

H5 2095

B 41
L 17

County: Kings

Site No: C 224098

BCA Index No: W2-1042-05-01

H5 2095
B 41
L 17

ENVIRONMENTAL EASEMENT GRANTED PURSUANT TO ARTICLE 71, TITLE 36 OF THE NEW YORK STATE ENVIRONMENTAL CONSERVATION LAW

THIS INDENTURE made this 28th day of June, 2011 between Owner(s) Hawthorne Village, ILC, having an office at c/o GDC Properties, ILC, 245 Saw Mill River Road, Hawthorne, New York 10532, (the "Grantor"), and The People of the State of New York (the "Grantee,"), acting through their Commissioner of the Department of Environmental Conservation (the "Commissioner", or "NYSDEC" or "Department" as the context requires) with its headquarters located at 625 Broadway, Albany, New York 12233,

WHEREAS, the Legislature of the State of New York has declared that it is in the public interest to encourage the remediation of abandoned and likely contaminated properties ("sites") that threaten the health and vitality of the communities they burden while at the same time ensuring the protection of public health and the environment; and

WHEREAS, the Legislature of the State of New York has declared that it is in the public interest to establish within the Department a statutory environmental remediation program that includes the use of Environmental Easements as an enforceable means of ensuring the performance of operation, maintenance, and/or monitoring requirements and the restriction of future uses of the land, when an environmental remediation project leaves residual contamination at levels that have been determined to be safe for a specific use, but not all uses, or which includes engineered structures that must be maintained or protected against damage to perform properly and be effective, or which requires groundwater use or soil management restrictions; and

WHEREAS, the legislature of the State of New York has declared that Environmental Easement shall mean an interest in real property, created under and subject to the provisions of Article 71, Title 36 of the New York State Environmental Conservation Law ("ECI") which contains a use restriction and/or a prohibition on the use of land in a manner inconsistent with engineering controls which are intended to ensure the long term effectiveness of a site remedial program or eliminate potential exposure pathways to hazardous waste or petroleum; and

WHEREAS, Grantor, is the owner of real property located at the address of 206 - 220 Water Street a/k/a 195 - 215 Front Street and a/k/a 54 Bridge Street, Brooklyn, New York in the Borough and County of Kings and State of New York, known and designated on the tax map of the County Clerk of Kings County as tax map parcel numbers: Section 1 Block 4\ Lot 17, being the same as that property conveyed to Grantor by deed dated February 9, 2005 and recorded in the Office of the City Register of the City of New York, Kings County, on September 9, 2005 in City Register File Number (CRFN): 2005000502279 comprising approximately 1.01 ± acres, and hereinafter more fully described in the Land Title Survey dated June \, 2004, and most recently amended on May 12, 2011, prepared by Leonard I. Strandberg and Associates, Consulting Engineers and Land Surveyors, P.e., which will be attached to the Site Management Plan. The property description and survey (the "Controlled Property") is set forth in and attached hereto as Schedule A; and

WHEREAS, the Department accepts this Environmental Easement in order to ensure the protection of human health and the environment and to achieve the requirements for remediation established for the Controlled Property until such time as this Environmental Easement is extinguished pursuant to ECI Article 71, Title 36; and

NOW THEREFORE, in consideration of the mutual covenants contained herein and the terms and conditions of SCA Index Number: W2-I042-05-01, Grantor conveys to Grantee a permanent Environmental Easement pursuant to ECL Article 71, Title 36 in, on, over, under, and upon the Controlled Property as more fully described herein ("Environmental Easement")

I. Purposes. Grantor and Grantee acknowledge that the Purposes of this Environmental Easement are: to convey to Grantee real property rights and interests that will run with the land in perpetuity in order to provide an effective and enforceable means of encouraging the reuse and redevelopment of this Controlled Property at a level that has been determined to be safe for a specific use while ensuring the performance of operation, maintenance, and/or monitoring requirements; and to ensure the restriction of future uses of the land that are inconsistent with the above-stated purpose.

2. Institutional and Engineering Controls. The controls and requirements listed in the Department approved Site Management Plan ("SMP") including any and all Department approved amendments to the SMP are incorporated into and made part of this Environmental Easement. These controls and requirements apply to the use of the Controlled Property, run with the land, are binding on the Grantor and the Grantor's successors and assigns, and are enforceable in law or equity against any owner of the Controlled Property, any lessees and any person using the Controlled Property.

