




ERIE COUNTY WATER AUTHORITY

INTEROFFICE MEMORANDUM

January 9, 2025

To: Terrence D. McCracken, Secretary to the Authority

From: Michael J. Quinn, PE, Senior Distribution Engineer 

Subject: NC-040 Van de Water Treatment Plant
Raw Water Transmission Main, Van de Water Raw Water to Van de Water WTP
Eminent Domain Proceedings
ECWA Project No. 201900104

The Erie County Water Authority (ECWA) is undertaking the design and construction of the remaining sections of a second raw water transmission main between the Van de Water Raw Water Pumping Station and the treatment plant in the Town of Tonawanda (NC-040). A portion of the existing and new mains cross private property at 3690 River Road. Attachment A includes a survey and legal description of the property in question.

Over the past several months, the ECWA Law and Engineering Departments with the assistance of our consultant (Nussbaumer & Clarke, Inc.) and Harris Beach Murtha Cullina (Harris Beach) have attempted to negotiate the terms of a permanent easement to accommodate both mains. To date we have been unsuccessful. Therefore, in order to obtain the required property, the Law Department and Harris Beach have determined that the only remaining option is to begin the Eminent Domain process to condemn the property and assume ownership by the Authority. Currently the property is used for storage by the Mid-River Marina.

As part of this process, Harris Beach through Bruckner, Tillett, Rossi, Cahill & Associates completed an Appraisal Report (Attachment B) to determine the value of the property. As shown on Page 5 of the Appraisal, the maximum value of the 0.035-acre parcel is approximately \$1,425.00. Since time is of the essence, the Law and Engineering Departments are requesting that the Board review this information, consider the use on Eminent Domain to procure the required property and authorize the Law Department to negotiate the final terms and if approved, authorize the Chairman to execute any associated documents.

MJQ:jmf
Attachments
cc: L.Kowalski
M.Bellacose
CONT-NC-040-1901-X-11

3690 River Road – Easement 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 No. 98 of the New York State Reservation and more particularly described as follows:

BEGINNING at a point on the north line of lands conveyed to Mid River Marina, Inc. by deed recorded in the Erie County Clerk's Office in Liber 9554 at Page 534, former recorded in Liber 8753 at Page 351, at a distance of 20.27 feet from the west line of River Road;

THENCE South $66^{\circ}11'45''$ East, a distance of 67.15 feet;

THENCE North $34^{\circ}24'41''$ West, a distance of 15.26 feet through the lands of Bognar;

THENCE North $66^{\circ}11'45''$ East, a distance of 67.15 feet along the north line Bognar;

THENCE South $34^{\circ}24'41''$ East, a distance of 15.26 feet through the lands of Bognar to the POINT OF BEGINNING.

ERIE COUNTY WATER AUTHORITY
 AUTHORIZATION FORM
 For Approval/Execution of Documents
 (check which apply)

Contract: NC-040 **Project No.:** 201900104
Project Description: Raw Water Transmission Main, Van de Water Raw Water to Van de Water WTP

Item Description:



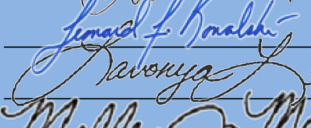

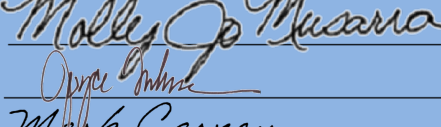


Agreement Professional Service Contract Amendment Change Order
 BCD NYSDOT Agreement Contract Documents Addendum
 Recommendation for Award of Contract Recommendation to Reject Bids
 Request for Proposals
 Other Eminent Domain Proceedings

Action Requested:


Board Authorization to Execute Legal Approval
 Board Authorization to Award Execution by the Chairman
 Board Authorization to Advertise for Bids Execution by the Secretary to the Authority
 Board Authorization to Solicit Request for Proposals
 Other Eminent Domain Proceedings Authorization

Approvals Needed:

APPROVED AS TO CONTENT:

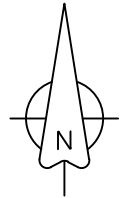
<input checked="" type="checkbox"/> Sr. Distribution Engineer		Date: <u>1/9/2025</u>
<input checked="" type="checkbox"/> Chief Operating Officer		Date: <u>01/09/2025</u>
<input checked="" type="checkbox"/> Executive Engineer		Date: <u>1/14/2025</u>
<input checked="" type="checkbox"/> Director of Administration		Date: <u>01/10/2025</u>
<input checked="" type="checkbox"/> Risk Manager		Date: <u>1/9/2025</u>
<input checked="" type="checkbox"/> Chief Financial Officer		Date: <u>01/09/2025</u>
<input checked="" type="checkbox"/> Legal		Date: <u>1/09/2025</u>

APPROVED FOR BOARD RESOLUTION:

<input checked="" type="checkbox"/> Secretary to the Authority		Date: <u>1/14/2025</u>
--	--	------------------------

