



## NYSDEC BCP Application

Location:

Building # 42  
2001 and 2011 Main Street  
Niagara Falls, New York

Prepared for:

Mr. Robert Richardson  
NFN 42 2001 Main St, LLC  
500 Seneca Street, Suite 503  
Buffalo, New York 14204

LaBella Project No. 2201378.02

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 42 2001 Main St, 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		Acetone, Benzene	
SVOCs	Refer to attached narrative	Refer to attached narrative	
Metals	Barium, Lead, Mercury		
Pesticides			
PCBs			
Other*			

**\*Please describe:** Refer to attached narrative for detailed description of subsurface impact present at the Site

**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 checked="" type="checkbox"/> Manufacturing	<input type="checkbox"/> Agricultural Co-op	<input checked="" 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 #42				
ADDRESS/LOCATION 2001 and 2011 Main Street				
CITY/TOWN Niagara Falls		ZIP CODE 14305		
MUNICIPALITY(IF MORE THAN ONE, LIST ALL):				
COUNTY Niagara County		SITE SIZE (ACRES) 0.478		
LATITUDE (degrees/minutes/seconds) 43 ° 06 ' 24.43 "		LONGITUDE (degrees/minutes/seconds) 79 ° 03 ' 12.71 "		
<b>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.</b>				
Parcel Address	Section No.	Block No.	Lot No.	Acreage
2001 Main Street	144.46	2	8	0.4
2011 Main Street	144.46	2	9	0.078
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 <a href="#">DEC's website</a> for more information) Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If yes, identify census tract : <u>205</u> 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)**

<b>Section V. Additional Requestor Information</b> <b>See Instructions for Further Guidance</b>		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 G 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	
<b>Section VI. Current Property Owner/Operator Information – if not a Requestor</b>			
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	
<b>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".</b>			
<b>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.</b>			
<b>Section VII. Requestor Eligibility Information (Please refer to ECL § 27-1407)</b>			
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? C2-A

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 signer (title) of NFN 42 2001 Main St, 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: Robert Richardson

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

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Requestors Name: NFN 42 2001 Main St, 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

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### *Item 3: Project Description*

NFN 42 2001 Main St., LLC has proposed the redevelopment of the 0.478-acre Site located east of Main Street, north of Cleveland Avenue, and west of American Legion Place in the City of Niagara Falls addressed as 2001 and 2011 Main Street. The Site currently includes an office trailer, asphalt-paved parking areas (impervious surfaces), and undeveloped land. Environmental assessments conducted at the Site have identified contamination in the subsurface soil and groundwater requiring investigation and development of remedial alternatives prior to redevelopment at the Site.

Redeveloped plans for the Site include construction of a mixed use residential and commercial academic building to include two floors of classrooms, one floor containing an auditorium, and two floors of consisting of a total of 24 efficiency studio apartments.

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

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### *Item 1: Investigation Reports*

A Phase I Environmental Site Assessment (ESA) report dated April 30, 2020 was prepared for the Site by LaBella Associates, D.P.C. (LaBella). Subsequently, LaBella completed a limited subsurface investigation May 6 through May 8, 2020 at the Site. It should be noted that a summary report was not prepared for the limited sub-surface investigation completed May 6 through May 8, 2020. A copy of the limited sub-surface investigation field logs (i.e. subsurface logs, well construction diagrams, groundwater sampling logs, etc.) are included in Appendix 2 and laboratory results are included in attached Table 1 and Table 2.

### *Item 2: Sampling Data*

Several soil samples collected from the Site have detected various semi-volatile organic compounds [benzo(a)anthracene, benzo(b)fluoranthrene, benzo(a)pyrene, and indeno(1,2,3-cd)pyrene] and metals (barium, mercury, and lead) at concentrations exceeding New York State Department of Environmental Conservation (NYSDEC) Part 375 Restricted Residential Soil Cleanup Objectives. In addition, groundwater sample collected from the Site identified concentrations of acetone and benzene exceeding NYSDEC Division of Water Technical and Operational Guidance Series (TOGS). It



Tables summarizing the analytical results from the soil and groundwater samples collected and submitted for laboratory analysis are included within Table 1 and Table 2. Subsurface investigation locations are depicted in Figure 3 and 4.

***Item 3: Impacted Media Site Drawings***

Figures depicting the investigation locations related to the May 2020 limited subsurface investigation are included within Figure 3 and 4.

## **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 area 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 east of Main Street, north of Cleveland Avenue, and west of American Legion Place in the City of Niagara Falls.

#### **Site Features**

The Site currently includes an office trailer, asphalt-paved parking areas (impervious surfaces), and undeveloped land.

#### **Current Zoning and Land Use**

According to the City of Niagara Falls Zoning Map, the Site is located in a General Commercial District and zoned as C2-A. The Site is currently unoccupied. The surrounding parcels are considered primarily consist of residential and commercial use.

#### **Past Use of the Site**

The Site was developed in at least 1888 for commercial and residential purposes. The Site was occupied with several commercial businesses from between at least 1888 and 2002 including a sausage factory from between at least 1897 and 1955, a dying company between in at least 1909, a paint shop in at least 1914, a printing shop from between at least 1931 and 1955, and a dry cleaner from between at least 1949 and 1962. An oil house was additionally present on the Site in at least 1897. By at least 1969, the Site was mostly undeveloped, with only on commercial store on the north portion of the Site. By 1979, a commercial store was present on the south portion of the



Site, which existed on the Site until at least 2008. By 2009, the Site was completely undeveloped, and utilized as a parking lot.

### **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 in May 2020, fill material generally consisting of silt intermixed with various non-native gravel or anthropogenic materials such as brick and concrete is present within the subsurface of the Site to maximum depth of between approximately five and 12 ft bgs. Underlying native soil present at the Site from between five and 19 ft bgs appears to consist of silty clay. It should be noted that equipment refusal was encountered within soil boring 19.5 ft bgs, and although the source of the source of the refusal cannot be confirmed, such may be the result of encountering bedrock. Groundwater elevation collected from four temporary groundwater monitoring wells suggests groundwater is present within the subsurface of the Site from between approximately 11 and 16 ft bgs. As groundwater flow direction has not been calculated, ground water is assumed to flow to the north-northwest towards the Niagara River.

### **Environmental Assessments**

LaBella completed a Phase I ESA report for the Site dated April 30, 2020. Based on the results of that assessment, LaBella did not identified any recognized environmental conditions (RECs) associated with the Site.

- The Site was occupied with several commercial businesses from at least 1888 to at least 2002, and included a sausage factory from at least 1897 to at least 1955, a dyeing company in at least 1909, a paint shop in at least 1914, a printing shop from at least 1931 to a least 1955, and a dry cleaner from at least 1949 to at least 1962. In addition, an oil house was present on the central portion of the Site in at least 1897.
- NYSDEC BCP records associated with the property located south adjacent to the Building 42 parcels addressed as 1925 Main Street indicated that there is the potential for chlorinated solvent impacted groundwater to extend off-site proximate Cleveland Avenue. It should be noted that based on LaBella's review of topographic maps, it appears likely that the Site is located hydraulically downgradient the 1925 Main Street property.

Subsequently, LaBella completed a limited subsurface investigation May 6 through May 8, 2020 at the Site to evaluate the subsurface conditions proximate the RECs summarized above. It should be noted that a summary report was not prepared for the limited sub-surface investigation completed May 6 through May 8, 2020. A copy of the limited sub-surface investigation field logs (i.e. subsurface logs, well construction diagrams, groundwater sampling logs, etc.) are included in Appendix 2 and laboratory results are included in attached Table 1 and Table 2.

## **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 42 2001 Main St, LLC (Requestor).





## SECTION VI: CURRENT PROPERTY OWNER/OPERATOR INFORMATION

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### 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 2001 and 2011 Main Street, Niagara Falls, New York. The Current owner of the Site parcels addressed as 2001 and 2011 Main Street (42 NFN 2001 Division St, LLC) has owned the property since June 13, 2019.

#### *Owners: 2001 Main Street*

Owner: Peter and Lacticia Porter  
Ownership Date(s): 1814  
Contact Information: Unknown  
Relationship to Requestor: None

Owner: Benjamin and Agnes Barton  
Ownership Date(s): 1827, 1830  
Contact Information: Unknown  
Relationship to Requestor: None

Owner: Aaron and Lucy Childs  
Ownership Date(s): 1833, 1834  
Contact Information: Unknown  
Relationship to Requestor: None

Owner: William and Laura Childs  
Ownership Date(s): 1835, 1836  
Contact Information: Unknown  
Relationship to Requestor: None

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

Owner: Charles and Katherine Williamson  
Ownership Date(s): 1830, 1837  
Contact Information: Unknown  
Relationship to Requestor: None

Owner: Ebenezer Walden  
Ownership Date(s): 1838  
Contact Information: Unknown  
Relationship to Requestor: None



Owner: James Woods  
Ownership Date(s): 1838  
Contact Information: Unknown  
Relationship to Requestor: None

Owner: Alfred Holmes  
Ownership Date(s): 1841  
Contact Information: Unknown  
Relationship to Requestor: None

Owner: Charles Williams  
Ownership Date(s): 1841  
Contact Information: Unknown  
Relationship to Requestor: None

Owner: John and Sarah Vedder, Barry and Catherine White, John and Maria Fisk, Charles and Frances Stewart, Roswell Benedict  
Ownership Date(s): 1845  
Contact Information: Unknown  
Relationship to Requestor: None

Owner: James Vedder  
Ownership Date(s): 1849  
Contact Information: Unknown  
Relationship to Requestor: None

Owner: Daniel and Harriet Hawes  
Ownership Date(s): 1850  
Contact Information: Unknown  
Relationship to Requestor: None

Owner: Jacob and Henrietta Vogt  
Ownership Date(s): 1852  
Contact Information: Unknown  
Relationship to Requestor: None

Owner: Major and Helen Langs  
Ownership Date(s): 1885  
Contact Information: Unknown  
Relationship to Requestor: None

Owner: Marie Hager  
Ownership Date(s): 1885  
Contact Information: Unknown  
Relationship to Requestor: None



Owner: John and Mary Langs  
Ownership Date(s): 1959, 1963  
Contact Information: Unknown  
Relationship to Requestor: None

Owner: Cleve-Main, Inc.  
Ownership Date(s): 1959, 1964, 1967, 1969  
Contact Information: Unknown  
Relationship to Requestor: None

Owner: Flapson Corporation  
Ownership Date(s): 1969  
Contact Information: Unknown  
Relationship to Requestor: None

Owner: Arthur Gray  
Ownership Date(s): 1969  
Contact Information: Unknown  
Relationship to Requestor: None

Owner: William Bellegia  
Ownership Date(s): 1971, 1972  
Contact Information: Unknown  
Relationship to Requestor: None

Owner: 2450 Military Road, Inc.  
Ownership Date(s): 1972, 1973  
Contact Information: Unknown  
Relationship to Requestor: None

Owner: Frank Amendola Jr. and Thomas Baia  
Ownership Date(s): 1973, 1976  
Contact Information: Unknown  
Relationship to Requestor: None

Owner: Vincent, Jamie and David Alessandra  
Ownership Date(s): 1976, 1987  
Contact Information: Unknown  
Relationship to Requestor: None

Owner: House of the Lord, Inc. (also possible operator)  
Ownership Date(s): 1993, 1997, 2000  
Contact Information: Unknown  
Relationship to Requestor: None



Owner: Hastings Niagara, Inc.  
Ownership Date(s): 2000, 2003, 2008  
Contact Information: Unknown  
Relationship to Requestor: None

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

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

*Owners: 2011 Main Street*

Owner: Phillip Keller  
Ownership Date(s): 1886, 1922  
Contact Information: Unknown  
Relationship to Requestor: None

Owner: Louis and Charlotte Kraegel  
Ownership Date(s): 1919, 1920  
Contact Information: Unknown  
Relationship to Requestor: None

Owner: Thecla Hager  
Ownership Date(s): 1919, 1920  
Contact Information: Unknown  
Relationship to Requestor: None

Owner: James John Demas  
Ownership Date(s): 1919, 1920  
Contact Information: Unknown  
Relationship to Requestor: None

Owner: Mary Elizabeth Keller  
Ownership Date(s): 1937  
Contact Information: Unknown  
Relationship to Requestor: None

Owner: Charles and Margaret Keller  
Ownership Date(s): 1963  
Contact Information: Unknown  
Relationship to Requestor: None



Owner: Secene Moses  
Ownership Date(s): 1963  
Contact Information: Unknown  
Relationship to Requestor: None

Owner: Mary Hagopian  
Ownership Date(s): 1971  
Contact Information: Unknown  
Relationship to Requestor: None

Owner: Edmund DiBacco  
Ownership Date(s): 1976  
Contact Information: Unknown  
Relationship to Requestor: None

Owner: Mary and John Lozina  
Ownership Date(s): 1979, 1988  
Contact Information: Unknown  
Relationship to Requestor: None

Owner: Mark Farrell  
Ownership Date(s): 1988, 1990  
Contact Information: Unknown  
Relationship to Requestor: None

Owner: Matthew Celenza and Patrick McCune  
Ownership Date(s): 1990  
Contact Information: Unknown  
Relationship to Requestor: None

Owner: Michael DeSantis  
Ownership Date(s): 1992  
Contact Information: Unknown  
Relationship to Requestor: None

Owner: Patrick Brown  
Ownership Date(s): 1996  
Contact Information: Unknown  
Relationship to Requestor: None

Owner: Alfred Nix  
Ownership Date(s): 1997  
Contact Information: Unknown  
Relationship to Requestor: None



Owner: Hastings Niagara, Inc.  
Ownership Date(s): 2002, 2008, 2010  
Contact Information: Unknown  
Relationship to Requestor: None

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

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

**Operators:**

Operator: Private Individuals and commercial businesses-exact nature is unknown for a majority of the listings (2001 and 2011 Main Street)  
Operator Date(s): 1888, 1892, 1897 (includes a sausage factory), 1914, 1925, 1931, 1936, 1940, 1946, 1949, 1950, 1955, 1960, 1969, 1970, 1972 (includes Niagara County Fish & Chips, Inc. at 2001 Main Street only), 1979, 1985, 1998 (includes an Arby's restaurant)  
Contact Information: Unknown  
Relationship to Requestor: None

## SECTION VII: REQUESTOR ELIGIBILITY INFORMATION

### **Volunteer Statement**

NFN 42 2001 Main St, LLC liability arose solely as a result of ownership of the Site. NFN 42 2001 Main St, LLC has maintained impermeable asphalt parking surfaces limiting human, environmental, and natural resource exposure to subsurface soil at the Site and groundwater. Additionally, the Site has remained vacant. NFN 42 2001 Main St, LLC is pursuing entrance into the NYSDEC BCP to evaluate and implement an appropriate remedy for the Site. Neither NFN 42 2001 Main St, LLC nor any of its members are related in whole or in part to any prior operators of the Site. As such, NFN 42 2001 Main St, 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	Commercial (2015 Main Street)	Gratto, Thomas 2015 main Street Niagara Falls, NY 14305 144.46-2-10
East	Commercial ( 916 Cleveland Ave)	City of Niagara Falls 916 Cleveland Ave Niagara Falls, NY 14305 144.46-2-8
South	Commercial (1925 Main Street)	Bellevue Development Cor 1925 Main Street Niagara Falls, NY 14305
West	Commercial (2018 Main Street)	2018 Main Street 2018 Main St Niagara Falls, NY 14305 144.46-1-48
	Commercial (2010 Main Street)	Coty, Ronald Jr. 2010 Main Street Niagara Falls, NY 14305 144.46-1-49
	Commercial (2006 Main street)	Stempien, John 2006 Main Street Niagara Falls, NY 14305 144.46-1-50
	Commercial (2002 Main Street)	Niagara North, Inc. 2002 Main Street Niagara Falls, NY 14305 144.46-1-51
	Commercial (1932 Main Street)	1932 Main Street , LLC 1932 Main St Niagara Falls, NY 14305 144.46-2-5

**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**

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**Item 2: Current Use**

The Site currently includes an office trailer, asphalt-paved parking areas (impervious surfaces), 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 42 NFN 2001 Division St, LLC purchased the Site in June 13, 2019.

**Item 3: Post Remediation Use**

Redeveloped plans for the Site include construction of an mixed use residential and commercial academic building. It is anticipated that redevelopment of the Site will require displacement of subsurface soil to a maximum depth of approximately 15 feet (ft) below the ground surface (bgs) across the majority of the Site to accommodate construction of the building foundation.

**Item 5: Consistency with Zoning Maps**



The Site is located in an area designated as C2-A according to the City of Niagara Falls zoning map. According to the City of Niagara zoning code, C2-A the purpose is to allow for a mix of residential and commercial uses along major travel corridors. The zone is characterized as pedestrian-oriented with building close to or adjacent to the front lot line with parking areas hidden from the street and/or located to the rear of structures and drive-thru uses are restricted.

