



November 12th, 2013

Erie County Industrial Development Agency
Attn: John Cappellino, Executive VP & Director of Business Development
95 Perry Street
Buffalo, New York 14203

Re: The Delaware North Building - 250 Delaware Avenue – ECIDA Application

Dear John:

DNC 250, Inc. (formerly BTC Block 20 Inc.), an affiliate of Uniland Development Company (the "Project Applicant"), together with Delaware North Companies, Inc. ("DNC"), jointly request that the Erie County Industrial Development Agency ("ECIDA") provide certain financial assistance for the construction and equipping by the Project Applicant and DNC of a mixed-use development at 250 Delaware Avenue, Buffalo, New York (the "Delaware North Building" or the "Project").

The Project Applicant and DNC are each responsible for different parts of the Delaware North Building. This letter supplements the on-line application submitted to ECIDA by the Project Applicant for its portion of the Project. DNC, as anchor tenant, is responsible for design, construction and funding of its office space. The Project Applicant is responsible for design, construction and funding of all other aspects of the Project.

DNC has submitted an application for financial assistance to ECIDA for its portion of the Project. These two applications are for one integrated project, and neither the Project Applicant nor DNC will proceed independently with this project unless both applications for financial assistance are considered simultaneously for approval by ECIDA.

The portion of the Delaware North Building that DNC 250, Inc. is responsible for (and is the subject of the application) consists of approximately 356,520 SF, 12-story mixed-use development and a 4-level public parking ramp to be built on ±1.95 acres of land within Buffalo's Central Business District in a "highly distressed area" (as defined by State law). The site is a certified Brownfield cleanup site. The development is anchored by 204,000 SF (7 stories) of Class A office space, of which 110,000 SF (the "DNC Space") is proposed to be leased by the Project Applicant to DNC, and the balance (the "Expansion Space") required to satisfy DNC's critical needs, will be leased to DNC for future growth or to other companies to help attract and/or retain new businesses. Finally, in order to complete the development, a 4-level parking structure (152,520 SF) will be constructed providing 380 car parks. The number of car parks meets the contractual obligations required by the DNC lease.



The following items were submitted to the ECIDA on October 11th, 2013, and should be considered part of this application submission:

- Copy of the current tax bills for the Project site (County & City tax bills)
- CD containing all Phase I & Phase II Environmental Assessments that have been prepared for the Project site
- Copy of the Brownfield Cleanup Agreement dated 4/15/13 for the Project site
- Attachment 1: Representations, Certification and Indemnification
- Attachment 2: City of Buffalo – Addendum to Full Environmental Assessment Form
- Full Environmental Assessment Form (in lieu of short form)
- Local Labor Certification
- Check #1176 in the amount of \$1,000.00 representing the ECIDA Application & Publication Fee

The following section serves to clarify and expand on responses to questions in the ECIDA Application submitted by the Project Applicant.

Section II: Project Description & Details

“Will the project preserve permanent, private sector jobs or increase the overall number of permanent, private sector jobs in the State of New York”

- As mentioned previously, if the Project does not receive a satisfactory package of incentives, Delaware North will not lease the facility, and without DNC, Uniland will not move forward with the Project. By not moving forward, the private sector job growth associated with Delaware North’s World Headquarters operation in the State of New York, and specifically Erie County, is at risk. The number of new jobs created 2 years after completion of the project is 65; however with DNC’s options to expand their leased space into the remaining 84,000 square feet of available office, this number could be much greater. This Project is an opportunity to keep the expected future growth of DNC’s World Headquarters in Buffalo for decades to come. The greater opportunity lies with City of Buffalo, who would see the development of a historically underutilized Brownfield property located in a highly distressed area of the city.

Section V: Inter-Municipal Move Determination

“Does this project involve relocation or consolidation of a project occupant from another municipality or abandonment of an existing facility?”

- This project does not involve any relocation between municipalities, either within New York State or within Erie County. DNC is proposing to relocate from 40 Fountain Plaza in Buffalo to 250 Delaware Avenue in Buffalo upon expiration of its lease. For logistical and practical purposes, DNC may or may not need to move into 250 Delaware in stages before the existing lease at 40 Fountain Plaza expires.

Section VI: Facility Type – Single or Multi-Tenant

“Have any tenant leases been entered into for this project?”

