

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.



622913183EAS006Z

Westchester County Recording & Endorsement Page

Submitter Information

Name: Ardsley LLC Phone: 314-835-2880
Address 1: 1515 Des Peres Rd Fax: 314-835-1616
Address 2: Suite 300 Email: blydon@cdcco.com
City/State/Zip: St Louis MO 63131 Reference for Submitter: Ardsley LLC Environmental Easement A

Document Details

Control Number: **622913183** Document Type: **Easement (EAS)**
Package ID: 2022101800090001006 Document Page Count: 7 Total Page Count: 8

Parties

☐ Additional Parties on Continuation page

1st PARTY

1: ARDSLEY LLC
2:

- Other

2nd PARTY

1: NEW YORK STATE COMMISSION ON ENVIRONMENTAL Q - Other
2:

Property

☐ Additional Properties on Continuation page

Street Address: 0 SAW MILL RIVER RD & LAWRE
City/Town: GREENBURGH

Tax Designation: 8.370-265-1
Village:

Cross-References

☐ Additional Cross-Refs on Continuation page

1: 602803786 2: 3: 4:

Supporting Documents

1: TP-584

Recording Fees

Statutory Recording Fee: \$40.00
Page Fee: \$40.00
Cross-Reference Fee: \$0.50
Mortgage Affidavit Filing Fee: \$0.00
RP-5217 Filing Fee: \$0.00
TP-584 Filing Fee: \$5.00
RPL 291 Notice Fee: \$0.00
Total Recording Fees Paid: **\$85.50**

Transfer Taxes

Consideration: \$0.00
Transfer Tax: \$0.00
Mansion Tax: \$0.00
Transfer Tax Number: 6067

Mortgage Taxes

Document Date:
Mortgage Amount:
Basic: \$0.00
Westchester: \$0.00
Additional: \$0.00
MTA: \$0.00
Special: \$0.00
Yonkers: \$0.00
Total Mortgage Tax: **\$0.00**

Dwelling Type: Exempt: ☐
Serial #:

RECORDED IN THE OFFICE OF THE WESTCHESTER COUNTY CLERK



Recorded: 12/05/2022 at 02:25 PM

Control Number: **622913183**

Witness my hand and official seal

Timothy C. Idoni

Timothy C. Idoni
Westchester County Clerk

Record and Return To

☐ Pick-up at County Clerk's office

Ardsley LLC
1515 Des Peres Rd.
Ste. 300
St. Louis, MO 63131
Attn: Daniel Dunn

AMENDMENT TO ENVIRONMENTAL EASEMENT

This Amendment to Environmental Easement is made as of this 21st day of November 2022, 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 Ardsley, LLC ("Grantor") having an office at 1515 Des Peres Road, Suite 300, St. Louis, Missouri 63131.

RECITALS

1. Grantor is the owner of certain land known and designated on the tax map of the Town of Greenburgh, County of Westchester and State of New York as tax map parcel number: Section 8.370 Block 265 Lot 1, being a portion of the property conveyed to Grantor by deed dated May 25, 2017 and recorded in the Westchester County Clerk's Office as Control No. 571363465.
2. The Department and Grantor entered into that certain Environmental Easement ("Easement Agreement") dated as of September 15, 2020, and recorded in the Westchester County Clerk's Office on October 10, 2020, as Control No. 602803786. Capitalized terms used herein without definition have the meanings ascribed to them in the Environmental Easement Agreement.
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 Controlled Property at a level that has been determined to be safe for a specific use while ensuring the performance of certain 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. Pursuant to Section 2 A of the Easement Agreement, the Controlled Property may only be used for Commercial and Industrial uses as described in 6 NYCRR § 375-1.8(g) and may only be used consistent with controls set out in Section 2 A of the Easement Agreement.
5. This Amendment to Environmental Easement is filed solely in order to revise the legal description for the Controlled Property that was attached as Schedule "A" to the Environmental Easement dated as of September 15, 2020, and recorded in the Westchester County Clerk's Office on October 10, 2020, as Control No. 602803786.
6. Pursuant to Section 8 of the Easement Agreement, the Department agrees to amend the Easement Agreement in the manner prescribed by Article 9 of the Real Property Law.