**Item 6: Consistency with Land Use Plans**

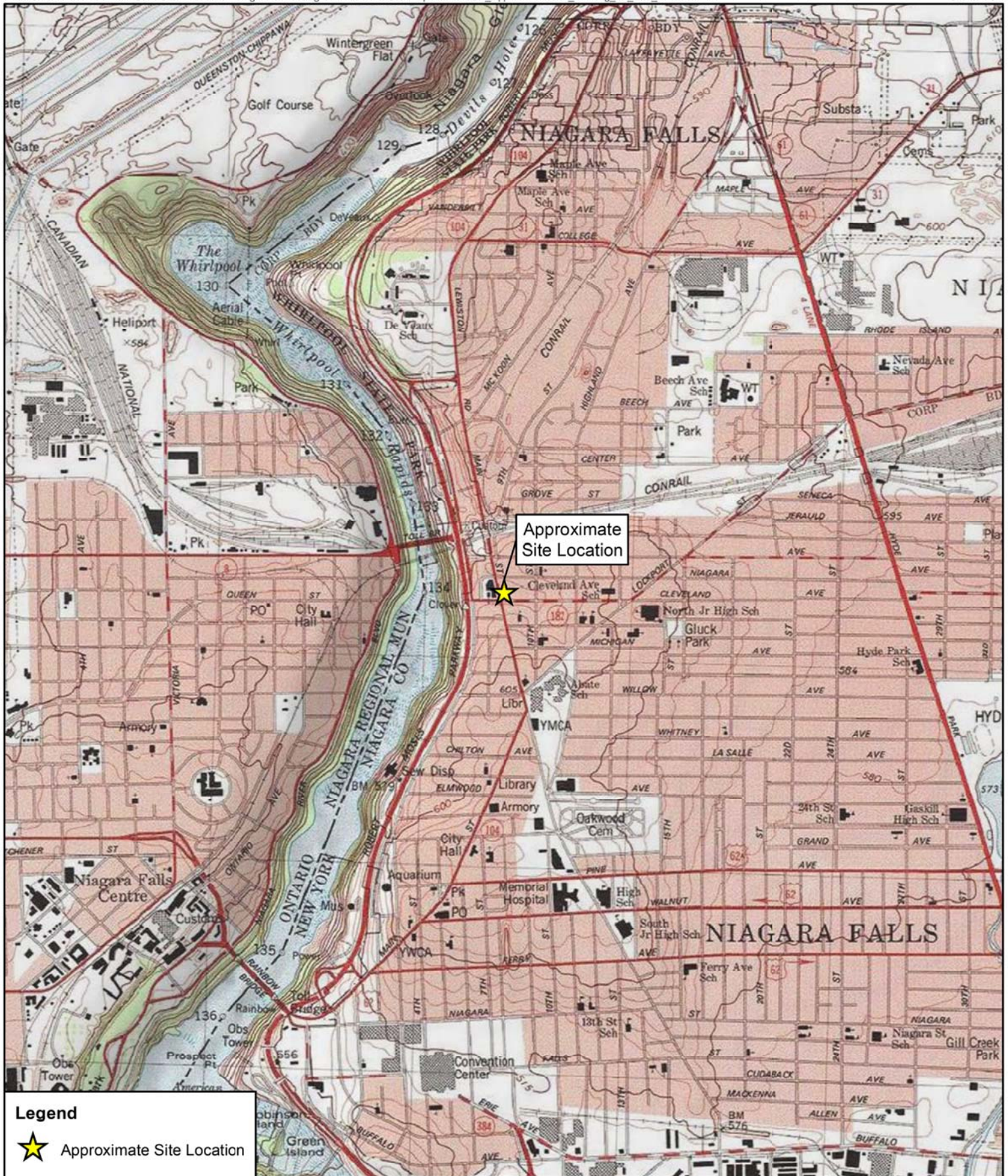
*City of Niagara Falls Comprehensive Plan*

The anticipated redevelopment of the Site for mixed use commercial and residential is consistent with current Site zoning, as the Site is currently zoned as C2-A Traditional Commercial District. 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 a mixed use residential and commercial academic building is consistent with the City of Niagara Falls Comprehensive Plan.



## FIGURES





PROJECT # / DRAWING # /  
DATE:

2201378.2

**FIGURE 1**

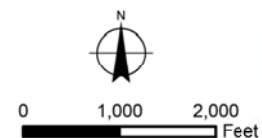
JULY 2020

DRAWING TITLE:

## SITE LOCATION MAP

PROJECT:

2001 AND 2011 MAIN STREET  
NIAGARA FALLS, NEW YORK



**LaBella**  
Powered by partnership.



PROJECT # / DRAWING # /  
DATE:

2201378.2

**FIGURE 2**

JULY 2020

DRAWING TITLE:

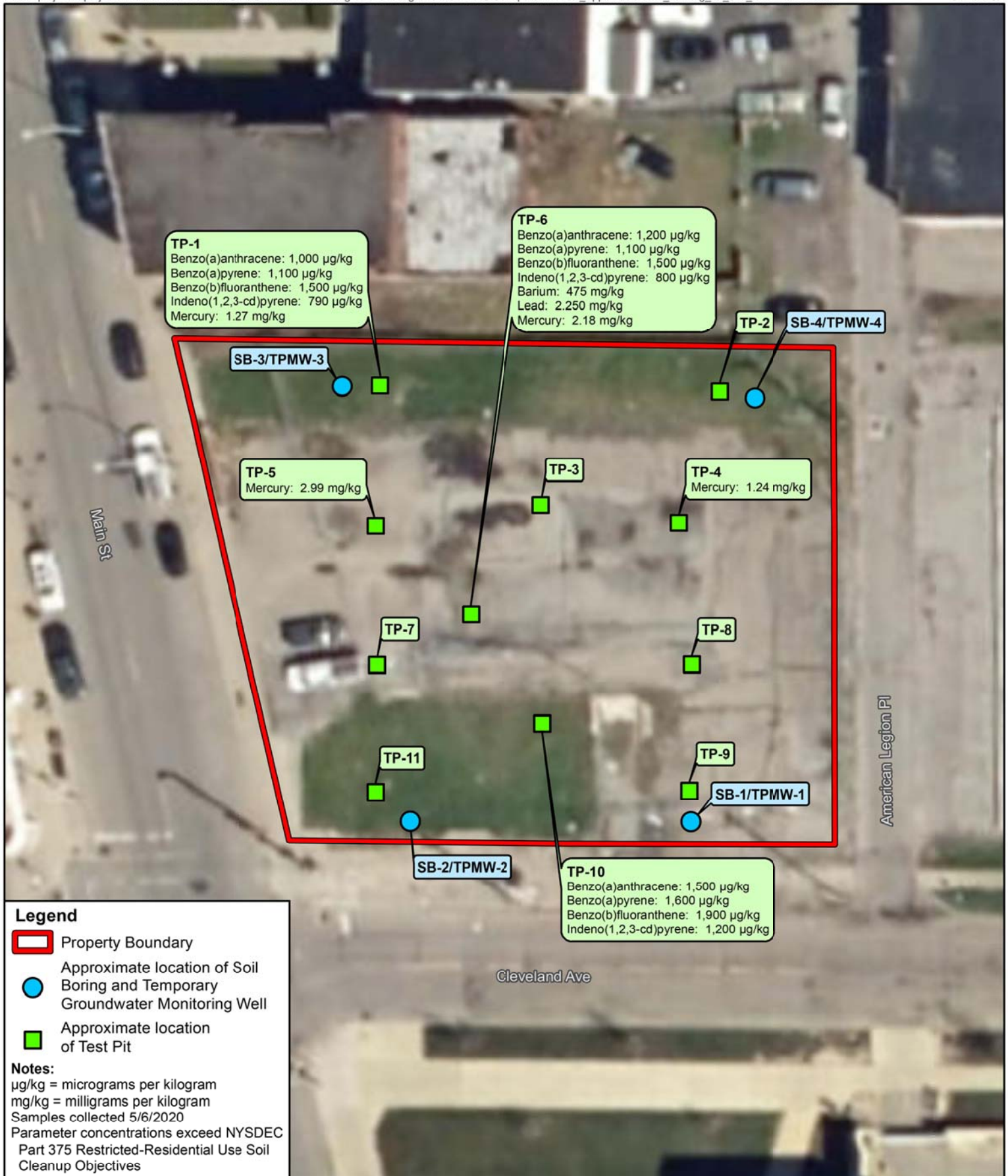
**SITE BASE MAP**

PROJECT:

2001 AND 2011 MAIN STREET  
NIAGARA FALLS, NEW YORK0 25 50  
Feet

**LaBella**  
 Powered by partnership.



PROJECT # / DRAWING # /  
DATE:

2201378.2

FIGURE 3

JULY 2020

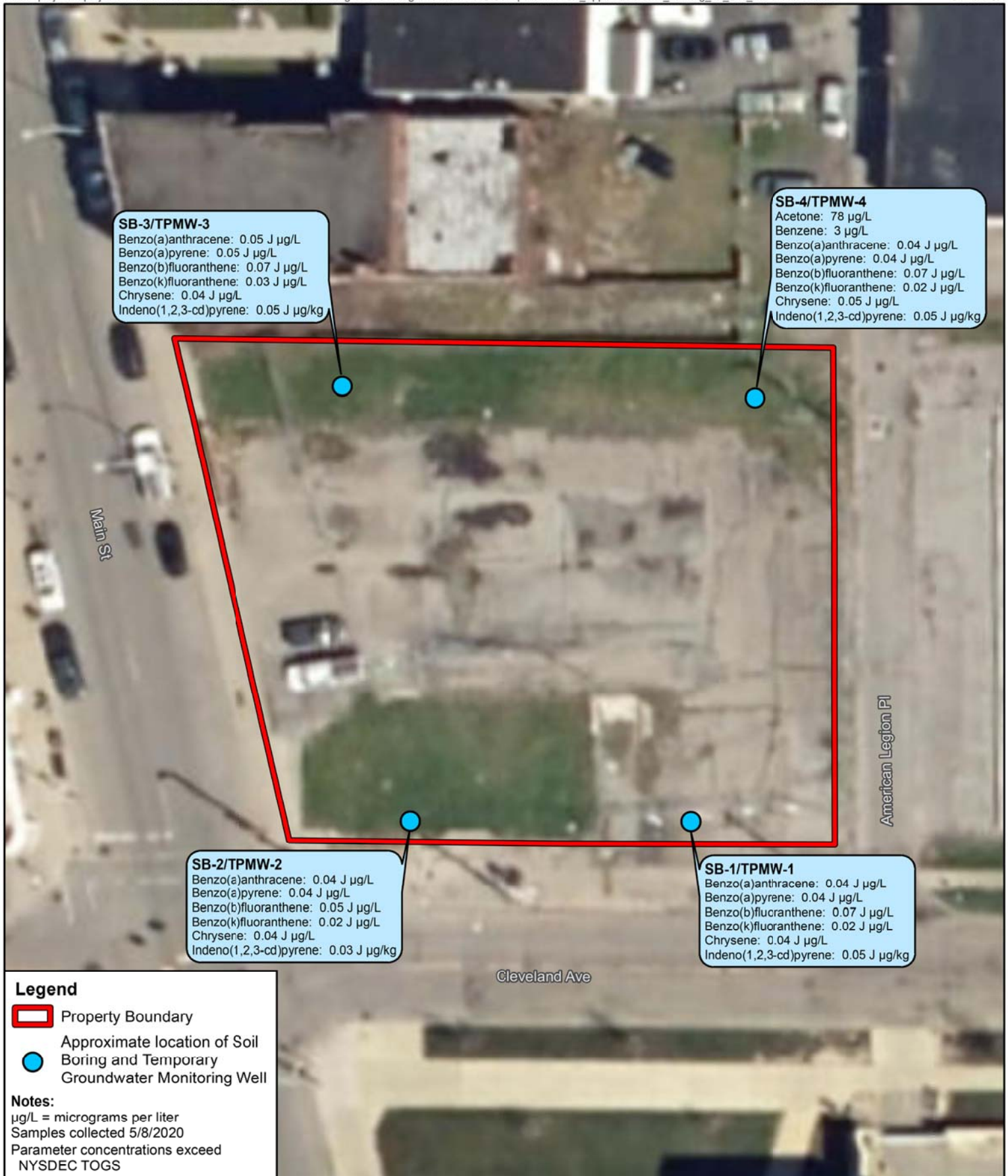
DRAWING TITLE:

SITE INVESTIGATION MAP-  
SOIL EXCEEDANCES

PROJECT:

2001 AND 2011 MAIN STREET  
NIAGARA FALLS, NEW YORK0 10 20  
Feet

**LaBella**  
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PROJECT # / DRAWING # /  
DATE:

2201378.2

**FIGURE 4**

JULY 2020

DRAWING TITLE:

**SITE INVESTIGATION MAP-  
GROUNDWATER  
EXCEEDANCES**

PROJECT:

2001 AND 2011 MAIN STREET  
NIAGARA FALLS, NEW YORK0 10 20  
Feet

**LaBella**  
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## TABLES



**Table 1**  
**Building #42**  
**2001 & 2011 Main Street**  
**Niagara Falls, New York**  
**Summary of Subsurface Soil Analytical Results**  
**(Detected Analytes Only)**

Sample ID	TP-1	TP-2	TP-4	TP-5	TP-6	TP-7	TP-8	TP-9	TP-10	TP-11	Unrestricted Use SCOs	Restricted Residential Use SCOs
Depth (ft bgs)	3-4	7-8	2-3	6-7	3-4	1-2	5-6	3-4	4-5	7-8		
Sample Date	5/6/2020	5/6/2020	5/6/2020	5/6/2020	5/6/2020	5/6/2020	5/6/2020	5/6/2020	5/6/2020	5/6/2020		
<b>Volatile Organic Compounds (µg/kg)</b>												
1,2,4-Trimethylbenzene	<	<	<	<	<	0.57 J	<	<	<	<	3,600	52,000
Acetone	<	5.4 J	<	<	<	<	<	<	<	<	50	100,000
Benzene	<	<	<	<	<	0.36 J	<	<	<	<	60	4,800
Bromodichloromethane	0.27 J	<	<	<	<	<	<	<	<	<	NL	NL
Chloroform	0.86 J	<	<	<	<	<	<	<	<	<	370	49,000
Cyclohexane	<	<	<	<	<	0.55 J	<	<	<	<	NL	NL
Ethylbenzene	<	<	<	<	<	0.18 J	<	<	<	<	1,000	41,000
Methyl cyclohexane	<	<	<	<	<	0.96 J	<	<	<	<	NL	NL
Naphthalene	0.95 J	0.61 J	<	<	<	0.69 J	<	<	0.73 J	<	12,000	100,000
p/m - Xylene	<	<	<	<	<	0.83 J	<	<	<	<	*260	*500,000
Styrene	0.3 J	0.23 J	0.25 J	<	<	0.19 J	0.18 J	0.29 J	<	0.22 J	NL	NL
Tetrachloroethene	1.8	<	<	<	<	<	<	<	<	<	1,300	19,000
Toluene	<	<	<	<	<	1.1	<	<	<	<	700	100,000
<b>Semi-Volatile Organic Compounds (µg/kg)</b>												
Acenaphthene	52 J	<	<	45 J	<	72 J	<	<	99 J	120 J	20,000	100,000
Acenaphthylene	130 J	<	35 J	<	<	<	<	<	100 J	41 J	100,000	100,000
Anthracene	230	<	120	150	390 J	320	<	<	440	340	100,000	100,000
Benzo(a)anthracene	1,000	29 J	310	460	1,200	480	<	140	1,500	730	1,000	1,000
Benzo(a)pyrene	1,100	<	440	400	1,100	450	<	160	1,600	690	1,000	1,000
Benzo(b)fluoranthene	1,500	44 J	600	490	1,500	690	<	190	1,900	870	1,000	1,000
Benzo(g,h,i)perylene	740	31 J	390	260	960	300	<	120 J	1,100	400	100,000	100,000
Benzo(k)fluoranthene	470	<	190	170	490 J	170	<	91 J	660	280	800	3,900
Chrysene	960	26 J	350	350	1,100	450	<	150	1,300	630	1,000	3,900
Dibenzo(a,h)anthracene	180	<	51 J	47 J	160 J	45 J	<	<	160	65 J	330	330
Fluoranthene	1,700	40 J	560	810	2,300	1,200	<	260	2,800	1,400	100,000	100,000
Fluorene	72 J	<	33 J	50 J	120 J	86 J	<	<	120 J	130 J	30,000	100,000
Indeno(1,2,3-cd)pyrene	790	34 J	380	290	800	330	<	120 J	1,200	400	500	500
Phenanthrene	890	34 J	370	540	1,300	1,100	<	160	1,400	1,200	100,000	100,000
Pyrene	1,400	38 J	460	630	1,900	940	<	240	2,300	1,100	100,000	100,000
<b>Herbicides (µg/Kg)</b>												
2,4,5-T	<	NA	<	NA	NA	<	NA	<	NA	NA	NL	NL
2,4,5-TP (Silvex)	<	NA	<	NA	NA	<	NA	<	NA	NA	3,800	100,000
2,4-D	<	NA	<	NA	NA	<	NA	<	NA	NA	NL	NL
<b>Pesticides (µg/Kg)</b>												
4,4'-DDD	2.28	NA	<	NA	NA	<	NA	<	NA	NA	3.3	13,000
4,4'-DDE	<	NA	2.25	NA	NA	<	NA	<	NA	NA	3.3	8,900
4,4'-DDT	19.3 IP	NA	6.64	NA	NA	<	NA	<	NA	NA	3.3	7,900
Chlordane	<	NA	<	NA	NA	20.1	NA	<	NA	NA	94	4,200
cis-Chlordane	<	NA	<	NA	NA	0.982 JIP	NA	<	NA	NA	94	4,200
Lindane	<	NA	<	NA	NA	0.889	NA	<	NA	NA	100	1,300
trans-Chlordane	<	NA	<	NA	NA	1.5 JIP	NA	<	NA	NA	NL	NL
<b>PCBs (ug/Kg)</b>												
Aroclor 1254	242	NA	<	NA	NA	<	NA	<	NA	NA	100	1,000
Aroclor 1260	87.4	NA	<	NA	NA	<	NA	<	NA	NA	100	1,000
Aroclor 1268	54	NA	<	NA	NA	<	NA	<	NA	NA	100	1,000
Total PCBs	383	NA	<	NA	NA	<	NA	<	NA	NA	100	1,000
<b>Total Metals (mg/kg)</b>												
Arsenic	8.92	4.17	8.26	2.19	8.3	1.45	5.55	3.98	4.14	4.14	13	16
Barium	107	61.7	137	17.5	475	4.71	96.9	139	65.2	83.5	350	400
Cadmium	0.762	<	0.474	1.43	0.998	0.849	0.139 J	0.107 J	0.441	0.413 J	2.5	4
Chromium	19.9	13.8	15.2	30.2	18.6	2.7	16.9	12.2	13.1	15.2	**1/30	**110/180
Lead	195	11.3	213	121	2,250	57.1	65.8	94.6	25.3	31.7	63	400
Mercury	1.27	<	1.24	2.99	2.18	<	0.217	0.349	0.234	0.148	0.18	0.81
Selenium	<	<	<	<	<	0.475 J	<	<	<	<	3.9	180
Silver	0.461 J	<	0.288 J	0.141 J	0.314 J	<	<	<	<	<	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

Concentrations in underline exceed Part 375 Commercial 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.

