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Debra J. Lambek
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June 8, 2012

Via Email to bchevalier@capitalizealbany.com

Via Hand Delivery

Mr. Michael Yevoli, CEO
City of Albany Industrial Development Agency
21 Lodge Street
Albany, New York 12207

Re: City of Albany Industrial Development Agency ("Agency")
with 581 Livingston Avenue LLC ("Company")

Dear Mr. Yevoli:

Attached please find four (4) copies of the application for Agency benefits in support of the acquisition and construction of a 50 unit multifamily building with parking located at 581 Livingston Avenue, City of Albany, New York. The site for the project is the vacant Two Cousin's Fish Market. The existing structure shall be demolished to construct the 50 unit apartment building.

We request the Agency provide financial assistance by way of a sales tax exemption, mortgage tax exemption and real estate tax exemption by entering into a payment in lieu of tax agreement. The applicant spoke to Keith McDonald, the City Assessor, who determined the assessment for the property when completed would be \$60,000 per unit or \$3,000,000. The annual real property tax liability would be approximately \$133,600 at the normal tax rate and \$72,700 at the proposed PILOT rate, but the current tax liability is only \$13,400. As of March 21, 2012, the school taxes for the property remain unpaid (please see attached tax search as of March 21, 2012).

The Company would like to remove this existing eyesore in the City of Albany and create a viable residential building with parking. The unpaid real estate taxes would also be paid to date and brought current by the owner upon his transfer of title to the property to the Company. However, in order to develop the property, the Company will need some relief from the real estate taxes. The Company is planning to construct housing for individuals 55 years old and over. These are not luxury apartments and therefore the Company cannot charge high rents for

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the residents. The Company will be charging \$600/month rent for a one bedroom apartment. This is very reasonable considering the new construction and amenities which will be available to the potential tenants. We are requesting a 20 year PILOT Agreement from the City of Albany pursuant to which taxes would be as follows:

Years	Taxes To Be Paid based on Assessed Value
1-2	50%
3-4	55%
5-6	60%
7-8	65%
9-10	70%
11-12	75%
13-14	80%
15-16	85%
17-18	90%
19-20	95%

The Company is also requesting an exemption from mortgage recording taxes relating to the financing of the project, which exemption will allow the Company to apply these savings to constructing and equipping of the project as a senior housing complex with related amenities.

We welcome any questions regarding the application and look forward to working with the Agency to successfully add 50 new apartments to this challenged neighborhood.

If you have any questions, please call. Thank you.

Sincerely,

SEGEL GOLDMAN MAZZOTTA & SIEGEL, P.C.


Debra J. Lambek, Esq.

DJL/bb
Enc.

cc: A. Joseph Scott, Esq. (Via US Mail, w/enclosures)
Mr. William Barber (Via US Mail, w/enclosures)

CITY OF ALBANY INDUSTRIAL DEVELOPMENT AGENCY

APPLICATION

IMPORTANT NOTICE: The answers to the questions contained in this application are necessary to determine your firm's eligibility for financing and other assistance from the City of Albany Industrial Development Agency. These answers will also be used in the preparation of papers in this transaction. Accordingly, all questions should be answered accurately and completely by an officer or other employee of your firm who is thoroughly familiar with the business and affairs of your firm and who is also thoroughly familiar with the proposed project. This application is subject to acceptance by the Agency.

TO: CITY OF ALBANY INDUSTRIAL DEVELOPMENT AGENCY
c/o Department of Economic Development
21 Lodge Street
Albany, New York 12207

This application by applicant respectfully states:

APPLICANT: 581 Livingston Avenue LLC

APPLICANT'S ADDRESS: 225 Old Loudon Road

CITY: Latham STATE: New York ZIP CODE: 12110

PHONE NO.: 518-389-2600 FAX NO.: 518-389-2603 E-MAIL: barbill72@yahoo.com

NAME OF PERSON(S) AUTHORIZED TO SPEAK FOR APPLICANT WITH RESPECT TO THIS APPLICATION:

IF APPLICANT IS REPRESENTED BY AN ATTORNEY, COMPLETE THE FOLLOWING:

NAME OF ATTORNEY: Debra J. Lambek

ATTORNEY'S ADDRESS: 9 Washington Square

CITY: Albany STATE: New York ZIP CODE: 12205

PHONE NO.: 518-452-0941 FAX NO.: 518-452-0417 E-MAIL: dlambek@sgmalbany.com

NOTE: PLEASE READ THE INSTRUCTIONS ON PAGE 2 HEREOF BEFORE FILLING OUT THIS FORM.

INSTRUCTIONS

1. The Agency will not approve any application unless, in the judgment of the Agency, said application and the summary contains sufficient information upon which to base a decision whether to approve or tentatively approve an action.
2. Fill in all blanks, using "none" or "not applicable" or "N/A" where the question is not appropriate to the project which is the subject of this application (the "Project").
3. If an estimate is given as the answer to a question, put "(est)" after the figure or answer which is estimated.
4. If more space is needed to answer any specific question, attach a separate sheet.
5. When completed, return eight (8) copies of this application to the Agency at the address indicated on the first page of this application.
6. The Agency will not give final approval to this application until the Agency receives a completed environmental assessment form concerning the Project which is the subject of this application.
7. Please note that Article 6 of the Public Officers Law declares that all records in the possession of the Agency (with certain limited exceptions) are open to public inspection and copying. If the applicant feels that there are elements of the Project which are in the nature of trade secrets or information, the nature of which is such that if disclosed to the public or otherwise widely disseminated would cause substantial injury to the applicant's competitive position, the applicant may identify such elements in writing and request that such elements be kept confidential in accordance with Article 6 of the Public Officers Law.
8. The applicant will be required to pay to the Agency all actual costs incurred in connection with this application and the Project contemplated herein (to the extent such expenses are not paid out of the proceeds of the Agency's bonds issued to finance the project). The applicant will also be expected to pay all costs incurred by general counsel and bond counsel to the Agency. The costs incurred by the Agency, including the Agency's general counsel and bond counsel, may be considered as a part of the project and included as a part of the resultant bond issue.
9. The Agency has established an application fee of One Thousand Five Hundred Dollars (\$1,500) to cover the anticipated costs of the Agency in processing this application. A check or money order made payable to the Agency must accompany each application. **THIS APPLICATION WILL NOT BE ACCEPTED BY THE AGENCY UNLESS ACCOMPANIED BY THE APPLICATION FEE.**

FOR AGENCY USE ONLY

1. Project Number	
2. Date application Received by Agency	_____ , 20____
3. Date application referred to attorney for review	_____ , 20____
4. Date copy of application mailed to members	_____ , 20____
5. Date notice of Agency meeting on application posted	_____ , 20____
6. Date notice of Agency meeting on application mailed	_____ , 20____
7. Date of Agency meeting on application	_____ , 20____
8. Date Agency conditionally approved application	_____ , 20____
9. Date scheduled for public hearing	_____ , 20____
10. Date Environmental Assessment Form ("EAF") received	_____ , 20____
11. Date Agency completed environmental review	_____ , 20____
12. Date of final approval of application	_____ , 20____

SUMMARY OF PROJECT

Applicant: 581 Livingston Avenue LLC

Contact Person: William Barber

Phone Number: 518-928-8692

Occupant: N/A

Project Location: 581 Livingston Avenue

Approximate Size of Project Site: +/- 2.73 Acres

Description of Project: Aquisition of the certain +/- 2.73 acre parcel of real property with an address at 581 Livingston Avenue, Albany, ("Land"), construction on the Land of that certain 50 unit multi-family housing facility with parking ("Facility"), and installation of furniture fixtures and equipment in the Facility ("Equipment").

