

FILED

JAN 04 2022

ERIE COUNTY
CLERK'S OFFICE

NOTICE OF TRANSFER OF CERTIFICATE OF COMPLETION

**Brownfield Cleanup Program
Pursuant to 6 NYCRR Part 375-1.9(f)**

ExxonMobil Oil Former Buffalo Terminal OU-3, Site ID No. C915201D (hereinafter "Site")
503 Elk Street , Buffalo, NY, 14210
City of Buffalo, Erie County Tax Map Identification Numbers:
123.13-1-2.111

PLEASE TAKE NOTICE, that pursuant to Article 27, title 14 of the Environmental Conservation Law and 6 NYCRR 375-1.9(f), Elk Street Commerce Park, LLC ("ESCP") hereby adds Elk Street Solar LLC ("Elk Street Solar") as lessee to the Certificate of Completion ("COC") issued by the Department of Environmental Conservation on December 30, 2019 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 Brownfield Cleanup Agreement, as well as any other relevant information regarding the Site, that the remediation requirements set forth in ECL Article 27, title 14 had been or would be achieved in accordance with the time frame, if any, established in the remedial work plan.

PLEASE TAKE NOTICE, that the 11-acre Elk Street Solar site is encompasses a portion 503 Elk Street, Buffalo, New York in Erie County. The area leased by Elk Street Solar bears DEC site number: C915201D and is more fully described on **Schedule A** and its figures attached hereto ("Lease Area"). The Tax Map Identification Number for the parcel of real property, within which the Lease Area is County of Erie tax map section 123.13-1-2.111.

PLEASE TAKE NOTICE, that a Notice of Certificate of Completion for the Site was filed in the Erie County Clerk's Office on February 18, 2020 in Liber 11357 Of Deeds at Page 2388.

PLEASE TAKE NOTICE, that, pursuant to a lease agreement by and among Elk Street Solar and ESCP as of May 27, 2020, Elk Street Solar will construct and operate a solar energy generation facility on a portion of the Site while ESCP shall remain the property owner, Remedial Party and COC holder for the Site.

PLEASE TAKE NOTICE, ESCP hereby adds Elk Street Solar to the Certificate of Completion as lessee as provided for pursuant to Article 27, title 14 of the Environmental Conservation Law and 6 NYCRR 375-1.9(f):

Elk Street Solar LLC
Federal ID# 85-1277675

400 Market Industrial Park, Suite 32
Wappingers Falls, New York 12590

Paul Curran
Managing Director

c/o BQ Energy Development, LLC
400 Market Industrial Park, Suite 32
Wappingers Falls, New York 12590

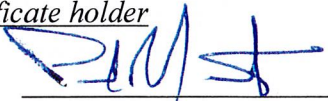
PLEASE TAKE FURTHER NOTICE, that there is an environmental easement for this

site, and ESCP is responsible for implementing the Department-approved Site Management Plan, and any amendments thereto, Elk Street Solar, as lessee, will 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 the 23rd December day of 2021.

ELK STREET COMMERCE PARK, LLC

Certificate holder

By: 
Paul Neureuter — Co-Manager
authorized signatory

STATE OF NEW YORK)
COUNTY OF ERIE)ss.


On the 23rd day of December, in the year 2021, before me, the undersigned, personally appeared Paul Neureuter, 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

Susan Coughlin
Notary Public, State of New York
Qualified in Erie County
My commission expires May/5/2024

ELK STREET SOLAR LLC

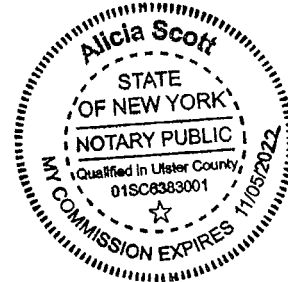
New Lessee

By: 
Paul Curran, Managing Director
authorized signatory

STATE OF NEW YORK)
COUNTY OF DUTCHESS)ss.

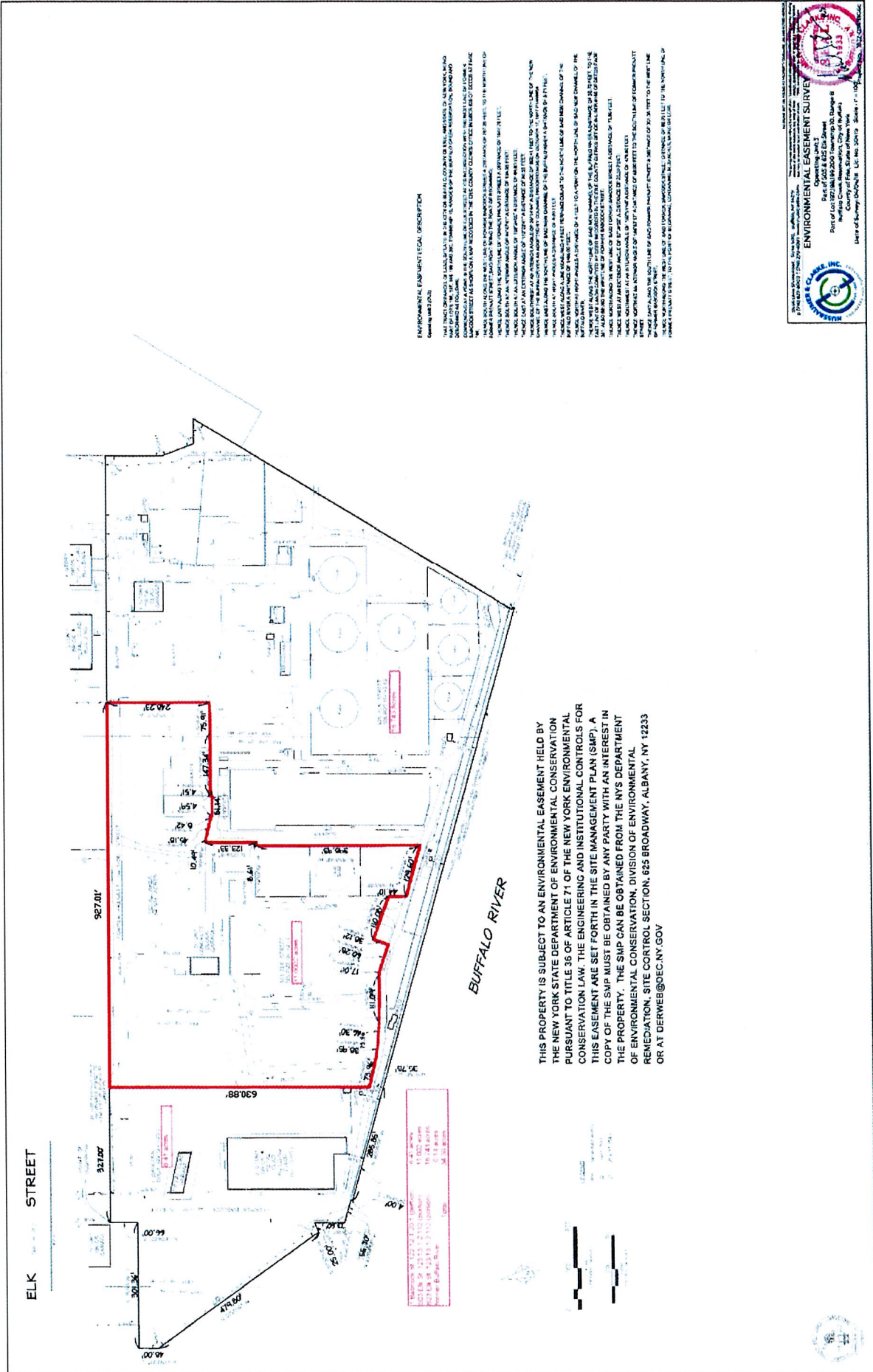
On the 16th day of December, in the year 2021, before me, the undersigned, personally appeared Paul Curran, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name is (are) subscribed to the within instrument and acknowledged to me that he/she/they 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.

