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Department of Investigation

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Release #22-2016
nyc.gov/html/doi

FOR IMMEDIATE RELEASE
THURSDAY, JULY 14, 2016

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DOI ISSUES FINDINGS ON THE CITY'S REMOVAL OF THE DEED RESTRICTION AT 45 RIVINGTON STREET IN MANHATTAN
--Investigation finds a lack of accountability within and between DCAS and City Hall and significant communication failures--

The New York City Department of Investigation ("DOI") issued a Report today finding that City officials allowed the removal of the deed restriction at 45 Rivington Street (Rivington) in Manhattan, opening the door for the sale of the former not-for-profit nursing home site to a private developer of luxury condominiums. DOI's investigation found that City Hall was both aware of and involved in the deliberations to remove the deed restriction and failed to stop it. As part of its investigation, DOI reviewed thousands of City documents and records, and interviewed 50 individuals, including the Mayor and other high-level City officials from City Hall and the agencies with a role in the deed restriction removal process, specifically the Department of Citywide Administrative Services ("DCAS"), the Mayor's Office of Contract Services ("MOCS"), and the Law Department ("Law"). The investigation found a lack of accountability within City government regarding the deed restriction removal process and significant communication failures between and within City Hall and DCAS. Copies of the Report and Appendix are attached to this release and are posted at this link: http://www.nyc.gov/html/doi/html/doireports/public.shtml

VillageCare purchased 45 Rivington St. in Manhattan from the City in 1992 for $1.55 million and operated the site as a not-for-profit nursing home for patients with AIDS. The property was encumbered by a two-part deed restriction: 1) a "user" restriction that required the building be run by a non-profit, and 2) a "use" restriction that required the building be used as a medical residential care facility. In late 2014, the City was informed that VillageCare had a prospective purchaser in The Allure Group, which was interested in running the building as a for-profit nursing home. In February 2015, VillageCare sold the property to The Allure Group for $28 million, with the two-part deed restriction in place. Nine months later, the City removed the two-part deed restriction on the property and received payment of $16.15 million for that removal. In February 2016, The Allure Group sold Rivington for $116 million to private developers in the business of building luxury condominiums.

The investigation determined:

- DCAS, MOCS, and Law each played a role in lifting the deed restriction but none of the entities conducted an analysis to determine if removing the restriction was in the best interest of the City.
- Despite numerous emails and meetings about the Rivington deed restriction removal, City Hall stated it did not know it was happening; however, the investigation found that City officials, including high-level officials at City Hall and DCAS, were aware of the deed restriction removal months in advance, yet raised no objection or took any step to ensure that the property would continue to serve the community or a public purpose.
- The Allure Group indicated to several DCAS employees it was considering a sale to a private developer for luxury condominiums. Yet, there appear to have been attempts to conceal some details of the sale.

- The City had the opportunity to protect its interests but did not do so, failing to object to removing both parts of the restriction even though only one part needed to be lifted to operate Rivington as a for-profit nursing home as The Allure Group indicated it wanted to do.

Last week, City Hall released a proposed "Revised Policy for the Amendment of Deed Restrictions" recommending changes to the process DOI investigated in this Report. However, those revisions were issued without the benefit of the findings set forth in this Report and without DOI input. DOI agrees with most of the City's recommended changes and based on DOI's investigations issued several additional procedural recommendations, contained in the Report's Appendix, that include steps to bring more accountability, clarity and transparency to the process.

DOI Commissioner Mark G. Peters recused himself from this investigation, which was conducted by DOI's Office of the Inspector General for DCAS, specifically Special Investigators Meredith Stroble and Renee Hassel, Investigative Auditor Meenal Shah, Assistant Inspector General Kristin McMorrow and Inspector General Jodi Franzese, under the supervision of Special Associate Commissioner Susan Lambiase, Deputy Commissioner/Chief of Investigations Michael Carroll and First Deputy Commissioner Lesley Brovner.

DOI thanks New York State Attorney General Eric T. Schneiderman, and his staff, for their assistance and cooperation on this investigation.

New York City Department of Investigation

Examination of the City's Removal of the Deed Restriction 45 Rivington Street in Manhattan

July 14, 2016

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EXECUTIVE SUMMARY

On March 1, 2016, after consulting with the Mayor's Office, Commissioner Lisette Camilo of the Department of Citywide Administrative Services (DCAS) contacted the New York City Department of Investigation (DOI) to Report possible fraud in connection with the sale of Rivington House (Rivington), a not-for-profit nursing home located at 45 Rivington Street in Manhattan.[1] Camilo stated that the property was initially sold by the City of New York (City) to VillageCare[2] with two deed restrictions in place that required that the property remain a not-for-profit residential medical care facility.[3] Camilo alleged that both deed restrictions were lifted in 2015 without City Hall's knowledge, which eventually led to the sale of the property to private developers for conversion into luxury condominiums.[4] Camilo also stated that the City's understanding when VillageCare sold Rivington in 2015 was that the property would be run as a for-profit nursing home. The Mayor also requested that DOI investigate the deed restriction removal.

DOI conducted an extensive investigation, issued numerous subpoenas, reviewed thousands of documents and emails, cloned City computers, and interviewed approximately 50 individuals, including current and former City Commissioners, Deputy Mayors, and other high-level City employees up to and including the Mayor.

With respect to Commissioner Camilo's allegations, DOI found that City Hall knew or should have known that both parts of the deed restriction were being lifted prior to the sale. DOI also found that while representations had been made to the City suggesting that Rivington would continue to be used as a nursing home, several City employees knew the property owner considered selling the property for conversion to luxury housing. In addition, senior City officials knew or should have known that the lifting of the deed restriction would allow the buyers of the property to legally use the building for any purpose, including luxury housing.

DOI's investigation further revealed a complete lack of accountability within City government regarding deed restriction removals and significant communication failures between and within City Hall and DCAS.

Moreover, DOI's investigation was hindered by the Law Department, which impeded DOI's access to documents and computers.

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[1] Rivington House (Borough-Block-Lot 1-420-47) was purchased in 1992 from the City through auction by VillageCare, which operated it as a nursing home for patients with AIDS.

[2] VillageCare is a community-based, not-for-profit organization serving people with chronic care needs, as well as seniors and individuals in need of continuing care and rehabilitation services.

[3] When VillageCare purchased Rivington in 1992 for $1.55 million, the City maintained a 25% interest in the property by placing a two-part restriction on the deed: (i) a "user" restriction that required that the building be run by a not-for-profit; and (ii) a "use" restriction that required the building be used as a medical residential care facility. Rivington Deed 1992. Because the deed restriction has two components, many documents refer to it as two restrictions. For consistency, this Report refers to it as a two-part restriction. The restriction is severable, meaning one part could be lifted without the other being lifted. DCAS Restricted Appraisal Report dated December 3, 2014.

[4] Rivington was purchased for $116 million on February 11, 2016 by "Rivington Street Investors, LLC," which consists of private developers China Vanke, and Slate Property Group.

The following deed history and detailed findings are summarized below:

The Placement and Removal of the Deed Restriction at 45 Rivington Street

> ***1992:*** *VillageCare purchased Rivington for $1.55 million from the City with a two-part deed restriction in place.*
>
> ***February 2015****: VillageCare sold Rivington to The Allure Group (Allure) for $28 million with the two-part deed restriction still in place.*[5]
>
> ***November 2015:*** *The City lifted both parts of the deed restriction at the request of Allure in return for receiving $16.15 million.*
>
> ***February 2016:*** *Allure sold Rivington for $116 million to private developers in the business of building luxury condominiums.*[6]

- DCAS, the Mayor's Office of Contract Services (MOCS), and the Law Department (Law) each played a role in lifting the deed restriction on Rivington, yet none of these entities conducted an analysis to determine if lifting the restriction was in the City's best interest. DCAS declared itself "agnostic" to requests to remove a deed restriction and its staff stated they do not consider the policy implications of a removal.[7] MOCS described its role as perfunctory and emphasized that due diligence is the responsibility of the agency being asked to lift the restriction.[8] For Rivington, this was DCAS. Law stated that it does not have a formal duty to evaluate the transaction and merely conducts the title closing and prepares the new, modified deed; it performs an administrative role and "checks the boxes."[9]

- City Hall has not typically been involved in deed restriction removals and had no policy setting out how a decision should be reached.[10] However, in Rivington, City Hall inserted itself into the process. Much like the City agencies, City Hall failed to define a clear process, provide definitive leadership, or render a final, written decision.[11]

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[5] Joel Landau and Marvin Rubin, both of whom are executives of The Allure Group (Allure), are 50/50 co-owners of New Rivington Properties, LLC, which purchased Rivington.

[6] On April 5, 2016, the Department of Buildings issued a stop work order at Rivington for "illegal conversion of commercial building into dwelling units." As of the date of this Report, the stop work order is still in place.

[7] Interviews with several DCAS employees.

[8] Interviews with several MOCS employees. The three agencies that can remove deed restrictions are DCAS, Housing, Preservation and Development (HPD) and the Economic Development Corporation (EDC). (Interviews with HPD General Counsel and EDC General Counsel).

[9] Interviews with several Law and DCAS employees.

[10] Interview with First Deputy Mayor Shorris.

[11] On July 8, 2016, City Hall released a proposed "Revised Policy for the Amendment of Deed Restrictions," which sets policies for the DCAS deed restriction removal process. DOI discusses that policy change in this Report on page 7 and sets forth additional recommendations in the Appendix to this Report.

- Despite numerous emails and meetings about the Rivington deed restriction removal, City Hall has stated it did not know the removal was happening. However, DOI learned that former DCAS Commissioner Stacey Cumberbatch and senior officials at City Hall, including First Deputy Mayor (FDM) Anthony E. Shorris were notified on numerous occasions, and months in advance, that the two parts of the deed restriction would be lifted. For example, on May 6, 2015, Commissioner Cumberbatch's weekly report to FDM Shorris advised that Allure had agreed to accept DCAS' price of $16,150,000 "to remove deed restrictions that limit uses to not-for-profit residential health care facilities at 45 Rivington Street." In fact, FDM Shorris stated he did not read the memos that Commissioner Cumberbatch provided to him, and that no one flagged the issue for him. Further, despite these notifications and City Hall's statements that it believed that Rivington would remain a nursing home, City Hall knew or should have known it would be possible to use the property for any purpose if the deed restriction was removed. Nevertheless, no City official raised any objection or took any step to ensure that Rivington continue to serve a public purpose to benefit the community. In any event, FDM Shorris stated that at the time, he did not view the Rivington matter to be important.

- Allure indicated to several DCAS employees that it was considering a sale to a private developer for luxury condominiums. Yet, there were attempts to conceal some details of the sale. When Slate was buying Rivington from Allure, Slate directed its employees not to discuss the deal because Allure was concerned if the City found out about the sale, the deed restriction might not be removed.[12] Additionally, according to a local community board member, Allure denied the pending sale even after the deed restriction was lifted.

- Prior to the lifting of the deed restriction on Rivington, the City had the opportunity to protect its interest and failed to do so. In fact, the language written in the justification memo DCAS prepared as part of the process to lift the restriction was taken wholly from a memo written by the lobbyist retained by VillageCare to get the deed restriction lifted. Additionally, no City official objected to removing both parts of the restriction, even though only one part of the restriction needed lifting to operate Rivington as a for-profit nursing home, as Allure initially indicated it would do. And, in lifting both parts, City officials failed to require or even request an alternative, legally-enforceable agreement protecting the property from private development.

In the end, the deed restriction was lifted to the benefit of private entities permitted to use or sell the property for any purpose, while the community for which Rivington provided much-needed services was left without a medical care facility and without any ability to ensure that the property would be used to help the community.

Throughout this process, there were numerous failures to communicate, including: (i) City officials not reviewing emails and memos that were addressed to them; (ii) different City agencies not

[12] Email dated May 14, 2015.

understanding each other's roles and responsibilities;[13] and (iii) City officials failing to implement policy decisions.

Finally, throughout this investigation, DOI encountered a lack of cooperation from Law. DOI, by Executive Order (EO), has unrestricted access to City documents and computers. Here, Law insisted on screening documents and information DOI needed for its investigation. This resulted in undue delays and the failure to produce potentially relevant information.

Because DOI did not receive a full production of what it requested, it is unclear what Rivington-related information remains on the City Hall servers and computers, to which DOI was denied access.

[13] For example, several employees at DCAS, HPD, and Law informed DOI that the required approval from MOCS was an official Mayoral authorization, yet MOCS considered its role to be administrative only.

DOI'S INVESTIGATION

DOI's investigation revealed the following relevant facts concerning the City's lifting of the deed restriction on Rivington. The below timeline is a summary of the Report that follows.

RIVINGTON TIMELINE

2013:	Rivington owner VillageCare, which ran an AIDS nursing home in the Rivington facility, met with DCAS about selling the property and lifting the deed restriction, which required Rivington to be run by a not-for-profit as a residential medical facility, in order for VillageCare to get the highest price for the property. VillageCare's lobbying firm Capalino + Company (Capalino) attended. No deal was reached.
January 15, 2014:	Capalino, on VillageCare's behalf, contacted then-Deputy Mayor (DM) Lilliam Barrios-Paoli, requesting removal of the deed restriction on Rivington for free so VillageCare could sell the property at the highest price.
February 19, 2014:	Capalino, on VillageCare's behalf, contacted DCAS, requesting removal of the deed restriction on Rivington for free so VillageCare could sell the property at the highest price.
July 23, 2014:	Meeting held between DCAS and HRA Commissioners, HPD and City Hall staff, in which it was decided to deny VillageCare's request to lift Rivington deed restriction.
July 25, 2014:	DCAS Commissioner Cumberbatch met with FDM Shorris; Rivington was on the agenda.
July 25, 2014:	DCAS Commissioner Cumberbatch informed Capalino that DCAS would not remove the deed restriction on Rivington "at this time."
July 28, 2014:	Capalino, on behalf of VillageCare, requested a meeting with City Hall; FDM Shorris' Chief of Staff (COS) Dominic Williams instructed his staff by email not to schedule it.
August 3, 2014:	FDM Shorris forwarded an email to Mayor de Blasio containing an "After-Meeting Report" for a meeting dated 7/25/14, which included Rivington, among other things.
August 4, 2014:	HRA Commissioner Steven Banks emailed DM Barrios-Paoli asking about a Rivington meeting with VillageCare at City Hall the following week.
August 8, 2014:	VillageCare met with FDM Shorris' staff; Capalino was disinvited.
September 2, 2014:	City Hall staff asked DCAS what it would take to lift the deed restriction on Rivington. Shortly thereafter, DCAS began its nine-step process to lift the deed restriction, set forth on pages 7 and 8.
September 24, 2014:	City Hall staff, including FDM Shorris, discussed Rivington deed restriction; FDM Shorris told DOI that he decided at this time that Rivington should remain a nursing home and stated that his decision was not memorialized.
October 29, 2014:	The City was informed that VillageCare had a prospective purchaser, Allure, which was interested in running Rivington as a for-profit nursing home.
November 17, 2014:	Allure Executive Joel Landau advised DCAS it wanted to run Rivington as a for-profit nursing home but wanted to remove both parts of the deed restriction; On December 3, 2014, VillageCare submitted a request to remove the restriction on Allure's behalf.
December 3, 2014:	DCAS appraised Rivington at $64.6 million for highest and best use as residential condominiums; the cost of removing both parts of restriction was calculated at 25% of appraisal value, or $16.15 million, or $8.075 million for removing one part of the restriction.
December 17-18, 2014:	City Hall emails show staff discussion on whether Rivington was being converted to housing or remaining a nursing home.

January 2, 2015:	DCAS prepared a Land Use Justification Memo for lifting the Rivington deed restriction; the justification for lifting both parts of the restriction listed, in part, that "[t]he need for the property to continue to be used as a residential health care facility has . . . since passed. . . . The requirements imposed in the deed are now obsolete. Therefore removing the restrictions would allow the property to be run by for-profit and not-for-profit operators and be used by a wider variety of permitted uses." This justification language was taken directly from a Capalino memo to DCAS.
February 9, 2015:	VillageCare sold Rivington to Allure for $28 million with the two-part deed restriction in place.
March 19, 2015:	Allure informed DCAS in a meeting on March 11, 2015 that, if Allure must pay $16.15 million to lift both parts of the restriction, it might convert the property to condominiums. This statement was memorialized in DCAS emails dated March 19, 2015 for inclusion in a Bi-Weekly Report, but DCAS Assistant Commissioner (AC) Randal Fong omitted the reference to luxury condominiums from the final version of the Report, dated March 20, 2015.
April 27, 2015:	Allure formally requested that DCAS lift both parts of the restriction.
May 1, 2015:	Allure agreed to pay the City $16.15 million to have both parts of the restriction lifted.
May 6, 2015:	DCAS Commissioner Memo to FDM Shorris stated that Joel Landau, representing New Rivington Properties, LLC, agreed to accept DCAS' price of $16.15 million to remove both parts of the Rivington deed restriction.
May 6, 2015:	Allure signed a contract with developer Slate Property Group, LLC (Slate) to sell Rivington.
May 11, 2015:	Notice of deed restriction removal was published for one day in the *City Record*; the Rivington property was referred to by block and lot rather than by an identifiable name or address.
May 14, 2015:	Prospective purchaser Slate sent an email to its staff saying "do not discuss this deal…the seller is very concerned that the city and union will find out that [the seller] is in contract to sell at the price that we are buying it which will directly impact his ability to have the deed restriction removed. Once he has it removed we can do whatever we want."
June 18, 2015:	DCAS submitted the Rivington property information to MOCS for the public hearing calendar, initially including "a/k/a 45 Rivington Street" as part of the address; after a review of the submission by AC Fong, the reference to Rivington was specifically removed from the final version.
June 24, 2015:	MOCS held the Public Hearing on Rivington. No one other than DCAS and MOCS staff and Allure attended.
June 30, 2015:	MOCS signed the Mayoral Authorization Document (MAD), stating "the Mayor hereby authorizes the Department of Citywide Administrative Services to modify the deed."
July 8, 2015:	DCAS Commissioner Weekly Memo to FDM Shorris stated "DCAS is proceeding to remove" both parts of the Rivington restriction for $16.15 million.
July 23, 2015:	Law and DCAS signed the deed modification to lift both parts of the deed restriction on Rivington.
November 10, 2015:	Landau signed the Rivington deed modification and paid the City $16.15 million, lifting both parts of the deed restriction; the new deed was filed on November 19, 2015.
November 10, 2015:	DCAS Commissioner Cumberbatch commended her staff on removing the Rivington deed restriction, stating, "Congratulations! Thank you and staff for great work and bringing this to closure in the best interest of the City. Much appreciated."
November 18, 2015:	DCAS Commissioner Weekly Memo to FDM Shorris stated both parts of the Rivington deed restriction were removed for $16.15 million.
February 11, 2016:	Allure sold Rivington to "Rivington Street Investors" (comprised of China Vanke, and Slate Property Group) for $116 million.

THE CITY'S PROCESS FOR REMOVING DEPARTMENT OF CITYWIDE ADMINISTRATIVE SERVICES (DCAS) DEED RESTRICTIONS

There are three City agencies that handle requests for deed restriction removals: DCAS, Housing, Preservation and Development (HPD), and the Economic Development Corporation (EDC). HPD and EDC have robust procedures involving a best interest analysis and requiring high-level final sign-off.[14]

At the time of the Rivington deed restriction removal request, DCAS had no such safeguards. On July 8, 2016, however, City Hall released a proposed "Revised Policy for the Amendment of Deed Restrictions," in which DCAS proposed changes to Section 55 of the Rules of the City of New York – the section of the City rules that concern DCAS. DOI agrees with many of the recommendations in the proposed Revised DCAS Policy, but based on DOI's investigation it also makes several others, which are set forth in the attached Appendix.[15] The Revised DCAS Policy has been issued but will not go into effect until after a public hearing, for which no date has been announced.[16] Mayor de Blasio told DOI that this should happen in the next few months and in the meantime, there is a freeze on all requests to lift deed restrictions.

DCAS' Process

In order for a DCAS deed restriction to be considered for removal: (i) at least 10 years must have passed since the date of auction; (ii) there must be a "rational basis" to believe that the deed restriction no longer supports the goals of the City; and (iii) it "must be in the City's best interest" for the deed restriction to be lifted.[17]

According to DCAS, its process for lifting a deed restriction, which has been in place since 2010,[18] is the following:

1. DCAS completes a Land Use Justification memo that sets out the reason the restriction was put in place, the owner's reason for wanting it removed, and the City's justification for removal;

[14] HPD consults with both City Planning and the Law Department Contracts and Real Estate Division, and requires several internal sign offs, up to and including the HPD Commissioner. Final approval is required from either City Council or MOCS, depending on how and when the restriction was placed on the deed. EDC has an internal Compliance Committee, consisting of several staff including the General Counsel and Chief Financial Officer, which votes whether to approve deed modification requests. EDC is not required to get approval from MOCS or have MOCS conduct a public hearing. However, if the deed modification request is to change the use of the property, EDC also consults its Real Estate Committee and gets approval from the EDC Board of Directors; both the Committee and Board meetings are open to the public.

[15] The Revised DCAS Policy was issued without DOI input or the benefit of the findings set forth in this Report.

[16] As stated in the policy, "[t]he goal of the revised process is to recognize the importance of land use to the [C]ity, insure decisions about land use reflect City policy goals, and increase the transparency of the decision-making process to all."

[17] Interviews with several DCAS employees.

[18] Email dated September 2, 2014 (Appendix L) and Memo dated April 5, 2010.

2. DCAS conducts an appraisal, from which the cost to remove the deed restriction(s) is calculated as a percentage of the total appraised value; the appraisal is updated every six months until DCAS and the owner agree upon a price;
3. DCAS and the owner agree to the cost of removing the restriction;
4. The owner(s) provide DCAS with real estate disclosure documents and DCAS confirms that there are no outstanding debts on the property(ies);
5. DCAS publishes a public notice in the *City Record* to advertise the MOCS public hearing about the proposed deed restriction removal;
6. After the public hearing, MOCS prepares the Mayoral Authorization Document (MAD), which states that the Mayor authorizes DCAS to modify the deed and that the action is in the City's best interest;
7. DCAS determines whether there are any additional actions required to remove the restriction;
8. DCAS provides the file to Law for the closing/deed removal; and
9. At closing, owner pays City the agreed cost, which is deposited into the General Fund.[19]

This formulaic process holds no specific person or unit at DCAS or elsewhere responsible or accountable for analyzing and deciding whether lifting a deed restriction is in the best interest of the City. Once it is decided a deed restriction will be removed, DCAS simply proceeds with the nine steps. Left undefined are who decides when and whether to proceed, and how that decision is made.

