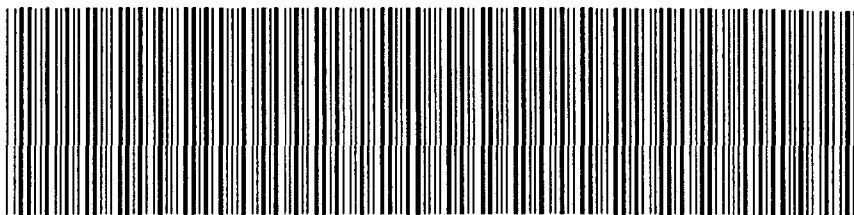


A 11

(2)

**NYC DEPARTMENT OF FINANCE
OFFICE OF THE CITY REGISTER**

This page is part of the instrument. The City Register will rely on the information provided by you on this page for purposes of indexing this instrument. The information on this page will control for indexing purposes in the event of any conflict with the rest of the document.


2008052201064002001ECD6A
RECORDING AND ENDORSEMENT COVER PAGE
PAGE 1 OF 10
Document ID: 2008052201064002
Document Date: 04-18-2008
Preparation Date: 05-22-2008
Document Type: EASEMENT
Document Page Count: 8
PRESENTER:

RIZZO GROUP
11 PENN PLAZA
20TH FLOOR
NEW YORK, NY 10001
646-696-8165
ken@rizzogroup.com

RETURN TO:

RIZZO GROUP
11 PENN PLAZA
20TH FLOOR
NEW YORK, NY 10001
646-696-8165
ken@rizzogroup.com

PROPERTY DATA

Borough	Block	Lot	Unit	Address
MANHATTAN	1013	39	Entire Lot	214 WEST 42ND STREET
Property Type: COMMERCIAL REAL ESTATE Easement				

Borough	Block	Lot	Unit	Address
MANHATTAN	1013	40	Entire Lot	216 WEST 42ND STREET
Property Type: COMMERCIAL REAL ESTATE Easement				

x Additional Properties on Continuation Page

CROSS REFERENCE DATA

CRFN _____ or Document ID _____ or _____ Year _____ Reel _____ Page _____ or File Number _____

PARTIES
GRANTOR/SELLER:

NEW AMSTERDAM DEVELOPMENT CORPORATION
500 SOUTH BUENA VISTA STREET
BURBANK, CA 91521

GRANTEE/BUYER:

NEW AMSTERDAM DEVELOPMENT CORPORATION
500 SOUTH BUENA VISTA STREET
BURBANK, CA 91521

FEES AND TAXES

Mortgage			Filing Fee:	
Mortgage Amount:	\$	0.00		\$ 0.00
Taxable Mortgage Amount:	\$	0.00	NYC Real Property Transfer Tax:	
Exemption:				\$ 0.00
TAXES: County (Basic):	\$	0.00	NYS Real Estate Transfer Tax:	
City (Additional):	\$	0.00		\$ 0.00
Spec (Additional):	\$	0.00		
TASF:	\$	0.00		
MTA:	\$	0.00		
NYCTA:	\$	0.00		
Additional MRT:	\$	0.00		
TOTAL:	\$	0.00		
Recording Fee:	\$	83.00		
Affidavit Fee:	\$	0.00		

**RECORDED OR FILED IN THE OFFICE
OF THE CITY REGISTER OF THE
CITY OF NEW YORK**

Recorded/Filed 05-27-2008 17:05

City Register File No.(CRFN):

2008000213357

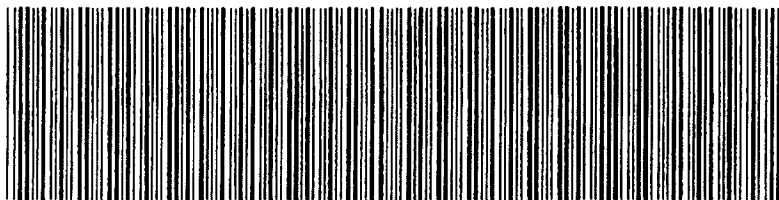
City Register Official Signature

DEPT BLDGS Job No. 122027029



Scan Code ESHS9119022

NYC DEPARTMENT OF FINANCE
OFFICE OF THE CITY REGISTER



2008052201064002001CCFEA

RECORDING AND ENDORSEMENT COVER PAGE (CONTINUATION) PAGE 2 OF 10

Document ID: 2008052201064002

Document Date: 04-18-2008

Preparation Date: 05-22-2008

Document Type: EASEMENT

PROPERTY DATA

Borough	Block	Lot	Unit	Address
MANHATTAN	1013	41	Entire Lot	218 WEST 42ND STREET
Property Type: COMMERCIAL REAL ESTATE Easement				