Alicia Scott
Notary Public - State of New York



Schedule A
Map of Site No. C915201D

Figure showing the 11 acre portion of the Site as described in the COC



ENVIRONMENTAL EASEMENT DESCRIPTION

THE PROPERTY IS SUBJECT TO AN ENVIRONMENTAL EASEMENT HELD BY THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION PURSUANT TO TITLE 35 OF ARTICLE 71 OF THE NEW YORK ENVIRONMENTAL CONSERVATION LAW. THE ENGINEERING AND INSTITUTIONAL CONTROLS FOR THIS EASEMENT ARE SET FORTH IN THE SITE MANAGEMENT PLAN (SMP). A COPY OF THE SMP MUST BE OBTAINED BY ANY PARTY WITH AN INTEREST IN THE PROPERTY. THE SMP CAN BE OBTAINED FROM THE NYS DEPARTMENT OF ENVIRONMENTAL CONSERVATION, DIVISION OF ENVIRONMENTAL REMEDIATION, SITE CONTROL SECTION, 625 BROADWAY, ALBANY, NY 12233 OR AT DERWEB@DEC.NY.GOV

ENVIRONMENTAL EASEMENT SURVEY

Operating Unit 3
 Buffalo River
 Part of Lot 200 (MUNICIPAL) Township 20, Range 8
 Hamilton County, New York, City of Buffalo
 Date of Survey: 02/20/18 L.S. No. 20018 - Sheet 1 of 100

WALTER C. BRIDGES, INC.
 1000 W. 10th Street
 Buffalo, NY 14202
 Phone: 716.835.1100
 Fax: 716.835.1101
 www.walterbridges.com



County Clerk's Recording Page

Return to:
BOX 108

Book Type: D Book: 11357 Page: 2388
Page Count: 27
Doc Type: AMEND/SUPPLEMNT
Rec Date: 02/18/2020
Rec Time: 01:08:13 PM
Control #: 2020037036
UserID: David M
Trans #: 20232131
Document Sequence Number

Party 1:
NEW YORK STATE DEPT OF
ENVIRONMENTAL CONSERVATION

Party 2:
ELK STREET COMMERCE PARK LLC

Recording Fees:

RECORDING	\$155.00
COE CO \$1 RET	\$1.00
COE STATE \$14.25 GEN	\$14.25
COE STATE \$4.75 RM	\$4.75
MARKOFF FEE	\$0.50

Consideration Amount:

BASIC MT	\$0.00
SONYMA MT	\$0.00
ADDL MT/NFTA	\$0.00
SP MT/M-RAIL	\$0.00
NY STATE TT	\$0.00
ROAD FUND TT	\$0.00

Total: \$175.50

STATE OF NEW YORK
ERIE COUNTY CLERK'S OFFICE

WARNING - THIS SHEET CONSTITUTES THE CLERK'S ENDORSEMENT REQUIRED BY SECTION 319&316-a (5) OF THE REAL PROPERTY LAW OF THE STATE OF NEW YORK. DO NOT DETACH. THIS IS NOT A BILL.

Michael P. Kearns
Erie County Clerk

Book 103

CORRECTED FILING

This document is being recorded in the Erie County Clerk's office to correct a Certificate of Completion recorded on January 31, 2020 (Book Type: D; Book: 11356; Page: 4017). The previously filed instrument inadvertently contained duplicate pages or pages irrelevant to the instrument (pages 5, 7, 9, and 10 of the previously filed instrument).

Am D - 26 - 1

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The Remedial Program includes use restrictions or reliance on the long-term employment of institutional or engineering controls which are contained in the approved Site Management Plan and an Environmental Easement granted pursuant to ECL Article 71, Title 36 which has been duly recorded in the Recording Office for Erie County as BK/PG D 11353/9441 and BK/PG D 11353/9483.

LIABILITY LIMITATION

Upon issuance of this Certificate of Completion, and subject to the terms and conditions set forth herein, the Certificate holder(s) shall be entitled 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.

CERTIFICATE TRANSFERABILITY

This Certificate may be transferred to the Certificate holder's successors or assigns upon transfer or sale of the Site as provided by ECL Section 27-1419.5 and 6NYCRR Part 375-1.9.

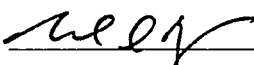
CERTIFICATE MODIFICATION/REVOCATION

This Certificate of Completion may be modified or revoked by the Commissioner following notice and an opportunity for a hearing in accordance with ECL Section 27-1419 and 6NYCRR Part 375-1.9(e) upon a finding that:

- (1) either the Applicant or the Applicant's successors or assigns have failed to comply with the terms and conditions of the Brownfield Site Cleanup Agreement;
- (2) the Applicant made a misrepresentation of a material fact tending to demonstrate that it was qualified as a Volunteer;
- (3) either the Applicant or the Applicant's successors or assigns made a misrepresentation of a material fact tending to demonstrate that the cleanup levels identified in the Brownfield Site Cleanup Agreement were reached;
- (4) there is good cause for such modification or revocation;
- (5) either the Applicant or the Applicant's successors or assigns failed to manage the controls or monitoring in full compliance with the terms of the remedial program;
- (6) the terms and conditions of the environmental easement have been intentionally violated or found to be not protective or enforceable.

