

Recording Information

Abstract No.: 5094415

Property Address: 113-135 Ridge Road

Owner: City of Lackawanna

Recording Info.: (attach receipt)

MICHAEL P. KEARNS, ERIE COUNTY CLERK
REF:

DATE: 4/4/2019
TIME: 1:37:19 PM
RECEIPT: 19051152

FRONTIER ABSTRACT & RESEARCH SERVICES
ACCOUNT #: 9186

ITEM - 01 740
RECD: 4/4/2019 1:45:41 PM
FILE: 2019065481 BK/PG D 11342/8694
LACKAWANNA FDS 715551 LLC
LEXCO INC

Recording Fees	75.50
Subtotal	75.50

TOTAL DUE	\$75.50
PAID TOTAL	\$75.50
PAID CHECK	\$75.00
Check #15060:	75.00
PAID ESCROW	\$0.50

REC BY: Mary Grace
COUNTY RECORDER

NOTICE OF TRANSFER OF CERTIFICATE OF COMPLETION

Environmental Restoration Program

Pursuant to 6 NYCRR Part 375-1.9(d)

Six Vacant Lots on Ridge Road ID No. E915188

Address: 113 - 135 Ridge Road Lackawanna, NY 14218

PLEASE TAKE NOTICE, that pursuant to 6 NYCRR 375-1.9(d), City of Lackawanna hereby transfer(s) the Certificate of Completion (COC) issued by the Department of Environmental Conservation on 8/1/18 for the site described below. Such COC was issued upon satisfaction of the Commissioner, following review by the Department of the final engineering report and data submitted pursuant to the State Assistance Contract, as well as any other relevant information regarding the Site, that the remediation requirements set forth in ECL Article 56, title 5 had been or would be achieved in accordance with the time frame, if any, established in the remedial work plan.

PLEASE TAKE NOTICE, that 6 Vacant Lots on Ridge Road is located at 113 - 135 Ridge Road Lackawanna, NY, Erie County. The Site is bearing DEC site number: E915188 and is more fully described on Schedule A attached hereto ("Site"). The Tax Map Identification Number(s) for site is/are: 141.43-1-6.1

PLEASE TAKE NOTICE, that a Notice of Certificate of Completion for the Site was filed in the Erie County Clerk's Office on August 31, 2018 in Liber 11333 Of Deeds at Page 9120.

PLEASE TAKE NOTICE, that on 11/9/17 the City of Lackawanna conveyed title to the Site to Lackawanna FDS 715551, LLC by Deed recorded in Liber 11321 Of Deeds at Page 3478

PLEASE TAKE NOTICE, Lackawanna FDS 715551, LLC hereby transfers the Certificate to the following new property owner(s) as provided for pursuant to 6 NYCRR 375-1.9(d):

Lexco, Inc.

(New Property Owner)

13-3796138

(Employer Identification Number)

Jay Simons, Authorized
Representative (if applicable)

Signatory

1681 Ocean Blvd. Rye, New Hampshire 03870
(Address)

Goldberg Weprin Finkel Goldstein LLP
(Address)

1501 Broadway, 22nd Floor
NY, NY 10036

FILED

APR 04 2019

ERIE COUNTY
CLERK'S OFFICE

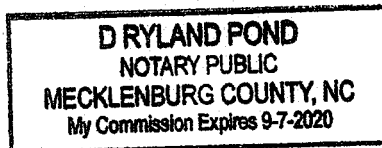
PLEASE TAKE FURTHER NOTICE, that if there is an environmental easement for this site, that Lexco, Inc. recognize(s) and agree(s) to implement the Department-approved Site Management Plan, and any amendments thereto, and to fully comply with all restrictions and affirmative obligations contained therein as well as in the Environmental Easement for the Site.

WHEREFORE, the undersigned have signed this Notice of Transfer of Certificate of Completion as of this 25th of March, 2019
(Day) (Month, Year)

Lackawanna FDS 715551, LLC
(Certificate Holder(s)) By: DBN Durbin Management, LLC,
its Manager
By: [Signature]
(Authorized Signator) Glen D. Cherry, Manager

Sworn to before me this

25th of March, 2019
(Day) (Month, Year)
D. Ry [Signature]
(Notary Signature)



Lexco, Inc.
(New Property Owner(s))

By: Jay Simons
(Authorized Signator)

Sworn to before me this

18th of March 2019
(Day) (Month, Year)
[Signature]
(Notary Signature)

YAN K. LAURENCY
Notary Public, State of New York
Qualified in Westchester County
No. 02LA6232770
My Commission Expires Dec. 13, 2022

