer is exploring the possibility of obtaining some incentives from the ECIDA as well as tax credits through the New York State Brownfield's Program, depending on the results of soil sampling on the Property. The purchase price of the Property shall be negotiated based upon a real estate appraisal to be obtained and paid for by the Developer ("Purchase Price"), which said appraised value is subject to review and approval by the City of Buffalo Appraisal Review Board and approval by Your Honorable Body.

The Office of Real Estate respectfully requests that Your Honorable Body designate the Developer, and/or a corporation, partnership, or other legal entity to be formed by or through Developer's or Developer's efforts, as the Developer of the Property for a period of twelve (12) months subject to but not limited to the following terms and conditions:

- a. Submission by the Developer of a detailed site plan of the Project for approval by the City of Buffalo Planning Board (if necessary) and construction plans, including landscaping and a breakdown of estimated total Project costs, for

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December 21, 2012

RE: Designate Developer – 71 NYL & W RR

Page 2

review and approval by the City of Buffalo. Said plans shall also be in accordance with the Zoning Ordinance of the City of Buffalo.

- b. Submission of a colored rendering of the Project suitable for presentation to the Common Council which shall be submitted by the Developer to the Office of Real Estate prior to Common Council approval of a Land Disposition Agreement ("LDA").
- c. Submission of monthly progress reports by the Developer to the Office of Real Estate by the fifth (5th) of each month, beginning in the month following this designation.
- d. Submission by the Developer to the Office of Real Estate of evidence of equity capital and mortgage financing necessary for the completion of the Project which shall be submitted prior to closing.
- e. Payment of a designation fee of Five Hundred Dollars (\$500.00) per month ("Designation Fee") by Developer to the Office of Real Estate, payable within five (5) days from the date of Common Council approval of the designation and due thereafter by the first (1st) day of every month.
- f. In the event the Developer shall decide to move forward and take subsequent steps to formally acquire the Property pursuant to the LDA to be negotiated by Developer and the City, said Designation Fee shall be applied as a credit towards the Purchase Price. In the event Developer shall not proceed with the acquisition of the Property within the designation period or in the event a mutually satisfactory DLA cannot be agreed upon, Developer shall forfeit all fees paid on account and the City shall retain all such fees, and the Developer shall have no further rights with respect to the Property.
- g. Developer is responsible for performing soil borings and soil investigations and any other tests, investigations, or surveys consistent with, and subject to, prior execution and compliance with Access, Indemnification and Insurance Agreement(s), by each and every Contractor hired by Developer that will access the Property, for the purpose of determining, to Developer's satisfaction, the suitability of the Property for Developer's intended use, and/or the presence or absence of hazardous substances as such term is used in the

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Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, 42 USC ss 9601 et seq.; the Hazardous Materials Transportation Act, as amended, 49 USC ss 1801 et seq.; the Resource Conservation and Recovery Act, as amended, 42 USC ss 6901 et seq.; Articles 15 and 27 of the New York State Environmental Conservation Law or any other federal, state, or local law, regulation, rule, ordinance, by-law, policy guidance, procedure, interpretation, decision, order, or directive, existing as of the date hereof, whether previously enforced or subsequently enacted. The Access Agreement and evidence of insurance saving the City of Buffalo harmless from any and all liability must be approved as to form by City of Buffalo's Corporation Counsel's Office and signed by the City of Buffalo prior to any and all contractors accessing the Property.

- h. The successful negotiation of an LDA for approval by the Common Council no later than twelve (12) months from the date the Common Council approves the designation.
- i. The Developer, or an entity to be designated by the Developer, must sign a Environmental Release and Indemnification Agreement releasing the City of Buffalo from any and all liability, said document to be in form and substance acceptable to the City in the City's (City's Department of Public Works, Parks & Streets) sole discretion.
- j. Regarding the recreational components for the "public" now existing at the Property and/or to be relocated, improved and/or expanded upon and or enhanced at the Project, the LDA shall require that the Developer, or an entity to be designated, replace and reconstruct (the same size) tennis courts currently on the Property and to make such tennis courts available to the public for use. As part of the Project, the Developer will also provide for one for one replacement parking for the public to replace the small parking lot currently on the Property. All such measures must be acceptable to the City (City's Department of Public Works, Parks & Streets) in the City's sole discretion.
- k. The LDA will require that the Developer, or an entity to be designated, to provide the City of Buffalo with easements rights and access arrangements satisfactory to the City (City's Division of Real Estate, Department of Public Works, Parks & Streets and the Corporation Counsel) in their sole discretion.

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December 21, 2012

RE: Designate Developer – 71 NYL & W RR

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- l. The LDA shall also require the Developer to provide certain mitigation measures for the benefit of the residents on William Price Parkway included but not necessary limited to those set forth in the letter from the Developer to the William Price Parkway Block Club ("WPP") dated August 31, 2012 and clarified in correspondence subsequent thereto, and accepted conditionally by the WPP in a letter dated September 5, 2012 to the Mayor of the City of Buffalo.
- m. The LDA will need to address to the City of Buffalo Corporation Counsel's Office satisfaction any factors regarding the "Cordova Road" access and other access to McCarthy Park as well as the use agreement the City of Buffalo currently has or has had with the Medaille College and how those factors are or may be impacted by the proposed Project development.
- n. Upon signing of the LDA there shall be a payment by the Developer to the City's Division of Real Estate, a non-refundable deposit in the amount of ten percent (10%) of the to be agreed upon Purchase Price. The Purchase Price is to be established in accordance with Article 27 of the City of Buffalo Charter.
- o. Individuals and/or corporations are ineligible for designation if they have outstanding taxes, water bills, parking tickets, user fee and/or demolition liens or any other liens or debts owed to the City of Buffalo, or if code violations exist on any property owned by them.
- p. The designation will expire twelve (12) months from the date the Common Council approves the designation.
- q. The City of Buffalo may terminate the designation should the Developer fail to meet any of the deadlines set forth above. Should the City elect to terminate this designation on or before the end of the designation period for failure by the Developer to comply with the above conditions, the City will give written notice to the Developer via certified mail and allow the Developer two (2) weeks to cure.
- r. The designation and the LDA shall be subject to any and all other terms and conditions that the City of Buffalo Corporation Counsel's Office deems necessary.

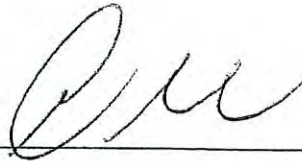
December 21, 2012

RE: Designate Developer – 71 NYL & W RR

Page 5

I am requesting that your Honorable Body approve the designation of Legacy Building Company LLC d/b/a Legacy Development with a mailing address of 250 Ramsdell Avenue, Buffalo, New York, 14216, and/or a corporation, partnership, or other legal entity to be formed by Developer, as Developer of the above-referenced Property on the above terms and conditions; I am further requesting that Your Honorable Body authorize the Corporation Counsel's Office to prepare the necessary LDA for the conveyance of the Property to the Developer for the development of the Project on the Property; and that the LDA and purchase price be forwarded to the Common Council for final approval prior to the transfer of title.

Christie R. Nelson
Director of Real Estate
Office of Strategic Planning

A handwritten signature in black ink, appearing to read 'CRN', is written over a horizontal line.

CRN:plg

Designate Legacy Building Company LLC d/b/a Legacy Development as Developer for a Residential Community in the University District (Univ)(Strat Plan)

Mr. Smith moved:

That the above item be, and the above communication from the Office of Strategic Planning, Division of Real Estate, dated December 21, 2012, be received and filed;

That the Common Council hereby designates the Legacy Building Company LLC d/b/a Legacy Development ("Developer") and/or a corporation, partnership, or other legal entity to be formed by or through Developer or Developer's efforts, as the developer of one (1) parcel – 71 NYL & W RR – SBL 79.70-2-16.11 for a residential community in the University District for a period of twelve (12) months subject to the following conditions:

1. Submission by the Developer of a detailed site plan of the Project for approval by the City of Buffalo Planning Board (if necessary) and construction plans, including landscaping and a breakdown of estimated total Project costs, for review and approval by the City of Buffalo. Said plans shall also be in accordance with the Zoning Ordinance of the City of Buffalo.
2. Submission of a colored rendering of the Project suitable for presentation to the Common Council which shall be submitted by the Developer to the Office of Real Estate prior to Common Council approval of a Land Disposition Agreement ("LDA").
3. Submission of monthly progress reports by the Developer to the Office of Real Estate by the fifth (5th) of each month, beginning in the month following this designation.
4. Submission by the Developer to the Office of Real Estate of evidence of equity capital and mortgage financing necessary for the completion of the Project which shall be submitted prior to closing.
5. Payment of a designation fee of Five Hundred Dollars (\$500.00) per month ("Designation Fee") by Developer to the Office of Real Estate, payable within five (5) days from the date of Common Council approval of the designation and due thereafter by the first (1st) day of every month.
6. In the event the Developer shall decide to move forward and take subsequent steps to formally acquire the Property pursuant to the LDA to be negotiated by Developer and the City, said Designation Fee shall be applied as a credit towards the Purchase Price. In the event Developer shall not proceed with the acquisition of the Property within the designation period or in the event a mutually satisfactory LDA cannot be agreed upon, Developer shall forfeit all fees paid on account and the City shall retain all such fees, and the Developer shall have no further rights with respect to the Property.
7. Developer is responsible for performing soil boring and soil investigations and any other tests, investigations, or surveys consistent with, and subject to, prior execution and compliance with Access, Indemnification and Insurance Agreement(s), by each and every Contractor hired by Developer that will access the Property, the suitability of the Property for Developer's intended use, and/or the presence or absence of hazardous substances as such term is used in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, 42 USC ss 9601 et

seq.; the Hazardous Materials Transportation Act, as amended, 49 USC ss 1801 et seq.; the Resource Conservation and Recovery Act, as amended 42 USC ss 6901 et seq.; Articles 15 and 27 of the New York State Environmental Conservation Law or any other federal, state or local law, regulation, rule, ordinance, by-law, policy, guidance, procedure, interpretation, decision, order, or directive, existing as of the date hereof, whenever previously enforced or subsequently enacted. The Access Agreement and evidence of insurance saving the City of Buffalo harmless from any and all liability must be approved as to form the City of Buffalo's Corporation Counsel's Office and signed by the City of Buffalo prior to any and all contractors accessing the Property.

8. The successful negotiation of an LDA for approval by the Common Council no later than twelve (12) months from the date the Common Council approves the designation.
9. The Developer, or an entity to be designated by the Developer, must sign an Environmental Release and Indemnification Agreement releasing the City of Buffalo from any and all liability, said documentation to be in form and substance acceptable to the City in the City's (City's Department of Public Works, Parks and Streets) sole discretion.
10. Regarding the recreational components for the "public" now existing at the Property and/or to be relocated, improved and/or expanded upon and/or enhanced at the Project, the LDA shall require that the Developer, or an entity to be designated, replace and reconstruct (the same size) tennis courts currently on the Property and to make such tennis courts available to the public for use. As part of the Project, the Developer will also provide for one replacement parking lot for the public to replace the small parking lot currently on the Property. All such measures must be acceptable to the City (City's Department of Public Works, Parks and Streets) in the City's sole discretion.
11. The LDA will require that the Developer, or an entity to be designated, to provide the City of Buffalo with easement rights and access arrangements satisfactory to the City (City's Division of Real Estate, Department of Public Works, Parks & Streets and the Corporation Counsel) in their sole discretion.
12. The LDA shall also require the Developer to provide certain mitigation measures for the benefit of the residents on William Price Parkway included by not necessarily limited to those set forth in the letter from the Developer to the William Price Parkway Block Club ("WPP") dated August 31, 2012, and clarified in correspondence subsequent thereto, and accepted conditionally by the WPP in a letter dated September 5, 2012, to the Mayor of the City of Buffalo.
13. The LDA will need to address to the City of Buffalo's Corporation Counsel's Office satisfaction any factors regarding the "Cordova Road" access and other access to McCarthy Park as well as the use agreement the City of Buffalo currently has or has had with Medaille College and how those factors are or may be impacted by the proposed Project development.
14. Upon signing of the LDA, there shall be a payment by the Developer to the City's Division of Real Estate, a non-refundable deposit in the amount of ten percent (10%) of the to be agreed upon Purchase Price. The Purchase Price is to be established in accordance with Article 27 of the City of Buffalo Charter.

