



NYSDEC BCP Application

Location:

Building #40
717 and 723 Division Avenue
Niagara Falls, New York

Prepared for:

Mr. Robert Richardson
NFN 40 717 Division Ave, LLC
500 Seneca Street, Suite 503
Buffalo, New York 14204

LaBella Project No. 2201378.01

September 22, 2020

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BCP APPLICATION



BROWNFIELD CLEANUP PROGRAM (BCP) APPLICATION FORM

DEC requires an application to request major changes to the description of the property set forth in a Brownfield Cleanup Agreement, or "BCA" (e.g., adding a significant amount of new property, or adding property that could affect an eligibility determination due to contamination levels or intended land use). Such application must be submitted and processed in the same manner as the original application, including the required public comment period. **Is this an application to amend an existing BCA?**

☐ Yes

☒ No

If yes, provide existing site number: _____

PART A (note: application is separated into Parts A and B for DEC review purposes) *BCP App Rev 10*

Section I. Requestor Information - See Instructions for Further Guidance

DEC USE ONLY
BCP SITE #:

NAME NFN 40 717 Division Ave, LLC

ADDRESS 500 Seneca Street, Suite 503

CITY/TOWN Buffalo

ZIP CODE 14204

PHONE 716-861-6177

FAX

E-MAIL rrichardson@bluecardinalcapital.com

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

☒ Yes ☐ No

- If the requestor is a Corporation, LLC, LLP or other entity requiring authorization from the NYS Department of State to conduct business in NYS, the requestor's name must appear, exactly as given above, in the [NYS Department of State's Corporation & Business Entity Database](#). A print-out of entity information from the database must be submitted to the New York State Department of Environmental Conservation (DEC) with the application to document that the requestor is authorized to do business in NYS. **Please note:** If the requestor is an LLC, the members/owners names need to be provided on a separate attachment.

Do all individuals that will be certifying documents meet the requirements detailed below? ☒ Yes ☐ No

- Individuals that will be certifying BCP documents, as well as their employers, meet the requirements of Section 1.5 of [DER-10: Technical Guidance for Site Investigation and Remediation](#) and Article 145 of New York State Education Law. **Documents that are not properly certified will be not approved under the BCP.**

Section II. Project Description

1. What stage is the project starting at?

☒ Investigation

☐ Remediation

NOTE: If the project is proposed to start at the remediation stage, a Remedial Investigation Report (RIR) at a minimum is required to be attached, resulting in a 30-day public comment period. If an Alternatives Analysis and Remedial Work Plan are also attached (see DER-10 / Technical Guidance for Site Investigation and Remediation for further guidance) then a 45-day public comment period is required.

2. If a final RIR is included, please verify it meets the requirements of Environmental Conservation Law (ECL) Article 27-1415(2): ☐ Yes ☐ No

3. Please attach a short description of the overall development project, including:

- the date that the remedial program is to start; and
- the date the Certificate of Completion is anticipated.

Section III. Property's Environmental History

All applications **must include** an Investigation Report (per ECL 27-1407(1)). The report must be sufficient to establish contamination of environmental media on the site above applicable Standards, Criteria and Guidance (SCGs) based on the reasonably anticipated use of the property.

To the extent that existing information/studies/reports are available to the requestor, please attach the following (***please submit the information requested in this section in electronic format only***):

1. **Reports:** an example of an Investigation Report is a Phase II Environmental Site Assessment report prepared in accordance with the latest American Society for Testing and Materials standard (ASTM E1903). **Please submit a separate electronic copy of each report in Portable Document Format (PDF).**

2. SAMPLING DATA: INDICATE KNOWN CONTAMINANTS AND THE MEDIA WHICH ARE KNOWN TO HAVE BEEN AFFECTED. LABORATORY REPORTS SHOULD BE REFERENCED AND COPIES INCLUDED.

Contaminant Category	Soil	Groundwater	Soil Gas
Petroleum			
Chlorinated Solvents			
Other VOCs			
SVOCs			
Metals	Lead and Mercury		
Pesticides			
PCBs			
Other*			

*Please describe: _____

3. FOR EACH IMPACTED MEDIUM INDICATED ABOVE, INCLUDE A SITE DRAWING INDICATING:

- SAMPLE LOCATION
- DATE OF SAMPLING EVENT
- KEY CONTAMINANTS AND CONCENTRATION DETECTED
- FOR SOIL, HIGHLIGHT IF ABOVE REASONABLY ANTICIPATED USE
- FOR GROUNDWATER, HIGHLIGHT EXCEEDANCES OF 6NYCRR PART 703.5
- FOR SOIL GAS/ SOIL VAPOR/ INDOOR AIR, HIGHLIGHT IF ABOVE MITIGATE LEVELS ON THE NEW YORK STATE DEPARTMENT OF HEALTH MATRIX

THESE DRAWINGS ARE TO BE REPRESENTATIVE OF ALL DATA BEING RELIED UPON TO MAKE THE CASE THAT THE SITE IS IN NEED OF REMEDIATION UNDER THE BCP. DRAWINGS SHOULD NOT BE BIGGER THAN 11" X 17". THESE DRAWINGS SHOULD BE PREPARED IN ACCORDANCE WITH ANY GUIDANCE PROVIDED.

ARE THE REQUIRED MAPS INCLUDED WITH THE APPLICATION?*

(*answering No will result in an incomplete application)

☒ Yes ☐ No

4. INDICATE PAST LAND USES (CHECK ALL THAT APPLY):

- | | | | |
|---|--|---|--|
| <input type="checkbox"/> Coal Gas Manufacturing | <input type="checkbox"/> Manufacturing | <input type="checkbox"/> Agricultural Co-op | <input type="checkbox"/> Dry Cleaner |
| <input type="checkbox"/> Salvage Yard | <input type="checkbox"/> Bulk Plant | <input type="checkbox"/> Pipeline | <input type="checkbox"/> Service Station |
| <input type="checkbox"/> Landfill | <input type="checkbox"/> Tannery | <input type="checkbox"/> Electroplating | <input type="checkbox"/> Unknown |

Other: Refer to attached narrative for detailed description of Site history/land use. _____

Section IV. Property Information - See Instructions for Further Guidance				
PROPOSED SITE NAME Building #40				
ADDRESS/LOCATION 717 and 723 Division Avenue				
CITY/TOWN Niagara Falls		ZIP CODE 14305		
MUNICIPALITY(IF MORE THAN ONE, LIST ALL):				
COUNTY Niagara		SITE SIZE (ACRES) 0.35		
LATITUDE (degrees/minutes/seconds) 43 ° 06 ' 18.03 "		LONGITUDE (degrees/minutes/seconds) 79 ° 03 ' 16.73 "		
Complete tax map information for all tax parcels included within the proposed site boundary. If a portion of any lot is proposed , please indicate as such by inserting "P/O" in front of the lot number in the appropriate box below, and only include the acreage for that portion of the tax parcel in the corresponding far right column. ATTACH REQUIRED MAPS PER THE APPLICATION INSTRUCTIONS.				
Parcel Address	Section No.	Block No.	Lot No.	Acreage
717 Division Avenue	144.54	1	50	0.24
723 Division Avenue	144.54	1	49	0.11
1. Do the proposed site boundaries correspond to tax map metes and bounds? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If no, please attach an accurate map of the proposed site.				
2. Is the required property map attached to the application? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (application will not be processed without map)				
3. Is the property within a designated Environmental Zone (En-zone) pursuant to Tax Law 21(b)(6)? (See DEC's website for more information) Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If yes, identify census tract : 205 Percentage of property in En-zone (check one): <input type="checkbox"/> 0-49% <input type="checkbox"/> 50-99% <input checked="" type="checkbox"/> 100%				
4. Is this application one of multiple applications for a large development project, where the development project spans more than 25 acres (see additional criteria in BCP application instructions)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, identify name of properties (and site numbers if available) in related BCP applications: _____				
5. Is the contamination from groundwater or soil vapor solely emanating from property other than the site subject to the present application? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
6. Has the property previously been remediated pursuant to Titles 9, 13, or 14 of ECL Article 27, Title 5 of ECL Article 56, or Article 12 of Navigation Law? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, attach relevant supporting documentation.				
7. Are there any lands under water? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, these lands should be clearly delineated on the site map.				

Section IV. Property Information (continued)

8. Are there any easements or existing rights of way that would preclude remediation in these areas?
If yes, identify here and attach appropriate information. ☐ Yes ☒ No

Easement/Right-of-way Holder

Description

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

Type

Issuing Agency

Description

10. Property Description and Environmental Assessment – **please refer to application instructions for the proper format of each narrative requested.**

Are the Property Description and Environmental Assessment narratives included in the **prescribed format**?

☒ Yes ☐ No

Note: Questions 11 through 13 only pertain to sites located within the five counties comprising New York City

11. Is the requestor seeking a determination that the site is eligible for tangible property tax credits? ☐ Yes ☐ No

If yes, requestor must answer questions on the supplement at the end of this form.

12. Is the Requestor now, or will the Requestor in the future, seek a determination that the property is Upside Down? ☐ Yes ☐ No

13. If you have answered Yes to Question 12, above, is an independent appraisal of the value of the property, as of the date of application, prepared under the hypothetical condition that the property is not contaminated, included with the application? ☐ Yes ☐ No

NOTE: If a tangible property tax credit determination is not being requested in the application to participate in the BCP, the applicant may seek this determination at any time before issuance of a certificate of completion by using the BCP Amendment Application, except for sites seeking eligibility under the underutilized category.

If any changes to Section IV are required prior to application approval, a new page, initialed by each requestor, must be submitted.

Initials of each Requestor: _____

BCP application - PART B (note: application is separated into Parts A and B for DEC review purposes)

Section V. Additional Requestor Information See Instructions for Further Guidance		DEC USE ONLY BCP SITE NAME: _____ BCP SITE #: _____	
NAME OF REQUESTOR'S AUTHORIZED REPRESENTATIVE Mr. Robert Richardson			
ADDRESS 500 Seneca Street, Suite 503			
CITY/TOWN Buffalo		ZIP CODE 14204	
PHONE 716-861-6177	FAX	E-MAIL rrichardson@bluecardinalcapital.com	
NAME OF REQUESTOR'S CONSULTANT Mr. Adam Zebrowski, LaBella Associates, D.P.C.			
ADDRESS 300 Pearl Street, Suite 130			
CITY/TOWN Buffalo		ZIP CODE 14202	
PHONE 716-840-2548	FAX 716-551-6282	E-MAIL azebrowski@labellapc.com	
NAME OF REQUESTOR'S ATTORNEY Robert Murray, Esq., Harris Beach, PLLC			
ADDRESS 726 Exchange Street, Suite 1000			
CITY/TOWN Buffalo		ZIP CODE 14210	
PHONE 716-200-5180	FAX 716-200-5201	E-MAIL bmurray@harrisbeach.com	
Section VI. Current Property Owner/Operator Information – if not a Requestor			
CURRENT OWNER'S NAME		OWNERSHIP START DATE:	
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
CURRENT OPERATOR'S NAME			
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
PROVIDE A LIST OF PREVIOUS PROPERTY OWNERS AND OPERATORS WITH NAMES, LAST KNOWN ADDRESSES AND TELEPHONE NUMBERS AS AN ATTACHMENT. DESCRIBE REQUESTOR'S RELATIONSHIP, TO EACH PREVIOUS OWNER AND OPERATOR, INCLUDING ANY RELATIONSHIP BETWEEN REQUESTOR'S CORPORATE MEMBERS AND PREVIOUS OWNER AND OPERATOR. IF NO RELATIONSHIP, PUT "NONE".			
IF REQUESTOR IS NOT THE CURRENT OWNER, DESCRIBE REQUESTOR'S RELATIONSHIP TO THE CURRENT OWNER, INCLUDING ANY RELATIONSHIP BETWEEN REQUESTOR'S CORPORATE MEMBERS AND THE CURRENT OWNER.			
Section VII. Requestor Eligibility Information (Please refer to ECL § 27-1407)			
If answering "yes" to any of the following questions, please provide an explanation as an attachment.			
1. Are any enforcement actions pending against the requestor regarding this site?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
2. Is the requestor subject to an existing order for the investigation, removal or remediation of contamination at the site?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
3. Is the requestor subject to an outstanding claim by the Spill Fund for this site? Any questions regarding whether a party is subject to a spill claim should be discussed with the Spill Fund Administrator.		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

Section VII. Requestor Eligibility Information (continued)

4. Has the requestor been determined in an administrative, civil or criminal proceeding to be in violation of i) any provision of the ECL Article 27; ii) any order or determination; iii) any regulation implementing 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, DEC 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 DEC, or submitted a false statement or made use of or made a false statement in connection with any document or application submitted to DEC? ☐ 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 REQUESTOR MUST CERTIFY THAT HE/SHE IS EITHER A PARTICIPANT OR VOLUNTEER IN ACCORDANCE WITH ECL 27-1405 (1) BY CHECKING ONE OF THE BOXES BELOW:

☐ PARTICIPANT

A requestor who either 1) was the owner of the site at the time of the disposal of hazardous waste or discharge of petroleum or 2) is otherwise a person responsible for the contamination, unless the liability arises solely as a result of ownership, operation of, or involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum.

☒ VOLUNTEER

A requestor other than a participant, including a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum.

NOTE: By checking this box, 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.

Section VII. Requestor Eligibility Information (continued)

Requestor Relationship to Property (check one):

☐ Previous 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 VIII. Property Eligibility Information - See Instructions for Further Guidance

1. Is / was the property, or any portion of the property, listed on the National Priorities List?
If yes, please provide relevant information as an attachment. ☐ Yes ☒ No
2. Is / was the property, or any portion of the property, listed on the NYS Registry of Inactive Hazardous Waste Disposal Sites pursuant to ECL 27-1305? ☐ Yes ☒ No
If yes, please provide: Site # _____ Class # _____
3. Is / was the property subject to a permit under ECL Article 27, Title 9, other than an Interim Status facility? ☐ Yes ☒ No
If yes, please provide: Permit type: _____ EPA ID Number: _____
Date permit issued: _____ Permit expiration date: _____
4. If the answer to question 2 or 3 above is yes, is the site owned by a volunteer as defined under ECL 27-1405(1)(b), or under contract to be transferred to a volunteer? Attach any information available to the requestor related to previous owners or operators of the facility or property and their financial viability, including any bankruptcy filing and corporate dissolution documentation. ☐ Yes ☐ No
5. Is the property subject to a cleanup order under Navigation Law Article 12 or ECL Article 17 Title 10? ☐ Yes ☒ No
If yes, please provide: Order # _____
6. Is the property subject to a state or federal enforcement action related to hazardous waste or petroleum? ☐ Yes ☒ No
If yes, please provide explanation as an attachment.

Section IX. Contact List Information

To be considered complete, the application must include the Brownfield Site Contact List in accordance with [DER-23 / Citizen Participation Handbook for Remedial Programs](#). Please attach, at a minimum, the names and addresses of the following:

1. The chief executive officer and planning board chairperson of each county, city, town and village in which the property is located.
2. Residents, owners, and occupants of the property and properties adjacent to the property.
3. Local news media from which the community typically obtains information.
4. The public water supplier which services the area in which the property is located.
5. Any person who has requested to be placed on the contact list.
6. The administrator of any school or day care facility located on or near the property.
7. The location of a document repository for the project (e.g., local library). **If the site is located in a city with a population of one million or more, add the appropriate community board as an additional document repository.** In addition, attach a copy of an acknowledgement from each repository indicating that it agrees to act as the document repository for the site.

Section X. Land Use Factors

1. What is the current municipal zoning designation for the site? D3-A Gorge View

What uses are allowed by the current zoning? (Check boxes, below)

☒ Residential ☒ Commercial ☐ Industrial

If zoning change is imminent, please provide documentation from the appropriate zoning authority.

2. Current Use: ☐ Residential ☐ Commercial ☐ Industrial ☒ Vacant ☐ Recreational (check all that apply)

Attach a summary of current business operations or uses, with an emphasis on identifying possible contaminant source areas. If operations or uses have ceased, provide the date.

3. Reasonably anticipated use Post Remediation: ☒ Residential ☒ Commercial ☐ Industrial (check all that apply) **Attach a statement detailing the specific proposed use.**

If residential, does it qualify as single family housing?

☐ Yes ☒ No

4. Do current historical and/or recent development patterns support the proposed use?

☒ Yes ☐ No

5. Is the proposed use consistent with applicable zoning laws/maps? Briefly explain below, or attach additional information and documentation if necessary.

☒ Yes ☐ No

Additional information included in attached narrative.

6. Is the proposed use consistent with applicable comprehensive community master plans, local waterfront revitalization plans, or other adopted land use plans? Briefly explain below, or attach additional information and documentation if necessary.

☒ Yes ☐ No

Additional information included in attached narrative.

XI. Statement of Certification and Signatures

(By requestor who is an individual)

If this application is approved, I hererby acknowledge and agree: (1) to execute a Brownfield Cleanup Agreement (BCA) within 60 days of the date of DEC's approval letter; (2) to the general terms and conditions set forth in the [DER-32, Brownfield Cleanup Program Applications and Agreements](#); and (3) that in the event of a conflict between the general terms and conditions of participation and the terms contained in a site-specific BCA, the terms in the site-specific BCA shall control. Further, I hereby affirm that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to section 210.45 of the Penal Law.

Date: _____

Signature: _____

Print Name: _____

(By a requestor other than an individual)

I hereby affirm that I am authorized signet (title) of NFN 40 717 Division Ave, LLC (entity); that I am authorized by that entity to make this application and execute the Brownfield Cleanup Agreement (BCA) and all subsequent amendments; that this application was prepared by me or under my supervision and direction. If this application is approved, I acknowledge and agree: (1) to execute a BCA within 60 days of the date of DEC's approval letter; (2) to the general terms and conditions set forth in the [DER-32, Brownfield Cleanup Program Applications and Agreements](#); and (3) that in the event of a conflict between the general terms and conditions of participation and the terms contained in a site-specific BCA, the terms in the site-specific BCA shall control. Further, I hereby affirm that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.

Date: Sept. 22, 2020

Signature: _____

Print Name: _____

Robert Richardson

SUBMITTAL INFORMATION:

- **Two (2)** copies, one paper 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

FOR DEC USE ONLY

BCP SITE T&A CODE: _____ **LEAD OFFICE:** _____

BCP NARRATIVE

SECTION I: REQUESTOR INFORMATION

Requestors Name: NFN 40 717 Division Ave, LLC
Requestor Primary Contact: Mr. Robert Richardson

The owner of the Requestor is Niagara Falls Niagara Falls North Development Fund One, LP. Refer to Section V for additional detail.

