



Department of Environmental Conservation

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]

- Add applicant(s)
- Substitute applicant(s)
- Remove applicant(s)
- Change in Name of applicant(s)

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OCT 13 2021

BUR. OF TECH. SUPPORT

Amendment to reflect a transfer of title to all or part of the brownfield site

1a. A copy of the recorded deed must be provided. Is this attached? Yes No

1b. Change in ownership Additional owner (such as a beneficial owner)

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)

2. Required: Please provide a brief narrative on the nature of the amendment:

This amendment application reflects a change in ownership to a portion of the Former Excelsior Bag Site (DEC Site ID No. C360190), which proposed transfer was noticed in the BCA Amendment for the Site signed by DEC on August 25, 2021. Applicant Extell Hudson Waterfront LLC has transferred title to a portion of the Site (Block 2620, southern portion of Lot 9 - described in the metes and bounds attached hereto) to Extell Hudson Waterfront I LLC, as evidenced by the recorded deed attached hereto.

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

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: Former Excelsior Bag Site		BCP SITE NUMBER: C360190	
NAME OF CURRENT APPLICANT(S): Extell Hudson Waterfront LLC; Extell Hudson Waterfront I LLC			
INDEX NUMBER OF AGREEMENT: C360190-04-20		DATE OF ORIGINAL AGREEMENT: April 30, 2020	
Section II. New Requestor Information (complete only if adding new requestor or name has changed)			
NAME			
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
<p>1. Is the requestor authorized to conduct business in New York State (NYS)? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <ul style="list-style-type: none"> 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 & 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. 			
NAME OF NEW REQUESTOR'S REPRESENTATIVE			
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
NAME OF NEW REQUESTOR'S CONSULTANT (if applicable)			
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
NAME OF NEW REQUESTOR'S ATTORNEY (if applicable)			
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
<p>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? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>			
<p>3. Describe Requestor's Relationship to Existing Applicant:</p>			

Section III. Current Property Owner/Operator Information (only include if new owner/operator)
Owner below is: Existing Applicant New Applicant Non-Aplicant

OWNER'S NAME (if different from requestor) Extell Hudson Waterfront I LLC (new owner)

ADDRESS 805 Third Avenue, 7th Floor

CITY/TOWN New York, NY

ZIP CODE 10022

PHONE 732.901.9006

FAX

E-MAIL jmandelbaum@extell.com

OPERATOR'S NAME (if different from requestor or owner)

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. Are there any unregistered bulk storage tanks on-site which require registration? 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.

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, **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)

1. Property information on current agreement:

ADDRESS

CITY/TOWN

ZIP CODE

TAX BLOCK AND LOT (SBL)

TOTAL ACREAGE OF CURRENT SITE: _____

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

2. Check appropriate boxes below:

Addition of property (may require additional citizen participation depending on the nature of the expansion – see attached instructions)

2a. PARCELS ADDED:

Acreage
Added by
Parcel

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

Total acreage to be added: _____

Reduction of property

2b. PARCELS REMOVED:

Acreage
Removed
by Parcel

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

Total acreage to be removed: _____

Change to SBL (e.g. merge, subdivision, address change)

2c. NEW SBL INFORMATION:

Parcel Address	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.

3. TOTAL REVISED SITE 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.	<input type="checkbox"/> Yes <input 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
Please answer questions below and provide documentation necessary to support answers.	
1. Is at least 50% of the site area located within an environmental zone pursuant to Tax Law 21(6)? Please see DEC's website 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
From ECL 27-1405(31):	
<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
<p>From 6 NYCRR 375- 3.2(a) as of August 12, 2016:</p> <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, which 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, which sets affordable units aside for home owners 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

Existing Agreement Information	
BCP SITE NAME: Former Excelsior Bag Site	BCP SITE NUMBER: C360190
NAME OF CURRENT APPLICANT(S): Extell Hudson Waterfront LLC; Extell Hudson Waterfront I LLC	
INDEX NUMBER OF AGREEMENT: C360190-04-20	
EFFECTIVE DATE OF ORIGINAL AGREEMENT: April 30, 2020	

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 _____) of (entity _____); 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: _____ Signature: _____ Print Name: _____

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 Authorized Signatory (title) of Extell Hudson Waterfront 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. My _____ signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

Date: 9/30/2021 Signature: 

Print Name: Gary Barnett

REMAINDER OF THIS AMENDMENT WILL BE COMPLETED SOLELY BY THE DEPARTMENT

Please see the following page for submittal instructions.
NOTE: Applications submitted in fillable format will be rejected.

