

## BROWNFIELD CLEANUP PROGRAM (BCP) APPLICATION TO AMEND BROWNFIELD CLEANUP AGREEMENT AND AMENDMENT

### PART I. BROWNFIELD CLEANUP AGREEMENT AMENDMENT APPLICATION

1. (	Check the appropriate box(es) below based on the nature of the amendment modification requested:
	Amendment to modify the existing BCA: [check one or more boxes below]
	<ul> <li>□ Add applicant(s)</li> <li>□ Substitute applicant(s)</li> <li>□ Remove applicant(s)</li> <li>□ Change in Name of applicant(s)</li> </ul>
	Amendment to reflect a transfer of title to all or part of the brownfield site
	<ul><li>1a. A copy of the recorded deed must be provided. Is this attached? ☐ Yes ☐ No</li><li>1b. ☐ Change in ownership ☐ Additional owner (such as a beneficial owner)</li></ul>
	If yes, pursuant to 6 NYCRR Part 375-1.11(d), a Change of Use form should have been previously submitted. If not, please submit this form with this Amendment. See http://www.dec.ny.gov/chemical/76250.html
<b>✓</b>	Amendment to modify description of the property(ies) listed in the existing Brownfield Cleanup Agreement [Complete Sections I and V below and Part II]
	Amendment to Expand or Reduce property boundaries of the property(ies) listed in the existing Brownfield Cleanup Agreement [Complete Section I and V below and Part II]
	Sites in Bronx, Kings, New York, Queens, or Richmond counties ONLY: Amendment to request determination that the site is eligible for the tangible property credit component of the brownfield redevelopment tax credit. Please answer questions on the supplement at the end of the form.
	Other (explain in detail below)
_	2. Required: Please provide a brief narrative on the nature of the amendment:
	The tax lots reflected on the original Brownfield Cleanup Agreement are Tax Map/Parcel Nos. Block 778, Lots 13, 16, 18, and 66. These lots have been merged into a single tax lot at Block 778, Lot 18. The boundaries and acreage of the site remain unchanged.

March 2021 1

<sup>\*</sup>Please refer to the attached instructions for guidance on filling out this application\*

<sup>\*</sup>Submission of a full BCP application will be required should this application be determined to be a major amendment. If the amendment involves a non-insignificant change in acreage, applicants are encouraged to consult with the DEC project team prior to submitting this application.\*

Section I. Current Agreement Information				
BCP SITE NAME: 241 West 28th Street BCP SITE NUMBER: C231139				
NAME OF CURRENT APPLICAN	T(S): 241 West 28th	Street Owner LLC		
INDEX NUMBER OF AGREEMEN	NT: C231139-11-19	DATE OF ORIGINAL AGREEMENT: 12/9/19		
Section II. New Requestor Inform	mation (complete on	ly if adding new requestor or name has changed)		
NAME				
ADDRESS				
CITY/TOWN		ZIP CODE		
PHONE	FAX	E-MAIL		
Department of State to cor above, in the NYS Departr	ration, LLC, LLP or on nduct business in NY nent of State's (DOS the DOS database mi	ther entity requiring authorization from the NYS S, the requestor's name must appear, exactly as given ) Corporation & Business Entity Database. A print-out ust be submitted to DEC with the application, to		
NAME OF NEW REQUESTOR'S	REPRESENTATIVE			
ADDRESS				
CITY/TOWN		ZIP CODE		
PHONE	FAX	E-MAIL		
NAME OF NEW REQUESTOR'S	CONSULTANT (if ap	pplicable)		
ADDRESS				
CITY/TOWN		ZIP CODE		
PHONE	FAX	E-MAIL		
NAME OF NEW REQUESTOR'S	ATTORNEY (if applic	cable)		
ADDRESS				
CITY/TOWN ZIP CODE				
PHONE	FAX	E-MAIL		
2. Requestor must submit proof that the party signing this Application and Amendment has the authority to bind the Requestor. This would be documentation from corporate organizational papers, which are updated, showing the authority to bind the corporation, or a Corporate Resolution showing the same, or an Operating Agreement or Resolution for an LLC. Is this proof attached?				
3. Describe Requestor's Relationship to Existing Applicant:				

	Section III. Current Property Owner/Operator Information (only include if new owner/operator) Owner below is: Existing Applicant New Applicant Non-Applicant				
OV	VNER'S NAME (if different fror	m requestor)			
ΑC	DRESS				
CI	TY/TOWN		ZIP CO	DE	
PH	IONE	FAX	E-MAIL		
OF	PERATOR'S NAME (if differen	t from requestor or owner)			
ΑD	DRESS				
CI	TY/TOWN		ZIP CC	DDE	
PH	IONE	FAX	E-MAIL		
80	ation IV Eligibility Informatic	on for New Requestor (Blesse refer to	ECL \$ 27 1407 fo	r mara datail\	
		on for New Requestor (Please refer to		•	
It a	answering "yes" to any of the fo	ollowing questions, please provide an ex	cplanation as an atta	achment.	
1.	Are any enforcement actions	pending against the requestor regarding	g this site?	∐Yes ∐No	
2.	Is the requestor presently sub relating to contamination at th	oject to an existing order for the investigue site?	ation, removal or re	mediation Yes  No	
3.		outstanding claim by the Spill Fund for ther a party is subject to a spill claim sh		Yes No vith the Spill	
4.	any provision of the subject la	mined in an administrative, civil or criming; ii) any order or determination; iii) any imilar statute, regulation of the state or attachment.	y regulation implem	enting ECL	
5.		peen denied entry to the BCP? If so, inc dress, Department assigned site number			
6.		in a civil proceeding to have committed ring, treating, disposing or transporting		ntionally tortious	
7.	disposing or transporting of co	cted of a criminal offense i) involving the ontaminants; or ii) that involves a violent instration (as that term is used in Article state?	felony, fraud, bribe	ry, perjury, theft,	
8.	jurisdiction of the Department,	alsified statements or concealed materia or submitted a false statement or made ent or application submitted to the Depa	e use of or made a f		
9.	•	or entity of the type set forth in ECL 27- or failure to act could be the basis for de			
10	·	tion in any remedial program under DE0 antially comply with an agreement or ord	•	ated by DEC or Yes No	
11	. Are there any unregistered bu	ılk storage tanks on-site which require re	egistration?	□Yes □No	

