

THIRD AMENDMENT TO LEASE AGREEMENT

This Third Amendment to the Lease Agreement is made effective as of the 2nd day of JUNE, 2021 ("Effective Date"), as follows.

WHEREAS, New York State, acting through its Office of Parks, Recreation and Historic Preservation ("OPRHP") and its Department of Environmental Conservation ("DEC"), and the Hudson River Park Trust ("HRPT") entered into that certain Lease Agreement dated April 3, 1999 (the "State Lease"); and

WHEREAS, the State Lease was amended on February 9, 2016 to extend its term to March 31, 2112 and to modify the description of the boundaries ("First Lease Amendment") consistent with the Amendment to the Hudson River Park Act dated November 13, 2013, Chapter 517 of the Laws of 2013 ("2013 Act Amendment"); and

WHEREAS, that State Lease was further amended on January 22, 2020 to address the insurance and indemnification provisions of the 2013 Act Amendment ("Second Lease Amendment"); and

WHEREAS, the Hudson River Park Act was further amended in 2020 by L.2020, c. 56, Part WW ("2020 Act Amendment") to require that New York City convey the Pier 76 parcel to OPRHP; and

WHEREAS, New York County Tax Block 665, Lot 10 that consists of both Pier 76 and the adjacent upland area (hereafter, "Lot 10") was conveyed by New York City to OPRHP on or around February 2021;

WHEREAS, consistent with the 2020 Act Amendment, OPRHP wishes to provide HRPT with a possessory interest in Lot 10 by amending the State Lease to include Lot 10 as part of the Premises;

NOW, THEREFORE, in order to comply with the 2020 Act Amendment, the State, acting through OPRHP and DEC, and HRPT agree to amend the State Lease as follows:

1. The Third Whereas Clause of the Second Lease Amendment is hereby amended to describe the northern boundary of the New York State-portion of the Hudson River Park to be located between West 37th and 38th Streets.
2. The first paragraph of Schedule A of the First Lease Amendment is hereby amended to identify the northern boundary of the Premises as between 37th and 38th Streets so that the revised first paragraph as amended reads as follows:


The Premises are all those State-owned lands which lie within the designated Park bounded on the east by the Route 9A bikeway/walkway and running west to a western boundary along the United States pierhead line; and bounded on the south beginning at the northern seawall of Battery

Park City; running north to a northern boundary at between 37th and 38th Streets.


3. The provisions and requirements of Appendix A (Standard Clauses for New York State Contracts) that formed a part of the Second Lease Amendment shall remain in full force and effect as if fully incorporated herein.

IN WITNESS WHEREOF, the undersigned has caused this Third Amendment to the Lease Agreement to be executed as of the date set forth above.

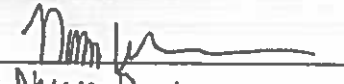
New York State Office of Parks, Recreation
and Historic Preservation

By: 
Name: Thomas J. Alworth
Title: Executive Deputy

New York State Department of
Environmental Conservation

By: 
Name: Thomas Barkman
Title: Deputy Commissioner &
General Counsel

Hudson River Park Trust

By: 
Name: Noreen Doyle
Title: Acting President

Approval

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

By: _____
Name:
Title:

Date: _____

APPROVED DEPT. OF AUDIT & CONTROL Jun 02 2021 Lindsay Carswell FOR THE STATE COMPTROLLER
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Approved as to form

New York State Office of the Attorney General:

By: _____
Name:
Title:

Date: _____

STATE OF NEW YORK)

) ss:

COUNTY OF NEW YORK)

On this 5th day of May, 2021, before me personally came Nora Dyk, who is to me known as the Acting 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.

Denise M Ruggiero

Notary Public

DENISE M RUGGIERO
NOTARY PUBLIC-STATE OF NEW YORK
No. 01RU6395715
Qualified in Albany County
My Commission Expires 08-12-2023

STATE OF NEW YORK)

) ss:

COUNTY OF ALBANY)

On this 13th day of May, 2021, before me personally came Thomas Alworth who is to me known as the Executive Deputy of NYS Office of Parks, Recreation and Historic Preservation 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.

Colleen McAllister

Notary Public

COLLEEN MCALLISTER
Notary Public, State of New York
Reg. No. 01MC6174218
Qualified in Albany County
Commission Expires 09/17/2023

STATE OF NEW YORK)

) ss:

COUNTY OF ALBANY)

On this 18th day of May, 2021, before me personally came Thomas Berkman, who is to me known as the General Counsel of NYS DEC, 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.

Monica Kreshik

Notary Public

MONICA KRESHIK, ESQ.
Notary Public, State of New York
No. 02KR6314859
Qualified in Rensselaer County
Commission Expires 11/17/2023