STATE OF NEW YORK

8330

2017-2018 Regular Sessions

IN ASSEMBLY

June 8, 2017

Introduced by M. of A. RYAN -- read once and referred to the Committee on Economic Development

AN ACT to amend the alcoholic beverage control law, in relation to exempting certain parcels of land from the provisions of law which generally restrict manufacturers, wholesalers and retailers from sharing an interest in a liquor license

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subparagraph (x) of paragraph (a) of subdivision 1 of section 101 of the alcoholic beverage control law, as added by chapter 318 of the laws of 2016, is amended and a new subparagraph (xi) is added to read as follows:

(x) ALL that certain plot, piece or parcel of land, situate, lying and being in the Town of Greenburgh, County of Westchester and State of New York, being bounded and described as follows:

BEGINNING at a point on the easterly side of Saw Mill River Road where the same is intersected by the division line between premises hereinafter described and lands now or formerly of One Riverdale Ave. Development Co., Inc., said point being North 11 Degrees 23' 24" West 22.83 feet from the former North East corner of Saw Mill River Road and Hunter Lane;

THENCE along said division line, North 82 Degrees 18' 00" East 647.08 feet to land now or formerly of One Riverdale Ave. Development Co., Inc.;

THENCE northerly along same, North 7 Degrees 42' 00" West 351.52 feet and North 10 Degrees 15' 00" West 282.50 feet to the southeast corner of lands now or formerly of Hodes Daniels;

THENCE westerly along same, South 80 Degrees 34' 00" West 85.00 feet, South 9 Degrees 26' 00" East 40.52 feet, South 80 Degrees 35' 00" West 120.56 feet, and South 81 Degrees 15' 00" West 485.74 feet to the east side of Saw Mill River Road;

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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THENCE southerly along same, South 18 Degrees 17' 40" East 150.40 feet and South 11 Degrees 23' 24" East 431.17 feet to the point of BEGINNING[.]; or

(xi) ALL THAT TRACT OR PARCEL OF LAND, together with building and improvements erected thereon, situate in the City of Buffalo, county of Erie and State of New York, being Lots Nos, 1 to 10 inclusive and Lots Nos. 23 to 32 inclusive, in Block "I", of the Subdivision of a part of Lot 88, Black Rock, Township 11, Range I of the Holland Land Company's Survey, as shown on Cover Map No. 196, filed in the Erie County Clerk's Office, Buffalo, New York and more particularly described as follows:

BEGINNING at the intersection of the southerly line of Chandler Street and the easterly line of Manton Place, said point of beginning being also the northwesterly corner of Lot No 1 in the above referred to subdivision, running thence southerly along the easterly line of Manton Place a distance of 280 feet to the northerly line of Grote Street, which point is also the southwesterly corner of Lot No. 23 in the above referred to subdivision; thence easterly along the northerly line of Grote Street, 303.16 feet more or less to the easterly line or Lot No. 32 in said subdivision, which point is also the southwesterly corner of lands owned now or formerly by Anthony Young and Caroline Young, his wife; thence northerly along the easterly line of Lots 32 and 10, being also along the westerly line of land now or formerly of Anthony Young and wife and lands of Barcola Manufacturing Company a distance of 280 feet, more or less, to the southerly line of Chandler Street, said point being also the northeasterly corner of Lot No. 10 and the northwesterly corner of lands now or formerly of Barcola Manufacturing Company; thence westerly along the southerly side of Chandler Street a distance of 306.70 feet more or less to the easterly line of Manton Place, the point and place of beginning, containing 1.96 acres of land, being the same more or less.

§ 2. Subdivision 13 of section 106 of the alcoholic beverage control law, as separately amended by chapters 303 and 318 of the laws of 2016, is amended to read as follows:

13. No retail licensee for on-premises consumption shall be interested, directly or indirectly, in any premises where liquors, wines or beer are manufactured or sold at wholesale, by stock ownership, interlocking directors, mortgage or lien on any personal or real property or by any other means, except that liquors, wines or beer may be manufactured or sold wholesale by the person licensed as a manufacturer or wholesaler thereof on real property owned by an interstate railroad corporation or a United States certificated airline with a retail license for on-premises consumption, or on premises or with respect to a business constituting an overnight lodging and resort facility located wholly within the boundaries of the town of North Elba, county of Essex, township eleven, Richard's survey, great lot numbers two hundred seventy-eight, two hundred seventy-nine, two hundred eight, two hundred ninety-eight, two hundred ninety-nine, three hundred, three hundred eighteen, three hundred nineteen, three hundred twenty, three hundred thirty-five and three hundred thirty-six, and township twelve, Thorn's survey, great lot numbers one hundred six and one hundred thirteen, as shown on the Adirondack map, compiled by the conservation department of the state of New York - nineteen hundred sixty-four edition, in the Essex county atlas at page twenty-seven in the Essex county clerk's office, Elizabethtown, New York, provided that such facility maintains not less than two hundred fifty rooms and suites for overnight lodging, or on premises or with respect to the operation of a restaurant in an

office building located in a city having a population of five hundred thousand or more and in which is located the licensed premises of such manufacturer or wholesaler, provided that the building, the interior of the retail premise and the rental therefor fully comply with the criteria set forth in paragraph two of subdivision three of section one hundred one of this article, any such premises or business located on that tract or parcel of land, or any subdivision thereof, situate in the Village of Lake Placid, Town of North Elba, Essex County, New York; it being also a part of Lot No. 279, Township No. 11, Old Military Tract, Richard's Survey; it being also all of Lot No. 23 and part of Lot No. 22 as shown and designated on a certain map entitled "Map of Building Sites for Sale by B.R. Brewster" made by G.T. Chellis C.E. in 1892; also being PARCEL No. 1 on a certain map of lands of Robert J. Mahoney and wife made by G.C. Sylvester, P.E. & L.S. # 21300, dated August 4, 1964, and filed in the Essex County Clerk's Office on August 27, 1964, and more particularly bounded and described as follows; BEGINNING at the intersection of the northerly bounds of Shore Drive (formerly Mirror Street) with the westerly bounds of Park Place (formerly Rider Street) which point is also the northeast corner of Lot No. 23, from thence South 21°50' East in the westerly bounds of Park Place a distance of 119 feet, more or less, to a lead plug in the edge of the sidewalk marking the southeast corner of Lot No. 23 and the northeast corner of Lot No. 24; from thence South 68°00'50" West a distance of 50.05 feet to an iron pipe set in concrete at the corner of Lots 23 and 22; from thence South 65°10'50" West a distance of 7.94 feet along the south line of Lot No. 22 to an iron pipe for a corner; from thence North 23°21'40" West and at 17.84 feet along said line passing over a drill hole in a concrete sidewalk, and at 68.04 feet further along said line passing over an iron pipe at the southerly edge of another sidewalk, and at 1.22 feet further along said line passing over another drill hole in a sidewalk, a total distance of 119 feet, more or less, to the northerly line of Lot No. 22; from thence easterly in the northerly line of Lot 22 and 23 to the northeast corner of Lot No. 23 and the point of beginning. Also including the lands to the center of Shore Drive included between the northerly straight line continuation of the side lines of the above described parcel, and to the center of Park Place, where they abut the above described premises SUBJECT to the use thereof for street purposes. Being the same premises conveyed by Morestuff, Inc. to Madeline Sellers by deed dated June 30, 1992, recorded in the Essex County Clerk's Office on July 10, 1992 in Book 1017 of Deeds at Page 318, or any such premises or business located on that certain piece or parcel of land, or any subdivision thereof, situate, lying and being in the Town of Plattsburgh, County of Clinton, State of New York and being more particularly bounded and described as follows: Starting at an iron pipe found in the easterly bounds of the highway known as the Old Military Turnpike, said iron pipe being located 910.39 feet southeasterly, as measured along the easterly bounds of said highway, from the southerly bounds of the roadway known as Industrial Parkway West, THENCE running S 31° 54' 33" E along the easterly bounds of said Old Military Turnpike Extension, 239.88 feet to a point marking the beginning of a curve concave to the west; thence southerly along said curve, having a radius of 987.99 feet, 248.12 feet to an iron pipe found marking the point of beginning for the parcel herein being described, said point also marked the southerly corner of lands of Larry Garrow, et al, as described in Book 938 of Deeds at page 224; thence N 07° 45' 4" E along the easterly bounds of said Garrow, 748.16 feet to a 3"x4" concrete monument marking the northeasterly