A. (1) The Controlled Property may be used for:

Restricted Residential as described in 6 NYCRR Part 375-1.8(g)(2)(ii),
Commercial as described in 6 NYCRR Part 375-1.8(g)(2)(iii) and Industrial
as described in 6 NYCRR Part 375-1.8(g)(2)(iv)

(2) All Engineering Controls must be operated and maintained as specified in the Site Management Plan (SMP);

(3) All Engineering Controls must be inspected at a frequency and in a manner defined in the SMP.

(4) Groundwater and other environmental or public health monitoring must be performed as defined in the SMP;

(5) . Data and information pertinent to Site Management of the Controlled Property must be reported at the frequency and in a manner defined in the SMP;

(6) All future activities on the property that will disturb remaining contaminated material must be conducted in accordance with the SMP;

(7) Monitoring to assess the performance and effectiveness of the remedy must be performed as defined in the SMP.

(8) Operation, maintenance, monitoring, inspection, and reporting of any mechanical or physical components of the remedy shall be performed as defined in the SMP.

(9) Access to the site must be provided to agents, employees or other representatives of the State of New York with reasonable prior notice to the property owner to assure compliance with the restrictions identified by this Environmental Easement.

B. The Controlled Property shall not be used for Residential purposes, as defined in 6 NYCRR Part 375-1.8(g)(2)(i), and the above-stated engineering controls may not be discontinued without an amendment or extinguishment of this Environmental Easement.

C. The SMP describes obligations that the Grantor assumes on behalf of Grantor, its successors and assigns. The Grantor's assumption of the obligations contained in the SMP which may include sampling, monitoring, and/or operating a treatment system, and providing certified reports to the NYSDEC, is and remains a fundamental element of the Department's determination that the Controlled Property is safe for a specific use, but not all uses. The SMP may be modified in accordance with the Department's statutory and regulatory authority. The Grantor and all successors and assigns, assume the burden of complying with the SMP and obtaining an up-to-date version of the SMP from:

NYSDEC - Region 2
Division of Environmental Remediation
One Hunter's Point Plaza
47-40 21 st Street,
Long Island City, NY **11101-5407**
Phone: (718) 482-4995

or

Site Control Section
Division of Environmental Remediation
NYSDEC
625 Broadway
Albany, New York 12233
Phone: (518) 402-9553

D. Grantor must provide all persons who acquire any interest in the Controlled Property a true and complete copy of the SMP that the Department approves for the Controlled Property and all Department-approved amendments to that SMP.

E. Grantor covenants and agrees that until such time as the Environmental Easement is extinguished in accordance with the requirements of ECL Article 71, Title 36 of the ECL, the property deed and all subsequent instruments of conveyance relating to the Controlled Property shall state in at least fifteen-point bold-faced type:

This property is subject to an Environmental Easement held by the New York State Department of Environmental Conservation pursuant to Title 36 of Article 71 of the Environmental Conservation Law.

F. Grantor covenants and agrees that this Environmental Easement shall be incorporated in full or by reference in any leases, licenses, or other instruments granting a right to use the Controlled Property.

G. Grantor covenants and agrees that it shall annually, or such time as NYSDEC may allow, submit to NYSDEC a written statement by an expert the NYSDEC may find acceptable certifying under penalty of perjury, in such form and manner as the Department may require, that:

(1) the inspection of the site to confirm the effectiveness of the institutional and engineering controls required by the remedial program was performed under the direction of the individual set forth at 6 NYCRR Part 375-1.8(h)(3).

(2) the institutional controls and/or engineering controls employed at such site:
(i) are in-place;
(ii) are unchanged from the previous certification, or that any identified changes to the controls employed were approved by the NYSDEC and that all controls are in the Department-approved format; and

(iii) that nothing has occurred that would impair the ability of such control to protect the public health and environment;

(3) the owner will continue to allow access to such real property to evaluate the continued maintenance of such controls;

(4) nothing has occurred that would constitute a violation or failure to comply with any site management plan for such controls;

(5) the report and all attachments were prepared under the direction of, and reviewed by, the party making the certification;

(6) to the best of his/her knowledge and belief, the work and conclusions described in this certification are in accordance with the requirements of the site remedial program, and generally accepted engineering practices; and

(7) the information presented is accurate and complete.

