

**1888 Bathgate Avenue Redevelopment Site  
Bronx, New York**

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**Periodic Review Report  
Reporting Period  
February 11, 2021 to February 11, 2022**

**NYSDEC Site Number: C203088**

**Prepared for:**  
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**On Behalf Of:**  
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**February 28 , 2022**

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## **1.0 Executive Summary**

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The 1888 Bathgate Avenue Redevelopment Site is located at 4181 Third Avenue in the Bronx, New York (hereinafter referred to as the “Site”). The Site is located in the Borough of the Bronx, New York and is identified as Tax Block 2924, Lot 7 (former Lots 7, 10, 25, 30, and 34) on the New York City Tax Map. The Site is currently enrolled in the New York State (NYS) Brownfield Cleanup Program (BCP) (Site No. C203088), which is administered by the New York State Department of Environmental Conservation (NYSDEC). The Site was investigated and remediated in accordance with Brownfield Cleanup Agreement (BCA) Index No. C203088-03-17, which was executed in May 2017 by Wilfrid East Properties LLC, Wilfrid East LIHTC LLC, and Wilfrid West Properties LLC (collectively the “Original Applicants”). The BCA was amended on August 2, 2017 to add the Applicants Wilfrid Realty Corp., Wilfrid Properties LLC, Wilfrid LIHTC LLC, and ACMH Wilfrid Housing Development Fund Corporation (collectively, with the Original Applicants the “Applicants”).

A Site Management Plan (SMP) was developed in December 2018 as required under the NYSDEC’s DER-10 (Technical Guidance for Site Investigation and Remediation), dated May 2010, and the guidelines provided by the NYSDEC. The Site was remediated to Track 2 Restricted Residential Soil Cleanup Objectives (RRSCOs) in accordance with the NYSDEC-approved Remedial Action Work Plan (RAWP) and Decision Document (DD). The remedy included:

- Soil excavation and off-site disposal
- Underground storage tank (UST) removal
- Material import
- Remedial design
- In-situ Chemical Oxidation (ISCO) for groundwater treatment
- Institutional control in the form of an Environmental Easement (EE)
- Completion of a SMP

The previous Periodic Review Report for the period from April 26, 2020 to February 11, 2021, was submitted and approved by the NYSDEC in a letter dated February 3, 2022.

This Periodic Review Report (PRR) cover the period from February 11, 2021 to February 11, 2022. It summarizes and evaluates the performance, effectiveness, and protectiveness of the Engineering Controls (ECs) and Institutions Controls (ICs) established for the Site for the reporting period.

Based on the data during the reporting period, the institutional and engineering controls appear to remain in place as specified in the December 2018 Site Management Plan. The ISCO remedy to treat impacted groundwater at the site has made some improvements. However, some exceedances in groundwater quality are still present for several chlorinated volatile organic compounds (CVOCs) in several wells.

It is recommended that site management continues per the December 2018 Site Management Plan for the next year. An evaluation will be made to the groundwater quality data by the end of the next reporting period to determine if additional action is warranted.

## 2.0 Site Overview

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### 2.1 Site Description

The Site is located in the Bronx, Bronx County, New York and is identified as Section 2, Block 2924, Lot 7 (formerly Lots 7, 10, 25, 30, and 34) on the New York City Tax Map, as shown on **Figure 1**. The Site is an approximately 0.83-acre area and is bounded by: commercial uses and a public school facility to the north; Third Avenue, followed by Tremont Park to the east; residential and commercial uses to the south; and Bathgate Avenue, followed by institutional and industrial uses and a parking lot to the west. The surrounding area is primarily developed with commercial, institutional, and residential properties, with some industrial uses. A Site Location map and a Site Plan are provided as **Figure 1** and **Figure 2**. The boundaries of the Site are more fully described in the Environmental Easement, provided as **Appendix A**.

### 2.2 Site and Remedial History

A full Site history, including historical Sanborn maps and a summary of previous investigations conducted at the Site, was provided in the RAWP. Historic records indicated that the Site was developed with private residences and stores as early as 1896, with industrial and manufacturing uses including a lumber yard, various warehouses, Decorative Plastics Co., a glass and glazing facility, a bed spring company, various clothing and accessory manufacturers, a woodworking facility, and a rebar manufacturing facility. ABCO Steel Door (ABCO), a steel door manufacturing facility, occupied the Site between approximately 1980 and 1993. Since approximately 1993, no manufacturing operations occurred at the Site; however, the Site buildings have been used for storage of equipment and supplies by ABCO. The initial environmental investigations at the Site include:

- A Phase I Environmental Site Assessment (ESA) was performed by ALC Environmental (ALC) during April 2016;
- A Phase II Work Plan was completed by ALC and discussed with the New York City Office of Environmental Remediation (OER) during May 2016;
- A Geotechnical Investigation Report was completed by SESI Consulting Engineers D.P.C during August 2016;
- A Remedial Investigation Report was completed by ALC during November 2016;
- A Supplement Remedial Investigation Report was completed by AKRF, Inc. during June 2017.

After the initial investigations, a Remedial Action Work Plan (RAWP) was completed by AKRF, Inc. during September 2017. The RAWP outlined the remedial activities and cleanup objectives for the Site. AKRF conducted a Remedial Design Investigation (RDI) between September 12 and 26, 2017 and February 6 and 22, 2018 to aid with the groundwater remedy to be implemented under the RAWP and Decision Document (DD).

The objectives for the remedial program were established through the remedy selection process stated in 6 NYCRR Part 375. Remedial actions were performed at the Site in accordance with the NYSDEC-approved RAWP and DD and applicable federal, state, and local rules and regulations. Detailed descriptions of the completed remedial actions are included in the Final Engineering Report (FER). The following remedial actions were conducted at the Site. Detailed descriptions of the remedial actions listed below are included in the SMP:

- Soil excavation and off-site disposal
- Underground storage tank (UST) removal
- Material import
- Remedial design
- In-situ Chemical Oxidation (ISCO) for groundwater treatment
- Institutional control in the form of an Environmental Easement (EE)
- Completion of a SMP, by AKRF during December 2018.

The information provided below summarizes the baseline soil and groundwater quality after the implementation of the remedial actions (up to 2018).

### **2.3 Soil Impacts**

Following excavation of soil and fill material across the Site, 26 post-excavation endpoint samples were collected in areas that were not excavated to bedrock. Track 2 RRSCOs were met at all endpoint sample locations, or excavation extended to 15 feet below grade. No soil contamination is remaining in place above 15 feet below grade. The endpoint sample analytical results and sample locations and comparison to the UUSCOs and RRSCOs are included in the SMP.

### **2.4 Groundwater Impacts**

Four groundwater monitoring wells (MW-10, 11, 12, and 13) were installed at the site. During the May 14, 2018 baseline groundwater sampling event, Tetrachloroethylene (PCE) was detected

at concentrations of 102 µg/L, 10.7 µg/L, and 29.1 µg/L, in groundwater samples from wells MW-11, MW-12, and MW-13 respectively. The highest concentration was detected in the center of the groundwater treatment area, with decreasing concentrations detected downgradient of the treatment area. Breakdown products of PCE, including cis-1,2-dichloroethene and trichloroethylene (TCE), were detected above the TOGS of 5 µg/L in samples from MW-13 at respective concentrations of 22.4 µg/L and 24 µg/L. No chlorinated volatile organic compounds (CVOCs) were detected above the TOGS standards in well MW-10.

One round of groundwater samples was collected on September 6, 2018, approximately two months after the initial ISCO event. CVOCs were detected at concentrations above the NYSDEC TOGS in the majority of the groundwater samples, with the exception of MW-11. PCE was detected at concentrations of 12.5 µg/L, 19.5 µg/L, and 61.7 µg/L in samples from MW-10-MW-12, and MW-13, respectively, above the NYSDEC TOG of 5 µg/L. These concentrations slightly increased compared to the baseline sampling event in May 2018. Cis-1,2 dichloroethene and TCE were detected at respective concentrations of 28.8 µg/L and 34 µg/L in sample from MW-13. No other CVOCs were detected at concentrations above their respective NYSDEC TOGS. The groundwater data is summarized in **Table 1**.

## **2.5 Remedial Goals and Site Closure Criteria**

Remedial activities completed at the Site were conducted in accordance with the NYSDEC-approved RAWP and DD. The remedial goals included the attainment of the RRSCOs.

## **2.6 Remedial System**

As the remedy for this Site involved excavation and removal of impacted soil, implementation of an in-situ groundwater treatment program, and followed by the implementation of institutional and engineering controls, there are no active treatment systems currently operating at the Site. Therefore, this section is not applicable.

## **2.7 Current Remedy Status**

Following the implementation of the ISCO to treat groundwater, no active remediation is conducted. Monitoring is being implemented to evaluate the effectiveness of the remedy. A detailed discussion on the performance, effectiveness and protectiveness is provided in Section 4.



## **3.0 Institutional Controls/Engineering Controls**

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Since remaining impacted groundwater exists at the Site, Institutional Controls and Engineering Controls (IC/ECs) are required to protect human health and the environment. The intent of this section is to provide a description of the IC/ECs in place for the Site, the objective and status of each IC/EC, as well as to provide a mechanism used to monitor and enforce each IC/EC. The IC/EC Certification form completed for the Site for this reporting period was prepared in accordance with Section 6.3(c) of NYSDEC's DER-10 document and is provided as **Appendix B**.

### **3.1 Institutional Controls**

A series of ICs is required by the RAWP to: (1) implement, maintain and monitor EC systems; (2) prevent future exposure to remaining contamination; and (3) limit the use and development of the Site to Restricted Residential, Commercial, and Industrial uses only. Adherence to these ICs on the Site is required by the Environmental Easement (EE) and will be implemented under the SMP. ICs identified in the EE may not be discontinued without an amendment to or extinguishment of the EE. The IC boundaries are included in the SMP. These ICs are:

- The Site may be used for restricted residential, commercial or industrial use;
- All ECs must be operated and maintained as specified in the SMP;
- All ECs must be inspected at a frequency and in a manner defined in the SMP;
- The use of groundwater underlying the Site is prohibited without necessary water quality treatment as determined by the NYSDOH or the New York City Department of Health to render it safe for use as drinking water or for industrial purposes, and the user must first notify and obtain written approval to do so from the Department;
- Groundwater and other environmental or public health monitoring must be performed as defined in the SMP;
- Data and information pertinent to Site management must be reported at the frequency and in a manner as defined in the SMP;
- All future activities that will disturb remaining contaminated material must be conducted in accordance with the SMP;

- Monitoring to assess the performance and effectiveness of the remedy must be performed as defined in the SMP;
- Operation, maintenance, monitoring, inspection, and reporting of any mechanical or physical component of the remedy shall be performed as defined in the SMP;
- 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 the EE; and
- The potential for vapor intrusion must be evaluated for any buildings developed in the area within the IC boundaries noted on **Figure 2**, and any potential impacts that are identified must be monitored or mitigated; and
- In-ground vegetable gardens and farming on the Site are prohibited.

### **3.2 Engineering Controls**

The following information summarizes the ECs implemented at the Site.

#### **3.2.1 ISCO Groundwater Treatment Program**

An ISCO Groundwater Treatment Program was established as part of the Site remedy. Approximately 8,325 gallons of a 5% to 10% sodium permanganate/water solution were injected into 24 temporary injections points located in the southwestern portion of the Site (the groundwater treatment area). The injection points were spaced approximately 12 to 14 feet apart to achieve 6 to 7 feet overlapping radius of influence (ROI). Multiple intervals were targeted in the treatment area above the bedrock surface, up to approximately 28 feet below grade. Groundwater is monitored via the four post-remedial monitoring wells installed in the southwestern portion of the Site to evaluate the effectiveness of the in-situ groundwater treatment program.

#### **3.2.2 Criteria for Completion of Remediation/Termination of Remedial Systems**

Generally, remedial processes are considered completed when monitoring indicates that the remedy has achieved the remedial action objectives identified by the decision document. The framework for determining when remedial processes are complete is provided in Section 6.4 of NYSDEC DER-10.

### **3.2.2.1 ISCO Groundwater Treatment Program**

The ISCO treatment program will not be discontinued unless prior written approval is granted by the NYSDEC. In the event that monitoring data indicates that the ISCO treatment program may no longer be required, a proposal to discontinue the treatment will be submitted by the remedial party. Conditions that may warrant discontinuing the ISCO treatment program include contaminant concentrations in groundwater that: (1) reach levels that are consistently below ambient water quality standards; (2) have become asymptotic to a low level over an extended period of time, as accepted by the NYSDEC; or (3) the NYSDEC has determined that the ISCO treatment program has reached the limit of its effectiveness. This assessment will be based in part on post-remediation contaminant levels in groundwater collected from monitoring wells located throughout the site. Systems will remain in place and operational until permission to discontinue their use is granted in writing by the NYSDEC.

### **3.2.2.2 Monitoring Wells associated with Monitoring Natural Attenuation**

Groundwater monitoring activities to assess natural attenuation will continue, as determined by the NYSDEC with consultation with NYSDOH, until residual groundwater concentrations are found to be consistently below ambient water quality standards or have become asymptotic at an acceptable level over an extended period. In the event that monitoring data indicates that monitoring for natural attenuation may no longer be required, a proposal to discontinue such monitoring will be submitted by the remedial party, but will otherwise continue until permission to discontinue is granted in writing by the NYSDEC. If groundwater contaminant levels become asymptotic at a level that is not acceptable to the NYSDEC, a revised chemical oxidation injection/treatment plan would be developed for the Site and submitted to the NYSDEC for review and approval. The dosage of any reagents may change based on the results of the post-remedial groundwater samples. If a revision to the treatment plan is warranted, notification will be made to NYSDEC with the proposed changes.

## **4.0 Remedy Performance, Effectiveness, and Protectiveness**

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The remedial implementation of soil excavation effectively removed all on-site soils that exceeded the RRSCOs to a maximum depth of 15 feet below grade. Post-excavation soil endpoint samples were collected, except at locations excavated down to bedrock. Additional information regarding the soil excavation and cleanup activities is summarized in the SMP.

As for the groundwater, CVOCs exceeding pertinent standards are still persistent in the samples collected from the monitoring wells. In the reporting period (February 11, 2021 to February 11, 2022), Well MW-10 had only PCE concentrations exceeding standards and ranging between 23.80 and 44.00 ug/L. The concentrations of PCE in MW-10 had slightly increased in the last quarter of 2021. Well MW-11 had concentrations of PCE reduced and appear to be breaking down into the daughter compounds of cis-1,2 and trans-1,2 DCE and vinyl chloride. Well MW-12 had no concentrations of CVOCs exceeding standards during the last 4 quarters. Well MW-13 has several exceedances for PCE, TCE and cis-1,2 DCE, generally in the same range at previous quarters. A summary of historical groundwater data is included as **Table 1**. The monitoring well locations are depicted on **Figure 2**. A graphical representation of the historical CVOCs concentrations in each well is provided in the charts in **Appendix C**.

It appears that the implementation of the ISCO to treat impacted groundwater at the site has made some improvements especially in MW-12. However, some exceedances are still present for several CVOCs in the other wells.

## 5.0 Monitoring Plan Compliance Report

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This section of the PRR provides a summary of the components of the monitoring plan specified in the December 2018 SMP.

Institutional Controls:	<ol style="list-style-type: none"> <li>1. The property may be used for restricted residential, commercial, and industrial use.</li> <li>2. Environmental Easement</li> <li>3. All ECs must be monitored at a frequency and in a manner defined in the SMP.</li> </ol>
Engineering Controls:	<ol style="list-style-type: none"> <li>1. Groundwater Treatment Program (In-situ chemical oxidation)</li> </ol>
Monitoring:	<ol style="list-style-type: none"> <li>1. Post-remedial groundwater monitoring and sampling quarterly for one year.</li> </ol>
Reporting:	<ol style="list-style-type: none"> <li>1. Groundwater Monitoring Report – Quarterly for one year.</li> <li>2. Periodic Review Report - Annually</li> </ol>

The SMP requirements included post-remedial groundwater sampling from four onsite wells (Monitoring wells MW-10, MW-11, MW-12, and MW-13) on a quarterly basis. A total of four quarterly groundwater sampling events have been conducted in the reporting period from February 11, 2021 to February 11, 2022. The most recent quarterly groundwater sampling event included in this report occurred in October 2021. The analytical results of the groundwater samples collected during the investigations were compared to the NYSDEC Title 6 New York Codes, Rules, and Regulations (6NYCRR) Part 703.5 Class GA groundwater standards and submitted as a separate report.

A summary of historical groundwater data is included as **Table 1**. The monitoring well locations are depicted on **Figure 2**. Based on the results of the post-remedial groundwater sampling events, exceedances of CVOCs still exist in onsite wells. Quarterly groundwater monitoring and sampling will continue per the SMP.

## **6.0 Operation & Maintenance Plan Compliance Report**

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The remedy for this Site included excavation and removal of impacted soil, implementation of an in-situ groundwater treatment program, and implementation of institutional and engineering controls. There are no mechanical systems such as a groundwater pump and treat system, sub-slab depressurization system, or air sparge/soil vapor extraction systems. Therefore, the operation and maintenance of such components are not applicable.

## **7.0 Green Remediation/Climate Change Resilience**

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The remedy for this Site involved excavation and removal of impacted soil followed by the implementation of institutional and engineering controls. The Site is currently in the Site Management phase, during which the only activities completed at the Site related to the remedy involve periodic ground water sampling and inspections to verify compliance with the IC/ECs specified in the December 2018 SMP. As a result, there were no environmental impacts that could affect the “environmental footprint” of the Site during this reporting period. In addition, there are no planned remedial activities that could negatively impact the environment. The remedial system at the Site does not consume energy, water or materials and produces no “greenhouse” gasses or wastes.

## **8.0 Cost Evaluation**

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The annual cost for the required monitoring is approximately \$35,000 based on costs incurred in a calendar year. This cost includes quarterly groundwater sampling, analysis and reporting along with the development of this PRR.



## **9.0 Conclusions and Recommendations**

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The remedy for the Site involved excavation and removal of impacted soil, implementation of an in-situ groundwater treatment program, and followed by the implementation of institutional and engineering controls. The Site is currently in the site management phase of the overall remedial process. Site management activities involve routine inspections, as outlined in the SMP, to confirm that all institutional and engineering controls implemented for the Site remain in place and are effective.