I = The lower value for the two columns has been reported due to obvious interference.

P = The Relative Percent Difference between the results for the two columns exceeds the method-specified criteria.

\* = Regulatory limit for mixed Xylenes

\*\* = 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.)

**Table 2**  
**Building #42**  
**2001 & 2011 Main Street**  
**Niagara Falls, New York**  
 Phase II Environmental Site Assessment  
 Summary of Groundwater Analytical Results  
 (Detected Analytes Only)

Sample ID	TPMW-1	TPMW-2	TPMW-3	TPMW-4	NYSDEC TOGS
Sample Date	5/8/2020	5/8/2020	5/8/2020	5/8/2020	
Volatile Organic Compounds (µg/L)					
1,2,4-Trimethylbenzene	<	<	<	1.1 J	5
Methyl ethyl ketone (2-Butanone)	2.4 J	9.8	3.5 J	18	50
4-Methyl-2-pentanone	<	<	<	1.6 J	NL
Acetone	15	49	48	78	50
Benzene	0.64	0.65	0.44 J	3	1
Cyclohexane	0.53 J	0.64 J	0.45 J	1.6 J	NL
Methyl cyclohexane	0.61 J	0.6 J	0.57 J	1.2 J	NL
o-Xylene	<	<	<	1.4 J	5
p/m-Xylenes	0.71 J	1 J	<	2.8	5
Tetrachloroethene	<	0.3 J	<	<	5
Toluene	1.1 J	1.2 J	0.75 J	4.7	5
Trichloroethene	<	0.26 J	<	0.18 J	5
Semi-Volatile Organic Compounds (µg/L)					
Acenaphthene	0.03 J	0.09 J	<	<	20
Anthracene	0.02 J	0.02 J	0.01 J	<	50
Benzo(a)anthracene	0.04 J	0.04 J	0.05 J	0.04 J	0.002
Benzo(a)pyrene	0.04 J	0.04 J	0.05 J	0.04 J	0
Benzo(b)fluoranthene	0.07 J	0.05 J	0.07 J	0.07 J	0.002
Benzo(g,h,i)perylene	0.04 J	0.03 J	0.04 J	0.04 J	NL
Benzo(k)fluoranthene	0.02 J	0.02 J	0.03 J	0.02 J	0.002
Chrysene	0.04 J	0.04 J	0.04 J	0.05 J	0.002
Fluoranthene	0.12	0.09 J	0.09 J	0.09 J	50
Fluorene	0.03 J	0.06 J	<	0.02 J	50
Indeno(1,2,3-cd)pyrene	0.05 J	0.03 J	0.05 J	0.05 J	0.002
Phenanthrene	0.15	0.15	0.06 J	0.08 J	50
Pyrene	0.09 J	0.07 J	0.08 J	0.07 J	50

NYSDEC TOGS = New York State Department of Environmental Conservation Division of Water Technical and Operational Guidance Series (TOGS)

(1.1.1), Ambient Water Quality Standards and Guidance Values and Groundwater Effluent Limitations (June 1998)

µg/L = Micrograms per liter

< = Not detected

NL = Not listed

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

Concentrations in gray exceed NYSDEC TOGS

## 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 42 2001 MAIN ST, LLC

Selected Entity Status Information

**Current Entity Name:** NFN 42 2001 MAIN ST, LLC

**DOS ID #:** 5790956

**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 42 2001 MAIN ST, 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 42 2001 MAIN ST, 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.

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[Homepage](#) | [Contact Us](#)



## APPENDIX 2

### Limited Subsurface Investigation Field Logs

<div> <div>LaBella</div> <div>Powered by partnership.</div> </div> <div>300 Pearl Street, Suite 130, Buffalo, NY 14202</div>				<div>TEST BORING LOG</div> <div>Blue Cardinal Studio</div> <div>Phase II ESA</div> <div>Site #2 Building 42: 2001 and 2011 Main St., Niagara Falls, NY</div>				<div>BORING:</div> <div>SB-1/TPMW-1</div> <div>Sheet 1 of 4</div> <div>JOB: 2201378</div> <div>Checked by: CK</div>	
				<div>CONTRACTOR: LaBella Associates, D.P.C.</div> <div>DRILLER: LaBella Env., LLC</div> <div>LABELLA REPRESENTATIVE: CK</div> <div>START DATE: 5/7/20</div> <div>END DATE:</div>				<div>TIME: 8:00 to</div> <div>DATUM:</div>	
<div>TYPE OF DRILL RIG: Geoprobe 6610</div> <div>AUGER SIZE AND TYPE:</div> <div>OVERBURDEN SAMPLING METHOD: Direct Push</div>				<div>DRIVE SAMPLER TYPE:</div> <div>INSIDE DIAMETER: ~ 1.8-Inch</div> <div>OTHER:</div>					
DEPTH (FT)		SAMPLE			REMARKS	VISUAL CLASSIFICATION			
		SAMPLE RECOVERY	PID FIELD SCREEN (Parts per Million)	RAD COUNT (Counts per Minute)				STRATA CHANGE	
0-2			0	6,800	No odors or staining	0-4" Asphalt			
2-4			0	6,500		4"-2' Gravel sub-base			
4-6			0	6,900		2'-5' Brown silty-like material (non-native)			
6-8			0	6,700		5'-16' Brown-red silty clay (high plasticity, soft, moist)			
8-10			0	6,800		16'-17.8' Brown silty gravel (coarse, fine, sub-angular, medium dense, moist to dry)			
10-12			0	6,900		-no slag			
12-14			0	6,600		-equipment refusal @17.8' bgs due to dense gravel pack			
14-16			0	6,500		TPMW-1			
16-17.8			0	6,600		-10' screen			
						-10' riser			
						~2' stick-up			
						-sand and bentonite to surface			
GROUNDWATER ENCOUNTERED				NOTES: ' bgs = feet below the ground surface					
DATE	DEPTH	WELL INSTALLED	WELL ID						

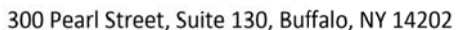
<b>LaBella</b> <small>Powered by partnership.</small> 300 Pearl Street, Suite 130, Buffalo, NY 14202				<b>TEST BORING LOG</b> Blue Cardinal Studio Phase II ESA Site #2 Building 42: 2001 and 2011 Main St., Niagara Falls, NY			<b>BORING:</b> <b>SB-2/TPMW-2</b>  Sheet 2 of 4 <b>JOB:</b> 2201378 Checked by: CK	
				CONTRACTOR: LaBella Associates, D.P.C. DRILLER: LaBella Env., LLC LABELLA REPRESENTATIVE: CK				
TYPE OF DRILL RIG: Geoprobe 6610 AUGER SIZE AND TYPE: OVERBURDEN SAMPLING METHOD: Direct Push				DRIVE SAMPLER TYPE: INSIDE DIAMETER: ~ 1.8-Inch OTHER:				
DEPTH (FT)		SAMPLE			REMARKS	VISUAL CLASSIFICATION		
	SAMPLE RECOVERY	PID FIELD SCREEN (Parts per Million)	RAD COUNT (Counts per Minute)	STRATA CHANGE				
0-2		0	6,100		No odors or staining	0-3" Asphalt		
2-4		0	6,200			3"-2' Gravel sub-base		
4-6		0	6,200			2'-9' Brown silty-like material (non-native) mixed with brick, concrete		
6-8		0	6,300			9'-12.5' Brown-red silty clay (medium plasticity, medium stiff, moist)		
8-10		0	6,100			12.5'-14' Brown silty gravel (coarse, fine, sub-angular, medium dense, moist to dry)		
10-12		0	6,000					
12-14		0	6,100					
						-no slag		
						-equipment refusal @14' bgs due to dense gravel pack		
						TPMW-2		
						-10' screen		
						-5' riser		
						-1' stick-up		
						-sand and bentonite to surface		
GROUNDWATER ENCOUNTERED				NOTES:				
DATE	DEPTH	WELL INSTALLED	WELL ID					

<b>LaBella</b> <small>Powered by partnership.</small> 300 Pearl Street, Suite 130, Buffalo, NY 14202				<b>TEST BORING LOG</b> Blue Cardinal Studio Phase II ESA Site #2 Building 42: 2001 and 2011 Main St., Niagara Falls, NY			<b>BORING:</b> <b>SB-3/TPMW-3</b>  Sheet 3 of 4 <b>JOB:</b> 2201378 Checked by: CK	
				CONTRACTOR: LaBella Associates, D.P.C. DRILLER: LaBella Env., LLC LABELLA REPRESENTATIVE: CK				
TYPE OF DRILL RIG: Geoprobe 6610 AUGER SIZE AND TYPE: OVERBURDEN SAMPLING METHOD: Direct Push						DRIVE SAMPLER TYPE: INSIDE DIAMETER: ~ 1.8-Inch OTHER:		
DEPTH (FT)		SAMPLE			REMARKS	VISUAL CLASSIFICATION		
		SAMPLE RECOVERY	PID FIELD SCREEN (Parts per Million)	RAD COUNT (Counts per Minute)				
0-2			0	7,200	No odors or staining	0-12' Brown silty-like material (non-native) mixed with brick, concrete  12'-19' Brown-red silty clay (medium plasticity, medium stiff, moist)  19'-19.5' Apparent bedrock (limestone)  -no slag  -equipment refusal @9.5' bgs due to apparent bedrock  TPMW-3  -10' screen -10' riser -0.5' stick-up -sand and bentonite to surface		
2-4			0	7,900				
4-6			0	7,800				
6-8			0	7,900				
8-10			0	7,700				
10-12			0	7,600				
12-14			0	7,700				
14-16			0	6,900				
16-18			0	6,900				
18-19.5			0	7,000				
GROUNDWATER ENCOUNTERED				NOTES:				
DATE	DEPTH	WELL INSTALLED	WELL ID					

<b>LaBella</b> <small>Powered by partnership.</small> 300 Pearl Street, Suite 130, Buffalo, NY 14202				<b>TEST BORING LOG</b> Blue Cardinal Studio Phase II ESA Site #2 Building 42: 2001 and 2011 Main St., Niagara Falls, NY			<b>BORING:</b> <b>SB-4/TPMW-4</b>  Sheet 4 of 4 <b>JOB: 2201378</b> Checked by: CK	
				CONTRACTOR: LaBella Associates, D.P.C. DRILLER: LaBella Env., LLC LABELLA REPRESENTATIVE: CK				
TYPE OF DRILL RIG: Geoprobe 6610 AUGER SIZE AND TYPE: OVERBURDEN SAMPLING METHOD: Direct Push				DRIVE SAMPLER TYPE: INSIDE DIAMETER: ~ 1.8-Inch OTHER:				
DEPTH (FT)		SAMPLE			REMARKS	VISUAL CLASSIFICATION		
		SAMPLE RECOVERY	PID FIELD SCREEN (Parts per Million)	RAD COUNT (Counts per Minute)				STRATA CHANGE
0-2			0	7,400	No odors or staining	0-9' Brown silty-like material (non-native) mixed with brick, concrete		
2-4			0	7,700		9'-16' Brown-red silty clay (medium plasticity, medium stiff, moist)		
4-6			0	7,500		16'-17.8' Brown silty gravel (coarse, fine, sub-angular, medium dense, moist to dry)		
6-8			0	6,100		-no slag		
8-10			0	6,200		-equipment refusal @17.8' bgs due to dense gravel pack		
10-12			0	6,200		TPMW-4		
12-14			0	6,300		-10' screen		
14-16			0	6,400		-10' riser		
16-17.8			0	6,500		~2' stick-up		
						-sand and bentonite to surface		
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 #2 Building 42: 2001 and 2011 Main St., Niagara Falls, NY</div>				<div>TEST PIT: TP-1</div> <div>Sheet 1 of 11</div> <div>JOB: 2201378</div> <div>Checked by: CK</div>	
								<div>TIME: 9:15 to</div> <div>DATUM:</div>	
<div>CONTRACTOR: LaBella Associates, D.P.C.</div> <div>DRILLER: LaBella Env., LLC</div> <div>LABELLA REPRESENTATIVE: CK</div>						<div>START DATE: 5/6/20</div> <div>END DATE:</div>			
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	7,100		No odors or staining	0-8' Brown silt-like material (non-native) mixed with brick, concrete, old apparent utility piping; foundation along east wall  -no slag  -no groundwater  -test pit to 8' bgs-excavator limit			
1-2		0	7,300						
2-3		3.4	7,400						
3-4		6.7	8,100						
4-5		1.2	8,200						
5-6		0	7,400						
6-7		0	5,100						
7-8		0	5,000						
GROUNDWATER ENCOUNTERED				NOTES: bgs = below the ground surface					
DATE	DEPTH	WELL INSTALLED	WELL ID	Site RAD background count ~6,900 Counts per Minute					



## Blue Cardinal Studio

## Phase II ESA

Site #2 Building 42: 2001 and 2011 Main St.,  
Niagara Falls, NY

**TEST PIT: TP-2**

Sheet 2 of 11

**JOB: 2201378**

Checked by: CK

CONTRACTOR: LaBella Associates, D.P.C.

DRILLER: LaBella Env., LLC

LABELLA REPRESENTATIVE: CK

TIME: 10:00

to

DATUM:

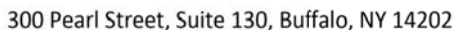
START DATE: 5/6/20

END DATE:

TYPE OF EQUIPMENT:

OTHER:

GROUNDWATER ENCOUNTERED				NOTES:
DATE	DEPTH	WELL INSTALLED	WELL ID	



## Blue Cardinal Studio

## Phase II ESA

Site #2 Building 42: 2001 and 2011 Main St.,  
Niagara Falls, NY

**TEST PIT: TP-3**

Sheet 3 of 11

**JOB: 2201378**

Checked by: CK

CONTRACTOR: LaBella Associates, D.P.C.

DRILLER: LaBella Env., LLC

LABELLA REPRESENTATIVE: CK

TIME: 10:30

to

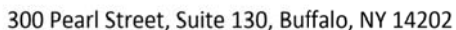
DATUM:

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-4
				Blue Cardinal Studio Phase II ESA Site #2 Building 42: 2001 and 2011 Main St., Niagara Falls, NY			
CONTRACTOR: LaBella Associates, D.P.C.						TIME: 11:00	
DRILLER: LaBella Env., LLC						to	
LABELLA REPRESENTATIVE: CK						DATUM:	
START DATE: 5/6/20						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	5,400		No odors or staining	0-6" Asphalt	
1-2		0	5,700			6"-2' Gravel sub-base	
2-3		0	5,300			2'-8' Brown silt-like material (non-native) mixed with brick, concrete, old apparent utility piping; foundations along north and east walls	
3-4		0	5,200			-no slag	
4-5		0	5,200			-no groundwater	
5-6		0	5,400			-test pit to 8' bgs-excavator limit	
6-7		0	5,100				
7-8		0	5,200				
GROUNDWATER ENCOUNTERED				NOTES:			
DATE	DEPTH	WELL INSTALLED	WELL ID				



## Blue Cardinal Studio

## Phase II ESA

Site #2 Building 42: 2001 and 2011 Main St.,  
Niagara Falls, NY

**TEST PIT: TP-5**

Sheet 5 of 11

**JOB: 2201378**

Checked by: CK

CONTRACTOR: LaBella Associates, D.P.C.

DRILLER: LaBella Env., LLC

LABELLA REPRESENTATIVE: CK

TIME: 12:00

to

DATUM:

START DATE: 5/6/20

END DATE:

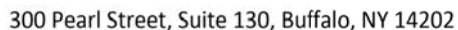
TYPE OF EQUIPMENT:

OTHER:

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 #2 Building 42: 2001 and 2011 Main St., Niagara Falls, NY</div>				<div>TEST PIT: TP-6</div> <div>Sheet 6 of 11</div> <div>JOB: 2201378</div> <div>Checked by: CK</div>	
				<div>CONTRACTOR: LaBella Associates, D.P.C.</div> <div>DRILLER: LaBella Env., LLC</div> <div>LABELLA REPRESENTATIVE: CK</div> <div>START DATE: 5/6/20</div> <div>END DATE:</div>				<div>TIME: 12:30</div> <div>to</div> <div>DATUM:</div>	
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	6,100		No odors or staining	0-4" Asphalt			
1-2		0	7,200			4"-2' Gravel sub-base			
2-3		0	7,100			2'-8' Brown silt-like material (non-native) mixed with brick, concrete; foundation on south wall			
3-4		0	7,300			-no slag			
4-5		0	7,000			-no groundwater			
5-6		0	6,900			-test pit to 8' bgs-excavator limit			
6-7		0	6,700						
7-8		0	5,800						
GROUNDWATER ENCOUNTERED				NOTES:					
DATE	DEPTH	WELL INSTALLED	WELL ID						



## Blue Cardinal Studio

## Phase II ESA

Site #2 Building 42: 2001 and 2011 Main St.,  
Niagara Falls, NY

**TEST PIT: TP-7**

Sheet 7 of 11

**JOB: 2201378**

Checked by: CK

CONTRACTOR: LaBella Associates, D.P.C.

