

GENERAL INFORMATION CRITERIA

FASHION OUTLETS OF NIAGARA FALLS



MACERICH® THE PLACE TO SHOP

ADDENDUM LOG

November, 2011 Updated to current layout	July, 2015 For Data Services information contact (gi5)
April, 2012 Updated per TC	December, 2015 Updated TC information (gi4)
February, 2013 Added Building Type & Code Informaion (gi9)	September, 2016 Updated TC information (gi4)
March, 2013 Added Local Trade Union language (gi9)	April, 2017 Communications Services information note added (gi5) Added Low Voltage contact information (gi5)
April, 2013 Union requirement language updated per VP request (gi9)	February, 2018 Updated to new layout
March, 2014 Added Required Contractors (gi5) Added Outside Consultant for Permit Review (gi5) Removed and Replaced Lease Plan (gi8) Added Building Classification and Type (gi9)	March, 2018 Updated TC information (gi4)
June, 2014 Update in Property Overview (gi4)	November, 2019 TC contact info updated
February, 2015 Update in Required Contractors (gi5)	
May, 2015 Removed Working Environment language (gi9)	

FASHION OUTLETS OF NIAGARA FALLS

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WWW.MACERICH.COM

TO VIEW
PLAN SUBMITTAL & APPROVAL
PROCEDURES
and CONTRACTOR RULES &
REGULATIONS

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CONTACT DIRECTORY

FASHION OUTLETS OF NIAGARA FALLS

Property Owner

Macerich Niagara LLC
Fashion Outlets II LLC (expansion)
FON Adjacent LLC (vacant Elks bldg)

Tenant Coordinator:

Lisa Kennedy, Manager
Tenant Coordination
Macerich
1162 Pittsford-Victor Road, Suite 100
Pittsford, NY 14534
(585) 249-4462
Lisa.Kennedy@macerich.com

Location

Fashion Outlets of Niagara Falls is located 30 minutes from the Buffalo Airport. To visit Fashion Outlets take I-190 to Exit 22. Turn right onto Route 62 and then left at the first signal onto Fashion Outlet Boulevard.

Leasing

Macerich
Contact: Eileen Kusowski, Outlet Coordinator
(716) 805-0101
Eileen.kusowski@macerich.com

Tax Map Number

The Tax Map Number for all property at Fashion Outlets of Niagara is : 145.20-1-14.

NOTE:

Permit review will be performed by an outside Consultant hired by the Town of Niagara. Fee for permit review will be paid by Tenant to the Town of Niagara as part of the building permit fee. Contact the Town of Niagara for applicable fee schedule.

UTILITY CONTACTS

Water and Sewer

Town of Niagara Water Department
7105 Lockport Road
Niagara Falls, NY 14305
(716) 297-2150 x 123 Phone
www.townofniagara.com

Electric

National Power Grid Company
(800) 642-4272 Phone
www.nationalgridus.com/niagaramohawk/

Natural Gas

National Fuel Gas Company
6250 Packard Road
Niagara Falls, NY 14303
(800) 365-3234 Phone
www.natfuel.com

Cable

Rob Norton
Granite Services
(781) 884-5545
rnorton@granitenet.com
Please refer to the Technical Criteria Manual, Page t24 for Communications Services information.

Permitting and Business Registration

Town of Niagara
7105 Lockport Road
Niagara Falls, NY 14305
(716) 297-2150 Phone
(716) 297-9262 Fax
www.townofniagara.com

Charles Haseley, Building Inspector
Karen Scalzo, Secretary
Silvia Virtuoso, Town Clerk

State Sales Tax Registration

New York State Governor's Office of Regulatory Reform
Empire State Plaza
Agency Building 1, 4th Floor
PO Box 2107
Albany, NY 12220-0107
(800) 342-3464 Phone
(518) 474-8275 Phone
(518) 486-5869 Fax
www.nys-opal.com

Health Authority

Niagara County Health Department
Environmental Division
5467 Upper Mountain Road, # 100
Lockport, New York 14094-1894
(716) 439-7582 Phone
(716) 439-7427 Fax
www.niagaracounty.com
Scott Acker, Public Health Sanitarian

Liquor Licensing Authority

State Liquor Authority
125 Main Street, Room 556
Buffalo, New York 14203
(716) 847-3035 Phone
(716) 847-3435 Fax
www.abc.state.ny.us/

REQUIRED CONTRACTORS

FASHION OUTLETS OF NIAGARA FALLS

NOTE:

Landlord reserves the right to require the Tenant to use certain contractors for specific types of construction. This list will be updated from time to time. Please verify your contractors with the Operations Manager during the pre-construction meeting.

NOTE:

The Town of Niagara is the permitting and inspection authority for Fashion Outlets of Niagara Falls. Application for a Tenant improvements' permit shall be made after final plan approval is issued by the Landlord to the Tenant.

FIRE ALARM

Great Lakes Building Systems
Contact: Bill Blanchard
(716) 892-5253

Life Safety Fire & Security
716-656-8890
<http://www.lifesafetysecurity.com/>

SPRINKLER

ABJ Fire Protection
(716) 884-1442

ROOFING

Blue Ox Roofing
2139 Lockport Road
Niagara Falls, NY 14304
(716) 731-6671

VOICE/DATA SERVICES INFORMATION CONTACT:

Rob Norton
Granite Services
(781) 884-5545
rnorton@granitenet.com
Please refer to the Technical Manual,
Page t24 for Communications
Services information.

