

# CITY REGISTER RECORDING AND ENDORSEMENT PAGE

## County of New York

Total number of pages in document including this page > 23

This page forms part of the instrument

① ② ③

Block >	1462 / 1463	Lots - only if entire Lot >	5/ 5, 11	Partial Lots P/O >	
Premises >	1275 York Avenue and 411-425 East 68th Street				
Title/agent company name >					
Title company number >					

Name > Lori G. Cuisinier, Esq.  
 Company > Friedman & Gotbaum, LLP  
 Address > 568 Broadway - Suite 505  
 City/State/Zip > New York, NY 10012

Name & address	Party 1 >	Memorial Hospital for Cancer and Allied Diseases
	Additional Party 1 >	1275 York Avenue, New York, NY 10021
	Party 2 >	
	Additional Party 2 >	

Check this box  if there are more than 2 of either Party Check this box  if there are multiple blocks or lots & attach an addendum

City Register's use only - do not write below this line

Examined by SP

City Register Serial Number τ

052487

Mtge Tax serial no.	
Mtge amount	\$
Taxable amount	\$
Exemption	Yes <input type="checkbox"/> No <input type="checkbox"/>
Type	[339EE] [255] [other _____]
Dwelling type	1-2 3 4-6 over 6
Tax received on above mortgage τ	
County (basic)	\$
City (add'l)	\$
Special aduti	\$
TASF	\$
MIA	\$
NYCTA	\$
TOTAL TAX	\$
Apportionment Mortgage	Yes <input type="checkbox"/> No <input type="checkbox"/>

Indexed by <u>U</u>	Verified by <u>SP</u>
Block(s) and Lot(s) verified by:	
Address <input checked="" type="checkbox"/>	Tax map <input type="checkbox"/>
Extra Block(s) <u>1</u>	Lot(s) <u>1</u>
Recording fee	<u>B \$ 138</u>
Affidavit fee	C \$
RPTT fee	R \$
HPD-A <input type="checkbox"/>	HPD-C <input type="checkbox"/>
New York State Real Estate Transfer Tax τ	
\$	
RETT Serial no. \	
New York City Real Property Transfer Tax	
RPTT Serial No. \	

Recorded in the Office of the City Register of the City of New York



2001 DEC 14 A 10 18

*[Handwritten Signature]*

**CORRECTION DECLARATION**<sup>1</sup>

Declaration made as of this 11th day of December, 2001 by **Memorial Hospital for Cancer and Allied Diseases** ("Declarant Hospital"), a New York not-for-profit corporation having its principal office at 1275 York Avenue, New York, 10021, and **Memorial Center for Cancer and Allied Diseases**, ("Declarant Center"), New York corporation having its principal office at 1275 York Avenue, New York, New York 10021, collectively referred hereto within as the "Declarants".

**WITNESSETH**

WHEREAS, Declarants are the fee owner of certain real property located in the County of New York, designated for real property tax purposes as Lots 5 (in part) and 11, Tax Block 1463, commonly known by the street address as 411-425 East 68<sup>th</sup> Street and Lot 5, Tax Block 1462, commonly known by the street address as 1275 York Avenue (the "Subject Property"), more particularly described in Exhibits "A" and "B," annexed hereto, and made a part hereof;

WHEREAS, Chicago Title Insurance Company, by Title Associates Inc., as agent, has issued Certifications of Parties in Interest, annexed hereto as Exhibits "C" and "D" and made a part hereof, being recorded simultaneously herewith, that as of the 11th day of December 2001 Declarants herein after referred to as the ("Parties-in-Interest"), are the only parties-in-interest (as defined in subdivision (e) of the definition of "zoning lot" set forth in Section 12-10 of the Zoning Resolution of the City of New York) in the Subject Property; and

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<sup>1</sup> This is to correct the Declaration recorded on November 14, 2001, in Reel 3390, at Page 1698. Following exhibits have been revised: Exhibit A (Metes and bounds description of 411 East 68<sup>th</sup> Street), Exhibit C (Certification of parties in interest - Block 1463, Lots 5 and 11) and Exhibit D (Certification of parties in interest - Block 1462, Lot 5).