The New York State Department of State's Corporation & Business Entity Information is included in Appendix 1.

SECTION II: PROJECT DESCRIPTION

Item 3: Project Description

NFN 40 717 Division Ave, LLC has proposed the redevelopment of the Site consisting of two contiguous tax parcels totaling 0.35 acres located east of Whirlpool Street, south of Division Avenue, and west of 8th Street, a two-story, 2,378 square foot vacant residential building (Site Building) and undeveloped land. The Site is currently unoccupied. NFN 40 717 Division Ave, LLC is in the process of combining the two tax parcels (SBL # 144.54-1-50 and SBL #144.54-1-49) which currently comprise the Site into one individual tax parcel. Environmental assessments conducted at the Site have identified contamination in the surface soil requiring investigation and development of remedial alternatives prior to redevelopment at the Site.

Redevelopment plans include demolition of the current Site Building and construction of a 190,000 square foot premium mixed-use residential and commercial high rise building. Interior space will include two floors suitable for conferences, exhibits or attractions, one floor of Innovation Space available for up-and-coming entrepreneurs to explore new business and product concepts, various Class A office spaces ranging in size from between 7,000 and 42,000 square foot options, four floors of premium apartments with the active professional in mind, and two top floors occupied by luxury condos.

The remedial program is anticipated to commence in November 2020 and the anticipated date of Certificate of Completion is December 2021.

SECTION III: PROPERTY'S ENVIRONMENTAL HISTORY

Item 1: Investigation Reports

A Phase I Environmental Site Assessment (ESA) report dated April 30, 2020 and a limited sub-surface investigation completed May 8, 2020 were completed for the Site by LaBella Associates, D.P.C. (LaBella). It should be noted that a summary report was not prepared for the limited sub-surface investigation completed May 8, 2020. A copy of the limited sub-surface investigation field logs (i.e. subsurface logs) are included in Appendix 2 and laboratory results are included in Table 1.



Item 2: Sampling Data

Soil samples collected from the Site have detected mercury and lead at concentrations exceeding New York State Department of Environmental Conservation (NYSDEC) Part 375 Restricted Residential Soil Cleanup Objectives. Tables summarizing the analytical results of the May 8, 2020 limited subsurface investigation are included within the Table 1. Soil sample locations with exceedances are included in Figure 3.

Item 3: Impacted Media Site Drawings

Figures depicting the investigation locations related to the May 8, 2020 limited subsurface investigation are included within the Figure 3.

SECTION IV: PROPERTY INFORMATION

Tax Parcel Information

A United States Geological Survey (USGS) 7.5 minute quadrangle Site Location Map is included as Figure 1. A Site Base Map depicting the Site and the parcel boundaries is included as Figure 2.

Item 2: Property Base Map

A Site Base Map is included as Figure 2.

Item 9: List of NYSDEC and USEPA Permits and Regulatory Listings

No NYSDEC or United States Environmental Protection Agency (USEPA) permits or regulatory listings have been identified associated with the Site at this time.

Item 10: Property Description and Environmental Assessment

Location

The Site is located in a residential and commercial area east of Whirlpool Street, south of Division Avenue, and west of 8th Street.

Site Features

The Site consist of a two-story, 2,378 square foot vacant residential building (Site Building) and undeveloped land.

Current Zoning and Land Use

According to the City of Niagara Falls Zoning Map, the Site is zoned as D3-A (Gorge View) and supports commercial and residential use. The Site is currently unoccupied. The surrounding parcels are utilized for residential and commercial use. The nearest residential area is directly north of Site on Division Avenue.

Past Use of the Site

Based on historical records reviewed, the west portion of the Site (717 Division Avenue) appears to have been developed with a residential building from at least 1860 until the early 1950's. The residential building is no longer present and a vacant asphalt area remains and appears to have been utilized as a parking lot until at least the mid-1980s. The existing Site Building on the east



portion of the Site appears to have been developed circa 1900 according to the information provided by the City of Niagara Falls. The Site Building appears to have been utilized as a residential dwelling and subsequently as an office building beginning from at least the late 1950s until the late 1990s. Commercial occupants of the Site Building included various private individuals, a building contractor, insurance agents, and attorneys.

Site Geology and Hydrogeology

The Site is located in an area unsurveyed by the National Resource Conservation Survey (NRCS). Based on the subsurface conditions encountered during the limited sub-surface investigation completed May 8, 2020, topsoil is present from the ground surface to approximately four inches below ground surface (bgs) across much of the Site with exception to asphalt covered areas. Asphalt was encountered in select locations from the ground surface to approximately eight inches bgs followed by four to eight inches of gravel subbase. Native soil consisting of silt was encountered at the Site from between approximately four inches bgs and two feet (ft) bgs, and silty clay was encountered from between approximately two and eight ft bgs. Fill material encountered at the Site consisted of brick debris, cement, and glass was encountered within select subsurface investigation locations from between eight inches bgs and eight ft bgs. Subsurface logs generated during LaBella's May 05, 2020 limited subsurface investigation are included in Appendix 2. Subsurface test pit investigation locations are depicted on Figure 3. Although groundwater was not encountered or evaluated as part of the May 05, 2020 limited subsurface investigation, groundwater is assumed to flow to the north-northwest towards the Niagara River which is located approximately 700 feet west of the Site.

Environmental Assessments

LaBella completed a Phase I ESA report for the Site dated April 30, 2020. Based on the results of the Phase I ESA, no recognized environmental conditions were identified associated with the Site; however, a limited sub-surface investigation completed May 8, 2020 was completed to further assess the subsurface conditions at the Site prior to Site redevelopment and to evaluate the potential for fill material to have been imported to the Site. Based on the results of the limited sub-surface investigation, soil exhibiting concentrations of lead and mercury exceeding NYSDEC Part 375 Restricted Residential Soil Cleanup Objectives were encountered at the Site. It should be noted that a summary report was not prepared for the limited sub-surface investigation completed May 8, 2020. A summary of the laboratory results are included within Table 1 and test pit investigation locations are depicted on Figure 3.

SECTION V: ADDITIONAL REQUESTOR INFORMATION

It should be noted that the Requestors Primary Contact, Mr. Robert Richardson, is the President of Angel's Nest Investors, Inc., which is the General Partner of Blue Cardinal Capitol, LP, which is the Manager of Niagara Falls North Development Fund One, GP, LLC the General Partner of Niagara Falls North Development Fund One, LP, which is the Manager of NFN 40 717 Division Ave, LLC (Requestor).



SECTION VI: CURRENT PROPERTY OWNER/OPERATOR INFORMATION

Previous Owners/Operators

Previous owners were established based on the contents of the Abstract of Title records located within Appendix 4. Previous operators were established based on the contents of the May 27, 2020 Phase I Environmental Site Assessment report completed for 717 and 723 Division Avenue, Niagara Falls, New York. The Current owner of the Site parcels addressed as 717 and 723 Division Avenue (NFN 40 717 Division Ave, LLC) has owned the property since June 13, 2019.

Previous Owners: 717 Division Avenue

Owner: Arthur and Charles Bridges
Ownership Date(s): 1906
Contact Information: Unknown
Relationship to Requestor: None

Owner: Jenss Brothers
Ownership Date(s): 1907 to 1918, 1960
Contact Information: Unknown
Relationship to Requestor: None
Owner: Mary Thomas
Ownership Date(s): 1911
Contact Information: Unknown
Relationship to Requestor: None

Owner: Frank Rieger
Ownership Date(s): 1914
Contact Information: Unknown
Relationship to Requestor: None

Owner: Martin Ryan
Ownership Date(s): 1916
Contact Information: Unknown
Relationship to Requestor: None

Owner: Jenss Realty Corp.
Ownership Date(s): 1918 to 1925
Contact Information: Unknown
Relationship to Requestor: None

Owner: Harvey and Doris LaRose
Ownership Date(s): 1925
Contact Information: Unknown
Relationship to Requestor: None

Owner: Jenss Department Stores, Inc.
Ownership Date(s): 1960, 1985
Contact Information: Unknown
Relationship to Requestor: None



Owner: Phillip Keller
Ownership Date(s): 1922
Contact Information: Unknown
Relationship to Requestor: None

Owner: Charles Keller and Charles Keller Jr.
Ownership Date(s): 1947
Contact Information: Unknown
Relationship to Requestor: None

Owner: Phillip Sang
Ownership Date(s): 1951 to 1952
Contact Information: Unknown
Relationship to Requestor: None

Owner: Lilly Rieger
Ownership Date(s): 1951
Contact Information: Unknown
Relationship to Requestor: None

Owner: Miracle Faith Tabernacle, Inc. (also possible operator)
Ownership Date(s): 1998 to 2002
Contact Information: Unknown
Relationship to Requestor: None

Owner: Hastings Niagara, Inc.
Ownership Date(s): 2000 to 2002
Contact Information: Unknown
Relationship to Requestor: None

Owner: Niagara North, Inc.
Ownership Date(s): 2010
Contact Information: Unknown
Relationship to Requestor: None

Owner: Nicholas George
Ownership Date(s): 2014
Contact Information: Unknown
Relationship to Requestor: None

Owner: Niagara Village, LLC
Ownership Date(s): 2019
Contact Information: Unknown
Relationship to Requestor: None



Previous Operators: 717 Division Avenue

Operator: Private Individuals
Operator Date(s): 1925, 1936, 1940, 1946, 1949
Contact Information: Unknown
Relationship to Requestor: None

Previous Owners: 723 Division Avenue

Owner: Orson and Sarah Childs
Ownership Date(s): 1836
Contact Information: Unknown
Relationship to Requestor: None

Owner: James and Emily McKay
Ownership Date(s): 1836
Contact Information: Unknown
Relationship to Requestor: None

Owner: George Babcock
Ownership Date(s): 1836
Contact Information: Unknown
Relationship to Requestor: None

Owner: William and Mary Ellen Buchanan
Ownership Date(s): 1857
Contact Information: Unknown
Relationship to Requestor: None

Owner: Albert Goodrich
Ownership Date(s): 1858

Contact Information: Unknown
Relationship to Requestor: None

Owner: Samuel Tryon
Ownership Date(s): 1860
Contact Information: Unknown
Relationship to Requestor: None

Owner: George Tryon
Ownership Date(s): 1897
Contact Information: Unknown
Relationship to Requestor: None

Owner: Harry and Charlotte Stine
Ownership Date(s): 1913
Contact Information: Unknown
Relationship to Requestor: None
Owner: Frank Rieger



Ownership Date(s): 1913
Contact Information: Unknown
Relationship to Requestor: None

Owner: George and Rhea Stine
Ownership Date(s): 1924, 1927
Contact Information: Unknown
Relationship to Requestor: None

Owner: Charles and Barbara Haeberle
Ownership Date(s): 1924
Contact Information: Unknown
Relationship to Requestor: None

Owner: Harry and Harriet Emes
Ownership Date(s): 1927
Contact Information: Unknown
Relationship to Requestor: None

Owner: Ira Wollen
Ownership Date(s): 1945
Contact Information: Unknown
Relationship to Requestor: None

Owner: Charles and Flossie Adams
Ownership Date(s): 1945
Contact Information: Unknown
Relationship to Requestor: None

Owner: John Whictermann
Ownership Date(s): 1945
Contact Information: Unknown
Relationship to Requestor: None

Owner: John and Mae Ann Minicucci
Ownership Date(s): 1958
Contact Information: Unknown
Relationship to Requestor: None

Owner: Chris and Flossie Minicucci
Ownership Date(s): 1958
Contact Information: Unknown
Relationship to Requestor: None



Owner: Niagara North, Inc.
Ownership Date(s): 2009
Contact Information: Unknown
Relationship to Requestor: None

Owner: Niagara Village, LLC
Ownership Date(s): 2019
Contact Information: Unknown
Relationship to Requestor: None

Previous Operators: 723 Division Avenue

Operator: Private Individuals
Operator Date(s): 1925, 1931, 1936, 1940, 1946, 1949, 1955, 1960
Contact Information: Unknown
Relationship to Requestor: None

Operator: Building contractor
Operator Date(s): 1946, 1949, 1955
Contact Information: Unknown
Relationship to Requestor: None

Operator: Building contractor
Operator Date(s): 1946, 1949, 1955
Contact Information: Unknown
Relationship to Requestor: None

Operator: Insurance Agent
Operator Date(s): 1960
Contact Information: Unknown
Relationship to Requestor: None

Operator: Attorneys
Operator Date(s): 1960, 1998
Contact Information: Unknown
Relationship to Requestor: None

SECTION VII: REQUESTOR ELIGIBILITY INFORMATION

Volunteer Statement

NFN 40 717 Division Ave, LLC liability arose solely as a result of ownership of the Site. NFN 40 717 Division Ave, LLC has maintained impermeable surfaces and building foundations limiting human, environmental, and natural resource exposure to subsurface soil at the Site and groundwater. Additionally, the Site Building has remained vacant. NFN 40 717 Division Ave, LLC is pursuing entrance into the NYSDEC BCP to evaluate and implement an appropriate remedy for the Site. Neither NFN 40 717 Division Ave, LLC nor any of its members are related in whole or in part to any prior operators of the Site. As such, NFN 40 717 Division Ave, LLC meets the definition of a “volunteer” in accordance with ECL 27-1405.



SECTION IX: CONTACT LIST INFORMATION

Item 1: Municipal and County Contacts

Name	Department	Address
Mr. Robert Restaino	City of Niagara Falls Mayor	745 Main Street P.O. Box 69 Niagara Falls, NY 14304
Mr. Anthony J. Restaino	City of Niagara Falls Administrator	745 Main Street P.O. Box 69 Niagara Falls, NY 14304
Mr. William Kennedy III	City of Niagara Councilmen	745 Main Street P.O. Box 69 Niagara Falls, NY 14304
Mr. John Spanbauer		
Mr. Andrew Touma		
Mr. Kenny Tompkins		
Mr. Christopher Voccio		
Ms. Leonard Lapp Jr.	City of Niagara Falls Principal Account Clerk	745 Main Street P.O. Box 69 Niagara Falls, NY 14304
Mr. Christopher Mazur	City of Niagara Falls Corporation Counsel	745 Main Street P.O. Box 69 Niagara Falls, NY 14304
Mr. Thomas J. DeSantis	City of Niagara Falls Acting Director Department of Planning and Economic Development	745 Main Street P.O. Box 69 Niagara Falls, NY 14304
Ms. Rebecca J. Wydysh	Niagara County Legislature Chairman	Niagara County Courthouse, First Floor 175 Hawley Street Lockport, NY 14094
Mr. Richard E. Updegrove	Niagara County Manager	Philo J. Brooks County Office Building 2nd Floor, 59 Park Avenue Lockport, NY 14094
Mr. Robert Harris	Niagara County Planning Board Chairperson	6311 Inducon Corporate Drive Sanborn, NY 14132



Item 2: Adjacent Property Owners

Direction	Property Address	Owner Contact Information
North	Residential (710 Division Avenue)	Barr, Colleen 710 Division Ave Niagara Falls, NY 144.54-1-64
	Residential (712 Division Avenue)	Chapman, Jerry K & Emma H 712 Division Ave Niagara Falls, NY 144.54-1-65
	Residential (716 Division Avenue)	George Nicholas 716 Division Ave Niagara Falls, NY 144.54-1-66
	Residential (720 and 724 Division Avenue)	George, Nicholas J & Sharon L 720 Division Ave Niagara Falls, NY 144.54-1-68; 144.54-1-68
East	Vacant Residential (803 Division Avenue)	Niagara North Inc. 803 Division Ave Niagara Falls, NY 144.54-1-48
	Vacant Residential (1643 8 th Street)	George, Nicholas J & Sharon L 144.54.1-45
South	Vacant Residential (1640 8 th Street)	Melendez, Gilbert 1640 8 th Street Niagara Falls, NY 144.54-1-51
West	Vacant land (1615 Whirlpool Street)	Ghobrial Hosny 1615 Whirlpool Street Niagara Falls, NY 144.54-1-63

Item 3: Local News Media

Niagara Gazetteer
473 Third Street
Niagara Falls, New York 14301
(716) 282-2311

Item 4: Public Water Supplier

Water Treatment Plant
5815 Buffalo Avenue
Niagara Falls, New York 14304
(716) 283-9770



Item 5: Contact List

Currently, no persons have requested to be placed on the Contact List.

Item 6: Schools and Day Cares

Harry F Abate Elementary School
Mrs. Lynne Tompkins, Principal
1625 Lockport Street
Niagara Falls, New York 14305
(716) 278-7960

Niagara Falls High School
Mrs. Cynthia Jones, Chief Educational Administrator
4455 Porter Road
Niagara Falls, New York 14305
(716) 278-5800

Gaskill Preparatory School
Mr. Derek Zimmerman, Principal
910 Hyde Park Boulevard
Niagara Falls, New York 14301
(716) 278-5820

Item 7: Document Repository

Niagara Falls Public Library
607 Walnut Avenue
Niagara Falls, New York 14301
(716) 286-4211

The acknowledgement as document repository from the library is included in Appendix 3.

SECTION X: LAND USE FACTORS

Item 2: Current Use

The Site consists of two contiguous tax parcels totaling 0.35 acres located east of Whirlpool Street, south of Division Avenue, and west of 8th Street, a two-story, 2,378 square foot vacant residential building (Site Building) and undeveloped land. The Site is currently unoccupied/vacant. The date the Site became vacant cannot be confirmed; however, the Site was vacant/unoccupied at the time NFN 40 717 Division Ave, LLC purchased the Site in June 13, 2019.

Item 3: Post Remediation Use

The Site tax parcels are in the process of being combined into one larger tax parcel. Redevelopment plans include demolition of the current Site Building and construction of a 190,000 square foot premium mixed-use residential and commercial high rise building. Interior space will include two floors suitable for conferences, exhibits or attractions, one floor of Innovation Space available for up-and-coming entrepreneurs to explore new business and product concepts, various Class A office



spaces ranging in size from between 7,000 and 42,000 square foot options, four floors of premium apartments with the active professional in mind, and two top floors occupied by luxury condos.