AMENDMENT OF ENVIRONMENTAL EASEMENT

- A. The above recitals are hereby incorporated into this Amendment of Environmental Easement.
- B. The Department and Grantor hereby agree that the 4th Whereas clause of the Environmental Easement is hereby amended to read as follows:

WHEREAS, Grantor, is the owner of real property located at the address of 1 Lawrence Street in the Town of Greenburgh, County of Westchester and State of New York, known and designated on the tax map of the County Clerk of Westchester as tax map parcel number: Section 8.370 Block 265 Lot 1, being the same as that property conveyed to Grantor by deed dated May 25, 2017 and recorded in the Westchester County Clerk's Office as Control # 571363465. The property subject to this Environmental Easement (the "Controlled Property") comprises approximately 6 +/- acres, and is hereinafter more fully described in the Land Title Survey dated October 27, 2009, updated initially on May 10, 2017, and again on January 27, 2022 prepared by Paul J. Petretti, L.L.S., which will be attached to the Site Management Plan. The Controlled Property description is set forth in and attached hereto as Schedule "A" – Amended Description of Controlled Property; and

- C. The Department and Grantor hereby agree that the metes and bounds description of the Controlled Property attached hereto as "Schedule "A" – Amended Description of Controlled Property" shall replace the original metes and bounds description attached as Schedule "A" to the September 15, 2020 Environmental Easement.
- D. All other terms of the September 15, 2020 Environmental Easement shall remain in effect.
- E. This Amendment of Environmental Easement inures to and binds the parties hereto and their respective successors and assigns.
- F. This Amendment of Environmental Easement shall be governed by and interpreted in accordance with the laws of the State of New York.

IN WITNESS WHEREOF, Grantor has caused this Amendment to Environmental Easement to be signed in its name.

Ardley LLC;

By: Tom Roberts

Tom Roberts
Manager

Print Name: _____

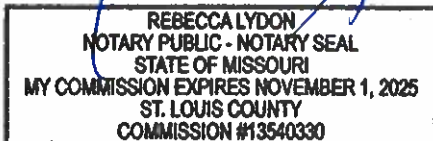
Title: _____ Date: 11-16-22

Grantor's Acknowledgment

STATE OF MISSOURI)
) ss:
COUNTY OF ST. LOUIS)

On the 16 day of Nov, 2022 in the year 2022, before me, the undersigned, personally appeared Tom Roberts, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Rebecca Lydon
Notary Public



THIS AMENDMENT 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
Printed Name Andrew Guglielmi
Title: Director
Division of Environmental Remediation

Grantee's Acknowledgment

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

On the 21st day of November, in the year 2022, 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(s) whose name is
(are) subscribed to the within instrument and acknowledged to me that he/she executed the
same in his/her capacity as Designee of the Commissioner of the State of New York Department
of Environmental Conservation, and that by his/her signature on the instrument, the individual,
or the person upon behalf of which the individual acted, executed the instrument.

Jennifer Andoloro
Notary Public - State of New York

JENNIFER ANDALORO
Notary Public, State of New York
No. 02AN6098246
Qualified in Albany County
Commission Expires January 14, 2024

SCHEDULE "A" AMENDED DESCRIPTION OF CONTROLLED PROPERTY

**ENVIRONMENTAL EASEMENT DESCRIPTION FOR BROWNFIELD CLEANUP
SITE No. C360146**

ALL that certain plots, pieces or parcels of land situate, lying and being in the Town of Greenburgh, County of Westchester and State of New York, known and designated as Block No. 1, and Block No. 12 as shown on a certain map entitled, "Map No. 1 of the Erhardt, Edwards and Lowerre Syndicate at Chauncey in the Town of Greenburgh, Westchester County, N.Y." filed on April 2, 1981 as Map No. 974.

EXCEPTING that portion of the above described property as acquired by The People of the State of New York by Notice of Appropriation by New York State Department of Transportation dated November 30, 1982 recorded September 26, 1983 in Liber 7865 page 15, as further described on Filed Map No. 21290.