corner of said Garrow, the northwesterly corner of the parcel herein being described and said monument also marking the southerly bounds of lands of Salerno Plastic Corp. as described in Book 926 of Deeds at Page 186; thence S 81° 45' 28" E along a portion of the southerly bounds of said Salerno Plastic Corp., 441.32 feet to an iron pin found marking the northeasterly corner of the parcel herein being described and also marking the northwest corner of the remaining lands now or formerly owned by said Marx and Delaura; thence S 07° 45' 40" W along the Westerly bounds of lands now of formerly of said Marx and DeLaura and along the easterly bounds of the parcel herein being described, 560.49 feet to an iron pin; thence N 83° 43' 21" W along a portion of the remaining lands of said Marx and DeLaura, 41.51 feet to an iron pin; thence S 08° 31' 30" W, along a portion of the remaining lands of said Marx and Delaura, 75.01 feet to an iron pin marking northeasterly corner of lands currently owned by the Joint Council for Economic Opportunity of Plattsburgh and Clinton County, Inc. as described in Book 963 of Deeds at Page 313; thence N 82° 20' 32" W along a portion of the northerly bounds of said J.C.E.O., 173.50 feet to an iron pin; thence 61° 21' 12" W, continuing along a portion of the northerly bounds of said J.C.E.O., 134.14 feet to an iron pin; thence S 07° 45' 42" W along the westerly bounds of said J.C.E.O., 50 feet to an iron pin; thence S 66° 48' 56" W along a portion of the northerly bounds of remaining lands of said Marx and DeLaura, 100.00 feet to an iron pipe found on the easterly bounds of the aforesaid highway, said from pipe also being located on a curve concave to the west; thence running and running northerly along the easterly bounds of the aforesaid highway and being along said curve, with the curve having a radius of 987.93 feet, 60.00 feet to the point of beginning and containing 6.905 acres of land. Being the same premises as conveyed to Ronald Marx and Alice Marx by deed of CIT Small Business Lending Corp., as agent of the administrator, U.S. Small Business Administration, an agency of the United States Government dated September 10, 2001 and recorded in the office of the Clinton County Clerk on September 21, 2001 as Instrument #135020, or any such premises or businesses located on that certain plot, piece or parcel of land, situate, lying and being in the Second Ward of the City of Schenectady, on the Northerly side of Union Street, bounded and described as follows: to wit; Beginning at the Southeasterly corner of the lands lately owned by Elisha L. Freeman and now by Albert Shear; and running from thence Easterly along the line of Union Street, 44 feet to the lands now owned by or in the possession of James G. Van Vorst; thence Northerly in a straight line along the last mentioned lands and the lands of the late John Lake, 102 feet to the lands of one Miss Rodgers; thence Westerly along the line of the last mentioned lands of said Rodgers to the lands of the said Shear; and thence Southerly along the lands of said Shear 101 feet, 6 inches to Union Street, the place of beginning.

Also all that tract or parcel of land, with the buildings thereon, situate in the City of Schenectady, County of Schenectady, and State of New York, situate in the First, formerly the Second Ward of the said City, on the Northerly side of Union Street, which was conveyed by William Meeker and wife to Elisha L. Freeman by deed dated the second day of December 1843, and recorded in the Clerk's Office of Schenectady County on December 5, 1843, in Book V of Deeds at page 392, which lot in said deed is bounded and described as follows: Beginning at a point in the Northerly line of Union Street where it is intersected by the Easterly line of property numbered 235 Union Street, which is hereby conveyed, and running thence Northerly along the Easterly line of said

property, One Hundred Forty and Five-tenths (140.5) feet to a point sixteen (16) feet Southerly from the Southerly line of the new garage built upon land adjoining on the North; thence Westerly parallel with said garage, Forty-six and Seven-tenths (46.7) feet; thence Southerly One Hundred Forty and Eighty-tenths (140.8) feet to the Northerly margin of Union Street; thence Easterly along the Northerly margin of Union Street, about Forty-eight and three-tenths (48.3) feet to the point or place of beginning.

The two above parcels are together more particularly described as follows:

All that parcel of land in the City of Schenectady beginning at a point in the northerly margin of Union Street at the southwesterly corner of lands now or formerly of Friedman (Deed Book 636 at page 423) which point is about 60 feet westerly of the westerly line of North College Street and runs thence N. 86 deg. 42' 20" W. 92.30 feet to the southeasterly corner of other lands now or formerly of Friedman (Deed Book 798 at page 498); thence N. 04 deg. 06' 48" E. 140.50 feet to the southwesterly corner of lands now or formerly of Stockade Associates (Deed Book 1038 at page 521); thence S. 87 deg. 05' 27" E. 46.70 feet to lands now or formerly at McCarthy (Deed Book 1129 at page 281); thence along McCarthy S. 00 deg. 52' 02" E. 3.69 feet to the northwesterly corner of lands now or formerly of SONYMA (Deed Book 1502 at page 621); thence along lands of SONYMA S. 02' 56" W.34.75 feet to a corner; thence still along lands of SONYMA and lands now or formerly of Magee (Deed Book 399 at page 165) S. 86 deg. 11' 52" E. 42.57 feet to a corner; thence still along lands of Magee and Lands of Friedman first above mentioned S. 03 deg. 10' 08" W. 102.00 feet to the point of beginning.

Excepting and reserving all that portion of the above parcel lying easterly of a line described as follows:

All that tract or parcel of land, situated in the City of Schenectady and County of Schenectady and State of New York, on the Northerly side of Union Street bounded and described as follows:

Beginning at a point in the northerly line of Union Street, said point being in the division line between lands now or formerly of Electric Brew Pubs, Inc. (1506 of Deeds at page 763) on the West and lands now or formerly of Margaret Wexler and Donna Lee Wexler Pavlovic, as trustees under Will of Ruth F. Wexler (Street number 241 Union Street) on the East; thence North 03 deg. 04' 10" East, along the building known as Street No. 241 Union Street, a distance of 30.50 feet to a point; thence North 88 deg. 45' 45" West, along said building and building eve, a distance of 5.62 feet to a point; thence North 03 deg. 03' 30" East, along said building eve of Street No. 241 Union Street, a distance of 32.74 feet; thence South 88 deg. 45' 45" East, along said building eve, a distance of 1.2 feet to an intersection of building corner of Street No. 241 Union Street and a brick wall; thence north 03 deg. 37' 30" East, along said brick wall, a distance of 14.47 feet to a point in the corner of the brick wall, thence South 86 deg. 46' 45" East along said brick wall a distance of 4.42 feet to the intersection of brick wall with the boundary line between the Electric Brew Pubs, Inc. (aforesaid) on the West and lands of Margaret Wexler and Donna Lee Wexler Pavlovic, (aforesaid) on the East; thence North 03 deg 10' 08" East a distance of 0.62 feet to the Northeast corner of lands belonging to Margaret Wexler and Donna Lee Wexler Pavlovic.

Also all that tract or parcel of land commonly known as the Union Street School, located on the Northeasterly corner of Union and North College Streets in the First Ward of the City and County of Schenectady

and State of New York, more particularly bounded and described as follows: Beginning at a point in the Northerly street line of Union Street where it is intersected by the Easterly street line of North College Street, and runs thence Northerly along the Easterly street line of North College Street, one hundred seven and five-tenths (107.5) feet to a point, thence easterly at an angle of ninety (90) degrees, one hundred ninety-one and seventy-five hundredths (191.75) feet to a point in the Northwesterly street line of Erie Boulevard thence southwesterly along the Northwesterly street line of Erie Boulevard, one hundred twenty-three and eight-tenths (123.8) feet to its intersection with the Northerly street line of Union Street; thence Westerly along the Northerly street line of Union Street, one hundred twenty-four and fifty-five hundredths (124.55) feet to the point or place of beginning.

The above described parcel of property includes the Blue Line parcel of land, which is a portion of the abandoned Erie Canal Lands, located in the First Ward of the City of Schenectady, New York, and which Blue Line parcel lies between the Northwesterly line of Erie Boulevard as set forth in the above described premises and the Northeasterly lot line of the old Union Street School as it runs parallel with the Northwesterly line of Erie Boulevard as aforesaid.