Item 5: Consistency with Zoning Maps

According to the City of Niagara Falls Zoning Map, the Site is zoned as D3-A (Gorge View) and supports commercial and residential use. According to the City of Niagara Falls zoning code, D3-A permits multi-use buildings; subsequently, verifying the intended purpose of the Site meets the criteria which highlights enhancing the opportunity for residents, businesses and visitors to enjoy the benefits of newly created accesses to the Niagara River Gorge by providing a diverse combination of commercial, residential and mixed-use building types.

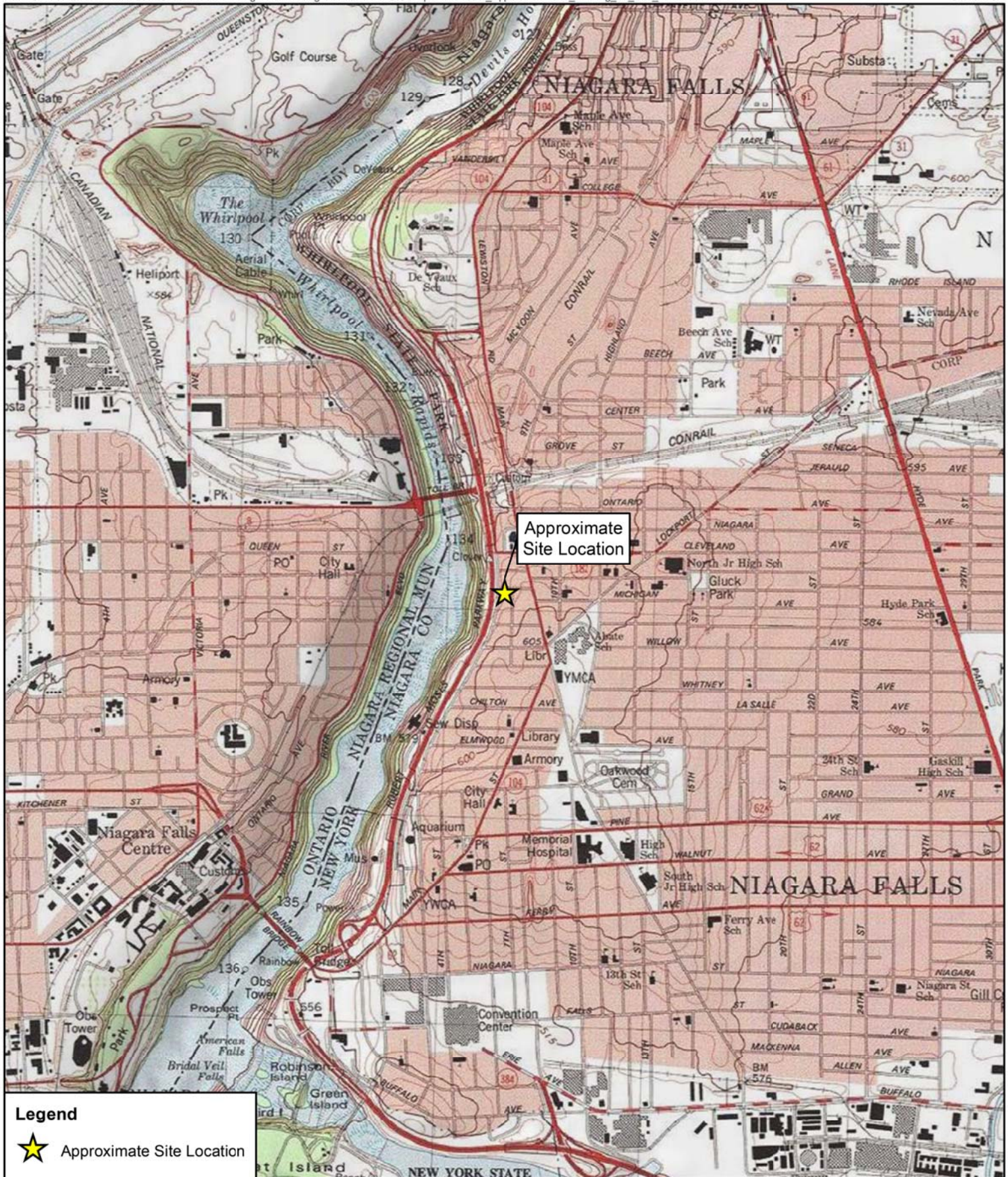
Item 6: Consistency with Land Use Plans

City of Niagara Falls Comprehensive Plan

The anticipated redevelopment of the Site as multi-use facility is consistent with current Site zoning, as the Site is currently zoned as D3-A (Gorge View). The City of Niagara Falls Comprehensive Plans framework is for change, and to guide the evolution of the city to achieve balance range of opportunities for living, working, investing and recreating, which offer residents a high quality of life and visitors a unique and vibrant urban experience. A community forum for the City of Niagara stated one of the city's downfalls is many visitors are unimpressed by the quality of the urban environment. As such, redevelopment of the Site as a mixed-use building is consistent with the City of Niagara Falls Comprehensive Plan.



FIGURES

**Legend**

★ Approximate Site Location

PROJECT # / DRAWING # /
DATE:

2201378.1

FIGURE 1

JULY 2020

DRAWING TITLE:

SITE LOCATION MAP

PROJECT:

717 AND 723 DIVISION AVE.
NIAGARA FALLS, NEW YORK



0 1,000 2,000
Feet

LaBella
Powered by partnership.

PROJECT # / DRAWING # /
DATE:

2201378.1

FIGURE 2

JULY 2020

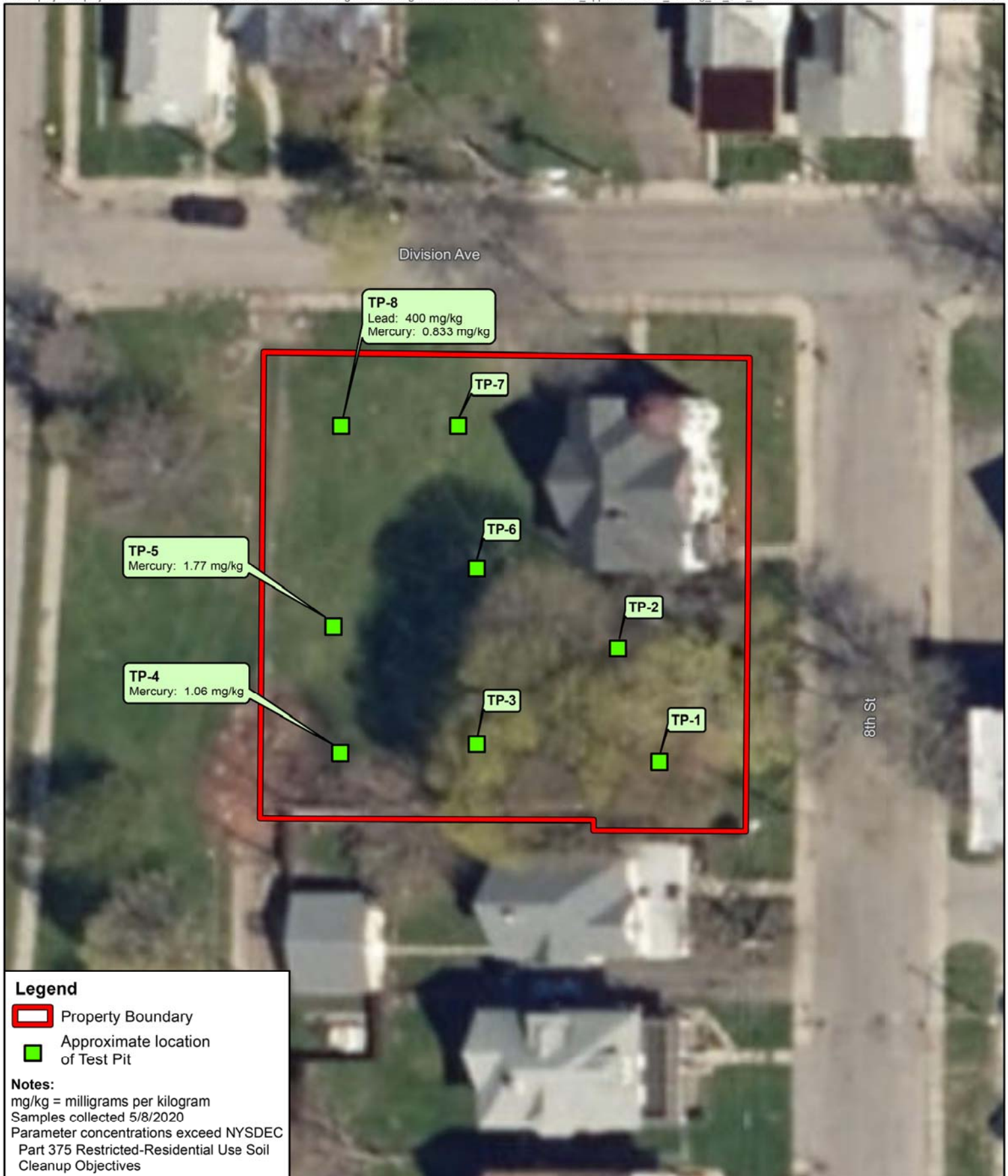
DRAWING TITLE:

SITE BASE MAP

PROJECT:

717 AND 723 DIVISION AVE.
NIAGARA FALLS, NEW YORK0 25 50
Feet

LaBella
 Powered by partnership.

PROJECT # / DRAWING # /
DATE:

2201378.1

FIGURE 3

JULY 2020

DRAWING TITLE:

SITE INVESTIGATION MAP-
SOIL EXCEEDANCES

PROJECT:

717 AND 723 DIVISION AVE.
NIAGARA FALLS, NEW YORK0 10 20
Feet **LaBella**
Powered by partnership.

TABLE

Table 1
Building #40
717 & 723 Division Avenue
Niagara Falls, New York
Summary of Subsurface Soil Analytical Results
(Detected Analytes Only)

Sample ID	TP-1	TP-2	TP-3	TP-4	TP-5	TP-6	TP-7	TP-8	Unrestricted Use SCOs	Restricted Residential Use SCOs
Depth (ft bgs)	7-8	3-4	6-7	2-3	5-6	0-1	4-5	1-2		
Sample Date	5/8/2020	5/8/2020	5/8/2020	5/8/2020	5/8/2020	5/8/2020	5/8/2020	5/8/2020		
Volatile Organic Compounds (µg/kg)										
Acetone	<	<	<	<	<	<	<	200	50	100,000
Chloroform	<	0.48 J	0.19 J	<	<	0.25 J	<	0.24 J	370	49,000
Methyl Acetate	<	<	<	<	<	<	<	1,400 E	NL	NL
p-Isopropyltoluene	<	<	<	<	<	<	<	0.23 J	NL	NL
Semi-Volatile Organic Compounds (µg/kg)										
Anthracene	<	<	<	85 J	<	<	<	<	100,000	100,000
Benzo(a)anthracene	<	<	<	450	48 J	<	<	500 J	1,000	1,000
Benzo(a)pyrene	<	<	<	560	<	<	<	<	1,000	1,000
Benzo(b)fluoranthene	<	<	<	700	71 J	<	<	690 J	1,000	1,000
Benzo(g,h,i)perylene	<	<	<	440	33 J	<	<	550 J	100,000	100,000
Benzo(k)fluoranthene	<	<	<	200	<	<	<	<	800	3,900
Chrysene	<	<	<	490	53 J	<	<	540 J	1,000	3,900
Dibenzo(a,h)anthracene	<	<	<	88 J	<	<	<	<	330	330
Fluoranthene	<	<	<	680	87 J	<	<	880 J	100,000	100,000
Fluorene	<	<	<	25 J	<	<	<	<	30,000	100,000
Indeno(1,2,3-cd)pyrene	<	<	<	420	39 J	<	<	380 J	500	500
Phenanthrene	<	<	<	430	50 J	<	<	550 J	100,000	100,000
Pyrene	<	<	<	710	74 J	<	<	760 J	100,000	100,000
Herbicides (µg/Kg)										
2,4,5-T	<	NA	NA	<	NA	<	NA	<	NL	NL
2,4,5-TP (Silvex)	<	NA	NA	<	NA	<	NA	<	3,800	100,000
2,4-D	<	NA	NA	<	NA	<	NA	<	NL	NL
Pesticides (µg/Kg)										
4,4'-DDD	<	NA	NA	<	NA	<	NA	3.57	3.3	13,000
4,4'-DDE	<	NA	NA	<	NA	<	NA	1.83 J	3.3	8,900
PCBs (µg/Kg)										
Aroclor 1268	<	NA	NA	<	NA	6.99 J	NA	<	100	1,000
Total PCBs	<	NA	NA	<	NA	6.99 J	NA	<	100	1,000
Total Metals (mg/kg)										
Arsenic	1.86	2.51	1.99	9.96	8.12	7.69	1.84	10.3	13	16
Barium	35	111	29.2	121	103	108	41	266	350	400
Cadmium	0.371 J	0.498	0.395 J	0.718	0.452 J	0.768	0.388 J	2.45	2.5	4
Chromium	8.44	13.4	7.89	16.3	12.1	14.7	8.48	15	22/36*	*110/180
Lead	3.1	5.43	3.75	247	165	137	4.65	400	63	400
Mercury	<	<	<	1.06	1.77	0.275	<	0.833	0.18	0.81
Selenium	<	<	<	0.332 J	0.72 J	0.716 J	<	0.859	3.9	180
Silver	<	<	<	0.283 J	0.572	0.251 J	<	0.188	2	180

Unrestricted Use SCOs = New York State Department of Environmental Conservation (NYSDEC) Part 375 Unrestricted Use Soil Cleanup Objectives (SCOs), Table 375.6.8(b) (December, 2006)

Restricted Residential Use SCOs = NYSDEC Part 375 Restricted Residential Use SCOs, Table 375.6.8(b) (December, 2006)

Concentrations in bold exceed Part 375 Unrestricted Use SCOs

Concentrations in gray exceed Part 375 Restricted Residential Use SCOs

< = Not detected

NL = Not listed

NA = Not analyzed

ft bgs = Feet below the ground surface

µg/kg = Micrograms per kilogram

mg/kg = Milligrams per kilogram

J = The analyte was positively identified; the associated numerical value is an approximate concentration of the analyte in the sample.

E = Concentration of analyte exceeds the range of the calibration curve and/or linear range of the instrument.

* = Chromium, hexavalent/Chromium, trivalent (The SCO for this specific compound (or family of compounds) is considered to be met if the analysis for the total species of this contaminant is below the specific SCO.)

APPENDIX 1

Requestor Entity & Deed Information

NYS Department of State

Division of Corporations

Entity Information

The information contained in this database is current through August 12, 2020.

Selected Entity Name: NFN 40 717 DIVISION AVE, LLC

Selected Entity Status Information

Current Entity Name: NFN 40 717 DIVISION AVE, LLC

DOS ID #: 5790947

Initial DOS Filing Date: JULY 17, 2020

County: ERIE

Jurisdiction: NEW YORK

Entity Type: DOMESTIC LIMITED LIABILITY COMPANY

Current Entity Status: ACTIVE

Selected Entity Address Information

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

NFN 40 717 DIVISION AVE, LLC
500 SENECA STREET
SUITE 503
BUFFALO, NEW YORK, 14204

Registered Agent

NONE

This office does not require or maintain information regarding the names and addresses of members or managers of nonprofessional limited liability companies. Professional limited liability companies must include the name(s) and address(es) of the original members, however this

information is not recorded and only available by
[viewing the certificate.](#)

***Stock Information**

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

*Stock information is applicable to domestic business corporations.

Name History

Filing Date	Name Type	Entity Name
JUL 17, 2020	Actual	NFN 40 717 DIVISION AVE, LLC

A **Fictitious** name must be used when the **Actual** name of a foreign entity is unavailable for use in New York State. The entity must use the fictitious name when conducting its activities or business in New York State.

NOTE: New York State does not issue organizational identification numbers.

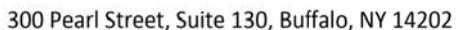
[Search Results](#) [New Search](#)

[Services/Programs](#) | [Privacy Policy](#) | [Accessibility Policy](#) | [Disclaimer](#) | [Return to DOS](#)
[Homepage](#) | [Contact Us](#)

APPENDIX 2

Limited Subsurface Investigation Field Logs

[illegible]



Blue Cardinal Studio

Phase II ESA

Site #1 Building 40: 717 and 723 Division Ave.,
Niagara Falls, NY

TEST PIT: TP-2

Sheet 2 of 8

JOB: 2201378

Checked by: CK

CONTRACTOR: LaBella Associates, D.P.C.

DRILLER: LaBella Env., LLC

LABELLA REPRESENTATIVE: CK

TIME: 9:45 to

DATUM:

START DATE: 5/8/20

END DATE:

TYPE OF EQUIPMENT:

OTHER:

GROUNDWATER ENCOUNTERED			
DATE	DEPTH	WELL INSTALLED	WELL ID

NOTES:

<div>LaBella</div> <div>Powered by partnership.</div> <div>300 Pearl Street, Suite 130, Buffalo, NY 14202</div>				TEST PIT LOG			TEST PIT: TP-3
				Blue Cardinal Studio Phase II ESA Site #1 Building 40: 717 and 723 Division Ave., Niagara Falls, NY			
CONTRACTOR: LaBella Associates, D.P.C.						TIME: 10:15 to DATUM:	
DRILLER: LaBella Env., LLC							
LABELLA REPRESENTATIVE: CK			START DATE: 5/8/20	END DATE:			
TYPE OF EQUIPMENT:			OTHER:				
DEPTH (FT)	SAMPLE RECOVERY	PID FIELD SCREEN (Parts per Million)	RAD COUNT (Counts per Minute)	STRATA CHANGE	REMARKS	VISUAL CLASSIFICATION	
0-1		0	7,900		No odors or staining	0-4" Top soil	
1-2		0	7,900			4"-8" Gravel crusher run	
2-3		0	8,100			8"-2' Brown silt (high plasticity, moist)	
3-4		0	8,100			2'-8' Red-brown silty clay (high plasticity, soft, moist)	
4-5		0	8,200			-no slag	
5-6		0	8,300			-no groundwater	
6-7		0	7,800			-test pit to 8' bgs-excavator limit	
7-8		0	7,700				
GROUNDWATER ENCOUNTERED				NOTES:			
DATE	DEPTH	WELL INSTALLED	WELL ID				

<div><div>LaBella</div><div>Powered by partnership.</div></div> <div>300 Pearl Street, Suite 130, Buffalo, NY 14202</div>				<div>TEST PIT LOG</div> <div>Blue Cardinal Studio</div> <div>Phase II ESA</div> <div>Site #1 Building 40: 717 and 723 Division Ave.,</div> <div>Niagara Falls, NY</div>				<div>TEST PIT: TP-4</div> <div>Sheet 4 of 8</div> <div>JOB: 2201378</div> <div>Checked by: CK</div>	
CONTRACTOR: LaBella Associates, D.P.C.						TIME: 10:45			
DRILLER: LaBella Env., LLC						to			
LABELLA REPRESENTATIVE: CK						DATUM:			
START DATE: 5/8/20						END DATE:			
TYPE OF EQUIPMENT:						OTHER:			
DEPTH (FT)		SAMPLE			REMARKS	VISUAL CLASSIFICATION			
		SAMPLE RECOVERY	PID FIELD SCREEN (Parts per Million)	RAD COUNT (Counts per Minute)				STRATA CHANGE	
0-1			0	8,000	No odors or staining	0-4" Top soil			
1-2			0	7,900		4"-8" Gravel crusher run			
2-3			0	7,800		8"-3' Brown silt (high plasticity, moist)			
3-4			0	8,400		3'-8' Red-brown silty clay (high plasticity, soft, moist)			
4-5			0	8,500		-no slag			
5-6			0	8,200		-no groundwater			
6-7			0	8,100		-test pit to 8' bgs-excavator limit			
7-8			0	8,100					
GROUNDWATER ENCOUNTERED				NOTES:					
DATE	DEPTH	WELL INSTALLED	WELL ID						



300 Pearl Street, Suite 130, Buffalo, NY 14202

TEST PIT LOG

Blue Cardinal Studio

Phase II ESA

Site #1 Building 40: 717 and 723 Division Ave.,

Niagara Falls, NY

TEST PIT: TP-5

Sheet 5 of 8

JOB: 2201378

Checked by: CK

CONTRACTOR: LaBella Associates, D.P.C.