* AYE * NO *

				*
FONTANA	*	*	*	*
FRANCZYK	*	*	*	*
GOLOMBEK	*	*	*	*
LOCURTO	*	*	*	*
PRIDGEN	*	*	*	*
RIVERA	*	*	*	*
RUSSELL	*	*	*	*
SCANLON	*	*	*	*
SMITH	*	*	*	*
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Lender Consulting Services, Inc.
Corporate Headquarters
Waterfront Village
40 La Riviere Drive Suite 120
Buffalo, New York 14202

Tel: 800.474.6802
716.845.6145
Fax: 716.845.6164
lenderconsulting.com

Form of Access Indemnification and Insurance Agreement

August 8, 2013

City of Buffalo
Office of Strategic Planning
Brendan Mehaffy, Executive Director
Attention: Real Estate Division
65 Niagara Square, Rm. 905 City Hall
Buffalo, New York 14202

RE: Access to 71 NYL and W RR ("Property"), Buffalo, New York For the Purpose of remediating and developing the "Property" as a collegiate residential Community ("Project") and the Undersigned's Indemnification of the City of Buffalo Generally in Connection with the Project at 71 NYL and W RR in Buffalo, New York and The Undersigned's Indemnification of the City of Buffalo in Connection with Related Work to be Performed in and Around the Project Site.

Dear Ms. Nelson:

Lender Consulting Services, Inc. (the "Contractor") has been engaged by Legacy Building company LLC d/b/a Legacy Development and is requesting access to the Project site for purposes of completing a Phase I Environmental Site Assessment. The City is willing to allow use of the Property for the above purpose, on condition the City requires that Contractor provides the City of Buffalo with an indemnification and with evidence of certain types of insurance coverage.

In connection with the Project, the Contractor shall and does hereby indemnify and save harmless (and agrees to defend) the City of Buffalo (the "City"), its officers and employees from all claims, suits, actions, damages, losses and costs of every name and description to which the City may be subjected or put by reason of injury to the person or property of another, or the property of the City, resulting in any degree or manner whatsoever from or in connection with the Contractor's activities and or in connection with the Contractor's Project related activities and or resulting, from the negligence or carelessness, active or passive, of the Contractor, or the joint negligence, active or passive of the Contractor and others, or of the Contractor and his, its, or their employees, agents, or sub-contractors, in the performance of the Project and or in connection with the Project or in connection with the delivery and or installation and operation of

Buffalo. Rochester. Syracuse. Albany. New York City. Mid-Hudson. Pittsburgh. Johnstown.
Harrisburg. Allentown. Wilmington. Baltimore. Salisbury. Cleveland

equipment, materials and or supplies or otherwise. This indemnification is without limit.

Contractor shall and does hereby agree to defend, indemnify and hold harmless the City, its and their agents, officers, servants and/or employees for all claims or losses for personal injury involving employees of the Contractor or persons working for the Contractor or any sub-contractor or supplier or any third parties injured during the performance of the Project, events related to the Project, or under this contract.

This letter agreement and the effectuation of the indemnification hereunder is intended to be accompanied and facilitated by the Contractor's provision to the City of evidence of various types of insurance coverage as set forth below.

This letter of agreement shall be voided and of no effect unless the Contractor shall provide the City with proof of Workman's Compensation Insurance for the benefit of, and keep insured during the life of the Project work, such employees as are necessary to be insured in compliance with the provisions of the Workmen's Compensation Law of the State of New York on the New York form. The Contractor shall also provide evidence of disability insurance coverage on the New York Form.


In furtherance of the foregoing, the Contractor shall also provide evidence of policies of general liability insurance and automobile liability insurance and maintain said policies in force during the life of this Project. Said policies of insurance shall protect against liability arising from all matters in connection with the performance of activities in implementing the Project described in this letter or in any way relating to Contractor's activities in connection therewith, each said policy of insurance to be in the sum of at least \$1,000,000 per occurrence and \$1,000,000 per loss or damage by reason of such work performed in the implementation of the Project.

The Contractor shall furnish appropriate certificates of insurance at the time of execution of this letter agreement.

The City shall be named as certificate holder and as an additional insured under the general liability insurance coverage (with the Project being described in the description of operations box of the certificate of insurance including a reference to the Project with a brief description of the project and including the city owned property addresses in Buffalo, New York, the automobile liability insurance coverage (any auto) as well as under any excess/umbrella liability coverage. The City of Buffalo shall be named as certificate holder on a certificate of insurance (on the New York form) evidencing worker's compensation insurance coverage and disability insurance (on the New York form).

The Contractor shall not look to the City of Buffalo for any payment whatsoever in connection with the Project. Notwithstanding anything contained herein to the contrary, the Contractor shall not access the Project site property for any purpose unless the City shall have issued a written notice to proceed and an employee of the Office of Strategic Planning, Division of Real Estate must meet the Contractor at the site and open the doors for access. City reserves the right to terminate the access in the City's sole discretion at any time and the Contractor shall have no recourse to the City in such event.

The Contractor agrees to restore the property to as good a condition as the Contractor found it and agrees to clean-up the Project site after completion of the Project.



for LCS, Inc.

Signature of Authorized Personnel on Behalf of Contractor

BY: Douglas B. Reid, Sr. VP, Environmental Services
Name and Title

8/9/13
Date


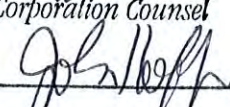
Accepted and agreed to by the City of Buffalo through its Office of Strategic Planning

BY:


Christie R. Nelson, Director of Real Estate

8-12-13
Date

**APPROVED
AS TO FORM ONLY**


Corporation Counsel
By  8-12-13

STATE OF NEW YORK
WORKERS' COMPENSATION BOARD

CERTIFICATE OF NYS WORKERS' COMPENSATION INSURANCE COVERAGE

<p>1a. Legal Name & Address of Insured (Use street address only)</p> <p>Lender Consulting Services Inc 40 La Riviere Dr Suite 120 Buffalo, NY 14202</p> <p><i>Work Location of Insured (Only required if coverage is specifically limited to certain locations in New York State, i.e., a Wrap-Up Policy)</i></p>	<p>1b. Business Telephone Number of Insured</p> <p>716-845-6145</p> <p>1c. NYS Unemployment Insurance Employer Registration Number of Insured</p> <p></p> <p>1d. Federal Employer Identification Number of Insured or Social Security Number</p> <p>16-1552965</p>
<p>2. Name and Address of the Entity Requesting Proof of Coverage (Entity Being Listed as the Certificate Holder)</p> <p>City of Buffalo Office of Strategic Planning Attention: Real Estate Division 65 Niagara Square, Rm. 905 City Hall Buffalo, New York 14202</p>	<p>3a. Name of Insurance Carrier</p> <p>National Union Fire Insurance Company of Pittsburgh, PA</p> <p>3b. Policy Number of entity listed in box "1a"</p> <p>WC-019396860</p> <p>3c. Policy effective period</p> <p>07/06/2013 to 07/06/2014</p> <p>3d. The Proprietor, Partners or Executive Officers are</p> <p><input checked="" type="checkbox"/> included. (Only check box if all partners/officers included)</p> <p><input type="checkbox"/> all excluded or certain partners/officers excluded.</p>

This certifies that the insurance carrier indicated above in box "3" insures the business referenced above in box "1a" for workers' compensation under the New York State Workers' Compensation Law. (To use this form, New York (NY) must be listed under Item 3A on the **INFORMATION PAGE** of the workers' compensation insurance policy). The Insurance Carrier or its licensed agent will send this Certificate of Insurance to the entity listed above as the certificate holder in box "2".

The Insurance Carrier will also notify the above certificate holder within 10 days IF a policy is canceled due to nonpayment of premiums or within 30 days IF there are reasons other than nonpayment of premiums that cancel the policy or eliminate the insured from the coverage indicated on this Certificate. (These notices may be sent by regular mail.) Otherwise, this Certificate is valid for one year after this form is approved by the insurance carrier or its licensed agent, or until the policy expiration date listed in box "3c", whichever is earlier.

Please Note: Upon the cancellation of the workers' compensation policy indicated on this form, if the business continues to be named on a permit, license or contract issued by a certificate holder, the business must provide that certificate holder with a new Certificate of Workers' Compensation Coverage or other authorized proof that the business is complying with the mandatory coverage requirements of the New York State Workers' Compensation Law.

Under penalty of perjury, I certify that I am an authorized representative or licensed agent of the insurance carrier referenced above and that the named insured has the coverage as depicted on this form.

Approved by: Yesenia Rodriguez
(Print name of authorized representative or licensed agent of insurance carrier)

Approved by: [Signature] 8-9-13
(Signature) (Date)

Title: Underwriting Clerk

Telephone Number of authorized representative or licensed agent of insurance carrier: 1800 645 2259

Please Note: Only insurance carriers and their licensed agents are authorized to issue Form C-105.2. Insurance brokers are NOT authorized to issue it.

**APPROVED
AS TO FORM ONLY**

C-105.2 (9-07)

www.wcb.state.ny.us

By [Signature] 8.12.13
Corporation Counsel



CERTIFICATE OF LIABILITY INSURANCE

LCS5I-1

OP ID: TF

DATE (MM/DD/YYYY)
08/08/13

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER M & T Insurance Agency, Inc. 285 Delaware Avenue, Ste 4000 Buffalo, NY 14202	716-853-7960	CONTACT NAME:	
	716-651-4290	PHONE (A/C, No, Ext):	FAX (A/C, No):
		E-MAIL ADDRESS:	
		INSURER(S) AFFORDING COVERAGE	NAIC #
		INSURER A : Crum & Forster Specialty	44520
INSURED Lender Consulting Services Inc BMS Drilling Services Inc Construction Lending Services Inc 40 La Riviere Dr.Ste 120 Buffalo, NY 14202		INSURER B :	
		INSURER C :	
		INSURER D :	
		INSURER E :	
		INSURER F :	

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY	X	EPK-101563	07/06/13	07/06/14	EACH OCCURRENCE \$ 5,000,000
	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY					DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 50,000
	<input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR					MED EXP (Any one person) \$ 5,000
	<input checked="" type="checkbox"/> Contractual Liab					PERSONAL & ADV INJURY \$ 5,000,000
						GENERAL AGGREGATE \$ 5,000,000
						PRODUCTS - COMP/OP AGG \$ 5,000,000
						GEN'L AGGREGATE LIMIT APPLIES PER:
	<input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PROJECT <input type="checkbox"/> LOC.					
	AUTOMOBILE LIABILITY					COMBINED SINGLE LIMIT (Ea accident) \$
	<input type="checkbox"/> ANY AUTO	<input type="checkbox"/> SCHEDULED AUTOS				BODILY INJURY (Per person) \$
	<input type="checkbox"/> ALL OWNED AUTOS	<input type="checkbox"/> NON-OWNED AUTOS				BODILY INJURY (Per accident) \$
	<input type="checkbox"/> HIRED AUTOS					PROPERTY DAMAGE (Per accident) \$
	UMBRELLA LIAB					EACH OCCURRENCE \$
	EXCESS LIAB	<input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS-MADE				AGGREGATE \$
	DED <input type="checkbox"/> RETENTION \$					\$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY					WC STATUTORY LIMITS <input type="checkbox"/> OTH-ER <input type="checkbox"/>
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	N/A				E.L. EACH ACCIDENT \$
	If yes, describe under DESCRIPTION OF OPERATIONS below					E.L. DISEASE - EA EMPLOYEE \$
						E.L. DISEASE - POLICY LIMIT \$
A	Pollution Liab		EPK-101563-OCCURRENCE	07/06/13	07/06/14	Per Occur 5,000,000
A	Professional Liab		EPK-101563-CLAIMS MADE	07/06/13	07/06/14	Aggregate 5,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

RE: Phase I Environmental Site Assessment - 71 NYL and W RR, Buffalo, NY
City of Buffalo is included as Additional Insured under the General Liability coverage if required by written contract.

