



BROWNFIELD CLEANUP PROGRAM (BCP) APPLICATION TO AMEND BROWNFIELD CLEANUP AGREEMENT AND AMENDMENT

PART I. BROWNFIELD CLEANUP AGREEMENT AMENDMENT APPLICATION

Check the appropriate box below based on the nature of the amendment modification requested:

[ ] Amendment to [check one or more boxes below]

- [ ] Add
[ ] Substitute
[ ] Remove
[ ] Change in Name

RECEIVED

FEB 03 2020

BUR. OF TECH. SUPPORT

applicant(s) to the existing Brownfield Cleanup Agreement [Complete Section I-IV below and Part II]

Does this proposed amendment involve a transfer of title to all or part of the brownfield site? [ ] Yes [ ] No

If yes, pursuant to 6 NYCRR Part 375-1.11(d), a Change of Use form should have been previously submitted. If not, please submit this form with this Amendment. See http://www.dec.ny.gov/chemical/76250.html

[x] Amendment to modify description of the property(ies) listed in the existing Brownfield Cleanup Agreement [Complete Sections I and V below and Part II]

[ ] Amendment to Expand or Reduce property boundaries of the property(ies) listed in the existing Brownfield Cleanup Agreement [Complete Section I and V below and Part II]

[ ] Sites in Bronx, Kings, New York, Queens, or Richmond counties ONLY: Amendment to request determination that the site is eligible for the tangible property credit component of the brownfield redevelopment tax credit. Please answer questions on the supplement at the end of the form.

[ ] Other (explain in detail below)

Please provide a brief narrative on the nature of the amendment:
This amendment is to provide the Department with updated tax parcel SBL, address, survey and parcel description for the Site (see Attachment 1)
New Parcel Information -
443 Elmwood Avenue - SBL 100.46-2-2.12; 0.42 acres
The 441 Elmwood Avenue BCP Site is a 0.245 acre portion of the larger 443 Elmwood Avenue parcel.

\*Please refer to the attached instructions for guidance on filling out this application\*

Section I. Existing Agreement Information			
BCP SITE NAME: 441 Elmwood Avenue Site		BCP SITE NUMBER: C915334	
NAME OF CURRENT APPLICANT(S): EC445, LLC and 441 Elmwood Remediation, LLC			
INDEX NUMBER OF EXISTING AGREEMENT: C915334-09-		DATE OF EXISTING AGREEMENT: 10/16/18	
Section II. New Requestor Information (if no change to Current Applicant, skip to Section V)			
NAME			
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
Is the requestor authorized to conduct business in New York State (NYS)? <input type="checkbox"/> Yes <input type="checkbox"/> No			
<ul style="list-style-type: none"> <li>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 (DOS) Corporation &amp; Business Entity Database. A print-out of entity information from the DOS database must be submitted to DEC with the application, to document that the applicant is authorized to do business in NYS.</li> </ul>			
NAME OF NEW REQUESTOR'S REPRESENTATIVE			
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
NAME OF NEW REQUESTOR'S CONSULTANT (if applicable)			
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
NAME OF NEW REQUESTOR'S ATTORNEY (if applicable)			
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
Requestor must submit proof that the party signing this Application and Amendment has the authority to bind the Requestor. This would be documentation from corporate organizational papers, which are updated, showing the authority to bind the corporation, or a Corporate Resolution showing the same, or an Operating Agreement or Resolution for an LLC. Is this proof attached? <input type="checkbox"/> Yes <input type="checkbox"/> No			
Describe Requestor's Relationship to Existing Applicant:			

**Section III. Current Property Owner/Operator Information (only include if new owner/operator or new existing owner/operator information is provided, and highlight new information)**

OWNER'S NAME (if different from requestor)

ADDRESS

CITY/TOWN

ZIP CODE

PHONE

FAX

E-MAIL

OPERATOR'S NAME (if different from requestor or owner)

ADDRESS

CITY/TOWN

ZIP CODE

PHONE

FAX

E-MAIL

**Section IV. Eligibility Information for New Requestor (Please refer to ECL § 27-1407 for more detail)**

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 presently subject to an existing order for the investigation, removal or remediation 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  
Any questions regarding whether a party is subject to a spill claim should be discussed with the Spill Fund Administrator.
4. Has the requestor been determined in an administrative, civil or criminal proceeding to be in violation of i) any provision of the subject law; ii) any order or determination; iii) any regulation implementing ECL Article 27 Title 14; or iv) any similar statute, regulation of the state or federal government? If so, provide an explanation on a separate attachment.  Yes  No
5. Has the requestor previously been denied entry to the BCP? If so, include information relative to the application, such as name, address, Department assigned site number, the reason for denial, and other relevant information.  Yes  No
6. Has the requestor been found in a civil proceeding to have committed a negligent or intentionally tortious act involving the handling, storing, treating, disposing or transporting of contaminants?  Yes  No
7. Has the requestor been convicted of a criminal offense i) involving the handling, storing, treating, disposing or transporting of contaminants; or ii) that involves a violent felony, fraud, bribery, perjury, theft, or offense against public administration (as that term is used in Article 195 of the Penal Law) under federal law or the laws of any state?  Yes  No
8. Has the requestor knowingly falsified statements or concealed material facts in any matter within the jurisdiction of the Department, or submitted a false statement or made use of or made a false statement in connection with any document or application submitted to the Department?  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
10. Was the requestor's participation in any remedial program under DEC's oversight terminated by DEC or by a court for failure to substantially comply with an agreement or order?  Yes  No
11. Are there any unregistered bulk storage tanks on-site which require registration?  Yes  No

THE NEW REQUESTOR MUST CERTIFY THAT IT 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 contamination 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 contamination.

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, a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site 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; iii) prevent or limit human, environmental, or natural resource exposure to any previously released hazardous waste.

**If a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site, submit a statement describing why you should be considered a volunteer – be specific as to the appropriate care taken.**

Requestor's Relationship to Property (check one):

Prior Owner  Current Owner  Potential /Future Purchaser  Other \_\_\_\_\_

If requestor is not the current site owner, **proof of site access sufficient to complete the remediation must be submitted.** Proof must show that the requestor will have access to the property before signing the BCA and throughout the BCP project, including the ability to place an easement on the site Is this proof attached?  Yes  No

**Note: a purchase contract does not suffice as proof of access.**

**Section V. Property description and description of changes/additions/reductions (if applicable)**

ADDRESS 443 Elmwood Avenue

CITY/TOWN Buffalo NY

ZIP CODE 14222

TAX BLOCK AND LOT (TBL) (in existing agreement )

Parcel Address	Parcel No.	Section No.	Block No.	Lot No.	Acreage

See Attachment 1

Check appropriate boxes below:

Changes to metes and bounds description or TBL correction

Addition of property (may require additional citizen participation depending on the nature of the expansion – see attached instructions)

Approximate acreage added: \_\_\_\_\_

**ADDITIONAL PARCELS:**

Parcel Address	Parcel No.	Section No.	Block No.	Lot No.	Acreage

Reduction of property

Approximate acreage removed: \_\_\_\_\_

**PARCELS REMOVED:**

Parcel Address	Parcel No.	Section No.	Block No.	Lot No.	Acreage

If requesting to modify a metes and bounds description or requesting changes to the boundaries of a site, please attach a revised metes and bounds description, survey, or acceptable site map to this application.

See Attachment 1

# Supplement to the Application To Amend Brownfield Cleanup Agreement And Amendment - Questions for Sites Seeking Tangible Property Credits in New York City ONLY.

Property is in Bronx, Kings, New York, Queens, or Richmond counties.	<input type="checkbox"/> Yes <input type="checkbox"/> No
Requestor seeks a determination that the site is eligible for the tangible property credit component of the brownfield redevelopment tax credit.	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Please answer questions below and provide documentation necessary to support answers.</b>	
1. Is at least 50% of the site area located within an environmental zone pursuant to Tax Law 21(6)? Please see <a href="#">DEC's website</a> for more information.	<input type="checkbox"/> Yes <input type="checkbox"/> No
2. Is the property upside down as defined below?	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>From ECL 27-1405(31):</b>  "Upside down" shall mean a property where the projected and incurred cost of the investigation and remediation which is protective for the anticipated use of the property equals or exceeds seventy-five percent of its independent appraised value, as of the date of submission of the application for participation in the brownfield cleanup program, developed under the hypothetical condition that the property is not contaminated.	
3. Is the project an affordable housing project as defined below?	<input type="checkbox"/> Yes <input type="checkbox"/> No
From 6 NYCRR 375- 3.2(a) as of August 12, 2016:  (a) "Affordable housing project" means, for purposes of this part, title fourteen of article twenty seven of the environmental conservation law and section twenty-one of the tax law only, a project that is developed for residential use or mixed residential use that must include affordable residential rental units and/or affordable home ownership units.  (1) Affordable residential rental projects under this subdivision must be subject to a federal, state, or local government housing agency's affordable housing program, or a local government's regulatory agreement or legally binding restriction, which defines (i) a percentage of the residential rental units in the affordable housing project to be dedicated to (ii) tenants at a defined maximum percentage of the area median income based on the occupants' households annual gross income.  (2) Affordable home ownership projects under this subdivision must be subject to a federal, state, or local government housing agency's affordable housing program, or a local government's regulatory agreement or legally binding restriction, which sets affordable units aside for home owners at a defined maximum percentage of the area median income.  (3) "Area median income" means, for purposes of this subdivision, the area median income for the primary metropolitan statistical area, or for the county if located outside a metropolitan statistical area, as determined by the United States department of housing and urban development, or its successor, for a family of four, as adjusted for family size.	

**PART II. BROWNFIELD CLEANUP PROGRAM AMENDMENT**

<b>Existing Agreement Information</b>	
BCP SITE NAME: 441 Elmwood Avenue Site	BCP SITE NUMBER: C915334
NAME OF CURRENT APPLICANT(S): EC445, LLC & 441 Elmwood Remediation, LLC	
INDEX NUMBER OF EXISTING AGREEMENT: C915334-09-28	
EFFECTIVE DATE OF EXISTING AGREEMENT: 10/16/18	

Declaration of Amendment:

By the Requestor(s) and/or Applicant(s) signatures below, and subsequent signature by the Department, the above application to amend the Brownfield Cleanup Agreement described above is hereby approved. This Amendment is made in accordance with and subject to all of the BCA and all applicable guidance, regulations and state laws applicable thereto. All other substantive and procedural terms of the Agreement will remain unchanged and in full force and effect regarding the parties to the Agreement.

Nothing contained herein constitutes a waiver by the Department or the State of New York of any rights held in accordance with the Agreement or any applicable state and/or federal law or a release for any party from any obligations held under the Agreement or those same laws.