Type of Project: ☐ Manufacturing ☐ Warehouse/Distribution
☐ Commercial ☐ Not-For-Profit
☒ Other-Specify Apartment Building

Employment Impact: Existing Jobs 0

New Jobs +/- 1 full time equivalent

Project Cost: \$ 3,640,000 +/-

Type of Financing: ☐ Tax-Exempt ☐ Taxable ☒ Straight Lease

Amount of Bonds Requested: \$ N/A

Estimated Value of Tax-Exemptions:

N.Y.S. Sales and Compensating Use Tax:	\$ 156,720
Mortgage Recording Taxes:	\$ 33,750
Real Property Tax Exemptions:	\$ 820,994
Other (please specify):	\$

I. INFORMATION CONCERNING THE PROPOSED OCCUPANT OF THE PROJECT (HEREINAFTER, THE "COMPANY").

A. Identity of Company:

1. Company Name: 581 Livingston Avenue LLC

Present Address: 225 Old Loudon Road, Latham, NY

Zip Code: 12110

Employer's ID No.:

2. If the Company differs from the Applicant, give details of relationship: N/A

3. Indicate type of business organization of Company: Apartment Leasing

a. _____ Corporation (If so, incorporated in what country?
What State? _____ Date Incorporated? _____ Type of
Corporation? _____ Authorized to do business in New York?
Yes ____; No ____).

b. _____ Partnership (if so, indicate type of partnership _____.
Number of general partners _____. Number of limited partners ____).

c. ☒ Limited liability company. (formed in New York)
Date created? March 25, 2011.

d. _____ Sole proprietorship

4. Is the Company a subsidiary or direct or indirect affiliate of any other organization(s)? If so, indicate name of related organization(s) and relationship: NO

B. Management of Company:

1. List all owners, officers, members, directors and partners (complete all columns for each person): Briana Barber, Sole Member

NAME (First, Middle, Last) HOME ADDRESS	OFFICE HELD	OTHER PRINCIPAL BUSINESS
Briana Vaughn Barber	Member	Lawyer/Property Manager

2. Is the Company or management of the Company now a plaintiff or a defendant in any civil or criminal litigation? Yes ____; No X.

3. Has any person listed above ever been convicted of a criminal offense (other than a minor traffic violation)? Yes ____; No X.

4. Has any person listed above or any concern with whom such person has been connected ever been in receivership or been adjudicated a bankrupt? Yes ____; No X.
(If yes to any of the foregoing, furnish details in a separate attachment).

5. If the answer to any of questions 2 through 4 is yes, please, furnish details in a separate attachment.

C. Principal Owners of Company:

1. Principal owners of Company: Is Company publicly held? Yes ____; No X.
If yes, list exchanges where stock traded:

2. If no, list all stockholders having a 5% or more interest in the Company:

NAME	ADDRESS	PERCENTAGE OF HOLDING
Briana Barber	225 Old Loudon Road Latham, New York 12110	100%

- D. Company's Principal Bank(s) of account:
First Niagara

II. DATA REGARDING PROPOSED PROJECT

- A. Summary: (Please provide a brief narrative description of the Project.)
Acquisition of the certain +/- 2.73 acre parcel of real property with an address at 581 Livingston Avenue, Albany, ("Land"), construction on the Land of that certain 50 unit multi-family housing facility with parking ("Facility"), and installation of furniture fixtures and equipment in the Facility ("Equipment").

- B. Location of Proposed Project:

1. Street Address 581 Livingston Avenue
2. City of Albany
3. Town of
4. Village of
5. County of Albany

- C. Project Site:

1. Approximate size (in acres or square feet) of Project site: 2.73 acres (est)
Is a map, survey or sketch of the project site attached? Yes X; No ____.
2. Are there existing buildings on project site? Yes X; No ____.
 - a. If yes, indicate number and approximate size (in square feet) of each existing building: one (1) - 10,000 sq. ft. (est) vacant building

- b. Are existing buildings in operation? Yes ____; No X.
If yes, describe present use of present buildings: Existing building is vacant

- c. Are existing buildings abandoned? Yes ____; No X. About to be abandoned? Yes ____; No X. If yes, describe:

- d. Attach photograph of present buildings.

3. Utilities serving project site:
Water-Municipal: Yes
Other (describe)
Sewer-Municipal: Yes
Other (describe)
Electric-Utility: Yes
Other (describe)
Heat-Utility: Yes
Other (describe)
4. Present legal owner of project site: Joyce DeSantis as executrix of estate of Ralph DeSantis

a. If the Company owns project site, indicate date of purchase: _____, 20____; Purchase price: \$_____, N/A

b. If Company does not own the Project site, does Company have option signed with owner to purchase the Project site? Yes X; No _____. If yes, indicate date option signed with owner: Jan 31, 20¹¹; and the date the option expires: *_____, 20____. The Company has an option to purchase the Land.

c. If the Company does not own the project site, is there a relationship legally or by common control between the Company and the present owners of the project site? Yes ____; No X. If yes, describe:

* Purchase and Sale Agreement dated January 31, 2011 with current owner, subject to extension.

5. a. Zoning District in which the project site is located: M-1

b. Are there any variances or special permits affecting the site? Yes X; No _____. If yes, list below and attach copies of all such variances or special permits: Use variance, area variance and Parking Lot Permit

D. Buildings:

1. Does part of the project consist of a new building or buildings? Yes X; No _____. If yes, indicate number and size of new buildings: 1 New building approximately 36,000 sq. ft.

2. Does part of the project consist of additions and/or renovations to the existing buildings? Yes ____; No X. If yes, indicate the buildings to be expanded or renovated, the size of any expansions and the nature of expansion and/or renovation:

3. Describe the principal uses to be made by the Company of the building or buildings to be acquired, constructed or expanded: Apartment building

E. Description of the Equipment:

1. Does a part of the Project consist of the acquisition or installation of machinery, equipment or other personal property (the "Equipment")? Yes x; No _____. If yes, describe the Equipment: stoves and refrigerators for 50 units;
 HVAC equipment for complex
2. With respect to the Equipment to be acquired, will any of the Equipment be Equipment which has previously been used? Yes _____; No X. If yes, please provided detail:
3. Describe the principal uses to be made by the Company of the Equipment to be acquired or installed: equipping of 50 senior housing units

F. Project Use:

1. What are the principal products to be produced at the Project? N/A
2. What are the principal activities to be conducted at the Project? Residential
(senior housing)
3. Does the Project include facilities or property that are primarily used in making retail sales of goods or services to customers who personally visit such facilities? Yes x; No _____. If yes, please provide detail:
senior housing facilities
4. If the answer to question 3 is yes, what percentage of the cost of the Project will be expended on such facilities or property primarily used in making retail sales of goods or services to customers who personally visit the Project? 100 %
5. If the answer to question 3 is yes, and the answer to question 4 is more than 33.33%, indicate whether any of the following apply to the Project:

- a. Will the Project be operated by a not-for-profit corporation? Yes____; No X. If yes, please explain:

 - b. 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 X. If yes, please explain:

 - c. Would the Project occupant, but for the contemplated financial assistance from the Agency, locate the related jobs outside the State of New York? Yes____; No X. If yes, please explain:

 - d. Is the predominant purpose of the Project to make available goods or services which would not, but for the Project, be reasonably accessible to the residents of the city, town or village within which the Project will be located, because of a lack of reasonably accessible retail trade facilities offering such goods or services? Yes X; No____. If yes, please provide detail: The project will offer new, clean, safe housing for seniors with on-site parking

 - e. Will the Project be located in one of the following: (i) an area designed as an economic development zone pursuant to Article 18-B of the General Municipal Law; or (ii) a census tract or block numbering area (or census tract or block numbering area contiguous thereto) which, according to the most recent census data, has (x) a poverty rate of at least 20% for the year in which the data relates, or at least 20% of households receiving public assistance, and (y) an unemployment rate of at least 1.25 times the statewide unemployment rate for the year to which the data relates? Yes____; No X. If yes, please explain: _____
6. If the answers to any of subdivisions c. through e. of question 5 is yes, 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____; No X. If yes, please explain:
7. Will the completion of the Project result in the removal of a plant or facility of the Company or another proposed occupant of the Project (a "Project Occupant") from one area of the State of New York to another area of the State of New York? Yes____; No X. If yes, please explain:

8. Will the completion of the Project result in the abandonment of one or more plants or facilities of the Company located in the State of New York? Yes ____; No X. If yes, please provide detail:

9. If the answer to either question 7 or question 8 is yes, indicate whether any of the following apply to the Project: N/A

a. Is the Project reasonably necessary to preserve the competitive position of the Company on such Project Occupant in its industry? Yes ____; No _____. If yes, please provide detail: N/A

b. Is the Project reasonably necessary to discourage the Company or such Project Occupant from removing such other plant or facility to a location outside the State of New York? Yes ____; No _____. If yes, please provide detail: N/A

G. Other Involved Agencies:

1. Please indicate all other local agencies, boards, authorities, districts, commissions or governing bodies (including any city, county and other political subdivision of the State of New York and all state departments, agencies, boards, public benefit corporations, public authorities or commissions) involved in approving or funding or directly undertaking action with respect to the Project. For example, do you need a municipal building permit to undertake the Project? Do you need a zoning approval to undertake the Project? If so, you would list the appropriate municipal building department or planning or zoning commission which would give said approvals.