WHEREAS, Declarants have submitted an application to the City Planning Commission of the City of New York ("CPC"), designated by the CPC as ULURP #010547ZMM, #010548ZSM and #010549ZAM and CEQR # 01DCP050M, for a special permit pursuant to Section 79-43 of the New York City Zoning Resolution (the "Zoning Resolution") and an authorization pursuant to Section 79-21 of the Zoning Resolution (the "CPC Application") and an application to the Board of Standards and Appeals for two variances pursuant to Section 72-21 and a special permit pursuant to Section 73-642 to permit a 22-story research building and a 7-story addition to the research building (collectively referred hereto within as the "New Research Facility") to be constructed on the Subject Property; and

WHEREAS, an environmental assessment of the Subject Property pursuant to the City Environmental Quality Review (the "CEQR") is under review in connection with the Application and, pursuant to CEQR, the Department of Environmental Protection (the "DEP") has reviewed the historic land use of the Subject Property; and

WHEREAS, the results of such review indicate the potential presence of hazardous materials; and

WHEREAS, the Declarants are desirous of identifying the existence of any potential hazardous materials impact and mitigating any such impact found in connection with the development or redevelopment of the Subject Property and has agreed to complete a Phase II Environmental Site Assessment (the "Phase II ESA") for the Subject Property and submit a hazardous materials sampling protocol prepared by a qualified consultant and including a health and safety plan (the "Sampling Protocol"), which shall be submitted for the approval of DEP and to test and identify any potential hazardous materials impact pursuant to the approved Sampling Protocol and, if such impact is found, to submit a hazardous materials mitigation plan, including a health and safety plan. (the "Mitigation Plan") and upon the written approval of the Mitigation Plan by DEP, the Declarants shall provide for the mitigation of such impact; and

WHEREAS, the Declarants agree to implement the Sampling Protocol and all hazardous material mitigation required by the Mitigation Plan, if any, and desire to restrict the manner in which the Subject Property may be developed or redeveloped by having the implementation of the Sampling Protocol and Mitigation Plan, if any, performed to the satisfaction of DEP be a condition precedent to any change of use in any such development or redevelopment; and

WHEREAS, the Declarants intend such restriction to be binding upon all successors and assigns; and

WHEREAS, the Declarants intend such restriction to benefit all land owners and tenants, including the City of New York (the "City").

NOW, THEREFORE, Declarants do hereby declare and agree that the Subject Property shall be held, sold, transferred developed, conveyed and occupied subject to the following restrictions, covenants, obligations, easements and agreements, which are for the purpose of protecting the value and desirability of the Subject Property and which shall run with the land and shall be binding upon and inure to the benefit of heirs, successors, legal representatives and assigns (hereinafter "successors and assigns") of Declarants so long as they have any right, title or interest in the Subject Property, or any part thereof.

1. (a) Declarants covenant and agree that no application for grading, excavation, foundation, alteration, building or other permit respecting the New Research Facility shall be commenced on the Subject Property that permits soil disturbance shall be made to or accepted from the Department of Buildings (the "DOB") and the Declarants further covenant that no application for a temporary or permanent Certificate of Occupancy, which reflects a change in use group respecting the Subject Property, shall be made to or accepted from DOB until Declarants have received a Notice of Satisfaction from DEP as set forth in 1(b) herein. Declarants shall submit such Notice of Satisfaction to the DOB at the time of filing of the filing of above application. Notwithstanding the foregoing, Declarants may make an application to

DOB for a permit for work related to a DEP approved Mitigation Plan, if any, and the DOB may accept such application when the Declarants have demonstrated to the satisfaction of DEP, as evidenced by a written determination by DEP, that such permit is necessary to further the implementation of the DEP approved Mitigation Plan.

(b) DEP shall issue a Notice of Satisfaction after it determines that any of the following steps as applicable have been satisfactorily taken: (i) Declarants have completed a Phase II ESA for the Subject Property, which includes and investigative Sampling Protocol and Health and Safety Plan as approved by DEP in writing; (ii) Declarants have submitted for DEP review and written approval a Phase II ESA Report and, if required, a Mitigation Plan for the Subject Property; or (iii) if required by DEP, a Mitigation Plan has been prepared and accepted by DEP and DEP has determined in writing that the Mitigation Plan has been fully completed to the satisfaction of DEP.

