

**EXTINGUISHMENT AND RELEASE
OF ENVIRONMENTAL EASEMENT**

This EXTINGUISHMENT AND RELEASE OF ENVIRONMENTAL EASEMENT (this "Extinguishment") is made as of this 5th day of September, 2018, by and between 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 MBA-Manorhaven, LLC ("Owner") having an office at 215 Nassau Street, Princeton, New Jersey 08542, County of Mercer, State of New Jersey. The Department has the authority to extinguish an environmental easement pursuant to the Environmental Conservation Law Article 71, Title 36 (ECL § 71-3605).

RECITALS

- A. The Department and Owner entered into that certain Environmental Easement ("Easement Agreement") dated December 29, 2015, filed in the Land Records of the Office of Nassau County Clerk as Document Number 2016-00004825 and recorded on January 14, 2016 in Book D Volume 13309 Page 917. Capitalized terms used herein without definition have the meanings ascribed to them in the Easement Agreement.
- B. The Owner conveyed an environmental easement on the Controlled Property to the Department, the Grantee, under the Easement Agreement as then required by the terms and conditions of Voluntary Cleanup Agreement for Site V00336 dated January 2, 2001 (the "VCA"). Prior to the ending of the Voluntary Cleanup Program and the termination of the VCA, Owner elected to enter into an Order on Consent and Administrative Settlement with respect to the Controlled Property. The Department and Owner executed Order on Consent and Administrative Settlement Index Number: CO 3-20170612-108 with an effective date of May 13, 2018 (the "Order"). The Order assigns site # 130119, which consists of two operable units, to the Controlled Property.
- C. The Easement Agreement is not correct with respect to the Order, the index number of the Order and the site number now assigned to the Controlled Property.
- D. Pursuant to Section 9 of the Easement Agreement, the Department desires to terminate and release the Easement Agreement and contemporaneously with the execution of this Extinguishment, the Department and Owner agree to enter into a corrected environmental easement for the Controlled Property as required by Order on Consent and Administrative Settlement, Index No.: CO 3-20170612-108.

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 Department and its 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 have executed this Extinguishment.

MBA – Manorhaven, LLC

By: _____

Print Name: _____

Title: _____

Date: _____

Owner's Acknowledgment

STATE OF New Jersey)

) ss:


COUNTY OF Middlesex)

On the 14 day of August, in the year 2018, before me, the undersigned, personally appeared Richard Thypin, 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.

Christine N. Appel

Notary Public- State of New Jersey

CHRISTINE APPEL
NOTARY PUBLIC OF NEW JERSEY
I.D. # 50023893
My Commission Expires 9/23/2020

By: 
Michael J. Ryan, Director
Division of Environmental Remediation

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

On the 5th day of September, in the year 2018, before me, the undersigned, personally appeared Michael J. Ryan, 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. Chiasano
Notary Public, State of New York
No. 01CH5032146
Qualified in Schenectady County
Commission Expires August 22, 2022

SCHEDULE "A" PROPERTY DESCRIPTION

ALL that certain plot, piece or parcel of land, situate, lying and being in the Incorporated Village of Manorhaven, County of Nassau and State of New York, more particularly bounded and described as follows:

BEGINNING at the corner formed by the intersection of the southerly side of Yennicock Avenue with the westerly side of Sagamore Hill Drive;

RUNNING THENCE South 10 degrees 42 minutes 20 seconds East 650 feet;

THENCE South 79 degrees 17 minutes 40 seconds West 606.61 feet;

THENCE South 10 degrees 42 minutes 20 seconds East 40 feet;

THENCE South 79 degrees 17 minutes 40 seconds West 82.29 feet to a point in the mean high water line of Manhasset Bay;

THENCE North 21 degrees 50 minutes 10 seconds West 317.34 feet along the mean high water mark of Manhasset Bay;

THENCE North 11 degrees 44 minutes 20 seconds West still along said mean high water line 338.86 feet;

THENCE North 79 degrees 17 minutes 40 seconds East 106.09 feet;

THENCE North 10 degrees 42 minutes 20 seconds West 40 feet;

THENCE North 79 degrees 17 minutes 40 seconds East 650 feet, more or less, to the point or place of **BEGINNING**.

FOR INFORMATION ONLY: SECTION: 4 BLOCK: L LOT 153