

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.



633323427EAS004X

Westchester County Recording & Endorsement Page

Submitter Information

Name:	Royal Abstract of New York LLC	Phone:	2123760900 ext 6162
Address 1:	125 Park Avenue, Suite 1610	Fax:	2123761911
Address 2:		Email:	recordings@royalabstract.com
City/State/Zip:	New York NY 10017	Reference for Submitter:	185483 Easement

Document Details

Control Number:	633323427	Document Type:	Easement (EAS)
Package ID:	2023112800209001001	Document Page Count:	13
		Total Page Count:	15

Parties

1st PARTY		<input type="checkbox"/> Additional Parties on Continuation page	
1:	57 ALEXANDER DEVELOPER LLC	- Other	1: NEW YORK STATE OF
2:			2: - Other
		2nd PARTY	

Property

Street Address:	71 ALEXANDER STREET	Tax Designation:	2-2610-50
City/Town:	YONKERS	Village:	

Additional Properties on Continuation page

Cross-References

1:	2:	3:	4:
----	----	----	----

Additional Cross-Refs on Continuation page

Supporting Documents

1: TP-584

Recording Fees

Statutory Recording Fee:	\$40.00
Page Fee:	\$70.00
Cross-Reference Fee:	\$0.00
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:	\$115.00

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:	5389

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

RECORDED IN THE OFFICE OF THE WESTCHESTER COUNTY CLERK



Recorded: 12/08/2023 at 08:35 AM
 Control Number: **633323427**
 Witness my hand and official seal

Timothy C. Idoni
Westchester County Clerk

Record and Return To

Pick-up at County Clerk's office

ROYAL REGISTERED PROPERTY REPORTS, INC
125 PARK AVENUE, SUITE 1610
NEW YORK, NY 10017

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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Properties Addendum

65 ALEXANDER STREET 10701	YONKERS	2 2610 53
57 ALEXANDER STREET 10701	YONKERS	2 2610 57
47 ALEXANDER STREET 10701	YONKERS	2 2605 51

**ENVIRONMENTAL EASEMENT GRANTED PURSUANT TO ARTICLE 71, TITLE 36
OF THE NEW YORK STATE ENVIRONMENTAL CONSERVATION LAW**

THIS INDENTURE made this 17th day of **November, 2023**, between Owner, 57 Alexander Developer LLC, having an office at c/o Rose Associates, Inc., 777 3rd Avenue, Sixth Floor, County of New York, State of New York (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 ("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 the 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 Article 71, Title 36 of the New York State Environmental Conservation Law ("ECL") which contains a use restriction and/or a prohibition on the use of land in a manner inconsistent with engineering controls which are intended to ensure the long term effectiveness of a site remedial program or eliminate potential exposure pathways to hazardous waste or petroleum; and

WHEREAS, Grantor, is the owner of real property located at the addresses of 47, 57, 65, & 71 Alexander Street in the City of Yonkers, 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 2 Block 2610 Lots 50, 53, 57; and Block 2605 Lot 51, being the same as that property conveyed to Grantor by deed dated December 6, 2019 and recorded in the Westchester County Clerk's Office in Instrument No. 593233331. The property subject to this Environmental Easement (the "Controlled Property") comprises approximately 3.66 +/- acres, and is hereinafter more fully described in the Land Title Survey dated May 21, 2022 and last revised November 2, 2023 prepared by Wilton Harold Wright Jr., which will be attached to the Site Management Plan. The Controlled Property description is set forth in and attached hereto as Schedule A; and

WHEREAS, the Department accepts this Environmental Easement in order to ensure the protection of public health and the environment and to achieve the requirements for remediation established for the Controlled Property until such time as this Environmental Easement is extinguished pursuant to ECL Article 71, Title 36; and

NOW THEREFORE, in consideration of the mutual covenants contained herein and the terms and conditions of Brownfield Cleanup Agreement Index Number: 360194-12-19, Grantor conveys to Grantee a permanent Environmental Easement pursuant to ECL Article 71, Title 36 in, on, over, under, and upon the Controlled Property as more fully described herein ("Environmental Easement").

