

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.



633423096EAS0020

Westchester County Recording & Endorsement Page

Submitter Information

Name: Stewart Title Insurance Company (pick up by Ramon . Phone: 914-993-9393
Address 1: 711 Westchester Avenue, Ste 302 Fax: 914-997-1698
Address 2: Email: nymetrorecordings@stewart.com
City/State/Zip: White Plains NY 10604 Reference for Submitter: WP Mall_Easement Amendment

Document Details

Control Number: **633423096** Document Type: **Easement (EAS)**
Package ID: 2023120800055001001 Document Page Count: **5** Total Page Count: **6**

Parties

☐ Additional Parties on Continuation page

1st PARTY

2nd PARTY

1: HAMILTON GREEN I PARTNERS LLC - Other 1: NEW YORK STATE OF - Other
2: 2: NYS DEPT OF ENVIRONMENTAL CONSERVATION - Other

Property

☐ Additional Properties on Continuation page

Street Address: 250 HAMILTON AVENUE Tax Designation: 125.67-5-1..1
City/Town: WHITE PLAINS Village:

Cross- References

☐ Additional Cross-Refs on Continuation page

1: 632063045 2: 3: 4:

Supporting Documents

1: TP-584

Recording Fees

Statutory Recording Fee: \$40.00
Page Fee: \$30.00
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: **\$75.50**

Transfer Taxes

Consideration: \$0.00
Transfer Tax: \$0.00
Mansion Tax: \$0.00
Transfer Tax Number: 6086

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: 12/22/2023 at 12:44 PM
Control Number: **633423096**
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

Stewart Title
711 Westchester Ave
Suite 302
White Plains, NY 10604
Attn: NYMETRO RECORDING DEPARTMENT

AMENDMENT TO ENVIRONMENTAL EASEMENT

This Amendment to Environmental Easement is made as of this 14th day of December 2023, 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 Hamilton Green I Partners LLC ("Grantor"), having an office at 625 RXR Plaza, Uniondale, New York 11556.

RECITALS

1. Grantor is the owner of certain land known and designated on the tax map of the City of White Plains, County of Westchester and State of New York as tax map parcel number: Section 125.67 Block 5 Lot 1..1, being the property conveyed to Grantor by deed dated November 30, 2022 and recorded in the Westchester County Clerk's Office in Instrument No. 622503201.
2. The Department and Grantor entered into that certain Environmental Easement ("Easement Agreement") dated as of October 20, 2023, and recorded in Westchester County Clerk's Office on November 3, 2023 as Instrument No. 632063045. 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 Residential, Restricted-Residential, Commercial and Industrial uses described in 6 NYCRR §375-1.8(g) and may only be used consistent with controls set out in that 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 that Environmental Easement dated as of October 20, 2023, and recorded in Westchester County Clerk's Office on November 3, 2023 as Instrument No. 632063045.
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 250 Hamilton Avenue in the City of White Plains, 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 125.67 Block 5 Lot 1..1, being the same as the property conveyed to Grantor by deed dated November 30, 2022 and recorded in the Westchester County clerk's Office in Instrument No. 622503201. The property subject to this Environmental Easement (the "Controlled Property") comprises approximately 1.808 +/- acres, and is hereinafter more fully described in the Land Title Survey dated July 27, 2023, and revised on August 3, 2023, August 11, 2023, September 15, 2023 and November 28, 2023 prepared by Steven J. Willard L.L.S. of Line & Grade Surveyors D.P.C., 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 October 20, 2023 Environmental Easement.
- D. All other terms of the October 20, 2023 Environmental Easement shall remain in effect.
- E. This Amendment of Environmental Easement inures and binds the parties hereto and their respective successors and assigns.
- F. This Amendment of Environmental Easement shall be governed and interpreted in accordance with the law of the State of New York.

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

Hamilton Green I Partners LLC

By: 

Todd Rechler
Authorized Person

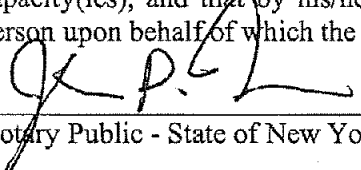
Print Name: _____

Title: _____ Date: 12/5/2023

Grantor's Acknowledgment

STATE OF NEW YORK)
) ss:
COUNTY OF New York)

On the 5th day of December, in the year 2023, before me, the undersigned, personally appeared Todd Rechler, 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.


Notary Public - State of New York

JOHN P. FLANAGAN
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 02FL6399279
Qualified in Queens County
Commission Expires October 15, 2027

**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
Andrew O. Guglielmi, Director
Division of Environmental Remediation

Grantee's Acknowledgment

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

On the 14 day of December 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 whose name is subscribed to the within instrument and acknowledged
to me that he executed the same in his capacity as Designee of the Commissioner of the State of
New York Department of Environmental Conservation, and that by his 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

Cheryl A. Salem
Notary Public State of New York
Registration No. 01SA0002177
Qualified in Albany County
My Commission Expires March 3, 2027

SCHEDULE "A" AMENDED DESCRIPTION OF CONTROLLED PROPERTY

ALL that certain plot, piece or parcel of land situate, lying and being in the City of White Plains, County of Westchester and State of New York, bounded and described as follows:

BEGINNING at a point on the westerly side of Cottage Place at the southerly end of a curve having a radius of 25.00 feet, a central angle of $91^{\circ} 10' 00''$ and a length of 39.78 feet which curve connects the southerly side of Barker Avenue with the westerly side of Cottage Place, as shown on a certain map entitled "Disposition Parcel No. 14, W.P. Mall Corp." which map is filed in the Westchester County Clerk's Office, Division of Land Records on June 9, 1971 as Map No. 17464;

RUNNING THENCE along the westerly side of Cottage Place, South $27^{\circ} 01' 19''$ East a distance of 384.52 feet to a point;

THENCE along a curve to the right having a radius of 10.00 feet, a central angle of $89^{\circ} 38' 28''$ and a length of 15.645 feet to a point along the northerly side of Hamilton Avenue;

THENCE along the northerly side of Hamilton Avenue along a curve to the right having a radius of 4627.386 and a length of 179.089 feet to a point;

THENCE through the lands known as Disposition Parcel No. 14, North $27^{\circ} 01' 19''$ West a distance of 413.84 feet to a point along the southerly side of Barker Avenue;

THENCE along the southerly side of Barker Avenue North $61^{\circ} 48' 41''$ East a distance of 163.52 feet to a point;

THENCE along a curve to the right having a radius of 25.00 feet, a central angle of $91^{\circ} 10' 00''$ and a length of 39.78 feet to the point and place of BEGINNING.

Containing within said bounds 1.808± acres of land.