University Corporate Centre
100 Corporate Pkwy • Amherst, NY 14226-1295
716.834.5000 Fax 716.834.5034
uniland.com



- No, a lease with DNC will not be effective until all tenant contingencies have been waived by the tenant.

This application is being submitted for consideration at the next ECIDA Board Meeting. It has also been submitted electronically based on Uniland and the ECIDA's mutual agreement that the ECIDA staff will review the application and provide comments for clarification and allow modifications to the application prior to the Board Meeting.

Please feel free to contact me with any questions. Thank you for your assistance with this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "P. Sayadoff".

Peter A. Sayadoff
Director of Capital Markets Group

Enclosures

CC: Chris Hurley, Esq. (Hurwitz & Fine, P.C.)
File # 7607-C

Application Title

250 DC

Section I: Applicant Background Information

Applicant Information - Company Receiving Benefit

Total Project Cost 51785708
Applicant Name DNC 250, Inc. ("Landlord" or "DNC 250, Inc.") (an affiliate of Uniland)
Applicant Address 100 Corporate Parkway, Suite 500, Amherst, NY 14226
Phone (716) 834-5000
Fax (716) 834-5034
E-mail
Website uniland.com
Fed ID# 16-1217978

Individual Completing Application

Name Matthew Drosendahl
Title Loan Analyst / Portfolio Manager
Address 100 Corporate Parkway, Suite 500, Amherst, NY, 14226
Phone (716) 834-5000 ext. 416
Fax (716) 834-5034
E-Mail mdrosendahl@uniland.com

Company Contact (if different from individual completing application)

Name Peter Sayadoff
Title Director of Capital Markets Group
Address 100 Corporate Parkway, Suite 500, Amherst, NY, 14226
Phone (716) 834-5000 ext. 414
Fax (716) 834-5000
E-Mail psayadoff@uniland.com

Company Counsel

Name of Attorney Christopher Hurley, Esq.
Firm Name Hurwitz & Fine, P.C.
Address 1300 Liberty Building, Buffalo, NY 14202
Phone (716) 849-8900
Fax (716) 855-0874

E-Mail

cjh@hurwitzfine.com

Identify the assistance being requested of the Agency

Exemption from Sales Tax	Yes
Tax Exempt Financing	No
Exemption from Mortgage Tax	Yes
Exemption from Real Property Tax	Yes
Assignment/Assumption of existing PILOT benefits	No

Business Organization

Type of Business	Corporation
Year Established	1984
State of Organization	New York

List all stockholders, members, or partners with % of ownership greater than 20%

Please include name and % of ownership.

Univest II Corporation - 100% ownership

Business Description

Describe in detail company background, products, customers, goods and services

DNC 250, Inc., an affiliate of Uniland Development Company, engages in real estate development, construction, leasing and management of various industrial and commercial properties throughout the Western New York region.

Estimated % of sales within Erie County	N/A
Estimated % of sales outside Erie County but within New York State	N/A
Estimated % of sales outside New York State	N/A
Estimated % of sales outside the U.S.	N/A

What percentage of your total annual supplies, raw materials and vendor services are purchased from firms in Erie County? (You may be asked to provide supporting documentation of the estimated percentage of local purchases)

N/A

Section II: Project Description & Details

Location of proposed project facility

Address	250 Delaware Avenue (to be known as the "Delaware North Building")
City	Buffalo
State	New York
Zip Code	14202
SBL Number	111.37-3-5.11
Town/City/Village	City of Buffalo
School District	City of Buffalo
Present Project Site Owner	DNC 250, Inc.

Please provide a brief narrative of the project

DNC 250, Inc. ("Landlord" or "DNC 250, Inc.") and Delaware North Companies, Inc. ("DNC") are each responsible for different parts of the Delaware North Building (the "DNC Building"). DNC, as anchor tenant, is responsible for design, construction and funding of its office space. DNC 250, Inc. is responsible for design, construction and funding of all other aspects of the DNC Building. DNC is also submitting an application for financial assistance to ECIDA for its portion of the DNC Building. The two applications are for one integrated project, and neither DNC 250, Inc. nor DNC will proceed independently with this project unless both applications for financial assistance are considered simultaneously for approval by ECIDA. The portion of the DNC Building that DNC 250, Inc. is responsible for (and is the subject of this application) consists of approximately 356,520 SF (which square footage represents a portion of the 472,320 SF development), 12-story mixed-use development and a 4-level public parking ramp being built in a highly distressed area, and situated on ±1.95 acres of land within Buffalo's Central Business District. The site is a certified Brownfield cleanup site. The development is anchored by 204,000 SF (7 stories) of Class A Office space, of which 110,000 SF is proposed to be leased by DNC and the balance to be used as expansion space to accommodate potential future growth of DNC and to help attract and retain new companies to Western New York. Finally, in order to complete the development, a 4-level parking structure (152,520 SF) will be constructed providing 380 car parks. The number of car parks meet the contractual obligations required by the DNC lease.