Based on the evaluation of the performance, effectiveness and protectiveness of the remedy during the current reporting period, and as detailed in the preceding sections, the institutional and engineering controls appear to remain in place as specified in the December 2018 Site Management Plan for the Site. The ISCO remedy to treat impacted groundwater at the site has made some improvements in some wells. However, exceedances are still present for several CVOCs in onsite wells.

It is recommended that site management continue per the December 2018 Site Management Plan for the next year. A closer evaluation will be made to the groundwater quality data by the end of the next period to determine if additional action is warranted.

## 10.0 Certifications

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For each institutional or engineering control identified for the site, I certify that all of the following statements are true:

- (a) the institutional control and/or engineering control employed at this site is unchanged from the date the control was put in place, or last approved by DER;
- (b) nothing has occurred that would impair the ability of such control to protect public health and the environment;
- (c) nothing has occurred that would constitute a violation or failure to comply with any Site Management Plan for this control;
- (d) access to the site will continue to be provided to DER to evaluate the remedy, including access to evaluate the continued maintenance of this control; and
- (e) if a financial assurance mechanism is required under the oversight Final DER-10 Page 25 of 226 Technical Guidance for Site Investigation and Remediation May 2010 document for the site, the mechanism remains valid and sufficient for their intended purpose under the document.



A handwritten signature in black ink, appearing to read "Hijazi", followed by the date "2/28/22".

Hazem M. Hijazi, PE

For RESNY Engineering – 1218 Central Ave, Suite 100, Albany, NY 12205

For each Institutional or Engineering Control identified for the Site, I certify that all of the following statements are true:

- (a) The inspection of the Site to confirm the effectiveness of the Institutional and Engineering Controls required by the remedial program was performed under my direction;
- (b) The Institutional Control and/or Engineering Control employed at this Site is unchanged from the date the control was put in place, or last approved by the Department;
- (c) Nothing has occurred that would impair the ability of the control to protect the public health and environment;
- (d) Nothing has occurred that would constitute a violation or failure to comply with any Site Management Plan for this control;
- (e) Access to the Site will continue to be provided to the Department to evaluate the remedy, including access to evaluate the continued maintenance of this control;
- (f) If a financial assurance mechanism is required under the oversight document for the Site, the mechanism remains valid and sufficient for the intended purpose under the document;
- (g) Use of the Site is compliant with the Environmental Easement;
- (h) The Engineering Control systems are performing as designed and are effective;
- (i) To the best of my 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
- (j) The information presented in this report is accurate and complete.

I certify that all information and statements in this certification form are true. I understand that a false statement made herein is punishable as a Class "A" misdemeanor, pursuant to Section 210.45 of the Penal Law. I, Hazem Hijazi, of For RESNY Engineering – 1218 Central Ave, Suite 100, Albany, NY 12205, am certifying as Owner's/Remedial Party's Designated Site Representative

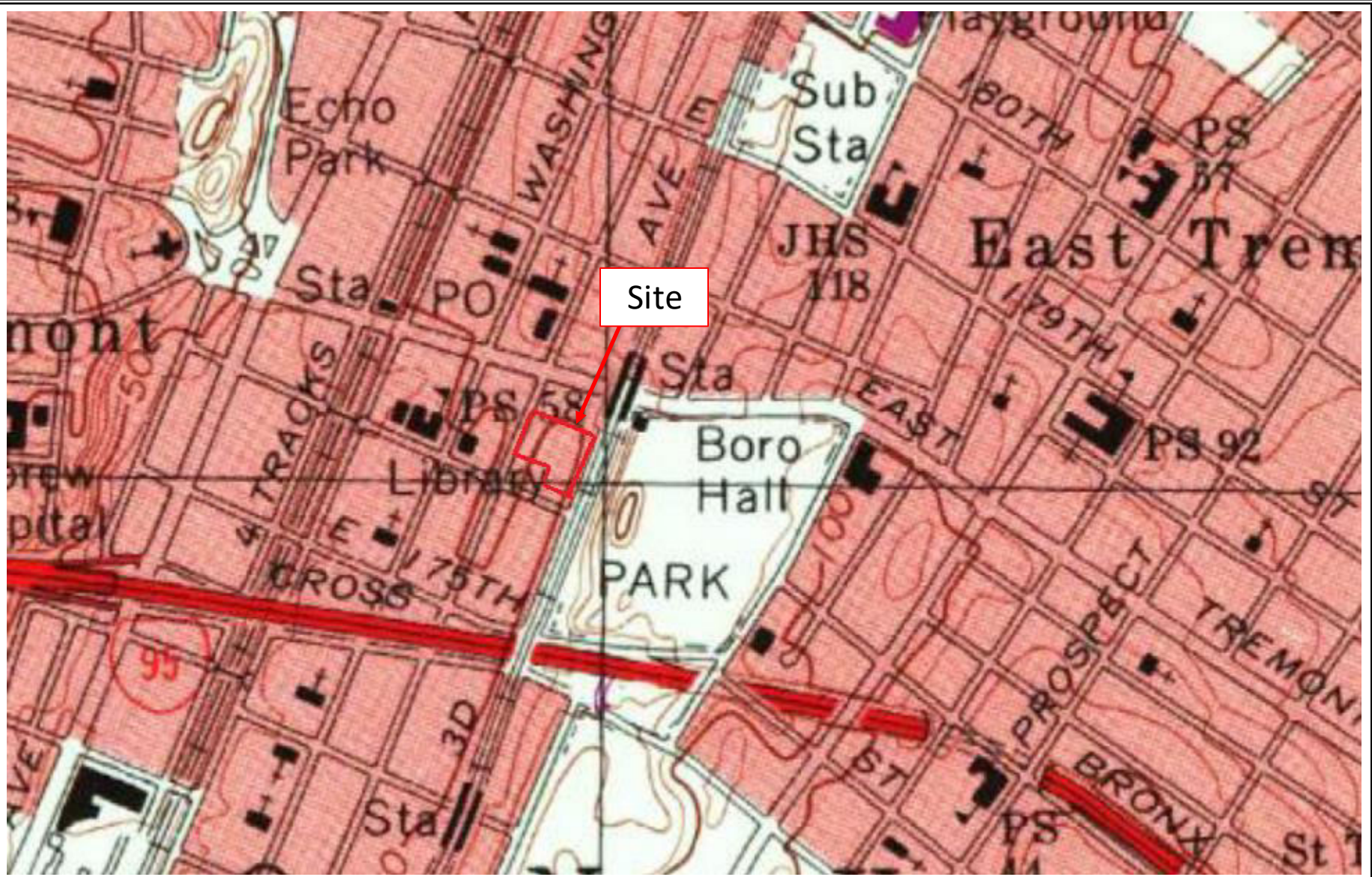


*Hijazi* 2/28/22

Hazem M. Hijazi, PE

For RESNY Engineering – 1218 Central Ave, Suite 100, Albany, NY 12205



# FIGURES



U.S.G.S. Topographical Map, Central Park, NY - 1997  
Block 2924 Lots 7, 10, 25, 30, and 34  
Site Map

**Figure 1**  
**Site Location**



-  Project Site Location
-  Groundwater Monitoring Wells (Approximate Locations)



# **TABLES**

Table 1  
Summary of Historical Groundwater Data  
1888 Bathgate Avenue  
Bronx, NY 10457

MW-10													
COMPOUND	1,1,1-Trichloroethane	1,1-Dichloroethane	1,1-Dichloroethylene	1,2-Dichlorobenzene	1,2-Dichloroethane	Carbon tetrachloride	Chloroform	cis-1,2-Dichloroethylene	Methylene chloride	Tetrachloroethylene	trans-1,2-Dichloroethylene	Trichloroethylene	Vinyl Chloride
NYSDEC Class GA TOGS (ug/L)	5	5	5	3	0.6	5	7	5	5	5	5	5	2
Sampling Date	Result (ug/L)	Result (ug/L)	Result (ug/L)	Result (ug/L)	Result (ug/L)	Result (ug/L)	Result (ug/L)	Result (ug/L)	Result (ug/L)	Result (ug/L)	Result (ug/L)	Result (ug/L)	Result (ug/L)
5/14/2018	0.25 U	0.21 UJ	0.47 U	0.5 U	0.2 U	0.34 U	0.39 U	0.5 U	1 U	3.7	0.4 U	0.27 U	0.62 U
9/6/2018	0.54 U	0.57 U	0.59 U	0.53 U	0.6 U	0.55 U	1.4 U	0.51 U	1 U	12.5	0.54 U	0.66 U	0.79 U
1/31/2019 & 2/1/2019	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS
6/13/2019	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	0.52	0.43	1 U	22.10	0.2 U	2.140	0.2 U
8/20/2019	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	0.63	0.57	2 U	31.00	0.2 U	2.320	0.2 U
10/15/2019	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	0.43 J	0.45 J	1 U	27.20	0.2 U	1.390	0.2 U
1/14/2020	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	0.76	1.00	1 U	30.10	0.2 U	2.390	0.2 U
6/25/2020	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	4.07	0.62	1 U	33.60	0.2 U	1.880	0.2 U
9/23/2020	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	0.51	0.59	1 U	12.60	0.2 U	1.340	0.2 U
12/18/2020	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	0.890	0.540	1 U	32.30	0.200	0.200	0.200
3/17/2021	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	0.930	0.830	1 U	35.20	0.200	2.570	0.200
6/2/2021	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	1.320	0.860	1 U	36.00	0.200	2.380	0.200
8/12/2021	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	2.060	0.510	1 U	23.80	0.200	1.600	0.200
10/28/2021	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	1.000	1.100	1 U	44.00	0.200	3.000	0.200
MW-11													
COMPOUND	1,1,1-Trichloroethane	1,1-Dichloroethane	1,1-Dichloroethylene	1,2-Dichlorobenzene	1,2-Dichloroethane	Carbon tetrachloride	Chloroform	cis-1,2-Dichloroethylene	Methylene chloride	Tetrachloroethylene	trans-1,2-Dichloroethylene	Trichloroethylene	Vinyl Chloride
NYSDEC Class GA TOGS (ug/L)	5	5	5	3	0.6	5	7	5	5	5	5	5	2
Sampling Date	Result (ug/L)	Result (ug/L)	Result (ug/L)	Result (ug/L)	Result (ug/L)	Result (ug/L)	Result (ug/L)	Result (ug/L)	Result (ug/L)	Result (ug/L)	Result (ug/L)	Result (ug/L)	Result (ug/L)
5/14/2018	0.25 U	0.21 U	0.47 U	0.5 U	0.2 U	0.34 U	0.29 U	2	1 U	102	0.4 U	3	0.62 U
9/6/2018	0.54 U	0.57 U	0.59 U	0.53 U	0.6 U	0.55 U	0.5 U	5	1 U	0.9 U	0.54 U	0.53 U	0.79 U
2/1/2019	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	0.38 J	7.50	1 U	100	0.37 J	16	0.2 U
6/13/2019	0.2 U	0.2 U	0.64	0.2 U	0.2 U	0.2 U	0.38 J	68.20	1 U	37	1.42	11.10	2.96
8/20/2019	0.2 U	0.2 U	0.27 J	0.2 U	0.2 U	0.2 U	0.2 U	28.20	1 U	3	1.57	1.42	50.20
10/15/2019	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	9.88	1 U	2.75	2.09	1.64	80.40
1/15/2020	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	12.50	1 U	4.17	1.70	2.06	60.90
6/25/2020	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	0.42 J	1 U	0.2 U	3.38	0.2 U	115
9/23/2020	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	1.62	1 U	0.26	3.70	0.31	62
12/18/2020	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	11.50	1 U	11.60	3.86	0.2 U	55.500
3/17/2021	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	9.25	1 U	7.81	3.57	3.050	49.700
6/2/2021	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	10.500	1 U	3.130	3.960	2.050	43.700
8/13/2021	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	10.400	1 U	3.820	5.385	1.990	74.300
10/28/2021	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	7.900	1 U	0.750	6.800	1.100	59.000
MW-12													
COMPOUND	1,1,1-Trichloroethane	1,1-Dichloroethane	1,1-Dichloroethylene	1,2-Dichlorobenzene	1,2-Dichloroethane	Carbon tetrachloride	Chloroform	cis-1,2-Dichloroethylene	Methylene chloride	Tetrachloroethylene	trans-1,2-Dichloroethylene	Trichloroethylene	Vinyl Chloride
NYSDEC Class GA TOGS (ug/L)	5	5	5	3	0.6	5	7	5	5	5	5	5	2
Sampling Date	Result (ug/L)	Result (ug/L)	Result (ug/L)	Result (ug/L)	Result (ug/L)	Result (ug/L)	Result (ug/L)	Result (ug/L)	Result (ug/L)	Result (ug/L)	Result (ug/L)	Result (ug/L)	Result (ug/L)
5/14/2018	0.25 U	0.21 U	0.47 U	0.5 U	0.2 U	0.34 U	0.29 U	3.6	1 U	10.7	0.4 U	3.5	0.62 U
9/6/2018	0.54 U	0.57 U	0.59 U	0.53 U	0.6 U	0.55 U	0.5 U	4.5	1 U	19.5	0.54 U	4.4	0.62 U
1/31/2019	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	1.40	1 U	5.10	0.2 U	1.30	0.2 U
6/13/2019	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	0.89	1 U	3.20	0.2 U	1.19	0.2 U
8/20/2019	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	0.21 J	1.37	1 U	4.86	0.2 U	1.79	0.2 U
10/15/2019	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	0.52	1.83	1 U	7.18	0.2 U	2.69	0.2 U
1/15/2020	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	0.64	1.32	1 U	6.23	0.2 U	2.41	0.2 U
6/25/2020	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	0.79	1.62	1 U	7.52	0.2 U	2.59	0.2 U
9/23/2020	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	1.01	1.62	1 U	10.70	0.2 U	3.65	0.2 U
12/18/2020	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	1.09	1.47	1 U	9.73	0.2 U	0.20	0.200
3/17/2021	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	0.54	1.09	1 U	3.68	0.2 U	2.05	0.200
6/2/2021	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	0.460	1.390	0.2 U	3.530	0.2 U	2.120	0.2 U
8/13/2021	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	0.390	1.310	0.2 U	4.390	0.2 U	2.530	0.2 U
10/28/2021	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	1.200	1.310	0.2 U	3.900	0.2 U	2.300	0.2 U
MW-13													
COMPOUND	1,1,1-Trichloroethane	1,1-Dichloroethane	1,1-Dichloroethylene	1,2-Dichlorobenzene	1,2-Dichloroethane	Carbon tetrachloride	Chloroform	cis-1,2-Dichloroethylene	Methylene chloride	Tetrachloroethylene	trans-1,2-Dichloroethylene	Trichloroethylene	Vinyl Chloride
NYSDEC Class GA TOGS (ug/L)	5	5	5	3	0.6	5	7	5	5	5	5	5	2
Sampling Date	Result (ug/L)	Result (ug/L)	Result (ug/L)	Result (ug/L)	Result (ug/L)	Result (ug/L)	Result (ug/L)	Result (ug/L)	Result (ug/L)	Result (ug/L)	Result (ug/L)	Result (ug/L)	Result (ug/L)
5/14/2018	0.25 U	0.64 U	0.47 U	0.5 U	0.2 U	0.34 U	0.29 U	22.4	1 U	29.1	0.4 U	24	0.62 U
9/6/2018	0.54 U	0.77 U	0.59 U	0.53 U	0.6 U	0.55 U	0.5 U	28.8	1 U	61.7	0.54 U	34	0.79 U
1/31/2019	0.2 U	0.33 J	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	15	1 U	14	0.2 U	11	0.2 U
6/13/2019	0.2 U	0.57	0.2 U	0.2 U	0.2 U	0.2 U	0.35	16.50	1 U	50.90	0.26	27.90	0.2 U
8/20/2019	0.2 U	0.57	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	15.30	1 U	46.90	0.29 J	23.20	0.2 U
10/15/2019	0.2 U	0.52	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	14.60	1 U	43.90	0.29 J	21.50	0.2 U
1/15/2020	0.2 U	0.49 J	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	13.80	1 U	43.70	0.27 J	24.70	0.2 U
6/25/2020	0.2 U	0.55	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	14.20	1 U	22.30	0.42 J	15.70	0.2 U
9/23/2020	0.2 U	0.39 J	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	12.90	1 U	31.30	0.46	20.50	0.2 U
12/18/2020	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	0.23	13.50	1 U	23.00	0.51	17.90	0.2 U
3/17/2021	0.2 U	0.2 U	0.390	0.2 U	0.2 U	0.2 U	0.23	11.50	1 U	11.80	0.37	14.50	0.2 U
6/2/2021	0.2 U	0.340	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	10.600	0.2 U	11.400	0.2 U	14.200	0.2 U
8/13/2021	0.2 U	0.360	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	12.000	0.2 U	14.600	0.2 U	17.100	0.2 U
10/28/2021	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	0.2 U	12.000	0.2 U	14.000	0.2 U	21.000	0.2 U

NOTES:  
 NYSDEC - New York State Department of Environmental Conservation  
 TOGS - Technical Operational Guidance Series  
 ug/L - micrograms per liter  
 NS - Sample was not collected for analysis  
 U - this analyte was not detected at the Reporting Limit  
 J - this analyte was detected below the reporting limit but greater than or equal to the Method Detection Limit  
 Highlighted denotes concentration above NYSDEC TOGS

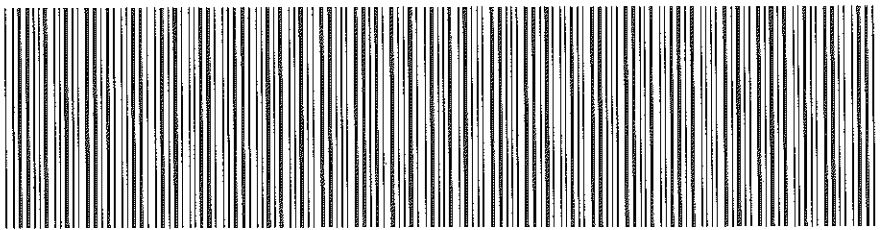


**APPENDIX A**

**Environmental Easement**

**NYC DEPARTMENT OF FINANCE  
OFFICE OF THE CITY REGISTER**

This page is part of the instrument. The City Register will rely on the information provided by you on this page for purposes of indexing this instrument. The information on this page will control for indexing purposes in the event of any conflict with the rest of the document.