DRILLER: LaBella Env., LLC

LABELLA REPRESENTATIVE: CK

START DATE: 5/8/20

END DATE:

TIME: 11:15

to

DATUM:

TYPE OF EQUIPMENT:

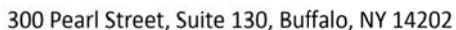
OTHER:

[illegible]

GROUNDWATER ENCOUNTERED

NOTES:

DATE	DEPTH	WELL INSTALLED	WELL ID



Blue Cardinal Studio

Phase II ESA

Site #1 Building 40: 717 and 723 Division Ave.,
Niagara Falls, NY

TEST PIT: TP-6

Sheet 6 of 8

JOB: 2201378

Checked by: CK

CONTRACTOR: LaBella Associates, D.P.C.

DRILLER: LaBella Env., LLC

LABELLA REPRESENTATIVE: CK

TIME: 11:45

to

DATUM:

START DATE: 5/8/20

END DATE:

TYPE OF EQUIPMENT:

OTHER:

GROUNDWATER ENCOUNTERED				NOTES:
DATE	DEPTH	WELL INSTALLED	WELL ID	

<div>LaBella</div> <div>Powered by partnership.</div> <div>300 Pearl Street, Suite 130, Buffalo, NY 14202</div>				TEST PIT LOG			TEST PIT: TP-7
				Blue Cardinal Studio Phase II ESA Site #1 Building 40: 717 and 723 Division Ave., Niagara Falls, NY			
CONTRACTOR: LaBella Associates, D.P.C.						TIME: 12:15 to DATUM:	
DRILLER: LaBella Env., LLC							
LABELLA REPRESENTATIVE: CK							
START DATE: 5/8/20				END DATE:			
TYPE OF EQUIPMENT:			OTHER:				
DEPTH (FT)	SAMPLE RECOVERY	PID FIELD SCREEN (Parts per Million)	RAD COUNT (Counts per Minute)	STRATA CHANGE	REMARKS	VISUAL CLASSIFICATION	
0-1		0	7,900		No odors or staining	0-4" Top soil	
1-2		0	7,800			4"-5' Gravel, fill material	
2-3		0	7,700			5'-8' Red-brown silty clay (medium plasticity, medium stiff, moist)	
3-4		0	7,700			-no slag	
4-5		0	7,800			-no groundwater	
5-6		0	7,900			-test pit to 8' bgs-excavator limit	
6-7		0	8,200				
7-8		0	7,900				
GROUNDWATER ENCOUNTERED				NOTES:			
DATE	DEPTH	WELL INSTALLED	WELL ID				

<div><div>LaBella</div><div>Powered by partnership.</div></div> <div>300 Pearl Street, Suite 130, Buffalo, NY 14202</div>				<div>TEST PIT LOG</div> <div>Blue Cardinal Studio</div> <div>Phase II ESA</div> <div>Site #1 Building 40: 717 and 723 Division Ave., Niagara Falls, NY</div>				<div>TEST PIT: TP-8</div> <div>Sheet 8 of 8</div> <div>JOB: 2201378</div> <div>Checked by: CK</div>	
CONTRACTOR: LaBella Associates, D.P.C.						TIME: 12:45			
DRILLER: LaBella Env., LLC						to			
LABELLA REPRESENTATIVE: CK						DATUM:			
START DATE: 5/8/20						END DATE:			
TYPE OF EQUIPMENT:						OTHER:			
DEPTH (FT)		SAMPLE			REMARKS	VISUAL CLASSIFICATION			
		SAMPLE RECOVERY	PID FIELD SCREEN (Parts per Million)	RAD COUNT (Counts per Minute)				STRATA CHANGE	
0-1			14.1	7,800	No odors or staining	0-4" Top soil			
1-2			163.2	7,900		4"-8" Gravel crusher run			
2-3			41.3	8,100		8"-8' Fill including brick, cement and glass			
3-4			17.1	8,200		-no slag			
4-5			17.3	8,300		-no groundwater			
5-6			7.1	8,100		-test pit to 8' bgs-excavator limit and apparent basement slab within former dwelling footprint			
6-7			1.2	7,900					
7-8			0.4	7,900					
GROUNDWATER ENCOUNTERED				NOTES:					
DATE	DEPTH	WELL INSTALLED	WELL ID						

APPENDIX 3

Document Repository Acknowledgment

Geoghegan, Heather

From: Niagara Falls Local History <nflh@nioga.org>
Sent: Tuesday, July 21, 2020 4:35 PM
To: Geoghegan, Heather
Subject: Re: Brownsfield submission (Repository)

Hi Heather,

Thank you for reaching out to us. As far as we are aware, the Niagara Falls Public Library (Main Branch, 1425 Main St) is a repository and can be that for this project as well. Generally the documents are sent to the reference department to be available for public viewing. Local History is only open 4 days a week and 20 hours so, we only generally add these items once the mandatory public viewing period has ended. Please let me know if you have any other questions!

Best,
Courtney

[Local History Department](#)

Niagara Falls Public Library

LH Hours:

Monday: 5pm-8pm

Tuesdays/Thursdays: 9am-4pm

Wednesdays: 1pm-4pm

On Tue, Jul 21, 2020 at 3:37 PM Geoghegan, Heather <hgeoghegan@labellapc.com> wrote:

To whom it may concern,

LaBella is involved with a NYSDEC Brownfield Cleanup Program project associated with the investigation, remediation and redevelopment of a property on Division Avenue, City of Niagara Falls. The project will be overseen by the NYSDEC and they require that project-related documents be made available for public review. With that said, we would like to utilize the Niagara Falls Public Library as the document repository.

Could someone please respond to this request indicating that we can submit project documents to your library to allow the public to review these documents and which branch?

Thank you for your assistance.

Kind regards,

Heather Geoghegan



585-409-1468 direct

716-710-3043 office

300 Pearl Street, Suite 130

Buffalo, NY 14202

labellapc.com

APPENDIX 4

Abstract of Title

Property: 1643 1/2 Eighth Street, (C) Niagara Falls, NY
SBL: 144.54-1-46
Property: 717 Division Avenue, (C) Niagara Falls, NY
SBL: 144.54-1-50

1915-0181EC

ABSTRACT OF TITLE

No. 1915-0117SCH

by



Chicago Title

122 Niagara St., P.O. Box 551
Lockport, NY 14095
716-434-2825
FAX: 716-434-9531



N08-1277A

ABSTRACT OF TITLE

-TO-

LOT #37 MILE RESERVE

CITY OF NIAGARA FALLS

NIAGARA COUNTY

SBL #144.54-1-46

WARD 11/PRO 47

1643 ½ EIGHTH STREET

SBL #144.54-1-50

WARD 11/PRO 17

717 DIVISION AVENUE

SBL #144.54-1-67

WARD 11/PRO 85

720 DIVISION AVENUE



PUBLIC ABSTRACT CORPORATION

a New York Corporation, for a valuable consideration to it paid, GUARANTEES to the record owners of an interest in or a specific lien upon the premises particularly described at #1 on the date hereof and their successors in interest of record, that the SET-OUTS designated herein by marginal number(s) **2 thru 24** inclusive, are all the references affecting title to said premises, which appear upon

- (a) INDICES to records, papers, files and documents in the offices of the CLERK of the COUNTY OF NIAGARA, AND
- (b) INDICES to wills and administration of decedents' estates in the office of the SURROGATE of NIAGARA COUNTY, and
- (c) INDICES to bankrupts in the Buffalo, New York office of the CLERK of the UNITED STATES DISTRICT COURT for the WESTERN DISTRICT OF NEW YORK

against the names of the parties appearing in the within abstract during the periods in which it appears there was a record interest in said premises under the names from **December 18, 1918 as to Parcel I; June 27, 1906 as to Parcel II; September 9, 1911 as to Parcel III** to the date hereof, and upon


- (d) JUDGMENT DOCKETS for ten last years past, and
- (e) DOCKETS of FEDERAL TAX LIENS for 10 years one month last past,

against the names of parties in such ownership on both of said offices of the aforesaid clerks, and the corporation GUARANTEES FURTHER that the SET-OUTS herein are correct statements as to such records and indices. The GUARANTEE under this Certificate shall not be limited by time.

Miracle Faith Tabernacle, Inc. - Owner(s)

WITNESS the Corporate Seal of said Corporation and the signature of one of its officers this **10th day of December, 2002 at 8:59 A.M.**

PUBLIC ABSTRACT CORPORATION

By: 
Authorized Officer

Order No.: **NI-02-2280-GT**

Search No.: **36200**

Abstractor: **E. Willet/psa**

PUBLIC ABSTRACT CORPORATION

a New York Corporation, for a valuable consideration to it paid, GUARANTEES to the record owners of an interest in or a specific lien upon the premises particularly described at #1 on the date hereof and their successors in interest of record, that the SET-OUTS designated herein by marginal numbers **25 and 26** inclusive, are all the references affecting title to said premises, which appear upon

- (a) INDICES to records, papers, files and documents in the offices of the CLERK of the COUNTY OF NIAGARA, AND
- (b) INDICES to wills and administration of decedents' estates in the office of the SURROGATE of NIAGARA COUNTY, and
- (c) INDICES to bankrupts in the Buffalo, New York office of the CLERK of the UNITED STATES DISTRICT COURT for the WESTERN DISTRICT OF NEW YORK

against the names of the parties appearing in the within abstract during the periods in which it appears there was a record interest in said premises under the names from **December 10, 2002** to the date hereof, and upon

- (d) JUDGMENT DOCKETS for ten last years past, and
- (e) DOCKETS of FEDERAL TAX LIENS for 10 years one month last past,

against the names of parties in such ownership on both of said offices of the aforesaid clerks, and the corporation GUARANTEES FURTHER that the SET-OUTS herein are correct statements as to such records and indices. The GUARANTEE under this Certificate shall not be limited by time.

Hastings Niagara, Inc. – Owner

No search vs grantee in No. 25 below

WITNESS the Corporate Seal of said Corporation and the signature of one of its officers this **28th day of January, 2003 at 2:58 PM**

PUBLIC ABSTRACT CORPORATION

By: _____

Authorized Officer

Order No.: **NI-02-2280-GT**

Search No.: **36200**

Abstractor: **P. Gioeli/rk**

1. Premises being:

PARCEL I

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Niagara Falls, County of Niagara and State of New York, being Village Lot Number Twenty-five (25) lying on the east side of Eighth Street (formerly Elizabeth Street) and having frontage of forty (40) feet on said street and extending easterly at right angles with said Street to a lane or alley; which lot hereby conveyed forms part of the first portion of Farm Lot Number Thirty-seven (37) of the Mile Strip or State Reservation, and is particularly designated on a map entitled a map of part of the Village of Bellevue made for Silas Olmstead by Isaac Colt, Surveyor, in 1851 and filed in Niagara County Clerk's Office as part of Lot Number Twenty-five (25).

PARCEL II

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Niagara Falls, County of Niagara and State of New York, being part of Lot No. 37 of the Mile Reserve and further distinguished as Subdivision Lot No. 32 on Map made by I. Colt for Silas Olmsted in 1851, filed May 3, 1853, and more particularly bounded and described as follows:

BEGINNING at a point in the northerly line of Division Avenue distant 315 feet westerly from the point of intersection of the northerly line of Division Avenue with the westerly line of Main Street (formerly Lewiston Avenue) as shown on said Map; running thence westerly along the northerly line of Division Avenue, 50 feet; thence at right angles northerly 101 feet, 6 inches; thence easterly parallel with Division Avenue, 50 feet; thence southerly 101 feet, 6 inches to the point of beginning.

PARCEL III

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Niagara Falls, County of Niagara and State of New York, being part of Lot No. 37 of the Mile Reserve and further distinguished as part of Subdivision Lot No. 22 and the easterly 7 feet of that part of an alley adjacent thereto on the west as shown on a map I. Colt made in 1851 and more particularly bounded and described as follows:

BEGINNING at a point in the southerly line of Division Avenue distant 40 feet westerly from the point of intersection of the southerly line of Division Avenue with the westerly line of Eighth Street (formerly Elizabeth Street); running thence westerly along the southerly line of Division Avenue, 88 feet; thence southerly parallel with Eighth Street, 121 feet; thence easterly parallel with Division Avenue, 88 feet; thence northerly parallel with Eighth Street, 121 feet to the point of beginning.

2. Jenss Bros.

Warranty Deed

-TO-

Dated: December 18, 1918

Ack.: December 26, 1918

Rec.: January 6, 1919

Jenss Realty Corporation

Liber 391 of Deeds, page 438

(No search vs. grantor)

Conveys ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Niagara Falls, County of Niagara and State of New York, being Village Lot Number Twenty-five (25) lying on the east side of Eighth Street (formerly Elizabeth Street) and having frontage of forty (40) feet on said street and extending easterly at right angles with said Street to a lane or alley; which lot hereby conveyed forms part of the first portion of Farm Lot Number Thirty-seven (37) of the Mile Strip or State Reservation, and is particularly described and designated on a map entitled a map of part of the Village of Bellevue made for Silas Olmsted by Isaac Colt, Surveyor, in 1851 and filed in Niagara County Clerk's Office as Lot Number Twenty-five (25).

3. In RE

Certificate of Incorporation

Dated: September 30, 1918

Jenss Realty Corporation

Ack.: September 30, 1918

File No. 1615

Rec.: October 16, 1918

Liber 12 of Corporations, page 370

Duration: perpetual

4. Jenss Realty Corporation

Warranty Deed

-TO-

Dated: February 4, 1925

Ack.: February 25, 1925

Harvey LaRose and

Rec.: February 27, 1925

Doris LaRose, his wife

(No search vs. grantees.

Liber 489 of Deeds, page 280

Set up for reference only)

Conveys ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Niagara Falls, County of Niagara and State of New York, and being the westerly eighty four and five tenths (84.5) feet of Lot Number Twenty-five (25) on the east side of Eighth

Street (formerly Elizabeth Street) having a frontage of forty (40) feet on said street and extending back a uniform depth of eighty four and five tenths (84.5) feet said Lot Twenty-five (25), a part of which is hereby conveyed, forms a part of the first portion of Farm Lot Number Thirty-seven (37) of the Mile Strip, or State Reservation, and is particularly described and designated on a map entitled a map of part of the Village of Bellevue made for Silas Olmsted by Isaac Colt, Surveyor, in 1851 and filed in Niagara County Clerk's Office as Lot Number Twenty-five (25).

Expressly giving and granting to the grantees herein named a private foot passage way from the north east corner of the above described premises in an easterly direction over and along the extreme northerly side of said Lot Number Twenty-five (25) to the alley in the rear of said Lot. Said foot passage way to be entirely upon the northerly side of said Lot Number Twenty-five (25) and to be of sufficient width to enable an individual to have access to and from the premises hereby conveyed and the alley on the easterly side of said Lot Number Twenty-five (25). The grantees herein, however, as a condition to the right to use said passage way assume all responsibility for the care, upkeep and safe maintenance of said passage way; and expressly agree to save the grantor herein harmless of any damage or expense arising or resulting from the use of said passage way.

5. Jeness Realty Corporation

Warranty Deed

-TO-

Dated: June 30, 1985

Ack.: June 30, 1985

Rec.: November 4, 1985

Jeness Department Stores, Inc.

Liber 1968 of Deeds, page 104

Conveys ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Niagara Falls, County of Niagara and State of New York, being part of Lot Number 37 of the Mile Reserve, bounded and described as follows: Being distinguished as Village (now City) Lot Number 26, situate on the easterly side of Eighth Street (formerly Elizabeth Avenue) as laid down on a map made of Silas Olmstead by Issac Colt in 1851 and filed in Niagara County Clerk's Office, May 3, 1853 under Cover Number 73, and described ad follows:

COMMENCING at a point in the northerly line of said Lot Number 26, 84.5 feet east of the east line of Eighth Street, said point of beginning being also the northeast corner of lands conveyed to Harvey La Rose and Doris, his wife, by Deed recorded in Niagara County Clerk's Office in Liber 489 of Deeds at page 280; thence southerly and along the east line of lands so conveyed to La Rose by Deed aforesaid, 40 feet to the southerly line of said Lot Number 26, 36.50 feet to the east line of an alley, 16 ½ feet in width; thence northerly along the easterly line of said alley, 40 feet to the northeast corner of said Lot Number 26; thence westerly and along the northerly line of Lot Number 26, 36.50 feet to the place of beginning.

This conveyance is made pursuant to a plan of liquidation and dissolution of Jenss Realty Corporation in conformity with the provisions of Section 332 of the Internal Revenue Code as amended.

