

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Remediation, Office of the Director
625 Broadway, 12th Floor, Albany, New York 12233-7011
P: (518) 402-9706 | F: (518) 402-9020
www.dec.ny.gov

December 16, 2022

4720 Development LLC
Peter Serpico
989 6th Avenue, 15th Fl.
New York, NY 10018
pserpico@omnibuild.com

4720 Third Ave LLC
4720 VCD LLC
Peter Serpico
57 West 38th Street, 10th Fl.
New York, NY 10018
pserpico@omnibuild.com

4720 JR LLC
Payman Yadidi
989 6th Avenue, 15th Fl.
New York, NY 10018
ray@sionigroup.com

Re: Certificate of Completion
Former Sears Auto Center Site
Bronx, Bronx County
C203147

Dear Mr. Serpico and Mr. Yadidi:

Congratulations on having satisfactorily completed the remedial program at the Former Sears Auto Center Site. Enclosed please find an original, signed Certificate of Completion (COC). The New York State Department of Environmental Conservation (Department) is pleased to inform you that the Final Engineering Report is hereby approved, allowing the COC to be issued for the above-referenced site.

Please note that you are required to perform the following tasks:

- If you are the site owner, you must record the Notice of Certificate of Completion in the recording office for the county (or counties) where any portion of the site is located within 30 days of issuance of the COC; or if you are a prospective purchaser of the site, you must record the Notice within 30 days of the date that you acquire the site. If you are a non-owner, you must work with the owner to assure the Notice is recorded within the time

frame specified. A standard Notice of Certificate of Completion form is attached to this letter.

- Provide electronic copies of the recorded Notice and proof of recording to the Department's project manager. Please return the hard copy of the proof of recording to:

Daniel McNally, Bureau B
New York State Department of Environmental Conservation
Division of Environmental Remediation
625 Broadway
Albany, NY 12233

- Provide the Notice of Certificate of Completion to the Document Repositories within 10 days of issuance of the COC. The Department will develop a fact sheet announcing the issuance of the COC and describing the institutional and engineering controls (IC/ECs), if any, that are required at the site and distribute it to the County Listserv within 10 days;

If you have any questions, please do not hesitate to contact Daniel McNally, the Department's project manager, at (518) 402-9143.

Sincerely,

Andrew Guglielmi

Andrew Guglielmi
Division Director
Division of Environmental Remediation

Enclosure

ec w/ enclosure:

P. Serpico, Applicant, pserpico@omnibuild.com
P. Yadidi, Applicant, ray@sionigroup.com
P. Boyce, P.W. Grosser, paulb@pwgrosser.com
J. Lewis, P.W. Grosser, jenniferl@pwgrosser.com
L. Shaw, Applicant's Counsel, lshaw@nyenvlaw.com
C. Vooris, NYSDOH, christine.vooris@health.ny.gov
S. McLaughlin, NYSDOH, scarlet.mclaughlin@health.ny.gov
K. Kulow, NYSDOH, Kristin.kulow@health.ny.gov
Matt Gokey, matthew.gokey@tax.ny.gov
Paul Takac, paul.takac@tax.ny.gov

ec w/o enc.:

D. McNally, D. MacNeal, G. Burke, J. O'Connell, K. McCarthy, L. Schmidt, K. Lewandowski

NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP)
CERTIFICATE OF COMPLETION

CERTIFICATE HOLDER(S):

| Name | Address |
|----------------------|---|
| 4720 Development LLC | 989 6th Avenue, New York, NY 10018 |
| 4720 Third Ave LLC | 57 West 38th Street, New York, NY 10018 |
| 4720 VCD LLC | 57 West 38th Street, New York, NY 10018 |
| 4720 JR LLC | 989 6th Avenue, New York, NY 10018 |

BROWNFIELD CLEANUP AGREEMENT:

Application Approval: 8/25/21 **Agreement Execution:** 9/3/21
Agreement Index No.: C203147-08-21

Application Amendment Approval: 3/10/22 **Agreement Amendment Execution:** 3/10/22

SITE INFORMATION:

Site No.: C203147 **Site Name:** Former Sears Auto Center Site
Site Owner: 4720 Third Ave LLC
4720 JR LLC

Street Address: 4720 Third Ave, 4734 Third Ave & 448 E 189th St
Municipality: Bronx **County:** Bronx **DEC Region:** 2
Site Size: 0.818 Acres
Tax Map Identification Number(s): 3042-13, 3042-22, 3042-28
Percentage of site located in an EnZone: 100 %

A description of the property subject to this Certificate is attached as Exhibit A and a site survey is attached as Exhibit B.

