

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
BROWNFIELD CLEANUP PROGRAM  
ECL §27-1401 *et seq.*

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In the Matter of a Remedial Program for

**AMENDMENT TO BROWNFIELD SITE  
CLEANUP AGREEMENT  
Index No. C915294-03-15**

**Pilgrim Village Redevelopment/Campus Square**

DEC Site No: C915294

Located at: 903 Ellicott Street, Buffalo, Erie County, NY 14209

Hereinafter referred to as "Site"

by:

Campus Square LLC

560 Delaware Avenue, Suite 300, Buffalo, NY 14202

Hereinafter referred to as "Applicant"

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**WHEREAS**, the Department of Environmental Conservation ("Department") is authorized to administer the Brownfield Cleanup Program ("BCP") set forth in Article 27, Title 14 of the Environmental Conservation Law ("ECL"); and

**WHEREAS**, the Department and the Applicant seek to amend the existing BCP Agreement for the Site, based on the 2015 changes to the BCP.

**NOW, THEREFORE**, IN CONSIDERATION OF AND IN EXCHANGE FOR THE MUTUAL COVENANTS AND PROMISES, THE PARTIES AGREE TO THE FOLLOWING:

**I. Tax Credit Status & Deadline for receipt of Certificate of Completion (COC)**

Based on the fact that the Site did not receive a COC by December 31, 2019, it is hereby subject to the terms of the BCP in effect as of July 1, 2015, including, but not limited to, the tax credit structure and the deadline of March 31, 2026.

With respect to eligible costs incurred under the BCP, this Amendment shall not change the effective date of the Agreement, and otherwise eligible costs incurred from the original effective date of the agreement will still be eligible costs for tax credit purposes.

**II. Miscellaneous**

A. Except for the modifications set forth herein, the original Agreement shall

remain in full force and effect and the terms thereof and the obligations therein are incorporated herein and shall apply with the same force and effect to the provisions of this Amendment. The terms of the original Agreement, including all exhibits, appendices and subsequent modifications, are not otherwise modified or expanded in any way.

B. The terms herein shall constitute this complete and entire Amendment of the Agreement. No term, condition, understanding or agreement purporting to modify the terms of the Agreement shall be binding unless subscribed to by both parties in accordance with the terms of the Agreement.

C. The effective date of this Amendment is the date it is signed by the Commissioner or the Commissioner's designee.

D. This Amendment may be signed in counterparts.

DATED:

November 20, 2020

THIS BROWNFIELD CLEANUP AGREEMENT  
AMENDMENT IS HEREBY APPROVED, Acting by and  
Through the Department of Environmental Conservation as  
Designee of the Commissioner,

By:



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Michael J. Ryan, P.E., Director  
Division of Environmental Remediation

## CONSENT BY APPLICANT

Applicant hereby consents to the issuing and entering of this Agreement Amendment, waives Applicant's right to a hearing herein as provided by law, and agrees to be bound by this Amendment.

Campus Square LLC

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

STATE OF NEW YORK    )  
  ) ss:  
COUNTY OF                    )

On the 20<sup>th</sup> day of March in the year 2020, before me, the undersigned, personally appeared F. James McGuire, 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.

Danielle E. Shainbrown  
Signature and Office of individual  
taking acknowledgment



**McGUIRE DEVELOPMENT COMPANY, LLC**

**CONSENT OF GENERAL PARTNER AUTHORIZING PARTICIPATION IN THE  
NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION'S  
BROWNFIELD CLEANUP PROGRAM**

THE UNDERSIGNED, F. James McGuire, in his capacity as CEO of McGuire Development Company, LLC

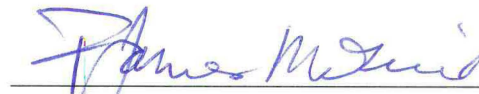
DOES HEREBY CERTIFY:

**RESOLVED**, that G. David Von Derau, Jr., President of McGuire Development Company, hereby is authorized to execute documentation for McGuire Development Company's participation in the New York State Department of Conservation's Brownfield Cleanup Program in relation to the Pilgrim Village/Campus Square Brownfield Cleanup Project (NYS BCP Site No. C915294) located at 903 Ellicott Street (Tax parcel ID No 100.71-3-1.12), encompassing approximately 3.4 acres in Buffalo, NY.

**IN WITNESS WHEREOF**, the undersigned has hereto affixed the hand and seal of McGuire Development Company, LLC this 7th day of May, 2020.

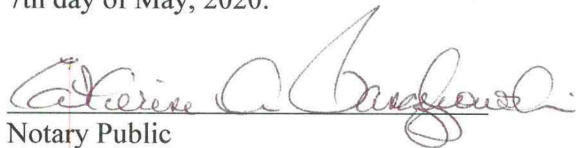
McGuire Development Company, LLC

By:



F. James McGuire  
Chief Executive Officer

Sworn to before me this  
7th day of May, 2020.

  
Notary Public