

LOCATION MAP (NOT TO SCALE)

1561-1621 & 1641-1703 & 1730-1760 Niagra Falls Blvd., Amherst, NY

Surveyor's Certification

We, E&M Engineers and Surveyors, P.C. hereby certify to: Boulevard Place Associates, LLC, M&T Bank, its successors and/or assigns, and First American Title Insurance Company that the subject property shown and legally described hereon contains 2.160± acres, more or less.

We hereby certify that:

- The survey shown and depicted hereon is an accurate survey of the real property legally described hereon and accurately indicates and locates the visible buildings, structures, and other improvements situated on the subject property, and that the property described hereon is the same as the property described in First American Title Insurance Company Title No. NCS-652266-5-CH2, with an effective date of January 30, 2014, and that the easements, rights-of-way, servitudes and covenants and restrictions referenced in said the visible property that encroachments or violations of zoning restriction lines on the subject property or upon adjacent land abutting said subject property have been shown and depicted hereon.
- That the subject property shown and described hereon contains 2.160± acres more or less.
- This is to certify that this map or plot and the survey on which it is based were made in accordance with the minimum standard detail requirements for ALTA/ACSM land title surveys jointly established and adopted by ALTA and NSPS in 2005, and includes items 2,3,4,6,7(A)(B)(C), 8,9,10,11(A) and 13 of table A thereof. Pursuant to the accuracy standards as adopted by ALTA and NSPS and in effect on the date of this certification undersigned further certifies that in my professional opinion, as a land surveyor registered in the state of New York, the relative positional accuracy of this survey does not exceed that which is specified therein.
- That the subject property is located within an area having a zone designation X per F.I.R.M. map number 360260006B, dated August 17, 1981 for the town of Tonawanda, in Erie county, state of New York, which is the current flood insurance rate map for the community in which said premises is situated.
- The subject property has direct access to Niagara Falls Boulevard & Koeing Road, maintained by the County of Erie and Town of Tonawanda; and upon which the subject property abuts, the same being paved and dedicated public streets.
- The number of striped parking spaces on the subject property is 96, including 2 designated handicap spaces.
- There are visible canals, watercourses, streams, rivers, springs, ponds, lakes, ditches, drains, or sewers located on or running through the subject property, has been located and shown on the survey.
- The current zoning classification of the subject property is "C"-General Business, as listed in the 2-15-2007 regulations

Frederick J. Moricca III
Registration No. 050681
In the State of New York
Date of Original Survey 03-30-04
Date of Current Survey 10-17-14

Survey Performed By:
E&M Engineers & Surveyors, P.C.
24 Derrick Road
Bradford, PA 16701
Phone: 814-362-5346
Fax: 814-362-3023
Email: bstaf@emengineers.com

SCHEDULE "A" LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND, SITUATE IN THE TOWN OF TONAWANDA, COUNTY OF ERIE AND STATE OF NEW YORK, BEING PART OF LOT 26, TOWNSHIP 12 AND RANGE 8 OF THE HOLLAND LAND COMPANY'S SURVEY, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE NORTH LINE OF KOEING ROAD AT ITS INTERSECTION WITH THE SOUTHWEST CORNER OF LANDS APPROPRIATED BY THE STATE OF NEW YORK AS SHOWN ON MAP NO. 136, BEING PARCEL NO. 142 FOR THE RECONSTRUCTION OF NIAGARA FALLS BOULEVARD, PART 4, S.H. 5172 (US ROUTE 62) AS RECORDED IN LIBER 9636 OF DEEDS AT PAGE 24;

RUNNING THENCE SOUTH 89° 58' 49" WEST ALONG THE NORTH LINE OF KOEING ROAD, A DISTANCE OF 130.15 FEET TO A POINT;

THENCE NORTH 00° 48' 09" EAST AND PARALLEL TO THE WEST LINE OF NIAGARA FALLS BOULEVARD, A DISTANCE OF 299.32 FEET TO A POINT;