Remarks: _____

Resolution Date: _____ **Item No:** _____

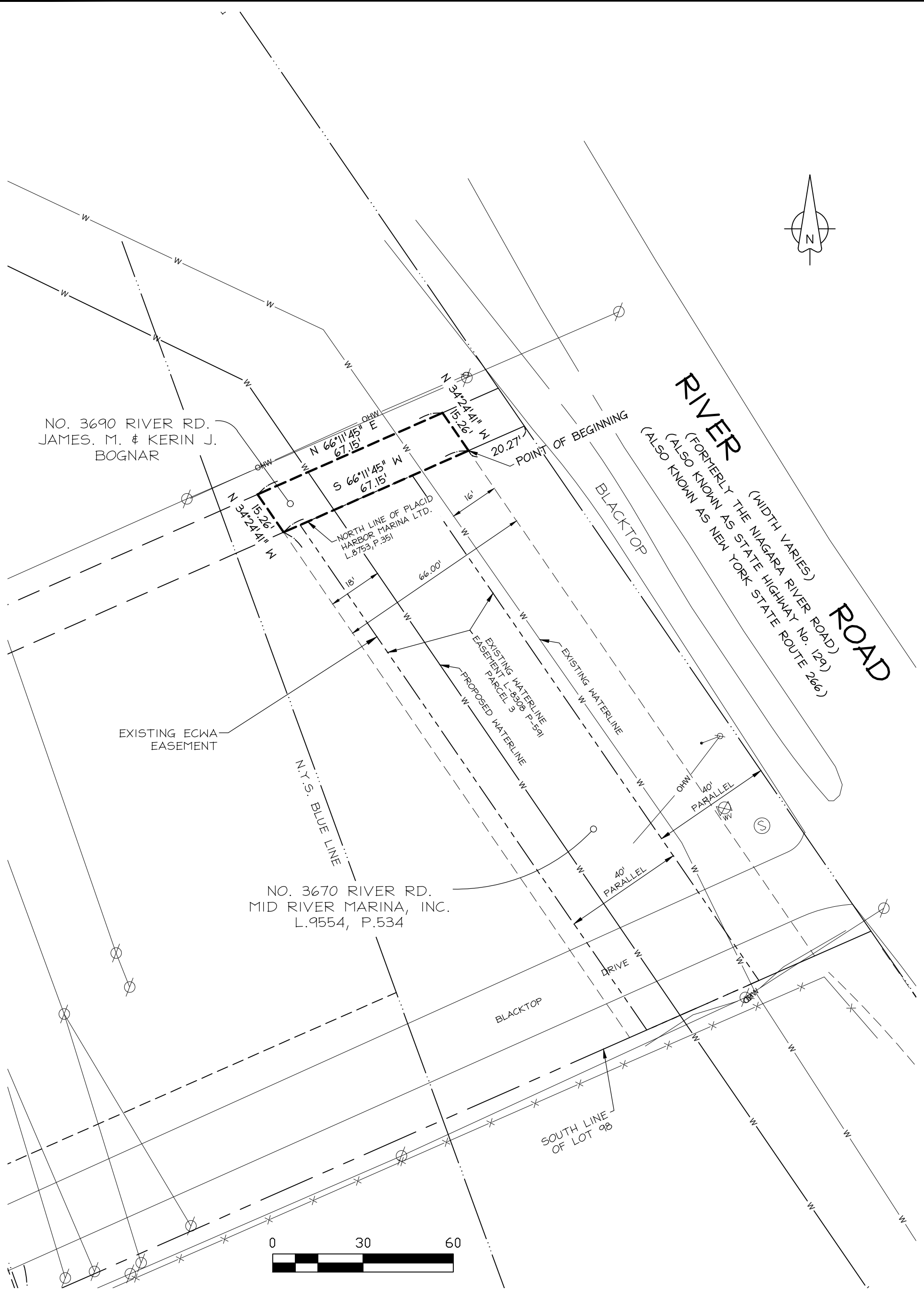


NO. 3690 RIVER RD.
JAMES. M. & KERIN J.
BOGNAR

NORTH LINE OF PLACID
HARBOR MARINA LTD.
L.8753, P.351

NO. 3670 RIVER RD.
MID RIVER MARINA, INC.
L.9554, P.534

RIVER ROAD
(FORMERLY THE NIAGARA RIVER ROAD)
(ALSO KNOWN AS STATE HIGHWAY No. 129)
(ALSO KNOWN AS NEW YORK STATE ROUTE 266)
(WIDTH VARIES)



EXISTING ECWA
EASEMENT

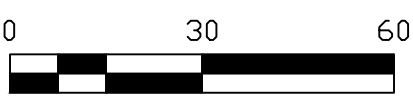
N.Y.S. BLUE LINE

EXISTING WATERLINE
EASEMENT L.8508 P.591

BLACKTOP

DRIVE

SOUTH LINE
OF LOT 98



<p>3556 Lake Shore Road, Suite 500, Buffalo, NY 14219 p (716) 827-8000 f (716) 270-6091 www.nussclarke.com</p>	<p>Unauthorized alterations or additions to any survey, drawing, design, specification, plan or report is a violation of section 7209, provision 2 of the New York State Education Law.</p>
	<p>EXHIBIT MAP 3690 Part of Lot 98 New York State Reservation Town of Tonawanda County of Erie, State of New York Date of Survey: 5/23/23 Revised 6/10/24 Scale : 1" = 30' Project No. : 19J1-0042A</p>

APPRAISAL REPORT – FORM FORMAT FOR NON-COMPLEX COMMERCIAL OR RESIDENTIAL PROPERTIES

ASSIGNMENT INFORMATION		
Property Address: 3690 River Road Town of Tonawanda Erie County, New York Tax Map Number: 64.12-1-20.1 Current Tax Assessment: N/A Current R.E. Taxes: N/A Current Record Owner: James & Kerin Bognar	Report Prepared By: Bruckner, Tillett, Rossi, Cahill & Associates 500 Linden Oaks, Suite 130 Rochester, New York, 14625 Kaitlin Skelton, MAI (585) 383-4405 Kaitlin@btrca.com	Report Prepared For (Client): Harris Beach PLLC On behalf of Erie County Water Authority (ECWA) 726 Exchange Street Suite 1000 Buffalo, NY 14210

FINAL VALUE ESTIMATE				
Date of Report	Date of Inspection	Effective Date of Value	Interest Appraised	Total Estimated Compensation for the Permanent Easement
October 10, 2024	October 8, 2024	October 8, 2024	Fee Simple	\$1,425

SALE, OPTION, LISTING AND OFFER HISTORY

Comments: There are no known agreements of sale, options, or listings current as of the effective date of the appraisal. There have been no sales that have occurred within three (3) years prior to the effective date of the appraisal. The current owner of record is James & Kerin Bognar.

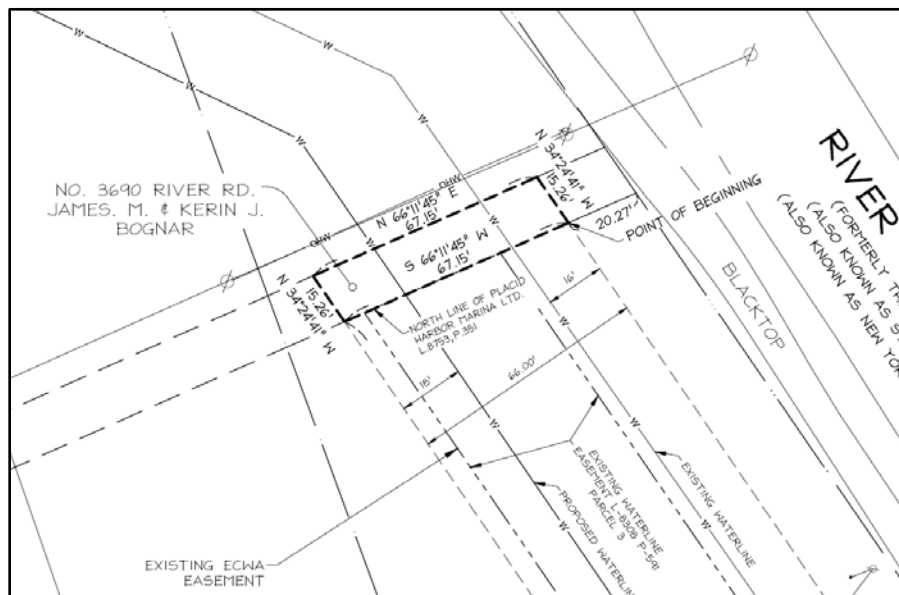
Note, the Assessor’s records indicate the size of the subject property as 4.50± acres belonging to Jas M Bognar, which is inconsistent with the tax map, survey and County GIS map. The Assessor did not have an explanation for this difference. For the purposes of this appraisal, the survey is relied upon.