CERTIFICATE ISSUANCE

This Certificate of Completion, hereinafter referred to as the "Certificate," is issued pursuant to Article 27, Title 14 of the New York State Environmental Conservation Law ("ECL").

This Certificate has been issued upon satisfaction of the Commissioner, following review by the Department of the Final Engineering Report and data submitted pursuant to the Brownfield Site Cleanup Agreement, as well as any other relevant information regarding the site, that the applicable remediation requirements set forth in the ECL have been or will be achieved in accordance with the time frames, if any, established in the remedial work plan.

The remedial program for the site has achieved a cleanup level that would be consistent with the following categories of uses (actual site use is subject to local zoning requirements):

For a 0.7807-acre area - See Exhibits A and B

Allowable Uses under the BCP: Unrestricted, Residential, Restricted-Residential, Commercial, and Industrial
Cleanup Track 1: Unrestricted Use

Tax Credit Provisions:

Site Preparation and On-Site Groundwater Remediation Credit Component Rate is 50%.

Eligibility for Tangible Property Credit is available through: EnZone.

Tangible Property Credit Component Rate is 20%. Comprised of 10% Base, 5% EnZone, 5% Track 1

For a 0.0368-acre area - See Exhibits A and B

Allowable Uses under the BCP: Residential, Restricted-Residential, Commercial, and Industrial
Cleanup Track 2: Restricted use with generic soil cleanup objectives

Tax Credit Provisions:

Site Preparation and On-Site Groundwater Remediation Credit Component Rate is 40%.
Eligibility for Tangible Property Credit is available through: EnZone.
Tangible Property Credit Component Rate is 15%. Comprised of 10% Base, 5% EnZone

Dependent upon the project being developed in a manner consistent with the approved Brownfield Cleanup Program application, additional rate increases may be available if the site is developed as affordable housing (5%), if the Certificate Holder receives a separate Determination of Conformance with the BOA from the Secretary of State (5%), or if the site is used primarily for manufacturing activities (5%) not to exceed a maximum 24 %.

LIABILITY LIMITATION

Upon issuance of this Certificate of Completion, and subject to the terms and conditions set forth herein, the Certificate holder(s) shall be entitled to the liability limitation provided in ECL Section 27-1421. The liability limitation shall run with the land, extending to the Certificate holder's successors or assigns through acquisition of title to the site and to a person who develops or otherwise occupies the site, subject to certain limitations as set forth in ECL Section 27-1421. The liability limitation shall be subject to all rights reserved to the State by ECL Section 27-1421.2 and any other applicable provision of law.

CERTIFICATE TRANSFERABILITY

This Certificate may be transferred to the Certificate holder's successors or assigns upon transfer or sale of the site as provided by ECL Section 27-1419.5 and 6NYCRR Part 375-1.9.

CERTIFICATE MODIFICATION/REVOCATION

This Certificate of Completion may be modified or revoked by the Commissioner following notice and an opportunity for a hearing in accordance with ECL Section 27-1419 and 6NYCRR Part 375-1.9(e) upon a finding that:

- (1) either the Applicant or the Applicant's successors or assigns have failed to comply with the terms and conditions of the Brownfield Site Cleanup Agreement;
- (2) the Applicant made a misrepresentation of a material fact tending to demonstrate that it was qualified as a Volunteer;
- (3) either the Applicant or the Applicant's successors or assigns made a misrepresentation of a material fact tending to demonstrate that the cleanup levels identified in the Brownfield Site Cleanup Agreement were reached; or
- (4) there is good cause for such modification or revocation.

The Certificate holder(s) (including its successors or assigns) shall have thirty (30) days within which to cure any deficiency or to seek a hearing. If the deficiency is not cured or a request for a hearing is not received within such 30-day period, the Certificate shall be deemed modified or vacated on the 31st day after the Department's notice.