DCAS deed restriction removals are infrequent[20] and DCAS' involvement is purely "operational;" DCAS determines the cost to remove the deed restriction and obtains the highest possible price for the City. Several DCAS staff described the agency's position as "agnostic."[21] A DCAS employee stated that most deed restriction removal requests that come to DCAS are approved, and that most requests are to remove all part(s) of the restriction on a property. Commissioner approval is not required.[22] Notably, multiple high-level City Hall officials, including FDM Shorris, FDM COS Williams and DM Lilliam Barrios-Paoli, stated to DOI that the decision to lift the restriction was a substantive policy decision and not one to be made by DCAS.

DCAS' Role in Removing the Rivington Deed Restriction

In 2014, VillageCare and its lobbyist Capalino + Company (Capalino) reached out to both DCAS and City Hall requesting to lift the deed restriction on Rivington so it could sell the property at the highest value.[23] At the time, Rivington was being operated as an AIDS nursing home and VillageCare

[19] Interviews with several DCAS and Law employees.
[20] DCAS removes approximately four deed restrictions annually. List of "Deed restrictions removed by DCAS from 1996-2015."
[21] Interviews with several DCAS employees.
[22] Interviews with several DCAS employees. Approval is required from the HPD Commissioner and from the EDC Board of Directors to remove their agencies' respective deed restrictions.
[23] Memo dated January 15, 2014 (Appendix B) and Memo dated February 19, 2014 (Appendix C). Capalino is owned by James Capalino, who was Commissioner of the Department of General Services (now DCAS) from 1979-1981. In 1985, Capalino founded his lobbying firm. As has been publicly reported, both Capalino and his firm have been donors to Mayor de Blasio and the not-for-profit organization Campaign for One New York. Additionally, Capalino's firm has stated publicly that it represented Slate as a lobbyist on unrelated matters, but not on Rivington.

believed that its use had become obsolete.[24] In addition, VillageCare requested that the City waive the cost associated with lifting both parts of the restriction.[25] On July 25, 2014, Commissioner Cumberbatch advised the lobbyist that the restriction would not be lifted "at this time," and that the City had determined that the property should be used for supportive housing[26] for City clients or for another social services use.[27] Commissioner Cumberbatch had discussed Rivington House with FDM Shorris earlier that day.[28]

Separately, and as set forth later in this Report, the FDM's staff was also discussing Rivington from August through October 2014. FDM Shorris stated to DOI that during this time, he made the policy decision that Rivington should remain a nursing home. FDM Shorris advised DOI that he told his staff of his decision and assumed it was communicated to DCAS. However, this decision was never memorialized, and no other City employee corroborated to DOI that it was made or communicated.

During the same time period, the DCAS Chief of Staff received a phone call from a policy advisor at City Hall asking "if there are any other steps required to remove the deed restriction on Rivington House assuming Village Care pays the appraisal amount."[29] Based on that phone call, on September 2, 2014, the DCAS Chief of Staff advised DCAS' General Counsel that "it looks like there is movement of the Rivington House issue." This email was forwarded to DCAS Asset Management, the unit responsible for executing the nine-step process, as well as to Commissioner Cumberbatch.

On October 29, 2014, DCAS and City Hall were informed that VillageCare was selling Rivington to Allure. Joel Landau, co-owner of Allure, advised DCAS that he wanted to keep Rivington a nursing home[30] – but as a for-profit – and asserted that he had the support of the union representing the Rivington nursing home employees, the New York State Attorney General's Office,[31] the New York

[24] Memo dated February 19, 2014 (Appendix C). VillageCare purchased Rivington when the City auctioned the property in 1992. The City retained a 25% ownership in the property by means of a deed restriction in two parts, which required that Rivington be used as a not-for-profit residential medical facility.

[25] In February 2014, Capalino contacted DCAS on VillageCare's behalf, proposing that the City allow VillageCare to sell Rivington, and that if the City waived the cost for lifting the restriction, VillageCare would re-invest the funds into the community. Memo dated February 19, 2014.

[26] Supportive housing is affordable housing with additional social services offered by the government. Affordable housing is a permanent housing solution for individuals and families whose income is capped at a certain level.

[27] "Rivington House Sale/Alternative Usages" Memo dated July 29, 2014 (Appendix D). According to HRA Commissioner Steven Banks, he, Commissioner Cumberbatch, HPD Commissioner Vicki Been, and DM Barrios-Paoli all agreed that the deed restriction should not be lifted. (Interview of HRA Commissioner Banks on April 7, 2016.) Commissioner Been and DM Barrios-Paoli confirmed to DOI that they agreed with this decision (Respective interviews on April 27, 2016 and June 22, 2016.) Commissioner Banks and DM Barrios-Paoli also advised DOI that they decided that the City could not use Rivington House as either affordable or supportive housing.

[28] Meeting agenda dated July 25, 2014 (Appendix E).

[29] Email dated September 2, 2014 (Appendix K).

[30] Email dated October 29, 2014 (Appendix N). VillageCare stated it was interested in the deal because it would further its own mission to provide services to the community and would save the jobs of approximately 200 1199SEIU union employees who had been working for VillageCare.

[31] Allure did not obtain prior support from the New York State Attorney General's Office.

State Department of Health, and Manhattan Community Board 3.[32] Landau further stated, "I would also like to keep the home as it is, with the continued employment of the 250+ union employees currently working at this facility."[33]

In November and December 2014, despite Allure's representations that it would like Rivington to remain a nursing home, Allure – and VillageCare on Allure's behalf – advised DCAS that Allure was interested in removing both parts of the restriction.[34] According to a DCAS employee, Landau indicated that he wanted to remove both parts of the deed restriction because he "did not want to deal with the City twice," and that "he was willing to pay the $16.15 million, so the City was pleased." DCAS staff explained the viewpoint that the City was pleased because $16.15 million was by far the largest amount that DCAS had ever received for the removal of a deed restriction.[35]

Notably, however, there was no need for the City to lift both parts of the deed restriction. Instead, the City could have modified the deed, allowing Rivington to be run as a for-profit, while at the same time ensuring it remained a nursing home. The City failed to do this.

DCAS continued the deed restriction removal process. On December 3, 2014, DCAS appraised Rivington at $64.6 million for its "highest and best use;"[36] – as a shell building for "conversion to residential condominium apartment units." DCAS calculated the cost to remove the two parts of the restriction at 25% appraisal value, or $16,150,000. For removal of one part, the price was calculated as 12.5%, or $8,075,000.[37]

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[32] Memo dated December 31, 2014. Landau forwarded a Community Board 3 Resolution dated October 29, 2014 to DCAS. The resolution was also sent to VillageCare with a copy to City Hall, an Assembly Member, a Council Member, a State Senator, and the Manhattan Borough President's Office. Memo dated October 29, 2014 (Appendix O).

[33] Email from Allure to DCAS dated October 29, 2014 (Appendix N). However, when Allure took over from VillageCare in February 2015, there were approximately 39 union employees. VillageCare had progressively laid off the 200+ union employees in the years prior. (Interview with Shaywaal Amin, Vice President in the Nursing Home Division at the 1199SEIU union on April 12, 2016).

[34] Email dated November 18, 2014 (Appendix P). After staff from both DCAS and City Hall advised Landau that they would not negotiate with him unless or until he was the property owner, VillageCare intervened on Landau's behalf. Memo dated December 3, 2014 (Appendix Q).

[35] The second highest cost to remove a deed restriction was $3.2 million for 205 Montague Street in Brooklyn (Borough-Block-Lot 3-244-1,5); this deal closed on December 19, 2012. According to DCAS employees, Allure indicated that it "didn't want to be business partners with the City" and would rather remove both parts of the restriction at once rather than continue to be bound to the City and have to come back at a later point to ask officials to remove another part of the restriction. Landau also indicated that he would have difficulty obtaining a mortgage if the property had a deed restriction.

[36] The Appraisal Institute defines highest and best use as "the reasonably probable and legal use of vacant land or an improved property that is physically possible, appropriately supported, financially feasible, and that results in the highest value." A DCAS appraisal conducted in 2013 for the "highest and best use of the property" valued the property at $35.3 million.

[37] DCAS Restricted Appraisal Report dated December 3, 2014.

On January 2, 2015, DCAS prepared a Land Use Justification Memo for removing both parts of the restriction.[38] Rather than the City performing any analysis justifying the removal, however, the language in this memo was cut and pasted *verbatim* from an earlier memorandum from Capalino on VillageCare's behalf.[39] The justification provided was therefore taken from the perspective of the property owner, who was not responsible for taking into consideration the City's best interest. The memo, approved by DCAS Assistant Commissioner (AC) of Planning Randal Fong, should have contained an objective justification as to why both parts of the deed restriction were being removed.[40]

On February 9, 2015, Allure purchased Rivington for $28 million with both parts of the deed restriction still in place.[41] In a meeting on March 11, 2015, Allure advised DCAS' Asset Management staff that if Allure was required to pay the full $16.15 million cost to lift the deed restriction, it "could not afford to pay the cost to remove the deed restriction and retain the property as a nursing home," so it "would consider converting the property into a luxury apartment building and forgo the nursing home renovation."[42] While this statement by Allure was documented by several DCAS staff in draft versions of a DCAS Bi-Weekly Report dated March 20, 2015, the reference to luxury condominiums did not appear in the final report provided by AC Fong.[43] AC Fong specifically omitted the reference to luxury condominiums and therefore failed to raise this issue to the DCAS Deputy Commissioner of Asset Management, to whom he sent the report.[44]

Several DCAS employees informed DOI that even if they had known that Rivington would be converted into luxury condominiums, this would not have impacted DCAS' decision or process to remove both parts of the deed restriction; DCAS' role was to implement the process and make money

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[38] The memo stated that "[t]he need for the property to continue to be used as a residential healthcare facility has since passed….The requirements imposed in the deed are now obsolete. Therefore, removing the restrictions would allow the property to be run by for-profit and not-for-profit operators and be used by a wider array of permitted uses …. Elected officials and Community Board 3 support the use of this building as a nursing home. The removal of the restrictions would allow for this use *and provide any other operator the flexibility in reprogramming this large building based on changing needs and neighborhood character*. Rivington has noted it would use the proceeds for the sale of this building to fund other programs it operates for the chronically ill or its not-for-profit affiliates extending the original intent of the restriction." Land Use Justification Memo dated January 2, 2015 (Appendix S) (emphasis added).

[39] Memo dated February 19, 2014 (Appendix C). Both this and the Land Use Justification memo refer to how the AIDS crisis was no longer an issue. However, this notation was irrelevant to the City determination because: (i) neither part of the deed restriction required the facility to be used specifically for AIDS patients; and (ii) VillageCare submitted a Certificate of Need Application (CON) to the New York State Department of Health (NYSDOH) to request that Rivington be converted from an AIDS facility to a generic nursing home; the CON was signed by Landau, who listed his title as "Manager," on October 8, 2014, and NYSDOH approved the request for conversion on December 31, 2014.

[40] AC Fong has been employed in DCAS Asset Management City Planning and its predecessor agency since March 1982.

[41] Allure, which was in the business of running for-profit nursing homes, operated Rivington as a not-for-profit until it submitted its "Letter of Intent" and request to NYSDOH to close the facility on December 30, 2015. The last resident was discharged on December 11, 2015. (Emails dated December 1, 2015; December 14-15, 2015; and December 30, 2015.) Rivington Deed dated February 9, 2015 (Appendix T).

[42] DCAS emails dated March 19, 2015 (Appendix U).

[43] DCAS Asset Management Bi-Weekly Report dated March 20, 2015.

[44] DCAS emails dated March 19, 2015 (Appendix U).

for the City, not to make the policy decision. DCAS staff informed DOI that they believed the removal of both parts of the deed restriction on Rivington was a "good business decision because their goal is to obtain the highest revenue for the City."[45] FDM Shorris told DOI that, historically the City has had an embedded policy bias to maximize revenue, but that the Administration was now implementing a change to that policy. [46]

By April 15, 2015, Allure was in communication with several private real estate developers in order to sell Rivington.[47] On April 27, 2015, Landau formally requested that DCAS lift both parts of the restriction[48] and on May 1, 2015, Landau advised DCAS that Allure agreed to pay $16.15 million to lift it.[49] On May 6, 2015, an entity known as "Rivington Street Investors, LLC," which consists of private developers China Vanke, and Slate Property Group signed a brokerage agreement stating that it had entered into an Agreement of Sale to purchase Rivington House,[50] and Slate and Allure continued negotiating the terms of the sale.[51]

On May 11, 2015, DCAS advised Allure that the next step in the deed restriction removal process was a public hearing, which was scheduled for June 24, 2015.[52] DCAS had published a public notice of the hearing in the *City Record* for one day on May 11, 2015. The property was listed in the notice as "Block 420, Lot 47."[53] There was no mention in the notice of the property address or name as being "Rivington." On June 18, 2015, DCAS emailed MOCS to add Rivington to the MOCS public hearing calendar listing the location as "154 Forsyth Street (a/k/a 45 Rivington Street)." Less than one hour later, after review by AC Fong, DCAS emailed MOCS a "correct submission," specifically "removing the a/k/a 45 Rivington Street."[54]

The final DCAS step was the Rivington title closing on November 10, 2015, which removed both parts of the deed restriction. Rivington was sold to private developers on February 11, 2016 for $116 million.[55]

Commissioner Cumberbatch was repeatedly kept informed during the Rivington removal process. From December 17, 2014 to November 19, 2015, 20 weekly "One-on-One w/ Commissioner Cumberbatch" agendas were prepared by the DCAS Deputy Commissioner of Asset Management for Commissioner Cumberbatch discussing Rivington in detail; the contents of these memos were also

[45] Interviews with several DCAS employees, including AC Randal Fong.
[46] Interview with FDM Shorris on June 24, 2016.
[47] One such private developer was Slate Property Group, which ultimately purchased Rivington for $116 million the following year. Email dated April 15, 2015.
[48] Email dated April 27, 2015 (Appendix V).
[49] Memo dated May 1, 2015 (Appendix X).
[50] Contract dated May 6, 2015.
[51] Email dated May 7, 2015.
[52] May 11, 2015 letter from DCAS to Allure.
[53] The *City Record* dated May 11, 2015 (Appendix AA).
[54] DCAS emails dated June 18, 2015 (Appendix CC).
[55] DCAS appraised Rivington at $64.6 million on December 3, 2014. DCAS did not conduct another appraisal prior to the sale to Slate, but New York City property values increased during this timeframe.

discussed between the two of them when they had weekly meetings.[56] Commissioner Cumberbatch also forwarded two "DM Weekly" memos to FDM Shorris with specific Rivington updates about lifting the restriction. These weekly updates were written and compiled by DCAS staff for Commissioner Cumberbatch to email to FDM Shorris and FDM COS Williams.[57]

When the removal of the restriction was complete, Commissioner Cumberbatch commended her staff on a job well done, stating: "Congratulations! Thank you and staff for great work and bringing this to closure in the best interest of the City. Much appreciated."[58]

MOCS' Role

MOCS stated that its involvement in City government, and specifically regarding the removal of deed restrictions is purely administrative; it conducts the public hearings and signs off on the process afterwards. MOCS also stated that it does not have the authority under the City Charter or the subject matter expertise to evaluate whether a deed modification is in the best interest of the City; therefore, it does not conduct due diligence, which is the responsibility of the agency handling the deed restriction request for removal.[59] After the public hearing is concluded, MOCS prepares and signs a document called the Mayoral Authorization Document (MAD), which states that the deed modification is in the "best interest of the City" and that "the Mayor… authorizes (DCAS) to modify the deed."[60] Despite this language, MOCS and City Hall consider the agency's role to be perfunctory;[61] MOCS ensures that the proper paperwork is prepared and submitted by the requesting agency, and that any public testimony from the community is taken into consideration. In contrast, several staff at both DCAS and HPD informed DOI that they believed that the MAD is, in fact, substantive approval from the Mayor's Office.[62]

In organizing the public hearings, which are optional, MOCS reviews the documents the requesting agency provides and confirms that a public notice has been published in the *City Record*.[63] MOCS adds the hearing to the calendar and it is MOCS policy to send copies of the calendar each month to several public and private entities, including to all community boards and Borough Presidents' Offices, but MOCS does not specifically notify any individual office if a matter involves a property within its neighborhood and MOCS could not establish definitively to whom it sent the calendar

[56] Interviews with several DCAS employees.
[57] Emails by and interview with DCAS employee.
[58] Email dated November 10, 2015 (Appendix II).
[59] MOCS staff advised DOI that, under the old City Charter, MOCS had an investigative component, but that in September 1990, the new City Charter declared that the Mayor's Office would be administrative only, that the MOCS process for deed modifications has not changed since 1990, and that there is no formal written MOCS policy or procedure for deed modifications. (Interviews with several MOCS employees). DCAS and HPD are the only two agencies that conduct public hearings regarding deed restrictions via MOCS; EDC also has the capability of removing deed restrictions but does not involve MOCS in its process.
[60] Memo dated June 29, 2015 and Mayoral Authorization Document (MAD) dated June 30, 2015 (Appendix FF), citing the MOCS Public Hearing on June 24, 2015. The boilerplate language in the MAD was written by Law in 1990. The specific language written into the MAD is provided by DCAS, and signed by MOCS. Interview with MOCS employee.
[61] Interviews with several MOCS employees.
[62] Interviews with several DCAS, HPD, and Law employees.
[63] Notice was required to be published in the *City Record* for one day at least 30 days prior to the public hearing. The Notice for Rivington was published on May 11, 2015 (Appendix AA).

containing the Rivington hearing. MOCS signs off on the deed modification authorization after the public hearing, provided there was no public testimony raising legitimate concerns. One MOCS employee stated that the MOCS signoff merely confirms that MOCS conducted the hearing.[64] A MAD can be signed by the MOCS Director, First Deputy Director, or General Counsel.

MOCS held the public hearing for Rivington on June 24, 2015. The only attendees were DCAS and MOCS representatives and Allure; no one else from the general public attended and there was no public testimony. On June 30, 2015, MOCS signed the MAD.[65]

The former MOCS Director, Lisette Camilo, who has since been promoted to DCAS Commissioner, informed DOI that MOCS' role in the process is insignificant, and also stated that she was not aware of the Rivington matter, or others like it, and that she had delegated the task of signing the MAD to her General Counsel.

The Law Department's Role

The Law Department (Law) is sometimes consulted on property-related projects; however, this is not required in the City deed restriction removal process.[66] Law was consulted by DCAS and City Hall several times throughout the Rivington matter.[67]

An attorney at Law who performs title closings informed DOI that Law performs an administrative role in the deed restriction removal process and simply "checks the boxes."[68] The same attorney stated that Law is not responsible for determining whether the transaction is in the best interest of the City or the community; its responsibility is merely to conduct the real estate transaction. Law drafts the legal documents, conducts the closing, modifies the deed, and accepts the revenue.

After the public hearing is conducted and after MOCS signs the MAD authorizing the deed modification, Law is notified and prepares the new deed to match the language provided in the MAD. Law then works directly with the owner of the property to schedule and conduct a closing, and ensures that the revenue is paid at the time of the closing, which is deposited by DCAS into the City General Fund.

On July 23, 2015, Law and DCAS signed the deed modification to lift the two-part deed restriction on Rivington.[69] On July 28, 2015, Law emailed Allure with a "tentatively scheduled closing for July 30, 2015."[70] Landau delayed the closing, signed the deed modification and the closing documents,

[64] MOCS is now following a process that was modified by Mayoral Executive Order 17 on March 31, 2016.
[65] Mayoral Authorization Document (MAD) dated June 30, 2015 (Appendix FF).
[66] Interview with several DCAS and Law employees.
[67] Emails dated July 31, 2014 and interview with Law employee.
[68] Interview with Law employee.
[69] Rivington deed dated November 10, 2015 (Appendix HH).
[70] Email dated July 28, 2015 was forwarded from Allure's broker to Slate Property Group, as the two companies were in the midst of negotiating the subsequent sale. In an email dated November 9, 2015, Slate told Allure that it needed to close on the deed restriction removal as soon as possible.

and paid the $16.15 million price to remove the restriction on November 10, 2015.[71] On November 19, 2015, Law filed the Rivington deed modification with the City.[72]

City Hall's Role

Prior to the recent introduction of the "Revised Policy for the Amendment of Deed Restrictions" City Hall had no formal role in approving or denying deed restriction removals. There has been no designated policy-maker at City Hall responsible for determining whether a deed restriction should be removed. There was no standard process, written or otherwise, giving City Hall a role in the decision. There was also no guidance as to when or under what circumstances anyone at City Hall must weigh in on the decision. According to FDM Shorris, as far as he knew, Rivington was the first and only deed restriction issue for which the current Administration got involved.[73]

Notwithstanding the lack of City Hall's formal role, the FDM's office became involved in Rivington at about the same time that VillageCare was discussing Rivington with Commissioners or staff from HRA, HPD, and DCAS and DM Barrios-Paoli;[74] these discussions led to the July 23, 2014 decision by those City officials to deny the request to remove the deed restriction so that Rivington could best serve the needs of community.[75]

Staff in the FDM's office exchanged emails regarding Rivington starting July 8, 2014.[76] On July 25, 2014, Rivington was on the agenda for the DCAS monthly meeting that was held with FDM Shorris, Commissioner Cumberbatch, and their respective staffs.[77] The same day, Commissioner Cumberbatch informed Capalino, on behalf of VillageCare, that DCAS would not remove the deed restriction on Rivington "at this time."[78] On July 28, 2014, Capalino, on behalf of VillageCare, requested a meeting with City Hall; FDM Shorris' Chief of Staff (COS) Dominic Williams told his staff not to schedule it.[79] On August 3, 2014, FDM Shorris forwarded to Mayor de Blasio the "After-Meeting Report" of the "July 25, 2014 DCAS Monthly Meeting," with Rivington and other items on the agenda, stating "the one I showed you."[80]

On August 8, 2014, FDM Shorris' staff met with VillageCare, where the various possible uses of the space were discussed, including VillageCare: selling to a not-for-profit residential health care facility

[71] DCAS accepted the $16.15 million cost based on the December 3, 2014, appraisal; it did not conduct a new appraisal to calculate a new cost because Allure agreed to the price to lift the restriction within the six month time frame of the appraisal, per DCAS policy.
[72] Rivington deed dated November 10, 2015 (Appendix HH).
[73] In fact, there have been two other recent occasions where City Hall got involved in DCAS deed restriction removals: Dance Theatre of Harlem's property at 841-847 St. Nicholas Avenue (deed restriction lifted), and 28 Liberty Street (since Rivington, deed restriction removal now on hold).
[74] Email dated July 8, 2014 (Appendix G).
[75] Meeting on July 23, 2014 and Memo dated July 29, 2014 (Appendix D).
[76] FDM COS Williams stated that VillageCare also emailed him on May 5, 2014 at Capalino's suggestion. FDM's office took no action at that time.
[77] Email dated July 25, 2014 (Appendix E).
[78] Email dated July 30, 2014 (Appendix F).
[79] Email dated July 28, 2014 (Appendix G). FDM COS Williams stated that he declined the meeting request because it came from Capalino, and there was an informal preference in the FDM's office to meet directly with the principal rather than the hired lobbyist. Interview with FDM COS Williams on July 12, 2016.
[80] Email dated August 3, 2014 (Appendix H).

operator; selling to a for-profit nursing home; and selling the property restriction-free. The meeting also included a note that the community was "apprehensive about luxury condominiums on the site." It was decided that the FDM COS Williams would "confer at the [Deputy Mayor] level on next steps for determining best use of site."[81]

A City Hall policy advisor drafted a memo dated September 3, 2014 and addressed to FDM Shorris regarding the "VillageCare Rivington House Proposed Sale," which outlined two options identified by VillageCare: to either sell to a for-profit nursing home operator or to a private housing developer. The memo recommended to:

> "Decide if City wants to reclaim the property for supportive housing purposes, which would have an adverse impact on VillageCare and potentially 1199 workers. Alternatively, give VillageCare the ok to sell the property subject to the payments required to lift the deed restrictions."[82]

The FDM's staff circulated another memo dated September 11, 2014, which conducted a "Site Use Options Analysis" for four Rivington options: Affordable Housing, Supportive Housing, a for-profit nursing home, and "Market Housing – VillageCare sells to private developer."[83]

Both City Hall memos clearly consider the option of VillageCare selling Rivington to a private housing developer. Both memos also cite the cost to remove one or both parts of the deed restriction. FDM COS Williams advised DOI that all four options in the September 11, 2014 memo were viable and that it was for City Hall to determine which of the options was best.

