



October 17, 2013

Karen M. Fiala
Erie County Industrial Development Agency
95 Perry Street, Suite 403
Buffalo, New York 14203

Re: Tax Incentive Application from Delaware North Companies, Incorporated

Dear Karen:

Further to our discussions, Delaware North electronically submitted its Tax Incentive Application to ECIDA yesterday.

Enclosed please find the following:

- 1) Rider to the Tax Incentive Application, which lists several questions from the Application and provides additional clarifying details on those questions;
- 2) Check for \$1,000 as payment of the Application Fee;
- 3) Short Environmental Assessment Form;
- 4) Representations, Certifications and Indemnification Form;
- 5) City of Buffalo Environmental Form; and
- 6) Local Labor Certification Form.

I note the electronically-filed Application includes a detailed description of the ownership structure of Delaware North Companies, and while we are willing to provide this information to the ECIDA in conjunction with its consideration of our Application, please be advised that this information is confidential and should be redacted from any public dissemination of our Application for incentives in conjunction with this project.

I further note this Application will be followed by another application in the coming months to request sales tax abatement on a related project located in a portion of the first floor retail space to be used as a Delaware North-operated restaurant. Food and beverage operations are an integral part of Delaware North's core businesses, and once plans progress beyond the preliminary stage, we will file another application with ECIDA.

We look forward to working with you on this project.

Sincerely,



Daniel J. Zimmer
Vice President, Corporate Finance and Development

cc: Terrence M. Gilbride, Esq. – Hodgson Russ (w/attachments)

A Global Leader in Hospitality

NOTICE OF PUBLIC HEARING

Pursuant to Article 18-A of NYS General Municipal Law, the Erie County Industrial Development Agency (the "Agency") will hold a public hearing on October 29, 2013 at 11:30 a.m. at the Agency's offices, at 95 Perry Street-Suite 403, Buffalo, NY 14203 regarding:

Delaware North Companies, Incorporated, and/or an Individual(s) or Affiliate(s), Subsidiary(ies), or Entity(ies) formed or to be formed on its behalf (the "Company"), has submitted an application to the Agency (a copy of which is on file at the office of the Agency) requesting the Agency to undertake a certain project (the "Project") to be located at 250 Delaware Avenue, City of Buffalo, Erie County, New York (the "Land") consisting of: (i) the appointment of the Company as agent of the Agency to undertake the planning, design, construction, and equipping of 109,345+/- SF of class "A" office space (the "Improvements") and (ii) the acquisition and installation by the Company of certain items of machinery, equipment and other tangible personal property (the "Equipment" and, collectively with the Land and Improvements, the "Facility").

The Agency contemplates that it will provide financial assistance to the Company for qualifying portions of the Project in the form of sales and use tax exemption benefits consistent with the policies of the Agency.

A representative of the Agency will be present at the above-stated time and place to present a copy of the Application and hear and accept written and oral comments from all persons with views in favor of or opposed to the proposed financial assistance. Written comments may be submitted at this public hearing or delivered to the Agency at 95 Perry Street-Suite 403, Buffalo, NY 14203 until the comment period closes on **November 15, 2013**. The project application is available for public inspection at the Agency's offices Monday through Friday (excluding public holidays) from 9:00 a.m. until 4:00 p.m.

This public hearing is being conducted in accordance with Subdivision 2 of Section 859-a of the New York General Municipal Law.

Erie County Industrial Development Agency

Application Title

Tax Incentive Application

Section I: Applicant Background Information

Applicant Information - Company Receiving Benefit

Total Project Cost 17152000
Applicant Name Delaware North Companies, Incorporated
Applicant Address 40 Fountain Plaza, Buffalo, NY 14202
Phone 716-858-5208
Fax
E-mail dzimmer@dncinc.com
Website www.delawarenorth.com
Fed ID# 16-0994528

Individual Completing Application

Name Daniel J. Zimmer
Title Vice President
Address 40 Fountain Plaza, Buffalo, NY 14202
Phone 716-858-5208
Fax
E-Mail dzimmer@dncinc.com

Company Contact (if different from individual completing application)

Name
Title
Address
Phone
Fax
E-Mail

Company Counsel

Name of Attorney Terrence Gilbride
Firm Name Hodgson Russ LLP
Address 140 Pearl Street, Suite 100, Buffalo NY 14202
Phone 716-856-4000
Fax 716-849-0349

E-Mail

TGilbrid@hodgsonruss.com

Identify the assistance being requested of the Agency

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

Business Organization

Type of Business	Corporation
Year Established	1915
State of Organization	New York

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

Please include name and % of ownership.