Basil Seggos
Commissioner
New York State Department of Environmental Conservation

By: Andrew Guglielmi Date: 12/16/2022
Andrew O. Guglielmi, Director
Division of Environmental Remediation

Exhibit A
Site Description

BCP SITE LEGAL DESCRIPTION

BEGINNING AT THE CORNER FORMED BY THE INTERSECTION OF THE SOUTHERLY SIDE OF EAST 189TH STREET WITH THE NORTHEASTERLY SIDE OF THIRD AVENUE;

THENCE RUNNING EASTERLY ALONG THE SOUTHERLY SIDE OF EAST 189TH STREET, 239.01';

THENCE SOUTHERLY PARALLEL WITH WASHINGTON AVENUE AND FORMING AN INTERIOR ANGLE OF 90 DEGREES 52 MINUTES 45 SECONDS WITH THE SOUTHERLY SIDE OF EAST 189TH STREET, 215.00';

THENCE WESTERLY ALONG A LINE PARALLEL WITH THE SOUTHERLY SIDE OF EAST 189TH STREET AND FORMING AN INTERIOR ANGLE OF 89 DEGREES 07 MINUTES 15 SECONDS WITH THE LAST DESCRIBED COURSE, 92.24' TO THE NORTHEASTERLY SIDE OF THIRD AVENUE;

THENCE NORTHWESTERLY ALONG THE NORTHEASTERLY SIDE OF THIRD AVENUE AND FORMING AN INTERIOR ANGLE OF 124 DEGREES 55 MINUTES 07 SECONDS WITH THE LAST DESCRIBED COURSE, 262.18' TO THE POINT OF BEGINNING.

ACREAGE: 0.8175

TRACK 1 REMEDY LEGAL DESCRIPTION

ALL THAT CERTAIN LOT, PIECE OR PARCEL OF LAND, SITUATE, LYING AND BEING IN THE BOROUGH AND COUNTY OF BRONX, CITY AND STATE OF NEW YORK, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTHERLY SIDE OF EAST 189TH STREET, DISTANT 46.29 FEET EASTERLY FROM THE CORNER FORMED BY THE INTERSECTION OF THE SOUTHERLY SIDE OF EAST 189TH STREET AND THE EASTERLY SIDE OF THIRD AVENUE;

THENCE RUNNING EASTERLY ALONG THE SOUTHERLY SIDE OF EAST 189TH STREET, 192.72 ;

THENCE SOUTHERLY PARALLEL WITH WASHINGTON AVENUE AND FORMING AN INTERIOR ANGLE OF 90 DEGREES 52 MINUTES 45 SECONDS WITH THE SOUTHERLY SIDE OF EAST 189TH STREET, 215.00';

THENCE WESTERLY ALONG A LINE PARALLEL WITH THE SOUTHERLY SIDE OF EAST 189TH STREET AND FORMING AN INTERIOR ANGLE OF 89 DEGREES 07 MINUTES 15 SECONDS WITH THE LAST DESCRIBED COURSE, 92.24' TO THE NORTHEASTERLY SIDE OF THIRD AVENUE;

THENCE NORTHWESTERLY ALONG THE NORTHEASTERLY SIDE OF THIRD AVENUE AND FORMING AN INTERIOR ANGLE OF 124 DEGREES 55 MINUTES 07 SECONDS WITH THE LAST DESCRIBED COURSE, 204.72'

THENCE NORTHEASTERLY AND FORMING AN EXTERIOR ANGLE OF 83 DEGREES 24 MINUTES 17 SECONDS WITH THE LAST DESCRIBED COURSE, 38.79';

THENCE NORTHWESTERLY AND FORMING AN EXTERIOR ANGLE OF 95 DEGREES 21 MINUTES 05 SECONDS WITH THE LAST DESCRIBED COURSE, 26.52' TO THE POINT OF BEGINNING.

ACREAGE: 0.7807

TRACK 2 REMEDY LEGAL DESCRIPTION

BEGINNING AT THE CORNER FORMED BY THE INTERSECTION OF THE SOUTHERLY SIDE OF EAST 189TH STREET WITH THE NORTHEASTERLY SIDE OF THIRD AVENUE;

THENCE RUNNING EASTERLY ALONG THE SOUTHERLY SIDE OF EAST 189TH STREET, 46.29';

THENCE SOUTHEASTERLY AND FORMING AN INTERIOR ANGLE OF 126 DEGREES 09 MINUTES 45 SECONDS WITH THE LAST DESCRIBED COURSE, 26.52';

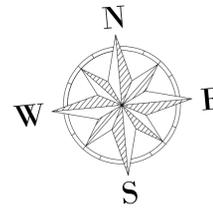
THENCE SOUTHWESTERLY AND FORMING AN INTERIOR ANGLE OF 95 DEGREES 21 MINUTES 5 SECONDS WITH THE LAST DESCRIBED COURSE, 38.79' TO THE NORTHEASTERLY SIDE OF THIRD AVENUE;

