



Department of  
Environmental  
Conservation

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

### PART I. BROWNFIELD CLEANUP AGREEMENT AMENDMENT APPLICATION

Check the appropriate box below based on the nature of the amendment modification requested:

Amendment to [check one or more boxes below]

- Add
- Substitute
- Remove
- Change in Name

applicant(s) to the existing Brownfield Cleanup Agreement [*Complete Section I-IV below and Part II*]

Does this proposed amendment involve a transfer of title to all or part of the brownfield site?  Yes  No

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>

- 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)

Please provide a brief narrative on the nature of the amendment:

Volunteer Alex II West, LLC purchased this site from Sun Chemical Corp. on 7/13/12. This change of title was inadvertently not disclosed to the DEC by prior counsel. Avalon Yonkers Sun Sites, LLC has entered into a purchase and sales agreement with existing Volunteer Alex II West, LLC. Volunteer Alex II West, LLC will remain on the BCA but requests that Avalon Yonkers Sun Sites, LLC be added to the BCA.

**\*Please refer to the attached instructions for guidance on filling out this application\***

<b>Section I. Existing Application Information</b>		
BCP SITE NAME: PolyChrome R&D Lab Site		BCP SITE NUMBER: C360099
NAME OF CURRENT APPLICANT(S): Alex II West, LLC		
INDEX NUMBER OF EXISTING AGREEMENT: C360099-07		DATE OF EXISTING AGREEMENT: 09/19/20
<b>Section II. New Requestor Information (if no change to Current Applicant, skip to Section V)</b>		
NAME Avalon Yonkers Sun Sites, LLC		
ADDRESS c/o AvalonBay Communities, Inc. 1499 Post Road, Second Floor		
CITY/TOWN Fairfield, CT		ZIP CODE 06824
PHONE 203-319-4933	FAX 203-319-4944	E-MAIL Todd_Nicotra@avalonbay.com
Is the requestor authorized to conduct business in New York State (NYS)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
<ul style="list-style-type: none"> <li>If the requestor is a Corporation, LLC, LLP or other entity requiring authorization from the NYS Department of State to conduct business in NYS, the requestor's name must appear, exactly as given above, in the NYS Department of State's (DOS) Corporation &amp; Business Entity Database. A print-out of entity information from the DOS database must be submitted to DEC with the application, to document that the applicant is authorized to do business in NYS.</li> </ul>		
NAME OF NEW REQUESTOR'S REPRESENTATIVE Todd Nicotra		
ADDRESS c/o AvalonBay Communities, Inc. 1499 Post Road, Second Floor		
CITY/TOWN Fairfield, CT		ZIP CODE 06824
PHONE 203-319-4933	FAX 203-319-4944	E-MAIL Todd_Nicotra@avalonbay.com
NAME OF NEW REQUESTOR'S CONSULTANT (if applicable) Paulus Sokolowski and Sartor Engineering, PC, Janos Szeman		
ADDRESS 55 Main Street, Third Floor		
CITY/TOWN Yonkers, NY		ZIP CODE 10701
PHONE (732) 245-7164	FAX (732) 764-6565	E-MAIL jmszeman@psands.com
NAME OF NEW REQUESTOR'S ATTORNEY (if applicable) William M. Seuch		
ADDRESS Goulston & Storrs, 400 Atlantic Avenue		
CITY/TOWN Boston, MA		ZIP CODE 02110-3333
PHONE (617) 482-1776	FAX (617) 574-4112	E-MAIL WSeuch@GOULSTONSTORRS.com
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? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
Describe Requestor's Relationship to Existing Applicant: Requestor will be purchasing site from existing Applicant.		

**Section III. Current Property Owner/Operator Information (only include if new owner/operator or new existing owner/operator information is provided, and highlight new information)**

OWNER'S NAME (if different from requestor) <b>Alex II West, LLC</b>		
ADDRESS <i>c/o</i> Ronnie Shemesh, P.O. Box 863, 159 Alexander Street		
CITY/TOWN Yonkers		ZIP CODE 10702
PHONE 914-954-8300	FAX NA	E-MAIL ronshem59@icloud.com
OPERATOR'S NAME (if different from requestor or owner) Vacant - No operator		
ADDRESS		
CITY/TOWN		ZIP CODE
PHONE	FAX	E-MAIL

**Section IV. Eligibility Information for New Requestor (Please refer to ECL § 27-1407 for more detail)**

If answering "yes" to any of the following questions, please provide an explanation as an attachment.