THENCE SOUTH 87° 45' 07" WEST, A DISTANCE OF 321.16 FEET TO A POINT IN THE EAST LINE OF SUBDIVISION MAP COVER NO. 2150 AS FILED IN THE ERIE COUNTY CLERK'S OFFICE;

THENCE NORTH 00° 45' 58" EAST ALONG SAID MAP COVER NO. 2150, A DISTANCE OF 172.05 FEET TO A POINT IN THE SOUTHERLY LINE OF PROPERTY HELD BY THE STATE OF NEW YORK FOR THE POWERLINE (YOUNGMANN) EXPRESSWAY;

THENCE SOUTH 57° 30' 47" EAST ALONG THE SOUTHERLY LINE OF SAID YOUNGMANN EXPRESSWAY, A DISTANCE OF 43.37 FEET TO AN ANGLE POINT;

THENCE SOUTH 68° 11' 49" EAST ALONG SAID SOUTHERLY LINE, A DISTANCE OF 80.19 FEET TO AN ANGLE POINT;

THENCE SOUTH 89° 13' 40" EAST CONTINUING ALONG SAID SOUTHERLY LINE, A DISTANCE OF 300.95 FEET TO AN ANGLE POINT;

THENCE SOUTH 33° 14' 30" EAST ALONG SAID SOUTHERLY LINE, A DISTANCE OF 98.32 FEET TO A POINT IN THE NORTH LINE OF LANDS CONVEYED TO LAKEHEAD PIPELINE COMPANY AS RECORDED IN THE ERIE COUNTY CLERK'S OFFICE IN LIBER 6741 OF DEEDS AT PAGE 443;

THENCE SOUTH 89° 34' 09" WEST ALONG SAID NORTH LINE, A DISTANCE OF 147.00 FEET TO THE NORTHWEST CORNER OF SAID LAKEHEAD PIPELINE CO. LANDS;

THENCE SOUTH 00° 46' 09" WEST ALONG THE WEST LINE OF SAID LAKEHEAD PIPELINE CO. LANDS, A DISTANCE OF 7.00 FEET TO THE SOUTHWEST CORNER OF SAID LANDS;

THENCE NORTH 89° 34' 09" EAST ALONG THE SOUTH LINE OF SAID LAKEHEAD PIPELINE CO. LANDS, A DISTANCE OF 147.00 FEET TO A POINT IN THE WEST LINE OF AFOREMENTIONED NIAGARA FALLS BOULEVARD;

THENCE SOUTH 00° 46' 09" WEST ALONG THE WEST LINE OF SAID NIAGARA FALLS BOULEVARD, A DISTANCE OF 290.32 FEET TO A POINT;

THENCE SOUTH 38° 08' 32" WEST ALONG SAID WEST LINE, A DISTANCE OF 28.00 FEET TO THE POINT OR PLACE OF BEGINNING.

TOGETHER WITH AN EASEMENT FOR INGRESS, EGRESS, PARKING AND UTILITIES AS SET FORTH IN A CROSSING AND REIMBURSEMENT AGREEMENT BETWEEN LAKEHEAD PIPELINE COMPANY, LIMITED PARTNERSHIP AND RB-3 ASSOCIATES RECORDED IN ERIE COUNTY CLERK'S OFFICE ON JANUARY 25, 2000 IN LIBER 10962 OF DEEDS AT PAGE 4650.

EXCEPTING FROM THE ABOVE DESCRIBED PREMISES ANY PORTION THEREOF ACQUIRED BY THE PEOPLE OF THE STATE OF NEW YORK BY NOTICE OF APPROPRIATION FILED 1/20/2010 IN LIBER 11176 OF DEEDS AT PAGE 7622, MAP NO. 152, PARCELS 160, 161 AND 162.