<b>Statement of Certification and Signatures: New Requestor(s) (if applicable)</b>
(Individual)  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. My signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.  Date: _____ Signature: _____  Print Name: _____
(Entity)  I hereby affirm that I am (title _____) of (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; and 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. _____ signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.  Date: _____ Signature: _____  Print Name: _____

**Statement of Certification and Signatures: Existing Applicant(s) (an authorized representative of each applicant must sign)**

(Individual)

~~I hereby affirm that I am a party to the Brownfield Cleanup Agreement and/or Application referenced in Section I above and that I am aware of this Application for an Amendment to that Agreement and/or Application. My signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.~~

~~Date: \_\_\_\_\_ Signature: \_\_\_\_\_~~

~~Print Name: \_\_\_\_\_~~

(Entity)

I hereby affirm that I am Authorized Member (title) of EC445, LLC (entity) which is a party to the Brownfield Cleanup Agreement and/or Application referenced in Section I above and that I am aware of this Application for an Amendment to that Agreement and/or Application. William Paladino signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

Date: 1/15/20 Signature: 

Print Name: William Paladino

**REMAINDER OF THIS AMENDMENT WILL BE COMPLETED SOLELY BY THE DEPARTMENT**

Status of Agreement:

<input type="checkbox"/> PARTICIPANT A requestor who either 1) was the owner of the site at the time of the disposal of contamination 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 contamination.	<input checked="" type="checkbox"/> VOLUNTEER A requestor other than a participant, including a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the contamination.
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Effective Date of the Original Agreement: October 16, 2018.

Signature by the Department:

DATED:

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

By:

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

MAR 26 2020



**Statement of Certification and Signatures: Existing Applicant(s) (an authorized representative of each applicant must sign)**

(Individual)

~~I hereby affirm that I am a party to the Brownfield Cleanup Agreement and/or Application referenced in Section I above and that I am aware of this Application for an Amendment to that Agreement and/or Application. My signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.~~

~~Date: \_\_\_\_\_ Signature: \_\_\_\_\_~~

~~Print Name: \_\_\_\_\_~~

(Entity)

I hereby affirm that I am Authorized Member (title) of 441 Elmwood Remediation, LLC (entity) which is a party to the Brownfield Cleanup Agreement and/or Application referenced in Section I above and that I am aware of this Application for an Amendment to that Agreement and/or Application. Paul H Werthman signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

Date: 1/16/2020 Signature: 

Print Name: Paul H. Werthman

**REMAINDER OF THIS AMENDMENT WILL BE COMPLETED SOLELY BY THE DEPARTMENT**

Status of Agreement:

<input type="checkbox"/> <b>PARTICIPANT</b> A requestor who either 1) was the owner of the site at the time of the disposal of contamination 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 contamination.	<input checked="" type="checkbox"/> <b>VOLUNTEER</b> 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 contamination.
---	--

Effective Date of the Original Agreement: October 16, 2018.

Signature by the Department:

DATED:

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

MAR 26 2020

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

**SUBMITTAL INFORMATION:**

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

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**FOR DEPARTMENT USE ONLY**

**BCP SITE T&A CODE:** \_\_\_\_\_ **LEAD OFFICE:** \_\_\_\_\_

**PROJECT MANAGER:** \_\_\_\_\_

441 Elmwood Avenue Site C915334 – BCA Amendment

# Attachment 1

441 Elmwood Avenue Site C915334

BCA Amendment

This amendment is being provided to the Department to update the 441 Elmwood Avenue Site C915334 tax parcel information.

The 441 Elmwood Avenue BCP Site C915334 was subdivided from the larger 219 Bryant Street parcel; and then combined with the former 451 Elmwood Avenue parcel. The new parcel is identified as 443 Elmwood Avenue.

Original Agreement TBL

A portion of 219 Bryant Street, 100.46-2-2.1; +/- 4.82 acres

New Parcel TBL

A portion of 443 Elmwood Avenue, 100.46-2-2.12; +/- 0.42 acres

443 Elmwood Avenue is owned by EC445, LLC (Co-Applicant)

FORMER ADDRESS: 451 ELMWOOD AVENUE  
 FORMER S.B.L.: 100.46-2-35  
 FORMER OWNER: 2680 GROUP LLC  
 FORMER SIZE: +/-0.16-ACRES



NEW ADDRESS: PORTION OF 443 ELMWOOD AVENUE  
 NEW S.B.L.: 100.46-2-2.12  
 NEW OWNER: EC445, LLC  
 NEW SIZE: +/-0.42-ACRES

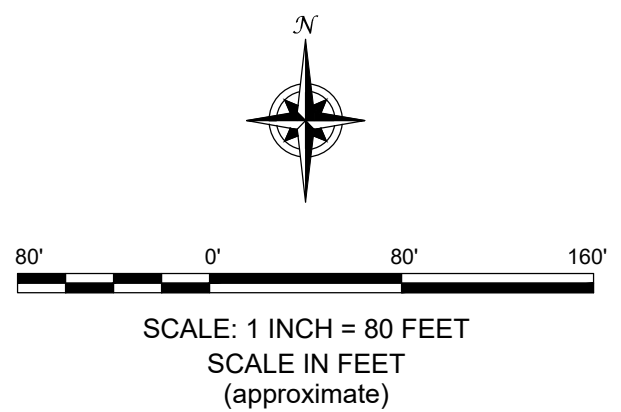
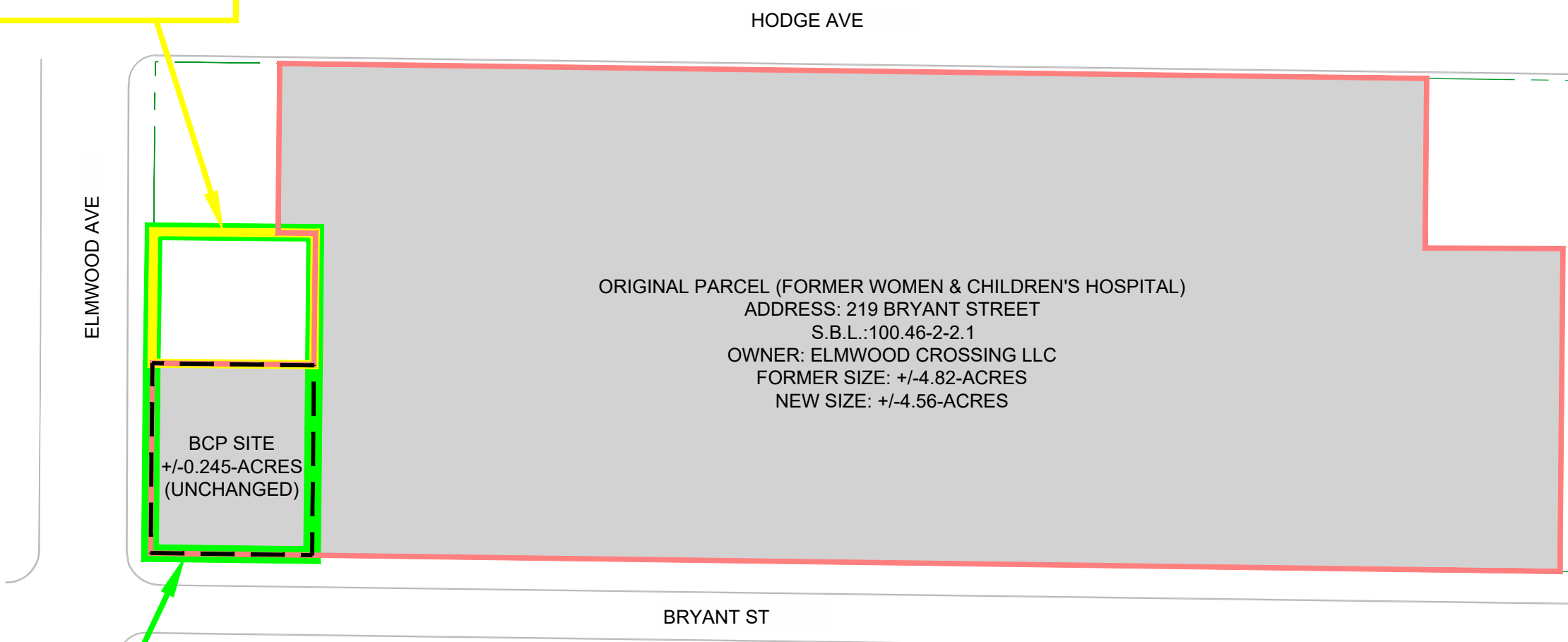
FORMER ADDRESS: 451 ELMWOOD AVENUE  
 FORMER S.B.L.: 100.46-2-35  
 FORMER OWNER: 2680 GROUP LLC  
 FORMER SIZE: +/-0.16-ACRES

FORMER ADDRESS: PORTION OF 219 BRYANT STREET  
 FORMER S.B.L.: 100.46-2-2.1  
 FORMER OWNER: ELMWOOD CROSSING LLC  
 FORMER SIZE: +/-0.24-ACRES

NEW ADDRESS: 443 ELMWOOD AVENUE  
 NEW S.B.L.: 100.46-2-2.12  
 NEW OWNER: EC445, LLC  
 NEW SIZE: +/-0.42-ACRES

- NOTES:
- BCP SITE WAS FORMERLY 0.245-ACRE PORTION OF 4.82-ACRE PARCEL ADDRESSED AT 219 BRYANT STREET (S.B.L. 100.46-2-2.1) OWNED BY ELMWOOD CROSSING LLC.
  - BCP SITE IS CURRENTLY 0.245-ACRE PORTION OF 0.42-ACRE PARCEL ADDRESSED AT 443 ELMWOOD AVENUE (S.B.L. 100.46-2-2.12) OWNED BY EC445, LLC.
  - BCP BOUNDARIES AND SIZE ARE UNCHANGED.

LEGEND:  
 BCP SITE BOUNDARY  
 PARCEL BOUNDARY



2556 HAMBURG TURNPIKE  
 SUITE 300  
 BUFFALO, NY 14218  
 (716) 856-0635



JOB NO.: 0136-018-001

**PARCEL MAP**

441 ELMWOOD AVENUE SITE  
 BCP SITE NO. C915334  
 BUFFALO, NEW YORK  
 PREPARED FOR

EC445, LLC & 441 ELMWOOD REMEDIATION, LLC

**FIGURE 1**

DISCLAIMER: PROPERTY OF TURNKEY ENVIRONMENTAL RESTORATION, LLC. IMPORTANT: THIS DRAWING PRINT IS LOANED FOR MUTUAL ASSISTANCE AND AS SUCH IS SUBJECT TO RECALL AT ANY TIME. INFORMATION CONTAINED HEREON IS NOT TO BE DISCLOSED OR REPRODUCED IN ANY FORM FOR THE BENEFIT OF PARTIES OTHER THAN NECESSARY SUBCONTRACTORS & SUPPLIERS WITHOUT THE WRITTEN CONSENT OF TURNKEY ENVIRONMENTAL RESTORATION, LLC.