2. Upon receipt of a Notice of Satisfaction from DEP, Declarants shall cause such Notice to be recorded in the same manner as the Declaration herein. Declarants shall promptly deliver to DEP and the Department of City Planning, a certified copy of the Notice as recorded. If the Notice of Satisfaction indicates that there is no hazardous material contamination or all hazardous contamination has been mitigated on the Subject Property, the Declarants may request that DEP issue a Notice of Cancellation for this Restrictive Declaration. Upon receipt of a Notice of Cancellation from DEP, Declarants shall cause such Notice to be recorded in the same manner as the Declaration herein, thus rendering this Restrictive Declaration null and void. Declarants shall promptly deliver to DEP and the Department of City Planning a certified copy of such Notice of Cancellation as recorded.

3. Declarants represent and warrant that there are no enforceable restrictions of record on the use of the Subject Property, nor any lien, obligation, enforceable covenant, easement, limitation or encumbrance of any kind that precludes, presently or potentially, imposition of the

restrictions, covenants, obligations, easements and agreements of this Declaration or the construction of the New Research Facility in accordance therewith.

4. Declarants acknowledge that the City is an interested party to this Declaration, and consent to the enforcement by the City, administratively or at law or in equity, of the covenants, conditions, and restrictions contained herein.

5. The provisions of this Declaration shall inure to the benefit of and be binding upon the respective successors and assigns of the Declarants, and references to the Declarants shall be deemed to include such successors and assigns as well as successors to their interest in the Subject Property. References in this Declaration to agencies or instrumentalities of the City shall be deemed to include agencies or instrumentalities succeeding to the jurisdiction thereof.

6. Declarants shall be liable in the performance of any term, provision or covenant in this Declaration, subject to the following provisions:

The City and any other party or person relying on this Declaration will look solely to the fee estate interest of the Declarants in the Subject Property, on an in rem basis only, for the collection of any money judgment recovered against Declarants, and no other party of the Declarants shall be subject to levy, execution, or other enforcement procedure for the satisfaction of the remedies of the City or any other person or entity with respect to this Declaration, and Declarants shall have no personal liability under this Declaration.

7. The obligations, restrictions and agreements herein shall be binding on the Declarants or other parties in interest only for the period during which the Declarants and any such party in interest holds a fee interest in the Subject Property.

8. Declarants shall indemnify the City, its respective officers, employees and agents from all claims, actions or judgments for loss, damage or injury, including death or property damage

of whatsoever kind or nature, arising from Declarants' obligations under this Declaration, including without limitation, the negligence or carelessness of the Declarants, its agents, servants or employees in undertaking such obligations; provided, however, that should such claim be made or action brought, Declarants shall have the right to defend such claim or action with attorneys reasonably acceptable to the City and no such claim or action shall be settled without the written consent of the City.

9. If any Declarant is found by a court of competent jurisdiction to have been in default in the performance of its obligation under this Declaration and such finding is upheld on final appeal, or the time for further review of such finding or appeal has lapsed, such Declarant shall indemnify and hold harmless the City, including CPC, from and against all reasonable legal and administrative arising out of or in connection with the enforcement of such Declarants' obligations under this Declaration including but not limited to any reasonable legal and administrative expenses arising out of or in connection with the enforcement of any judgment against such Declarant, including but not limited to the cost of undertaking the Mitigation plan, if any.

10. This Declaration and the provisions hereof shall become effective as of the date of this Declaration. Declarants shall record or shall cause this Declaration to be recorded in the Office of the County Register, indexing it against the Subject Property within five (5) business days of the date hereof and shall promptly deliver to the DEP and the Department of City Planning a certified copy of this Declaration as recorded.

11. This Declaration may be modified, amended or canceled only with the approval of DEP and CPC or agencies succeeding to their respective jurisdiction. A statement signed by the Chairman of the CPC certifying approval of an amendment or modification of this Declaration shall be annexed to any instrument. Notwithstanding any other provision hereof, this Declaration shall automatically and without any further public or private action be canceled, and the restrictions, covenants, obligations, liens and agreements hereof shall be of no further force and

effect if, prior to the issuance of a building permit for the New Research Facility by the New York City Department of Buildings (the "Department of Buildings"), Declarants deliver to the Chairperson and records with the County Register's Office, a document duly executed and acknowledged in which Declarants discharge this Declaration of record and surrender their rights to construct the New Research Facility.

12. Declarants shall annex a copy of this Declaration to any application concerning the Subject Property that is submitted to the Department of Buildings or any other agency of the City having jurisdiction over the development or use of the Subject Property.