Site Code: C231139 3

THE NEW REQUESTOR MUST CERTIFY THAT IT IS EITHER A PARTICIPANT OR VOLUNTEER IN ACCORDANCE WITH ECL §27-1405 (1) BY CHECKING ONE OF THE BOXES BELOW:			
PARTICIPANT A requestor who either 1) was the owner of the site at the time of the disposal of contamination or 2) is otherwise a person responsible for the contamination, unless the liability arises solely as a result of ownership, operation of, or involvement with the site subsequent to the disposal of contamination.	VOLUNTEER A requestor other than a participant, including a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum.		
	NOTE: By checking this box, a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site certifies that he/she has exercised appropriate care with respect to the hazardous waste found at the facility by taking reasonable steps to: i) stop any continuing discharge; ii) prevent any threatened future release; iii) prevent or limit human, environmental, or natural resource exposure to any previously released hazardous waste.		
	If a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site, submit a statement describing why you should be considered a volunteer – be specific as to the appropriate care taken.		
12. Requestor's Relationship to Property (check one):			
☐ Prior Owner ☐ Current Owner ☐ Potential /Future Purchaser ☐ Other			
13. If requestor is not the current site owner, <b>proof of site access sufficient to complete the remediation must be submitted</b> . Proof must show that the requestor will have access to the property before signing the BCA and throughout the BCP project, including the ability to place an easement on the site. Is this proof attached?  Yes No			
Note: a purchase contract does not suffice as proof	of access.		

Section V. Property description and description of changes/ac	dditions/re	ductions (	(if applicab	ole)
Property information on current agreement:				
ADDRESS 241 West 28th Street				
CITY/TOWN New York		ZIP (	ODE 1000	D1
TAX BLOCK AND LOT (SBL)	TAL ACREA	AGE OF CU	IRRENT SIT	E: 0.670
Parcel Address	Section No.			Acreage
See attached Schedule A.				
2. Check appropriate boxes below:				
Addition of property (may require additional citizen participate the expansion – see attached instructions)	tion depend	ling on the	nature of	
2a. PARCELS ADDED:				Acreage
Parcel Address	Section No.	Block No.	Lot No.	Added by Parcel
	То	tal acreage	to be added	l:
Reduction of property				A
2b. PARCELS REMOVED:				Acreage Removed
Parcel Address	Section No.	Block No.	Lot No.	by Parcel
Change to SBL (e.g. merge, subdivision, address change)	Total ac	reage to be	e removed: _	
2c. NEW SBL INFORMATION:	•			
Parcel Address	Section No	. Block No	. Lot No.	Acreage
241 West 28th Street, New York		778	18	0.670
If requesting to modify a metes and bounds description or reques please attach a revised metes and bounds description, survey, or				
3. TOTAL REVISED SITE ACREAGE: N/A				
J. TOTAL REVISED SHE ACREAGE.				

# Supplement to the Application To Amend Brownfield Cleanup Agreement And Amendment - Questions for Sites Seeking Tangible Property Credits in New York City ONLY.

Property is in Bronx, Kings, New York, Queens, or Richmond counties.	☐Yes ☐ No
Requestor seeks a determination that the site is eligible for the tangible property credit brownfield redevelopment tax credit.	component of the Yes No
Please answer questions below and provide documentation necessary to support a	answers.
1. Is at least 50% of the site area located within an environmental zone pursuant to 1 Please see <a href="DEC's website">DEC's website</a> for more information.	Γax Law 21(6)?  Yes No
2. Is the property upside down as defined below?	Yes No
From ECL 27-1405(31):	
"Upside down" shall mean a property where the projected and incurred cost of the inverse remediation which is protective for the anticipated use of the property equals or exceeds of its independent appraised value, as of the date of submission of the application for par brownfield cleanup program, developed under the hypothetical condition that the proper contaminated.	seventy-five percent rticipation in the
3. Is the project an affordable housing project as defined below?	☐Yes ☐ No
From 6 NYCRR 375- 3.2(a) as of August 12, 2016:	
(a) "Affordable housing project" means, for purposes of this part, title fourteen of an seven of the environmental conservation law and section twenty-one of the tax law that is developed for residential use or mixed residential use that must include afform residential rental units and/or affordable home ownership units.	v only, a project
(1) Affordable residential rental projects under this subdivision must be subject to state, or local government housing agency's affordable housing program, or a local regulatory agreement or legally binding restriction, which defines (i) a percentage of rental units in the affordable housing project to be dedicated to (ii) tenants at a define percentage of the area median income based on the occupants' households annually	al government's of the residential ined maximum
(2) Affordable home ownership projects under this subdivision must be subject t state, or local government housing agency's affordable housing program, or a loca regulatory agreement or legally binding restriction, which sets affordable units asid owners at a defined maximum percentage of the area median income.	al government's
(3) "Area median income" means, for purposes of this subdivision, the area med for the primary metropolitan statistical area, or for the county if located outside a m statistical area, as determined by the United States department of housing and urb development, or its successor, for a family of four, as adjusted for family size.	netropolitan