1. Purposes. Grantor and Grantee acknowledge that the Purposes of this Environmental Easement are: to convey to Grantee real property rights and interests that will run with the land in perpetuity in order to provide an effective and enforceable means of encouraging the reuse and redevelopment of this Controlled Property at a level that has been determined to be safe for a specific use while ensuring the performance of operation, maintenance, and/or monitoring requirements; and to ensure the restriction of future uses of the land that are inconsistent with the above-stated purpose.

2. Institutional and Engineering Controls. The controls and requirements listed in the Department approved Site Management Plan ("SMP") including any and all Department approved amendments to the SMP are incorporated into and made part of this Environmental Easement. These controls and requirements apply to the use of the Controlled Property, run with the land, are binding on the Grantor and the Grantor's successors and assigns, and are enforceable in law or equity against any owner of the Controlled Property, any lessees and any person using the Controlled Property.

A. (1) The Controlled Property may be used for:

**Restricted Residential as described in 6 NYCRR Part 375-1.8(g)(2)(ii),
Commercial as described in 6 NYCRR Part 375-1.8(g)(2)(iii) and Industrial
as described in 6 NYCRR Part 375-1.8(g)(2)(iv)**

(2) All Engineering Controls must be operated and maintained as specified in the Site Management Plan (SMP);

(3) All Engineering Controls must be inspected at a frequency and in a manner defined in the SMP;

(4) The use of groundwater underlying the property is prohibited without necessary water quality treatment as determined by the NYSDOH or the Westchester County Department of Health to render it safe for use as drinking water or for industrial purposes, and the user must first notify and obtain written approval to do so from the Department;

(5) Groundwater and other environmental or public health monitoring must be performed as defined in the SMP;

(6) Data and information pertinent to Site Management of the Controlled Property must be reported at the frequency and in a manner defined in the SMP;

(7) All future activities on the property that will disturb remaining contaminated material must be conducted in accordance with the SMP;

(8) Monitoring to assess the performance and effectiveness of the remedy must be performed as defined in the SMP;

(9) Operation, maintenance, monitoring, inspection, and reporting of any mechanical or physical components of the remedy shall be performed as defined in the SMP;

(10) Access to the site must be provided to agents, employees or other representatives of the State of New York with reasonable prior notice to the property owner to assure compliance with the restrictions identified by this Environmental Easement.

B. The Controlled Property shall not be used for Residential purposes as defined in 6NYCRR 375-1.8(g)(2)(i), and the above-stated engineering controls may not be discontinued without an amendment or extinguishment of this Environmental Easement.

C. The SMP describes obligations that the Grantor assumes on behalf of Grantor, its successors and assigns. The Grantor's assumption of the obligations contained in the SMP which may include sampling, monitoring, and/or operating a treatment system, and providing certified reports to the NYSDEC, is and remains a fundamental element of the Department's determination that the Controlled Property is safe for a specific use, but not all uses. The SMP may be modified in accordance with the Department's statutory and regulatory authority. The Grantor and all successors and assigns, assume the burden of complying with the SMP and obtaining an up-to-date version of the SMP from:

Site Control Section
Division of Environmental Remediation
NYSDEC
625 Broadway
Albany, New York 12233
Phone: (518) 402-9553

D. Grantor must provide all persons who acquire any interest in the Controlled Property a true and complete copy of the SMP that the Department approves for the Controlled Property and all Department-approved amendments to that SMP.

E. Grantor covenants and agrees that until such time as the Environmental Easement is extinguished in accordance with the requirements of ECL Article 71, Title 36 of the ECL, the property deed and all subsequent instruments of conveyance relating to the Controlled Property shall state in at least fifteen-point bold-faced type:

This property is subject to 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.