City of Albany planning board
Zoning Board of Appeals
Building Department

2. Describe the nature of the involvement of the federal, state or local agencies described above: Site Plan approval
Area and use variances
demolition permit and building permits for structure and parking lot

H. Construction Status:

1. Has construction work on this project begun? Yes ____; No X. If yes, please discuss in detail the approximate extent of construction and the extent of completion. Indicate in your answer whether such specific steps have been completed as site clearance and preparation; completion of foundations; installation of footings; etc.:

2. Please indicate amount of funds expended on this project by the Company in the past three (3) years and the purposes of such expenditures: \$150,000 (est)
design and engineering as well as the option agreement to purchase the Land

I. Method of Construction After Agency Approval:

1. If the Agency approves the project which is the subject of this application, there are two methods that may be used to construct the project. The applicant can construct the project privately and sell the project to the Agency upon completion. Alternatively, the applicant can request to be appointed as "agent" of the Agency, in which case certain laws applicable to public construction may apply to the project. Does the applicant wish to be designated as "agent" of the Agency for purposes of constructing the project? Yes X; No ____.

2. If the answer to question 1 is yes, does the applicant desire such "agent" status prior to the closing date of the financing? Yes X; No ____.

III. INFORMATION CONCERNING LEASES OR SUBLEASES OF THE PROJECT. (PLEASE COMPLETE THE FOLLOWING SECTION IF THE COMPANY INTENDS TO LEASE OR SUBLEASE ANY PORTION OF THE PROJECT).

- A. Does the Company intend to lease or sublease more than 10% (by area or fair market value) of the Project? Yes X; No _____. If yes, please complete the following for each existing or proposed tenant or subtenant: There will be residential lease agreements for the occupants of the project.
As of the date of this application there are no lease agreements

1. Sublessee name:
Present Address:
City: _____ State: _____ Zip: _____
Employer's ID No.: _____
Sublessee is: _____ Corporation: _____ Partnership: _____ Sole Proprietorship
Relationship to Company:
Percentage of Project to be leased or subleased:
Use of Project intended by Sublessee:
Date of lease or sublease to Sublessee:
Term of lease or sublease to Sublessee:
Will any portion of the space leased by this sublessee be primarily used in making retail sales of goods or services to customers who personally visit the Project? Yes ____; No _____. If yes, please provide on a separate attachment (a) details and (b) the answers to questions II(F)(4) through (6) with respect to such sublessee.

2. Sublessee name:
 Present Address:
 City: _____ State: _____ Zip: _____
 Employer's ID No.: _____
 Sublessee is: _____
 _____ Corporation: _____ Partnership: _____ Sole Proprietorship
 Relationship to Company:
 Percentage of Project to be leased or subleased:
 Use of Project intended by Sublessee:
 Date of lease or sublease to Sublessee:
 Term of lease or sublease to Sublessee: _____
 Will any portion of the space leased by this sublessee be primarily used in making retail sales of goods or services to customers who personally visit the Project? Yes ____; No _____. If yes, please provide on a separate attachment (a) details and (b) the answers to questions II(F)(4) through (6) with respect to such sublessee.
3. Sublessee name:
 Present Address:
 City: _____ State: _____ Zip: _____
 Employer's ID No.: _____
 Sublessee is: _____ Corporation: _____ Partnership: _____ Sole Proprietorship
 Relationship to Company:
 Percentage of Project to be leased or subleased:
 Use of Project intended by Sublessee:
 Date of lease or sublease to Sublessee:
 Term of lease or sublease to Sublessee: _____
 Will any portion of the space leased by this sublessee be primarily used in making retail sales of goods or services to customers who personally visit the Project? Yes ____; No _____. If yes, please provide on a separate attachment (a) details and (b) the answers to questions II(F)(4) through (6) with respect to such sublessee.

B. What percentage of the space intended to be leased or subleased is now subject to a binding written lease or sublease? 0%

IV. Employment Impact

A. Indicate below the number of people presently employed at the project site and the number that will be employed at the project site at end of the first and second years after the project has been completed (Do not include construction workers). Also indicate below the number of workers employed at the project site representing newly created positions as opposed to positions relocated from other project sites of the applicant. Such information regarding relocated positions should also indicate whether such positions are relocated from other project sites financed by obligations previously issued by the Agency.

TYPE OF EMPLOYMENT					
	PROFESSIONAL MANAGERIAL	SKILLED	SEMI- SKILLED	UNSKILLED	TOTALS
Present Full Time	0	0	0	0	0
Present Part Time	0	0	0	0	0
Present Seasonal	0	0	0	0	0
First Year Full Time	0	1	0	0	1
First Year Part Time	0	0	0	0	0
First Year Seasonal	0	0	0	0	0
Second Year Full Time	0	1	0	0	1
Second Year Part Time	0	0	0	0	0
Second Year Seasonal	0	0	0	0	0

B. Please prepare a separate attachment describing in detail the types of employment at the project site. Such attachment should describe the activities or work performed for each type of employment. There will be individuals hired for property management, maintenance and grounds keeping

V. Project Cost

A. Anticipated Project Costs. State the costs reasonably necessary for the acquisition of the project site and the construction of the proposed project including the acquisition and installation of any machinery and equipment necessary or convenient in connection therewith, and including any utilities, access roads or appurtenant facilities, using the following categories:

<u>Description of Cost</u>	<u>Amount</u>
Land	\$ 300,000
Buildings	\$ 3,265,000
Machinery and equipment costs	\$
Utilities, roads and appurtenant costs	\$
Architects and engineering fees	\$ 15,000
Costs of Bond issue (legal, financial	

and printing)	\$ 60,000
Construction loan fees and interest	
(if applicable)	\$
Other (specify)	\$
	\$
	\$
	\$
TOTAL PROJECT COST	\$ 3,640,000

B. Have any of the above expenditures already been made by applicant?
 Yes X ; No _____. (If yes, indicate particular.) \$150,000 for land option, engineering and architecture

V. BENEFITS EXPECTED FROM THE AGENCY

A. Financing

1. Is the applicant requesting that the Agency issue bonds to assist in financing the project? Yes ____; No X. If yes, indicate:
 - a. Amount of loan requested: _____Dollars; N/A
 - b. Maturity requested: _____Years. N/A
2. Is the interest on such bonds intended to be exempt from federal income taxation? Yes ____; No X.
3. If the answer to question 2 is yes, will any portion of the Project be used for any of the following purposes: N/A
 - a. retail food and beverage services: Yes ____; No ____
 - b. automobile sales or service: Yes ____; No ____
 - c. recreation or entertainment: Yes ____; No ____
 - d. golf course: Yes ____; No ____
 - e. country club: Yes ____; No ____
 - f. massage parlor: Yes ____; No ____
 - g. tennis club: Yes ____; No ____
 - h. skating facility (including roller
 - i. skating, skateboard and ice skating): Yes ____; No ____
 - j. racquet sports facility (including handball and racquetball court): Yes ____; No ____
 - k. hot tub facility: Yes ____; No ____
 - l. suntan facility: Yes ____; No ____
 - m. racetrack: Yes ____; No ____
4. If the answer to any of the above questions contained in question 3 is yes, please furnish details on a separate attachment. N/A

5. Is the Project located in the City's federally designated Enterprise Zone? Yes ____; No X.
6. Is the applicant requesting the Agency to issue federally tax-exempt Enterprise Zone bonds? Yes ____; No X.

