

**TERMINATION AND RELEASE  
OF ENVIRONMENTAL EASEMENT**

This TERMINATION AND RELEASE OF ENVIRONMENTAL EASEMENT is made as of this 6<sup>th</sup> day of October, 2010, by and between (i) The People of the State of New York, acting through their Commissioner of the Department of Environmental Conservation "NYSDEC" or "Department") with its headquarters located at 625 Broadway, Albany, New York 12233, and (ii) the City of Poughkeepsie Industrial Development Agency ("the City of Poughkeepsie IDA") having an office at 62 Civic Center Plaza, Poughkeepsie, New York 12601,

**RECITALS**

- A. The Department and IDA entered into that certain Environmental Easement ("Easement Agreement") dated as of September 26<sup>th</sup>, 2007 and recorded in the Land Records of the Dutchess County Clerk on October 16, 2007 as Document Number: 02 2007 7452. Capitalized terms used herein without definition have the meanings ascribed to them in the Environmental Easement Agreement.
- B. The City of Poughkeepsie is the owner of certain land known and designated on the tax map of the City of Poughkeepsie as Grid number 131300-6061-27-797885-0000, being the same as that Property conveyed to Grantor by deed on March 29, 2004, and recorded in the Land Records of the Dutchess County Clerk at Liber 2204, page 4061, comprised of approximately 2.53 acres **and** real property located in the City of Poughkeepsie, Dutchess County, New York known and designated on the tax map of the city of Poughkeepsie as Grid number 131300-6061-27-803922-0000, being the same as that Property conveyed to Grantor by deed on March 29, 2004, and recorded in the Land Records of the Dutchess County Clerk at Liber 2204, page 4061, comprised of approximately 3.00 acres, and hereinafter more fully described in Exhibit A.
- C. Pursuant to Section 1, 2, 3, 4 and 5 of the Easement Agreement, the City of Poughkeepsie IDA granted the Department rights and interests that run with the land in perpetuity in order to provide an effective and enforceable means of encouraging the reuse and redevelopment of the Controlled Property at a level that has been determined to be safe for a specific use while ensuring the performance of maintenance, monitoring or operation requirements; and to ensure the potential restriction of future uses of the land that are inconsistent with the stated purpose.
- D. Pursuant to Section 2 A of the Easement Agreement, the Controlled Property may not be used for any use until the remedy described in the Record of Decision ("ROD") for the Property, dated March 2006, is implemented. The Grantor avers that the ROD has been implemented and the Department has verified that the ROD has been implemented.
- E. The Parties do hereby agree that a new Environmental Easement will be filed contemporaneously with this Termination in order to address the site management needs of the now remediated site.

F. Pursuant to Section 9 of the Easement Agreement, the Department agrees to terminate and release the Easement Agreement.

**TERMINATION AND RELEASE OF ENVIRONMENTAL EASEMENT**

1. The above recitals are hereby incorporated into this Termination and Release of Environmental Easement.
2. The Department confirms that the date hereof is the "Termination Date" and the Department accordingly hereby terminates and releases the property as described in Exhibit A.
3. This Termination and Release of Environmental Easement inures to and binds the parties hereto and their respective successors and assigns.
4. This termination and Release of Environmental Easement shall be governed by and interpreted in accordance with the laws of the State of New York.

IN WITNESS WHEREOF, the parties hereto have executed this Termination and Release of Easement as of the day and year first above written.

**City of Poughkeepsie  
Industrial Development Agency:**

By: \_\_\_\_\_

Print Name: John C. Tkazyik

Title: Chair

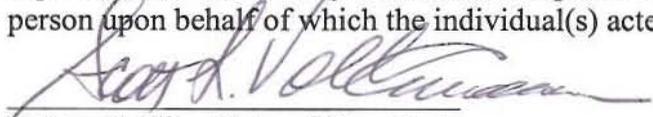
Date: \_\_\_\_\_

9/30/10

**Grantor's Acknowledgment**

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

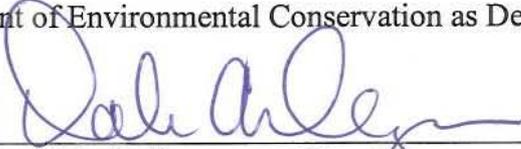
On the 30 day of September, in the year 20 17, before me, the undersigned, personally appeared John C. 71424115, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name is (are) subscribed to the within instrument and acknowledged to me that he/she/they 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.



Notary Public - State of New York

**SCOTT L. VOLKMAN**  
Notary Public, State of New York  
Reg. No. 4859709  
Qualified in Dutchess County 17  
Commission Expires: April 28, 20

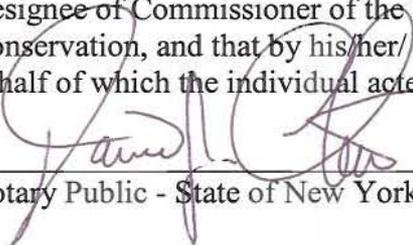
**THIS TERMINATION AND RELEASE OF THE ENVIRONMENTAL EASEMENT IS HEREBY ACCEPTED BY THE PEOPLE OF THE STATE OF NEW YORK, Acting By and Through the Department of Environmental Conservation as Designee of the Commissioner,**

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

**Grantee's Acknowledgment**

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

On the 6<sup>th</sup> day of October, in the year 2010, before me, the undersigned, personally appeared Dale A. 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 Commissioner of the State of New York Department of Environmental Conservation, and that by his/her/ signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

  
Notary Public - State of New York

**David J. Chiusano**  
Notary Public, State of New York  
No. 01CH5032146  
Qualified in Schenectady County  
Commission Expires August 22, 2014