

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Remediation, Office of the Director
625 Broadway, 12th Floor, Albany, New York 12233-7011
P: (518) 402-9706 | F: (518) 402-9020
www.dec.ny.gov

DEC 29 2015

Legacy LaSalle, LLC
Legacy UPAL, L.P.
Legacy South Campus, L.P.
Mr. Frank A. Chinnici
250 Ramsdell Avenue
Buffalo, NY 14216

Re: Certificate of Completion
Site Name: 89 LaSalle Avenue Site
Site No.: C915283
Tax Map ID Nos.: 79.70-2-11, 79.70-2-17.1
portion of 79.70-2-17.2, 79.70-2-18, and portions of
79.70-2-16.11
Erie County

Dear Mr. Chinnici:

Congratulations on having satisfactorily completed the remedial program at the 89 LaSalle Avenue Site. Enclosed please find an original, signed Certificate of Completion (COC). The New York State Department of Environmental Conservation (DEC) is pleased to inform you that the Final Engineering Report is hereby approved, allowing the COC to be issued for the above-referenced site.

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

- If you are the site owner, you must record a notice of the COC in the recording office for the County (or Counties) where any portion of the site is located within 30 days of issuance of the COC; or if you are a prospective purchaser of the site, you must record a notice of the COC within 30 days of the date that you acquire the site. A copy of the recorded notice should be provided to DEC's project manager. If you are a non-owner, you must work with the owner to assure the notice of COC is recorded within the time frame specified. A standard notice form is attached to this letter. Please return the proof of recording to:

Chief, Site Control Section
New York State Department of Environmental Conservation
Division of Environmental Remediation
625 Broadway
Albany, NY 12233-7020



Department of
Environmental
Conservation

- Provide the notice of the COC to the Document Repositories within 10 days of issuance of the COC. DEC will develop a fact sheet announcing the issuance of the COC and describing the institutional and engineering controls (IC/ECs), if any, that are required at the site and distribute it to the County Listserv within 10 days; and
- Implement the DEC-approved Site Management Plan (SMP) which details the activities necessary to assure the performance, effectiveness, and protectiveness of the remedial program; and you must report the results of these activities to DEC in a Periodic Review Report (PRR) which also includes any required IC/EC Certifications. The site IC/ECs are identified on the attached Site Management Form. The first PRR including the certification of the IC/ECs is due to DEC in April 2017.

If you have any questions regarding any of these items, please contact the project manager for this site, David Locey, at 716-851-7220.

Sincerely,



Robert W. Schick, P.E.

Director

Division of Environmental Remediation

ec w/ enclosure:

Frank A. Chinnici, Legacy LaSalle, LLC
 Adam Walters, Esq., Phillips Lytle LLP
 Myriah Jaworski, Esq., Phillips Lytle LLP
 Patrick Martin, P.E., Golder Associates
 Mayor Byron Brown, City of Buffalo - Mayor@city-buffalo.com
 Krista Anders, DOH
 Albert DeMarco, DOH
 Michael Ryan, DEC
 Michael Cruden, DEC
 David Locey, DEC
 Chad Staniszewski, DEC
 Michael Cruden, DEC
 Patrick Foster, DEC
 Dolores, Tuohy, DEC
 Andrew Guglielmi, DEC

NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP)

CERTIFICATE OF COMPLETION

CERTIFICATE HOLDER(S):

Name

Legacy LaSalle, LLC
Legacy South Campus, L.P.
Legacy UPAL, L.P.

Address

250 Ramsdell Avenue, Buffalo, NY 14216
250 Ramsdell Avenue, Buffalo, NY 14216
250 Ramsdell Avenue, Buffalo, NY 14216

BROWNFIELD CLEANUP AGREEMENT:

Application Approval: 5/22/14 **Agreement Execution:** 6/6/14 **Agreement Index** C915283-05-14
Application Approval Amendment: 8/13/15 **Agreement Execution Amendment:** 8/13/15

SITE INFORMATION:

Site No.: C915283 **Site Name:** 89 LaSalle Avenue Site
Site Owners: Legacy LaSalle, LLC and City of Buffalo Div. of Real Estate
Street Address: 89 LaSalle Avenue
Municipality: Buffalo **County:** Erie **DEC Region:** 9
Site Size: 9.23 Acres
Tax Map Identification Number(s): 79.70-2-11, 79.70-2-17.1, 79.70-2-18, portions of 79.70-2-16.11, and portion of 79.70-2-17.2
Percentage of site located in an EnZone: 0 - 49 %

A description of the property subject to this Certificate is attached as Exhibit A and a site survey is attached as Exhibit B.