13. Declarants acknowledge that the restrictions, covenants and obligations of this Declaration will protect the value and desirability of the Subject Property. Declarants further acknowledge that such restrictions, covenants and obligations are an integral part of the Application and are necessary for the protection of all the land, including land owned by the City of New York, lying within one-half mile of the Subject Property.

14. Declarants expressly acknowledge that this Declaration is an essential element of the CEQR review conducted in connection with the Applications listed above and as such the filing and recordation of this Declaration may be a precondition to the determination of significance pursuant to the CEQR Regulations.

15. Declarants acknowledge that the satisfaction of the obligations set forth in this Declaration does not relieve Declarants of any additional requirements imposed by Federal, State or Local law.

16. This Declaration shall be governed by and construed in accordance with the laws of the State of New York.




17. In the event that any provision of this Declaration shall be deemed, decreed, adjudged or determined to be invalid or unlawful by a court of competent jurisdiction, such provision shall be severable and the remainder of this Declaration shall continue to be in full force and effect.

18. Wherever in this Declaration the certification, consent or approval of CPC, DCP or DEP is required or permitted to be given, such certification, consent or approval shall not be unreasonably withheld.


19. All notices, demands, requests, consents, approvals or other communications (each of which is hereinafter referred to as a "Notice") which may be or are permitted, desirable or required to be given, served or sent hereunder shall be in writing and shall be deemed to have been given or sent, if intended for the City, CPC, DCP or the Chairperson, by mailing to the Department of City Planning at its then official address, Att: Counsel's Office; and if intended for DEP, by mailing to the Department of Environmental Protection at its then official address, Att: Counsel's Office; and if intended for the Declarants, at the address thereof first noted herein, Att: Counsel's Office, with a copy to Friedman & Gotbaum, LLP, 568 Broadway, Suite 505, NY, NY, 10012. Att: Shelly S. Friedman, Esq. Each Notice, if mailed within the City of New York, shall be deemed sufficiently given, served or sent for all purposes three days after it shall be mailed by United States registered or certified mail, at a branch post office regularly maintained by the United States Postal Service.

IN WITNESS WHEREOF, Declarants have caused this declaration to be signed as of the 12<sup>th</sup> day of December, 2001.

Memorial Hospital for Cancer and Allied Diseases

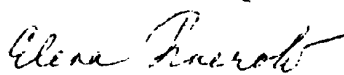
By:   
Name: Edward J. Mahoney  
Title: Vice Pres., Facilities Management

Memorial Center for Cancer and Allied Diseases

By:   
Name: Edward J. Mahoney  
Title: Vice Pres., Facilities Management

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

On the 12<sup>th</sup> day of December, 2001, before me, the undersigned, personally appeared Edward J. Mahoney, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person on behalf of which the individual acted, executed the instrument.



Notary Public

ELENA PINEROLO  
NOTARY PUBLIC, State of New York  
No. 01P1000323  
Qualified in Kings County  
Commission Expires November 6, 2002

CORRECTION EXHIBIT A

Tax Lot 5 (in part) Block 1463 (411 East 68<sup>th</sup> Street)

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

**BEGINNING** at a point in the southerly line of East 69<sup>th</sup> Street distant 175'-0 3/4" easterly from the corner formed by the intersection of the southerly line of East 69<sup>th</sup> Street with the easterly line of First Avenue:

- 1) Running thence easterly, along the southerly line of East 69<sup>th</sup> Street, 162'-11 1/4";
- 2) Thence southerly, parallel with the easterly line of First Avenue, 100'-5" to a point in the center line of the block;
- 3) Thence westerly, along the center line of the block and parallel with the southerly line of East 69<sup>th</sup> Street 75'-0";
- 4) Thence southerly, parallel with the easterly line of First Avenue, 100'-5" to a point in the northerly line of East 68<sup>th</sup> Street;
- 5) Thence westerly, along the northern line of East 68<sup>th</sup> Street, 96'-2 3/4";
- 6) Thence northerly, parallel with the easterly line of First Avenue, 28'-8 3/4";
- 7) Thence easterly, parallel with the northerly line of East 68<sup>th</sup> Street, 5'-9 1/4";
- 8) Thence northerly, parallel with the easterly line of First Avenue, 17'-0 1/4";
- 9) Thence westerly, parallel with the northerly line of East 68<sup>th</sup> Street, 6'-1";
- 10) Thence northerly, parallel with the easterly line of First Avenue, 86'-11";
- 11) Thence easterly, parallel with the southerly line of East 69<sup>th</sup> Street, 8'-7 1/4";
- 12) Thence northerly, parallel with the easterly line of First Avenue, 68'-2" to the point or place of BEGINNING.