Site Characteristics

Is the proposed Project located on a site where the known or potential presence of contaminants is complicating the development/use of the property?

Yes

If yes, please explain

Project site is the location of petroleum contamination. Site owner has applied and been approved for site clean up in the NYSDEC Brownfield Cleanup Program (Site #C915271). Please see the Brownfield Cleanup Agreement dated 4/15/2013 which is being submitted concurrently with this application under separate cover to the ECIDA.

Has a Phase I Environmental Assessment been prepared, or will one be prepared with respect to the proposed Project Site? (If yes, please provide copy)

Yes

If yes, please provide a copy.

Have any other studies, or assessments been undertaken with respect to the proposed Project Site that indicate the known or suspected presence of contamination that would complicate the site's development?

Yes
If yes, please provide copies of the study.

Will project include leasing any equipment?

No
If yes, please describe equipment and lease terms

If you are purchasing new machinery and equipment, does it provide demonstrable energy efficiency benefits?

No

If yes, please attach additional documentation describing the efficiencies achieved.

Does or will company perform substantial research and development activities on new products/services at the project location?

No

If yes, please explain

Although this question is not applicable to DNC 250, Inc., for the proposed major occupant, DNC, this project would become their World Headquarters, and will serve as the central location for strategic and operational growth initiatives, including research and development into creative, new and innovative approaches to its businesses. These include the development of business process improvements and best practices, the evaluation, testing and rollout of new technology platforms used throughout its operating environments, in-depth financial analytics on current and potential future business operations, as well as the strategic decision support processes for new product offerings and supply management arrangements.

What percentage of annual operating expenses are attributed to the above referenced research and development activities?

Estimated by DNC at 5%.

Explain why IDA participation is necessary for this project to proceed. Focus on competitiveness issues, project shortfalls, etc.

Delaware North's current leased facilities at Key Center, which lease is set to expire prior to the potential move to the DNC Building, do not meet the critical components for its long term growth plans. The expiration of its lease creates an opportunity for DNC to move into a state of the art office complex to showcase its global sophistication to its national and international vendors and business partners. DNC senior management believes its new office complex should be designed to enable it to recruit global talent for new jobs being created, facilitate technology research and development, and promote green initiatives and, most importantly, skills training for its associates, wherever located. In the U.S., Delaware North generates similar revenue levels from states like California when compared to New York State. Because it is a World Headquarters, DNC's people travel extensively and could benefit from being based in a hub city. Other metropolitan areas like Boston have a younger demographic pool of talent to draw from that could help DNC support its planned growth. For example, the young adult demographic in Boston, age 20-34, comprises about one-third of the population, whereas in Buffalo that same group is only 20%, and the overall size of the Buffalo market is much smaller than Boston. This one variance by itself creates a fascinating market dynamic that would be attractive to a growing company like Delaware North - these could be future employees, future customers. DNC's potential deal with Uniland at 250 Delaware is specifically conditioned on receipt of a satisfactory package of incentives - if there is not a satisfactory package of incentives, Delaware North has the right to terminate its lease. But for the receipt of a satisfactory incentive package, Delaware North would look at all options available to it. These could include opportunities to establish other corporate offices (potentially housing major subsidiary/corporate support functions) closer to areas that offer larger pools of younger workers, that offer better worldwide transportation accessibility, or that help set the stage for its continued growth for the next 20-plus years. For global companies in Delaware North's situation, other viable alternatives exist. Receipt of available incentives is a critical factor that would enable Delaware North to keep its existing World Headquarters operations intact, and its incremental corporate growth in Buffalo for a long time to come. If a satisfactory package of incentives is not available and DNC were to exercise their option to terminate the lease, Uniland will not move forward with the Project. As a result of a corporate needs assessment, Delaware North has identified major office components determined essential for the organization's long-term growth including: 1) Class A Office - LEED-certified office space with the ability to operate on floor plates no less than 25,000 square feet; 2) Expansion Space - Ready availability of expansion space to accommodate future growth; 3) Parking - Adequate on-site or adjacent parking. Only by incorporating all of the above components into the development is Delaware North willing to make a 20-plus year commitment to Buffalo. DNC's application will specify the financial assistance being sought in connection with its portion of the Project. Both applications are for one integrated project, and neither DNC 250, Inc. nor DNC will proceed independently with this project unless both applications for financial assistance are considered simultaneously for approval by ECIDA.