Status of Agreement:

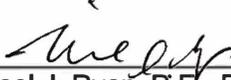
<input type="checkbox"/> PARTICIPANT A requestor who either 1) was the owner of the site at the time of the disposal of contamination or 2) is otherwise a person responsible for the contamination, unless the liability arises solely as a result of ownership, operation of, or involvement with the site subsequent to the disposal of contamination.	<input checked="" type="checkbox"/> 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.
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Effective Date of the Original Agreement: April 30, 2020

Signature by the Department:

DATED: November 17, 2021

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

By: 
Michael J. Ryan, P.E., Director
Division of Environmental Remediation

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 Authorized Signatory (title) of Extell Hudson Waterfront I 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. My _____ signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

Date: 9/30/2021 Signature: 

Print Name: Gary Barnett

REMAINDER OF THIS AMENDMENT WILL BE COMPLETED SOLELY BY THE DEPARTMENT

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Status of Agreement:

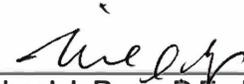
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Effective Date of the Original Agreement: April 30, 2020

Signature by the Department:

DATED: November 17, 2021

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

By: 

Michael J. Ryan, P.E., Director
Division of Environmental Remediation

Site Code:

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

ALEXIS SABA
DIRECT DIAL: 646.378.7217
ASABA@SPRLAW.COM

October 8, 2021

VIA EMAIL AND FEDEX

Kelly Lewandowski
Chief, Site Control Section
NYS Department of Environmental Conservation
625 Broadway
Albany, NY 12233-7016

RECEIVED

OCT 13 2021

BUR. OF TECH. SUPPORT

Re: Portion of Former Excelsior Bag Site (C360190) – BCA Amendment Application

Dear Ms. Lewandowski:

As noticed in the Change of Use Notification dated May 20, 2021 and the BCA Amendment to add a party dated August 25, 2021, the transfer of title occurred from Extell Hudson Waterfront LLC to Extell Hudson Waterfront I LLC for a portion of the above referenced BCP Site on September 3, 2021. To complete the Department's records on this transfer, please see the enclosed BCA Amendment Application and accompanying deed (Exhibit A) and metes and bounds description for the transferred portion of the Site (Exhibit B).

The contact information for Extell Hudson Waterfront I LLC is as follows:

Extell Hudson Waterfront I LLC
c/o Jack Mandelbaum
805 Third Avenue, 7th Floor
New York, NY 10022
732-901-9006
jmandelbaum@extell.com

Sincerely,

Alexis Saba

Alexis Saba

Exhibit A

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.



612443761DED001Y

Westchester County Recording & Endorsement Page

Submitter Information

Name:	Royal Abstract of New York LLC	Phone:	2123760900 ext 5375
Address 1:	125 Park Avenue, Suite 1610	Fax:	2123761911
Address 2:		Email:	mbasalatan@royalabstract.com
City/State/Zip:	New York NY 10017	Reference for Submitter:	913940 YIDA - Extell Hudson Waterfron

Document Details

Control Number:	612443761	Document Type:	Deed (DED)
Package ID:	2021082000284001003	Document Page Count:	5
		Total Page Count:	7

Parties

Additional Parties on Continuation page

1st PARTY		2nd PARTY	
1:	EXTELL HUDSON WATERFRONT LLC	1:	EXTELL HUDSON WATERFRONT I LLC
2:	- Other	2:	- Other

Property

Additional Properties on Continuation page

Street Address:	55 RIVERSIDE	Tax Designation:	2-2620-8
City/Town:	YONKERS	Village:	