CERTIFICATE HOLDER

CANCELLATION

City of Buffalo Office of Strategic Planning Attn Real Estate Division 65 Niagara Sq. Rm 905 City Hall Buffalo, NY 14202 APPROVED TO FORM ONLY	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE <i>John P. Rinaldi</i>

By *John P. Rinaldi* 8.12.13

Additional Instructions for Form DB-120.1

By signing this form, the insurance carrier identified in Box "3" on this form is certifying that it is insuring the business referenced in Box "1a" for disability benefits under the New York State Disability Benefits Law. The insurance carrier or its licensed agent will send this Certificate of Insurance to the entity listed as the certificate holder in Box "2". **This certificate is valid for the earlier of one year after this form is approved by the insurance carrier or its licensed agent, or the policy expiration date listed in Box "3c".**

Please Note: Upon the cancellation of the disability benefits policy indicated on this form, if the business continues to be named on a permit, license or contract issued by a certificate holder, the business must provide that certificate holder with a new Certificate of NYSDisability Benefits Coverage or other authorized proof that the business is complying with the mandatory coverage requirements of the New York State Disability Benefits Law.

DISABILITY BENEFITS LAW

Section 220 Subd. 8

(a) The head of state or municipal department, board, commission or office authorized or required by law to issue any permit for or in connection with any work involving the employment of employees in employment as defined in this article, and notwithstanding any general or special statute requiring or authorizing the issue of such permits, shall not issue such permit unless proof duly subscribed by an insurance carrier is produced in a form satisfactory to the chair, that the payment of disability benefits for all employees has been secured as provided by this article. Nothing herein, however, shall be construed as creating any liability on the part of such state or municipal department, board, commission or office to pay any disability benefits to any such employee if so employed.

(b) The head of state or municipal department, board, commission, or office authorized or required by law to enter into any contract for or in connection with any work involving the employment of employees in employment as defined in this article, and notwithstanding any general or special statute requiring or authorizing any such contract, shall not enter into any such contract unless proof duly subscribed by an insurance carrier is produced in a form satisfactory to the chair, that the payment of disability benefits for all employees has been secured as provided by this article.

ATTACHMENT 4

PREVIOUS ENVIRONMENTAL INVESTIGATIONS

Excerpted from Ensol Inc. Phase II Environmental Assessment (April 2013)

- Table 1: Summary of Laboratory Analytical Results
- Figure 2: Test Pit Location Map

- Table 4-1: 67 LaSalle Soil Sample Analytical Results (Golder, August 2013)
- Figure 4-1: 67 LaSalle Avenue Supplemental Investigation Test Pit Locations

Under Separate Cover

- PHASE I ENVIRONMENTAL SITE ASSEMENT (LCS Inc., August 2013)

ATTACHMENT 4

LEGACY LASALLE LLC
89 LASALLE AVENUE SITE
BROWNFIELD CLEANUP PROGRAM

PREVIOUS ENVIRONMENTAL INVESTIGATIONS

A Phase I ESA conducted in August 2013 by LCS Inc. for the 89 LaSalle Avenue BCP Site properties (attached) discussed historical environmental investigations related to the portions of the proposed BCP Site and adjacent properties. The Phase I ESA environmental database records search indicated that the 89 LaSalle BCP Site and/or immediately adjacent properties were presumably identified as being a portion of the following:

- A New York Department of Environmental Conservation (NYSDEC) Voluntary Cleanup Program (VCP) and Federal Brownfield listing for the Main-LaSalle Revitalization Project addressed at LaSalle Avenue and Main Street. This site consists of a seven acre lot located along historic railroad tracks, and an abandoned municipal landfill which is now the site of a municipal park. The landfill was originally utilized as a quarry which was partially filled with municipal waste in the 1950s and 1960s. This site was once listed on the NYSDEC's registry for inactive hazardous waste disposal sites but was delisted when investigation identified no evidence of hazardous waste. Low levels of contamination detected on this site may have been associated with the ash, cinders, railroad ballast and demolition debris found. The primary contaminants of concern included polycyclic aromatic hydrocarbons and metals. A limited groundwater evaluation revealed no contamination associated with waste disposal. Native soils and fill from the site were excavated from the top of the bedrock (two to ten feet below the surface) and covered with clean soil. The cleanup was completed in 1999 and is now the location of a housing development. The status of this site is listed as a "historic VCP".
- LaSalle Reservoir was identified as two NYSDEC sites and a Federal CERCLIS NFRAP. This site was an approximately 50 acre site which was a former limestone quarry which was later utilized by the City of Buffalo as a landfill for municipal refuse, incinerator ash, household appliances, tree parts and construction and demolition debris. In addition, this site was suspected of receiving paint wastes mixed with sawdust, floor sweepings and refuse from the Buffalo Forge Company. Environmental assessment completed at this site have not indicated that any of the above were disposed of at this site by Buffalo Forge Company and contaminants found in groundwater are consistent with the site's historic use as a solid waste landfill.

No further information was provided as part of the Phase I ESA findings on the referenced investigations associated with the descriptions above.

In March 2013, Legacy LaSalle LLC (Legacy) retained EnSol Inc. to conduct a limited environmental investigation of the 89 LaSalle properties and the City of Buffalo property (i.e., 71 Cordova Ave.) to assess the potential eligibility of these parcels for the New York Brownfield

ATTACHMENT 4

LEGACY LASALLE LLC
89 LASALLE AVENUE SITE
BROWNFIELD CLEANUP PROGRAM

Cleanup Program. A copy of the Limited Phase II Investigation report has been included as part of this Attachment.

The investigation of these properties consisted of:

- Advancement of 10 test pits to a maximum depth of 15 feet below ground surface with a minimum of two test pits in the area of a suspected Underground Storage Tank (UST) (no tank was found in the field);
- Visual and olfactory inspection of soil samples as well as headspace screening with a photoionization detector; and,
- Analysis of six soil samples for target compounds list (TCL) volatile organic compounds (VOCs), TCL semi volatile organic compounds (SVOCs), target analyte list (TAL) metals, cyanide, polychlorinated biphenyls (PCBs), herbicides, and pesticides via United States Environmental Protection Agency (USEPA) SW-846 Test Methods 8260, 8270, 6010/7470, 9012, 8082, 8151, and 8081, respectively.

The results of the test pit soil sampling investigation indicated that concentrations of certain SVOC, metals and pesticide compounds were detected at concentrations exceeding the 6 NYCRR Part 375 soil cleanup objectives for residential or restricted uses at several locations on the properties. No definitive pattern of impact was found and concentrations in excess of SCOs in soil/fill were found to be widespread across the six sample locations.

A summary of the soil sampling results for the test pit locations is presented in Table 1 of the Limited Phase II ESA (attached herein) and a site map illustrating sample locations on the property is presented on Figure 2–Test Pit Location Map, is also attached.

A supplemental Phase II investigation of the 67 LaSalle parcel was conducted by Golder Associates on August 6, 2013. This investigation consisted of collecting two composite soil samples from the sidewalls and bottom of shallow test pits located on the parcel. Each test pit was excavated to bedrock refusal approximately 3 to 3.5 feet below grade surface. The lithology of the test pits indicated a predominant layer of dark fill (possibly consisting of cinders or ash-like material) mixed with gravel in the upper 1 to 1.5 feet of both test pits with the remaining depth consisting of soils with large quantities of stone or gravel. A representative composite sample was collected from each test pit for the analysis of TCL SVOCs, TAL metals, PCBs, and TCL herbicides and pesticides. The location of these test pits are shown on Figure 4-1 and

In one of the test pits (TP67-1), a total of seven (7) semi-volatile organic compounds (SVOCs) and one metal were detected at concentrations exceeding the 6 NYCRR Part 375 Restricted Residential Soil Cleanup Objectives (SCOs). No other compounds analyzed were detected above

ATTACHMENT 4

LEGACY LASALLE LLC
89 LASALLE AVENUE SITE
BROWNFIELD CLEANUP PROGRAM

Part 375 SCOs. Please refer to Table 4-1 for a summary of the sample results for all detected constituents in both test pits. Analytical testing of the samples was performed by Paradigm Environmental Services.