1. Are any enforcement actions pending against the requestor regarding this site?  Yes  No
2. Is the requestor presently subject to an existing order for the investigation, removal or remediation relating to contamination at the site?  Yes  No
3. Is the requestor subject to an outstanding claim by the Spill Fund for this site?  Yes  No  
Any questions regarding whether a party is subject to a spill claim should be discussed with the Spill Fund Administrator.
4. Has the requestor been determined in an administrative, civil or criminal proceeding to be in violation of i) any provision of the subject law; ii) any order or determination; iii) any regulation implementing ECL Article 27 Title 14; or iv) any similar statute, regulation of the state or federal government? If so, provide an explanation on a separate attachment.  Yes  No
5. Has the requestor previously been denied entry to the BCP? If so, include information relative to the application, such as name, address, Department assigned site number, the reason for denial, and other relevant information.  Yes  No
6. Has the requestor been found in a civil proceeding to have committed a negligent or intentionally tortious act involving the handling, storing, treating, disposing or transporting of contaminants?  Yes  No
7. Has the requestor been convicted of a criminal offense i) involving the handling, storing, treating, disposing or transporting of contaminants; or ii) that involves a violent felony, fraud, bribery, perjury, theft, or offense against public administration (as that term is used in Article 195 of the Penal Law) under federal law or the laws of any state?  Yes  No
8. Has the requestor knowingly falsified statements or concealed material facts in any matter within the jurisdiction of the Department, or submitted a false statement or made use of or made a false statement in connection with any document or application submitted to the Department?  Yes  No
9. Is the requestor an individual or entity of the type set forth in ECL 27-1407.9(f) that committed an act or failed to act, and such act or failure to act could be the basis for denial of a BCP application?  Yes  No
10. Was the requestor's participation in any remedial program under DEC's oversight terminated by DEC or by a court for failure to substantially comply with an agreement or order?  Yes  No
11. Have all known bulk storage tanks on-site been registered with DEC?  Yes  No

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.**

Requestor's Relationship to Property (check one):

Prior Owner  Current Owner  Potential /Future Purchaser  Other \_\_\_\_\_

If requestor is not the current site owner, **proof of site access sufficient to complete the remediation must be submitted.** 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/additions/reductions (if applicable)**

ADDRESS

CITY/TOWN

ZIP CODE

TAX BLOCK AND LOT (TBL) (in existing agreement )

Parcel Address	Parcel No.	Section No.	Block No.	Lot No.	Acreage

Check appropriate boxes below:

- Changes to metes and bounds description or TBL correction
- Addition of property (may require additional citizen participation depending on the nature of the expansion – see attached instructions)

Approximate acreage added: \_\_\_\_\_

**ADDITIONAL PARCELS:**

Parcel Address	Parcel No.	Section No.	Block No.	Lot No.	Acreage

- Reduction of property

Approximate acreage removed: \_\_\_\_\_

**PARCELS REMOVED:**

Parcel Address	Parcel No.	Section No.	Block No.	Lot No.	Acreage

If requesting to modify a metes and bounds description or requesting changes to the boundaries of a site, please attach a revised metes and bounds description, survey, or acceptable site map to this application.