- | | | |
|----|---------------------|-----------------------------------|
| 6. | In RE | Certificate of Incorporation |
| | | Dated: February 15, 1907 |
| | Jenss Brothers | Ack.: February 25, 1907 |
| | File No. 961 | Rec.: March 14, 1907 |
| | | Liber 7 of Corporations, page 386 |

Duration: perpetual

- | | | |
|----|----------------|--|
| 7. | In RE | Certified Copy of Change of Name
from Department of State, Albany |
| | Jenss Brothers | Dated: February 1, 1960 |
| | | Ack.: February 1, 1960 |
| | | Filed.: February 23, 1960 |

The new name to be assumed by this corporation is Jenss Department Stores, Inc.

- | | | |
|----|---|------------------------------|
| 8. | Arthur N. Brydges (unmarried)
and Charles W. Brydges (widower) | Warranty Deed |
| | -TO- | Dated: June 27, 1906 |
| | | Ack.: June 27, 1906 |
| | | Rec.: July 9, 1906 |
| | Phillip J. Keller
(No search vs. grantor) | Liber 322 of Deeds, page 106 |

Conveys Parcel II.

9. WILL Surrogate's Court Niagara County

-OF-

Dated: March 23, 1922

Probated: April 20, 1922

Phillip J. Keller,

Deceased

Liber 459 of Deeds, page 367

Box 32

(NOTE: Under this Certificate full search is included vs. Charles Philip Keller, Also recorded in Liber 75 of Wills, page 568

as Executor and individually, and Mary

Elizabeth Keller; Wilhelmina A. Little;

Lillie May Whistler; Margaret C. Keller; Charles Philip Keller, Jr.; Waltho John

Little; Mary Elizabeth Little; Robert J. Talbot, MD; Henry Uhri and Joseph Seiler,

individually since April 4, 1922

He directs payment of all just debts.

He makes various bequests of property, both real and personal, not related to premises in question.

All the rest, residue and remainder of his estate, real and personal, he devises and bequeaths to his son, Charles Philip Keller.

He appoints his son, Charles Philip Keller, Executor of his Last Will and Testament.

Petition for Probate filed April 13, 1922 recites Decedent died April 4, 1922 leaving him surviving:

	Name	Relationship	Age
1.	Mary Elizabeth Keller	widow	
2.	Wilhelmina A. Little	daughter	
3.	Charles Philip Keller	son	
4.	Lillie May Whistler	daughter	
5.	Margaret C. Keller	daughter	
6.	Charles Philip Keller, Jr.	grandson	7 yrs.
7.	Waltho John Little	grandson	19 yrs.
8.	Mary Elizabeth Little	granddaughter	16 yrs.
9.	Robert J. Talbot, M.D.	legatee	
10.	Henry Uhri	legatee	
11.	Joseph Seiler	legatee	

Letters Testamentary issued to Charles Philip Keller, April 15, 1922 and filed in Liber 17 at page 10.

10. Charles Philip Keller Quit Claim Deed
- TO-
- Dated: December 19, 1947
Ack.: December 24, 1947
Rec.: January 21, 1948
- Charles Philip Keller, Jr. Liber 900 of Deeds, page 429
- Conveys Parcel II.
-
11. Charles Philip Keller, Jr. Warranty Deed
- TO-
- Dated: November 16, 1951
Ack.: November 16, 1951
Rec.: December 5, 1951
- Phillip P. Sang Liber 1047 of Deeds, page 517
- Conveys Parcel II.
-
12. Mary J. Thomas Warranty Deed
- TO-
- Dated: September 9, 1911
Ack.: September 9, 1911
Rec.: October 18, 1911
- Frank J. Rieger
(No search vs. grantor) Liber 365 of Deeds, page 216
- Conveys Parcel III and more.
-
13. WILL Surrogate's Court Niagara County
- OF-
- Dated: August 21, 1914
Probated: March 8, 1919
- Frank J. Rieger, Deceased
Box 2 Liber 388 of Deeds, page 588
(NOTE: Under this Certificate full search is included vs. Lilly L. Rieger as Executor and individually and Howard F. Rieger, individually since February 13, 1919) Also filed in Liber 73 of Wills, page 275
- He directs payment of all just debts.

All the rest, residue and remainder of his property, he gives, devises and bequeaths to his wife, Lilly L. Rieger, absolutely.

He appoints his wife, Lilly L. Rieger and his brother-in-law, Martin T. Ryan, Executors of his Last Will and Testament.

Petition for Probate filed March 8, 1918 recites Decedent died on February 3, 1919 leaving him surviving:

	Name	Relationship
1.	Lilly L. Rieger	spouse
2.	Howard F. Rieger	son

Petitioner further alleges that Martin T. Ryan, who was named Co-Executor with petitioner, died prior to the death of decedent.

Letters Testamentary issued to Lilly L. Rieger, March 8, 1919 and filed in Liber 16 at page 57.

14.	In RE	Surrogate's Court Niagara County Petition for Probate
	Martin T. Ryan, Deceased Box 36	Filed: April 18, 1916

RECITES Decedent died on March 26, 1916.

15.	Lilly L. Rieger, widow and sole devisee under the Last Will and Testament of Frank J. Rieger, deceased	Warranty Deed
	-TO-	Dated: November 15, 1951 Ack.: November 15, 1951 Rec.: November 19, 1951
	Philip P. Sang	Liber 1045 of Deeds, page 498

Conveys Parcel III.

16.	Philip P. Sang	Warranty Deed
	-TO-	Dated: March 13, 1952 Ack.: March 13, 1952 Rec.: April 17, 1952
	Jenss Realty Corporation	Liber 1060 of Deeds, page 302

Conveys ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Niagara Falls, County of Niagara and State of New York, being part of Lot No. 37 of the

Mile Reserve and further distinguished as part of Subdivision Lot No. 22 and the easterly 7 feet of that part of an alley adjacent thereto on the west as shown on a map by I. Colt made in 1851 and more particularly bounded and described as follows:

BEGINNING at a point in the southerly line of Division Avenue distant 40 feet westerly from the point of intersection of the southerly line of Division Avenue with the westerly line of Eighth Street (formerly Elizabeth Street); running thence westerly along the southerly line of Division Avenue, 88 feet; thence southerly parallel with Eighth Street, 121 feet; thence easterly parallel with Division Avenue, 88 feet; thence northerly parallel with Eighth Street, 121 feet to the point of beginning.

ALSO, ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Niagara Falls, County of Niagara and State of New York, being part of Lot No. 37 of the Mile Reserve and further distinguished as Subdivision Lot No. 32 on Map made by I. Colt for Silas Olmsted in 1851, filed May 3, 1853, and more particularly bounded and described as follows:

BEGINNING at a point in the northerly line of Division Avenue distant 315 feet westerly from the point of intersection of the northerly line of Division Avenue with the westerly line of Main Street (formerly Lewiston Avenue) as shown on said Map; running thence westerly along the northerly line of Division Avenue, 50 feet; thence at right angles northerly 101 feet, 6 inches; thence easterly parallel with Division Avenue, 50 feet; thence southerly 101 feet, 6 inches to the point of beginning.

17. Jenss Realty Corporation

Boundary Line Agreement

Dated: January 19, 1961

-WITH-

Ack.: January 19, 1961

Rec.: January 29, 1962

Lilly L. Rieger

Liber 1387 of Deeds, page 151

Whereas, the party of the first part is the owner in fee simple of ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Niagara Falls, County of Niagara, State of New York, being part of Lot No. 37 of the Mile Reserve and further distinguished as part of Subdivision Lot No. 22 and the easterly 7 feet of that part of an alley adjacent thereto on the west as shown on a map by I. Colt made in 1851 and more particularly bounded and described as follows:

BEGINNING at a point in the southerly line of Division Avenue distant 40 feet westerly from the point of intersection of the southerly line of Division Avenue with the westerly line of Eighth Street (formerly Elizabeth Street); running thence westerly along the southerly line of Division Avenue, 88 feet; thence southerly parallel with Eighth Street, 121 feet; thence easterly parallel with Division Avenue, 88 feet; thence northerly parallel with Eighth Street, 121 feet to the point of beginning; and

Whereas, the party of the second part is the owner in fee simple of ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Niagara Falls, County of Niagara

and State of New York (late Village of Suspension Bridge, formerly Bellevue, County of Niagara and State of New York), being part of the northwest corner of Farm Lot Number Thirty-seven (37) of the "Mile Strip" or "New York State Reservation", and known and distinguished on a certain map or survey of a part of said Farm Lot into Village Lots, made for Silas Olmsted by Isaac Colt, Surveyor, in the year 1851 as Village Lot Number Twenty-one (21), which has a frontage on the west side of Elizabeth Street of forty feet and runs back at right angles at a depth of one hundred twenty-one feet; and

ALSO, ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Niagara Falls, County of Niagara and State of New York and particularly described as follows: Being the southerly ten (10) feet of Lot No. Twenty-two (22), as said lot is shown on a "Map of the Village of Bellevue from actual survey made by Tobias Witmer, Surveyor, in 1853 and filed in Niagara County Clerk's Office, December 1st, 1855, among loose Maps", said Lot No. 22 on said Tobias Witmer's map being the same premises designated and known as Lot No. Twenty-three (23) on a map entitled "Map of Part of Bellevue, Suspension Bridge, made by Isaac Colt for Silas Olmstead, in 1851, and filed in the Niagara County Clerk's Office, May 3rd, 1853 in Frehsee's Book of Copied Maps at page 30". The premises herein described have a frontage on Elizabeth Street (now Eighth Street) of ten (10) feet and a depth of forty (40) feet; and

Whereas, the parties hereto desire to fix and definitely establish the boundary lines between the two parcels above mentioned respectively owned by the party of the first part and the party of the second part as aforesaid.

Now, therefore, in Consideration of the premises and of the sum of One Dollars (\$1.00) by each of the parties hereto to the other in hand paid, the receipt of which is hereby acknowledged, the said parties hereto, for themselves, their successors, assigns and distributees, covenant and agree that the said boundary line be and the same hereby is established as follows:

COMMENCING at a point, which point is located forty (40) feet west of the westerly line of Eighth Street (formerly Elizabeth Street) and 412.65 feet north of the northerly line of Linwood Avenue, measured parallel to the said westerly line of Eighth Street, and from the point so located running thence westerly along a line at an angle of $90^{\circ} 1' 15''$ with the said westerly line of Eighth Street measured in the northwest quadrant, a distance of eighty-eight (88) feet; and that the said party of the first part hereby remises, releases and quit claims unto the party of the second part, her distributees and assigns forever, all of its right, title and interest in and to any and all of the land lying to the south of the hereindescribed boundary line hereby established, together with the appurtenances and all of the estate and rights of the party of the first part in and to the said premises, and the said party of the second part remises, releases and quit claims unto the party of the first part, its successors and assigns forever, all of her right, title and interest in and to any land lying to the north of the hereindescribed boundary line hereby established, together with the appurtenances and all of the estate and rights of the party of the second part in and to the said premises, to have and to hold the premises herein granted to the respective parties hereto, their respective successors, distributees and assigns forever.

18. Jenss Realty Corporation

Warranty Deed

-TO-

Dated: June 30, 1985

Ack.: June 30, 1985

Rec.: November 4, 1985

Jenss Department Stores, Inc.

Liber 1968 of Deeds, page 96

Conveys Parcel II.

This conveyance is made pursuant to a plan of liquidation and dissolution of Jenss Realty Corporation in conformity with the provisions of Section 332 of the Internal Revenue Code as amended.

19. Jenss Realty Corporation

Warranty Deed

-TO-

Dated: June 30, 1985

Ack.: June 30, 1985

Rec.: November 4, 1985

Jenss Department Stores, Inc.

Liber 1968 of Deeds, page 102

Conveys Parcel III.

This conveyance is made pursuant to a plan of liquidation and dissolution of Jenss Realty Corporation in conformity with the provisions of Section 332 of the Internal Revenue Code as amended.

20. Jenss Department Stores, Inc.

Deed

-TO-

Dated: December 30, 1998

Ack.: December 29, 1998

Rec.: December 30, 1998

Miracle Faith Tabernacle, Inc.

Liber 2890 of Deeds, page 321

Conveys premises.

21. NOTE: We find no Certificate of Incorporation for Miracle Faith Tabernacle, Inc. on file in Niagara County Clerk's Office.

- | | | |
|-----|--|---|
| 22. | In RE
City of Niagara Falls List of
Delinquent Taxes; Pursuant to Section
1122 of the Real Property Tax Law
of the State of New York | Supreme Court Niagara County
List of Delinquent 2001 School Taxes
Amount Due: \$202.63
Index No.: 112315
Filed: June 14, 2002 |
|-----|--|---|

List of Delinquent 2001 School Taxes affecting Ward 11; Pro 0047, SBL No. 144.54-1-46. Owner: Miracle Faith Tabernacle, Inc.; Address: 1643 ½ 8th Street

- | | | |
|-----|---|--|
| 23. | In RE
Miracle Faith Tabernacle, Inc.
Corporation No. 17394
Index No. NFP 103. | Supreme Court Niagara County

Order dated: September 26, 2002
Granted: October 8, 2002
Rec.: October 6, 2002 |
|-----|---|--|

Liber 3214 of Deeds, page 936

Upon the verified Petition of Miracle Faith Tabernacle, Inc. from which it appears to the satisfaction of the Court that the interests of said religious corporation will be promoted by executing a Deed in connection with the sale of real property thereafter described.

Now on motion of David J. Mansour, Attorney for Petitioner, it is

Ordered, that Miracle Faith Tabernacle, Inc. is hereby authorized to execute and deliver a Deed in connection with the sale of certain real property commonly known as 1643 ½ 8th Street, 720 Division Avenue and 717 Division Avenue in the City of Niagara Falls, County of Niagara and State of New York as more particularly described as follows: premises and more.

24. NOTE: Under this Certificate search is included vs. the Inactive Hazardous Waste Disposal Site Registry Index maintained in the County Clerk's Office for the County in which the Subject Premises is located against the tax map parcel number or the section, block and lot number of the Subject Premises.
-

December 10, 2002

@ 8:59 A.M.

25. Miracle Faith Tabernacle, Inc.

Warranty Deed

-TO-

Dated: November 25, 2002

Ack.: November 25, 2002

Rec.: January 28, 2003

Hastings Niagara, Inc.

(No search vs grantee)

Liber 3225 of Deeds, page 730

Conveys premises less that portion of land conveyed by above Deed No. 4.

26. NOTE: Under this Certificate search is included vs. the Inactive Hazardous Waste Disposal Site Registry Index maintained in the County Clerk's Office for the County in which the Subject Premises is located against the tax map parcel number or the section, block and lot number of the Subject Premises.

January 28, 2003

2:58 PM

STEWART TITLE INSURANCE COMPANY,

a New York Corporation, by its Agent,

EQUITY TITLE AGENCY, LLC

for valuable consideration paid, GUARANTEE to the record owners of an interest in or a specific lien upon the premises particularly described in **No. 27** on the date hereof and their successors in interest of record, that the SET-OUTS designated herein by marginal number(s) **28** inclusive, are all of the references affecting title to said premises, which appear upon

- (a) INDICES to records, papers, files and documents, (including the Inactive Hazardous Waste Disposal Site Registry Index as provided for in Section 316-b of New York Real Property Law since July 1, 1993) in the offices of the CLERK of the COUNTY OF NIAGARA, AND
- (b) INDICES to wills and administration of decedents' estates in the office of the SURROGATE of NIAGARA COUNTY
- (c) INDICES to bankrupts in the Buffalo, New York office of the CLERK of the UNITED STATES DISTRICT COURT for the WESTERN DISTRICT OF NEW YORK

against the names of the parties appearing in the within abstract during the periods in which it appears there was a record interest in said premises under the names from **January 28, 2003 at 2:58 P.M.** to the date hereof, and upon

- (d) JUDGMENT DOCKETS for ten last years past, and
- (e) DOCKETS of FEDERAL TAX LIENS for 10 years one month last past,

against the names of parties in such ownership in both of said offices of the aforesaid clerks, and GUARANTEE FURTHER that the SET-OUTS herein are correct statements as to such records and indices. The GUARANTEE under this Certificate shall not be limited by time.

Hastings Niagara, Inc. - Owner(s)

Including judgment search for 10 years last past against grantee(s) in # 25 above/below and full search against said grantee(s) from November 25, 2002.

Dated: **18th day of July, 2008 at 8:59 A.M.**

And executed under seal.

EQUITY TITLE AGENCY, LLC

By:


Authorized Officer TZ

Search No.: **N08-1277A**

Abstractor: **P. Cleri/psz**

27. Premises being the same as particularly described as Parcel "A" at head of search.
-

28. In RE Certified Certificate of Incorporation
from the Secretary of State, Albany

Hastings Niagara, Inc.

File No. 17975

Dated: June 26, 2000

Filed: July 26, 2000 in

Niagara County Clerk's Office

Duration: -----

July 18, 2008

@ 8:59 A.M.





122 Niagara St., P.O. Box 551
Lockport, NY 14095
www.NNYChicagoTitle.com

Search.No.: 1915-0117SCH

Chicago Title Insurance Company, a Florida corporation, for valuable consideration to it paid, GUARANTEES to the record owners of an interest in or a specific lien upon the premises particularly described in **No. 32 below** on the date hereof and their successors in interest of record, that the SET-OUTS designated herein by marginal numbers **29 to 36** inclusive, are all the references affecting title to said premises, which appear upon:

- a. INDICES to records, papers, files and documents in the office of the CLERK of the COUNTY wherein said premises are situate, and
- b. INDICES to wills and administration of decedent's estates in the office of the SURROGATE of the COUNTY wherein the premises are situate, and
- c. INDICES to bankrupts in the office of the CLERK of the UNITED STATES BANKRUPTCY COURT for the WESTERN DISTRICT OF NEW YORK.

against the names of the parties appearing in the within abstract during the periods in which it appears there was a record interest in said premises under said names from **July 18, 2008 at 08:59 AM** to the date hereof and upon

- d. JUDGMENT DOCKETS for ten years last past,
- e. DOCKETS of FEDERAL LIENS for ten years and thirty days last past, and
- f. DOCKETS of FEDERAL ABSTRACTS OF JUDGMENTS for twenty years last past.

against the names of the parties in such ownership in the office of the Clerk of the County wherein said premises are situate and the corporation GUARANTEES FURTHER that the SETOUTS HEREIN are correct statements as to such records and indices.

- g. Inactive Hazardous Waste Disposal Site Registry Index maintained in the County Clerk's Office for the County in which the Subject Premises is located against the tax map parcel number of the section, block and lot number of the Subject Premises.