B. Tax Benefits

1. Is the applicant requesting any real property tax exemption that would not be available to a project that did not involve the Agency? Yes X; No ____.
2. Is the applicant expecting that the financing of the Project will be secured by one or more mortgages? Yes X; No _____. If yes, what is the approximate amount of financing to be secured by mortgages? \$ 2,700,000.
3. Is the applicant expecting to be appointed agent of the Agency for purposes of avoiding payment of N.Y.S. Sales Tax or Compensating Use Tax? Yes X; No _____. If yes, what is the approximate amount of purchases which the applicant expects to be exempt from the N.Y.S. Sales and Compensating Use Taxes? \$ 1,959,000.
4. What is the estimated value of each type of tax-exemption being sought in connection with the Project? Please detail the type of tax-exemption and value of the exemption.

a.	N.Y.S. Sales and Compensating Use Taxes:	\$ <u>156,720</u>
b.	Mortgage Recording Taxes:	\$ <u>33,750</u>
c.	Real Property Tax Exemptions:	\$ <u>820,994</u>
d.	Other (please specify):	\$ _____
	_____	\$ _____
	_____	\$ _____

5. Are any of the tax-exemptions being sought in connection with the Project inconsistent with the Agency's tax-exemption policy contained in its Rules and Regulations? Yes X; No _____. If yes, please explain.

6. Is the Project located in the City's state designated Empire Zone? Yes ____; No X.

C. Project Cost/Benefit Information. Complete the attached Cost/Benefit Analysis so that the Agency can perform a cost/benefit analysis of undertaking the Project. Such information should consist of a list and detailed description of the benefits of the Agency undertaking the Project (e.g., number of jobs created, types of jobs created, economic development in the area, etc.). Such information should also consist of a list and detailed description of the costs of the Agency undertaking the Project (e.g., tax revenues lost, buildings abandoned, etc.).

VI. REPRESENTATIONS BY THE APPLICANT. The applicant understands and agrees with the Agency as follows:

A. Job Listings. Except as otherwise provided by collective bargaining agreements, new employment opportunities created as a result of the Project will be listed with the New York State Department of Labor Community Services Division (the "DOC") and with the administrative entity (collectively with the DOC, the "JTPA Entities") of the service delivery area created by the federal job training partnership act (Public Law 97-300) ("JTPA") in which the Project is located.

B. First Consideration for Employment: In accordance with Section 858-b(2) of the New York General Municipal Law, the applicant understands and agrees that, if the Project receives any Financial Assistance from the Agency, except as otherwise provided by collective bargaining agreements, where practicable, the applicant will first consider persons eligible to participate in JTPA programs who shall be referred by the JTPA Entities for new employment opportunities created as a result of the Project.

C. City Human Rights Law. The Applicant agrees to endeavor to comply with the provisions of Article XI, Division 2 of the City Code, entitled "The Omnibus Human Rights Law". The Applicant understands that it is not subject to the provisions of The Omnibus Human Rights Law.

D. Annual Sales Tax Filings. In accordance with Section 874(8) of the New York General Municipal Law, the applicant understands and agrees that, if the Project receives any sales tax exemptions as part of the Financial Assistance from the Agency, in accordance with Section 874(8) of the General Municipal Law, the applicant agrees to file, or cause to be filed, with the New York State Department of Taxation and Finance, the annual form prescribed by the Department of Taxation and Finance, describing the value of all sales tax exemptions claimed by the applicant and all consultants or subcontractors retained by the applicant.

F. Annual Employment Reports: The applicant understands and agrees that, if the Project receives any Financial Assistance from the Agency, the applicant agrees to file, or cause to be filed, with the Agency, on an annual basis, reports regarding the number of people employed at the project site.

G. Absence of Conflicts of Interest: The applicant has received from the Agency a list of the members, officers and employees of the Agency. No member, officer or employee of the Agency has an interest, whether direct or indirect, in any transaction contemplated by this Application, except as hereinafter described:

581 Livingston Avenue LLC

(Applicant)

BY:

Name: William Barber

Title: Authorized Representative

NOTE: APPLICANT MUST ALSO COMPLETE THE APPROPRIATE VERIFICATION APPEARING ON PAGES 18 THROUGH 21 HEREOF BEFORE A NOTARY PUBLIC AND MUST SIGN AND ACKNOWLEDGE THE HOLD HARMLESS AGREEMENT APPEARING ON PAGE 22

VERIFICATION

(If Applicant is a Corporation)

STATE OF _____)
) SS.:
COUNTY OF _____)

_____ deposes and says that he is the
(Name of chief executive of applicant)

_____ of _____
(Title) (Company Name)

the corporation named in the attached application; that he has read the foregoing application and knows the contents thereof; and that the same is true and complete and accurate to the best of his knowledge. Deponent further says that the reason this verification is made by the deponent and not by said company is because the said company is a corporation. The grounds of deponent's belief relative to all matters in the said application which are not stated upon his own personal knowledge are investigations which deponent has caused to be made concerning the subject matter of this application as well as information acquired by deponent in the course of his duties as an officer of and from the books and papers of said corporation.

(officer of applicant)

Sworn to before me this
____ day of _____, 20__

(Notary Public)

VERIFICATION

(If applicant is sole proprietor)

STATE OF _____)
) SS.:
COUNTY OF _____)

_____, deposes and says

(Name of Individual)

that he has read the foregoing application and knows the contents thereof; and that the same is true and complete and accurate to the best of his knowledge. The grounds of deponent's belief relative to all matters in the said application which are not stated upon his own personal knowledge are investigations which deponent has caused to be made concerning the subject matter of this application.

Sworn to before me this
day of _____, 20__.

(Notary Public)

VERIFICATION

a limited liability company
(If applicant is ~~partner~~)

STATE OF New York)
) SS.:
COUNTY OF Albany)

William Barber deposes and says
(Name of Individual)

that he is one of the members of the firm of 581 Livingston Avenue LLC,
(Limited Liability Company)

the limited liability company named in the attached application; that he has read the foregoing application and knows the contents thereof; and that the same is true and complete and accurate to the best of his knowledge. The grounds of deponent's belief relative to all matters in the said application which are not stated upon his own personal knowledge are investigations which deponent has caused to be made concerning the subject matter of this application as well as information acquired by deponent in the course of his duties as a member of and from the books and papers of said limited liability company.

Name William Barber

Sworn to before me this
2 day of June, 2012

Mandy Navarro
(Notary Public)

MANDY NAVARRO
Notary Public, State of New York
No. 01NAB050670
Qualified in Saratoga County
Commission Expires March 28, 2015

VERIFICATION

(If applicant is limited liability company).

STATE OF _____)
) SS.:
COUNTY OF _____)

_____, deposes and says

(Name of Individual)

that he is one of the members of the firm of _____.

(Partnership Name)

the partnership named in the attached application; that he has read the foregoing application and knows the contents thereof; and that the same is true and complete and accurate to the best of his knowledge. The grounds of deponent's belief relative to all matters in the said application which are not stated upon his own personal knowledge are investigations which deponent has caused to be made concerning the subject matter of this application as well as information acquired by deponent in the course of his duties as a member of and from the books and papers of said partnership.

Sworn to before me this
day of _____, 20__.

(Notary Public)

NOTE: THIS APPLICATION WILL NOT BE ACCEPTED BY THE AGENCY UNLESS THE HOLD HARMLESS AGREEMENT APPEARING ON PAGE 22 IS SIGNED BY THE APPLICANT.