TABLE 1
SUMMARY OF LABORATORY ANALYTICAL DATA RESULTS

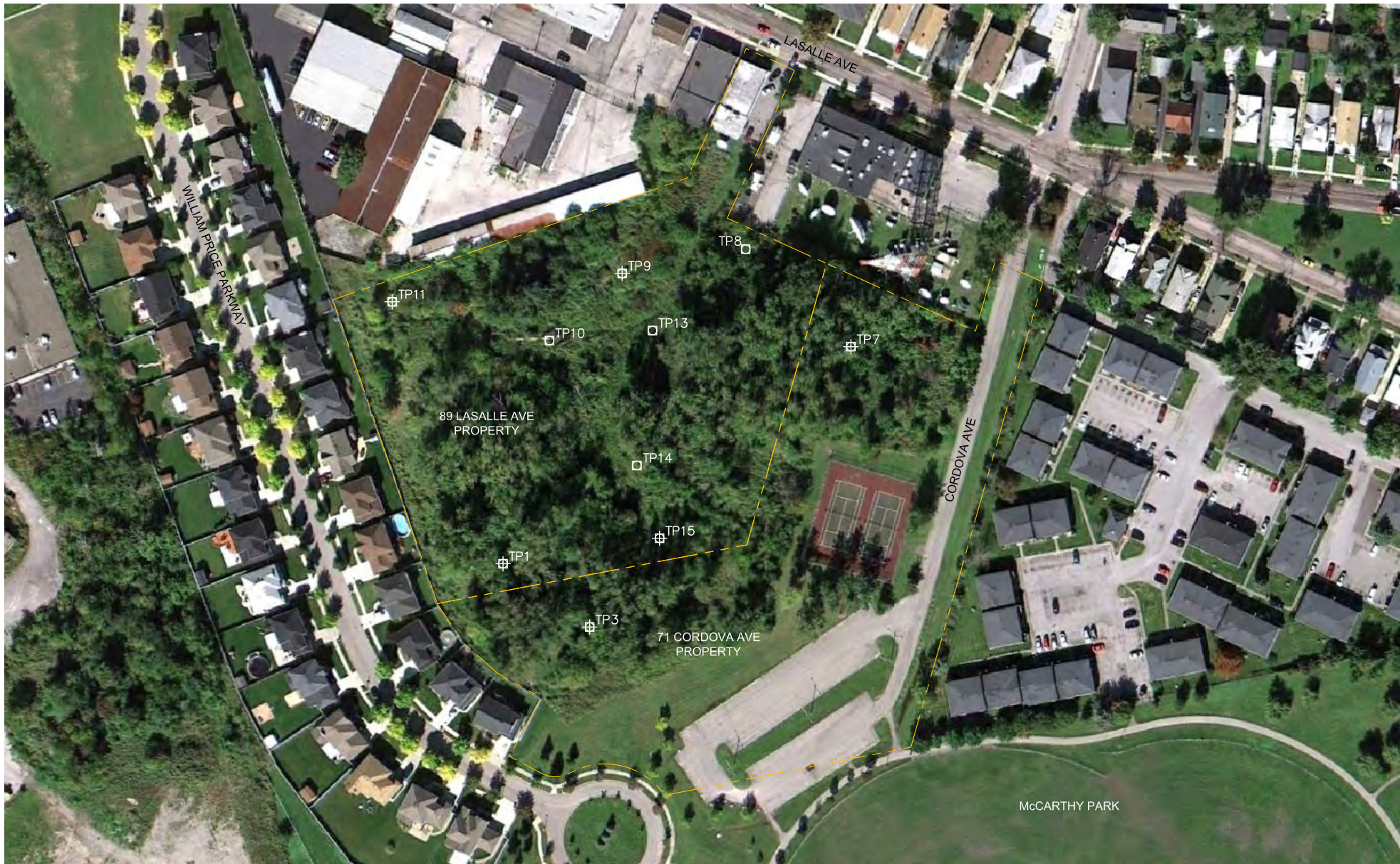
LEGACY DEVELOPMENT
89 LASALLE AVE SITE
BUFFALO, NY

Site ID: 89 LaSalle Ave, Buffalo, NY		NYSDEC PART 375 UNRESTRICTED USE SCOs	NYSDEC PART 375 RESIDENTIAL USE SCOs	NYSDEC PART 375 RESTRICTED RESIDENTIAL USE SCOs	TP-1	TP-3	TP-7	TP-9	TP-11	TP-15
Lab ID: 130847					SOIL / FILL	SOIL / FILL	SOIL / FILL	SOIL / FILL	SOIL / FILL	SOIL / FILL
Date Sample Collected:3/7/13					3/7/13	3/7/13	3/7/13	3/7/13	3/7/13	3/7/13
Sample Depth: Various - Composite					0-10' Comp	0-10' Comp	0-8' Comp	0-6' Comp	0-3' Comp	0-12' Comp
Parameter	Units	mg/Kg	mg/Kg	mg/Kg	mg/Kg	mg/Kg	mg/Kg	mg/Kg	mg/Kg	mg/Kg
Semi Volatile Organics										
Acenaphthylene	mg/Kg	100	100	100	ND	ND	ND	ND	ND	0.540
Anthracene	mg/Kg	100	100	100	ND	0.980 J	0.570	ND	1.10 J	0.800
Benzo (a) anthracene	mg/Kg	1	1	1	0.200 J	2.4	0.970	0.560	3.80	2.20
Benao (a) pyrene	mg/Kg	1	1	1	0.190 J	2.5	0.780	0.540	3.70	2.00
Benzo (b) fluoranthene	mg/Kg	1	1	1	0.190 J	2.0	0.760	0.470	3.80	2.10
Benzo (g,h,i) perylene	mg/Kg	100	100	100	ND	1.7	0.430	0.360	2.50	1.40
Benzo (k) fluoranthene	mg/Kg	0.8	1	3.9	0.200 J	2.1	0.590	0.470	2.80	1.60
Carbazole	mg/Kg	-	-	-	ND	ND	0.240 J	ND	ND	0.260 J
Chrysene	mg/Kg	1	1	3.9	0.200 J	2.6	0.990	0.600	4.20	2.30
Dibenzo (a,h) anthracene	mg/Kg	0.33	0.33	0.33	ND	ND	ND	ND	ND	0.320 J
Dibenzofuran	mg/Kg	-	-	-	ND	ND	0.180 J	ND	ND	ND
Fluoranthene	mg/Kg	100	100	100	0.36	4.8	2.10	1.0	8.70	4.40
Fluorene	mg/Kg	30	100	100	ND	ND	0.260 J	ND	ND	0.210 J
Indeno (1,2,3 - cd) pyrene	mg/Kg	0.5	0.5	0.5	ND	2.2	0.610	0.540	3.50	1.60
Phenanthrene	mg/Kg	100	100	100	0.200 J	3.4	2.10	0.510	5.10	2.40
Pyrene	mg/Kg	100	100	100	0.310 J	4.3	1.80	0.930	7.30	3.70
TAL Metals										
Alluminum	mg/Kg	-	-	-	9,300	7,300	9,400	10,000	6,100	3,500
Arsenic	mg/Kg	13	16	16	36	6.9	9.3	8.6	11	68
Barium	mg/Kg	350	350	400	69	160	150	100	92	100
Beryllium	mg/Kg	7.2	14	72	0.43	0.51	0.57	0.56 J	0.52 J	0.37 J
Cadmium	mg/Kg	2.5	2.5	4.3	0.56	1.3	1.3	5.1	0.71	1.1
Calcium	mg/Kg	-	-	-	56,000	39,000	65,000	31,000	19,000	23,000
Chromium	mg/Kg	30	36	180	17	16	19	19	17	15
Cobalt	mg/Kg	-	30 ⁽¹⁾	-	4.5	6.1	6.0	6.2	4.2 J	3.2 J
Copper	mg/Kg	50	270	270	30	52	100	69	25	56
Cyanide	mg/Kg	27	27	27	ND	1.2	ND	ND	1.1	ND
Hexavalent Chromium	mg/Kg	1	22	110	ND	ND	4.49	ND	ND	ND
Iron	mg/Kg	-	2,000 ⁽¹⁾	-	19,000	15,000	20,000	24,000	14,000	11,000
Lead	mg/Kg	63	400	400	51	200	350	130	79	260
Magnesium	mg/Kg	-	-	-	6,000	9,100	24,000	5,200	6,000	3,400
Manganese	mg/Kg	1,600	2,000	2,000	310	310	260	570	310	180
Mercury	mg/Kg	0.18	0.81	0.81	0.14	0.45	0.29	0.79	0.17	0.31
Nickel	mg/Kg	30	140	310	15	19	18	23	19	16
Potassium	mg/Kg	-	-	-	1,100	1,400	2,200	1,500	1,200	460
Silver	mg/Kg	2	36	180	0.90	0.65	1.1	ND	ND	ND
Sodium	mg/Kg	-	-	-	170	230	300	ND	ND	150 J
Thallium	mg/Kg	-	-	-	1.9	ND	1.5 J	ND	ND	ND
Vanadium	mg/Kg	-	100 ⁽¹⁾	-	19	21	26	25	18	10
Zinc	mg/Kg	109	2,200	10,000	150	330	430	550	170	470
Pesticides and Herbicides										
Silvex	mg/Kg	3.8	58	100	0.0058	0.0057	0.0060	0.0061	0.0055	0.0058
4,4-DDT	mg/Kg	0.0033	1.7	7.9	0.0018 J	ND	ND	ND	ND	7.0 C
Endosulfan Sulfate	mg/Kg	2.4	4.8	24	ND	0.0044 C	ND	ND	ND	ND
Endrin Ketone	mg/Kg	-	-	-	ND	0.010 C	ND	ND	ND	ND
Dieldrin	mg/Kg	0.005	0.039	0.2	ND	ND	ND	ND	ND	5.5 C
PCBs										
PCB-1254	mg/Kg	0.1	1	1	ND	ND	ND	ND	ND	0.036
PCB-1260	mg/Kg	0.1	1	1	ND	ND	ND	ND	ND	0.024 J
Volatile Organics										
2-Butanone	mg/Kg	-	100 ⁽¹⁾	-	ND	ND	ND	ND	ND	0.027
Acetone	mg/Kg	0.05	100	100	ND	ND	ND	ND	ND	0.210
Carbon disulfide	mg/Kg	-	100 ⁽¹⁾	-	ND	ND	ND	ND	ND	0.0045
m,p-Xylene	mg/Kg	0.26	100	100	ND	0.0021 J	ND	0.0022 J	ND	0.0049
Methylene Chloride	mg/Kg	0.05	51	100	0.18	ND	ND	ND	ND	ND

Notes:

Bold type	Exceedence of NYSDEC Part 375 UNRESTRICTED USE soil cleanup objective
Bold type	Exceedence of NYSDEC Part 375 RESIDENTIAL USE soil cleanup objective
Bold type	Exceedence of NYSDEC Part 375 RESTRICTED RESIDENTIAL USE soil cleanup objective
⁽¹⁾	Supplemental Soil Cleanup Objective from NYSDEC Commissioner's Policy CP-51
J	estimated value
C	Concentration verified by GC/MS
ND	Non-detect
mg/Kg	Millograms/Kilogram (parts per million)
(-)	No SCO available for this parameter

X:\AA\Legacy Development\13-0010 Phase II - 89 LaSalle Ave\Report\acad13-0010-F01_02-Site Map and Test Pits.dwg, 4/26/2013 10:27:13 AM, kpelletti



NOTES:

1. PHASE II ESA FIELD WORK COMPLETED ON MARCH 7, 2013

LEGEND:

- TP8 TEST PIT LOCATION
- TP1 TEST PIT WITH SAMPLE LOCATION
- PROPERTY LINE



SCALE: 80' 0' 80' 160'

TEST PIT LOCATION MAP
PHASE II ENVIRONMENTAL SITE ASSESSMENT

LEGACY DEVELOPMENT, LLC.
CITY OF BUFFALO, STATE OF NEW YORK

EnSol, Inc.
Environmental Solutions

661 MAIN STREET
NIAGARA FALLS, NY 14301
PHONE (716) 285-3920
FAX (716) 285-3928

APRIL 2013

PN: 13-0010

FIGURE
2

TABLE 4-1
SOIL SAMPLE ANALYTICAL RESULTS
DETECTIONS ONLY
LEGACY LASALLE LLC
BUFFALO, NY

Paradigm Lab ID	NYSDEC Part 375 Residential Soil Cleanup Objectives	NYSDEC Part 375 Restricted Residential Soil Cleanup Objectives	133004-01	133004-03
Adirondack Lab ID			130808015-001	130808015-002
Sample Date			8/6/2013	8/6/2013
Sample ID			TP67-1	TP67-2
Units			PPM	PPM
Volatile Organics by GC/MS (US EPA Methods 8260B, 5035 Mod.)				
Acetone	100	100	0.0191 ^{J, B}	0.0198 ^{J, B}
m,p-Xylene	100	100	ND	0.0022 ^J
Methylene chloride	51	100	0.00691 ^J	0.00751 ^J
Tetrachloroethene	5.5	19	0.00591	0.00712
Semivolatile Organics by GC/MS (US EPA Methods 8270C, 3550C)				
2-Methylnapthalene	NV	NV	ND	0.284 ^J
Acenaphthene	100	100	0.515 ^J	ND
Acenaphthylene	100	100	0.35 ^J	ND
Anthracene	100	100	1.97	ND
Benz(a)anthracene	1	1	4.47	0.445
Benzo(a)pyrene	1	1	3.57	0.441
Benzo(b)fluoranthene	1	1	3.73	0.478
Benzo(g,h,i)perylene	100	100	1.87	0.3
Benzo(k)fluoranthene	1	3.9	3	0.397
Carbazole	NV	NV	0.723	ND
Chrysene	1	3.9	4.49	0.528
Dibenz(a,h)anthracene	0.33	0.33	0.667 ^J	ND
Dibenzofuran	NV	NV	0.407 ^J	ND
Fluoranthene	100	100	9.19	0.771
Fluorene	100	100	0.772	ND
Indeno(1,2,3-cd)pyrene	0.5	0.5	1.99	0.267
Phenanthrene	100	100	7.3	0.503
Pyrene	100	100	7.43	0.688
Mercury (US EPA Method 7471B)				
Mercury	0.81	0.81	0.256	0.0716
TAL Metals (ICP) (US EPA Methods 6010C, 3050)				
Aluminum	NV	NV	12,100	6,790
Arsenic	16	16	7.53	3.76
Barium	350	400	224	78.3
Beryllium	14	72	0.791	0.67
Cadmium	2.5	4.3	1.74	0.425 ^J
Calcium	NV	NV	22,900	42,400
Chromium	22*	110*	21.9	13.2
Cobalt	NV	NV	9.47	9.49
Copper	270	270	54.3	26.8
Iron	NV	NV	32,300	23,100
Lead	400	400	505	49.2
Magnesium	NV	NV	6,090	5,210
Manganese	2,000	2,000	1,510	336
Nickel	140	310	25.8	23.2
Potassium	NV	NV	1,110	750
Selenium	36	180	1.58	ND
Sodium	NV	NV	172 ^J	ND
Vanadium	NV	NV	32.2	20.3
Zinc	2,200	10,000	474	71.1

TABLE 4-1
SOIL SAMPLE ANALYTICAL RESULTS
DETECTIONS ONLY
LEGACY LASALLE LLC
BUFFALO, NY

Paradigm Lab ID	NYSDEC Part 375 Residential Soil Cleanup Objectives	NYSDEC Part 375 Restricted Residential Soil Cleanup Objectives	133004-01	133004-03
Adirondack Lab ID			130808015-001	130808015-002
Sample Date			8/6/2013	8/6/2013
Sample ID			TP67-1	TP67-2
Units			PPM	PPM
PCBs (US EPA Methods 8082A, 3550C)				
PCB-1254	1	1	ND	0.022 ^J
Chlorinated Pesticides (US EPA Methods 8081B, 3550C)				
4,4-DDD	2.6	13	0.00266 ^{C, J}	ND
4,4-DDE	1.8	8.9	0.00491 ^C	0.00262 ^J
4,4-DDT	1.7	7.9	0.00509 ^C	ND
alpha-BHC	0.097	0.48	0.00185 ^{C, J}	ND
cis-Chlordane	NV	NV	0.00224 ^{C, J}	ND
Endrine Aldehyde	NV	NV	0.0053 ^C	ND
Endrine Ketone	NV	NV	0.00663 ^C	ND
Chlorinated Herbicides (US EPA Method SW8151A Mod.)				
Total Cyanide (US EPA Method SW9012)				
Hexavalent Chromium (US EPA Method SW7196A Mod.)				
pH (US EPA Method SW9045D) (Not Certifiable) (pH units)				
pH	NV	NV	8.1	8.2
Moisture Content ASTM D2216) (wt %)				
Percent Moisture	NV	NV	20.8	15

Footnotes:

Hg, TAL Metals, PCBs, Chlor. Pests., SVOCs, and VOCs analyses performed by Paradigm Environmental Services Inc.
Chlor. Herbs., Tot. Cyanide, Hex. Chrom., pH, and Moisture Content analyses performed by Adirondak Environmental Services Inc.