CERTIFICATE ISSUANCE

This Certificate of Completion, hereinafter referred to as the "Certificate," is issued pursuant to Article 27, Title 14 of the New York State Environmental Conservation Law ("ECL").

This Certificate has been issued upon satisfaction of the Commissioner, following review by the Department of the final engineering report and data submitted pursuant to the Brownfield Site Cleanup Agreement, as well as any other relevant information regarding the Site, that the applicable remediation requirements set forth in the ECL have been or will be achieved in accordance with the time frames, if any, established in the remedial work plan.

The remedial program for the Site has achieved a cleanup level that would be consistent with the following categories of uses (actual site use is subject to local zoning requirements):

Allowable Uses under the BCP: Restricted-Residential, Commercial, and Industrial

Cleanup Track: Track 4: Restricted use with site-specific soil cleanup objectives

Tax Credit Provisions for Entities Taxable Under Article 9, 9-A, 32, and 33:

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

Tangible Property Credit Component Rate is 12 %.

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

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

Tangible Property Credit Component Rate is 10 %.

The Remedial Program includes use restrictions or reliance on the long term employment of institutional or engineering controls which are contained in the approved Site Management Plan and Environmental Easements granted pursuant to ECL Article 71, Title 36 which have been duly recorded in the Recording Office for Erie County as File 2015257756 at Book/Page V107/3037, and File 2015257757 at Book/Page V107/3048.

LIABILITY LIMITATION

Upon issuance of this Certificate of Completion, and subject to the terms and conditions set forth herein, the Certificate holder(s) shall be entitled to the liability limitation provided in ECL Section 27-1421. The liability limitation shall run with the land, extending to the Certificate holder's successors or assigns through acquisition of title to the Site and to a person who develops or otherwise occupies the Site, subject to certain limitations as set forth in ECL Section 27-1421. The liability limitation shall be subject to all rights reserved to the State by ECL Section 27-1421.2 and any other applicable provision of law.

CERTIFICATE TRANSFERABILITY

This Certificate may be transferred to the Certificate holder's successors or assigns upon transfer or sale of the Site as provided by ECL Section 27-1419.5 and 6NYCRR Part 375-1.9.

CERTIFICATE MODIFICATION/REVOCATION

This Certificate of Completion may be modified or revoked by the Commissioner following notice and an opportunity for a hearing in accordance with ECL Section 27-1419 and 6NYCRR Part 375-1.9(e) upon a finding that:

- (1) either the Applicant or the Applicant's successors or assigns have failed to comply with the terms and conditions of the Brownfield Site Cleanup Agreement;
- (2) the Applicant made a misrepresentation of a material fact tending to demonstrate that it was qualified as a Volunteer;
- (3) either the Applicant or the Applicant's successors or assigns made a misrepresentation of a material fact tending to demonstrate that the cleanup levels identified in the Brownfield Site Cleanup Agreement were reached;
- (4) there is good cause for such modification or revocation;
- (5) either the Applicant or the Applicant's successors or assigns failed to manage the controls or monitoring in full compliance with the terms of the remedial program;
- (6) the terms and conditions of the environmental easement have been intentionally violated or found to be not protective or enforceable.

The Certificate holder(s) (including its successors or assigns) shall have thirty (30) days within which to cure any deficiency or to seek a hearing. If the deficiency is not cured or a request for a hearing received within such 30-day period, the Certificate shall be deemed modified or vacated on the 31st day after the Department's notice.