F. Grantor covenants and agrees that this Environmental Easement shall be incorporated in full or by reference in any leases, licenses, or other instruments granting a right to use the Controlled Property.

G. Grantor covenants and agrees that it shall, at such time as NYSDEC may require, submit to NYSDEC a written statement by an expert the NYSDEC may find acceptable certifying under penalty of perjury, in such form and manner as the Department may require, that:

(1) the inspection of the site to confirm the effectiveness of the institutional and engineering controls required by the remedial program was performed under the direction of the individual set forth at 6 NYCRR Part 375-1.8(h)(3).

(2) the institutional controls and/or engineering controls employed at such site:
(i) are in-place;
(ii) are unchanged from the previous certification, or that any identified changes to the controls employed were approved by the NYSDEC and that all controls are in the Department-approved format; and

(iii) that nothing has occurred that would impair the ability of such control to protect the public health and environment;

(3) the owner will continue to allow access to such real property to evaluate the continued maintenance of such controls;

(4) nothing has occurred that would constitute a violation or failure to comply with any site management plan for such controls;

(5) the report and all attachments were prepared under the direction of, and reviewed by, the party making the certification;

(6) to the best of his/her knowledge and belief, the work and conclusions described in this certification are in accordance with the requirements of the site remedial program, and generally accepted engineering practices; and

(7) the information presented is accurate and complete.

3. Right to Enter and Inspect. Grantee, its agents, employees, or other representatives of the State may enter and inspect the Controlled Property in a reasonable manner and at reasonable times to assure compliance with the above-stated restrictions.

4. Reserved Grantor's Rights. Grantor reserves for itself, its assigns, representatives, and successors in interest with respect to the Property, all rights as fee owner of the Property, including:

A. Use of the Controlled Property for all purposes not inconsistent with, or limited by the terms of this Environmental Easement;

B. The right to give, sell, assign, or otherwise transfer part or all of the underlying fee interest to the Controlled Property, subject and subordinate to this Environmental Easement;

5. Enforcement

A. This Environmental Easement is enforceable in law or equity in perpetuity by Grantor, Grantee, or any affected local government, as defined in ECL Section 71-3603, against the owner of the Property, any lessees, and any person using the land. Enforcement shall not be defeated because of any subsequent adverse possession, laches, estoppel, or waiver. It is not a

8. Amendment. Any amendment to this Environmental Easement may only be executed by the Commissioner of the New York State Department of Environmental Conservation or the Commissioner's Designee, and filed with the office of the recording officer for the county or counties where the Property is situated in the manner prescribed by Article 9 of the Real Property Law.

9. Extinguishment. This Environmental Easement may be extinguished only by a release by the Commissioner of the New York State Department of Environmental Conservation, or the Commissioner's Designee, and filed with the office of the recording officer for the county or counties where the Property is situated in the manner prescribed by Article 9 of the Real Property Law.

10. Joint Obligation. If there are two or more parties identified as Grantor herein, the obligations imposed by this instrument upon them shall be joint and several.

11. Consistency with the SMP. To the extent there is any conflict or inconsistency between the terms of this Environmental Easement and the SMP, regarding matters specifically addressed by the SMP, the terms of the SMP will control.

Remainder of Page Intentionally Left Blank

IN WITNESS WHEREOF, Grantor has caused this instrument to be signed in its name.

57 Alexander Developer LLC:

By: [Signature]

Print Name: Marc Ehrlich

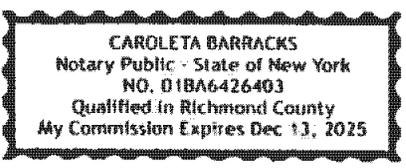
Title: Vice President Date: 11/07/2023

Grantor's Acknowledgment

STATE OF NEW YORK)
) ss:
COUNTY OF)

On the 7th day of November in the year 20 23 before me, the undersigned, personally appeared Marc Ehrlich, 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.