* = Hexavalent Chromium SCO used.

BOLD = Value exceeds the Restricted Residential SCO.

ND = Not Detected above the quantitation limit.

NV = No guidance value.

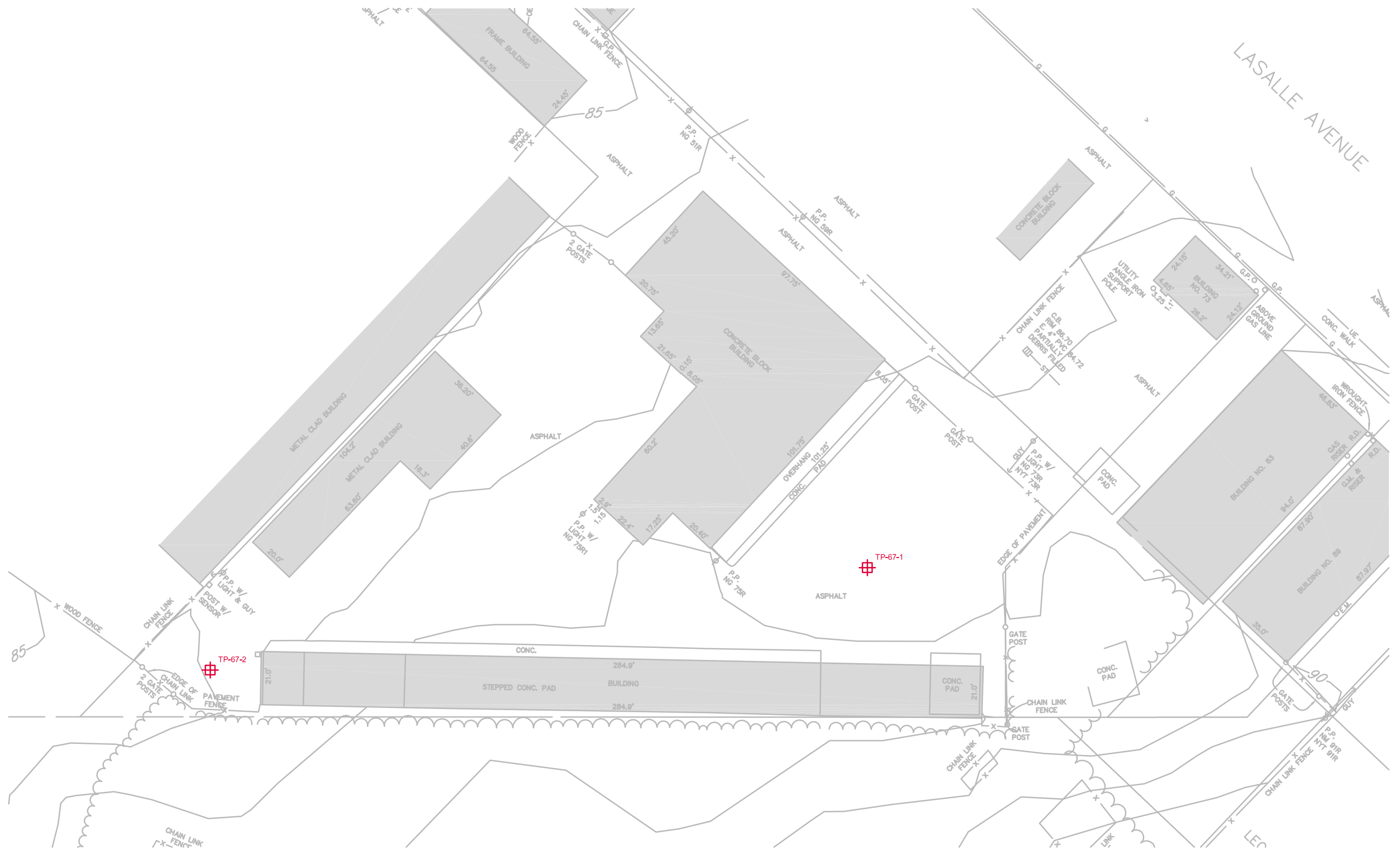
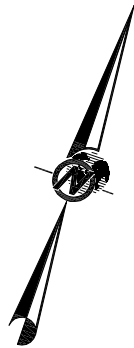
Qualifications:

^B = Analyte detected in the method blank.

^C = Concentration differs by more than 40% between the primary and secondary analytical columns.

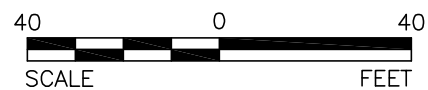
^J = Result estimated between the quantitation limit and half the quantitation limit.

Table by: AML
Checked by: DMP
Reviewed by: PTM




LEGEND

 TP-67-1
TEST PIT LOCATION



REFERENCE

BASE MAP PROVIDED BY McINTOSH & McINTOSH, P.C.; TOPOGRAPHICAL MAP OF PART OF LOT-46, TWP.-11, R.-8, HOLLAND PURCHASE, JOB NO. 8007-A; DATED MARCH 20, 2012.

 Golder Associates Mt. Laurel, New Jersey		SCALE	AS SHOWN	TITLE 67 LASALLE AVENUE SUPPLEMENTAL INVESTIGATION TEST PIT LOCATIONS	
		DATE	08/29/13		
		DESIGN	AML		
		CADD	DJC		
FILE No. 1300732A004		CHECK	PTM	LEGACY LASALLE LLC	
PROJECT No. 1300732		REV. 0	REVIEW		
				FIGURE	4-1

ATTACHMENT 5

Listing of Previous Site Owners/Operators

ATTACHMENT 5 - page 1

LEGACY LASALLE, LLC
BROWNFIELD CLEANUP PROGRAM

LISTING OF PREVIOUS SITE OWNERS

<u>PARCEL: 67 LaSalle /SBL 79.70-2-18 (1.25 Acres)</u>				
OWNER NAME	DATES OF OWNERSHIP/OCCUPANCY	NOTES	RELATIONSHIP TO REQUESTOR	LAST KNOWN TELEPHONE AND ADDRESS
Ruth L. de la Plante	4/14/1936 to 10/24/1944		NONE	Unknown
Louis W. Haese	10/24/1944 to 2/19/1945		NONE	Unknown
The City of Buffalo	2/19/1945 to 6/2/1945		NONE	203 City Hall Buffalo, NY 14202 (716) 851-5922
Joseph G. Neville	6/2/1945 to 6/29/1973		NONE	Unknown
Elizabeth H. Neville	6/29/1973 to 9/1/1973		NONE	Unknown
Gregg Neville Lumber Company, Inc.	9/1/1973 to 7/31/2012	Changed name to Neville Lumber Co., Inc. on 10/3/1974, and to Neville Manufacturing, Service and Distribution, Inc. on 11/2/2006	NONE	2320 Clinton Street Cheektowaga, NY 14227 (716) 834-3038
Legacy LaSalle, LLC	7/31/2012 to Present		Requestor	

ATTACHMENT 5 - page 2

LEGACY LASALLE, LLC BROWNFIELD CLEANUP PROGRAM

<u>PARCEL: 89 LaSalle /SBL 79.70-2-11 (0.15 acres)</u>				
<i>PARCEL A</i>				
OWNER NAME	DATES OF OWNERSHIP/OCCUPANCY	NOTES	RELATIONSHIP TO REQUESTOR	LAST KNOWN TELEPHONE AND ADDRESS
Joseph Neville	6/2/1945 to 4/16/1947		NONE	Unknown
Charles P. Moore	4/16/1947 to 9/9/1955		NONE	Unknown
Theodore G. Callisto and Dorothy Callisto, his wife	9/9/1955 to 8/12/1968		NONE	Unknown
Dynamic Land Co., Inc.	8/12/1968 to 8/13/1968		NONE	Unknown
Leonard E. Walk, James H. Rich, Bernard M. Friedman and Joseph J. Basset, Jr.	8/13/1968 to 7/16/1973		NONE	Unknown
Leonard E. Walk, James H. Rich and Bernard M. Friedman	7/16/1973 to 8/1/2000		NONE	Unknown
Florence Z. Walk, individually, Florence Z. Walk, Gary Walk, Ellen Seiferth and David Walk, as Trustees under the Will of Leonard E. Walk, dated October 15, 1991, and James H. Rich and Bernard M. Friedman	8/1/2000 to 7/26/2012		NONE	Ellen Seiforth 4243 Washington Boulevard Indianapolis, IN 46205-2618 (317) 924-0751

ATTACHMENT 5 - page 3

LEGACY LASALLE, LLC BROWNFIELD CLEANUP PROGRAM

Legacy LaSalle, LLC	7/26/2012 to Present		Requestor	
Sheridan Broadcasting Corporation (Leasehold)	7/1/1987 to 6/30/2013		Lessee	960 Penn Ave. #200 Pittsburgh, PA 15222 (412) 956-4040
<i>PARCEL B</i>				
OWNER NAME	DATES OF OWNERSHIP/OCCUPANCY	NOTES	RELATIONSHIP TO REQUESTOR	LAST KNOWN TELEPHONE AND ADDRESS
Joseph Neville	6/2/1945 to 10/15/1946		NONE	Unknown
Buffalo Crushed Stone Corporation	10/15/1946 to 8/18/1955		NONE	2544 Clinton Street P.O. Box 710 Buffalo, NY 14224 (716) 826-7310
Charles P. Moore	8/18/1955 to 9/9/1955		NONE	Unknown
Theodore G. Callisto and Dorothy Callisto, his wife	9/9/1955 to 8/12/1968		NONE	Unknown
Dynamic Land Co., Inc.	8/12/1968 to 8/13/1968		NONE	Unknown
Leonard E. Walk, James H. Rich, Bernard M. Friedman and Joseph J. Basset, Jr.	8/13/1968 to 7/16/1973		NONE	Unknown
Leonard E. Walk, James H. Rich and Bernard M. Friedman	7/16/1973 to 8/1/2000		NONE	Unknown

ATTACHMENT 5 - page 4

LEGACY LASALLE, LLC BROWNFIELD CLEANUP PROGRAM

Florence Z. Walk, individually, Florence Z. Walk, Gary Walk, Ellen Seiferth and David Walk, as Trustees under the Will of Leonard E. Walk, dated October 15, 1991, and James H. Rich and Bernard M. Friedman	8/1/2000 to 7/26/2012		NONE	Ellen Seiforth 4243 Washington Boulevard Indianapolis, IN 46205-2618 (317) 924-0751
Legacy LaSalle, LLC	7/26/2012 to Present		Requestor	
Sheridan Broadcasting Corporation (Leasehold)	7/1/1987 to 6/30/2013		Lessee	960 Penn Ave. #200 Pittsburgh, PA 15222 (412) 456-4040