**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.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Requestor seeks a determination that the site is eligible for the tangible property credit component of the brownfield redevelopment tax credit.	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Please answer questions below and provide documentation necessary to support answers.</b>	
1. Is at least 50% of the site area located within an environmental zone pursuant to Tax Law 21(6)? Please see <a href="#">DEC's website</a> for more information.	<input type="checkbox"/> Yes <input type="checkbox"/> No
2. Is the property upside down as defined below?	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>From ECL 27-1405(31):</b>	
<p>"Upside down" shall mean a property where the projected and incurred cost of the investigation and remediation which is protective for the anticipated use of the property equals or exceeds seventy-five percent of its independent appraised value, as of the date of submission of the application for participation in the brownfield cleanup program, developed under the hypothetical condition that the property is not contaminated.</p>	
3. Is the project an affordable housing project as defined below?	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>From 6 NYCRR 375- 3.2(a) as of July 1, 2015:</b>	
<p>(a) "Affordable housing project" means, for purposes of this part, title fourteen of article twenty seven of the environmental conservation law and section twenty-one of the tax law only, a project that is developed for residential use or mixed residential use that must include affordable residential rental units and/or affordable home ownership units.</p> <p>(1) Affordable residential rental projects under this subdivision must be subject to a federal, state, or local government housing agency's affordable housing program, or a local government's regulatory agreement or legally binding restriction, that defines (i) a percentage of the residential rental units in the affordable housing project to be dedicated to (ii) tenants at a defined maximum percentage of the area median income based on the occupants' households annual gross income.</p> <p>(2) Affordable home ownership projects under this subdivision must be subject to a federal, state, or local government housing agency's affordable housing program, or a local government's regulatory agreement or legally binding restriction, that sets affordable units aside for tenants at a defined maximum percentage of the area median income.</p> <p>(3) "Area median income" means, for purposes of this subdivision, the area median income for the primary metropolitan statistical area, or for the county if located outside a metropolitan statistical area, as determined by the United States department of housing and urban development, or its successor, for a family of four, as adjusted for family size.</p>	

**PART II. BROWNFIELD CLEANUP PROGRAM AMENDMENT**

<b>Existing Agreement Information</b>	
BCP SITE NAME: PolyChrome R&D Lab Site	BCP SITE NUMBER: C360099
NAME OF CURRENT APPLICANT(S): Alex II West, LLC	
INDEX NUMBER OF EXISTING AGREEMENT: C360099-07-12	
EFFECTIVE DATE OF EXISTING AGREEMENT: September 19, 2012	

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.

<b>Statement of Certification and Signatures: New Requestor(s) (if applicable)</b>
(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 <u>Senior Vice President</u> ) of (entity <u>Avalon Yonkers Sun Sites, LLC</u> ); that I am authorized by that entity to make this application; that this application was prepared by me or under my supervision and direction; and 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. _____ signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.  Date: <u>2/26/16</u> Signature: <u>Matthew B. Whalen</u>  Print Name: <u>Matthew B. Whalen</u>

**Statement of Certification and Signatures: Existing Applicant(s) (an authorized representative of each applicant must sign)**

(Individual)

I hereby affirm that I am a party to the Brownfield Cleanup Agreement and/or Application referenced in Section I above and that I am aware of this Application for an Amendment to that Agreement and/or Application. 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 Managing Member (title) of Alex II West, LLC (entity) which is a party to the Brownfield Cleanup Agreement and/or Application referenced in Section I above and that I am aware of this Application for an Amendment to that Agreement and/or Application. \_\_\_\_\_ 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: Ron Shemesh

**REMAINDER OF THIS AMENDMENT WILL BE COMPLETED SOLELY BY THE DEPARTMENT**

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.

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: SEPTEMBER 19, 2012

Signature by the Department:

DATED: APR 13 2016

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

By: 

Robert W. Schick, P.E., Director  
Division of Environmental Remediation



**SUBMITTAL INFORMATION:**

- **Two (2)** copies, one hard copy with original signatures and one electronic copy in 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

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**FOR DEPARTMENT USE ONLY**

**BCP SITE T&A CODE:** \_\_\_\_\_ **LEAD OFFICE:** \_\_\_\_\_

**PROJECT MANAGER:** \_\_\_\_\_



recorded and only available by viewing the certificate.

**\*Stock Information**

# of Shares	Type of Stock	\$ Value per Share
No Information Available		

\*Stock information is applicable to domestic business corporations.

**Name History**

Filing Date	Name Type	Entity Name
JAN 27, 2016	Actual	AVALON YONKERS SUN SITES, LLC

A **Fictitious** name must be used when the **Actual** name of a foreign entity is unavailable for use in New York State. The entity must use the fictitious name when conducting its activities or business in New York State.

NOTE: New York State does not issue organizational identification numbers.