THENCE NORTHWESTERLY ALONG THE NORTHEASTERLY SIDE OF SAID THIRD AVENUE AND FORMING AN INTERIOR ANGLE OF 83 DEGREES 24 MINUTES 17 SECONDS WITH THE LAST DESCRIBED COURSE, 57.46' TO THE POINT OF BEGINNING

ACREAGE: 0.0368

Exhibit B

Site Survey



LEGAL DESCRIPTION - PER RECORDED DEEDS

LOT 13

PARCEL I - ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND, SITUATE, LYING AND BEING IN FORDHAM IN THE 24TH WARD OF THE CITY OF NEW YORK, BEING THE NORTH HALF OF THE LOT DESIGNATED BY THE NUMBER 13 ON A MAP MADE BY A. FINDLEY, SURVEYOR, DATED MARCH 14TH, 1851, AND BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EASTERLY SIDE OF (NORTH THIRD AVENUE NOW) ROAD LEADING FROM KINGSBRIDGE TO WEST FARMS DISTANT 170 FEET 6 INCHES NORTHERLY FROM THE CORNER FORMED BY THE INTERSECTION OF THE EASTERLY SIDE OF SAID ROAD AND THE NORTHERLY SIDE OF BAYARD STREET ON SAID MAP;

RUNNING THENCE EASTERLY PARALLEL WITH BAYARD STREET TO LOT NO. 10 ON SAID MAP; THENCE NORTHERLY ALONG THE WESTERLY BOUNDARY LINE OF SAID LOT NO. 10, 25 FEET;

THENCE WESTERLY ALONG THE SOUTHERLY BOUNDARY LINE OF LOT NO. 14 ON SAID MAP 117 FEET TO THE EASTERLY SIDE OF SAID ROAD; THENCE SOUTHERLY ALONG THE EASTERLY SIDE OF SAID ROAD 30 FEET 6 INCHES TO THE POINT OR BEGINNING.

EXCEPTING THEREFROM SO MUCH OF SAID PREMISES, IF ANY, AS WAS TAKEN BY THE CITY OF NEW YORK IN CONNECTION WITH THE WIDENING OF THIRD AVENUE.

PARCEL II - ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND, SITUATE, LYING AND BEING IN THE BOROUGH OF BRONX, CITY AND STATE OF NEW YORK, WHICH ON A CERTAIN MAP OF UNION HILL MADE BY A. FINDLEY, SURVEYOR, DATED MARCH 14TH, 1851 AND FILED IN THE OFFICE OF THE REGISTER OF WESTCHESTER COUNTY ARE KNOWN AND DESIGNATED BY LOTS NO. 14 AND 15, WHICH SAID LOTS TAKEN TOGETHER ARE, ACCORDING TO SAID MAP, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EASTERLY SIDE OF THE ROAD LEADING FROM KINGSBRIDGE TO WEST FARMS (NOW THIRD AVENUE) DISTANT 109.75 FEET SOUTHERLY FROM THE CORNER FORMED BY THE INTERSECTION OF THE EASTERLY SIDE OF SAID ROAD WITH THE SOUTHERLY SIDE OF POWELL PLACE (NOW 189TH STREET) AS WIDENED, SAID POINT BEING THE POINT WHERE THE NORTHERLY LINE OF LOT NO. 15 ON SAID MAP INTERSECTS THE PRESENT LINE OF KINGSBRIDGE AND WEST FARMS ROAD (NOW THIRD AVENUE);

RUNNING THENCE SOUTHERLY ALONG THE EASTERLY SIDE OF KINGSBRIDGE AND WEST FARMS ROAD (NOW THIRD AVENUE) 121.94 FEET TO A POINT WHERE THE SOUTHERLY LINE OF LOT NO. 14 ON SAID MAP INTERSECTS THE PRESENT LINE OF KINGSBRIDGE AND WEST FARMS ROAD (NOW THIRD AVENUE);

THENCE SOUTHEASTERLY PARALLEL WITH POWELL PLACE (NOW 189TH STREET) AND ALONG THE SOUTHERLY LINE OF LOT NO. 14, 109.32 FEET TO LOT NO. 9 ON SAID MAP;

THENCE NORTHERLY PARALLEL WITH DELANCEY PLACE (NOW WASHINGTON AVENUE) AND ALONG THE EASTERLY LINE OF LOTS NOS. 14 AND 15, 100 FEET;

THENCE NORTHWESTERLY PARALLEL WITH POWELL PLACE (NOW 189TH STREET) AND ALONG THE NORTHERLY LINE OF LOT NO. 15 ON SAID MAP 177.59 FEET TO KINGSBRIDGE AND WEST FARMS ROAD (NOW THIRD AVENUE) THE POINT OR PLACE OF BEGINNING.