Project Information

Estimated costs in connection with project

Land and/or Building Acquisition \$ 3878254
acres square feet

1.95 0.00

New Building Construction \$ 41530762

356520.00 square feet

New Building addition(s) \$ 0

0.00 square feet

Renovation \$ 0

0.00 square feet

Manufacturing Equipment \$ 0

Non-Manufacturing Equipment: (furniture, fixtures, etc.) \$ 0

Soft Costs: (professional services, etc.) \$ 5862589

Other Cost \$ 514103

Explain Other Costs Demo & remediation, financing closing costs, project carrying costs, etc.

Total Cost 51785708

Project Refinancing (est. amount) 0

Select Project Type (check all that apply)

No Industrial	Yes Multi-Tenant	Yes Mixed Use
No Acquisition of Existing Facility	No Commercial	No Facility for the Aging
No Housing	Yes Back Office	No Civic Facility (not for profit)
No Equipment Purchase	Yes Retail	No Other

SIC Code
NAICS Code

For proposed facility please include # of sq ft for each of the uses outlined below

		Cost	% of Total Cost
Manufacturing/Processing	0 square feet	0	0
Warehouse	0 square feet	0	0
Research & Development	0 square feet	0	0
Commercial	0 square feet	0	0
Retail	152520 square feet	13500552	26
Office	204000 square feet	38285156	74
Specify Other	0 square feet	0	0

Utilities and services presently serving site. Provide name of utility provider

Gas

Electric Size

Water Size

Sewer Size

Other (Specify)

If you are undertaking new construction or renovations, are you seeking LEED certification from the US Green Building Council?

Yes

If you answered yes to question above, what level of LEED certification do you anticipate receiving? (Check applicable box)

Silver

What is your project timetable (Provide dates)

Start date : acquisition of equipment

2014-01-06

End date : Estimated completion of project

2015-07-01

Project occupancy : estimated starting date of operations

2015-09-01

Have site plans been submitted to the appropriate planning department for approval?

Yes

Have any expenditures already been made by the company?

No

If yes, indicate particulars (ECIDA benefits do not apply to expenses incurred prior to Board approval)

Is project necessary to expand project employment?

Yes

Is project necessary to retain existing employment?

Yes

Employment Plan (Specific to location):

	Current # of jobs at project location or to be relocated at project location	If project is to retain jobs, number of jobs to be retained	Total # of jobs 2 years after project completion
Full time	350	350	415
Part time	0	0	0
Total	350	350	415

Employment at other locations in Erie County: (provide address and number of employees at each location):

Address	Full time	Part time	Total
	0	0	0
	0	0	0
	0	0	0

Payroll Information

Annual payroll

36944512

Estimated average annual salary of jobs to be retained

97637

Average estimated annual salary of jobs to be created

70000

Estimated salary range of jobs to be created

From 39970 **To** 227270

Is the project reasonably necessary to prevent the project occupant from moving out of New York State?

Yes

If yes, please explain and identify out-of-state locations investigated

There are compelling business reasons why Delaware North should be headquartered in other strategically important areas such as Massachusetts, Florida or California, where DNC has significant business operations. However, this successful family-owned corporation recognizes its importance to the Western New York region, and is willing to make a long-term commitment to maintain and grow its World Headquarters in Buffalo, thereby continuing its longstanding, significant positive impact in the community. The company, along with its development partner, Uniland Development Company, will be requesting financial assistance from applicable state and local programs to help create a world-class facility in Buffalo. The assistance to be requested would include sales tax abatement on building materials, equipment and leasehold improvements, grant monies that might be available to help fund construction cost, workforce training, technology and productivity enhancements. It is Delaware North's hope that such assistance towards this World Headquarters project would be at least similar to the assistance programs other large companies have qualified for in recent months. Delaware North's proposed commitment to this project remains subject to the satisfactory outcome of these requests. Without a favorable outcome to these requests, Delaware North would use the remaining two years under its existing lease to weigh all options.