### PART II. BROWNFIELD CLEANUP PROGRAM AMENDMENT

Existing Agreement Information				
BCP SITE NAME: 241 West 28th Street	BCP SITE NUMBER: C231139			
NAME OF CURRENT APPLICANT(S): 241 West 28th Street Owner	LLC			
INDEX NUMBER OF AGREEMENT: C231139-11-19				
EFFECTIVE DATE OF ORIGINAL AGREEMENT: 12/9/19				

### **Declaration of Amendment:**

By the Requestor(s) and/or Applicant(s) signatures below, and subsequent signature by the Department, the above application to amend the Brownfield Cleanup Agreement described above is hereby approved. This Amendment is made in accordance with and subject to all of the BCA and all applicable guidance, regulations and state laws applicable thereto. All other substantive and procedural terms of the Agreement will remain unchanged and in full force and effect regarding the parties to the Agreement.

Nothing contained herein constitutes a waiver by the Department or the State of New York of any rights held in accordance with the Agreement or any applicable state and/or federal law or a release for any party from any obligations held under the Agreement or those same laws.

Statement of Certification and Signatures: New Requestor(s) (if applicable)
(Individual)
I hereby affirm that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to section 210.45 of the Penal Law. My signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.
Date:Signature:
Print Name:
(Entity)
I hereby affirm that I am (title
Date:Signature:
Print Name:

Statement of Certification and Signatur applicant must sign)	res: Existing Applicant(s) (an authorized representative of each
(Individual)	
Section I above and that I am aware of thi	ownfield Cleanup Agreement and/or Application referenced in is Application for an Amendment to that Agreement and/or es the requisite approval for the amendment to the BCA ignature by the Department.
Print Name:	
(Entity)	At Mint 20th Store Course U.S.
I hereby affirm that I am	(title) of(entity) which is a party to the plication referenced in Section I above and that I am aware of this eement and/or Application. My signature or the amendment to the BCA Application, which will be effective
The state of the s	
Susi Yu Print Name:	
REMAINDER OF THIS AMENDMENT WIL	LL BE COMPLETED SOLELY BY THE DEPARTMENT
Please see the following page for submitta NOTE: Applications submitted in fillable	l instructions.
	e format will be rejected.
Status of Agreement:	
PARTICIPANT A requestor who either 1) was the owner of the site at the time of the disposal of contamination or 2) is otherwise a person responsible for the contamination, unless the liability arises solely as a result of ownership, operation of, or involvement with the site subsequent to the disposal of contamination.	X VOLUNTEER A requestor other than a participant, including a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the contamination.
Effective Date of the Original Agreement	: 12/9/19
Signature by the Department:	
DATED: 10/27/2021	NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
	By:  Michael J. Ryan, P.E., Director
	Michael J. Ryan, P.E. Director  Division of Environmental Remediation

### **SUBMITTAL INFORMATION:**

• **Two (2)** copies, one hard copy with original signatures and one electronic copy in final, non-fillable Portable Document Format (PDF) must be sent to:

Chief, Site Control Section New York State Department of Environmental Conservation Division of Environmental Remediation 625 Broadway Albany, NY 12233-7020

NOTE: Applications submitted in fillable format will be rejected.

FOR DEPARTMENT USE ONLY	
BCP SITE T&A CODE:	LEAD OFFICE:
PROJECT MANAGER:	

### SIVE PAGET RIESEL

KATHERINE GHILAIN TRUDELL

DIRECT DIAL: 646.378.7287 KGHILAINTRUDELL@SPRLAW.COM

October 8, 2021

### **VIA EMAIL**

Kelly Lewandowski Chief, Site Control Section New York State Department of Environmental Conservation Division of Environmental Remediation 625 Broadway Albany, NY 12233

Re: Brownfield Cleanup Program Site No. C231139
Brownfield Cleanup Agreement Amendment Application

Dear Ms. Lewandowski:

Enclosed please find an application to amend the Brownfield Cleanup Agreement for the above-referenced BCP Site to modify the Site's description to reflect the merger of the Site's four tax lots into one. The tax lots reflected on the original Brownfield Cleanup Agreement are Block 778, Lots 13, 16, 18, and 66. These lots have since been merged into a single tax lot: Block 778, Lot 18. The boundaries and acreage of the BCP Site remain unchanged. We will be resubmitting the Environmental Easement application to reflect the tax lot merger shortly.

Please do not hesitate to contact me if there are any questions or concerns. Thank you for your assistance in this matter.

Sincerely,

Katherine Ghilain Trudell

Laxherine Dulain Tudell

### Attachments

cc: Michael MacCabe, DEC, (via email), <a href="mailto:Michael.maccabe@dec.ny.gov">Michael.maccabe@dec.ny.gov</a>
Kieran McCarthy, DEC, (via email), <a href="mailto:kieran.mccarthy@dec.ny.gov">kieran.mccarthy@dec.ny.gov</a>
Brad Burns, DEC, (via email), <a href="mailto:bradford.burns@dec.ny.gov">bradford.burns@dec.ny.gov</a>
Susi Yu, MAG Partners, (via email), <a href="mailto:syu@llmag.com">syu@llmag.com</a>
Michael Bogin, Sive, Paget & Riesel P.C., (via email), <a href="mailto:mbogin@sprlaw.com">mbogin@sprlaw.com</a>
Jennifer Coghlan, Sive, Paget & Riesel P.C., (via email), <a href="mailto:jcoghlan@sprlaw.com">jcoghlan@sprlaw.com</a>
Elizabeth Adkins, Langan, (via email), eadkins@langan.com