[Signature]
Notary Public State of New York



THIS 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,

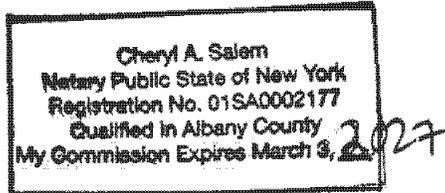
By: Andrew Guglielmi
Andrew O. Guglielmi, Director
Division of Environmental Remediation

Grantee's Acknowledgment

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

On the 14th day of November in the year 2023 before me, the undersigned, personally appeared Andrew O. 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.

Cheryl A. Salem
Notary Public - State of New York



SCHEDULE "A" PROPERTY DESCRIPTION

Deed Descriptions

Parcel A-1:

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, more particularly bounded and described as follows:

BEGINNING at a point on the westerly side of Alexander Street in the City of Yonkers, County of * Westchester and State of New York, where the same is intersected by the northerly side of land now or formerly of the City of Yonkers, formerly of the Estate of Ervin Saunders;

RUNNING THENCE westerly at right angles to Alexander Street and along said land of the City of Yonkers, 684.00 feet to the westerly line of grants and pier lines as fixed by the Common Council of the City of Yonkers, April 12th, 1886;

THENCE northerly along said westerly line which forms an interior angle of 86 degrees 40 minutes 40 seconds with the last mentioned line, 96.26 feet to land conveyed by William L. Saunders and wife and Helen M.S. Holmes to Mary Eliza Saunders by deed dated December 12th, 1932;

THENCE easterly along a line which forms an interior angle of 92 degrees 56 minutes 54 seconds with the last mentioned course and which said line on the northerly side thereof forms an angle of 89 degrees 37 minutes 34 seconds with the westerly side of Alexander Street and along said land so conveyed to Mary Eliza Saunders, 678.42 feet to the westerly side of Alexander Street; and

THENCE southerly along the westerly side of Alexander Street, 91.67 feet to the point or place of BEGINNING.

Together with all rights, title and interest of, in and to any streets and roads abutting the above described premises, to the center line thereof.

EXCEPTING THEREFROM so much of the above described premises conveyed by Deed made by Ronrob Realty Corp. to Robert Altman, dated 1/25/1992 and recorded 1/29/1992 in Liber. 10207 of Deeds, page 305, being bounded and described as follows:

ALL THAT CERTAIN plot, piece or parcel of land, being a portion of Tax Lot 57, Block 2610, Section 2 as shown on the Official City Tax Map, City of Yonkers, Westchester County, New York, said portion of Tax Lot 57 as mentioned above is more particularly bounded and described as follows:

BEGINNING at a point on the westerly side of Alexander Street, a 50.00 foot wide public street, said point being 705.92 feet northerly of the intersection of the westerly side of Alexander Street and the northerly side of Wells Avenue as measured along the westerly side of Alexander Street;

THENCE from said point of place of beginning along the dividing line between Tax Lot 57, Block 2610 and Tax Lot 51, Block 2605, making an interior angle of 90-00 degrees with the westerly side of Alexander Street, 143.00 feet to a point;

THENCE in a northerly direction through a portion of Tax Lot 57, Block 2610 on a line making an interior angle of 90-00 degrees with the previous course, 4.00 feet to a point;

THENCE in an easterly direction continuing through a portion of Tax Lot 57, Block 2610 on a line making an interior angle of 90-00 degrees with the previous course, 143.00 feet to a point on the westerly side of Alexander Street;

THENCE in a southerly direction along the westerly side of Alexander Street, 4.00 feet to a point or place of BEGINNING.