LOW VOLTAGE

Rob Norton
Granite Services
(781) 884-5545
rnorton@granitenet.com

DIRECTIONS FROM FASHION OUTLETS OF NIAGARA FALLS:

The Town of Niagara is located approximately three miles from the Property.

- Leaving the Property from the intersection of Factory Outlet Boulevard and Military Road take a left on Military Road and head north.
- Go two miles on Military Road to Lockport Road CR-6. Turn right on Lockport Road.
- Travel one mile. The Town of Niagara will be on the right at 7105 Lockport Road.

VICINITY MAP

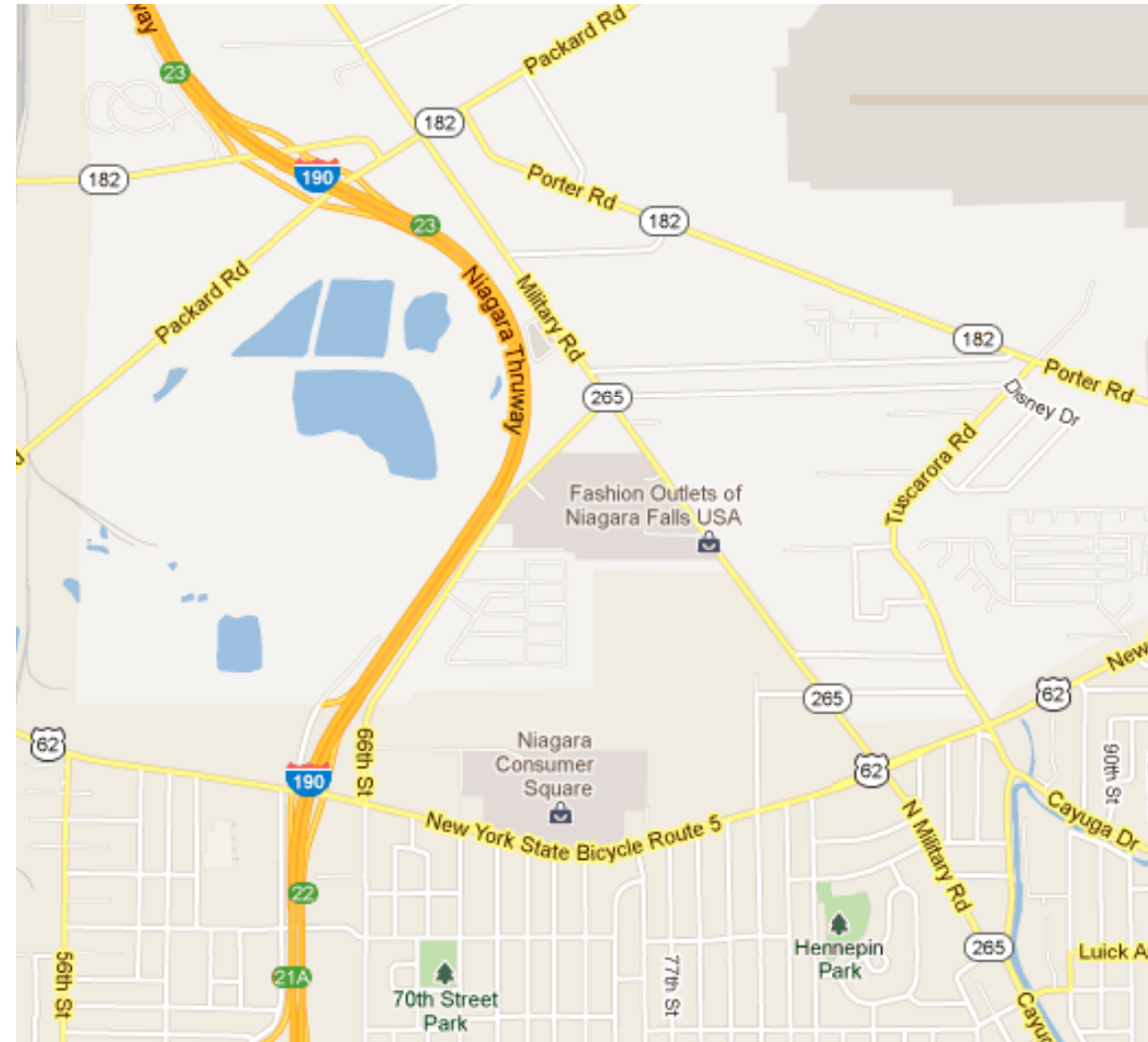
FASHION OUTLETS OF NIAGARA FALLS

Mall Address:

Fashion Outlets of Niagara Falls
1900 Military Road
Niagara Falls, NY 14304

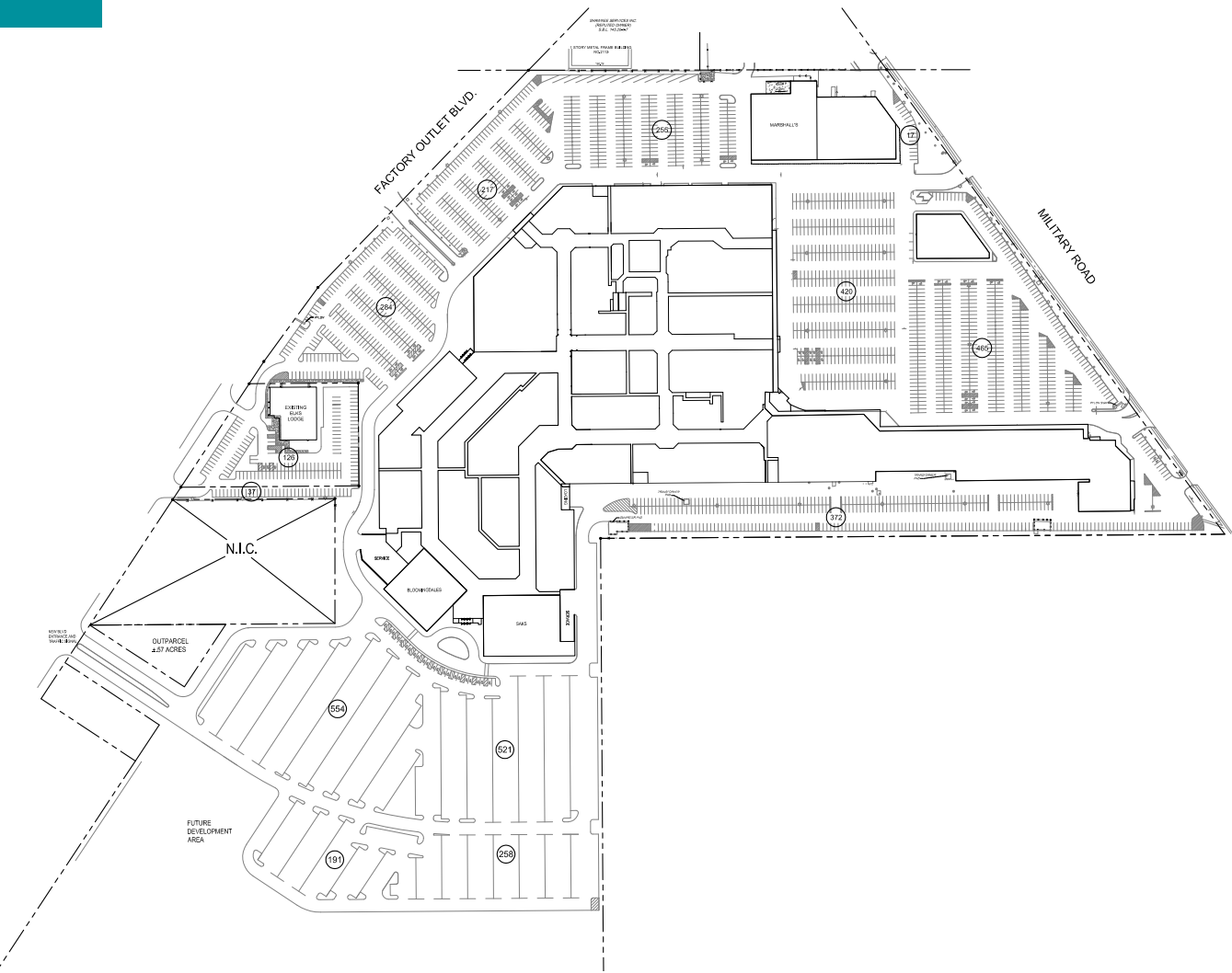
Mall Hours:

Monday - Saturday: 10:00 AM to 9:00 PM
Sunday: 10:00 AM to 6:00 PM



SITE PLAN

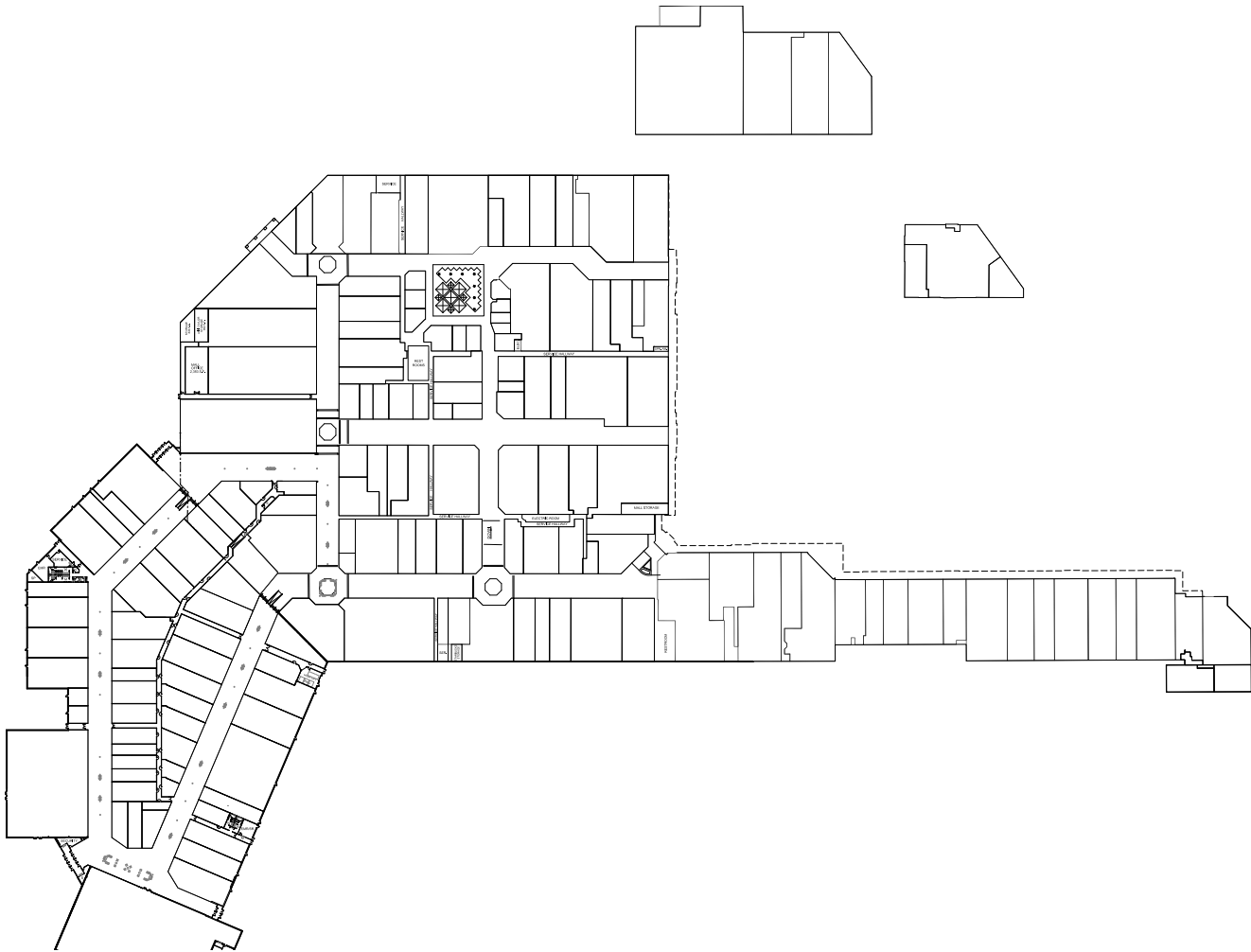
FASHION OUTLETS OF NIAGARA FALLS



SITE

LEASE PLAN

FASHION OUTLETS OF NIAGARA FALLS



LEASE PLAN

BUILDING CODE INFORMATION

FASHION OUTLETS OF NIAGARA FALLS

BUILDING TYPE:

Type II-B

CLASSIFICATION: Mercantile

APPLICABLE CODES:

The Building Code of New York State 2002 issue is administered, amended, and interpreted by The New York State Department of State, Division of Code Enforcement and Administration.

The Building Code of New York State combines language from the 2000 International Building Code, 2001 Supplement to the International Building Code, and New York modifications developed by the State Fire Prevention and Building Code Council and its Building Code Technical Subcommittee. In addition, administrative modifications to the 2000 International Building Code were developed by the Department of States Administrative Task Group.

The Building Code for the State of New York was formally adopted by the State Fire Prevention and Building Code Council on March 6, 2002 and has an effective date of July 3, 2002.

BUILDING CODE INFORMATION:

NOTE: Prior to the commencement of construction, building and other permits shall be secured and obtained by Tenant and posted in a prominent place within the premises. All Tenant improvements must comply with governing building codes in effect at the time the application for the building permit is submitted. The Tenant is required to determine the jurisdiction and comply with all applicable code requirements. All Tenants involved in food sales or service shall submit plans for review and approval by the local health department.

CENTER VIEWS

FASHION OUTLETS OF NIAGARA FALLS



TENANT BUILDING PERMITS AND REGISTRATIONS

FASHION OUTLETS OF NIAGARA FALLS

The Town of Niagara is open 8:00 am until 4:30 pm Monday through Friday. The office is closed for government holidays.

A. Completion of Application Form

Application for a Town of Niagara Building permit can be made by the Tenant, the Tenant's contractor, or anyone authorized to represent the Tenant as an Owner-Agent. The Application for Permit is available online.

Correct completion of the application is important to prevent permit delays. Please note the following when completing the Application for Building Permit :

- Applicant - anyone authorized as an agent of the Tenant.
- Address of Project – the street address of the Tenant's Lease space in which the improvements shall occur (not the space number!).
- Owner of Project Site –
Macerich Niagara LLC
Fashion Outlets II LLC (expansion)
FON Adjacent LLC (vacant Elks bldg).
- Name & Address of Contractors –
if the contractors have not been selected and the plans are out to bid, the contractors can be listed as TBD (to be determined). The contractors

must be determined and fulfill certain requirements before the permit is issued.

- Survey – not required unless the Tenant work changes the footprint of the building.
- Description of Work – alter and/or demolish.
- Use – commercial.
- Size of Structure – provide dimensions of the Tenant's Premises.

B. Permit Submittal Requirements

The application along with three sets of plans signed and sealed by a New York licensed architect and engineer are required for submittal. Only plans approved by the Landlord during the design review process may be submitted for permit. The Town of Niagara requires that the Landlord authorizes the Tenant in writing to apply for the permit. Written authorization can be obtained from the Tenant Coordinator.

The following is a checklist of the requirements for Tenant submission to the Town of Niagara for permit.