DRILLER: LaBella Env., LLC

LABELLA REPRESENTATIVE: CK

TIME: 13:00 to

DATUM:

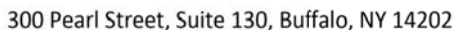
START DATE: 5/6/20

END DATE:

TYPE OF EQUIPMENT:

OTHER:

GROUNDWATER ENCOUNTERED				NOTES:
DATE	DEPTH	WELL INSTALLED	WELL ID	



## Blue Cardinal Studio

## Phase II ESA

Site #2 Building 42: 2001 and 2011 Main St.,  
Niagara Falls, NY

**TEST PIT: TP-8**

Sheet 8 of 11

**JOB: 2201378**

Checked by: CK

CONTRACTOR: LaBella Associates, D.P.C.

DRILLER: LaBella Env., LLC

LABELLA REPRESENTATIVE: CK

TIME: 13:30

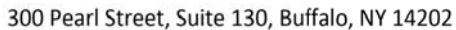
to

DATUM:

TYPE OF EQUIPMENT:

OTHER:

GROUNDWATER ENCOUNTERED				NOTES:
DATE	DEPTH	WELL INSTALLED	WELL ID	



## Blue Cardinal Studio

## Phase II ESA

**TEST PIT: TP-9**

Sheet 9 of 11

**JOB:** 2201378  
Checked by: CK

CONTRACTOR: LaBella Associates, D.P.C.

DRILLER: LaBella Env., LLC

LABELLA REPRESENTATIVE: CK

START DATE: 5/6/20

END DATE:

TIME: 14:00

to

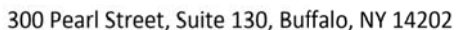
DATUM:

TYPE OF EQUIPMENT:

OTHER:

[illegible]





## Blue Cardinal Studio

## Phase II ESA

Site #2 Building 42: 2001 and 2011 Main St.,  
Niagara Falls, NY

**TEST PIT: TP-10**

Sheet 10 of 11

**JOB: 2201378**

Checked by: CK

CONTRACTOR: LaBella Associates, D.P.C.

DRILLER: LaBella Env., LLC

LABELLA REPRESENTATIVE: CK

TIME: 14:30

to

DATUM:

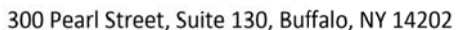
START DATE: 5/6/20

END DATE:

TYPE OF EQUIPMENT:

OTHER:

GROUNDWATER ENCOUNTERED				NOTES:
DATE	DEPTH	WELL INSTALLED	WELL ID	



## Blue Cardinal Studio

## Phase II ESA

Site #2 Building 42: 2001 and 2011 Main St.,  
Niagara Falls, NY

**TEST PIT: TP-11**

Sheet 11 of 11

**JOB: 2201378**

Checked by: CK

CONTRACTOR: LaBella Associates, D.P.C.

DRILLER: LaBella Env., LLC

LABELLA REPRESENTATIVE: CK

TIME: 15:00

to

DATUM:

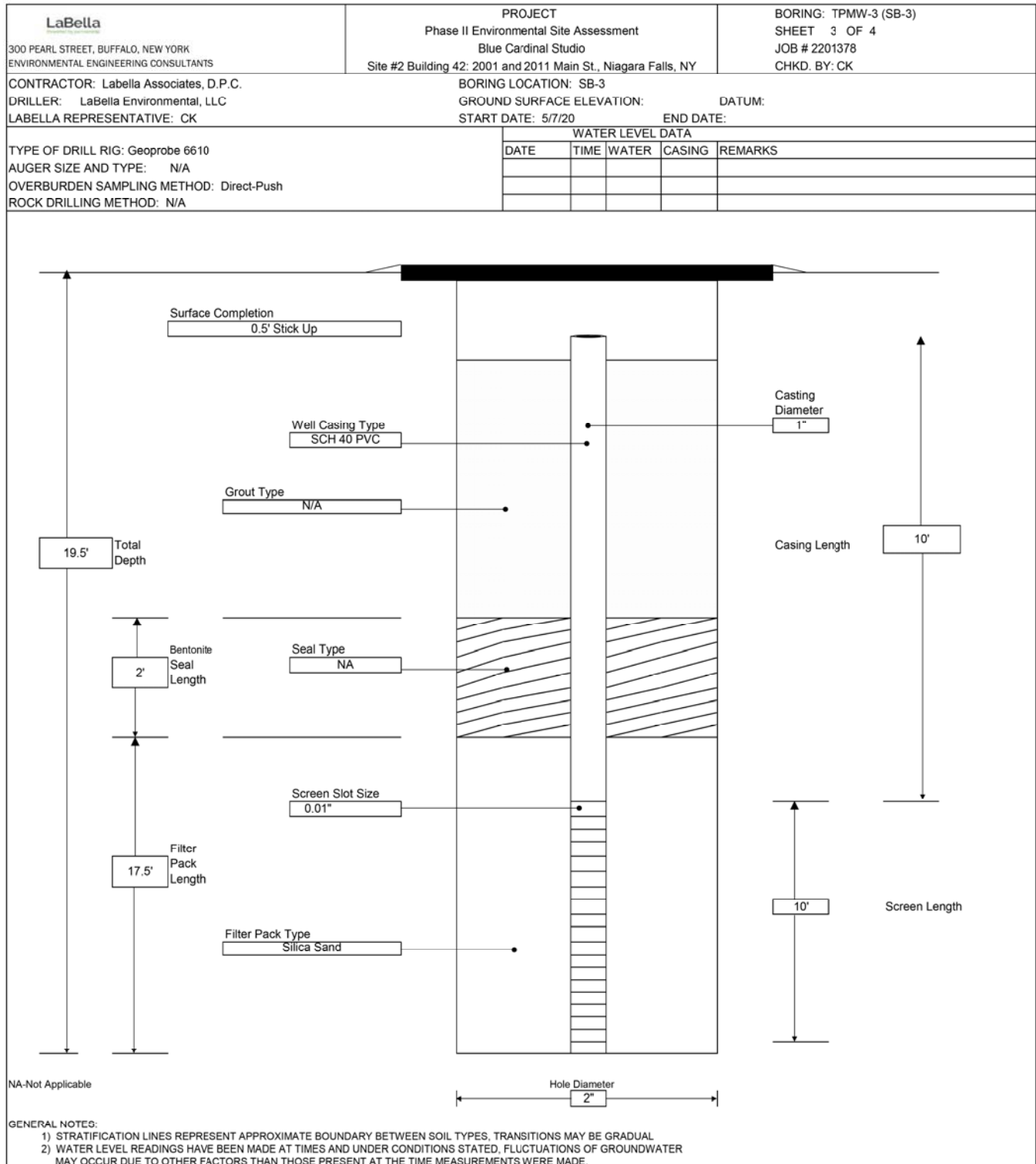
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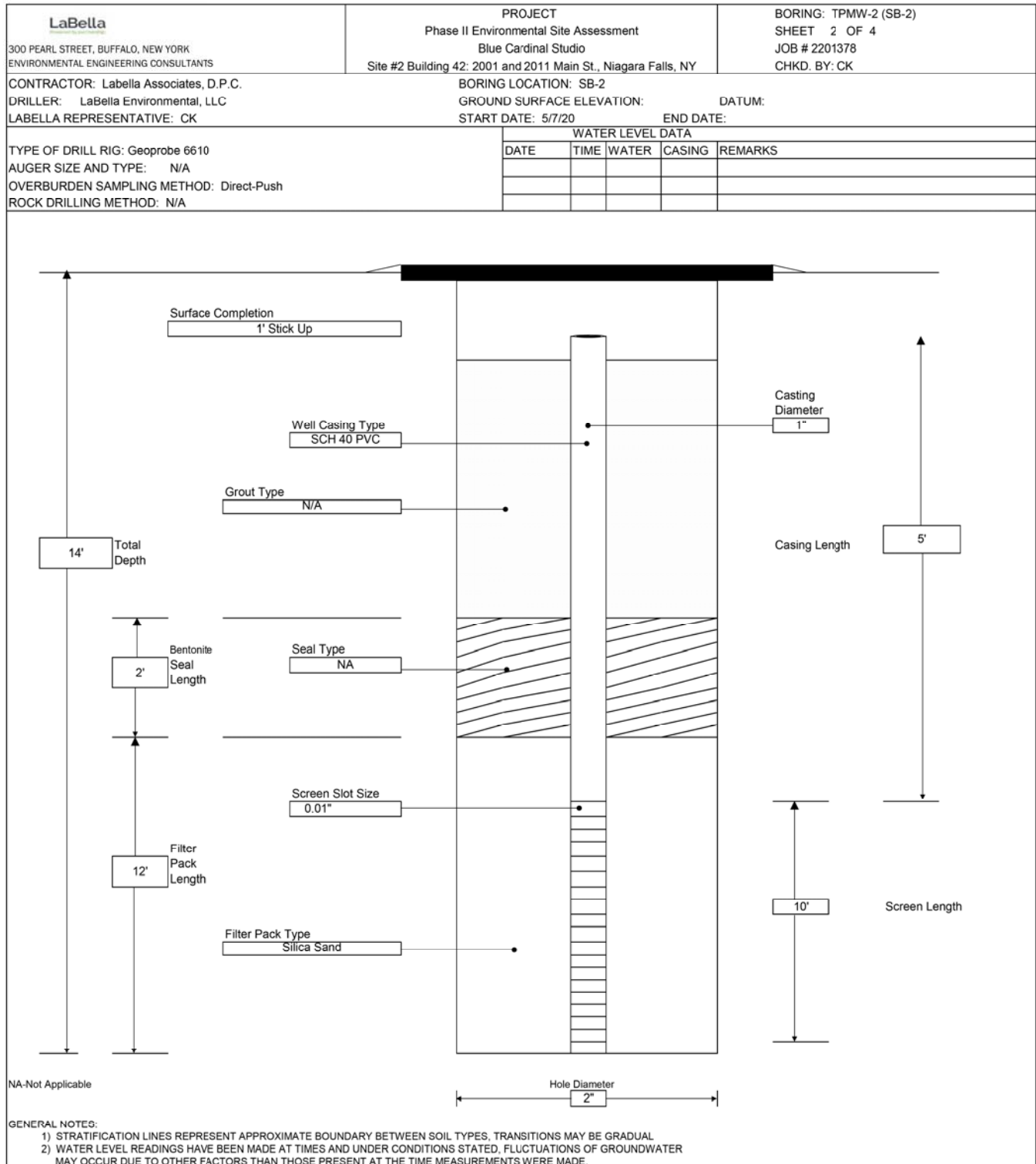
OTHER:

GROUNDWATER ENCOUNTERED

NOTES:

DATE	DEPTH	WELL INSTALLED	WELL ID





<b>LaBella</b> <small>300 PEARL STREET, BUFFALO, NEW YORK          ENVIRONMENTAL ENGINEERING CONSULTANTS</small>	<b>PROJECT</b> Phase II Environmental Site Assessment Blue Cardinal Studio Site #2 Building 42: 2001 and 2011 Main St., Niagara Falls, NY	BORING: TPMW-1 (SB-1) SHEET 1 OF 4 JOB # 2201378 CHKD. BY: CK
<b>CONTRACTOR:</b> LaBella Associates, D.P.C. <b>DRILLER:</b> LaBella Environmental, LLC <b>LABELLA REPRESENTATIVE:</b> CK		<b>BORING LOCATION:</b> SB-1 <b>GROUND SURFACE ELEVATION:</b> _____ <b>DATUM:</b> _____ <b>START DATE:</b> 5/7/20 <b>END DATE:</b> _____

<b>TYPE OF DRILL RIG:</b> Geoprobe 6610 <b>AUGER SIZE AND TYPE:</b> N/A <b>OVERBURDEN SAMPLING METHOD:</b> Direct-Push <b>ROCK DRILLING METHOD:</b> N/A	<b>WATER LEVEL DATA</b>																									
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 15%;">DATE</th> <th style="width: 15%;">TIME</th> <th style="width: 15%;">WATER</th> <th style="width: 15%;">CASING</th> <th style="width: 40%;">REMARKS</th> </tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> </table>	DATE	TIME	WATER	CASING	REMARKS																				
DATE	TIME	WATER	CASING	REMARKS																						

The diagram illustrates a borehole log for SB-1. It shows a central casing with a 1" diameter. The casing length is 10'. A 2" Bentonite Seal is located 2' from the top. A 0.01" Screen Slot Size is indicated. The filter pack is 15.8' long and consists of Silica Sand. The total depth is 17.8'. The hole diameter is 2".

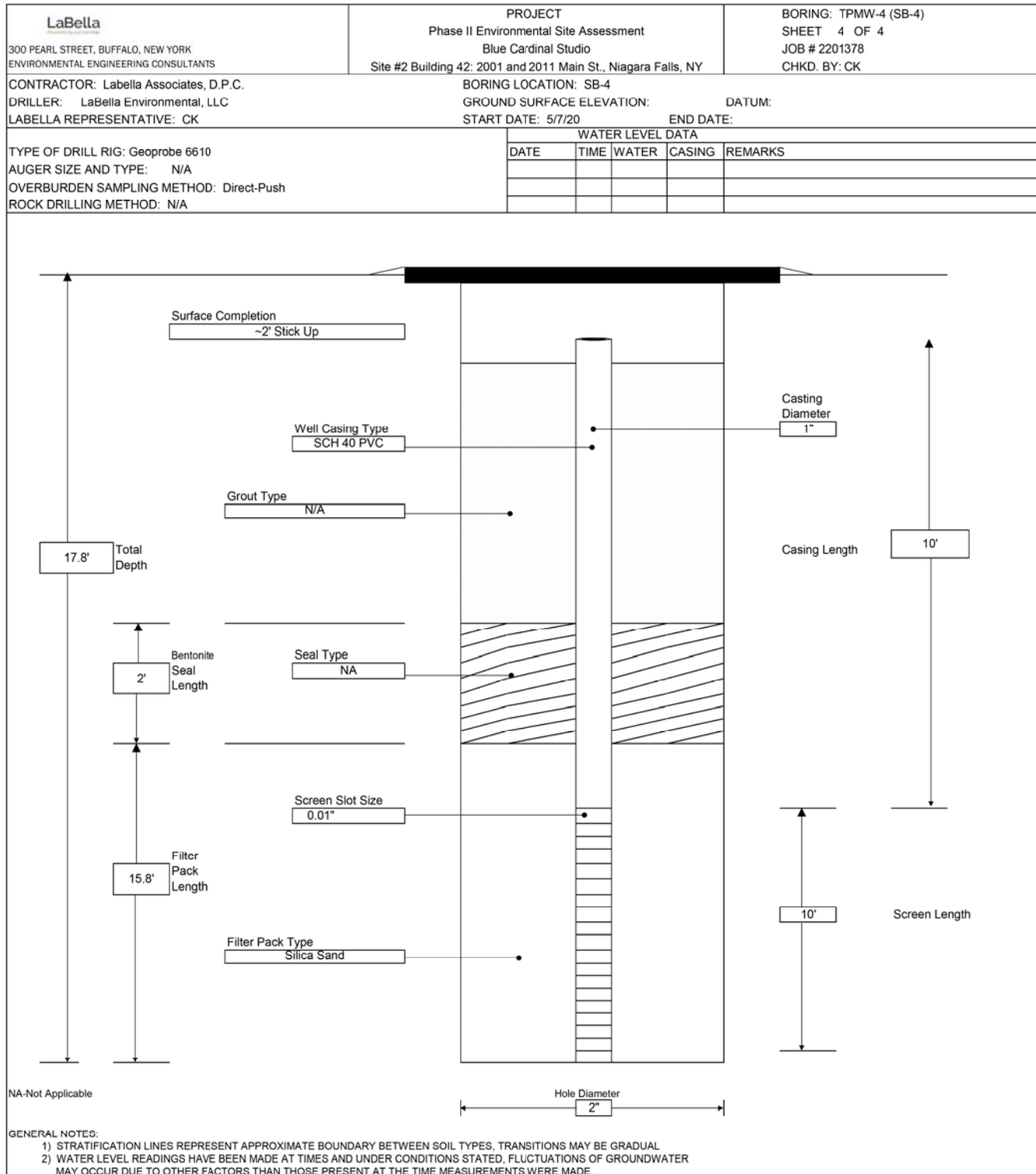
**Labels and Dimensions:**

- Surface Completion: ~2' Stick Up
- Well Casing Type: SCH 40 PVC
- Grout Type: N/A
- Seal Type: NA
- Screen Slot Size: 0.01"
- Filter Pack Type: Silica Sand
- Filter Pack Length: 15.8'
- Bentonite Seal Length: 2'
- Total Depth: 17.8'
- Casing Length: 10'
- Screen Length: 10'
- Hole Diameter: 2"

**GENERAL NOTES:**

- 1) STRATIFICATION LINES REPRESENT APPROXIMATE BOUNDARY BETWEEN SOIL TYPES, TRANSITIONS MAY BE GRADUAL
- 2) WATER LEVEL READINGS HAVE BEEN MADE AT TIMES AND UNDER CONDITIONS STATED, FLUCTUATIONS OF GROUNDWATER MAY OCCUR DUE TO OTHER FACTORS THAN THOSE PRESENT AT THE TIME MEASUREMENTS WERE MADE





# GROUNDWATER COLLECTION AND SAMPLE LOG

WELL I.D.: TPMW-1 (SB-1)

300 Pearl Street  
Buffalo, New York 14202  
Telephone: (716) 551-6281  
Facsimile: (716) 551-6282

Project Name: Blue Cardinal Studio  
Location: Site #2 Building 42: 2001 and 2011 Main Street, Niagara Falls, NY  
Project No.: 2201378  
Sampled By: Chris Kibler  
Date: 5/8/20  
Weather: Cloudy, 42°F

## PURGE VOLUME CALCULATION

Well Diameter: 1" Static Water Level: 11', 7"  
Depth of Well: 17', 8" One Well Volume: 0.24 gallons

## PURGE AND SAMPLING METHOD

☒ Bailer – Type: 0.75" PVC Disposable Bailer ☐ Pump – Type: \_\_\_\_\_  
Sampling Device: \_\_\_\_\_ Pump Rate: \_\_\_\_\_

## FIELD PARAMETER MEASUREMENT

Time	Gallons Purged	pH	Temp (°C)	Conductivity (mS/cm)	Turbidity (NTU)		Comments
12:30	0.24						
12:40	0.24						
12:50	0.24						

Total 0.72 Gallons Purged

Purge Time Start: 12:30 Purge Time End: 12:50

## WELL SAMPLING

Sample I.D.: TPMW-1 Sample Time: 13:00  
No. of Containers: 5 Sample Preservation: HCL

Sampled For: ☒ VOCs - 8260 TCL + CP-51 ☐ VOCs - 8260B CP-51 Only ☐ PCBs  
☒ SVOCs - 8270 CP-51 Only ☐ Total RCRA Metals ☐ Other: \_\_\_\_\_

## OBSERVATIONS

Notes: Fully purged and sampled well; no sheen or odors.