The two above parcels are together more particularly described as follows: All that parcel of land in the City of Schenectady beginning at a point in the northerly margin of Union Street and the northwesterly margin of Erie Boulevard and runs thence along Union Street N. 86 deg. 42' 20" W. 124.55 feet to the easterly margin of North College Street; thence along North College Street N. 05 deg 04' 40" E. 107.50 feet to the southeasterly corner of lands now or formerly of McCarthy (Deed Book 1129 at page 279); thence along McCarthy, Cottage Alley and lands now or formerly of McGregor (Deed Book 912 at page 624) S. 84 deg. 55' 20" E. 191.75 feet to the northwesterly margin of Erie Boulevard; thence along Erie Boulevard S. 38 deg. 03' 53" W. 123.54 feet to the point of beginning, any such premises or businesses located on that tract or parcel of land situate in the Town of Hopewell, Ontario County, State of New York, bounded and described as follows: Commencing at a 5/8" rebar found on the division line between lands now or formerly of Ontario County - Finger Lakes Community College (Liber 698 of Deeds, Page 466) on the north and lands now or formerly of James W. Baird (Liber 768 of Deeds, Page 1109) on the south; thence, North 43°-33'-40" West, on said division line, a distance of 77.32 feet to the Point of Beginning. Thence, North 43°-33'-40" West, continuing on said division line and through said lands of Ontario County, a distance of 520.45 feet to a point on the southeasterly edge of an existing concrete pad; thence, South 74°-19'-53" West, along said edge of concrete and the projection thereof, a distance of 198.78 feet to a point on the easterly edge of pavement of an existing campus drive; thence, the following two (2) courses and distances along said edge of pavement: Northeasterly on a curve to the left having a radius of 2221.65 feet, a chord bearing of North 30°-16'-39" East, a chord distance of 280.79, a central angle of 07°-14'-47", a length of 280.98 feet to a point of reverse curvature; thence, Northeasterly on a curve to the right having a radius of 843.42 feet, a chord bearing of North 45°-25'-09" East, a chord distance of 534.08, a central angle of 36°-55'-01", a length of 543.43 feet to a point; thence, South 30°-04'-59" East, a distance of 18.28 feet to the corner of the property acquired by Ontario County (Liber 766 of Deeds, Page 1112), as shown on a map recorded in the Ontario County Clerk's Office as Map No. 6313; thence, the following four (4) courses and

distances along said property line: South 30°-04'-59" East, a distance of 177.17 feet to a point; thence, South 02°-20'-33" East, a distance of 147.53 feet to a point; thence, South 41°-31'-35" East, a distance of 200.93 feet to a point; thence, South 23°-48'-53" West, along said property line, and the projection thereof, through the first said lands of Ontario County - Finger Lakes Community College (Liber 698 of Deeds, Page 466), a distance of 517.96 feet to Point of Beginning. Said parcel containing 7.834 acres, more or less, as shown on a map entitled "Proposed Lease Area - Friends of the Finger Lakes Performing Arts Center, Hopewell, NY", prepared by Bergmann Associates, drawing LM-01, dated June 10, 2005, last revised August 17, 2005. The related PAC Properties are shown on the Map denominated "FLCC Campus Property, FLPAC Ground Lease, Parking, Vehicular & Pedestrian Access", recorded in the Ontario County Clerk's Office on December 10, 2009 in Book 1237 of Deeds at page 9 and are comprised of the areas separately labeled as Parking Lot 'A', Parking Lot 'G', the Ticket Booth area, the Sidewalks, and the Entry Roads; any such premises or businesses located on all that certain piece or parcel of land situate in the City of Syracuse, County of Onondaga, State of New York, lying generally Northwesterly of the West Hiawatha Boulevard, and generally Northeasterly of the New York State Barge Canal, being a portion of Lot 11I and Lot 11J of the Carousel Center Subdivision as shown on a resubdivision plan of the Carousel Center Subdivision filed as Map No. 8743 in the Onondaga County Clerk's Office, and as of May 20, 2014 identified as space L323 in a lease between the liquor license applicant and property owner and on the third level of the shopping center thereon, such shopping center land being more particularly bounded and described as follows:

BEGINNING at the point of the intersection of the division line between the Northeasterly boundary of the New York State Barge Canal, Syracuse Terminal designated as "Parcel No. T-111" on the Southwest and Lot 11I of the Carousel Center Subdivision on the Northeast with the Northwesterly boundary of West Hiawatha Boulevard; thence North 50 deg. 26 min. 28 sec. West, along said division line, 690.72 feet; to a point; thence through Lot 11I and 11J of said subdivision the following thirty-five (35) courses and distances:

1) Thence North 40 deg. 22 min. 15 sec. East 191.79 feet to a point;
2) Thence South 82 deg. 04 min. 58 sec. East 294.58 feet to a point;
3) Thence North 07 deg. 52 min. 16 sec. East 314.89 feet to a point;
4) Thence South 82 deg. 07 min. 45 sec. East 53.96 feet to a point;
5) Thence North 07 deg. 52 min. 16 sec. East 70.18 feet to a point;
6) Thence South 82 deg. 07 min. 44 sec. East 40.81 feet to a point;
7) Thence North 07 deg. 52 min. 16 sec. East 35.49 feet to a point;
8) Thence South 82 deg. 07 min. 50 sec. East 1.52 feet to a point;
9) Thence North 07 deg. 52 min. 16 sec. East 45.53 feet to a point;
10) Thence South 82 deg. 07 min. 44 sec. East 92.67 feet to a point;
11) Thence North 07 deg. 52 min. 16 sec. East 194.00 feet to a point;
12) Thence North 82 deg. 07 min. 44 sec. West 121.00 feet to a point;
13) Thence North 07 deg. 52 min. 14 sec. East 408.67 feet to a point;
14) Thence South 82 deg. 07 min. 44 sec. East 168.50 feet to a point;
15) Thence North 07 deg. 52 min. 16 sec. East 34.33 feet to a point;
16) Thence South 82 deg. 07 min. 44 sec. East 15.33 feet to a point;
17) Thence North 07 deg. 52 min. 16 sec. East 341.67 feet to a point;
18) Thence North 82 deg. 07 min. 44 sec. West 199.44 feet to a point;
19) Thence North 07 deg. 52 min. 31 sec. East 0.97 feet to a point;
20) Thence North 52 deg. 50 min. 09 sec. East 11.22 feet to a point;
21) Thence North 07 deg. 52 min. 16 sec. East 20.77 feet to a point;

22) Thence North 37 deg. 05 min. 57 sec. West 30.86 feet to a point;
23) Thence North 82 deg. 07 min. 44 sec. West 21.02 feet to a point;
24) Thence South 52 deg. 13 min. 00 sec. West 5.85 feet to a point;
25) Thence North 82 deg. 07 min. 44 sec. West 7.41 feet to a point;
26) Thence North 07 deg. 52 min. 16 sec. East 108.15 feet to a point;
27) Thence South 82 deg. 07 min. 44 sec. East 0.75 feet to a point;
28) Thence North 07 deg. 52 min. 16 sec. East 22.46 feet to a point;
29) Thence North 82 deg. 07 min. 44 sec. West 0.75 feet to a point;
30) Thence North 07 deg. 52 min. 16 sec. East 43.48 feet to a point;
31) Thence North 52 deg. 52 min. 15 sec. East 7.78 feet to a point;
32) Thence North 07 deg. 52 min. 16 sec. East 47.79 feet to a point;
33) Thence North 37 deg. 07 min. 44 sec. West 7.78 feet to a point;
34) Thence North 07 deg. 52 min. 16 sec. East 198.11 feet to a point; and
35) Thence South 82 deg. 07 min. 44 sec. East 207.07 feet to a point on the westerly right of way line of Interstate Route 81, Thence along the westerly and southwesterly right of way line of Interstate Route 81, in a generally southeasterly direction, the following seven (7) courses and distances:
1) Thence South 18 deg. 26 min. 44 sec. East 44.24 feet to a point;
2) Thence South 31 deg. 26 min. 40 sec. East 70.85 feet to a point;
3) Thence South 37 deg. 56 min. 38 sec. East 377.51 feet to a point;
4) Thence South 33 deg. 48 min. 10 sec. East 129.69 feet to a point;
5) Thence South 32 deg. 22 min. 13 sec. East 213.26 feet to a point;
6) Thence South 42 deg. 27 min. 42 sec. East 58.65 feet to a point; and
7) Thence South 40 deg. 20 min. 45 sec. East 77.11 feet to its intersection with lands appropriated by the People of the State of New York described as Map 1401 Parcel 1831 in Book 5256 of Deeds at Page 686 and Book 5274 of Deeds at Page 836; Thence along the bounds of said Map 1401 Parcel 1831 the following fifteen (15) courses and distances:
1) South 07 deg. 30 min. 19 sec. East 39.16 feet to a point; thence
2) South 03 deg. 25 min. 41 sec. West 30.00 feet to a point; thence
3) South 12 deg. 49 min. 21 sec. West 30.00 feet to a point; thence
4) South 22 deg. 11 min. 30 sec. West 30.00 feet to a point; thence
5) South 31 deg. 35 min. 08 sec. West 30.00 feet to a point; thence
6) South 40 deg. 57 min. 25 sec. West 30.01 feet to a point; thence
7) South 48 deg. 44 min. 51 sec. West 20.00 feet to a point; thence
8) South 55 deg. 01 min. 19 sec. West 19.99 feet to a point; thence
9) South 65 deg. 30 min. 44 sec. West 8.49 feet to a point; thence
10) North 75 deg. 22 min. 31 sec. West 38.92 feet to a point; thence
11) North 29 deg. 08 min. 26 sec. West 25.83 feet to a point; thence
12) North 07 deg. 58 min. 33 sec. West 20.27 feet to a point; thence
13) North 07 deg. 40 min. 45 sec. East 100.00 feet to a point; thence
14) North 82 deg. 23 min. 04 sec. West 1.00 feet to a point; and
15) South 07 deg. 40 min. 49 sec. West 425.30 to its intersection with the northerly bounds of Map 1402 Parcel 1836 of said appropriation; Thence along the bounds of Map 1402 Parcel 1836 as described in Book 5256 of Deeds at Page 686 and Book 5274 of Deeds at Page 836 the following three (3) courses and distances:
1) South 07 deg. 40 min. 17 sec. West 70.35 feet to a point; thence
2) South 82 deg. 09 min. 26 sec. East 1.00 feet to a point; and
3) North 07 deg. 40 min. 37 sec. East 70.35 feet to its intersection with the bounds of the hereinabove described Map 1401 Parcel 1831; Thence along the bounds of said Map 1401 Parcel 1831 the following ten (10) courses and distances:

1) North 07 deg. 40 min. 37 sec. East 100.00 feet to a point; thence
2) North 40 deg. 32 min. 01 sec. East 61.06 feet to a point; thence
3) North 50 deg. 26 min. 34 sec. East 110.76 feet to a point; thence
4) North 55 deg. 51 min. 53 sec. East 43.02 feet to a point; thence
5) North 66 deg. 11 min. 17 sec. East 30.00 feet to a point; thence
6) North 79 deg. 28 min. 24 sec. East 30.00 feet to a point; thence
7) South 87 deg. 12 min. 02 sec. East 30.00 feet to a point; thence
8) South 73 deg. 54 min. 22 sec. East 30.00 feet to a point; thence
9) South 59 deg. 56 min. 49 sec. East 33.00 feet to a point; and
10) South 47 deg. 06 min. 38 sec. East 95.11 feet to its intersection with the division line between Lot 11J on the Northwest and the lands now or formerly of Woodstead Enterprises Co. as described in Book 3530 of Deeds at Page 257 on the Southeast (formerly lands of Rome Watertown and Oswego Railroad Company via Letters Patent, Book 292, Page 264); thence South 28 deg. 12 min. 27 sec. West along said division line and along the Northwesterly boundary of West Hiawatha Boulevard in part, 36.93 feet to its point of intersection with Northeasterly boundary of West Hiawatha Boulevard; thence North 61 deg. 43 min. 58 sec. West along said Northeasterly boundary 158.30 feet to its point of intersection with the Northwesterly boundary of said West Hiawatha Boulevard; thence West along said Northwesterly boundary the following three (3) courses: 1) South 30 deg. 39 min. 30 sec. West 599.46 feet to a point; thence 2) South 30 deg. 30 min. 42 sec. West 62.49 feet to a point; and 3) South 23 deg. 40 min. 55 sec. West 220.04 feet to its point of intersection with Southwesterly boundary of West Hiawatha Boulevard; thence South 49 deg. 30 min. 46 sec. East along said Southwesterly boundary, 0.30 feet to its point of intersection with the first hereinabove described Northwesterly boundary of West Hiawatha Boulevard; thence South 40 deg. 26 min. 20 sec. West, along said Northwesterly boundary, 98.08 feet to its point of intersection with the division line between Lot 11J on the Northeast and Lot 11H of the Carousel Center Subdivision on the Southwest; thence North 50 deg. 25 min. 12 sec. West, along said division line, 147.85 feet to the Northwest corner of Lot 11H; thence South 40 deg. 26 min. 20 sec. West 217.47 feet to the Southwest corner of lot 11H; thence South 49 deg. 49 min. 16 sec. East 147.83 feet to a point on the first hereinabove described Northwesterly boundary of West Hiawatha Boulevard; thence along said Northwesterly boundary of West Hiawatha Boulevard the following two (2) courses: 1) South 40 deg. 26 min. 20 sec. West 17.66 feet to a point; and 2) South 43 deg. 01 min. 50 sec. West 468.25 feet to the point of beginning.

Excepting the following piece or parcel of land appropriated by the People of the State of New York described as Map 1401 Parcel 1832 in Book 5256 of Deeds at Page 686 and Book 5274 of Deeds at Page 836: Commencing at the southwest corner of herein above described Map 1402 Parcel 1836 said point having a proceeding course of South 07 deg. 40 min. 17 sec. West 70.35 feet in the premises describe hereinabove; thence North 13 deg. 18 min. 48 sec. West 138.17 feet to the southeast corner of Map 1401 Parcel 1832; thence along the bounds of said Map 1401 Parcel 1832 the following four (4) courses and distances:

1) North 82 deg. 09 min. 26 sec. West 1.00 feet to a point; thence
2) North 07 deg. 53 min. 50 sec. East 353.36 feet to a point; thence
3) South 81 deg. 54 min. 58 sec. East 1.00 feet to a point, and
4) South 07 deg. 53 min. 54 sec. West 353.36 feet to the point of beginning; or such premises or businesses located on that tract or parcel of land situate lying and being in the Town of Oneonta, County of Otsego and State of New York and being a portion of Otsego County Tax

Map Department Parcel Number 287.00-1-33 and bounded and described as follows: Beginning at a point 2.12 feet off the northeasterly corner of a one story building on the lands, now or formerly, of Abner Doubleday, LLC, aka Cooperstown All Star Village, LLC, as owned by Martin and Brenda Patton, which point lies N 87°55'13" W a distance of 149.37' from the northeast corner of the Patton lands; thence N 74°30'18" W a distance of 51.50 feet to a point; thence S 15°29'42" W a distance of 2.00 feet to a point; thence N 74°30'18" W a distance of 14.00 feet to a point; thence S 15°29'42" W a distance of 19.20 feet to a point; thence S 74°30'18" E a distance of 14.20 feet to a point; thence S 15°29'42" W a distance of 4.20 feet; thence S 74°30'18" E a distance of 51.30 feet to a point; thence N 15°29'42" E a distance of 25.40 feet to a point to the point and place of beginning or on premises or with respect to a business constituting the overnight lodging facility located wholly within the boundaries of that tract or parcel of land situated in the borough of Manhattan, city and county of New York, beginning at a point on the northerly side of west fifty-fourth street at a point one hundred feet easterly from the intersection of the said northerly side of west fifty-fourth street and the easterly side of seventh avenue; running thence northerly and parallel with the easterly side of seventh avenue one hundred feet five inches to the center line of the block; running thence easterly and parallel with the northerly side of west fifty-fourth street and along the center line of the block fifty feet to a point; running thence northerly and parallel with the easterly side of seventh avenue one hundred feet five inches to the southerly side of west fifty-fifth street at a point distant one hundred fifty feet easterly from the intersection of the said southerly side of west fifty-fifth street and the easterly side of seventh avenue; running thence easterly along the southerly side of west fifty-fifth street thirty-one feet three inches to a point; running thence southerly and parallel with the easterly side of the seventh avenue one hundred feet five inches to the center line of the block; running thence easterly along the center line of the block and parallel with the southerly side of west fifty-fifth street, one hundred feet; running thence northerly and parallel with the easterly side of seventh avenue one hundred feet five inches to the southerly side of west fifty-fifth street; running thence easterly along the southerly side of west fifty-fifth street twenty-one feet ten and one-half inches to a point; running thence southerly and parallel with the easterly side of seventh avenue one hundred feet five inches to the center line of the block; running thence westerly along the center line of the block and parallel with the northerly side of west fifty-fourth street three feet one and one-half inches; running thence southerly and parallel with the easterly side of seventh avenue one hundred feet five inches to the northerly side of west fifty-fourth street at a point distant three hundred feet easterly from the intersection of the said northerly side of west fifty-fourth street and the easterly side of seventh avenue; running thence westerly and along the northerly side of west fifty-fourth street two hundred feet to the point or place of beginning, provided that such facility maintains not less than four hundred guest rooms and suites for overnight lodging; or on such premises or business located on any of the following four parcels:

Parcel A

any such premises or business constituting the overnight lodging and resort facility located wholly within the boundaries of the Village of Altmar, County of Oswego, Great Lot 19 beginning at a point on centerline of Pulaski Street at its intersection with the division line

between the lands now or formerly of Altmar Parish Williamstown Central School District (APW CSD) as described in Book 378 of Deeds at Page 118 on the northwest and the lands now or formerly of Tostanoski as described in Book 1356 of Deeds at Page 55 on the southeast; Thence along said centerline the following two (2) courses: 1) North 37 deg. 35 min. 00 sec. West, a distance of 803.88 ft. to a point and 2). North 45 deg. 48 min. 13 sec. West, a distance of 132.33 ft. to its intersection with the division line between the said lands of APW CSD on the southeast and the lands now or formerly of Hayward as described in Book 894 of Deeds at Page 211 & Doc. #2006-9318 on the northwest; Thence North 23 deg. 48 min. 43 sec. East along said division, a distance of 131.66 ft. to its intersection with the division line between the said lands of APW CSD on the north and the said lands of Hayward on the south; Thence South 73 deg. 16 min. 17 sec. West along the said division line, a distance of 131.66 ft. to its intersection with the division line between the said lands of APW CSD and the lands now or formerly of National Grid as described in Book 282 of Deeds at Page 552; Thence along said division line to the following six (6) courses: 1) North 23 deg. 43 min. 38 sec. East, a distance of 158.73 ft. to a point; thence 2) North 83 deg. 39 min. 24 sec. West, a distance of 190.48 ft. to a point; thence 3) North 25 deg. 39 min. 08 sec. East, a distance of 24.15 ft. to a point; thence 4) North 53 deg. 32 min. 01 sec. East, a distance of 265.18 ft. to a point; thence 5) North 81 deg. 24 min. 54 sec. East a distance of 475.00 ft. to a point; and 6) North 81 deg. 24 min. 54 sec. East, a distance of +/- 522 ft. to its intersection with the center of Salmon River; Thence upstream along said center, and in a generally southerly direction, a distance of +/- 1,455 ft. to its intersection with the division line between the said lands of APW CSD on the northwest and the lands now or formerly of Bennett as described in Book 927 of Deeds at Page 65 on the southeast; Thence South 52 deg. 19 min. 00 sec. West along said division line, a distance of +/- 170 ft. to a point; Thence South 52 deg. 19 min. 00 sec. West, continuing along said division line, a distance of 400.00 ft. to its intersection with the centerline of Pulaski Street; Thence North 37 deg. 35 min. 00 sec. West along said centerline, a distance of 53.65 ft. to its intersection with the division line between the said lands of APW CSD on the southeast and the lands now or formerly of Pfluger as described in Book 922 of Deeds at Page 187 on the northwest; Thence North 52 deg. 25 min. 00 sec. East along said division line, a distance of 330.00 ft. to its intersection with the division line between the said lands of APW CSD on the northeast and the said lands of Pfluger, the lands now or formerly of Endsley as described in Book 1520 of Deeds at page 5, and the hereinabove said lands of Tostanoski, in part by each, on the southwest; Thence North 37 deg. 35 min. 00 sec. West along said division line, a distance of 247.50 ft. to its intersection with the division line between the said lands of APW CSD on the northwest and the said lands of Tostanoski on the southeast; Thence South 52 deg. 25 min. 000 sec. West along said division line, a distance of 330.00 ft. to the POINT OF BEGINNING; or

Parcel B

any such premises or business constituting the overnight lodging and resort facility located wholly within the boundaries of that tract or parcel of land situate in the city of Syracuse, County of Onondaga and State of New York, being part of Block 366 in said City and more particularly bounded and described as follows: beginning at a point at the intersection of the southerly line of East Genesee Street with the westerly line of University Avenue; running thence: South 00° 30' 30"

West, along said Westerly line of University Avenue, a distance of 75.16 feet to a point therein; Thence North 89° 49' 00" West, a distance of 140.00 feet to a point; thence South 00° 30' 30" West, a distance of 271.55 feet to a point; Thence North 89° 49' 00" West, a distance of 103.01 feet to a point; Thence South 00° 11' 00" West, a distance of 132.00 feet to a point in the northerly line of Madison Street; Thence North 89° 49' 0" West along said northerly line, a distance of 141.36 feet to a point; Thence North 00° 25' 10" East, a distance of 50 feet to a point in the westerly line of Farm Lot 200 of the Salt Springs Reservation; Thence North 03° 26' 10" West along said westerly line, a distance of 415.12 feet to a point in the southerly line of East Genesee Street; Thence North 88° 11' 00" East, along said southerly line, a distance of 412.50 feet to the point of beginning. The premises are also described as follows: All that tract or parcel of land, situate in the City of Syracuse, County of Onondaga and State of New York, being known as new Lot 1A as is more particularly shown on a Resubdivision Map of Part of Block 366 made by Christopherson Land Surveying and filed in the Onondaga County Clerk's Office October 8, 2002 as Map No. 9498; or

Parcel C

any such premises or business constituting the overnight lodging and resort facility located wholly within the boundaries of all that tract or parcel of land situate in the city of Syracuse, County of Onondaga and State of New York, being a part of Lots 200 and 201, Lots 2, 6, and 7, Block 368 in the City of Syracuse and being further described as follows: Beginning at a drill hole set at the intersection of the easterly street margin of South Crouse Avenue and the southerly street margin of Harrison Street; Thence S. 89° 51' 36" E. (S 89° 49' 40" E measured), along the southerly street margin of Harrison Street, a distance of 395.30 feet to a capped iron rod set at the westerly line of a parcel of land conveyed to Syracuse University; Thence S. 00° 28' 34" W. (S 00° 30' 30" W measured), along the westerly line of those parcels of land conveyed to Syracuse University, a distance of 132.00 feet to a capped iron rod set; Thence N. 89° 51' 36" W. (N 89° 49' 40" W measured), along the northerly line of a parcel of land conveyed to Syracuse University, a distance of 132.00 feet to a capped iron rod set; Thence N. 89° 51' 36" W. (N 89° 49' 40" W measured), along the northerly line of a parcel of land conveyed to Syracuse University, a distance of 66.00 feet to a capped iron rod set; Thence S. 00° 28' 34" W. (S 00° 30' 30" W measured), along the westerly line of that Syracuse University Property, a distance of 71.25 feet to a capped iron rod set; Thence N 89° 55' 36" W. (89° 53' 39" W measured), a distance of 130.40 feet to a capped iron rod set at the easterly line of that parcel of land conveyed to Crouse Health Systems, Inc. by deed recorded in the Onondaga County Clerk's Office in Liber 4800 at Page 730; Thence N. 03° 44' 23" W. (03° 42' 26" W measured), along the easterly line of the Crouse Health System, Inc. property, a distance of 37.99 feet to a magnetic nail set at the northeast corner of the aforementioned Crouse Health System, Inc.; Thence N. 89° 51' 36' W. (N 89° 49' 40" W measured), along the northerly line of the Crouse Health System, Inc. Property, a distance of 195.85 feet to a capped iron rod set at the easterly street margin of South Crouse Avenue; Thence N. 00° 23' 14" E. (N 00° 25' 10" E measured), along the easterly street margin of South Crouse Avenue, a distance of 165.50 feet to the point of beginning. Together with all the right, title and interest in and to strops and gores of land, if any, adjoining or adjacent to said premises and to the lands lying in the bed of any street, road land or right of way, as they now exist, or formerly existed in, in front of,

or adjoining the premises above described or used in connection with said above described premises. Containing 1.55 acres of land more or less. It being the intent of this survey description to describe those parcels of land conveyed by Temple Adath Yeshurun, also known as the Congregation Adath Yeshurun, to the Syracuse Urban Renewal Agency, by a Warranty Deed dated September 21, 1972, that was duly recorded in the Onondaga County Clerk's Office on October 10, 1972 in Deed Book 2486 at Page 1137. Being a portion of the premises conveyed at Hotel Skylar, LLC, f/k/a 908 Harrison St., LLC, by deed dated June 5, 2007, and recorded in the Onondaga County Clerk's Office on June 14, 2007 in Deed Book 04998 at Page 0795 (Instrument: 0687909); or