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**AVALONBAY COMMUNITIES, INC.**

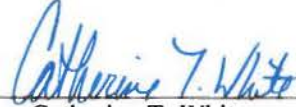
**Incumbency Certificate**

The undersigned, Catherine T. White, hereby certifies that she is the Assistant Secretary of AvalonBay Communities, Inc., a Maryland corporation (the “Corporation”) and does further certify as follows:

1. I am the Assistant Secretary of the Corporation and as such, I am authorized to execute this Certificate on behalf of the Corporation.
2. The Corporation is the Sole Member of Avalon Yonkers Sun Sites, LLC, a Delaware limited liability company, which is doing business in New York.
2. In accordance with authority given by the Board of Directors or a duly appointed and acting committee of the Board of Directors, Matthew B. Whalen, a duly appointed and acting Senior Vice President, is authorized to sign on behalf of the Corporation all Brownfield Cleanup Program related agreements, deeds, easements, assignments, affidavits, certificates, and any other instruments, relating to the investigation, remediation, construction, development, financing or operation of those certain developments known as Avalon Yonkers Waterfront located in Yonkers, New York.

IN WITNESS WHEREOF, I have hereunto set my hand this 12<sup>th</sup> day of February, 2016.

AVALONBAY COMMUNITIES, INC.



Name: Catherine T. White  
Title: Assistant Secretary

**Alex II West, LLC  
c/o Ronnie Shemesh  
PO Box 863, 159 Alexander Street  
Yonkers, NY 10702**

February 12, 2016

Avalon Yonkers Sun Sites, LLC  
c/o AvalonBay Communities, Inc.  
Matthew Whalen, Grant Jaber & Todd Nicotra  
1499 Post Road, Second Floor  
Fairfield, Connecticut 06824

**Re: Site Access to Perform Brownfield Cleanup Program Work  
PolyChrome R&D Lab Site; BCP Site# C360099  
137-145 Alexander Street, Yonkers, New York**

Dear Matthew, Grant and Todd:

Pursuant to the terms in a separate Purchase & Sale Agreement, and associated agreements therewith between the parties, as the owner's representative of the aforementioned BCP Site, I have legal authority to agree to allow Avalon Yonkers Sun Sites, LLC and its contractors, to enter the BCP Site currently owned by my company Alex II West, LLC to perform any BCP investigation and/or remediation work required. By execution of this site access agreement letter, you are hereby allowed BCP Site access so that Avalon Yonkers Sun Sites, LLC can satisfy all BCP requirements.

Sincerely,

**Alex II West, LLC**

By:

  
Ronnie Shemesh

## **VOLUNTEER CERTIFICATION STATEMENT**

The Requestor certifies it is a Volunteer, since it is a prospective purchaser planning to take ownership of the Brownfield Site after the disposal/release of hazardous material, and further certifies that the Requestor will exercise appropriate care with respect to the hazardous material found at the facility by taking reasonable steps to secure and maintain the Site and by submitting this application to become a party to the existing Brownfield Cleanup Agreements for the PolyChrome Manufacturing Site BCP Site #C360098 and the PolyChrome R&D Lab Site C#360099 in order to commence the investigation and remediation of any on-Site contamination.

The Office of the Westchester County Clerk: This page is part of the instrument; the County Clerk will rely on the information provided on this page for purposes of indexing this instrument. To the best of submitter's knowledge, the information contained on this Recording and Endorsement Cover Page is consistent with the information contained in the attached document.



\*521883363DED0033\*

### Westchester County Recording & Endorsement Page

#### Submitter Information

Name:	Fidelity National Title (Pick-up By Carol Glover)	Phone:	516-741-5050
Address 1:	1415 Kellum Place	Fax:	516-741-5363
Address 2:	Suite 202	Email:	dciccarello@fnf.com
City/State/Zip:	Garden City NY 11530	Reference for Submitter:	60845CDG

#### Document Details

Control Number:	<b>521883363</b>	Document Type:	<b>Deed (DED)</b>
Package ID:	2012070600136001002	Document Page Count:	<b>3</b>
		Total Page Count:	<b>5</b>