3. Right to Enter and Inspect. Grantee, its agents, employees, or other representatives of the State may enter and inspect the Controlled Property in a reasonable manner and at reasonable times to assure compliance with the above-stated restrictions.

4. Reserved Grantor's Rights. Grantor reserves for itself, its assigns, representatives, and successors in interest with respect to the Property, all rights as fee owner of the Property, including:

A. Use of the Controlled Property for all purposes not inconsistent with, or limited by the terms of this Environmental Easement;

B. The right to give, sell, assign, or otherwise transfer part or all of the underlying fee interest to the Controlled Property, subject and subordinate to this Environmental Easement;

5. Enforcement

A. This Environmental Easement is enforceable in Jawor equity in perpetuity by Grantor, Grantee, or any affected local government, as defined in ECL Section 71-3603, against

7. Recordation. Grantor shall record this instrument, within thirty (30) days of execution of this instrument by the Commissioner or her/his authorized representative in the office of the recording officer for the county or counties where the Property is situated in the manner prescribed by Article 9 of the Real Property Law.

8. Amendment. Any amendment to this Environmental Easement may only be executed by the Commissioner of the New York State Department of Environmental Conservation or the Commissioner's Designee, and filed with the office of the recording officer for the county or counties where the Property is situated in the manner prescribed by Article 9 of the Real Property Law.

9. Extinguishment. This Environmental Easement may be extinguished only by a release by the Commissioner of the New York State Department of Environmental Conservation, or the Commissioner's Designee, and filed with the office of the recording officer for the county or counties where the Property is situated in the manner prescribed by Article 9 of the Real Property Law.

10. Joint Obligation. If there are two or more parties identified as Grantor herein, the obligations imposed by this instrument upon them shall be joint and several.

IN WITNESS WHEREOF, Grantor has caused this instrument to be signed in its name.

Grantor: HAWTHORNE VILLAGE, LLC, a New York limited liability company

By: 220 WATER STREET MANAGER LLC,
a New York limited liability company, its Managing Member

By: [Signature]
Print Name: William Ingraham

Title: Vice President Date: June 10, 2011

Grantor's Acknowledgment

STATE OF NEW YORK)
) ss:
COUNTY OF New York

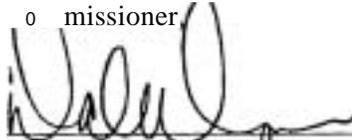
On the 10 day of JUNE, in the year 2011, before me, the undersigned, personally appeared Will Ingraham personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument

[Signature]
Notary Public - State of New York

Pamela Chiffo
Notary Public, State of New York
NO. 01CH6105596
Qualified In Rockland County
Comm. Expires 02-09-2012



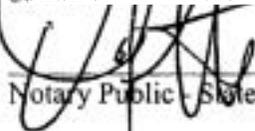
THIS ENVIRONMENTAL EASEMENT IS HEREBY ACCEPTED BY THE PEOPLE OF THE STATE OF NEW YORK Acting By and Through the Department of Environmental Conservation as Designee of the Commissioner

By: 
Dale A. Desnoyers, Director
Division of Environmental Remediation

Grantee's Acknowledgment

STATE OF NEW YORK)
COUNTY OF Albany } ss:

On the 28th day of June, in the year 2011, before me, the undersigned, personally appeared Dale Desnoyers personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name IS (are) subscribed to the within instrument and acknowledged to me that he/she/ executed the same in his/her/ capacity as Designee of the Commissioner of the State of New York Department of Environmental Conservation that by his/ r/ signature on the instrument, the individual, or the person upon behalf of the individual acted, executed the instrument.