Parcel D

any such premises or business constituting the overnight lodging and resort facility located wholly within the boundaries of all that tract or parcel of land situate in the city of Syracuse, County of Onondaga, being part of Lots 13, 14 and 15 of Block 233 in said City, more particularly bounded and described as follows: beginning at a point in the northerly line of East Genesee Street, a distance of 232.5 feet easterly, measured along said northerly line, from the easterly line of Almond Street; Running thence the following 8 courses and distances: (1.) S 89° 30' 50"E, along said northerly line of East Genesee Street, a distance of 109.5 feet; (2.) N 00° 20' E, parallel with said easterly line of Almond Street, a distance of 158.69 feet to the southerly line of Orange Alley; (3.) N 89° 30' 50" W, along said southerly line of Orange Alley, a distance of 66 feet to a point; (4.) N 00° 20' E, parallel with said easterly line of Almond Street, 20 feet to the northerly line of Orange Alley; (5.) N 89° 30' 50" W, along said northerly line of Orange Alley, a distance of 9 feet; (6.) S 00° 20' W, parallel with said easterly line of Almond Street, a distance of 13.5 feet to a point; (7.) N 89° 30' 50" W, parallel with the aforesaid northerly line of East Genesee Street, a distance of 3 feet to a point; and, (8.) S 00° 20' W, parallel with said easterly line of Almond Street, a distance of 165.19 feet to the point of beginning, containing 17,781+/- sq. ft. (0.41+/- Acres of Land) and; Parcel II (#716-718 East Fayette Street), All that tract or parcel of land situate in the City of Syracuse, County of Onondaga and State of New York, being Lot 3 and part of lots 4 and 9 of Block 233 beginning in the southerly line of East Fayette Street, a distance of 132 feet westerly, measured along said southerly line, from the westerly line of Forman Avenue; Running thence the following 4 courses and distances: (1.) N 89° 30' 50" W, along said southerly line of East Fayette Street, a distance of 97 feet; (2.) S 00° 20' 20" W, parallel with said westerly line of Forman Avenue, a distance of 178.69 feet to the northerly line of Orange Alley; (3.) S 89° 30' 50" E, along said northerly line of Orange Alley, a distance of 97 feet to a point; and, (4.) N 00° 20' 10" E, parallel with said westerly line of Forman Avenue, a distance of 178.69 feet to the point of beginning or with respect to any premises or business located on all that certain parcel of land situate in the City of Peekskill, County of Westchester and State of New York, that is a portion of Parcel I as it is shown on that certain map entitled, "Survey .. at Charles Point.." which was filed in the Westchester County Clerk's Office on October 23, 1980 as Map No. 20407 that is bounded and described as follows:

BEGINNING at a point on the easterly shoreline of the Hudson River and within the bounds of the said Parcel I as it is shown on the said Filed Map No. 20407, which point occupies coordinate position:

North 464418.83 (y)

East 607401.00 (x)
of the New York State Coordinate System, East Zone and which point is distant, the following courses from the southerly corner of the Parcel shown on Map No. 20407 that occupies coordinate position
North 463520.804 (y)
East 608470.681 (x)
of the aforesaid New York State Coordinate System, East Zone:
North 47 degrees 30' 36" West 856.60 feet,
North 77 degrees 10' 53" West 488.18 feet,
North 41 degrees 17' 53" West 113.32 feet and
North 41 degrees 50' 16" East 169.08 feet;
THENCE from the said point of beginning along the said easterly shoreline (high water mark) of the east bank of the Hudson River:
Due North 16.17 feet,
North 53 degrees 58' 22" West 13.60 feet,
North 73 degrees 04' 21" West 24.04 feet,
North 63 degrees 26' 06" West 22.36 feet,
North 82 degrees 18' 14" West 37.34 feet,
North 64 degrees 47' 56" West 37.58 feet,
South 82 degrees 52' 30" West 16.12 feet,
North 61 degrees 41' 57" West 14.76 feet and
South 21 degrees 48' 05" West 9.71 feet;
THENCE leaving the high water mark and running across a peninsula of land and along the division line between Parcel I and Parcel II as shown on said Filed Map No. 20407, North 65 degrees 32' 43" West 30.18 feet to another point on the said easterly shoreline (high water mark) of the East Bank of the Hudson River;
THENCE northerly along the said high water mark, the following courses:
North 3 degrees 00' 46" West 17.54 feet,
North 13 degrees 45' 39" West 50.45 feet,
North 10 degrees 49' 23" West 69.23 feet,
North 0 degrees 47' 22" West 52.48 feet to a point which is the point of beginning of the hereinafter described 40 foot easement which point occupies coordinate position
North 464676.48 (y)
East 607189.28 (x)
of the New York State Coordinate System, East Zone;
THENCE continuing along the aforesaid easterly shoreline (high water mark) of the East Bank of the Hudson, the following courses:
North 10 degrees 18' 17" West 23.91 feet,
North 39 degrees 04' 58" West 21.39 feet,
North 20 degrees 13' 30" West 21.74 feet,
North 39 degrees 02' 08" West 95.27 feet,
North 13 degrees 08' 02" West 30.81 feet,
North 18 degrees 26' 06" West 53.76 feet,
North 28 degrees 10' 43" West 63.53 feet,
North 18 degrees 26' 06" West 50.60 feet,
North 37 degrees 14' 05" West 31.40 feet,
North 21 degrees 15' 02" West 96.57 feet,
North 32 degrees 00' 19" West 47.17 feet,
North 1 degree 18' 07" West 44.01 feet and
North 17 degrees 14' 29" East 29.32 feet to a point on the southerly line of lands under lease to the County of Westchester (Resco Site);

THENCE along the said County of Westchester (Resco Site) lands: Due East 432.31 feet to a point on the westerly line of an easement and a right-of-way leading to Charles Point Avenue;

THENCE along the said westerly and southwesterly line of the said right-of-way leading to Charles Point Avenue: Due South 241.16 feet and South 27 degrees 13' 00" East 406.90 feet to a point;

THENCE leaving the said easement and running along other lands now or formerly of The City of Peekskill Industrial Development Agency, South 41 degrees 50' 16" West 270.01 feet to the aforementioned easterly shoreline (high water mark) of the East Bank of the Hudson River and the point or place of beginning.

TOGETHER with an easement over all that parcel of land situate in the City of Peekskill, County of Westchester and State of New York that is more particularly bounded and described as follows:

BEGINNING at a point on the westerly line of Charles Point Avenue with the said westerly line is intersected by the line dividing the easement herein described on the south from lands under lease to the County of Westchester (Resco Site) on the north which point occupies coordinate position:

North 464719.99 (y)

East 608004.15 (x)

of the New York State Coordinate System, East Zone;

THENCE from the said point of beginning southerly along the said westerly line of Charles Point Avenue, South 14 degrees 54' 00" West 103.48 feet to a point;

THENCE westerly along other lands of the City of Peekskill Industrial Development Agency: Due West 396.44 feet to a point which is the easterly most corner of the lands of Point Associates, the grantee herein;

THENCE along the northeasterly line of the said Point Associates' land, North 27 degrees 13' 00" West 406.90 feet and Due North 241.16 feet to a point on the southerly line of the aforementioned lands leased to the County of Westchester (Resco Site);

THENCE easterly along the said southerly line Due East 75.00 feet to a point;

THENCE southeasterly and easterly still along the said lands leased to the County of Westchester (Resco Site) the following courses:

Due South 223.00 feet,

South 27 degrees 13' 00" East 314.87 feet and

Due East 390.14 feet to the aforementioned westerly line of Charles Point Avenue and the point or place of BEGINNING.

TOGETHER WITH a non-exclusive easement for utilities, and ingress and egress over that certain right of way leading from Charles Point Avenue, now known as John E. Walsh Boulevard, in a westerly and northwesterly direction to the above described premises and as more fully described in the Declaration of Easement recorded in Liber 8888 cp 35[~~.~~]**; or on such premises or business located on any of the following fifteen parcels:**

PARCEL 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 Inner Lot No, 200, described as follows:

Beginning at a point in the west line of Ellicott Street where said west line is intersected by the southerly line of said Inner Lot No. 200, which point is one hundred eighty-nine and six tenths (189.6) feet south of the intersection of said west line of Ellicott Street with the south line of Huron Street: running thence westerly along the south line of said Inner Lot No., 200, one hundred (100) feet: thence northerly

parallel with Ellicott Street forty-eight and five hundredths (48.05) feet: thence easterly and at right angles to Ellicott Street eighteen and thirty-six hundredths (18.36) feet: thence southerly one (1) foot more or less to a division line of the northerly wall of building known as No. 338-342 Ellicott Street and southerly wall of building known as No. 346 Ellicott Street: thence easterly and at right angles to Ellicott Street eighty-one and sixty-four hundredths (81.64) feet to the westerly line of Ellicott Street: thence southerly along the westerly line of Ellicott Street forty-six and seventy-two hundredths (46.72) feet to the point or place of beginning.