For Information Only: Said premises are known as 57 Alexander Street, Yonkers, NY and designated as Section 2 Block 2610 part of Lot 57 as shown on the Westchester County Land and Tax Map

Parcel A-2:

ALL THAT CERTAIN plot, piece or parcel of land, being a portion of Tax Lot 57, Block 2610, Section 2 as shown on the Official City Tax Map, City of Yonkers, Westchester County, New York, said portion of Tax Lot 57 as mentioned above is more particularly bounded and described as follows:

BEGINNING at a point on the westerly side of Alexander Street, a 50.00 foot wide public street, said point being 705.92 feet northerly of the intersection of the westerly side of Alexander Street and the northerly side of Wells Avenue as measured along the westerly side of Alexander Street;

THENCE from said point of place of beginning along the dividing line between Tax Lot 57, Block 2610 and Tax Lot 51, Block 2605, making an interior angle of 90-00 degrees with the westerly side of Alexander Street, 143.00 feet to a point;

THENCE in a northerly direction through a portion of Tax Lot 57, Block 2610 on a line making an interior angle of 90-00 degrees with the previous course, 4.00 feet to a point;

THENCE in an easterly direction continuing through a portion of Tax Lot 57, Block 2610 on a line making an interior angle of 90-00 degrees with the previous course, 143.00 feet to a point on the westerly side of Alexander Street;

THENCE in a southerly direction along the westerly side of Alexander Street, 4.00 feet to a point or place of BEGINNING.

Together with all rights, title and interest of, in and to any streets and roads abutting the above described premises, to the center line thereof

For Information Only: Said premises are known as 57 Alexander Street, Yonkers, NY and designated as Section 2 Block 2610 Part of Lot 57 as shown on the Westchester County Land and Tax Map

Parcel B:

ALL THAT CERTAIN plot, piece or parcel of land, situate, lying and being at City of Yonkers, County of Westchester and State of New York, being known and designated on the Official Tax Map of the City of Yonkers, as Section 2, Block 2605, Lot 51, being more particularly bounded and described as follows:

BEGINNING at a point on the westerly side of Alexander Street, a public street 50 feet wide, distant 561.96 feet northerly as measured along said side of Alexander Street from the corner formed by the intersection of the northerly side of Wells Avenue with the said westerly side of Alexander Street, said point being the southeasterly corner of the premises herein described;

THENCE RUNNING in a general westerly direction along lands now or formerly of the Estate of Ervin Saunders on a line forming an interior angle of 85 degrees, 40 minutes, 00 seconds with said westerly side of Alexander Street, a distance of 690 feet, more or less, to the westerly line of water grants and pier line, as established by the Common Council of the City of Yonkers, April 12, 1886;

THENCE RUNNING northerly along said westerly line of water grants and along said pier line, 91.92 feet to a point and land now or formerly of Alexander Saunders;

THENCE RUNNING easterly along said last mentioned land, 684 feet to a point in the westerly line of Alexander Street, which point is distant 143.96 feet northerly as measured along said side of Alexander

Street from the point and place of beginning;

THENCE RUNNING southerly along said side of Alexander Street, 143.96 feet to the point and place of BEGINNING.

Together with all rights, title and interest of, in and to any streets and roads abutting the above described premises, to the center line thereof.

For Information Only: Said premises are known as 47 Alexander Street, Yonkers, NY and designated as Section 2 Block 2605 Lot 51 as shown on the Westchester County Land and Tax Map

Parcel 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, bounded and described as follows:

BEGINNING at a point on the westerly side of Alexander Street, a public street 50 feet wide, where the same is intersected by the northerly line of land conveyed to Helen M.S. Holmes by deed bearing date December 12, 1932, recorded January 23, 1933 in Liber 3290 of Deeds, page 459;

RUNNING THENCE westerly on a line forming an interior angle of 89 degrees, 37 minutes, 34 seconds with said westerly side of Alexander Street, 678.42 feet to the westerly line of grants and pier line as fixed by the Common Council of the City of Yonkers, April 12, 1886;

RUNNING THENCE northerly along said westerly line, on a line forming an interior angle of 91 degrees 39 minutes 20 seconds with the last mentioned course 93.28 feet;

THENCE easterly along land on said date conveyed by Helen M.S. Holmes and Mary Eliza Saunders to William L. Saunders and wife and along a line which forms an interior angle of 87 degrees, 55 minutes, 32 seconds with the last mentioned course and which line on the northerly side thereof forms an angle of 89 degrees, 12 minutes, 26 seconds with the westerly side of Alexander Street, 681.12 feet to the said westerly side of Alexander Street; and

THENCE southerly along the westerly side of Alexander Street, 88.29 feet to the point or place of BEGINNING.