- Letter from the Property Owner, Talisman, authorizing the Tenant to file for building permit.
- Completed Application for Building Permit.
- If application is made by someone other than the Tenant himself, a letter from the

TENANT BUILDING PERMITS AND REGISTRATIONS

CONTINUED

FASHION OUTLETS OF NIAGARA FALLS

NOTE:

Landlord reserves the right to require the Tenant to use certain contractors for specific types of construction. This list will be updated from time to time. Please verify your contractors with the Operations Manager during the pre-construction meeting.

Tenant authorizing the applicant as the Tenant's Owner-Agent is required.

- Three (3) copies of complete plans signed and sealed by a New York licensed architect and engineer.

C. Issuance of Permit

Permits can take three weeks for approval but the timing is dependent on the Town of Niagara's permit load and the quality and completeness of the Tenant plans.

Upon approval of the permit plans the applicant shall be notified that the permit is ready to be issued to the Tenant's general contractor. Except for asbestos abatement work, all construction work in New York is regulated at the local level. The Town of Niagara has certain minimal requirements for the Tenant's general contractor :

- Register with the Town of Niagara by making an Application for Business Registration. (New Business Registration Form is available online.)
- Provide a copy of the DBA or Articles of Incorporation and federal tax ID number.
- Provide proof of insurance.

When the permit is issued one set of plans shall be returned to the applicant, one set is kept for the Town of Niagara's file, and one set is used for inspections.

D. Sign Permits

Sign permits are required for exterior building signs, pole, and pylon signs only. The Tenant or the sign manufacturer shall submit the plans for permit only after having obtained the Landlord's approval for the proposed Tenant signs.

Signed and sealed plans are only required for pole mounted signs or new sign structures not for building mounted signs.

The permit fee is \$10. The application for permit must be accompanied by a letter of authorization from the Property Owner, Talisman. Renewal of the permit is required annually.

Interior Tenant signs do not require a separate permit provided the sign is shown on the Tenant improvement plans and includes the electrical connection to the Tenant panel, if it is a lit sign.

E. Health Department Review – Food Service Tenants Only

Food service Tenants are required to submit for plan review to the Niagara County Health Department, Environmental Division in accordance with the Niagara County Sanitary Code. An application with fee and an inspection are necessary to obtain a permit and operate a food service establishment in Niagara County. The application and more information can be obtained by contacting Scott Acker at 716 439-7579.

FASHION OUTLETS OF NIAGARA FALLS

E. Health Department Review – Food Service Tenants Only (Cont’d)

One set of plans shall be delivered to Scott Acker, the assigned Public Health Sanitarian for Niagara Falls for review. The plans do not need to be the complete set of permit or construction documents, but they must include an kitchen equipment plan, plumbing plan, and a fixture and food service equipment schedule. The review fee ranges from \$150 to \$300 and is determined by risk assessment based on the type of menu served.

F. Sales Tax Registration

A step by step guide and application to obtain a Certificate of Authority to Collect Sales Tax is available online at www.nys-opal.com.

The New York State Governor’s Office of Regulatory Reform has Toll-free telephone service 800 342-3464 providing recorded information on business topics 24 hours a day. Permit Coordinators are available to answer business inquiries Monday through Friday from 9:00 am - 5:00 pm (except holidays).

The sales tax registration must be obtained and proof of registration provided to the Town of Niagara for Business Registration.

G. Business Registration

All new businesses shall be registered with the Town of Niagara. The application is available online or at the Town of Niagara. Copy of DBA or Articles of Incorporation and federal tax ID number and sales tax registration are required. Applications are to be accompanied by a \$25 application fee and are made in person at the Town of Niagara. Business registration is renewed annually.

H. Burglar Alarm Registration

Burglar alarms are registered at the Town of Niagara with the Town Clerk. The registration fee is \$10 and renewable annually. A decal for the Tenant storefront is issued with a registration number. In case of an emergency, fire or police may obtain the owner’s contact information with the registration number to avoid breaking storefront glass to gain entry.

The Landlord shall deliver the Premises to the Tenant according to the terms of the Lease. It is the Tenant’s responsibility to obtain a building permit and hire a general contractor to construct the Tenant improvements in adherence to the Landlord approved final plans. The duration of the construction is described by the Lease.

CONSTRUCTION

FASHION OUTLETS OF NIAGARA FALLS

A. Tenant Bids Construction

As soon as plans are approved by the Landlord, the Tenant shall put the approved final plans out to bid or negotiate with general contractors who meet the Landlord's pre-construction requirements as defined by the Tenant Contractors' Construction Guidelines. It is the Tenant's responsibility to qualify the bidders to verify that they meet the Landlord's requirements for work on the Landlord's property and bid the project in such a way as to comply with the Landlord's rules, regulations and requirements. The Tenant may provide the bidders with the Tenant Project Manager's name and contact number to schedule on site verification of the conditions of the Premises by the general contractor and its sub-contractors.

B. Tenant Selects General Contractor

The Tenant shall notify the Landlord of the general contractor's name and contact number and provide a copy of the Tenant's construction contract for the Landlord's review. The Landlord shall have the right to disapprove the contractor on reasonable grounds.

The Tenant may submit for permit without having selected the contractor and awarding

the construction contract. The Town of Niagara will only issue a permit for the Tenant's construction to a registered contractor.