Recharge Behavior: ☐ Fast ☒ Moderate ☐ Slow ☐ Purged Dry

# GROUNDWATER COLLECTION AND SAMPLE LOG

WELL I.D.: TPMW-2 (SB-2)

300 Pearl Street  
Buffalo, New York 14202  
Telephone: (716) 551-6281  
Facsimile: (716) 551-6282

Project Name: Blue Cardinal Studio  
Location: Site #2 Building 42: 2001 and 2011 Main Street, Niagara Falls, NY  
Project No.: 2201378  
Sampled By: Chris Kibler  
Date: 5/8/20  
Weather: Cloudy, 42°F

## PURGE VOLUME CALCULATION

Well Diameter: 1" Static Water Level: 11', 3"  
Depth of Well: 14' One Well Volume: 0.12 gallons

## PURGE AND SAMPLING METHOD

☒ Bailer – Type: 0.75" PVC Disposable Bailer ☐ Pump – Type: \_\_\_\_\_  
Sampling Device: \_\_\_\_\_ Pump Rate: \_\_\_\_\_

## FIELD PARAMETER MEASUREMENT

Time	Gallons Purged	pH	Temp (°C)	Conductivity (mS/cm)	Turbidity (NTU)		Comments
13:10	0.12						
13:20	0.12						
13:30	0.12						

Total 0.36 Gallons Purged

Purge Time Start: 13:10 Purge Time End: 13:30

## WELL SAMPLING

Sample I.D.: TPMW-2 Sample Time: 13:40  
No. of Containers: 5 Sample Preservation: HCL

Sampled For: ☒ VOCs - 8260 TCL + CP-51 ☐ VOCs - 8260B CP-51 Only ☐ PCBs  
☒ SVOCs - 8270 CP-51 Only ☐ Total RCRA Metals ☐ Other: \_\_\_\_\_

## OBSERVATIONS

Notes: Fully purged and sampled well; no sheen or odors.

Recharge Behavior: ☐ Fast ☒ Moderate ☐ Slow ☐ Purged Dry

# GROUNDWATER COLLECTION AND SAMPLE LOG

WELL I.D.: TPMW-3 (SB-3)

300 Pearl Street  
Buffalo, New York 14202  
Telephone: (716) 551-6281  
Facsimile: (716) 551-6282

Project Name: Blue Cardinal Studio  
Location: Site #2 Building 42: 2001 and 2011 Main Street, Niagara Falls, NY  
Project No.: 2201378  
Sampled By: Chris Kibler  
Date: 5/8/20  
Weather: Cloudy, 42°F

## PURGE VOLUME CALCULATION

Well Diameter: 1" Static Water Level: 12', 3"  
Depth of Well: 19', 5" One Well Volume: 0.29 gallons

## PURGE AND SAMPLING METHOD

☒ Bailer – Type: 0.75" PVC Disposable Bailer ☐ Pump – Type: \_\_\_\_\_  
Sampling Device: \_\_\_\_\_ Pump Rate: \_\_\_\_\_

## FIELD PARAMETER MEASUREMENT

Time	Gallons Purged	pH	Temp (°C)	Conductivity (mS/cm)	Turbidity (NTU)		Comments
13:50	0.29						
14:00	0.29						
14:10	0.29						

Total 0.87 Gallons Purged

Purge Time Start: 13:50 Purge Time End: 14:10

## WELL SAMPLING

Sample I.D.: TPMW-3 Sample Time: 14:20  
No. of Containers: 5 Sample Preservation: HCL

Sampled For: ☒ VOCs - 8260 TCL + CP-51 ☐ VOCs - 8260B CP-51 Only ☐ PCBs  
☒ SVOCs - 8270 CP-51 Only ☐ Total RCRA Metals ☐ Other: \_\_\_\_\_

## OBSERVATIONS

Notes: Fully purged and sampled well; no sheen or odors.

Recharge Behavior: ☐ Fast ☒ Moderate ☐ Slow ☐ Purged Dry



## GROUNDWATER COLLECTION AND SAMPLE LOG

WELL I.D.: TPMW-4 (SB-4)

300 Pearl Street  
Buffalo, New York 14202  
Telephone: (716) 551-6281  
Facsimile: (716) 551-6282

Project Name: Blue Cardinal Studio  
Location: Site #2 Building 42: 2001 and 2011 Main Street, Niagara Falls, NY  
Project No.: 2201378  
Sampled By: Chris Kibler  
Date: 5/8/20  
Weather: Cloudy, 42°F

### PURGE VOLUME CALCULATION

Well Diameter: 1" Static Water Level: 16'  
Depth of Well: 17', 8" One Well Volume: 0.07 gallons

### PURGE AND SAMPLING METHOD

☒ Bailer – Type: 0.75" PVC Disposable Bailer ☐ Pump – Type: \_\_\_\_\_  
Sampling Device: \_\_\_\_\_ Pump Rate: \_\_\_\_\_

### FIELD PARAMETER MEASUREMENT

Time	Gallons Purged	pH	Temp (°C)	Conductivity (mS/cm)	Turbidity (NTU)		Comments
14:30	0.07						
14:40	0.07						
14:50	0.07						

Total 0.22 Gallons Purged

Purge Time Start: 14:30 Purge Time End: 14:50

### WELL SAMPLING

Sample I.D.: TPMW-4 Sample Time: 15:00  
No. of Containers: 5 Sample Preservation: HCL

Sampled For: ☒ VOCs - 8260 TCL + CP-51 ☐ VOCs - 8260B CP-51 Only ☐ PCBs  
☒ SVOCs - 8270 CP-51 Only ☐ Total RCRA Metals ☐ Other: \_\_\_\_\_

### OBSERVATIONS

Notes: Fully purged and sampled well; no sheen or odors.

Recharge Behavior: ☐ Fast ☒ Moderate ☐ Slow ☐ Purged Dry



## APPENDIX 3

### Document Repository Acknowledgment

## Geoghegan, Heather

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**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](mailto: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](http://labellapc.com)

## APPENDIX 4

Abstract of Title

**Property:** 2001 Main Street, (C) Niagara Falls, NY  
SBL: 144.46-2-8

1915-0181EC

## **ABSTRACT OF TITLE**

No. 1915-0096SCH

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.: 1915-0096SCH

Title Insurance No.: 1915-0181EC

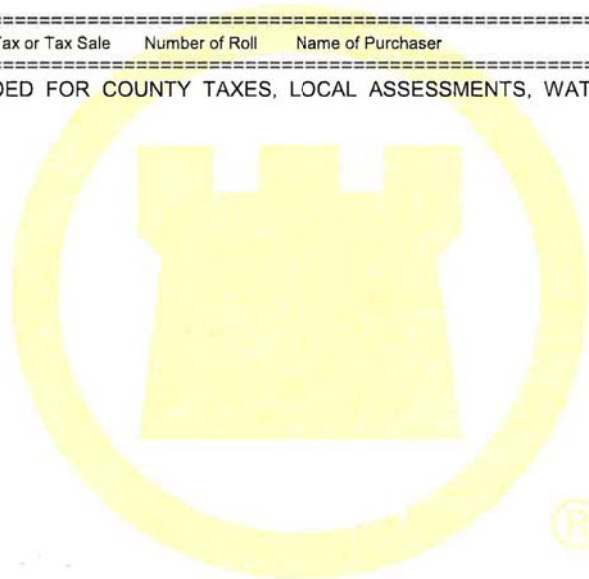
### PROPERTY INFORMATION

City of Niagara Falls, County of Niagara, and State of New York, being part of Lot 36 Mile Reserve, more particularly described in No. 58 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

I DO HEREBY CERTIFY to the MARINE MIDLAND BANK - WESTERN, that I have examined the within abstract of title made by the Abstract Title Division of The Title Guarantee Company number 38284 (334) to the premises mortgaged by 2450 MILITARY ROAD, INC. to MARINE MIDLAND BANK - WESTERN, mortgage bearing date February 1, 1973, and recorded in Liber 1259 of Mortgages at page 942 in the Niagara County Clerk's Office, which mortgage is in the sum of \$95,000.00, and that I am of the opinion that 2450 MILITARY ROAD, INC. is seized in fee of the premises therein described at the time of the execution and recording of said mortgage dated February 1, 1973, and that same is free and clear of all encumbrances except for the aforesaid mortgage, and that this certification is predicated upon the title insurance policy of The Title Guarantee Company No. L-6376, issued April 26, 1973, in the amount of \$95,000.00, designating MARINE MIDLAND BANK - WESTERN as the insured, and subject to the matters set forth in said policy.

DATED: Buffalo, New York  
April 2, 1974

  
Carl Hoffman

*[Handwritten signature]*  
CARTER H. HARRIS

WITNESSES:  
DULLED: BUREAU OF NEW YORK

the mortgage was taken in said policy.  
MUTUAL LIFE OF NEW YORK - MORTGAGE as the trustee, and subject to  
taxes of \$100.00 in the amount of \$2000.00, representing  
the insurance policy of the life insurance company no. 1-2332,  
mortgage, and that the certificate of the policy is upon the  
and that of all encumbrances except for the mortgage  
of said mortgage dated February 1, 1913, and that same is the  
policy described at the time of the execution and recording  
3420 MORTGAGE BOND, INC. is set out in the of the mortgage  
is in the sum of \$20,000.00, and that I am of the opinion that  
it is due and in the mortgage company's office, which mortgage  
date February 1, 1913, and recorded in Book 1328 of Mortgages  
BOND, INC. to MUTUAL LIFE OF NEW YORK - MORTGAGE, mortgage recording  
number 38584 (334) to the mortgage mortgage of 3420 MORTGAGE  
by the trustee of the policy of the life insurance company  
MORTGAGE, that I have examined the entire record of this mortgage

I DO HEREBY CERTIFY TO THE MUTUAL LIFE OF NEW YORK -

## 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 **PARCEL "A"** on the date hereof and their successors in interest of record, that the SET-OUTS designated herein by marginal number(s) **1 thru 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 **May 9, 1814** 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.

**John Pierce Langs** - Owner(s)

WITNESS the Corporate Seal of said Corporation and the signature of one of its officers this **22nd day of June, 1959**.

**PUBLIC ABSTRACT CORPORATION**

By:   
Authorized Officer

Order No.: **NI-00-579**

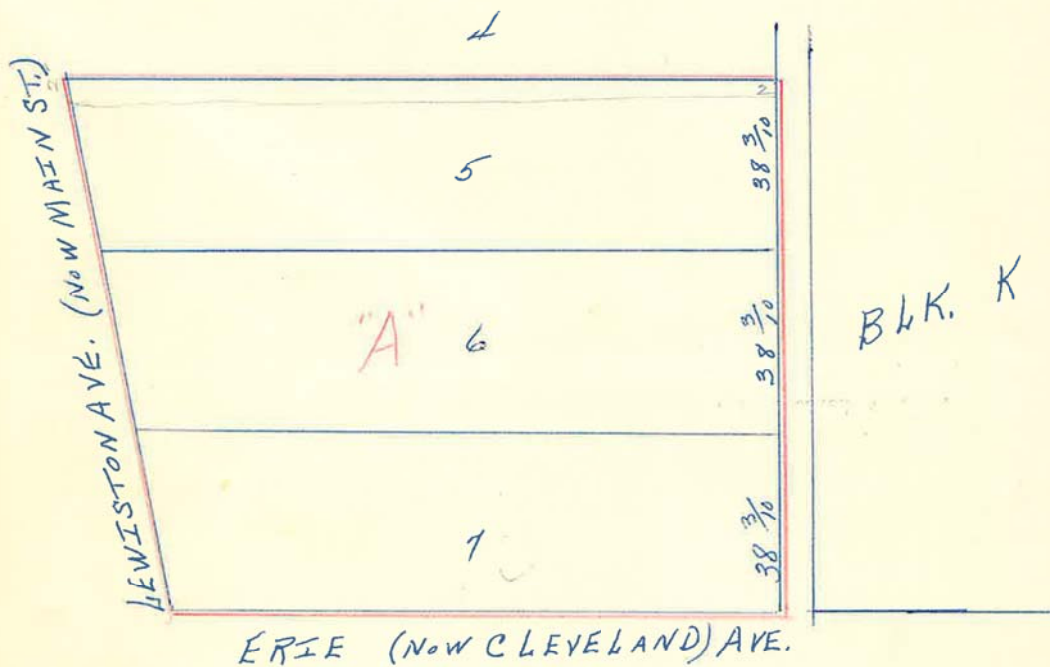
Search No.: **32176**

Abstractor: **P. Gagliardi/psa**



PLAN BELOW FROM

Map of Bellevue near Niagara Falls, N.Y. made by Charles L. Beard April 2 1849 and filed in Niagara County Clerk's Office 1849 under Cover #87, also in Book 7 of Maps at page 259



CITY OF NIAGARA FALLS  
COUNTY OF NIAGARA  
STATE OF NEW YORK

Part of Lot 36 Mile Reserve

PUBLIC ABSTRACT CORPORATION



1

State of New York  
to  
Peter B. Porter

Letters Patent dated May 9 1814  
passed the Secretary's Office  
May 10 1814  
recorded in liber 110 of Deeds  
page 485 May 20 1867  
Grants and conveys premises and more

2

Peter B. Porter and  
Lactitia, his wife  
to  
Benjamin Barton

W Deed dated December 24 1827  
acknowledged September 12 1828  
recorded in liber 5 of Deeds  
page 266 May 3 1830  
Conveys premises and more

3

Benjamin Barton and  
Agness, his wife  
to  
Aaron Childs

W Deed dated May 27 1833  
acknowledged May 28 1833  
recorded in liber 11 of Deeds  
page 68 October 7 1834  
Conveys premises and more

4

Aaron Childs and  
Lucy, his wife  
to  
William H. Childs

W Deed dated May 27 1835  
acknowledged May 30 1835  
recorded in liber 14 of Deeds  
page 98 December 14 1835  
Conveys premises and more

5

William H. Childs and  
 Laura A., his wife  
 to  
 James McKay

W Deed dated February 12 1836  
 acknowledged March 1 1836  
 recorded in liber 17 of Deeds  
 page 17 April 6 1836  
 Conveys premises and more

6

James McKay  
 to  
 William H. Childs

Purchase Money Mortgage for \$3000.00  
 dated February 12 1836  
 acknowledged February 20 1836  
 recorded in liber 10 of Mortgages  
 page 326 April 11 1836  
 Covers premises and more

7

James McKay  
 to  
 Ebenezer Walden

Mortgage for \$2400.00  
 dated July 28 1838  
 acknowledged August 9 1838  
 recorded in liber 16 of Mortgages  
 page 668 December 5 1838  
 Covers premises and more

8

Charles A. Williamson  
 vs  
 James McKay, George  
 McKay, Charles H.  
 Colman, John H.  
 Colman, Uriah B.  
 Sheldon, Hezekiah D.

