

TERMINATION AND RELEASE OF ENVIRONMENTAL EASEMENT

This Termination and Release of Environmental Easement is made as of this 18th day of August 2023, 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 Harlem River Ninth Avenue Development LLC, (the "Grantor Fee Owner") having an office at 1865 Palmer Avenue, Suite 203, Larchmont, NY 10538, County of Westchester, State of New York, and Harlem River Ninth Avenue Development LIHTC LLC (the "Grantor LIHTC Tenant"), having an office at 1865 Palmer Avenue, Suite 203, Larchmont, NY 10538, County of Westchester, State of New York (collectively, the "Grantor").

RECITALS

1. The Department and Grantor entered into that certain Environmental Easement ("Easement Agreement") dated as of October 24, 2022 and recorded in the office of the Office of the City Register of the City of New York on October 31, 2022 as City Register File No. (CRFN) #2022000409402. Capitalized terms used herein without definition have the meanings ascribed to them in the Environmental Easement Agreement.
2. Grantor Fee Owner is the owner of the fee interest in the real property located at the address of 408 West 207th 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 2203 Lot 21, being the same as that property conveyed to Grantor by deed dated May 6, 2021 and recorded in the City Register of the City of New York as CRFN #2021000191578 (the "Property"). The portion of the Property subject to the Easement Agreement (the "Controlled Property") comprises approximately 0.014 +/- acres and is hereinafter more fully described in Exhibit A.
3. Grantor LIHTC Tenant is the holder of the beneficial interest in the Property being leased by the Grantor Fee Owner by means of a Declaration of Interest and Nominee Agreement dated August 4, 2022 and recorded in City Register of the City of New York as CRFN #2022000323019.
4. 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 Controlled 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.
5. 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 Unrestricted use.

6. 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.
7. Pursuant to Section 9 of the Easement Agreement, the Department agrees to terminate and release the Easement Agreement.

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- 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 and 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 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: Andrew Guglielmi
Andrew Guglielmi, Director
Division of Environmental Remediation

Grantee's Acknowledgment

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

On the 18th day of August, in the year 2023, before me, the undersigned, personally appeared Andrew Guglielmi, 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

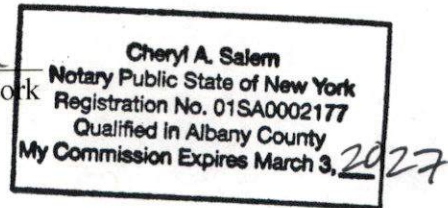


EXHIBIT "A" PROPERTY DESCRIPTION

PARCEL DESCRIPTION

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, BEING AND KNOWN AND DESIGNATED AS LOTS NUMBERS 637 TO 644, BOTH INCLUSIVE, IN A CERTAIN MAP ENTITLED, "MAP OF 92 ACRES IN THE 12TH WARD OF THE CITY OF NEW YORK BEING PART OF THE ESTATE OF ISAAC DYCKMAN, DECEASED, KNOWN AS PART ONE OF THE DYCKMAN HOMESTEAD PROPERTY" DATED NEW YORK JUNE 1, 1870 MADE BY RUDOLPH ROSA, CITY SURVEYOR AND FILED IN THE OFFICE OF THE REGISTER OF THE COUNTY OF NEW YORK ON JUNE 20, 1870 AS MAP NO. 713, WHICH SAID LOTS WHEN TAKEN TOGETHER, ARE BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE CORNER FORMED BY THE INTERSECTION OF THE WESTERLY SIDE OF COLUMBUS AVENUE (FORMERLY NINTH AVENUE) AND THE NORTHERLY SIDE OF WEST 206TH STREET;

RUNNING THENCE WESTERLY ALONG SAID NORTHERLY SIDE OF WEST 206TH STREET, 100 FEET;

THENCE NORTHERLY PARALLEL WITH THE WESTERLY SIDE OF COLUMBUS AVENUE, 199 FEET 10 INCHES TO THE SOUTHERLY SIDE OF WEST 207TH STREET;

THENCE EASTERLY ALONG SAID SOUTHERLY SIDE OF WEST 207TH STREET, 100 FEET TO THE WESTERLY SIDE OF COLUMBUS AVENUE; AND

THENCE SOUTHERLY ALONG THE SAID WESTERLY SIDE OF COLUMBUS AVENUE, 199 FEET 10 INCHES TO THE POINT OR PLACE OF BEGINNING.

The above described Lot 21 Parcel Area having an area of 19,984 square feet or 0.459 Acre.

ENVIRONMENTAL EASEMENT AREA

ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND, SITUATE, LYING AND BEING PART OF LOT 21, BLOCK 2203, SECTION 8, IN THE BOROUGH OF MANHATTAN, CITY, COUNTY AND STATE OF NEW YORK, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE SOUTHERLY LINE OF WEST 207TH STREET (100-FEET WIDE RIGHT OF WAY) AND THE WESTERLY LINE OF 9TH AVENUE (A.K.A. COLUMBUS AVENUE, 75-FEET WIDE RIGHT OF WAY), SAID POINT BEING LOCATED 0.06 FEET EAST AND 0.03 FEET NORTH OF AN IRON BAR;

RUNNING THENCE SOUTHERLY, ALONG THE WESTERLY LINE OF SAID 9TH AVENUE, A DISTANCE OF 21.00 FEET TO A POINT;

THENCE WESTERLY, AT RIGHT ANGLE TO THE PREVIOUS COURSE, A DISTANCE OF 28.50 FEET TO A POINT;

THENCE NORTHERLY, AT RIGHT ANGLE TO THE PREVIOUS COURSE, A DISTANCE OF 21.00 FEET TO THE SOUTHERLY LINE OF WEST 207TH STREET;

THENCE EASTERLY, ALONG SAID SOUTHERLY RIGHT OF WAY LINE, AT RIGHT ANGLES TO THE PREVIOUS COURSE, 28.50 FEET TO THE POINT OR PLACE OF BEGINNING.

THE ABOVE DESCRIBED ENVIRONMENTAL EASEMENT AREA HAVING AN AREA OF 598 SQUARE FEET OR 0.014 ACRES.