## **LEGAL DESCRIPTION**

### **443 Elmwood Avenue**

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Buffalo, County of Erie and State of New York, being part of Lot 56, Township 11 and Range 8 of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at the point of intersection of the easterly line of Elmwood Avenue (80 feet wide) and the northerly line of Bryant Street (66 feet wide);

RUNNING THENCE NORTHERLY along the easterly line of Elmwood Avenue, a distance of 189.85 feet to the northerly line of Lot 56;

THENCE EASTERLY along the northerly line of Lot 56, a distance of 95.26 feet to a point;

THENCE SOUTHERLY along a line drawn parallel with the easterly line of Elmwood Avenue, a distance of 189.85 feet to the northerly line of Bryant Street;

THENCE WESTERLY along the northerly line of Bryant Street, a distance of 95.26 feet to the point of beginning.

Said parcel containing an area of 18,085 square feet (0.42 acre), more or less.

**441 Elmwood Avenue**

**BCP Site C915334**

**Boundary Description**

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Buffalo, County of Erie and State of New York, being part of Lot 56, Township 11 and Range 8 of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at the point of intersection of the easterly line of Elmwood Avenue (80 feet wide) and the northerly line of Bryant Street (66 feet wide);

RUNNING THENCE NORTHERLY along the easterly line of Elmwood Avenue, a distance of 112.0 feet to the northerly line of Lot 56;

THENCE EASTERLY along the northerly line of Lot 56, a distance of 95.26 feet to a point;

THENCE SOUTHERLY along a line drawn parallel with the easterly line of Elmwood Avenue, a distance of 112.0 feet to the northerly line of Bryant Street;

THENCE WESTERLY along the northerly line of Bryant Street, a distance of 95.26 feet to the point of beginning.

Said parcel containing an area of 10,6670 square feet (0.245 acre), more or less.

CITY OF BUFFALO DEPARTMENT OF ASSESSMENT & TAXATION  
 CITY HALL, ROOM 101, 65 NIAGARA SQUARE, BUFFALO, NEW YORK 14202

**PRE-APPROVAL FOR COMBINATION OF PARCELS**

To request a combination, complete this form. List all parcels to be combined, have all liens checked and return this form to the above address

DATE  CLERK  DISTRICT  COM  RES

(Check Appropriate Item)

EC445 LLC

TITLE ON DEED

(MUST BE EXACT FOR ALL PARCELS TO BE COMBINED)

**PARCEL ADDRESSES**

	Hse #	Street Name	SBL Number	Bill Number	Class Code	Exempt Code
1	451	Elmwood	100.46-2-35	03829300	421	47610
2	443	Elmwood	100.46-2-2.12			
3						
4						
5		A SPLIT HAS BEEN FILED	new address	new Bill #		
6		451 ELMWOOD TO BE COMBINED				
7		WITH THE NEW PARCEL FOR				
8		100.46-2-2.12 (NO ADDRESS YET)	443 Elmwood	03784370		
9						
10		11329   9740				
11						
12						

Contact Phone # and Email (Required): (716) 854-0060 Jeremy

PARCEL COMBINATIONS REQUIRE PRE-APPROVAL BY  
 PERMIT & INSPECTION SERVICES OFFICE, ROOM 301 CITY HALL  
 RETURN SIGNED PRE-APPROVAL FORM TO  
 ASSESSOR'S OFFICE, ROOM 101 CITY HALL

Michael Castro  
 Inspector's Signature  
Michael Castro  
 Inspector's Printed Signature

72  
 Badge Number

9.14.18  
 Approval Date



MICHAEL P. KEARNS, ERIE COUNTY CLERK  
REF:

DATE:6/1/2018  
TIME:3:23:55 PM  
RECEIPT: 18101292 - DUPLICATE -

CARL P PALADINO  
ACCOUNT #: 8907

DUPLICATE RECEIPT

ITEM - 01 DEED  
RECD: 6/1/2018 3:28:00 PM  
FILE: 2018107898 BK/PD D 11329/9737  
Deed Sequence: TT2017021746  
2680 GROUP LLC  
EC445 LLC

Recording Fees	55.50
RP5217 CNTY \$9	9.00
RP5217 ST-NON RES \$241	241.00
TP584	10.00
TRANSFER	
MANSION TT	0.00
TT-STATE \$2/500	1,198.00
TT-COUNTY \$2.50/500	1,497.50
Subtotal	3,011.00

ITEM - 02 DEED  
RECD: 6/1/2018 3:28:00 PM  
FILE: 2018107899 BK/PD D 11329/9740  
Deed Sequence: TT2017021747  
ELMWOOD CROSSING LLC  
EC445 LLC

Recording Fees	55.00
RP5217 CNTY \$9	9.00
RP5217 ST-NON RES \$241	241.00
TP584	10.00
Subtotal	315.00

ITEM - 03 SERVICE  
DEBIT ESCROW 39.50  
Subtotal 39.50

TOTAL DUE	\$3,365.50
PAID TOTAL	\$3,365.50
PAID CHECK	\$3,365.50
Check #145:	3,365.50

-----  
REC BY: Kathy  
COUNTY RECORDER

Box 237

**BARGAIN AND SALE DEED**

**THIS INDENTURE,**

Made the 31<sup>st</sup> day of May, Two Thousand Eighteen

**BETWEEN Elmwood Crossing, LLC**, 295 Main Street, Suite 210, Buffalo, New York 14203, party of the first part, and

**EC445, LLC**, 295 Main Street, Suite 210, Buffalo, New York 14203, party of the second part,

**WITNESSETH**, that the party of the first part, in consideration of Ten Dollars and other valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Buffalo, County of Erie and State of New York, being part of Lot 56, Township 11 and Range 8 of the Holland Land Company's Survey, bounded and described as follows:  
BEGINNING at the point of intersection of the easterly line of Elmwood Avenue (80 feet wide) and the northerly line of Bryant Street (66 feet wide);  
RUNNING THENCE NORTHERLY along the easterly line of Elmwood Avenue, a distance of 112.00 feet to a point;  
THENCE EASTERLY along a line drawn parallel with Bryant Street and along the southerly line of lands conveyed to the 2680 Group, LLC by deed recorded in the Erie County Clerk's Office in Liber 11283 of Deeds at page 2710 and, a distance of 93.50 feet to the southeast corner thereof;  
THENCE NORTHERLY along the easterly line of said lands conveyed to the 2680 Group, LLC, a distance of 77.85 feet to the northeast corner thereof, said point being on the northerly line of Lot 56;  
THENCE EASTERLY along said northerly line of Lot 56, a distance of 1.76 feet to a point;  
THENCE SOUTHERLY along a line drawn parallel with Elmwood Avenue, a distance of 189.85 feet to the northerly line of Bryant Street;  
THENCE WESTERLY along the northerly line of Bryant Street, a distance of 95.26 feet to the point of beginning.  
Said parcel containing an area of 10,806 square feet (0.25 acre), more or less.

**TOGETHER** with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above-described premises to the center lines thereof;

**TOGETHER** with the appurtenances and all the estate and rights of the party of the first part in and to said premises;

**TO HAVE AND TO HOLD** the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

**AND** the party of the first part covenants that this conveyance is not of all or substantially all of the property of the party of the first part and is made in the regular course of its business.

**AND** the party of the first part covenants that the party of the first part has not done or suffered anything wherein the said premises have been encumbered in any way whatever, except as aforesaid.

**AND** the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the

**FILED**

JUN 01 2018

**ERIE COUNTY  
CLERK'S OFFICE**

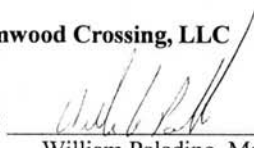
payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF

Elmwood Crossing, LLC

By:  [L.S.]  
William Paladino, Manager

STATE OF NEW YORK :  
  : ss.:  
COUNTY OF ERIE        :

On the 31<sup>ST</sup> day of May, in the year 2018, before me, the undersigned, a notary public in and for said state, personally appeared William Paladino, personally known to me to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

  
Notary Public

PAULETTE GULLO  
Notary Public, State of New York  
Qualified in Erie County  
My Commission Expires 8-15-18



# Combined Real Estate Transfer Tax Return, Credit Line Mortgage Certificate, and Certification of Exemption from the Payment of Estimated Personal Income Tax

See Form TP-584-1, Instructions for Form TP-584, before completing this form. Print or type.

**Schedule A – Information relating to conveyance**

Grantor/Transferor <input type="checkbox"/> Individual <input type="checkbox"/> Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Estate/Trust <input type="checkbox"/> Single member LLC <input checked="" type="checkbox"/> Other	Name (if individual, last, first, middle initial) ( <input type="checkbox"/> check if more than one grantor ) Elmwood Crossing, LLC Mailing address 295 Main Street, Suite 210 City State ZIP code Buffalo NY 14203 Single member's name if grantor is a single member LLC (see instructions)	Social security number  Social security number  Federal EIN 82-2935910 Single member EIN or SSN
Grantee/Transferee <input type="checkbox"/> Individual <input type="checkbox"/> Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Estate/Trust <input checked="" type="checkbox"/> Single member LLC <input type="checkbox"/> Other	Name (if individual, last, first, middle initial) ( <input type="checkbox"/> check if more than one grantee ) EC445, LLC Mailing address 295 Main Street, Suite 210 City State ZIP code Buffalo NY 14203 Single member's name if grantee is a single member LLC (see instructions) Elmwood Crossing, LLC	Social security number  Social security number  Federal EIN 36-4890239 Single member EIN or SSN 82-2935910

Location and description of property conveyed

Tax map designation – Section, block & lot (include dots and dashes)	SWIS code (six digits)	Street address	City, town, or village	County
100.460-2-2.21	140200	pt. of 219 Bryant	Buffalo	Erie

Type of property conveyed (check applicable box)

1 <input type="checkbox"/> One- to three-family house 2 <input type="checkbox"/> Residential cooperative 3 <input type="checkbox"/> Residential condominium 4 <input type="checkbox"/> Vacant land	5 <input type="checkbox"/> Commercial/Industrial 6 <input type="checkbox"/> Apartment building 7 <input type="checkbox"/> Office building 8 <input checked="" type="checkbox"/> Other 641	Date of conveyance <table style="width: 100%; border: 1px solid black;"> <tr> <td style="width: 33%; text-align: center;">month</td> <td style="width: 33%; text-align: center;">day</td> <td style="width: 33%; text-align: center;">year</td> </tr> </table>	month	day	year	Percentage of real property conveyed which is residential real property _____% (see instructions)
month	day	year				

Condition of conveyance (check all that apply)