LOT 22

PARCEL IV - ALL THAT CERTAIN LOT, PIECE OR PARCEL OF LAND, SITUATE, LYING AND BEING IN THE BOROUGH AND COUNTY OF BRONX, CITY AND STATE OF NEW YORK, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE CORNER FORMED BY THE INTERSECTION OF THE SOUTHERLY SIDE OF EAST 189TH STREET AND THE EASTERLY SIDE OF THIRD AVENUE;

RUNNING THENCE EASTERLY ALONG THE SOUTHERLY SIDE OF EAST 189TH STREET 89.09 FEET;

THENCE SOUTHERLY ON A LINE FORMING AN INTERIOR ANGLE OF 90 DEGREES 52 MINUTES 45 SECONDS WITH THE SOUTHERLY SIDE OF EAST 189TH STREET, 32 FEET;

THENCE WESTERLY ON A LINE FORMING AN INTERIOR ANGLE OF 89 DEGREES 07 MINUTES 15 SECONDS WITH THE LAST COURSE 67.97 FEET TO THE EASTERLY SIDE OF THIRD AVENUE; AND

THENCE NORTHERLY ALONG THE EASTERLY SIDE OF THIRD AVENUE 37.80 FEET TO THE CORNER, THE POINT, OR PLACE OF BEGINNING.

PARCEL VI -

ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND, SITUATE, LYING AND BEING IN THE BOROUGH AND COUNTY OF BRONX, CITY AND STATE OF NEW YORK, KNOWN AND DESIGNATED AS LOT #2, ON A MAP ENTITLED "MAP OF WILLIAM POWELL FARMS" MADE BY ANDREW FINDLEY, DATED MARCH 14, 1851, FILED IN THE OFFICE OF THE REGISTER OF WESTCHESTER COUNTY, WHICH SAID LOT IS BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EASTERLY SIDE OF THE ROAD LEADING FROM KINGSBRIDGE TO WEST FARMS, AS LAID DOWN ON SAID MAP, DISTANT 50 FEET SOUTHERLY ALONG THE SAME FROM THE CORNER FORMED BY THE INTERSECTION OF THE EASTERLY SIDE OF SAID ROAD AND THE SOUTHERLY SIDE OF POWELL PLACE AS LAID DOWN ON SAID MAP;

THENCE EASTERLY AND PARALLEL WITH THE SOUTHERLY SIDE OF POWELL PLACE, AND ALONG THE SOUTHERLY LINE OF LOT #1 ON SAID MAP, 72 FEET TO THE WESTERLY LINE OF LOT #3 AS ON SAID MAP;

THENCE SOUTHERLY PARALLEL WITH THE WESTERLY SIDE OF DELANCEY PLACE AND ALONG THE SAID WESTERLY LINE OF LOT #3, 59 FEET TO THE NORTHERLY LINE OF LOT #15 ON SAID MAP;

THENCE WESTERLY PARALLEL WITH THE SOUTHERLY SIDE OF POWELL PLACE AND ALONG THE NORTHERLY LINE OF SAID LOT #15, 30 FEET TO THE SAID EASTERLY SIDE OF SAID ROAD;

THENCE NORTHERLY ALONG THE EASTERLY SIDE OF SAID ROAD 72 FEET TO BEGINNING.

LOT 28

PARCEL III - ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND, SITUATE, LYING AND BEING IN THE BOROUGH AND COUNTY OF BRONX, CITY AND STATE OF NEW YORK, MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTHERLY SIDE OF EAST 189TH STREET AS LEGALLY OPENED, DISTANT 110 FEET WEST OF THE CORNER FORMED BY THE INTERSECTION OF THE SAID SIDE OF 189TH STREET WITH THE WESTERLY SIDE OF WASHINGTON AVENUE;

RUNNING THENCE WESTERLY ALONG 189TH STREET 50 FEET; THENCE SOUTHERLY PARALLEL WITH WASHINGTON AVENUE 90 FEET; THENCE EASTERLY PARALLEL WITH 189TH STREET 50 FEET;

THENCE NORTHERLY AGAIN PARALLEL WITH WASHINGTON AVENUE 90 FEET TO THE POINT OR PLACE OF BEGINNING.