ATTACHMENT 5 - page 5

LEGACY LASALLE, LLC BROWNFIELD CLEANUP PROGRAM

<u>PARCEL: 89 LaSalle /SBL 79.70-2-17 (4.52 Acres)</u>				
<i>PARCEL C</i> <i>(A portion of former SBL 79.70-2-17.1)</i>				
OWNER NAME	DATES OF OWNERSHIP/OCCUPANCY	NOTES	RELATIONSHIP TO REQUESTOR	LAST KNOWN TELEPHONE AND ADDRESS
Joseph Neville	6/2/1945 to 10/15/1946		NONE	Unknown
Buffalo Crushed Stone Corporation	10/15/1946 to 5/19/1960		NONE	2544 Clinton Street P.O. Box 710 Buffalo, NY 14224 (716) 826-7310
Houdaille Industries, Inc.	5/19/1960 to 3/25/1965		NONE	Unknown
WEBR, Inc.	3/25/1965 to 12/31/1965		NONE	Unknown
Courier Cable Company, Inc.	12/31/1965 to 6/6/1974		NONE	1918 Liberty Bank Building Buffalo, NY 14202
Leonard E. Walk, James H. Rich and Bernard M. Friedman	6/6/1974 to 8/1/2000		NONE	Unknown
Florence Z. Walk, individually, Florence Z. Walk, Gary Walk, Ellen Seiferth and David Walk, as Trustees under the Will of	8/1/2000 to 7/26/2013		NONE	Ellen Seiforth 4243 Washington Boulevard Indianapolis, IN 46205-2618

ATTACHMENT 5 - page 6

LEGACY LASALLE, LLC BROWNFIELD CLEANUP PROGRAM

Leonard E. Walk, dated October 15, 1991, and James H. Rich and Bernard M. Friedman				
Legacy LaSalle, LLC	7/26/2013 to Present		Requestor	
<i>PARCEL D</i> (A portion of former SBL 79.70-2-17.1)				
OWNER NAME	DATES OF OWNERSHIP/OCCUPANCY	NOTES	RELATIONSHIP TO REQUESTOR	LAST KNOWN TELEPHONE AND ADDRESS
Joseph Neville	6/2/1945 to 12/22/1969		NONE	Unknown
Leonard E. Walk, James H. Rich, Bernard M. Friedman and Joseph J. Basset, Jr.	12/22/1969 to 7/16/1973		NONE	Unknown
Leonard E. Walk, James H. Rich and Bernard M. Friedman	7/16/1973 to 8/1/2000		NONE	Unknown
Florence Z. Walk, individually, Florence Z. Walk, Gary Walk, Ellen Seiferth and David Walk, as Trustees under the Will of Leonard E. Walk, dated October 15, 1991, and James H. Rich and Bernard M. Friedman	8/1/2000 to 7/26/2012		NONE	Unknown
Legacy LaSalle, LLC	7/26/2012 to Present		Requestor	

ATTACHMENT 5 - page 7

LEGACY LASALLE, LLC BROWNFIELD CLEANUP PROGRAM

<i>PARCEL E</i> <i>(A portion of former SBL 79.70-2-17.1)</i>				
OWNER NAME	DATES OF OWNERSHIP/OCCUPANCY	NOTES	RELATIONSHIP TO REQUESTOR	LAST KNOWN TELEPHONE AND ADDRESS
Buffalo Crushed Stone Corporation	10/15/1946 to 5/19/1960		NONE	2544 Clinton Street P.O. Box 710 Buffalo, NY 14224 (716) 826-7310
Houdaille Industries, Inc.	5/19/1960 to 3/25/1965		NONE	Unknown
WEBR, Inc.	3/25/1965 to 12/31/1965		NONE	Unknown
Courier Cable Company, Inc.	12/31/1965 to 6/6/1974		NONE	1918 Liberty Bank Building Buffalo, NY 14202
Leonard E. Walk, James H. Rich and Bernard M. Friedman	6/6/1974 to 8/1/2000		NONE	Unknown
Florence Z. Walk, individually, Florence Z. Walk, Gary Walk, Ellen Seiferth and David Walk, as Trustees under the Will of Leonard E. Walk, dated October 15, 1991, and James H. Rich and Bernard M. Friedman	8/1/2000 to 7/26/2013		NONE	Ellen Seiferth 4243 Washington Boulevard Indianapolis, IN 46205-2618 (317) 924-0751
Legacy LaSalle, LLC	7/26/2013 to Present		Requestor	

ATTACHMENT 5 - page 8

LEGACY LASALLE, LLC BROWNFIELD CLEANUP PROGRAM

<i>PARCEL F</i> <i>(Former SBL 79.70-2-17.2)</i>				
OWNER NAME	DATES OF OWNERSHIP/OCCUPANCY	NOTES	RELATIONSHIP TO REQUESTOR	LAST KNOWN TELEPHONE AND ADDRESS
Buffalo Crushed Stone Corporation	6/12/1939 to 5/19/1960		NONE	2544 Clinton Street P.O. Box 710 Buffalo, NY 14224 (716) 826-7310
Houdaille Industries, Inc.	5/19/1960 to 8/12/1968		NONE	Unknown
Dynamic Broadcasting of New York, Inc.	8/12/1968 to 8/13/1968		NONE	815 Liberty Bank Building Buffalo, NY 14202
Dynamic Land Co., Inc.	8/13/1968 to 8/13/1968		NONE	Unknown
Leonard E. Walk, James H. Rich, Bernard M. Friedman and Joseph J. Basset, Jr.	8/13/1968 to 7/16/1973		NONE	Unknown
Leonard E. Walk, James H. Rich and Bernard M. Friedman	7/16/1973 to 8/1/2000		NONE	Unknown
Florence Z. Walk, individually, Florence Z. Walk, Gary Walk, Ellen Seiferth and David Walk, as Trustees under the Will of Leonard E. Walk, dated October 15, 1991, and James H. Rich and Bernard M. Friedman	8/1/2000 to 7/26/2012		NONE	Ellen Seiforth 4243 Washington Boulevard Indianapolis, IN 46205-2618 (317) 924-0751

ATTACHMENT 5 - page 9

LEGACY LASALLE, LLC BROWNFIELD CLEANUP PROGRAM

Legacy LaSalle, LLC	7/26/2012 to Present		Requestor	
Sheridan Broadcasting Corporation (Leasehold)	7/1/1987 to 6/30/2013		Sheridan Broadcasting Corporation was the existing tenant when Parcel F was purchased.	Unknown

<u>PARCEL: 71 NYL & WRR /SBL 79.70-2-16.11 (4.71 Acres)</u>				
OWNER NAME	DATES OF OWNERSHIP/OCCUPANCY	NOTES	RELATIONSHIP TO REQUESTOR	LAST KNOWN TELEPHONE AND ADDRESS
Savage and Schmidt, Inc. (formerly known and designated as Buffalo Crushed Stone Company)	Unknown to 6/12/1939		NONE	Unknown
Buffalo Crushed Stone Corporation	6/12/1939 to 5/19/1960		NONE	2544 Clinton Street P.O. Box 710 Buffalo, NY 14224 (716) 826-7310
Houdaille Industries, Inc.	5/19/1960 to 8/12/1968		NONE	Unknown
Dynamic Broadcasting of New York, Inc.	8/12/1968 to 8/13/1968		NONE	815 Liberty Bank Building Buffalo, NY 14202

ATTACHMENT 5 - page 10

LEGACY LASALLE, LLC BROWNFIELD CLEANUP PROGRAM

Dynamic Land Co., Inc.	8/13/1968 to 8/13/1968		NONE	Unknown
Leonard E. Walk, James H. Rich, Bernard M. Friedman and Joseph J. Basset, Jr.	8/13/1968 to 7/16/1973		NONE	Unknown
Leonard E. Walk, James H. Rich and Bernard M. Friedman	7/16/1973 to 12/17/1975		NONE	Unknown
City of Buffalo	12/17/1975 to Present	Legacy LaSalle, LLC is the City of Buffalo's designated developer.	NONE	203 City Hall Buffalo, NY 14202 (716) 851-5922

ATTACHMENT 6

Document Repository Confirmation Letter



August 26, 2013

Project No.1300732

Ms. Carol Ann Batt
COO
Buffalo and Erie County Public Library
1 Lafayette Square
Buffalo, New York 14203

**RE: DOCUMENT REPOSITORY FOR 89 LASALLE AVENUE SITE PROJECT -NYSDEC
BROWNFIELD CLEANUP PROGRAM**

Dear Ms. Batt:

Per my telephone conversation with your colleagues, thank you for approving the East Delevan Branch to act as the document repository for the above-referenced New York State Brownfield Cleanup site. As directed by April, we will be forwarding the Brownfield Cleanup Program Application and associated documents to the Central Branch for distribution to the East Delevan Branch for review by the interested public.

Please contact us if you have any questions or require additional information.

GOLDER ASSOCIATES INC.

A handwritten signature in black ink that reads 'Patrick T. Martin'.

Patrick T. Martin, P.E.
Associate and Senior Consultant

cc: F. Chinnici, Legacy LaSalle



ATTACHMENT 7

Environmental Factors and Historic Land Use Considerations

- **Figure 7-1: Wetlands & Floodplain Map Proposed BCP Site**

ENVIRONMENTAL FACTORS & HISTORIC LAND USE

The location of important federal, state or local natural resources, including waterways, wildlife refuges, wetlands, or critical habitats or endangered or threatened species and flood plains on or proximate to the proposed BCP Site was assessed utilizing the following on-line resources:

- New York State Department of Environmental Conservation (NYSDEC)
- United States Fish & Wildlife Service (USFWS)
- New York State Office of Parks, Recreation and Historic Preservation (NYSOPRHP)
- Federal Emergency Management Agency (FEMA)

According to the NYSDEC's Environmental Resource Mapper (<http://www.dec.ny.gov/animals/38801.html>), no rare plants or animals, state-regulated wetlands, or Natural Communities are near the proposed BCP Site.

According to the USFWS National Wetlands Inventory (<http://www.fws.gov/wetlands/Data/Mapper.html>), there are no federally-regulated wetlands on the proposed BCP Site.

According to the NYSOPRHP GIS-Public Access (<http://nysparks.com/shpo/online-tools/default.aspx>), a small portion of the BCP Site (part of Cordova Avenue) may be within an archeological sensitive buffer zone. According to the NYSOPRHP, the exact location of the sensitive areas are not displayed but are depicted by a randomly placed buffer zone.

According to the FEMA (<http://www.fema.gov/>), the proposed BCP Site is not within a flood plain.

The following provides a brief summary of the findings relative to environmental factors and historic land use:

- There are no federal or state designated wetlands on the proposed BCP Site. There is a federal Freshwater Emergent wetland in McCarthy Park approximately 0.2 miles southeast of the proposed BCP Site.
- There are no protected waterways or water bodies on or proximate to the proposed BCP Site.
- The proposed BCP Site is not located within a designated 100-year floodplain

ATTACHMENT 7

LEGACY LASALLE LLC BROWNFIELD CLEANUP PROGRAM

- There are no threatened or endangered species, nor important plant habitats listed at the proposed BCP Site.
- A small portion of the proposed BCP Site (part of Cordova Avenue) may be within an archeological sensitive buffer zone. According to the NYSOPRHP, the exact location of the archeological sensitive areas are not displayed but are depicted by a randomly placed buffer zones.

Please refer to Figure 7-1 for a map illustrating the location of the nearest federal and state wetlands and the absence of floodplains or other state or federally designated critical habitats, refuges or other areas in the vicinity of the proposed BCP Site.



Wetlands

- Freshwater Emergent
- Freshwater Forested/Shrub
- Estuarine and Marine Deepwater
- Estuarine and Marine
- Freshwater Pond
- Lake
- Riverine
- Other

Riparian

- Herbaceous
- Forested/Shrub

Riparian Status

- Digital Data

User Remarks:

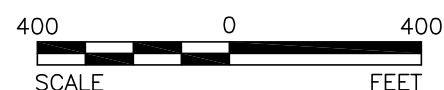
P=Palustrine; EM=Emergent; 1=Persistant Vegetation; F=Semipermanently Flooded; x=Excavated by man


NOTES

1.) SITE LOCATION BOUNDARY IS APPROXIMATE

REFERENCE

1.) BASE MAP FROM U.S. FISH AND WILDLIFE SERVICE, DATED AUGUST 19, 2013.