- |   |  |  |
|---|--|--|
| a. <input checked="" type="checkbox"/> Conveyance of fee interest<br><br>b. <input type="checkbox"/> Acquisition of a controlling interest (state percentage acquired _____%)<br><br>c. <input type="checkbox"/> Transfer of a controlling interest (state percentage transferred _____%)<br><br>d. <input type="checkbox"/> Conveyance to cooperative housing corporation<br><br>e. <input type="checkbox"/> Conveyance pursuant to or in lieu of foreclosure or enforcement of security interest (attach Form TP-584.1, Schedule E) | f. <input type="checkbox"/> Conveyance which consists of a mere change of identity or form of ownership or organization (attach Form TP-584.1, Schedule F)<br><br>g. <input type="checkbox"/> Conveyance for which credit for tax previously paid will be claimed (attach Form TP-584.1, Schedule G)<br><br>h. <input type="checkbox"/> Conveyance of cooperative apartment(s)<br><br>i. <input type="checkbox"/> Syndication<br><br>j. <input type="checkbox"/> Conveyance of air rights or development rights<br><br>k. <input type="checkbox"/> Contract assignment | l. <input type="checkbox"/> Option assignment or surrender<br><br>m. <input type="checkbox"/> Leasehold assignment or surrender<br><br>n. <input type="checkbox"/> Leasehold grant<br><br>o. <input type="checkbox"/> Conveyance of an easement<br><br>p. <input type="checkbox"/> Conveyance for which exemption from transfer tax claimed (complete Schedule B, Part III)<br><br>q. <input type="checkbox"/> Conveyance of property partly within and partly outside the state<br><br>r. <input type="checkbox"/> Conveyance pursuant to divorce or separation<br><br>s. <input type="checkbox"/> Other (describe) _____ |
|---|--|--|

For recording officer's use	Amount received	Date received	Transaction number
	Schedule B., Part I \$ _____ Schedule B., Part II \$ _____		

**Schedule B – Real estate transfer tax return** (Tax Law, Article 31)

**Part I – Computation of tax due**

- 1 Enter amount of consideration for the conveyance (if you are claiming a total exemption from tax, check the exemption claimed box, enter consideration and proceed to Part III) .....  **Exemption claimed**
- 2 Continuing lien deduction (see instructions if property is taken subject to mortgage or lien) .....
- 3 Taxable consideration (subtract line 2 from line 1) .....
- 4 Tax: \$2 for each \$500, or fractional part thereof, of consideration on line 3 .....
- 5 Amount of credit claimed for tax previously paid (see instructions and attach Form TP-584.1, Schedule G) .....
- 6 Total tax due\* (subtract line 5 from line 4) .....

1.		1	00
2.			
3.			
4.			
5.			
6.			

**Part II – Computation of additional tax due on the conveyance of residential real property for \$1 million or more**

- 1 Enter amount of consideration for conveyance (from Part I, line 1) .....
- 2 Taxable consideration (multiply line 1 by the percentage of the premises which is residential real property, as shown in Schedule A) ...
- 3 Total additional transfer tax due\* (multiply line 2 by 1% (.01)) .....

1.			
2.			
3.			

**Part III – Explanation of exemption claimed on Part I, line 1 (check any boxes that apply)**

The conveyance of real property is exempt from the real estate transfer tax for the following reason:

- a. Conveyance is to the United Nations, the United States of America, the state of New York, or any of their instrumentalities, agencies, or political subdivisions (or any public corporation, including a public corporation created pursuant to agreement or compact with another state or Canada) ..... a
- b. Conveyance is to secure a debt or other obligation..... b
- c. Conveyance is without additional consideration to confirm, correct, modify, or supplement a prior conveyance..... c
- d. Conveyance of real property is without consideration and not in connection with a sale, including conveyances conveying realty as bona fide gifts ..... d
- e. Conveyance is given in connection with a tax sale..... e
- f. Conveyance is a mere change of identity or form of ownership or organization where there is no change in beneficial ownership. (This exemption cannot be claimed for a conveyance to a cooperative housing corporation of real property comprising the cooperative dwelling or dwellings.) Attach Form TP-584.1, Schedule F..... f
- g. Conveyance consists of deed of partition..... g
- h. Conveyance is given pursuant to the federal Bankruptcy Act ..... h
- i. Conveyance consists of the execution of a contract to sell real property, without the use or occupancy of such property, or the granting of an option to purchase real property, without the use or occupancy of such property ..... i
- j. Conveyance of an option or contract to purchase real property with the use or occupancy of such property where the consideration is less than \$200,000 and such property was used solely by the grantor as the grantor's personal residence and consists of a one-, two-, or three-family house, an individual residential condominium unit, or the sale of stock in a cooperative housing corporation in connection with the grant or transfer of a proprietary leasehold covering an individual residential cooperative apartment..... j
- k. Conveyance is not a conveyance within the meaning of Tax Law, Article 31, section 1401(e) (attach documents supporting such claim) ..... k

\*The total tax (from Part I, line 6 and Part II, line 3 above) is due within 15 days from the date conveyance. Please make check(s) payable to the county clerk where the recording is to take place. If the recording is to take place in the New York City boroughs of Manhattan, Bronx, Brooklyn, or Queens, make check(s) payable to the **NYC Department of Finance**. If a recording is not required, send this return and your check(s) made payable to the **NYS Department of Taxation and Finance**, directly to the NYS Tax Department, RETT Return Processing, PO Box 5045, Albany NY 12205-5045.

**Schedule C — Credit Line Mortgage Certificate (Tax Law, Article 11)**

Complete the following only if the interest being transferred is a fee simple interest.

I (we) certify that: (check the appropriate box)

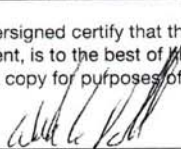
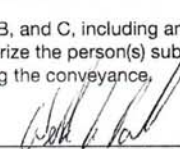
1.  The real property being sold or transferred is not subject to an outstanding credit line mortgage.
2.  The real property being sold or transferred is subject to an outstanding credit line mortgage. However, an exemption from the tax is claimed for the following reason:
  - The transfer of real property is a transfer of a fee simple interest to a person or persons who held a fee simple interest in the real property (whether as a joint tenant, a tenant in common or otherwise) immediately before the transfer.
  - The transfer of real property is (A) to a person or persons related by blood, marriage or adoption to the original obligor or to one or more of the original obligors or (B) to a person or entity where 50% or more of the beneficial interest in such real property after the transfer is held by the transferor or such related person or persons (as in the case of a transfer to a trustee for the benefit of a minor or the transfer to a trust for the benefit of the transferor).
  - The transfer of real property is a transfer to a trustee in bankruptcy, a receiver, assignee, or other officer of a court.
  - The maximum principal amount secured by the credit line mortgage is \$3,000,000 or more, and the real property being sold or transferred is **not** principally improved nor will it be improved by a one- to six-family owner-occupied residence or dwelling.

**Please note:** for purposes of determining whether the maximum principal amount secured is \$3,000,000 or more as described above, the amounts secured by two or more credit line mortgages may be aggregated under certain circumstances. See TSB-M-96(6)-R for more information regarding these aggregation requirements.

- Other (attach detailed explanation).
3.  The real property being transferred is presently subject to an outstanding credit line mortgage. However, no tax is due for the following reason:
    - A certificate of discharge of the credit line mortgage is being offered at the time of recording the deed.
    - A check has been drawn payable for transmission to the credit line mortgagee or his agent for the balance due, and a satisfaction of such mortgage will be recorded as soon as it is available.
  4.  The real property being transferred is subject to an outstanding credit line mortgage recorded in \_\_\_\_\_ (insert liber and page or reel or other identification of the mortgage). The maximum principal amount of debt or obligation secured by the mortgage is \_\_\_\_\_. No exemption from tax is claimed and the tax of \_\_\_\_\_ is being paid herewith. (Make check payable to county clerk where deed will be recorded or, if the recording is to take place in New York City but not in Richmond County, make check payable to the **NYC Department of Finance**.)

**Signature (both the grantor(s) and grantee(s) must sign)**

The undersigned certify that the above information contained in schedules A, B, and C, including any return, certification, schedule, or attachment, is to the best of his/her knowledge, true and complete, and authorize the person(s) submitting such form on their behalf to receive a copy for purposes of recording the deed or other instrument effecting the conveyance.

 _____ Grantor signature	Manager _____ Title	 _____ Grantee signature	Manager _____ Title
_____ Grantor signature	_____ Title	_____ Grantee signature	_____ Title

**Reminder:** Did you complete all of the required information in Schedules A, B, and C? Are you required to complete Schedule D? If you checked e, f, or g in Schedule A, did you complete Form TP-584.1? Have you attached your check(s) made payable to the county clerk where recording will take place or, if the recording is in the New York City boroughs of Manhattan, Bronx, Brooklyn, or Queens, to the **NYC Department of Finance**? If no recording is required, send your check(s), made payable to the **Department of Taxation and Finance**, directly to the NYS Tax Department, RETT Return Processing, PO Box 5045, Albany NY 12205-5045.

**Schedule D - Certification of exemption from the payment of estimated personal income tax** (Tax Law, Article 22, section 663)

Complete the following only if a fee simple interest or a cooperative unit is being transferred by an individual or estate or trust.

If the property is being conveyed by a referee pursuant to a foreclosure proceeding, proceed to Part II, and check the second box under Exemptions for nonresident transferor(s)/seller(s) and sign at bottom.

**Part I - New York State residents**

If you are a New York State resident transferor(s)/seller(s) listed in Schedule A of Form TP-584 (or an attachment to Form TP-584), you must sign the certification below. If one or more transferors/sellers of the real property or cooperative unit is a resident of New York State, each resident transferor/seller must sign in the space provided. If more space is needed, please photocopy this Schedule D and submit as many schedules as necessary to accommodate all resident transferors/sellers.

**Certification of resident transferor(s)/seller(s)**

This is to certify that at the time of the sale or transfer of the real property or cooperative unit, the transferor(s)/seller(s) as signed below was a resident of New York State, and therefore is not required to pay estimated personal income tax under Tax Law, section 663(a) upon the sale or transfer of this real property or cooperative unit.

Signature	Print full name	Date
Signature	Print full name	Date
Signature	Print full name	Date
Signature	Print full name	Date

**Note:** A resident of New York State may still be required to pay estimated tax under Tax Law, section 685(c), but not as a condition of recording a deed.

**Part II - Nonresidents of New York State**

If you are a nonresident of New York State listed as a transferor/seller in Schedule A of Form TP-584 (or an attachment to Form TP-584) but are not required to pay estimated personal income tax because one of the exemptions below applies under Tax Law, section 663(c), check the box of the appropriate exemption below. If any one of the exemptions below applies to the transferor(s)/seller(s), that transferor(s)/seller(s) is not required to pay estimated personal income tax to New York State under Tax Law, section 663. Each nonresident transferor/seller who qualifies under one of the exemptions below must sign in the space provided. If more space is needed, please photocopy this Schedule D and submit as many schedules as necessary to accommodate all nonresident transferors/sellers.