In Chancery 8th Circuit  
 Lis Pendens to foreclose above  
 Mortgage No 6 filed January 4 1840  
 recorded in liber A of Lis Pendens  
 page 365 September 23 1882  
 J. H. Woods, Solicitor for Complainant  
 Lis Pendens recites assignment of





Charles A. Williams recorded in liber 28 of Deeds  
 (No further search vs page 173 September 25 1841  
 the defendants in last Consideration \$2000.00  
 above action subsequent Conveys premises and more on  
 to September 25 1841) last above foreclosure

Affidavit Affidavit sworn to February 15 1901  
 of recorded in liber 15 of Miscellaneous  
 George W. Knox Records page 351 February 27 1901  
 Recites that he is an attorney practicing his profession in the City  
 of Niagara Falls, N.Y.; that he has  
 caused the records in the Clerk's Office of Niagara County to be  
 examined relative to the title of Charles A. Williamson in and  
 to the premises referred to in above Mortgage No 6 to foreclose  
 which mortgage an action was brought in Chancery, 8th Circuit,  
 State of New York, in which Charles A. Williamson was plaintiff  
 and James McKay and others were the defendants and a Lis Pendens  
 filed therein in said Clerk's Office January 4 1840 in liber A  
 of Lis Pendens page 365, to foreclose which mortgage an action  
 was also commenced in Chancery, 8th Circuit in the State of New  
 York, in which Charles A. Williamson was plaintiff and James  
 McKay and others were the defendants and a Lis Pendens was  
 filed therein in said Clerk's Office January 25 1841 in liber  
 A of Lis Pendens page 457 and deed made by Alfred Holmes, Master  
 purporting to be made to Charles A. Williams which deed was re-  
 corded in said Clerk's Office September 25 1841 in liber 38 of  
 Deeds at page 173; that the name, Charles A. Williams, as appears  
 on the record in said Clerk's Office is evidently an error and  
 should be Charles A. Williamson; that deponent caused search



to be made in the Office of the Clerk in the Court of Appeals  
State of New York, by said Clerk and has received from said  
Clerk of said Court of Appeals the following letter:

February 11 1901

Court of Appeals

Clerk's Office

Albany

W. H. Shankland, Clerk

Dear Sir:

In reply to your letter of the 9th instant, I would say,  
that I have examined the paper (In Chancery) in the suit of  
Charles A. Williamson vs James McKay et al on file in this  
office and find that the Master's Report was filed December 28  
1842 and that he states therein that the property was struck  
off to Charles A. Williamson for the sum of \$2000.00 and that he  
had made a good and sufficient deed of said premises so struck  
off to Charles A. Williamson, and I should therefore say, as  
the deed states the name of the grantee as Charles A. Williams  
it must be a clerical error

Charles A. Williamson      Power of Attorney  
to      dated July 15 1830  
James H. Woods      acknowledged August 13 1838  
recorded in liber 7 of Miscellaneous  
Records page 530 June 2 1838  
Gives power to sell and convey

Charles A. Williamson and      Power of Attorney  
Catherine A. Williamson      dated July 10 1837  
to      acknowledged August 5 1837

14

James H. Woods

recorded in liber 9 of Miscellaneous  
Records page 509 February 1 1890  
Gives power to sell and convey  
acknowledgment gives names of  
grantors as Williams--

Charles A. Williamson  
and Catherine A., his  
wife by James H. Woods,  
their attorney

to

John V. E. Vedder,  
Berry H. White, John  
Fisk, Charles B. Stewart  
and Roswell G. Benedict

W Deed dated August 18 1845  
acknowledged August 18 1845  
recorded in liber 34 of Deeds  
page 359 September 29 1845  
Conveys to second parties as  
tenants in common and not as  
joint tenants, premises and more

15

John V. E. Vedder and  
Sarah, his wife

to

James Vedder

W Deed dated May 22 1849  
acknowledged May 24 1849  
recorded in liber 40 of Deeds  
page 570 May 25 1849  
Conveys 13/24ths part of  
premises and more

Berry H. White and  
Catharine, his wife,  
John Fisk and Maria  
H., his wife, Charles  
B. Stewart and Frances  
M., his wife, and Roswell

Partition Deed dated August 27 1849  
acknowledged August 28 and September  
1 1849  
recorded in liber 40 of Deeds  
page 649 September 3 1849  
Consideration \$1.00

16

G. Benedict  
with  
James Vedder  
(No further search vs  
parties hereto except  
James Vedder)

Sets off Lots Nos 5, 6 and 7 and more  
according to map of part of Lot 36  
Mile Reserve made by Charles L.  
Beard and filed in Niagara County  
Clerk's Office to James Vedder

17

Affidavit  
of  
James Vedder

Affidavit sworn to November 19 1897  
recorded in liber 13 of Miscellaneous  
Records page 99 November 20 1897  
Deposes that he is one of the  
grantors with Roswell G. Benedict  
mentioned in above Deed No 16; that

he and the said Benedict were at that time unmarried

18

Affidavit  
of  
James Vedder

Affidavit sworn to March 9 1905  
recorded in liber 18 of Miscellaneous  
Records page 269 March 11 1905  
Deposes that he is in above Deed  
No 15 the grantee; that the interest  
conveyed to him by said Deed was the

whole interest of John V. E. Vedder in the premises herein des-  
cribed

19

Affidavit  
of  
James Vedder

Affidavit sworn to March 2 1903  
recorded in liber 17 of Miscellaneous  
Records page 18 March 6 1903  
Deposes that he is the grantee

20

named in above Deed No 16; that the  
said grantor in said Deed Charles B.  
Stuart is the same person mentioned  
and described as Charles B. Stewart in above Deed No 14 etc.

James Vedder

to

Daniel Hawes

W Deed dated April 4 1850

acknowledged April 12 1850

recorded in liber 51 of Deeds

page 408 April 2 1852

Conveys all that certain piece or p  
parcel of land, situate in the Town

and County of Niagara and State of New York, known as the Niagara  
Tract or Mile Reserve described as follows namely Lot No 5 in  
Block "K" bounded as follows, by Lewiston Avenue on the west  
Lot No 4, on the north 16 foot alley way, on the east and on the  
south by Lot No 6 being more or less situated in the Village of  
Bellevue referring to a map on file in the County Clerk's Office

21

James Vedder

to

Daniel H. Hawes

W Deed dated January 15 1850

acknowledged January 15 1850

recorded in liber 51 of Deeds

page 409 April 2 1852

Conveys part Lot 36 Mile Reserve in  
the Village of Bellevue, according to

a map by Charles L. Beard, surveyor, filed in Niagara County  
Clerk's Office and designated as Village Lots in Block "K" Nos 6  
and 7 bounded on the north by Lot No 5; on the east by 16 foot  
lane, on the south by Erie Avenue and on the west by Lewiston  
Avenue be the same more or less



22

Daniel H. Hawes and  
Harriet H., his wife  
to  
Jacob J. Vogt

W Deed dated March 29 1852  
acknowledged March 29 1852  
recorded in liber 49 of Deeds  
page 527 April 2 1852  
Conveys Lots Nos 5, 6 and 7, Block "K"  
bounded by Lot No 4 on the north and  
by Lewiston Avenue on the west; on

the south by Erie Avenue; on the east by an alley of 16 feet,  
according to map described in last above Deed

Daniel H. Hawes signs D. H. Hawes

23

Jacob J. Vogt and  
Henrietta, his wife  
to  
Major S. Langs

W Deed dated October 13 1885  
acknowledged October 15 1885  
recorded in liber 176 of Deeds  
page 34 November 2 1885  
Conveys same premises as described  
in last above Deed

24 ✓

Major S. Langs and  
Helen A., his wife  
to  
Marie Hager (wife of  
Theodore Hager)  
(No search vs grantee)

W Deed dated November 13 1885  
acknowledged November 13 1885  
recorded in liber 175 of Deeds  
page 560 December 15 1885  
Conveys part of Lot No 36 Mile Reserve,  
being part of Subdivision Village Lot  
No 5 in Block "K" on Lewiston Avenue  
bounded as follows: Commencing at the  
southwest corner of Lot No 4 in said

Block "K" thence southerly along and fronting on Lewiston Avenue  
2 feet; thence easterly and parallel with the southern boundary

line of Lot No 4 to an alley; thence northerly along said alley  
2 feet to the southern boundary of said Lot No 4 to the place of  
beginning

X Recites the party of the first part reserves the right of way into  
and over the above described premises for the purpose of draining  
or laying drains into a natural water course running along the  
north side of Lots Nos 5, 6 and 7 in said Village in Block "K" to  
have and to hold the said easement and privilege of draining the  
above described three lots into the said natural water course to  
the said party of the first part, his heirs and assigns forever  
It is also stipulated and agreed by and between said parties that  
the party of the second part will provide ample means of passage  
and escape over the strip of land hereby conveyed and over other  
premises north thereof of all water which may flow in the brook  
near said strip of land and thus avoid the backing up of any  
such water to the detriment of any other person and save M. S.  
Langs harmless from any damage which may result from said Marie  
Hager's negligence so to do

X It is also agreed that in consideration of \$283.73 the said  
Marie Hager is to have the right at any time to use the wall on  
the south line of the strip of land hereby conveyed as a party  
wall and the right to enter joists or whatever becomes necessary  
in the course of the erection of any building which said Marie  
Hager may desire to erect. It is agreed all the above stipulations  
shall bind the heirs and assigns of both parties

Will

of

Major S. Langs,

deceased

Case L No 34

Surrogate's Court Niagara County

Will dated August 13 1900

probated January 27 1916

recorded in liber 71 of Wills page 44

Directs payment of all his just



debts and funeral expenses

Makes various cash bequests

Gives and bequeaths to his wife

Helen A. Langs all his personal property and the use of all his real estate as long as she lives

After the death of his wife, Helen A. Langs, all of his real estate shall go to his son John Pierce Langs forever

Appoints his wife, Helen A. Langs until his son John P. Langs becomes of age when he shall become executor along with his mother

Petition for Probate filed January 27 1916 recites that decedent died on or about January 20 1916 leaving him surviving:

Helen A. Langs	widow	full age
John Pierce Langs	son	" "
Cynthia V. Blasdall	sister	" "
Lavina C. McKay	"	" "

Letters Testamentary issued to Helen A. Langs and John Pierce Langs on January 27 1916 and recorded in Liber 15 of Letters Testamentary at page 88

26 ✓

In re  
Helen A. Langs,  
deceased  
Case L No 6

Surrogate's Court Niagara County  
Petition for Probate  
filed February 11 1920  
Recites that decedent died on or  
about January 14 1920 leaving her  
surviving John Pierce Langs, son of  
full age

Note: This Certificate includes a full examination for Federal  
Liens from September 1 1925 against all owners in title of record  
subsequent to said date

# THE TITLE GUARANTEE COMPANY

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 in No 27 below on the date hereof and their successors in interest of record, that the SET-OUTS designated herein by marginal numbers 28 to 30 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 during the periods in which it appears there was a record interest in said premises under said names from June 22 1959 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. The Guaranty under this Certificate shall not be limited by time.

Dated this 8th day of December 19 67 at 10:03 o'clock A.M.  
and executed under seal.

Cleve-Main Inc., owner

No search vs grantee in No 29 below



No. 08823

ABSTRACT TITLE

DIVISION OF

THE TITLE GUARANTEE COMPANY

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 a specific lien upon the premises particularly described in No 27 below

the grantee in marginal number 29 in the within abstract, including search against since the date of the deed, showing all references affecting title to said premises to the date hereof that appear upon the indices and dockets particularly detailed as (a) to (e) above, designated by marginal numbers 31 inclusive.

Redated this 2nd day of June 19 69 at 9:00 o'clock A.M.

Cleve Main, Inc., owner

ABSTRACT TITLE

DIVISION OF

THE TITLE GUARANTEE COMPANY

No. 17255

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 a specific lien upon the premises particularly described in No. 27 below

the grantee in marginal number ----- in the within abstract, including search against since the date of the deed, showing all references affecting title to said premises to the date hereof that appear upon the indices and docketts particularly detailed as (a) to (e) above, designated by marginal numbers 32 to 34 inclusive. Redated this 18th day of September 19 69 at 10:30 o'clock A M.  
Flapson Corporation, owner

No. search vs grantee in No. 34 below

**ABSTRACT TITLE**

DIVISION OF

THE TITLE GUARANTEE COMPANY

No. 19046

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 a specific lien upon the premises particularly described

in No. 27 below  
the grantee in marginal number 34 in the within abstract, including search against since the date of the deed, showing all references affecting title to said premises to the date hereof that appear upon the indices and docketts particularly detailed as (a) to (e) above, designated by marginal numbers 35 and 36 inclusive. Redated this 14th day of July 19 72 ~~xx~~ ~~xxxxxx~~ ~~xx~~.  
William J. Bellegia, owner

**ABSTRACT TITLE**

DIVISION OF

THE TITLE GUARANTEE COMPANY

No. 34241

By

*Ralph M. Garlock*  
Authorized Signature



# THE TITLE GUARANTEE COMPANY

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 in No. 37 below on the date hereof and their successors in interest of record, that the SET-OUTS designated herein by marginal numbers 38 and 39 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 during the periods in which it appears there was a record interest in said premises under said names from

July 14 1972

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

Dated this 29th day of September 19 72 at 4:12 o'clock P.M.  
and executed under seal.

2450 Military Road, Inc., owner

No search vs grantees in No 39 below



No.

35893

By

ABSTRACT TITLE  
DIVISION OF  
THE TITLE GUARANTEE COMPANY  
By *Rodger J. Schmidt*  
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 a specific lien upon the premises particularly described

in No. 37 below

the grantee in marginal number 39 in the within abstract, including search against since the date of the deed, showing all references affecting title to said premises to the date hereof that appear upon the indices and dockets particularly detailed as (a) to (e) above, designated by marginal numbers 40 to 44 inclusive.

Redated this 1st day of January 1973 at 11:48 o'clock A.M.

2450 Military Road, Inc., owner and Marine Midland Bank - Western,

mortgagee

No search vs lessee in No. 41 below

ABSTRACT TITLE  
DIVISION OF  
THE TITLE GUARANTEE COMPANY

No.

38284

By

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 a specific lien upon the premises particularly described in No. 37 below

the grantee in marginal number ----- in the within abstract, including search against since the date of the deed, showing all references affecting title to said premises to the date hereof that appear upon the indices and dockets particularly detailed as (a) to (e) above, designated by marginal numbers - nothing inclusive.  
Redated this 26th day of April 1973 at 3:10 o'clock P.M.

2450 Military Road, Inc., owner and Marine Midland Bank - Western,  
mortgagee

No search vs lessee in No. 41 below

**ABSTRACT TITLE**  
DIVISION OF  
**THE TITLE GUARANTEE COMPANY**

No. 38284

By *Ralph E. 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 a specific lien upon the premises particularly described

the grantee in marginal number ----- in the within abstract, including search against since the date of the deed, showing all references affecting title to said premises to the date hereof that appear upon the indices and dockets particularly detailed as (a) to (e) above, designated by marginal numbers inclusive.  
Redated this day of 19 at o'clock M.

**ABSTRACT TITLE**  
DIVISION OF  
**THE TITLE GUARANTEE COMPANY**

No. ....

By .....

Authorized Signature



# THE TITLE GUARANTEE COMPANY

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 in No. 37 below on the date hereof and their successors in interest of record, that the SET-OUTS designated herein by marginal numbers 45 and 46 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 during the periods in which it appears there was a record interest in said premises under said names from

April 26 1973 at 3:10 P.M. to the date hereof, and upon

- (d) JUDGMENT DOCKETS for ten years last past, and

- (e) DOCKETS of FEDERAL LIENS for six (6) years and one (1) month last past.

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

Dated this 10th day of June 19 76 at 9:00 o'clock A.M. and executed under seal.

Frank Amendola, Jr. and Thomas A. Baia, owners and Marine Midland Bank,  
mortgagee

No search vs lessee in No. 41 below

ABSTRACT TITLE  
DIVISION OF  
THE TITLE GUARANTEE COMPANY

No. 60708

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 a specific lien upon the premises particularly described

in No. 37 below in the within abstract, including search against the grantee in marginal number ----- since the date of the deed, showing all references affecting title to said premises to the date hereof that appear upon the indices and dockets particularly detailed as (a) to (e) above, designated by marginal numbers 47 inclusive. Redated this 2nd day of July 19 76 at 3:03 o'clock P.M.

Vincent Alessandra, owner and Marine Midland Bank, mortgagee

No search vs lessee in No. 41 or vs grantee in No. 47 below

ABSTRACT TITLE  
DIVISION OF  
THE TITLE GUARANTEE COMPANY

No. 60708

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 a specific lien upon the premises particularly described

the grantee in marginal number in the within abstract, including search against  
affecting title to said premises to the date hereof that appear upon the indices and docket particularly  
since the date of the deed, showing all references  
detailed as (a) to (e) above, designated by marginal numbers inclusive.  
Redated this day of 19 at o'clock M.

**ABSTRACT TITLE**  
DIVISION OF  
**THE TITLE GUARANTEE COMPANY**

No. \_\_\_\_\_ By \_\_\_\_\_  
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 a specific lien upon the premises particularly described

the grantee in marginal number in the within abstract, including search against  
affecting title to said premises to the date hereof that appear upon the indices and docket particularly  
since the date of the deed, showing all references  
detailed as (a) to (e) above, designated by marginal numbers inclusive.  
Redated this day of 19 at o'clock M.

**ABSTRACT TITLE**  
DIVISION OF  
**THE TITLE GUARANTEE COMPANY**

No. \_\_\_\_\_ By \_\_\_\_\_  
Authorized Signature

27

Premises being Parcel "A" as shown on Plan at head of search; excepting therefrom same as described in above Deed No 24

28 ✓

Will

of

John Pierce Langs  
deceased  
File No 32028

Surrogate's Court Niagara County  
Will dated August 15 1963

probated April 11 1967  
recorded in liber 156 of Wills  
page 556

Directs all just debts and funeral  
expenses be paid

Makes certain personal bequest

All the rest, residue and remainder of his estate real and  
personal he gives, devises and bequeaths to his trustees herein

• after named to manage, invest and reinvest the same and to  
pay the net income therefrom to his wife, Mary L. Langs for  
and during the term of her natural life

Makes provisions in the event his wife should predecease him  
or upon the death of his said wife in the event she survives  
him

He gives, devises and bequeaths premises other than those in  
question

All the rest, residue and remainder of his estate real and  
personal, he gives, devises and bequeaths to his said niece,  
Mabel Edith Chandless absolutely and forever

Gives his executors full power to sell and convey

He hereby nominates, constitutes and appoints his wife,  
Mary L. Langs, his attorney John H. Chapin, Executors.