2018111200589001002E4420

**RECORDING AND ENDORSEMENT COVER PAGE**

**PAGE 1 OF 11**

Document ID: 2018111200589001  
Document Type: EASEMENT  
Document Page Count: 10

Document Date: 10-10-2018

Preparation Date: 12-03-2018

**PRESENTER:**  
CHICAGO TITLE INSURANCE CO. (PICK-UP)  
711 THIRD AVE, 5TH FLOOR  
CT18-80168-BX (CES)  
NEW YORK, NY 10017  
212-880-1200  
CTINYRECORDING@CTT.COM

**RETURN TO:**  
CHICAGO TITLE INSURANCE COMPANY  
NEIL FALCONE, ESQ.  
711 THIRD AVENUE, 5TH FLOOR  
NEW YORK, NY 10017

**PROPERTY DATA**

Borough	Block	Lot	Unit	Address
BRONX	2924	7	Entire Lot	4181 THIRD AVENUE

Property Type: COMMERCIAL REAL ESTATE Easement

**CROSS REFERENCE DATA**

CRFN \_\_\_\_\_ or DocumentID \_\_\_\_\_ or \_\_\_\_\_ Year \_\_\_\_\_ Reel \_\_\_\_\_ Page \_\_\_\_\_ or File Number \_\_\_\_\_

**PARTIES**

**GRANTOR/SELLER:**  
WILFRID REALTY CORP.  
4181 THIRD AVENUE  
BRONX, NY 10457

**GRANTEE/BUYER:**  
NYS DEPARTMENT OF ENVIRONMENTAL  
CONSERVATION  
625 BROADWAY  
ALBANY, NY 12233

**FEEES AND TAXES**

Mortgage :		Filing Fee:	
Mortgage Amount:	\$ 0.00		\$ 100.00
Taxable Mortgage Amount:	\$ 0.00	NYC Real Property Transfer Tax:	\$ 0.00
Exemption:		NYS Real Estate Transfer Tax:	\$ 0.00
TAXES: County (Basic):	\$ 0.00		
City (Additional):	\$ 0.00		
Spec (Additional):	\$ 0.00		
TASF:	\$ 0.00		
MTA:	\$ 0.00		
NYCTA:	\$ 0.00		
Additional MRT:	\$ 0.00		
<b>TOTAL:</b>	<b>\$ 0.00</b>		
Recording Fee:	\$ 87.00		
Affidavit Fee:	\$ 0.00		

**RECORDED OR FILED IN THE OFFICE  
OF THE CITY REGISTER OF THE  
CITY OF NEW YORK**

Recorded/Filed 12-03-2018 15:51  
City Register File No.(CRFN):  
2018000398399



*Janette McMill*

City Register Official Signature

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

THIS INDENTURE made <sup>as of</sup> this 10<sup>th</sup> day of October, 2018, between Owner(s) Wilfrid Realty Corp., having an office at 4181 3rd Ave, Bronx, New York 10457, County of Bronx, State of New York (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 ("ECL") 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 4181 3rd Avenue in the City of New York, County of Bronx and State of New York, known and designated on the tax map of the New York City Department of Finance as tax map parcel number: Block 2924 Lot 7, being the same as that property conveyed to Grantor by deed dated January 26, 2017 and recorded in the City Register of the City of New York as CRFN # 2017000064989. The property subject to this Environmental Easement (the "Controlled Property") comprises approximately 0.8288 +/- acres, and is hereinafter more fully described in the Land Title Survey dated May 11, 2018 prepared by Robert J. Fehringer, L.L.S. of Fehringer Surveying, P.C., which will be attached to the Site Management Plan. The Controlled Property description 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 public 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 ECL Article 71, Title 36; and

**NOW THEREFORE**, in consideration of the mutual covenants contained herein and the terms and conditions of Brownfield Cleanup Agreement Index Number: C203088-03-17 as amended August 2, 2017, 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").

1. 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) The use of groundwater underlying the property is prohibited without necessary water quality treatment as determined by the NYSDOH or the New York City Department of Health and Mental Hygiene to render it safe for use as drinking water or for industrial purposes, and the user must first notify and obtain written approval to do so from the Department;

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

(6) 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;

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

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

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

(10) 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 6NYCRR 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:

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, at such time as NYSDEC may require, 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 law or equity in perpetuity by Grantor, Grantee, or any affected local government, as defined in ECL Section 71-3603, against the owner of the Property, any lessees, and any person using the land. Enforcement shall not be defeated because of any subsequent adverse possession, laches, estoppel, or waiver. It is not a defense in any action to enforce this Environmental Easement that: it is not appurtenant to an interest in real property; it is not of a character that has been recognized traditionally at common law; it imposes a negative burden; it imposes affirmative obligations upon the owner of any interest in the burdened property; the benefit does not touch or concern real property; there is no privity of estate or of contract; or it imposes an unreasonable restraint on alienation.

B. If any person violates this Environmental Easement, the Grantee may revoke the Certificate of Completion with respect to the Controlled Property.

C. Grantee shall notify Grantor of a breach or suspected breach of any of the terms of this Environmental Easement. Such notice shall set forth how Grantor can cure such breach or suspected breach and give Grantor a reasonable amount of time from the date of receipt of notice in which to cure. At the expiration of such period of time to cure, or any extensions granted by Grantee, the Grantee shall notify Grantor of any failure to adequately cure the breach or suspected breach, and Grantee may take any other appropriate action reasonably necessary to remedy any breach of this Environmental Easement, including the commencement of any proceedings in accordance with applicable law.

D. The failure of Grantee to enforce any of the terms contained herein shall not be deemed a waiver of any such term nor bar any enforcement rights.

6. Notice. Whenever notice to the Grantee (other than the annual certification) or approval from the Grantee is required, the Party providing such notice or seeking such approval shall identify the Controlled Property by referencing the following information:

County, NYSDEC Site Number, NYSDEC Brownfield Cleanup Agreement, State Assistance Contract or Order Number, and the County tax map number or the Liber and Page or computerized system identification number.

Parties shall address correspondence to:      Site Number: C203088  
Office of General Counsel  
NYSDEC  
625 Broadway  
Albany New York 12233-5500

With a copy to:                                      Site Control Section  
Division of Environmental Remediation  
NYSDEC  
625 Broadway  
Albany, NY 12233

All notices and correspondence shall be delivered by hand, by registered mail or by Certified mail and return receipt requested. The Parties may provide for other means of receiving and communicating notices and responses to requests for approval.

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.

11. Consistency with the SMP. To the extent there is any conflict or inconsistency between the terms of this Environmental Easement and the SMP, regarding matters specifically addressed by the SMP, the terms of the SMP will control.

**Remainder of Page Intentionally Left Blank**



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

Wilfrid Realty Corp.:

By: *Israel Schwartz*

Print Name: ISRAEL SCHWARTZ

Title: VP Date: 9/17/2018

**Grantor's Acknowledgment**

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

On the 17<sup>th</sup> day of September, in the year 2018 before me, the undersigned, personally appeared Israel Schwartz, 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.

*Ellen Noelle Presotto*  
Notary Public - State of New York

**ELLEN NOELLE PRESOTTO**  
**NOTARY PUBLIC, STATE OF NEW YORK**  
**No. 01PR6267343**  
**Qualified in Nassau County**  
**My Commission Expires August 20, 2020**

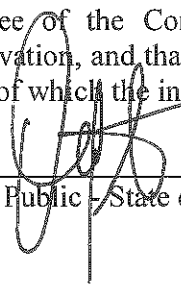
**THIS ENVIRONMENTAL EASEMENT IS HEREBY ACCEPTED BY THE PEOPLE OF THE STATE OF NEW YORK, Acting By and Through the Department of Environmental Conservation as Designee of the Commissioner,**

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

**Grantee's Acknowledgment**

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

On the 10<sup>th</sup> day of October, 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 the 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, 2019

**SCHEDULE "A" PROPERTY DESCRIPTION**

ALL that certain piece or parcel of land, situate, lying and being in the Borough and County of the Bronx, City and State of New York, more particularly bounded and described as follows:

BEGINNING at a point on the southeasterly side of Bathgate Avenue (as now open and in use, 60 feet wide) distant 86.19 feet southwesterly from a corner formed by the intersection of said southeasterly side of Bathgate Avenue and the southwesterly side of East Tremont Avenue (as now open and in use, 75 feet wide)

RUNNING THENCE southeasterly along a line at interior angle of 89 degrees 59 minutes 33 seconds with the southeasterly side of Bathgate Avenue, 178.13 feet to the northwesterly side of 3rd Avenue (as now open and in use, 80 feet wide)

RUNNING THENCE southwesterly along the northwesterly side of 3rd Avenue; 216.02 feet;

THENCE northwesterly along a line at interior angle of 87 degrees 47 minutes 41 seconds with the northwesterly side of 3rd Avenue, 95.87 feet;

THENCE northeasterly along a line at interior angle of 90 degrees 00 minutes 08 seconds with the last mentioned course, 35.86 feet;

THENCE northwesterly along a line at interior angle of 269 degrees 59 minutes 02 seconds with the last mentioned course, 90.56 feet to the southeasterly side of Bathgate Avenue;

THENCE northeasterly along the southeasterly side of Bathgate Avenue, 180.00 feet to the Point or Place of BEGINNING.

THE ABOVE MENTIONED DESCRIPTION HAS AN ACREAGE OF 0.8288 AND A SQUARE FOOTAGE OF 36,100.37.

BLOCK: 2924  
LOT: 7  
TOTAL LOT AREA:  
SQ.FT.: 36,100.37  
ACRES: 0.8288

# TITLE SURVEY



### ENVIRONMENTAL EASEMENT DESCRIPTION

1. This easement is a part of the site plan for the proposed development of 4181 3rd Avenue, City of New York, State of New York, and is subject to the provisions of Article 71 of the New York Environmental Conservation Law, as amended, and the regulations of the New York State Department of Environmental Conservation, Title 61 of the New York Codes, Rules and Regulations, as amended.

2. The easement shall be subject to the provisions of Article 71 of the New York Environmental Conservation Law, as amended, and the regulations of the New York State Department of Environmental Conservation, Title 61 of the New York Codes, Rules and Regulations, as amended.

3. The easement shall be subject to the provisions of Article 71 of the New York Environmental Conservation Law, as amended, and the regulations of the New York State Department of Environmental Conservation, Title 61 of the New York Codes, Rules and Regulations, as amended.

### LOCAL DESCRIPTION

1. This lot is located in Block 2924, Lot 7, in the City of New York, State of New York, and is bounded by Bathgate Avenue (60' Wide Asphalt Paved Public Road) to the west, East Tremont Avenue (60' Wide Asphalt Paved Public Road) to the north, and 3rd Avenue (60' Wide Asphalt Paved Public Road) to the east.

2. The lot is bounded by Bathgate Avenue (60' Wide Asphalt Paved Public Road) to the west, East Tremont Avenue (60' Wide Asphalt Paved Public Road) to the north, and 3rd Avenue (60' Wide Asphalt Paved Public Road) to the east.

### PERMITS

1. This lot is subject to the provisions of Article 71 of the New York Environmental Conservation Law, as amended, and the regulations of the New York State Department of Environmental Conservation, Title 61 of the New York Codes, Rules and Regulations, as amended.

2. The lot is subject to the provisions of Article 71 of the New York Environmental Conservation Law, as amended, and the regulations of the New York State Department of Environmental Conservation, Title 61 of the New York Codes, Rules and Regulations, as amended.

### ADDITIONAL INFORMATION

1. The lot is subject to the provisions of Article 71 of the New York Environmental Conservation Law, as amended, and the regulations of the New York State Department of Environmental Conservation, Title 61 of the New York Codes, Rules and Regulations, as amended.

2. The lot is subject to the provisions of Article 71 of the New York Environmental Conservation Law, as amended, and the regulations of the New York State Department of Environmental Conservation, Title 61 of the New York Codes, Rules and Regulations, as amended.

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### ADDITIONAL INFORMATION

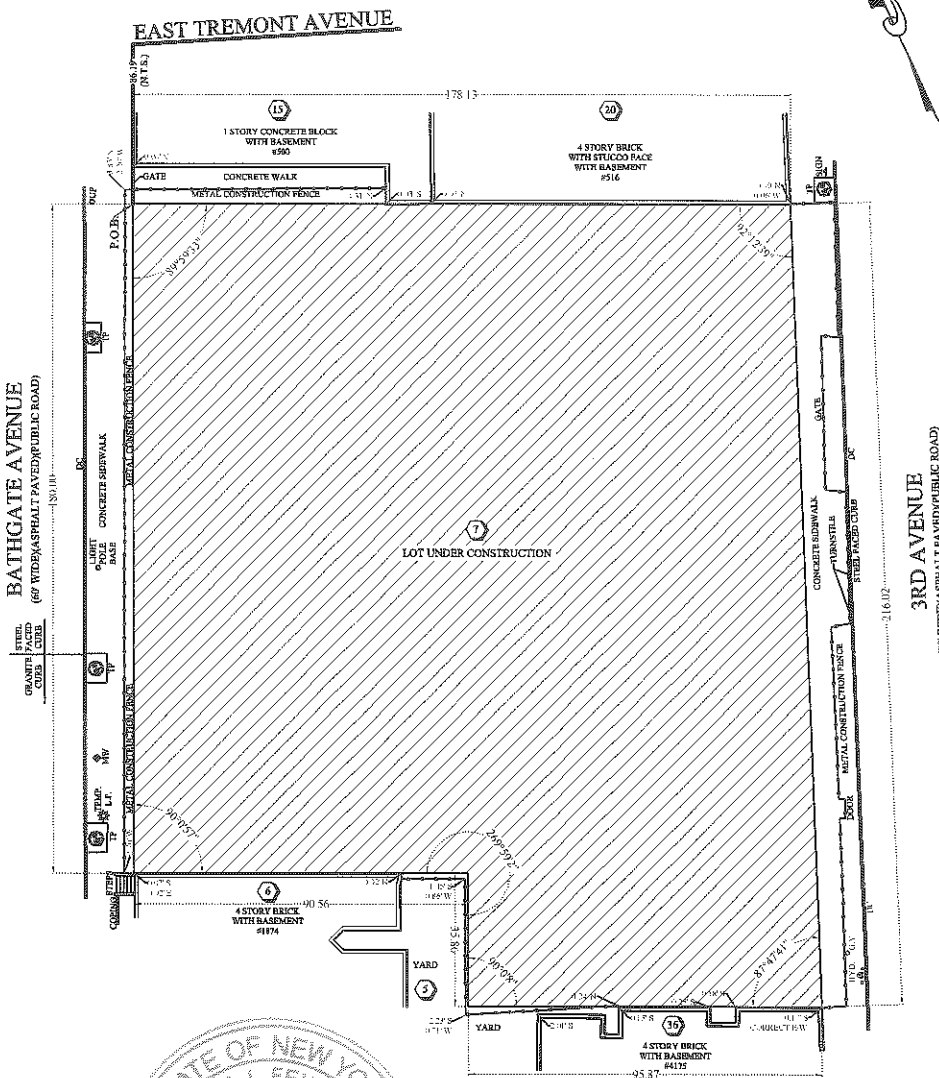
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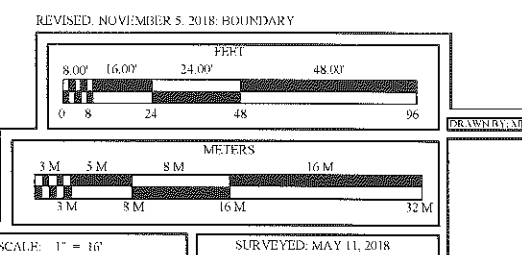
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INDICATES ENVIRONMENTAL EASEMENT AREA  
AREA=36,115.40 SQ. FT.=0.8291 ACRES

"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. The engineering and institutional controls for this 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 can be obtained from NYS Department of Environmental Remediation, Site Control Section, 625 Broadway, Albany, NY 12233 or at [derweb@dec.ny.gov](mailto:derweb@dec.ny.gov)."

- ### LEGEND
- (○) OWNED MANHOLE COVER
  - (⊖) ELECTRIC MANHOLE COVER
  - (---) INTERIOR AND EXTERIOR DUCTS
  - (○) DEPARTMENT OF WATER SUPPLY MANHOLE COVER
  - (○) WATER MAIN
  - (---) SEWER MAIN (6" TO 48")
  - (---) SANITARY SEWER
  - (---) STREAM MAIN
  - (---) DEPARTMENT OF WATER SUPPLY WATER MAIN
  - (○) WATER VALVE
  - (---) GAS MAIN
  - (○) GAS MANHOLE
  - (---) GAS VALVE
  - (○) FLEXIBLE MANHOLE COVER
  - (○) TELEPHONE MANHOLE COVER
  - (○) TELEPHONE BOX
  - (---) TELEPHONE WIRE
  - (○) TRAFFIC SIGNAL
  - (○) TRAFFIC LIGHT
  - (○) LIGHT POLE
  - (---) PLUMBING MAIN LINE
  - (○) FIRE HYDRANT
  - (○) GAS METER
  - (○) WATER METER
  - (○) FIRE METER
  - (○) PUMP
  - (○) POWER POLE
  - (○) HYDRO-PNEUMATIC TANK
  - (---) RAILROAD TRACK
  - (---) HIGH VOLTAGE POWER LINE
  - (---) RAILROAD FENCE



SURVEY OF PROPERTY SITUATED IN: 4181 3RD AVENUE, BOROUGH OF BRONX, COUNTY OF BRONX, CITY OF NEW YORK, STATE OF NEW YORK.

FEHRINGER SURVEYING, P.C.  
ROBERT FEHRINGER  
LICENSED LAND SURVEYOR  
187 W. 147th Street  
Bronx, NY 10453  
Tel: (718) 592-3333  
Fax: (718) 592-3334  
www.fehringer.com

**APPENDIX B**  
**IC/EC Certification Form**

## Enclosure 1

### Certification Instructions

#### I. Verification of Site Details (Box 1 and Box 2):

Answer the three questions in the Verification of Site Details Section. The Owner and/or Qualified Environmental Professional (QEP) may include handwritten changes and/or other supporting documentation, as necessary.

