

Notice to Municipality

August 25, 2017

Stephanie A. Miner, Mayor
City of Syracuse
203 City Hall
233 East Washington Street
Syracuse, NY 13202

Re: Amendment to Environmental Easement

Dear Mayor Miner:

On or about July 10, 2017, notice was provided to you, that an environmental easement (the "Environmental Easement") was granted to the New York State Department of Environmental Conservation ("Department") by certain parties that own land that comprise BCP Site Number C734135, all as set forth below.

Name	Property Address	Tax Parcel
Destiny USA Real Estate, LLC	311-71 Hiawatha Boulevard W Syracuse, NY 12233	116.-02-01.0
Destiny USA Land Company, LLC	550 Solar Street Syracuse, NY 12233	116.-02-08.1
Destiny USA Land Company, LLC	540 Solar Street Syracuse, NY 12233	116.-02-07.0
Destiny USA Land Company, LLC	Old Hiawatha Boulevard	To be apportioned

A copy of the Environmental Easement was attached to such notice.

The Environmental Easement was amended by that certain Amendment to Environmental Easement (the "Amendment"), a copy of which is enclosed with this notice. The Amendment restricts future use of the above-referenced property to Commercial and Industrial uses. Any on-site activity must be done in accordance with the Environmental Easement, as amended, and the Site Management Plan which is incorporated into the Environmental Easement, as amended. Department approval is also required prior to any groundwater use.

Article 71, Section 71-3607 of the New York State Environmental Conservation Law requires that:

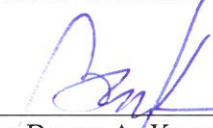
1. Whenever the department is granted an environmental easement, it shall provide each affected local government with a copy of such easement and shall also provide a copy of any documents modifying or terminating such environmental easement.

2. Whenever an affected local government receives an application for a building permit or any other application affecting land use or development of land that is subject to an environmental easement and that may relate to or impact such easement, the affected local government shall notify the department and refer such application to the department. The department shall evaluate whether the application is consistent with the environmental easement and shall notify the affected local government of its determination in a timely fashion, considering the time frame for the local government's review of the application. The affected local government shall not approve the application until it receives approval from the department.

An electronic version of every environmental easement that has been accepted by the Department is available to the public at: <http://www.dec.ny.gov/chemical/36045.html>. Please forward this notice to your building and/or planning departments, as applicable, to ensure your compliance with these provisions of New York State Environmental Conservation Law. If you have any questions or comments regarding this matter, please do not hesitate to contact me.

Very truly yours,

**DESTINY USA REAL ESTATE, LLC
DESTINY USA LAND COMPANY, LLC**

By: 
Name: Bruce A. Kenan
Title: Authorized Party

cc: Joseph Fahey
Department of Law
300 City Hall
233 E. Washington Street
Syracuse, New York 13202

Honorable Joanie Mahoney
Onondaga County Executive
14th Floor
John H. Mulroy Civic Center
Syracuse, New York 13202

Robert Durr
Onondaga County Department of Law
John H. Mulroy Civic Center 10th FL.
421 Montgomery Street
Syracuse, New York 13202

Lisa Dell, County Clerk
401 Montgomery Street
Room 200
Syracuse, NY 13202
(315) 435-2226

Onondaga County Clerk Recording Cover Sheet

Received From :
PYRAMID MANAGEMENT
4 CLINTON ST
SYRACUSE, NY 13202

Return To :
Attn: THE CLINTON EXCHANGE
PYRAMID MANAGEMENT
Attn: THE CLINTON EXCHANGE
4 CLINTON ST
SYRACUSE, NY 13202

Method Returned : MAIL

First PARTY 1

DESTINY USA REAL ESTATE LLC

First PARTY 2

NYS DEPT OF ENVIROMENTAL CONSERVATION

Index Type : Land Records

Instr Number : 2017-00029391

Book : Page :

Type of Instrument : Easement

Type of Transaction : Ease, R-Way

Recording Fee: \$90.50

Recording Pages : 9

The Property affected by this instrument is situated in Syracuse, in the County of Onondaga, New York