ABSTRACT

TITLE

DIVISION

THE

TITLE

GUARANTEE

COMPANY

*Bob  
We said  
we would  
pass on  
receipt of  
affidavit  
delivery of  
deed with  
below  
Rope*

ABSTRACT  
TITLE  
DIVISION  
THE  
TITLE  
GUARANTEE  
COMPANY

He hereby nominates, constitutes and appoints his wife,  
Mary L. Langs, his attorney, John H. Chapin and Walter Dennis  
as trustees

Codicil dated March 3 1966 and probated herewith amends a  
personal bequest created under his trust, Paragraph "Eight"

In all other respects he does expressly ratify, confirm and  
approve the provision of his said Will and Testament  
dated August 15 1963

Petition for Probate filed April 11 1967 recites decedent died  
on ---- -- ---- leaving him surviving his widow, Mary L. Langs,  
full age

Letters Testamentary issued to Mary L. Langs and John H.  
Chapin on April 11 1967 recorded in liber 43 of Letters page 248  
Letters of Testamentary Trusteeship issued to Mary L. Langs,  
John H. Chapin and Walter Dennis on April 11 1967 recorded in  
liber 2 of Letters of Testamentary Trusteeship page 21

NOTE: We find no Transfer Tax Proceedings

*filed  
decedent's  
from  
state tax - 20,240.32  
fee - 7.*

John Pierce Langs and  
Mary, his wife  
to  
Cleve-Main Inc.

W Deed dated January 13 1964  
acknowledged January 13 1964  
recorded in liber 1473 of Deeds  
page 311 December 8 1967  
Conveys premises

NO SEARCH VS GRANTEE

*signed by decedent & on Jan 13 1964*

30 ✓

In re  
Cleve-Main, Inc.  
File № 5505

Certified Copy of Certificate  
of Incorporation  
dated July 28 1959  
acknowledged July 28 1959  
filed August 13 1959  
Duration perpetual

St  
Dec. 8-67  
10:03 AM  
Connor

ABSTRACT  
TITLE

NOTE: There will be no closing  
charge vs the present owners  
if closed within 30 days.

31 ✓

D I V I S I O N  
In re  
Cleve Main, Inc.  
File № 5505

Certified Copy of Certificate  
of Dissolution  
dated October 31 1968  
acknowledged October 31 1968  
filed March 10 1969

T  
June 2-69  
9:00 AM  
Connor

THE  
TITLE  
GUARANTEE  
COMPANY

NOTE: There will be no closing  
charge vs the present owners  
if closed within 30 days.

32 ✓

In re  
Cleve-Main, Inc.  
File # 5505

Consent dated January 17 1968  
acknowledged January 17 1968  
filed September 18 1969  
Pursuant to the plan of liquidation  
adopted by all of the stockholders of  
Cleve-Main, Inc. at a meeting of

said stockholders held on December 18 1967, each owning all of  
the total number of shares outstanding entitled to vote  
Said stockholders consent to convey premises executed by deed  
next below

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Cleve-Main, Inc.

33 ✓

to

Arthur Gray

W Deed dated January 17 1968  
acknowledged January 17 1968  
recorded in liber 1498 of Deeds  
page 189 September 18 1969  
Conveys premises  
Subject to all liens, encumbrances  
and taxes

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Arthur Gray

34 ✓

to

Flapson Corporation

W Deed dated August 29 1969  
acknowledged August 29 1969  
recorded in liber 1498 of Deeds  
page 191 September 18 1969

Conveys premises

Excepting and reserving so much as was

NO SEARCH VS GRANTEE

33 TT



T *pk*  
Sept. 18-69  
10:30 AM  
Konczakowski

35 ✓

ABSTRACT  
TITLE  
DIVISION  
In re  
Flapson Corporation  
File No. 7220

conveyed by above Deed No 24  
Subject to the party wall agreement  
created by said deed  
Subject to all unpaid taxes

36 ✓

THE  
TITLE  
GUARANTEE  
COMPANY  
• Flapson Corporation  
to  
William J. Bellegia

Certificate of Incorporation  
dated September 26 1968  
acknowledged September 26 1968  
filed December 18 1968

W Deed dated September 14 1971  
acknowledged September 14 1971  
recorded in liber 1523 of Deeds  
page 847 November 11 1971  
Conveys premises

Excepting and reserving same premises as conveyed by above Deed  
No. 24  
Subject to the party wall agreement created by said Deed  
Subject to all unpaid taxes

*signed by JTC as president of JTC*

T *pk*  
July 14-72  
Disinger

NOTE: There will be no closing  
charges v present owners  
if closed within 30 days.



Premises being<sup>x</sup> 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 36 of the Mile Reserve and according to a map filed in Niagara County Clerk's Office under Cover No 87, now in Book 6 of Microfilmed Maps at page 534, is known and distinguished as Lots Nos. 6 and 7 and part of Lot No 5 situate on the east line of Main Street, formerly Lewiston Avenue, together bounded and described as follows: Beginning at the intersection of the east line of Main Street with the north line of Cleveland, formerly Erie, Avenue; thence northerly along the east line of Main Street a distance of 114.56 feet to the southwest corner of land conveyed to Marie Hager by Deed recorded in liber 175 of Deeds at page 560 on December 15 1885; thence easterly along the south line of said Hager's land a distance of 169.18 feet to the west line of an alley running north and south along the east end of Lots Nos. 5, 6 and 7; thence southerly along the west line of said alley a distance of 111.57 feet to the north line of Cleveland Avenue; thence westerly along the north line of Cleveland Avenue a distance of 144.95 feet to the point of beginning<sup>x</sup>

ABSTRACT  
TITLE  
DIVISION  
THE  
TITLE  
GUARANTEE  
COMPANY

Flapson Corporation  
to  
William J. Bellegia

W Deed dated August 21 1972  
acknowledged August 30 1972  
recorded in liber 1535 of Deeds  
page 685 September 29 1972  
Conveys same premises as conveyed  
by above Deed No 36  
Subject to all unpaid taxes

39

William J. Bellegia  
to  
2450 Military Road,  
Inc.

NO SEARCH VS GRANTEE

L *Sept. 29-72*  
Sept. 29-72  
4:12 P.M.  
Disinger

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40

In re  
2450 Military Road, Inc.  
File No. 7620

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41

2450 Military Road, Inc.  
with  
Niagara County Fish and  
Chips, Inc.

NO SEARCH VS LESSEE

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Recites being given to confirm the  
conveyance by above Deed № 36

W Deed dated September 29 1972  
acknowledged September 29 1972  
recorded in liber 1535 of Deeds  
page 683 September 29 1972  
Conveys premises

Certificate of Incorporation  
dated June 19 1970  
acknowledged June 19 1970  
filed August 6 1970

Memorandum of Lease  
dated November 28 1972  
acknowledged November 28 1972  
recorded in liber 1540 of Deeds  
page 110 February 1 1973  
Lessor has demised and leased to

42

ABSTRACT  
TITLES  
DIVISION  
THE  
TITLES  
GUARANTEE  
COMPANY

2450 Military Road, Inc.  
to  
Marine Midland Bank -  
Western

Mortgage for \$95,000.00  
dated February 1 1973  
acknowledged February 1 1973  
recorded in liber 1259 of Mortgages  
page 942 February 1 1973  
covers premises  
Subject to party wall agreement  
with respect to that portion of said Subdivision Lot 5 conveyed  
by above Deed No. 24 but reserving easement for drainage in  
said deed

43

Same  
with  
Same

Building Loan Agreement  
dated February 1 1973  
acknowledged February 1 1973  
filed February 1 1973  
Provides for advances to be made  
on last above Mortgage

44

2450 Military Road, Inc.  
to  
Marine Midland Bank -  
Western

P *W. J.*  
Feb. 1-73  
11:48 A.M.  
Disinger

G  
April 26-73  
3:10 PM  
Prendergast

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45 ✓

2450 Military Road, Inc.  
to  
Frank Amendola, Jr., as  
owner of an undivided  
80% interest and  
Thomas A. Baia, as owner  
of an undivided 20%  
interest

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Conditional Assignment of Lease  
dated February 1 1973  
acknowledged February 1 1973  
recorded in liber 1540 of Deeds  
page 105 February 1 1973  
Grants, transfers and assigns to  
second party the entire lessor's  
interest in and to above Lease No. 41

W Deed dated November 28 1973  
acknowledged November 28 1973  
recorded in liber 1551 of Deeds  
page 1030 November 29 1973  
Conveys premises  
Subject to above Mortgage No. 42  
Recites this conveyance is made  
pursuant to a plan of liquidation of  
2450 Military Road, Inc., party of  
first part and the parties of the  
second part are the sole stockholders  
of the party of the first part

46

In re  
Marine Midland Bank -  
Western  
File No. 2599

Certificate of Merger  
dated November 14 1975  
acknowledged January 14 1976  
filed January 28 1976  
Whereby in accordance with the  
provisions of Section 136 of  
Article XIII of the Banking Law,  
a Plan and Agreement of Merger providing for the merger of  
Marine Midland Bank - Western and others into Marine Midland  
Bank was filed by the Superintendent of Banks on January 1 1976

H *[Signature]*  
June 10-76  
9:00 A.M.  
Stamm

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Frank Amendola Jr. and  
Thomas A. Baia

47

to  
Vincent Alessandra

NO SEARCH VS GRANTEE

W Deed dated July 2 1976  
acknowledged July 2 1976  
recorded in liber 1585 of Deeds  
page 747 July 2 1976  
Conveys premises  
Subject to above Mortgage No. 42 on  
which there is an unpaid principal  
of \$84,023.61 with interest from  
June 1 1976 which grantee assumes  
and agrees to pay  
Grantee signs and acknowledges

H *[Signature]*  
July 2-76  
3:03 P.M.  
Connor

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## 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 #48 on the date hereof and their successors in interest of record, that the SET-OUTS designated herein by marginal number(s) 49 thru 52 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 **July 2, 1976 at 3:03 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 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.

**House of the Lord, Inc. - Owner(s)**

**Including full search against grantee(s) in #47 above/below from July 2, 1976.**

WITNESS the Corporate Seal of said Corporation and the signature of one of its officers this **20th day of March, 2000 at 8:59 A.M.**

**PUBLIC ABSTRACT CORPORATION**

By:   
Authorized Officer

Order No.: **NI-00-579**

Search No.: **32176**

Abstractor: **P. Gagliardi/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 #48 on the date hereof and their successors in interest of record, that the SET-OUTS designated herein by marginal number(s) 53 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 **March 20, 2000 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 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(s)

WITNESS the Corporate Seal of said Corporation and the signature of one of its officers this **21st day of July, 2000 at 3:43 P.M.**

**PUBLIC ABSTRACT CORPORATION**

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

  
Authorized Officer

Order No.: **NI-00-579**

Search No.: **32176**

Abstractor: **P. Gagliardi/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 #48 on the date hereof and their successors in interest of record, that the SET-OUTS designated herein by marginal number(s) **54 thru 56** 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 **July 21, 2000 at 3:43 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 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(s)

WITNESS the Corporate Seal of said Corporation and the signature of one of its officers this **13th day of June, 2003 at 8:59 A.M.**

**PUBLIC ABSTRACT CORPORATION**

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

  
Authorized Officer  
*ps*

Order No.: **NI-03-1879**

Search No.: **32176**

Abstractor: **C. Millham/ps**

48. Premises being the same as particularly described in No. 37 above.

49. Vincent Alessandra

## Warranty Deed

Consideration \$1.00 and no more

Dated: ----- --, 1987

-TO-

Ack.: ----- --, 1987

Rec.: July 31, 1987

Jamie Alessandra, David Alessandra and  
Vincent Alessandra, as tenants in common

Liber 2073 of Deeds, page 329

Conveys premises.

RECITES this conveyance is made and accepted subject to easements, covenants, mortgages and restrictions of record.

50. In RE

Petition in Bankruptcy #91-21999

## Chapter 7

**David Alessandra,  
Bankrupt**

Filed: July 15, 1991

For further Proceedings see United States District Court Western District of New

51. Jamie Alessandra, David Alessandra  
and Vincent Alessandra

## Quit Claim Deed

Consideration \$1.00

Dated: December 19, 1997

-TO-

Ack.: December 19, 1997

Rec.: December 30, 1997

House of the Lord, Inc.

Liber 2796 of Deeds, page 20

Conveys premises.

RECITES same as recited in last above Deed No. 49.

RECITES this conveyance is made as a charitable gift. Grantors are conveying the title of the premises the improvements thereon in the condition as they currently exist. No warranties, express or implied, are being made by the grantors as to the market ability of title, or as to the conditions of the improvements upon the premises. Grantee waives

any and all claims against grantors concerning the title to the premises or the condition of the improvements upon the premises.

---

52.	In RE	Certified Copy of Certificate of Incorporation from the Secretary of State, Albany
	(The) House of the Lord, Inc. File No. 15625	Dated: October 12, 1993 Filed: November 3, 1993 in Niagara County Clerk's Office

Duration: -----

---

**March 20, 2000**  
**@ 8:59 A.M.**

---

53.	House of the Lord, Inc.	Warranty Deed Consideration \$1.00 and more
	-TO-	Dated: July 14, 2000 Ack.: July 14, 2000 Rec.: July 21, 2000
	Hastings Niagara, Inc. (No search vs. grantee)	Liber 3040 of Deeds, page 335

Conveys premises.

See attached copy of court authorization attached.

RECITES, Petitioner, The House of the Lord, Inc. by its attorney, Joseph S. Conti, Esq. having moved this Court for an Order, pursuant to Section 12 of the Religious Corporation Law, granting leave to sell certain real property of the Petitioner as hereinafter described, and said application having regularly come on to be heard,

Now, upon reading and filing the Petition duly verified on the 15th day of March, 2000, and all the exhibits attached in support of the application and after due deliberation have been held thereon, and it appearing that the price of \$10,000 for the sale of premises known as 2001 Main Street, Niagara Falls, New York is fair and reasonable and that proceeds will be used to pay past due property taxes on the subject premises and for other general expenses which serve the purpose of the Petitioner, The House of the Lord, Inc., and that the interest of the members of the said Petitioner Corporation will be promoted thereby,

Now, it is hereby



Ordered, that the Petitioner be and it hereby is authorized to sell to 201 Lockport Street, Inc., the following described real property for the sum of Ten Thousand and 00-100 (\$10,000.00): 2001 Main Street, Niagara Falls, New York.

Ordered, that a copy of this Order by served upon the Attorney General of the State of New York.

**July 21, 2000**

**@ 3:43 P.M.**

54. Affidavit

Affidavit sworn to: April 14, 2000

-OF-

Rec.: July 28, 2000

David Alessandra

Liber 3042 of Deeds, page 264

Deposes and says:

1. Deponent is a grantor in a certain Deed conveying the above described premises which was recorded in the Niagara County Clerk's Office on December 30, 1997 in Liber 2796 of Deeds, page 20.

2. Deponent's attention has been called to a certain judgments, tax liens, warrants or other recorded encumbrances or liens (Petition in Bankruptcy No. 50 above) against a person with a name similar to deponents.

3. That there are no judgments, tax liens, warrants, attachments or other encumbrances or liens of any nature whatsoever against affiant nor has affiant ever been adjudicated incompetent or bankrupt.

4. That affiant has been known by the name in which this affidavit is made (and by no other name) for the last ten years.

5. That this affidavit is made with knowledge that any prudent purchaser, lender or title company will rely upon the veracity of all statements made herein in dealing with the premises.

55. In RE

Certified Certificate of Incorporation  
from the Secretary of State, Albany

Hastings Niagara, Inc.  
File No. 6017975

Dated: June 26, 2000  
Filed: July 26, 2000 in Niagara  
County Clerk's Office

Duration: -----

56. 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.
- 

**June 13, 2003**

**8:59 A.M.**

---

**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. 57** 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 **June 13, 2003 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.

**Hastings Niagara, Inc. - Owner(s)**

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

And executed under seal.

**EQUITY TITLE AGENCY, LLC**

By:

  
Authorized Officer **TC**

Search No.: **N08-1283A**

Abstractor: **P. Cleri/psz**

57. Premises being the same as particularly described in No. 37 above.

**July 18, 2008**

**@ 8:59 A.M.**





122 Niagara St., P.O. Box 551  
Lockport, NY 14095  
[www.NNYChicagoTitle.com](http://www.NNYChicagoTitle.com)

**Search No.:** 1915-0096SCH

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. 58 below** on the date hereof and their successors in interest of record, that the SET-OUTS designated herein by marginal numbers **59 to 63** 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.: 1915-0096SCH

58. Premises being same as described in No. 37 above

---

59. Hastings Niagara, Inc.  
to  
Niagara North, Inc.

**Bargain and Sale Deed**  
**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

---

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

---

61. 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

---

62. 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

---

63. 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

## CHICAGO TITLE

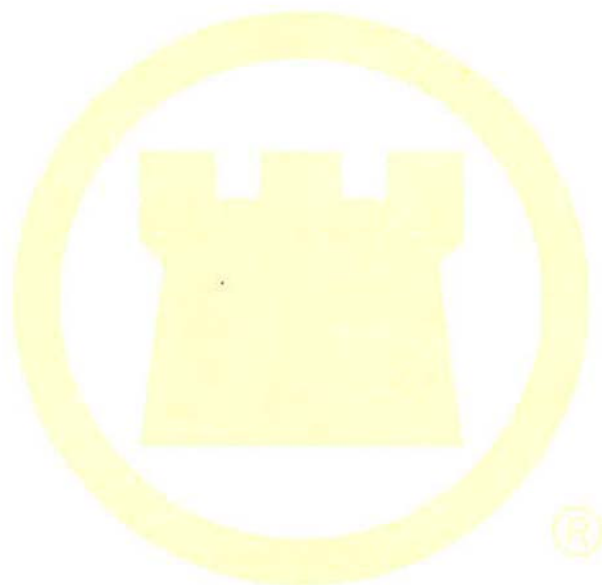
SEARCH NO.: 1915-0096SCH

rents, issues, profits now due or to become due under any lease affecting premises and more  
Contains certain terms and conditions

---

DL DL  
June 18-19  
10:20 AM  
Hassinger

---



Municipality	Type of Tax	Lien Date	Fiscal
<b>Lockport</b>  (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
<b>Niagara Falls</b>  (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
<b>North Tonawanda</b>  (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
<b>Towns</b>	County	January 1	January 1
	School	September 1	July 1
<b>Villages</b> (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](http://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:** 2011 Main Street, (C) Niagara Falls, NY  
SBL: 144.46-2-9

1915-0181EC

## **ABSTRACT OF TITLE**

No. 1915-0105SCH

by



### **Chicago Title**

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



**N08-1769A**

ABSTRACT OF TITLE

-TO-

LOT #36 MILE RESERVE

CITY OF NIAGARA FALLS

NIAGARA COUNTY

SBL #144.46-2-9

WARD 11/PRO 306

**2011 MAIN STREET**



**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 **PARCEL "A"** on the date hereof and their successors in interest of record, that the SET-OUTS designated herein by marginal number(s) **1 thru 22** 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 **September 17, 1886** 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,

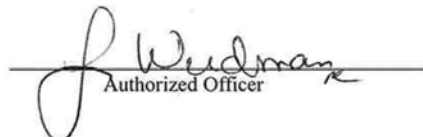
against the names of parties in such ownership in both of said offices of the aforesaid clerks, and GUARANTEE FURTHER that the SET-OUTS herein are correct statements as to such records and indices. The GUARANTEE under this Certificate shall not be limited by time.