The Guaranty under this Certificate shall not be limited by time.

Dated **June 18, 2019 at 10:20 AM** and executed under seal.

Niagara Village, LLC, owner

CHICAGO TITLE



By: _____

Authorized Signature

CHICAGO TITLE

SEARCH NO.: 1915-0117SCH

29. Hastings Niagara, Inc., a corporation formed and existing under the laws of the State of New York to
Niagara North, Inc., a corporation formed and existing under the laws of the State of New York
- Deed (Covenant vs Grantor)**
Dated: July 16, 2010
Ack: July 16, 2010
Rec.: July 30, 2010
Instrument No. 2010-12354

Conveys premises and more

Recites this conveyance does not represent all or substantially all of the assets of the grantor and is not made with the intent to defraud creditors, and is made in the ordinary course of business as actually conducted by the grantor and grantee

30. NOTE: We find no Certificate of Incorporation in re Niagara North, Inc. in Niagara County Clerk's Office

31. Niagara North, Inc., a corporation formed and existing under the laws of the State of New York to
Nicholas J. George
- Deed (Covenant vs Grantor) Deed**
Dated: November 6, 2014
Ack: November 6, 2014
Rec.: November 6, 2014
Liber of Deeds page 2014-19141

NO SEARCH VS GRANTEE

Conveys Parcel II in No. 1 above

Recites this conveyance does not represent all or substantially all of the assets of the grantor and is not made with the intent to defraud creditors, and is made in the ordinary course of business as actually conducted by the grantor and grantee

32. Premises being:

PARCEL I

All that tract or parcel of land situate in the City of Niagara Falls, County of Niagara and State of New York being part of Lot 37 Mile Reserve known as and being part of Lot 25 on a map made by I. Colt in 1851 and filed in Niagara County Clerk's Office on May 3, 1853 under Cover Number 73, now in Book 5 of Microfilmed Maps at page 446 bounded and described as follows: Beginning at a point in the north line of said Lot 25, a distance of 84.5 feet east of the east line of Eighth Street, said point of beginning being also the northeast corner of lands conveyed to Harvey La Rose and Doris, his wife, by Deed recorded in Niagara County Clerk's Office in Liber 489 of Deeds at page 280; thence southerly and along the east line of lands so conveyed to La Rose by Deed aforesaid, 40 feet to the south line of said Lot Number 25; thence easterly along the south line of said Lot Number 25, a distance of 36.50 feet to the east line of an alley, 16 1/2 feet in width; thence northerly along the east line of said alley, 40 feet to the northeast corner of said Lot 25; thence westerly and along the north line of Lot Number 25, a distance of 36.50 feet to the place of beginning

Parcel II

All that tract or parcel of land, situate in the city of Niagara Falls, County of Niagara and State of New York, being part of Lot 37 Mile Reserve, known as and being Lot 22 and the easterly 7 feet to that part of an alley adjacent thereto on the west as shown on a map made by I. Colt in 1851 and filed in Niagara County Clerk's Office on May 3, 1853, under Cover No. 73, now in Book 5 of Microfilmed Maps at page 446, bounded and described as follows: Beginning at a point in the south line of Division Avenue distant 40 feet westerly from the point of intersection of the south line of Division Avenue with the west line of Eighth Street (formerly Elizabeth Street); thence westerly along the south line of Division Avenue, 88 feet; thence southerly parallel with Eighth Street, 121 feet; thence easterly parallel with Division Avenue, 88 feet; thence northerly parallel with Eighth Street, 121 feet to the point of beginning

CHICAGO TITLE

SEARCH NO.: 1915-0117SCH

33. Niagara North, Inc., a New York corporation authorized to conduct business under the laws of the State of New York, 2018 Main Street a/k/a 2018 Main Street, Inc., a New York corporation authorized to conduct business under the laws of the State of New York, Hastings Niagara, Inc., a New York corporation authorized to conduct business under the laws of the State of New York, Richard A. Hastings and Judith A. Hastings to
Niagara Village, LLC
- Deed**
Dated: June 12, 2019
Ack: June 12, 2019
Rec.: June 18, 2019
Instrument No. 2019-09474

NO SEARCH VS GRANTEE

Conveys Parcel I and II above and more
Recites this conveyance does not represent all or substantially all of the assets of the grantor and is not made with the intent to defraud creditors, and is made in the ordinary course of business as actually conducted by the grantors

34. Niagara Village LLC, a limited liability company organized under the laws of the State of New York and NFN 15C 1902 Main St, LLC, a limited liability company organized under the laws of the State of New York to
CNB Bank
- Mortgage for \$1,600,000.00
Dated: June 13, 2019
Ack: June 13, 2019
Rec.: June 18, 2019
Instrument No. 2019-09477
- Covers Parcel I and II above and more

35. Same to Same
- Assignment of Leases and Rents**
Dated: June 13, 2019
Ack: June 13, 2019
Rec: June 18, 2019
Instrument No. 2019-09478

First party assigns to second party all of the Estate, Title and Interest of the first party in and to any and all rents, issues, profits now due or to become due under any lease affecting Parcel I and II above and more
Contains certain terms and conditions

DL
June 18-19
10:20 AM
Hassinger

Municipality	Type of Tax	Lien Date	Fiscal
Lockport (Assessor's Office - 439-6614) (Treasurer's Office - 439-6744)	City	January 1	January 1
	County	January 1	January 1
	School	Second Tuesday in September	July 1
Niagara Falls (Assessor's Office - 286-4380) (Treasurer's Office - 286-4350)	City	Last Monday in January	January 1
	County	January 1	January 1
	School	First Thurs. in July	July 1
North Tonawanda (Assessor's Office - 695-8597) (Treasurer's Office - 695-8575)	City	April 1	January 1
	County	January 1	January 1
	School	September 1	July 1
Towns	County	January 1	January 1
	School	September 1	July 1
Villages (BARKER, LEWISTON, MIDDLEPORT, WILSON, YOUNGSTOWN)	Village	June 1	July 1

Revenue
Stamps
\$4.00 per
thousand

100 Links	=	1 Chain
1 Chain	=	66 Feet
1 Rod	=	16 1/2 Feet
4 Rods	=	1 Chain
5280 Feet	=	1 Mile
1 Link	=	7.92 Inches
10 Sq. Chains	=	1 Acre
43560 Sq. Feet	=	1 Acre
160 Sq. Rods	=	1 Acre

N.Y. State
Mtg. Tax
1% with 1/4%
exemption for
first \$10,000 on
single & 2 family
dwellings

NIAGARA COUNTY SURROGATE	-	439-7130
NIAGARA COUNTY TREASURER	-	439-7007
NIAGARA COUNTY CLERK	-	439-7022



CHICAGO TITLE INSURANCE COMPANY

122 NIAGARA STREET

P.O. BOX 551

LOCKPORT, NEW YORK 14095-0551

(716) 434-2825 • FAX: (716) 434-9531

www.nnychicagotitle.com

OTHER UPSTATE NEW YORK AREA OFFICES:

BUFFALO

Liberty Building
424 Main Street • Suite 200
Buffalo, NY 14202-3501
(716) 854-2982
FAX: (716) 854-0223

BATH

10 West Pulteney Square • Suite 104
Bath, NY 14810
(607) 776-7866
FAX: (607) 776-5198

OSWEGO

34 East Bridge Street • Suite 200
Oswego, NY 13126
(315) 342-2184
FAX: (315) 342-5959

LYONS

66 William Street
Lyons, NY 14489-0349
(315) 946-4363
FAX: (315) 946-6462

SYRACUSE

AXA Tower 1
100 Madison Street • Suite 1910
Syracuse, NY 13202-2510
(315) 474-1273
FAX: (315) 474-4281

ROCHESTER

44 Exchange Street • Suite 100
Rochester, NY 14614
(585) 546-6350
FAX: (585) 546-5465

1 Link _____	7 92/100 inches
1 Link _____	66/100 of a Foot
1 Rod, Rood or Perch _____	16 1/2 Feet
1 Chain (100 Links or 4 Rods) _____	66 Feet
1 Mile (80 Chains) _____	5,280 Feet
1 Acre (10 Square Chains) _____	43,560 Square Feet
1 Square Mile _____	640 Acres

Property: 723 Division Avenue, (C) Niagara Falls, NY
SBL: 144.54-1-49

1915-0181EC

ABSTRACT OF TITLE

No. 1915-0119SCH

by



Chicago Title

122 Niagara St., P.O. Box 551
Lockport, NY 14095
716-434-2825
FAX: 716-434-9531





122 Niagara St., P.O. Box 551
Lockport, NY 14095
Phone: 716-434-2825

TAX SEARCH

Search No.: 1915-0119SCH

Title Insurance No.: 1915-0181EC

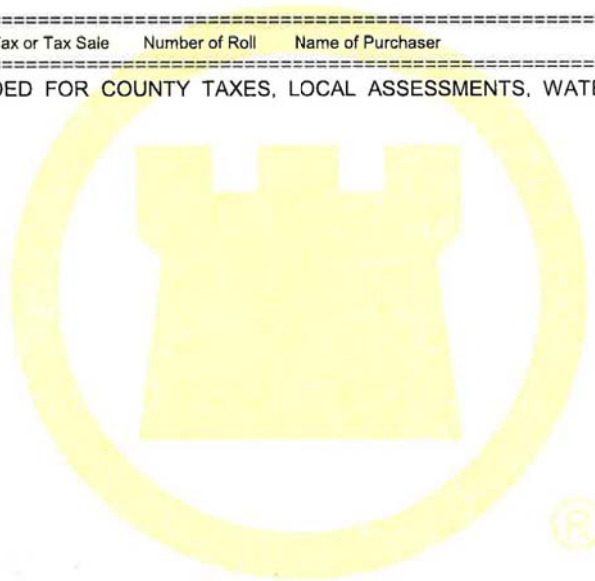
PROPERTY INFORMATION

City of Niagara Falls, County of Niagara, and State of New York, being part of Lot 37 Mile Reserve, more particularly described in No. 40 below.

Chicago Title Insurance Company, a Florida corporation, for valuable consideration to it paid, hereby guarantees to the record owners and successors in interest of record, that there are no STATE TAX SALES for taxes, now payable, levied and assessed against the real estate described as above on the tax rolls of the County of Niagara.

Date of Sale	For What Tax or Tax Sale	Number of Roll	Name of Purchaser	Amount of Tax Sale/Remarks
--------------	--------------------------	----------------	-------------------	----------------------------

NO SEARCH INCLUDED FOR COUNTY TAXES, LOCAL ASSESSMENTS, WATER CHARGES, CITY OR SCHOOL TAXES.



CHICAGO TITLE



By: 

Dated: June 18, 2019 at 10:20 AM

CERTIFICATE OF SURVEY

Str. No. 723

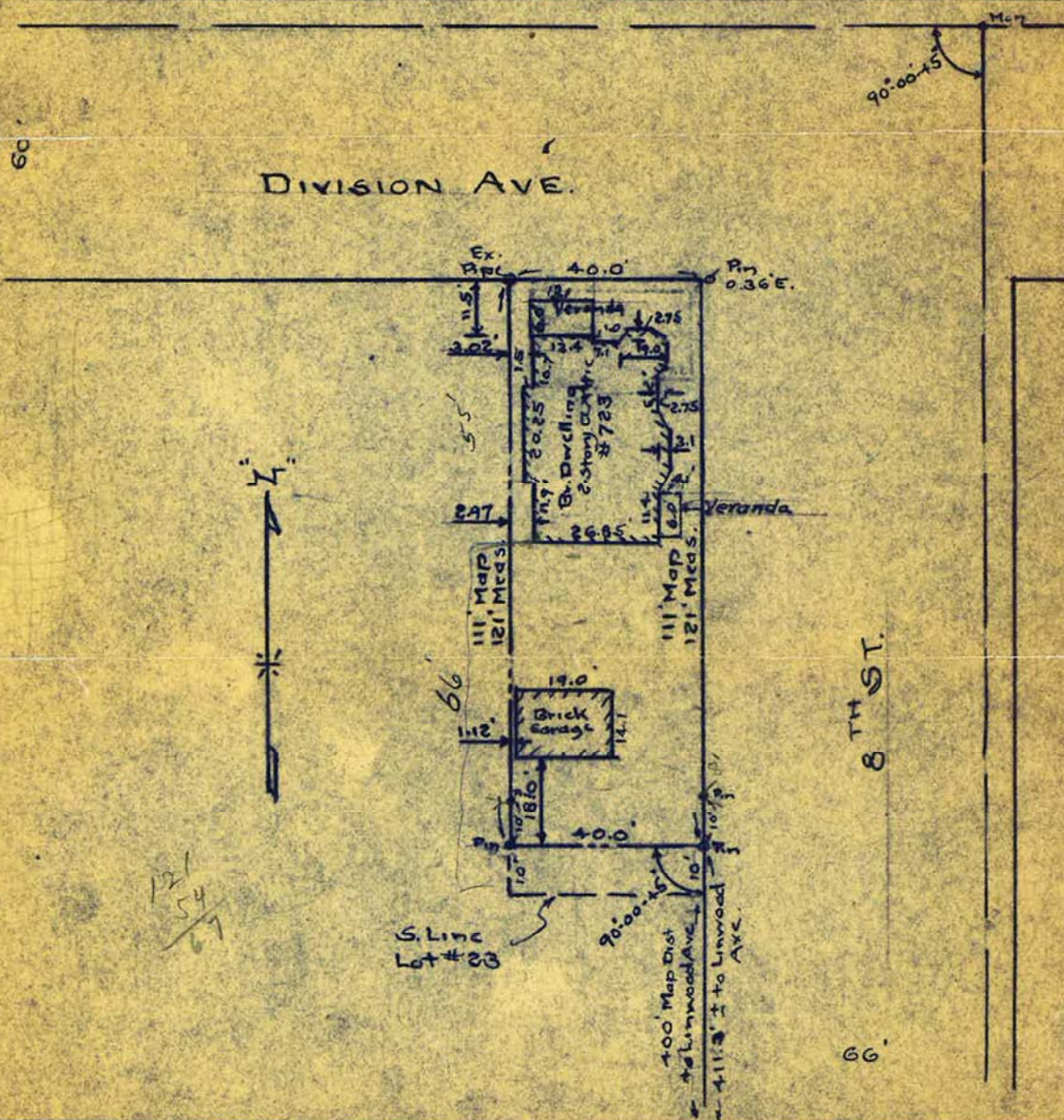
Louis W. Colpays
Prof. Engineer and Land Surveyor - N. Y. State License No. 9192

Survey requested by Harry Suitor

Owner Harry R. Emes

Revised 1-26-45 L.H.C.

Revised & Redated 7-14-54, L.H.C. by Collison (Original Survey J-72-45)



Genes Autty Corp.

John P. Minicucci
15' x 56'

(Send back note paper)

Chris Adams +

Flossie "

pt 23-17

1294-39

6

John P. Minicucci &

Mae Ann, by dtd 8/5/58

Rev. 8/8/58

No. 2.
State of New York
to
Orson Childs.

LETTERS PATENT.

Dated Jan. 4", 1836,
Passed the Secretary's Office same day and
Recorded July 8", 1836 in Liber 17 of Deeds
at Page 246.

Grants and conveys parcel
"A" and other lands.

No. 3.
Orson Childs and
Sarah, his wife
to
James Mc Kay.

WARRANTY DEED.

Dated May 6", 1836,
Ack'd same day and Recorded July 8", 1836 in
Liber 17 of Deeds at Page 246.

Cons. \$7000.00 and conveys
parcel "A" and other lands.

No. 4.
J. Mc Kay
to
Orson Childs.

MORTGAGE.

Dated May 6", 1836,
Ack'd May 8", 1836 and Recorded May 10", 1836
at 9 A. M. in Liber 10 of Mortgages at Page 380.

Given to secure the payment
of the sum of \$3,355.00 and covers parcel "A"
and other lands.

No. 5.
James Mc Kay and
Emily B., his wife
to
George R. Babcock.

WARRANTY DEED.

Dated Dec. 27", 1836,
Ack'd same day and Recorded Dec. 30", 1836 in
Liber 17 of Deeds at Page 563.

Cons. \$2,087.50 and conveys
parcel "A" and other lands.

No. 13.

William O. Buchanan
and Mary Ellen,
his wife
to
Albert E. Goodrich.

WARRANTY DEED.

Dated Dec. 18", 1857,
Ack'd same day and Recorded Mar. 10", 1858 in
Liber 79 of Deeds at Page 250.

Cons. \$1,800.00 and conveys
parcel "A" described as follows :

ALL THAT TRACT OR PARCEL OF LAND, situate in
the Village of Niagara City (late Bellevue)
Town and County of Niagara, State of New York,
being a part of the north west corner of farm
lot 37 of the Mile Strip or New York State
Reservation, lying on the easterly bank of
Niagara River said pieces of land are known and
distinguished on a certain map or survey of a
part of said Farm Lot in Village Lots made for
Silas Olmstead by Isaac Colt, Surveyor, in the
year 1851, as Village Lots numbers sixteen (16),
seventeen (17), eighteen (18), nineteen (19),
twenty (20), twenty-one (21) and twenty-two
(22); said lots are situated on the west side
of Elizabeth Street and have a frontage on said
street of forty feet each and running back at
right angles one hundred and twenty-one feet,
excepting lot number twenty-two (22) which has
a frontage on Elizabeth Street of one hundred
twenty one feet and a depth of forty feet on
Division Street as laid down on said map.

N. B. Above deed should
have conveyed the lots above mentioned according
to survey by Tobias Witmer, Surveyor, in 1853,
instead of that referred to therein.

No. 14.

Albert E. Goodrich
(no wife named)
to Tryon.
Samuel A. Tryon.

No. 15.

Affidavit
of
George H. Tryon.

WARRANTY DEED.

Dated Oct. 22", 1858,
Ack'd Feb. 7", 1859 and Recorded Jan. 23", 1860
in Liber 74 of Deeds at Page 318.
Cons. \$2,000.00 and conveys
same as last above.

N. B. Find no deed from
Samuel A. Tryon of the parcel "A" above.

See Affidavit next below.

AFFIDAVIT.

Sworn to Apr. 13", 1897,
Recorded Apr. 24", 1897 in Liber 13 of Mis.
Records at Page 151.