SCHEDULE B - II EXCEPTIONS

5. Easement to New York Telephone Company along with the right to trim trees recorded 1/23/1957 in Liber 6122 Cp 15. (See Post)

BLANKET IN NATURE

6. Right of Way recorded 5/26/1967 in Liber 7354 Cp 473. (See Post)

PLOTTED ON MAP

7. Crossing and Reimbursement Agreement recorded 1/25/2000 in Liber 10962 Cp 4650. (See Post)

PLOTTED ON MAP

8. Declaration of Restrictions recorded 11/3/2004 in Liber 11085 Cp 5389. (See Post)

DOES NOT AFFECT THIS PROPERTY

9. Declaration of Restrictions recorded 9/13/2010 in Liber 11187 Cp 8651. (See Post)

10. Appropriation of Property by the People of the State of New York recorded 1/20/2010 in Liber 11176 Cp 7622. (See Post)

WITH REGARD THERETO:

a) New York State Department of Transportation Acquisition Map No. 152, Parcels 160, 161, and 162 recorded 1/20/2010 in Book 139 Page 899. (See Post)

SHADED ON MAP

11. Assignment of Leases and Rents made from Amherst Station Inc., Assignor to LeSole Bank National Association (As Agent for the benefit of the Lenders, and for its own account, pursuant to the Credit Agreement herein described), Assignee, dated as of 6/27/2007 and recorded on 7/20/2007 in(as) Liber 13361 Mp 8296, and in Liber 11132 Cp 598 (See Post).

AS SURVEYED LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND, SITUATE IN THE TOWN OF TONAWANDA, COUNTY OF ERIE AND STATE OF NEW YORK, BEING PART OF LOT 26, TOWNSHIP 12 AND RANGE 8 OF THE HOLLAND LAND COMPANY'S SURVEY, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE NORTH LINE OF KOEING ROAD AT ITS INTERSECTION WITH THE SOUTHWEST CORNER OF LANDS APPROPRIATED BY NEW YORK STATE DEPARTMENT OF TRANSPORTATION ACQUISITION MAP NO. 152, PARCELS 160, 161, AND 162 RECORDED 1/20/2010 IN BOOK 139 PAGE 899;

RUNNING THENCE SOUTH 89° 58' 49" WEST ALONG THE NORTH LINE OF KOEING ROAD, A DISTANCE OF 127.85 FEET TO A POINT;

THENCE NORTH 00° 48' 09" EAST A DISTANCE OF 299.32 FEET TO A POINT;

THENCE SOUTH 87° 45' 07" WEST, A DISTANCE OF 321.16 FEET TO A POINT IN THE EAST LINE OF SUBDIVISION MAP COVER NO. 2150 AS FILED IN THE ERIE COUNTY CLERK'S OFFICE;

THENCE NORTH 00° 45' 58" EAST ALONG SAID MAP COVER NO. 2150, A DISTANCE OF 172.05 FEET TO A POINT IN THE SOUTHERLY LINE OF PROPERTY HELD BY THE STATE OF NEW YORK FOR THE POWERLINE (YOUNGMANN) EXPRESSWAY;

THENCE SOUTH 57° 30' 47" EAST ALONG THE SOUTHERLY LINE OF SAID YOUNGMANN EXPRESSWAY, A DISTANCE OF 43.37 FEET TO AN ANGLE POINT;

THENCE SOUTH 68° 11' 49" EAST ALONG SAID SOUTHERLY LINE, A DISTANCE OF 80.19 FEET TO AN ANGLE POINT;

THENCE SOUTH 89° 13' 40" EAST CONTINUING ALONG SAID SOUTHERLY LINE, A DISTANCE OF 300.95 FEET TO AN ANGLE POINT;

THENCE SOUTH 33° 14' 30" EAST ALONG SAID SOUTHERLY LINE, A DISTANCE OF 98.32 FEET TO AN ANGLE POINT;

THENCE SOUTH 00° 46' 09" WEST A DISTANCE OF 18.03 FEET TO A POINT IN THE NORTH LINE OF LANDS CONVEYED TO LAKEHEAD PIPELINE COMPANY AS RECORDED IN THE ERIE COUNTY CLERK'S OFFICE IN LIBER 6741 OF DEEDS AT PAGE 443;

