



Hudson River Park Trust

April 27, 2010

Commissioner Pete Grannis
New York State Department
of Environmental Conservation
625 Broadway
Albany, New York 12233-1010

Commissioner Carol Ash
New York State Office of Parks, Recreation
and Historic Preservation
Empire State Plaza, Agency Bldg #1
Albany, NY 12238

Ms. Alison Crocker, General Counsel
New York State Department
of Environmental Conservation
625 Broadway
Albany, NY 12233-1010

Ms Karen Kaufmann, General Counsel
New York State Office of Parks, Recreation
and Historic Preservation
Empire State Plaza, Agency Bldg #1
Albany, NY 12238

Re: Amendment to agreement effective April 3, 1999 between the State of New York, acting through the Office of Parks, Recreation and Historic Preservation and the Department of Environmental Conservation, and Hudson River Park Trust (hereinafter, the Lease Agreement or Agreement)

Dear Commissioners Grannis and Ash, Ms. Crocker and Kaufmann:

In accordance with recent discussions with your agency's counsel, the Hudson River Park Trust (the "Trust"), hereby requests a twenty-five (25) year extension of the term of the above referenced Lease Agreement, in accordance with Section 2.01 of the Agreement.

The Agreement granted to the Trust, its successors and assigns quiet enjoyment of the premises described therein for an initial term of forty-nine (49) years, commencing on April 3, 1999. While there is still a substantial amount of time remaining on that current term, the Trust must nevertheless request that the parties agree to exercise the first of two (2) possible twenty-five (25) year lease term extensions. The need for an extended lease term is due to the fact that the Trust is currently engaged in negotiations for the development of the Hudson River Park's Pier 57. Pursuant to an amendment to the Hudson River Park Act, approved and effective July 19, 2005, the Trust is authorized to provide the selected Pier 57 developer with a forty-nine (49) year lease of the Pier 57 premises. In order to so do, however, the Trust must have an equal or greater term under its Agreement with the State.

By signing below, you acknowledge and agree to extend the term of the Agreement for an additional period of twenty-five (25) years commencing on April 4, 2048. This term extension shall constitute the first of two possible extensions as provided for under Section 2.01 of the Agreement. This term extension shall run consecutively with the current forty-nine (49) year term, thereby granting the Trust, its successor and assigns, quiet enjoyment of the Premises for a total term of seventy-four (74) years from the Agreement's Commencement Date of April 3, 1999. All other terms of the Agreement shall remain the same and in full force and effect. Once fully executed and approved, this letter agreement shall constitute a binding amendment to the Agreement by and between the Trust and the State of New York, acting through the Office of Parks, Recreation and Historic Preservation and the Department of Environmental Conservation.

Sincerely,



Connie Fishman
President
Hudson River Park Trust

New York State Office of Parks, Recreation
and Historic Preservation

By: *Andy Beers*
Name: *Andy Beers*
Title: *Executive Deputy Commissioner*

New York State Department of
Environmental Conservation

By: *Nancy W. Lusnier*
Name: *NANCY W. LUSNIER*
Title: *Director of Mgmt + Budget*

Approval

New York State Comptroller Pursuant to Section 112, State Finance Law:

By: _____
Name:
Title:

Date: _____

APPROVED AS TO FORM
NYS ATTORNEY GENERAL

**Approved as to form
New York State Office of the Attorney General:**

By: _____
Name:
Title:

APPROVED
DEPT. OF AUDIT & CONTROL
OCT 21 2010
OFFICE OF THE ATTORNEY GENERAL

Date: *Lorraine I. Remo*
LORRAINE I. REMO
ASSOCIATE ATTORNEY

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

On this 27th day of April, 2010, before me personally came Connie Fishman, who is to me known as the President of the Hudson River Park Trust, and who being duly sworn, did depose and state that by her signature she executed this document in her official capacity and for the purpose mentioned therein.

Laurieann Silberfeld
Notary Public
LAURIEANN SILBERFELD
Notary Public, State of New York
No. 02SI4984247
Qualified in Nassau County
Commission Expires July 15, 192011

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

On this 24th day of June, 2010, before me personally came Nancy Lussier, who is to me known as the Director of Management & Budget, and who being duly sworn, did depose and state that by her/his signature s/he executed this document in her/his official capacity and for the purpose mentioned therein.

Kathleen R Tubiolo
Notary Public
KATHLEEN R. TUBIOLO
Notary Public, State of New York
Qualified in Schoharie County
Reg. No. 01TU6154579
Commission Expires 10/23/2010

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

On this 29th day of June, 2010, before me personally came Andy Beers, who is to me known as the Exec. Dep Comm. of NYB OPRHP, and who being duly sworn, did depose and state that by her/his signature s/he executed this document in her/his official capacity and for the purpose mentioned therein.

Kathleen L Martens
Notary Public
Kathleen L. Martens
Notary Public State of New York
No. 02MA6110537
Qualified in Albany County
Commission Expires 05/24/20 12/08/2012