The Certificate holder(s) (including its successors or assigns) shall have thirty (30) days within which to cure any deficiency or to seek a hearing. If the deficiency is not cured or a request for a hearing is not received within such 30-day period, the Certificate shall be deemed modified or vacated on the 31st day after the Department's notice.

Basil Seggos
Commissioner
New York State Department of Environmental Conservation

By:  Date: 12/30/19

Michael J. Ryan, P.E., Director
Division of Environmental Remediation

NOTICE OF CERTIFICATE OF COMPLETION
Brownfield Cleanup Program
6 NYCRR Part 375-1.9(d)

ExxonMobil Oil Former Buffalo Terminal OU-3, Site ID No. C915201D
503 Elk Street and 1 Babcock Street, Buffalo, NY, 14210
City of Buffalo, Erie County Tax Map Identification Numbers:
123.13-1-2.111 and 123.13-1-21

PLEASE TAKE NOTICE, 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) to Elk Street Commerce Park, LLC for a site approximately 17.44 acres in size located at 503 Elk Street and 1 Babcock Street in the City of Buffalo, 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 Brownfield Site Cleanup Agreement, as well as any other relevant information regarding the Site, that the remediation requirements set forth in ECL Article 27, Title 14 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):

- Unrestricted Use, as set forth in 6 NYCRR 375-1.8(g)(1)i
- 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 granted pursuant to ECL Article 71, Title 36 which has been duly recorded in the Recording Office for Erie County as BK/PG D 11353/9483.

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 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

**ExxonMobil Oil Former Buffalo Terminal OU-3, C915201D
503 Elk Street and 1 Babcock Street, Buffalo NY 14210**

limitation shall be subject to all rights reserved to the State by ECL Section 27-1421.2 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 entitle the Certificate holder to tax credits in accordance with Tax Law Sections 21, 22 and 23.

PLEASE TAKE NOTICE, the Certificate may only be transferred to the Certificate holder's successors or assigns upon transfer or sale of the Site as provided by ECL Section 27-1419.5 and 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 located at 270 Michigan Avenue, Buffalo, NY 14203, by contacting the Regional Environmental Remediation Engineer.

WHEREFORE, the undersigned has signed this Notice of Certificate

Elk Street Commerce Park, LLC

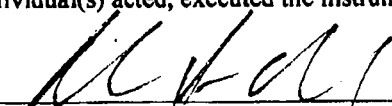
By: 

Title: CC - MANAGER

Date: 1/31/20

STATE OF NEW YORK) SS:
COUNTY OF)

On the 31st day of January, in the year 2020 before me, the undersigned, personally appeared Paul Neureuter, 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

MARC A. ROMANOWSKI
Notary Public, State of New York
Registration No. 02RO8068851
Qualified in Erie County
Commission Expires 11/19/2021

Please record and return to:
Elk Street Commerce Park, LLC
Attn: Paul Neureuter – Krog Development
4 Centre Drive
Orchard Park, NY 14127

ExxonMobil Oil Former Buffalo Terminal OU-3, C915201D
503 Elk Street and 1 Babcock Street, Buffalo NY 14210

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WHEREFORE, the undersigned has signed this Notice of Certificate

Elk Street Commerce Park, LLC

By: [Signature]

Title: CO-MANAGER

Date: 1/31/2020

STATE OF NEW YORK) SS:
COUNTY OF)

On the 31st day of January, in the year 2020 before me, the undersigned, personally appeared Paul Neureuter, 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]
Signature and Office of individual taking acknowledgment

Please record and return to:
Elk Street Commerce Park, LLC
Attn: Paul Neureuter – Krog Development
4 Centre Drive
Orchard Park, NY 14127

MARC A. ROMANOWSKI
Notary Public, State of New York
Registration No. 02R0606851
Qualified in Erie County
My Commission Expires 11/19/2021

NOTICE OF CERTIFICATE OF COMPLETION
Brownfield Cleanup Program
6 NYCRR Part 375-1.9(d)

ExxonMobil Oil Former Buffalo Terminal OU-3, Site ID No. C915201D
625 Elk Street, Buffalo, NY, 14210
City of Buffalo, Erie County Tax Map Identification Numbers 123,13-1-2.112

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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 Brownfield Site Cleanup Agreement, as well as any other relevant information regarding the Site, that the remediation requirements set forth in ECL Article 27, Title 14 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):

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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 granted pursuant to ECL Article 71, Title 36 which has been duly recorded in the Recording Office for Erie County as BK/PG D 11353/9441.

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**ExxonMobil Oil Former Buffalo Terminal OU-3, C915201D
625 Elk Street, Buffalo NY 14210**

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 entitle the Certificate holder to tax credits in accordance with Tax Law Sections 21, 22 and 23.

PLEASE TAKE NOTICE, the Certificate may only be transferred to the Certificate holder's successors or assigns upon transfer or sale of the Site as provided by ECL Section 27-1419.5 and 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 located at 270 Michigan Avenue, Buffalo, NY 14203, by contacting the Regional Environmental Remediation Engineer.

WHEREFORE, the undersigned has signed this Notice of Certificate

Buckeye Terminals, LLC

By: *[Signature]*

Title: *Sr VP Buckeye Partners*

Date: *Jan 13, 2020*

Texas

STATE OF ~~NEW YORK~~) SS:
COUNTY OF *Harris*)

On the *13th* day of *January*, in the year *2020*, before me, the undersigned, personally appeared *William Hollis*, 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.

April Gravis
Signature and Office of individual
taking acknowledgment

Please record and return to:
Elk Street Commerce Park, LLC
Attn: Paul Neureuter – Krog Development
4 Centre Drive
Orchard Park, NY 14127

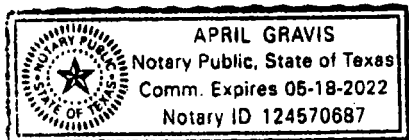


Exhibit A-1

Site Description

Property owned by
Elk Street Commerce Park, LLC
503 Elk Street and 1 Babcock Street

SCHEDULE "A" PROPERTY DESCRIPTION

OU3 Description

Property Owned by Elk Street Commerce Park, LLC

THAT TRACT OR PARCEL OF LAND, situate in the City of Buffalo, County of Erie, and State of New York, Being part of Lots 196, 197, 198, 199 and 200, Township 10, Range 8 of the Buffalo Creek Reservation, bound and described as follows;

Commencing at a point in the south line of Elk Street at its intersection with the west line of former Babcock Street;

Thence S 14°04'02" W along the west line of former Babcock Street, to the north line of former Prenatt Street, a distance of 757.05 feet, being the point of BEGINNING;

THENCE S 75°58'26" E, along the north line of former Prenatt Street, a distance of 1254.01 feet;