If none of these exemption statements apply, you must complete Form IT-2663, *Nonresident Real Property Estimated Income Tax Payment Form*, or Form IT-2664, *Nonresident Cooperative Unit Estimated Income Tax Payment Form*. For more information, see *Payment of estimated personal income tax*, on page 1 of Form TP-584-1.

**Exemption for nonresident transferor(s)/seller(s)**

This is to certify that at the time of the sale or transfer of the real property or cooperative unit, the transferor(s)/seller(s) (grantor) of this real property or cooperative unit was a nonresident of New York State, but is not required to pay estimated personal income tax under Tax Law, section 663 due to one of the following exemptions:

- The real property or cooperative unit being sold or transferred qualifies in total as the transferor's/seller's principal residence (within the meaning of Internal Revenue Code, section 121) from \_\_\_\_\_ Date \_\_\_\_\_ to \_\_\_\_\_ Date \_\_\_\_\_ (see instructions).
- The transferor/seller is a mortgagor conveying the mortgaged property to a mortgagee in foreclosure, or in lieu of foreclosure with no additional consideration.
- The transferor or transferee is an agency or authority of the United States of America, an agency or authority of the state of New York, the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, the Government National Mortgage Association, or a private mortgage insurance company.

Signature	Print full name	Date
Signature	Print full name	Date
Signature	Print full name	Date
Signature	Print full name	Date

FOR COUNTY USE ONLY

C1. SWIS Code
C2. Date Deed Recorded
C3. Book
C4. Page



New York State Department of Taxation and Finance
Office of Real Property Tax Services
RP- 5217-PDF
Real Property Transfer Report (8/10)

PROPERTY INFORMATION

1. Property Location: pt. of 219, Bryant, Buffalo, 14222
2. Buyer Name: EC445, LLC
3. Tax Billing Address
4. Indicate the number of Assessment Roll parcels transferred on the deed 1 # of Parcels OR Part of a Parcel
5. Deed Property Size: Elmwood Crossing, LLC, 0.25 ACRES
6. Seller Name: Elmwood Crossing, LLC
7. Select the description which most accurately describes the use of the property at the time of sale: F. Commercial
8. Ownership Type is Condominium
9. New Construction on a Vacant Land
10A. Property Located within an Agricultural District
10B. Buyer received a disclosure notice indicating that the property is in an Agricultural District

SALE INFORMATION

11. Sale Contract Date
12. Date of Sale/Transfer
13. Full Sale Price: 1.00
14. Indicate the value of personal property included in the sale: .00

15. Check one or more of these conditions as applicable to transfer:
A. Sale Between Relatives or Former Relatives
B. Sale between Related Companies or Partners in Business.
C. One of the Buyers is also a Seller
D. Buyer or Seller is Government Agency or Lending Institution
E. Deed Type not Warranty or Bargain and Sale (Specify Below)
F. Sale of Fractional or Less than Fee Interest (Specify Below)
G. Significant Change in Property Between Taxable Status and Sale Dates
H. Sale of Business is Included in Sale Price
I. Other Unusual Factors Affecting Sale Price (Specify Below)
J. None

ASSESSMENT INFORMATION - Data should reflect the latest Final Assessment Roll and Tax Bill

16. Year of Assessment Roll from which information taken(Y) 17
17. Total Assessed Value: 22,751,300- pt. of this
18. Property Class: 641
19. School District Name: Buffalo School District
20. Tax Map Identifier(s)/Roll Identifier(s) (If more than four, attach sheet with additional identifier(s))
100.460-2-2.100

CERTIFICATION

I Certify that all of the items of information entered on this form are true and correct (to the best of my knowledge and belief) and I understand that the making of any willful false statement of material fact herein subject me to the provisions of the penal law relative to the making and filing of false instruments.

SELLER SIGNATURE: William A. Paladino, Manager
BUYER SIGNATURE: William A. Paladino, Manager

BUYER CONTACT INFORMATION
(Enter information for the buyer. Note: If buyer is LLC, society, association, corporation, joint stock company, estate or entity that is not an individual agent or fiduciary, then a name and contact information of an individual/responsible party who can answer questions regarding the transfer must be entered. Type or print clearly.)
BUYER: EC445, LLC
(716) 854-0060
295 Main St., Suite 210
Buffalo NY 14203

BUYER'S ATTORNEY: Kemp Chandy
(716) 852-8222





MICHAEL P. KEARNS, ERIE COUNTY CLERK  
REF:

DATE:6/1/2018  
TIME:3:23:55 PM  
RECEIPT: 18101292 - DUPLICATE -

CARL P PALADINO  
ACCOUNT #: 8907

DUPLICATE RECEIPT

ITEM - 01 DEED  
RECD: 6/1/2018 3:28:00 PM  
FILE: 2018107898 BK/PG D 11329/9737  
Deed Sequence: TT2017021746  
2680 GROUP LLC  
EC445 LLC

Recording Fees	55.50
RP5217 CNTY \$9	9.00
RP5217 ST-NON RES \$241	241.00
TP584	10.00
TRANSFER	
MANSION TT	0.00
TT-STATE \$2/500	1,198.00
TT-COUNTY \$2.50/500	1,497.50
Subtotal	3,011.00

ITEM - 02 DEED  
RECD: 6/1/2018 3:28:00 PM  
FILE: 2018107899 BK/PG D 11329/9740  
Deed Sequence: TT2017021747  
ELMWOOD CROSSING LLC  
EC445 LLC

Recording Fees	55.00
RP5217 CNTY \$9	9.00
RP5217 ST-NON RES \$241	241.00
TP584	10.00
Subtotal	315.00

ITEM - 03 SERVICE  
DEBIT ESCROW 39.50  
Subtotal 39.50

TOTAL DUE	\$3,365.50
PAID TOTAL	\$3,365.50
PAID CHECK	\$3,365.50
Check #145:	3,365.50

-----  
REC BY: Kathy  
COUNTY RECORDER

**BARGAIN AND SALE DEED**

**THIS INDENTURE,**

Made the 31<sup>st</sup> day of May, Two Thousand Eighteen

**BETWEEN 2680 Group, LLC**, 295 Main Street, Suite 210, Buffalo, New York 14203, party of the first part, and

**EC445, LLC**, 295 Main Street, Suite 210, Buffalo, New York 14203, party of the second part,

**WITNESSETH**, that the party of the first part, in consideration of Ten Dollars and other valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

**ALL THAT TRACT OR PARCEL OF LAND**, situate in the City of Buffalo, County of Erie and State of New York, being part of Lot No. 56, Township 11, Range 8 of the Holland Land Company's Survey, described as follows:

BEGINNING at a point in the easterly line of Elmwood Avenue, distant 112.00 feet northerly from the point of intersection of the easterly line of Elmwood Avenue, with the northerly line of Bryant Street; running

THENCE northerly, along the easterly line of Elmwood Avenue, 77.85 feet, more or less, to the northerly line of said Lot No. 56;

THENCE easterly, along the northerly line of said Lot No. 56, a distance of 93.50 feet, more or less, to the easterly line of lands conveyed to Sophia L. Beam by Deed dated February 16, 1877 and recorded February 17, 1877 in the Erie County Clerk's Office in Liber 372 of Deeds at page 33;

THENCE southerly, along the easterly line of lands so conveyed to Sophia L. Beam, 77.85 feet, more or less, to a point in a line drawn parallel with the northerly line of Bryant Street, easterly from the point of beginning;

THENCE westerly, parallel with the northerly line of Bryant Street, 93.50 feet, more or less, to the easterly line of Elmwood Avenue at the point of beginning.

Subject to all covenants, easements and restrictions of record, if any.

**TOGETHER** with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above-described premises to the center lines thereof;

**TOGETHER** with the appurtenances and all the estate and rights of the party of the first part in and to said premises;

The subject property is currently encumbered by the following mortgage: Mortgage made by Grantor to Northwest Savings Bank ("Lender") in the original principal amount of \$1,058,750.00, dated March 10, 2016, and recorded in the Office of the Clerk of Erie County, New York on March 10, 2016, in Liber 13757 of Mortgages at page 5021.

The indebtedness secured by the mortgage is comprised of the following: (a) a mortgage note in the principal amount of \$558,750.00 given by Grantor to Lender, dated March 10, 2016 (the "Mortgage Note"); and (b) Grantor's guaranty of a certain term note in the principal amount of \$500,000.00 given by 1980 Group, Inc. to Lender, dated March 10, 2016 (the "Term Note"). As of the date hereof, the outstanding principal balance due on the Mortgage Note is \$500,546.75, and the outstanding principal balance due on the Term Note is \$343,619.85.

As part of the consideration for the purchase of the subject property, Grantee hereby assumes and agrees to pay the outstanding principal balance of the Mortgage Note. The interest rate on the Mortgage Note is currently a variable rate equal to the LIBOR Rate plus 3.00% per annum.

**FILED**

JUN 01 2018

**ERIE COUNTY  
CLERK'S OFFICE**





# Combined Real Estate Transfer Tax Return, Credit Line Mortgage Certificate, and Certification of Exemption from the Payment of Estimated Personal Income Tax

Recording office time stamp

See Form TP-584-I, Instructions for Form TP-584, before completing this form. Print or type.