THENCE SOUTH 89° 34' 09" WEST ALONG SAID NORTH LINE, A DISTANCE OF 147.00 FEET TO THE NORTHWEST CORNER OF SAID LAKEHEAD PIPELINE CO. LANDS;

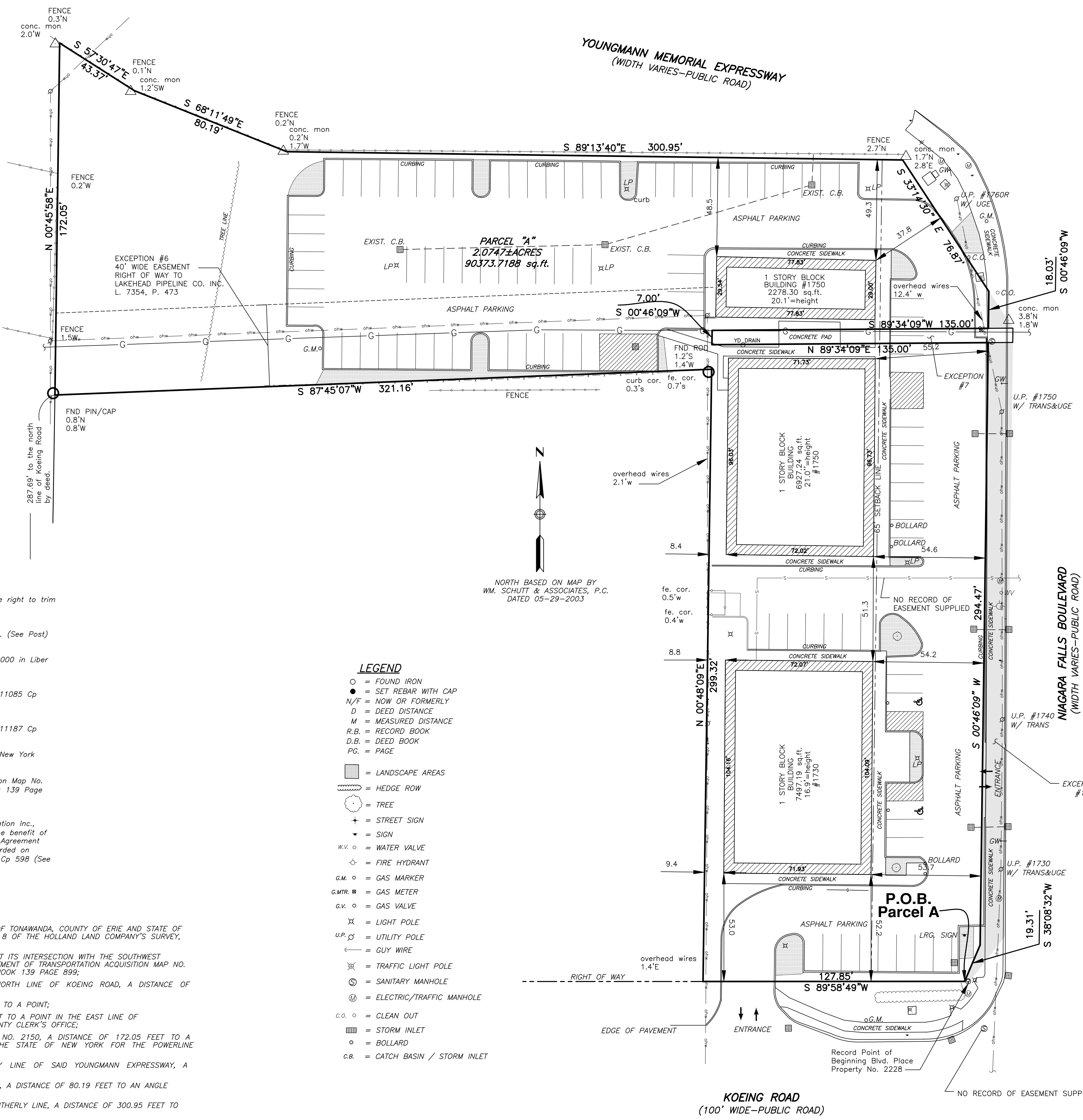
THENCE SOUTH 00° 46' 09" WEST ALONG THE WEST LINE OF SAID LAKEHEAD PIPELINE CO. LANDS, A DISTANCE OF 7.00 FEET TO THE SOUTHWEST CORNER OF SAID LANDS;