Basil Seggos
Acting Commissioner
New York State Department of Environmental Conservation

By:



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

Date: December 29, 2015

NOTICE OF CERTIFICATE OF COMPLETION

Brownfield Cleanup Program

6 NYCRR Part 375-1.9(d)

89 LaSalle Avenue, Site ID No. C915283

89 LaSalle Avenue, Buffalo, New York, 14212

City of Buffalo, Erie County, Tax Map Identification Numbers: 79.70-2-17.1, 79.70-2-11, portions of 79.70-2-16.11, 79.70-2-18, and a portion of 79.70-2-17.2

PLEASE TAKE NOTICE, the New York State Department of Environmental Conservation (Department) has issued a Certificate of Completion (Certificate) pursuant to Article 27, Title 14 of the New York State Environmental Conservation Law (ECL) to Legacy LaSalle, LLC, Legacy UPAL, L.P. and Legacy South Campus, L.P. for a parcel approximately 9.23 acres in area, located at 89 LaSalle Avenue in the City of Buffalo and Erie County

PLEASE TAKE NOTICE, the Certificate was issued upon satisfaction of the Commissioner, following review by the Department of the final engineering report and data submitted pursuant to the Brownfield Site Cleanup Agreement, as well as any other relevant information regarding the Site, that the remediation requirements set forth in ECL Article 27, Title 14 have been or will be achieved in accordance with the time frames, if any, established in the remedial work plan.

PLEASE TAKE NOTICE, the remedial program for the Site has achieved a cleanup level that would be consistent with the following categories of uses (actual site use is subject to local zoning requirements):

- ☐ Unrestricted Use, as set forth in 6 NYCRR 375-1.8(g)(1)i
- ☐ Residential Use, as set forth in 6 NYCRR 375-1.8(g)(2)i.
- ☒ Restricted Residential Use, as set forth in 6 NYCRR 375-1.8(g)(2)ii.
- ☒ Commercial Use, as set forth in 6 NYCRR 375-1.8(g)(2)iii.
- ☒ Industrial Use, as set forth in 6 NYCRR 375-1.8(g)(2)iv.

Further, the use of groundwater is restricted and may not be used, unless treated in accordance with the requirements provided by the New York State Department of Health, or a local County Health Department with jurisdiction in such matters and such is approved by the Department as not inconsistent with the remedy.

PLEASE TAKE NOTICE, since the remedial program relies upon use restrictions or the long term employment of institutional or engineering controls; such institutional or engineering controls are contained in Environmental Easements granted pursuant to ECL Article 71, Title 36 which have been duly recorded in the Recording Office for Erie County as File 2015257756 at Book/Page V107/3037, and File 2015257757 at Book/Page V107/3048.

PLEASE TAKE NOTICE, the Environmental Easement requires that the approved site management plan (SMP) for this property be adhered to. The SMP, which may be amended from time to time, may include sampling, monitoring, and/or operating a treatment system on the property, providing certified reports to the NYSDEC, and generally provides for the management of any and all plans and limitations on the property. A copy of the SMP is available upon request by writing to the Department's Division of Environmental Remediation, Site Control Section, 625 Broadway, Albany, New York 12233.

PLEASE TAKE NOTICE, provided that the Environmental Easements, SMP and Certificate are complied with, the Certificate holders shall be entitled to the liability limitation provided in ECL Section 27-1421. The liability limitation shall run with the land, extending to the Certificate holder's successors or assigns through acquisition of title to the Site and to a person who develops or otherwise occupies the Site, subject to

89 LaSalle Avenue, Site #C915283, 89 LaSalle Avenue, Buffalo, NY

certain limitations as set forth in ECL Section 27-1421. The liability limitation shall be subject to all rights reserved to the State by ECL Section 27-1421.2 and any other applicable provision of law.

PLEASE TAKE NOTICE, the Certificate may entitle the Certificate holder(s) to tax credits in accordance with Tax Law Sections 21, 22 and 23.

PLEASE TAKE NOTICE, any change of use of the site, as defined in 6 NYCRR 375, must be preceded by notice to the Department in accordance with 6 NYCRR 375-1.11(d). A transfer of any or all of the property constitutes a change of use.

PLEASE TAKE NOTICE, the Certificate may only be transferred to the Certificate holder's successors or assigns upon transfer or sale of the Site as provided by ECL Section 27-1419.5 and 6 NYCRR Part 375-1.9. Failure to comply with the regulatory requirements for transfer **WILL** bar the successors and assigns from the benefits of the Certificate.