UTILITY DECLARATION

DECLARATION, made this 18th day of April 2008 by New Amsterdam Development Corporation, a New York corporation having an office at 500 South Buena Vista Street, Burbank California 91521 (hereinafter the "Declarant")

WHEREAS, the 42nd Street Development Project, Inc., a wholly owned subsidiary of, and successor to, the New York State Urban Development Corporation d/b/a Empire state Development Corporation, a New York public benefit corporation, having an office at 633 Third Avenue, New York, New York, 10017 (hereinafter "42DP") the landlord with respect to certain land, located in the City and State of New York, Borough of Manhattan, designated as Block 1013 Lot 39; Block 1013 Lot 40; and Block 1013 Lot 41 and hereinafter described as (the "Premises") and more particularly described by metes and bounds descriptions set forth in Exhibit A-1 and A-2 annexed hereto and by this reference made a part hereof;

WHEREAS, Declarant is the lessee of the Premises as described in and subject to the terms of that certain Agreement of Lease dated as of December 29, 1994, as amended (the "Lease");

WHEREAS, Declarant wishes to create certain easements over Lot 39, 40 and 41 not covered by the Lease to allow for the use of a Utility System and ensure compliance with the provisions of Title 27 Chapter 1 Subchapter(s) 12, 13, 16 etc. of the Administrative Code of the City of New York and shall include but not be limited to A) electrical services originating on any of the above referenced lots (including but not be limited to direct power, emergency generator(s), etc.); B Gas pipes/lines running to and from the above-referenced lots; C) Plumbing system and services running to and from the above-referenced lots;

WHEREAS, the aforementioned Utility System shall be located within the bounds of the Premises as such area is shown on application plans on file with the Department of Buildings and as described by metes and bounds as set forth in Exhibits A1 and A2 and as shown on drawings annexed hereto as Exhibit B (the "Easement Area");

WHEREAS, 42DP as Landlord under the Lease has agreed to consent to the granting of such declaration and easements by executing the Landlord's Consent attached to this Declaration and made a part hereof by this reference;

NOW, THEREFORE, for valuable consideration, receipt and sufficiency of which are hereby acknowledged, the parties hereby agree as follows:

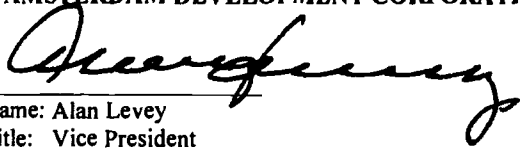
1. Declarant hereby creates the following utility easements for the purpose described herein and for no other purpose:
 - A. An easement through the party wall dividing Lot 39 and 40 and the party wall dividing Lot 40 and 41 at the points indicated on the attached Exhibit B, for the purpose of allowing installation and access to electrical lines including but not limited to direct power and emergency generator power servicing Lots 39, 40 and 41.
 - B. An easement through the party wall dividing Lot 39 and 40 and the party wall dividing Lot 40 and 41 at the points indicated on the attached Exhibit B, for the purpose of allowing installation and access to gas lines/pipes servicing Lots 39, 40 and 41.
 - C. An easement through the party wall dividing Lot 39 and 40 and the party wall dividing Lot 40 and 41 at the points indicated on the attached Exhibit B, for the purpose of allowing installation and access to plumbing and water lines/pipes servicing Lots 39, 40 and 41.
2. The Utility System shall be maintained and kept in good repair.
3. This Declaration shall not be modified, amended or terminated without the written approval of the New York Department of Buildings (DOB); provided however, that the DOB acknowledges and agrees that the Declarant may desire to modify or replace this Declaration if a party other than the

Declarant occupies a portion of Premises and the DOB agrees that the Declarant may do so, provided that the modified Declaration is subject to the approval of the DOB.

4. Failure of Declarant to comply with the terms of this declaration may result in the revocation of a building permit.
5. This Declaration may be modified only by written agreement executed by Grantor, Grantee the DOB and by 42DP.
6. This Declaration may be executed in one or more separate counterparts, each of which, when so executed shall be deemed to be an original and which, together, shall constitute one and the same instrument.
7. The covenants set forth herein shall run with the land and be binding upon and inure to the benefit of the parties hereto and their respective heirs, legal representatives, successors and assigns.
8. This Declaration shall be construed in accordance with, and governed by, the laws of the State of New York.
9. All exhibits to this Declaration are incorporated in and made a part of this Agreement by reference.