**EXHIBIT B**

Tax Lot 11 Block 1463

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

***BEGINNING*** at a point on the northerly side of 68<sup>th</sup> Street distant 150 feet westerly from the corner formed by the northerly side of 68<sup>th</sup> Street with the westerly side of York Avenue;

- 1) Running thence northerly and parallel with York Avenue, 100 feet 5 inches to the center line of the block;
- 2) Thence westerly along said center line parallel with 68<sup>th</sup> Street, 200 feet;
- 3) Thence southerly again parallel with York Avenue, 100 feet 5 inches to the northerly side of 68<sup>th</sup> Street; and
- 4) Thence easterly along the northerly side of 68<sup>th</sup> Street, 200 feet to the point or place of BEGINNING.

**CORRECTION EXHIBIT C  
PRELIMINARY CERTIFICATION OF PARTIES  
IN INTEREST PURSUANT TO SUBDIVISION (D)  
OF THE DEFINITION OF ZONING LOT SET FORTH  
IN SECTION 12-10 OF THE ZONING RESOLUTION  
OF THE CITY OF NEW YORK  
EFFECTIVE DECEMBER 15, 1961  
AS AMENDED**

**SPECIAL SERVICE NO. SS#01(01)265(A-1)**

CHICAGO TITLE INSURANCE COMPANY, a title insurance company licensed to do business in the State of New York and having its principal office at 1211 Avenue of the Americas, New York, New York, through its authorized agent, Title Associates Inc., a New York corporation, hereby certifies to Lovi G. Cuisinier, Esq. of Friedman & Gotbaum, LLP (the "Applicant") that as to the land hereafter described, being a tract of land either unsubdivided or consisting of two or more lots of record contiguous for a minimum of ten linear feet located within a single block and under the single fee ownership of St. Catherine of Siena Church a/k/a Roman Catholic Church of St. Catherine of Siena and Memorial Hospital for Cancer and Allied Diseases, that all parties constituting a "party in interest" as defined for purposes of the provisions of subdivision (d) of the Definition of Zoning Lot set forth in Section 12-10 of the Zoning Resolution of the City of New York, effective December 15, 1961, as amended, are as follows:

1. **PARTY IN INTEREST:** St. Catherine of Siena Church, also known as the Roman Catholic Church of St. Catherine of Siena, a New York religious corporation
  - TAX LOT AFFECTED:** Tax Lot: part of 5 (Block 1463)
  - TYPE OF INTEREST:** (a) Fee Owner by Deed recorded September 12, 1972 in Reel 252 page 204, excepting therefrom part of premises conveyed by the following:
    - (i) Deed recorded June 26, 1973 in Reel 282 page 1767, as corrected by Deed recorded July 28, 1995 in Reel 2228 page 1450; and
    - (ii) Deed recorded July 28, 1995 in Reel 2228 page 1463.
  - (b) Beneficiary of ingress and egress rights, inter alia, set forth in Zoning Lot and Development Agreement recorded July 28, 1995 in Reel 2228 page 1490.
  - (c) Beneficiary of Fire Egress Easement recorded June 5, 1997 in Reel 2463 page 70.
2. **PARTY IN INTEREST:** Memorial Hospital for Cancer and Allied Diseases, a New York not-for-profit corporation.
  - TAX LOT AFFECTED:** Tax Lot: part of 5 (Block 1463)
  - TYPE OF INTEREST:** Fee owner by Deeds recorded July 28, 1995 in Reel 2228 pages 1463 and 1467.

3. PARTY IN INTEREST: Memorial Center For Cancer and Allied Diseases, a  
New York corporation

TAX LOT AFFECTED: Tax Lot 11 (Block 1463)

TYPE OF INTEREST: Fee Owner by the following Deeds:

- (i) Deed recorded May 31, 1955 in Liber 4924 cp 441  
(conveys old lots 11 and 13);
- (ii) Deed recorded February 27, 1956 in Liber 4955 cp  
342 (conveys old lot 14); and
- (iii) Deed recorded October 2, 1957 in Liber 5016 cp  
281 (conveys old lot 17).