C. Pre-construction Requirements

Prior to starting construction the Tenant's general contractor must meet certain pre-construction requirements. Any submittals that are incorrect or incomplete will delay turnover of the Tenant Premises to the Tenant contractor until corrections are made. The submittal requirements are described in detail in the Tenant Contractors' Construction Requirements section of the Tenant Package.

No Tenant is allowed to begin work without the Tenant's contractor first having a pre-construction meeting with the Landlord and having paid in full the construction deposit. During the pre-construction meeting the Landlord shall locate the utility connection points in the Premises; identify contractor parking area, construction dumpster locations, delivery access points; and review the rules, regulations and requirements to facilitate a smooth construction process.

C. Pre-construction Requirements (Cont'd)

The Landlord and contractor shall sign a work release in which the Landlord acknowledges receipt of the pre-construction requirements and the Contractor acknowledges that he is familiar with the Tenant Contractors' Construction Criteria and will enforce the rules and regulations on his construction site. The Tenant Contractor is expected to abide by the Landlord's rules and regulations and to work cooperatively side by side with the Landlord's Contractors, other Tenant Contractors, and Tenants who are open for business within the operating center.

If applicable, a barricade must be constructed prior to any demolition or start of any construction. The barricade must be constructed according to the Landlord's specifications as described in the Tenant Contractors' Construction Guidelines.

From the date construction begins in the Premises, the Tenant must have all utility meters registered in the Tenant's name including water and sewer, electric, gas, cable, and telephone. In the event permanent services are not made available to the Tenant for and during construction, including lighting, power, and water (but excluding any and all power for use in heating and air conditioning the

Premises), temporary services may be obtained if available at the Tenant's expense, the amount being payable to the Landlord on demand.

D. Construction Period

The maximum duration of the construction period is defined by the Lease. The Landlord shall work with the Tenant contractor to facilitate the construction of the Tenant improvements. The Landlord shall coordinate the Tenant work with the Landlord's contractors and required sprinkler, roofing, and fire alarm contractors; coordinate shut down and tie-in to Landlord systems; and coordinate access for Tenant work and debris removal. The Tenant Contractors' Construction Guidelines covers the Landlord's rules, regulations, and requirements for work in the premises.

The Tenant contractor shall confirm that the conditions as shown within the approved construction documents are correct.

Unforeseen, concealed conditions should be immediately brought to the attention of the Landlord for consideration and, if necessary, resolution in compliance with the requirements and obligations as set forth in the Lease Agreement with the Tenant.

After all inspections are complete, fire sprinkler as-builts and calculations and a certified HVAC Test and Balance Report is provided, and any

other Town of Niagara requirements are met, it shall issue a Certificate of Occupancy. The Tenant's contractor shall provide a copy of the final and unconditional Certificate of Occupancy to the Landlord, and the Tenant shall post a copy within the Tenant Premises.

E. Merchandising

The Tenant may not begin merchandising the space until a final and unconditional Certificate of Occupancy is obtained from the Town of Niagara to insure that all Life Safety System requirements have been satisfied, and it is safe for the Tenant to occupy the space. In some cases the Town of Niagara may issue a Temporary certificate of Occupancy and permit merchandising.

The Tenant shall schedule merchandise deliveries with the Landlord and coordinate access if not through a rear service door. The Tenant shall provide dumpsters for the removal of merchandising debris at the Tenant's expense. The location of the dumpster shall be coordinated with the Landlord. The Tenant shall protect the Landlord's paving from any damage which may occur during the setting and removal of the dumpster.

The Tenant is responsible for removal of all debris from the Tenant's Premises. At no time may debris be stockpiled at the rear service

door, in service corridors, in the common area, or outside of the dumpster.

The Tenant is responsible for removal of all debris from the Tenant's Premises. At no time may debris be stockpiled at the rear service door, in service corridors, in the common area, or outside of the dumpster.

Any merchandising that is scheduled to occur after 11:00 pm and before 8:00am shall be scheduled with the Landlord with 24 hours notice. The Tenant is responsible for security at a cost of \$25 per hour during off-hours.

The Tenant's employees may not park in loading areas during merchandising. Vehicles must be moved to employee designated parking areas after unloading.

F. Tenant Opening

The Tenant shall notify the Landlord of the anticipated opening date. It is the Tenant's responsibility to confirm with the Landlord that all Lease obligations have been met, all advanced rent has been paid, and that there are no outstanding requirements for opening. **The Tenant may not open for business until the Tenant has provided the Landlord with an insurance certificate demonstrating the coverage and limits set forth in the Lease.**

TENANT CLOSE-OUT PACKAGE

FASHION OUTLETS OF NIAGARA FALLS

Prior to opening for business the Town of Niagara requires that the Tenant has completed the following:

- Obtained a Certificate of Occupancy from the Town of Niagara.
- Completed new Business Registration with the Town of Niagara. The registration fee is \$25 and renewable annually.
- Permitted all exterior signs, if applicable with the Town of Niagara. The permit fee is \$10 and renewable annually.
- Registered the burglar alarm, if applicable with the Town Clerk. The registration fee is \$10 and renewable annually.

Copies of the Certificate of Occupancy and all registrations and licenses shall be kept on site and available for inspection by the Landlord, Town of Niagara, or other authority having jurisdiction over Tenant compliance.