FDM Shorris informed DOI that he did not recognize that Rivington was related to a deed restriction. City Hall failed to appreciate that both parts of the restriction were unnecessarily being lifted and failed to prevent it, despite ample time and opportunity to do so.

On September 24, 2014, a meeting took place among FDM Shorris, FDM COF Williams, DM Alicia Glen, DM Barrios-Paoli, and various City Hall staff. At this meeting, the four Rivington options listed above were discussed. A memo sent as a result of the meeting concluded that the:

> "[C]ity's perspective on first-best use, pending further enquiries with HPD and Law, is to modify covenant so that VillageCare can sell to a NP developer for mixed use that includes market retail on ground floor and mixed units above which can include supportive housing."[84]

FDM Shorris stated to DOI that, after that meeting, he made the policy decision that Rivington should remain a nursing home – preferably not-for-profit, but for-profit if necessary. He stated to DOI that he communicated this decision to his staff who were expected to communicate it to DCAS. However,

[81] Email dated August 8, 2014.
[82] Memo dated September 3, 2014. Memo dated September 24, 2014 lists an action for FDM COS Williams to schedule meeting with 1199 (Appendix M).
[83] Email dated September 11, 2014 with attached Memo dated September 11, 2014.
[84] Memo dated September 24, 2014 (Appendix M).

this decision was never memorialized, and no other City employee corroborated that it was made or communicated.

By October 6, 2014, City Hall was advised that VillageCare had a potential not-for-profit nursing home buyer, which would obviate the need to lift the deed restriction. City Hall was also advised that the new owners would eventually want to convert Rivington into a for-profit nursing home.[85]

The matter was again raised to City Hall on December 17, 2014 by both a City Councilmember's office and the 1199 union, which had heard that Rivington was being converted to housing rather than remaining a nursing home. The FDM's staff advised other City Hall staff that "if the plans have changed to sell to a developer for housing then cityhall [sic] approval is needed for DCAS to lift the deed restrictions that current[ly] limit use of the building to residential healthcare provided by a not-for-profit operator."[86] Again, DOI found no confirmation that this message was communicated to DCAS.

Commissioner Cumberbatch informed FDM Shorris in writing on three occasions that DCAS was lifting the Rivington restriction:

- On May 6, 2015, Commissioner Cumberbatch sent FDM Shorris the DCAS "DM Weekly" report, which set out that Landau was going to pay the City $16 million to lift "both deed restrictions."[87]

- On July 8, 2015, Commissioner Cumberbatch sent FDM Shorris the DCAS "DM Weekly" report, stating that DCAS was removing two restrictions on Rivington House.[88]

- On November 18, 2015, Commissioner Cumberbatch sent FDM Shorris the DCAS "DM Weekly" report, confirming that the two restrictions on Rivington House were lifted, with the City receiving $16.15 million in return.[89]

The weekly updates were written and compiled by DCAS staff for Commissioner Cumberbatch to email to FDM Shorris and FDM COS Williams.[90] FDM Shorris stated that he did not read the above-mentioned weekly updates Commissioner Cumberbatch sent him, nor did he delegate this task to anyone else. He stated that he had stopped reading all weekly updates Commissioner Cumberbatch prepared, and that if Commissioner Cumberbatch wanted to raise an important issue with him, he expected her to call him as she did on other matters. FDM Shorris did not identify that the Rivington

[85] Email dated October 9, 2014 and interview with Law.
[86] Email dated December 17-18, 2014 (Appendix R).
[87] First Deputy Mayor Weekly Report from Commissioner Cumberbatch dated May 6, 2015 (Appendix Y).
[88] First Deputy Mayor Weekly Report from Commissioner Cumberbatch dated July 8, 2015 (Appendix GG).
[89] First Deputy Mayor Weekly Report from Commissioner Cumberbatch dated November 18, 2015 (Appendix JJ).
[90] Emails and interview with DCAS employees.

updates had any potential red flags and told DOI that he did not consider the issue to be important at the time.[91]

DOI interviewed Mayor de Blasio, who stated that the request to lift the Rivington deed restriction was a decision that should have been brought to his attention, but was not. The Mayor stated that had the decision to lift the deed restriction reached his desk, he would have vetoed it. The Mayor also stated that he did not recall receiving the August 3, 2014 email from FDM Shorris that mentioned Rivington, among other topics.

FDM Shorris and DM Barrios-Paoli informed DOI that removing both parts of the deed restriction was not in the City's best interest.[92] However, no best interest analysis was formalized or communicated. City Hall knew, or should have known, that if both parts of the restriction were lifted, the new owners could use or sell the property without restriction.

Allure's Role[93]

Even though the City knew that Allure could sell to developers once both parts of the restriction were lifted, it appears that Allure tried to keep the City from learning about some details of its contract to sell Rivington House to private developers. For example:

> On May 14, 2015, a Slate representative told its employees: "[D]o not discuss this deal…the seller [Allure] is very concerned that the city and union will find out that he is in contract to sell at the price that we are buying it which will directly impact his ability to have the deed restriction removed. Once he has it removed we can do whatever we want."[94]

Similarly, after the deed restriction had been removed but prior to the contracted sale to Slate, community members had seen Slate architects walking around Rivington. On December 8, 2015, a member of Community Board 3 asked Landau whether he planned to sell Rivington. He denied it.[95]

LACK OF COOPERATION DURING THIS INVESTIGATION

Executive Order (EO) 16, as amended by EO 105, specifies that DOI shall have unrestricted access to City records and documents, including those stored on computers. DOI has the prerogative to determine what information is relevant to a DOI investigation. Throughout this investigation, Law

[91] The Revised Policy for the Amendment of Deed Restrictions, released July 8, 2016, states that "[d]ecisions concerning land use are among the most important governmental actions that any City [A]dministration can take."
[92] Interviews with FDM Shorris and DM Barrios-Paoli.
[93] Joel Landau and Marvin Rubin, both of whom are executives of Allure, are 50/50 co-owners of New Rivington Properties, LLC, which purchased Rivington. When this entity purchased Rivington, the Directors that ran the not-for-profit under VillageCare resigned and were replaced by directors under Allure. Allure then ran Rivington as a not-for-profit through this entity. Allure purported that it would operate Rivington as a for-profit if the deed restriction was lifted.
[94] Email dated May 14, 2015.
[95] Interview with Community Board member.

insisted that DOI go through Law to gain access to City Hall information needed for this investigation, blocking DOI's access to some documents and all computers.

For example:

- Law redacted a substantial number of documents it produced, calling material in the documents "not responsive," – denoted as "NR" – and informing DOI it was not entitled to those documents in unredacted form, even though the documents themselves were generated from searches of relevant terms and custodial names provided to Law by DOI, and were therefore by definition responsive to DOI's requests.

    - In one such production from Law, DOI received approximately 1000 documents, approximately 990 of which were blank pages containing the letters "NR;"

    - Despite multiple requests by DOI, Law never provided DOI the unredacted "NR" documents;

- Law until recently withheld certain documents from DOI based on assertions of attorney-client and work product privileges. Only after DOI made many attempts to obtain the documents, and pointed out to Law that there are no such privileges between City agencies, did Law very belatedly provided the documents;

- Law denied DOI access to City Hall computers.[96]

Because DOI did not receive a full production of what it requested, it is unclear what Rivington-related information remains on the City Hall servers and computers, to which DOI was denied access.

[96] In typical investigations DOI has unrestricted access to City agencies and can clone computers discreetly. However, because of security measures at City Hall, DOI needed to formally request access to computers or City Hall's computer server room, and Law denied the request.

New York City Department of Investigation

Appendices for
Examination of the City's Removal of the
Deed Restriction at 45 Rivington Street in Manhattan

July 2016

TABLE OF CONTENTS FOR APPENDICES TO TIMELINE

APPENDIX A

RECOMMENDATIONS

On July 8, 2016, City Hall released a "Revised Policy for the Amendment of Deed Restrictions," which proposes changes to the DCAS Title section 55 of the Rules of the City of New York. DOI agrees with much of the proposed changes. Additionally, DOI makes the following Policy and Procedure Recommendations that are not addressed by City Hall's Proposed DCAS Rule Change:

To City Hall:

1. City Hall should issue a Mayoral Executive Order setting forth the revised policy for the amendment of deed restrictions;
    a. City Hall should include DCAS in the best interest of the City analysis because of DCAS' role in managing the City's real estate needs.
    b. In addition to seeking consultation with other City agencies, City Hall should require approval from the DCAS Commissioner as well as the Commissioners of any and all City agencies consulted;
2. City Hall should clarify the role of the Mayor's Office of Contract Services (MOCS), clarify its authority to issue Mayoral Authorization Documents (MADs), and clearly define whether a MAD signifies delegated Mayoral approval.

To DCAS:

1. DCAS should include the following in its revised policy for the amendment of deed restrictions:
    a. In addition to conducting historical research on the property, DCAS should also review the current and proposed future use of the property to determine all possible outcomes of deed restriction removal;
    b. Obtain written approvals from numerous DCAS staff, up to and including the DCAS General Counsel and Commissioner;
2. DCAS Internal Audit should conduct an internal audit of all of the deed restrictions that have been removed/modified in the past 10 years, to identify any potential exposure, and to follow up with how the property is being currently used;
3. DCAS Asset Management should review the list of existing restrictive covenants, classify them by Use and Development type, and flag the properties that currently have requests to modify/remove deed restriction(s); and
4. DCAS should conduct an independent retrospective appraisal of Rivington House to determine whether the December 2014 appraisal was conducted accurately.

To MOCS:

1. Prior to conducting the mandatory public hearing on deed restriction modifications, or any public hearing, MOCS should post notice of upcoming hearings on its website;
2. If MOCS continues to have the authority to issue Mayoral Authorization Documents (MADs), the MAD should be updated to clearly define that: (i) the MAD signifies delegated Mayoral approval, and (ii) clarifies whether the due diligence has been conducted by MOCS or the requesting agency to determine that the transaction is in the best interest of the City.

To Law:

1. The Corporation Counsel should approve all deed restriction modifications.

APPENDIX B

Capalino + Company

Memo

To: Deputy Mayor Lilliam Barrios-Paoli

From: James Capalino

Date: January 15, 2014

Re: Rivington House – The Nicholas A. Rango Healthcare Facility

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Dear Deputy Mayor Barrios-Paoli;

I am writing to request your assistance regarding the potential sale of an AIDS nursing home located on the Lower East Side named Rivington House - The Nicholas A. Rango Health Care Facility. Rivington House was the country's largest AIDS-specific skilled nursing facility and Rivington House, together with its affiliated health care providers in the VillageCare network, is one of the country's oldest and leading AIDS service providers. Rivington House purchased the property (a former school building on the Lower East Side) from the City and constructed the facility in the early 1990s. As set forth below, the need for AIDS nursing homes has dramatically decreased since then, and accordingly, Rivington House has determined that its resources can best be used to serve people living with HIV/AIDS through other programs in the community. Since the facility is on previously owned City property, however, there are some complications in changing its use.

When Rivington House first opened, there were no other long term care facilities for people living with AIDS and patients were sicker and had fewer options for treatment, as very few anti-retroviral treatments were available and AIDS care needed complex medical management by staff who were comfortable working with people living with HIV. When Rivington House first opened, staff struggled to provide end of life care for most of its residents; its goal was to keep patients and residents as comfortable as possible and to live in dignity before the HIV virus inevitably took their lives. Today, the reality of living with HIV is far different from those early and dark days of AIDS.

As you might imagine, the dramatically improved treatments for HIV have made the need for an AIDS specific nursing facility a thing of the past. Rivington House is struggling to keep its beds full, and accordingly, Rivington House has determined that its resources can best be used to serve persons living with HIV/AIDS through other programs in the community.

The purchase of the property from the City in 1990 included a restrictive covenant that required the building to be used for not-for-profit residential health care uses. The deed provides that if the property were to be used by Rivington House or sold to a third party for any other type of use a large part of the proceeds would be taken by the City. DCAS has now determined that it will remove both of the deed restrictions in consideration for payment by Rivington House of an estimated $8.25 million (or it will remove one of the restrictions in consideration for payment of $4.25 million). In that event millions of dollars Rivington House invested in the property will not be accounted for and $8.25 million will be directed away from much-needed health care programs.

The Woolworth Building, 233 Broadway, Suite 850 | New York, NY 10279 | T: 212.616.5810 | F: 212.626.5830 | www.capalino.com

Rivington House and its parent organization VillageCare are looking to sell the property and use the proceeds to operate care management, home-care and out-patient programs (which are subject to budget cuts, as are so many other health care programs). Policy and reimbursement changes underway make the ongoing operation of Rivington House financially unviable due to changes in Medicaid reimbursement (e.g., mandatory managed care enrollment and reductions in the rates of payment to providers). Very soon, Medicaid managed care will include coverage for skilled nursing services. When that happens, we believe that Rivington House will face drastic financial challenges in the operation and sustainability of the facility.

As a result of all this, Rivington House reviewed its many options, based on multiple criteria such as finances, mission, skills, and difficulty of implementing. The options were converting to a 'generic' nursing home, to a mixed use facility, to supportive housing, or selling the facility and using the proceeds for mission-critical programs. After much debate, it was decided that the only viable option is to sell the facility. (I can provide you with greater detail on this decision, which includes very interesting analysis of all the factors.)

A sale would require that the organization's mission still be met, which is caring for persons with HIV/AIDS, the elderly and persons with chronic disabilities, and acting as a safety net for the community. The sale proceeds would be used to provide case management services to Medicaid enrollees with chronic conditions, including HIV/AIDS, to reduce medical costs and improve outcomes, long term care services for the HIV/AIDS Medicaid-eligible population who require long term care services and case management and who can return to or remain in the community, and provide other services through other programs operated by Rivington House and its affiliates (including VillageCare Home Care, VillageCare Rehabilitation and Nursing Center, the VillageCare Diagnostic & Treatment Center, and the AIDS and geriatric Adult Day Health Centers). In addition, proceeds could position VillageCare to pursue other important opportunities to fill the unmet needs of today's vulnerable populations and to continue to be a pioneering and innovative healthcare organization.

As part of the decision-making process an appraiser valued property under two scenarios:

- $29,595,000 - if sold as a skilled nursing facility with no restrictive covenant requiring it to be operated by a not-for-profit entity (note there have been no nursing home acquisitions by not-for-profit entities in the last several years, but there have been several sales to for-profit entities)
- $32,200,000 - if sold with no restrictions for the "highest and best" use

For perspective, the fixed asset cost (excluding land) was $69,648,579 at the end of 2012. This is based on very significant investment made to convert the school to the residential facility, plus continuing investments made over the years.

Additional costs associated with the sale would include:

- Broker fees, legal expenses, etc. of $600,000 and $1,000,000
- union pension liabilities of approximately $18,000,000 (if sold to a nursing home operator, the liability could be avoided if purchaser assumes obligation and future contribution requirement)
- transition expenses (approximately $3,500,000 if sold to a developer or approximately $1,000,000 if sold to a nursing home operator who retains some/all of staff and residents)

Based on these projected costs, the owner believes that both its financial condition and mission would best be served if a reputable for-profit nursing home operator purchases the facility and continues to operate it. In either scenario, the community will be best served if VillageCare is able to recoup its capital investment, secure financial viability, and use its expertise in caring for the poor, elderly and chronically ill with strengthened and innovative community-based programs.

I would like to meet with you as soon as possible to see how we can find a way to eliminate the taking of a huge portion of the sales price by DCAS. By allowing VillageCare to keep the proceeds, the funds could be used to continue much-needed programs; if necessary VillageCare will enter into an agreement to use the proceeds for programs, even though it would do so without a binding agreement.

The Woolworth Building, 233 Broadway, Suite 850 | New York, NY 10279 | T: 212.616.5810 | F: 212.626.5830 | www.capalino.com

APPENDIX C

Capalino + Company

Memo

To: Commissioner Stacey Cumberbatch

From: James Capalino

Date: February 19, 2014

Re: Rivington House – The Nicholas A. Rango Healthcare Facility

---

Dear Commissioner Cumberbatch;

I am writing to request your assistance regarding the potential sale of an AIDS nursing home located on the Lower East Side named Rivington House - The Nicholas A. Rango Health Care Facility. Rivington House was the country's largest AIDS-specific skilled nursing facility and Rivington House, together with its affiliated health care providers in the VillageCare network, is one of the country's oldest and leading AIDS service providers. Rivington House purchased the property (a former school building on the Lower East Side) from the City and constructed the facility in the early 1990s. As set forth below, the need for AIDS nursing homes has dramatically decreased since then, and accordingly, Rivington House has determined that its resources can best be used to serve people living with HIV/AIDS through other programs in the community. Since the facility is on previously owned City property, however, there are some complications in changing its use. The main issue is that the property is encumbered by a deed restriction that requires it continue to be used as a restricted facility, even after sale. We ask that this restriction – and the policy of deed restrictions that handicap not-for-profit owners – be reviewed and changed to take into consideration the changing situation of not-for-profits who need to unlock the potential of valuable property to continue their programs at less expensive locations or through altered methods of service delivery.

When Rivington House first opened, there were no other long term care facilities for people living with AIDS and patients were sicker and had fewer options for treatment, as very few anti-retroviral treatments were available and AIDS care needed complex medical management by staff who were comfortable working with people living with HIV. When Rivington House first opened, staff struggled to provide end of life care for most of its residents; its goal was to keep patients and residents as comfortable as possible and to live in dignity before the HIV virus inevitably took their lives. Today, the reality of living with HIV is far different from those early and dark days of AIDS.

As you might imagine, the dramatically improved treatments for HIV have made the need for an AIDS specific nursing facility a thing of the past. Rivington House is struggling to keep its beds full, and accordingly, Rivington House has determined that its resources can best be used to serve persons living with HIV/AIDS through other programs in the community.

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Capalino + Company

Rivington House and its parent organization VillageCare are looking to sell the property and use the proceeds to operate care management, home-care and out-patient programs (which are subject to budget cuts, as are so many other health care programs). Policy and reimbursement changes underway make the ongoing operation of Rivington House financially unviable due to changes in Medicaid reimbursement (e.g., mandatory managed care enrollment and reductions in the rates of payment to providers). Very soon, Medicaid managed care will include coverage for skilled nursing services. When that happens, we believe that Rivington House will face drastic financial challenges in the operation and sustainability of the facility.

As a result of all this, Rivington House reviewed its many options, based on multiple criteria such as finances, mission, skills, and difficulty of implementing. The options were converting to a 'generic' nursing home, to a mixed use facility, to supportive housing, or selling the facility and using the proceeds for mission-critical programs. After much debate, it was decided that the only viable option is to sell the facility. (I can provide you with greater detail on this decision, which includes very interesting analysis of all the factors.)

A sale would require that the organization's mission still be met, which is caring for persons with HIV/AIDS, the elderly and persons with chronic disabilities, and acting as a safety net for the community. The sale proceeds would be used to provide case management services to Medicaid enrollees with chronic conditions, including HIV/AIDS, to reduce medical costs and improve outcomes, long term care services for the HIV/AIDS Medicaid-eligible population who require long term care services and case management and who can return to or remain in the community, and provide other services through other programs operated by Rivington House and its affiliates (including VillageCare Home Care, VillageCare Rehabilitation and Nursing Center, the VillageCare Diagnostic & Treatment Center, and the AIDS and geriatric Adult Day Health Centers). In addition, proceeds could position VillageCare to pursue other important opportunities to fill the unmet needs of today's vulnerable populations and to continue to be a pioneering and innovative healthcare organization.