MARKET AND NEIGHBORHOOD ANALYSIS

Comments: The subject property is situated on the west side of River Road, just north of the James Avenue intersection in the town of Tonawanda. The surrounding area is primarily industrial, set within a suburban environment. River Road (Route 266) serves as a key transportation route for the area, providing the subject property with moderate visibility and accessibility. The property is located in a large industrial zone, bordered by the Niagara River to the west and conveniently accessed via the I-190 and I-290 interchange. Nearby businesses and landmarks include Mid River Marina, the Erie County Water Authority, Niagara Mohawk, and the Huntley Generating Station. The property is adjacent to Mid River Marina to the south and Niagara Mohawk to the west and north. Additionally, the Empire State Trail/Riverwalk runs parallel to River Road, east of the subject property.

EASEMENT SUMMARY

The purpose of this appraisal is to estimate the diminution in value as the result of an acquisition of a permanent easement on the subject property. The purpose of this easement is to install, operate and maintain an underground pipe which will be adjacent to an existing underground pipe. The survey excerpt below from the Erie County Water Authority denotes the proposed easement area. A full copy of the survey is available in the Addenda.



A draft of the proposed easement is located in the Addenda of this report. The terms of the easement allow for "...a perpetual, non-exclusive right-of-way and permanent easement, to construct, lay, re-lay, install, operate, maintain, repair, replace, reconstruct, change the size of or remove or replace at its sole cost and expense, a water main or mains both supply and distribution, and all appurtenances, all below grade...".

The permanent easement area totals 1,025± sq.ft. or 0.02± acres of the 0.04± acre site. The proposed easement area bisects the subject property at a uniform depth of 67.15'. The easement area is completely unimproved and comprises raw land.

PROPERTY DESCRIPTION (LARGER PARCEL)

Site Size (Acres) (Sq.Ft.)	0.04± 1,536±	Zoning	Mixed Use Waterfront
Utility Service	All public	Property Type	Vacant Land
Topography	Raw/Level	Current Use	Vacant Land

Comments: The subject property is a rectangular shaped parcel of raw land. The site is approximately ~15' x 102'. The site is located on the west side of River Road with ~15' of frontage. The parcel is level and incredibly narrow. The narrowness and size of the site severely inhibits its utility as an independent parcel. The subject property is considered to be a single larger parcel for the purpose of this analysis as it does not have unity in ownership with any of the adjacent parcels.

Historic street scenes indicate that the property has previously been used for outdoor storage in conjunction with the adjacent marina property and may have previously housed a billboard. Note, the subject property was previously zoned General Industrial but was rezoned to Mixed Use Waterfront in 2024.

HIGHEST AND BEST USE

Comments: Legally the subject property could be developed with a variety of uses allowed by zoning. However, the size of the subject property at 0.04± acres and its narrow width of 15' preclude it from most legally permissible uses. While the site is level and serviced by utilities, independent uses would limit to parking, driveway aisle, surface storage etc. and these prospective uses maybe precluded due to applicable zoning setbacks. The property appears to have once been improved with a billboard; the legality of this use is not specifically addressed by the current zoning district code. Due to its limited utility, independent development of the subject site may not be financially feasible. Typically, in the market, parcels of this size transact for assemblage with an adjacent parcel. The maximally productive and highest and best use of the site is for development consistent with zoning most likely through assemblage with an adjacent parcel.

SCOPE / INTENDED USE / INTENDED USER

The Scope of Work for this assignment is as follows:

- Prior to accepting the assignment, the intended users of the appraisal report, the appropriate definition of Market Value and the interest to be appraised was identified. Any special assumptions or limiting conditions were also discussed. Note, this is not a trial ready appraisal.
- Once engaged, the appraiser performed a drive-by inspection of the property.
- Relevant data for this analysis as it relates to the property and market was obtained from various public and private sources which are deemed to be reliable by the appraiser. The verification of sale data, rental data and other market data is made with a reliable third-party source, a source involved with the transaction and/or one who has specific relevant knowledge of the transaction.
- Of the three approaches to value, the scope of this analysis considers only the most applicable valuation approach. In this analysis, the Sales Comparison Approach is deemed to be the most applicable valuation approach because there is a sufficient number of recent comparable sales of similar properties in the defined market. The Sales Comparison Approach is the only applicable approach to valuing vacant land. The Sales Comparison Approach is used to establish the unit value of the underlying land.
- The values from the various approaches are reconciled in the Reconciliation section of the report giving most weight the most reliable approaches to value.
- The appraiser's findings and conclusions are contained in this **Appraisal Report** in accordance with the *Uniform Standards of Professional Appraisal Practice (USPAP)*. The format of this report is in that of a Form rather than a traditional Narrative report.

The purpose of the appraisal is to estimate the market value and compensable damages for a proposed permanent easement as of the effective date for the following Intended Use: to assist in acquisition negotiations. The Client is Harris Beach PLLC on behalf of Erie County Water Authority. The Intended Users of this appraisal report are Harris Beach PLLC and Erie County Water Authority.

EXTRAORDINARY ASSUMPTION AND HYPOTHETICAL CONDITION DEFINED

Extraordinary Assumption Defined: An assumption, directly related to a specific assignment, as of the effective date of the assignment results, which, if found to be false, could alter the appraiser's opinions or conclusions. Extraordinary assumptions presume as fact otherwise uncertain information about physical, legal, or economic characteristics of the subject property; or about conditions external to the property, such as market conditions or trends; or about the integrity of data used in an analysis. An extraordinary assumption may be used in an appraisal only if it is required to properly

develop credible opinions and conclusions; there is a reasonable basis for the extraordinary assumption; and the use of the extraordinary assumption results in a credible analysis.

Extraordinary Assumptions Related to this Assignment:

- ✓ Note, the existing Assessor's records regarding the size and ownership of the parcel conflict with the survey, tax map and County GIS Map. The size and ownership information from the survey provided by the client are assumed to be true and accurate, and therefore, are relied upon in this report.

Hypothetical Condition Defined: A condition, directly related to a specific assignment, which is contrary to what is known by the appraiser to exist on the effective date of the assignment results but is used for the purpose of analysis. Hypothetical conditions are contrary to known facts about physical, legal, or economic characteristics of the subject property; or about conditions external to the property, such as market conditions or trends; or about the integrity of data used in an analysis. A hypothetical condition may be used in an assignment only if the use of the hypothetical condition is clearly required for legal purposes, for purposes of reasonable analysis, or for purposes of comparison; and the use of the hypothetical condition results in a credible analysis.

Hypothetical Conditions Related to this Assignment:

- ✓ None.