The Tenant is required to complete a Landlord punchlist and provide the Landlord with certain documents upon completion of the Tenant improvements and opening for business. Some items may be provided by the Tenant Contractor but is ultimately the Tenant's responsibility to confirm receipt by the Landlord of all items.

A. Tenant Close-Out Package

The Tenant shall provide the following package of information to the Landlord's Tenant Coordinator to complete the Tenant's obligations.

1. Exhibit B executed Tenant's Estoppel Certificate.
2. Copy of the permanent and unconditional Certificate of Occupancy issued by the Town of Niagara.
3. Notarized, sworn statement containing the complete list of names, addresses, telephone numbers, and contract amounts for all contractors, subcontractors, vendors, and suppliers providing materials and labor for the Tenant's work.
4. Copy of the Tenant's construction contract in accordance with Lease Exhibit C, Section V.
5. Original lien waivers from all parties supplying labor and materials over \$5,000 for Tenant's work which are notarized and unconditional using only the form provided in the Tenant Package.
6. Copies of all building permits and permit inspection card indicating inspection and approval by the issuer.
7. Written certification by the architect of record that the work is complete and the Premises have been constructed in

TENANT CLOSE-OUT PACKAGE

CONTINUED

FASHION OUTLETS OF NIAGARA FALLS

accordance with the Tenant's approved plans, Exhibit C, and Legal Requirements.

8. Confirmation that the Tenant's contractor has completed the punchlist, provided the Close-Out Package, and settled all accounts with the Landlord.

B. Contractor Punchlist

Upon completion of the Tenant work the Tenant contractor shall notify the Landlord that he is ready for the Landlord to inspect the contractor's work and to create a punchlist of all construction items to be repaired and completed for close out of the Tenant construction. Any punchlist items that are not satisfactorily completed by the Tenant contractor may be completed by the Landlord at the Landlord's option, the cost of which shall be deducted from the construction deposit.

C. Contractor Close-Out Package

The Tenant contractor shall submit the following items to the Landlord in a tabbed binder with a copy to the Tenant.

1. Copy of the permanent and unconditional Certificate of Occupancy issued by the Town of Niagara.

2. Copies of all building permits and permit inspection card indicating inspection and approval by the issuer.
3. Updated and complete list of contractors, subcontractors, and suppliers who supplied labor or materials for the Tenant improvements including contact names, phone numbers, and addresses.
4. Original lien waivers from all parties supplying labor and materials for Tenant's work which are notarized and unconditional using only the form provided in the Tenant Package.
5. One year minimum warranties from the Tenant's contractor and sub-contractors.
6. Accurate as-builts of Tenant construction in the form of electronic files saved to disc and one hard copy.
7. Certified HVAC Test and Balance Report.
8. Fire sprinkler shop drawings and calculations.

TENANT CLOSE-OUT PACKAGE

CONTINUED

FASHION OUTLETS OF NIAGARA FALLS

B. Reimbursement of the Construction Deposit

After completion of the punchlist and receipt of the Close-Out Package, the Landlord shall compile any charge backs for work performed by the Landlord at the Tenant's expense and fees or fines for violations by the Tenant Contractor and reconcile them against the construction deposit. The Landlord shall notify the Tenant contractor of the remaining balance and accept a written request from the contractor for reimbursement. The remaining construction deposit shall be reimbursed within 30 days.

GLOSSARY

COMMON AREA

Any and all areas within the Mall, which are not leasable to a Tenant including public areas, service corridors, etc.

DEMISING WALLS

Common wall between individual Tenant spaces. The wall shall extend from the floor slab to the underside of the roof deck (This does not apply in every case). The demising walls are to maintain a one (1) or two (2) hour fire rating dependent upon the Tenant use and the governing codes.

DESIGN CONTROL AREA “DCA”/DISPLAY AREA

The DCA (Design Control Area) is all areas within the neutral frame and lease lines and areas designated for Tenant’s storefront and sign locations. The DCA is measured from the leaseline or pop out/projected storefront, to a specific distance beyond the innermost point of closure “POC” of the premises and extends the full width and height of the Tenant’s premises. The Tenant is responsible for the design, construction and all costs for work within the DCA. This area has been defined more explicitly in the Architectural Design portion of the Tenant Criteria.

HAZARDOUS MATERIALS

Any substance that by virtue of its composition or capabilities, is likely to be harmful, injurious or lethal. For example: asbestos, flammables, PCB’s, radioactive materials, paints, cleaning supplies, etc.

LEASE LINE

Line establishing the limit of the leasable space. The Premises with all the Floor Area (GLA) provided in the Lease, including the pop out zone. Dimensions of the Tenant premises are determined in the following manner:

- A. Between Tenants: center line of demising wall.
- B. At exterior wall: to outside face of exterior wall.
- C. At corridor(s), stairwells, etc.: to corridor or stairwell side of wall.
- D. At service or equipment rooms: to service or equipment room side of wall.
- E. Neutral pier(s) are NOT subtracted from floor area.
- F. No deduction to the GLA shall be made for any ducts, shafts, conduits, columns or the like within the lease space unless such items exceed one percent (1%) of the GLA in which case the premises shall be subject to a remeasure at the Tenant’s sole cost.