[Confidential information – redacted]

Business Description

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

Delaware North has called Buffalo home since 1915 and today is recognized globally as one of the largest privately held hospitality companies in the world, with more than \$2.6 billion in annual revenue and 55,000 employees operating on four continents. Delaware North is a global leader in hospitality and food service that is grounded in a foundation of family ownership. Under the leadership of Jeremy Jacobs and his three sons, Jerry, Lou and Charlie, we are one of the most admired family-owned hospitality management and food service companies in the world. With more than \$2 billion in annual revenue and 55,000 talented and creative associates, we are one of the largest privately owned companies in the U.S. Delaware North is approaching its 100th anniversary in 2015, which for example includes more than 80 years of continuous service to Major League Baseball teams. The seven operating divisions that make up the Delaware North family of companies are leaders in their respective industries - whether in sports facilities, airports, national parks & attractions, hotels & resorts, gaming or arena ownership - and all share Delaware North's philosophy of "One company. One brand. One vision." Embracing this philosophy, Delaware North is able to deliver consistent world-class service to our clients around the world. In addition, the company pays close attention to the more than 500 million consumers served annually through GuestPath® and marketing/branding efforts that help us ensure that every guest is treated like our only one. Few hospitality management companies and food service management companies can match Delaware North's legacy, reputation and breadth of services offered.

Estimated % of sales within Erie County	2%
Estimated % of sales outside Erie County but within New York State	8%
Estimated % of sales outside New York State	76%
Estimated % of sales outside the U.S.	14%

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)

2% (estimate)

Section II: Project Description & Details

Location of proposed project facility

Address 250 Delaware Avenue
City Buffalo
State New York
Zip Code 14202
SBL Number
Town/City/Village
School District
Present Project Site Owner Uniland Development Company ("Uniland")

Please provide a brief narrative of the project

Delaware North Companies, Inc. ("DNC") and DNC 250, Inc. ("Landlord," which is 100% owned by Uniland) are each responsible for different parts of the Delaware North Building project. DNC, as anchor tenant, is responsible for design, construction and funding of its office space. DNC, in addition, expects to manage the Hotel (a core business for DNC) and has rights to operate the Building's Food and Beverage facilities. Landlord is responsible for design, construction and funding of the Building, Hotel, Retail and Parking components. Landlord is simultaneously submitting an application for financial assistance to ECIDA for its portion of the Project. These two applications are for one integrated project, and neither DNC nor Landlord will proceed independently with this project unless both applications for financial assistance are considered simultaneously for approval by ECIDA. With the impending 2015 lease expiration at its current location in downtown Buffalo, Delaware North initiated an intensive search for space options to accommodate its new World Headquarters. Working with its external advisor, Delaware North conducted a market analysis and needs assessment, and the outcome dictated the need for Delaware North's future World Headquarters 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. Facilities to educate and train its hotel, food and beverage, and retail associates, including an operating hotel component; 4. Adequate on-site or adjacent parking; 5. 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 6. Forward thinking office layouts to create a productive work environment based on evolving work norms/behaviors. The unique opportunity that rose to the top is a high profile, highly visible site in Buffalo's central business district at 250 Delaware Avenue, which would bring Delaware North back to its roots on Delaware Avenue. At this prominent location, Delaware North is negotiating to make a 20-plus year commitment to the location of its World Headquarters, where it anticipates retaining 350 jobs, creating 65 new jobs, keeping the next generation of family leadership connected to Buffalo, expanding its footprint, and relocating to an iconic, first-class, state of the art, sustainable office building that will accommodate the company's current and future growth.

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

Per the site owner, Uniland, this site is a Brownfields Cleanup site and is currently undergoing remediation by Uniland. As Delaware North will be a tenant in this proposed building, questions specific to the site are being directed to Uniland.

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?

Yes
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?

Yes
If yes, please explain

Delaware North's World Headquarters serves 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 our 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 at 5%.

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

Because Delaware North's current facilities at Key Center do not meet the critical components for its long term growth plans, the expiration of its lease creates an opportunity for Delaware North to move into a state of the art office complex to showcase its global sophistication to its national and international vendors and business partners. In addition, the Jacobs family and senior management believe that 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, Delaware North'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 Delaware North 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. Delaware North's potential deal with Uniland for the lease of space 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.