GENERAL ASSUMPTIONS AND LIMITING CONDITIONS

This analysis has been made with the following general assumptions and limited conditions:

1. No responsibility is assumed for the legal description provided or for matters pertaining to legal or title considerations. Title to the property is assumed to be good and marketable unless otherwise stated.
2. The property is appraised free and clear of any or all liens or encumbrances unless otherwise stated.
3. Responsible ownership and competent property management are assumed.
4. The information furnished by others is believed to be reliable, but no warranty is given for its accuracy.
5. All engineering studies are assumed to be correct. The plot plans and illustrative material in this report are included only to help the reader visualize the property.
6. It is assumed that there are no hidden or unapparent conditions of the property, subsoil, or structures that render it more or less valuable. No responsibility is assumed for such conditions or for obtaining the engineering studies that may be required to discover them.
7. It is assumed that the property is in full compliance with all applicable federal, state, and local environmental regulations and laws unless the lack of compliance is stated, described, and considered in the appraisal report.
8. It is assumed that the property conforms to all applicable zoning and use regulations and restrictions unless a nonconformity has been identified, described, and considered in the report.
9. It is assumed that all required licenses, certificates of occupancy, consents, and other legislative or administrative authority from any local, state, or national government or private entity or organization have been or can be obtained or renewed for any use on which the value estimate contained in the report is based.
10. It is assumed that the use of the land and improvements is confined within the boundaries or property lines of the property described and that there is no encroachment or trespass unless noted in the report.
11. Unless otherwise stated in this report, the existence of hazardous materials, which may or may not be present on the property, was not observed by the appraiser. The appraiser has no knowledge of the existence of such materials on or in the property. The presence of substances such as asbestos, urea-formaldehyde foam insulation, and other potentially hazardous materials may affect the value of the property. The value estimated is predicated on the assumption that there is no such material on or in the property that would cause a loss in value. No responsibility is assumed for such conditions or for any expertise or engineering knowledge required to discover them. The Intended User is urged to retain an expert in this field, if desired.
12. I have not made a specific compliance survey and analysis of the property to determine whether or not it is in conformity with the various detailed requirements of the Americans with Disabilities Act (ADA). It is possible that a compliance survey of the property, together with a detailed analysis of the requirements of the ADA, could reveal that the property is not in compliance with one or more of the requirements of the Act. If so, this fact could have a negative effect upon the value of the property. Since I have no direct evidence relating to this issue, I did not consider possible non-compliance with the requirements of the ADA in estimating the value of the property.
13. Any allocation of the total value estimated in this report between the land and the improvements applies only under the stated program of utilization. The separate values allocated to the land and buildings must not be used in conjunction with any other appraisal and are invalid if so used.
14. Possession of this report, or a copy thereof, does not carry with it the right of publication.
15. The appraiser, by reason of this appraisal, is not required to give further consultation or testimony or to be in attendance in court with reference to the property in question unless arrangements have been previously made.
16. Neither all nor any part of the contents of this report (especially any conclusions as to value, the identity of the appraiser, or the firm with which the appraiser is connected) shall be disseminated to the public through advertising, public relations, news, sales, or other media without the prior written consent and approval of the appraiser.

DEFINITION OF MARKET VALUE

The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently and knowledgeably and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of the sale as of a specified date and the passing of title from seller to buyer under conditions whereby:

1. Buyer and seller are typically motivated;
2. Both parties are well informed or well advised, and acting in what they consider their best interests;
3. A reasonable time is allowed for exposure in the open market;
4. Payment is made in terms of cash and U.S. dollars or in terms of financial arrangements comparable thereto; and
5. The price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale.

Source: The Appraisal of Real Estate, 15th Edition, page 49.

Land Valuation - SALES COMPARISON APPROACH

Discussion of Sales and Adjustments: Sales of commercial and/or industrial zoned lots under one acre were researched in Tonawanda and the adjacent municipalities between 2018 and present. Limited arm's length sales were found. Emphasis was placed on sales in the last two years under 0.20± acres with limited independent utility. Ultimately, five recent sales were selected for comparison. Sale data sheets are located in the Addenda of the report.

Explanation of Adjustments

Property rights, financing, and sales conditions are sufficiently similar that no adjustments are required. No adjustments for market conditions are made as there has been not material appreciation in this submarket, commercial land sales under 0.20 acres, in the last three years.

Land Sales Comparison Approach											
Features	Subject	Sale #1		Sale #2		Sale #3		Sale #4		Sale #5	
Sale Price	\$	\$ 10,000		\$ 10,000		\$ 11,500		\$ 15,000		\$ 8,000	
Value Adjustments	Description	Description	\$ Adj	Description	\$ Adj	Description	\$ Adj	Description	\$ Adj	Description	\$ Adj
Property Rights	Fee Simple	Fee Simple		Fee Simple		Fee Simple		Fee Simple		Fee Simple	
Financing		Cash		Cash		Cash		Cash		Cash	
Conditions of Sale		None		None		None		None		None	
Date of Appraisal/Sale	Oct-2024	Mar-2024	0%	Dec-2022	0%	Dec-2022	0%	Nov-2022	0%	Jun-2022	0%
Location/Neighborhood	Tonawanda	Tonawanda	0%	Buffalo	0%	Buffalo	0%	Tonawanda	0%	N. Tonawanda	0%
Zoning	Mixed Use Water	MU-N*	0%	N-3C**	0%	N-2E**	0%	Gen. Ind.	0%	C-1 Neigh. Bus.	0%
Site Size (in acres)	0.04	0.08	0%	0.06	0%	0.07	0%	0.16	0%	0.12	0%
Site Size (in sq.ft.)	1,536	3,498	0%	2,500	0%	3,090	0%	6,756	0%	5,240	0%
Road Access	Average	Average	0%	Average	0%	Average	0%	Good	-10%	Average	0%
Site Improvements	None	Asphalt	-26%	None	0%	None	0%	None	0%	None	0%
Topography	Level	Level		Level		Sloping		Level		Level	
Utilities	All public	All public		All Public		All Public		All Public		All Public	
Other	N/A	N/A		N/A		N/A		N/A		N/A	
Total Adjustments			-26%		0%		0%		-10%		0%
Final Adjusted Sale Price			\$7,400		\$10,000		\$11,500		\$13,500		\$8,000
Unadjusted Sale Price/Sq.ft.			\$2.86		\$4.00		\$3.72		\$2.22		\$1.53
Adjusted Sale Price/Sq.Ft.			\$2.12		\$4.00		\$3.72		\$2.00		\$1.53

* Mixed Use Neighborhood

**Urban Neighborhood Mixed-Use Edge

The five sales are located in mixed use neighborhoods in either Tonawanda, North Tonawanda or Buffalo. While the subject neighborhood is more industrial in nature, the subject site is zoned for mixed use. Considering their proximity to the subject, no location adjustment is deemed necessary for the comparable sales but differences in location are noted. While none of the five sales have the exact same zoning designation as the subject, all five sales are zoned for mixed commercial and/or industrial use such that no adjustment is deemed necessary. The size of the subject property is smaller than that of the comparable sales. No explicit adjustment is made for this but it will be discussed further below. A -10% adjustment is made to Sale 4 as it is a corner lot with superior access from two roads. A -26% adjustment is made to Sale 1 to recognize that it was paved with asphalt at the time of sale based on a contributory value of \$0.75/sq.ft. No adjustment is deemed necessary for topography, utility access or other.

