

**MEMORANDUM OF LEASEBACK PURSUANT TO
SECTION 291-c OF THE REAL PROPERTY LAW
(Agency to Company)**

THIS MEMORANDUM, dated as of April 16, 2021, is by and between the **CITY OF PEEKSKILL INDUSTRIAL DEVELOPMENT AGENCY**, a public benefit corporation duly existing under the laws of the State of New York, with offices at 840 Main Street, City of Peekskill, New York 10595 (the "Agency") and **216 SOUTH DIVISION LLC**, a New York limited liability company, with offices at 10 Julia Lane, Suite 103, Cold Spring, New York 10516 (the "Company").

1. Reference to Lease Agreement: That certain Leaseback Agreement, dated as of April 16, 2021 (the "Lease Agreement"), whereby the Agency leases certain real property back to the Company.
2. Description of the Leased Premises: Certain real property and improvements located at 216 South Division Street, City of Peekskill, Westchester County, New York, as more particularly described on **Schedule A** attached hereto (the "Leased Premises").
3. Term of Lease Agreement: Commencing April 16, 2021, and ending May 31, 2021.
4. Date of Commencement: April 16, 2021.
5. Date of Termination: May 31, 2021.
6. Rights of Extension or Renewal: None.

<u>Record and Return to:</u> Harris Beach PLLC 677 Broadway, Suite 1101 Albany, New York 12207 ATTN.: JUSTIN S. MILLER, ESQ.	Westchester County City of Peekskill 216 South Division Street, Sec: 33.37 Blk: 4 Lot: 6
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[Signature Page to Memorandum of Leaseback Agreement]

IN WITNESS WHEREOF, the Company and the Agency have caused this Memorandum of Leaseback Agreement to be executed in their respective names, all as of the date first written above.

**CITY OF PEEKSKILL INDUSTRIAL
DEVELOPMENT AGENCY**

By: 
Name: Matthew Rudikoff
Title: Executive Director

216 SOUTH DIVISION LLC

By: _____
Name: Paul F. Guillaro
Title: Authorized Signatory

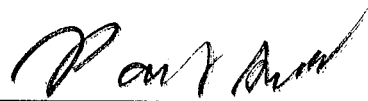
[Signature Page to Memorandum of Leaseback Agreement]

IN WITNESS WHEREOF, the Company and the Agency have caused this Memorandum of Leaseback Agreement to be executed in their respective names, all as of the date first written above.

**CITY OF PEEKSKILL INDUSTRIAL
DEVELOPMENT AGENCY**

By: _____
Name: Matthew Rudikoff
Title: Executive Director

216 SOUTH DIVISION LLC

By:  _____
Name: Paul F. Guillaro
Title: Authorized Signatory

[Acknowledgment Page to Memorandum of Leaseback Agreement]

STATE OF NEW YORK

COUNTY OF ~~WESTCHESTER~~ ^{Monroe}

)
) ss.:
)

On the 12th day of April in the year 2021, before me, the undersigned, personally appeared **MATTHEW RUDIKOFF**, 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.

Virtual Notary
Susan E. McStravick

Notary Public

STATE OF NEW YORK

COUNTY OF WESTCHESTER

)
) ss.:
)

SUSAN E MCSTRAVICK
Notary Public, State of New York
Monroe County
Registration No. 01MC8301744
Commission Expires April 21, 2022

On the ____ day of April in the year 2021, before me, the undersigned, personally appeared **PAUL F. GUILLARO**, 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

[Acknowledgment Page to Memorandum of Leaseback Agreement]

STATE OF NEW YORK

)

) ss.:

COUNTY OF WESTCHESTER

)

On the ____ day of April in the year 2021, before me, the undersigned, personally appeared **MATTHEW RUDIKOFF**, 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

STATE OF NEW YORK

)

) ss.:

COUNTY OF WESTCHESTER

)

On the 14 day of April in the year 2021, before me, the undersigned, personally appeared **PAUL F. GUILLARO**, 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

DAVID M. GLADSTONE
Notary Public, State of New York
Registration No. 01GL4678167
Qualified in Westchester County
Commission Expires Sept. 30, 2022

Schedule A

Description of Property

The land referred to in this certificate is described as follows:

AMENDED 4-7-2021

ALL that certain parcel of land situate in the City of Peekskill, County of Westchester, and State of New York that was heretofore conveyed by Patrick Brown & Kimberly R. Turner to 216 South Division LLC by that certain deed dated December 5, 2019, and recorded in the Westchester County Clerk's office as Document No. 593383560, that by more recent survey is bounded and described as follows:

BEGINNING at the point on the northwesterly line of Second Street where it is met by the line dividing the land so conveyed to 216 South Division LLC, on the northeast, from lands formerly of Wiley, formerly of Clinton and now or formerly of Alsina, on the southwest, which point is distant 119.94 feet southwesterly, measured along the said northwesterly line of Second Street from the southerly end of the curve with a radius of 6.64 feet and a length of 13.98 feet that connects it to the southwesterly line of South Division Street, which point occupies coordinate position

N 894,902.87 (y)

E 651,684.76 (x)

of the New York State Coordinate System, East Zone (NAD 83, expressed in feet).

THENCE from the said point of beginning along the said Alsina lands and continuing along lands formerly of Clinton and now or formerly of Deutsche Bank National Trust Company, Trustee

N 30°58'30" W 100.62 feet, and

N 27°36'20" W 113.84 feet,

to a point on the southeasterly line of Fr. Ambro Way (formerly known as 1st Street). Thence northeasterly along the said southeasterly line of Fr. Ambro Way

N 62°23'40" E 6.00 feet

to a point on the southwesterly line of South Division Street. Thence southeasterly along the southwesterly line of South Division Street, first on a non-tangent curve to the left, the center of which bears N41°27'59"E, the central angle of which is 19°32'07", the radius of which is 449.97 feet for 153.42 feet, and then

S 68°04'08" E 67.91 feet

to a point. Thence southeasterly along the aforementioned tangent curve to the right, the central angle of which is $120^{\circ}37'48''$, the radius of which is 6.64 feet for 13.98 feet, to a point on the northwesterly line of Second Street. Thence southwesterly along the northwesterly line of Second Street

S $52^{\circ}33'40''$ W 119.94 feet

to the point or place of beginning, containing 13,144 square feet, more or less.

N.B. The meridian (North Point) and coordinate values used in the foregoing description refer to the New York State Coordinate System, East Zone, NAD 1983, expressed in feet. The meridian is True North at $74^{\circ}30'00''$ West Longitude and bears $27^{\circ}20'00''$ clockwise from the meridian in the deed, Document No. 593383560. The distances used in this description are Grid Distances. To obtain Ground Distances divide the Grid Distances by the Combined Scale Factor 0.9999262. The substance of this note should remain with this description in any instrument to which it may become a part.

Note: Address, Section, Block & Lot shown for informational purposes only.

Designated as Section 33.37 Block 4 Lot 6 and also known as 216 South Division Street, Peekskill, NY 10566.