Notary Public - State of New York

David J. Chiusano
Notary Public, State of New York
No. 01CH50S2146
Qualified in Schenectady County
Commission Expires August 22, 2014



SCHEDULE *uAn* ENVIRONMENTAL EASEMENT
PROPERTY DESCRIPTION

Address: 206-220 Water Street a/k/a 195-215 Front Street a/k/a 54 Bridge Street, Brooklyn, NY
Tax Map: Section: 1 Block: 41 Lot 17
Acreage: 1.01 +/- acres

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Borough of Brooklyn, County of Kings, City and State of New York, bounded and described as follows:

BEGINNING at the corner formed by the intersection of the northerly side of Front Street with the westerly side of Bridge Street;

RUNNING THENCE westerly along the northerly side of Front Street, 220 feet;

THENCE northerly parallel with Bridge Street and part of the distance through a party wall, 200 feet to the southerly side of Water Street;

THENCE easterly along the southerly side of Water Street, 220 feet to the westerly side of Bridge Street; and

THENCE southerly along the westerly side of Bridge Street, 200 feet to the corner, the point or place of BEGINNING



THE ENGINEERING AND INSTITUTIONAL CONTROLS for the Easement are set forth in more detail in the Site Management Plan ("SMP"). A copy of the SMP must be obtained by any party with an interest in the property. The SMP may be obtained from the New York State Department of Environmental Conservation, Division of Environmental Remediation, Site Control Section, 625 Broadway, Albany, NY 12233 or at derweb@gw.dec.state.ny.us.

ENVIRONMENTAL EASEMENT DESCRIPTION FOR SITE # C224098 AKA 220 WATER STREET, BROOKLYN, NY.

LEGAL DESCRIPTION

All that certain plot, piece or parcel of land, situate, lying and being in the Borough of Brooklyn, County of Kings, City and State of New York, bounded and described as follows:

BEGINNING: at the corner formed by the intersection of the northerly side of Front Street with the westerly side of Bridge Street;

RUNNING THENCE westerly along the northerly side of Front Street, 220 feet;

THENCE northerly parallel with Bridge Street and part of the distance through a party wall, 200 feet to the southerly side of Water Street;

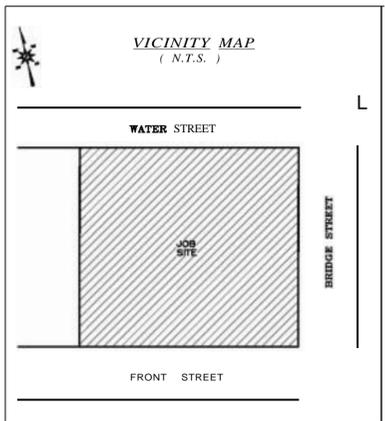
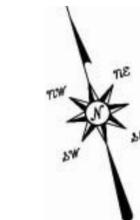
THENCE easterly along the southerly side of Water Street, 220 feet to the westerly side of Bridge Street;

AND THENCE southerly along the westerly side of Bridge Street, 200 feet to the corner, the point or place of BEGINNING.

Environmental Easement Area is intended to described parcel conveyed in deed dated February 9, 2005 and recorded September 8, 2005 as Instrument Number: 2005000502279

ENGINEERING / INSTITUTIONAL CONTROLS

- The Environmental Easement area is to have, two-foot thick soil cover meeting the requirements of NYCRR Part 375-6.7(d) for backfill, 1.11 vegetated areas, or a paving or concrete system at least 8 inches thick;
Th. area covered by the Environmental Easement is limited to restricted residential use, which would also permit commercial or industrial uses;
A ground water use restriction applies to the entire Environmental Easement area;
An active sub-slab depressurization system is required at the Environmental Easement area to restrict soil vapors from entering buildings, and;
Compliance with an approved Site Management Plan is required for the entire Environmental Easement area.