George H. Tryon, being duly
sworn, says that he resides in the City of
Buffalo, N. Y., and is seventy-six years of age;
that he is a son of Amos S. Tryon late of the
Village of Lewiston, deceased; that Samuel A.
Tryon the grantee named in a deed from Albert
E. Goodrich, dated October 22", 1858 and Recorded
in Niagara County Clerk's Office in Liber 74 of
Deeds at Page 318 was also a son of said Amos
S. Tryon and brother of this deponent; that
said Samuel A. Tryon died unmarried and intestate
without leaving any children him surviving, in
or about the year 1870 at least about thirty
years ago, during the life time of said Amos
S. Tryon who thereupon inherited the real estate
of him said Samuel A. Tryon; that said Amos
S. Tryon died in or about the year 1874; that
he said Amos S. Tryon left a last Will and
Testament which has been duly recorded in Niagara
County in Liber 169 of Deeds at Page 165.

place of beginning.

N. B. Above deed should have conveyed said premises according to survey by Tobias Witmer, Surveyor, in 1853, instead of that referred to therein.

No 23.

Andrew Thomas
Hawkins ^{and}
Elizabeth Hawk-
ins, his wife,
to
Harry C. Stine.

Warranty Deed

Dated Apr. 11th 1905
Ack'd May 11th 1905 ^{and}
Recorded May 15th 1905 in
Liber 307 of Deeds at page
213.

Consid. \$1.00 and con-
veys the north one-half
of parcel **A** above.

STATE OF NEW YORK, }
COUNTY OF NIAGARA, } ss.
CITY OF LOCKPORT.

Niagara Guaranty Search Company,

(A Corporation duly incorporated under the Laws of the State of New York), for a valuable consideration to it paid by Ackerson and Chapin, Attorneys

hereby certifies and guarantees to said Attorneys

heirs and devisees, and to

that upon examination of the indexes to the records of Deeds, Homestead Exemptions, Powers of Attorney, Land Contracts, Options to Purchase Land, Leases, Statutory Foreclosures, General Assignments, Mortgages, Mortgage Book of Loans, Notices Lis Pendens, Sheriff's Certificates, Docket Books of Collector's Bonds and Orders Appointing Receivers of Judgment Debtors, in the Office of the County Clerk of Niagara County, from the date of the Letters Patent, viz: Jan. 4, 1836

(Including marginal numbers one to twenty-two inclusive), above set forth, to the present time, it finds the above and nothing more in the names of any and all the Grantors, Grantees and Devisees, as their names are above written

affecting the premises described in shown on plan and designated parcel "A"

above, containing more or less,

also the Docket Book of Mechanics' Liens for one year last past, the Docket Book of Judgments for the ten years last past, and the indexes to the records of Tax Deeds and Certificates of Tax Sales under: Comptroller, People of the State of New York, State of New York, County of Niagara, County Judge, County Treasurer, Board of Education, and find nothing more affecting the said premises; and further, that there are no Assignments, or Releases, or Mortgages or Judgments except those above noted.

(No search made against Railroads, Highways, or Streets)

Niagara County Clerk's Office, |

I ~~Hereby~~ Certify, That I have examined the Indexes to the Record of Deeds, Land Con. ts, Options to purchase, Leases, Statutory Foreclosures, Homestead Exemptions, General Assignments, Mortgages, Mortgage Books of Loans, Notices Lis Pendens, Sheriff's Certificates, Docket Book of Collector's Bonds, (which includes all Liens of Record to my knowledge) in this office, from the date of the

*Relating of the
Niagara Guaranty Search Company's Certificate to-wit.
Mch 17, 1909.*

(including marginal numbers 24 to inclusive) about set forth, to the present time, and find the above and nothing more in the name of any and all Grantors and Grantees during their respective ownership as their names are above written.

Smiths.

affecting the premises described in

No 22

above, containing

more or less

No search made against the Comptroller of the State of New York.

I Further Certify, That I have examined the Docket Book of Mechanics' Liens, for one year last past, and the Docket Books of Judgments, Transcripts and Decrees, and Orders Appointing Receivers of Judgment Debtors, in this office, against the same persons as above named for the last ten years, and find

nothing more affecting the premises. And further, that there are no Assignments or Releases of Mortgages or Judgments, except those above noted, affecting said premises.

In Witness Whereof, I have hereunto set my hand and Official Seal, at Lockport, this 20th

day of May A.D., 1913 at 8:20 am

Thomas S. Ferby Clerk.

By *T. F. Tracy* Deputy Clerk.



No. 25.
George W. Cole, Trustee
to
Harry C. Stine.

O.K. - Weed - P. 95.
112 N.Y. 670.
141 N.Y. 358
134 N.Y. 435

No. 26.
Harry C. Stine and
Charlotte, his wife,
to
Frank J. Rieger.

Warranty Deed.

Dated May 7th 1913.
Ack'd same day and Recorded May 24th 1913
at 9:30 a.m. in Lib. 364 of Deeds at Page 476.
Now \$1100 and conveys
same as No. 22 above.

WARRANTY DEED.

Dated Nov. 7, 1913,
Ack'd. Nov. 8, 1913 and Rec. Nov. 18, 1913
in Liber 376 of Deeds at Page 602.

Cons. \$1.00 and more and
conveys ALL THAT TRACT OR PARCEL OF LAND,
situate in the City of NIAGARA FALLS, County
of Niagara and State of New York, and partic-
ularly described as follows: Being the south-
erly 10 feet of Lot No. 22 as said lot is
shown on a "Map of the Village of Bellevue
from actual survey made by Tobias Witmer,
Sur., in 1853, and filed in Niagara County
Clerk's Office, Dec. 1, 1855, among loose
maps" said lot No. 22 on said Tobias Witmer's
map being the same premises designated and
known as Lot No. (23) on a map entitled "Map
of part of Bellevue, Suspension Bridge, made
by Isaac Colt, for Silas Olmstead, in 1851,
and filed in Niagara County Clerk's Office
May 3, 1853, in Prehsee's Book of Copied Maps
at Page 30."

The premises hereby conveyed
having a frontage on Elizabeth Street (now
Eighteenth Street) of 10 feet and a depth of
40 feet.

No. 27.

In the Matter of the
Estate
of
Harry C. Stine, dec'd.

59

PETITION.

Dated June 13, 1924,
Filed July 30, 1924 in Niagara County Surrogate's Office.

Recites that Harry C. Stine, died on or about the 6th day of June, 1924, intestate.

That he left him surviving, George H. Stine, son, petitioner, full age, as his only heir at law and next of kin.

That the father and mother of said Harry C. Stine are both deceased, and that petitioner knows of no brothers or sisters or collateral relatives; that the said Harry C. Stine, was a widower and left no wife or widow him surviving.

No. 28.

George H. Stine, and
Rhea O'Neill Stine,
his wife,
to
Charles E. Haeberle, and
Barbara C. Haeberle.

POWER OF ATTORNEY.

Dated Nov. 14, 1924,
Ack'd. same day and Rec. Nov. 17, 1924 in Liber
35 of Mis. Rec. at Page 99 .

Recites the said parties of the first part hereby makes, constitutes and appoints the second parties their true and lawful attorneys with power to sell and convey real estate, etc.

COUNTY.

Niagara Guaranty Search Company,

OF THE CITY OF LOCKPORT, NIAGARA COUNTY, N. Y.

(A Corporation duly incorporated under the Laws of the State of New York), for a valuable consideration to it paid by..... *Decker and Blum, Attys*

hereby certifies and guarantees to said..... *Attys*

heirs and devisees, and to.....

that upon examination of the indexes to the records of Deeds, Homestead Exemptions, Powers of Attorney, Land Contracts, Options to Purchase Land, Leases, Statutory Foreclosures, General Assignments, Mortgages, Mortgage Book of Loans, Notices Lis Pendens, Sheriff's Certificates, Docket Books of Collector's Bonds and Orders Appointing Receivers of Judgment Debtors, in the Office of the County Clerk of Niagara County, from the date..... *of the County Clerk's Certificate viz: May 20, 1913 at 9:00 AM*

as to premises at N^o 22 and from May 22 1905 at 3:15 P.M. as to premises at N^o 23

(Including marginal numbers..... *25*..... inclusive), above set forth, to the present time, it finds the above and nothing more in the names of ~~any and all the Grantors, Grantees and Devisees, as their names are above written~~..... *George B. Lee, Trustee and Harry B. Lane*

affecting the premises described in..... *Number twenty-two + Number twenty-three*

above, containing..... more or less; also the Docket Book of Mechanics' Liens for one year last past, the Docket Book of Judgments for the ten years last past, and the indexes to the records of Tax Deeds and Certificates of Tax Sales under: Comptroller, People of the State of New York, State of New York, County of Niagara, County Judge, County Treasurer, and find nothing more affecting the said premises; and further that there are no Assignments, or Releases, of Mortgages or Judgments except those above noted.

(No search made against Railroads, Highways, or..... *Streets or Alleys*)

In Witness Whereof, The said NIAGARA GUARANTY SEARCH COMPANY, hath caused its Corporate Seal to be hereunto affixed and this Certificate to be subscribed by its Secretary, this

..... *24*..... day of..... *May*..... 1913..... *9:30*..... M.

..... *George B. Lee*..... Secretary.



Re-dated and re-issued to.....John O. Chapin, Attorney.....
and to.....mortgagee , as shown by marginal
numbers.....26.....to.....28.....inclusive this.....9th.....
day of.....Dec.....1924, at 9 o'clock A.M. no search vs grantee or
premises in No. 26 above.

NIAGARA GUARANTY SEARCH COMPANY,

C. H. McDonald Sec'y.

Re-dated and re-issued to.....John O. Chapin, Atty.....
and to.....mortgagee , as shown by marginal
numbers.....to.....inclusive this.....11th.....
day of.....June 1927, at 9 o'clock A.M. vs same as ctf. last above.

NIAGARA GUARANTY SEARCH COMPANY,

C. H. McDonald Sec'y.

Re-dated and re-issued to.....
and to.....mortgagee , as shown by marginal
numbers.....to.....inclusive this.....
day of.....191 , at.....o'clock.....M.....

NIAGARA GUARANTY SEARCH COMPANY,

Sec'y.

Re-dated and re-issued to.....
and to.....mortgagee , as shown by marginal
numbers.....to.....inclusive this.....
day of.....191 , at.....o'clock.....M.....

NIAGARA GUARANTY SEARCH COMPANY,

Sec'y.

Re-dated and re-issued to.....
and to.....mortgagee , as shown by marginal
numbers.....to.....inclusive this.....
day of.....191 , at.....o'clock.....M.....

NIAGARA GUARANTY SEARCH COMPANY,

Sec'y.

ABSTRACT & TITLE INSURANCE CORPORATION

A New York corporation, for a valuable consideration to it paid, GUARANTEES to the record owners of an interest in or lien upon the premises particularly described in No 29 below on the date hereof and their successors in interest of record, that the SET-OUTS designated herein by marginal numbers 30 to 36 inclusive, are all the references affecting title to said premises, which appear upon

- (a) INDICES to records, papers, files and documents in the office of the CLERK of the COUNTY wherein said premises are situate, and
- (b) INDICES to wills and administration of decedent's estates in the office of the SURROGATE of the COUNTY wherein said premises are situate, and
- (c) INDICES to bankrupts in the office of the CLERK of the UNITED STATES DISTRICT COURT for the WESTERN DISTRICT of NEW YORK against the names of the parties appearing in the within abstract as owning or having an interest in said premises, each during the respective record periods of said ownership or interest from

June 11 1927-9:00 A.M. to the date hereof, and upon

- (d) JUDGMENT DOCKETS for ten years last past, and
- (e) DOCKETS of FEDERAL LIENS from September 1, 1925 through the respective record periods of said ownership

against the names of the parties in such ownership in both of said offices of the aforesaid clerks, and the corporation GUARANTEES FURTHER that the SET-OUTS herein are correct statements as to such records and indices.

Dated this 6th day of April 19 45 at 3:35 o'clock A. M.
and executed under seal.

Chris S. and Flossie Adams, owners and John A. Wichterman, mortgagee

No search vs grantees in No 35 below



ABSTRACT & TITLE INSURANCE CORPORATION

No. 56347

By

Ralph M. Garlock
Authorized Signature

Upon continuation from the date and hour last above this GUARANTEE, for a valuable consideration, is reissued to the record owners of an interest in or lien upon the premises particularly described at

No 29 below in the within abstract to show all references affecting title to said premises to the date hereof that appear upon the indices and dockets hereinbefore described, designated by marginal

~~numbers~~ NOTHING inclusive

Redated this 30th day of June 1954 at ----- o'clock ----- M.

Chris S. and Flossie Adams, owners

Including judgment search for 10 years last past vs grantees in No 35 below and full search vs said grantees from April 2 1945

ABSTRACT & TITLE INSURANCE CORPORATION

No. 19701

By

Ralph M. Garlock
Authorized Signature

Upon continuation from the date and hour last above this GUARANTEE, for a valuable consideration, is reissued to the record owners of an interest in or lien upon the premises particularly described at

No 29 below in the within abstract to show all references affecting title to said premises to the date hereof that appear upon the indices and dockets hereinbefore described, designated by marginal

numbers 36 and 37 inclusive.

Redated this 8th day of August 19 58 at 11:46 o'clock A. M.

John R. and Mae Ann Minicucci, owners and Chris S. and Flossie Adams, mortgagees.

ABSTRACT & TITLE INSURANCE CORPORATION

No. 28051

By Ralph M. Garlock
Authorized Signature

Upon continuation from the date and hour last above this GUARANTEE, for a valuable consideration, is reissued to the record owners of an interest in or lien upon the premises particularly described at

in the within abstract to show all references affecting title to said premises to the date hereof that appear upon the indices and dockets hereinbefore described, designated by marginal

numbers inclusive.

Redated this day of 19 at o'clock M.

ABSTRACT & TITLE INSURANCE CORPORATION

No.

By

Authorized Signature

29

Premises being Subdivision Lot No ²³~~22~~ situate on the southwest corner of Division Street and 8th Street according to Map No 1 at head of search
Excepting and reserving the southerly 10 feet thereof

30

In re

Harry C. Stine

deceased

Case S No 59

Surrogate's Court Niagara County

Return and Schedules filed June 16 1925

lists premises and more

Order fixing value and assessing

Transfer Tax in the amount of \$189.91

filed June 16 1925

Order amending order fixing tax filed

December 24 1932 recites the said amount of tax was duly paid

to the State Tax Commission on June 26 1925, being Receipt No 9502

It is ordered that the Order entered herein on June 16 1925

be amended by adding the tax of \$15.00 thereupon

Transfer Tax Receipt for \$180.91 dated June 26 1925 filed

April 9 1945

Transfer Tax Receipt for \$27.91 fixed by order of December 23

1932 (Including \$12.91 penalty) dated January 25 1933 filed

April 9 1945

George H. Stine and

Rhea O'Neill Stine,

W Deed dated July 1 1927

acknowledged July 2 1927

- 31 his wife recorded in liber 531 of Deeds
to page 17 July 7 1927
Harry R. Emes and Consideration \$1.00
Harriett W., his wife, as Conveys premises
tenants by the entirety
- 32 Harry R. Emes and Mortgage for \$12,000.00
Harriet W. Emes, dated July 1 1927
his wife acknowledged July 1 1927
to recorded in liber 492 of Mortgages
George H. Stine page 30 July 7 1927
Covers premises
Harriet- W. Emes signs Harriett W.
Emes
- 33 In re Surrogate's Court Niagara County
Harriet W. Emes Affidavit of Harry D. Suitor sworn
deceased to December 11 1944 filed December
File No 8583 18 1944 recites death of decedent
intestate on November 11 1930 leaving
her surviving her husband, Harry R.
Emes, and others; that she and her
said husband owned premises in question at the time of her death
Order exempting estate from estate tax filed December 18 1944

Will

of

Harry R. Emes

deceased

File No 8317

Note:- Under this Will
search is made vs Ira
G. Wollen, Executor
only

et L. Emes, William W. Emes, Mildred Anne Emes, share and share
alike

Omits his daughters, Estelle Emes and Celeste Emes from the
beneficial terms and provisions of this Will for personal
reasons

Grants his Executors hereinafter named full power and authority
to sell, mortgage, lease, etc. any real estate which he may die
seized of

Appoints Ira G. Wollen, M. D. and Dorothy Strong Executors

Renunciation of Dorothy Strong Peck filed June 22 1944

Petition for Probate filed June 22 1944 recites decedent died on
or about March 19 1944 leaving him surviving no widow but the
following distributees:

Margaret L. Emes Lewis

full age

daughter

Harry Emes

" "

son

William W. Emes

19 years

"

Mildred Anne Emes

15 "

daughter

Estelle Emes

full age

"

Celeste Emes

" "

"

Surrogate's Court Niagara County

Will dated February 3 1938

probated August 26 1944

recorded in liber 108 of Wills

page 362

Directs payment of all just debts and
funeral expenses

Gives, devises and bequeaths all

property, both real and personal, to

his four children, Harry Emes, Margar-

et L. Emes, William W. Emes, Mildred Anne Emes, share and share

alike

Omits his daughters, Estelle Emes and Celeste Emes from the

beneficial terms and provisions of this Will for personal

reasons

Grants his Executors hereinafter named full power and authority

to sell, mortgage, lease, etc. any real estate which he may die

seized of

Appoints Ira G. Wollen, M. D. and Dorothy Strong Executors

Renunciation of Dorothy Strong Peck filed June 22 1944

Petition for Probate filed June 22 1944 recites decedent died on

or about March 19 1944 leaving him surviving no widow but the

following distributees:

full age

daughter

" "

son

19 years

"

15 "

daughter

full age

"

" "

"

Letters Testamentary issued to Ira C. Wollen August 26 1944 and
recorded in liber 26 of Letters page 398
Return and Schedules filed December 23 1944 lists premises
Order exempting estate from Estate Tax filed herewith

35 Ira C. Wollen, as
Executor of the Last
Will and Testament of
Harry R. Emes, deceased
to
Chris S. Adams and
Flossie, his wife
No search vs grantees

Executor's Deed
dated April 2 1945
acknowledged April 2 1945
recorded in liber 773 of Deeds
page 572 April 6 1945
Consideration \$7000.00
Conveys premises

36 Chris S. Adams and
Flossie, his wife

John A. W. Linterman

Purchase Money Mortgage for \$6500.00
dated April 2 1945
acknowledged April 2 1945
recorded in liber 638 of Mortgages
page 307 April 6 1945
Covers premises

B ⁴⁰ 8.0
Apr. 6-45
3:35 P.M.
Meahl

S
June 30-54
Woock

ABSTRACT & TITLE INSURANCE CORPORATION

BY

George W. Moxey

MANAGER

36

Chris S. Adams and
Flossie, his wife
to
John R. Minicucci and
Mae Ann, his wife

W Deed dated August 5 1958
acknowledged August 5 1958
recorded in liber 1294 of Deeds
page 39 August 8 1958
Conveys premises

37

John R. Minicucci and
Mae Ann, his wife
to

Purchase Money Mortgage for \$21,000.00
dated August 6 1958
acknowledged August 6 1958

Chris S. Adams and
Flossie, his wife

recorded in liber 1053 of Mortgages
page 585 August 8 1958

DISCHARGED
PER [Signature]
EQUITY TITLE AGENCY, LLC

Covers premises

Subject to the lien of the 1958-59
School Tax

W
Aug. 8-58
11:46 a.m.
Schmidt

ABSTRACT & TITLE INSURANCE CORPORATION

STEWART TITLE INSURANCE COMPANY,
a New York Corporation, by its Agent,

EQUITY TITLE AGENCY, LLC

for valuable consideration paid, GUARANTEE to the record owners of an interest in or a specific lien upon the premises particularly described in **No. 38** on the date hereof and their successors in interest of record, that the SET-OUTS designated herein by marginal number(s) **NOTHING** inclusive, are all of the references affecting title to said premises, which appear upon

- (a) INDICES to records, papers, files and documents, (including the Inactive Hazardous Waste Disposal Site Registry Index as provided for in Section 316-b of New York Real Property Law since July 1, 1993) in the offices of the CLERK of the COUNTY OF NIAGARA, AND
- (b) INDICES to wills and administration of decedents' estates in the office of the SURROGATE of NIAGARA COUNTY
- (c) INDICES to bankrupts in the Buffalo, New York office of the CLERK of the UNITED STATES DISTRICT COURT for the WESTERN DISTRICT OF NEW YORK

against the names of the parties appearing in the within abstract during the periods in which it appears there was a record interest in said premises under the names from **August 8, 1958 at 11:46 A.M.** to the date hereof, and upon

- (d) JUDGMENT DOCKETS for ten last years past, and
- (e) DOCKETS of FEDERAL TAX LIENS for 10 years one month last past,

against the names of parties in such ownership in both of said offices of the aforesaid clerks, and GUARANTEE FURTHER that the SET-OUTS herein are correct statements as to such records and indices. The GUARANTEE under this Certificate shall not be limited by time.