HOLD HARMLESS AGREEMENT

Applicant hereby releases City of Albany Industrial Development Agency and the members, officers, servants, agents and employees thereof (hereinafter collectively referred to as the "Agency") from, agrees that the Agency shall not be liable for and agrees to indemnify, defend and hold the Agency harmless from and against any and all liability arising from or expense incurred by (i) the Agency's examination and processing of, and action pursuant to or upon, the attached Application, regardless of whether or not the application or the project described therein or the issue of bonds requested therein are favorably acted upon by the Agency, and (ii) the Agency's financing of the Project described therein; including without limiting the generality of the foregoing, all causes of action and attorneys' fees and any other expenses incurred in defending any suits or actions which may arise as a result of any of the foregoing. If, for any reason, the Applicant fails to conclude or consummate necessary negotiations, or fails, within a reasonable or specified period of time, to take reasonable, proper or requested action, or withdraws, abandons, cancels or neglects the Application, or if the Agency or the Applicant are unable to find buyers willing to purchase the total bond issue requested, then, and in that event, upon presentation of an invoice itemizing the same, the Applicant shall pay to the Agency, its agents or assigns, all actual costs incurred by the Agency in the processing of the Application, including attorneys' fees, if any.

(Applicant) 581 Livingston Avenue LLC

BY:

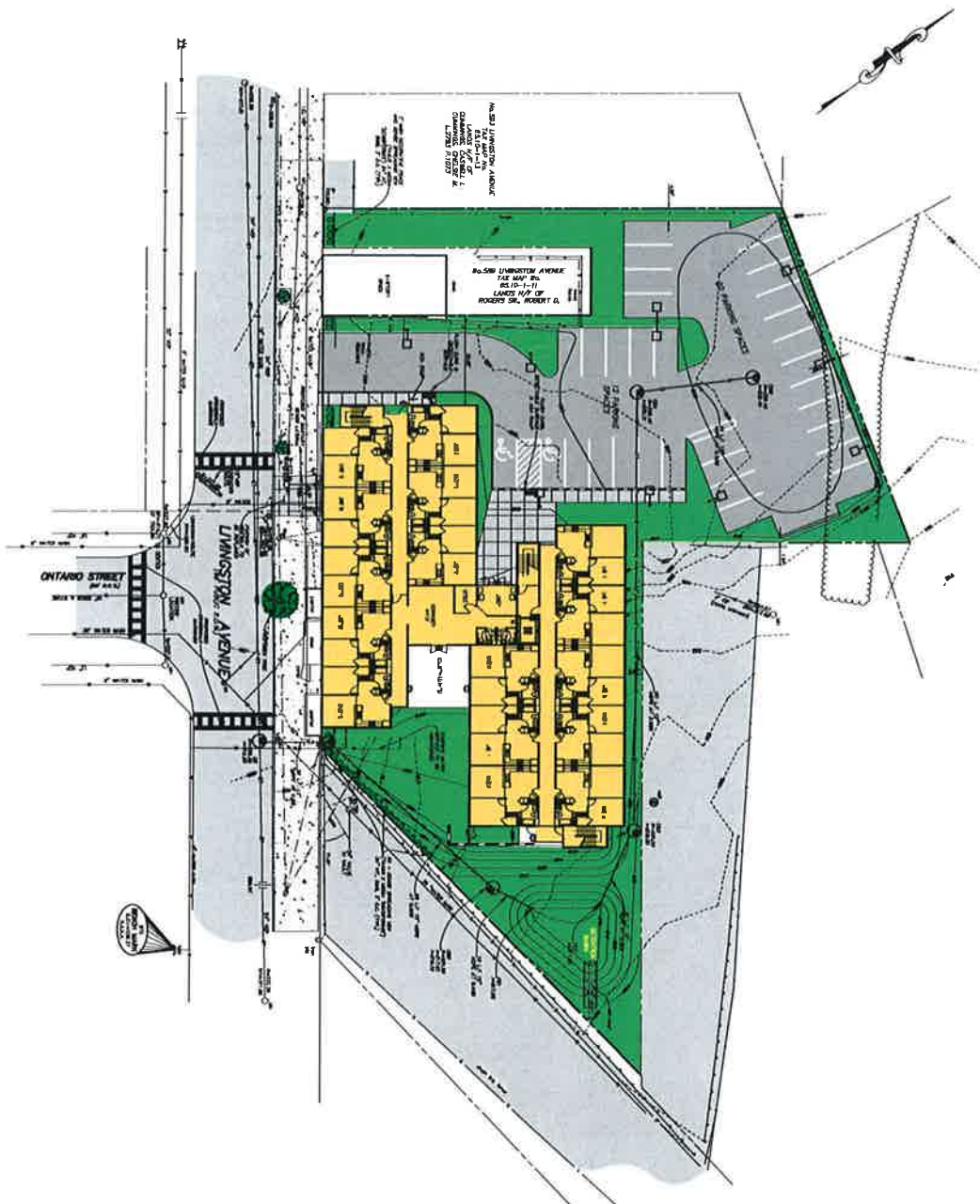
Name: Bill Barber

Title: Authorized Representative

Sworn to before me this
5 day of June, 2012

Mandy Navarro
(Notary Public)

MANDY NAVARRO
Notary Public, State of New York
No. 01NA806070
Qualified in Saratoga County
Commission Expires March 28, 2015



PROPOSED SITE COVERAGE RATIOS				
COVERAGE TYPE	AREA	PERCENT	AREA	PERCENT
EXISTING PAVEMENT	2,100	10.0%	2,100	10.0%
EXISTING ASPHALT	2,100	10.0%	2,100	10.0%
EXISTING CONCRETE	1,500	7.0%	1,500	7.0%
EXISTING GRAVEL DRIVEWAY	1,500	7.0%	1,500	7.0%
EXISTING ASPHALT DRIVEWAY	1,500	7.0%	1,500	7.0%
EXISTING ASPHALT DRIVEWAY	1,500	7.0%	1,500	7.0%
EXISTING ASPHALT DRIVEWAY	1,500	7.0%	1,500	7.0%
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EXISTING ASPHALT DRIVEWAY	1,500	7.0%	1,500	7.0%
EXISTING ASPHALT DRIVEWAY	1,500	7.0%	1,500	7.0%