Sales Summary

The adjusted range is \$1.53-\$4.00/sq.ft. with a mean of \$2.67/sq.ft. and a median of \$2.12/sq.ft. Economies of scale is based upon the premise that a property which is smaller (larger) in size than the subject will sell for a higher (lower) price per unit of comparison given all other characteristics being equal. Based on this premise, the subject parcel, at only 1,536 sq.ft. would be expected to trend at the upper end of adjusted range. However, due to its extremely small size and narrow space, the subject property has only marginal functional utility. The subject utility would be expected to fall towards the lower end of the range. Considering the above, the effects of economies of scale versus functional utility are considered off setting. Therefore, a unit value towards the midpoint of the range is selected. Based on the above analysis the estimated market value of the subject property is **\$2.75/sq.ft. or \$119,790/acre.**

SUMMARY OF DIRECT & INDIRECT DAMAGES

Direct Damages: The estimated diminution in value as a result of the permanent easement is estimated below. The Fee Value of the permanent easement area is the difference between the "before" value and the "after" value. The estimated unit price as concluded above is applied to the area

of the parcel both before and after the taking, yielding before and after site values. The difference between the two is the fee value of the easement area, which also equates to the unit price applied to the area of the easement. The calculation is summarized below.

		Easement Area			
		Per Sq.Ft.		Per Acre	
Before Value of the Site	1,536 Sq.Ft. x	\$2.75 /Sq.Ft. =	\$4,224	0.035 Acres x	\$119,790 /Acre = \$4,224
After Value of the Site	511 Sq.Ft. x	\$2.75 /Sq.Ft. =	\$1,405	0.012 Acres x	\$119,790 /Acre = \$1,405
Fee Value of the Easement Area	1,025 Sq.Ft. x	\$2.75 /Sq.Ft. =	\$2,819	0.024 Acres x	\$119,790 /Acre = \$2,819

A permanent easement to fee ratio must be applied to estimate the diminution in value from the permanent easement. The permanent easement does not substantially impact the surface use of easement area as once installed the water main will be entirely underground. The easement would still allow for surface use by the property owner (parking, exterior storage etc), though ECWA is not responsible for the cost to restore or repair paving or landscaping constructed or planted subsequent to the installation. Easement to fee ratios for water/sewer lines typically represent 10% to 50% of the value with the lower end of the range representing locations within setbacks and the upper end of the range representing a locations with a balanced use by both the owner and the easement holder. Considering the easement location bisects the site, an easement to fee ratio of 50% is selected.

The proposed easement area is entirely unimproved. No ground disruption is anticipated in the installation of the main. Therefore, additional direct damages for site improvements are estimated at zero.

Indirect Damages: The permanent easement will have no impact on the remainder of the larger parcel, as it will not impact the overall developability of the land as the land is already too small to be developed in and of itself. Therefore, indirect damages are estimated at zero.

Total Damages Summary

Based on the above analysis the total damages resulting from the permanent easement is estimated below.

Easement Area	
Value of the Easement Area in Fee	\$2,819
Permanent Easement to Fee Ratio	50%
Sub-Total Damages	\$1,409
Site Improvements	\$0
Indirect Damages	\$0
Total Compensable Damages	\$1,409
Round to:	\$1,425

EXPOSURE TIME

Exposure Time: 1 Year

ASSIGNMENT CONDITIONS

Identify / describe relevant conditions / assumptions pertinent to the valuation assignment (eg access, title, legal, etc.): None