### **SCHEDULE A**

### $Section \ V. \ Property \ description \ and \ description \ of \ changes/additions/reductions \ (if applicable)$

1. Property information on current agreement:

### TAX BLOCK AND LOT (SBL)

Parcel Address	Section No.	Block No.	Lot No.	Acreage
251 West 28th Street, New York, NY		778	13	0.18
250 West 29th Street, New York, NY		778	66	0.02
247 West 28th Street, New York, NY		778	16	0.24
241 West 28th Street, New York, NY		778	18	0.23

### **Environmental Easement Legal Description**

### 241 West 28th Street, Lot 18 (f/k/a Lots 13, 16, 18, and 66)

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

Beginning at a point on the northerly side of West 28<sup>th</sup> Street (60 feet wide) distant 154.83 feet easterly from the intersection formed by said northerly side of West 28<sup>th</sup> Street with the easterly side of Eighth Avenue and running thence;

North 02 degrees 28 minutes 28 seconds West, a distance of 157.23 feet to a point; thence

North 82 degrees 29 minutes 27 seconds East, a distance of 3.094 feet to a point; thence

North 01 degree 24 minutes 48 seconds West, a distance of 39.96 feet to a point on the southerly side of West 29<sup>th</sup> Street (60 feet wide), said point being distant 155.00 feet easterly from the intersection formed by said southerly side of West 29<sup>th</sup> Street with said easterly side of Eighth Avenue; thence

Along said southerly side of West 29<sup>th</sup> Street, North 88 degrees 35 minutes 12 seconds East a distance of 145.00 feet to a point; thence

South 01 degree 36 minutes 00 seconds East, a distance of 24.56 feet to a point; thence

North 82 degrees 27 minutes 02 seconds East, a distance of 0.88 feet to a point; thence

South 02 degrees 26 minutes 58 seconds East, a distance of 173.08 feet to a point on said northerly side of West 28<sup>th</sup> Street; thence

Along said northerly side of West 28<sup>th</sup> Street, south 88 degrees 35 minutes 12 seconds West, a distance of 149.25 feet to the point or place of beginning.

Encompassing an area of 0.67 acres, more or less.





New York City Department of Finance • Property Division • Tax Map Office

### **APPLICATION FOR APPORTIONMENTS OR MERGERS**

Instructions: Please complete this application and *submit in person* to: **Department of Finance, Property Division - Tax Map Office, 66 John Street, 2nd floor,** New York, NY 10038. Please read the instructions for further details before completing this form. Print clearly.

SECTION A: PROPERTY INFORMATION				
Borough: MAN	HATTAN	Block: 778	Present Lot(s): 13, 16, 18, 66	
			DO NOT WRITE IN THIS SPACE - FOR OFFICE USE ON	
		Number of		
☑ Merger	Apportionment	Lots Requested 1	Lot Number: 18	
☐ Air	Subterranea	n		
Lot(s)Usage: (check one)	Residential Building Gross Sq/Ft:			
OR		LAST NAME	FIRST NAME	
Company Na	ame: 249 W. 28TH ST	REET PROPERTIES, LLC	Erice and the second se	
Property 2. Address: 24	1 WEST 28TH ST	REET	Manhattan NY 10001	
3. Filing Repre	sentative (if applicable	): KAROLINA CASTRO		
	CERTIFICATION	8	mis seri - Knot surius, kiu a washid " usabheri"	
1. Architect/En	gineer/Applicant's Nar	ne: COOK	RICHARD FIRST NAME	
2. Address: 250		T, NEW YORK, NY, 10107		
	NUMBER AN		CITY STATE ZIP CODE	
3. Telephone Nu	mber: (212) 233-63	44 4. Email Ad	Idress: RCOOK@COOKFOX.COM	
The applicant hereby	certifies that, in making this	application for merger/apportionment, s	s/he is the owner, or acting under the direction of the owner.	
Signature of Are	chitect/ Engineer/An	olicant:	Pate: 7 1 9 12019	
	WILL NOT BE MADE UN	TIL PRESENTATION OF REQUIRE	ED DOCUMENTS (see reverse for the required document	
		O SCALE <b>1</b> " = <b>50',</b>	BLE INDICATE NORTH ARROW	
	145 FI	73.08 FT 24.56 F	* COOP TEST	
	149.25 FT		078596-1 40 OF NEW	
Tentative Lot(s) issued	WEST 28TH STREET	-M-S	(Architect or Engineer's sea	
	sentative: G.Laios	Date: 10 / 8 / 2020New Lot(s):	Lot(s) Affected:18Lot(s) Dropped:13,16,66 bcuments is reviewed and approved by the Specialist.	
Lots ar Map Updated:	e tentative until final app	roval is received from the Tax Map	o Office.	
Tax Map Specialist:	Dat	e:/		