#### Parties

<b>1st PARTY</b>		<input type="checkbox"/> Additional Parties on Continuation page	<b>2nd PARTY</b>	
1:	SUN CHEMICAL CORP	- Other	1:	ALEX II WEST LLC
2:			2:	

#### Property

Street Address:	35 WATER GRANT STREET	Tax Designation:	2-2615-1
City/Town:	YONKERS	Village:	

#### Cross-References

1:		2:		3:		4:	
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#### Supporting Documents

1:	RP-5217	2:	TP-584
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#### Recording Fees

Statutory Recording Fee:	\$40.00
Page Fee:	\$20.00
Cross-Reference Fee:	\$0.00
Mortgage Affidavit Filing Fee:	\$0.00
RP-5217 Filing Fee:	\$250.00
TP-584 Filing Fee:	\$5.00
<b>Total Recording Fees Paid:</b>	<b>\$315.00</b>

#### Mortgage Taxes

Document Date:	
Mortgage Amount:	
Basic:	\$0.00
Westchester:	\$0.00
Additional:	\$0.00
MTA:	\$0.00
Special:	\$0.00
Yonkers:	\$0.00
<b>Total Mortgage Tax:</b>	<b>\$0.00</b>

#### Transfer Taxes

Consideration:	\$2,250,000.00
Transfer Tax:	\$9,000.00
Mansion Tax:	\$0.00
Transfer Tax Number:	43574

Dwelling Type:		Exempt: <input type="checkbox"/>
Serial #:		

RECORDED IN THE OFFICE OF THE WESTCHESTER COUNTY CLERK



Recorded: 07/23/2012 at 04:57 PM  
 Control Number: **521883363**  
 Witness my hand and official seal

Timothy C. Idoni  
Westchester County Clerk

#### Record and Return To

Pick-up at County Clerk's office

**EON S. NICHOLS, ESQ.**  
**CUDDY & FEDER LLP**  
**445 HAMILTON AVENUE, 14TH FLOOR**  
**WHIE PLAINS, NY 10601**

The Office of the Westchester County Clerk: This page is part of the instrument, the County Clerk will rely on the information provided on this page for purposes of indexing this instrument. To the best of submitter's knowledge, the information contained on this Recording and Endorsement Cover Page is consistent with the information contained in the attached document.

\*521883363DED0033\*

### Westchester County Recording & Endorsement Page

#### Document Details

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Document Type: **Deed (DED)**

Package ID: 2012070600136001002

Document Page Count: 3

Total Page Count: 5

#### Properties Addendum

137 ALEXANDER STREET 10701	YONKERS	2 2615 29
145 ALEXANDER STREET 10701	YONKERS	2 2615 23



**BARGAIN AND SALE DEED WITHOUT COVENANT AGAINST  
GRANTOR'S ACTS (INDIVIDUAL OR CORPORATION)**

**THIS INDENTURE**, made the Thirteenth day of July, Two Thousand and Twelve,

**BETWEEN SUN CHEMICAL CORPORATION**, with an address at 35 Waterview Boulevard,  
Parsippany, NJ 07054

party of the first part, and

**Alex II West, LLC**, with an address at 159 Alexander Street, Yonkers, New York 10701

party of the second part,

**WITNESSETH**, that the party of the first part, in consideration of **ten dollars** lawful money of the United States and other good and valuable consideration, paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

**ALL** that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being more particularly described on **SCHEDULE A ANNEXED HERETO AND MADE A PART HEREOF**.

Said premises being known as and by the Street Numbers 35 Water Grant Street, 137 Alexander Street, and 145 Alexander Street, Yonkers, New York.

Said premises being the same premises conveyed to the party of the first part (or its predecessors) by deed from Charles E. Pearsall & Son, Inc., dated August 31, 1964 and recorded September 4, 1964 in Liber 6438 page 75, by deed from Polychrome Corporation, a New York corporation, dated December 17, 1969 and recorded December 23, 1969 in Liber 6902 page 146, and by deed from Polychrome Realty Corporation, dated May 22, 1968 and recorded June 12, 1968 in Liber 6785 page 137.

