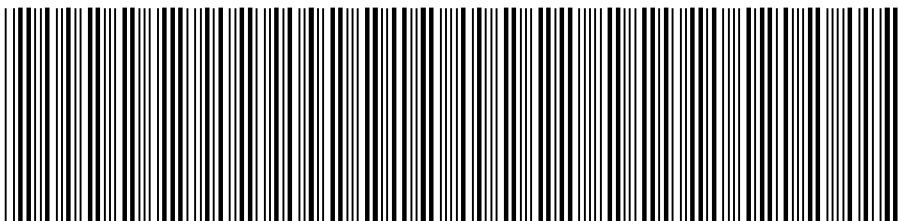


**NYC DEPARTMENT OF FINANCE
OFFICE OF THE CITY REGISTER**

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RECORDING AND ENDORSEMENT COVER PAGE

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PRESENTER:

TITLEASSOCIATES - PICK-UP/REALTY SKYLINE
AS AGENT FOR STEWART TITLE
825 THIRD AVENUE - TA07(06)706
NEW YORK, NY 10022
212-758-0050
royce.berliner@brsonline.com

RETURN TO:

JENNIFER COUGHLIN, ESQ.
SIVE, PAGET & RIESEL, P.C.
460 PARK AVENUE, SUITE 10TH FLOOR
NEW YORK, NY 10022

PROPERTY DATA

Borough	Block	Lot	Unit	Address
QUEENS	5066	1	Entire Lot	131-01 40TH ROAD

Property Type: COMMERCIAL REAL ESTATE

Borough	Block	Lot	Unit	Address
QUEENS	5066	100	Entire Lot	135-14 ROOSEVELT AVENUE

Property Type: COMMERCIAL REAL ESTATE

CROSS REFERENCE DATA

CRFN _____ or Document ID _____ or _____ Year _____ Reel _____ Page _____ or File Number _____

PARTIES

GRANTOR/SELLER:

FLUSHING TOWN CENTER III, L.P.
C/O MUSS DEVELOPMENT CORP., 118-35 QUEENS
BLVD.
FOREST HILLS, NY 11375

GRANTEE/BUYER:

THE PEOPLE OF THE STATE OF NEW YORK ACTING
THROUGH THEIR COMMISSIONER OF THE
DEPARTMENT, OF ENVIRONMENTAL
CONSERVATION - 625 BROADWAY
ALBANY, NY 17238

FEES AND TAXES

Mortgage		Filing Fee:	
Mortgage Amount:	\$	0.00	\$ 165.00
Taxable Mortgage Amount:	\$	0.00	NYC Real Property Transfer Tax:
Exemption:			\$ 0.00
TAXES: County (Basic):	\$	0.00	NYS Real Estate Transfer Tax:
City (Additional):	\$	0.00	\$ 0.00
Spec (Additional):	\$	0.00	
TASF:	\$	0.00	
MTA:	\$	0.00	
NYCTA:	\$	0.00	
Additional MRT:	\$	0.00	
TOTAL:	\$	0.00	
Recording Fee:	\$	130.00	
Affidavit Fee:	\$	0.00	



**RECORDED OR FILED IN THE OFFICE
OF THE CITY REGISTER OF THE
CITY OF NEW YORK**

Recorded/Filed 12-19-2007 16:30

City Register File No.(CRFN):

2007000620192

Annette McMill

City Register Official Signature

**ENVIRONMENTAL EASEMENT GRANTED
PURSUANT TO TITLE 36 OF ARTICLE 71 OF THE ENVIRONMENTAL
CONSERVATION LAW**

THIS INDENTURE made this 16th day of November 2007, between Flushing Town Center III, L.P., having an office at c/o Muss Development Corp., 118-35 Queens Blvd., Forest Hills, NY 11375 (the "Grantor"), and The People of the State of New York (the "Grantee"), acting through their Commissioner of the Department of Environmental Conservation (the "Commissioner", or "NYSDEC" or "Department" as the context requires) with its headquarters located at 625 Broadway, Albany, New York 12233,

WHEREAS, the Legislature of the State of New York has declared that it is in the public interest to encourage the remediation of abandoned and likely contaminated properties ("brownfield sites") that threaten the health and vitality of the communities they burden while at the same time ensuring the protection of public health and the environment; and

WHEREAS, the Legislature of the State of New York has declared that it is in the public interest to establish within the Department a statutory environmental remediation program that includes the use of environmental easements as an enforceable means of ensuring the performance of operation, maintenance, and/or monitoring requirements and of ensuring the potential restriction of future uses of the land, when an environmental remediation project leaves residual contamination at levels that have been determined to be safe for a specific use, but not all uses, or which includes engineered structures that must be maintained or protected against damage to perform properly and be effective, or which requires groundwater use or soil management restrictions; and

WHEREAS, the Legislature of the State of New York has declared that environmental easement shall mean an interest in real property, created under and subject to the provisions of ECL Article 71, Title 36 which contains a use restriction and/or a prohibition on the use of land in a manner that would be inconsistent with engineering controls which are intended to ensure the long term effectiveness of a brownfield site remedial program or eliminate potential exposure pathways to hazardous waste or petroleum; and

WHEREAS, Grantor is the owner of real property located on the northwestern corner of College Point Boulevard and 40th Road in Flushing, Queens, New York known and designated on the tax map of the City of New York as Tax Block 5066, Lots 1 and 100, being the same as that property conveyed to Grantor by deed on April 4, 2007, and recorded in the Land Division Records of the Office of the New York City Register for the Borough and County of Queens, New York on April 19, 2007 at CRFN 2007-000-203550, a portion of which, comprised of approximately 0.88 acres, and hereinafter more fully described in the metes and bounds description attached hereto as Schedule A and made a part hereof, is the subject of this Environmental Easement (the "Controlled Property"). A survey of the entire property prepared by Wohl & O'Mara, L.L.P., dated April 3, 2007, is attached hereto as Schedule B and a survey map of the Controlled