101 N 01°24′48" W 39.96′ (SURVEY) 40′-1 1/2" (40.12') (DEED FOR LOT 66) 40.15′ (TAX MAP) LOW AREA FNC. O.4'E FNC. 3.8'E BLDG. + 0.1'W N 02°28′28" W 157.23' (SURVEY) 155'-4 1/2" (155.37') (DEED) 157.17' (TAX MAP) FORMER LOT WEST 29TH STREET (60' WIDE) STRUCTION FENCE AREA= 29, (0.67 / EA = 29,330 SQ.FT.±
(0.67 ACRES±)
BCP SITE NAME:
WEST 28TH STREET
SITE NO.: C231139
(SEE NOTE 1D) FORMER LOT 16 (SEE NOTE 1F) UNDER CONSTRUCTION (SEE NOTE 9) = 29,3 (0.67 3CP 88°35′12" E 145.00′ y, 530 SQ.FT.± ACRES±) 149.25 \$ 01°36′00" E 24.56′ (24'-6 3/4") \$ 02°26′58" E 173.08′ (173'- 1") BRICK WALL CONCRETE IRON FENCE -101 CANOPY -Þ

 $\circ$ 

 $\Box$ 

(SEE NOTE 3)

SURVEY DESCRIPTION
BLOCK 778 LOT 18
(AKA FORMER LOTS 13, 16, 18, & 66)
& DEC EASEMENT

SOUTH OZ DEGREES 26 MINUTES 58 SECONDS EAST, A DISTANCE OF 173.08 FEET TO A POINT ON SAID NORTHERLY SIDE OF WEST 28TH STREET; THENCE NORTH 82 DEGREES 27 MINUTES 02 SECONDS EAST, A DISTANCE OF 0.88 FEET TO A POINT; THENCE ALONG SAID SOUTHERLY SIDE OF WEST 29TH STREET, NORTH 88 DEGREES 35 MINUTES 12 SECONDS EAST A DISTANCE OF 145.00 FEET TO A POINT; THENCE ALONG SAID NORTHERLY SIDE OF WEST 28TH STREET, SOUTH 88 DEGREES 35 WEST, A DISTANCE OF 149.25 FEET TO THE POINT OR PLACE OF BEGINNING. SOUTH O1 DEGREE 36 MINUTES OO SECONDS EAST, A DISTANCE OF 24.56 FEET TO A POINT; THENCE NORTH OI DEGREE 24 MINUTES 48 SECONDS WEST, A DISTANCE OF 39.96 FEET TO A POINT ON THE SOUTHERLY SIDE OF WEST 29TH STREET (60 FEET WIDE), SAID POINT BEING DISTANT 155.00 FEET EASTERLY FROM THE INTERSECTION FORMED BY SAID SOUTHERLY SIDE OF WEST 29TH STREET WITH SAID EASTERLY SIDE OF EIGHTH AVENUE; THENCE NORTH 82 DEGREES 29 MINUTES 27 SECONDS EAST, A DISTANCE OF 3.094 FEET TO A POINT; THENCE NORTH 02 DEGREES 28 MINUTES 28 SECONDS WEST, A DISTANCE OF 157.23 FEET TO A POINT; THENCE

# **NOTES**

- THIS SURVEY IS BASED UPON EXISTING AND THE FOLLOWING REFERENCES: TIONS FOUND AT THE SUBJECT SITE,

- 2010000398414, RECORDED/FILED: 11/26/2010 16:01 (DEED) ["PARCEL 1"— FORMER | 2020000217453, RECORDED/FILED: 07/31/2020 11:15 (DEED) [FORMER LOT 18]
- E SURVEYED PROPERTY IS SUBJECT BUT NOT LIMITED TO THE FOLLOWING FACTS AS VEALED BY THE HEREON REFERENCED INFORMATION. THE INFORMATION SHOWN HEREON DOES IT CONSTITUTE A TITLE SEARCH BY THE SURVEYOR. ALL INFORMATION THAT MAY AFFECT THE ALITY OF TITLE TO BOTH THE SUBJECT AND ADJOINING PARCELS SHOULD BE VERIFIED BY AN CURRATE AND CURRENT TITLE REPORT.
- STREET NAMES AND R.O.W. WIDTHS AS PER MAPS REFERENCED IN NOTES 1A AND 1E. BLOCK AND LOT NUMBERS AS PER MAP REFERENCED IN NOTE 1B. IMATE NORTH (SEE NOTE 1E).
- OFFSETS (IF SHOWN) ARE FOR SURVEY REFERENCES ONLY AND ARE NOT TO BE USED IN CONSTRUCTION OF ANY TYPE.
- WETLANDS, ENVIRONMENTAL AND/OR UNDER THIS CONTRACT.
- UNLESS SPECIFICALLY NOTED HEREON, STORM AND SANITARY SEMER INFORMATION (INCLUDING PIPE INVERT, PIPE MATERIAL, AND PIPE SIZE) WAS OBSERVED AND MEASURED AT FIELD LOCATED STRUCTURES (MANHOLES/CATCH BASINS, ETC.). CONDITIONS CAN VARY FROM THOSE ENCOUNTERED AT THE TIMES WHEN AND THE LOCATIONS WHERE DATA WAS OBTAINED. DESPITE MEETING THE REQUIRED STANDARD OF CARE THE SURVEYOR CANNOT AND DOES NOT WARRANT THAT PIPE MATERIAL AND/OR PIPE SIZE THROUGHOUT THE PIPE RUN ARE THE SAME AS THOSE OBSERVED AT EACH STRUCTURE, OR THAT THE PIPE RUN IS STRAIGHT BETWEEN THE LOCATED STRUCTURES.