PARCEL V -

ALL THAT CERTAIN LOT, PIECE OR PARCEL OF LAND, SITUATE, LYING AND BEING IN THE BOROUGH AND COUNTY OF BRONX, CITY AND STATE OF NEW YORK, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTHERLY SIDE OF EAST 189TH STREET, DISTANT 89.03 FEET EASTERLY FROM THE CORNER FORMED BY THE INTERSECTION OF THE SOUTHERLY SIDE OF EAST 189TH STREET AND THE EASTERLY SIDE OF THIRD AVENUE;

RUNNING THENCE SOUTHERLY ON A LINE FORMING AN EXTERIOR ANGLE OF 90 DEGREES 52 MINUTES 45 SECONDS WITH THE SOUTHERLY SIDE OF EAST 189TH STREET 90 FEET;

THENCE EASTERLY PARALLEL WITH THE SOUTHERLY SIDE OF EAST 189TH STREET 100 FEET;

THENCE NORTHERLY PARALLEL WITH FIRST COURSE 90 FEET TO THE SOUTHERLY SIDE OF EAST 189TH STREET; AND

THENCE WESTERLY ALONG THE SOUTHERLY SIDE OF EAST 189TH STREET 100 FEET TO THE POINT OR PLACE OF BEGINNING.



BROWNFIELD CLEANUP PROGRAM SITE FORMER SEARS AUTO CENTER SITE
NO. C203147
TAX IDS: 3042-13, 3042-22, 3042-28
ADDRESS: 4720 THIRD AVENUE, 4734 THIRD AVENUE AND 448 EAST 189TH STREET
BRONX, NY 10458
ACREAGE: .8175

TRACK 1 REMEDY LEGAL DESCRIPTION

ALL THAT CERTAIN LOT, PIECE OR PARCEL OF LAND, SITUATE, LYING AND BEING IN THE BOROUGH AND COUNTY OF BRONX, CITY AND STATE OF NEW YORK, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTHERLY SIDE OF EAST 189TH STREET, DISTANT 46.29 FEET EASTERLY FROM THE CORNER FORMED BY THE INTERSECTION OF THE SOUTHERLY SIDE OF EAST 189TH STREET AND THE EASTERLY SIDE OF THIRD AVENUE;

THENCE RUNNING EASTERLY ALONG THE SOUTHERLY SIDE OF EAST 189TH STREET, 192.72;

THENCE SOUTHERLY PARALLEL WITH WASHINGTON AVENUE AND FORMING AN INTERIOR ANGLE OF 90 DEGREES 52 MINUTES 45 SECONDS WITH THE SOUTHERLY SIDE OF EAST 189TH STREET, 215.00';

THENCE WESTERLY ALONG A LINE PARALLEL WITH THE SOUTHERLY SIDE OF EAST 189TH STREET AND FORMING AN INTERIOR ANGLE OF 89 DEGREES 07 MINUTES 15 SECONDS WITH THE LAST DESCRIBED COURSE, 92.24' TO THE NORTHEASTERLY SIDE OF THIRD AVENUE;

THENCE NORTHWESTERLY ALONG THE NORTHEASTERLY SIDE OF THIRD AVENUE AND FORMING AN INTERIOR ANGLE OF 124 DEGREES 55 MINUTES 07 SECONDS WITH THE LAST DESCRIBED COURSE, 204.72'

THENCE NORTHEASTERLY AND FORMING AN EXTERIOR ANGLE OF 83 DEGREES 24 MINUTES 17 SECONDS WITH THE LAST DESCRIBED COURSE, 38.79';

THENCE NORTHWESTERLY AND FORMING AN EXTERIOR ANGLE OF 95 DEGREES 21 MINUTES 05 SECONDS WITH THE LAST DESCRIBED COURSE, 26.52' TO THE POINT OF BEGINNING.