Cross-References

Additional Cross-Refs on Continuation page

1:	2:	3:	4:
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Supporting Documents

1: RP-5217	2: TP-584	3: TP-584.1
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Recording Fees

Statutory Recording Fee:	\$40.00
Page Fee:	\$30.00
Cross-Reference Fee:	\$0.00
Mortgage Affidavit Filing Fee:	\$0.00
RP-5217 Filing Fee:	\$250.00
TP-584 Filing Fee:	\$5.00
RPL 291 Notice Fee:	\$0.00
Total Recording Fees Paid:	\$325.00

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

Transfer Taxes

Consideration:	\$0.00
Transfer Tax:	\$0.00
Mansion Tax:	\$0.00
Transfer Tax Number:	3529

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

RECORDED IN THE OFFICE OF THE WESTCHESTER COUNTY CLERK



Recorded: 09/30/2021 at 12:14 PM
 Control Number: **612443761**
 Witness my hand and official seal

Timothy C. Idoni
Westchester County Clerk

Record and Return To

Pick-up at County Clerk's office

Fried Frank Harris Shriver & Jacobson LLP
One New York Plaza

New York, NY 10004
Attn: Kim J. Kirk, Esq

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.

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Westchester County Recording & Endorsement Page

Document Details

Control Number: **612443761**

Document Type: **Deed (DED)**

Package ID: 2021082000284001003

Document Page Count: 5

Total Page Count: 7

Properties Addendum

45 RIVERSIDE 10701

YONKERS

2 2620 9

7

5'

913940

Royal Abstract of New York, LLC
125 Park Avenue, Suite 1610
New York, N.Y. 10017
(212) 376-0900

EXTELL HUDSON WATERFRONT LLC,
a Delaware limited liability company

Grantor

TO

EXTELL HUDSON WATERFRONT I LLC,
a Delaware limited liability company

Grantee

BLOCK: 2620
LOT: 8 and 9
CITY: Yonkers
COUNTY: Westchester

RECORD AND RETURN TO:

Fried, Frank, Harris, Shriver & Jacobson LLP
One New York Plaza
New York, New York 10004
Attention: Alexander Sutherland, Esq.

BARGAIN AND SALE DEED WITHOUT COVENANT AGAINST GRANTOR'S ACTS

This **INDENTURE**, made as of the made as of the 3rd day of September, 2021, by Extell Hudson Waterfront LLC, a Delaware limited liability company, having an office at 805 Third Avenue, 7th Floor, New York, New York 10022, hereinafter referred to as "Grantor"), to Extell Hudson Waterfront I LLC, a Delaware limited liability company, having an office at 805 Third Avenue, 7th Floor, New York, New York 10022 (hereinafter referred to as "Grantee").

WITNESSETH:

WITNESSETH, that Grantor, in consideration of Ten and No/100 Dollars (\$10.00), lawful money of the United States, paid by Grantee, and for other good and valuable consideration the receipt and sufficiency of which is acknowledged by the parties, does hereby remise, release, grant and convey unto Grantee, the heirs or successors and assigns of Grantee forever:

ALL that certain plot, piece or parcel of land, situate, lying and being in the City of Yonkers, County of Westchester, State of New York, as more particularly described in **Schedule A** attached hereto and hereby made a part hereof.

TOGETHER with the appurtenances and all the estate and rights of Grantor in and to the Land;

TO HAVE AND TO HOLD the Land herein granted unto Grantee, the heirs or successors and assigns of the Grantee forever.

AND being a portion of the same lands conveyed to Grantor by deed recorded 12/14/2017 and recorded as Control No. 573133153.

This property is subject an Environmental Easement held by the New York State Department of Environmental Conservation pursuant to Title 36 of Article 71 of the Environmental Conservation Law.