John R. Minicucci and Mae Ann Minicucci - Owner(s)

Dated: **13th day of March, 2009 at 8:59 A.M.**
And executed under seal.

EQUITY TITLE AGENCY, LLC

By:


Authorized Officer

Search No.: **N09-3311A**
Abstractor: **P. Cleri/psz**

STEWART TITLE INSURANCE COMPANY,
a New York Corporation, by its Agent,

EQUITY TITLE AGENCY, LLC

for valuable consideration paid, GUARANTEE to the record owners of an interest in or a specific lien upon the premises particularly described in **No. 38** on the date hereof and their successors in interest of record, that the SET-OUTS designated herein by marginal number(s) **39** inclusive, are all of the references affecting title to said premises, which appear upon

- (a) INDICES to records, papers, files and documents, (including the Inactive Hazardous Waste Disposal Site Registry Index as provided for in Section 316-b of New York Real Property Law since July 1, 1993) in the offices of the CLERK of the COUNTY OF NIAGARA, AND
- (b) INDICES to wills and administration of decedents' estates in the office of the SURROGATE of NIAGARA COUNTY
- (c) INDICES to bankrupts in the Buffalo, New York office of the CLERK of the UNITED STATES DISTRICT COURT for the WESTERN DISTRICT OF NEW YORK

against the names of the parties appearing in the within abstract during the periods in which it appears there was a record interest in said premises under the names from **March 13, 2009 at 8:59 A.M.** to the date hereof, and upon

- (d) JUDGMENT DOCKETS for ten last years past, and
- (e) DOCKETS of FEDERAL TAX LIENS for 10 years one month last past,

against the names of parties in such ownership in both of said offices of the aforesaid clerks, and GUARANTEE FURTHER that the SET-OUTS herein are correct statements as to such records and indices. The GUARANTEE under this Certificate shall not be limited by time.

Niagara North, Inc. - Owner(s)

Dated: **15th day of June, 2009 at 2:13 P.M.**
And executed under seal.

EQUITY TITLE AGENCY, LLC

By:


Authorized Officer

Search No.: **N09-3311A**
Abstractor: **P. Cleri/psz**

38. Premises being:

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Niagara Falls, County of Niagara and State of New York, being part of Lot No. 37 Mile Reserve and according to Map made by I. Colt for Silas Olmsted in 1851 and filed in Niagara County Clerk's Office May 3, 1853 under Cover No.73, now in Book 5 of Microfilmed Maps, at page 446, is known and distinguished as part of Subdivision Lot No. 23 and being bounded and described as follows:

COMMENCING at the point of intersection of the southerly line of Division Avenue with the west line of 8th Street (formerly Elizabeth Street); running thence southerly along the westerly line of 8th Street about one hundred eleven (111) feet to the northerly line of lands conveyed to Frank J. Rieger by Deed recorded in Niagara County Clerk's Office in Liber 376 of Deeds, at page 602; running thence westerly along the northerly line of lands so conveyed to Frank J. Rieger, forty (40) feet to the westerly line of said Subdivision Lot No. 23; thence northerly and along the westerly line of said Subdivision Lot No. 23, about one hundred eleven (111) feet to the southerly line of Division Avenue; thence easterly along the southerly line of Division Avenue, forty (40) feet to the westerly line of 8th Street at the point or place of beginning.

NOTHING FOUND

March 13, 2009

@ 8:59 A.M.

39. John R. Minicucci and
Mae Ann Minicucci, his wife

Warranty Deed

-TO-

Dated: June 5, 2009

Ack.: June 5, 2009

Rec.: June 15, 2009

Niagara North, Inc.
(No search vs. grantee)

Instr. #2009-10775

Conveys premises.

SUBJECT to the burdens of easements, agreements, rights of way, covenants and restrictions of record, if any.

June 15, 2009

@ 2:13 P.M.





122 Niagara St., P.O. Box 551
Lockport, NY 14095
www.NNYChicagoTitle.com

Search No.: 1915-0119SCH

Chicago Title Insurance Company, a Florida corporation, for valuable consideration to it paid, GUARANTEES to the record owners of an interest in or a specific lien upon the premises particularly described in **No. 40 below** on the date hereof and their successors in interest of record, that the SET-OUTS designated herein by marginal numbers **41 to 44** inclusive, are all the references affecting title to said premises, which appear upon:

- a. INDICES to records, papers, files and documents in the office of the CLERK of the COUNTY wherein said premises are situate, and
- b. INDICES to wills and administration of decedent's estates in the office of the SURROGATE of the COUNTY wherein the premises are situate, and
- c. INDICES to bankrupts in the office of the CLERK of the UNITED STATES BANKRUPTCY COURT for the WESTERN DISTRICT OF NEW YORK.

against the names of the parties appearing in the within abstract during the periods in which it appears there was a record interest in said premises under said names from **June 15, 2009 at 02:13 PM** to the date hereof and upon

- d. JUDGMENT DOCKETS for ten years last past,
- e. DOCKETS of FEDERAL LIENS for ten years and thirty days last past, and
- f. DOCKETS of FEDERAL ABSTRACTS OF JUDGMENTS for twenty years last past.

against the names of the parties in such ownership in the office of the Clerk of the County wherein said premises are situate and the corporation GUARANTEES FURTHER that the SETOUTS HEREIN are correct statements as to such records and indices.

- g. Inactive Hazardous Waste Disposal Site Registry Index maintained in the County Clerk's Office for the County in which the Subject Premises is located against the tax map parcel number of the section, block and lot number of the Subject Premises.

The Guaranty under this Certificate shall not be limited by time.

Dated **June 18, 2019 at 10:20 AM** and executed under seal.

Niagara Village, LLC, owner

CHICAGO TITLE



By: _____

Authorized Signature

CHICAGO TITLE

SEARCH NO.: 1915-0119SCH

40. Premises being all that tract or parcel of land, situate in the City of Niagara Falls, County of Niagara and State of New York, being part of Lot 37 Mile Reserve and according to Map made by I. Colt in 1851 and filed in Niagara County Clerk's Office May 3, 1853 under Cover No. 73, now in Book 5 of Microfilmed Maps at page 446 known as and being part of Lot 23 bounded and described as follows: Beginning at the point of intersection of the south line of Division Avenue with the west line of 8th Street (formerly Elizabeth Street); thence southerly along the west line of 8th Street 111 feet to the north line of lands conveyed to Frank J. Rieger by Deed recorded in Niagara County Clerk's Office in Liber 376 of Deeds at page 602; thence westerly along the north line of lands so conveyed to Frank J. Rieger, 40 feet to the west line of said Lot 23; thence northerly and along the west line of said Lot 23, a distance of 111 feet to the south line of Division Avenue; thence easterly along the south line of Division Avenue, 40 feet to the west line of 8th Street to the point or place of beginning

41. NOTE: This Certificate includes a full examination vs grantee in No. 39 above for Judgments and Warrants 10 years last past, Federal Tax Liens for 10 years and 30 days last past and Federal Judgments for 20 years last past from June 5, 2009

42. NOTE: We find no Certificate of Incorporation in re Niagara North, Inc. on record in Niagara County Clerk's Office

43. Niagara North, Inc., a New York corporation
authorized to conduct business under the laws of
the State of New York, 2018 Main Street a/k/a
2018 Main Street, Inc., a New York corporation
authorized to conduct business under the laws of
the State of New York, Hastings Niagara, Inc., a
New York corporation authorized to conduct
business under the laws of the State of New
York, Richard A. Hastings and Judith A. Hastings
to
Niagara Village, LLC
- Deed**
Dated: June 12, 2019
Ack: June 12, 2019
Rec.: June 18, 2019
Instrument No. 2019-09474

NO SEARCH VS GRANTEE

Conveys premises and more

Recites this conveyance does not represent all or substantially all of the assets of the grantor and is not made with the intent to defraud creditors, and is made in the ordinary course of business as actually conducted by the grantors

44. Niagara Village LLC, a limited liability company
organized under the laws of the State of New
York and NFN 15C 1902 Main St, LLC, a limited
liability company organized under the laws of the
State of New York
to
CNB Bank
- Mortgage for \$1,600,000.00
Dated: June 13, 2019
Ack: June 13, 2019
Rec.: June 18, 2019
Instrument No. 2019-09477
- Covers premises and more

45. Same
to
Same
- Assignment of Leases and Rents**
Dated: June 13, 2019
Ack: June 13, 2019
Rec: June 18, 2019
Instrument No. 2019-09478

CHICAGO TITLE

SEARCH NO.: 1915-0119SCH

First party assigns to second party all of the Estate, Title and Interest of the first party in and to any and all
rents, issues, profits now due or to become due under any lease affecting premises and more
Contains certain terms and conditions

DL DL
DL
June 18-19
10:20 AM
Hassinger

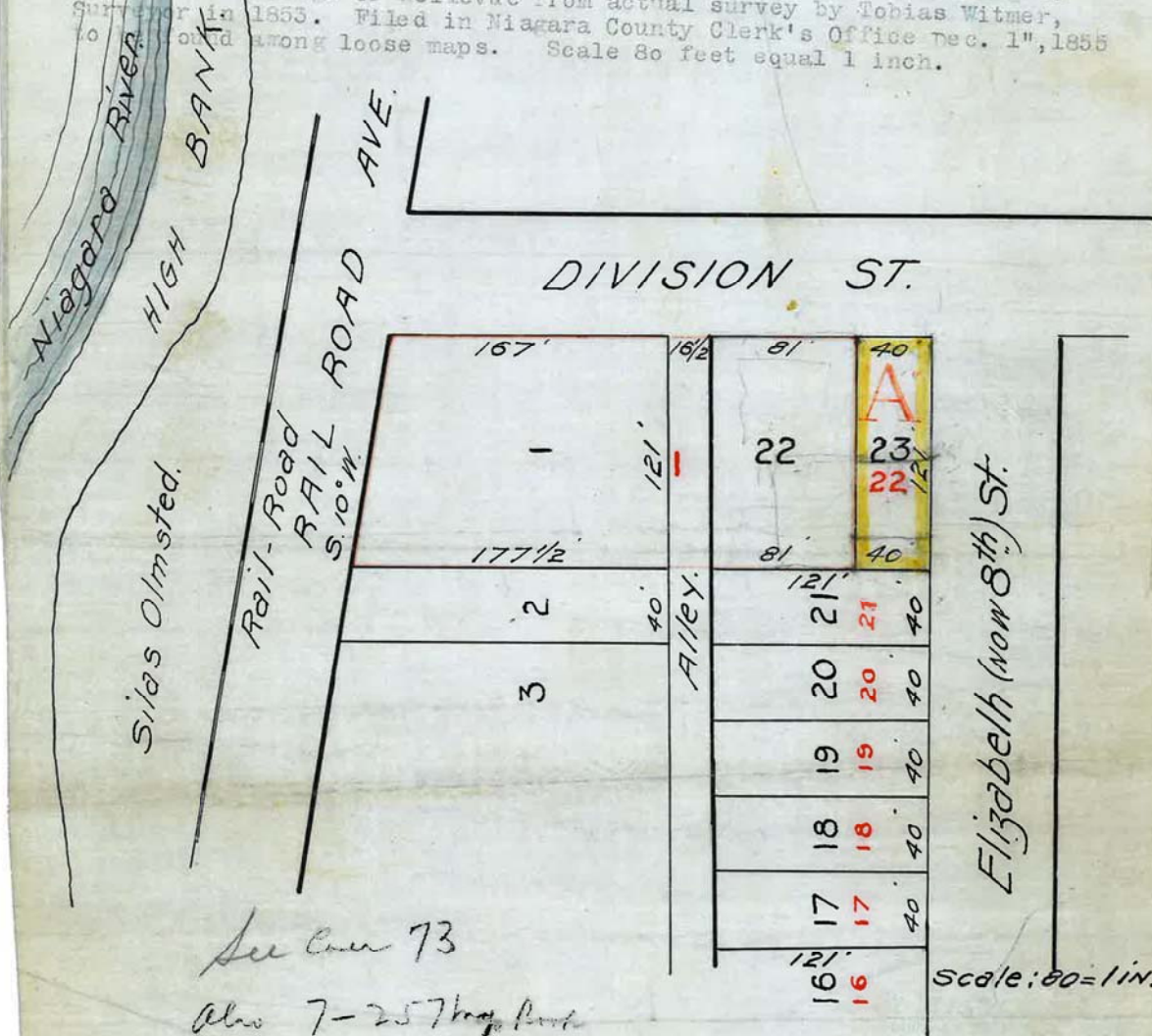


No. 1.

FROM Map OF
 the Village, now City of,
Niagara Falls
 Niagara Co.

New York.

Entitled Map of part of Bellevue, Suspension Bridge by Isaac Colt, for Silas Olmstead in 1851. Filed May 3", 1853 in "Frehsee's" Book of copied maps at Page 30. Lot numbers shown in red ink according to Map of the Village of Bellevue from actual survey by Tobias Witmer, Surveyor in 1853. Filed in Niagara County Clerk's Office Dec. 1", 1855 to be sold among loose maps. Scale 80 feet equal 1 inch.



Municipality	Type of Tax	Lien Date	Fiscal
Lockport (Assessor's Office - 439-6614) (Treasurer's Office - 439-6744)	City	January 1	January 1
	County	January 1	January 1
	School	Second Tuesday in September	July 1
Niagara Falls (Assessor's Office - 286-4380) (Treasurer's Office - 286-4350)	City	Last Monday in January	January 1
	County	January 1	January 1
	School	First Thurs. in July	July 1
North Tonawanda (Assessor's Office - 695-8597) (Treasurer's Office - 695-8575)	City	April 1	January 1
	County	January 1	January 1
	School	September 1	July 1
Towns	County	January 1	January 1
	School	September 1	July 1
Villages (BARKER, LEWISTON, MIDDLEPORT, WILSON, YOUNGSTOWN)	Village	June 1	July 1

Revenue
Stamps
\$4.00 per
thousand

100 Links	=	1 Chain
1 Chain	=	66 Feet
1 Rod	=	16 1/2 Feet
4 Rods	=	1 Chain
5280 Feet	=	1 Mile
1 Link	=	7.92 Inches
10 Sq. Chains	=	1 Acre
43560 Sq. Feet	=	1 Acre
160 Sq. Rods	=	1 Acre

N.Y. State
Mtg. Tax
1% with 1/4%
exemption for
first \$10,000 on
single & 2 family
dwellings

NIAGARA COUNTY SURROGATE	-	439-7130
NIAGARA COUNTY TREASURER	-	439-7007
NIAGARA COUNTY CLERK	-	439-7022



CHICAGO TITLE INSURANCE COMPANY

122 NIAGARA STREET

P.O. BOX 551

LOCKPORT, NEW YORK 14095-0551

(716) 434-2825 • FAX: (716) 434-9531

www.nnychicagotitle.com

OTHER UPSTATE NEW YORK AREA OFFICES:

BUFFALO

Liberty Building
424 Main Street • Suite 200
Buffalo, NY 14202-3501
(716) 854-2982
FAX: (716) 854-0223

BATH

10 West Pulteney Square • Suite 104
Bath, NY 14810
(607) 776-7866
FAX: (607) 776-5198

OSWEGO

34 East Bridge Street • Suite 200
Oswego, NY 13126
(315) 342-2184
FAX: (315) 342-5959

LYONS

66 William Street
Lyons, NY 14489-0349
(315) 946-4363
FAX: (315) 946-6462

SYRACUSE

AXA Tower 1
100 Madison Street • Suite 1910
Syracuse, NY 13202-2510
(315) 474-1273
FAX: (315) 474-4281

ROCHESTER

44 Exchange Street • Suite 100
Rochester, NY 14614
(585) 546-6350
FAX: (585) 546-5465

1 Link	7 92/100 inches
1 Link	66/100 of a Foot
1 Rod, Rood or Perch	16 1/2 Feet
1 Chain (100 Links or 4 Rods)	66 Feet
1 Mile (80 Chains)	5,280 Feet
1 Acre (10 Square Chains)	43,560 Square Feet
1 Square Mile	640 Acres