PARCEL B

ALL that tract or parcel of land, situate in the City of Buffalo, County of Erie and State of New York, being part of Lot Number fifty-seven (57), Township eleven (11) and Range eight (8) of the Holland Land Company's Survey, bounded and described as follows:

Beginning at a point in the westerly line of Elmwood Avenue distant one hundred thirty-three (133) feet northerly from its intersection with the northerly line of Hodge Avenue; and running thence westerly at right angles to the westerly line of Elmwood Avenue, one hundred thirteen (113) feet; thence northerly parallel with the said westerly line of Elmwood Avenue, thirty-four (34) feet; thence easterly at right angles to the said westerly line of Elmwood Avenue, one hundred thirteen (113) feet to said westerly line of Elmwood Avenue; and thence southerly along said westerly line of Elmwood Avenue, thirty-four (34) feet to the place of beginning.

PARCEL C

All that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the City of Buffalo, County of Erie and State of New York, being part of Lot No. fifty-one (51), Township eleven (11), Range eight (8) of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at the intersection of the east line of Delaware Avenue (99 feet wide) with the north line of Allen Street (62 feet wide); thence east along the north line of Allen Street, 357.38 feet to the west line of Franklin Street (86 feet wide); thence north along the west line of Franklin Street, 55.07 feet to the south line of lands conveyed to the City of Buffalo Urban Renewal Agency by a deed recorded in the Erie County Clerk's Office in Liber 9394 of Deeds at page 279; thence west along said south line, 17.10 feet to an angle point in said lands; thence continuing west along the south line of said lands, 161.43 feet to the center line of the block between Franklin Street and Delaware Avenue; thence continuing west along the south line of said lands 174.25 feet to the east line of Delaware Avenue, thence south along the east line of Delaware Avenue, 97.32 feet to the point of beginning.

PARCEL D

All that Tract or Parcel of Land, situate in the City of Buffalo, County of Erie and State of New York, being part of Lot No. 48, Township 11, Range 8 of the Holland Land Company's Survey, and bounded and described as follows:

BEGINNING at a point in the westerly line of Elmwood Avenue at a distance of 384 feet north of the point of intersection of the said line of Elmwood Avenue with the northerly line of Bird Avenue; running thence westerly parallel with Bird Avenue 150 feet; thence northerly parallel with said line of Elmwood Avenue to the southerly line of land heretofore conveyed by the Byers Building Company to Guy W. Hinckley and Marian Hinckley, his wife, by deed dated September 1, 1918, and recorded in

Erie County Clerk's Office in Liber 1368 of Deeds at Page 600, September 14, 1918; thence easterly along the southerly line of land so conveyed to said Guy W. Hinckley and Marian Hinckley, his wife, 150 feet to the said line of Elmwood Avenue; and running thence southerly along said line of Elmwood Avenue about 32.24 feet to the point or place of beginning.

PARCEL E

All that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate in the Village of Williamsville, Town of Amherst, County of Erie and State of New York, being part of Lot Number one (1), Twelve (12), Range seven (7) of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at the point of intersection of the northerly line of Main Street and the easterly line of Furnace Street now known as East Spring Street, thence easterly along said northerly line of Main Street thirty (30) feet thence northerly at right angles thirty (30) feet to the easterly line of East Spring Street thence southerly along said easterly line of East Spring Street one hundred thirty-two (132) feet to the place of beginning.

PARCEL F

ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND situate, lying and being in the Town of Clarence, County of Erie and State of New York, being part of Lot 12, Section 13, Township 12, Range 6 of the Holland Land Company's Survey and more particularly described as follows:

BEGINNING at the southeast corner of Lot 12, Section 13;

THENCE north 87 degrees 22 minutes 20 seconds west along the south line of Lot 12, said line being northerly right of way of Main Street, as laid out 99.00 feet in width, 1227.54 feet to a point, said point being the intersection of the south line of Lot 12 and the easterly right of way of Transit Road as shown on Transit Acquisition Map Part 1, S.H. 88, Map 3, Parcel 3;

THENCE north 00 degrees 12 minutes 50 seconds east along the easterly right of way of Transit Road, said line also being parallel to and 67,000 feet at right angles easterly of the west line of Lot 12, 1202.82 feet to a point;

THENCE south 89 degrees 47 minutes 10 seconds east along a line, said line being at right angles to the previous course, 1235.48 feet to a point, said point lying on the east line of Lot 12;

THENCE south 00 degrees 37 minutes 10 seconds west along the east line of Lot 12, 1254.57 feet to the point or place of beginning.

EXCEPTING AND RESERVING from the foregoing that piece or parcel described as follows:

BEGINNING at a point in the south line of Lot 12, said point being 67.06 feet southeasterly of the southwest corner of Lot 12;

THENCE north 00 degrees 12 minutes 50 seconds east along the existing right of way of Transit Road, 200.00 feet to a point;

THENCE south 87 degrees 22 minutes 20 seconds east along a line parallel to the south line of Lot 12, 200.00 feet to a point;

THENCE south 00 degrees 12 minutes 50 seconds west along a line parallel to the west line of Lot 12, 200.00 feet to a point, said point being on the south line of Lot 12;

THENCE north 87 degrees 22 minutes 20 seconds west along the south line of Lot 12, 200.00 feet to the point or place of beginning.

EXCEPTING AND RESERVING that part of the above described premises appropriated by The People of the State of New York for highway purposes by Notice of Appropriation recorded in the Erie County Clerk's Office in

Liber 10926 of Deeds at page 8401 and designated as Map No. 107, Parcel No. 107.

PARCEL G

ALL THAT TRACT OR PARCEL OF LAND, situated in the Town of Clarence, County of Erie and State of New York, being part of Lot No. 12, Section 13, Township 12, Range 6 of the Holland Land Company's Survey, bounded and described as follows:

COMMENCING at the point of intersection between the easterly boundary line of Transit Road (as a street 100 feet wide) and the southerly line of lands conveyed to Sears, Roebuck and Co. by deed recorded in the Erie County Clerk's Office in Liber 7587 of Deeds at page 264; thence easterly along the southerly line of lands so conveyed to Sears, Roebuck and Co., 555 feet to a point; thence southerly along a course which is at right angles to the last described course, 150 feet to a point, which is the point or place of beginning; thence easterly along a course which is at right angles to the last described course, 286.11 feet to a point; thence northeasterly along a course which is at an interior angle of 205° 58', 28.55 feet to a point; thence easterly at an exterior angle of 205° 53' and along a line drawn parallel to the southerly line of lands so conveyed to Sears, Roebuck and Co., 45.68 feet to a point; thence southwesterly at an interior angle of 25° 58', 175.14 feet to a point; thence southerly at an exterior angle of 115° 58', 38.99 feet to a point; thence westerly along a course which is at right angles to the last described course, said cource being along a line drawn parallel to the southerly line of lands so conveyed to Sears, Roebuck and Co., 200 feet to a point; thence northerly along a course which is at right angles to the last described course, 103.17 feet to the point or place of beginning, containing .58 acre, more or less.

PARCEL H

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Clarence, County of Erie and State of New York, being part of Lot No. 12, Section 13, Township 12, Range 6 of the Holland Land Company's Survey, being more particularly bounded and described as follows:

BEGINNING at the intersection of the easterly line of Transit Road, as presently laid out, and the northerly line of lands conveyed to the Atlantic Refining & Marketing Corp., as recorded in the Erie County Clerk's Office under Liber 9519 of Deeds at page 625; Thence northerly along the easterly line of Transit Road a distance of 162.73 feet to an angle point therein; Thence continuing northerly along the easterly line of Transit Road at an exterior angle of 179°00'35" a distance of 177.50 feet to a point; Thence easterly along a line at an interior angle of 90°00'00" a distance of 274.00 feet to a point; Thence southerly along a line at an interior angle of 90°00'00" a distance of 55.00 feet to a point; Thence southwesterly along a line at an interior angle of 157°46'55" a distance of 172.50 feet to a point; Thence southerly along a line at an exterior angle of 158°35'37" a distance of 138.00 feet to a point; Thence westerly along a line at an interior angle of 87°24'24" along the northerly line of said lands conveyed to the Atlantic Refining & Marketing Corp., and its easterly extension a distance of 210.00 feet to the point of beginning, containing 1.87 acres more or less.