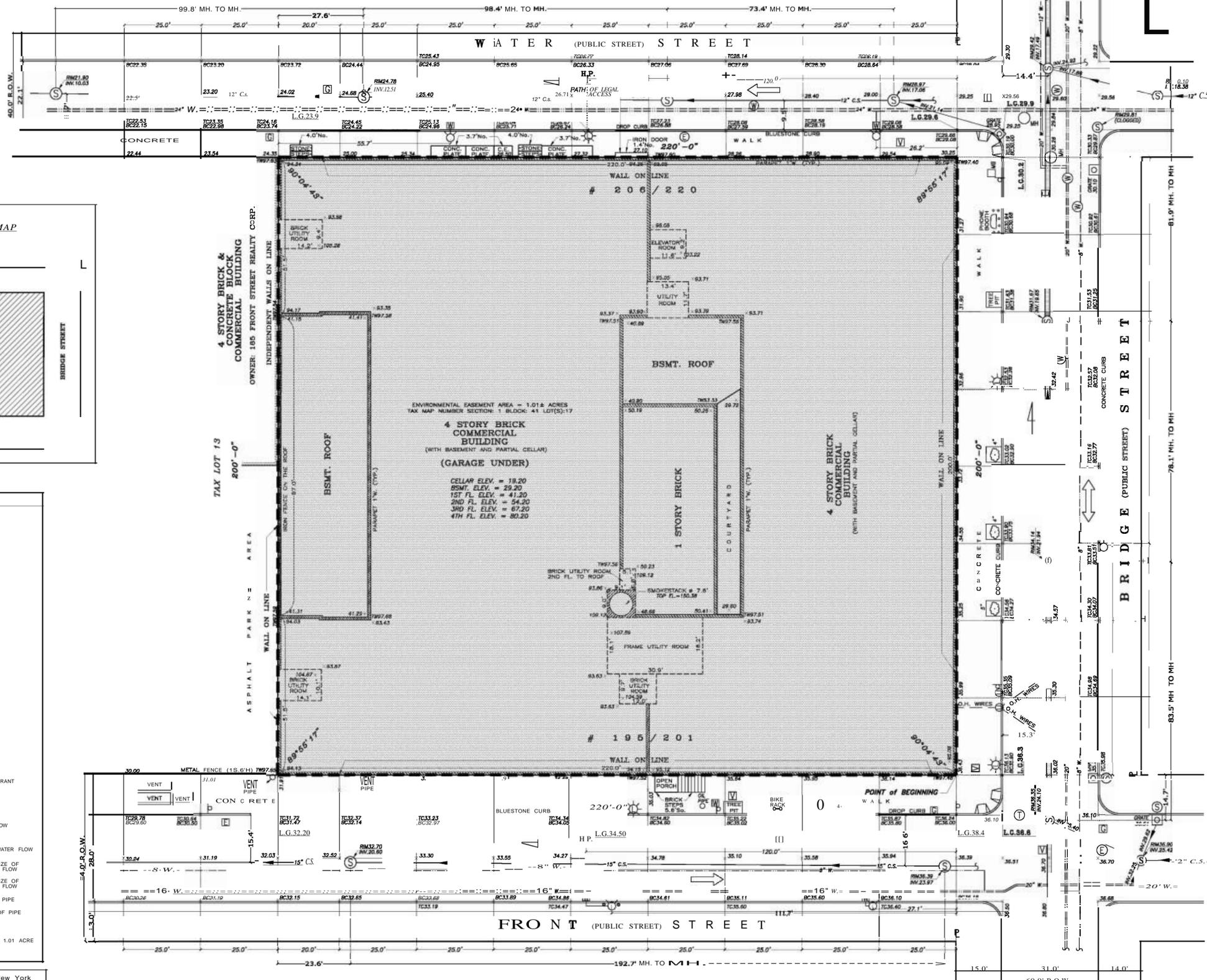
LEGEND table listing symbols for PEDESTRIAN RAMP, TELEPHONE MANHOLE, LIGHTPOLE, UTILITY POLE, SEWER MANHOLE, WATER MANHOLE, ELECTRIC MANHOLE, ELECTRIC VAULT, MAILBOX, TREE WITH SIZE, UNKNOWN MANHOLE, GAS VALVE, WATER VALVE, UNKNOWN VALVE, CATCH BASIN, LOW-PRESSURE FIRE HYDRANT, PUBLIC TELEPHONE, DIRECTION OF TRAFFIC FLOW, DIRECTION OF SURFACE WATER FLOW, COMBINED SEWER WITH SIZE OF PIPE AND DIRECTION OF FLOW, WATERMAIN WITH SIZE OF PIPE, WATER MAIN WITH SIZE OF PIPE, ENVIRONMENTAL EASEMENT - 1.01 ACRE.

