

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

FILED

JAN 15 2015

**ERIE COUNTY
CLERK'S OFFICE**

**Former Mobil Service Station 99-MST, Site ID No. C915260
979 Main Street, Buffalo, NY
City of Buffalo, Erie County,**

Tax Map Identification Numbers: 100.79-1-1.1 and 100.79-1-2.11

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 Conventus Partners, LLC, F.L.C. 50 High Street Corporation, Kaleida Properties, Inc., and Kaleida Health for a parcel approximately 1.725 acres located at the 979 Main Street (1001 Main Street) in the City of Buffalo and 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):

- 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 File: 2014240622 BK/PG D 11272/6764; Deed Sequence: TT20148568 for 1001 Main Street and File: 2014240633 BK/PG D 11272/6782; Deed Sequence: TT20148570; for 818 Ellicott Street.

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 limitation shall be subject to all rights reserved to the State by ECL Section 27-1421.2 and any other applicable provision of law.

Former Mobil Service Station 99-MST, Site No. C915260, 979 Main Street, Buffalo, NY

PLEASE TAKE NOTICE, the Certificate may entitle the Certificate holder(s) to tax credits in accordance with Tax Law Sections 21, 22 and 23.

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 only be transferred to the Certificate holder's/holders' 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, the Certificate may be revoked if the Environmental Easement as implemented, if applicable, is not protective or enforceable.

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

WHEREFORE, the undersigned has signed this Notice of Certificate

Conventus Partners, LLC

By: Conventus Manager, LLC, its manager

By: F.L.C. 50 High Street Corporation, its sole member

By: William B Stark

Title: Vice President

Date: 1/7/2015

STATE OF NEW YORK) SS:
COUNTY OF ERIE)

On the 7th day of January, in the year 2015, before me, the undersigned, personally appeared WILLIAM STARK, 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.

Sharon A Mozeko
Signature and Office of individual

Please record and return to:
Jonathan Swiatkowski
Kaleida Health

taking acknowledgement SHARON A. MOZEKO #01MO605077426 Exchange Street, Suite 522
Notary Public, State of New York Buffalo, New York 14210
Qualified in Erie County

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

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Former Mobil Service Station 99-MST, Site No. C915260, 979 Main Street, Buffalo, NY

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F.L.C. 50 High Street Corporation

By: William Stark

Title: Vice President

Date: 1/7/2015

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Sharon A. Mozeko
Signature and Office of individual taking acknowledgement

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Jonathan Swiatkowski
Kaleida Health
726 Exchange Street, Suite 522
Buffalo, New York 14210

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JAN 15 2015

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6 NYCRR Part 375-1.9(d)

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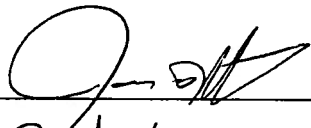
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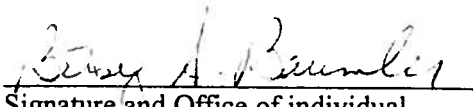
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Kaleida Properties, Inc.

By: 
Title: President
Date: Jan 8, 2015

STATE OF NEW YORK) SS:
COUNTY OF ERIE)

On the 8th day of January, in the year 2015, before me, the undersigned, personally appeared Jonathan Swiatkowski, 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 acknowledgement

Please record and return to:
Jonathan Swiatkowski
Kaleida Health
726 Exchange Street, Suite 522
Buffalo, New York 14210

3770806_1
BETSY S BAUMLER
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
REGISTRATION #4948492
My Commission Expires March 20, 2015

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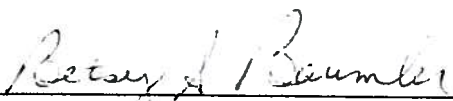
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Kaleida Health

By: 
Title: EVP, CFO, ~~Reg~~
Date: Jan 8th 2015

STATE OF NEW YORK) SS:
COUNTY OF ERIE)

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Signature and Office of individual
taking acknowledgement

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NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
REGISTRATION #4948492
My Commission Expires March 20, 2015

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Buffalo, New York 14210

CHRISTOPHER L. JACOBS, ERIE COUNTY CLERK
REF:

DATE: 1/15/2015
TIME: 3:32:22 PM
RECEIPT: 15007184

HARTER, SECREST & EMERY, LLP BOX 29
ACCOUNT #: 1506

ITEM - 01 740
RECD: 1/15/2015 3:32:39 PM
FILE: 2015008735 BK/PD D 11274/6029
NEW YORK STATE DEPT OF ENVIRONMENTAL CONSERV
ATION
KALEIDA HEALTH
Recording Fees 56.00 56.00
Subtotal 56.00

ITEM - 02 740
RECD: 1/15/2015 3:32:39 PM
FILE: 2015008736 BK/PD D 11274/6032
NEW YORK STATE DEPT OF ENVIRONMENTAL CONSERV
ATION
KALEIDA PROPERTIES INC
Recording Fees 56.00 56.00
Subtotal 56.00

ITEM - 03 740
RECD: 1/15/2015 3:32:39 PM
FILE: 2015008737 BK/PD D 11274/6035
NEW YORK STATE DEPT OF ENVIRONMENTAL CONSERV
ATION
FLC 50 HIGH STREET CORPORATION
Recording Fees 56.00 56.00
Subtotal 56.00

ITEM - 04 740
RECD: 1/15/2015 3:32:39 PM
FILE: 2015008738 BK/PD D 11274/6038
NEW YORK STATE DEPT OF ENVIRONMENTAL CONSERV
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COVENTUS PARTNERS LLC
Recording Fees 56.00 56.00
Subtotal 56.00

TOTAL DUE \$224.00
PAID TOTAL \$224.00
PAID CHECK \$220.00
Check #6507: 220.00
PAID ESCROW \$4.00

REC BY: Faith
COUNTY RECORDER