PRELIMINARY BUILDING STATISTICS

- 36,000 TOTAL BUILDING SF (12,000 1st FLOOR)
- 55 TOTAL APARTMENTS (360 SF PER UNIT)
- 32 PARKING SPACES

LEGEND	
1	EXISTING BUILDING
2	NEW BUILDING
3	EXISTING DRIVEWAY
4	NEW DRIVEWAY
5	EXISTING PARKING
6	NEW PARKING
7	EXISTING LANDSCAPING
8	NEW LANDSCAPING
9	EXISTING WALL
10	NEW WALL
11	EXISTING EASEMENT
12	NEW EASEMENT
13	EXISTING FENCE
14	NEW FENCE
15	EXISTING TREE
16	NEW TREE
17	EXISTING SIGN
18	NEW SIGN
19	EXISTING LIGHT
20	NEW LIGHT
21	EXISTING UTILITY
22	NEW UTILITY
23	EXISTING WALKWAY
24	NEW WALKWAY
25	EXISTING BIKEWAY
26	NEW BIKEWAY
27	EXISTING RAILROAD
28	NEW RAILROAD
29	EXISTING HIGHWAY
30	NEW HIGHWAY
31	EXISTING AIRPORT
32	NEW AIRPORT
33	EXISTING MARINA
34	NEW MARINA
35	EXISTING PORT
36	NEW PORT
37	EXISTING CANAL
38	NEW CANAL
39	EXISTING LAKE
40	NEW LAKE
41	EXISTING RIVER
42	NEW RIVER
43	EXISTING OCEAN
44	NEW OCEAN
45	EXISTING MOUNTAIN
46	NEW MOUNTAIN
47	EXISTING HILL
48	NEW HILL
49	EXISTING VALLEY
50	NEW VALLEY
51	EXISTING PLAIN
52	NEW PLAIN
53	EXISTING DESERT
54	NEW DESERT
55	EXISTING TUNDRA
56	NEW TUNDRA
57	EXISTING STEPPE
58	NEW STEPPE
59	EXISTING SAVANNAH
60	NEW SAVANNAH
61	EXISTING PRairie
62	NEW PRAIRIE
63	EXISTING Marsh
64	NEW Marsh
65	EXISTING Wetland
66	NEW Wetland
67	EXISTING Swamp
68	NEW Swamp
69	EXISTING Bog
70	NEW Bog
71	EXISTING Moor
72	NEW Moor
73	EXISTING Heath
74	NEW Heath
75	EXISTING Scrub
76	NEW Scrub
77	EXISTING Shrubland
78	NEW Shrubland
79	EXISTING Grassland
80	NEW Grassland
81	EXISTING Pasture
82	NEW Pasture
83	EXISTING Rangeland
84	NEW Rangeland
85	EXISTING Farmland
86	NEW Farmland
87	EXISTING Cropland
88	NEW Cropland
89	EXISTING Irrigated
90	NEW Irrigated
91	EXISTING Dryland
92	NEW Dryland
93	EXISTING Barren
94	NEW Barren
95	EXISTING Desert
96	NEW Desert
97	EXISTING Tundra
98	NEW Tundra
99	EXISTING Steppe
100	NEW Steppe

PROPOSED LANDSCAPING	
1	PROPOSED CONCRETE
2	PROPOSED ASPHALT
3	PROPOSED GRAVEL
4	PROPOSED SAND
5	PROPOSED MULCH
6	PROPOSED SOIL
7	PROPOSED FERTILIZER
8	PROPOSED PESTICIDE
9	PROPOSED WEEDING
10	PROPOSED PRUNING
11	PROPOSED TRIMMING
12	PROPOSED REMOVAL
13	PROPOSED REPLANTING
14	PROPOSED MAINTENANCE
15	PROPOSED IRRIGATION
16	PROPOSED FENCING
17	PROPOSED GATE
18	PROPOSED SIGN
19	PROPOSED LIGHT
20	PROPOSED UTILITY
21	PROPOSED WALKWAY
22	PROPOSED BIKEWAY
23	PROPOSED RAILROAD
24	PROPOSED HIGHWAY
25	PROPOSED AIRPORT
26	PROPOSED MARINA
27	PROPOSED PORT
28	PROPOSED CANAL
29	PROPOSED LAKE
30	PROPOSED RIVER
31	PROPOSED OCEAN
32	PROPOSED MOUNTAIN
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96	PROPOSED Irrigated
97	PROPOSED Dryland
98	PROPOSED Barren
99	PROPOSED Desert
100	PROPOSED Tundra

FOR MUNICIPAL APPROVAL ONLY-NOT INTENDED FOR CONSTRUCTION

C-2

SITE PLAN
PROPOSED APARTMENTS
581 LIVINGSTON AVENUE
ALBANY, NEW YORK

TITLE: 110004 SCALE: 1"=20' CITY: ALBANY DATE: 5/23/17 110004-1006

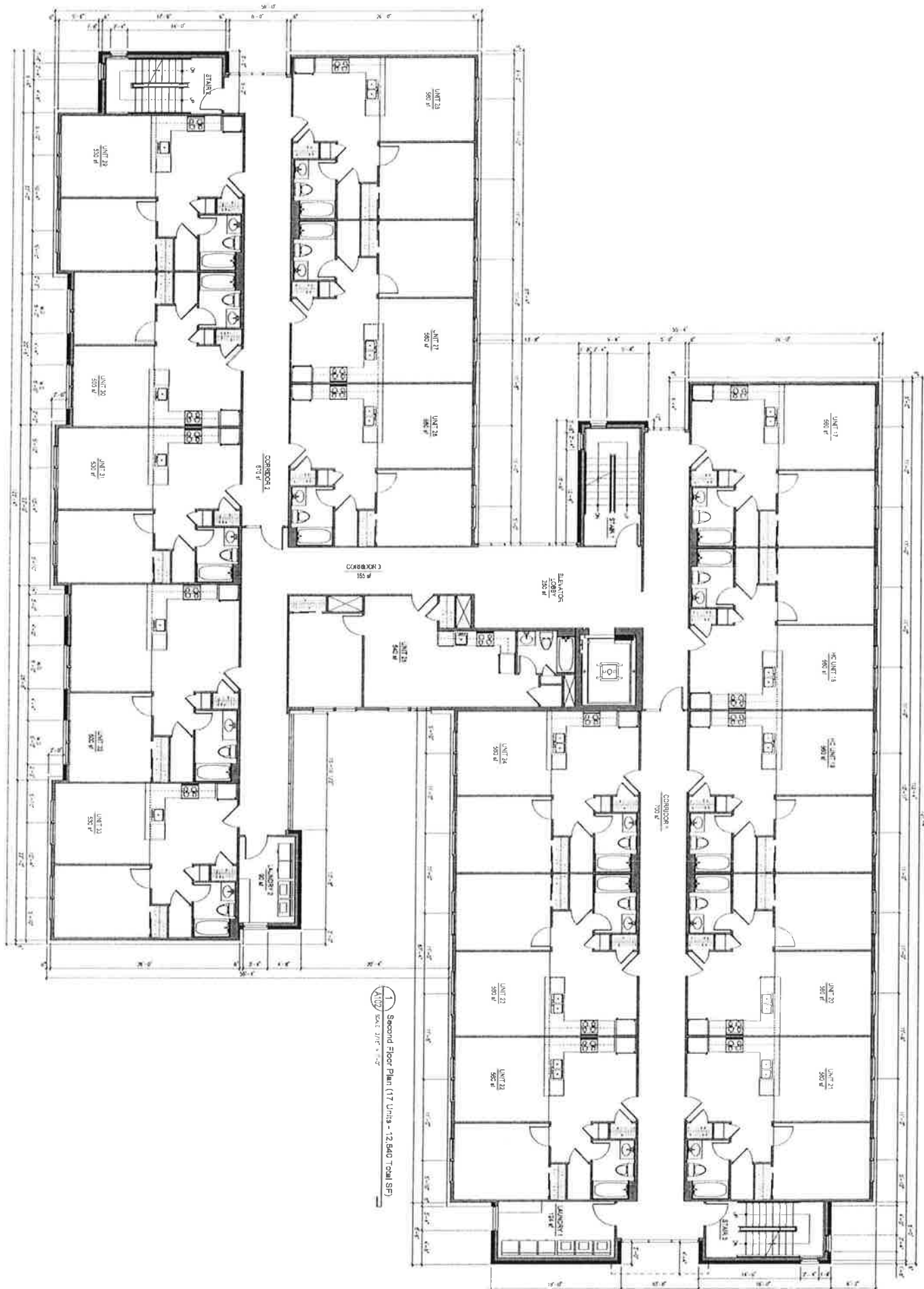
REMARKS
DATE: 1/24/17
REVISIONS



HRSBERG & HRSBERG
Consulting Engineers
and Land Surveyors
18 LIVINGSTON STREET
ALBANY, NEW YORK 12202







1 Second Floor Plan (17 Units - 12 BAD Total SF)
 A102 Scale: 1/8" = 1'-0"

A102

Second Floor Plan
LIVINGSTON APARTMENTS
 Livingston Avenue Albany, New York

DATE	DESCRIPTION

PERMIT SET (05-21-12)