**Hastings Niagara, Inc. - Owner(s)**

Dated: **1<sup>st</sup> day of August, 2008 at 8:59 A.M.**  
And executed under seal.

**EQUITY TITLE AGENCY, LLC**

By:

  
Authorized Officer

Search No.: **N08-1769A**

Abstractor: **P. Cleri/M. DiPasquale/psz**

**PARCEL "A"**

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 36 Mile Reserve and known as and being described as the southerly 18 feet of Subdivision Lot No. 4 and the northerly 2 feet of Subdivision Lot No. 5, Block "K" on the east side of Main Street as said Lots are shown on a Map of Bellevue near Niagara Falls, New York, made by Charles L. Beard April 2, 1849 and filed in Niagara County Clerk's Office in Book 7 of Maps, at page 259, also under Cover No. 87, now in Microfilmed Maps Book 6, at page 534.



1. Marie M. Hager

Warranty Deed

-TO-

Dated: September 17, 1886

Ack.: September 17, 1886

Rec.: September 27, 1886

Phillip J. Keller  
(No search vs. grantor)

Liber 181 of Deeds, page 438

Conveys premises.

It is agreed by and between the parties that the grantor reserve the right of way over the above described premises for the purpose of draining or laying drains from his own property into a natural water course running through the above described premises; it is above agreed that the said Maria Hager is to have the right at any time to use the wall on the south line of the premises hereby conveyed as a party wall when put up by Phillip J. Keller and the said Maria M. Hager reserves the right to enter joice or whatever becomes necessary in the course of the erection of any building which said Marie M. Hager desires to erect; it is agreed that all of the above stipulations shall bind the heirs and assigns of both parties.

---

2. WILL

Surrogate's Court Niagara County

-OF-

Dated: March 23, 1922

Probated: April 15, 1922

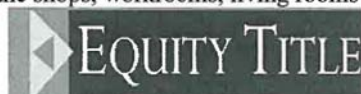
Philip J. Keller,  
Deceased  
**Case K No. 32**

Liber 75 of Wills, page 568

Also recorded in Liber 459 of Deeds,  
page 367 in Niagara County Clerk's Office  
on April 20, 1922 and in Liber 570 of  
Deeds, page 31 on February 3, 1931

Directs payment of all just debts and funeral expenses be paid.

To his son, Charles Philip Keller, having been associated in business with him for many years past, and for about 10 years last past there having been an understanding between them that the meat business of Philip J. Keller & Son, was and should be conducted by them as equal partners and believing that his son, Charles Philip Keller in equity is his equal partner therein and desiring to confirm such equal partnership, he gives, devises and bequeaths to his son, Charles Philip Keller, the real estate, consisting of Lot No. 4 on the east side of Main Street in the City of Niagara Falls, New York, together with the buildings thereon, including the store in which their business has been conducted, the shops, workrooms, living rooms and all appurtenances thereto



and also the good will of their said business, the machinery, tools, and equipment used therein, the stock in trade thereof, the accounts receivable and the cash in banks, deposited in his name, or in the name of Philip J. Keller & Son, or the name of Philip J. Keller and Charles P. Keller, or in the name of Philip J. Keller or Charles P. Keller and also all other property whatsoever, be the same real, personal or mixed, standing in the name of Philip J. Keller & Son or Philip J. Keller and Charles P. Keller or in the name of Philip J. Keller or Charles P. Keller, excepting such real property or stocks or bonds, by requests or devise herein otherwise disposed of.

Makes various cash and personal bequests and bequests of premises other than those in question.

Gives, devises and bequeaths unto his wife, Mary Elizabeth Keller and directs that his Executor pay to her in lieu of dower, the sum of \$2,000.00 each and every year during the term of her natural life and in addition thereto in any year that the net profits of the meat business carried on by his son, Charles Philip Keller, shall exceed \$4,000.00, one-half of the net profits thereof in excess of such \$4,000.00. The term "net profits" is intended to mean the profit remaining from said business in any year, after deducting from the gross receipts of such business the total cost of carrying on the same. And for the purpose of securing to his wife the payment of the sums in this paragraph bequeathed, payment of the same shall be made a charge upon the real estate described as Lot No. 4 on the east side of Main Street in the City of Niagara Falls, NY.

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

Appoints his son, Charles Philip Keller, Executor.

Petition for Probate filed April 13, 1922 recites decedent died on or about April 4, 1922 leaving him surviving: his widow, Mary Elizabeth Keller, full age and Charles Philip Keller, son, full age and others.

**Letters Testamentary issued to Charles Philip Keller on April 15, 1922 recorded in Liber 17 of Letters, page 10.**

---

3.	In RE	Surrogate's Court Niagara County
		Petition for Probate
	Mary Elizabeth Keller,	
	Deceased	Filed: July 7, 1937
	<b>Case No. 2186</b>	

RECITES decedent died on or about June 23, 1937.

---





4. Charles Philip Keller and  
Margaret C., his wife

Warranty Deed

Dated: June 7, 1963

Ack.: June 14, 1963

Rec.: July 10, 1963

-TO-

Secene Moses

Liber 1415 of Deeds, page 393

Conveys premises.

SUBJECT to a Party Wall Agreement as set forth in Deed No. 1 above.

---

5. Louis C. Kraegel and Charlotte M.,  
his wife, as Executor and Executrix  
of the Last Will and Testament of  
Thecla C. Hager, deceased; and  
Charlotte M. Kraegel, individually

Warranty Deed

Dated: August 1, 1919

Ack.: May 15, 1920

Rec.: May 21, 1920

-TO-

Liber 439 of Deeds, page 362

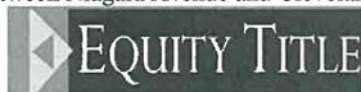
James John Demas

(No search vs. any of the parties hereto.

Shown 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, bounded and described as follows:

COMMENCING at a point in the easterly line of Main Street, at a point which is 124.28 feet distant southerly (measured along the easterly line of said Main Street) from the point of intersection of the easterly line of Main Street with the southerly line of Niagara Avenue; running thence southerly still along the easterly line of Main Street, 17.86 feet more or less to the center line of the brick party wall between the premises hereby conveyed and the premises owned by Philip J. Keller; thence easterly in a straight line through the center of said brick party wall, and said center line extended, about 173.48 feet to a point in the westerly line of an alley to a point therein which is about 138.56 feet southerly from the southerly line of Niagara Avenue, aforesaid; thence northerly along the westerly line of said alley to a point therein which is 120.09 feet southerly from the south line of said Niagara Avenue, aforesaid; thence westerly in a straight line, about 177.11 feet to a point in the easterly line of Main Street, at the point of beginning, containing more or less and being part of the north middle part of Lot No. 4 in Block "K" as shown on "Stuart's Map of Bellevue near Niagara Falls, NY, 1847" filed in Niagara County Clerk's Office February 3, 1857 and also shown on a later Map entitled "Survey of Lot No. 4 on the east side of Main Street between Niagara Avenue and Cleveland Avenue as shown on Stuart



Map of 1847 December 1919 by C. W. Collison, Engineer”.

RECITES being part of the premises conveyed to Maria M. Hager, deceased, by Deed recorded in Liber 140 of Deeds, at page 260 on October 8, 1875.

It is also agreed as a part of the consideration hereof that said Charlotte M. Kraegel shall have the right at any time to use the wall on the north line of the premises herein conveyed as a party wall and the right to enter joists or whatever becomes necessary in the course of erection of any building which said Charlotte M. Kraegel may desire to erect or her heirs or assigns.

6. WILL Surrogate's Court Niagara County

-OF-

Dated: December 24, 1969

Probated: June 5, 1970

Secene Moses,

Deceased

**File No. 36087**

Directs payment of all his just debts and funeral expenses.

Makes various bequests of premises other than those in question.

All the rest, residue and remainder of his property, of whatsoever kind and nature, and wheresoever situate or being, of which he may die seized, he gives, devises and bequeaths to his two daughters, share and share alike absolutely and forever.

Appoints his sister, Mary M. Hagopian, Executrix with full power and authority to sell and convey real estate, etc.

Petition for Probate filed June 5, 1970 recites decedent died on May 12, 1970 leaving him surviving: Frances Hout, daughter, full age and Diana Bidak, daughter, full age.

That decedent left him surviving no widow.

**Letters Testamentary issued to Mary M. Hagopian on June 5, 1970 and recorded in Liber 46 of Letters Testamentary, page 463.**

No Transfer Tax Proceedings filed.

7. Mary M. Hagopian, as Executrix  
of Estate of Secene Moses,  
under the Last Will and Testament  
of Secene Moses, deceased

Executor's Deed  
Consideration \$6,000.00

Dated: January 14, 1971

Ack.: January 14, 1971

Rec.: February 16, 1971

-TO-

Edmond P. DiBacco

Liber 1514 of Deeds, page 475

Conveys premises.



SUBJECT to above Party Wall Agreement at No. 1 to any restrictions and reservations of record now affecting subject premises.

---

8. Edmond P. DiBacco Warranty Deed

-TO-

Dated: August 5, 1976  
Ack.: August 5, 1976  
Rec.: January 13, 1977

Mary Lozina

Liber 1594 of Deeds, page 589

Conveys premises.

SUBJECT to same as recited in above Deed No. 7.

---

9. Mary Lozina Warranty Deed

-TO-

Dated: December 31, 1979  
Ack.: December 31, 1979  
Rec.: January 3, 1980

John Lozina

Liber 1684 of Deeds, page 42

Conveys premises.

SUBJECT to Party Wall Agreement in No. 1 and to restrictions and reservations of record now affecting subject premises.

---

10. John Lozina Warranty Deed

-TO-

Dated: July 18, 1988  
Ack.: July 18, 1988  
Rec.: July 20, 1988

Mark W. Farrell

Liber 2135 of Deeds, page 3

Conveys premises.

SUBJECT to Party Wall Agreement in No. 1 and restrictions and reservations of record now affecting premises.

---



11. Mark W. Farrell Purchase Money Mortgage  
\$53,500.00

-TO-

Dated: July 18, 1988  
Ack.: July 18, 1988  
Rec.: July 20, 1988

John Lozina

Liber 1973 of Mortgages, page 5

Covers premises.

SUBJECT to same as in last above Deed.

---

12. Mark W. Farrell Warranty Deed

-TO-

Dated: December 1, 1990  
Ack.: December 1, 1990  
Rec.: December 13, 1990

Matthew J. Celenza and  
Patrick D. McCune

Liber 2299 of Deeds, page 277

Conveys premises.

SUBJECT to the Party Wall Agreement in No. 1 above.

RECITES this conveyance is made and accepted subject to an indebtedness secured by  
above Mortgage No. 11 which grantee assume and agree to pay.

Grantees sign and acknowledge.

---

13. Matthew J. Celenza and Mortgage \$40,000.00  
Patrick D. McCune

-TO-

Dated: December 5, 1990  
Ack.: December 5, 1990  
Rec.: December 13, 1990

Mark W. Farrell

Liber 2245 of Mortgages, page 262

Covers premises.

SUBJECT to the Party Wall Agreement in No. 1 above.

---



14. Matthew J. Celenza

Warranty Deed

-TO-

Dated: June 24, 1992

Ack.: June 24, 1992

Rec.: December 24, 1992

Michael DeSantis

Liber 2422 of Deeds, page 80

Conveys premises.

SUBJECT to Party Wall Agreement at No. 1 above.

ALSO SUBJECT to above Mortgage Nos. 11 and 13 which grantee assumes and agrees to pay.

Grantee signs and acknowledges.

15. Patrick D. McCune

Warranty Deed

-TO-

Dated: June 26, 1992

Ack.: June 26, 1992

Rec.: December 24, 1992

Michael De Santis

Liber 2422 of Deeds, page 82

Conveys premises.

SUBJECT to same as recited in last above Deed.

Grantee signs and acknowledges.

16. In the Matter

Supreme Court

Niagara County

-OF-

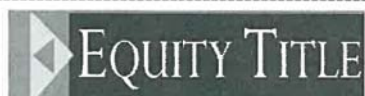
Index No.: 091742

Rec.: September 1, 1995

The Foreclosure of Tax Liens pursuant to (Article VIII, Section 214 & 214-( ) of the City of Niagara Falls) and Article 11, Title 3 of the Real Property Tax Law of the State of New York by the City of Niagara Falls, New York

In REM action to foreclose unpaid taxes affecting south part of Lot 4, north part of Lot 5, Tax Map No. 42, Main Street, 20 x 174.74, Ward 11, Pro 306, Serial No. 396.

Assessed to: Michael DeSantis





17. Patrick D. Brown, Deed  
City Controller
- TO-
- City of Niagara Falls,  
New York
- Dated: September 9, 1996  
Ack.: September 9, 1996  
Rec.: September 9, 1996
- Liber 2677 of Deeds, page 10

Conveys premises pursuant to judgment in last above Action.

---

18. City of Niagara Falls, Quit Claim Deed  
New York
- TO-
- Alfred C. Nix
- Dated: September 4, 1997  
Ack.: September 4, 1997  
Rec.: September 15, 1997
- Liber 2768 of Deeds, page 162

Conveys premises.

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19. In the Matter Supreme Court  
Niagara County
- OF-
- The Foreclosure of Tax Liens pursuant  
to (Article VIII, Section 214 & 214-( )  
of the City of Niagara Falls) and  
Article 11, Title 3 of the Real Property  
Tax Law of the State of New York by  
the City of Niagara Falls, New York
- Index No.: 109624  
Rec.: August 24, 2001

In REM action to foreclose unpaid taxes affecting part of Lot 4 and Lot 5, Main Street,  
SBL #144.46-2-9, Ward 11, Pro 306, Serial No. 364.

Assessed to: Alfred C. Nix

---



20. Maria C. Brown, City Controller  
and Enforcing Officer of the  
City of Niagara Falls, NY

Deed

Dated: May 31, 2002

Ack.: May 31, 2002

Rec.: June 5, 2002

-TO-

City of Niagara Falls,  
New York

Liber 3199 of Deeds, page 309

Conveys premises pursuant to judgment in last above Action.

---

21. City of Niagara Falls,  
New York

Quit Claim Deed

Dated: June 7, 2002

Ack.: June 7, 2002

Rec.: June 13, 2002

-TO-

Hastings Niagara, Inc.

Liber 3200 of Deeds, page 246

Conveys premises.

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22. In RE

<sup>copy</sup>  
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

*Filed in Secretary of State's Office  
on 6/27/00*

Duration: -----

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**August 1, 2008**

**@ 8:59 A.M.**

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122 Niagara St., P.O. Box 551  
Lockport, NY 14095  
[www.NNYChicagoTitle.com](http://www.NNYChicagoTitle.com)

**Search No.:** 1915-0105SCH

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. 23 below** on the date hereof and their successors in interest of record, that the SET-OUTS designated herein by marginal numbers **24 to 28** 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 **August 1, 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.: 1915-0105SCH

23. 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 36 Mile Reserve and known as and being described as the southerly 18 feet of Subdivision Lot 4 and the northerly 2 feet of Subdivision Lot 5, Block "K" on the east side of Main Street formerly Lewiston Avenue as said Lots are shown on a Map of Bellevue near Niagara Falls, New York, made by Charles L. Beard April 2, 1849 and filed in Niagara County Clerk's Office in 1849 under Cover No. 87 now in Book 6 of Microfilmed Maps page 534

- 
24. 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 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 all that tract or parcel of land situate in the City of Niagara Falls, County of Niagara and State of New York, known as and being SBL #144.46-2-9, Ward 11, Pro 0306, 2011 MAIN ST, with a frontage of 20 feet and a depth of 171.74 feet, and having Serial No. 364 as contained in the List of Delinquent Taxes filed August 24, 2001 (Index No. 109624) pursuant to Article 11, Title 3 of the Real Property Tax Law of the State of New York

Premises also known as 2011 Main Street, Niagara Falls, New York  
SBL# 144.46-2-9 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

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

- 
26. 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

## CHICAGO TITLE

SEARCH NO.: 1915-0105SCH

27.      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

28.      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 premises and more  
Contains certain terms and conditions

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



Municipality	Type of Tax	Lien Date	Fiscal
<b>Lockport</b>  (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
<b>Niagara Falls</b>  (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
<b>North Tonawanda</b>  (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
<b>Towns</b>	County	January 1	January 1
	School	September 1	July 1
<b>Villages</b> (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