TOTAL AREA OF THE PARCEL = 43,999.96 Sq.Ft. = 1.01 Acres. SURVEYOR'S CERTIFICATE

- The form of the required certification is as follows:
People of the stat. of New York acting through It. Commissioner of the Department of Environmental Conservation, HSC Land Title Agency LLC, Old Republic National Titl. Insurance Company.
I) This is to certify that this plat and the Survey on which it is based were made in accordance with "Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys" jointly established and adopted by American Land Title Association and National Society of Professional Surveyors in 2005, and includes items 1, 2, 3, 4, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100.
II) This survey was made on the ground by an instrument survey on June 1, 2004 and amended: September 12, 2007, May 31, 2009 and November 05, 2010 by me or under my supervision and correctly shows the metes and bounds description and the land area of the subject property, the location and type of all buildings, structures and other improvements (including sidewalks, curbs, parking areas and spaces and fences) situated on the subject property and any other matter situated on the subject property.
III) There are no party walls and no observable, above-ground encroachments (a) by the improvements on the subject property or upon adjoining properties, streets, alleys, easements or rights-of-way or (b) by improvements on any adjoining properties streets or alleys upon the subject property, except as been plotted on a survey.
IV) The location of each easement, right-of-way, servitude and other matter (above or below ground) affecting the Subject property and (a) listed in the title insurance commitment by HSC Land Title Agency (USA) LLC, Commitment No. HS1894K, with an effective date of November 01, 2010 (Title Commitment) with respect to the subject property or (b) apparent from a visual inspection has been shown on the survey, together with appropriate recording references, to the extent that such matters can be located has been plotted on the survey. No record of easement found in the Title Insurance Commitment.
V) Except as shown on the survey, no portion of the property shown on the survey lies within a Special Flood Hazard Area, as described on Flood Insurance Rate Map No. 3604970203F, with a date of identification of September 05, 2007, for Community No. 360497, in Kings County, State of New York, which is the current Flood Insurance Rate Map for the community in which the subject property is situated. If applicable, the survey correctly delineates the boundaries of the property located in a Special Flood Hazard Area and indicates the zone designation of any area shown as being within a Special Flood Hazard Area.
VI) The subject property has direct access to and from Water Street, Front Street and Bridge Street a publicly dedicated, used and maintained street or highway.
VII) There is no parking spaces on the subject property.
VIII) The location of all improvements on the subject property is in accordance with minimum setback, side yard and rear yard lines, provisions and restrictions of record affecting the property referenced in the Title Commitment.
IX) Municipal water, municipal storm sewer and municipal sanitary sewer facilities and telephone, gas and electric services of public utilities are available at the boundary of the property in the locations indicated hereon.
X) The subject property does not serve any adjoining property for visible subsurface drainage structures, visible water courses, utilities, structural support or ingress or egress.
XI) The parties listed above and their successors and assigns are entitled to rely on the survey and this certification as being true and accurate.

FLOOD NOTE: THIS PROPERTY LIES IN ZONE "X" OF THE FLOOD INSURANCE RATE MAP COMMUNITY-PANEL No. 3604970203 F, WHICH BEARS AN EFFECTIVE DATE OF SEPTEMBER 05, 2007. AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN.

This property is subject to an Environmental Easement held by the New York State Department of Environmental Conservation pursuant to Title 36 of Article 71 of the New York Environmental Conservation Law.



MAP OF SURVEY OF DESCRIBED PROPERTY
LOCATED AT:
BOROUGH OF BROOKLYN, COUNTY OF KINGS, CITY AND STATE OF NEW YORK
TAX DESIGNATION:
SECTION: 1, BLOCK: 41, LOT(S): 17

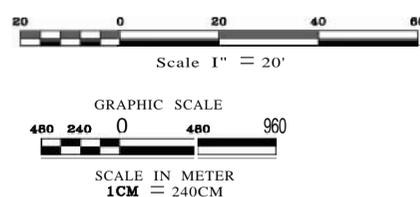
TITLE No.: 3004-34488
SURVEYED ON: JUNE 1, 2004
AMENDED ON: SEPTEMBER 12, 2007, MAY 21, 2009 (ELEV. S ADDED & NEW INFO.), NOVEMBER 5, 2010 (UPDATE), NOVEMBER 22, 2010 (ALTA SURVEY), DECEMBER 10, 2010 (CERTIFICATES ONLY), MARCH 11, 2011 (SURVEYOR'S CERTIFICATE), MARCH 17, 2011 (NOTES ADDED), MARCH 28, 2011 (METER SCALE BAR SHOWN), MAY 12, 2011 (EASEMENT NOTE SHOWN)
DRAWN BY: FKA/H.M.K. CHECKED BY: AT