ADDENDA ITEMS

View of Subject looking West



Overall View of Subject looking West



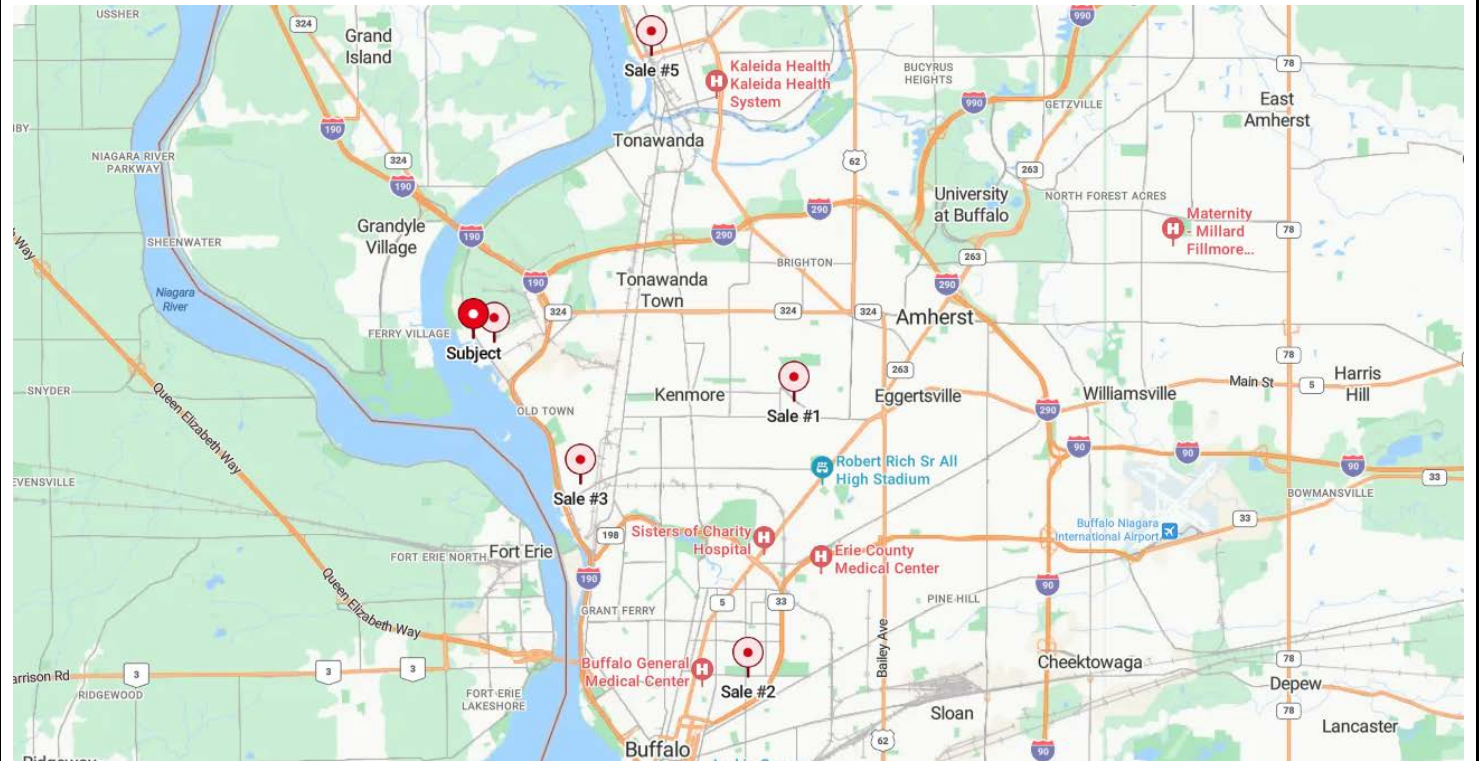
View of Subject looking Northwest



View of Subject looking Southwest



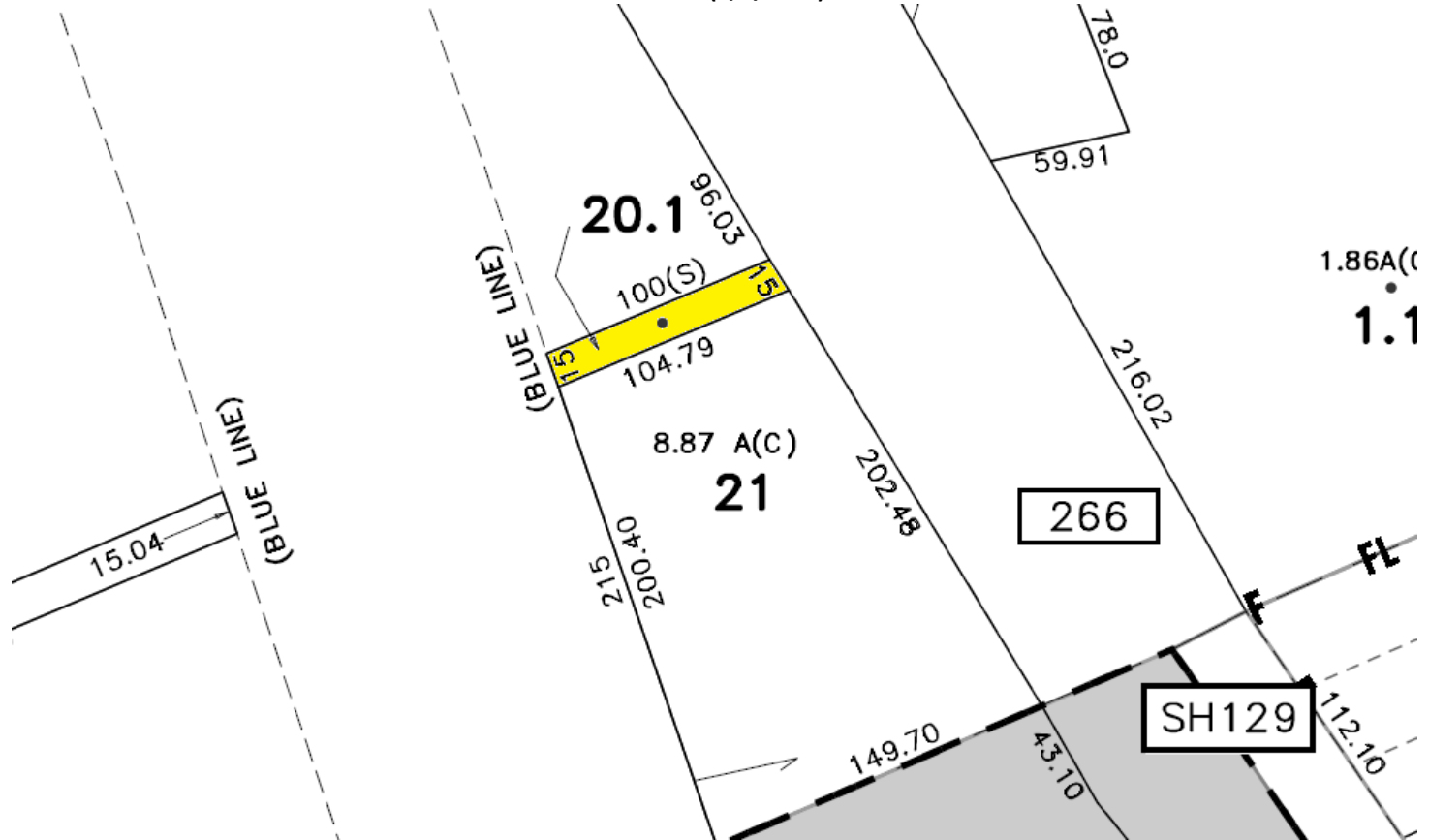
SUBJECT LOCATION AND COMPARABLE SALES MAP



ERIE COUNTY GIS (2021)



TAX MAP (5/2/2023)



CERTIFICATION – KAITLIN SKELTON

I certify that, to the best of my knowledge and belief:

- the statements of fact contained in this report are true and correct.
- the reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions, and are my personal, unbiased professional analyses, opinions, and conclusions.
- I have no present or prospective interest in the property that is the subject of this report, and I have no personal interest with respect to the parties involved.
- I have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.
- my engagement in this assignment was not contingent upon developing or reporting predetermined results.
- my compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
- my analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice; and the requirements of the Code of Professional Ethics and the Standards of Professional Appraisal Practice of the Appraisal Institute.
- I have made a personal inspection of the property that is the subject of this report.
- no one provided significant professional assistance to the person signing this report.
- the use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.
- as of the date of this report, I have completed the requirements of the continuing education program for Designated Members of the Appraisal Institute.
- as of the date of this report, I am a New York State Certified General Real Estate Appraiser #46-52462, expiration December 18, 2024.
- I have not performed services, as an appraiser or in any other capacity, regarding the subject property that is the subject of this report within the three-year period immediately preceding acceptance of this assignment.



Kaitlin Skelton, MAI

Date: October 10, 2024

QUALIFICATIONS – KAITLIN SKELTON

Employment

- Partner – Bruckner, Tillett & Rossi, Inc. d/b/a Bruckner, Tillett, Rossi, Cahill & Associates; , a real estate appraisal and consulting firm located in Rochester, New York; January 2022 to Present.
- Commercial Appraiser – Bruckner, Tillett & Rossi, Inc. d/b/a Bruckner, Tillett, Rossi, Cahill & Associates; December 2018 to December 2021
- Staff Research Assistant - Bruckner, Tillett & Rossi, Inc. d/b/a Bruckner, Tillett, Rossi, Cahill & Associates; September 2015 to December 2018.
- Tax Servicing Specialist Senior – CoreLogic, a real estate tax servicing and outsourcing firm located in Henrietta, New York; June 2013 - September 2015.