Real Estate Transfer Tax

RETT # : 1079

Deed Amount : \$0.00

RETT Amount : \$0.00

Total Fees : \$90.50

State of New York

County of Onondaga

I hereby certify that the within and foregoing was recorded in the Clerk's office for Onondaga County, New York

On (Recorded Date) : 08/25/2017

At (Recorded Time) : 11:49:00 AM



Doc ID - 0250361300009

Lisa Dell
Lisa Dell, County Clerk



This sheet constitutes the Clerks endorsement required by Section 319 of Real Property Law of the State of New York

Entered By: EKARALUNAS Printed On : 08/25/2017 At : 11:49:48AM

AMENDMENT TO ENVIRONMENTAL EASEMENT

This Amendment to Environmental Easement is made as of this ~~16th~~^{14th} day of August 2017, by and between The People of the State of New York, acting through their Commissioner of the Department of Environmental Conservation (“NYSDEC” or the “Department”) with its headquarters located at 625 Broadway, Albany, New York 12233, and Destiny USA Real Estate, LLC and Destiny USA Land Company, LLC (collectively the “Grantor”) with its offices located at The Clinton Exchange, 4 Clinton Street, Syracuse, New York 13202.

RECITALS

1. Grantor, Destiny USA Real Estate, LLC, is the owner of real property located at the address of 311-71 Hiawatha Boulevard West in the City of Syracuse, County of Onondaga and State of New York, known and designated on the tax map of the County Clerk of Onondaga as tax map parcel numbers: Section 116 Block 02 Lot 01.0, being the same as that property conveyed to Grantor by deed dated June 14, 2016 and recorded in the Onondaga County Clerk's Office in Liber and Page 5376/767.
2. Grantor, Destiny USA Land Company, LLC, is the owner of real property located at the address of 550 Solar Street in the City of Syracuse, County of Onondaga and State of New York, known and designated on the tax map of the County Clerk of Onondaga as tax map parcel numbers: Section 116 Block 02 Lot 08.1, being a portion of the property conveyed to Grantor by deed dated June 27, 2013 and recorded in the Onondaga County Clerk's Office in Liber and Page 5243/376.
3. Grantor, Destiny USA Land Company, LLC, is the owner of real property located at the address of 540 Solar Street in the City of Syracuse, County of Onondaga and State of New York, known and designated on the tax map of the County Clerk of Onondaga as tax map parcel numbers: Section 116 Block 02 Lot 07.0, being a portion of the property conveyed to Grantor by deed dated June 27, 2013 and recorded in the Onondaga County Clerk's Office in Liber and Page 5243/376.
4. Grantor, Destiny USA Land Company, LLC, is the owner of real property which was formerly part of the street known as Old Hiawatha Boulevard in the City of Syracuse, County of Onondaga and State of New York, being a portion of the property conveyed by the State of New York to Grantor by Letters Patent dated October 15, 2015 and recorded in Book of Patents No. 116 at Page 1.
5. The property referenced above comprises approximately 22.843 +/- acres combined, and is hereinafter more fully described in Exhibit A.
6. The Department and Grantor entered into that certain Environmental Easement (“Easement Agreement”) dated as of June 7, 2017 and recorded in the office of the Onondaga County Clerk on June 21, 2017 in Liber 05430, Page 0501. Capitalized terms used herein without definition have the meanings ascribed to them in the Environmental Easement Agreement.

7. Pursuant to Section 1, 2, 3, 4, and 5 of the Easement Agreement, Grantor granted the Department rights and interests that run with the land in perpetuity in order to provide an effective and enforceable means of encouraging the reuse and redevelopment of the Controlled Property at a level that has been determined to be safe for a specific use while ensuring the performance of maintenance, monitoring or operation requirements; and to ensure the potential restriction of future uses of the land that are inconsistent with the stated purpose.
8. The Easement Agreement dated June 7, 2017 erroneously stated at Paragraph 2(A)(1) that the Controlled Property was only to be used for “Restricted Residential as described in 6 NYCRR Part 375-1.8(g)(2)(ii), Commercial as described in 6 NYCRR Part 375-1.8(g)(2)(iii) and Industrial as described in 6 NYCRR Part 375-1.8(g)(2)(iv)”, and may only be used consistent with controls set out in that Section 2(A) of the Easement Agreement.
9. This Amendment to Environmental Easement is filed solely in order to correct a mutual mistake between the Department and Grantor relating to the allowed uses of the Controlled Property in Paragraph 2(A)(1) and prohibited uses of the Controlled Property in Paragraph 2(B) to that Environmental Easement dated June 7, 2017 and recorded in the office of the Onondaga County Clerk on June 21, 2017 in Liber 05430, Page 0501.
10. Pursuant to Section 8 of the Easement Agreement, the Department agrees to amend the Easement Agreement in the manner prescribed by Article 9 of the Real Property Law.