Together with all rights, title and interest of, in and to any streets and roads abutting the above described premises, to the center line thereof.

For Information Only: Said premises are known as 65 Alexander Street, Yonkers, NY and designated as Section 2 Block 2610 Lot 53 as shown on the Westchester County Land and Tax Map.

Parcel D:

ALL THAT CERTAIN lot or parcel of land, located in the City of Yonkers, County of Westchester and State of New York, shown on the assessment map for said City as Lot 50, Block 2610, Section 2, and more particularly bounded and described as follows:

BEGINNING at a point on the west side of Alexander Street, a public street fifty (50) feet wide, where the same is intersected by the northerly side of land conveyed to Mary Eliza Saunders by deed dated December 12, 1932;

RUNNING THENCE northerly along said Alexander Street, on a line being at an interior angle of 89 degrees, 12 minutes, 26 seconds with said lands now or formerly of Saunders, 84.67 feet to land now or formerly of the Westchester Ferry Corporation;

THENCE westerly along said land of said corporation and along a line being at an interior angle of 92 degrees, 38 minutes, 00 seconds with the west side of Alexander Street, 310.00 feet to the remains of an old bulkhead;

THENCE still westerly along a line which on its southerly side makes an angle of 177 degrees, 27 minutes, 15 seconds with said last mentioned line, and still along said land of said corporation, 366.00 feet to the westerly line of grants and pier line as fixed by the Common Council of the City of Yonkers, April 12, 1886;

THENCE southerly along said westerly line along a line being at an interior angle of 93 degrees, 20 minutes, 01 second with the last mentioned line, 90.21 feet to land conveyed to Mary Eliza Saunders by William L. Saunders and wife and Helen M. S. Holmes, by deed dated December 12, 1932;

THENCE easterly along said lands conveyed to Mary Eliza Saunders and along a line which on the northerly side thereof makes an angle of 89 degrees, 12 minutes, 26 seconds with the west side of Alexander Street, 681.12 feet to the point or place of BEGINNING.

Together with all rights, title and interest of, in and to any streets and roads abutting the above described premises, to the center line thereof,

For Information Only: Said premises are known as 71 Alexander Street, Yonkers, NY and designated as Section 2 Block 2610 Lot 50 as shown on the Westchester County Land and Tax Map.

Survey Environmental Easement Description

ALL THAT CERTAIN PLOT, piece or parcel of land, situate, lying and being at City of Yonkers, County of Westchester and State of New York, being known and designated on the official tax map of the City of Yonkers, as Section 2, Block 2610, part of Lots 50, 53, and 57 and Section 2, Block 2605, part of Lot 51, being bounded and described as follows:

BEGINNING at a point on the westerly side of Alexander Street, a public street 50 feet wide, distant 561.96 feet northerly as measured along said side of Alexander Street from the corner formed by the intersection of the northerly side of Wells Avenue with the said westerly side of Alexander Street, said point being the southeasterly corner of the premises herein described;

THENCE RUNNING in a general westerly direction along lands now or formerly of the estate of Ervin Saunders on a line forming an interior angle of 85 degrees 40 minutes 00 seconds with said westerly side of Alexander Street, a distance of 397.63 feet to the westerly face of the existing bulkhead;

THENCE RUNNING northerly, westerly and northerly along said westerly face of the existing bulkhead the following seven (7) courses and distances:

1. 109.26 feet, which forms an interior angle of 96 degrees 51 minutes 40 seconds with the last mentioned line;
2. 5.84 feet, which forms an interior angle of 269 degrees 00 minutes 29 seconds with the last mentioned line;
3. 83.14 feet, which forms an interior angle of 83 degrees 00 minutes 29 seconds with the last mentioned line;
4. 107.97 feet, which forms an interior angle of 178 degrees 01 minutes 17 seconds with the last mentioned line;
5. 13.27 feet, which forms an interior angle of 125 degrees 40 minutes 31 seconds with the last mentioned line;
6. 9.98 feet, which forms an interior angle of 127 degrees 26 minutes 42 seconds with the last mentioned line;

7. 75.15 feet, which forms an interior angle of 183 degrees 17 minutes 23 seconds with the last mentioned line to land now or formerly of Avalon Yonkers ATI Site LLC;

THENCE easterly along said land the following two courses and distances:

1. 81.44 feet, which forms an interior angle of 92 degrees 07 minutes 15 seconds with the last mentioned line;
2. 310.00 feet, which forms an interior angle of 177 degrees 27 minutes 15 seconds with the last mentioned line to the westerly side of Alexander Street;

THENCE along the westerly side of Alexander Street 408.59 feet, which forms an interior angle of 92 degrees 38 minutes with the last mentioned line to the point or place of BEGINNING.

Containing: 159,489 square feet or 3.66 acres.

SIVE | PAGET | RIESEL

NIKA SABASTEANSKI*
DIRECT DIAL: 646.378.7245
NSABASTEANSKI@SPRLAW.COM

December 8, 2023

VIA FEDEX AND FTS

Environmental Easement Attorney
Bureau of Remediation
Office of General Counsel, 14th Floor
New York State Dept. of Environmental Conservation
625 Broadway
Albany, NY 12233-1500

Re: Brownfield Cleanup Program,
57 Alexander St., Yonkers, NY 10701, C360194
Proofs of Recording and Mailing of Municipal Notice of
Environmental Easement

Dear Sir or Madam,

Enclosed please find the following documents that are being submitted to the Department as proofs that the environmental easement for the above-referenced BCP Site has been recorded in the Office of the Westchester County Clerk and that the Municipal Notice of Environmental Easement has been mailed to the affected local government:

- 1) Environmental Easement for 57 Alexander St. Yonkers, NY 10701, Westchester County Tax Map Section 2, Block 2610 Lots 50, 53 & 57, Block 2605 Lot 51, dated November 17, 2023, and recorded in the Office of the Westchester County Clerk on December 8, 2023, as Control Number 633323427;
- 2) Copy of the Municipal Notice of Environmental Easement that was sent via United States Postal Service (“USPS”) certified mail, return receipt requested, to Yonkers Mayor Mike Spano on December 8, 2023;
- 3) Scanned copy of the USPS certified mailing slip for the Municipal Notice of Environmental Easement sent to Mayor Spano.

Electronic (PDF) copies of the enclosed documents have also been uploaded to the Department’s File Transfer Service (“FTS”) portal and were directed to Ms. Cheryl Salem of the Office of General Counsel (“OGC”). Additional electronic copies were directly submitted to Mr. Brian Rashkow, Esq., of the OGC via email.

* LAW SCHOOL GRADUATE NOT YET ADMITTED TO PRACTICE

[Title]

December 8, 2023

Page 2 of 2

Please do not hesitate to contact me if there are any questions or concerns. Thank you for your time and attention to this matter.

Best regards,

Nika D. Sabasteanski

SIVE | PAGET | RIESEL

NIKA SABASTEANSKI*
DIRECT DIAL: 646.378.7245
NSABASTEANSKI@SPRLAW.COM

December 8, 2023

VIA FEDEX

Mayor Mike Spano
City of Yonkers
City Hall
Yonkers, NY 10701

Re: Notice of Environmental Easement for 57 Alexander St., Yonkers, NY 10701
DEC Site No. C360194

Dear Mayor Spano,

Attached please find a copy of an environmental easement (“Environmental Easement”) granted to the New York State Department of Environmental Conservation (“DEC” or the “Department”) on November 17, 2023 by 57 Alexander Developer, LLC, for property located at 57 Alexander Street, Yonkers, NY 10701, Westchester County Tax Map Section 2, Block 2610 Lots 50, 53 & 57, Block 2605 Lot 51 (“Site”).