As part of the decision-making process an appraiser valued property under two scenarios:

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Additional costs associated with the sale would include:

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Based on these projected costs, the owner believes that both its financial condition and mission would best be served if a reputable for-profit nursing home operator purchases the facility and continues to operate it. In either scenario, the community will be best served if VillageCare is able to recoup its capital investment, secure financial viability, and use its expertise in caring for the poor, elderly and chronically ill with strengthened and innovative community-based programs.

I look forward to meeting with you as soon as possible to see how we can find a way to eliminate the taking of a huge portion of the sales price. By allowing VillageCare to keep the proceeds, the funds could be used to continue much-needed programs; if necessary VillageCare will enter into an agreement to use the proceeds for programs, even though it would do so without a binding agreement.

APPENDIX D

From: [redacted](DCAS) [/O=CS HOSTING/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=[redacted]0222675142]
Sent: 7/23/2014 4:42:50 PM
To: Stacey Cumberbatch (DCAS) [/O=CS HOSTING/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=Stacey Cumberbatchf2a];[redacted](DCAS) [/O=CS HOSTING/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=[redacted]
CC: [redacted](DCAS) [/O=CS HOSTING/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=[redacted]223]
Subject: FW: Rivington House Meeting at 1pm
Attachments: Rivington House - Memo.pdf; Rivington House_Memorandum regarding Building Disposition_05-29-14.docx; RH to ALP Facility_Cost Estimate- pre-drawings_5-29-14_Rev1-6-5-14.pdf

FYI

From: [redacted]
Sent: Wednesday, July 23, 2014 12:30 PM
To: [redacted]
Subject: Rivington House Meeting at 1pm

Hi all,
I am recirculating the material I had sent previously. As a jog to our memories in advance of our 1pm meeting, Village Care has determined that it is not financially viable for them to continue to operate Rivington House, The Nicholas A. Rango Health Care Facility, which is located at 45 Rivington Street New York, New York 10002. They own the building, but have deed restrictions. We are of course sympathetic to Village Care's financial situation and want to help them. However, we believe it is in the City's best interest to create an agreement with them such that they can sell the building but with a provision that provides for the creation of at least some affordable housing. So we'd like to determine a solution that does both.

[redacted]and I (and our Commissioners) have had meetings with Village Care (and their representatives from Capalino+Company).

Most recently, Deputy Mayor Barrios-Paoli,[redacted] Commissioner Banks and I discussed with Deputy Mayor Glen that we would like to work with whomever she would designate to assess our options.

At the meeting today, I'd love for us to discuss options that we might present back to Village Care, as time is of the essence for them. If we are not at that point today, I'd love to agree on the best process to get there.

Thanks and looking forward to meeting with you very soon!

[redacted]
[redacted]
NYC Human Resources Administration
[redacted]
[redacted]

From: [redacted]
Sent: Wednesday, July 09, 2014 11:47 AM
To: [redacted]

Cc: [redacted]
Subject: FW:

Thanks [redacted]

Copying [redacted] from HPD, who can help organize.

[redacted]
[redacted]
Deputy Mayor for Housing & Economic Development
[redacted]
[redacted]
[redacted]

From: [redacted]
Sent: Wednesday, July 09, 2014 11:37 AM
To: [redacted]
Subject: RE:

Hi,
Thanks, [redacted] nice to meet you over email.

Rivington House, The Nicholas A. Rango Health Care Facility, is located at 45 Rivington Street New York, New York 10002.

The attached documents offers some additional background, and include:

- A memo from Caplino+Co (Village Care's representative) to Commissioner Cumberbatch about the circumstances facing Village Care, which resulted in a meeting between Commissioners Cumberbatch and Banks, along with Village Care and Caplino+Co to discuss options.
- Two documents submitted to the Commissioners as follow-up from that meeting on the building's disposition and projected costs to convert its use.

Please let me know if you need other information and thank you in advance for your help with this.
Best,
[redacted]

[redacted]
[redacted]
NYC Human Resources Administration
[redacted]
[redacted]

From: [redacted]
Sent: Tuesday, July 08, 2014 4:26 PM
To: [redacted]
Subject:

[redacted]– HRA mentioned a possible site to Alicia - Rivington House – that could be supportive housing. Alicia said she would find a project manager at HPD to work on the site/help assess it. There is an HRA/DCAS issue so we wanted to schedule a follow up meeting. Who at HPD should we include?

Adding [redacted] who can fill in additional details and site address etc.

thanks
[redacted]

[redacted]
[redacted]
Office of the Deputy Mayor
For Health and Human Services
City Hall, NY NY 10007
[redacted]

July 29, 2014

Rivington House Sale/Alternate Usages

Overview: HRA contracts with VillageCare (nonprofit AIDS service provider) to operate an AIDS-specific nursing home, the Nicholas A. Rango Health Care Facility, located in the Lower East Side and more commonly known as "Rivington House." The City sold the property for $1 in 1990 and included a restrictive covenant requiring the building to be used for not-for-profit residential health care. The vendor asserts the improvements in HIV/AIDs treatments have outmoded the demand for services and is seeking permission to sell the property, as well as waive cost of removing restrictive covenant. Sale requires permission from DCAS and an estimated $8.25MM to remove the restrictive covenant. Representatives from DCAS, HPD, HRA, and the Mayor's Office met to discuss the potential drawbacks, benefits, or alternative uses, as outlined below.

Consideration	**Option 1:** Allow Private Sale		**Option 2:** Transfer Property to Another Nonprofit/Use (Affordable Housing)		**Option 3:** Vendor Maintains Space/Current Use	
	Benefits	Drawbacks	Benefits	Drawbacks	Benefits	Drawbacks
Fiscal	City gains $8.25MM in revenue	Cost to purchase replacement space far exceeds revenue from sale (DCAS assessed the building at $40MM)	Maintains property under City oversight and creates needed housing in a high-value neighborhood	No revenue; vendor put in $1.5M into the building – likely want to pursue at least recouping this amount	Maintains property and services within City oversight	No revenue
Legal	N/A	Vendor legal representation (James Capalino) has multiple requests in to HPD for approval of sales; HPD has consistently denied requests. Sends a message that all city deed restrictions are up for debate,	Consistent with HPD policies	N/A	Consistent with HPD policies	N/A
Geographical	N/A	Low density in LES of City owned buildings	Maintains affordable/permanent housing stock in LES	N/A	Maintains affordable/permanent housing stock in LES	N/A
Precedent	DCAS does not have stringent policies on approval of sales	HPD has stringent policy on allowing private sales, many non-profits would want to sell high-value deed-restricted property	Consistent with HPD policies, goals of Housing New York	N/A	N/A	N/A
Social Services	N/A	Removes AIDS services from LES to outsourcing to other locations throughout city	Could be pivoted to more in demand service, such as supportive housing	N/A	N/A	AIDS nursing home may be outmoded use

Recommendation & Next Steps: Deny sale, support affordable housing plan by pivoting space to HASA supportive housing either with current vendor or transfer to alternate non-profit

- Brief Deputy Mayors - Shorris, Barrios Paoli, and Glen (optional)
- Convene meeting (if necessary) with DM's and principles
- DCAS and HRA issue formal notice to vendor

APPENDIX E

Begin forwarded message:

From: "[redacted]

Date: July 28, 2014 at 4:08:21 PM EDT

To: "Shorris, Anthony" <AShorris@cityhall.nyc.gov>, "Cumberbatch, Stacy (DCAS)" <scumberbatch@dcas.nyc.gov>

Cc: "Williams, Dominic" <DWilliams@cityhall.nyc.gov>, "[redacted](DCAS)" <[redacted]>, "[redacted]" <[redacted]>

Subject: 7/25/14: DCAS Monthly Meeting Notes

7/25/14: DCAS Monthly Meeting Notes

Participants

FDM, Commissioner Cumberbatch, [redacted], Mayor's Office of Operations, and [redacted]

Elements

- <!--[if !supportLists]--><!--[endif]-->Provisional Exams
- <!--[if !supportLists]--><!--[endif]-->NYCAPS and broader standardization of citywide processes in DCAS' personnel system
- <!--[if !supportLists]--><!--[endif]-->Sanitation Exam upcoming in November
- <!--[if !supportLists]--><!--[endif]-->Residency Requirements
- <!--[if !supportLists]--><!--[endif]-->Rivington House

Action Items

Num	Item	Owner	Due Date
1	Talk with OMB about hiring off provisional lists and additional steps to take	Cumberbatch	8/15/14
2	Give further brief to FDM on Peoplesoft and HRM modules	Cumberbatch	TBD
3	Develop grid of city employees that are A) required in live in NYC and who are not, and B) number of employees in each group	Cumberbatch	8/15/14
4	Explore implications of the findings from the DC37 Labor	Cumberbatch	TBD

APPENDIX F

From: [redacted]
Sent: Wednesday, July 30, 2014 9:45 PM
To: [redacted] (DCAS)
Cc: [redacted] (DCAS)
Subject: Re:

Hi [redacted]
Thanks for this update. I will share with them, and I'll be back in touch.
Best,
[redacted]

[redacted]
[redacted]
NYC Human Resources Administration

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.

From: [redacted] (DCAS)
Sent: Wednesday, July 30, 2014 12:10 PM
To: [redacted]
Cc: [redacted] (DCAS)
Subject: RE:

Hi [redacted]

I just want to update on the Rivington House matter from our end. The Commissioner spoke to J. Capalino on Friday. She told him that the City was reviewing options with regard to the property, and that DCAS will not remove the restriction at this time. We assume he'll reach out to HRA or DM LBP to discuss the matter.

We keep us post.

Thanks – [redacted]

[redacted]
NYC Citywide Administrative Services | [redacted]

From: [redacted]
Sent: Wednesday, July 23, 2014 4:28 PM
To: [redacted]

Cc: [redacted] (DCAS) ([redacted])
Subject:

[redacted]

I'll be out of the office tomorrow & Friday but [redacted] assist if you need any information.

Thanks - [redacted]

From: [redacted] [mailto:[redacted]
Sent: Wednesday, July 23, 2014 1:50 PM
To: [redacted] (DCAS)
Subject:

Thanks again for joining the meeting and for your input. I thought we had a good meeting. See you soon. Best, [redacted]

[redacted]
[redacted]
NYC Human Resources Administration
[redacted]
[redacted]

APPENDIX G

From: Williams, Dominic [/O=NYCMAYOR/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=WILLIAMS, DOMINICDC4]
Sent: 7/28/2014 3:01:57 PM
To: [redacted]
Subject: Re: TIME SENSITIVE - VillageCare New York

No

From: [redacted]
Sent: Monday, July 28, 2014 10:52 AM
To: Williams, Dominic
Subject: FW: TIME SENSITIVE - VillageCare New York

Is this ok to schedule?

From: [redacted] [[redacted]@capalino.com]
Sent: Monday, July 28, 2014 10:49 AM
To: [redacted]
Cc: [redacted]; James Capalino; Williams, Dominic
Subject: TIME SENSITIVE - VillageCare New York

Dear [redacted]

I am writing to ask for your kind assistance in setting up a meeting ASAP with Dom. Our client, VillageCare, which is one of the nation's oldest and most respected HIV service providers, has been working on a plan to close its residential facility (Rivington House, on the Lower East Side) since the model of HIV/AIDS health care delivery no longer requires residential treatment. The model is now to service patients a home and in the community. The one issue complicating the sale is a deed restriction on the property that VillageCare has requested be removed. The removal would increase the value of the property significantly, allowing VillageCare to pay off its mortgage, pay off a major penalty, and pay into the pension fund on behalf of the 200+ workers who will no longer be working on site.We have been speaking with HRA and DCAS about this, and just learned that HRA and HPD plan to use the property for other purposes (although it is still owned by VillageCare).

The situation is critical and if not resolved quickly could result in VillageCare being unable to meet its obligations, becoming insolvent very quickly, failing to be able to pay its obligations to the 1199 pension fund, and being unable to provide services to thousands of patients.
Can you help arrange a meeting for Jim Capalino to meet with Dom this week?

Best,

[redacted]
[redacted]
Capalino+Company
The Woolworth Building
233 Broadway, Suite 710
New York, NY 10279
[redacted]
[redacted]

[redacted]@capalino.com
facebook.com/capalino
www.capalino.com

APPENDIX H

From: Shorris, Anthony [/O=NYCMAYOR/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=SHORRIS, ANTHONYF48]
Sent: 8/3/2014 7:36:38 PM
To: B [bccd@cityhall.nyc.gov]
Subject: Fwd: 7/25/14: DCAS Monthly Meeting Notes

Here is the after-meeting report my staff does (the one I showed you).

Anthony E. Shorris
First Deputy Mayor
The City of New York
City Hall
New York, NY 10007
212-788-3191

Begin forwarded message:
From: "[redacted]"
Date: July 28, 2014 at 4:08:21 PM EDT
To: "Shorris, Anthony" <AShorris@cityhall.nyc.gov>, "Cumberbatch, Stacy (DCAS)" <scumberbatch@dcas.nyc.gov>
Cc: "Williams, Dominic" <DWilliams@cityhall.nyc.gov>, "[redacted](DCAS)" <[redacted]>, "[redacted]" <[redacted]>
Subject: 7/25/14: DCAS Monthly Meeting Notes

7/25/14: DCAS Monthly Meeting Notes

Participants

FDM, Commissioner Cumberbatch, [redacted], Mayor's Office of Operations, and [redacted]

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4	Explore implications of the findings from the DC37 Labor	Cumberbatch	TBD

Management Committee Study for agencies

Please let me know if you have any modifications or additions.

Best,

[redacted]

[redacted]
Project Manager
Office of the First Deputy Mayor
[redacted]

APPENDIX I

From: Barrios-Paoli, Lilliam <LBarrios-Paoli@cityhall.nyc.gov>
Sent: Monday, August 04, 2014 9:58 PM
To: [redacted] Steven Banks; [redacted]
Cc: [redacted]
Subject: Re: Rivington House

Yes, let's discuss tomorrow.

From: [redacted]
Sent: Monday, August 04, 2014 09:54 PM
To: Banks, Steven (HRA); Barrios-Paoli, Lilliam; [redacted]
Cc: [redacted]
Subject: Re: Rivington House

[redacted]

Let me check to see if they are meeting with Tony? Law dept had preliminary conversation with [redacted] today re: the covenant and it seems dcas is willing to say they will not lift it. But I also think we should have HPD/hra assess whether its viable for hasa supportive housing. If not - when village care pulls out what's the cost of keeping the building and is it something we want to do if building can't be used for supportive housing?

From: Banks, Steven [mailto:banksst@hra.nyc.gov]
Sent: Monday, August 04, 2014 09:13 PM
To: Barrios-Paoli, Lilliam; [redacted]
Cc: [redacted]
Subject: FW: Rivington House

FYI. This update from Rivington House projects a November 22 closure date (apparently approved by SDOH), and also notes the $18M liability for the 1199 pension (which seems high). I don't know what City Hall meeting on Wednesday this update is describing. We can talk tomorrow. Thanks.

From: [redacted]
Sent: Monday, August 04, 2014 3:41 PM
To: Banks, Steven
Subject: Rivington House

Hi Steve,

Great speaking with you. I wanted to get this information to you today as Village Care is meeting with the Mayor's Office on Wednesday.

Per our conversation, I asked Village Care to provide me with documents describing the rollout of the closing of the Rivington Facility and the cost of disposing of the building.

The pertinent points are that the facility will be closed by **November 22, 2014**. The employees and residents have been notified.

In addition, the cost of converting the hospital to an assisted living facility is prohibitive. The below analysis was modeled by [redacted] architects. As you will see converting a single floor costs out at $3.92MM. The building has five

floors. The cost of full convesion of the building to assisted living approaches $20mm. It is highly unlikely that as a business matter potential purchasers will view such expenditure as prudent and thus the marketability of the building will be greatly diminished.

Compounding Village Care's predicament is its ability to satisfy various costs attached to the selling of the property. Specifically, VC owes $18mm in 1199 pension liability, $8m to extinguish the mortgage, plus the $4 to 8m payment for the lifting of the restrictive covenant (as told to VC by DCAS). This $30 to $34mm in liability places VC in a financially precarious position if the agency is not permitted to sell the building absent the additional costs attached to converting the building.

Steve, VC fully understands the importance of providing increased housing to the community, but as not all buildings are suitable for such use, believes that such a requirement on Rivington House will prove disastrous to finding a purchaser and as a consequence hurt the agencies wherewithal to provide services.

I am very appreciative of your taking a look into this issue as Village Care is very concerned about coming to agreement expeditiously so that it might begin seeking purchasers.

Thanks again,

[redacted]

Memorandum

Date: May 29, 2014
To: Commissioner Steven Banks
From: Jim Capalino

RE: Rivington House- Disposition of Building
45 Rivington Street, NYC

The figures in #1 and #2 below indicate that it is not economically viable to convert to and operate as an Assisted Living Program facility. The revenue stream alone shows that the program would operate at a deficit, without even taking into account the costs of converting the facility from its present configuration. Please note that the figures for #1 ands #2 are per floor and that the building has multiple floors, so these amounts would need to be multiplied for the total number of floors converted.

1. Estimated Cost to Convert Facility from Skilled Nursing to Assisted Living (ALP) Services
   - Construction Hard Costs- (1) Floor: $2.64MM
   - Furniture, Fixtures & Equipment- (1) Floor: $ .63MM
   - Soft Costs- (1) Floor: $ .65MM
   - **TOTAL COST TO CONVERT: $3.92MM**
   -

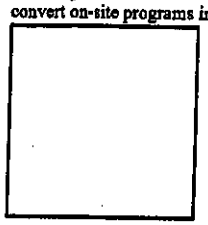
2. Projected Revenue/Expenses to Operate as an Assisted Living Program
   - Revenue at Max Capacity (50 beds): $2.24MM
   - Anticipated Salaries and Wages: ($1.04MM)
   - Anticipated OTPS Expenses: ($2.21MM)
   - **TOTAL NET OPERATING Surplus/(Deficit): ($1.01MM)**

1. 2013 Facility Operating Costs
   - Total Annual Building Expenses: **($5.1MM)**

1. Transition Costs to Close the Facility
   - Net Revenue Loss (over 7 mos.): **($ 7.28MM)**
   - Severance Costs (183 FTEs): **($ 1.07MM)**
   - Pension Liability: **($18.10MM)*** payable over 20 years

- **TOTAL TRANSITION COSTS: ($26.45MM)**

If Rivington House could sell its building without the deed restriction, it would be able to recoup the cost to close the facility ($26.45MM) and use any additional proceeds to convert on-site programs into expanded in-home programming, which aligns with City and State goals.



--

[redacted]
State & Broadway, Inc.
33 Elk Street Ground Floor
Albany, New York 12207
[redacted]

APPENDIX J

From: [redacted]/O=NYCMAYOR/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=[redacted]
Sent: 8/6/2014 3:55:37 PM
To: Williams, Dominic [dwilliams@cityhall.nyc.gov]
Subject: Rivington House summary

Issues:

City restrictions of use of property - The City sold the property for $1 in 1990 and included a restrictive covenant requiring the building to be used for not-for-profit residential health care. DCAS determined that VillageCare owes the city $8.25M to remove both deed restrictions , or $4.25M to remove 1 of the restrictions. As of 2/14 the property was valued at around $30 million as a SNF that was allowed to be run by a FP, $32 with no restrictions. VillageCare already met with HRA Commissioner Banks, and DM Barrios-Paoli staff convened an interagency meeting with DCAS, HRA and HPD, which recommended that Rivington House be converted to assisted living (ALP). VillageCare asserts that the cost to covert and operate an ALP are prohibitive, with conversion costs of $20 million and annual operating deficits of about $5 million, according to their estimates (they do run another ALP facility, which could mean some economies of scale in operating costs).

Workforce - VillageCare is not planning to relocate the 230 Rivington House staff members to their other West Village SNF facility or their community-based care services. The other union issue is $18 million in unfunded 1199 pension costs that could potentially be avoided if another SNF opened on site and the operator assumed these costs.

State denied approval for nursing home - VillageCare and was interested back in February 2014 in selling to a FP nursing home operator who would turn it into a general SNF. It looks like however, the State denied their request to convert to a regular SNF, and therefore they were approved to close the facility on July 16 with a closing date of 11/22/14.

Let me know if you have any questions.

[redacted]
[redacted]
Office of the Firsty Deputy Mayor
[redacted]
[redacted]
[redacted]

APPENDIX K

From: [redacted] (DCAS) [/O=CS HOSTING/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=[redacted]
Sent: 9/2/2014 5:46:54 PM
To: [redacted] (DCAS) ([redacted]
CC: [redacted](DCAS) [redacted]; Stacey Cumberbatch (DCAS) [scumberbatch@dcas.nyc.gov]
Subject: Rivington House sale process question

[redacted]

It looks like there is movement of the Rivington House issue. [redacted] from DM Shorris ' Office called to ask if there are any other steps required to remove the deed restriction on Rivington House assuming Village Care pays the appraisal amount, e.g., do we need to file something w/the Comptroller?

Thanks –[redacted]

[redacted]
NYC Citywide Administrative Services | [redacted]

APPENDIX L

From: [redacted](DCAS) [/O=CS HOSTING/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=[redacted]
Sent: 9/2/2014 7:22:00 PM
To: [redacted](DCAS) [redacted]
CC: [redacted](DCAS) [redacted]; Stacey Cumberbatch (DCAS) [scumberbatch@dcas.nyc.gov]
Subject: FW: Rivington House sale process question ((1-420-47))
Attachments: 1-420-47,48,49 deed.pdf

See below for Randy's response to your question.

[redacted]

[redacted]
NYC Citywide Administrative Services | [redacted]

From: Randal Fong (DCAS)
Sent: Tuesday, September 02, 2014 3:19 PM
To: [redacted](DCAS)
Cc: [redacted](DCAS); [redacted](DCAS)
Subject: RE: Rivington House sale process question ((1-420-47))

Steps:
1. DCAS completes land use justification that approves restriction removal
2. Appraisal is requested/updated
3. DCAS and owner agree to value
4. Disclosure documents received from owner and approved by DCAS
5. DCAS publishes Notice in City Record for 30 issues to advertise MOCS public hearing
6. After hearing, Mayor's Authorization Document obtained from MOCS
7. Unknown: any additional actions to remove restriction (e.g., State? funding? etc.)
8. File transmitted to Law Dept for closing/deed removal
9. At closing, owner pays City value

From: [redacted](DCAS)
Sent: Tuesday, September 02, 2014 1:59 PM
To: [redacted](DCAS); Randal Fong (DCAS)
Subject: FW: Rivington House sale process question

See [redacted] question below. [redacted] who is out on jury duty, said that both of you would know what needs to happen next.