Were you offered financial assistance to locate outside of New York State?

No

If yes, from whom and what type of assistance was offered**What competitive factors led you to inquire about sites outside of New York State?**

Delaware North generates significant revenues in states other than New York State.

Have you contacted or been contacted by other economic or governmental agencies regarding this project?

Yes

If yes, please indicate the Agency and nature of inquiry below

Empire State Development Corporation (ESDC) and the City of Buffalo.

Section III: Adaptive Reuse Projects

Are you applying for a tax incentive under the Adaptive Reuse Program?

No

What is the age of the structure (in years)?

0.00

If yes, number of years vacant?

0

Has the structure been vacant or underutilized for a minimum of 3 years? (Underutilized is defined as a minimum of 50% of the rentable square footage of the structure being utilized for a use for which the structure was not designed or intended)

<BLANK>

Is the structure currently generating insignificant income? (Insignificant income is defined as income that is 50% or less than the market rate income average for that property class)

<BLANK>

Does the site have historical significance?

<BLANK>

Briefly summarize the financial obstacles to development that this project faces without ECIDA or other public assistance. Please provide the ECIDA with documentation to support the financial obstacles to development (cash flow projections documenting costs, expenses and revenues indicating below average return on investment rates compared to regional industrial averages)

Briefly summarize the demonstrated support that you intend to receive from local government entities. Please provide the ECIDA with documentation of this support in the form of signed letters from these entities

Please indicate other factors that you would like the ECIDA to consider such as: structure or site presents significant public safety hazard and or environmental remediation costs, site or structure is located in a distressed census tract, structure presents significant costs associated with building code compliance, site or structure is presently delinquent in property tax payments

Section IV: Retail Determination

Will project involve the sales of goods or services to customers who personally visit the facility?

Yes
If yes, complete the Retail Questionnaire Supplement below.

Will any portion of the project consist of facilities or property that is primarily used in making sales of goods or services to customers who personally visit the project site?

Yes
If the answer is yes, please continue.

What percentage of the cost of the project will be expended on such facilities or property primarily used in making sales of goods or services to customers who personally visit the project?

26.00
%
If the answer to this is less than 33% do not complete the remainder of the page and proceed to the next section (Section V: Inter-Municipal Move Determination).

Will the project be operated by a not-for-profit corporation?

No

Is the project likely to attract a significant number of visitors from outside the economic development region in which the project will be located?

No
If yes, please provide a market analysis or other documentation supporting your response.

Would the project occupant, but for the contemplated financial assistance from the industrial development agency, locate the related jobs outside the State of New York?

Yes
If yes, please provide documentation regarding investigation of sites outside New York State.

Is the predominant purpose of the project to make available goods or services which would not otherwise be reasonably accessible to the residents of the project municipality?

No

If yes, please provide a market analysis supporting your response.

Will the project preserve permanent, private sector jobs or increase the overall number of permanent private sector jobs in the State of New York?

Yes

Is the project located in a Neighborhood Redevelopment Area?

No

Section V: Inter-Municipal Move Determination

Does this project involve relocation or consolidation of a project occupant from another municipality or abandonment of an existing facility?

Within New York State No

Within Erie County No

If EITHER IS YES, please complete the following. If BOTH ARE NO, please 'save and continue' to the next section (Section VI: Facility Type - Single or Multi Tenant).

The Agency is required by state law to make a determination that Agency assistance is required to prevent the project occupant from relocating out of the state, or to preserve the project occupant's competitive position in its respective industry.

Will the project result in a relocation of an existing business operation from the City of Buffalo?

No

If yes, please explain the factors which require the project occupant to relocate (For example, present site is not large enough, or owner will not renew leases etc.)

This project does not involve any relocation between municipalities, either within New York State or within Erie County. DNC is proposing to relocate from 40 Fountain Plaza in Buffalo to 250 Delaware Avenue in Buffalo upon expiration of its lease. For logistical and practical purposes, DNC may or may not need to move into 250 Delaware in stages before the existing lease at 40 Fountain Plaza expires.