 Golder Associates Mt. Laurel, New Jersey		SCALE	AS SHOWN	TITLE WETLANDS & FLOODPLAIN MAP PROPOSED BCP SITE
		DATE	08/20/13	
		DESIGN	AML	
		CADD	AM	
FILE No.	1300732A002	CHECK		LEGACY LASALLE LLC
PROJECT No.	1300732	REV.	0	
		REVIEW		FIGURE 7-1

ATTACHMENT 8

Nearby Land Use

Figure 8-1: Land Use Map Proposed BCP Site

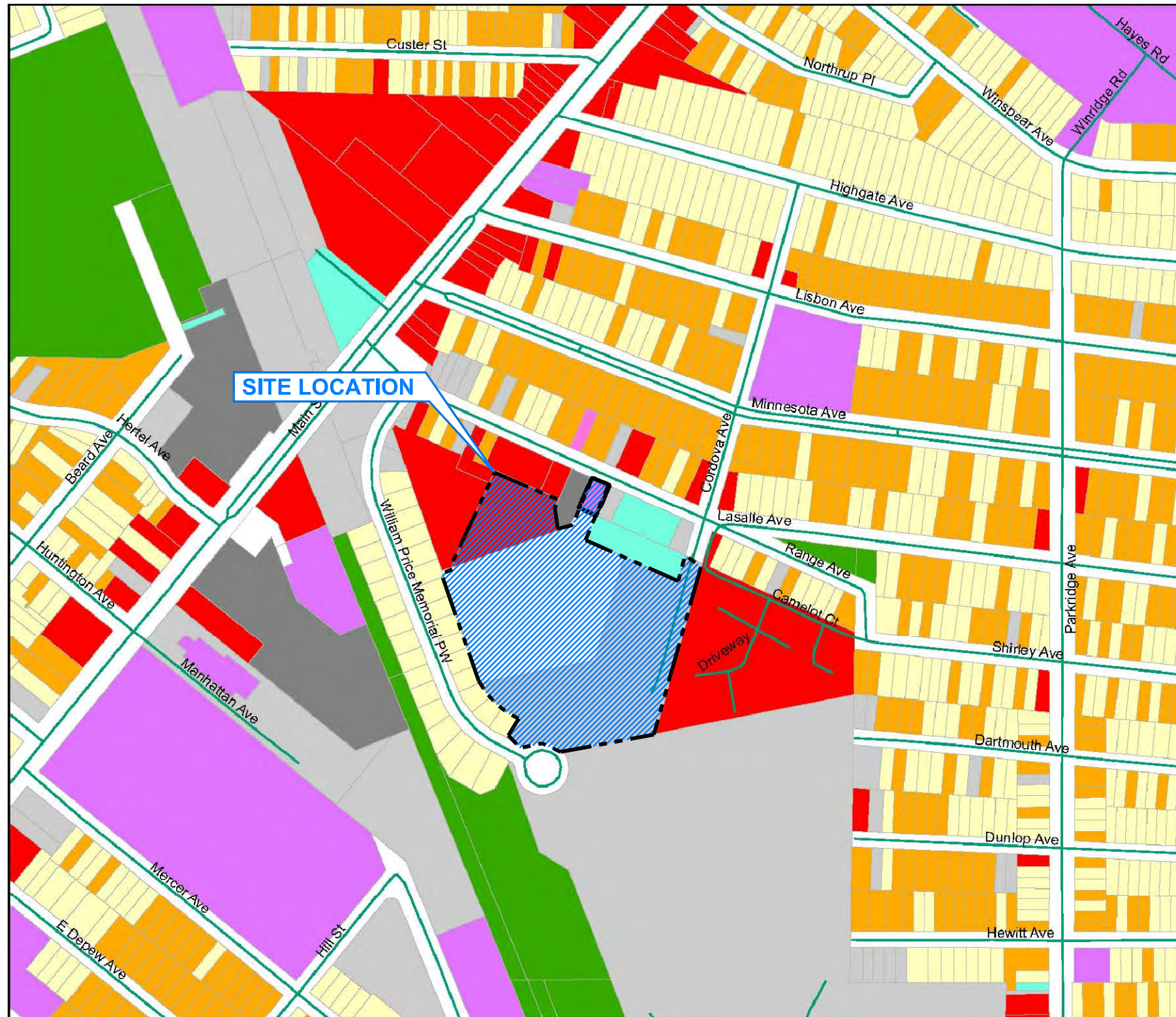
ATTACHMENT 8

LEGACY LASALLE LLC
BROWNFIELD CLEANUP PROGRAM

NEARBY LAND USE

The proposed BCP Site is bounded by various residential and commercial LaSalle Ave. parcels to the north; residential properties on William Price Parkway to the west and south; commercial properties east of Cordova Ave., and City of Buffalo owned property (McCarthy Park) is located to the south. Please refer to Figure 1-1 in Attachment 1 for the Site location.

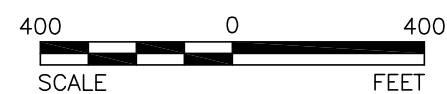
Beyond the directly adjacent properties described above, the land use in the surrounding area is predominantly residential or commercial. Please refer to Figure 8-1 (Land Use Map) for a detailed illustration of the surrounding land use as obtained from the Erie County, New York GIS Mapping System. Two parcels on LaSalle Ave. to the north of the proposed BCP Site are identified as “Public Services/ Utilities” in the land use mapping key. However, Erie County and City of Buffalo tax maps indicate that they are owned by private entities.




	89 La Salle Ave
Property Class Codes	
	Not Coded
	Agricultural
	Residential
	Multi-Family Residential
	Vacant
	Commercial
	Amusement/ Entertainment
	Community Services
	Industrial
	Public Services/ Utilities
	Parkland/ Forest

REFERENCE

1.) BASE MAP FROM ERIE COUNTY GIS.



 Golder Associates Mt. Laurel, New Jersey		SCALE	AS SHOWN	TITLE LAND USE MAP PROPOSED BCP SITE	
		DATE	08/20/13		
		DESIGN	AML		
		CADD	AM		
FILE No.	1300732A003	CHECK		LEGACY LASALLE LLC	
PROJECT No.	1300732	REV.	0		
		REVIEW		FIGURE	8-1

ATTACHMENT 9

Groundwater Vulnerability Assessment

ATTACHMENT 9

LEGACY LASALLE LLC
89 LASALLE AVE. SITE
BROWNFIELD CLEANUP PROGRAM

GROUNDWATER VULNERABILITY ASSESSMENT

The area encompassing the subject property and surrounding area has been serviced for many years by municipal supplied water through the City of Buffalo Water Authority. Groundwater in the area has not been developed or used for industrial, agricultural, or public supply purposes due to a City Ordinance. Consequently, no groundwater supply wells are present in the vicinity of the BCP Property. The site is not in any wellhead protection area and/or groundwater recharge areas.

ATTACHMENT 10

Description of Site Geography/Geology

DESCRIPTION of SITE GEOGRAPHY/GEOLOGY

1.0 SITE GEOGRAPHY

1.1 LAND USE AND DEMOGRAPHY

The City of Buffalo zoning currently designates the majority of the proposed BCP Site is located in an area zoned TS for “Transit Station” and a small southeastern portion of the site to be zoned as M-1 (Light Industrial). The TS overlay zoning has been designated by the City of Buffalo with the intent that land uses desirable and appropriate for areas near the Metro Rail stations and within close proximity to the Central Business District include higher density residential and commercial uses related to the primary goal of encouraging the use of the Metro Rail system while reflecting the special nature and streetscape of Main Street.

The Site is currently owned by Legacy LaSalle LLC with the exception of the City of Buffalo owned parcel (i.e., 71 NY L&W RR, also referred to as 71 Cordova Ave). Land use surrounding the Site includes primarily residential, commercial properties, public parkland with some vacant properties (see Figure 8-1).

The population of the City of Buffalo in 2010 was 261,310 (2010 U.S. Census). The 2012 population estimate for the City of Buffalo was 259,383 (a decline of 0.7%). The 2010 population in Erie County was 919,040 compared to the 2012 estimated population of 919,086 (a negligible change). The median household income in the City of Buffalo from 2007 to 2011 was \$48,805.

1.2 SITE TOPOGRAPHY AND DRAINAGE

The proposed Legacy LaSalle LLC BCP Site is generally flat with little or no discernible topography other than localized drainage. The United States Geological Survey 7.5 minute quadrangle of Buffalo Northeast, New York (see Figure 1-1 in Attachment 1) indicates that overall Site generally slopes gently west towards William Price Memorial Parkway. As a result of this relief, most storm water or runoff generated from the property generally flows towards the west. There are no open bodies of water located on the Site.

1.3 SITE STRUCTURES AND VEGETATION

The proposed BCP Site contains several vacant commercial buildings remaining from prior operations. Portions of the land surface are completely covered with buildings or paved with asphalt. A significant portion of the BCP Site land surface is heavily

ATTACHMENT 10

LEGACY LASALLE LLC
BROWNFIELD CLEANUP PROGRAM

vegetated with voluntary indigenous shrubs, grasses, weeds, and mature as well as emergent trees. On the City of Buffalo owned parcel there are two tennis courts and asphalt paved parking areas which are part of McCarthy Park.

2.0 SITE GEOLOGY

The United States Department of Agriculture Soil Survey of Erie County, New York indicates that most of the Site is covered by surface soil classified as Urban Land. Test pits were previously performed by Ensol on the proposed BCP Site. All test pits were installed to a maximum depth of 12 ft. bgs or bedrock refusal if encountered. Depth to bedrock ranged from approximately 3 ft. bgs in TP-11 to approximately 11 ft. bgs in TP-14. Bedrock was not encountered in test pits TP-3, TP-13, and TP-15. General lithology consisted of varying layers of fill including; ash, cinders, sand, and gravel. Numerous test pits also included various amount of glass and brick in the fill. Native soil was not observed in any of the test pits. This lithology is consistent with the historic use of the site as a quarry and subsequent solid waste landfill. More recent test pits conducted on the developed portion of the Site (67 Lasalle) encountered bedrock at 2-3 ft. bgs and a small amount of silty clay and native soils were observed in these test pits. Groundwater was not observed at any test pit location. Historical investigations conducted in the vicinity of the BCP Site properties indicated that groundwater in the vicinity is at least 40 ft. bgs.

The area encompassing the subject property has been serviced for many years by municipal supplied water through the City of Buffalo Water Authority. Groundwater in the area has not been developed or used for industrial, agricultural, or public supply purposes due to this long-standing public supply availability. Consequently, no groundwater supply wells are present on the BCP Site properties.

ATTACHMENT 11

NYS Department of State – Proof of Entity Information for Legacy LaSalle LLC

NYS Department of State

Division of Corporations

Entity Information

The information contained in this database is current through August 1, 2013.

Selected Entity Name: LEGACY LASALLE, LLC

Selected Entity Status Information

Current Entity Name: LEGACY LASALLE, LLC

DOS ID #: 4238432

Initial DOS Filing Date: MAY 01, 2012

County: ERIE

Jurisdiction: NEW YORK

Entity Type: DOMESTIC LIMITED LIABILITY COMPANY

Current Entity Status: ACTIVE

Selected Entity Address Information

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

BRIAN N. LEWANDOWSKI, ESQ.
LEWANDOWSKI & ASSOCIATES
721 CENTER ROAD
WEST SENECA, NEW YORK, 14224

Registered Agent

NONE

This office does not require or maintain information regarding the names and addresses of members or managers of nonprofessional limited liability companies. Professional limited liability companies must include the name(s) and address(es) of the original members, however this information is not recorded and only available by [viewing the certificate](#).

***Stock Information**

# of Shares	Type of Stock	\$ Value per Share
No Information Available		

*Stock information is applicable to domestic business corporations.

Name History

Filing Date	Name Type	Entity Name
MAY 01, 2012	Actual	LEGACY LASALLE, LLC

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.