IN WITNESS WHEREOF, the Declarant has made and executed the foregoing Declaration on the date hereinabove written.

DECLARANT:
NEW AMSTERDAM DEVELOPMENT CORPORATION

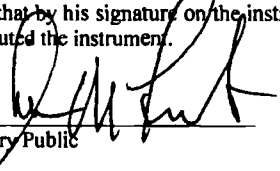
By: 

Name: Alan Levey
Title: Vice President

DECLARANT
NEW AMSTERDAM DEVELOPMENT CORPORATION

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

On the 10th day of April in the year 2008, before me, the undersigned, personally appeared Alan Levy, 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 authorized 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

ALAN M. FROST
Notary Public, State of New York
No. 01-4870178
Qualified in New York County
Commission Expires March 22, 2011

SEAL

LANDLORD'S CONSENT

42DP, as Landlord under the Lease, hereby consents to the granting of easements in the accordance with the foregoing Declaration, and approves the terms and condition of the foregoing Declaration, but nothing herein shall:

- A. Impose any liability or obligation upon Landlord;
- B. Be deemed an approval of any plans or specifications by Landlord; or
- C. Be deemed a representation that the terms of the said Declaration cause Declarant to be in compliance with applicable law or the Lease.

Such consent is expressly conditioned on the understanding, and Declarant hereby agrees, that upon termination of the easements set forth in the Declaration, Declarant, at its sole cost and expense, shall, unless otherwise notified by Landlord, take such steps as are reasonably necessary to restore those portions of the premises which are to be modified to effectuate such easements to the previously existing condition of such portions of the premises.

42nd DEVELOPMENT PROJECT INC., as Landlord

BY: [Signature]

Name: Narish Kapadia

Title: Asst VP Planning & Design

Date: 5/14/08

STATE OF NEW YORK)

) ss.:

COUNTY OF NEW YORK)

On the 15th day of May, in the year 2008, before me, the undersigned, personally appeared Narish Kapadia, 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 authorized capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

[Signature]
Notary Public

SUZANNA BLASKOVIC
NOTARY PUBLIC, State of New York
No. 01BL5079348
Qualified In Queens County
Commission Expires June 2, 2011

EXHIBIT A-1 DESCRIPTION
(Parcel A, Block 1013 Lot 39)

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 southerly side of West 42nd Street distant 150 feet from the corner formed by the intersection of the southerly side of West 42nd Street with the westerly side of 7th Avenue;

RUNNING THENCE southerly parallel with 7th Avenue and part of the distance through a party wall 98 feet 9 inches to the center line of the block;

THENCE easterly along the center line of the block 25 feet;

THENCE southerly parallel with 7th Avenue 98 feet 9 inches to the northerly side of West 41st Street;

THENCE westerly along the northerly side of West 41st Street 150 feet;

THENCE northerly parallel with 7th Avenue 98 feet 9 inches to the center line of the block;

THENCE easterly along the center line of the block 100 feet;

THENCE northerly parallel with 7th Avenue 98 feet 9 inches to the southerly side of West 42nd Street;