What are some of the key requirements the project occupant is looking for in a new site? (For example, minimum sq. ft., 12 foot ceilings, truck loading docs etc...)

Based on the needs analysis, Delaware North's future World Headquarters needs to have certain critical office components, including the following : 1. Class A, LEED-certified office space with the ability to operate on floor plates no less than 25,000 square feet; 2. Ready availability of expansion space to accommodate future growth; 3. Adequate on-site or adjacent parking; 4. State of the art conference facilities and meeting space to host associates, third party business partners and officials from across the U.S. and its international locations, which will be made available for use by such business partners; and 5. Forward thinking office layouts to create a productive work environment based on evolving work norms/behaviors.

If the project occupant is currently located in Erie County and will be moving to a different municipality, has the project occupant attempted to find a suitable location within the municipality?

<BLANK>

Is the project reasonably necessary to preserve the project occupant's competitive position in its industry?

Yes

If yes, please explain and provide supporting documentation

Delaware North operates in numerous industry sectors in direct competition with other high profile worldwide corporations. The opportunity to improve the facilities at its World Headquarters, transform the facility into an iconic representation of its global brands, add more robust training and communications capabilities, and bring more clients, customers and employees into Buffalo will help preserve and improve Delaware North's competitive position in its industries.

What factors have lead the project occupant to consider remaining or locating in Erie County?

Delaware North is a family-owned business that has its roots in Buffalo. While it is likely that there will always be some level of corporate presence in Buffalo, the real opportunity is to use this project as a way to keep the significant and wide-ranging business headquarters operations (and the expected future growth of Delaware North's subsidiaries business operations) in Buffalo for decades to come.

What is going to happen to the current facility that project occupant is located in?

Delaware North's currently leases space at the Key Center, however with respect to this development, the lease at those facilities would expire prior to moving the headquarter operation to the Delaware North Building. The building's owner will re-lease the space to other tenants, and has previously advised Delaware North of this in writing. For logistical and practical purposes, DNC may or may not need to move into 250 Delaware in stages before the existing lease at 40 Fountain Plaza expires.

Please provide a list of properties considered, and the reason they were not adequate. (Some examples include: site not large enough, layout was not appropriate, did not have adequate utility service, etc.) Please include full address for locations.

Section VI: Facility Type - Single or Multi Tenant

Is this a Single Use Facility or a Multi-Tenant Facility?

Multi-Tenant Facility

For Single Use Facility

Occupant Name

Address

Contact Person

Phone

Fax

E-Mail

Federal ID #

SIC/NAICS Code

Multi-Tenant Facility

Please explain what market conditions support the construction of this multi-tenant facility

Based on the needs analysis, Delaware North's future World Headquarters needs to have certain critical components, including the following : 1. Class A, LEED-certified office space with the ability to operate on floor plates no less than 25,000 square feet; 2. Ready availability of expansion space to accommodate future growth; 3. Adequate on-site or adjacent parking; 4. State of the art conference facilities and meeting space to host associates, third party business partners and officials from across the U.S. and its international locations, which will be made available for use by such business partners; and 5. Forward thinking office layouts to create a productive work environment based on evolving work norms/behaviors. This project was the sole site identified in Buffalo that would meet all of their requirements. Buffalo's Central Business District is lacking the availability of large, efficient floor plates that will assist the region in attracting new businesses as well as retain existing businesses seeking to remain or expand in the region.

Have any tenant leases been entered into for this project?

No

If yes, please list below and provide square footage (and percent of total square footage) to be leased to tenant and NAICS Code for tenant and nature of business

Section VII: Environmental Questionnaire

General Background Information

Address of Premises

250 Delaware Avenue, Buffalo, NY 14202

Name and Address of Owner of Premises

DNC 250, Inc. (formerly BTC Block 20 Inc.) 100 Corporate Parkway, Suite 500 Amherst, NY 14226-1295

Describe the general features of the Premises (include terrain, location of wetlands, coastlines, rivers, streams, lakes, etc.)

The premises is a flat, rectangularly shaped parcel of land in Buffalo's Central Business District.

