

TERMINATION AND RELEASE OF ENVIRONMENTAL EASEMENT

This Termination and Release of Environmental Easement is made as of 1st day of March 2022, by and between The People of the State of New York, acting through their Commissioner of the Department of Environmental Conservation ("NYSDEC" or the "Department") with its headquarters located at 625 Broadway, Albany, New York 12233, and Owner, 201 Ellicott, LLC, having an office at 50 Fountain Plaza, Suite 500, Buffalo, New York 14202 ("the Grantor").

RECITALS

1. Grantor is the owner of certain real property having an address of 201 and 225 Ellicott Street, in the City of Buffalo, County of Erie and State of New York, known and designated on the tax map of the Erie County Clerk's Office as tax map parcel numbers: Section 111.13 Block 13, Lots 1.1 and 1.2 ("Property"), being the same as that property conveyed to Grantor by deed dated September 20, 2019, and recorded in the Erie County Clerk's Office in Liber 11350 and Page 1651.
2. The Department and Grantor entered into an Environmental Easement ("Easement Agreement") dated as of October 6, 2020, and recorded in the Erie County Clerk's Office on November 2, 2020 in Liber 11368 and Page 7881. Capitalized terms used herein without definition have the meanings ascribed to them in the Environmental Easement Agreement. The property comprises approximately 2.477 +/- acres, and is hereinafter more fully described in Exhibit A.
3. Pursuant to Section 1, 2, 3, 4, and 5 of the Easement Agreement, Grantor granted the Department rights and interests that run with the land in perpetuity in order to provide an effective and enforceable means of encouraging the reuse and redevelopment of the Property at a level that has been determined to be safe for a specific use while ensuring the performance of maintenance, monitoring or operation requirements; and to ensure the potential restriction of future uses of the land that are inconsistent with the stated purpose.
4. The Parties do hereby agree that all applicable remediation requirements set forth in the New York State Environmental Conservation Law have been achieved, and that the Property may be used for Residential use, which allows for any use other than raising livestock or producing animal products for human consumption, pursuant to 6 NYCRR §375-1.8(g).
5. The Parties do hereby agree that there is no longer a need for any institutional controls, including, but not limited to, any use restrictions, or engineering controls at the Controlled Property, other than the local controls which govern the use of groundwater.
6. Therefore, pursuant to Section 9 of the Easement Agreement, the Department agrees to terminate and release the Easement Agreement.

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- A. The above recitals are hereby incorporated into this Termination and Release of Environmental Easement.
- B. The Department confirms that the date hereof is the "Termination Date" and the Department accordingly hereby terminates and releases the property as described in Exhibit A.
- C. This Termination and Release of Environmental Easement inures to and binds the parties hereto and their respective successors assigns.
- D. This Termination and Release of Environmental Easement shall be governed by and interpreted in accordance with the laws of the State of New York.

THIS TERMINATION AND RELEASE OF THE EASEMENT AGREEMENT IS HEREBY ACCEPTED BY THE PEOPLE OF THE STATE OF NEW YORK, Acting By and Through the Department of Environmental Conservation as Designee of the Commissioner,

By: Susan Edwards
Susan Edwards, Acting Director
Division of Environmental Remediation

Grantee's Acknowledgement

STATE OF NEW YORK)
) ss:
COUNTY OF ALBANY)

On the 1st day of March, in the year 2022 before me, the undersigned, personally appeared Susan Edwards, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity as Designee of the Commissioner of the State of New York Department of Environmental Conservation, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

JENNIFER ANDALORO
Notary Public, State of New York
No. 02AN6098246
Qualified in Albany County
Commission Expires January 14, 2024

Jennifer Andoloro
Notary Public - State of New York

EXHIBIT 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 Outer Lots 110 and 111, bounded and described as follows: BEGINNING AT the intersection of the south line of Clinton Street with the east line of Ellicott Street;

RUNNING THENCE: Southeasterly, along the south line of Clinton Street, a distance of 245.70 feet to a point, said point being 1.0 foot northwesterly measured along the south line of Clinton Street from the northwest corner of the first described parcel of an easement granted to National Fuel Gas Distribution Corporation by deed recorded in the Erie County Clerk's Office in Liber 9727 of Deeds at Page 385;

RUNNING THENCE: Southwesterly, parallel with the west line of Elm Oak Arterial (formerly Oak Street) and 1.0 foot westerly of the west line of said National Fuel Gas Distribution Corporation easement, a distance of 31.0 feet to a point;

RUNNING THENCE: Southeasterly, parallel with the south line of Clinton Street and 1.0 foot southerly of the south line of said National Fuel Gas Distribution Corporation easement, a distance of 56.0 feet to a point on the west line of Elm Oak Arterial;

RUNNING THENCE: Southwesterly, at an interior angle of $89^{\circ}-56'-51''$ with the last described line and along the west line of Elm Oak Arterial, a distance of 332.44 feet to the northeast corner of lands conveyed to Niagara Frontier Transportation Authority by deed recorded in the Erie County Clerk's Office in Liber 8278 of Deeds at Page 531; said point being also on the north line of Former Eagle Street;

RUNNING THENCE: Northwesterly, at an interior angle of $90^{\circ}-05'-02''$ with the last described line and along the north line of said Niagara Frontier Transportation Authority lands and the north line of former Eagle Street, a distance of 301.52 feet to a point on the east line of Ellicott Street;

RUNNING THENCE: Northeasterly, at an interior angle of $89^{\circ}-56'-38''$ with the last described line and along the east line of Ellicott Street, a distance of 363.60 feet to the POINT OR PLACE OF BEGINNING, containing 2.477 Acres, be the same, more or less.

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