[redacted]

[redacted]
NYC Citywide Administrative Services | General Counsel

From: [redacted](DCAS)
Sent: Tuesday, September 02, 2014 1:47 PM
To: [redacted](DCAS)

Cc: [redacted] (DCAS); Stacey Cumberbatch (DCAS)
Subject: Rivington House sale process question

[redacted]

It looks like there is movement of the Rivington House issue. [redacted] from DM Shorris ' Office called to ask if there are any other steps required to remove the deed restriction on Rivington House assuming Village Care pays the appraisal amount, e.g., do we need to file something w/the Comptroller?

Thanks – [redacted]

[redacted]
NYC Citywide Administrative Services | [redacted]

APPENDIX M

Document ID: 0.7.6160.1460729

From: Glen, Alicia <aglen@cityhall.nyc.gov>
To: Been, Vicki </o=csc/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=beenv>; [redacted] </o=csc/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=[redacted]>
Cc: [redacted]
Bcc:
Subject: Fw: Rivington House meeting summary
Date: Thu Sep 25 2014 11:24:15 EDT
Attachments: 20140924 Rivington House meeting.doc
Rivington House block and lot info.docx

Vicki - could you have someone in your planning world and [redacted] wrold take a quick look at this building to get a sense of its suitability/practicality to convert into some sort of mixed-income (perhaps w/a supportive housing component) project with ground floor retail.
Opportunity for us to "force" a conveyance for affordable housing.
Thanks

From: [redacted]
Sent: Wednesday, September 24, 2014 01:25 PM
To: Shorris, Anthony; Glen, Alicia; Barrios-Paoli, Lilliam; Williams, Dominic; [redacted]
Cc: [redacted]
Subject: Rivington House meeting summary

All,

Attached is the summary from this morning's meeting. Let me know if you have any questions.

One correction - Rivington House is not located on Houston street, instead it is a couple blocks south at the intersection of Rivington and Forsyth, across from Roosevelt park, see the attached document with map, block and lot information.

[redacted]

[redacted]

[redacted]

Office of the Firsty Deputy Mayor

[redacted]

09/24/14: Rivington House Meeting

Participants

FMD Shorris, DM Glen, DM Barrios-Paoli, Dom Williams, [redacted]

Elements

- Review of Rivington House sale and development options:
  - affordable housing
  - market housing
  - FP nursing home
  - supportive housing
- Concluded that city's perspective on first-best use, pending further enquiries with HPD and Law, is to modify covenant so that VillageCare can sell to a NP developer for mixed use that includes market retail on ground floor and mixed units above which can include supportive housing

Action Items

Num	Item	Owner	Due Date
1	Schedule meeting with 1199	Dom Williams	9/26
2	Ask HPD to inspect building	DM Glenn	9/26
3	Discuss modifying covenant with Law	[redacted]	9/26
4			

Rivington House

APPENDIX N

From:	Randal Fong (DCAS) </o=cs hosting/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=rfong>
To:	[redacted] (DCAS) </o=cs hosting/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=[redacted] [redacted] (DCAS) </o=cs hosting/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=[redacted]
Cc:	[redacted] (DCAS) </o=cs hosting/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=[redacted] (DCAS) </o=cs hosting/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=[redacted]
Bcc:	
Subject:	FW: Rivington ((1-420-47))
Date:	Wed Oct 29 2014 14:31:58 EDT
Attachments:	CB Letter 102214 letter of support from officials to Commissioner.pdf RE: Assistance-DCAS Asset Management (2).msg image001.png image002.jpg image003.png image004.png

This conversation was a result of a call that [redacted] made to [redacted] yesterday.

Joel Landau is the owner/operator of for-profit nursing homes and he advises that Rivington House/Village Care agreed to sell the property to him. He was not aware of the steps to modify the restriction so we should open those discussions. Do you have guidance or concerns on this direction?

From: Landau, Joel [mailto:[redacted]
Sent: Wednesday, October 29, 2014 1:21 PM
To: Randal Fong (DCAS)
Cc: [redacted]
Subject: Rivington
Importance: High

Dear Randy,

It was nice chatting with you earlier today. As discussed, attached is a copy of the resolution from last night's Community Board 3 meeting supporting keeping the nursing and converting this facility from a not for profit to a for profit entity.

I understand from our call today that you need to do an assessment on the situation, so as to determine what is the next step DCAS can take on the matter. I would like to remind you that Village Care is looking to lay off their 250+ employees this coming Friday. Therefore, we are looking to prevent this at

all costs, so I would appreciate any expediting you can provide on the matter.

As mentioned, this is supported but the Union and Dept of Health, the local Community Board, 1199, and the State Attorney General. So we are now ready to do whatever we can to move this project forward. I would also like to keep the home as it is, with the continued employment of the 250+ union employees currently working at this facility.

So to confirm, the next steps would be to do an appraisal of the site, hold a public hearing and then have the city lawyers approve the deal. Is this correct?

In the meantime, I would love to setup a call or a meeting between you, myself, 1199, and some additional stake holders so that we can begin to move this process along.

You can reach me anytime on my cell [redacted]

All the best,

Joel Landau

755 Second Avenue 2nd Fl

New York, NY 10017

[redacted]

[redacted]

E-mail: [redacted]

APPENDIX O

THE CITY OF NEW YORK
MANHATTAN COMMUNITY BOARD 3
59 East 4th Street - New York, NY 10003
Phone (212) 533-5300 - Fax (212) 533-3659
www.cb3manhattan.org - info@cb3manhattan.org

Gigi Li, Board Chair

Susan Stetzer, District Manager

October 29, 2014

Mr. Matthew Lesieur
VillageCare
120 Broadway, Suite 2840
New York, NY 10271

Dear Mr. Lesieur,

At its October 2014 monthly meeting, Community Board 3 passed the following resolution:

VOTE: Community Board 3 Resolution to Support Converting Rivington House to a General Nursing Home with Maximum Beds, Accessible to All in the Community

WHEREAS, Community Board 3, Manhattan values its community facilities that serve our community, especially the underserved who are most vulnerable, and

WHEREAS, in the last few years, CB 3 has lost its nursing homes, namely Cabrini with its 240 beds and Bialystoker with its 95 beds, comprising a total of 335 nursing home beds lost, and

WHEREAS, Community Board 3 appreciates Rivington House's ("RH") service to patients with AIDS needing skilled nursing services in a skilled nursing facility, but has learned from RH that it is closing its facility, which will result in the loss of an additional 219 beds in our community, and

WHEREAS, Community Board 3 believes that people without the financial or other ability to receive home care, and in need of both short term and long term care, should be able to remain in their community, supported by friends and family, and

WHEREAS, CB 3 believes that nursing home care should be available to all in the community in need of such care, regardless of their ability to pay or insurance status or any other reason, so

THEREFORE BE IT RESOLVED, that CB 3 supports the conversion of RH beds to general nursing home beds available to those needing nursing home care, including people with AIDS needing skilled or specialized care, and

THEREFORE BE IT FURTHER RESOLVED, that CB 3 also supports allowing the maximum number of nursing homes beds (219 beds) in the new nursing home facility that will replace Rivington House, and

THEREFORE BE IT FURTHER RESOLVED, that CB 3 supports all nursing home beds being made available to all in the community in need of such services, regardless of their ability to pay, insurance status, or any other reason.

If you have any questions, please contact the office.

Sincerely,

Gigi Li

Gigi Li, Chair
Community Board 3

Justin Carroll, Chair
Human Services Committee

Cc: Tommy Lin, Office of the Mayor
Alize Beal, Mayor's Office of Community Affairs
Zachary Bommer, Office of Assembly Member Sheldon Silver
Mauricio Pazmino, Office of Senator Daniel Squadron
Patricia Ceccarelli, Office of Manhattan Borough President Gale Brewer
Yume Kitasei, Office of Council Member Margaret Chin
Dyani Richberg, VillageCare
Emma Devito, VillageCare

APPENDIX P

18-2014

Randal Fong (DCAS)

From: [redacted](DCAS)
Sent: Tuesday, November 18, 2014 12:09 PM
To: [redacted](DCAS); Randal Fong (DCAS)
Subject: RE: [redacted] on Behalf of Joel Landau regarding Rivington House ((1-420-47))

Great, thanks.

[redacted]

please do not print this e-mail unless necessary

From: [redacted] (DCAS)
Sent: Tuesday, November 18, 2014 11:59 AM
To: Randal Fong (DCAS); [redacted] (DCAS)
Subject: Re: [redacted] on Behalf of Joel Landau regarding Rivington House ((1-420-47))

We will push for an appraised value next week

From: Randal Fong (DCAS)
Sent: Tuesday, November 18, 2014 11:30 AM
To: [redacted] (DCAS)
Cc: [redacted] (DCAS)
Subject: RE: [redacted] on Behalf of Joel Landau regarding Rivington House ((1-420-47))

[redacted] and I met with Joel Landau yesterday afternoon. He is now interested in removing the both restrictions (NFP+Health). [redacted] will complete the appraisal in 3 weeks. Then Landau will determine his next step -- accept the DCAS value, renegotiate with Riv House, back out of deal. He needs NYS Public Health Council approval to convert from NFP to Profit. He will tell us if he or Riv House will be the owner/applicant. I also explained about the public hearing step and Law Dept closing.

From: [redacted] (DCAS)
Sent: Tuesday, November 18, 2014 11:18 AM
To: Randal Fong (DCAS)
Subject: Fwd: [redacted] on Behalf of Joel Landau regarding Rivington House ((1-420-47))

Randy, are there any updates? We need to move this. Thanks.

[redacted]

Begin forwarded message:

From: "[redacted] (DCAS)" <[redacted]>
Date: November 18, 2014 at 11:15:43 AM EST
To: "[redacted] (DCAS)" <[redacted]>
Subject: Re: [redacted] on Behalf of Joel Landau regarding Rivington House ((1-420-47))

I sent a message to [redacted] requesting a status from last week. I've heard nothing back, and I'll forward that when I get back to my office. I'll also speak to Randy.

[redacted]

APPENDIX Q

VILLAGECARE

Corporate Office
120 Broadway, Suite 2840
New York, New York 10271
tel 212.337.5600
www.villagecare.org

David H. Sidwell
Chairman

Emma DeVito
President & CEO

FOR BETTER HEALTH AND WELL-BEING

MEMORANDUM

Date: December 3, 2014

To: Mr. Randal Fong, Assistant Commissioner, Planning and Research
Citywide Administrative Services
1 Centre St., 17th Fl., Municipal Building, New York, NY, 10007

From: Emma DeVito, CEO

RE: Rivington House

Good morning Assistant Commissioner Fong, thank you for taking the time yesterday to speak with me and with Mr. Joel Landau. As per your request here is a brief summary of the status of Rivington House.

*We completed a RFP process conducted by our Consultants Loeb and Troper.

*After a thourough detailed analysis of all of the bids received it was determined that Mr. Landau's bid was the best one not only in keeping with our mission to provide needed services to the community but it retained all of the union staff, approximately 200 employees. It was very important for us to perserve the jobs of the staff at Rivington House.

*Mr. Landau had the ability to close the transaction by the end of this year. Mr. Landau opearates a number of facilities, has a good track record as an operator with the State and a has developed a very good relationship with 1199.

We have received support from the community, the Attorney General and the Department of Health have both provided approval to move forward with the transaction.

Mr. Landau is interested in removing the restriction on the Rivington House deed; in the meantime he has agreed to move forward with the transaction. However, Joel wants to underststands the requirements to lift the restriction and the formula used to determine the cost that will be incurred.

As discussed yesterday, we will appreciate it if you could share with us the appraisal and the anticipated cost to remove the restriction, as well as any other relevant information.

Thank you for your for help and support.

Emma

CC: [redacted]

Joel Landau

APPENDIX R

From: [redacted] [/O=NYCMAYOR/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=[redacted]

Sent: 12/18/2014 5:00:07 PM

To: [redacted]; Glen, Alicia [aglen@cityhall.nyc.gov]; [redacted] Shorris, Anthony [ashorris@cityhall.nyc.gov]; Williams, Dominic [dwilliams@cityhall.nyc.gov]

CC: [redacted]; [redacted]

Subject: RE: Rivington House

Please help here – need to understand what the plan is and need to communicate accurately to folks? Hearing two different higns.

From: [redacted]
Sent: Wednesday, December 17, 2014 5:34 PM
To: [redacted] Glen, Alicia; [redacted] Shorris, Anthony; Williams, Dominic
Cc: [redacted]
Subject: RE: Rivington House

Last we heard from both 1199 and the seller (VillageCare) they were about to close on selling it to a nursing home operator so I'm not sure what happened. I'm happy to call the VillageCare CEO for an update.

Note – if the plans have changed to sell to a developer for housing then cityhall approval is needed for DCAS to lift the deed restrictions that current limit use of the building to residential healthcare provided by a non-profit operator.

From: [redacted]
Sent: Wednesday, December 17, 2014 5:20 PM
To: Glen, Alicia; [redacted] Shorris, Anthony; Williams, Dominic; [redacted]
Cc: [redacted]
Subject: Rivington House

May have a right hand – left hand challenge here – but just trying to suss this out and both 1199 and Margaret Chin have asked me about this --- 1199 much more urgently.

1199 says following:

- We worked with 1DM office for months to find operator for the nursing home @ Rivington House
- Now suddenly being told that it's being converted to housing and 200 workers are going to lose their jobs
- Feel rug pulled out after months of work and is disaster for the workers
- Kevin says he's been in touch with us on this and got OK on it

Any sense of what's going on here?

APPENDIX S

NYC
Citywide Administrative Services

Stacey Cumberbatch
Commissioner

[redacted]
Asset Management

1 Centre Street
20th Floor
New York, NY 10007

[redacted]
nyc.gov/dcas

To: Randal Fong
From: [redacted]
Date: 1/2/2015 (Updated from 12/2014)
Re: Land Use Justification
Deed Restrictions Removal for Rivington House

PROPERTY INFORMATION	
BBL	Manhattan, Block 420, Lot 47 (merger of Lots 47,48,49)
Address	154 Forsyth Street (aka 45 Rivington Street)
Lot Size, Building Size	Lot 25,010 sf, Building 150,000 sf, 7 floors
Zoning	C4-4A
CB, Neighborhood	3, Lower East Side
CCD, Name	1, Margaret Chin
LOT HISTORY	
Acquisition Date, Method	Lot 47:1976, in rem Lot 48:1977, in rem Lot 49:1896, condemnation for PS 20
ULURP	
ULURP Number	890645PPM (Lot47) 860182 PPM (Lots 48 & 49)
Approval, Cal. No.	BOE 4/13/1989, Cal.No.174
BOE Restriction, if any	Unrestricted
BOE Restriction Reason	N/A
AUCTION INFORMATION	
Auction Approval, Cal. No.	BOE 7/16/1990, Cal.No.310
Auction Restriction	1.Use and development limited to Not-for-Profit "Residential Health Care Facility", as defined by NYS Public Health Law 2. Certificate of Occupancy within 3 years 3. Enter into contract for 10 years with HHC for contractual obligation of 80 beds 4. Reverter clause
Auction Restriction Reason	The City sought to sell the property for a long-term care facility for AIDS patients to Rivington House Health Care. Since the Department of General Services (DGS) was unable to conduct a direct sale, a restricted 1-parcel sealed bid auction was initially used to identify the high bidder.
Auction Date, Parcel No.	Sealed bid auction 06/07/1990, Parcel No. 1
Upset Price, Sales Price	Upset Price = $1,550,000, Sales Price = $1,550,000
Auction Buyer	Rivington House Health Care Facility
Additional Sale History	12/02/1992: Deputy Mayor authorized the direct sale to Rivington House Health Care Facility, subject to some terms of the sealed bid auction. The sale method was a direct sale under Sec 2861 of the New York State Public Health law.

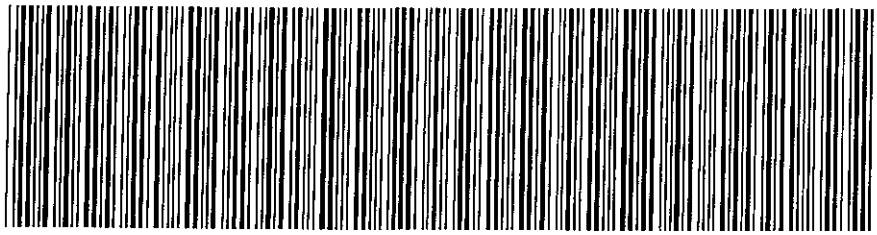
Sales History After Auction	None
REQUEST INFORMATION	
Current Owner	Rivington House -The Nicholas A. Rango Healthcare Facility
Owner Representative	Capalino + Company Emma Devito – CEO Village Care
Request Date	10/11/2012 email from Capalino to Koch 11/06/2012 email from Gallent to Koch 02/13/2014 email from Orloff to Renfro 02/19/2014 memo from Capalino to Cumberbatch 12/03/2014 memo from DeVito to Fong
VALUATION	
Value to Remove Restrictions	12/2014: -$16,150,00 Removal of both Restrictions(NFP and Health Care Use) - $8,075,00 Removal of one of the Restrictions(NFP or Health Care Use)
Appraisal Date	4/2013: $8,825,000 ($4.4 for NFP + $4.4 for health only) 2/2014: $10,125,000 (both Restrictions)
LAND USE JUSTIFICATION	
	Project Area Lots 47, (now an assemblage with Lots 48, and 49) is a 25,000 sf lot at the corner Rivington Street and Forsyth Street in the Lower East Side neighborhood of Manhattan. The site contains a 150,000 sf building that was a formerly a public high school. The building is now a long-term care facility for HIV/AIDS patients run by Rivington House a non-profit health services company. The surrounding area is comprised of mostly residential, commercial and community facility uses. The majority of these community facility uses are concentrated one block east of the site. Directly adjacent to the site is the Sara D. Roosevelt Park. The built environment surrounding the site consists of five to seven story multi-family buildings, as well as multi-story mixed-use commercial and residential buildings. The area was re-zoned in 2008 (080397 ZMM) as part of the East Village/Lower East Side rezoning initiative. The area was rezoned to a C4-4A from a C6-1, which decreased the FAR from 6 to a 4. The building is currently overbuilt according to the current zoning. **Property History** On 4/17/89, the City and the Village Nursing Home Inc. signed a memorandum of understanding that would allow Village Nursing to operate a long-term care facility for AIDS patients at the former P.S. 20 building. The city planned to sell the P.S. 20 building on Lot 47 and the two adjacent vacant Lots 48 and 49 to Village Nursing. In 9/28/1989, the BOE approved a sealed bid sale of the property for $2.4 million, assuming Village Nursing would be the high bidder. On 2/8/1990, the BOE approved a reduction of the offering price to $1.5 million, to accommodate asbestos abatement required for use. On 6/7/1990, DGS held a sealed bid auction to sell the property. As part of the auction, DGS placed restrictions that the property; be used by as a not-for-profit and as a "Residential Health Care Facility" use, that Rivington receive a Certificate of Occupancy within 3 years, enter into contract for 10 years with HHC for contractual obligation of 80 beds and the reverter clause. On 12/2/1992, Deputy Mayor Steisel authorized the direct sale, under Sec 2861 of the New York State Public Health law. On 12/3/1992, the property was conveyed to Rivington House Health Care Facility/Village Nursing Home Inc. **Restriction Removal** There are currently two active restrictions on the property; the requirement that the property be operated by a Not-for-Profit organization and that the property be used as a residential health care facility. Rivington is looking to remove both restrictions on the property.

	Land Use Justification Rivington House now wishes to remove the two restrictions that remain on the property, the not-for-profit, which restricts the type of operator of the property, and the residential healthcare facility, which restricts the use. The need for the property to continue to be used as a residential health care facility has since passed. As noted in the Capalino email, the change in the way AIDS treatment is delivered has created less demand for long-term skilled residential care to treat the chronically ill. This change also comes as New York State pushes long-term care outside of institutions, which has caused Rivington House to operate at half-capacity. Village Care, which runs Rivington House, provides these services throughout the City, in facilities that better meet the current environment. When the original restrictions were placed on the property in 1995 during the HIV/AIDS crisis, there was a clear need for a dedicated facility to care chronically ill patients. Twenty years have passed and the treatment of AIDS patients has evolved beyond the kind of care provided at Rivington House. The requirements imposed in the deed are now obsolete. Therefore removing the restrictions would allow the property to be run by for-profit and not-for-profit operators and be used by a wider array of permitted uses under zoning, that would be compatible within this neighborhood. Elected officials and Community Board 3 support the use of this building as a nursing home. The removal of the restrictions will allow for this use and provide any other operator the flexibility in reprogramming this large building based on changing needs and neighborhood character. Rivington has noted it would use the proceeds for the sale of this building to fund other programs it operates for the chronically ill or its not-for-profit affiliates extending the original intent of the restriction.
NEXT STEPS	
	1. DCAS has to review and approve the disclosure documents submitted by the purchaser. 2. Public hearing conducted by the Mayor's Office of Contract Services 3. Receipt of Mayoral Authorization Document 4. Deed Modification by the Law Department and payment by the owner

APPENDIX T

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.



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RECORDING AND ENDORSEMENT COVER PAGE **PAGE 1 OF 5**

Document ID: 2015021900717001 Document Date: 02-09-2015 Preparation Date: 02-23-2015
Document Type: DEED
Document Page Count: 4

PRESENTER:
RELIABLE ABSTRACT CO. LLC.
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BROOKLYN, NY 11211
718-438-0786
DEVORA@RELIABLEABSTRACT.NET

RETURN TO:
HISCOCK & BARCLAY, LLP
ONE PARK PLACE
320 SOUTH STREET
SYRACUSE, NY 13202
ATT: JAMES J. CANFIELD, ESQ.