THENCE S 13°52'57" W, a distance of 248.23 feet;

THENCE N 76°43'41" W, a distance of 75.91 feet;

THENCE N 75°46'54" W, a distance of 147.34 feet;

THENCE S 14°13'06" W, a distance of 4.51 feet;

THENCE N 75°52'22" W, a distance of 51.14 feet;

THENCE N 14°13'06" E, a distance of 4.59 feet;

THENCE N 75°46'54" W, a distance of 8.42 feet;

THENCE N 62°28'23" W, a distance of 45.18 feet;

THENCE N 70°59'33" W, a distance of 10.49 feet;

THENCE S 13°56'18" W, a distance of 123.33 feet;

THENCE N 76°03'42" W, a distance of 8.61 feet;

THENCE S 13°53'44" W, a distance of 398.93 feet;

THENCE N 60°26'26" W, a distance of 129.60 feet;

THENCE N 13°53'44" E, a distance of 44.10 feet;

THENCE N 56°16'16" W, a distance of 110.08 feet;

THENCE S 33°38'09" W, a distance of 38.12 feet;

THENCE N 56°30'40" W, a distance of 60.28 feet;

THENCE N 66°27'07" W, a distance of 17.01 feet;

THENCE N 75°32'46" W, a distance of 111.09 feet;

THENCE N 72°19'41" W, a distance of 46.30 feet;

THENCE N 68°43'57" W, a distance of 38.95 feet;

THENCE N 62°46'42" W, a distance of 73.96 feet;

THENCE S 14°01'34" W, a distance of 35.78 feet;

THENCE N 60°05'04" W, along a line being measured 4 feet perpendicular to the north line of the New Channel of the Buffalo River as adopted by Counsel Proceedings on October 17, 1917 P1958#54 a distance of 285.85 feet;

THENCE N 29°54'56" E, to the said north line of the New Channel of the Buffalo River, a distance of 4.00 feet;

THENCE N 60°04'54" W, along the said north line of the New Channel of the Buffalo River, to the east line of lands conveyed by deed recorded in the Erie County Clerk's Office in Liber 8145 of Deeds page 391, also being the west line of former Babcock Street, a distance of 55.70 feet;

THENCE N 14°04'02" E, along the east line of said lands of Liber 8145, page 391 and the west line of former Babcock Street, a distance of 73.60 feet;

THENCE S 81°30'54" W, a distance of 25.00 feet;

THENCE N 21°20'16" W, a distance of 479.80 feet;

THENCE N 13°42'27" E, to the south line of former Prenatt Street, a distance of 48.00 feet;

THENCE S 75°58'26" E, along the south line of former Prenatt Street, a distance of 301.36 feet;

THENCE N 14°04'02" E, a distance of 66.00 feet, to the point of BEGINNING, containing 17.44 acres, more or less.

Exhibit A-2

Site Description

Property owned by
Buckeye Terminals, LLC
625 Elk Street

SCHEDULE "A" PROPERTY DESCRIPTION

OU3 Description

Property Owned by Buckeye Terminals, LLC

✧ THAT TRACT OR PARCEL OF LAND, situate in the City of Buffalo, County of Erie, and State of New York, Being part of Lots 196, 197, 198, 199 and 200, Township 10, Range 8 of the Buffalo Creek Reservation, bound and described as follows;

Commencing at a point in the south line of Elk Street at its intersection with the west line of former Babcock Street;

THENCE S14°04'02" W, along the west line of former Babcock Street, to the north line of former Prenatt Street, a distance of 757.05 feet;

THENCE S75°58'26" E, along the north line of former Prenatt Street, a distance of 1847.78 feet to the point being the point of Beginning;

THENCE S 13°52'57" W, a distance of 248.23 feet;

THENCE N 76°43'41" W, a distance of 75.91 feet;

THENCE N 75°46'54" W, a distance of 147.34 feet;

THENCE S 14°13'06" W, a distance of 4.51 feet;

THENCE N 75°52'22" W, a distance of 51.14 feet;

THENCE N 14°13'06" E, a distance of 4.59 feet;

THENCE N 75°46'54" W, a distance of 8.42 feet;

THENCE N 62°28'23" W, a distance of 45.18 feet;

THENCE N 70°59'33" W, a distance of 10.49 feet;

THENCE S 13°56'18" W, a distance of 123.33 feet;

THENCE N 76°03'42" W, a distance of 8.61 feet;

THENCE S 13°53'44" W, a distance of 398.93 feet;

THENCE N 60°26'26" W, a distance of 129.60 feet;

THENCE N 13°53'44" E, a distance of 44.10 feet;

THENCE N 56°16'16" W, a distance of 110.08 feet;

THENCE S 33°38'09" W, a distance of 38.12 feet;

THENCE N 56°30'40" W, a distance of 60.28 feet;

THENCE N 66°27'07" W, a distance of 17.01 feet;

THENCE N 75°32'46" W, a distance of 111.09 feet;

THENCE N 72°19'41" W, a distance of 46.30 feet;

THENCE N 68°43'57" W, a distance of 38.95 feet;

THENCE N 62°46'42" W, a distance of 73.96 feet;

THENCE S 14°01'34" W, a distance of 35.78 feet;

THENCE S 60°05'04" E, along a line being measured 4 feet perpendicular to the north line of the New Channel of the Buffalo River as adopted by Counsel Proceedings on October 17, 1917 P1958#54, a distance of 1199.15 feet;

THENCE N 29°51'17" E, to the said north line of the New Channel of the Buffalo River, a distance of 4.00 feet;

THENCE N 60°05'04" W, along the said north line of the New Channel of the Buffalo River, a distance of 5.71 feet;

THENCE N 44°46'50" E, a distance of 902.41 feet;

THENCE N 75°58'26" W, a distance of 60.53 feet;

THENCE N 06°22'06" W, the west line of Lot 200, a distance of 84.81 feet;

THENCE N 14°13'54" E, along the west line of lot 200, to the north line of former Prenatt Street, a distance of 134.56 feet;

THENCE N 75°58'26" W, along the north line of said Prenatt Street, a distance of 593.77 feet to the point of beginning, containing 16.85 acres, more or less.

