

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

In the Matter of a Remedial Program for
Harlem Park,
Bronx, New York,
under Article 27, Title 14 of the
Environmental Conservation Law by Volunteer,

AMENDED
BROWNFIELD SITE
CLEANUP AGREEMENT
Index No.: W2-1037-04-12
Site No.: C231041

1800 Park Avenue, LLC

WHEREAS, 1800 Park Avenue, LLC, with offices located at 645 5th Avenue, 8th Floor, New York, NY 10019, is currently participating in the Brownfield Cleanup Program relative to property located at 1800 Park Avenue in the City of New York, New York County, described as Tax Map Block 1749, Lots 31, 33, 35, 40 and 43;(the “Property”); and

WHEREAS, a certified application was submitted to the Department in April 2006 to add CV Harlem Park LLC, a newly created Delaware entity; and

WHEREAS, the application to amend the Brownfield Cleanup Agreement is made necessary to because 1800 Park Avenue, LLC has contracted with CV Harlem Park LLC for CV Harlem Park LLC to assume the leasehold interest for the Site in connection with the remediation and redevelopment of the Site.

NOW THEREFORE, in consideration of and in exchange for the mutual covenants and promises, the parties agree to the following:

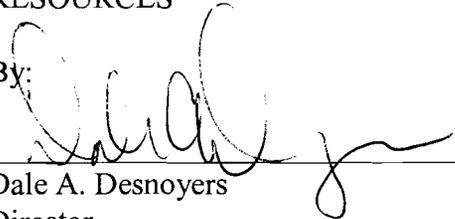
1. The caption and body of the Brownfield Cleanup Agreement is amended to include as Volunteers both “1800 Park Avenue LLC” and “CV Harlem Park LLC”;
2. The Brownfield Cleanup Agreement and this Amendment to the Brownfield Cleanup Agreement shall constitute the entire Agreement between the parties with all the terms and conditions of the Agreement, except as herein provided, remaining in full force and effect.
3. The effective date of this Amendment to the Brownfield Agreement shall be the

date it is executed by the Commissioner or the Commissioner's designee.

DATED: JUN 23 2006

DENISE M. SHEEHAN
COMMISSIONER
NEW YORK STATE DEPARTMENT OF
ENVIRONMENTAL CONSERVATION AND
TRUSTEE OF THE STATE'S NATURAL
RESOURCES

By:



A handwritten signature in black ink, appearing to read "Dale A. Desnoyers", is written over a horizontal line.

Dale A. Desnoyers
Director
Division of Environmental Remediation

CONSENT BY VOLUNTEER

Volunteer, 1800 Park Avenue, LLC, hereby consents to the issuing and entering of this Amendment to Brownfield Cleanup Agreement, waives Volunteer's right to a hearing herein as provided by law, and agrees to be bound by the Brownfield Agreement as amended.

1800 Park Avenue, LLC

By: 
Michael Caridi

Title: Managing Member

Date: 6/13/06

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

On the 13th day of JUNE, in the year 2006, before me, the undersigned, personally appeared Michael Caridi, 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

Notary Public

SHARON FOX
NOTARY PUBLIC, State of New York
No. 41-4938567
Qualified in Queens County
Commission Expires July 25, 20 06

CONSENT BY VOLUNTEER

Volunteer, CV Harlem Park LLC, hereby consents to the issuing and entering of this Amendment to Brownfield Cleanup Agreement, waives Volunteer's right to a hearing herein as provided by law, and agrees to be bound by the Brownfield Agreement as amended.

CV Harlem Park LLC

By: 
Charles Berman

Title: On behalf of Members

Date: _____

Connecticut
STATE OF ~~NEW YORK~~)
COUNTY OF Fairfield) ss.:

On the 15th day of June, in the year 2006, before me, the undersigned, personally appeared Charles Berman, 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

DARLENE S. ANTOUS
NOTARY PUBLIC
MY COMMISSION EXPIRES JULY 31, 2007