PROPERTY DATA

Borough	Block	Lot	Unit	Address
MANHATTAN	420	47	Entire Lot	45 RIVINGTON STREET

Property Type: COMMERCIAL REAL ESTATE

CROSS REFERENCE DATA

CRFN_____ *or* DocumentID_____ *or* _____ Year____ Reel___ Page____ *or* File Number_____

PARTIES

GRANTOR/SELLER:
RIVINGTON HOUSE HEALTH CARE FACILITY
45 RIVINGTON STREET
NEW YORK, NY 10002

GRANTEE/BUYER:
NEW RIVINGTON PROPERTIES LLC
C/O ALLURE GROUP LLC, 199 LEE AVENUE, SUITE 182
BROOKLYN, NY 11211

FEES AND TAXES

Mortgage :

Mortgage Amount:	$	0.00
Taxable Mortgage Amount:	$	0.00
Exemption:		
TAXES: County (Basic):	$	0.00
City (Additional):	$	0.00
Spec (Additional):	$	0.00
TASF:	$	0.00
MTA:	$	0.00
NYCTA:	$	0.00
Additional MRT:	$	0.00
TOTAL:	$	0.00
Recording Fee:	$	57.00
Affidavit Fee:	$	0.00

Filing Fee:	$	250.00
NYC Real Property Transfer Tax:	$	0.00
NYS Real Estate Transfer Tax:	$	112,000.00

RECORDED OR FILED IN THE OFFICE OF THE CITY REGISTER OF THE CITY OF NEW YORK
Recorded/Filed 02-26-2015 17:03
City Register File No.(CRFN): **2015000067348**

City Register Official Signature

BARGAIN AND SALE DEED WITH COVENANTS

THIS INDENTURE, made the 9th day of February, 2015. BETWEEN RIVINGTON HOUSE-THE NICHOLAS A. RANGO HEALTH CARE FACILITY, a New York non-profit corporation ("Grantor"), having an address at 45 Rivington Street, and New Rivington Properties, LLC ("Grantee"), having an address at c/o Allure Group LLC, 199 Lee Street, Brooklyn, New York. **Sale is made pursuant to a Court Order dated 12/16/2014 issued by Supreme Court, New York County under Index # 162246/14.**

WITNESSETH, that Grantor, in consideration of TEN Dollars and 00/100 DOLLARS ($10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, does hereby grant and release unto the said Grantee, its heirs or successors and assigns forever,

ALL those certain lots, pieces or parcels of land, situate, lying and being in the tenth ward of the City of New York, State and County of New York, which, taken together, are bounded and described as follows:

BEGINNING at a point formed by the intersection of the Southerly side of Rivington Street with the easterly side of Forsyth;

RUNNING THENCE easterly along the southerly side of Rivington Street, 200 feet 1 inch to the Westerly side of Eldridge Street;

THENCE southerly along the westerly side of Eldridge Street, 99 feet 4 inches;

THENCE westerly and at an interior of 89 degrees 31 minutes 50 seconds with the last mentioned course 50 feet 2 inches to a point distant 99 feet 3 inches southerly from the southerly side of Rivington Street;

THENCE southerly and at an exterior angle of 89 degrees 31 minutes 50 seconds with the last mentioned course 9 inches to a point;

THENCE westerly and parallel with the southerly side of Rivington Street, 50 feet 1-3/4 of an inch to a point;

THENCE southerly and at an exterior angle of 89 degrees 45 minutes 30 seconds with the last mentioned course 50 feet to a point;

THENCE westerly and at an interior angle of 89 degrees 45 minutes 30 seconds with the last mentioned course 100 feet to the easterly side of Forsyth Street;

THENCE northerly along the easterly side of Forsyth Street 150 feet to the corner formed by the intersection of the southerly side of Forsyth Street, the point or place of BEGINNING.

TOGETHER with the appurtenances and all the estate and rights of the said Grantor in and to said Premises,

TOGETHER with all right, title and interest, if any, of the Grantor in and to the streets and roads abutting the above described Premises to the center line thereof,

SUBJECT TO, any and all easements, covenants, conditions, restrictions, and reservations of record, if any,

SUBJECT TO that certain other Indenture dated December 3, 1992 between the City of New York and Rivington House Health Care Facility, relating to the Premises and recorded at Reel 1927, Page 250.

TO HAVE AND TO HOLD the Premises herein granted unto the said Grantee, its heirs or successors and assigns forever.

AND Grantor, in compliance with Section 13 of the Lien Law, covenants that Grantor will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purposes of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

IN WITNESS WHEREOF, Grantor has hereunto caused these presents to be duly executed as of this 6th day of February, 2015.

GRANTOR:

RIVINGTON HOUSE-THE NICHOLAS A. RANGO HEALTH CARE FACILITY
a New York not-for-profit corporation

By: _____
Name: Emma DeVito
Title: President & Chief Executive Officer

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

On the 6th day of February in the year 2015 before me, the undersigned, personally appeared Emma DeVito, 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 she executed the same in her capacity, and that by her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

[SEAL]

Notary Public
HOWARD A. GOOTKIN
Notary Public, State of New York
No. 31-4749935
Qualified in New York County
Commission Expires March 30, 2016

My commission expires:

BARGAIN AND SALE DEED
(with covenants)

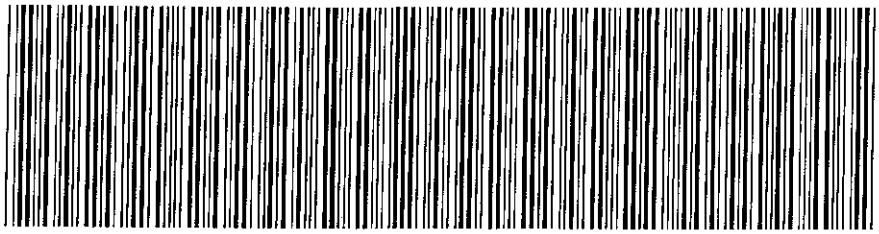
RIVINGTON HOUSE-THE NICHOLAS A. RANGO HEALTH CARE FACILITY
-To-
NEW RIVINGTON PROPERTIES, LLC

The land affected by the within
Instrument lies in
Section:
Block: 420
Lot: 47
On the Land Map of the County of New York

Street Address:
45 Rivington Street
New York, New York 10002
RECORD AND RETURN TO:

Hiscock & Barclay, LLP
One Park Place
320 South Street
Syracuse, New York 13202
Attn.: James J. Canfield, Esq.

NYC DEPARTMENT OF FINANCE
OFFICE OF THE CITY REGISTER



2015021900717001003S85E6

SUPPORTING DOCUMENT COVER PAGE **PAGE 1 OF 1**

Document ID: 2015021900717001 Document Date: 02-09-2015 Preparation Date: 02-19-2015
Document Type: DEED

ASSOCIATED TAX FORM ID: 2015020600305

SUPPORTING DOCUMENTS SUBMITTED:

	Page Count
RPTT FILING FEE EXEMPTION AFFIDAVIT	1
RP - 5217 REAL PROPERTY TRANSFER REPORT	1

The City of New York
Department of Environmental Protection
Bureau of Customer Services
59-17 Junction Boulevard
Flushing, NY 11373-5108

Customer Registration Form for Water and Sewer Billing

Property and Owner Information:

(1) **Property receiving service: BOROUGH: MANHATTAN** **BLOCK: 420** **LOT: 47**

(2) **Property Address: 45 RIVINGTON STREET, NEW YORK, NY 10002**

(3) **Owner's Name:** **NEW RIVINGTON PROPERTIES LLC**

Additional Name:

Affirmation:

☑ Your water & sewer bills will be sent to the property address shown above.

Customer Billing Information:

Please Note:

A. Water and sewer charges are the legal responsibility of the owner of a property receiving water and/or sewer service. The owner's responsibility to pay such charges is not affected by any lease, license or other arrangement, or any assignment of responsibility for payment of such charges. Water and sewer charges constitute a lien on the property until paid. In addition to legal action against the owner, a failure to pay such charges when due may result in foreclosure of the lien by the City of New York, the property being placed in a lien sale by the City or Service Termination.

B. Original bills for water and/or sewer service will be mailed to the owner, **at the property address or to an alternate mailing address.** DEP will provide a duplicate copy of bills to one other party (such as a managing agent), however, any failure or delay by DEP in providing duplicate copies of bills shall in no way relieve the owner from his/her liability to pay all outstanding water and sewer charges. Contact DEP at (718) 595-7000 during business hours or visit www.nyc.gov/dep to provide us with the other party's information.

Owner's Approval:

The undersigned certifies that he/she/it is the owner of the property receiving service referenced above; that he/she/it has read and understands Paragraphs A & B under the section captioned "Customer Billing Information"; and that the information supplied by the undersigned on this form is true and complete to the best of his/her/its knowledge.

Print Name of Owner:

Signature: Jeffrey Zwick, AS Date (mm/dd/yyyy) 02/09/2015

Name and Title of Person Signing for Owner, if applicable:

FOR CITY USE ONLY

C1. County Code | C2. Date Deed Recorded | Month / Day / Year

C3. Book OR C5. CRFN | C4. Page

REAL PROPERTY TRANSFER REPORT

STATE OF NEW YORK
STATE BOARD OF REAL PROPERTY SERVICES

RP - 5217NYC

PROPERTY INFORMATION

1. Property Location: 45 (STREET NUMBER) RIVINGTON STREET (STREET NAME) MANHATTAN (BOROUGH) 10002 (ZIP CODE)

2. Buyer Name: NEW RIVINGTON PROPERTIES LLC (LAST NAME / COMPANY) (FIRST NAME)
(LAST NAME / COMPANY) (FIRST NAME)

3. Tax Billing Address: Indicate where future Tax Bills are to be sent if other than buyer address (at bottom of form)
(LAST NAME / COMPANY) (FIRST NAME)
(STREET NUMBER AND STREET NAME) (CITY OR TOWN) (STATE) (ZIP CODE)

4. Indicate the number of Assessment Roll parcels transferred on the deed: 1 # of Parcels OR ☐ Part of a Parcel

4A. Planning Board Approval - N/A for NYC
4B. Agricultural District Notice - N/A for NYC

5. Deed Property Size: (FRONT FEET) X (DEPTH) OR (ACRES)

Check the boxes below as they apply:
6. Ownership Type is Condominium ☐
7. New Construction on Vacant Land ☐

8. Seller Name: RIVINGTON HOUSE HEALTH CARE FACILITY (LAST NAME / COMPANY) (FIRST NAME)
(LAST NAME / COMPANY) (FIRST NAME)

9. Check the box below which most accurately describes the use of the property at the time of sale:

A ☐ One Family Residential
B ☐ 2 or 3 Family Residential
C ☐ Residential Vacant Land
D ☐ Non-Residential Vacant Land
E ☑ Commercial
F ☐ Apartment
G ☐ Entertainment / Amusement
H ☐ Community Service
I ☐ Industrial
J ☐ Public Service

SALE INFORMATION

10. Sale Contract Date: 10 / 9 / 2014 (Month / Day / Year)

11. Date of Sale / Transfer: 2 / 9 / 2015 (Month / Day / Year)

12. Full Sale Price $: 28,000,000.00

(Full Sale Price is the total amount paid for the property including personal property. This payment may be in the form of cash, other property or goods, or the assumption of mortgages or other obligations.) *Please round to the nearest whole dollar amount.*

13. Indicate the value of personal property included in the sale: $

14. Check one or more of these conditions as applicable to transfer:

A ☐ Sale Between Relatives or Former Relatives
B ☐ Sale Between Related Companies or Partners in Business
C ☐ One of the Buyers is also a Seller
D ☐ Buyer or Seller is Government Agency or Lending Institution
E ☐ Deed Type not Warranty or Bargain and Sale (Specify Below)
F ☐ Sale of Fractional or Less than Fee Interest (Specify Below)
G ☐ Significant Change in Property Between Taxable Status and Sale Dates
H ☐ Sale of Business is Included in Sale Price
I ☐ Other Unusual Factors Affecting Sale Price (Specify Below)
J ☑ None

ASSESSMENT INFORMATION - Data should reflect the latest Final Assessment Roll and Tax Bill

15. Building Class: I6

16. Total Assessed Value (of all parcels in transfer): $9,138,150

17. Borough, Block and Lot / Roll Identifier(s) (If more than three, attach sheet with additional identifier(s))

MANHATTAN 420 47

CERTIFICATION

I certify that all of the items of information entered on this form are true and correct (to the best of my knowledge and belief) and understand that the making of any willful false statement of material fact herein will subject me to the provisions of the penal law relative to the making and filing of false instruments.

BUYER		BUYER'S ATTORNEY	
Jeffrey Zwick, AS	1/14/15		
BUYER SIGNATURE	DATE	LAST NAME	FIRST NAME
C/O ALLURE GROUP LLC	199 LEE AVENUE, SUITE 182		
STREET NUMBER	STREET NAME (AFTER SALE)	AREA CODE	TELEPHONE NUMBER
BROOKLYN	NY 11211	SELLER	
CITY OR TOWN	STATE ZIP CODE	SELLER SIGNATURE	DATE 1/9/15

Emma DeVito, President

2015020600305201

AFFIDAVIT OF COMPLIANCE WITH SMOKE DETECTOR REQUIREMENT FOR ONE- AND TWO-FAMILY DWELLINGS

State of New York)
) SS.:
County of NY)

The undersigned, being duly sworn, depose and say under penalty of perjury that they are the grantor and grantee of the real property or of the cooperative shares in a cooperative corporation owning real property located at

45 RIVINGTON STREET , ,
Street Address Unit/Apt.

MANHATTAN New York, 420 47 (the "Premises");
Borough Block Lot

That the Premises is a one or two family dwelling, or a cooperative apartment or condominium unit in a one- or two-family dwelling, and that installed in the Premises is an approved and operational smoke detecting device in compliance with the provisions of Article 6 of Subchapter 17 of Chapter 1 of Title 27 of the Administrative Code of the City of New York concerning smoke detecting devices;

That they make affidavit in compliance with New York City Administrative Code Section 11-2105 (g). (The signatures of at least one grantor and one grantee are required, and must be notarized).

Emma DeVito Emma DeVito, President
Name of Grantor (Type or Print)

Signature of Grantor

Sworn to before me this 9th date of February 2015

HOWARD A. GOOTKIN
Notary Public, State of New York
No. 31-4748059
Qualified in New York County
Commission Expires March 30, 2016

Jeffrey Zwick, AS
Name of Grantee (Type or Print)

Signature of Grantee

Sworn to before me this 9th date of February 2015

Yakov Deckelbaum
Notary Public, State of New York
Qualified in Kings County
No.: 01DE6000799
Commission Expires April 27, 2018

These statements are made with the knowledge that a willfully false representation is unlawful and is punishable as a crime of perjury under Article 210 of the Penal Law.

NEW YORK CITY REAL PROPERTY TRANSFER TAX RETURNS FILED ON OR AFTER FEBRUARY 6th, 1990, WITH RESPECT TO THE CONVEYANCE OF A ONE- OR TWO-FAMILY DWELLING, OR A COOPERATIVE APARTMENT OR A CONDOMINIUM UNIT IN A ONE- OR TWO-FAMILY DWELLING, WILL NOT BE ACCEPTED FOR FILING UNLESS ACCOMPANIED BY THIS AFFIDAVIT.

APPENDIX U

Document ID: 0.7.6160.306566

From: Randal Fong (DCAS) </o=cs hosting/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=rfong>
To: [redacted] (DCAS) </o=cs hosting/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=[redacted]
Cc:
Bcc:
Subject: RE: Blurbs for Bi-Weekly - March 20th
Date: Thu Mar 19 2015 16:59:15 EDT
Attachments: image001.png

Good. Made slight edits throughout

NR

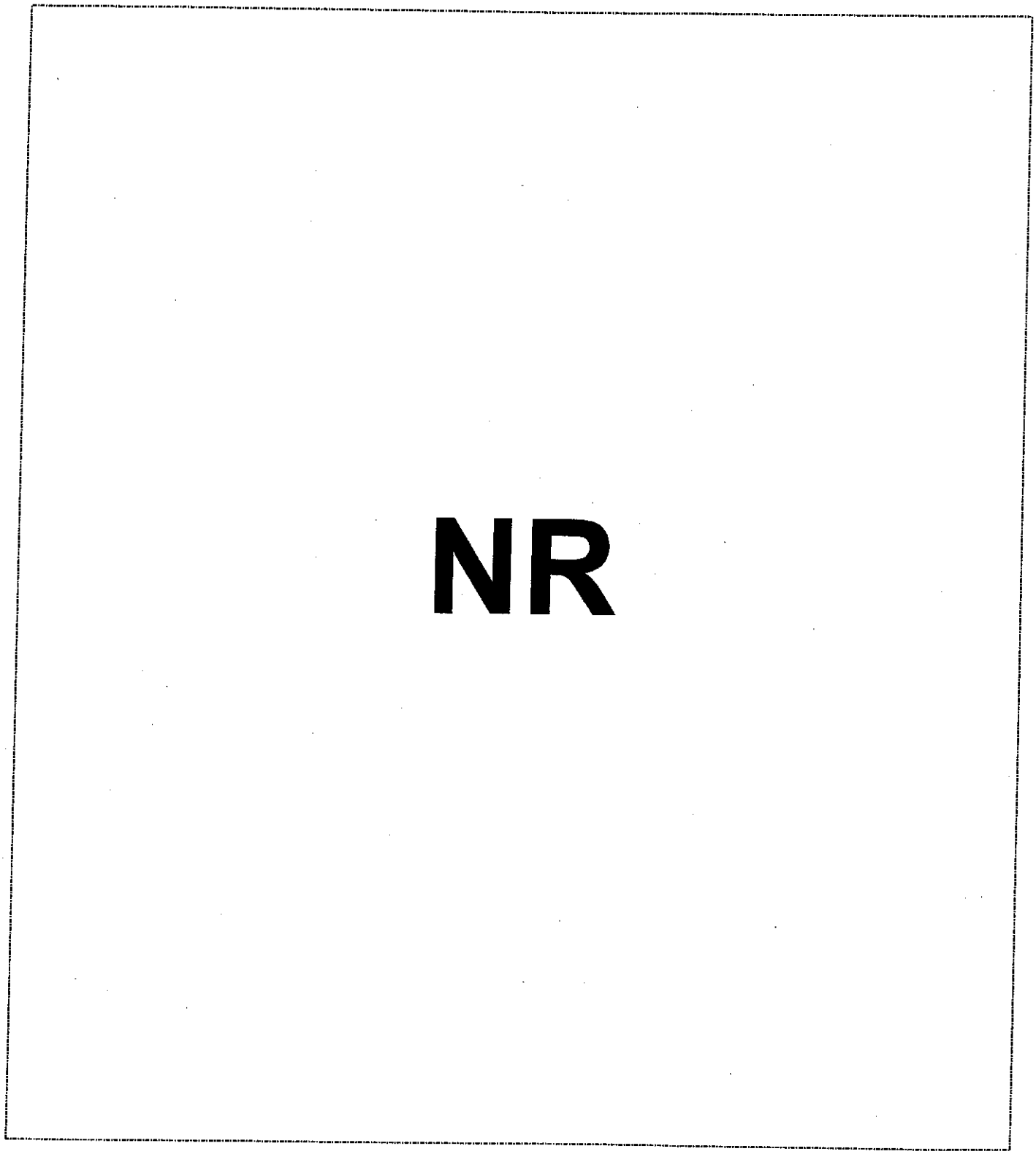
Rivington House

Planning and Appraisals met with Joseph Landau, principal of the Allure Group, who recently purchased the Rivington House site. While ACRIS documents show the purchase price as $28 million, Landau mentioned $40 million. At the meeting, Landau advised that he is interested to remove both not-for-profit and health-care restrictions, yet would use the site as a for-profit nursing home. He said the site is not in operation at this time. DCAS explained the methodology to value the restriction removal. Landau did not agree on the methodology and the resulting value. He is now reviewing his options for this site.

NR

From: [redacted] (DCAS)
Sent: Thursday, March 19, 2015 3:39 PM
To: Randal Fong (DCAS)
Subject: RE: Blurbs for Bi-Weekly - March 20th

NR



Rivington House LUP with the Appraisal group meet with Joseph Landau the owner of Allure Group which recently purchased Rivington House health care facility for $28 million. Mr. Landau is interested in removing the not-for-profit and residential health care facility restrictions in order to legally operate at the facility. The Allure Group is a for-profit operator of nursing homes throughout the City and would need to have the not-for-profit operator restriction removed in order comply with the deed restrictions. At the meeting LUP discussed the steps of the deed removal process and a potential time line to complete the process. The Appraisal group also discuss the cost to the remove both restrictions

on the property and its methodology of appraising the restrictions. Mr. Landau felt the number was too high and he would not be able to operate a nursing home at the facility if he needed to invest another $16 million in the property. This would force him to develop housing or to flip the property, all of which the community does not want. Asset Management stated that they could not reduce the appraised amount. Mr. Landau is going to review our appraisal and contact DCAS if it wishes to move forward with the restriction removal process.

NR

From: Randal Fong (DCAS)
Sent: Monday, March 16, 2015 6:12 PM
To: [redacted]
Subject: Blurbs for Bi-Weekly - March 20th

NR

NR

APPENDIX V

Randal Fong (DCAS)

From: Landau, Joel [redacted]
Sent: Monday, April 27, 2015 12:14 PM
To: Randal Fong (DCAS)
Subject: 45 Rivingnton

Randall Fong
Assitant Commisioner
DCAS.

We as the owners of Rivington properties that owns the parcel located at 45 Rivington st NYC. With this letter we are are requesting to remove both restrictions on the property. We engaged [redacted] from Metropolitan Valuation Sevice to help us validate the value by conducting an independent appraisal.

Joel Landau

APPENDIX W

Citywide Administrative Services

DCAS/ASSET MANAGEMENT

2015 MAY -1 P 1:30

Stacey Cumberbatch
Commissioner

[redacted]
Asset Management

1 Centre Street
20th Floor
New York, NY 10007

[redacted]
nyc.gov/dcas

April 27, 2015

Joel Landau
New Rivington Properties LLC
c/o Allure Group LLC
199 Lee Avenue, Suite 182
Brooklyn, NY 11211

Re: 45 Rivington Street
Block 420, Lot 47
Borough of Manhattan ("Property")

Dear Mr. Landau:

This is a reply to your 4/27/2015 email to the Department of Citywide Administrative Services (DCAS), which you advised DCAS that New Rivington Properties LLC seeks to remove the use restrictions which was placed on the Property by the City in 1992.