### Schedule A - Information relating to conveyance

<b>Grantor/Transferor</b>		Name (if individual, last, first, middle initial) ( <input type="checkbox"/> check if more than one grantor )		Social security number
<input type="checkbox"/> Individual		2680 Group, LLC		
<input type="checkbox"/> Corporation		Mailing address		Social security number
<input type="checkbox"/> Partnership		295 Main Street, Suite 210		
<input type="checkbox"/> Estate/Trust		City	State	ZIP code
<input type="checkbox"/> Single member LLC		Buffalo	NY	14203
<input checked="" type="checkbox"/> Other		Single member's name if grantor is a single member LLC (see instructions)		Federal EIN 47-4482129
				Single member EIN or SSN
<b>Grantee/Transferee</b>		Name (if individual, last, first, middle initial) ( <input type="checkbox"/> check if more than one grantee )		Social security number
<input type="checkbox"/> Individual		EC445, LLC		
<input type="checkbox"/> Corporation		Mailing address		Social security number
<input type="checkbox"/> Partnership		295 Main Street, Suite 210		
<input type="checkbox"/> Estate/Trust		City	State	ZIP code
<input checked="" type="checkbox"/> Single member LLC		Buffalo	NY	14203
<input type="checkbox"/> Other		Single member's name if grantee is a single member LLC (see instructions)		Federal EIN 36-4890239
		Elmwood Crossing, LLC		Single member EIN or SSN 82-2935910

### Location and description of property conveyed

Tax map designation - Section, block & lot (include dots and dashes)	SWIS code (six digits)	Street address	City, town, or village	County
100.460-2-35	140200	451 Elmwood Avenue	Buffalo	Erie

### Type of property conveyed (check applicable box)

1 <input type="checkbox"/> One- to three-family house	5 <input type="checkbox"/> Commercial/Industrial	Date of conveyance <table border="1" style="display: inline-table; vertical-align: middle;"> <tr> <td style="width: 30px;"> </td> <td style="width: 30px;"> </td> <td style="width: 30px;"> </td> </tr> <tr> <td style="font-size: 8px;">month</td> <td style="font-size: 8px;">day</td> <td style="font-size: 8px;">year</td> </tr> </table>				month	day	year	Percentage of real property conveyed which is residential real property _____ % (see instructions)
month	day		year						
2 <input type="checkbox"/> Residential cooperative	6 <input type="checkbox"/> Apartment building								
3 <input type="checkbox"/> Residential condominium	7 <input type="checkbox"/> Office building								
4 <input type="checkbox"/> Vacant land	8 <input checked="" type="checkbox"/> Other 421								

### Condition of conveyance (check all that apply)

a. <input checked="" type="checkbox"/> Conveyance of fee interest	f. <input type="checkbox"/> Conveyance which consists of a mere change of identity or form of ownership or organization (attach Form TP-584.1, Schedule F)	i. <input type="checkbox"/> Option assignment or surrender
b. <input type="checkbox"/> Acquisition of a controlling interest (state percentage acquired _____ %)	g. <input type="checkbox"/> Conveyance for which credit for tax previously paid will be claimed (attach Form TP-584.1, Schedule G)	m. <input type="checkbox"/> Leasehold assignment or surrender
c. <input type="checkbox"/> Transfer of a controlling interest (state percentage transferred _____ %)	h. <input type="checkbox"/> Conveyance of cooperative apartment(s)	n. <input type="checkbox"/> Leasehold grant
d. <input type="checkbox"/> Conveyance to cooperative housing corporation	i. <input type="checkbox"/> Syndication	o. <input type="checkbox"/> Conveyance of an easement
e. <input type="checkbox"/> Conveyance pursuant to or in lieu of foreclosure or enforcement of security interest (attach Form TP-584.1, Schedule E)	j. <input type="checkbox"/> Conveyance of air rights or development rights	p. <input type="checkbox"/> Conveyance for which exemption from transfer tax claimed (complete Schedule B, Part III)
	k. <input type="checkbox"/> Contract assignment	q. <input type="checkbox"/> Conveyance of property partly within and partly outside the state
		r. <input type="checkbox"/> Conveyance pursuant to divorce or separation
		s. <input type="checkbox"/> Other (describe) _____

For recording officer's use	Amount received	Date received	Transaction number
	Schedule B., Part I \$ _____ Schedule B., Part II \$ _____		

**Schedule B – Real estate transfer tax return (Tax Law, Article 31)**

**Part I – Computation of tax due**

- 1 Enter amount of consideration for the conveyance (if you are claiming a total exemption from tax, check the exemption claimed box, enter consideration and proceed to Part III) .....  **Exemption claimed**
- 2 Continuing lien deduction (see instructions if property is taken subject to mortgage or lien) .....
- 3 Taxable consideration (subtract line 2 from line 1) .....
- 4 Tax: \$2 for each \$500, or fractional part thereof, of consideration on line 3 .....
- 5 Amount of credit claimed for tax previously paid (see instructions and attach Form TP-584.1, Schedule G) .....
- 6 Total tax due\* (subtract line 5 from line 4) .....

1.	800000	00
2.	500546	75
3.	299453	25
4.		
5.		
6.		

**Part II – Computation of additional tax due on the conveyance of residential real property for \$1 million or more**

- 1 Enter amount of consideration for conveyance (from Part I, line 1) .....
- 2 Taxable consideration (multiply line 1 by the percentage of the premises which is residential real property, as shown in Schedule A) ...
- 3 Total additional transfer tax due\* (multiply line 2 by 1% (.01)) .....

1.		
2.		
3.		

**Part III – Explanation of exemption claimed on Part I, line 1 (check any boxes that apply)**

The conveyance of real property is exempt from the real estate transfer tax for the following reason:

- a. Conveyance is to the United Nations, the United States of America, the state of New York, or any of their instrumentalities, agencies, or political subdivisions (or any public corporation, including a public corporation created pursuant to agreement or compact with another state or Canada) ..... a
- b. Conveyance is to secure a debt or other obligation..... b
- c. Conveyance is without additional consideration to confirm, correct, modify, or supplement a prior conveyance..... c
- d. Conveyance of real property is without consideration and not in connection with a sale, including conveyances conveying realty as bona fide gifts ..... d
- e. Conveyance is given in connection with a tax sale..... e
- f. Conveyance is a mere change of identity or form of ownership or organization where there is no change in beneficial ownership. (This exemption cannot be claimed for a conveyance to a cooperative housing corporation of real property comprising the cooperative dwelling or dwellings.) Attach Form TP-584.1, Schedule F..... f
- g. Conveyance consists of deed of partition..... g
- h. Conveyance is given pursuant to the federal Bankruptcy Act ..... h
- i. Conveyance consists of the execution of a contract to sell real property, without the use or occupancy of such property, or the granting of an option to purchase real property, without the use or occupancy of such property ..... i
- j. Conveyance of an option or contract to purchase real property with the use or occupancy of such property where the consideration is less than \$200,000 and such property was used solely by the grantor as the grantor's personal residence and consists of a one-, two-, or three-family house, an individual residential condominium unit, or the sale of stock in a cooperative housing corporation in connection with the grant or transfer of a proprietary leasehold covering an individual residential cooperative apartment..... j
- k. Conveyance is not a conveyance within the meaning of Tax Law, Article 31, section 1401(e) (attach documents supporting such claim) ..... k

\*The total tax (from Part I, line 6 and Part II, line 3 above) is due within 15 days from the date conveyance. Please make check(s) payable to the county clerk where the recording is to take place. If the recording is to take place in the New York City boroughs of Manhattan, Bronx, Brooklyn, or Queens, make check(s) payable to the **NYC Department of Finance**. If a recording is not required, send this return and your check(s) made payable to the **NYS Department of Taxation and Finance**, directly to the NYS Tax Department, RETT Return Processing, PO Box 5045, Albany NY 12205-5045.

**Schedule C – Credit Line Mortgage Certificate** (Tax Law, Article 11)

Complete the following only if the interest being transferred is a fee simple interest.

I (we) certify that: (check the appropriate box)

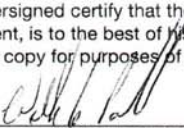
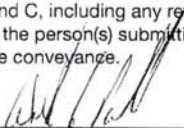
1.  The real property being sold or transferred is not subject to an outstanding credit line mortgage.
2.  The real property being sold or transferred is subject to an outstanding credit line mortgage. However, an exemption from the tax is claimed for the following reason:
  - The transfer of real property is a transfer of a fee simple interest to a person or persons who held a fee simple interest in the real property (whether as a joint tenant, a tenant in common or otherwise) immediately before the transfer.
  - The transfer of real property is (A) to a person or persons related by blood, marriage or adoption to the original obligor or to one or more of the original obligors or (B) to a person or entity where 50% or more of the beneficial interest in such real property after the transfer is held by the transferor or such related person or persons (as in the case of a transfer to a trustee for the benefit of a minor or the transfer to a trust for the benefit of the transferor).
  - The transfer of real property is a transfer to a trustee in bankruptcy, a receiver, assignee, or other officer of a court.
  - The maximum principal amount secured by the credit line mortgage is \$3,000,000 or more, and the real property being sold or transferred is **not** principally improved nor will it be improved by a one- to six-family owner-occupied residence or dwelling.

**Please note:** for purposes of determining whether the maximum principal amount secured is \$3,000,000 or more as described above, the amounts secured by two or more credit line mortgages may be aggregated under certain circumstances. See TSB-M-96(6)-R for more information regarding these aggregation requirements.

  - Other (attach detailed explanation).
3.  The real property being transferred is presently subject to an outstanding credit line mortgage. However, no tax is due for the following reason:
  - A certificate of discharge of the credit line mortgage is being offered at the time of recording the deed.
  - A check has been drawn payable for transmission to the credit line mortgagee or his agent for the balance due, and a satisfaction of such mortgage will be recorded as soon as it is available.
4.  The real property being transferred is subject to an outstanding credit line mortgage recorded in \_\_\_\_\_ (insert liber and page or reel or other identification of the mortgage). The maximum principal amount of debt or obligation secured by the mortgage is \_\_\_\_\_. No exemption from tax is claimed and the tax of \_\_\_\_\_ is being paid herewith. (Make check payable to county clerk where deed will be recorded or, if the recording is to take place in New York City but not in Richmond County, make check payable to the **NYC Department of Finance**.)

**Signature (both the grantor(s) and grantee(s) must sign)**

The undersigned certify that the above information contained in schedules A, B, and C, including any return, certification, schedule, or attachment, is to the best of his/her knowledge, true and complete, and authorize the person(s) submitting such form on their behalf to receive a copy for purposes of recording the deed or other instrument effecting the conveyance.

 _____ Grantor signature <b>William A. Paladino</b> Title	 _____ Grantee signature <b>William A. Paladino</b> Title
_____ Grantor signature      _____      Title	_____ Grantee signature      _____      Title

**Reminder:** Did you complete all of the required information in Schedules A, B, and C? Are you required to complete Schedule D? If you checked e, f, or g in Schedule A, did you complete Form TP-584.1? Have you attached your check(s) made payable to the county clerk where recording will take place or, if the recording is in the New York City boroughs of Manhattan, Bronx, Brooklyn, or Queens, to the **NYC Department of Finance**? If no recording is required, send your check(s), made payable to the **Department of Taxation and Finance**, directly to the NYS Tax Department, RETT Return Processing, PO Box 5045, Albany NY 12205-5045.

**Schedule D - Certification of exemption from the payment of estimated personal income tax** (Tax Law, Article 22, section 663)

Complete the following only if a fee simple interest or a cooperative unit is being transferred by an individual or estate or trust.

If the property is being conveyed by a referee pursuant to a foreclosure proceeding, proceed to Part II, and check the second box under *Exemptions for nonresident transferor(s)/seller(s)* and sign at bottom.