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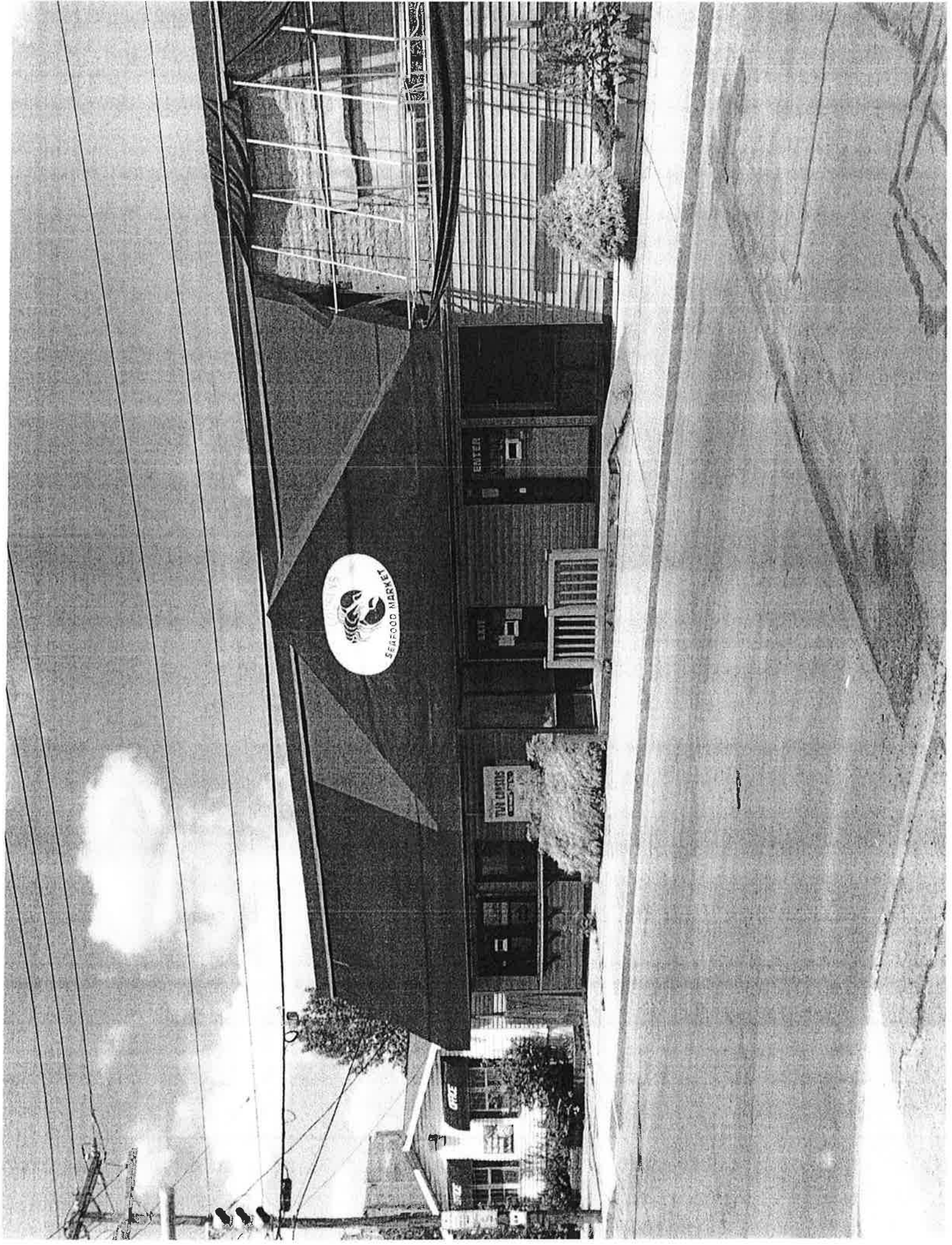




Livingston Avenue View



Livingston Apar









SUPERIOR DATA SERVICES, INC.

WWW.SUPERIOR-DATA.COM

188 Montague Street 10th Floor
Brooklyn, NY 11201
718-625-9949 Fax: 718-625-9609

3 West Main Street Suite 202
Elmsford, NY 10523
914-347-1536 Fax: 914-347-3163

950 New Loudon Road Suite 250
Latham, NY 12110
518-785-4892 Fax: 518-785-5086

COUNTY: ALBANY

TITLE: PARAGON PT120402

PAGE 1 OF 2

The unpaid taxes, water rates, assessments and other matters relating to taxes which are properly filed and indexed liens at the date of this search are set forth below. Our policy does not insure against such items which have not become a lien up to the date of the policy or installments due after the date of the policy. Neither our tax search nor our policy covers any part of streets on which the premises to be insured abut. If the tax lots reported cover more or less than the premises under examination, this fact will be noted herein. In such cases, the interested parties should take the necessary steps to make the tax map conform to the description to be insured.

Search Date: 3/21/2012

Ass'd To: DE SANTIS, RALPH M.

Premises: 581 LIVINGSTON AVE

Tax Class: 449

Town/City: CITY OF ALBANY

School Dis: ALBANY

Village:

District: Acct. No.: 13831

Section: 65.10 Acreage: 2.73

Block: 1 Land: \$264,300.00

Lot(s): 6 Total: \$301,100.00

Exemp:

District:

Section:

Block: Land:

Lot(s): Total:

Exemp:

WARNING: ARREARS/DELINQUENT TAXES EXIST ON THIS PROPERTY

2012 City TAX

\$5,215.50 Paid

Year: 1/1-12/31

Lien: 1/1

Due: 1/1

2011/2012 School TAX

\$8,510.47 Open+Penalty

Year: 7/1-6/30

Lien: 7/1

Due: 9/1

TAXES SEARCHED BACK TO 2000 ONLY.

CITY TREASURER

AS OF 10/26/10 WE ARE NO LONGER ABLE TO PROVIDE ANY OUTSTANDING DEPT OF GENERAL SERVICES FINE IN ORDER TO OBTAIN THAT INFO A FOIL REQUEST MUST BE SUBMITTED TO THE CITY CLERKS OFFICE. FOR MORE INFO CONTACT DEPT OF GENERAL SERVICES 5184321144

PARCEL MAY BE ACCRUING PRIOR WATER AND SEWER ARREARS: THE CITY HAS FAILED TO RELEVY WATER AND SEWER FROM 2005 THRU 2009. THERE IS NO WAY TO

TAXES SUBJECT TO CONTINUATION PRIOR TO CLOSING

Recent payments of any open items returned on this tax search may not be reflected on the public records. Therefore please request the seller or borrower to have the receipted bills available at closing.

0000000.00 0017.00 0000017.00

SUPERIOR DATA SERVICES, INC.

WWW.SUPERIOR-DATA.COM

188 Montague Street 10th Floor
Brooklyn, NY 11201
718-625-9949 Fax: 718-625-9609

3 West Main Street Suite 202
Elmsford, NY 10523
914-347-1636 Fax: 914-347-3163

950 New Loudon Road Suite 250
Latham, NY 12110
518-785-4892 Fax: 518-785-5086

COUNTY: ALBANY

TITLE: PARAGON PT120402

PAGE 2 OF 2

DETERMINE IF THIS PARCEL IS INCLUDED. PLEASE CONTACT ALBANY WATER
AUTHORITY AT 518-434-5300 - 5/10 / NO DELINQUENT

WATER ACCOUNT INFORMATION NOT AVAILABLE WITHOUT HOMEOWNERS CONSENT. OWNER
SHOULD PRESENT BILL/RECEIPT AT CLOSING.

TAX CLASSIFICATION: 449 - OTHER STORAGE, WAREHOUSE AND DISTRIBUTION
FACILITIES

*****TAX PAYMENTS*****

TREASURERS OFFICE- CITY HALL ROOM 109 - 24 EAGLE STREET ALBANY NY, 12207-
PHONE (518) 434-5035

ALBANY CITY SCHOOL DISTRICT- PO BOX 15133 ALBANY NY, 12212- PHONE
(518) 475-6035

ALBANY COUNTY TREASURER- 112 STATE ST- ROOM 800- ALBANY NY 12207- PHONE-
518-447-7082

\$9787.04 2011 SCHOOL BILL
MAY 31
DIRECTOR OF FINANCE

TAXES SUBJECT TO CONTINUATION PRIOR TO CLOSING

Recent payments of any open items returned on this tax search may not be reflected on the public records. Therefore please request the seller or
borrower to have the receipted bills available at closing.