The tract of land as to which the aforesaid parties are parties in interest is known as Tax Lots 5 and 11 in Block 1463 as shown on the Official Tax Map of the City of New York, New York County, and more particularly bounded and described as follows:

TAX LOTS 5 and 11 (BLOCK 1463)

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

Perimeter Description (as to Lot 5):

BEGINNING at a point on the northerly side of 68th Street distant 100 feet easterly from the corner formed by the northerly side of 68th Street with the easterly side of First Avenue;

RUNNING THENCE northerly and parallel with the easterly side of First Avenue, 200 feet 10 inches to the southerly side of 69th Street;

THENCE easterly along the southerly side of 69th Street, 238 feet;

THENCE southerly and parallel with the easterly side of First Avenue, 100 feet 5 inches to the center line of the block between 69th and 68th Streets;

THENCE westerly along the said center line, 75 feet;

THENCE southerly and parallel with the easterly side of First Avenue, 100 feet 5 inches to the northerly side of 68th Street; and

THENCE westerly along the northerly side of 68th Street, 163 feet to the point or place of BEGINNING.

Perimeter Description (as to Lot 11):

BEGINNING at a point on the northerly side of 68th Street distant 150 feet westerly from the corner formed by the northerly side of 68th Street with the westerly side of York Avenue;

RUNNING THENCE northerly and parallel with York Avenue, 100 feet 5 inches to the center line of the block;

THENCE westerly along said center line parallel with 68th Street, 200 feet;

THENCE southerly again parallel with York Avenue, 100 feet 5 inches to the northerly side of 68th Street; and

THENCE easterly along the northerly side of 68th Street, 200 feet to the point or place of BEGINNING.

SPECIAL SERVICE NO. SS#01 (01) 265(A-1)

REEL 3409 PG 1453

Said Tax Lots 5 and 11 in Block 1463 are as shown on the annexed diagram.

(SEE DIAGRAM ANNEXED)

NOTE: This Certification has been prepared prior to the execution and recording of the necessary Declaration of Restrictions, Waivers of Declaration and Zoning Lot Description and Ownership Statement. Upon execution and recording of these documents, a Final Certification will be prepared.

NOTE: A Zoning Lot may or may not coincide with a lot as shown on the Official Tax Map of the City of New York or on any recorded subdivision plat or deed. A Zoning Lot may be subdivided into two or more Zoning Lots, provided that all resulting Zoning Lots and all buildings thereon shall comply with all of the applicable provisions of the Zoning Resolution of the City of New York, effective December 15, 1961, as amended.

THIS CERTIFICATION IS MADE FOR AND ACCEPTED BY THE APPLICANT UPON THE EXPRESS UNDERSTANDING THAT LIABILITY HEREUNDER IS LIMITED TO ONE THOUSAND DOLLARS (\$1,000).

CHICAGO TITLE INSURANCE COMPANY  
By: Title Associates Inc.,  
As Agent

DATE: December 11, 2001

By:   
Charles H. Schaefer, V.P.



STATE OF NEW YORK )  
 )  
COUNTY OF NEW YORK )

ss.:

REEL 3409 PG 1454

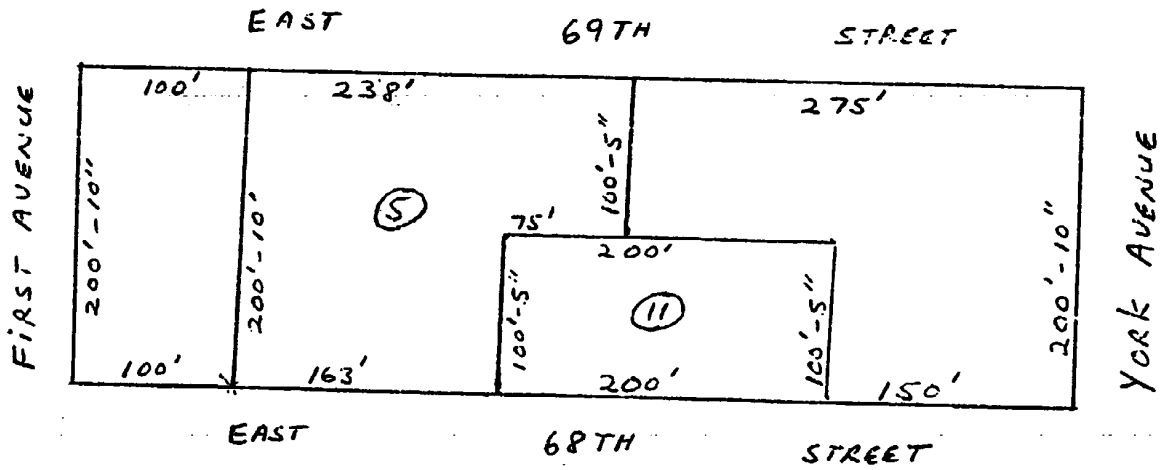
On the 11th day of December in the year 2001 before me, the undersigned, personally appeared Charles H. Schaefer, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