SCHEDULE "A" PROPERTY DESCRIPTION

Schedule A

All that tract or parcel of land, situate in the City of Lackawanna, County of Erie and State of New York being part of Lot No. 35, Township 10, Range 8 of the Buffalo Creek Reservation and being Sublot 6, under Map Cover 680, filed in the Erie County Clerk's Office and being the same land acquired by Erie County as Serial No. 223 in the County's In Rem Tax Foreclosure action No. 133; and also

All that tract or parcel of land, situate in the City of Lackawanna, County of Erie, State of New York, and being part of Farm Lot 35, Township 10, Range 8, and being Sublot 7 and the East 10' of Sublot 6, under Map Cover 680, filed in the Erie County Clerk's Office, Fox Tract Subdivision, (117-119) Ridge Road., South side, 50' x 140'; and being the same land acquired by Erie County as Serial No. 475 in the County's In Rem Tax Foreclosure action No. 135; and

All that tract or parcel of land, situate in the City of Lackawanna, County of Erie and State of New York, being part of Great Lot Number thirty-five (35), Buffalo Creek Reservation, and Number Twenty-four (24) and Twenty-eight (28) of the Gore Tract, Township ten (10), Range Eight (8) more particularly described as follows:

Beginning at a point on the southerly line of Ridge Road one hundred and twenty (120) feet westerly from the westerly line of Wasson Street; thence running southerly at right angles one hundred and forty (140) feet; thence running westerly at right angles forty (40) feet; thence running northerly at right angles one hundred and forty (140) feet; thence running easterly at right angles forty (40) feet to the point of beginning.

Being Subdivision Lot Number Eight (8) Block "G" as shown on map filed under Cover number 680 in the Erie County Clerk's Office.

Together with and subject to the benefits and burdens of a driveway agreement dated April 22, 1920, recorded in the Erie County Clerk's Office June 23 1920, in Liber 1485 of Deeds, at Page 628; and

All that tract or parcel of land, situate in the City of Lackawanna, County of Erie and State of New York being part of Lot No. 35, Township 10, Range 8 of the Buffalo Creek Reservation and according to map filed under Cover No. 680 is known as Subdivision Lot No. Nine (9) in Block "C" being 40 feet front and rear by 140 feet in depth; and

All that tract or parcel of land, situate in the City of Lackawanna, County of Erie and State of New York, and being part of Lot No. 35, of the Buffalo Creek Reservation, Township 10, Range 8 and being Subdivision Lot No. 10 and Subdivision Lot No. 11, Block C of the Fox Tract Subdivision; intending to be the same lands acquired by Erie County as Serial No. 994 and 995 in the County's In Rem Tax Foreclosure action No. 137.

**NOTICE OF CERTIFICATE OF COMPLETION
Environmental Restoration Program
Pursuant to 6 NYCRR Part 375-1.9(d)**

FILED

AUG 31 2018

**ERIE COUNTY
CLERK'S OFFICE**

Six Vacant Lots on Ridge Road, Site ID No. E915188
113-135 Ridge Road, Lackawanna, New York 14218
City of Lackawanna, Erie County, Tax Map Identification Number 141.43-1-6.1

PLEASE TAKE NOTICE, the New York State Department of Environmental Conservation (Department) has issued a Certificate of Completion (Certificate) pursuant to 6 NYCRR Part 375 to the City of Lackawanna for a parcel approximately 0.77 acres in size, located at 113-135 Ridge Road in the City of Lackawanna, Erie County.

PLEASE TAKE NOTICE, the Certificate was issued upon satisfaction of the Commissioner, following review by the Department of the final engineering report and data submitted pursuant to the State Assistance Contract, as well as any other relevant information regarding the Site, that the remediation requirements set forth in ECL Article 56, Title 5 have been or will be achieved in accordance with the time frames, if any, established in the remedial work plan.

PLEASE TAKE NOTICE, the remedial program for the Site has achieved a cleanup level that would be consistent with the following categories of uses (actual site use is subject to local zoning requirements):

- ☐ Residential Use, as set forth in 6 NYCRR 375-1.8(g)(2)i.
- ☐ Restricted Residential Use, as set forth in 6 NYCRR 375-1.8(g)(2)ii.
- ☒ Commercial Use, as set forth in 6 NYCRR 375-1.8(g)(2)iii.
- ☒ Industrial Use, as set forth in 6 NYCRR 375-1.8(g)(2)iv.