Excluding the following areas:

Exception Area 'A'

THAT TRACT OR PARCEL OF LAND, situate in the City of Buffalo, County of Erie, and State of New York, Being part of Lots 198, and 199, Township 10, Range 8 of the Buffalo Creek Reservation, bound and described as follows;

Commencing at the point of beginning for the OU3 Buckeye Terminals, LLC. parcel;

THENCE S75°58'26" E, along the north line of former Prenatt Street, a distance of 180.26 feet;

THENCE S 14°01'34" W, a distance of 374.82 feet to the point of beginning;

THENCE S 13°17'19" W, a distance of 23.31 feet;

THENCE S 27°04'32" E, a distance of 13.69 feet;
THENCE S 14°15'03" W, a distance of 39.16 feet;
THENCE N 76°48'55" W, a distance of 44.23 feet;
THENCE N 13°35'48" E, a distance of 25.36 feet;
THENCE N 76°07'28" W, a distance of 80.13 feet;
THENCE S 14°14'35" W, a distance of 30.92 feet;
THENCE N 76°14'57" W, a distance of 94.37 feet;
THENCE N 10°31'36" E, a distance of 1.53 feet;
THENCE N 77°46'01" W, a distance of 8.34 feet;
THENCE S 69°32'12" W, a distance of 33.03 feet;
THENCE N 76°12'35" W, a distance of 74.89 feet;
THENCE S 14°20'39" W, a distance of 318.91 feet;
THENCE S 73°49'47" E, a distance of 9.04 feet;
THENCE S 12°33'22" W, a distance of 12.47 feet;
THENCE S 76°33'42" E, a distance of 15.63 feet;
THENCE N 58°29'44" E, a distance of 11.02 feet;
THENCE S 76°35'31" E, a distance of 58.42 feet;
THENCE S 13°53'00" W, a distance of 74.60 feet;
THENCE S 60°05'27" E, a distance of 181.11 feet;
THENCE S 78°19'01" E, a distance of 20.73 feet;
THENCE N 11°30'15" E, a distance of 10.75 feet;
THENCE N 78°25'51" W, a distance of 27.13 feet;
THENCE N 60°00'15" W, a distance of 164.28 feet;
THENCE N 13°59'31" E, a distance of 80.19 feet;
THENCE N 76°11'39" W, a distance of 84.73 feet;

THENCE N 13°45'35" E, a distance of 288.42 feet;
THENCE S 76°04'27" E, a distance of 503.65 feet;
THENCE S 78°07'11" E, a distance of 8.59 feet;
THENCE N 02°32'47" W, a distance of 19.45 feet;
THENCE N 75°54'43" W, a distance of 49.42 feet;
THENCE N 14°47'00" E, a distance of 24.63 feet;
THENCE S 76°06'56" E, a distance of 47.08 feet;
THENCE N 13°38'28" E, a distance of 30.60 feet;
THENCE N 76°10'05" W, a distance of 19.16 feet;
THENCE N 14°03'00" E, a distance of 4.98 feet;
THENCE N 76°02'09" W, a distance of 26.71 feet;
THENCE N 47°25'41" W, a distance of 11.26 feet;
THENCE N 76°00'01" W, a distance of 22.70 feet;
THENCE S 14°36'57" W, a distance of 37.64 feet;
THENCE N 74°08'00" W, a distance of 51.40 feet;
THENCE N 09°41'20" E, a distance of 2.55 feet;
THENCE N 74°50'25" W, a distance of 6.30 feet;
THENCE S 22°54'10" W, a distance of 3.46 feet;
THENCE N 73°16'26" W, a distance of 10.13 feet;
THENCE N 13°55'13" E, a distance of 48.56 feet;
THENCE S 78°07'08" E, a distance of 1.71 feet;
THENCE N 16°11'38" E, a distance of 7.40 feet;
THENCE S 77°02'44" E, a distance of 19.29 feet;
THENCE N 14°45'39" E, a distance of 11.66 feet;
THENCE N 74°05'23" W, a distance of 46.09 feet;

THENCE N 59°02'40" W, a distance of 7.56 feet;

THENCE N 76°52'49" W, a distance of 17.53 feet to the point of beginning containing 0.84 acres, more or less.

Exception Area 'B'

THAT TRACT OR PARCEL OF LAND, situate in the City of Buffalo, County of Erie, and State of New York, Being part of Lots 199, Township 10, Range 8 of the Buffalo Creek Reservation, bound and described as follows;

Commencing at the point of beginning for the OU3 Buckeye Terminals, LLC. parcel;

THENCE S75°58'26" E, along the north line of former Prenatt Street, a distance of 285.55 feet;

THENCE S 14°01'34" W, a distance of 67.71 feet to the point of beginning;

THENCE S 13°29'41" W, a distance of 87.58 feet;

THENCE S 76°25'16" E, a distance of 15.66 feet;

THENCE S 14°18'59" W, a distance of 17.27 feet;

THENCE S 75°44'07" E, a distance of 18.80 feet;

THENCE S 14°05'51" W, a distance of 17.57 feet;

THENCE N 77°13'06" W, a distance of 17.52 feet;

THENCE S 13°42'04" W, a distance of 79.25 feet;

THENCE N 77°30'43" W, a distance of 2.90 feet;

THENCE S 13°47'42" W, a distance of 41.45 feet;

THENCE N 73°13'45" W, a distance of 2.05 feet;

THENCE S 13°50'53" W, a distance of 81.42 feet;

THENCE S 76°01'11" E, a distance of 23.73 feet;

THENCE N 61°32'45" E, a distance of 7.96 feet;

THENCE N 13°55'08" E, a distance of 168.09 feet;

THENCE N 18°10'44" E, a distance of 113.97 feet;

THENCE S 75°45'03" E, a distance of 53.44 feet;

THENCE N 13°16'10" E, a distance of 14.93 feet;

THENCE N 59°55'47" W, a distance of 26.17 feet;

THENCE N 76°00'22" W, a distance of 62.51 feet;

THENCE N 64°06'49" W, a distance of 10.63 feet;

THENCE N 10°42'37" E, a distance of 13.36 feet;

THENCE N 73°24'45" W, a distance of 5.52 feet to the point of beginning containing 0.25 acres, more or less;

Exception Area 'C'

THAT TRACT OR PARCEL OF LAND, situate in the City of Buffalo, County of Erie, and State of New York, Being part of Lots 199, Township 10, Range 8 of the Buffalo Creek Reservation, bound and described as follows;

Commencing at the point of beginning for the OU3 Buckeye Terminals, LLC. parcel;

THENCE S75°58'26" E, along the north line of former Prenatt Street, a distance of 433.68 feet;

THENCE S 14°01'34" W, a distance of 472.68 feet to the point of beginning;

THENCE N 76°35'43" W, a distance of 36.36 feet;

THENCE S 03°38'37" W, a distance of 11.42 feet;

THENCE on a curve to the left with an arc length of 34.32 feet and radius of 25.00 feet;
THENCE S 75°00'53" E, a distance of 85.96 feet;

THENCE N 44°46'50" E, a distance of 33.20 feet;

THENCE N 75°52'53" W, a distance of 92.81 feet;