  
Notary Public

JILL S. FELDMAN  
Notary Public, State of New York  
No. 007000  
Qualified in Westchester County  
Commission Expires Nov. 5, 2002



Block 1463, Lot 5 - 411 East 68<sup>th</sup> Street  
Block 1463, Lot 11 - 425 East 68<sup>th</sup> Street



Lots 5 and 11 in Block 1463

**CORRECTION EXHIBIT D**

**PRELIMINARY CERTIFICATION OF PARTIES  
IN INTEREST PURSUANT TO SUBDIVISION (C)  
OF THE DEFINITION OF ZONING LOT SET FORTH  
IN SECTION 12-10 OF THE ZONING RESOLUTION  
OF THE CITY OF NEW YORK  
EFFECTIVE DECEMBER 15, 1961  
AS AMENDED**

**SPECIAL SERVICE NO. SS#01(01)251(A-1)**

CHICAGO TITLE INSURANCE COMPANY, a title insurance company licensed to do business in the State of New York and having its principal office at 1211 Avenue of the Americas, New York, New York, through its authorized agent, Title Associates Inc., a New York corporation, hereby certifies to Lori G. Cuisinier, Esq. of Friedman & Gotbaum, LLP (the "Applicant") that as to the land hereafter described, being a tract of land either unsubdivided or consisting of two or more lots of record contiguous for a minimum of ten linear feet located within a single block and under the single fee ownership of Memorial Hospital For The Treatment Of Cancer And Allied Diseases, that all parties constituting a "party in interest" as defined for purposes of the provisions of subdivision (c) of the Definition of Zoning Lot set forth in Section 12-10 of the Zoning Resolution of the City of New York, effective December 15, 1961, as amended, are as follows:

1. **PARTY IN INTEREST:** Memorial Hospital For The Treatment Of Cancer And Allied Diseases
- TAX LOT AFFECTED:** Tax Lot 5 (Block 1462)
- TYPE OF INTEREST:** Fee Owner by Deed recorded on August 4, 1936 in Liber 3932 cp 187..

SPECIAL SERVICE NO. SS#01(01)251(A-1)

The tract of land as to which the aforesaid parties are parties in interest is known as Tax Lot 5 Block 1462 as shown on the Official Tax Map of the City of New York, New York County, and more particularly bounded and described as follows:

TAX LOT 5 (BLOCK 1462)

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

BEGINNING at the corner formed by the intersection of the westerly side of York Avenue (formerly Avenue A) with the northerly side of 67th Street;

RUNNING THENCE northerly along the westerly side of York Avenue (formerly Avenue A), 200 feet 10 inches to the corner formed by the intersection of the westerly side of York Avenue (formerly Avenue A) with the southerly side of 68th Street;

THENCE westerly along the southerly side of 68th Street, 513 feet;

THENCE southerly along a line parallel to First Avenue, 200 feet 10 inches to the northerly side of East 67th Street; and

THENCE easterly along the northerly side of 67th Street, 513 feet to the corner formed by the intersection of the northerly side of 67th Street with the westerly side of York Avenue (formerly Avenue A) the point or place of BEGINNING.

SPECIAL SERVICE NO. SS#01(01)251(A-1)

Said Tax Lot 5 in Block 1462 is as shown on the annexed diagram.

[SEE DIAGRAM ANNEXED]

NOTE: This Certification has been prepared prior to the execution and recording of the necessary Declaration of Restrictions, Waivers of Declaration and Zoning Lot Description and Ownership Statement. Upon execution and recording of these documents, a Final Certification will be prepared.