#### II. Certification of Institutional Controls/ Engineering Controls (IC/ECs)(Boxes 3, 4, and 5)

1. Review the listed IC/ECs, confirming that all existing controls are listed, and that all existing controls are applicable. If there is a control that is no longer applicable the Owner / Remedial Party should petition the Department separately to request approval to remove the control.
2. In Box 5, complete certifications for all Plan components, as applicable, by checking the corresponding checkbox.
3. If you cannot certify "YES" for each Control listed in Box 3 & Box 4, sign and date the form in Box 5. Attach supporting documentation that explains why the **Certification** cannot be rendered, as well as a plan of proposed corrective measures, and an associated schedule for completing the corrective measures. Note that this **Certification** form must be submitted even if an IC or EC cannot be certified; however, the certification process will not be considered complete until corrective action is completed.

If the Department concurs with the explanation, the proposed corrective measures, and the proposed schedule, a letter authorizing the implementation of those corrective measures will be issued by the Department's Project Manager. Once the corrective measures are complete, a new Periodic Review Report (with IC/EC Certification) must be submitted within 45 days to the Department. If the Department has any questions or concerns regarding the PRR and/or completion of the IC/EC Certification, the Project Manager will contact you.

#### III. IC/EC Certification by Signature (Box 6 and Box 7):

If you certified "YES" for each Control, please complete and sign the IC/EC Certifications page as follows:

- For the Institutional Controls on the use of the property, the certification statement in Box 6 shall be completed and may be made by the property owner or designated representative.
- For the Engineering Controls, the certification statement in Box 7 must be completed by a Professional Engineer or Qualified Environmental Professional, as noted on the form.



**Enclosure 2**  
**NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION**  
**Site Management Periodic Review Report Notice**  
**Institutional and Engineering Controls Certification Form**



	Site Details	Box 1
<b>Site No.</b> C203088		
<b>Site Name</b> 1888 Bathgate Avenue Redevelopment Site		
Site Address: 4181 3rd Avenue      Zip Code: 10457		
City/Town: Bronx		
County: Bronx		
Site Acreage: 0.829		
Reporting Period: February 11, 2021 to February 11, 2022		
		YES    NO
1. Is the information above correct?		<input checked="" type="checkbox"/> <input type="checkbox"/>
If NO, include handwritten above or on a separate sheet.		
2. Has some or all of the site property been sold, subdivided, merged, or undergone a tax map amendment during this Reporting Period?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Has there been any change of use at the site during this Reporting Period (see 6NYCRR 375-1.11(d))?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. Have any federal, state, and/or local permits (e.g., building, discharge) been issued for or at the property during this Reporting Period? <small>NYC DOB Alt-1 permit issued for fitout of the commercial space (attached).</small>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>If you answered YES to questions 2 thru 4, include documentation or evidence that documentation has been previously submitted with this certification form.</b>		
5. Is the site currently undergoing development?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		<b>Box 2</b>
		YES    NO
6. Is the current site use consistent with the use(s) listed below? Restricted-Residential, Commercial, and Industrial	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Are all ICs in place and functioning as designed?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>IF THE ANSWER TO EITHER QUESTION 6 OR 7 IS NO, sign and date below and DO NOT COMPLETE THE REST OF THIS FORM. Otherwise continue.</b>		
<b>A Corrective Measures Work Plan must be submitted along with this form to address these issues.</b>		
Signature of Owner, Remedial Party or Designated Representative	Date	

- |   |                          |                                     |
|---|--------------------------|-------------------------------------|
|   | YES                      | NO                                  |
| 8. Has any new information revealed that assumptions made in the Qualitative Exposure Assessment regarding offsite contamination are no longer valid? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

**If you answered YES to question 8, include documentation or evidence that documentation has been previously submitted with this certification form.**

- |  |                                     |                          |
|--|-------------------------------------|--------------------------|
| 9. Are the assumptions in the Qualitative Exposure Assessment still valid?<br>(The Qualitative Exposure Assessment must be certified every five years) | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|-------------------------------------|--------------------------|

**If you answered NO to question 9, the Periodic Review Report must include an updated Qualitative Exposure Assessment based on the new assumptions.**

**SITE NO. C203088**

**Description of Institutional Controls**

<u>Parcel</u>	<u>Owner</u>	<u>Institutional Control</u>
2924-7	Wilfred Realty Corp.	Ground Water Use Restriction Landuse Restriction Monitoring Plan Site Management Plan IC/EC Plan

- The Site may be used for restricted residential, commercial or industrial use;
- All ECs must be operated and maintained as specified in this SMP;
- All ECs must be inspected at a frequency and in a manner defined in the SMP;
- The use of groundwater underlying the Site is prohibited without necessary water quality treatment as determined by the NYSDOH or the New York City Department of Health to render it safe for use as drinking water or for industrial purposes, and the user must first notify and obtain written approval to do so from the Department;
- Groundwater and other environmental or public health monitoring must be performed as defined in this SMP;
- Data and information pertinent to Site management must be reported at the frequency and in a manner as defined in this SMP;
- All future activities that will disturb remaining contaminated material must be conducted in accordance with this SMP;
- Monitoring to assess the performance and effectiveness of the remedy must be performed as defined in this SMP;
- Operation, maintenance, monitoring, inspection, and reporting of any mechanical or physical component of the remedy shall be performed as defined in this SMP;
- 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 the EE; and
- In-ground vegetable gardens and farming on the Site are prohibited.

**Description of Engineering Controls**

<u>Parcel</u>	<u>Engineering Control</u>
2924-7	Groundwater Treatment System

ISCO Groundwater Treatment Program  
An ISCO Groundwater Treatment Program was established as part of the Site remedy. Approximately 8,325 gallons of a 5% to 10% sodium permanganate/water solution was injected into 24 temporary injections points located in the southwestern portion of the Site (the groundwater treatment area). The injection points were spaced approximately 12 to 14 feet apart to achieve 6 to 7 feet overlapping radius of influence (ROI). Multiple intervals were targeted in the treatment area above the bedrock surface, up to approximately 28 feet below grade. Groundwater will be monitored via the four post-remedial monitoring wells installed in the southwestern portion of the Site to evaluate the effectiveness of the



in-situ groundwater treatment program.

Groundwater samples will be collected from the four post-remedial monitoring wells (MW-10, MW-11, MW-13, and MW-14) approximately three months after the each ISCO treatment event. Two rounds of groundwater samples have been collected from the post-remedial wells (one round prior to the initial treatment event and one after the treatment event). This data will be utilized as baseline concentrations for which future sampling events will be compared.

Groundwater monitoring activities to assess natural attenuation will continue, as determined by the NYSDEC with consultation with NYSDOH, until residual groundwater concentrations are found to be consistently below ambient water quality standards or have become asymptotic at an acceptable level over an extended period. In the event that monitoring data indicates that monitoring for natural attenuation may no longer be required, a proposal to discontinue such monitoring will be submitted by the remedial party, but will otherwise continue until permission to discontinue is granted in writing by the NYSDEC. If groundwater contaminant levels become asymptotic at a level that is not acceptable to the NYSDEC, a revised chemical oxidation injection/treatment plan would be developed for the Site and submitted to the NYSDEC for review and approval. The dosage of any reagents may change based on the results of the post-remedial groundwater samples. If a revision to the treatment plan is warranted, notification will be made to NYSDEC with the proposed changes.

**Periodic Review Report (PRR) Certification Statements**

1. I certify by checking "YES" below that:

a) the Periodic Review report and all attachments were prepared under the direction of, and reviewed by, the party making the Engineering Control certification;

b) to the best of my 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

YES NO

2. For each Engineering control listed in Box 4, I certify by checking "YES" below that all of the following statements are true:

(a) The Engineering Control(s) employed at this site is unchanged since the date that the Control was put in-place, or was last approved by the Department;

(b) nothing has occurred that would impair the ability of such Control, to protect public health and the environment;

(c) access to the site will continue to be provided to the Department, to evaluate the remedy, including access to evaluate the continued maintenance of this Control;

(d) nothing has occurred that would constitute a violation or failure to comply with the Site Management Plan for this Control; and

(e) if a financial assurance mechanism is required by the oversight document for the site, the mechanism remains valid and sufficient for its intended purpose established in the document.

YES NO

**IF THE ANSWER TO QUESTION 2 IS NO, sign and date below and DO NOT COMPLETE THE REST OF THIS FORM. Otherwise continue.**

**A Corrective Measures Work Plan must be submitted along with this form to address these issues.**

\_\_\_\_\_  
Signature of Owner, Remedial Party or Designated Representative

\_\_\_\_\_  
Date

IC CERTIFICATIONS  
SITE NO. C203088

Box 6

**SITE OWNER OR DESIGNATED REPRESENTATIVE SIGNATURE**

I certify that all information and statements in Boxes 1,2, and 3 are true. I understand that a false statement made herein is punishable as a Class "A" misdemeanor, pursuant to Section 210.45 of the Penal Law.

I Emanuel Kokinakis at Wilfrid Properties LLC,  
print name print business address

am certifying as member of the owner (Owner or Remedial Party)

for the Site named in the Site Details Section of this form.



Signature of Owner, Remedial Party, or Designated Representative  
Rendering Certification

2/8/2022  
Date

EC CERTIFICATIONS

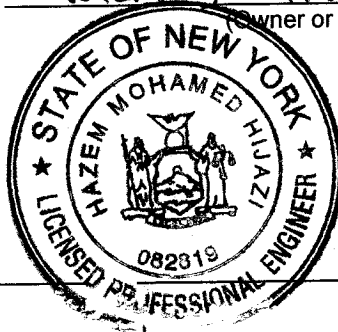

Box 7

Professional Engineer Signature

I certify that all information in Boxes 4 and 5 are true. I understand that a false statement made herein is punishable as a Class "A" misdemeanor, pursuant to Section 210.45 of the Penal Law.

I HAZEM HIJAZI at RESNY ENGINEERING  
print name print business address

am certifying as a Professional Engineer for the WILFRED PROPERTIES  
(Owner or Remedial Party)



2/28/22

Signature of Professional Engineer, for the Owner or Remedial Party, Rendering Certification

Stamp (Required for PE)

Date



**Buildings**



# Work Permit Department Of Buildings

Permit Number: **X00600971-I1-GC**

Permit Classification: **ALTERATION**

Address: **BRONX 1880 BATHGATE AVENUE**

Work on Floor(s): **FLOOR NUMBER(S) 001 THROUGH 001**

Total number of dwelling units at location: **190**

Number of dwelling units occupied during construction: **0**

Description: **INTERIOR FIT OUT OF SCHOOL ON FIRST FLOOR. INSTALL NEW NON-LOAD BEARING PARTITIONS, FIXTURES, AND FINISHES.**

Issued: **01/27/2022**

Expires: **03/13/2022**

Issued To: **NAYAN PARIKH**

Business: **ASHNU  
INTERNATIONAL INC**

License No: **GC-031024**



For detailed information regarding this permit, please log on to DOB NOW at [www.nyc.gov/buildings](http://www.nyc.gov/buildings).  
Call 311 with any questions or complaints.

Borough Commissioner:

Commissioner of Buildings:

Tampering with or knowingly making a false entry in or falsely altering this permit is a crime that is punishable by a fine, imprisonment or both.

**SECOND AMENDMENT TO CONDOMINIUM DECLARATION  
OF  
WILFRID CONDOMINIUM**

**Pursuant to Article 9-B of the Real Property Law  
of the State of New York**

**WILFRID CONDOMINIUM  
1880-1888 Bathgate Avenue & 4179-4197 Third Avenue  
Bronx, New York  
Block 2924  
F/K/A Lot 7  
N/K/A Lots 1001-1005  
County of Bronx, City of New York, State of New York**

**BY**

**THE BOARD OF MANAGERS OF WILFRID CONDOMINIUM  
48-02 25<sup>th</sup> Avenue, Suite 400  
Astoria, New York 11103**

**Date of Amendment:**

**December 16, 2020**

**Record & Return to:**

**HIRSCHEN SINGER & EPSTEIN LLP  
902 Broadway, 13<sup>th</sup> Floor  
New York, New York 10010  
Attention: Oliver G. Chase, Esq.**

## SECOND AMENDMENT TO CONDOMINIUM DECLARATION

**SECOND AMENDMENT TO CONDOMINIUM DECLARATION** by the **BOARD OF MANAGERS OF WILFRID CONDOMINIUM**, an unincorporated association having an address at 48-02 25th Avenue, Suite 400, Astoria, New York 11103 (the “**Board of Managers**”), dated as of the 16<sup>th</sup> day of December, 2020 (the “**Second Amendment**”).

**WHEREAS**, WILFRID REALTY CORP. (“**Ground Lessor**”), as landlord, and ACMH WILFRID HOUSING DEVELOPMENT FUND CORPORATION (“**HDFC**”), as tenant, entered into that certain Ground Lease (the “**Ground Lease**”) dated as of June 28, 2017, a memorandum of which is dated June 28, 2017 and recorded on July 18, 2017 in the Office of the City Register, Bronx County (the “**City Register’s Office**”) in CRFN #2017000263999, for certain real property located at 1880-1888 Bathgate Avenue and 4179-4197 3rd Avenue, Bronx, New York and designated as Block 2924, Base Lot 7 on the Tax Map of the City of New York, Bronx County, as more particularly set forth on the attached Exhibit A (the “**Property**”);

**WHEREAS**, WILFRID PROPERTIES LLC and HDFC (together, the “**Declarant**”) previously submitted a Condominium Declaration (the “**Original Declaration**”), as amended by that certain First Amendment to Condominium Declaration (the “**First Amendment**”; the Original Declaration, together with the First Amendment and this Second Amendment, the “**Declaration**”) pursuant to the provisions of Article 9-B of the Real Property Law of the State of New York (“**Condominium Act**”) and created a leasehold Condominium known as WILFRID CONDOMINIUM (“**Condominium**”) on the Declarant’s leasehold estate in the Property. The Original Declaration was dated August 27, 2018 and recorded in the City Register’s Office on May 2, 2019 in CRFN #2019000140636. The First Amendment was dated October 21, 2019 and recorded in the City Register’s Office on November 19, 2020 in CRFN #2020000324924. The floor plans (the “**Floor Plans**”; the Floor Plans, together with the Declaration and By-Laws of the Condominium, are referred to herein as the “**Condominium Documents**”), certified by SLCE Architects, LLP on April 25, 2019 and filed with the Tax Map Unit, Land Records Division, New York City Department of Finance as Condominium No. 240, were recorded in the City Register’s Office on May 2, 2019 as CRFN #2019000140637, and were subsequently amended pursuant to the First Amendment;

**WHEREAS**, by Leasehold Condominium Deed dated as of even date herewith, HDFC has transferred the leasehold condominium unit known as Unit 1 (“**Unit 1**”), to Ground Lessor;

**WHEREAS**, by Bargain and Sale Deed dated as of even date herewith, Ground Lessor has transferred its fee interest in the Property, excluding the fee interest appurtenant to Unit 1, to the HDFC;

**WHEREAS**, as of the date hereof and simultaneously with this Second Amendment, (i) the Ground Lease is being terminated, (ii) Ground Lessor is subjecting its fee interest in the Property to the Condominium Act and the Declaration, and (iii) the Condominium is being converted to a fee condominium, all as contemplated in the Declaration; and

**WHEREAS**, the Board of Managers, as consented to by the Unit Owners, desires to amend the Declaration to reflect that the Condominium is a fee condominium as of the date hereof.

NOW THEREFORE, the Board of Managers does hereby declare as follows:

1. Pursuant to Section 1(d) of the Declaration, Ground Lessor subjects its fee interest in the Property to the Condominium Act and to the Declaration.

2. Further pursuant to Section 1(d) of the Declaration, the Condominium is converted to a fee condominium. All references to the "Units" in the Condominium Documents as being leasehold units are hereafter modified to reflect that the Units are fee condominium units. All references to "Unit Owners" shall refer to the owners of the fee (and, if applicable, beneficial owner) owner(s) of such in the Units.

3. Capitalized terms not otherwise defined herein shall have the meanings given to them in the Declaration. Capitalized terms not otherwise defined herein or in the Declaration shall have the meanings set forth in Section 339-e of the Condominium Act.

4. Except as specifically modified herein, all terms and conditions of the Declaration, By-Laws and Floor Plans remain unmodified and in full force and effect.

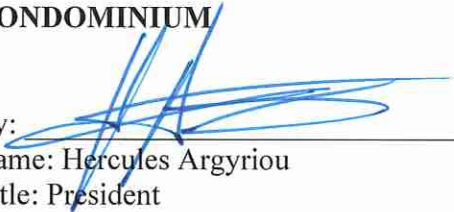
[Signature Page Follows.]



IN WITNESS WHEREOF, the Board of Managers and Ground Lessor have caused this Second Amendment to Condominium Declaration to be executed as of the date and year first written above.

**BOARD OF MANAGERS:**

**BOARD OF MANAGERS OF WILFRID  
CONDOMINIUM**

By:   
Name: Hercules Argyriou  
Title: President

**AGREED AND ACKNOWLEDGED TO BY:**

**GROUND LESSOR:**

**WILFRID REALTY CORP.**

By: \_\_\_\_\_  
Name: Israel Schwartz  
Title: Vice President and Secretary

[Signatures Continued on Following Page]

IN WITNESS WHEREOF, the Board of Managers and Ground Lessor have caused this Second Amendment to Condominium Declaration to be executed as of the date and year first written above.