Professional

- Awarded the MAI designation in 2021 by the Appraisal Institute.
- New York State Certified General Real Estate Appraiser # 46-52462. Expires December 18, 2024.
- Pennsylvania Certified General Real Estate Appraiser # 23-39634. Expires June 30, 2025.
- Upstate NY Chapter of the Appraisal Institute – Board of Directors. Expires December 31, 2027.

Education

University of Rochester -Dual Bachelor of Arts – 2013
Majors – Financial Economics & International Relations
Minor- French
Concentrations – Brain & Cognitive Science

Other Related Courses and Seminars Successfully Completed

NYS Accredited Courses

15 Hour National USPAP - March 2016
Basic Appraisal Principles (R-5)- March 2016
Basic Appraisal Procedures (R-6)- March 2016
Fair Housing, Fair Lending and Environmental Issues (GE-1) – October 2016, September 2022
Using the HP12C Financial Calculator (GE-3) – June 2017

Appraisal Institute Accredited Courses

Statistics, Modeling & Finance (SMF) – May 2016
General Appraiser Sales Comparison Approach (G-5) – July 2016
General Appraiser Income Approach I (G-7) – March 2017
General Appraiser Report Writing & Case Studies (G-8) – May 2017
Condemnation Appraising: Principles & Applications – August 2017
General Appraiser Income Approach II (G-7) – November 2017
General Appraiser Market Analysis & Highest & Best Use (G-4) – May 2018
General Appraiser Site Valuation & Cost Approach (G-6) – August 2018
Advanced Income Capitalization – October 2019
Advanced Case Studies & Concepts – December 2019
Advanced Market Analysis and Highest & Best Use – January 2020
Quantitative Analysis – February 2020
Business & Practice Ethics – Jun 2020/Oct 2023
Uniform Appraisal Standards for Federal Land Acquisitions (Yellow Book) – January 2024

Scope of Assignments

Real estate appraisal, feasibility, and consultation reports for many types of commercial, industrial, and residential related properties. These include retail, office, industrial, apartments, special use, condominiums, and undeveloped land. Areas of concentration include most parts of Upstate New York. The function of the assignments is generally to serve clients in mortgage financing, estate, buying/selling, decisions, condemnations settlements and tax certiorari matters.

STATE LICENSE OR CERTIFICATION OF APPRAISER(S)

UNIQUE ID NUMBER
46000052462

State of New York
Department of State

DIVISION OF LICENSING SERVICES

FOR OFFICE USE ONLY
Control
No. 1531258

PURSUANT TO THE PROVISIONS OF ARTICLE 6E OF THE
EXECUTIVE LAW AS IT RELATES TO R. E. APPRAISERS.

EFFECTIVE DATE

MO. DAY YR.
12 19 22

SKELTON KAITLIN M
C/O BRUCKNER, TILLET, ROSSI,
500 LINDEN OAKS
STE 130
ROCHESTER, NY 14625

EXPIRATION DATE

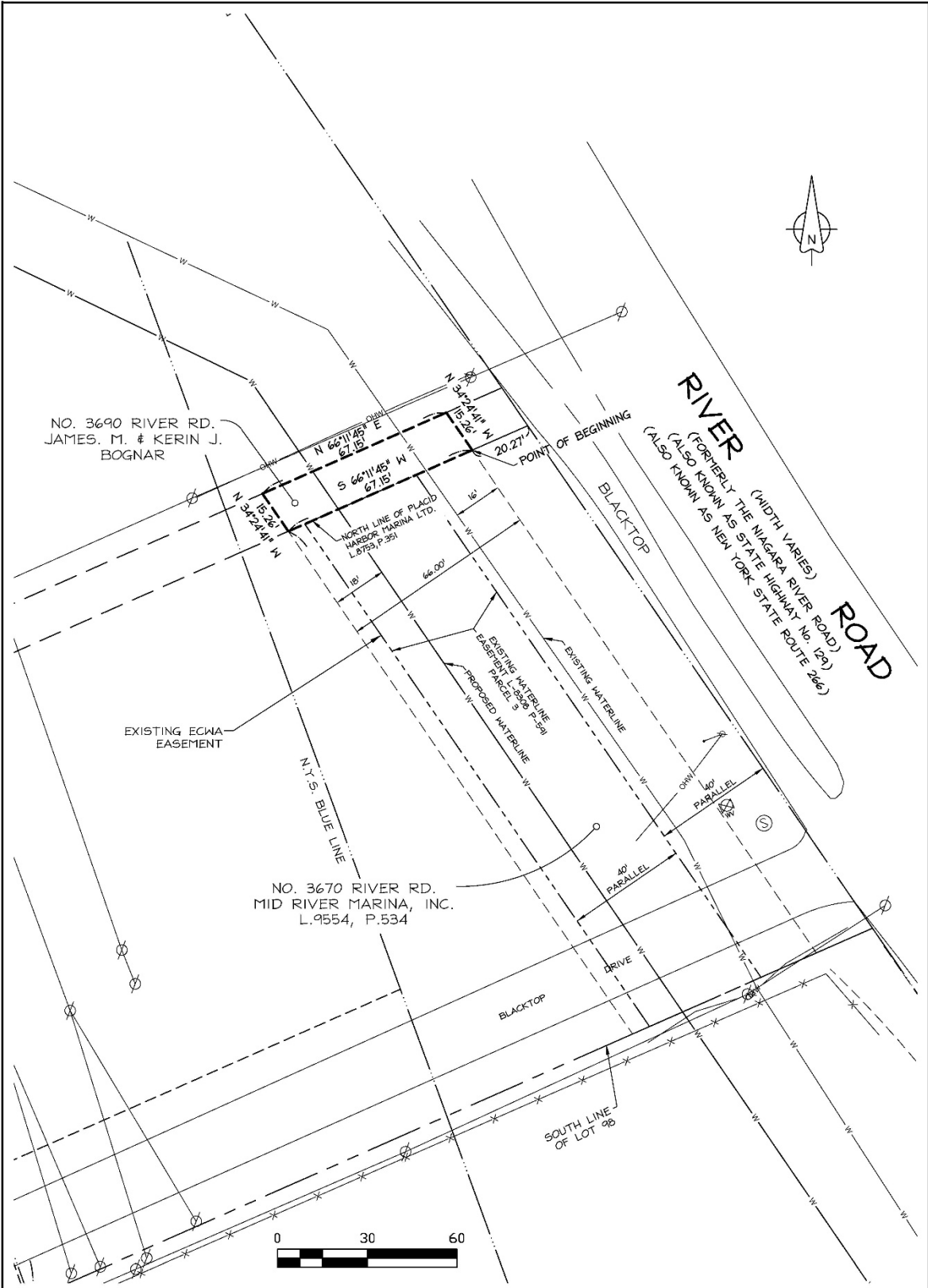
MO. DAY YR.
12 18 24


HAS BEEN DULY CERTIFIED TO TRANSACT BUSINESS AS A
R. E. GENERAL APPRAISER

In Witness Whereof, The Department of State has caused
its official seal to be hereunto affixed.