Based on the review of your request as owner, and subject to the events and conditions outlined below, DCAS can proceed with the process to remove the restrictive covenant that limit use and development of the Property to a Not-For-Profit "Residential Health Care Facility" (as such term is defined in the New York State Public Health Law), (the "Use and Development Restrictions"). This process to remove such Use and Development Restrictions has several steps and may take several months to complete. These steps are highlighted below:

1. Land use analysis to support removal of the restrictions. *This analysis is complete*
2. Appraisal conducted by DCAS to determine the value of the Use and Development Restrictions which removal is sought. As you know, as they currently exist, the Use and Development Restrictions are covenants that run with the land in perpetuity, as cited in the deed in Condition 1. The value is $16,150,000. *This appraisal is complete*
3. Acceptance in writing of the required value by the owner.
4. Approval of disclosure documents submitted by the owner. *Documents are enclosed*
5. Public hearing conducted by the Mayor's Office of Contract Services.
6. Receipt of Mayoral Authorization Document.
7. Payment by the owner and deed modification by the Law Department.

Please confirm in writing that you agree to the value to remove the restrictions. In addition, please submit the completed disclosure documents expeditiously. Upon receipt of the value confirmation and disclosure documents, DCAS is prepared to schedule the public hearing. If you have any further questions, please contact me at (212) 386-0618.

Sincerely,

Randal Fong

Randal Fong
Assistant Commissioner

Enclosure: Disclosure Documents
C: [redacted]

APPENDIX X

New Rivington Properties LLC

199 Lee Ave Suite 182

Brooklyn NY 11211 [redacted]

DCAS/ASSET MANAGEMENT
2016 MAY -1 P 1:29

DCAS/ASSET MANAGEMENT
2015 APR 31 P 1:29

May 1, 2015

Randal Fong
Assistant Commissioner, Planning
NYC Department of Citywide Administrative Services
One Centre Street, 20th Floor
New York, NY 10007

Subject: 45 Rivington (1-420-47)

Dear Mr. Fong:

In respond to your letter dated April 27th 2015. Please find our confirmation that we like to proceed removing the use restrictions which was placed on the property by the city in 1992.

We are in agreement with the city valuation and prepared to pay $16,150,000

Sincerely,

Joel Landau
Managing director

Enclosure: Disclosure Documents

APPENDIX Y

Document ID: 0.7.6160.514503

From: Stacey Cumberbatch (DCAS) </o=cs hosting/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=stacey cumberbatchf2a>
To: Anthony Shorris (ashorris@cityhall.nyc.gov) <ashorris@cityhall.nyc.gov>
Cc: DWilliams@cityhall.nyc.gov <dwilliams@cityhall.nyc.gov>; [redacted]; hosting/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=[redacted](DCAS) </o=cs hosting/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=[redacted]
Bcc:
Subject: DM Weekly
Date: Wed May 06 2015 13:46:24 EDT
Attachments: DCAS First Deputy Mayor - Weekly Report 5.6.15.docx
image002.png
image003.jpg
image004.jpg
image005.png
image006.png

Attached please find DCAS's weekly status report.

Stacey Cumberbatch | Commissioner

P: (212) 386-0201 | F: (212) 669-8992 | scumberbatch@dcas.nyc.gov

Follow us on:

NYC
Citywide Administrative Services

Stacey Cumberbatch
Commissioner

1 Centre Street
17th Floor
New York, NY 10007

212 386 0201 tel
212 669 8992 fax

TO: First Deputy Mayor Anthony E. Shorris

FROM: Stacey Cumberbatch

DATE: May 6, 2015

SUBJECT: First Deputy Mayor Weekly Report

Items of Interest from DCAS Lines of Service

NR

Asset Management

NR

Rivington House

DCAS received a confirmation letter from Joel Landau, representing Rivington Properties LLC, to accept the City's $16,150,000 value to remove deed restrictions that limit uses to not-for-profit residential health care facilities at 45 Rivington Street in Manhattan. The former school building was sold in 1992 by the City to Rivington House. It was used as a facility to care for patients with HIV/AIDS until treatment changed from in-patient to out-patient services. Landau seeks to remove the restrictions but intends to use the property as a for-profit nursing home, similar to other nursing homes he operates throughout the City. The next step is a public hearing by the Mayor's Office of Contract Services in June or July, prior to requesting a Mayoral Authorization Document.

NR

CC: Dominic Williams, Chief of Staff to the First Deputy Mayor

APPENDIX AA

and enable flood resilient residential construction in certain waterfront neighborhoods in flood zone areas in Brooklyn, Queens (Q10, Q13 & Q14) and Staten Island. - Vote to be taken.

m6-11

CITY PLANNING COMMISSION

■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that resolutions have been adopted by the City Planning Commission, scheduling public hearings on the following matters to be held at 22 Reade Street, New York, NY, on Wednesday, May 20, 2015 at 10:00 A.M.

BOROUGH OF MANHATTAN
Nos. 1 & 2
PROMESA

No. 1

CD 11 C 150211 ZMM

IN THE MATTER OF an application submitted by NYC Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 8b, by:

1. changing from an R7-2 District to an R7X District property bounded by First Avenue, a line 180 feet northerly of East 120th Street, a line 200 feet westerly of First Avenue, and East 120th Street; and
2. establishing within the proposed R7X District a C1-5 District bounded by a line 180 feet northerly of East 120th Street, a line 100 feet westerly of First Avenue, and East 120th Street as shown on a diagram (for illustrative purposes only) dated February 2, 2015.

No. 2

CD 11 C 150212 HAM

IN THE MATTER OF an application submitted by the Department of Housing Preservation and Development (HPD):

1) pursuant to Article 16 of the General Municipal Law of New York State for:
   a) the designation of property located at 413 East 120th Street (Block 1808, Part of Lot 8), as an Urban Development Action Area; and
   b) an Urban Development Action Area Project for such area; and
2) pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer to be selected by HPD;

to facilitate development of a 12-story mixed use building with approximately 179 units of affordable housing.

No. 3
HOSPITAL FOR SPECIAL SURGERY WEST WING ADDITION

CD 8 C 150248 ZSM

IN THE MATTER OF an application submitted by Hospital for Special Surgery pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Zoning Resolution Section 74-682 (Developments over streets) to permit the modification of the lot coverage requirements of Section 24-11 (Maximum Floor Area Ratio and Percentage of Lot Coverage) in connection with a proposed 5-story plus 6-floor mechanical penthouse enlargement for a zoning lot generally bounded by the U.S. Pierhead and Bulkhead Line of the East River, the center line of the former East 70th Street, a line approximately 417 feet east of the York Avenue, and the center line of East 71st Street (Block 1482, Lots 20, and p/o 9020), within an R9 District.

Plans for this proposal are on file with the City Planning Commission and may be seen in Room 3N, 22 Reade Street, New York, N.Y. 10007.

No. 4
375 PEARL STREET OFFICE SPACE

CD 1 N 150350 PXM

IN THE MATTER OF a Notice of Intent to acquire office space submitted by the Department of Citywide Administrative Services, pursuant to Section 195 of the New York City Charter for use of property located at 375 Pearl Street (Block 113, Lot 1001) (NYPD offices).

No. 5
90 WEST STREET OFFICE SPACE

CD 1 N 150351 PXM

IN THE MATTER OF a Notice of Intent to acquire office space submitted by the Department of Citywide Administrative Services, pursuant to Section 195 of the New York City Charter for use of property located at 90 West Street (Block 56, Lot 4) (NYPD offices).

BOROUGH OF QUEENS
No. 6
S & L AEROSPACE METALS

CD 7 C150173 PPQ

IN THE MATTER OF an application submitted by the Department of Citywide Administrative Services (DCAS), pursuant to Section 197-c of New York City Charter, for the disposition of one city-owned property located at 120-22 28th Avenue (Block 4317, p/o Lot 1) in the Special College Point District, pursuant to zoning.

YVETTE V. GRUEL, Calendar Officer
City Planning Commission
22 Reade Street, Room 2E,
New York, NY 10007
Telephone (212) 720-3370

m7-20

CITYWIDE ADMINISTRATIVE SERVICES

■ PUBLIC HEARINGS

PUBLIC NOTICE IS HEREBY GIVEN that a Voluntary Public Hearing will be held on Wednesday, June 24, 2015 at 22 Reade Street, 2nd Floor Conference Room, Borough of Manhattan, commencing at 10:00 A.M., in the matter of removing deed restrictions on a property in the Borough of Manhattan.

The Department of Citywide Administrative Services proposes to remove restrictions limiting use to a Not-For-Profit "Residential Health Care Facility" on Block 420, Lot 47 (Formerly known as Block 420, Lots 47,48,49) located in the Borough of Manhattan. This action is in the best interest of the City. Consideration for this action is $16,150,000.

If approved by the Mayor of the City of New York, the Department of Citywide Administrative Services shall be authorized to modify this deed.

The calendar document for the voluntary public hearing is available for inspection by the public at the Department of Citywide Administrative Services office at 1 Centre Street, 20th Floor North, New York, NY 10007, Attention: Fedcor Peralta (212) 386-0614.

Note: Individuals requesting Sign Language Interpreters should contact the Mayor's Office of Contract Services, Public Hearing Unit, 253 Broadway, 9th Floor, New York, NY 10007, (212) 788-7490, no later than SEVEN (7) BUSINESS DAYS PRIOR TO THE PUBLIC HEARING. TDD users should call Verizon relay services.

1 Parcel

Borough of Manhattan
Block 420, Lot 47 (Formerly known as Block 420, Lots 47,48,49)

m11

COMMUNITY BOARDS

■ PUBLIC HEARINGS

PUBLIC NOTICE IS HEREBY GIVEN that the following matters have been scheduled for public hearing by Community Board:

BOROUGH OF THE BRONX

COMMUNITY BOARD NO. 10 - Thursday, May 14, 2015 at 7:30 P.M., City Island Community Center, 190 Fordham Street, Bronx, NY

IN THE MATTER OF an application submitted by the Department of Environmental Protection and the Department of Citywide Administrative Services (Application # C150205 PQX City Island Water Supply/Drainage Easements), pursuant to Section 197-c of the New York City Charter for the acquisition of easements located at land under the waters of Eastchester Bay in the vicinity of Kilroe Street (Block 5636, p/o Lot 100), and both upland and lands under the waters of Eastchester Bay in the vicinity of Minnieford Avenue (Block 5636, p/o Lot 177) to facilitate the construction of a water main and outfalls.

m8-14

PUBLIC NOTICE IS HEREBY GIVEN that the following matters have been scheduled for public hearing by Community Board:

BOROUGH OF MANHATTAN

COMMUNITY BOARD NO. 7 - Wednesday, May 13, 2015 at 7:00 P.M., Manhattan Community Board 7 Office, 250 West 87th Street, NYC, NY

APPENDIX CC

From [redacted] (DCAS) **Date** Thursday, June 18, 2015 10:21:56 AM
To [redacted]
Cc
Subject RE: Final Calendar for 6/24/15 RPPH
MOCS Submission - Scanned Copy.pdf (234 KB HTML)

Thank you very much [redacted] Also, attached is the original MOCS submission with the CR ad.

From: [redacted] [mailto:[redacted]@cityhall.nyc.gov]
Sent: Thursday, June 18, 2015 9:55 AM
To: [redacted] (DCAS)
Subject: Final Calendar for 6/24/15 RPPH

See attached.

[redacted]
Mayor's Office of Contract Services
253 Broadway, 9th Floor
New York, NY 10007
[redacted]

NYC
Citywide Administrative Services

Stacey Cumberbatch
Commissioner

[redacted]

1 Centre Street
20th Floor
New York, NY 10007

[redacted]
nyc.gov/dcas

May 29, 2015

Lisette Camilo
Director
Mayor's Office of Contract Services
Public Hearing Unit
253 Broadway, Room 915
New York, NY 10007

Attention: [redacted]

Dear Ms. Camilo:

The Department of Citywide Administrative Services proposes to remove restrictions limiting use to a Not-For-Profit "Residential Health Care Facility" on Block 420, Lot 47 (Formerly known as Block 420, Lots 47,48 ,49) located in the Borough of Manhattan. This action is in the best interest of the City.

Borough	Block	Lot
Manhattan	420	47 (Formerly known as Block 420, Lots 47,48,49)

Attached is the calendar document for this property and I request that it be scheduled for the public hearing on Wednesday, June 24, 2015. In addition, a copy of the public notice as it appeared in The City Record on May 11, 2015 is attached.

If you have any questions or comments, please contact [redacted]

Sincerely,

[redacted]
Strategic Real Estate Initiatives

Attachment

C: [redacted]

THE MAYOR
CITY OF NEW YORK

VOLUNTARY PUBLIC HEARING in the matter of removing restrictions limiting use to a Not-For-Profit "Residential Health Care Facility" on Block 420, Lot 47 (Formerly known as Block 420, Lots 47,48,49) located in the Borough of Manhattan. This action is in the best interest of the City. Consideration for this action is $16,150,000.

Borough of Manhattan

Block	Lots	Location	Lot Size	Zoning
420	47 (Formerly known as Block 420, Lots 47,48,49)	154 Forsyth Street (a/k/a 45 Rivington Street)	24,947 Sq. Ft.	C4-4A

If approved by the Mayor of the City of New York, the Department of Citywide Administrative Services shall be authorized to modify this deed.

Close the Hearing.

and enable flood resilient residential construction in certain waterfront neighborhoods in flood zone areas in Brooklyn, Queens (Q10, Q13 & Q14) and Staten Island. - Vote to be taken.

m5-11

CITY PLANNING COMMISSION

■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that resolutions have been adopted by the City Planning Commission, scheduling public hearings on the following matters to be held at 22 Reade Street, New York, NY, on Wednesday, May 20, 2015 at 10:00 A.M.

BOROUGH OF MANHATTAN
Nos. 1 & 2
PROMESA

No. 1

CD 11 C 150211 ZMM

IN THE MATTER OF an application submitted by NYC Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 6b, by:

1. changing from an R7-2 District to an R7X District property bounded by First Avenue, a line 180 feet northerly of East 120th Street, a line 200 feet westerly of First Avenue, and East 120th Street; and
2. establishing within the proposed R7X District a C1-5 District bounded by a line 180 feet northerly of East 120th Street, a line 100 feet westerly of First Avenue, and East 120th Street as shown on a diagram (for illustrative purposes only) dated February 2, 2015.

No. 2

CD 11 C 150212 HAM

IN THE MATTER OF an application submitted by the Department of Housing Preservation and Development (HPD):

1) pursuant to Article 16 of the General Municipal Law of New York State for:
   a) the designation of property located at 413 East 120th Street (Block 1808, Part of Lot 8), as an Urban Development Action Area; and
   b) an Urban Development Action Area Project for such area; and
2) pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer to be selected by HPD;

to facilitate development of a 12-story mixed use building with approximately 178 units of affordable housing.

No. 3
HOSPITAL FOR SPECIAL SURGERY WEST WING ADDITION

CD 8 C 150248 ZSM

IN THE MATTER OF an application submitted by Hospital for Special Surgery pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Zoning Resolution Section 74-682 (Developments over streets) to permit the modification of the lot coverage requirements of Section 24-11 (Maximum Floor Area Ratio and Percentage of Lot Coverage) in connection with a proposed 5-story plus 6-floor mechanical penthouse enlargement for a zoning lot generally bounded by the U.S. Pierhead and Bulkhead Line of the East River, the center line of the former East 70th Street, a line approximately 417 feet east of the York Avenue, and the center line of East 71st Street (Block 1482, Lots 20, and p/o 9020), within an R9 District.

Plans for this proposal are on file with the City Planning Commission and may be seen in Room 3N, 22 Reade Street, New York, N.Y. 10007.

No. 4
375 PEARL STREET OFFICE SPACE

CD 1 N 150350 PXM

IN THE MATTER OF a Notice of Intent to acquire office space submitted by the Department of Citywide Administrative Services, pursuant to Section 195 of the New York City Charter for use of property located at 375 Pearl Street (Block 118, Lot 1001) (NYPD offices).

No. 5
90 WEST STREET OFFICE SPACE

CD 1 N 150351 PXM

IN THE MATTER OF a Notice of Intent to acquire office space submitted by the Department of Citywide Administrative Services, pursuant to Section 195 of the New York City Charter for use of property located at 90 West Street (Block 56, Lot 4) (NYPD offices).

BOROUGH OF QUEENS
No. 6
S & L AEROSPACE METALS

CD 7 C150173 PPQ

IN THE MATTER OF an application submitted by the Department of Citywide Administrative Services (DCAS), pursuant to Section 197-c of New York City Charter, for the disposition of one city-owned property located at 120-22 28th Avenue (Block 4317, p/o Lot 1) in the Special College Point District, pursuant to zoning.

YVETTE V. GRUEL, Calendar Officer
City Planning Commission
22 Reade Street, Room 2E,
New York, NY 10007
Telephone (212) 720-3370

m7-20

CITYWIDE ADMINISTRATIVE SERVICES

■ PUBLIC HEARINGS

PUBLIC NOTICE IS HEREBY GIVEN that a Voluntary Public Hearing will be held on Wednesday, June 24, 2015 at 22 Reade Street, 2nd Floor Conference Room, Borough of Manhattan, commencing at 10:00 A.M., in the matter of removing deed restrictions on a property in the Borough of Manhattan.

The Department of Citywide Administrative Services proposes to remove restrictions limiting use to a Not-For-Profit "Residential Health Care Facility" on Block 420, Lot 47 (Formerly known as Block 420, Lots 47,48,49) located in the Borough of Manhattan. This action is in the best interest of the City. Consideration for this action is $16,150,000.

If approved by the Mayor of the City of New York, the Department of Citywide Administrative Services shall be authorized to modify this deed.

The calendar document for the voluntary public hearing is available for inspection by the public at the Department of Citywide Administrative Services office at 1 Centre Street, 20th Floor North, New York, NY 10007, Attention: Fedcor Peralta (212) 386-0614.

Note: Individuals requesting Sign Language Interpreters should contact the Mayor's Office of Contract Services, Public Hearing Unit, 253 Broadway, 9th Floor, New York, NY 10007, (212) 788-7490, no later than SEVEN (7) BUSINESS DAYS PRIOR TO THE PUBLIC HEARING. TDD users should call Verizon relay services.

1 Parcel

Borough of Manhattan
Block 420, Lot 47 (Formerly known as Block 420, Lots 47,48,49)

m11

COMMUNITY BOARDS

■ PUBLIC HEARINGS

PUBLIC NOTICE IS HEREBY GIVEN that the following matters have been scheduled for public hearing by Community Board:

BOROUGH OF THE BRONX

COMMUNITY BOARD NO. 10 - Thursday, May 14, 2015 at 7:30 P.M., City Island Community Center, 190 Fordham Street, Bronx, NY

IN THE MATTER OF an application submitted by the Department of Environmental Protection and the Department of Citywide Administrative Services (Application # C150205 PQX City Island Water Supply/Drainage Easements), pursuant to Section 197-c of the New York City Charter for the acquisition of easements located at land under the waters of Eastchester Bay in the vicinity of Kilroe Street (Block 5636, p/o Lot 100), and both upland and lands under the waters of Eastchester Bay in the vicinity of Minnieford Avenue (Block 5636, p/o Lot 177) to facilitate the construction of a water main and outfalls.

m8-14

PUBLIC NOTICE IS HEREBY GIVEN that the following matters have been scheduled for public hearing by Community Board:

BOROUGH OF MANHATTAN

COMMUNITY BOARD NO. 7 - Wednesday, May 13, 2015 at 7:00 P.M., Manhattan Community Board 7 Office, 250 West 87th Street, NYC, NY

Document ID: 0.7.6160.983371

From: [redacted](DCAS) </o=cs hosting/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=[redacted]
To: Randal Fong (DCAS) </o=cs hosting/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=rfong>; [redacted](DCAS) </o=cs hosting/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=[redacted]
Cc: [redacted] (DCAS) </o=cs hosting/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=[redacted] (DCAS) </o=cs hosting/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=[redacted]
Bcc:
Subject: RE: Deed Modification - 1-420-47) Rivington
Date: Thu Jun 18 2015 10:19:10 EDT
Attachments: CALENDAR 6-24-15 with Addendum (2nd Proof).docx
image001.png

Attached is a second proof of the 6/24/15 PH calendar removing the a/k/a 45 Rivington Street.

From: Randal Fong (DCAS)
Sent: Thursday, June 18, 2015 9:16 AM
To: [redacted](DCAS); [redacted](DCAS)
Cc: [redacted] (DCAS)
Subject: Re: Deed Modification - 1-420-47) Rivington

I'm out of ofc so can't review.

From: [redacted](DCAS)
Sent: Thursday, June 18, 2015 08:50 AM
To: [redacted](DCAS); Randal Fong (DCAS)
Cc: [redacted](DCAS)
Subject: Deed Modification - 1-420-47) Rivington

Attached is the proof of the 6/24/15 Public Hearing with item # 7 (Rivington) as an addendum to the calendar. I proof the calendar item and it looks good.

Please let me know if you have further comments before MOCS circulate the calendar.

From [redacted] (DCAS) **Date** Thursday, June 18, 2015 11:15:12 AM
To [redacted]
Cc
Subject Calendar Correction - Block 420, Lot 47
image001.png (6 KB HTML)

Hello [redacted]

Attached is the corrected MOCS submission for Calendar No. 7 as an addendum for the Public Hearing of June 24, 2015.

Thank you.

[redacted]

Description: Description: New

THE MAYOR
CITY OF NEW YORK

VOLUNTARY PUBLIC HEARING in the matter of removing restrictions limiting use to a Not-For-Profit "Residential Health Care Facility" on Block 420, Lot 47 (Formerly known as Block 420, Lots 47,48,49) located in the Borough of Manhattan. This action is in the best interest of the City. Consideration for this action is $16,150,000.

Borough of Manhattan

Block	Lot	Location	Lot Size	Zoning
420	47 (Formerly known as Block 420, Lots 47,48,49)	154 Forsyth Street	24,947 Sq. Ft.	C4-4A

If approved by the Mayor of the City of New York, the Department of Citywide Administrative Services shall be authorized to modify this deed.

Close the Hearing.

and enable flood resilient residential construction in certain waterfront neighborhoods in flood zone areas in Brooklyn, Queens (Q10, Q13 & Q14) and Staten Island. - Vote to be taken.

m5-11

CITY PLANNING COMMISSION

■ PUBLIC HEARINGS

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Nos. 1 & 2
PROMESA

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1) pursuant to Article 16 of the General Municipal Law of New York State for:
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   b) an Urban Development Action Area Project for such area; and
2) pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer to be selected by HPD;

to facilitate development of a 12-story mixed use building with approximately 179 units of affordable housing.