**BOARD OF MANAGERS:**


**BOARD OF MANAGERS OF WILFRID  
CONDOMINIUM**

By: \_\_\_\_\_  
Name: Hercules Argyriou  
Title: President

**AGREED AND ACKNOWLEDGED TO BY:**

**GROUND LESSOR:**

**WILFRID REALTY CORP.**

By:   
Name: Israel Schwartz  
Title: Vice President and Secretary

[Signatures Continued on Following Page]

**CONSENTED TO ON BEHALF OF UNIT 1 OWNER:**

**WILFRID REALTY CORP.**

By:

  
Name: Israel Schwartz  
Title: Vice President and Secretary

[Signatures Continued on Following Page]

**CONSENTED TO ON BEHALF OF UNIT 2 OWNER, UNIT 3 OWNER, AND UNIT 4 OWNER:**

**WILFRID PROPERTIES LLC**

By: Wilfrid GP LLC, its managing member

By: Wilfrid Developers LLC, its managing member

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

Name: Hercules Argyriou

Title: Authorized Signatory

**ACMH WILFRID HOUSING DEVELOPMENT FUND CORPORATION**

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

Name: Daniel K. Johansson

Title: Executive Vice President/CEO

**CONSENTED TO ON BEHALF OF UNIT 5 OWNER:**

**WILFRID LIHTC LLC**

By: Wilfrid Properties LLC, its managing manager

By: Wilfrid GP LLC, its managing member

By: Wilfrid Developers LLC, its managing member

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

Name: Hercules Argyriou

Title: Authorized Signatory

**ACMH WILFRID HOUSING DEVELOPMENT FUND CORPORATION**

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

Name: Daniel K. Johansson

Title: Executive Vice President/CEO

**CONSENTED TO ON BEHALF OF UNIT 2 OWNER, UNIT 3 OWNER, AND UNIT 4 OWNER:**

**WILFRID PROPERTIES LLC**

By: Wilfrid GP LLC, its managing member


By: Wilfrid Developers LLC, its managing member

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

Name: Hercules Argyriou

Title: Authorized Signatory

**ACMH WILFRID HOUSING DEVELOPMENT FUND CORPORATION**

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

Name: Daniel K. Johansson

Title: Executive Vice President/CEO

**CONSENTED TO ON BEHALF OF UNIT 5 OWNER:**

**WILFRID LIHTC LLC**

By: Wilfrid Properties LLC, its managing manager

By: Wilfrid GP LLC, its managing member

By: Wilfrid Developers LLC, its managing member

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

Name: Hercules Argyriou

Title: Authorized Signatory

**ACMH WILFRID HOUSING DEVELOPMENT FUND CORPORATION**

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

Name: Daniel K. Johansson

Title: Executive Vice President/CEO

State of New York )  
 )ss:  
County of New York )

On the 4<sup>th</sup> day of December in the year 2020 before me, the undersigned, a Notary public in and for said State, personally appeared HERCULES ARGYRIOU, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/this 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.

Ellen Noelle Presotto

Notary Public

ELLEN NOELLE PRESOTTO  
NOTARY PUBLIC, STATE OF NEW YORK  
No. 01PR6267343  
Qualified in Nassau County  
My Commission Expires August 20, 2024

State of New York )  
 )ss:  
County of New York )

On the \_\_\_\_\_ day of \_\_\_\_\_ in the year 2020 before me, the undersigned, a Notary public in and for said State, personally appeared DANIEL K. JOHANSSON, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/this 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 )  
 )ss:  
County of New York )

On the \_\_\_\_\_ day of \_\_\_\_\_ in the year 2020 before me, the undersigned, a Notary public in and for said State, personally appeared ISRAEL SCHWARTZ, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/this 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 )  
 )ss:  
County of New York )

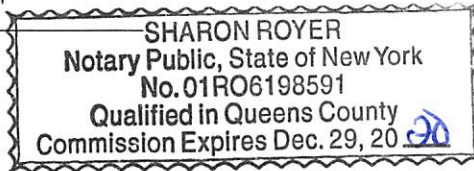
On the \_\_\_\_ day of \_\_\_\_\_ in the year 2020 before me, the undersigned, a Notary public in and for said State, personally appeared HERCULES ARGYRIOU, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/this 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 )  
 )ss:  
County of New York )

On the 7<sup>th</sup> day of December in the year 2020 before me, the undersigned, a Notary public in and for said State, personally appeared DANIEL K. JOHANSSON, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/this 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.

Sharon Royer  
Notary Public



State of New York )  
 )ss:  
County of New York )

On the \_\_\_\_ day of \_\_\_\_\_ in the year 2020 before me, the undersigned, a Notary public in and for said State, personally appeared ISRAEL SCHWARTZ, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/this 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 )  
 )ss:  
County of New York )

On the \_\_\_\_ day of \_\_\_\_\_ in the year 2020 before me, the undersigned, a Notary public in and for said State, personally appeared HERCULES ARGYRIOU, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/this 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 )  
 )ss:  
County of New York )

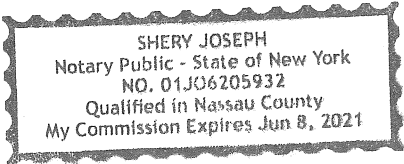
On the \_\_\_\_ day of \_\_\_\_\_ in the year 2020 before me, the undersigned, a Notary public in and for said State, personally appeared DANIEL K. JOHANSSON, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/this 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 )  
 )ss:  
County of <sup>Nassau</sup> ~~New York~~ )

On the 7<sup>th</sup> day of December in the year 2020 before me, the undersigned, a Notary public in and for said State, personally appeared ISRAEL SCHWARTZ, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/this 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





**Exhibit A**

ALL that certain piece or parcel of land situate, lying and being in the Borough and County of the Bronx, City and State of New York, more particularly bounded and described as follows:

BEGINNING at a point on the southeasterly side of Bathgate Avenue (as now open and in use, 60 feet wide) distance 86.19 feet southwesterly from a corner formed by the intersection of said southeasterly side of Bathgate Avenue and the southwesterly side of East Tremont Avenue (as now open and in use, 75 feet wide)

RUNNING THENCE southeasterly along a line at interior angle of 89 degrees 59 minutes 33 seconds with the southeasterly side of Bathgate Avenue, 178.13 feet to the northwesterly side of 3rd Avenue (as now open and in use, 80 feet wide);

RUNNING THENCE southwesterly along the northwesterly side of 3rd Avenue; 216 .02 feet;

THENCE northwesterly along a line at interior angle of 87 degrees 47 minutes 41 seconds with the northwesterly side of 3rd Avenue, 95.87 feet;

THENCE northeasterly along a line at interior angle of 90 degrees 00 minutes 08 seconds with the last mentioned course, 35.86 feet;

THENCE northwesterly along a line at interior angle of 269 degrees 59 minutes 02 seconds with the last mentioned course, 90.56 feet to the southeasterly side of Bathgate Avenue;

THENCE northeasterly along the southeasterly side of Bathgate Avenue, 180.00 feet to the Point or Place of BEGINNING.

(For Information Only: Block 2924 F/K/A Lot 7, N/K/A Lots 1001-1005)

**CONFIRMATORY DEED**

**THIS INDENTURE**, made as of the 16<sup>th</sup> day of December 2020

**BETWEEN**

**WILFRID REALTY CORP.**, a New York corporation having with an office at c/o Goetz Fitzpatrick LLP, One Penn Plaza, 31st Floor, New York, New York 10119 (hereinafter referred to as “**Grantor**”),

and

**WILFRID REALTY CORP.**, a New York corporation having with an office at c/o Goetz Fitzpatrick LLP, One Penn Plaza, 31st Floor, New York, New York 10119 (hereinafter referred to as “**Grantee**”),

**WITNESSETH**, that the Grantor, in consideration of One Dollar and other valuable consideration paid by the Grantee does hereby grant and release to Grantee, the heirs or successors and assigns of Grantee forever

The condominium unit identified as Lot 1001 on Block 2924 on the Tax Map of the City of New York, Bronx County in the building known as the Wilfrid Condominium and by the street address 1880-1888 Bathgate Avenue and 4179–4197 3rd Avenue, Bronx, New York situate, lying and being in the Borough and County of Bronx and the State of New York, bounded and described more particularly as set forth in Schedule A annexed hereto and made a part hereof (the “**Premises**”);

**TOGETHER** with all right, title and interest, if any, of Grantor in and to any streets and roads abutting the above described Premises to the center lines thereof;

**TOGETHER** with the appurtenances and all the estate and rights of Grantor in and to said Premises;

**TOGETHER** with, and subject to, the rights, obligations, easements, restrictions and other provisions set forth in the Declaration (as such term is defined in Schedule A) and the by-laws of the Condominium (as such term is defined in Schedule A), as the same may be amended from time to time all of which constitute covenants running with the land and shall bind any person having at any time any interest or estate in the Premises, as though recited and stipulated at length herein;

**TO HAVE AND TO HOLD** the Premises herein granted to Grantee, the heirs or successors and assigns of Grantee forever.

**SAID PREMISES** being a portion of such premises leased by Grantor to ACMH Wilfrid Housing Development Fund Corporation, a New York not-for-profit corporation (“**HDFC**”) pursuant to that certain Ground Lease dated June 28, 2017 (“**Ground Lease**”) as evidenced by that certain Memorandum of Ground Lease dated June 28, 2017 and recorded July 18, 2017 in CRFN 2017000263999 in the Office of the City Register of the City of New York, Bronx County

(“**Register’s Office**”), the beneficial and equitable leasehold interest in such Ground Lease was transferred to Wilfrid Properties LLC, a New York limited liability company (“**Moderate LLC**”) and Wilfrid LIHTC LLC, a New York limited liability company (“**LIHTC LLC**”) pursuant to that certain Declaration of Interest and Nominee agreement dated as of June 28, 2017 and recorded on July 18, 2017 in CRFN 201700026400 in the Register’s Office, which leasehold premises was subjected to a leasehold condominium regime known as Wilfrid Condominium pursuant to that certain Declaration of Condominium and By-laws (“**Condo Declaration**”) dated August 27, 2018 and recorded in May 2, 2019 in CRFN 2019000140636 in the Register’s Office, pursuant to which the HDFC and Moderate LLC owned, respectively, fee and beneficial interest in the Premises. As of the date hereof, Grantor has conveyed its fee interest in the land and building, subject to the Ground Lease, exclusive of the portion thereof appurtenant to the Premises to the HDFC, pursuant to that certain bargain and sale deed dated as of the date hereof and to be recorded prior hereto. As of the date hereof, the condominium established by the Condo Declaration is being converted to a fee condominium pursuant to that certain Second Amendment to the Condominium Declaration of Wilfrid Condominium dated as of the date hereof and recorded herewith and the Ground Lease is being terminated pursuant to that certain Termination of Memorandum of Ground Lease to be dated as of the date hereof and recorded herewith, such that the Grantee is the fee owner of the Premises.

**AND** this Confirmatory Deed is intended to confirm, on the public record, the fee interest of Grantee in the Premises and that the legal description of such Premises is set forth in Schedule “A”, annexed here and made a part hereof.

**AND** Grantor covenants that Grantor has not done or suffered anything whereby the same Premises have been encumbered in any way whatever, except as aforesaid.

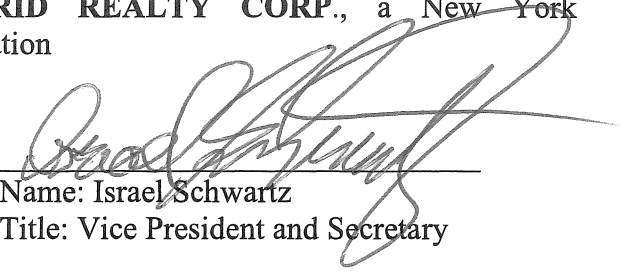
**AND** the Grantor, in compliance with Section 13 of the Lien Law, covenants that the Grantor will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the same for any other purpose.

**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.**

[Signature Page to Follow]

IN WITNESS WHEREOF, the Grantor has duly executed this deed the day and year first above written.

**WILFRID REALTY CORP.**, a New York corporation

By:   
Name: Israel Schwartz  
Title: Vice President and Secretary

ACKNOWLEDGED AND CONSENTED TO BY:

**BOARD OF MANAGERS OF WILFRID CONDOMINIUM**

By: \_\_\_\_\_  
Name: Hercules Argyriou  
Title: President

**WILFRID LIHTC LLC**

By: Wilfrid Properties LLC, its managing manager

By: Wilfrid GP LLC, its managing member

By: Wilfrid Developers LLC, its managing member

By: \_\_\_\_\_  
Name: Hercules Argyriou  
Title: Authorized Signatory

**WILFRID PROPERTIES LLC**

By: Wilfrid GP LLC, its managing member

**ACMH WILFRID HOUSING DEVELOPMENT FUND CORPORATION**

By: Wilfrid Developers LLC, its managing member

By: \_\_\_\_\_  
Name: Daniel K. Johansson  
Title: Executive Vice President/CEO

By: \_\_\_\_\_  
Name: Hercules Argyriou  
Title: Authorized Signatory


IN WITNESS WHEREOF, the Grantor has duly executed this deed the day and year first above written.

**WILFRID REALTY CORP.**, a New York corporation

By: \_\_\_\_\_  
Name: Israel Schwartz  
Title: Vice President and Secretary

ACKNOWLEDGED AND CONSENTED TO BY:

**BOARD OF MANAGERS OF WILFRID CONDOMINIUM**


By:   
\_\_\_\_\_  
Name: Hercules Argyriou  
Title: President

**WILFRID LIHTC LLC**

By: Wilfrid Properties LLC, its managing manager

By: Wilfrid GP LLC, its managing member

By: Wilfrid Developers LLC, its managing member

By:   
\_\_\_\_\_  
Name: Hercules Argyriou  
Title: Authorized Signatory

**WILFRID PROPERTIES LLC**

By: Wilfrid GP LLC, its managing member

By: Wilfrid Developers LLC, its managing member

By:   
\_\_\_\_\_  
Name: Hercules Argyriou  
Title: Authorized Signatory

**ACMH WILFRID HOUSING DEVELOPMENT FUND CORPORATION**

By: \_\_\_\_\_  
Name: Daniel K. Johansson  
Title: Executive Vice President/CEO

IN WITNESS WHEREOF, the Grantor has duly executed this deed the day and year first above written.

**WILFRID REALTY CORP.**, a New York corporation

By: \_\_\_\_\_  
Name: Israel Schwartz  
Title: Vice President and Secretary

ACKNOWLEDGED AND CONSENTED TO BY:

**BOARD OF MANAGERS OF WILFRID CONDOMINIUM**

By: \_\_\_\_\_  
Name: Hercules Argyriou  
Title: President

**WILFRID LIHTC LLC**

By: Wilfrid Properties LLC, its managing manager

By: Wilfrid GP LLC, its managing member

By: Wilfrid Developers LLC, its managing member


By: \_\_\_\_\_  
Name: Hercules Argyriou  
Title: Authorized Signatory

**WILFRID PROPERTIES LLC**

By: Wilfrid GP LLC, its managing member

By: Wilfrid Developers LLC, its managing member

**ACMH WILFRID HOUSING DEVELOPMENT FUND CORPORATION**

By:  \_\_\_\_\_  
Name: Daniel K. Johansson  
Title: Executive Vice President/CEO

By: \_\_\_\_\_  
Name: Hercules Argyriou  
Title: Authorized Signatory

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

On the \_\_\_ day of \_\_\_\_\_ in the year 20\_\_ before me, the undersigned, personally appeared **ISRAEL SCHWARTZ**, 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 executed the same in his capacity, and that by his 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 )  
 ) SS.:  
COUNTY OF NEW YORK )

On the 4<sup>th</sup> day of December in the year 2020 before me, the undersigned, personally appeared **HERCULES ARGYRIOU**, 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 executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

ELLEN NOELLE PRESOTTO  
NOTARY PUBLIC, STATE OF NEW YORK  
No. 01PR6267343  
Qualified in Nassau County  
My Commission Expires August 20, 2024

Ellen Noelle Presotto  
Notary Public

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

On the \_\_\_ day of \_\_\_\_\_ in the year 20\_\_ before me, the undersigned, personally appeared **DANIEL K. JOHANSSON**, 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 executed the same in his capacity, and that by his 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 )  
 ) SS.:  
COUNTY OF NEW YORK )

On the \_\_\_ day of \_\_\_\_\_ in the year 20\_\_ before me, the undersigned, personally appeared **ISRAEL SCHWARTZ**, 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 executed the same in his capacity, and that by his 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 )  
 ) SS.:  
COUNTY OF NEW YORK )

On the \_\_\_ day of \_\_\_\_\_ in the year 20\_\_ before me, the undersigned, personally appeared **HERCULES ARGYRIOU**, 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 executed the same in his capacity, and that by his 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 )  
 ) SS.:  
COUNTY OF NEW YORK )

On the 1<sup>st</sup> day of December in the year 2020 before me, the undersigned, personally appeared **DANIEL K. JOHANSSON**, 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 executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Sharon Royer  
\_\_\_\_\_  
Notary Public





**SCHEDULE A  
LEGAL DESCRIPTION**

The Condominium Unit (in the Building known as Wilfrid Condominium located at and known as and by Street Number 1880-1888 Bathgate Avenue and 4179-4197 3rd Avenue, Bronx, New York), designated and described as Unit No. 1 (hereinafter called the "Unit") in the Declaration (hereinafter called "Declaration") made by ACMH Wilfrid Housing Development Fund Corporation and Wilfrid Properties LLC hereinafter called the "Sponsor") under the Condominium Act of the State of New York (Article 9-B of the Real Property Law of the State of New York), dated 8/27/2018 and recorded 5/2/2019 in the Office of the City Register of the City of New York, County of Bronx, as CRFN 2019000140636, amended by First Amendment to Condominium Declaration, dated 10/21/2019, recorded 11/19/2020 in CRFN 2020000324924 and Second Amendment to Condominium Declaration, dated 12/16/2020 and to be recorded, establishing a plan for Condominium ownership of said Building and the land upon which the same is erected (hereinafter sometimes collectively called the "Property") and also designated and described as Tax Lot No. 1001 in Block 2924 of Section 11, Borough of Bronx on the Tax Map of the Real Property Assessment Department of the City of New York and on the floor plans of said Building certified by Saky Yakas, Registered Architect on 11/14/2018 and filed in said Real Property Assessment Department of the City of New York as Condominium Plan No. 240 and also filed on 5/2/2019 as CRFN 2019000140637, as amended by Amendment to Condominium dated 11/4/2020, recorded 11/19/2020 in CRFN 2020000324925 in the aforesaid Register's Office.

TOGETHER with an undivided 9.09% percent interest in the common elements of the property as described in the Declaration (hereinafter called the "Common Elements") recorded as CRFN 2019000140636.

