

## **TERMINATION AND RELEASE OF ENVIRONMENTAL EASEMENT**

This Termination and Release of Environmental Easement is made as of 13<sup>th</sup> day of October 2020, by and between The People of the State of New York, acting through their Commissioner of the Department of Environmental Conservation (“NYSDEC” or the “Department”) with its headquarters located at 625 Broadway, Albany, New York 12233, and Owner, Bespoke Harlem West LLC, having an office at c/o Happy Living Development LLC, 884 Eastern Parkway, Brooklyn, New York 11213 (“the Grantor”).

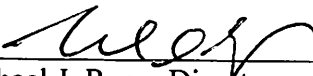
### **RECITALS**

1. Grantor is the owner of certain land known as 300 West 122<sup>nd</sup> Street (a/k/a 223-237 St. Nichols Street and 305 West 121<sup>st</sup> Street, in the City of New York, County of New York 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 1948, Lot 35 (“Property”), being the same as that property conveyed to Grantor by deed dated March 25, 2019, and recorded in the City Register of the City of New York as CRFN #2019000102894.
2. The Department and Grantor entered into an Environmental Easement (“Easement Agreement”) dated as of September 23, 2019 and recorded in the office of the City Register of the City of New York on October 8, 2019 as CRFN 2019000326101. Capitalized terms used herein without definition have the meanings ascribed to them in the Environmental Easement Agreement. The property comprises approximately 0.473 +/- acres, and is hereinafter more fully described in Exhibit A.
3. Pursuant to Section 1, 2, 3, 4, and 5 of the Easement Agreement, Grantor granted the Department rights and interests that run with the land in perpetuity in order to provide an effective and enforceable means of encouraging the reuse and redevelopment of the Property at a level that has been determined to be safe for a specific use while ensuring the performance of maintenance, monitoring or operation requirements; and to ensure the potential restriction of future uses of the land that are inconsistent with the stated purpose.
4. The Parties do hereby agree that all applicable remediation requirements set forth in the New York State Environmental Conservation Law have been achieved, and that the Property may be used for Residential use, which allows for any use other than raising livestock or producing animal products for human consumption, pursuant to 6 NYCRR §375-1.8(g).
5. The Parties do hereby agree that there is no longer a need for any institutional controls, including, but not limited to, any use restrictions, or engineering controls at the Controlled Property, other than the local controls which govern the use of groundwater.
6. Therefore, pursuant to Section 9 of the Easement Agreement, the Department agrees to terminate and release the Easement Agreement.

**TERMINATION AND RELEASE OF ENVIRONMENTAL EASEMENT**

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


**THIS TERMINATION AND RELEASE OF THE EASEMENT AGREEMENT 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 Acknowledgement**

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

On the 13<sup>th</sup> day of OCTOBER, in the year 2020 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 whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity as Designee of the Commissioner of the State of New York Department of Environmental Conservation, 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  
MONICA KRESHIK, ESQ.  
Notary Public, State of New York  
No. 02KR6314859  
Qualified in Rensselaer County  
Commission Expires 11/17/2022

**EXHIBIT A- PROPERTY DESCRIPTION**

**300 West 122nd Street**

**Legal Description – Environmental Easement**

ALL THAT CERTAIN plot, piece or parcel of land, situate, lying and being in the Borough of Manhattan, County, City, and State of New York, bounded and described as follows:

BEGINNING at a point on the northeasterly side of West 121st Street, distant 100 feet northwesterly from the corner formed by the intersection of the northeasterly side of West 121st Street with the northwesterly side of Frederick Douglas Boulevard (a/k/a 8th Avenue);

RUNNING THENCE northwesterly along the northeasterly side of West 212st Street, 50 feet to a point;

THENCE northeasterly at right angles with the northeasterly side of West 121st Street and parallel with Manhattan Avenue, 100 feet 11 inches to the center of the block;

I HENCE northwesterly along the center line of the block, 25 feet to a point;

THENCE northeasterly at right angles to the center line of the block, 100 feet 11 inches to the southwesterly side of West 122nd Street;

THENCE southeasterly along the southwesterly side of West 122nd Street, 66 feet to the westerly side of St. Nichols Avenue;

THENCE southerly along the westerly side of St. Nicholas Avenue, 207 feet 3-1/2 inches to the northeasterly side of land now or formerly of ABJ Chosen, LLC;

THENCE northwesterly along said land and parallel with the northwesterly side of west 121st Street, 99 feet 5-1/2 inches to a point;

THENCE southwesterly, continuing along said land and parallel with the northwesterly side of Frederick Douglas Boulevard, 25 feet 2 inches to the northeasterly side of West 121st Street, at the point or place of beginning.

Said lot contains approximately 20,606 square feet or 0.473 acres more or less.