AMENDMENT OF ENVIRONMENTAL EASEMENT

- A. The above recitals are hereby incorporated into this Amendment of Environmental Easement.
- B. The Department and Grantor hereby agree that Paragraph 2(A)(1) of the Environmental Easement is hereby amended to read as follows:
 - (1) The Controlled Property may be used for:

Commercial as described in 6 NYCRR Part 375-1.8(g)(2)(iii) and Industrial as described in 6 NYCRR Part 375-1.8(g)(2)(iv)
- C. The Department and Grantor hereby agree that Paragraph 2(B) of the Environmental Easement is hereby amended to read as follows:
 - (B) The Controlled Property shall not be used for Residential or Restricted Residential purposes as defined in 6NYCRR 375-1.8(g)(2)(i) and (ii), and the above-stated engineering controls may not be discontinued without an amendment or extinguishment of this Environmental Easement.

- D. All other terms of the June 7, 2017 Environmental Easement shall remain in effect.
- E. This Amendment of Environmental Easement inures to and binds the parties hereto and their respective successors and assigns.
- F. This Amendment of Environmental Easement shall be governed by and interpreted in accordance with the laws of the State of New York.

IN WITNESS WHEREOF, Grantor has caused this Amendment to Environmental Easement to be signed in its name.

Destiny USA Land Company, LLC:

By: Pyramid Company of Onondaga, its sole member and manager

By:  _____

Print Name: Bruce A. Kenan

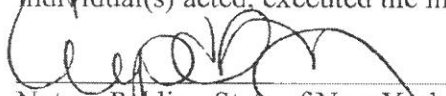
Title: Executive Committee Member

Date: August 7, 2017


Grantor's Acknowledgment

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

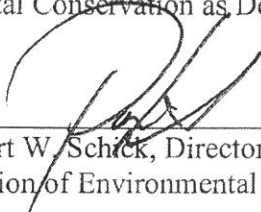
On the 7th day of August, in the year 2017, before me, the undersigned, personally appeared Bruce A. Kenan, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name is (are) subscribed to the within instrument and acknowledged to me that he/she/they 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.



Notary Public - State of New York

CRYSTAL J. MEDER
Notary Public, State of New York
No. 01ME6217068
Qualified in Onondaga County
Commission Expires February 8, 2018 

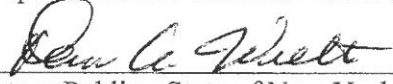
THIS AMENDMENT OF THE ENVIRONMENTAL EASEMENT IS HEREBY ACCEPTED BY THE PEOPLE OF THE STATE OF NEW YORK, Acting By and Through the Department of Environmental Conservation as Designee of the Commissioner,

By: 
Robert W. Schick, Director
Division of Environmental Remediation

Grantee's Acknowledgment

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

On the 16th day of August, in the year 2017, before me, the undersigned, personally appeared Robert W. Schick, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity as Designee of the Commissioner of the State of New York Department of Environmental Conservation, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.