**Part I - New York State residents**

If you are a New York State resident transferor(s)/seller(s) listed in Schedule A of Form TP-584 (or an attachment to Form TP-584), you must sign the certification below. If one or more transferors/sellers of the real property or cooperative unit is a resident of New York State, **each** resident transferor/seller must sign in the space provided. If more space is needed, please photocopy this Schedule D and submit as many schedules as necessary to accommodate all resident transferors/sellers.

**Certification of resident transferor(s)/seller(s)**

This is to certify that at the time of the sale or transfer of the real property or cooperative unit, the transferor(s)/seller(s) as signed below was a resident of New York State, and therefore is not required to pay estimated personal income tax under Tax Law, section 663(a) upon the sale or transfer of this real property or cooperative unit.

Signature	Print full name	Date
Signature	Print full name	Date
Signature	Print full name	Date
Signature	Print full name	Date

**Note:** A resident of New York State may still be required to pay estimated tax under Tax Law, section 685(c), but not as a condition of recording a deed.

**Part II - Nonresidents of New York State**

If you are a nonresident of New York State listed as a transferor/seller in Schedule A of Form TP-584 (or an attachment to Form TP-584) but are not required to pay estimated personal income tax because one of the exemptions below applies under Tax Law, section 663(c), check the box of the appropriate exemption below. If any one of the exemptions below applies to the transferor(s)/seller(s), that transferor(s)/seller(s) is not required to pay estimated personal income tax to New York State under Tax Law, section 663. **Each** nonresident transferor/seller who qualifies under one of the exemptions below must sign in the space provided. If more space is needed, please photocopy this Schedule D and submit as many schedules as necessary to accommodate all nonresident transferors/sellers.

If none of these exemption statements apply, you must complete Form IT-2663, *Nonresident Real Property Estimated Income Tax Payment Form*, or Form IT-2664, *Nonresident Cooperative Unit Estimated Income Tax Payment Form*. For more information, see *Payment of estimated personal income tax*, on page 1 of Form TP-584-I.

**Exemption for nonresident transferor(s)/seller(s)**

This is to certify that at the time of the sale or transfer of the real property or cooperative unit, the transferor(s)/seller(s) (grantor) of this real property or cooperative unit was a nonresident of New York State, but is not required to pay estimated personal income tax under Tax Law, section 663 due to one of the following exemptions:

- The real property or cooperative unit being sold or transferred qualifies in total as the transferor's/seller's principal residence (within the meaning of Internal Revenue Code, section 121) from \_\_\_\_\_ Date to \_\_\_\_\_ Date (see instructions).
- The transferor/seller is a mortgagor conveying the mortgaged property to a mortgagee in foreclosure, or in lieu of foreclosure with no additional consideration.
- The transferor or transferee is an agency or authority of the United States of America, an agency or authority of the state of New York, the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, the Government National Mortgage Association, or a private mortgage insurance company.

Signature	Print full name	Date
Signature	Print full name	Date
Signature	Print full name	Date
Signature	Print full name	Date

FOR COUNTY, USE ONLY

C1. SWIS Code \_\_\_\_\_  
 C2. Date Deed Recorded \_\_\_\_\_  
 C3. Book \_\_\_\_\_ C4. Page \_\_\_\_\_



**New York State Department of Taxation and Finance**  
 Office of Real Property Tax Services  
**RP- 5217-PDF**  
 Real Property Transfer Report (8/10)

**PROPERTY INFORMATION**

1. Property Location: 451 Elmwood Avenue  
 Buffalo 14222

2. Buyer Name: EC445, LLC

3. Tax Billing Address: \_\_\_\_\_

4. Indicate the number of Assessment Roll parcels transferred on the deed: 1 # of Parcels OR  Part of a Parcel

5. Deed Property Size: 78 X 93 OR 0.00

6. Seller Name: 2680 GROUP, LLC

7. Select the description which most accurately describes the use of the property at the time of sale:  
 F. Commercial

8. Ownership Type is Condominium   
 9. New Construction on a Vacant Land   
 10A. Property Located within an Agricultural District   
 10B. Buyer received a disclosure notice indicating that the property is in an Agricultural District

**SALE INFORMATION**

11. Sale Contract Date: 03/12/2018

12. Date of Sale/Transfer: \_\_\_\_\_

13. Full Sale Price: 800,000.00

14. Indicate the value of personal property included in the sale: .00

15. Check one or more of these conditions as applicable to transfer:  
 A. Sale Between Relatives or Former Relatives  
 B. Sale between Related Companies or Partners in Business  
 C. One of the Buyers is also a Seller  
 D. Buyer or Seller is Government Agency or Lending Institution  
 E. Deed Type not Warranty or Bargain and Sale (Specify Below)  
 F. Sale of Fractional or Less than Fee Interest (Specify Below)  
 G. Significant Change in Property Between Taxable Status and Sale Dates  
 H. Sale of Business is Included in Sale Price  
 I. Other Unusual Factors Affecting Sale Price (Specify Below)  
 J. None

Comment(s) on Condition: \_\_\_\_\_

**ASSESSMENT INFORMATION - Data should reflect the latest Final Assessment Roll and Tax Bill**

16. Year of Assessment Roll from which information taken(YY): 17

17. Total Assessed Value: 490,000

18. Property Class: 421

19. School District Name: BUFFALO

20. Tax Map Identifier(s)/Roll Identifier(s) (If more than four, attach sheet with additional identifier(s))  
 100.460-2-35

**CERTIFICATION**

I certify that all of the items of information entered on this form are true and correct (to the best of my knowledge and belief) and I understand that the making of any willful false statement of material fact herein subject me to the provisions of the penal law relative to the making and filing of false instruments.

SELLER SIGNATURE: William A. Paladino, Manager 5/21/18  
 BUYER SIGNATURE: William A. Paladino, Manager 5/21/18

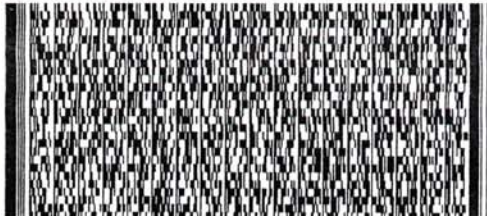
**BUYER CONTACT INFORMATION**

(Enter information for the buyer. Note: If buyer is LLC, society, association, corporation, joint stock company, estate or entity that is not an individual agent or fiduciary, then a name and contact information of an individual/responsible party who can answer questions regarding the transfer must be entered. Type or print clearly.)

BUYER: EC445, LLC  
 (716) 854-0060  
 295 MAIN ST., SUITE 210  
 BUFFALO NY 14203

**BUYER'S ATTORNEY**

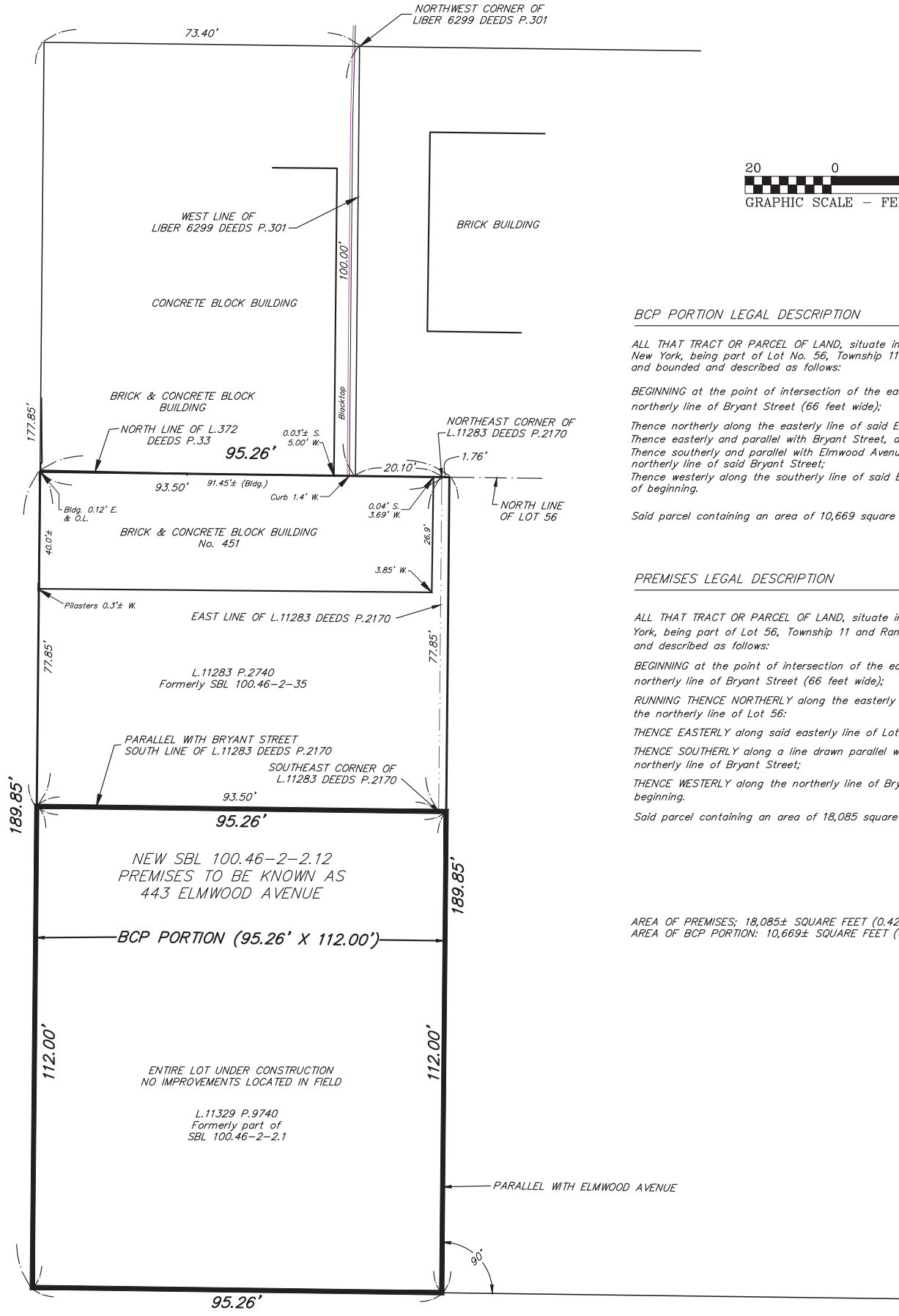
BUYER'S ATTORNEY: KEMP CHANDY  
 (716) 852-8222





HODGE (60' WIDE) AVENUE

AVENUE (80' WIDE)  
ELMWOOD AVENUE



BCP PORTION LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Buffalo, County of Erie and State of New York, being part of Lot No. 56, Township 11 and Range 8 of the Holland Land Company's Survey and bounded and described as follows:

BEGINNING at the point of intersection of the easterly line of Elmwood Avenue (80 feet wide) and the northerly line of Bryant Street (66 feet wide);  
Thence northerly along the easterly line of said Elmwood Avenue a distance of 112.00 feet to a point;  
Thence easterly and parallel with Bryant Street, a distance of 95.26 feet to a point;  
Thence southerly and parallel with Elmwood Avenue, a distance of 112.00 feet to a point in the northerly line of said Bryant Street;  
Thence westerly along the southerly line of said Bryant Street, a distance of 95.26 feet to the place of beginning.