ROBERT J. RODRIGUEZ
SECRETARY OF STATE

DOS-1098 (Rev. 3/01)



3556 Lake Shore Road, Suite 500, Buffalo, NY 14219 p (716) 827-8000 f (716) 270-6091 www.nussclarke.com	Unauthorized alterations or additions to any survey, drawing, design, specification, plan or report is a violation of section 7209, provision 2 of the New York State Education Law.
	<p align="center"> EXHIBIT MAP 3690 Part of Lot 98 New York State Reservation Town of Tonawanda County of Erie, State of New York Date of Survey: 5/23/23 Revised 6/10/24 Scale: 1" = 30' Project No.: 19J1-0042A </p>

Comparable Sale #1

Class Code: 330 Lot for Commercial Use



Address: 528 Englewood Avenue
Town: Tonawanda
Description: Sale of Vacant Commercial Lot

County: Erie

State: NY

Sale Price: \$10,000
Contract Date:
Deed Recorded: 03/28/2024

Days on Market: N/A
Sale Conditions: Normal
Rights Conveyed: Fee Simple

Frontage Feet: 70

Price Per Front Foot: \$142.86

Financing: Cash
Grantor: Asmah Niyah
Grantee: Charles Campanella

Tax Map Number: 78.28-7-2
Liber: 11429
Page: 4731

Taxes: N/A
Assessment: \$7,000.00
Zoning: Mixed Use Neighborhood

Lot Size: 0.0803
Price Per Acre: \$124,533
Price Per SqFt: \$2.86

Utilities: Electric
 Gas
 Water
 Sewer
 Other (See Comments)

Verification: NYS 5217, Assessor's Records

Date: 10/04/2024

This is the sale of a commercial lot located on the south side of Englewood Avenue. The lot is level and at the time of sale was improved with asphalt for parking. The lot appears to be utilized by the adjacent property owner as part of their auto body shop; however, the properties are under different ownership.

Comparable Sale #2

Class Code: 330 Lot for Commercial Use



Address: 409 Best Street
City: Buffalo
Description: Sale of a Vacant Lot

County: Erie

State: NY

Sale Price: \$10,000
Contract Date: 10/2022
Deed Recorded: 12/13/2022

Days on Market: N/A
Sale Conditions: Normal
Rights Conveyed: Fee Simple

Frontage Feet: 25

Price Per Front Foot: \$400.00

Financing: Cash
Grantor: Robert Watts
Grantee: T.O.P. Enterprises Inc.

Tax Map Number: 100.74-1-5
Liber: 11412
Page: 1232

Taxes: N/A
Assessment: \$3,000.00
Zoning: N-3C - Urban Mixed Use

Lot Size: 0.0574
Price Per Acre: \$174,216
Price Per SqFt: \$4.00

Utilities: Electric
 Gas
 Water
 Sewer
 Other (See Comments)

Verification: 5217, Assessor's Records

Date: 10/09/2024

This is the sale of a 25' x 100' lot located on the south side of Best Street between Jefferson Avenue and Earl Place. The lot was completely vacant at the time of sale. The surrounding neighborhood is mixed use.

Comparable Sale #3

Class Code: 330 Lot for Commercial Use



Address: 586 Tonawanda Street
City: Buffalo
Description: Sale of a Vacant Lot

County: Erie

State: NY

Sale Price: \$11,500
Contract Date: 09/2023
Deed Recorded: 12/15/2023

Days on Market: 24
Sale Conditions: Normal
Rights Conveyed: Fee Simple

Frontage Feet: 30

Price Per Front Foot: \$383.33

Financing: Cash
Grantor: Suraya Shilpi
Grantee: Mohamed Mahroof

Tax Map Number: 77.73-3-12
Liber: 11425
Page: 7403

Taxes: N/A
Assessment: \$3,000.00
Zoning: Urban Neighborhood Mixed-

Lot Size: 0.0709
Price Per Acre: \$162,200
Price Per SqFt: \$3.72

Utilities: Electric
 Gas
 Water
 Sewer
 Other (See Comments)

Verification: 5217, Assessor's Records, MLS B1492827

Date: 10/09/2024

Sale of a 30' x 103' interior lot. Prior to the sale, the property was improved a commercial building but was vacant at the time of sale. The surrounding neighborhood is mixed use. The property was listed on the open market for \$14,899 in August 2023.

Comparable Sale #4

Class Code: 340 Lot for Industrial Use



Address: 100 Sawyer Avenue
Town: Tonawanda
Description: Sale of Industrial Lot

County: Erie

State: NY

Sale Price: \$15,000
Contract Date:
Deed Recorded: 11/30/2022

Days on Market: N/A
Sale Conditions: Normal
Rights Conveyed: Fee Simple

Frontage Feet: 171

Price Per Front Foot: \$87.72

Financing: Cash
Grantor: Prolific Realty Group, Inc.
Grantee: EZ Industries LLC

Tax Map Number: 64.12-3-16
Liber: 11411
Page: 1496

Taxes: N/A
Assessment: \$3,500.00
Zoning: GI General Industrial

Lot Size: 0.1551
Price Per Acre: \$96,712
Price Per SqFt: \$2.22

Utilities: Electric
 Gas
 Water
 Sewer
 Other (See Comments)

Verification: NYS 5217, Assessor's Records

Date: 10/04/2024

This is the sale of an industrial lot located at the corner of Sawyer Avenue and Cherry Avenue. The lot is level and was unimproved at the time of sale. Surrounding uses are mixed industrial and residential. After the sale, the property was covered in gravel and fenced for exterior storage use.

Comparable Sale #5

Class Code: 330 Lot for Commercial Use



Address: 87 Wheatfield
City: North Tonawanda
Description: Sale of Commerical Lot

County: Niagara

State: NY

Sale Price: \$8,000
Contract Date: 04/2022
Deed Recorded: 06/17/2022

Days on Market: N/A
Sale Conditions: Normal
Rights Conveyed: Fee Simple

Frontage Feet: 40

Price Per Front Foot: \$200.00

Financing: Cash
Grantor: The McMahon Family Irrevocable Trust
Grantee: David Priestler Jr.

Tax Map Number: 182.69-1-5
Liber: 2022
Page: 11952

Taxes: N/A
Assessment: \$5,600.00
Zoning: C-1 Neighborhood Bus.

Lot Size: 0.1207
Price Per Acre: \$66,280
Price Per SqFt: \$1.52

Utilities: Electric
 Gas
 Water
 Sewer
 Other (See Comments)

Verification: 5217, Assessor's Record

Date: 10/09/2024

Sale of a 40' x 131.5' interior lot. Lot was unimproved at the time of sale. The property is situated in a mixed use neighborhood.