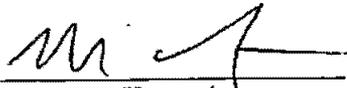
Environmental Easement Agreement dated 08/10/2016 and recorded 09/23/2016 as Control No. 561443102, with the Westchester County Clerk, Division of Land Records.

AND Grantor, in compliance with Section 13 of the Lien Law, covenants that Grantor 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 cost 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.

IN WITNESS WHEREOF, Grantor has duly executed this special warranty deed the day and year first above written.

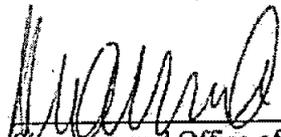
GRANTOR:

Extell Hudson Waterfront LLC,
a Delaware limited liability company

By: 
Name: Marc Kwestel
Title: Vice President

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

On the 14 day of August in the year 2021 before me, the undersigned, personally appeared Marc Kwestel, 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/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person or entity upon behalf of which the individual acted, executed the instrument.



Signature and Office of individual
taking acknowledgment

Ilanna Nivasch Turner
Notary Public, State of New York
No. 01NI6400433
Qualified in Westchester County
My Commission Expires 11/12/2023

EXHIBIT A

Description of the Land

PARCEL A - Proposed Lot 8 (Building C):

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, being known and designated as Proposed Lot 8 as shown on "Subdivision Map of Point Street Landing" filed 1/24/2020 in the Office of the Westchester County Clerk as Map No. 29387, bounded and described according to said map as follows:

BEGINNING at a point, said point being the southeasterly corner of Brighton Way as shown on a map entitled "Subdivision Map, Point Street Landing, Section 2, Block 2620, Lots 1, 35 & 40, Block 2625 Lots 15, 17, 21 & 23, Block 2630 Lots 1, 2, 3 & 10, City of Yonkers, Westchester County, New York" prepared by Paulus, Sokolowski and Sartor Architecture & Engineering, P.C. dated November 17, 2017 and last revised June 6, 2019; and running thence the following two (2) courses along the westerly line of Riverside Drive (variable width R.O.W.)(public street):

1. On a curve to the right having a radius of 703.00 feet, an arc length of 205.32 feet, a central angle of 16 degrees 44 minutes 03 seconds whose chord bears South 12 degrees 51 minutes 20 seconds West, a chord distance of 204.60 feet to a point of tangency; thence
2. South 21 degrees 13 minutes 22 seconds West a distance of 85.47 feet to a point; thence
3. Along the northerly line of Morey Way (private street) North 79 degrees 59 minutes 32 seconds West a distance of 181.05 feet to a point; thence
4. Along the easterly line of Lot 12, Section 2, Block 2620, North 04 degrees 45 minutes 44 seconds East, a distance of 282.32 feet to a point; thence the following three (3) courses along the southerly line of Brighton Way (private street):
 5. South 79 degrees 59 minutes 32 seconds East a distance of 46.14 feet to a point; thence
 6. North 82 degrees 43 minutes 51 seconds East a distance of 17.37 feet to a point; thence
 7. South 80 degrees 37 minutes 32 seconds East a distance of 170.93 feet to the point or place of BEGINNING.

Together with the benefits and subject to the burdens under that certain Declaration made by Extell Hudson Waterfront LLC dated 9/1/2021 and to be duly recorded in the Office of the Westchester County Clerk, Division of Land Records

For Information Only: Said premises are known as 55 Riverside Drive (Building C), Yonkers, NY and designated as Section 2 Block 2620 Lot 8 as shown on the Tax Map for the City of Yonkers.