Describe the Premises (including the age and date of construction of any improvements) and each of the operations or processes carried out on or intended to be carried on at the Premises

The current structure (built in 1917) is being reconstructed in order to complete the development. The Delaware North Building will be used solely for commercial use (office and parking structure).

Describe all known former uses of the Premises

The former structures included office space and retail along the Delaware and Chippewa frontages and a gas station operating on the S. Elmwood side on the property. A paved surface parking lot existed between the two structures.

Does any person, firm or corporation other than the owner occupy the Premises or any part of it?

Yes

If yes, please identify them and describe their use of the property

The intention of the project is to have the facility occupied by Delaware North along with other tenants.

Have there been any spills, releases or unpermitted discharges of petroleum, hazardous substances, chemicals or hazardous wastes at or near the Premises?

Yes

If yes, describe and attach any incident reports and the results of any investigations

Please see the Brownfield Cleanup Agreement dated 4/15/2013 which is being submitted concurrently with this application under separate cover to the ECIDA.

Has the Premises or any part of it ever been the subject of any enforcement action by any federal, state or local government entity, or does the preparer of this questionnaire have knowledge of: a) any current federal, state or local enforcement actions; b) any areas of non-compliance with any federal, state or local laws, ordinances, rules or regulations associated with operations over the past 12 months?

No

If yes, please state the results of the enforcement action (consent order, penalties, no action, etc.) and describe the circumstances

Has there been any filing of a notice of citizen suit, or a civil complaint or other administrative or criminal procedure involving the Premises?

No

If yes, describe in full detail

Solid And Hazardous Wastes And Hazardous Substances

Does any activity conducted or contemplated to be conducted at the premises generate, treat or dispose of any petroleum, petroleum-related products, solid and hazardous wastes or hazardous substances?

No

If yes, provide the Premises' applicable EPA (or State) identification number

Have any federal, state or local permits been issued to the Premises for the use, generation and/or storage of solid and hazardous wastes?

No

If yes, please provide copies of the permits.

Identify the transporter of any hazardous and/or solid wastes to or from the Premises

Identify the solid and hazardous waste disposal or treatment facilities which have received wastes from the Premises for the past two (2) years

Does or is it contemplated that there will occur at the Premises any accumulation or storage of any hazardous wastes on-site for disposal for longer than 90 days?

No

If yes, please identify the substance, the quantity and describe how it is stored

Discharge Into Waterbodies

Briefly describe any current or contemplated industrial process discharges (including the approximate volume, source, type and number of discharge points). Please provide copies of all permits for such discharges

N/A

Identify all sources of discharges of water, including discharges of waste water, process water, contact or noncontact cooling water, and stormwater. Attach all permits relating to the same. Also identify any septic tanks on site

Is any waste discharged into or near surface water or groundwaters?

No

If yes, please describe in detail the discharge including not only the receiving water's classification, but a description of the type and quantity of the waste

Air Pollution

Are there or is it contemplated that there will be any air emission sources that emit contaminants from the Premises?

No

If yes, describe each such source, including whether it is a stationary combustion installation, process source, exhaust or ventilation system, incinerator or other source

Are any of the air emission sources permitted?

No

If yes, attach a copy of each permit.

Storage Tanks

List and describe all above and under ground storage tanks at the Premises used to store petroleum or gasoline products, or other chemicals or wastes, including the contents and capacity of each tank. Please also provide copies of any registrations/permits for the tanks

Please see the Brownfield Cleanup Agreement dated 4/15/2013 which is being submitted concurrently with this application under separate cover to the ECIDA. All underground storage tanks to be removed.

Have there been any leaks, spills, releases or other discharges (including loss of inventory) associated with any of these tanks?

Yes

If yes, please provide all details regarding the event, including the response taken, all analytical results or reports developed through investigation (whether internal or external), and the agencies which were involved

Please see the Brownfield Cleanup Agreement dated 4/15/2013 which is being submitted concurrently with this application under separate cover to the ECIDA.

Polychlorinated Biphenyls ("PCB" or "PCBs") And Asbestos

Provide any records in your possession or known to you to exist concerning any on-site PCBs or PCB equipment, whether used or stored, and whether produced as a byproduct of the manufacturing process or otherwise.

Have there been any PCB spills, discharges or other accidents at the Premises?

No

If yes, relate all the circumstances

Do the Premises have any asbestos containing materials?

Yes

If yes, please identify the materials

Pipe insulation