Project Information

Estimated costs in connection with project

Land and/or Building Acquisition \$ 0
0.00 acres 0.00 square feet

New Building Construction \$ 8948000
109345.00 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.)	\$ 4758000
Soft Costs: (professional services, etc.)	\$ 1259000
Other Cost	\$ 2187000
Explain Other Costs	Moving; cost escalation; contingency
Total Cost	17152000
Project Refinancing (est. amount)	0

Select Project Type (check all that apply)

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

SIC Code 5812

NAICS Code 551114

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	0 square feet	0	0
Office	109345 square feet	17152000	100
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

2013-12-01

End date : Estimated completion of project

2015-08-01

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	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
Vito's Gourmet Deli Market, 40 Fountain Plaza, Buffalo, NY 14202	8	297	33
(Two Locations Combined:) 5600 McKinley Parkway, Hamburg, NY 14075 and 4200 Genesee Street, Cheektowaga, NY 14225	2	238	1406
(Two Locations Combined:) 1 Seymour H. Knox III Plaza, Buffalo, NY 14203 and 1 Bills Drive, Orchard Park, NY 14127			

Total	10	535	1439
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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 Delaware North 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 economic 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 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, as well as a related PILOT Incremental Financing (PIF) program. Delaware North's proposed commitment to this project remains subject to the satisfactory outcome of these requests. Without a favorable outcome, 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. See earlier comments regarding workforce demographics.

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

Delaware North has been in contact with Empire State Development Corp. to discuss the project and seek any available incentives that could assist Delaware North in connection with retaining current jobs, creating new jobs, and creating a true state-of-the-art World Headquarters building in downtown 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?

No

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?

No

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?

0.00

%

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?

Yes

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 at 40 Fountain Plaza. For logistical and practical purposes, Delaware North 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 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. Facilities to educate and train its hotel, food and beverage, and retail associates, including an operating hotel component; 4. Adequate on-site or adjacent parking; 5. 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 6. 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 subsidiary business operations) in Buffalo for decades to come.

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

The building's owner will re-lease the space to other tenants, and has previously advised Delaware North of this in writing.

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.

In 2011, DNC engaged Studley, Inc. to assist in developing, analyzing and evaluating all potential scenarios in advance of DNC's 2015 lease expiration. The primary alternatives included staying at Key Center, moving to alternate leased space, or moving to build-to-suit space. Over the past 24 months, DNC and Studley have undertaken a comprehensive examination of all major office facilities and build-to-suit sites that may have potentially met DNC's needs. More than 100 potential sites were identified and evaluated, which led to 27 sites being identified for further evaluation. Potential locations were ranked against DNC's space requirements and business needs, and a handful of sites were subsequently shortlisted. As a result of that comprehensive process, DNC entered into negotiations with Uniland with respect to 250 Delaware Avenue.

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

Reference is made to the project developer, Uniland, for this question. Delaware North would be serving as the anchor tenant in this facility.

Have any tenant leases been entered into for this project?

<BLANK>

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

All questions in this section should be directed to Uniland Development Company, the owner of the property.

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

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

Describe all known former uses of the Premises

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

<BLANK>

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

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

<BLANK>

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

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?

<BLANK>

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?

<BLANK>

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?

<BLANK>

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?

<BLANK>

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?

<BLANK>

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

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?

<BLANK>

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?

<BLANK>

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?

<BLANK>

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

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

<BLANK>

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

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?

<BLANK>

If yes, relate all the circumstances

Do the Premises have any asbestos containing materials?

<BLANK>

If yes, please identify the materials

RIDER
to the Tax Incentive Application from
Delaware North Companies, Incorporated ("DNC") to
Erie County Industrial Development Agency ("ECIDA")

The following additional information is being supplied in connection with DNC's application that was submitted electronically to ECIDA on October 16, 2013:

[Certain questions from the application have been copied and are listed below, followed by the additional information supplied from DNC.]

Section II:

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 No

Please consult with Uniland as to this issue. DNC is a tenant and has no ownership interest in the real property at this site.

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 No

Please consult with Uniland as to this issue. DNC is a tenant and has no ownership interest in the real property at this site.

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

Yes No

All office machinery and equipment purchases by DNC for its World Headquarters will take energy efficiency and cost savings into account. As discussed in the narrative sections of this application, both energy efficiency and LEED certification are critical components and key drivers of this project.

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

Yes No

This question was answered 'Yes' on the basis that DNC believes Uniland has previously submitted site plans for the building to the relevant planning department(s). DNC has not yet engaged an architect to design its interior office space.

Section IV:

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

Yes No

This will be a venue commensurate with other true headquarters facilities for global companies, and DNC expects that all major business partners and others seeking to develop relationships with DNC will visit the area to meet with DNC representatives. DNC expects to make greater use of its new facility as a central location/showcase for meetings, tours and visits from a wide range of existing/potential clients, existing/potential vendors, partners, and employees from across DNC's businesses. The level of visitation is expected to continue to grow as DNC continues to grow and expand its operations.

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 No

Given the significant number of locations operated by DNC across the country, DNC has multiple options available to locate new jobs and/or relocate existing jobs outside of New York State. One potential example could be Boston, MA, where DNC is planning to partner with a national firm to develop a large multi-purpose office tower on land owned by DNC.