**METES & BOUNDS DESCRIPTION WEST OF SAW MILL RIVER
PART OF TAX LOT 008.370-265-1**

BEGINNING AT POINT AT THE INTERSECTION OF THE NORTHERLY LINE OF LAWRENCE STREET AND THE WESTERLY LINE OF THE FORMER RAILROAD RIGHT-OF-WAY AS SHOWN ON A CERTAIN FILED MAP ENTITLED SHEET 32 OF 59 SURVEY OF A PORTION OF LANDS BELONGING TO CONRAIL (PUTNAM DIVISION) SITUATE IN THE VILLAGE OF DOBBS FERRY, TOWN OF GREENBURGH, WESTCHESTER COUNTY, NEW YORK. SAID MAP FILED IN THE WESTCHESTER COUNTY CLERK'S OFFICE, DIVISION OF LAND RECORDS AS MAP NO. 24547 FILED DECEMBER 19, 1991. SAID POINT AND PLACE OF BEGINNING BEING DISTANT THE FOLLOWING COURSES AND DISTANCES FROM A SET OF NEW YORK STATE PLANE EAST ZONE COORDINATES SHOWN THE AFORESAID FILED MAP N: 790,678.0872, E:669,874.8524, NORTH 25 DEGREES 41 MINUTES 34 SECONDS EAST 50.00 FEET AND SOUTH 64 DEGREES 18 MINUTES 26 SECONDS WEST 66.00 FEET TO THE POINT AND PLACE OF BEGINNING.

THENCE FORM THE SAID POINT AND PLACE OF BEGINNING THE FOLLOWING COURSES AND DISTANCES NORTH 25 DEGREES 41 MINUTES 34 SECONDS EAST 700.01 FEET TO THE SOUTHEAST CORNER OF DANFORTH AVENUE AS SHOWN ON R.O. 974, THENCE SOUTH 64 DEGREES 18 MINUTES 26 SECONDS EAST 325.12 FEET ALONG THE AFOREMENTIONED DANFORTH AVENUE, THENCE, SOUTH 23 DEGREES 43 MINUTES 44 SECONDS WEST 104.47 FEET, THENCE, SOUTH 38 DEGREES 14 MINUTES 07 SECONDS WEST 84.08 FEET TO THE BEGINNING OF A CURVE TO THE LEFT WITH A CENTRAL ANGLE OF 55 DEGREES 03 MINUTES 50 SECONDS WITH A RADIUS OF 100.00 FEET AND AN ARC LENGTH OF 96.10 FEET TO A POINT OF REVERSE CURVATURE, THENCE ALONG A CURVE TO THE RIGHT WITH A CENTRAL ANGLE OF 41 DEGREES 39 MINUTES 45 SECONDS, AND A RADIUS OF 100.00 FEET AND AN ARC LENGTH OF 72.71 FEET TO A POINT, THENCE SOUTH 24 DEGREES 50

MINUTES 02 SECONDS WEST 45.84 FEET TO A POINT OF CURVATURE OF A CURVE TO THE LEFT WITH A CENTRAL ANGLE OF 27 DEGREES 50 MINUTES 03 SECONDS HAVING A RADIUS OF 83.35 FEET AND AN ARC LENGTH OF 40.49 FEET TO A POINT OF REVERSE CURVATURE OF A CURVE TO THE LEFT WITH A CENTRAL ANGLE OF 08 DEGREES 51 MINUTES 00 SECONDS AND RADIUS OF 791.47 FEET AND AN ARC LENGTH OF 122.25 FEET TO A POINT OF A REVERSE CURVATURE OF A CURVE TO THE LEFT WITH A CENTRAL ANGLE OF 20 DEGREES 04 MINUTES 28 SECONDS AND A RADIUS OF 406.08 FEET AND AN ARC LENGTH OF 142.28 FEET TO A POINT ON THE NORTHERLY LINE OF LAWRENCE STREET, THENCE, NORTH 64 DEGREES 18 MINUTES 26 SECONDS WEST 16.68 FEET, THENCE, SOUTH 25 DEGREES 41 MINUTES 34 SECONDS WEST 13.00 FEET, CONTINUING ALONG THE NORTHERLY LINE OF LAWRENCE STREET, NORTH 64 DEGREES 18 MINUTES 26 SECONDS WEST 323.08 FEET TO THE POINT AND PLACE OF BEGINNING.