 $\Box$ 

- PRIOR TO ANY DESIGN OR CONSTRUCTION THE PROPER UTILITY AGENCIES MUST BE CONTACTED FOR VERIFICATION OF UTILITY TYPE AND FOR FIELD LOCATIONS. IDITIONAL UTILITY (WATER, GAS, ELECTRIC, ETC.) DATA MAY BE SHOWN FROM FIELD LOCATED RFACE MARKINGS (BY OTHERS), EXISTING STRUCTURES, AND/OR FROM EXISTING DRAWINGS. LESS SPECIFICALLY NOTED HEREON THE SURVEYOR HAS NOT EXCAVATED TO PHYSICALLY CATE THE UNDERGROUND UTILITIES. THE SURVEYOR MAKES NO GUARANTEES THAT THE SHOWN DERGROUND UTILITIES ARE EITHER IN SERVICE, ABANDONED OR SUITABLE FOR USE, NOR ARE THE EXACT LOCATION OR CONFIGURATION INDICATED HEREON.
- BLOCK 778 LOT 18 IS CURRENTLY UNDER CONS EASEMENTS AND/OR LIMITING PLANES, IF ANY, IN ADDI'S SHOMN: TION TO
- THIS IS TO CERTIFY THAT THERE ARE NO STREAMS NOR NATURAL WATERCOURSES ON THE PROPERTY AS SHOWN ON THIS SURVEY.
- THIS PLAN NOT VALID PROFESSIONAL.

BEGINNING AT A POINT ON THE NORTHERLY SIDE OF WEST 28TH STREET (60 FEET MIDE) DISTANT 154.83 FEET EASTERLY FROM THE INTERSECTION FORMED BY SAID NORTHERLY SIDE OF WEST 28TH STREET WITH THE EASTERLY SIDE OF EIGHTH AVENUE AND RUNNING THENCE; ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND, SITUATE, LYING AND BEING IN THE BOROUGH OF MANHATTAN, CITY, COUNTY, AND STATE OF NEW YORK, BOUNDED AND DESCRIBED AS FOLLOWS:

- A. BOROUGH OF MANHATTAN SECTIONAL MAP NO. 41.

  B. CURRENT NYC DEPARTMENT OF FINANCE TAX MAP FOR BLOCK 778 IN MANHATTAN, EFFECTIVE DATE 08/26/2021 11: 20: 20.

  C. SURVEY BY BARRY M. FAHRER, JOB NO. 20100744/20140919, DATE SURVEYED 12/5/2010, LAST RENSED 11/24/2014.

  D. "DEPARTMENT OF ENVIRONMENTAL CONSERVATION, BROWNFIELD CLEANUP PROGRAM (BCP) APPLICATION TO AMEND BROWNFIELD CLEANUP AGREEMENT AND AMENDMENT", BCP SITE NAME: 241 WEST 28TH STREET, BCP SITE NO.: C231139, DATE OF ORIGINAL AGREEMENT: 12/09/2019, SIGNED AND DATED 02/08/2021 BY MICHAEL J. RYAN, P.E., DIRECTOR, DIVISION OF ENVIRONMENTAL REMEDIATION.

  E. "TOPOGRAPHIC, BOUNDARY, AND UTILITY SURVEY, 241–251 WEST 28TH STREET", BY LANGAN, PROJECT NO. 170017001, DRAMING NO. VB101, DATED 03/19/2019, LAST REVISED 05/26/2021.

  F. REEL 2720 PG 2166 (DEED) ["PARCEL A"— FORMER LOT 13 AND "PARCEL B"— FORMER LOT 16]

- IDIAN OF
- PLANIMETRIC INFORMATION SHOWN HEREON HAS BEEN OBTAINED FROM GROUND SURVEYS BY LANGAN ENGINEERING, ENVIRONMENTAL, SURVEYING, LANDSCAPE ARCHITECTURE AND GEOLOGY D.P.C. DURING FEBRUARY OF 2019.
- IF ANY, NOT COVERED

- VILESS NOTED BELOW SUPPLEMENTAL DOCUMENTS WERE NOT USED TO JBSURFACE UTILITY INFORMATION SHOWN HEREON.
- 12. UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP BEARING A LICENSED LAND SURVEYOR'S SEAL IS A MOLATION OF SECTION 7209, SUB-DIVISION 2, OF THE NEW YORK STATE EDUCATION LAW.

T 28TH STREET (60' WIDE)

OSSED OR BLUE INK STAMPED WITH THE SEAL OF THE

13.

# DEED DESCRIPTION BLOCK 778 FORMER LOT 66 (SEE NOTE 1G- "PARCEL 1")

THENCE NORTHERLY PARALLEL MIH 8TH AVENUE, 37 FEET 5-1/2, MORE OR LESS, TO THE SOUTHERLY SIDE OF 29TH STREET, AND THEN WESTERLY ALONG THE SOUTHERLY SIDE OF 29TH STREET, 25 FEET TO THE POINT OR PLACE OF BEGINNING. PARCEL 1: BEGINNING AT A POINT ON THE SOUTHERLY SIDE OF 29TH STREET DISTANT 155 FEET EASTERLY FROM THE CORNER FORMED BY THE INTERSECTION OF THE EASTERLY SIDE OF 8TH AVENUE WITH THE SOUTHERLY SIDE OF 29TH STREET RUNNING; SAID PREMISES BEING NOW KI AS LOT 66 IN BLOCK 778 THENCE EASTERLY IN A DIAGONAL LINE EXTENDING TOWARDS 29TH STREET ALONG SAID HAMMERSLEY'S LAND 25 FEET 1-3/4 INCHES TO LAND FORMERLY OF THOMAS CRAMER; THENCE SOUTHERLY PARALLEL WITH 8TH AVENUE, FORMERLY OF HAMMERSLEY AND CUDLIP; OWN AS AND BY THE STREET NUMBER 250 40 FEET 1-1/2 INCHES, MORE OR LESS, TO LAND WEST 29TH STREET; AND