This Environmental Easement restricts future use of the Site to restricted residential use, which also allows for commercial and industrial uses, subject to all applicable zoning. Any on-site activity must be done in accordance with the Environmental Easement and Site Management Plan. The Site Management Plan is incorporated into the Environmental Easement. Department approval is also required prior to any groundwater use. Article 71, Section 71-3607 of the New York State Environmental Conservation Law requires that:

1. Whenever the Department is granted an Environmental Easement, it shall provide each affected local government with a copy of such Easement and shall also provide a copy of any documents modifying or terminating such Environmental Easement.
2. Whenever an affected local government receives an application for a building permit or any other application affecting land use or development of land that is subject to an Environmental Easement and that may relate to or impact such Easement, the affected local government shall notify the Department and refer such application to the Department. The Department shall evaluate whether the application is consistent with the Environmental Easement and shall notify the affected local government of its determination in a timely fashion, considering the time frame for the local government’s review of the application. The affected local

* LAW SCHOOL GRADUATE NOT YET ADMITTED TO PRACTICE

[Title]

December 8, 2023

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government shall not approve the application until it receives formal approval from the Department.

An electronic version of every Environmental Easement that has been accepted by the Department is available to the public at: <http://www.dec.ny.gov/chemical/36045.html>. Please forward this notice to your Building and/or Planning Departments, as applicable, to ensure your compliance with the provisions of the New York State Environmental Conservation Law. If you have any questions or comments regarding this matter, please do not hesitate to contact me.

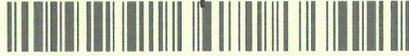
Sincerely,
Nika D. Sabasteanski

Enclosures

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
**Mayor Mike Spano
 City of Yonkers
 City Hall
 Yonkers, NY 10701**



9590 9402 6592 1028 6365 81

2. Article Number (Transfer from service label)

7020 1810 0001 6599 2522

PS Form 3811, July 2020 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
 Addressee
X

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type
- | | |
|--|---|
| <input type="checkbox"/> Adult Signature | <input type="checkbox"/> Priority Mail Express® |
| <input type="checkbox"/> Adult Signature Restricted Delivery | <input type="checkbox"/> Registered Mail™ |
| <input checked="" type="checkbox"/> Certified Mail® | <input type="checkbox"/> Registered Mail Restricted Delivery |
| <input type="checkbox"/> Certified Mail Restricted Delivery | <input type="checkbox"/> Signature Confirmation™ |
| <input type="checkbox"/> Collect on Delivery | <input type="checkbox"/> Signature Confirmation Restricted Delivery |
| <input type="checkbox"/> Collect on Delivery Restricted Delivery | |
| <input type="checkbox"/> Insured Mail | |

Registered Mail Restricted Delivery
 (over \$500)

Domestic Return Receipt

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS. FOLD AT DOTTED LINE

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<input type="checkbox"/> Return Receipt (electronic)	\$ _____
<input type="checkbox"/> Certified Mail Restricted Delivery	\$ _____
<input type="checkbox"/> Adult Signature Required	\$ _____
<input type="checkbox"/> Adult Signature Restricted Delivery	\$ _____

Postmark
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Postage
 \$ **0.87**

Total Postage and Fees
 \$ **5.22**

Sent to **Mayor Mike Spano**
 Street and Apt. No., or PO Box No. **City of Yonkers - City Hall**
 City, State, ZIP+4® **Yonkers, NY 10701**

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

USPS TRACKING#



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560 Lexington Avenue
15th Floor
New York, NY 10022

Nika Sabasteanski