PLEASE TAKE NOTICE, the Certificate may be modified or revoked by the Commissioner as set forth in the applicable regulations.

PLEASE TAKE NOTICE, the Certificate may be revoked if the Environmental Easement as implemented, if applicable, is not protective or enforceable.

PLEASE TAKE NOTICE, a copy of the Certificate can be reviewed at the NYSDEC's Region 9 office located at 270 Michigan Avenue, Buffalo, New York 14203, by contacting the Regional Environmental Remediation Engineer.

WHEREFORE, the undersigned has signed this Notice of Certificate

Legacy LaSalle, LLC

By: _____

Title: _____

Date: _____

City of Buffalo

By: _____

Title: _____

Date: _____

STATE OF NEW YORK) SS:
COUNTY OF)

On the _____ day of _____, in the year 20__, before me, the undersigned, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Signature and Office of individual
taking acknowledgment

Please record and return to:
Legacy LaSalle, LLC
250 Ramsdell Avenue
Buffalo, NY 14216



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Site Management Form
12/15/2015



SITE DESCRIPTION

SITE NO. C915283

SITE NAME 89 LaSalle Avenue Site

SITE ADDRESS: 89 LaSalle Avenue ZIP CODE: 14212

CITY/TOWN: Buffalo

COUNTY: Erie

ALLOWABLE USE: Restricted-Residential, Commercial, and Industrial

SITE MANAGEMENT DESCRIPTION

SITE MANAGEMENT PLAN INCLUDES:	YES	NO
IC/EC Certification Plan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Monitoring Plan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Operation and Maintenance (O&M) Plan	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Periodic Review Frequency: once a year

Periodic Review Report Submitted Date: 04/30/2017

Description of Institutional Control

City of Buffalo Div. of Real Estate

65 Niagara Square, 920 City Hall

71 NY L&W RR

Environmental Easement

Block: 2

Lot: 16

Sublot: 11

Section: 79

Subsection: 70

S_B_L Image: portion of 79.70-2-16.11

Ground Water Use Restriction

IC/EC Plan

Landuse Restriction

Monitoring Plan

Site Management Plan

Soil Management Plan

Legacy LaSalle, LLC

250 Ramsdell Avenue

67 LaSalle Avenue

Environmental Easement

Block: 2

Lot: 18

Sublot:

Section: 79

Subsection: 70

S_B_L Image: 79.70-2-18

Ground Water Use Restriction

IC/EC Plan

Landuse Restriction

Monitoring Plan

Site Management Plan

Soil Management Plan

71 NY L&W RR

Environmental Easement

Block: 2

Lot: 16

Sublot: 11

Section: 79

Subsection: 70

S_B_L Image: portion of 79.70-2-16.11

Ground Water Use Restriction

IC/EC Plan

Landuse Restriction

Monitoring Plan

Site Management Plan

Soil Management Plan

89 La Salle Avenue

Environmental Easement

Block: 2

Lot: 17

Sublot: 2

Section: 79

Subsection: 70

S_B_L Image: portion of 79.70-2-17.2

Ground Water Use Restriction

IC/EC Plan

Landuse Restriction

Monitoring Plan

Site Management Plan

Soil Management Plan

89 LaSalle Avenue

Environmental Easement

Block: 2

Lot: 11

Sublot:

Section: 79

Subsection: 70

S_B_L Image: 79.70-2-11

Ground Water Use Restriction

IC/EC Plan

Landuse Restriction

Monitoring Plan

Site Management Plan

Soil Management Plan

Lot: 17

Sublot: 1

Section: 79

Subsection: 70

S_B_L Image: 79.70-2-17.1

Ground Water Use Restriction

IC/EC Plan

Landuse Restriction

Monitoring Plan

Site Management Plan

Soil Management Plan

Description of Engineering Control

City of Buffalo Div. of Real Estate

65 Niagara Square, 920 City Hall

71 NY L&W RR

Environmental Easement

Block: 2

Lot: 16

Sublot: 11

Section: 79

Subsection: 70

S_B_L Image: portion of 79.70-2-16.11

Cover System

Legacy LaSalle, LLC

250 Ramsdell Avenue

67 LaSalle Avenue

Environmental Easement

Block: 2

Lot: 18

Sublot:

Section: 79

Subsection: 70

S_B_L Image: 79.70-2-18

Cover System

71 NY L&W RR

Environmental Easement

Block: 2

Lot: 16

Sublot: 11
Section: 79
Subsection: 70
S_B_L Image: portion of 79.70-2-16.11
Cover System

89 La Salle Avenue

Environmental Easement

Block: 2

Lot: 17

Sublot: 2

Section: 79

Subsection: 70

S_B_L Image: portion of 79.70-2-17.2
Cover System

89 LaSalle Avenue

Environmental Easement

Block: 2

Lot: 11

Sublot:

Section: 79

Subsection: 70

S_B_L Image: 79.70-2-11
Cover System

Lot: 17

Sublot: 1

Section: 79

Subsection: 70

S_B_L Image: 79.70-2-17.1
Cover System

Exhibit A
Site Description

SCHEDULE "A" PROPERTY DESCRIPTION

8.50+ Acres

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 I, LLC lands, a distance of 318.96 feet to a point on the west line of Cordova Avenue extended southerly;

RUNNING THENCE: S-15°-36'-01"-W, along the southerly extension of the west line of Cordova Avenue, a distance of 68.26 feet to a point;

RUNNING THENCE: N-74°-23'-59"-W, a distance of 19.54 feet to a point;

RUNNING THENCE: S-15°-36'-01"-W, a distance of 122.36 feet to a point;

RUNNING THENCE: N-74°-02'-42"-W, a distance of 102.89 feet to a point;

RUNNING THENCE: S-15°-41'-20"-W, a distance of 121.87 feet to a point;

RUNNING THENCE: S-74°-34'-11"-E, a distance of 103.08 feet to a point;

RUNNING THENCE: S-15°-36'-01"-W, a distance of 10.50 feet to a point;

RUNNING THENCE: S-55°-42'-51"-W, a distance of 310.58 feet to a point;

RUNNING THENCE: S-32°-36'-39"-E, a distance of 67.91 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 36.35 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: N-28°-00'-01"-E, a distance of 96.0 feet to a point;

RUNNING THENCE: N-60°-59'-45"-W, a distance of 56.49 feet to a point;

RUNNING THENCE: N-48°-25'-21"-W, a distance of 46.91 feet to a point;

RUNNING THENCE: N-34°-43'-47"-W, a distance of 50.96 feet to a point;

RUNNING THENCE: N-19°-11'-13"-W, a distance of 356.19 feet to a point on the easterly extension of the north line of Subdivision Lot 8 as shown on said map of Main-Lasalle Place, Ph. 1 Subdivision;

RUNNING THENCE: S-69°-04'-38"-W, along the easterly extension of the north line of said Subdivision Lot 8, a distance of 18.01 feet to the east line of said Main-Lasalle Place, Ph. 1 Subdivision;

RUNNING THENCE: N-19°-11'-13"-W, along the east line of said Main-Lasalle Place, Ph. 1 Subdivision, a distance of 19.21 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, along the northwest line of Parcel 1 of said Houdaille Industries,

Inc. lands, a distance of 32.72 feet to the southeast 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 8.50 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 Legacy Lasalle, LLC by deed recorded in the Erie County Clerk's Office in Liber 11288 of Deeds at Page 9414, 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 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 2530.

SCHEDULE "A" PROPERTY DESCRIPTION

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 the southerly terminus of Cordova Avenue;

RUNNING THENCE: S-65°-43'-59"-E, along the southerly terminus of Cordova Avenue, a distance of 60.69 feet to 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 13.03 feet to a point;

RUNNING THENCE: N-13°-13'-16"-W, a distance of 73.44 feet to a point;

RUNNING THENCE: N-15°-19'-21"-E, a distance of 239.40 feet to a point;

RUNNING THENCE: N-74°-02'-42"-W, a distance of 31.33 feet to a point;

RUNNING THENCE: N-15°-36'-01"-W, a distance of 122.36 feet to a point;

RUNNING THENCE: S-74°-23'-59"-E, a distance of 19.54 feet to a point;

RUNNING THENCE: N-15°-36'-01"-E, a distance of 154.24 feet to the POINT OR PLACE OF BEGINNING, containing 0.73 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.

Exhibit B

Site Survey