The land upon which the Building containing the Unit is erected is described as follows:

ALL that certain piece or parcel of land situate, lying and being in the Borough and County of the Bronx, City and State of New York, more particularly bounded and described as follows:

BEGINNING at a point on the southeasterly side of Bathgate Avenue (as now open and in use, 60 feet wide) distance 86.19 feet southwesterly from a corner formed by the intersection of said southeasterly side of Bathgate Avenue and the southwesterly side of East Tremont Avenue (as now open and in use, 75 feet wide)

RUNNING THENCE southeasterly along a line at interior angle of 89 degrees 59 minutes 33 seconds with the southeasterly side of Bathgate Avenue, 178.13 feet to the northwesterly side of 3rd Avenue (as now open and in use, 80 feet wide);

RUNNING THENCE southwesterly along the northwesterly side of 3rd Avenue; 216 .02 feet;

THENCE northwesterly along a line at interior angle of 87 degrees 47 minutes 41 seconds with the northwesterly side of 3rd Avenue, 95.87 feet;

THENCE northeasterly along a line at interior angle of 90 degrees 00 minutes 08 seconds with the last mentioned course, 35.86 feet;

THENCE northwesterly along a line at interior angle of 269 degrees 59 minutes 02 seconds with the last mentioned course, 90.56 feet to the southeasterly side of Bathgate Avenue;

THENCE northeasterly along the southeasterly side of Bathgate Avenue, 180.00 feet to the point or place of BEGINNING.

**CONFIRMATORY DEED**

**WILFRID REALTY CORP.**

**to**

**WILFRID REALTY CORP.**

---

Block 2924 Lot 1001  
Bronx, New York

---

Record and Return to:

Hirschen Singer & Epstein LLP  
902 Broadway, 13<sup>th</sup> Floor  
New York, New York 10010  
Oliver G. Chase, Esq.

**CONFIRMATORY DEED**

**THIS INDENTURE**, made as of the 16th day of December 2020

**BETWEEN**

**ACMH WILFRID HOUSING DEVELOPMENT FUND CORPORATION**, a New York not-for-profit corporation having an office at c/o ACMH, Inc., 254 West 31<sup>st</sup> Street, 9<sup>th</sup> Floor, New York, New York 10016 (hereinafter referred to as “**HDFC**”) and **WILFRID PROPERTIES LLC**, a New York limited liability company with an office at 48-02 25th Avenue, Suite 400, Astoria, New York 11103 (“**Moderate LLC**” and together with HDFC, the “**Grantor**”)

and

**ACMH WILFRID HOUSING DEVELOPMENT FUND CORPORATION**, a New York not-for-profit corporation having an office at c/o ACMH, Inc., 254 West 31<sup>st</sup> Street, 9<sup>th</sup> Floor, New York, New York 10016 (hereinafter referred to as “**HDFC**”) and **WILFRID PROPERTIES LLC**, a New York limited liability company with an office at 48-02 25th Avenue, Suite 400, Astoria, New York 11103 (“**Moderate LLC**” and together with HDFC, the “**Grantee**”)

**WITNESSETH**, that the Grantor, in consideration of One Dollar and other valuable consideration paid by the Grantee does hereby grant and release to Grantee, the heirs or successors and assigns of Grantee forever

The condominium units identified as Lots 1002, 1003 and 1004 on Block 2924 on the Tax Map of the City of New York, Bronx County in the building known as the Wilfrid Condominium and by the street address 1880-1888 Bathgate Avenue and 4179–4197 3rd Avenue, Bronx, New York situate, lying and being in the Borough and County of Bronx and the State of New York, bounded and described more particularly as set forth in Schedule A annexed hereto and made a part hereof (the “**Premises**”);

**TOGETHER** with all right, title and interest, if any, of Grantor in and to any streets and roads abutting the above described Premises to the center lines thereof;

**TOGETHER** with the appurtenances and all the estate and rights of Grantor in and to said Premises;

**TOGETHER** with, and subject to, the rights, obligations, easements, restrictions and other provisions set forth in the Declaration (as such term is defined in Schedule A) and the by-laws of the Condominium (as such term is defined in Schedule A), as the same may be amended from time to time all of which constitute covenants running with the land and shall bind any person having at any time any interest or estate in the Premises, as though recited and stipulated at length herein;

**TO HAVE AND TO HOLD** the Premises herein granted to Grantee, the heirs or successors and assigns of Grantee forever.

**SAID PREMISES** being a portion of the premises leased by Wilfrid Realty Corp., a New York corporation (“**Lessor**”) to HDFC pursuant to that certain Ground Lease dated June 28, 2017 (“**Ground Lease**”) as evidenced by that certain Memorandum of Ground Lease dated June 28, 2017 and recorded July 18, 2017 in CRFN 2017000263999 in the Office of the City Register of the City of New York, Bronx County (“**Register’s Office**”). The beneficial and equitable leasehold interest in such Ground Lease is held by Moderate LLC and Wilfrid LIHTC LLC, a New York limited liability company (“**LIHTC LLC**”) pursuant to that certain Declaration of Interest and Nominee agreement dated as of June 28, 2017 and recorded on July 18, 2017 in CRFN 201700026400 in the Register’s Office. Such leasehold premises were subjected to a leasehold condominium regime known as Wilfrid Condominium pursuant to that certain Declaration of Condominium and By-laws (“**Condo Declaration**”) dated August 27, 2018 and recorded in May 2, 2019 in CRFN 2019000140636 in the Register’s Office, pursuant to which the HDFC and Moderate LLC owned, respectively, legal and beneficial leasehold title in the Premises and the condominium unit identified as Lot 1001 in said Block. As of the date hereof, (i) Lessor has conveyed to the HDFC the Lessor’s fee interest in the land and building, subject to the Ground Lease, located at 1880-1888 Bathgate Avenue and 4179–4197 3rd Avenue, Bronx, New York and designated as Block 2924 Base Lot 7 on the Tax Map of the City of New York, Bronx County exclusive of the land appurtenant to Unit 1 (as defined in the Condo Declaration) to the HDFC, pursuant to that certain bargain and sale deed dated as of the date hereof and to be recorded herewith; and (ii) beneficial and equitable interest in the Premises was transferred to Moderate LLC pursuant to that certain Amended and Restated Declaration of Interest and Nominee Agreement dated as of the date hereof and to be recorded contemporaneously herewith. The Condo Declaration is being converted to a fee condominium pursuant to that certain Second Amendment to the Condominium Declaration of Wilfrid Condominium dated as of the date hereof and to be recorded contemporaneously herewith; and the Ground Lease is being terminated pursuant to that certain Termination of Memorandum of Ground Lease dated as of the date hereof and to be recorded contemporaneously herewith, such that the Grantee is and shall be the legal and beneficial fee owner of the Premises.

**AND** this Confirmatory Deed is intended to confirm, on the public record, the legal and beneficial fee interest of Grantee in the Premises and that the legal description of such Premises is set forth in Schedule “A”, annexed here and made a part hereof.

**AND** Grantor covenants that Grantor has not done or suffered anything whereby the same Premises have been encumbered in any way whatever, except as aforesaid.

**AND** the Grantor, in compliance with Section 13 of the Lien Law, covenants that the Grantor will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the same for any other purpose.

**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.**


[Signature Page to Follow]

IN WITNESS WHEREOF, the Grantor has duly executed this deed the day and year first above written.

**WILFRID PROPERTIES LLC**

By: Wilfrid GP LLC, its managing member

By: Wilfrid Developers LLC, its managing member


By:   
Name: Hercules Argyriou  
Title: Authorized Signatory

**ACMH WILFRID HOUSING DEVELOPMENT FUND CORPORATION**

By: \_\_\_\_\_  
Name: Daniel K. Johansson  
Title: Executive Vice President/CEO

ACKNOWLEDGED AND CONSENTED TO BY:

**BOARD OF MANAGERS OF WILFRID CONDOMINIUM**

By:   
Name: Hercules Argyriou  
Title: President

**WILFRID REALTY CORP.**

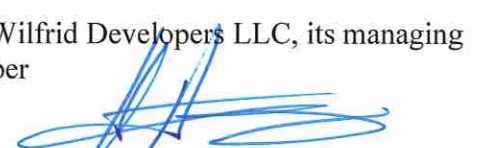
By: \_\_\_\_\_  
Name: Israel Schwartz  
Title: Vice President and Secretary

**WILFRID LIHTC LLC**

By: Wilfrid Properties LLC, its managing manager

By: Wilfrid GP LLC, its managing member

By: Wilfrid Developers LLC, its managing member

By:   
Name: Hercules Argyriou  
Title: Authorized Signatory

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ACKNOWLEDGED AND CONSENTED TO BY:

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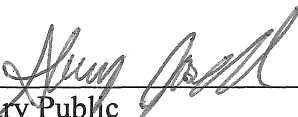
**WILFRID REALTY CORP.**

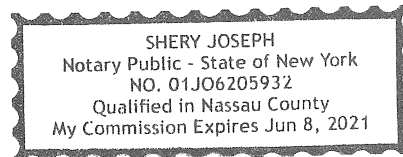
By:   
Name: Israel Schwartz  
Title: Vice President and Secretary

By: \_\_\_\_\_  
Name: Hercules Argyriou  
Title: Authorized Signatory

STATE OF NEW YORK )  
 ) *Nassau* ) SS.:  
COUNTY OF ~~NEW YORK~~ )

On the 7<sup>th</sup> day of December in the year 2020 before me, the undersigned, personally appeared **ISRAEL SCHWARTZ**, 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 executed the same in his capacity, and that by his 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 )  
 ) SS.:  
COUNTY OF NEW YORK )

On the \_\_\_ day of \_\_\_\_\_ in the year 20\_\_ before me, the undersigned, personally appeared **HERCULES ARGYRIOU**, 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 executed the same in his capacity, and that by his 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 )  
 ) SS.:  
COUNTY OF NEW YORK )

On the \_\_\_ day of \_\_\_\_\_ in the year 20\_\_ before me, the undersigned, personally appeared **DANIEL K. JOHANSSON**, 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 executed the same in his capacity, and that by his 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 )  
 ) SS.:  
COUNTY OF NEW YORK )

On the \_\_\_ day of \_\_\_\_\_ in the year 20\_\_ before me, the undersigned, personally appeared **ISRAEL SCHWARTZ**, 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 executed the same in his capacity, and that by his 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 )  
 ) SS.:  
COUNTY OF NEW YORK )

On the 4<sup>th</sup> day of December in the year 2020 before me, the undersigned, personally appeared **HERCULES ARGYRIOU**, 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 executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

ELLEN NOELLE PRESOTTO  
NOTARY PUBLIC, STATE OF NEW YORK  
No. 01PR6267343  
Qualified in Nassau County  
My Commission Expires August 20, 2024

Ellen Noelle Presotto  
\_\_\_\_\_  
Notary Public

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

On the \_\_\_ day of \_\_\_\_\_ in the year 20\_\_ before me, the undersigned, personally appeared **DANIEL K. JOHANSSON**, 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 executed the same in his capacity, and that by his 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 )  
 ) SS.:  
COUNTY OF NEW YORK )

On the \_\_\_ day of \_\_\_\_\_ in the year 20\_\_ before me, the undersigned, personally appeared **ISRAEL SCHWARTZ**, 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 executed the same in his capacity, and that by his 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 )  
 ) SS.:  
COUNTY OF NEW YORK )

On the \_\_\_ day of \_\_\_\_\_ in the year 20\_\_ before me, the undersigned, personally appeared **HERCULES ARGYRIOU**, 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 executed the same in his capacity, and that by his 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 )  
 ) SS.:  
COUNTY OF NEW YORK )

On the 7<sup>th</sup> day of December in the year 2020 before me, the undersigned, personally appeared **DANIEL K. JOHANSSON**, 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 executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Sharon Royer  
\_\_\_\_\_  
Notary Public



**SCHEDULE A  
LEGAL DESCRIPTION**

**Block 2924 Lot 1002 (Unit 2)**

The Condominium Unit (in the Building known as Wilfrid Condominium located at and known as and by Street Number 1880-1888 Bathgate Avenue and 4179-4197 3rd Avenue, Bronx, New York), designated and described as Unit No. 2 (hereinafter called the "Unit") in the Declaration (hereinafter called "Declaration") made by ACMH Wilfrid Housing Development Fund Corporation and Wilfrid Properties LLC hereinafter called the "Sponsor") under the Condominium Act of the State of New York (Article 9-B of the Real Property Law of the State of New York), dated 8/27/2018 and recorded 5/2/2019 in the Office of the City Register of the City of New York, County of Bronx, as CRFN 2019000140636, amended by First Amendment to Condominium Declaration, dated 10/21/2019, recorded 11/19/2020 in CRFN 2020000324924 and Second Amendment to Condominium Declaration, dated 12/16/2020 and to be recorded, establishing a plan for Condominium ownership of said Building and the land upon which the same is erected (hereinafter sometimes collectively called the "Property") and also designated and described as Tax Lot No. 1002 in Block 2924 of Section 11, Borough of Bronx on the Tax Map of the Real Property Assessment Department of the City of New York and on the floor plans of said Building certified by Saky Yakas, Registered Architect on 11/14/2018 and filed in said Real Property Assessment Department of the City of New York as Condominium Plan No. 240 and also filed on 5/2/2019 as CRFN 2019000140637, as amended by Amendment to Condominium dated 11/4/2020, recorded 11/19/2020 in CRFN 2020000324925 in the aforesaid Register's Office.

TOGETHER with an undivided 6.57% percent interest in the common elements of the property as described in the Declaration (hereinafter called the "Common Elements") recorded as CRFN 2019000140636.

The land upon which the Building containing the Unit is erected is described as follows:

ALL that certain piece or parcel of land situate, lying and being in the Borough and County of the Bronx, City and State of New York, more particularly bounded and described as follows:

BEGINNING at a point on the southeasterly side of Bathgate Avenue (as now open and in use, 60 feet wide) distance 86.19 feet southwesterly from a corner formed by the intersection of said southeasterly side of Bathgate Avenue and the southwesterly side of East Tremont Avenue (as now open and in use, 75 feet wide)

RUNNING THENCE southeasterly along a line at interior angle of 89 degrees 59 minutes 33 seconds with the southeasterly side of Bathgate Avenue, 178.13 feet to the northwesterly side of 3rd Avenue (as now open and in use, 80 feet wide);

RUNNING THENCE southwesterly along the northwesterly side of 3rd Avenue; 216 .02 feet;

THENCE northwesterly along a line at interior angle of 87 degrees 47 minutes 41 seconds with the northwesterly side of 3rd Avenue, 95.87 feet;

THENCE northeasterly along a line at interior angle of 90 degrees 00 minutes 08 seconds with the last mentioned course, 35.86 feet;

THENCE northwesterly along a line at interior angle of 269 degrees 59 minutes 02 seconds with the last mentioned course, 90.56 feet to the southeasterly side of Bathgate Avenue;

THENCE northeasterly along the southeasterly side of Bathgate Avenue, 180.00 feet to the point or place of BEGINNING.

**Block 2924 Lot 1003 (Unit 3)**

The Condominium Unit (in the Building known as Wilfrid Condominium located at and known as and by Street Number 1880-1888 Bathgate Avenue and 4179-4197 3rd Avenue, Bronx, New York), designated and described as Unit No. 3 (hereinafter called the "Unit") in the Declaration (hereinafter called "Declaration") made by ACMH Wilfrid Housing Development Fund Corporation and Wilfrid Properties LLC hereinafter called the "Sponsor") under the Condominium Act of the State of New York (Article 9-B of the Real Property Law of the State of New York), dated 8/27/2018 and recorded 5/2/2019 in the Office of the City Register of the City of New York, County of Bronx, as CRFN 2019000140636, amended by First Amendment to Condominium Declaration, dated 10/21/2019, recorded 11/19/2020 in CRFN 2020000324924 and Second Amendment to Condominium Declaration, dated 12/16/2020 and to be recorded, establishing a plan for Condominium ownership of said Building and the land upon which the same is erected (hereinafter sometimes collectively called the "Property") and also designated and described as Tax Lot No. 1003 in Block 2924 of Section 11, Borough of Bronx on the Tax Map of the Real Property Assessment Department of the City of New York and on the floor plans of said Building certified by Saky Yakas, Registered Architect on 11/14/2018 and filed in said Real Property Assessment Department of the City of New York as Condominium Plan No. 240 and also filed on 5/2/2019 as CRFN 2019000140637, as amended by Amendment to Condominium dated 11/4/2020, recorded 11/19/2020 in CRFN 2020000324925 in the aforesaid Register's Office.

TOGETHER with an undivided 0.94% percent interest in the common elements of the property as described in the Declaration (hereinafter called the "Common Elements") recorded as CRFN 2019000140636.

The land upon which the Building containing the Unit is erected is described as follows:

ALL that certain piece or parcel of land situate, lying and being in the Borough and County of the Bronx, City and State of New York, more particularly bounded and described as follows:

BEGINNING at a point on the southeasterly side of Bathgate Avenue (as now open and in use, 60 feet wide) distance 86.19 feet southwesterly from a corner formed by the intersection of said southeasterly side of Bathgate Avenue and the southwesterly side of East Tremont Avenue (as now open and in use, 75 feet wide)

RUNNING THENCE southeasterly along a line at interior angle of 89 degrees 59 minutes 33 seconds with the southeasterly side of Bathgate Avenue, 178.13 feet to the northwesterly side of 3rd Avenue (as now open and in use, 80 feet wide);

RUNNING THENCE southwesterly along the northwesterly side of 3rd Avenue; 216 .02 feet;

THENCE northwesterly along a line at interior angle of 87 degrees 47 minutes 41 seconds with the northwesterly side of 3rd Avenue, 95.87 feet;

THENCE northeasterly along a line at interior angle of 90 degrees 00 minutes 08 seconds with the last mentioned course, 35.86 feet;

THENCE northwesterly along a line at interior angle of 269 degrees 59 minutes 02 seconds with the last mentioned course, 90.56 feet to the southeasterly side of Bathgate Avenue;

THENCE northeasterly along the southeasterly side of Bathgate Avenue, 180.00 feet to the point or place of BEGINNING.