NOTE: A Zoning Lot may or may not coincide with a lot as shown on the Official Tax Map of the City of New York or on any recorded subdivision plat or deed. A Zoning Lot may be subdivided into two or more Zoning Lots, provided that all resulting Zoning Lots and all buildings thereon shall comply with all of the applicable provisions of the Zoning Resolution of the City of New York, effective December 15, 1961, as amended.

THIS CERTIFICATION IS MADE FOR AND ACCEPTED BY THE APPLICANT UPON THE EXPRESS UNDERSTANDING THAT LIABILITY HEREUNDER IS LIMITED TO ONE THOUSAND DOLLARS (\$1,000).

CHICAGO TITLE INSURANCE COMPANY

By: Title Associates Inc.,  
As Agent

DATED: December 11, 2001

By:   
Charles H. Schaefer  
Vice President

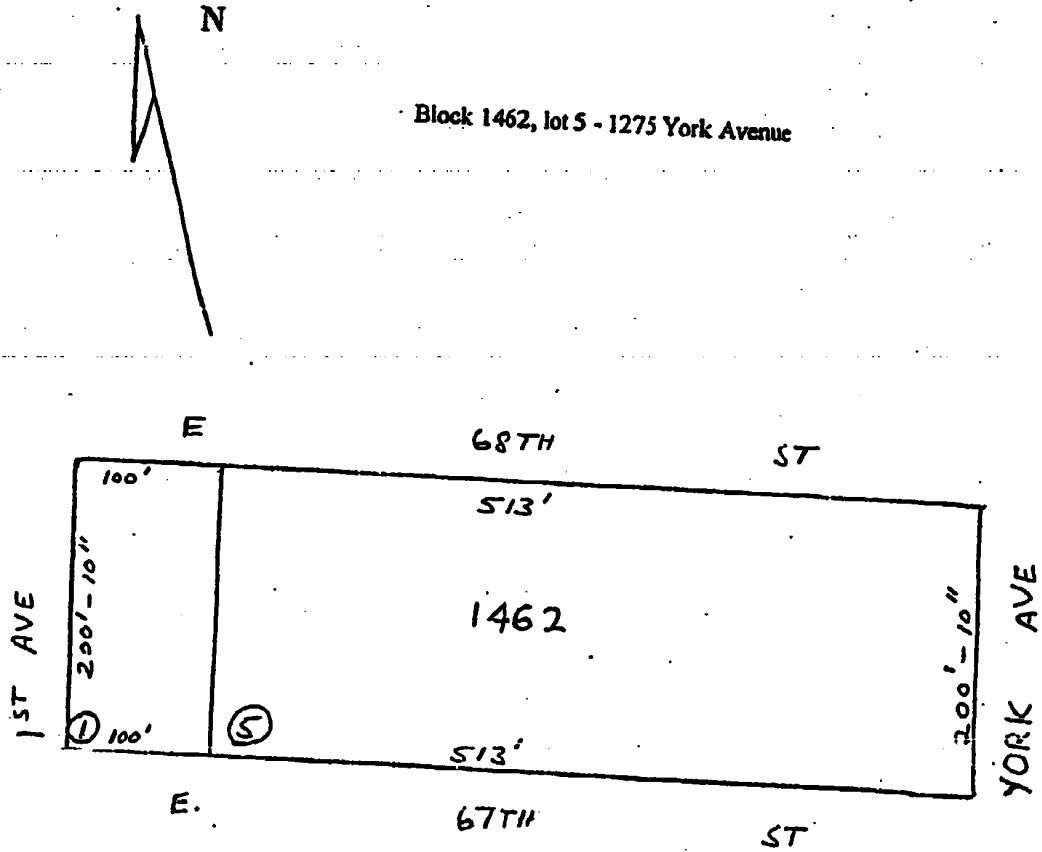
STATE OF NEW YORK )  
                          )    ss. :  
COUNTY OF NEW YORK )

On the 12th day of December in the year 2001 before me, the undersigned, personally appeared Charles H. Schaefer, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

  
Notary Public

JILL S. FELDMAN  
Notary Public, State of New York  
No. 4876648  
Qualified in Westchester County  
Commission Expires Nov. 3, 2002

Block 1462, lot 5 - 1275 York Avenue



Lot 5 in Block 1462