# DEED DESCRIPTION BLOCK 778 FORMER LOT 18 (SEE NOTE 1H)

THENCE NORTHERLY ALONG A LI SECONDS A DISTANCE OF 29 FE THENCE EASTERLY ALONG THE S POINT OR PLACE OF BEGINNING THENCE SOUTHERLY 173 FEET DISTANCE 49 FEET 9 INCHES ALL THAT CERTAIN REAL PROPERTY LYING, BEING AND SITUATE IN THE CITY OF NEW YORK, COUNTY OF NEW YORK, AND STATE OF NEW YORK, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE NORTHERLY SIDE OF WEST 28TH STREET, DISTANT 254 FEET 4 INCHES EASTERLY FROM THE CORNER FORMED BY THE INTERSECTION OF THE NORTHERLY SIDE OF WEST 28TH STREET AND THE EASTERLY SIDE OF 8TH AVENUE; RUNNING THENCE NORTHERLY ALONG A LINE FORMING AN INTERIOR ANGLE OF 91 DEGREES 03 MINUTES 40 SECONDS A DISTANCE OF 167 FEET 9 INCHES; HENCE SOUTHERLY AT RIGHT 5-3/4INCHES; HENCE WESTERLY ALONG A LINE FORMING AN EXTER SECONDS A DISTANCE OF 1 FOOT 2-3/4 INCHES; NCE WESTERLY ALONG A LI ONDS A DISTANCE OF 10-. INE FORMING AN EXTERIOR ANGLE OF 83 DEGREES 51 MINUTES 50 5/8 INCHES: LINE FORMING AN INTERIOR ANGLE OF 83 DEGREES 51 MINUTES 50 FEET 11-1/4 INCHES TO THE SOUTHERLY SIDE OF WEST 29TH STREET; ANGLES TO THE SOUTHERLY SIDE OF WEST 29TH I INCH TO A POINT ON THE NORTHERLY SI ROM THE POINT OF BEGINNING; AND SOUTHERLY SIDE OF WEST 29TH 10R ANGLE OF 84 DEGREES 55 MINUTES 30 9 INCHES TO THE

ALSO KNOWN /
DROP CURB
METAL COVER
CHAIN LINK
ON LINE
NORTH
SOUTH

AS

# DEED DESCRIPTION BLOCK 778 FORMER LOTS 13 & 16 (SEE NOTE 1F- "PARCEL A" AKA FORMER LOT 13 & "PARCEL B" AKA FORMER LOT 16)

0

LANGAN

PROJECT LOCATION MAP

NOT TO

BEGINNING AT A POINT ON THE NORTHERLY SIDE OF 28TH STREET, OPPOSITE THE EASTERLY FACE OF THE EASTERLY INDEPENDENT WALL OF THE BUILDING KNOWN AS 253–255 WEST 28TH STREET, WHICH IS DISTANT 154 FEET 10 INCHES EASTERLY FROM THE CORNER FORMED BY THE INTERSECTION OF THE EASTERLY SIDE OF 8TH AVENUE WITH THE NORTHERLY SIDE OF 28TH STREET; RUNNING THENCE EASTERLY SIDE OF 8TH AVENUE WITH THE NORTHERLY SIDE OF 28TH STREET; RUNNING THENCE EASTERLY FACE OF THE WESTERLY SIDE OF 28TH STREET; AS FEET 8 INCHES TO A POINT OPPOSITE THE WESTERLY FACE OF THE WESTERLY NORTHERLY AND THE WESTERLY FACE OF THE SUILDING KNOWN AS 245–247 WEST 28TH STREET; THENCE NORTHERLY AND ALONG THE WESTERLY FACE OF THE SUILDING KNOWN AS 245–247 WEST SITE OF THE NORTHERLY AND ALONG A LINE IN PROLONGATION THEREOF, 159 FEET AND 7–1/4 INCHES, MORE OR LESS TO THE POINT OF INTERSECTION IN A LINE PROLONGATION EASTERLY OF THE NORTHERLY FACE OF THE SAID ALONG THE NORTHERLY FACE OF THE SAID NORTHERLY FACE OF THE SAID ALONG A LINE IN PROLONGATION OF THE EASTERLY FACE OF THE SAID EASTERLY WALL OF THE BUILDING KNOWN AS 253–255 WEST 28TH STREET; THE SAID EASTERLY FACE OF THE SAID EASTERLY FACE OF THE SAID LINE PROLONGATION OF THE EASTERLY FACE OF THE SAID EASTERLY FACE OF SAID EASTERLY FACE OF THE SAID LINE PROLONGATION OF THE EASTERLY FACE OF THE SAID EASTERLY FACE OF SAID EASTERLY FACE OF THE SAID THE PROLONGATION OF THE EASTERLY FACE OF THE SAID E ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND, MITH THE BUILDINGS AND IMPROVEMENTS THEREON ERECTED, SITUATE, LYING AND BEING IN THE BOROUGH OF MANHATTAN, COUNTY, CITY, AND STATE OF NEW YORK, BOUNDED AND DESCRIBED AS FOLLOWS:

HEREON ERECTED, SITUATE, LYING AND BEING IN THE BUILDINGS AND IMPROVEMENTS STATE OF NEW YORK, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTHERLY SIDE OF MEST 29TH STREET DISTANT ONE HUNDRED EIGHTY FEET EASTERLY FROM THE CORNER FORMED BY THE INTERSECTION OF THE SOUTHERLY SIDE OF MEST 29TH STREET WITH THE EASTERLY SIDE OF EIGHTH AVENUE; RUNNING THAND CONE-HALF INCHES, THENCE RUNNING EASTERLY SIDE MITH THE LAST MENTONED COURSE TWENTY-ONE FEET AND EIGHT AND ONE-QUARTER INCHES; THENCE SOUTHERLY SIDE OF MEST 28TH STREET ONE HUNDRED SIXTY-TWO FEET AND SIX AND ONE-HALF INCHES TO THE NORTHERLY SIDE OF MEST 28TH STREET ONE HUNDRED SIXTY-TWO FEET AND SIX AND ONE-HALF INCHES TO THE NORTHERLY SIDE OF MEST 28TH STREET, FORTY-NING FEET AND SIX AND ONE-HALF INCHES TO THE NORTHERLY SIDE OF MEST 28TH STREET, FORTY-NING FEET AND SIX AND ONE-HALF INCHES TO THE NORTHERLY SIDE OF MEST 28TH STREET, ONE HUNDRED SIXTY-TWO FEET AND SIX AND ONE-HALF INCHES; THENCE FORMING AN ANGLE OF 88 DEGREES 56 MINUTES 20 SECONDS ON 1TS MESTERLY SIDE MITH THE NORTHERLY SIDE OF MEST 28TH STREET, ONE HUNDRED SIXTY-SEVEN FEET AND THEN AND THEN AND ONE-HALF INCHES; THENCE MESTERLY SIDE OF MEST 28TH STREET, ONE HUNDRED SIXTY-SEVEN FEET AND THEN AND ONE-HALF INCHES; THENCE MESTERLY SIDE OF MEST 28TH STREET, ONE HUNDRED SIXTY-SEVEN FEET AND THEN AND ONE-HALF INCHES; THENCE MESTERLY SIDE OF MEST 28TH STREET, THENCE MESTERLY SIDE OF MEST 28TH STREET, THENCE MESTERLY SIDE ON ITS MESTERLY SIDE OF MEST 28TH STREET, AND ONE-HALF INCHES TO THE SOUTHERLY SIDE OF MEST 28TH STREET, AND ONE-HALF INCHES TO THE SOUTHERLY SIDE OF MEST 28TH STREET, AND ONE-HALF INCHES TO THE SOUTHERLY SIDE OF MEST 28TH STREET, THENCE MESTERLY ALONG THE POINT OR PLACE OF MEST 28TH STREET AND STREET AND ONE-ALONG THE POINT OR PLACE OF MEST 28TH STREET AND THE POINT OR PLACE OF MEST 28TH STREET AND 244 MEST 29TH STREET.

LEGEND

ELECTRIC BOX MUNI METER DOOR DOUBLE DOOR ROLL UP DOOR STAND PIPE STREET LIGHT WATER VALVE GAS VALVE POINT OF BEGINNING SIGN BUILDING BOLLARD UNKNOWN VALVE

6.096											
0 1524 3.048 6.096										× ×	
20 0 5 10	DEC EASEMENT	RIGHT-OF-WAY	PROPERTY LINE	CONFIGURATIONS	FORMER LOT	LINES OF THE	INTERIOR LOT	IRON FENCE	WOOD FENCE	CHAINLINK FENCE	
5											

O C N V E T	CLIDVEA		FASHMEZH				
Drawn By	1"=20'	Scale	05/26/2021	Date	170017001	Project No.	
		) T	7 7 7			Drawing No.	

THIS PROPERTY IS SUBJECT TO AN ENVIRONMENTAL EASEMENT HELD BY THE NEW YOUR PROPERTY IS SUBJECT TO AN ENVIRONMENTAL CONSERVATION PURSUANT TO TITLE 36 OF ARTICLE NEW YORK ENVIRONMENTAL CONSERVATION LAW. THE ENGINEERING AND INSTITUTION TO THE SITE MANAGE ON TROLS FOR THIS EASEMENT ARE SET FORTH IN MORE DETAIL IN THE SITE MANAGE (SMP). A COPY OF THE SMP MUST BE OBTAINED BY ANY PARTY WITH AN INTEREST PROPERTY. THE SMP CAN BE OBTAINED FROM NYS DEPARTMENT OF ENVIRONMENT OF THE SMP CAN BE OBTAINED FROM NYS DEPARTMENT OF ENVIRONMENT OF THE SMP CAN BE OBTAINED FROM NYS DEPARTMENT OF ENVIRONMENT OF THE SMP CAN BE OBTAINED FROM NYS DEPARTMENT OF ENVIRONMENT OF THE SMP CAN BE OBTAINED FROM NYS DEPARTMENT OF ENVIRONMENT OF THE SMP CAN BE OBTAINED FROM NYS DEPARTMENT OF ENVIRONMENT OF THE SMP CAN BE OBTAINED FROM NYS DEPARTMENT

OF ARTICLE / 1 C.
ND INSTITUTIONAL
MANAGEMENT PLAN
THE

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Date

10/01/21

Revised and Reissued

Description

No.

4.201 DATE SIGNED

050784-1

T: 212.479.5400

F: 212.479.5444

NEW YORK COUNTY

NEW YORK

60 West 31st Stre

ייירעeying, אוסgy, D.P.C. et, 8th Floor

241 N BCP

WEST 28TH STREET SITE NO.: C231139

DEC

BLOCK No. 778, LOT No. 18 BOROUGH OF MANHATTAN CITY OF NEW YORK

REVISIONS

PROFESSIONAL

PROPERTY. T

PROJECT NO.

170017001

Checked By
PDF

PDF

PJ Date: 10/4/2021 Time: 1