- NOTES:
1) ELEVATIONS SHOWN ARE IN BROOKLYN HIGHWAY DATUM WHICH IS 2.56 FEET ABOVE MEAN SEA LEVEL U.S.C. & G.S. SANDY HOOK, BROOKLYN SEWER DATUM IS 1.72 FEET ABOVE MEAN SEA LEVEL U.S.C. & G.S. SANDY HOOK.
2) ESTABLISHED GRADES SHOWN HEREON REFER TO THE TOP OF THE CURB TAKEN AT THE PROJECTION OF THE PROPERTY LINES.
3) THE INFORMATION GIVEN ON THIS SURVEY PERTAINING TO UTILITIES AND/OR SUBSTRUCTURES IS NOT CERTIFIED AS TO ACCURACY OR COMPLETENESS.
4) NO UTILITY AND/OR SUBGRADE INFORMATION OTHER THAN SEWER AND WATER IS INDICATED ON THIS SURVEY. CONSULT WITH THE APPROPRIATE UTILITY COMPANY OR AGENCY PRIOR TO DESIGNING IMPROVEMENTS.
5) SIZES AND TYPES OF SEWERS SHOWN HEREON AS OBTAINED FROM THE BOROUGH OF BROOKLYN SEWER DEPARTMENT RECORDS, SEWER MANHOLE RIM AND INVERT ELEVATIONS SHOWN HEREON OBTAINED BY FIELD MEASUREMENTS.
6) SIZE OF WATER MAIN SHOWN HEREON AS OBTAINED FROM THE BOROUGH OF BROOKLYN DEPARTMENT OF WATER SUPPLY, GAS & ELECTRICITY RECORDS, AS SHOWN ON MAP DOM 324-1-B.
7) THE OWNER, CONTRACTOR AND/OR HIS AGENTS MUST NOTIFY THE APPROPRIATE UTILITY COMPANIES AND/OR AGENCIES AT LEAST 72 HOURS PRIOR TO ANY CONSTRUCTION IN ACCORDANCE WITH INDUSTRIAL CODE.
8) THIS IS TO CERTIFY THAT THERE ARE NO STREAMS NOR NATURAL WATERCOURSES IN THE PROPERTY AS SHOWN ON THIS SURVEY.

THE OFFSETS OR DIMENSIONS SHOWN FROM THE STRUCTURES TO THE PROPERTY LINES ARE FOR A SPECIFIC PURPOSE AND USE AND THEREFORE ARE NOT INTENDED TO GUIDE THE DIRECTION OF FENCES, RETAINING WALLS, POOLS, PLANTING AREAS, ADDITIONS TO STRUCTURES AND ANY OTHER CONSTRUCTION.

UNAUTHORIZED ALTERATION OR ADDITION TO THIS SURVEY IS A VIOLATION OF SECTION 7209 OF THE NEW YORK STATE EDUCATION LAW. COPIES OF THIS SURVEY MAP NOT BEARING THE LAND SURVEYOR'S RINGED SEAL OR EMBOSSED SEAL, SHALL NOT BE CONSIDERED TO BE A VALID TRUE COPY. CERTIFICATION INDICATED HEREON SHALL RUN ONLY TO THE PERSON FOR WHOM THE SURVEY IS PREPARED, AND ON HIS BEHALF TO THE TITLE COMPANY, GOVERNMENTAL AGENCY AND LENDING INSTITUTION LISTED HEREON, AND TO THE ASSIGNEES OF THE LENDING INSTITUTION. CERTIFICATIONS ARE NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.

THE EXISTENCE OF RIGHT OF WAYS AND/OR EASEMENTS OF RECORD, IF ANY, NOT SHOWN ARE NOT CERTIFIED.