Said parcel containing an area of 10,669 square feet (0.25 acre), more or less.

PREMISES LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Buffalo, County of Erie and State of New York, being part of Lot 56, Township 11 and Range 8 of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at the point of intersection of the easterly line of Elmwood Avenue (80 feet wide) and the northerly line of Bryant Street (66 feet wide);  
RUNNING THENCE NORTHERLY along the easterly line of Elmwood Avenue, a distance of 189.85 feet to the northerly line of Lot 56;  
THENCE EASTERLY along said easterly line of Lot 56, a distance of 95.26 feet to a point;  
THENCE SOUTHERLY along a line drawn parallel with Elmwood Avenue, a distance of 189.85 feet to the northerly line of Bryant Street;  
THENCE WESTERLY along the northerly line of Bryant Street, a distance of 95.26 feet to the point of beginning.

Said parcel containing an area of 18,085 square feet (0.42 acre), more or less.

AREA OF PREMISES: 18,085± SQUARE FEET (0.42± ACRE)  
AREA OF BCP PORTION: 10,669± SQUARE FEET (0.25± ACRE)

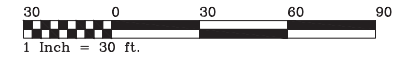
BRYANT (66' WIDE) STREET

LEGEND

- |                             |                     |
|-----------------------------|---------------------|
| Ø UTILITY / SERVICE POLE    | R.O.W. RIGHT OF WAY |
| ⊗ WATER LINE VALVE          | CONC. CONCRETE      |
| ⊙ FIRE HYDRANT              | INV. INVERT         |
| ⊕ D.I. (DROP INLET - STORM) | M.H. MANHOLE        |
| ⊖ MANHOLE (STORM)           | — GAS LINE          |
| ⊗ MANHOLE (ELECTRIC)        | — WATER LINE        |
| ⊖ MANHOLE (TRAFFIC)         | — TELEPHONE LINE    |
| ⊗ MANHOLE (SANITARY)        | — ELECTRIC LINE     |
| ⊖ MANHOLE (TELEPHONE)       | — UTILITY LINES     |
| ⊗ GASLINE MARKER            | — CABLE LINES       |
| ⊖ GAS LINE VALVE            | D. DEED             |
| ⊗ LIGHT STANDARD            | M. MEASURED         |
| — SIGN                      | L. LIBER            |
| H.C. HANDICAP               | P. PAGE             |

INSTRUMENT(S) UTILIZED IN DETERMINING LOCATION OF BOUNDARY LINES: Legal Description  
THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT ABSTRACT OF TITLE AND IS SUBJECT TO ANY STATE OF FACTS THAT MAY BE REVEALED IN SAID ABSTRACT.  
NOTE: PROPERTY CORNER MONUMENTS WERE NOT PLACED AS PART OF THIS SURVEY.

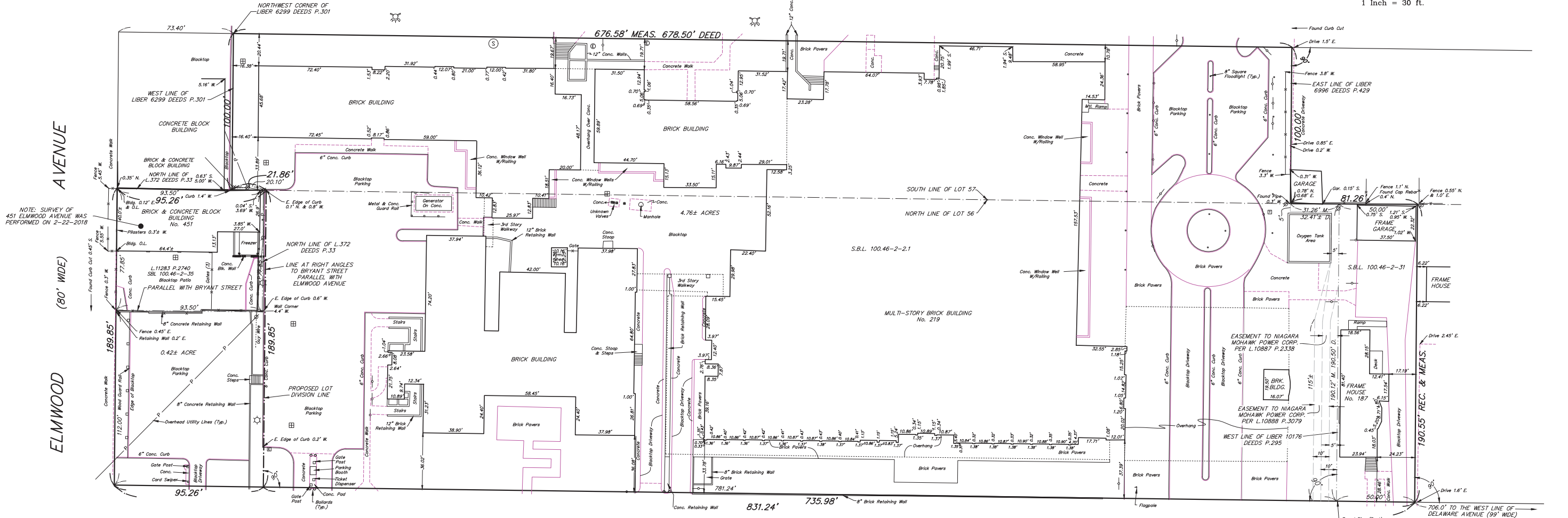
I HEREBY CERTIFY TO: People of the State of New York - Department of Environmental Conservation THAT THIS SURVEY MAP WAS PREPARED IN ACCORDANCE WITH THE CURRENT STANDARD FOR LAND SURVEYS ADOPTED BY THE ERIE COUNTY BAR ASSOCIATION. THIS CERTIFICATION SHALL EXTEND ONLY TO THE ENTITIES LISTED HEREON AND TO THE SUCCESSORS AND/OR ASSIGNEES OF THE LENDING INSTITUTION. THIS CERTIFICATION IS NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR ASSIGNEES OTHER THAN STATED ABOVE.  FRANCIS G. DELLES NYSPLS No. 280477	©COPYRIGHT 2019 BY: <b>Millard, MacKay &amp; Delles</b> LAND SURVEYORS, LLP 150 AERO DRIVE BUFFALO, NEW YORK 14225 PHONE (716) 631-5140 ~ FAX 631-3811	AMEND: "A" SURVEY DATE: 12-11-19 DRAWING DATE: 12-13-19 SCALE: 1" = 20' "ALL RIGHTS RESERVED"
	441 ELMWOOD AVENUE BCP SITE C915334 PART OF LOT 56 SECTION _____ TOWNSHIP 11 RANGE 8 OF THE: Holland Land Company's SURVEY - Erie COUNTY, N.Y. SURVEY OF: 443 Elmwood Avenue, City of Buffalo	



# HODGE AVENUE (60' WIDE)

# ELMWOOD AVENUE (80' WIDE)

# BRYANT STREET (66' WIDE)



NOTE: SURVEY OF 451 ELMWOOD AVENUE WAS PERFORMED ON 2-22-2018

**PREMISES SUBJECT TO:**

#151: EASEMENT TO NIAGARA MOHAWK POWER CORPORATION PER LIBER 10887 DEEDS P.2338 (PLOTTED HEREON)

#152: EASEMENT TO NIAGARA MOHAWK POWER CORPORATION PER LIBER 10888 DEEDS P.3079 (PLOTTED HEREON)

### LEGEND

⊗	UTILITY / SERVICE POLE	R.O.W.	RIGHT OF WAY
⊕	WATER LINE VALVE	CONC.	CONCRETE
⊗	FIRE HYDRANT	INV.	INVERT
⊕	D.I. (DROP INLET - STORM)	M.H.	MANHOLE
⊕	MANHOLE (STORM)	—	GAS LINE
⊕	MANHOLE (ELECTRIC)	—	WATER LINE
⊕	MANHOLE (TRAFFIC)	—	TELEPHONE LINE
⊕	MANHOLE (SANITARY)	—	ELECTRIC LINE
⊕	LDR (LIGHT DUTY RECEIVER - STORM)	—	UTILITY LINES
⊕	BYD (BACKYARD DRAIN INLET - STORM)	—	CABLE LINES
⊕	GAS LINE VALVE	D.	DEED
⊕	LIGHT STANDARD	M.	MEASURED
⊕	SIGN	L.	LIBER
H.C.	HANDICAP	P.	PAGE
⊕	TELEPHONE PEDESTAL		

INSTRUMENT(S) UTILIZED IN DETERMINING LOCATION OF BOUNDARY LINES: Head of Search & Liber 11283 Deeds P.2740

THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT ABSTRACT OF TITLE AND IS SUBJECT TO ANY STATE OF FACTS THAT MAY BE REVEALED IN SAID ABSTRACT.

NOTE: PROPERTY CORNER MONUMENTS WERE NOT PLACED AS PART OF THIS SURVEY.

THIS SURVEY MAP WAS PREPARED IN ACCORDANCE WITH THE CURRENT STANDARDS FOR LAND SURVEYS ADOPTED BY THE SURVEY ASSOCIATION OF THE COUNTY AT THE REQUEST OF Ellicott Development

©COPYRIGHT 2018 BY: **Millard, MacKay & Delles** LAND SURVEYORS, LLP  
150 AERO DRIVE  
BUFFALO, NEW YORK 14225  
PHONE (716) 631-5140 ~ FAX 631-8811

AMEND:  
SURVEY DATE: 11-7-17  
DRAWING DATE: 3-9-18  
SCALE: 1" = 30'  
"ALL RIGHTS RESERVED"

THIS MAP VOID UNLESS EMBOSSED

WITH NEW YORK STATE LICENSED LAND SURVEYORS SEAL, ALTERING ANY ITEM ON THIS MAP IS A VIOLATION OF THE LAW EXCEPT AS PROVIDED IN SECTION 7209, PART 2, OF THE NEW YORK STATE EDUCATION LAW

**PROPOSED LOT DIVISION**  
PART OF LOT 56&57 SECTION 11 TOWNSHIP 11 RANGE 8 OF THE: **Holland Land Company's SURVEY - Erie COUNTY, N.Y.**  
SURVEY OF: 187 & 219 Bryant St. and 451 Elmwood Ave., City of Buffalo

SBL No. 100.46-2-21, 31 & 35