LEASE OUTLINE DIAGRAM “LOD”

At the Landlord’s sole discretion, a Lease Outline Diagram (LOD) may be provided. The LOD shall show the legal extent of the Tenant premises as defined the Tenant Lease and shall include the “Pop out” Zone areas noted in these criteria. The Landlord makes no warranty as to the accuracy of anything shown or represented on the LOD and such information whether shown or not is the responsibility of the Tenant to field verify.

NEUTRAL PIERS/NEUTRAL STRIP

A uniform frame separating the Tenant’s storefront, which may or may not be provided by the Landlord.

POINT OF CLOSURE “POC”

A real or imaginary demarcation such as the center line of the Glass or any Entry Door(s) in their fully closed position.

RECESSED STOREFRONT

Any portion of the storefront located behind the lease line, the area between the lease line, the point of closure (POC) and the storefront shall be considered part of the design control area.

SERVICE CORRIDORS

A part of the common area used primarily for deliveries, employee entrance and fire exits for the Tenant space and generally not used by the public.

CONDITION OF PREMISES

FASHION OUTLETS OF NIAGARA FALLS

Upon the Delivery Date, Tenant shall accept delivery of the premises in an “As Is” condition and “With All Faults” and Landlord shall have no obligation to improve, remodel, alter or otherwise modify or prepare the premises for Tenant’s occupancy except to the extent otherwise expressly stated in the Lease Documents. Tenant hereby represents each of the following:

1. Tenant or its authorized representative has inspected the premises and has made all inquiries, tests and studies that it deems necessary in connection with its leasing of the premises.
2. Tenant is relying solely on Tenant’s own inspection, inquiries, tests and studies conducted in connection with and Tenant’s own judgment with respect to, the condition of the premises and Tenant’s leasing thereof.
3. Tenant is leasing the premises without any representations or warranties, express, implied or statutory by Landlord, Landlord’s agents, brokers, finders, consultants, counsel, employees, officers, directors, shareholders, partners, trustees or beneficiaries.
4. The Work to be completed by Landlord, “Landlord’s Work” under the Tenant Lease shall be limited to that described in the foregoing sections.
5. All other items of work not provided for herein, to be completed by Landlord, shall be provided by the Tenant at Tenant’s expense and is herein referred to as “Tenant’s Work”.

FIELD CONDITIONS

FASHION OUTLETS OF NIAGARA FALLS

1. Tenant is required to inspect, verify and coordinate all field conditions pertaining to the premises from the time prior to the start of its store design work and the commencement of its construction. Any adjustments to the work arising from field conditions not apparent on drawings and other building documents shall receive written approval of Landlord prior to start of construction.
2. Immediately following the installation by Landlord of metal stud framing defining the premises, the Tenant shall verify the accuracy of said installation and shall immediately advise Landlord of any discrepancies. Failure to so notify Landlord shall be deemed as acceptance by Tenant of said installation and layout.
3. Landlord shall have the right to locate, both vertically and horizontally, utility lines, air ducts, flues, drains, clean outs, sprinkler mains and valves, and such other equipment including access panels for same, within the premises. Landlord's right to locate equipment within the premises shall include the equipment required by other Tenants.
4. Landlord shall also have the right to locate mechanical and other equipment on the roof over the premises.

TENANT'S WORK DEFINED

FASHION OUTLETS OF NIAGARA FALLS

“Tenant’s Work” means all work of improvement to be undertaken upon the Premises (excluding Landlord’s Work, if any), including, without limitation, all related documents, permits, licenses, fees and costs, all of which shall be at the sole cost and expense of Tenant. Tenant’s Work shall include, without limitation, the purchase, installation and performance of the following:

1. Engaging the services of a licensed architect (“Tenant’s Architect”) to prepare the Preliminary Documents, Construction Documents and the As-Built Documents.
2. Preparation of originals and copies of the Preliminary Documents, Construction Documents and As-Built Documents.
3. Fees for plan review by Landlord and local governmental authorities.
4. Such other improvements as Landlord shall require per the Lease to bring the Premises into first-class condition based upon Landlord’s reasonable standards of appearance, materials, specifications, design criteria and Landlord Approved Final Plans for the Center, as well as that part of the Center in which the Premises are located.

LANDLORD'S WORK DEFINED

FASHION OUTLETS OF NIAGARA FALLS

GENERAL

Landlord's Work Defined. "Landlord's Work" means the work, if any, which Landlord is expressly obligated to undertake in accordance with the Lease. Landlord shall have no obligation to improve, remodel, alter or otherwise modify or prepare the Premises for Tenant's occupancy.

CENTER

Landlord or its predecessor-in-interest has constructed the Center, and the Building and other improvements upon the Center (exclusive of improvements constructed by or on behalf of each present and prior Occupant of the Center). Tenant has inspected the Center, the Building, the utilities, the types, quantities and qualities of the Utilities and the other systems and Tenant has found the same to be suitable, sufficient and in acceptable condition for the purpose of Tenant conducting the Permitted Use upon the Premises. Landlord shall have no obligation to undertake any work or furnish any additional materials upon any part of the Center or provide any additional utilities or other systems for the benefit of the Premises.

For the purpose of all Tenant Criteria Manuals, all references to Preliminary/Construction "Plans" are considered the same as Preliminary/Construction "Documents".