**Block 2924 Lot 1004 (Unit 4)**

The Condominium Unit (in the Building known as Wilfrid Condominium located at and known as and by Street Number 1880-1888 Bathgate Avenue and 4179-4197 3rd Avenue, Bronx, New York), designated and described as Unit No. 4 (hereinafter called the "Unit") in the Declaration (hereinafter called "Declaration") made by ACMH Wilfrid Housing Development Fund Corporation and Wilfrid Properties LLC hereinafter called the "Sponsor") under the Condominium Act of the State of New York (Article 9-B of the Real Property Law of the State of New York), dated 8/27/2018 and recorded 5/2/2019 in the Office of the City Register of the City of New York, County of Bronx, as CRFN 2019000140636, amended by First Amendment to Condominium Declaration, dated 10/21/2019, recorded 11/19/2020 in CRFN 2020000324924 and Second Amendment to Condominium Declaration, dated 12/16/2020 and to be recorded, establishing a plan for Condominium ownership of said Building and the land upon which the same is erected (hereinafter sometimes collectively called the "Property") and also designated and described as Tax Lot No. 1004 in Block 2924 of Section 11, Borough of Bronx on the Tax Map of the Real Property Assessment Department of the City of New York and on the floor plans of said Building certified by Saky Yakas, Registered Architect on 11/14/2018 and filed in said Real Property Assessment Department of the City of New York as Condominium Plan No. 240 and also filed on 5/2/2019 as CRFN 2019000140637, as amended by Amendment to Condominium dated 11/4/2020, recorded 11/19/2020 in CRFN 2020000324925 in the aforesaid Register's Office.

TOGETHER with an undivided 25.97% percent interest in the common elements of the property as described in the Declaration (hereinafter called the "Common Elements") recorded as CRFN 2019000140636.

The land upon which the Building containing the Unit is erected is described as follows:

ALL that certain piece or parcel of land situate, lying and being in the Borough and County of the Bronx, City and State of New York, more particularly bounded and described as follows:

BEGINNING at a point on the southeasterly side of Bathgate Avenue (as now open and in use, 60 feet wide) distance 86.19 feet southwesterly from a corner formed by the intersection of said southeasterly side of Bathgate Avenue and the southwesterly side of East Tremont Avenue (as now open and in use, 75 feet wide)

RUNNING THENCE southeasterly along a line at interior angle of 89 degrees 59 minutes 33 seconds with the southeasterly side of Bathgate Avenue, 178.13 feet to the northwesterly side of 3rd Avenue (as now open and in use, 80 feet wide);

RUNNING THENCE southwesterly along the northwesterly side of 3rd Avenue; 216 .02 feet;

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THENCE northwesterly along a line at interior angle of 269 degrees 59 minutes 02 seconds with the last mentioned course, 90.56 feet to the southeasterly side of Bathgate Avenue;

THENCE northeasterly along the southeasterly side of Bathgate Avenue, 180.00 feet to the point or place of BEGINNING.

**CONFIRMATORY DEED**

**ACMH WILFRID HOUSING DEVELOPMENT FUND CORPORATION  
and  
WILFRID PROPERTIES LLC**

**to**

**ACMH WILFRID HOUSING DEVELOPMENT FUND CORPORATION  
and  
WILFRID PROPERTIES LLC**

---

Block 2924 Lots 1002, 1003 and 1004  
Bronx, New York

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Record and Return to:

Hirschen Singer & Epstein LLP  
902 Broadway, 13<sup>th</sup> Floor  
New York, New York 10010  
Oliver G. Chase, Esq.



## CONFIRMATORY DEED

**THIS INDENTURE**, made as of the 16<sup>th</sup> day of December 2020

### BETWEEN

**ACMH WILFRID HOUSING DEVELOPMENT FUND CORPORATION**, a New York not-for-profit corporation having an office at c/o ACMH, Inc., 254 West 31<sup>st</sup> Street, 9<sup>th</sup> Floor, New York, New York 10016 (hereinafter referred to as “**HDFC**”) and **WILFRID LIHTC LLC**, a New York limited liability company with an office at 48-02 25th Avenue, Suite 400, Astoria, New York 11103 (“**LLC**” and together with HDFC, the “**Grantor**”)

and

**ACMH WILFRID HOUSING DEVELOPMENT FUND CORPORATION**, a New York not-for-profit corporation having an office at c/o ACMH, Inc., 254 West 31<sup>st</sup> Street, 9<sup>th</sup> Floor, New York, New York 10016 (hereinafter referred to as “**HDFC**”) and **WILFRID LIHTC LLC**, a New York limited liability company with an office at 48-02 25th Avenue, Suite 400, Astoria, New York 11103 (“**LIHTC LLC**” and together with HDFC, the “**Grantee**”)

**WITNESSETH**, that the Grantor, in consideration of One Dollar and other valuable consideration paid by the Grantee does hereby grant and release to Grantee, the heirs or successors and assigns of Grantee forever

The condominium unit identified as Lot 1005 on Block 2924 on the Tax Map of the City of New York, Bronx County in the building known as the Wilfrid Condominium and by the street address 1880-1888 Bathgate Avenue and 4179–4197 3rd Avenue, Bronx, New York situate, lying and being in the Borough and County of Bronx and the State of New York, bounded and described more particularly as set forth in Schedule A annexed hereto and made a part hereof (the “**Premises**”);

**TOGETHER** with all right, title and interest, if any, of Grantor in and to any streets and roads abutting the above described Premises to the center lines thereof;

**TOGETHER** with the appurtenances and all the estate and rights of Grantor in and to said Premises;

**TOGETHER** with, and subject to, the rights, obligations, easements, restrictions and other provisions set forth in the Declaration (as such term is defined in Schedule A) and the by-laws of the Condominium (as such term is defined in Schedule A), as the same may be amended from time to time all of which constitute covenants running with the land and shall bind any person having at any time any interest or estate in the Premises, as though recited and stipulated at length herein;

**TO HAVE AND TO HOLD** the Premises herein granted to Grantee, the heirs or successors and assigns of Grantee forever.

**SAID PREMISES** being a portion of the premises leased by Wilfrid Realty Corp., a New York corporation (“**Lessor**”) to HDFC pursuant to that certain Ground Lease dated June 28, 2017

(“**Ground Lease**”) as evidenced by that certain Memorandum of Ground Lease dated June 28, 2017 and recorded July 18, 2017 in CRFN 2017000263999 in the Office of the City Register of the City of New York, Bronx County (“**Register’s Office**”). The beneficial and equitable leasehold interest in such Ground Lease is held by Wilfrid Properties LLC, a New York limited liability company (“**Moderate LLC**”) and LIHTC LLC pursuant to that certain Declaration of Interest and Nominee agreement dated as of June 28, 2017 and recorded on July 18, 2017 in CRFN 201700026400 in the Register’s Office. Such leasehold premises were subjected to a leasehold condominium regime known as Wilfrid Condominium pursuant to that certain Declaration of Condominium and By-laws (“**Condo Declaration**”) dated August 27, 2018 and recorded in May 2, 2019 in CRFN 2019000140636 in the Register’s Office, pursuant to which the HDFC and LIHTC LLC owned, respectively, legal and beneficial leasehold interest in the Premises. As of the date hereof, (i) Lessor has conveyed to the HDFC the Lessor’s fee interest in the land and building, subject to the Ground Lease, located at 1880-1888 Bathgate Avenue and 4179–4197 3rd Avenue, Bronx, New York and designated as Block 2924 Base Lot 7 on the Tax Map of the City of New York, Bronx County exclusive of the land appurtenant to Unit 1 (as defined in the Condo Declaration) to the HDFC, pursuant to that certain bargain and sale deed dated as of the date hereof and to be recorded herewith; and (ii) beneficial and equitable interest in the Premises was transferred to LIHTC LLC pursuant to that certain Amended and Restated Declaration of Interest and Nominee Agreement dated as of the date hereof and to be recorded contemporaneously herewith. The Condo Declaration is being converted to a fee condominium pursuant to that certain Second Amendment to the Condominium Declaration of Wilfrid Condominium dated as of the date hereof and to be recorded contemporaneously herewith; and the Ground Lease is being terminated pursuant to that certain Termination of Memorandum of Ground Lease dated as of the date hereof and to be recorded contemporaneously herewith, such that the Grantee is and shall be the legal and beneficial fee owner of the Premises.

**AND** this Confirmatory Deed is intended to confirm, on the public record, the legal and beneficial fee interest of Grantee in the Premises and that the legal description of such Premises is set forth in Schedule “A”, annexed here and made a part hereof.

**AND** Grantor covenants that Grantor has not done or suffered anything whereby the same Premises have been encumbered in any way whatever, except as aforesaid.

**AND** the Grantor, in compliance with Section 13 of the Lien Law, covenants that the Grantor will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the same for any other purpose.

**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.**

[Signature Page to Follow]

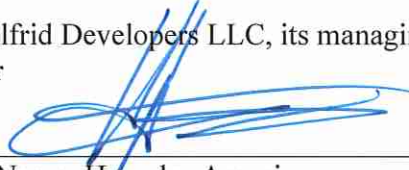
**IN WITNESS WHEREOF**, the Grantor has duly executed this deed the day and year first above written.

**WILFRID LIHTC LLC**

By: Wilfrid Properties LLC, its managing manager

By: Wilfrid GP LLC, its managing member

By: Wilfrid Developers LLC, its managing member


By:   
Name: Hercules Argyriou  
Title: Authorized Signatory

**ACMH WILFRID HOUSING DEVELOPMENT FUND CORPORATION**

By: \_\_\_\_\_  
Name: Daniel K. Johansson  
Title: Executive Vice President/CEO

**ACKNOWLEDGED AND CONSENTED TO BY:**

**BOARD OF MANAGERS OF WILFRID CONDOMINIUM**

By:   
Name: Hercules Argyriou  
Title: President

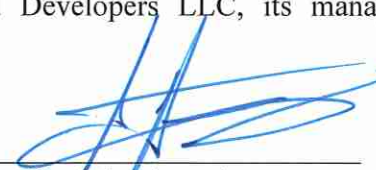
**WILFRID REALTY CORP.**

By: \_\_\_\_\_  
Name: Israel Schwartz  
Title: Vice President and Secretary

**WILFRID PROPERTIES LLC**

By: Wilfrid GP LLC, its managing member

By: Wilfrid Developers LLC, its managing member

By:   
Name: Hercules Argyriou  
Title: Authorized Signatory

IN WITNESS WHEREOF, the Grantor has duly executed this deed the day and year first above written.

**WILFRID LIHTC LLC**


By: Wilfrid Properties LLC, its managing manager

By: Wilfrid GP LLC, its managing member

By: Wilfrid Developers LLC, its managing member

By: \_\_\_\_\_  
Name: Hercules Argyriou  
Title: Authorized Signatory

**ACMH WILFRID HOUSING DEVELOPMENT FUND CORPORATION**

By:   
\_\_\_\_\_  
Name: Daniel K. Johansson  
Title: Executive Vice President/CEO

ACKNOWLEDGED AND CONSENTED TO BY:

**BOARD OF MANAGERS OF WILFRID CONDOMINIUM**

By: \_\_\_\_\_  
Name: Hercules Argyriou  
Title: President

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Title: Executive Vice President/CEO

**ACKNOWLEDGED AND CONSENTED TO BY:**

**BOARD OF MANAGERS OF WILFRID CONDOMINIUM**

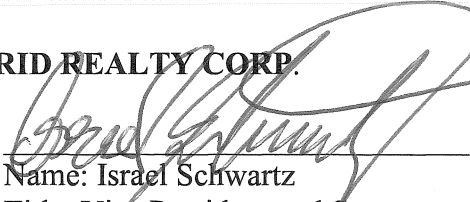
By: \_\_\_\_\_  
Name: Hercules Argyriou  
Title: President

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**WILFRID REALTY CORP.**

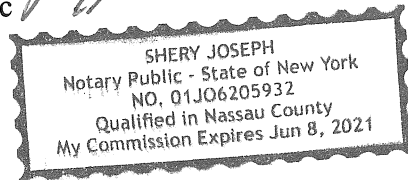
By:   
Name: Israel Schwartz  
Title: Vice President and Secretary

By: \_\_\_\_\_  
Name: Hercules Argyriou  
Title: Authorized Signatory

STATE OF NEW YORK     )  
                                  Nassau    ) SS.:  
COUNTY OF ~~NEW YORK~~    )

On the 7<sup>th</sup> day of December in the year 2020 before me, the undersigned, personally appeared **ISRAEL SCHWARTZ**, 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 executed the same in his capacity, and that by his 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     )  
  ) SS.:  
COUNTY OF NEW YORK    )

On the \_\_\_ day of \_\_\_\_\_ in the year 20\_\_ before me, the undersigned, personally appeared **HERCULES ARGYRIOU**, 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 executed the same in his capacity, and that by his 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     )  
  ) SS.:  
COUNTY OF NEW YORK    )

On the \_\_\_ day of \_\_\_\_\_ in the year 20\_\_ before me, the undersigned, personally appeared **DANIEL K. JOHANSSON**, 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 executed the same in his capacity, and that by his 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 )  
 ) SS.:  
COUNTY OF NEW YORK )

On the \_\_\_ day of \_\_\_\_\_ in the year 20\_\_ before me, the undersigned, personally appeared **ISRAEL SCHWARTZ**, 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 executed the same in his capacity, and that by his 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 )  
 ) SS.:  
COUNTY OF NEW YORK )

On the 4<sup>th</sup> day of December in the year 2020 before me, the undersigned, personally appeared **HERCULES ARGYRIOU**, 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 executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

ELLEN NOELLE PRESOTTO  
NOTARY PUBLIC, STATE OF NEW YORK  
No. 01PR6267343  
Qualified in Nassau County  
My Commission Expires August 20, 2024  
Ellen Noelle Presotto  
\_\_\_\_\_  
Notary Public  
STATE OF NEW YORK )  
 ) SS.:  
COUNTY OF NEW YORK )

On the \_\_\_ day of \_\_\_\_\_ in the year 20\_\_ before me, the undersigned, personally appeared **DANIEL K. JOHANSSON**, 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 executed the same in his capacity, and that by his 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 )  
 ) SS.:  
COUNTY OF NEW YORK )

On the \_\_\_ day of \_\_\_\_\_ in the year 20\_\_ before me, the undersigned, personally appeared **ISRAEL SCHWARTZ**, 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 executed the same in his capacity, and that by his 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 )  
 ) SS.:  
COUNTY OF NEW YORK )

On the \_\_\_ day of \_\_\_\_\_ in the year 20\_\_ before me, the undersigned, personally appeared **HERCULES ARGYRIOU**, 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 executed the same in his capacity, and that by his 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 )  
 ) SS.:  
COUNTY OF NEW YORK )

On the 7<sup>th</sup> day of December in the year 2020 before me, the undersigned, personally appeared **DANIEL K. JOHANSSON**, 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 executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Sharon Roy  
\_\_\_\_\_  
Notary Public





**SCHEDULE A  
LEGAL DESCRIPTION**

The Condominium Unit (in the Building known as Wilfrid Condominium located at and known as and by Street Number 1880-1888 Bathgate Avenue and 4179-4197 3rd Avenue, Bronx, New York), designated and described as Unit No. 5 (hereinafter called the "Unit") in the Declaration (hereinafter called "Declaration") made by ACMH Wilfrid Housing Development Fund Corporation and Wilfrid Properties LLC hereinafter called the "Sponsor") under the Condominium Act of the State of New York (Article 9-B of the Real Property Law of the State of New York), dated 8/27/2018 and recorded 5/2/2019 in the Office of the City Register of the City of New York, County of Bronx, as CRFN 2019000140636, amended by First Amendment to Condominium Declaration, dated 10/21/2019, recorded 11/19/2020 in CRFN 2020000324924 and Second Amendment to Condominium Declaration, dated 12/16/2020 and to be recorded, establishing a plan for Condominium ownership of said Building and the land upon which the same is erected (hereinafter sometimes collectively called the "Property") and also designated and described as Tax Lot No. 1005 in Block 2924 of Section 11, Borough of Bronx on the Tax Map of the Real Property Assessment Department of the City of New York and on the floor plans of said Building certified by Saky Yakas, Registered Architect on 11/14/2018 and filed in said Real Property Assessment Department of the City of New York as Condominium Plan No. 240 and also filed on 5/2/2019 as CRFN 2019000140637, as amended by Amendment to Condominium dated 11/4/2020, recorded 11/19/2020 in CRFN 2020000324925 in the aforesaid Register's Office.

TOGETHER with an undivided 57.43% percent interest in the common elements of the property as described in the Declaration (hereinafter called the "Common Elements") recorded as CRFN 2019000140636.

The land upon which the Building containing the Unit is erected is described as follows:

ALL that certain piece or parcel of land situate, lying and being in the Borough and County of the Bronx, City and State of New York, more particularly bounded and described as follows:

BEGINNING at a point on the southeasterly side of Bathgate Avenue (as now open and in use, 60 feet wide) distance 86.19 feet southwesterly from a corner formed by the intersection of said southeasterly side of Bathgate Avenue and the southwesterly side of East Tremont Avenue (as now open and in use, 75 feet wide)

RUNNING THENCE southeasterly along a line at interior angle of 89 degrees 59 minutes 33 seconds with the southeasterly side of Bathgate Avenue, 178.13 feet to the northwesterly side of 3rd Avenue (as now open and in use, 80 feet wide);

RUNNING THENCE southwesterly along the northwesterly side of 3rd Avenue; 216 .02 feet;

THENCE northwesterly along a line at interior angle of 87 degrees 47 minutes 41 seconds with the northwesterly side of 3rd Avenue, 95.87 feet;

THENCE northeasterly along a line at interior angle of 90 degrees 00 minutes 08 seconds with the

last mentioned course, 35.86 feet;

THENCE northwesterly along a line at interior angle of 269 degrees 59 minutes 02 seconds with the last mentioned course, 90.56 feet to the southeasterly side of Bathgate Avenue;

THENCE northeasterly along the southeasterly side of Bathgate Avenue, 180.00 feet to the point or place of BEGINNING.