Further, the use of groundwater is restricted and may not be used, unless treated in accordance with the requirements provided by the New York State Department of Health, or a local County Health Department with jurisdiction in such matters and such is approved by the Department as not inconsistent with the remedy.

PLEASE TAKE NOTICE, since the remedial program relies upon use restrictions or the long-term employment of institutional or engineering controls; such institutional or engineering controls are contained in an Environmental Easement and an Amendment to that Environmental Easement, granted pursuant to ECL Article 71, Title 36, which have been duly recorded in the Recording Office for Erie County as File # 2017205794 in Book D11319 at Page 9728, and as amended by File #2018123865 in Book D11330 at Page 8736, respectively.

PLEASE TAKE NOTICE, the Environmental Easement requires that the approved site management plan (SMP) for this property be adhered to. The SMP, which may be amended from time to time, may include sampling, monitoring, and/or operating a treatment system on the property, providing certified reports to the NYSDEC, and generally provides for the management of any and all plans and limitations on the property. A copy of the SMP is available upon request by writing to the Department's Division of Environmental Remediation, Site Control Section, 625 Broadway, Albany, New York 12233.

PLEASE TAKE NOTICE, provided that the Environmental Easement, SMP and Certificate are complied with, the Certificate holder(s) shall be entitled to the liability limitation provided in ECL Section 56-0509. The liability limitation shall run with the land, extending to the Certificate holder's successors or assigns through acquisition of title to the Site and to a person who develops or otherwise occupies the

Six Vacant Lots on Ridge Road, Site ID No. E915188
113-135 Ridge Road, Lackawanna, New York

Site, subject to certain limitations as set forth in ECL Section 56-0509. The liability limitation shall be subject to all rights reserved to the State by ECL Section 56-0509 and any other applicable provision of law.

PLEASE TAKE NOTICE, any change of use of the site, as defined in 6 NYCRR 375, must be preceded by notice to the Department in accordance with 6 NYCRR 375-1.11(d). A transfer of any or all of the property constitutes a change of use.

PLEASE TAKE NOTICE, the Certificate may be revoked if the Environmental Easement as implemented, if applicable, is not protective or enforceable.

PLEASE TAKE NOTICE, the Certificate may be only be transferred to the Certificate holder's successors or assigns upon transfer or sale of the Site as provided by 6 NYCRR Part 375-1.9. Failure to comply with the regulatory requirements for transfer WILL bar the successors and assigns from the benefits of the Certificate.

PLEASE TAKE NOTICE, the Certificate may be modified or revoked by the Commissioner as set forth in the applicable regulations.

PLEASE TAKE NOTICE, a copy of the Certificate can be reviewed at the NYSDEC's Region 9 office located at 270 Michigan Avenue, Buffalo, NY 14203 by contacting the Regional Environmental Remediation Engineer.

WHEREFORE, the undersigned has signed this Notice of Certificate

City of Lackawanna

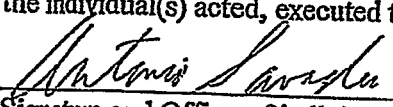
By: 

Title: Mayor

Date: 30/06/18

STATE OF NEW YORK) SS:
COUNTY OF Erie)

On the 30th day of August, in the year 2018, before me, the undersigned, personally appeared GEORGEY M. SZYMBORSKI, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.


Signature and Office of individual
taking acknowledgment

ANTONIO SAVAGLIO
Notary Public, State of New York
Qualified in Erie County
My Commission Expires 11/3/18

Please record and return to:
City of Lackawanna
City Hall, Room 301
714 Ridge Road
Lackawanna, New York 14218

IC/EC CERTIFICATIONS

Qualified Environmental Professional Signature

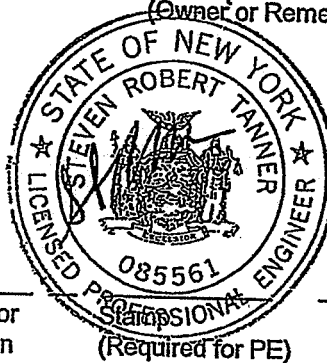
Box 7

I certify that all information in Boxes 4 and 5 are true. I understand that a false statement made herein is punishable as a Class "A" misdemeanor, pursuant to Section 210.45 of the Penal Law.

I Steven R. Tanner at Clark Patterson Lee
print name print business address

am certifying as a Qualified Environmental Professional for the City of Lackawanna
(Owner or Remedial Party)

[Signature]
Signature of Qualified Environmental Professional, for
the Owner or Remedial Party, Rendering Certification



9/10/18
Date