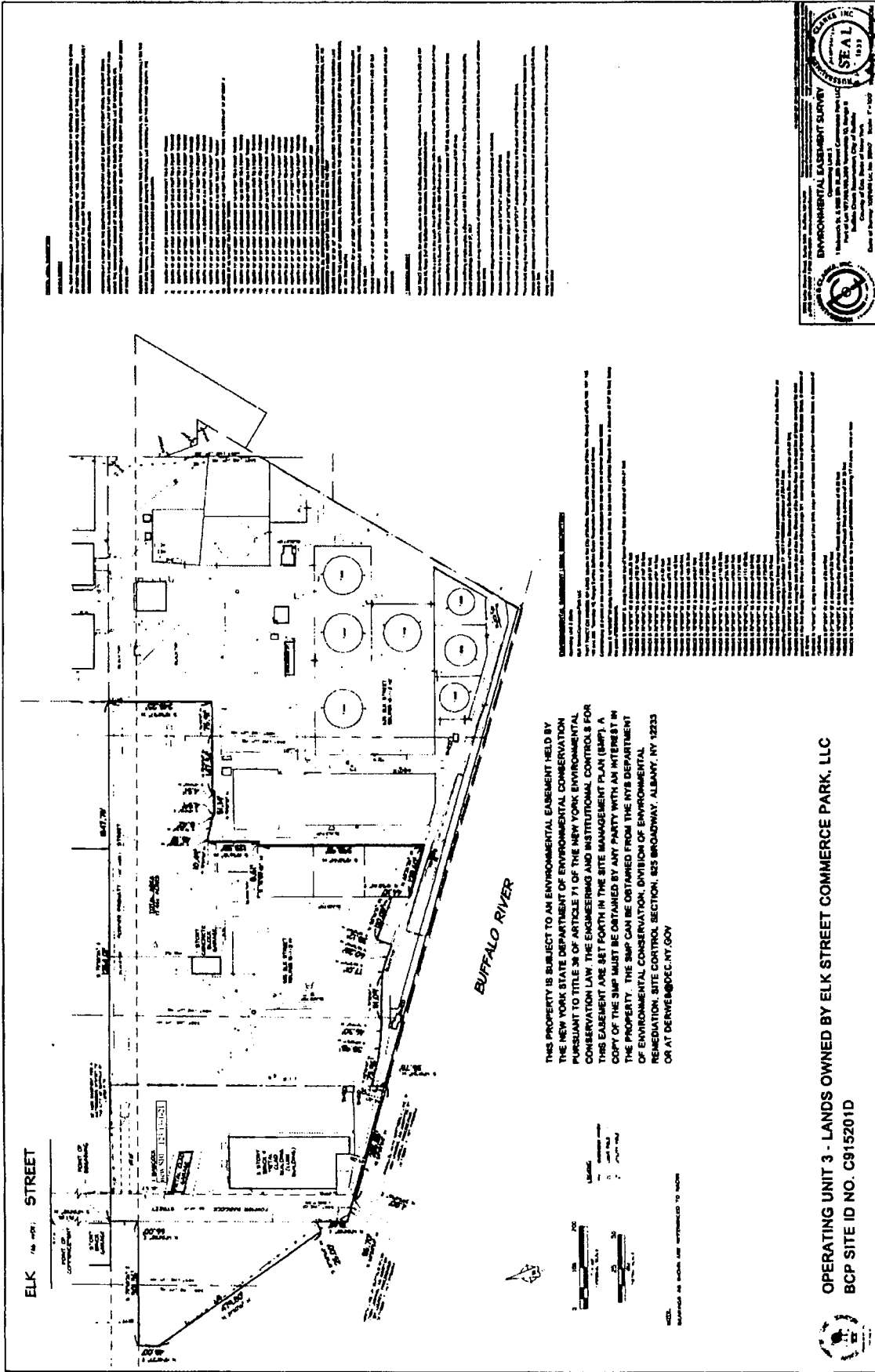
THENCE N 14°07'56" E, a distance of 4.88 feet, to the point of beginning, containing 0.08 acres, more or less;

Containing a total area of 15.68 acres, more or less.

Exhibit B-1

Site Survey

Property owned by
Elk Street Commerce Park, LLC
503 Elk Street and 1 Babcock Street



GENERAL NOTES:

1. THIS PLAN IS A PRELIMINARY DESIGN AND IS SUBJECT TO CHANGE WITHOUT NOTICE.
2. THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
3. THE DESIGNER SHALL NOT BE RESPONSIBLE FOR THE ACCURACY OF ANY INFORMATION PROVIDED BY THE OWNER OR ANY OTHER PARTY.
4. THE DESIGNER SHALL NOT BE RESPONSIBLE FOR THE CONSTRUCTION OF THE PROJECT OR FOR THE PERFORMANCE OF THE WORK.
5. THE DESIGNER SHALL NOT BE RESPONSIBLE FOR THE SAFETY OF THE PROJECT OR FOR THE WELL-BEING OF THE WORKERS.
6. THE DESIGNER SHALL NOT BE RESPONSIBLE FOR THE ENVIRONMENTAL IMPACTS OF THE PROJECT.
7. THE DESIGNER SHALL NOT BE RESPONSIBLE FOR THE LEGAL ASPECTS OF THE PROJECT.
8. THE DESIGNER SHALL NOT BE RESPONSIBLE FOR THE FINANCIAL ASPECTS OF THE PROJECT.
9. THE DESIGNER SHALL NOT BE RESPONSIBLE FOR THE SCHEDULING OF THE PROJECT.
10. THE DESIGNER SHALL NOT BE RESPONSIBLE FOR THE QUALITY OF THE WORK.
11. THE DESIGNER SHALL NOT BE RESPONSIBLE FOR THE COMPLETION OF THE PROJECT.
12. THE DESIGNER SHALL NOT BE RESPONSIBLE FOR THE MAINTENANCE OF THE PROJECT.
13. THE DESIGNER SHALL NOT BE RESPONSIBLE FOR THE REPAIRS TO THE PROJECT.
14. THE DESIGNER SHALL NOT BE RESPONSIBLE FOR THE REPLACEMENT OF THE PROJECT.
15. THE DESIGNER SHALL NOT BE RESPONSIBLE FOR THE REMOVAL OF THE PROJECT.
16. THE DESIGNER SHALL NOT BE RESPONSIBLE FOR THE DESTRUCTION OF THE PROJECT.
17. THE DESIGNER SHALL NOT BE RESPONSIBLE FOR THE ABANDONMENT OF THE PROJECT.
18. THE DESIGNER SHALL NOT BE RESPONSIBLE FOR THE NEGLECT OF THE PROJECT.
19. THE DESIGNER SHALL NOT BE RESPONSIBLE FOR THE MISUSE OF THE PROJECT.
20. THE DESIGNER SHALL NOT BE RESPONSIBLE FOR THE VIOLATION OF THE PROJECT.
21. THE DESIGNER SHALL NOT BE RESPONSIBLE FOR THE BREACH OF THE PROJECT.
22. THE DESIGNER SHALL NOT BE RESPONSIBLE FOR THE CONVICTION OF THE PROJECT.
23. THE DESIGNER SHALL NOT BE RESPONSIBLE FOR THE DEATH OF THE PROJECT.
24. THE DESIGNER SHALL NOT BE RESPONSIBLE FOR THE INJURY OF THE PROJECT.
25. THE DESIGNER SHALL NOT BE RESPONSIBLE FOR THE DAMAGE TO THE PROJECT.
26. THE DESIGNER SHALL NOT BE RESPONSIBLE FOR THE LOSS OF THE PROJECT.
27. THE DESIGNER SHALL NOT BE RESPONSIBLE FOR THE THEFT OF THE PROJECT.
28. THE DESIGNER SHALL NOT BE RESPONSIBLE FOR THE FRAUD OF THE PROJECT.
29. THE DESIGNER SHALL NOT BE RESPONSIBLE FOR THE BREACH OF CONFIDENTIALITY OF THE PROJECT.
30. THE DESIGNER SHALL NOT BE RESPONSIBLE FOR THE VIOLATION OF TRADE SECRETS OF THE PROJECT.
31. THE DESIGNER SHALL NOT BE RESPONSIBLE FOR THE INFRINGEMENT OF PATENTS OF THE PROJECT.
32. THE DESIGNER SHALL NOT BE RESPONSIBLE FOR THE VIOLATION OF COPYRIGHTS OF THE PROJECT.
33. THE DESIGNER SHALL NOT BE RESPONSIBLE FOR THE VIOLATION OF TRADEMARKS OF THE PROJECT.
34. THE DESIGNER SHALL NOT BE RESPONSIBLE FOR THE VIOLATION OF CONTRACTS OF THE PROJECT.
35. THE DESIGNER SHALL NOT BE RESPONSIBLE FOR THE VIOLATION OF LAWS OF THE PROJECT.
36. THE DESIGNER SHALL NOT BE RESPONSIBLE FOR THE VIOLATION OF REGULATIONS OF THE PROJECT.
37. THE DESIGNER SHALL NOT BE RESPONSIBLE FOR THE VIOLATION OF ORDINANCES OF THE PROJECT.
38. THE DESIGNER SHALL NOT BE RESPONSIBLE FOR THE VIOLATION OF DECISIONS OF THE PROJECT.
39. THE DESIGNER SHALL NOT BE RESPONSIBLE FOR THE VIOLATION OF COURT ORDERS OF THE PROJECT.
40. THE DESIGNER SHALL NOT BE RESPONSIBLE FOR THE VIOLATION OF VERDICTS OF THE PROJECT.
41. THE DESIGNER SHALL NOT BE RESPONSIBLE FOR THE VIOLATION OF JUDGMENTS OF THE PROJECT.
42. THE DESIGNER SHALL NOT BE RESPONSIBLE FOR THE VIOLATION OF SETTLEMENTS OF THE PROJECT.
43. THE DESIGNER SHALL NOT BE RESPONSIBLE FOR THE VIOLATION OF AGREEMENTS OF THE PROJECT.
44. THE DESIGNER SHALL NOT BE RESPONSIBLE FOR THE VIOLATION OF TREATIES OF THE PROJECT.
45. THE DESIGNER SHALL NOT BE RESPONSIBLE FOR THE VIOLATION OF INTERNATIONAL LAW OF THE PROJECT.
46. THE DESIGNER SHALL NOT BE RESPONSIBLE FOR THE VIOLATION OF CUSTOMARY INTERNATIONAL LAW OF THE PROJECT.
47. THE DESIGNER SHALL NOT BE RESPONSIBLE FOR THE VIOLATION OF PUBLIC INTERNATIONAL LAW OF THE PROJECT.
48. THE DESIGNER SHALL NOT BE RESPONSIBLE FOR THE VIOLATION OF PRIVATE INTERNATIONAL LAW OF THE PROJECT.
49. THE DESIGNER SHALL NOT BE RESPONSIBLE FOR THE VIOLATION OF CONSTITUTIONAL LAW OF THE PROJECT.
50. THE DESIGNER SHALL NOT BE RESPONSIBLE FOR THE VIOLATION OF STATUTE LAW OF THE PROJECT.
51. THE DESIGNER SHALL NOT BE RESPONSIBLE FOR THE VIOLATION OF COMMON LAW OF THE PROJECT.
52. THE DESIGNER SHALL NOT BE RESPONSIBLE FOR THE VIOLATION OF EQUITY OF THE PROJECT.
53. THE DESIGNER SHALL NOT BE RESPONSIBLE FOR THE VIOLATION OF EQUITY OF THE PROJECT.
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60. THE DESIGNER SHALL NOT BE RESPONSIBLE FOR THE VIOLATION OF EQUITY OF THE PROJECT.

ENVIRONMENTAL REMEDIATION STATEMENT:

THIS PROPERTY IS SUBJECT TO AN ENVIRONMENTAL EASEMENT HELD BY THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION PURSUANT TO TITLE 38 OF ARTICLE 71 OF THE NEW YORK ENVIRONMENTAL CONSERVATION LAW. THE ENGINEERING AND INSTITUTIONAL CONTROLS FOR THIS EASEMENT ARE SET FORTH IN THE SITE MANAGEMENT PLAN (SMP). A COPY OF THE SMP MUST BE OBTAINED BY ANY PARTY WITH AN INTEREST IN THE PROPERTY. THE SMP CAN BE OBTAINED FROM THE NYS DEPARTMENT OF ENVIRONMENTAL CONSERVATION, DIVISION OF ENVIRONMENTAL REMEDIATION, SITE CONTROL SECTION, 825 BROADWAY, ALBANY, NY 12233 OR AT DERVEN@DEC.NY.GOV