CONTAINING SQUARE FEET OF LAND MORE OR LESS: 245,437.5 S.F. / 5.63 ACRES

METES & BOUNDS DESCRIPTION EAST OF SAW MILL RIVER
PART OF TAX LOT 008.370-265-1

BEGINNING AT POINT AT THE INTERSECTION OF THE NORTHERLY LINE OF LAWRENCE STREET AND THE WESTERLY LINE OF THE FORMER RAILROAD RIGHT-OF-WAY AS SHOWN ON A CERTAIN FILED MAP ENTITLED SHEET 32 OF 59 SURVEY OF A PORTION OF LANDS BELONGING TO CONRAIL (PUTNAM DIVISION) SITUATE IN THE VILLAGE OF DOBBS FERRY, TOWN OF GREENBURGH, WESTCHESTER COUNTY, NEW YORK. SAID MAP FILED IN THE WESTCHESTER COUNTY CLERK'S OFFICE, DIVISION OF LAND RECORDS AS MAP NO. 24547 FILED DECEMBER 19, 1991. SAID POINT AND PLACE OF BEGINNING BEING DISTANT THE FOLLOWING COURSES AND DISTANCES FROM A SET OF NEW YORK STATE PLANE EAST ZONE COORDINATES SHOWN THE AFORESAID FILED MAP N: 790,678.0872, E:669,874.8524, NORTH 25 DEGREES 41 MINUTES 34 SECONDS EAST 50.00 FEET AND SOUTH 64 DEGREES 18 MINUTES 26 SECONDS WEST 66.00 FEET TO THE POINT AND PLACE OF BEGINNING.

THENCE FORM THE SAID POINT AND PLACE OF BEGINNING THE FOLLOWING COURSES AND DISTANCES NORTH 25 DEGREES 41 MINUTES 34 SECONDS EAST 700.01 FEET TO THE SOUTHEAST CORNER OF DANFORTH AVENUE AS SHOWN ON R.O. 974, THENCE SOUTH 64 DEGREES 18 MINUTES 26 SECONDS EAST 325.12 FEET ALONG THE AFOREMENTIONED DANFORTH AVENUE, THENCE, SOUTH 23 DEGREES 43 MINUTES 44 SECONDS WEST 104.47 FEET, THENCE, SOUTH 38 DEGREES 14 MINUTES 07 SECONDS WEST 84.08 FEET TO THE BEGINNING OF A CURVE TO THE LEFT WITH A CENTRAL ANGLE OF 55 DEGREES 03 MINUTES 50 SECONDS WITH A RADIUS OF 100.00 FEET AND AN ARC LENGTH OF 96.10 FEET TO A POINT OF REVERSE CURVATURE, THENCE ALONG A CURVE TO THE RIGHT WITH A CENTRAL ANGLE OF 41 DEGREES 39 MINUTES 45 SECONDS, AND A RADIUS OF 100.00 FEET AND AN ARC LENGTH OF 72.71 FEET TO A POINT, THENCE SOUTH 24 DEGREES 50 MINUTES 02 SECONDS WEST 45.84 FEET TO A POINT THAT CROSSES DE RIVER

SOUTH 72 DEGREES 42 MINUTES 42 SECONDS EAST 41.73 FEET TO THE POINT OF AND PLACE BEGINNING OF THE PORTION OF TAX LOT 008.370-265-1 ON THE EAST SIDE OF THE SAW MILL RIVER.

THENCE FROM THE AFORESAID POINT AND PLACE OF BEGINNING THE FOLLOWING COURSES AND DISTANCES SOUTH 72 DEGREES 42 MINUTES 42 SECONDS EAST 27 FEET, SOUTH 17 DEGREES 17 MINUTES 18 SECONDS WEST 325.84 FEET ALONG THE SAW RIVER (ROAD-RT 9A), NORTH 64 DEGREES 18 MINUTES 26 SECONDS WEST 67.98 FEET ALONG THE NORTHERLY LINE OF LAWRENCE STREET, NORTH 25 DEGREES 41 MINUTES 34 SECONDS EAST 13 FEET, NORTH 64 DEGREES 18 MINUTES 26 SECONDS WEST 18 FEET, NORTH 31 DEGREES 48 MINUTES 13 SECONDS EAST 197.26 FEET ALONG THE SAW MILL RIVER TO THE BEGINNING OF A CURVE TO THE LEFT WITH A CENTRAL ANGLE OF 37 DEGREES 10 MINUTES 02 SECONDS AND A RADIUS OF 107.28 FEET AND AN ARC LENGTH OF 69.59 FEET TO THE BEGINNING OF A CURVE TO THE LEFT WITH A CENTRAL ANGLE OF 27 DEGREES 2 MINUTES 40 SECONDS WITH AND A RADIUS OF 90.21 FEET AND AN ARC LENGTH OF 42.58 FEET TO THE POINT AND PLACE OF BEGINNING.

CONTAINING SQUARE FEET OF LAND MORE OR LESS: 15,913.618 S.F. / 0.37 ACRES