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ATTACHMENT 12

Public Contact List

Mr. Martin Doster
NYSDEC Region 9
270 Michigan Avenue
Buffalo NY 14203

Senator Timothy Kennedy
NYS Senate Dist. 63
2239 South Park Avenue
Buffalo, NY 14220

Senator Charles Schumer
United States Senate
130 S. Elmwood Avenue, #660
Buffalo, NY 14202

Mr. Dennis Sutton
Erie County EMC
95 Franklin Street, 10th Floor
Buffalo, NY 14202

Mr. Alfred Culliton
Erie County I.D.A.
143 Genesee Street
Buffalo, NY 14203

Ms. Gale Berstein, Commissioner
Erie Co. Health Dept.
95 Franklin Street
Buffalo, NY 14202

Ms. Bonnie Russell
City of Buffalo Common Council
1508 City Hall
Buffalo, NY 14202

WGRZ TV - Channel 2
ATTN: Ms. Maria Sisti
259 Delaware Avenue
Buffalo, NY 14202

WBEN Radio 930 & WMJQ
ATTN: Environmental News Desk
500 Corporate Parkway
Buffalo, NY 14226

Business First
ATTN: James Fink
465 Main Street
Buffalo, NY 14203-1793

Ms. Megan Gollwitzer
NYSDEC Region 9
270 Michigan Avenue
Buffalo, NY 14203

Assemblywoman Crystal Peoples-Stokes
NYS Assembly District 141
792 E. Delavan Avenue
Buffalo, NY 14215

Mr. Mark Poloncarz
Erie County Executive
95 Franklin Street
Buffalo, NY 14202

Ms. Maria Whyte, Commissioner
Erie Co. Dept. of Env. & Planning
95 Franklin Street, 10th Floor
Buffalo, NY 14202

Mr Daniel Neaverth, Jr.,
Commissioner
Erie Co. Emergency Services
45 Elm Street
Buffalo, NY 14203

Buffalo Water Authority
281 Exchange Street
Buffalo, NY 14204

Ms. Teena Jackson, Principal
Bennett High School
2885 Main Street
Buffalo, NY 14214

WKBW News - Channel 7
ATTN: Ms. Melanie Pritchard
7 Broadcast Plaza
Buffalo, NY 14202

WIVB - Channel 4
ATTN: Ms. Lisa Fullone
2077 Elmwood Avenue
Buffalo, NY 14207

Buffalo & Erie Co. Public Library
East Delevan Branch
1187 E. Delavan Ave.
Buffalo, NY 14215

Mr. David P. Locey
NYSDEC Region 9
270 Michigan Avenue
Buffalo, NY 14203

Representative Brian Higgins
District 26, U.S. Congress
726 Exchange Street, Suite 601
Buffalo, NY 14210

Senator Kirsten Gillibrand
United States Senate
726 Exchange Street, Suite 511
Buffalo, NY 14210

Legislator Betty Jean Grant, Chair
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, NY 14202

Mr. Robert Graber
Erie County Legislature Clerk
92 Franklin Street, 4th Floor
Buffalo, NY 14202

Mayor Byron Brown
201 City Hall
Buffalo, NY 14202

Mark Scott, News Director
WBFO 88.7/WOLN 91.3
3435 Main St.
Buffalo, NY 14214

Buffalo News
Environmental News Desk
1 News Plaza
Buffalo, NY 14240

WNED, Environmental News Desk
ATTN: Mr. Michael Desmond
P.O. Box 1263, Horizons Plaza
Buffalo, NY 14240

Ms. Carol Ann Batt
Buffalo & Erie Co. Public
Library
1 Lafayette Square
Buffalo, New York 14203

Current Resident
66 William Price Pkwy
Buffalo, NY 14214

Current Resident
72 William Price Pkwy
Buffalo, NY 14214

Current Resident
78 William Price Pkwy
Buffalo, NY 14214

Current Resident
84 William Price Pkwy
Buffalo, NY 14214

Current Resident
90 William Price Pkwy
Buffalo, NY 14214

Current Resident
96 William Price Pkwy
Buffalo, NY 14214

Current Resident
102 William Price Pkwy
Buffalo, NY 14214

Current Resident
108 William Price Pkwy
Buffalo, NY 14214

Current Resident
118 William Price Pkwy
Buffalo, NY 14214

Current Resident
126 William Price Pkwy
Buffalo, NY 14214

Current Resident
57 LaSalle Ave.
Buffalo, NY 14214

Current Resident
83 LaSalle Ave.
Buffalo, NY 14214

Current Resident
91 LaSalle Ave.
Buffalo, NY 14214

Current Resident
2 LaSalle Ave.
Buffalo, NY 14214

Current Resident
101 LaSalle Ave.
Buffalo, NY 14214

Current Resident
115 LaSalle Ave.
Buffalo, NY 14214

Clover Management Inc.
Camelot Court Apartments
348 Harris Hill Road
Williamsville, NY 14221

Current Owner
21 LaSalle Ave.
Buffalo, NY 14214

ATTACHMENT 13

List of Existing Easements

ATTACHMENT 13

LEGACY LASALLE LLC
89 LASALLE AVE. SITE
BROWNFIELD CLEANUP PROGRAM

LIST OF EXISTING EASEMENTS

EASEMENT HOLDER	DESCRIPTION
WEBR, Inc.	Access and utility easement.
Houdaille Industries, Inc.	Access and utility easement.
Courier Cable Company, Inc.	Access easement.
National Fuel Gas Distribution Corporation	Access and gas easement.
Niagara Mohawk Power Corporation	Access and electric easement.

NYS Department of State

Division of Corporations

Entity Information

The information contained in this database is current through September 4, 2013.

Selected Entity Name: WEBR, INC.

Selected Entity Status Information

Current Entity Name: WEBR, INC.

DOS ID #: 468816

Initial DOS Filing Date:

County: ERIE

Jurisdiction: NEW YORK

Entity Type: DOMESTIC BUSINESS CORPORATION

Current Entity Status: INACTIVE - Dissolution (Jan 26, 1978)

Selected Entity Address Information

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

NONE

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
-------------	---------------	--------------------

No Information Available

*Stock information is applicable to domestic business corporations.

Name History

Filing Date	Name Type	Entity Name
JAN 26, 1978	Actual	WEBR, 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.

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NYS Department of State

Division of Corporations

Entity Information

The information contained in this database is current through September 4, 2013.

Selected Entity Name: HOUDAILLE INDUSTRIES, INC.

Selected Entity Status Information

Current Entity Name: HOUDAILLE INDUSTRIES, INC.

DOS ID #: 575019

Initial DOS Filing Date:

County: ERIE

Jurisdiction:

Entity Type: FOREIGN BUSINESS CORPORATION

Current Entity Status: INACTIVE - Termination (Aug 14, 1979)

Selected Entity Address Information

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

NONE

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
-------------	---------------	--------------------

No Information Available

*Stock information is applicable to domestic business corporations.

Name History

Filing Date	Name Type	Entity Name
AUG 14, 1979	Actual	HOUDAILLE INDUSTRIES, 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.

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Entity Information

The information contained in this database is current through September 4, 2013.

Selected Entity Name: HOUDAILLE INDUSTRIES, INC.

Selected Entity Status Information

Current Entity Name: HOUDAILLE INDUSTRIES, INC.

DOS ID #: 575020

Initial DOS Filing Date: AUGUST 14, 1979

County: NEW YORK

Jurisdiction: DELAWARE

Entity Type: FOREIGN BUSINESS CORPORATION

Current Entity Status: INACTIVE - Suspended (Aug 13, 2002)

Selected Entity Address Information

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

PROCESS ADDRESSEE RESIGNED

” ”

Registered Agent

REVOKDE

*

” ”

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
-------------	---------------	--------------------

No Information Available

*Stock information is applicable to domestic business corporations.

Name History

Filing Date	Name Type	Entity Name
AUG 14, 1979	Actual	HOUDAILLE INDUSTRIES, 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.

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Entity Information

The information contained in this database is current through September 4, 2013.

Selected Entity Name: COURIER CABLE COMPANY, INC.

Selected Entity Status Information

Current Entity Name: TCI OF BUFFALO, INC.

DOS ID #: 178926

Initial DOS Filing Date: AUGUST 07, 1964

County: ERIE

Jurisdiction: NEW YORK

Entity Type: DOMESTIC BUSINESS CORPORATION

Current Entity Status: INACTIVE - Merged Out (Mar 31, 1988)

Selected Entity Address Information

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

COURIER CABLE COMPANY, INC.

1918 LIBERTY BANK

BUILDING

BUFFALO, NEW YORK,

Registered Agent

CT CORPORATION SYSTEM

1633 BROADWAY

NEW YORK, NEW YORK, 10019

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
SEP 12, 1986	Actual	TCI OF BUFFALO, INC.
DEC 30, 1980	Actual	CABLESCOPE, INC.
AUG 07, 1964	Actual	COURIER CABLE COMPANY, 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.

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NYS Department of State

Division of Corporations

Entity Information

The information contained in this database is current through September 4, 2013.

Selected Entity Name: COURIER CABLE COMPANY, INC.

Selected Entity Status Information

Current Entity Name: COURIER CABLE COMPANY, INC.

DOS ID #: 657919

Initial DOS Filing Date: OCTOBER 21, 1980

County: ERIE

Jurisdiction: NEW YORK

Entity Type: DOMESTIC BUSINESS CORPORATION

Current Entity Status: INACTIVE - Dissolution by Proclamation / Annulment of Authority (Sep 23, 1992)

Information to reinstate a corporation that has been dissolved by proclamation or annulment of authority by proclamation is available on the New York State Department of Taxation and Finance website at www.tax.ny.gov keyword TR-194.1 or by telephone at (518) 485-6027

Selected Entity Address Information

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

CABLESCOPE, INC.
3400 MARINE MIDLAND CTR.
BUFFALO, NEW YORK, 14203

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
20000	Par Value	1

*Stock information is applicable to domestic business corporations.

Name History

Filing Date	Name Type	Entity Name
DEC 30, 1980	Actual	COURIER CABLE COMPANY, INC.
OCT 21, 1980	Actual	CABLESCOPE, INC.

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NYS Department of State

Division of Corporations

Entity Information

The information contained in this database is current through September 4, 2013.

Selected Entity Name: NATIONAL FUEL GAS DISTRIBUTION CORPORATION

Selected Entity Status Information

Current Entity Name: NATIONAL FUEL GAS DISTRIBUTION CORPORATION

DOS ID #: 258795

Initial DOS Filing Date: APRIL 11, 1973

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)

C/O CT CORPORATION SYSTEM

111 8TH AVE

NEW YORK, NEW YORK, 10011

Chief Executive Officer

R.J. TANSKI

6363 MAIN ST

WILLIAMSVILLE, NEW YORK, 14221-5887

Principal Executive Office

NATIONAL FUEL GAS DISTRIBUTION CORPORATION

6363 MAIN ST

LEGAL DEPT

WILLIAMSVILLE, NEW YORK, 14221-5887

Registered Agent

CT CORPORATION SYSTEM

111 EIGHTH AVENUE

NEW YORK, NEW YORK, 10011

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
2000	Par Value	10

*Stock information is applicable to domestic business corporations.

Name History

Filing Date	Name Type	Entity Name
JUL 03, 1974	Actual	NATIONAL FUEL GAS DISTRIBUTION CORPORATION
APR 11, 1973	Actual	NFG GAS CORPORATION

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.

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Entity Information

The information contained in this database is current through September 4, 2013.

Selected Entity Name: NIAGARA MOHAWK POWER CORPORATION

Selected Entity Status Information

Current Entity Name: NIAGARA MOHAWK POWER CORPORATION

DOS ID #: 57726

Initial DOS Filing Date:

County: ONONDAGA

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)

C/O CORPORATION SERVICE COMPANY

80 STATE STREET

ALBANY, NEW YORK, 12207-2543

Chief Executive Officer

KENNETH D. DALY

300 ERIE BOULEVARD WEST

SYRACUSE, NEW YORK, 13202

Principal Executive Office

NIAGARA MOHAWK POWER CORPORATION

300 ERIE BOULEVARD WEST

SYRACUSE, NEW YORK, 13202

Registered Agent

CORPORATION SERVICE COMPANY

80 STATE STREET

ALBANY, NEW YORK, 12207-2543

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
250000001	Par Value	1
27600000	Par Value	25
3400000	Par Value	100

*Stock information is applicable to domestic business corporations.

Name History

Filing Date	Name Type	Entity Name
JAN 05, 1950	Actual	NIAGARA MOHAWK POWER CORPORATION
SEP 15, 1937	Actual	CENTRAL NEW YORK POWER CORPORATION
JUL 31, 1937	Actual	NIAGARA HUDSON PUBLIC SERVICE CORPORATION

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.

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