ACREAGE: 0.7807

TRACK 2 REMEDY LEGAL DESCRIPTION

BEGINNING AT THE CORNER FORMED BY THE INTERSECTION OF THE SOUTHERLY SIDE OF EAST 189TH STREET WITH THE NORTHEASTERLY SIDE OF THIRD AVENUE;

THENCE RUNNING EASTERLY ALONG THE SOUTHERLY SIDE OF EAST 189TH STREET, 46.29';

THENCE SOUTHEASTERLY AND FORMING AN INTERIOR ANGLE OF 126 DEGREES 09 MINUTES 45 SECONDS WITH THE LAST DESCRIBED COURSE, 26.52';

THENCE SOUTHWESTERLY AND FORMING AN INTERIOR ANGLE OF 95 DEGREES 21 MINUTES 5 SECONDS WITH THE LAST DESCRIBED COURSE, 38.79' TO THE NORTHEASTERLY SIDE OF THIRD AVENUE;

THENCE NORTHWESTERLY ALONG THE NORTHEASTERLY SIDE OF SAID THIRD AVENUE AND FORMING AN INTERIOR ANGLE OF 83 DEGREES 24 MINUTES 17 SECONDS WITH THE LAST DESCRIBED COURSE, 57.46' TO THE POINT OF BEGINNING

ACREAGE: 0.0368

BCP SITE LEGAL DESCRIPTION

BEGINNING AT THE CORNER FORMED BY THE INTERSECTION OF THE SOUTHERLY SIDE OF EAST 189TH STREET WITH THE NORTHEASTERLY SIDE OF THIRD AVENUE;

THENCE RUNNING EASTERLY ALONG THE SOUTHERLY SIDE OF EAST 189TH STREET, 239.01';

THENCE SOUTHERLY PARALLEL WITH WASHINGTON AVENUE AND FORMING AN INTERIOR ANGLE OF 90 DEGREES 52 MINUTES 45 SECONDS WITH THE SOUTHERLY SIDE OF EAST 189TH STREET, 215.00';

THENCE WESTERLY ALONG A LINE PARALLEL WITH THE SOUTHERLY SIDE OF EAST 189TH STREET AND FORMING AN INTERIOR ANGLE OF 89 DEGREES 07 MINUTES 15 SECONDS WITH THE LAST DESCRIBED COURSE, 92.24' TO THE NORTHEASTERLY SIDE OF THIRD AVENUE;

THENCE NORTHWESTERLY ALONG THE NORTHEASTERLY SIDE OF THIRD AVENUE AND FORMING AN INTERIOR ANGLE OF 124 DEGREES 55 MINUTES 07 SECONDS WITH THE LAST DESCRIBED COURSE, 262.18' TO THE POINT OF BEGINNING.

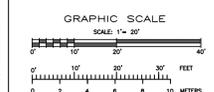
ACREAGE: 0.8175

LEGEND

- BCP SITE BOUNDARY
- TRACK 1
- TRACK 2

| DATE | DESCRIPTION |
|-----------------|-------------|
| AUGUST 23, 2022 | SURVEY |
| | |
| | |
| BLOCK _____ | 3042 |
| LOT _____ | 13, 22, 28 |
| SECTION _____ | 13 |
| COUNTY _____ | BRONX |
| DWG BY _____ | A.G. |
| CHKD BY _____ | J.A. |

NOTE: Unauthorized alterations or additions to this survey is a violation of section 7209 of the New York State education law. Copies of this survey map not bearing the land surveyor's inked seal or embossed seal shall not be considered to be a valid true copy. Guarantees or certifications indicated hereon, shall run only to the person for whom the survey is prepared, and on his behalf to the title company, governmental agency and lending institution listed hereon, and to the assignees of the lending institution. Guarantees or certification are not transferable to additional institutions or subsequent owners.



STATE OF NEW YORK
INDEPENDENT EXAMINER
LICENSED LAND SURVEYOR

MERIDIAN
LAYOUT INC.

3280 SUNRISE HWY, SUITE 341
WANTAGH, NY 11793

TEL. 516-787-3299

**Former Sears Auto Center Site, C203147
4720 Third Ave, 4734 Third Ave & 448 E 189th St, Bronx, NY, 10458**

**NOTICE OF CERTIFICATE OF COMPLETION
Brownfield Cleanup Program
6 NYCRR Part 375-1.9(d)**

**Former Sears Auto Center Site, Site ID No. C203147
4720 Third Ave, 4734 Third Ave & 448 E 189th St, Bronx, NY, 10458
Bronx, Bronx County, Tax Map Identification Numbers: 3042-13, 3042-22, 3042-28**

PLEASE TAKE NOTICE, the New York State Department of Environmental Conservation (Department) has issued a Certificate of Completion (Certificate) pursuant to Article 27, Title 14 of the New York State Environmental Conservation Law (ECL) to 4720 Development LLC, 4720 Third Ave LLC, 4720 VCD LLC, and 4720 JR LLC for a parcel approximately 0.818 acres located at 4720 Third Ave, 4734 Third Ave & 448 E 189th St in Bronx, Bronx County.