PARCEL I

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Clarence, County of Erie and State of New York, being part of Lot No. 12, Section 13, Township 12, Range 6 of the Holland Land Company's Survey, being more particularly bounded and described as follows;

COMMENCING at the intersection of the easterly line of Transit Road, as presently laid out, and the southerly line of lands conveyed to Sears Roebuck and Co., as recorded in the Erie County Clerk's Office under Liber 7587 of Deeds at page 264; Thence easterly along the southerly line of said lands conveyed to Sears Roebuck and Co. a distance of 598.97 feet to the Point of Beginning; Thence easterly continuing along the southerly line of said lands conveyed to Sears Roebuck and Co. a distance of 387.86 feet to a point; Thence southerly along a line at an interior angle of 90°00'00" a distance of 138.00 feet to a point; Thence westerly along a line at an interior angle of 90°00'00" a distance of 174.00 feet to a point; Thence northwesterly along a line at an interior angle of 159°23'23" a distance of 51.14 feet to a point; Thence westerly along a line at an exterior angle of 159°23'23" a distance of 166.00 feet to a point; Thence northerly along a line at an interior angle of 90°00'00" a distance of 120.00 feet to the point of beginning, containing 1.14 acres more or less.

PARCEL J

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Clarence, County of Erie and State of New York, being part of Lot No. 12, Section 13, Township 12, Range 6 of the Holland Land Company's Survey, being more particularly bounded and described as follows;

BEGINNING at a point in the southeasterly corner of Lot No. 12, Section 13, said point being a point in the northerly line of Main Street (99 feet wide); Thence northerly along the east line of said Lot No. 12, Section 13 a distance of 1254.57 feet to a point in the southerly line of lands conveyed to Sears Roebuck and Co. as recorded in the Erie County Clerk's Office under Liber 7587 of Deeds at page 264; Thence westerly along the southerly line of said lands conveyed to Sears Roebuck and Co. at an interior angle of 89°35'15" a distance of 209.58 feet to a point; Thence southerly along a line at an interior angle of 90°00'00" a distance of 124.54 feet to a point of curvature; Thence southwesterly along a curved line to the right having a radius of 90.00 feet an arc distance of 109.23 feet to a point of tangency; Thence southwesterly along a tangent line a distance of 103.99 feet to a point of curvature; Thence southerly along a curved line to the left having a radius of 50.84 feet an arc distance of 62.65 feet to a point of tangency; Thence southerly along a tangent line a distance of 159.23 feet to a point; Thence southeasterly along a line at an interior angle of 149°33'11" a distance of 211.02 feet to a point; Thence southeasterly along a line at an exterior angle of 157°25'48" a distance of 157.33 feet to a point; Thence southeasterly along a line at an interior angle of 163°12'34" a distance of 113.80 feet to a point; Thence southerly along a line at an exterior angle of 151°38'46" a distance of 183.05 feet to a point; Thence southwesterly along a line at an exterior angle of 134°05'32" a distance of 47.82 feet to a point; Thence southerly along a line at an interior angle of 133°52'57" a distance of 138.65 feet to a point in the northerly line of said Main Street; Thence easterly along the northerly line of said Main Street at an interior angle of 90°00'00" a distance of 252.79 feet to the point of beginning, containing 7.93 acres more or less.

PARCEL K

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Clarence, County of Erie and State of New York, being part of Lot No. 12, Section 13, Township 12, Range 6 of the Holland Land Company's Survey, being more particularly bounded and described as follows:

BEGINNING at the intersection of the easterly line of Transit Road, as presently laid out, and the northerly line of lands conveyed to the Atlantic Refining & Marketing Corp. as recorded in the Erie County Clerk's Office under Liber 9519 of Deeds at page 625; thence northerly along the easterly line of Transit Road a distance of 162.73 feet to an angle point therein; thence continuing northerly along the easterly line of Transit Road at an exterior angle of 179° 00' 35" a distance of 177.50 feet to a point; thence easterly along a line at an interior angle of 90° 00' 00" a distance of 274.00 feet to a point; thence southerly along a line at an interior angle of 90° 00' 00" a distance of 55.00 feet to a point; thence southwesterly along a line at an interior angle of 157°46'55" a distance of 172.50 feet to a point; thence southerly along a line at an exterior angle of 158° 35' 37" a distance of 138.00 feet to a point; thence westerly along a line at an interior angle of 87° 24' 24" along the northerly line of said lands conveyed to the Atlantic Refining & Marketing Corp. and its easterly extension a distance of 210.00 feet to the point of beginning.

TOGETHER WITH the benefits of a Declaration of Easements made by the Town of Clarence, Erie County, Industrial Development Agency dated August 7, 2007 and recorded August 10, 2007 in Liber 11133 of Deeds at page 338.

PARCEL L

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Clarence, County of Erie and State of New York, being part of Lot No. 12, Section 13, Township 12, Range 6 of the Holland Land Company's Survey, being more particularly bounded and described as follows:

COMMENCING at the intersection of the easterly line of Transit Road, as presently laid out, and the southerly line of lands conveyed to Sears Roebuck and Co. as recorded in the Erie County Clerk's Office under Liber 7587 of Deeds at Page 264; thence easterly along the southerly line of said lands conveyed to Sears Roebuck and Co. a distance of 598.97 feet to the Point of Beginning ;thence easterly continuing along the southerly line of said lands conveyed to Sears Roebuck and Co. a distance of 387.86 feet to a point; thence southerly along a line at an interior angle of 90° 00' 00" a distance of 138.00 feet to a point; thence westerly along a line at an interior angle of 90° 00' 00" a distance of 174.00 feet to a point; thence northwesterly along a line at an interior angle of 159° 23' 23" a distance of 51.14 feet to a point; thence westerly along a line at an exterior angle of 159° 23' 23" a distance of 166.00 feet to a point; thence northerly along a line at an interior angle of 90° 00' 00" a distance of 120.00 feet to the point of beginning.

TOGETHER WITH the benefits of a Declaration of Easements made by the Town of Clarence, Erie County, Industrial Development Agency dated August 7, 2007 and recorded August 10, 2007 in Liber 11133 of Deeds at page 338.

PARCEL M

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Buffalo, County of Erie and State of New York, being part of Lot No. 51, Township 11, Range 8 of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at a point in the northerly line of Allen Street 39 feet west of the intersection of said northerly line with the westerly line of Park Street; thence westerly along the northerly line of Allen Street, 129 feet to a point; thence northerly at right angles to the northerly line of Allen Street, 130 feet to a point; thence easterly

along a line parallel with the northerly line of Allen Street, 59 feet to a point; thence southerly along a line which intersects the northerly line of Allen Street at a right angle 30 feet to a point; thence easterly along a line parallel with the northerly line of Allen Street, 70 feet to a point; thence southerly in a straight line 100 feet to the point of beginning.

PARCEL N

The premises which are the subject of this agreement shall be the Delaware Park Casino, also know as the Marcy Casino, and includes the area bounded on the South by the South line of the existing service road providing access to the Casino and Rose Garden, on the West by the East right-of-way line of Lincoln Parkway, on the North by the Southerly edge of the promenade (does not include promenade), and on the East by a line approximately 30 feet East of the East wall of the Casino Structure.

PARCEL O

WHEREAS, Subtenant desires to sublease a portion of the Park premises (hereinafter called "Premises or Leased Premises"), commonly known as a part of the first floor of the Museum Building and adjacent exterior space; and

The Park hereby agrees to sublease to Subtenant that portion of the first floor of the Museum Building and adjoining outdoor space, together with an area for storage (hereinafter Leased Premises), as described in Exhibit "A" and subject to City Department of Public Works, Parks and Streets (hereinafter called "DPW") approvals as set forth herein. Any lien, mortgage or other interest or estate now held by said retail licensee on or in the personal or real property of such manufacturer or wholesaler, which mortgage, lien, interest or estate was acquired on or before December thirty-first, nineteen hundred thirty-two, shall not be included within the provisions of this subdivision; provided, however, the burden of establishing the time of the accrual of the interest, comprehended by this subdivision shall be upon the person who claims to be entitled to the protection and exemption afforded hereby.

§ 3. This act shall take effect immediately.