



County Clerk's Recording Page

Return to:

Party 1:
SILO CITY PHASE I HOUSING
DEVELOPMENT FUND COMPANY INC

Party 2:
PEOPLE OF THE STATE OF NEW YORK
(THE)

Book Type: D Book: 11413 Page: 4142

Page Count: 7

Doc Type:

Rec Date: 01/26/2023

Rec Time: 10:07:43 AM

Control #: 2023014010

UserID: ERECORD

Trans #: 23012270

Document Sequence Number

TT2022012734

Recording Fees:

RECORDING	\$55.00
COE CO S1 RET	\$1.00
COE STATE \$14.25 GEN	\$14.25
COE STATE \$4.75 RM	\$4.75
TP584	\$10.00
MARKOFF FEE	\$0.50

Consideration Amount: 0.00

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: \$85.50

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

AMENDMENT TO ENVIRONMENTAL EASEMENT

This Amendment to Environmental Easement is made as of this 15th day of December 2022, 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; Silo City Phase I Housing Development Fund Company, Inc. (“Grantor Fee Owner”), having an office at 111 NE 1st Street, 8th Floor, Miami, Florida, 33132; and Silo City Phase I LLC (“Grantor Beneficial Owner”), having an office at 487 Main Street, Suite 500, Buffalo, New York, 14293. Grantor Fee Owner and Grantor Beneficial Owner are referred to collectively herein as “Grantor”.

RECITALS

1. Grantor Fee Owner is the owner of two tax parcels of land known and designated on the tax map of the City of Buffalo, County of Erie and State of New York as follows:

- (A) Section 122.14, Block 3, Lot 2, identified by the address 139 Buffalo River, and
- (B) Section 122.14, Block 3, Lot 11.221, identified by the address 4 Lot Lines, and which comprises land formerly associated with a prior address of 610 Ohio Street,

both above-referenced tax parcels being portions of the property conveyed to Grantor Fee Owner by deed dated October 22, 2020 and recorded in the Erie County Clerk’s Office in Liber 11368, Page 2439.

2. The Department and Grantor entered into that certain Environmental Easement (the “Environmental Easement”) dated as of November 2, 2021 and recorded in the Erie County Clerk’s Office on November 12, 2021 in Liber 11390, Page 8819. Capitalized terms used herein without definition have the meanings ascribed to them in the Environmental Easement.
3. Pursuant to the Environmental Easement, Grantor granted to 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 certain uses while ensuring the performance of certain maintenance, monitoring and/or operation requirements, and to ensure the restriction of future uses of the land that are inconsistent with the stated purpose.
4. The Environmental Easement contains use restrictions that apply to the Controlled Property. The Controlled Property may only be used in a manner consistent with the controls set out in the Environmental Easement.
5. This Amendment to Environmental Easement is made and recorded solely in order to correct certain errors that were made in the Environmental Easement with respect to the

identification of the Controlled Property and to update certain parcel-identification information.

6. Pursuant to Section 8 of the Environmental Easement, the Department is using this Amendment to Environmental Easement to amend the Environmental Easement in the manner prescribed by Article 9 of the Real Property Law.

AMENDMENT TO ENVIRONMENTAL EASEMENT

- A. The above recitals are hereby incorporated into this Amendment to Environmental Easement.
- B. The Department and Grantor agree that the 4th and 5th Whereas clauses of the Environmental Easement are hereby amended so that they read as follows:

WHEREAS, Grantor Fee Owner, is the owner of real property located at the address of 139 Buffalo River in the City of Buffalo, County of Erie and State of New York, known and designated on the tax maps of the County of Erie as tax map parcel number: Section 122.14, Block 3, Lot 2, being a portion of the property conveyed to Grantor Fee Owner by deed dated October 22, 2020 and recorded in the County Clerk's Office in Liber 11368, Page 2439. This real property comprises approximately 4.138 +/- acres, and is hereinafter more fully described in the Land Title Survey dated March 12, 2020 and last revised December 8, 2022 prepared by Rosanne Frandina, L.L.S. of Frandina Engineering and Land Surveying, PC, which will be attached to the Site Management Plan. The description of this real property is set forth under the heading of "Parcel 1 Easement Area Legal Description" on Schedule A attached hereto; and

WHEREAS, Grantor Fee Owner, is the owner of real property located in the City of Buffalo, County of Erie and State of New York, known and designated on the tax maps of the County of Erie as tax map parcel number: Section 122.14, Block 3, Lot 11.221, being a portion of the property conveyed to Grantor Fee Owner by deed dated October 22, 2020 and recorded in the County Clerk's Office in Liber 11368, Page 2439. The portion of this real property subject to this Environmental Easement comprises approximately 2.091 +/- acres, and is hereinafter more fully described in the Land Title Survey dated March 12, 2020 and last revised December 8, 2022 prepared by Rosanne Frandina, L.L.S. of Frandina Engineering and Land Surveying, PC, which will be attached to the Site Management Plan. The description of this real property is set forth under the heading of "Parcel 2 Easement Area Legal Description" on Schedule A attached hereto. The real property described in this paragraph and in the preceding paragraph, totaling +/- 6.229 acres and including both "Parcel 1 Easement Area Legal Description" and "Parcel 2 Easement Area Legal Description" as identified on the attached Schedule A, is subject to this Environmental Easement and is referred to collectively herein as the "Controlled Property"; and

The purpose of these amendments to said 4th and 5th Whereas clauses is to correct errors in the Section and Lot numbers (within the Section-Block-Lot numbering system of tax parcels) of the two parcels referenced in these clauses, to update the address of the parcel at Section 122.14, Block 3, Lot 11.221 to the new address assigned by the City of Buffalo of 4 Lot Lines and to clarify the meaning of the defined term Controlled Property in the Environmental Easement.

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

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

Silo City Phase I Housing Development Fund Company, Inc.:

By: *W. Marvin Wilcox*

Print Name: W. MARVIN WILCOX, JR.

Title: MANAGER Date: 11-29-22

Grantor Fee Owner's Acknowledgment

STATE OF FLORIDA)
) ss:
COUNTY OF Miami-Dade)

On the 29th day of November, in the year 2022, before me, the undersigned, personally appeared Wendell W. Wilcox, 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.

Ishmael Brown
Notary Public - State of Florida



ISHMAEL BROWN
Commission # HH 293305
Expires July 26, 2026

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

Silo City Phase I LLC:

By: W. Marcus Wilmoth

Print Name: W. Marcus Wilmoth Jr


Title: MANAGER Date: 11-29-22

Grantor Beneficial Owner's Acknowledgment

STATE OF FLORIDA)
) ss:
COUNTY OF Miami-Dade)

On the 29th day of November, in the year 2022, before me, the undersigned, personally appeared Wendell Wilmoth, 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.

Ismael R
Notary Public - State of Florida

 ISHMAEL BROWN
Commission # HH 293305
Expires July 26, 2026