PLEASE TAKE NOTICE, the Certificate was issued upon satisfaction of the Commissioner, following review by the Department of the Final Engineering Report and data submitted pursuant to the Brownfield Site Cleanup Agreement, as well as any other relevant information regarding the site, that the remediation requirements set forth in ECL Article 27, Title 14 have been or will be achieved in accordance with the time frames, if any, established in the Remedial Work Plan.

PLEASE TAKE NOTICE, the remedial program for the 0.7807-acre portion of the site has achieved a cleanup level that would be consistent with the following categories of uses (actual site use is subject to local zoning requirements):

- Unrestricted Use, as set forth in 6 NYCRR 375-1.8(g)(1)i
- Residential Use, as set forth in 6 NYCRR 375-1.8(g)(2)i.
- Restricted Residential Use, as set forth in 6 NYCRR 375-1.8(g)(2)ii.
- Commercial Use, as set forth in 6 NYCRR 375-1.8(g)(2)iii.
- Industrial Use, as set forth in 6 NYCRR 375-1.8(g)(2)iv.

PLEASE TAKE NOTICE, the remedial program for the 0.0368-acre portion of the site has achieved a cleanup level that would be consistent with the following categories of uses (actual site use is subject to local zoning requirements):

- Unrestricted Use, as set forth in 6 NYCRR 375-1.8(g)(1)i
- Residential Use, as set forth in 6 NYCRR 375-1.8(g)(2)i.
- Restricted Residential Use, as set forth in 6 NYCRR 375-1.8(g)(2)ii.
- Commercial Use, as set forth in 6 NYCRR 375-1.8(g)(2)iii.
- Industrial Use, as set forth in 6 NYCRR 375-1.8(g)(2)iv.

PLEASE TAKE NOTICE, provided that the Certificate is complied with, the Certificate holder(s) shall be entitled to the liability limitation provided in ECL Section 27-1421. The liability limitation shall run with the land, extending to the Certificate holder's successors or assigns through acquisition of title to the site and to a person who develops or otherwise occupies the site, subject to certain limitations as set forth in ECL Section 27-1421. The liability limitation shall be subject to all rights reserved to the State by ECL Section 27-1421.2 and any other applicable provision of law.

Further, the use of groundwater is restricted and may not be used, unless treated in accordance with the requirements provided by the New York State Department of Health, or a local County Health

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4720 Third Ave, 4734 Third Ave & 448 E 189th St, Bronx, NY, 10458**

Department with jurisdiction in such matters and such is approved by the Department as not inconsistent with the remedy.

PLEASE TAKE NOTICE, the Certificate may entitle the Certificate holder(s) to tax credits in accordance with Tax Law Sections 21, 22 and 23.

PLEASE TAKE NOTICE, the Certificate may only be transferred to the Certificate holder's successors or assigns upon transfer or sale of the site as provided by ECL Section 27-1419.5 and 6 NYCRR Part 375-1.9. Failure to comply with the regulatory requirements for transfer **WILL** bar the successors and assigns from the benefits of the Certificate.

PLEASE TAKE NOTICE, the Certificate may be modified or revoked by the Commissioner as set forth in the applicable regulations.

PLEASE TAKE NOTICE, a copy of the Certificate can be reviewed at the NYSDEC's Region 2 Office located at 4740 21st St, Long Island City, NY 11101, by contacting the Regional Environmental Remediation Engineer, or at <https://www.dec.ny.gov/data/DecDocs/C203147>.

WHEREFORE, the undersigned has signed this Notice of Certificate

4720 Third Ave LLC

By: _____

Title: _____

Date: _____

STATE OF NEW YORK) SS:
COUNTY OF)

On the _____ day of _____, in the year 20__, before me, the undersigned, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Signature and Office of individual
taking acknowledgment

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WHEREFORE, the undersigned has signed this Notice of Certificate

4720 JR LLC

By: _____

Title: _____

Date: _____

STATE OF NEW YORK) SS:
COUNTY OF)

On the _____ day of _____, in the year 20__, before me, the undersigned, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Signature and Office of individual
taking acknowledgment

Please record and return to:
4720 Development LLC
Peter Serpico
989 6th Avenue, 15th Fl.
New York, NY 10018