**CONFIRMATORY DEED**

**ACMH WILFRID HOUSING DEVELOPMENT FUND CORPORATION  
and  
WILFRID LIHTC LLC**

**to**

**ACMH WILFRID HOUSING DEVELOPMENT FUND CORPORATION  
and  
WILFRID LIHTC LLC**

---

Block 2924 Lot 1005  
Bronx, New York

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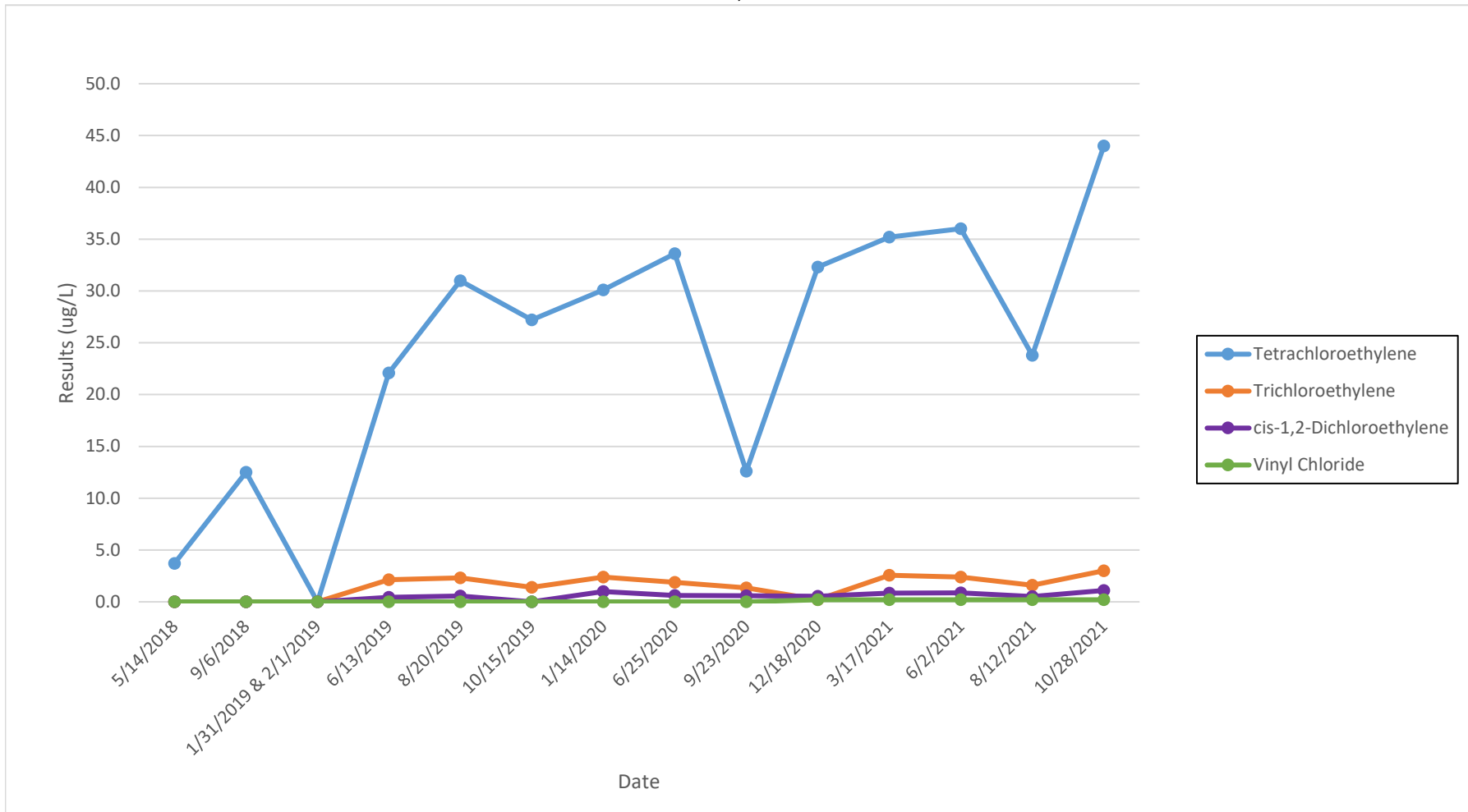
Record and Return to:

Hirschen Singer & Epstein LLP  
902 Broadway, 13<sup>th</sup> Floor  
New York, New York 10010  
Oliver G. Chase, Esq.

## **APPENDIX C**

# **Graphical Representation of Historical Groundwater Data**

MW-10  
Graphical Representation  
Historical Groundwater Data  
1888 Bathgate Avenue  
Bronx, NY 10457



**NYSDEC TOGS**

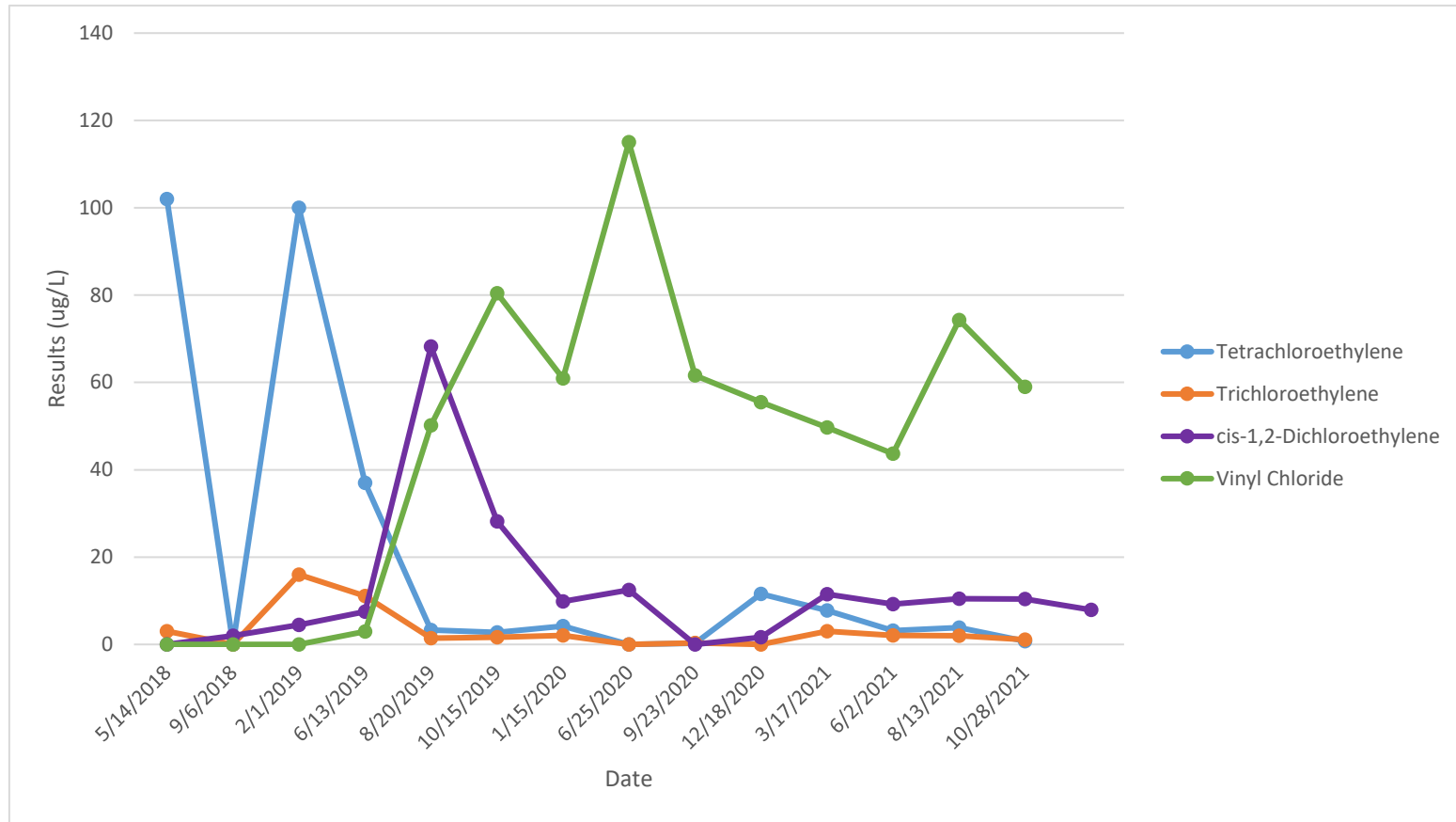
**Standards and Guidance Values**

Tetrachloroethylene-5 ug/L  
Trichloroethylene- 5 ug/L  
Cis-1,2-Dichloroethylene- 5 ug/L  
Vinyl Chloride- 2 ug/L

**Method Detection Limit**

Tetrachloroethylene-0.200 ug/L  
Trichloroethylene- 0.200 ug/L  
Cis-1,2-Dichloroethylene- 0.200 ug/L  
Vinyl Chloride- 0.200 ug/L

MW-11  
Graphical Representation  
Historical Groundwater Data  
1888 Bathgate Avenue  
Bronx, NY 10457



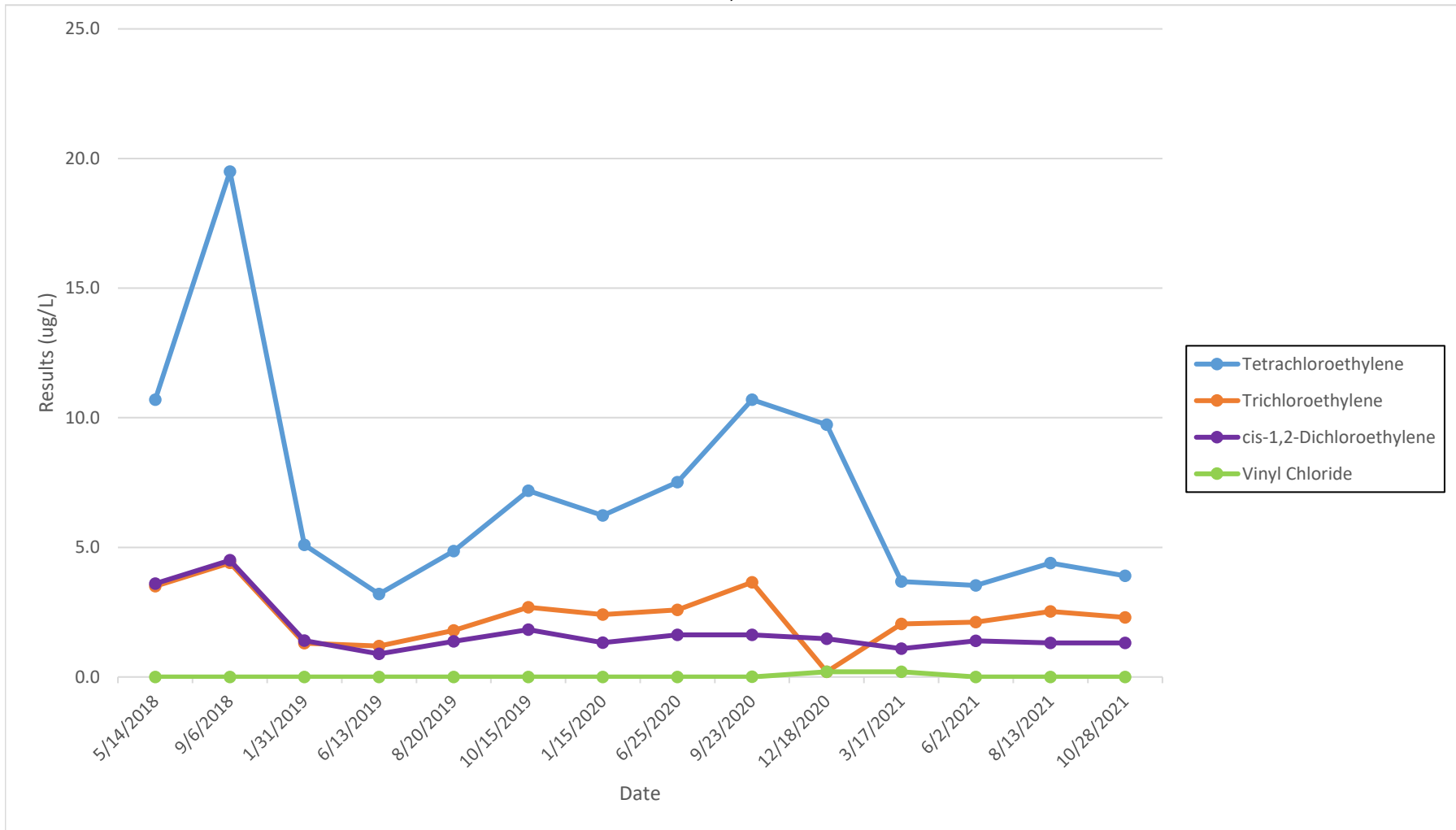
**NYSDEC TOGS  
Standards and Guidance Values**

Tetrachloroethylene-5 ug/L  
Trichloroethylene- 5 ug/L  
Cis-1,2-Dichloroethylene- 5 ug/L  
Vinyl Chloride- 2 ug/L

**Method Detection Limit**

Tetrachloroethylene-0.200 ug/L  
Trichloroethylene- 0.200 ug/L  
Cis-1,2-Dichloroethylene- 0.200 ug/L  
Vinyl Chloride- 0.200 ug/L

MW-12  
 Graphical Representation  
 Historical Groundwater Data  
 1888 Bathgate Avenue  
 Bronx, NY 10457



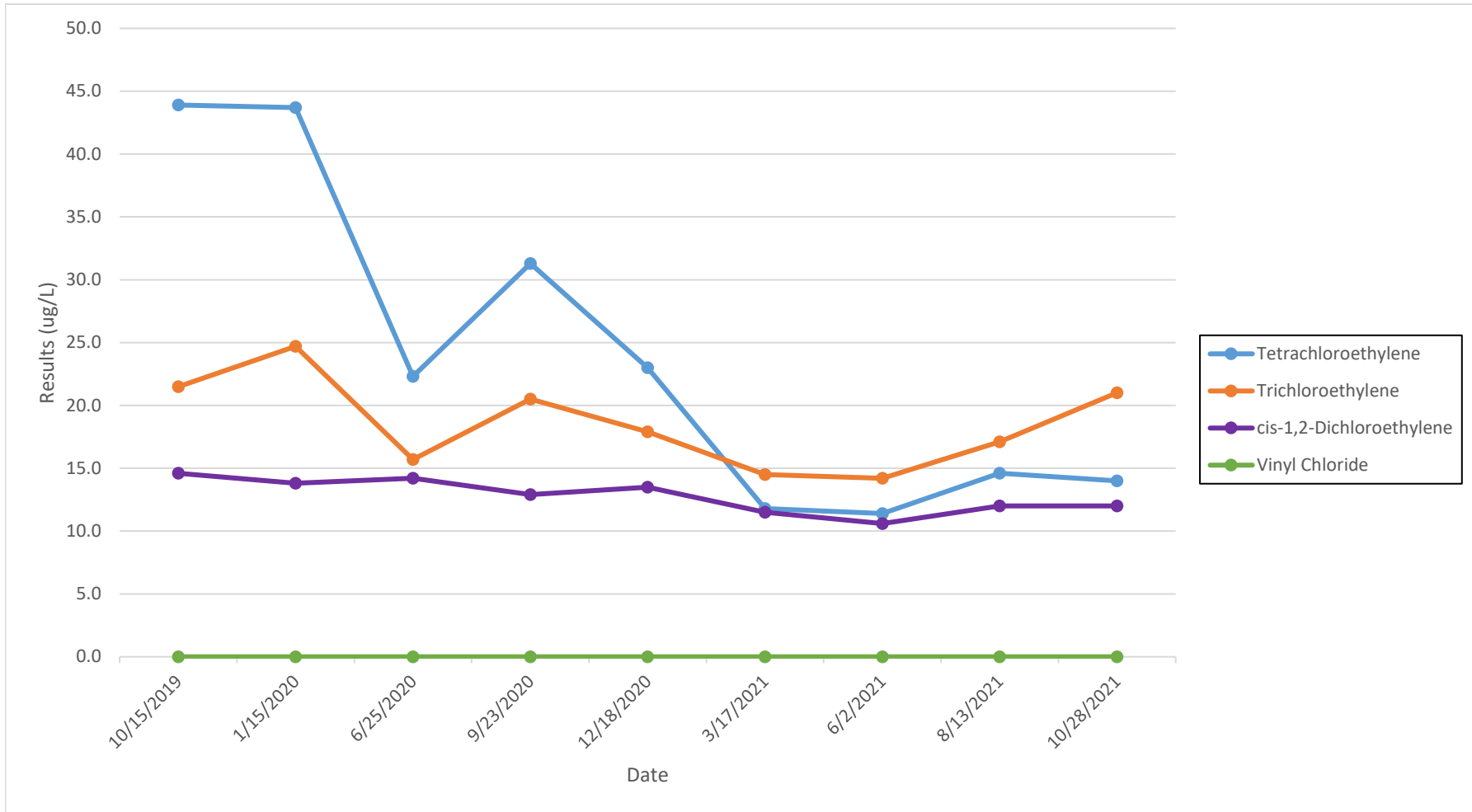
**NYSDEC TOGS**  
**Standards and Guidance Values**

Tetrachloroethylene-5 ug/L  
 Trichloroethylene- 5 ug/L  
 Cis-1,2-Dichloroethylene- 5 ug/L  
 Vinyl Chloride- 2 ug/L

**Method Detection Limit**

Tetrachloroethylene-0.200 ug/L  
 Trichloroethylene- 0.200 ug/L  
 Cis-1,2-Dichloroethylene- 0.200 ug/L  
 Vinyl Chloride- 0.200 ug/L

MW-13  
Graphical Representation  
Historical Groundwater Data  
1888 Bathgate Avenue  
Bronx, NY 10457



**NYSDEC TOGS  
Standards and Guidance Values**

Tetrachloroethylene-5 ug/L  
Trichloroethylene- 5 ug/L  
Cis-1,2-Dichloroethylene- 5 ug/L  
Vinyl Chloride- 2 ug/L

**Method Detection Limit**

Tetrachloroethylene-0.200 ug/L  
Trichloroethylene- 0.200 ug/L  
Cis-1,2-Dichloroethylene- 0.200 ug/L  
Vinyl Chloride- 0.200 ug/L