THENCE NORTH 89° 34' 09" EAST ALONG THE SOUTH LINE OF SAID LAKEHEAD PIPELINE CO. LANDS, A DISTANCE OF 147.00 FEET TO A POINT IN THE WEST LINE OF AFOREMENTIONED NIAGARA FALLS BOULEVARD;

THENCE SOUTH 00° 46' 09" WEST ALONG THE WEST LINE OF SAID NIAGARA FALLS BOULEVARD, A DISTANCE OF 290.32 FEET TO A POINT;

THENCE SOUTH 38° 08' 32" WEST ALONG SAID WEST LINE, A DISTANCE OF 19.31 FEET TO THE POINT OR PLACE OF BEGINNING.

CONTAINING: 2.074± ACRES OF LAND (90373.7188 SQ. FT.) MORE OR LESS.



- LEGEND**
- = FOUND IRON
 - = SET REBAR WITH CAP
 - N/F = NOW OR FORMERLY
 - D = DEED DISTANCE
 - M = MEASURED DISTANCE
 - R.B. = RECORD BOOK
 - D.B. = DEED BOOK
 - P.C. = PAGE
 - = LANDSCAPE AREAS
 - ▨ = HEDGE ROW
 - (with dot) = TREE
 - + = STREET SIGN
 - = SIGN
 - W.V. ○ = WATER VALVE
 - ◇ = FIRE HYDRANT
 - G.M. ○ = GAS MARKER
 - G.M.R. = GAS METER
 - G.V. ○ = GAS VALVE
 - ⊗ = LIGHT POLE
 - U.P. ⊗ = UTILITY POLE
 - = GUY WIRE
 - ⊗ (with cross) = TRAFFIC LIGHT POLE
 - ⊗ (with circle) = SANITARY MANHOLE
 - ⊗ (with square) = ELECTRIC/TRAFFIC MANHOLE
 - (with cross) = CLEAN OUT
 - (with cross) = STORM INLET
 - (with cross) = BOLLARD
 - (with cross) = CATCH BASIN / STORM INLET



Engineers and Surveyors PC

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REVISIONS		
No.	DATE	DESCRIPTION
1.		

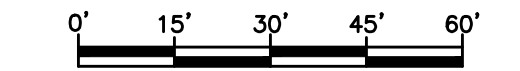
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THE KEMPNER CORPORATION
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SURVEY OF 2.160± ACRES
OF LAND FRONTING ON
KOEING ROAD & NIAGARA
FALLS BOULEVARD

ALTA/ACSM
SURVEY

TOWN OF TONAWANDA
ERIE COUNTY
NEW YORK



SCALE: 1" = 30'
DESIGNED BY: ASR
DRAWN BY: ASR
CHECKED BY: FJM
FILE NO. D5-XXX

- NOTES:**
- THIS SURVEY IS SUBJECT TO SUCH FACTS AS MAY BE DISCLOSED IN A CURRENT TITLE SEARCH.
 - TO BE VALID, COPIES HEREOF MUST CONTAIN THE LAND SURVEYOR'S ORIGINAL SIGNATURE AND EMBOSSED SEAL.
 - THIS SURVEY IS IN ACCORD WITH THE STANDARDS OF PRACTICE FOR THE NEW YORK STATE ASSOCIATION OF PROFESSIONAL LAND SURVEYORS.