0000000.00 0017.00 0000017.00

**2012 PROPERTY TAX BILL
CITY OF ALBANY, NEW YORK**

Bill No.
Sequence No. **026708**
Page No. **01 OF 01**

*For Fiscal Year 01/01/2012 to 12/31/2012 * Warrant Date 12/31/2011

MAKE CHECKS PAYABLE TO

City of Albany

PAY IN PERSON AT

Treasurer's Office
Room 110
City Hall, 24 Eagle Street
Albany, NY 12207
518-434-5035

SWIS S/B/L ADDRESS & LEGAL DESCRIPTION

010100 65.10-1-6

Address: **581 LIVINGSTON AVE**
School: **ALBANY**
NYS Tax & Finance School District Code: 1010

Roll Sect. **1**

**DE SANTIS RALPH M
3855 TOPSIDE DR
SOUTHPORT, NC 28461**

OTHER STORAGE

Account No.: **13831**
Bank Code:

Estimated State Aid: CNTY **71,281,692**

Property Tax Payers Bill of Rights

The assessor estimates the Full Market Value of this property as of March 1, 2011: **295,196**
The Total Assessed Value of this property is: **301,100**
The Uniform Percentage of Value used to establish assessments in your municipality was: **102.00**

If you feel your assessment is too high, you have the right to seek a reduction in the future. For further information, please ask your assessor for the booklet "How to File a Complaint on Your Assessment." Please note that the period for filing a complaint on the above assessment has passed.

Exemption(s):

<u>Property Taxes</u>					
<u>Taxing Purpose</u>	<u>Total Tax Levy</u>	<u>% Change from Prior Year</u>	<u>Taxable Assess Value or Units</u>	<u>Rates per \$1,000 or per Unit</u>	<u>Tax Amount</u>
NON-HOMESTEAD PARCEL					
COUNTY TAX	16,987,459	5.5	301,100.00	3.485100	1,049.36
CITY TAX	55,148,000	1.8	301,100.00	13.836400	4,166.14

PAYMENTS MADE
DATE PAID: 01/31/2012 TAX PAID: 5,215.50 INTEREST PAID:

Payment Schedule Penalty /Interest Amount Total Due BASE TAX 5,215.50
Pay By: TAXES PAID BY _____ CH CA

RECEIVER'S STUB MUST BE RETURNED. FOR A RECEIPT OF PAYMENT, PLACE A CHECKMARK IN THIS BOX ☐ AND RETURN THE ENTIRE BILL WITH PAYMENT.

**CITY OF ALBANY, NEW YORK
RECEIVER'S STUB**

13831

Bill No.: 132073
010100 65.10-1-6

Bank Code:

Town of: Albany
School: Albany
Property Address:

581 LIVINGSTON AVE

DE SANTIS RALPH M
SOUTHPORT, NC 28461

0.00 0.00 0.00
0.00 0.00 0.00
0.00 0.00 0.00

**AMOUNT DUE
0.00**

000000138310000000052155000000005424120000000547628

03/21/2012 10:56
ahood

COUNTY OF ALBANY
REAL ESTATE TAX STATEMENT

PG 1
txtaxstm

PARCEL: 06501000010060000000

LOCATION: 581 LIVINGSTON AVE

CURRENT OWNER:
DE SANTIS RALPH M
3855 TOPSIDE DR
SOUTHPORT NC 28461

CURRENT STATUS:
ACRES: 2.730
LAND VALUATION: 301,100
BUILDING VALUATION:
EXEMPTIONS: 0
TAXABLE VALUATION :

LEGAL DESCRIPTION:

DEED DATE:

BOOK/PAGE:

INTEREST DATE: 04/30/2012

YEAR	TYPE	BILL INST CHARGE	BILLED	PRIN DUE	INT DUE	TOTAL DUE
2011	RE-E	4638				
	1	ALBANY SCH	8,510.47	8,510.47	765.94	9,276.41
		5% PERCENT	425.52	425.52	.00	425.52
			8,935.99	8,935.99	765.94	9,701.93
GRAND TOTALS			8,935.99	8,935.99	765.94	9,701.93

PARTIAL PAYMENTS ARE NOT ACCEPTED WITHOUT AN INSTALLMENT AGREEMENT

IF ANY PARCEL REMAINS SUBJECT TO ONE OR MORE DELINQUENT TAX LIENS,
THE PAYMENT YOU HAVE MADE WILL NOT POSTPONE THE ENFORCEMENT OF THE
OUTSTANDING LIEN OR LIENS. CONTINUED FAILURE TO PAY THE ENTIRE
AMOUNT OWED WILL RESULT IN THE LOSS OF THE PROPERTY(IES).

PAYMENT MADE TO:

ALBANY COUNTY DIVISION OF FINANCE
112 STATE ST. ROOM 800
ALBANY, NY 12207
TEL: 447-7082

\$35.00 WILL BE CHARGED FOR ANY RETURNED CHECK
INTEREST WILL INCREASE ON THE 1ST OF THE MONTH

WATER/SEWER LISTED ON THE 2005 THRU 2008 ALBANY PROPERTY TAX BILLS
WERE RETURNED TO THE WATER BOARD FOR COLLECTION
A "PAID" TEXT APPEARS TO NOTE TRANSACTION

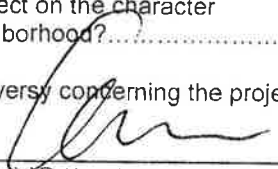
SHORT ENVIRONMENTAL ASSESSMENT FORM

INSTRUCTIONS:

In order to answer the questions in this short EAF it is assumed that the preparer will use currently available information concerning the project and the likely impacts of the action. It is not expected that additional studies research or other investigations will be undertaken.

ENVIRONMENTAL ASSESSMENT

- | | | | |
|-----|---|----------------|-------------|
| 1. | Will the project result in a large physical change to the project site or physically alter more than 10 acres of land? | __ Yes | <u>X</u> No |
| 2. | Will there be a major change to any unique or unusual landform found on this site? | __ Yes | <u>X</u> No |
| 3. | Will project alter or have a large effect on an existing body of water? | __ Yes | <u>X</u> No |
| 4. | Will project have a potentially large impact on groundwater quality? | __ Yes | <u>X</u> No |
| 5. | Will project significantly affect drainage flow or air quality? | __ Yes | <u>X</u> No |
| 6. | Will project affect any threatened or endangered plant or animal species... | __ Yes | <u>X</u> No |
| 7. | Will project result in a major adverse impact on air quality? | __ Yes | <u>X</u> No |
| 8. | Will project have a major effect on visual character of the community or scenic views or vistas known to be or important to the community?... | __ Yes | <u>X</u> No |
| 9. | Will project adversely impact any site or structure of historic, prehistoric or paleontological importance or any site designated as a critical environmental area by a local agency? | __ Yes | <u>X</u> No |
| 10. | Will project have a major effect on existing or future recreational opportunities? | __ Yes | <u>X</u> No |
| 11. | Will project result in major traffic problems or cause a major impact on existing transportation systems? | __ Yes | <u>X</u> No |
| 12. | Will project regularly cause objectionable odors, noise, glare, vibration, or electrical disturbances as a result of the project's operation? | __ Yes | <u>X</u> No |
| 13. | Will project have any impact on public health or safety? | __ Yes | <u>X</u> No |
| 14. | Will project affect the existing community by directly causing a growth? in permanent population of more than 5% over a one-year period <u>or</u> have a major negative effect on the character of the community or neighborhood? | __ Yes | <u>X</u> No |
| 15. | Is there any public controversy concerning the project? | Unknown __ Yes | __ No |

PREPARER'S SIGNATURE:  TITLE: Engineer for the applicant
Daniel R. Hershberg, P.E.&L.S.
REPRESENTING: Briana Barber DATE: 7/25/2011