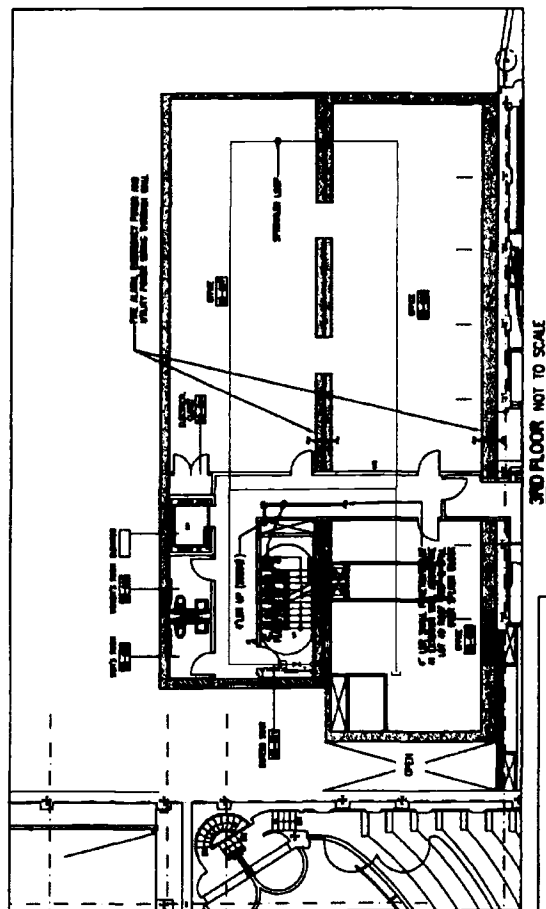
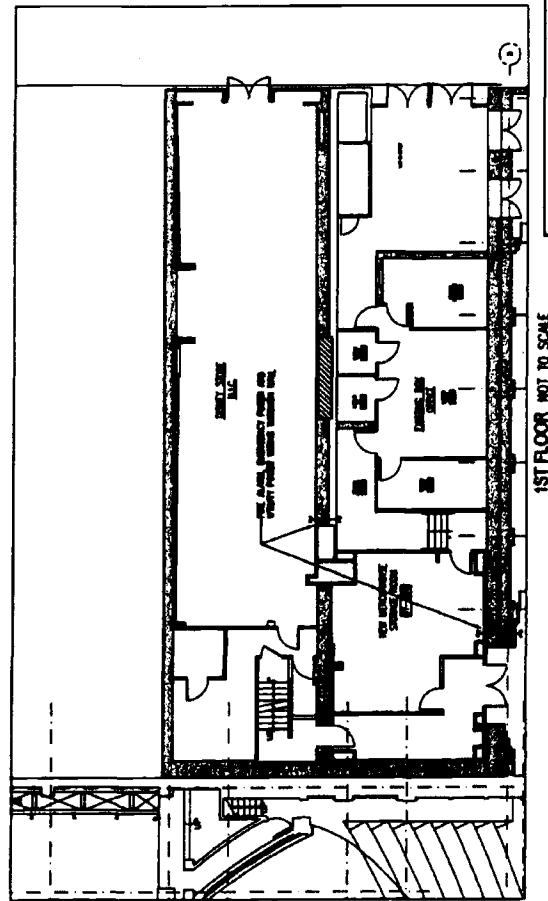
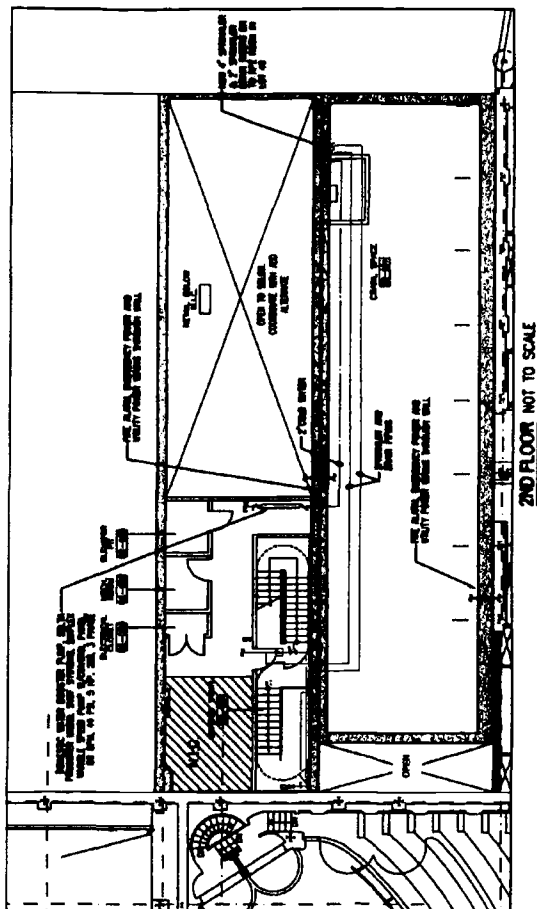
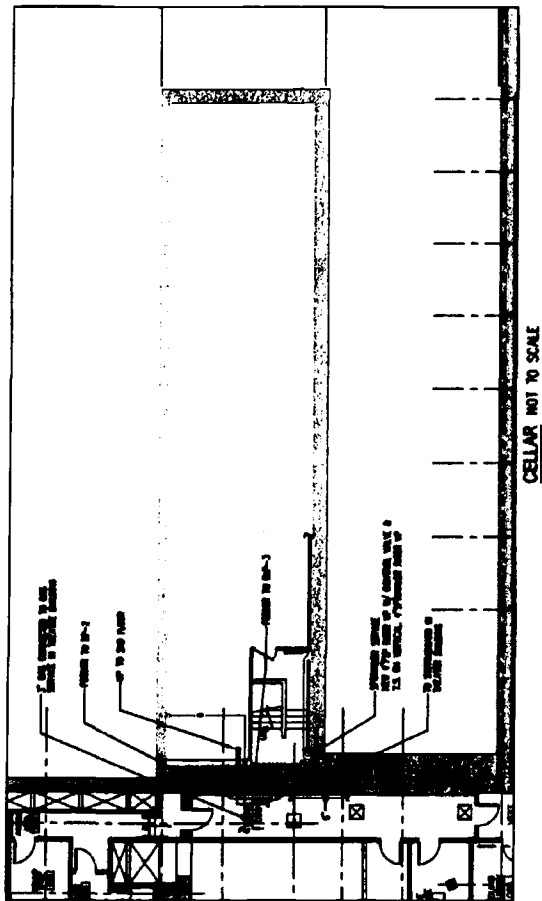
THENCE easterly along the southerly side of West 42nd Street, 25 feet to the point or place of BEGINNING.

