

Honorable David J Swarts  
County Clerk  
Erie County  
92 Franklin Street  
Buffalo, NY 14202  
(716) 858-8865

DATE:12/20/2006  
TIME:01:31:13 PM  
RECEIPT:268319

JAECKLE FLEISCHMANN & MUGEL BOX 35

ITEM -01 70H 01:31:13 PM  
FILE:2006277451 BK/PG:D11123/2703  
257 W GENESEE LLC  
NEW YORK STATE DEPARTMENT OF ENVIRONME 46.00  
RECORDING FEE 0.00  
MARKOFF FEE 46.00  
Sub. Total

ITEM -02 70H 01:31:13 PM  
FILE:2006277452 BK/PG:D11123/2706  
257 W GENESEE LLC  
NEW YORK DEPARTMENT OF ENVIRONMENTAL&S 46.00  
RECORDING FEE 0.00  
MARKOFF FEE 46.00  
Sub. Total

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AMOUNT DUE: \$92.00  
PAID CHECK: \$92.00  
Check #:24793 \$92.00  
TOTAL PAID: \$92.00

REC BY: BETTY  
County Clerk  
Have a nice day!

### NOTICE OF CERTIFICATE OF COMPLETION

State of GEORGIA )  
County of GWINNETT      ss:

The undersigned, being duly sworn, hereby deposes and states:

The New York State Department of Environmental Conservation (Department) has issued a Certificate of Completion (Certificate) pursuant to Article 27, Title 14 of the New York State Environmental Conservation Law (ECL) for the Former Buffalo Service Center Site ("Site"). The DER Site Number is C915194.

The Certificate was issued on November 30, 2006 to 257 West Genesee, LLC for a parcel of approximately 4.9 acres located at 249 West Genesee Street in the City of Buffalo. A metes and bounds description of the Site subject to the Certificate is attached as Schedule A.

The Certificate entitles the Certificate holder(s) to the liability limitation provided in ECL Section 27-1421. 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 Site, subject to certain limitations as set forth in ECL Section 27-1421. The liability limitation shall be subject to all rights reserved to the State by ECL Section 27-1421. 2 and any other applicable provision of law.

A copy of the Certificate can be reviewed at the Department's Region 9 offices located at 270 Michigan Avenue, Buffalo, New York by contacting the Regional Environmental Remediation Engineer.

This Notice of Certificate of Completion is being recorded with the Erie County Clerk in accordance with ECL Section 27-1419.8 to give all parties who may acquire any interest in the Site.

WHEREFORE, the undersigned has signed this Notice of Certificate.

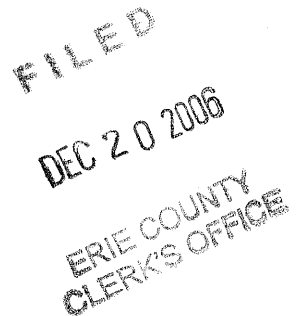
257 W. Genesee, LLC

By: John B. Doshier  
Title: Senior Vice President  
Date: December 15, 2006

Sworn to before me this  
15<sup>th</sup> day of December, 2006.

Pamela L. Callon  
Notary Public (Affix Stamp)

821658



## SCHEDULE A

**ALL THAT TRACT OR PARCEL OF LAND** situate in the City of Buffalo, County of Erie and State of New York, being part of Outer Lot Number 16 and Lot Number 2 of the South Village of Black Rock, bounded and described as follows:

**BEGINNING** at the point of intersection of the northwest line of Genesee Street and the northeast line of Fourth Street as originally located; thence northwesterly along said line of Fourth Street 614.85 feet more or less to a south line of lands conveyed to New York State Urban Development Corporation by deed recorded in the Erie County Clerk's Office in Liber 8442 of Deeds at page 247; thence northeasterly at an interior angle of  $91^{\circ} 10' 34''$  and along the south line of said lands of the New York State Urban Development Corporation a distance of 162.00 feet; thence southerly at an interior angle of  $89^{\circ} 13' 29''$  a distance of 27.50 feet; thence easterly at an interior angle of  $270^{\circ} 46' 31''$  with the last described line a distance of 208.00 feet to the former west line of Jackson Street; thence southeasterly along said line of Jackson Street 240 feet more or less to an angle in said line of Jackson Street; thence southeasterly continuing along the southwest line of Jackson Street (a portion of which is now the southwest line of Seventh Street) 415 feet more or less to its intersection with the northwest line of Genesee Street; thence southwesterly along said line of Genesee Street 282 feet to the point of beginning.

NOTICE OF CERTIFICATE OF COMPLETION

State of INDIANA )  
County of HAMILTON ) ss:

The undersigned, being duly sworn, hereby deposes and states:

The New York State Department of Environmental Conservation (Department) has issued a Certificate of Completion (Certificate) pursuant to Article 27, Title 14 of the New York State Environmental Conservation Law (ECL) for the Buffalo Urban Renewal Agency West Property site ("Site"). The DER Site Number is C915195.

The Certificate was issued on November 30, 2006 to 257 West Genesee, LLC for a parcel of approximately 1.64 acres located at 257 West Genesee Street in the City of Buffalo. A metes and bounds description of the Site subject to the Certificate is attached as Schedule A.

The Certificate entitles the Certificate holder(s) to the liability limitation provided in ECL Section 27-1421. 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 Site, subject to certain limitations as set forth in ECL Section 27-1421. The liability limitation shall be subject to all rights reserved to the State by ECL Section 27-1421. 2 and any other applicable provision of law.

A copy of the Certificate can be reviewed at the Department's Region 9 offices located at 270 Michigan Avenue, Buffalo, New York by contacting the Regional Environmental Remediation Engineer.

This Notice of Certificate of Completion is being recorded with the Erie County Clerk in accordance with ECL Section 27-1419.8 to give all parties who may acquire any interest in the Site.

WHEREFORE, the undersigned has signed this Notice of Certificate.

257 W. Genesee, LLC

By: *John B. Sakic*  
Title: Senior Vice President

Date: December 14, 2006

Sworn to before me this  
14<sup>th</sup> day of December, 2006.

*Julie D. Hohlt*  
Notary Public (Affix Stamp)

821672 Julie D. Hohlt  
Qualified in Hamilton County  
My Commission Expires 10/27/2013

FILED  
DEC 20 2006  
ERIE COUNTY  
CLERK'S OFFICE

## SCHEDULE A

**ALL THAT TRACT OR PARCEL OF LAND** situate in the City of Buffalo, County of Erie and State of New York, being part of Outer Lot 16 and part of Lot 2, South Village of Black Rock, bounded and described as follows:

**BEGINNING** at a point on the north line of Fourth Street as dedicated on July 27, 1982 at its intersection with the east line of former Fourth Street (now abandoned), said point being also the west line of lands conveyed to Niagara Gas Corporation by deed recorded in the Erie County Clerk's Office in Liber 1586 of Deeds at page 365;

**THENCE:** Northwesterly along the northeast line of Fourth Street as dedicated on July 27, 1982, a distance of 202.18 feet to an angle point in the east line of Fourth Street as dedicated on July 27, 1982;

**THENCE:** Northerly, along the east line of Fourth Street as dedicated on July 27, 1982, at an interior angle of  $139^{\circ} 24' 58''$  with the last described line, a distance of 469.32 feet to a point on the southerly line of lands conveyed to New York State Urban Development Corporation by deed recorded in Liber 8442 of Deeds at page 247;

**THENCE:** Easterly, along a southerly line of said New York State Urban Development Corporation lands, a distance of 130.75 feet to a point;

**THENCE:** Southerly, at an interior angle of  $91^{\circ} 33' 6''$  along the east line of former Fourth Street and west line of said Niagara Gas Corporation lands, a distance of 619.52 feet to the POINT OF BEGINNING.