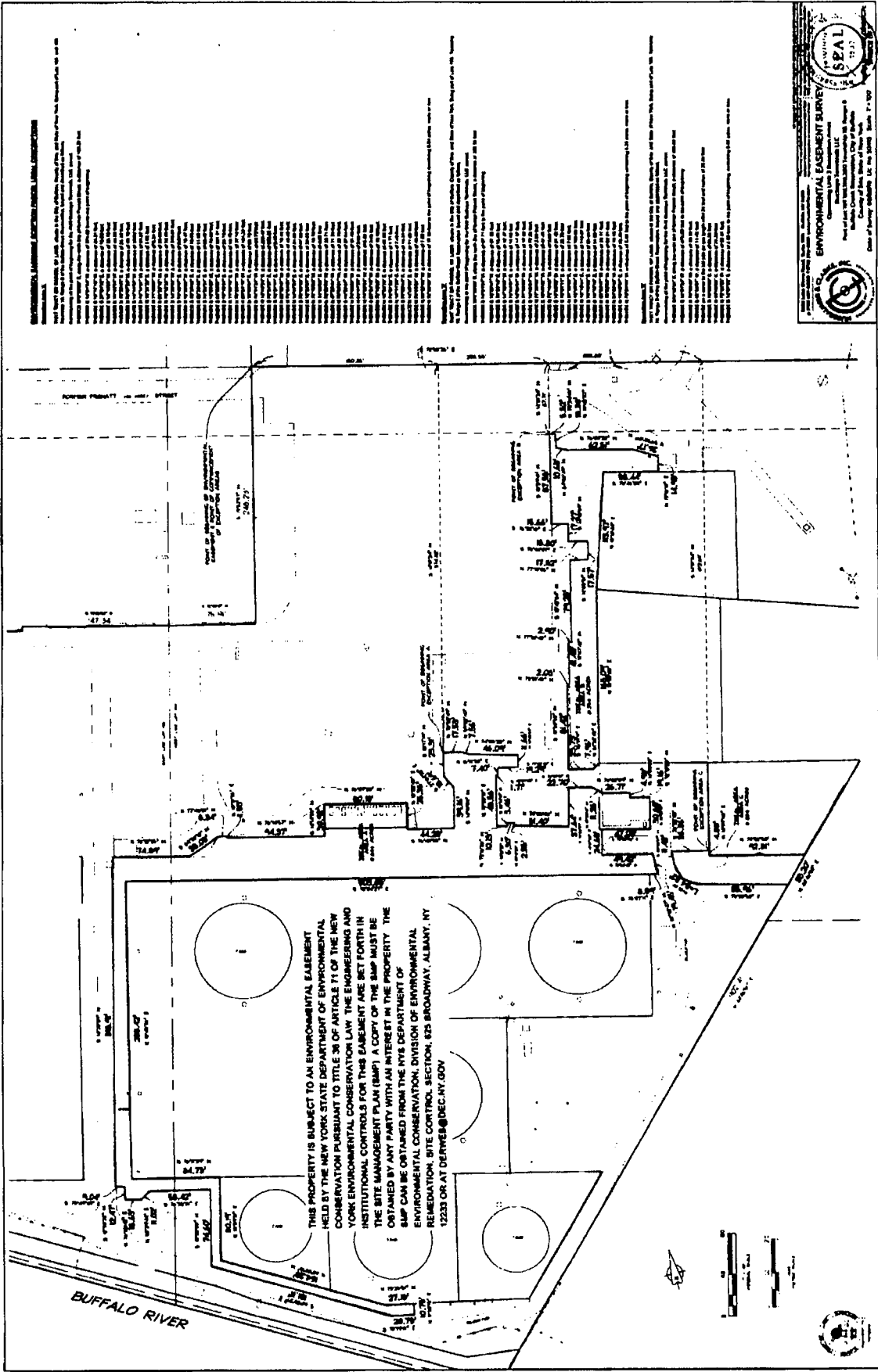
OPERATING UNIT 3 - LANDS OWNED BY ELK STREET COMMERCE PARK, LLC
BCP SITE ID NO. C915201D



Exhibit B-2

Site Survey

Property owned by
Buckeye Terminals, LLC
625 Elk Street





NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Site Management Form
 12/23/2019



SITE DESCRIPTION

SITE NO. C915201D

SITE NAME ExxonMobil Oil Former Buffalo Terminal OU-3

SITE ADDRESS: 503/625 Elk Street and 1 Babcock St. **ZIP CODE:** 14210

CITY/TOWN: Buffalo

COUNTY: Erie

ALLOWABLE USE: Commercial and Industrial

SITE MANAGEMENT DESCRIPTION

SITE MANAGEMENT PLAN INCLUDES: YES NO

IC/EC Certification Plan	■	□
Monitoring Plan	■	□
Operation and Maintenance (O&M) Plan	■	□

Periodic Review Frequency: once a year

Periodic Review Report Submitted Date: 04/30/2021

Description of Institutional Control

Buckeye Terminals, LLC

Five Tek Park - 9999 Hamilton Blvd.

625 Elk Street

Environmental Easement

Block: 1

Lot: 2

Sublot: 112

Section: 123

Subsection: 13

S_B_L Image: 123.13-1-2.112

Building Use Restriction

Ground Water Use Restriction

IC/EC Plan

Landuse Restriction

Monitoring Plan

O&M Plan

Site Management Plan

Soil Management Plan

Elk Street Commerce Park, LLC

4 Centre Drive

1 Babcock Street

Environmental Easement

Block: 1

Lot: 21

Sublot:

Section: 123

Subsection: 13

S_B_L Image: 123.13-1-21

Building Use Restriction

Ground Water Use Restriction

IC/EC Plan

Landuse Restriction

Monitoring Plan

O&M Plan

Site Management Plan

Soil Management Plan

503 Elk Street

Environmental Easement

Block: 1

Lot: 2

Sublot: 111

Section: 123

Subsection: 13

S_B_L Image: 123.13-1-2.111

Building Use Restriction

Ground Water Use Restriction

IC/EC Plan

Landuse Restriction

Monitoring Plan

O&M Plan

Site Management Plan

Soil Management Plan

Description of Engineering Control

Buckeye Terminals, LLC

Five Tek Park - 9999 Hamilton Blvd.

625 Elk Street

Environmental Easement

Block: 1

Lot: 2

Sublot: 112

Section: 123

Subsection: 13

S_B_L Image: 123.13-1-2.112

Cover System

Groundwater Containment

Groundwater Treatment System

Monitoring Wells

Subsurface Barriers

Elk Street Commerce Park, LLC

4 Centre Drive

1 Babcock Street

Environmental Easement

Block: 1

Lot: 21

Sublot:

Section: 123

Subsection: 13

S_B_L Image: 123.13-1-21

Cover System

Groundwater Containment

Groundwater Treatment System

Monitoring Wells

Subsurface Barriers

503 Elk Street

Environmental Easement

Block: 1

Lot: 2

Sublot: 111

Section: 123

Subsection: 13

S_B_L Image: 123.13-1-2.111

Cover System

Groundwater Containment

Groundwater Treatment System

Monitoring Wells

Subsurface Barriers