Notary Public - State of New York

Drew A. Wellette
Notary Public, State of New York
Qualified in Schenectady Co.
No. 01WE6089074
Commission Expires 03/17/ 2019

SCHEDULE "A" PROPERTY DESCRIPTION

LEGAL DESCRIPTION
Brownfield Cleanup Program
Oil City/Carousel Center – Site 7
DEC Site#: C734135

All that certain tract, piece or parcel of land, situate in the City of Syracuse, County of Onondaga, State of New York, lying generally northeasterly of Solar Street and generally southeasterly of West Hiawatha Boulevard and being more particularly bounded and described as follows:

BEGINNING at the point of intersection with the northeasterly margin of Solar Street with the division line between the lands now or formerly of the City of Syracuse Industrial Development Agency (S.I.D.A.) as described in Book 5029 of Deeds at Page 571 on the southeast and the lands now or formerly of Destiny USA Land Company, LLC as described as Parcel G in Book 5243 of Deeds at Page 376 on the northwest;

Thence North 50 deg. 26 min. 30 West, along the northeasterly margin of Solar Street and its prolongation thereof, 1,160.29 feet to its intersection with the former northwesterly street margin of Old Hiawatha Boulevard;

Thence along the former northwesterly margin of Old Hiawatha Boulevard and the former northwesterly margin of Free Street, in part by each, the following two (2) courses and distances:
1) North 40 deg. 26 min. 20 East, 783.55 feet to a point; and
2) North 28 deg. 12 min. 26 East, 138.95 feet to the southwest corner of lands of the People of the State of New York as shown on Appropriation Map 1400 Parcel 1830;

Thence along the southwesterly line of Map 1400 Parcel 1830 the following three (3) courses and distances:

1) South 47 deg. 08 min. 19 East, 95.53 feet to a point; thence
2) South 61 deg. 46 min. 31 East, 7.16 feet to a point; and
3) South 42 deg. 33 min. 21 sec. East, 28.25 feet to its intersection with the division line between the lands now or formerly of Destiny USA Real Estate, LLC as described in Book 5376 of Deeds at Page 767 on the southwest and the lands now or formerly of the City of Syracuse (reputed owner) known as #301 Hiawatha Boulevard West Rear having City of Syracuse Tax Parcel Number 116.00-02-02 on the northeast;

Thence along Said division line the following three (3) courses and distances:

1) South 07 deg. 51 min. 23 East, 96.80 feet to a point; thence

- 2) North 82 deg. 08 min. 37 East, 52.80 feet to a point; and
- 3) North 07 deg. 51 min. 23 sec. West, 31.00 feet to its intersection with the southwesterly line of lands of the People of the State of New York as shown on Appropriation Map 1400 Parcel 1830;

Thence along the southwesterly line of Map 1400 Parcel 1830 the following twelve (12) courses and distances:

- 1) South 46 deg. 36 min. 04 sec. East, 66.69 feet to a point; thence
- 2) South 47 deg. 28 min. 28 sec. East, 99.72 feet to a point; thence
- 3) South 48 deg. 53 min. 33 sec. East, 62.11 feet to a point; thence
- 4) South 46 deg. 06 min. 12 sec. East, 75.06 feet to a point; thence
- 5) South 40 deg. 59 min. 18 sec. East, 99.03 feet to a point; thence
- 6) South 37 deg. 54 min. 46 sec. East, 81.52 feet to a point; thence
- 7) South 38 deg. 05 min. 04 sec. East, 50.43 feet to a point; thence
- 8) South 40 deg. 16 min. 09 sec. East, 50.31 feet to a point; thence
- 9) South 15 deg. 31 min. 57 sec. East, 39.89 feet to a point; thence
- 10) South 41 deg. 05 min. 58 sec. East, 154.40 feet to a point; thence
- 11) South 41 deg. 06 min. 11 sec. East, 71.70 feet to a point; and
- 12) South 43 deg. 48 min. 47 sec. East, 45.42 feet to its intersection with the division line between the said lands now or formerly of Destiny USA Land Company, LLC as described as Parcel G in Book 5243 of Deeds at Page 376 on the northwest, and the lands now or formerly of Destiny USA Land Company, LLC as described as Parcel F in Book 5243 of Deeds at Page 376 and the first said lands of S.I.D.A. as described in Book 5029 of Deeds at Page 571, in part by each, on the southwest;

Thence along said division line the following two (2) courses and distances:

- 1) along the arc of a curve to the right having a radius of 410.40 feet, length of 253.77 feet, and chord of South 10 deg. 55 min. 12 sec. West 249.75 feet to a point; and
- 2) South 43 deg. 34 min. 10 sec. West, 552.84 feet to the point or place of beginning.

Containing 22.843 acres of land more or less.