ALEXANDER TSUKERMAN N.Y.S. L.S. N# 050189
LEONARD J. STRANDBERG AND ASSOCIATES, CONSULTING ENGINEERS AND LAND SURVEYORS, P.C.
32 SMITH STREET, FREEPORT, NY 11520
516-378-2064 • 212-213-4090 • FAX 516-378-6649
ONE EDGEWATER PLAZA, STATEN ISLAND, NY 10305
SUIT 205 • 718-420-9693 • FAX 718-420-9673



EXHIBIT

Charla Beth Mabley
Direct: (212) 541-2153
Fax: (212) 541-1473
cmabley@bryancave.com

July 27, 2011

VIA CERTIFIED MAIL

Mayor Michael R. Bloomberg
City Hall
New York, NY 10007

Bryan Cave LLP
1290 Avenue of the Americas
New York, NY 10104-3300
Tel (212) 541-2000
Fax (212) 541-4630
www.bryancave.com

Re: Notice of Environmental Easement
220 ~~Water~~ Street, Brooklyn, New York

- Bryan Cave Offices
- Atlanta
- Charlotte
- Chicago
- Dallas
- Hamburg
- Hong Kong
- Irvine
- Jefferson City
- Kansas City
- London
- Los Angeles
- New York
- Paris
- Phoenix
- San Francisco
- Shanghai
- Singapore
- St. Louis
- Washington, DC

Dear Mayor Bloomberg:

Attached please find a copy of an environmental easement granted to the New York State Department of Environmental Conservation ("DEC")

On: June 28, 2011,
By: Hawthorne Village, LLC,
For property at: 220 Water Street, Brooklyn, NY,
Tax Map: Block 41, Lot 17,
DEC Site No: C224098.

This Environmental Easement restricts future use of the above-referenced property to: ~~restricted~~ residential uses. It also assures that residually contaminated soils must be ~~covered~~ by a concrete cover system. This cover must be maintained and an active sub-slab depressurization system must be installed and operated at the Site. These ~~engineering~~ controls at the Site will be managed in accordance with the Site Management Plan which is incorporated into the Environmental Easement.

Article 71, Section 71-3607 of the New York State Environmental Conservation Law requires that:

1. Whenever the department is granted an environmental easement, it shall provide each affected local government with a copy of such easement and shall also provide a copy of any documents modifying or terminating such environmental easement.
2. Whenever an affected local government receives an application for a building permit or any other application affecting land use or development of land that is subject to an environmental easement and that may relate to or impact such easement, the affected local government shall notify the department and refer such application to the department. The department shall evaluate whether the application is consistent with the environmental easement and shall notify the affected local government of its determination in a timely fashion, considering the

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Bryan Cave LLP

Mayor Michael R. Bloomberg

July 27, 2011

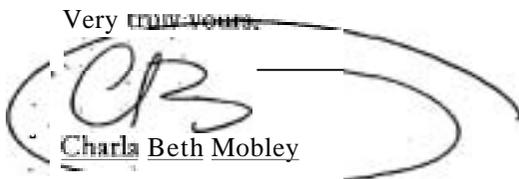
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time frame for the local government's review of the application. The affected local government shall not approve the application until it receives approval from the department. An electronic version of every environmental easement that has been accepted by this Department is available to the public at the website listed below.

<http://www.dec.ny.gov/chemical/36045.html>

If you have any questions or comments regarding this matter, please do not hesitate to contact me.

Very truly yours,


Charla Beth Mobley

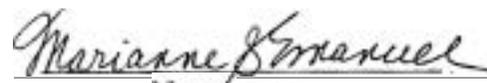
CBM/aa,

Attachment

- cc: Robert Kulikowski Director, Mayor's Office of Environmental Coordination
- Marty Markowitz, Brooklyn Borough President
- Yvonne Ward, Esq., New York State Department of Environmental Conservation
- Adam Ginsberg, Hawthorne Village, LLC
- Gita Gandhi, Esq., Bryan Cave LLP
- Kevin Healy, Esq., Bryan Cave LLP

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

On the 27th day of July, 2011 before me, the undersigned, personally appeared Charla Beth Mobley, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.


Marianne S. Emanuel
Notary Public

SEAL

MARIANNE S. EMANUEL
Notary Public, State of New York
No. 01 EM4808111
Qualified In Queens County
Commission Expires November 30, 2014