PARCEL B - Proposed Lot 9 (Building D):

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, being known and designated as Proposed Lot 9 as shown on "Subdivision Map of Point Street Landing" filed 1/24/2020 in the Office of the Westchester County Clerk as Map No. 29387, bounded and described according to said map as follows:

Beginning at a point, said point being the southeasterly corner of Brighton Way as shown on a map entitled "Subdivision Map, Point Street Landing, Section 2, Block 2620, Lots 1, 35 & 40, Block 2625 Lots 15, 17, 21 & 23, Block 2630 Lots 1, 2, 3 & 10, City of Yonkers, Westchester County, New York" prepared by Paulus, Sokolowski and Sartor Architecture & Engineering, P.C. dated November 17, 2017, and last revised June 6, 2019; and running thence the following two (2) courses along the westerly line of Riverside Drive (variable width R.O.W.)(public street):

1. On a curve to the left having a radius of 537.50 feet, an arc length of 47.42 feet, a central angle of 05 degrees 03 minutes 19 seconds, whose chord bears South 12 degrees 39 minutes 37 seconds West, a chord distance of 47.41 feet to a point of tangency; thence
2. South 10 degrees 07 minutes 58 seconds West a distance of 261.19 feet to a point; thence
3. Along the northerly line of Colman Way (private street), North 79 degrees 52 minutes 02 seconds West a distance of 168.73 feet to a point; thence the following three (3) courses along the easterly line of Lot 12, Section 2, Block 2620:
 4. North 46 degrees 28 minutes 29 seconds East a distance of 15.25 feet to a point of curvature; thence
 5. On a curve to the left having a radius of 87.00 feet, an arc length of 62.10 feet, a central angle of 40 degrees 54 minutes 02 seconds, whose chord bears North 26 degrees 01 minute 28 seconds East, a chord distance of 60.79 feet to a point of tangency; thence
 6. North 05 degrees 34 minutes 27 seconds East a distance of 238.19 feet to a point; thence
 7. Along the southerly line of Morey Way (private street), South 79 degrees 59 minutes 32 seconds East a distance of 164.07 feet to the point or place of BEGINNING.

Together with the benefits and subject to the burdens under that certain Declaration made by Extell Hudson Waterfront LLC dated 9/1/2021 and to be duly recorded in the Office of the Westchester County Clerk, Division of Land Records

For Information Only: Said premises are known as 45 Riverside Drive (Building D), Yonkers, NY and designated as Section 2 Block 2620 Lot 9 as shown on the Tax Map for the City of Yonkers.

Exhibit B



FORMER EXCELSIOR BAG SITE C360190
BLOCK 2620, LOT 9 REMAINDER
CITY OF YONKERS
WESTCHESTER COUNTY, NEW YORK

BEGINNING at a point, said point being the southeasterly corner of Block 2620, Lot 9 as shown on a map entitled "Subdivision Map, Point Street Landing, Section 2, Block 2620, Lots 1, 35 & 40, Block 2625, Lots 15, 17, 21 & 23, Block 2630, Lots 1, 2, 3 & 10, Westchester County Clerk 2231 and 2232, City of Yonkers, Westchester County, New York" filed on January 24, 2020 as Map Number 29387, and running, thence;

Education

Energy Utility

Healthcare

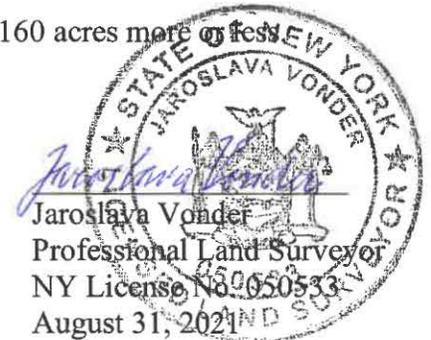
Public Works

Real Estate

Science & Technology

1. North 79°52'02" West a distance of 168.73 feet to a point, thence;
2. North 46°28'29" East a distance of 12.87 feet to a point, thence;
3. South 81°46'47" East a distance of 21.54 feet to a point, thence;
4. North 14°30'06" East a distance of 35.17 feet to a point, thence;
5. South 81°47'32" East a distance of 136.98 feet to a point, thence;
6. South 10°07'58" West a distance of 50.75 feet to the **POINT OF BEGINNING**.

Containing an area of 6,980 square feet or 0.160 acres more or less



3 Mountainview Road
PO Box 4039
Warren, NJ 07059

t. 732.560.9700

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