EXHIBIT A-2 DESCRIPTION
(Parcels B and C, Block 1013 Lots 40 and 41)

ALL THAT PORTION OF BLOCK 1013 IN THE BOROUGH OF MANHATTAN, CITY AND STATE OF NEW YORK, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING at a point on the southerly line of West 42nd Street, distance 175'-0" westerly from the corner formed by the intersection of the southerly line of West 42nd Street with the westerly line of Seventh Avenue:

1. Running thence westerly, along the southerly line of West 42nd Street, 47'-7 1/2":
2. Thence southerly, parallel with the westerly line of Seventh Avenue, 98'-9" to the center line of block;
3. Thence easterly, parallel with the southerly line of West 42nd Street and along the center line of block, 47'-7 1/2";
4. Thence northerly, parallel with the westerly line of Seventh Avenue, 98'-9" to the point or place of BEGINNING.



**EXHIBIT B:
MECHANICAL AND ELECTRICAL DISTRIBUTION**

LEGENDS

---	COLD WATER	---	ELECTRICAL & FIRE ALARMS
---	SPRINKLER & STANDPIPE	---	STORM DRAIN
---		---	GAS

DATE: 11/21/2007

UTILITY DECLARATION

DECLARATION, made this ____ day of December 2007 by New Amsterdam Development Corporation, a New York corporation having an office at 500 South Buena Vista Street, Burbank California 91521 (hereinafter the "**Declarant**")

WHEREAS, the 42nd Street Development Project, Inc., a wholly owned subsidiary of, and successor to, the New York State Urban Development Corporation d/b/a Empire state Development Corporation, a New York public benefit corporation, having an office at 633 Third Avenue, New York, New York, 10017 (hereinafter "**42DP**") the fee owner of certain land, located in the City and State of New York, Borough of Manhattan, designated as Block 1013 Lot 39; Block 1013 Lot 40; and Block 1013 Lot 41 and hereinafter described as (the "**Premises**") and more particularly described by metes and bounds descriptions set forth in Exhibit A-1 and A-2 annexed hereto and by this reference made a part hereof;

WHEREAS, Declarant is the lessee of the Premises as described in and subject to the terms of that certain Agreement of Lease dated as of December 29, 1994, as amended (the "**Lease**");

WHEREAS, Declarant wishes to create certain easements over Lot 39, 40 and 41 not covered by the Lease to allow for the use of a Utility System and ensure compliance with the provisions of Title 27 Chapter 1 Subchapter(s) 12, 13, 16 etc. of the Administrative Code of the City of New York and shall include but not limited to A) electrical services originating on any of the above referenced lots. Electrical services shall include but not be limited to direct power, emergency generator(s), etc.; B) Gas pipes/lines running to and from the above-referenced lots; C) Plumbing system and services running to and from the above-referenced lots;

WHEREAS, the aforementioned Utility System shall be located within the bounds of the Premises as such area is shown on application plans on file with the Department of Buildings and as described by metes and bounds as set forth in Exhibits A1 and A2 and as shown on drawings annexed hereto as Exhibit B (the "**Easement Area**");

WHEREAS, 42DP as Landlord under the Lease has agreed to consent to the granting of such declaration and easements by executing the Landlord's Consent attached to this Declaration and made a part hereof by this reference;

NOW, THEREFORE, for valuable consideration, receipt and sufficiency of which are hereby acknowledged, the parties hereby agree as follows:

1. Declarant hereby creates the following utility easements for the purpose described herein and for no other purpose:
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 - C. An easement through the party wall dividing Lot 39 and 40 and the party wall dividing Lot 40 and 41 the points indicated on the attached Exhibit B, for the purpose of allowing installation and access to plumbing and water lines/pipes servicing Lots 39, 40 and 41.
2. The Utility System shall be maintained and kept in good repair.
3. This Declaration shall not be modified, amended or terminated without the written approval of the **New York Department of Buildings (DOB)**; provided however, that the DOB acknowledges and

OK to Access Draft prior to Approval
12/7/07
Kenneth Fladen, R.A.