**TOGETHER** with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof,

**TOGETHER** with the appurtenances and all the estate and rights of the party of the first part in and to said premises;

**TO HAVE AND TO HOLD** the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

**AND** the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the costs of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

*[NO FURTHER TEXT; SIGNATURE ON FOLLOWING PAGE]*

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

Mark Heurwitz

SUN CHEMICAL CORPORATION

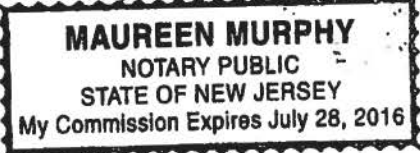
By:

Eric R. Finkelman  
Eric R. Finkelman  
Vice President, General Counsel, and  
Secretary

STATE OF NEW JERSEY )  
  ) ss.:  
COUNTY OF MORRIS )

On the 11 day of July in the year 2012, before me, the undersigned, personally appeared Eric R. Finkelman, 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, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Maureen Murphy  
NOTARY PUBLIC



**BARGAIN AND SALE DEED  
WITHOUT COVENANT AGAINST GRANTOR'S ACTS**

Title No. \_\_\_\_\_

SECTION 2  
BLOCK 2615  
LOTS 1, 23, and 29  
COUNTY OR TOWN Westchester

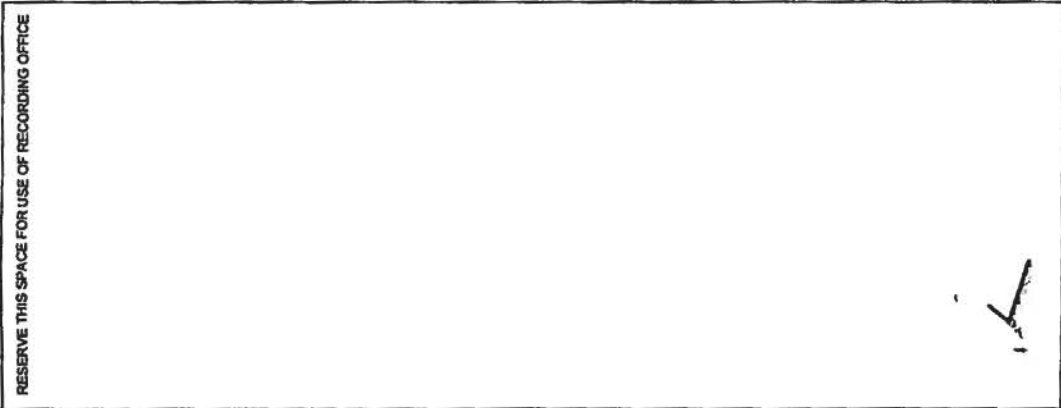
SUN CHEMICAL CORPORATION

TO

ALEX II WEST, LLC

RETURN BY MAIL TO:

Eon S. Nichols, Esq.  
Cuddy & Feder LLP  
445 Hamilton Avenue, 14th Floor  
White Plains, New York 10601





# Fidelity National Title Insurance Company

Policy No: NY-FGWH-SAM-2730632-1-12-62008

Title No.: 12-7405-62008WEST

## SCHEDULE A-1

### Description

ALL that certain plot, piece or parcel of land, situate, lying and being in the City of Yonkers, County of Westchester and State of New York;

BEGINNING at the corner formed by the intersection of the westerly side of Alexander Street and the northerly side of Ashburton Avenue and;

RUNNING THENCE north 81 degrees 29 minutes 30 seconds west 661.20 feet to the westerly line of grants and pier line as established by the Common Council of the City of Yonkers as of April 12, 1886;

THENCE along said line north 09 degrees 50 minutes 30 seconds east 302.06 feet;

THENCE south 81 degrees 29 minutes 30 seconds east 654.17 feet to the westerly side of Alexander Street;

THENCE along the westerly side of Alexander Street south 08 degrees 30 minutes 30 seconds west 301.98 feet to the point or place of BEGINNING.

### FOR INFORMATION ONLY:

Premises known as: 35 Water Grant Street, Yonkers, New York (Section 2, Block 2615, Lot 1); 137 Alexander Street, Yonkers, New York (Section 2, Block 2615, Lot 29); and 145 Alexander Street, Yonkers, New York (Section 2, Block 2615, Lot 23).