No. 3
HOSPITAL FOR SPECIAL SURGERY WEST WING ADDITION

CD 8 C 150248 ZSM

IN THE MATTER OF an application submitted by Hospital for Special Surgery pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Zoning Resolution Section 74-682 (Developments over streets) to permit the modification of the lot coverage requirements of Section 24-11 (Maximum Floor Area Ratio and Percentage of Lot Coverage) in connection with a proposed 5-story plus 6-floor mechanical penthouse enlargement for a zoning lot generally bounded by the U.S. Pierhead and Bulkhead Line of the East River, the center line of the former East 70th Street, a line approximately 417 feet east of the York Avenue, and the center line of East 71st Street (Block 1482, Lots 20, and p/o 9020), within an R9 District.

Plans for this proposal are on file with the City Planning Commission and may be seen in Room 3N, 22 Reade Street, New York, N.Y. 10007.

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375 PEARL STREET OFFICE SPACE

CD 1 N 150350 PXM

IN THE MATTER OF a Notice of Intent to acquire office space submitted by the Department of Citywide Administrative Services, pursuant to Section 195 of the New York City Charter for use of property located at 375 Pearl Street (Block 118, Lot 1001) (NYPD offices).

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CD 1 N 150351 PXM

IN THE MATTER OF a Notice of Intent to acquire office space submitted by the Department of Citywide Administrative Services, pursuant to Section 195 of the New York City Charter for use of property located at 90 West Street (Block 56, Lot 4) (NYPD offices).

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S & L AEROSPACE METALS

CD 7 C150173 PPQ

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YVETTE V. GRUEL, Calendar Officer
City Planning Commission
22 Reade Street, Room 2E,
New York, NY 10007
Telephone (212) 720-3370

m7-20

CITYWIDE ADMINISTRATIVE SERVICES

■ PUBLIC HEARINGS

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The Department of Citywide Administrative Services proposes to remove restrictions limiting use to a Not-For-Profit "Residential Health Care Facility" on Block 420, Lot 47 (Formerly known as Block 420, Lots 47,48,49) located in the Borough of Manhattan. This action is in the best interest of the City. Consideration for this action is $18,150,000.

If approved by the Mayor of the City of New York, the Department of Citywide Administrative Services shall be authorized to modify this deed.

The calendar document for the voluntary public hearing is available for inspection by the public at the Department of Citywide Administrative Services office at 1 Centre Street, 20th Floor North, New York, NY 10007, Attention: Fedcor Peralta (212) 386-0814.

Note: Individuals requesting Sign Language Interpreters should contact the Mayor's Office of Contract Services, Public Hearing Unit, 253 Broadway, 9th Floor, New York, NY 10007, (212) 788-7490, no later than SEVEN (7) BUSINESS DAYS PRIOR TO THE PUBLIC HEARING. TDD users should call Verizon relay services.

1 Parcel

Borough of Manhattan
Block 420, Lot 47 (Formerly known as Block 420, Lots 47,48,49)

☛ m11

COMMUNITY BOARDS

■ PUBLIC HEARINGS

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COMMUNITY BOARD NO. 10 - Thursday, May 14, 2015 at 7:30 P.M., City Island Community Center, 190 Fordham Street, Bronx, NY

IN THE MATTER OF an application submitted by the Department of Environmental Protection and the Department of Citywide Administrative Services (Application # C150205 PQX City Island Water Supply/Drainage Easements), pursuant to Section 197-c of the New York City Charter for the acquisition of easements located at land under the waters of Eastchester Bay in the vicinity of Kilroe Street (Block 5636, p/o Lot 100), and both upland and lands under the waters of Eastchester Bay in the vicinity of Minnieford Avenue (Block 5636, p/o Lot 177) to facilitate the construction of a water main and outfalls.

m8-14

PUBLIC NOTICE IS HEREBY GIVEN that the following matters have been scheduled for public hearing by Community Board:

BOROUGH OF MANHATTAN

COMMUNITY BOARD NO. 7 - Wednesday, May 13, 2015 at 7:00 P.M., Manhattan Community Board 7 Office, 250 West 87th Street, NYC, NY

APPENDIX DD

CALENDAR

of

Public Hearings

on

REAL PROPERTY

ACQUISITIONS AND DISPOSITIONS

WEDNESDAY, JUNE 24, 2015

PUBLIC HEARING at 10:00 AM

22 READE STREET
2ND FLOOR CONFERENCE ROOM
BOROUGH OF MANHATTAN

(Volume No. 22-RP)
Prepared by Jacqueline Galory, Calendar Director
Mayor's Office of Contract Services

BOROUGH OF MANHATTAN

No. 7

R – 00063

VOLUNTARY PUBLIC HEARING in the matter of removing restrictions limiting use to a Not-For-Profit "Residential Health Care Facility" on Block 420, Lot 47 (Formerly known as Block 420, Lots 47,48,49) located in the Borough of Manhattan. This action is in the best interest of the City. Consideration for this action is $16,150,000.

Block	Lots	Location	Lot Size	Zoning
420	47 (Formerly known as Block 420, Lots 47,48,49)	154 Forsyth Street (a/k/a 45 Rivington Street)	24,947 Sq. Ft.	C4-4A

If approved by the Mayor of the City of New York, the Department of Citywide Administrative Services shall be authorized to modify this deed.

Close the Hearing.

APPENDIX EE

Document ID: 0.7.6160.288776

From: Randal Fong (DCAS) </o=cs hosting/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=rfong>
To: [redacted] (DCAS) </o=cs hosting/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=[redacted] (DCAS) </o=cs hosting/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn[redacted]
Cc: [redacted] (DCAS) </o=cs hosting/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=[redacted]
Bcc:
Subject: RE: Deed Modification - (1-420-47) Rivington
Date: Wed Jun 24 2015 11:39:53 EDT
Attachments: image001.png

Yeah!

From: [redacted] (DCAS)
Sent: Wednesday, June 24, 2015 11:37 AM
To: [redacted] (DCAS)
Cc: Randal Fong (DCAS); [redacted] (DCAS)
Subject: RE: Deed Modification - (1-420-47) Rivington

[redacted], myself and the interns just came back from the public hearing. The hearing closed without any testimony.

The owner, Mr. Landau attended the hearing. I reminded him of the outstanding taxes and water charges. I will send him the updated list.

Next step is to draft the MAD for signature and then submit to MOCS only after disclosure documents are approved.

From: [redacted] (DCAS)
Sent: Thursday, June 18, 2015 10:19 AM
To: Randal Fong (DCAS); [redacted] (DCAS)
Cc: [redacted] (DCAS); [redacted] (DCAS)
Subject: RE: Deed Modification - 1-420-47) Rivington

Attached is a second proof of the 6/24/15 PH calendar removing the a/k/a 45 Rivington Street.

From: Randal Fong (DCAS)
Sent: Thursday, June 18, 2015 9:16 AM
To: [redacted] (DCAS); [redacted] (DCAS)
Cc: [redacted] (DCAS)
Subject: Re: Deed Modification - 1-420-47) Rivington

I'm out of ofc so can't review.

From: [redacted] (DCAS)
Sent: Thursday, June 18, 2015 08:50 AM
To: [redacted] (DCAS); Randal Fong (DCAS)
Cc: [redacted] (DCAS)
Subject: Deed Modification - 1-420-47) Rivington

Attached is the proof of the 6/24/15 Public Hearing with item # 7 (Rivington) as an addendum to the calendar. I proof the calendar item and it looks good.

Please let me know if you have further comments before MOCS circulate the calendar.

[redacted]

APPENDIX FF

THE MAYOR
CITY OF NEW YORK
June 24, 2015
CALENDAR NO. 7

WHEREAS, a duly noticed Voluntary Public Hearing in the matter of removing deed restrictions on a property in the Borough of Manhattan was held and closed by the Mayor on Wednesday, June 24, 2015 (Cal. No. 7);

WHEREAS, the Voluntary Public Hearing was closed without public testimony or amendment;

WHEREAS, as certified below, a duly noticed Voluntary Public Hearing in the matter of removing restrictions limiting use to a Not-For-Profit "Residential Health Care Facility" on Block 420, Lot 47 (Formerly known as Block 420, Lots 47,48,49) located in the Borough of Manhattan was held and closed by the Mayor on Wednesday, June 24, 2015 (Cal. No. 7). This action is in the best interest of the City. Consideration for this action is $16,150,000.

CERTIFICATION by the Mayor's Office of Contract Services/Public Hearing Unit of the actions at, and final disposition of, the Real Property Public Hearing held on Wednesday, June 24, 2015 (Cal. No. 7).

June 30, 2015
Date

NOW, after due consideration, the Mayor hereby authorizes the Department of Citywide Administrative Services, to modify the deed on the property described in the Calendar of Public Hearing on Real Property Acquisitions and Dispositions, dated Wednesday, June 24, 2015 (Cal. No. 7) A copy of the calendar is annexed hereto.

1 Parcel

Borough of Manhattan
Block 420, Lot 47 (Formerly known as Block 420, Lots 47,48,49)

6 30 - 15
Date

Mayor's Office of Contract Services

APPENDIX GG

Document ID: 0.7.6160.438001

From: Stacey Cumberbatch (DCAS) </o=cs hosting/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=stacey cumberbatchf2a>

To: Anthony Shorris (ashorris@cityhall.nyc.gov) <ashorris@cityhall.nyc.gov>

Cc: Williams, Dominic <dwilliams@cityhall.nyc.gov>; [redacted] (DCAS) </o=cs hosting/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=[redacted] (DCAS) </o=cs hosting/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=[redacted] (DCAS) </o=cs hosting/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=[redacted]

Bcc:

Subject:

Date: Wed Jul 08 2015 12:56:46 EDT

Attachments: image001.png
image002.jpg
image003.jpg
image004.png
image005.png
Weekly Report 7 8 15 fin (3).docx

Please find attached, DCAS's weekly status report.

Stacey Cumberbatch | Commissioner

P: (212) 386-0201 | F: (212) 669-8992 | scumberbatch@dcas.nyc.gov

Follow us on:

NYC
Citywide Administrative Services

Stacey Cumberbatch
Commissioner

1 Centre Street
17th Floor
New York, NY 10007

212 386 0201 tel
212 669 8992 fax

TO: First Deputy Mayor Anthony E. Shorris

FROM: Stacey Cumberbatch

DATE: July 8, 2015

SUBJECT: First Deputy Mayor Weekly Report

Items of Interest from DCAS Lines of Service

NR

NR

Asset Management

Rivington House

DCAS is proceeding to remove two use restrictions that were imposed when the Rivington House property was sold by the City in 1992; one restriction limits the use of the property for not-for-profits and the second restricts use for a residential health care facility. The Mayor's Office of Contract Services public hearing was held on June 24th. There was no public testimony at the hearing. DCAS expects to have a formalized deed modification approved by the Law Department in July. At the closing, the owner of the property will pay DCAS $16,150,000.

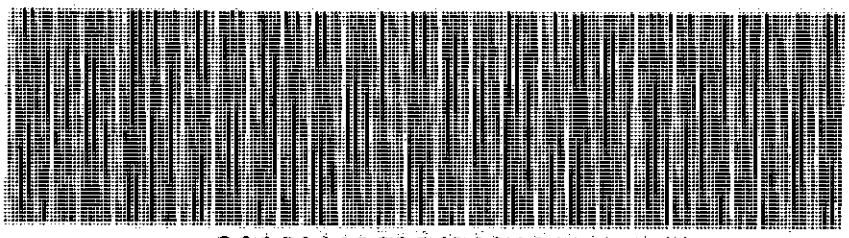
NR

C: Dominic Williams, Chief of Staff to the First Deputy Mayor

APPENDIX HH

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.



2015111200547001002E5B60

RECORDING AND ENDORSEMENT COVER PAGE **PAGE 1 OF 6**

Document ID: 2015111200547001 Document Date: 11-10-2015 Preparation Date: 11-12-2015
Document Type: DEED
Document Page Count: 5

PRESENTER:
MICHAEL J. WASSER, ESQ.
NEW YORK CITY LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007
212-356-2135
MWASSER@LAW.NYC.GOV

RETURN TO:
MICHAEL J. WASSER, ESQ.
NEW YORK CITY LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007
212-356-2135
MWASSER@LAW.NYC.GOV

PROPERTY DATA

Borough	Block	Lot	Unit	Address
MANHATTAN	420	47	Entire Lot	41 RIVINGTON STREET

Property Type: OTHER

CROSS REFERENCE DATA

CRFN_____ *or* DocumentID_____ *or* _____ Year____ Reel____ Page____ *or* File Number_____

PARTIES

GRANTOR/SELLER:
THE CITY OF NEW YORK
CITY HALL
NEW YORK, NY 10007

GRANTEE/BUYER:
NEW RIVINGTON PROPERTIES, LLC
C/O ALLURE GROUP LLC, 199 LEE STREET
BROOKLYN, NY 12211

FEES AND TAXES

Mortgage :		
Mortgage Amount:	$	0.00
Taxable Mortgage Amount:	$	0.00
Exemption:		
TAXES: County (Basic):	$	0.00
City (Additional):	$	0.00
Spec (Additional):	$	0.00
TASF:	$	0.00
MTA:	$	0.00
NYCTA:	$	0.00
Additional MRT:	$	0.00
TOTAL:	$	0.00
Recording Fee:	$	62.00
Affidavit Fee:	$	0.00

Filing Fee:	
$	250.00
NYC Real Property Transfer Tax:	
$	423,937.50
NYS Real Estate Transfer Tax:	
$	64,600.00

RECORDED OR FILED IN THE OFFICE OF THE CITY REGISTER OF THE CITY OF NEW YORK
Recorded/Filed 11-19-2015 16:37
City Register File No.(CRFN): **2015000412402**

City Register Official Signature

THIS DEED MODIFICATION, made as of the 10 day of November, **TWO THOUSAND FIFTEEN** between **THE CITY OF NEW YORK**, a municipal corporation, having its principal office at City Hall, Borough of Manhattan, City and State of New York, hereinafter designated as the first party and **NEW RIVINGTON PROPERTIES, LLC**, having an address at c/o Allure Group LLC, 199 Lee Avenue, Brooklyn, NY 12211 (successor-in-interest to the Rivington House Health Care Facility by deed dated February 9, 2015 and recorded on February 26, 2015 at CRFN 2015000067348) hereinafter designated as the second party

WHEREAS, the City of New York conveyed the property to Rivington House Health Care Facility by deed dated December 3, 1992 and recorded on December 15, 1992 at Reel 1927, Page 250, which contained, among other restrictions and conditions, the following restriction, which runs with the land:

"Use and development of the subject property is limited in perpetuity to a Not-For-Profit "Residential Health Care Facility", as such use is defined in the New York State Public Health Law or successor statutes ("Facility"), and uses ancillary thereto. For the purposes of this offering, Not-for-Profit shall be defined as those uses allowable pursuant to Section 501(c) of the United States Internal Revenue Code and/or The New York State Not-For-Profit Corporation Laws."

WHEREAS, after an appraisal made under the direction of the Mayor of the City of New York, and after a public hearing held on the 24th day of June, 2015 (Calendar Number 7), the Mayor by authorization dated the 30th day of June, 2015, duly ordered and directed the removal of the Not-For-Profit "Residential Health Care Facility" restriction that limits the use and the development of the subject property in consideration of the sum of **SIXTEEN MILLION ONE HUNDRED FIFTY THOUSAND ($16,150,000) DOLLARS** and other good and valuable consideration paid by the second party.

NOW, THEREFORE, WITNESSETH: That the first party, in consideration of **SIXTEEN MILLION ONE HUNDRED FIFTY THOUSAND ($16,150,000) DOLLARS** and other good and valuable consideration paid by the second party hereby removes the Not-For-Profit "Residential Health Care Facility" restriction.

All that/those certain piece/s or parcel/s of land, situate, lying and being in the Borough of **Manhattan**, County of New York, City and State of New York, designated on the Tax Map of the City of New York, for the Borough of **Manhattan**, as

Block 420, Lot 47 **(Formerly known as Block 420, Lots 47, 48, 49).**

This Deed Modification modifies a prior deed between the City of New York, as Grantor, and Rivington House Health Care Facility (predecessor in interest to New Rivington Properties, LLC), as Grantee, dated December 3, 1992 and recorded on December 15, 1992 at Reel 1927, Page 250, containing a Not-For-Profit "Residential Health Care Facility" restriction.

The Not-For-Profit "Residential Health Care Facility" restriction is hereby removed.

TO HAVE AND TO HOLD the premises herein granted unto the second party, the heirs or successors and assigns of the second party forever.

Subject to: (1) The Subordination Agreement; (2) Any state of facts an accurate survey would show; (3) The rights, if any, of tenants and persons in possession, if any; (4) All violations of any local, State or Federal Government having jurisdiction thereof existing at the time of closing; (5) Building restrictions and zoning regulations in force at the time of the delivery of the deed and covenants, restrictions of record, and easements affecting the subject property; (6) The trust fund provisions of section thirteen of the Lien Law; (7) All pending assessments, if any, which the second party will assume; and (8) All provisions of the Standard Terms and Conditions of Sale in force and effect at the time of the Sale that are applicable.

In the event of the acquisition by the City of New York, by condemnation or otherwise, of any part or portion of the premises, lying within the bed of any street, avenue, parkway, expressway, park, public place or catch-basin, as said street, avenue, parkway, expressway, park, public place or catch-basin is shown on the City Map in existence on **December 3, 1992**, the second party, the heirs or successors and assigns of the second party, shall only be entitled as compensation for such acquisition by the City to the amount of One Dollar, and shall not be entitled to compensation for any buildings or structures erected thereon, within the lines of the street, avenue, parkway, expressway, park, public place or catch-basin so laid out and acquired. This covenant shall be binding upon and run with the land and shall endure until the City Map has been changed so as to eliminate from within the lines of said street, avenue, parkway, expressway, park, public place or catch-basin from any part or portion of the premises and no longer.

Any and all other restrictions, covenants and conditions, other than the one specifically removed by this document, remain valid and in full force and effect.

IN WITNESS WHEREOF, the party of the first part has caused these presents to be subscribed to by the Deputy Commissioner of the Department of Citywide Administrative Services, Asset Management and by the City Clerk and its corporate seal to be hereunto affixed the day and year first above written.

THE CITY OF NEW YORK

By: _____
Ricardo E. Morales
Deputy Commissioner
Department of Citywide Administrative Services
Asset Management

APPROVED AS TO FORM:

By: _____
Acting Corporation Counsel

By: _____
City Clerk

STATE OF NEW YORK,)
SS.:
COUNTY OF NEW YORK)

On the 23rd day of July, in the year 20 15 before me, the undersigned, a Notary Public in and for said State, personally appeared **RICARDO E. MORALES**, personally known to me or proved to me the basis of satisfactory evidence to be the individual (s) whose name (s) is (are) subscribed to the within instrument and acknowledged to me that he/she /this executed the same in his/her /their capacity (ies), and that by his/her/their signature (s) on the instrument, the individual (s), or the person upon behalf of which the individual (s) acted, executed the instrument.

HARRINARINE DOOBAY
Notary Public, State of New York
No. 01DO6221640
Qualified in Queens County
Commission Expires June 07, 2018

_____
(Notary Public) ←*Strike-out*→ (Commissioner of Deeds)

STATE OF NEW YORK,)
SS.:
COUNTY OF NEW YORK)

On the 24th day of July, in the year 20 15 before me, the undersigned, a Notary Public in and for said State, personally appeared **MICHAEL MCSWEENEY** ←*Strike-out*→ _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual (s) whose name (s) is (are) subscribed to the within instrument and acknowledged to me that he/she/this executed the same in his/her/their capacity (ies), and that by his/her/their signature (s) on the instrument, the individual (s), or the person upon behalf of which the individual (s) acted, executed the instrument.

_____
(Notary Public) ←*Strike-out*→ (Commissioner of Deeds)

WENDY IRIZARRY-LOPEZ
Commissioner of Deeds
City of New York No. 2-12691
Certificate Filed in New York County
Commission Expires January 01, 2016

1/1/2016

NEW RIVINGTON PROPERTIES, LLC.

By: _____
Joel Landau
AS

STATE OF NEW YORK,)
SS.:
COUNTY OF NEW YORK)

On the 10 day of November, in the year 2015 before me, the undersigned, a Notary Public in and for said State, personally appeared Joel Landau, personally known to me or proved to me on the basis of satisfactory evidence to be the individual (s) whose name (s) is (are) subscribed to the within instrument and acknowledged to me that he/she/this executed the same in his/her/their capacity (ies), and that by his/her/their signature (s) on the instrument, the individual (s), or the person upon behalf of which the individual (s) acted, executed the instrument.

_____
(Notary Public) ~~←Strike-out→ (Commissioner of Deeds)~~

GERSTENFELD, HOLLY R.
Notary Public, State of New York
No. 01GE6351264
Qual. Filed in New York County
Commission Expires 5-13-20

DEED MODIFICATION

THE CITY OF NEW YORK

TO

NEW RIVINGTON PROPERTIES, LLC.

BLOCK(S): **420**
LOT(S): **47 (f/k/a 47, 48, 49)**
COUNTY: **NEW YORK (MANHATTAN)**

Record and return to:

SCHEDULE A DESCRIPTION

ALL those certain lots, pieces or parcels of land, situate, lying and being in the tenth ward of the City of New York, State and County of New York which, taken together, are bounded and described as follows:

BEGINNING at a point formed by the intersection of the Southerly side of Rivington Street with the easterly side of Forsyth;

RUNNING THENCE easterly along the southerly side of Rivington Street, 200 feet 1 inch to the Westerly side of Eldridge Street;

THENCE southerly along the westerly side of Eldridge Street, 99 feet 4 inches;

THENCE westerly and at an interior of 89 degrees 31 minutes 50 seconds with the last mentioned course 50 feet 2 inches to a point distant 99 feet 3 inches southerly from the southerly side of Rivington Street;

THENCE southerly and at an exterior angle of 89 degrees 31 minutes 50 seconds with the last mentioned course 9 inches to a point;

THENCE westerly and parallel with the southerly side of Rivington Street, 50 feet 1-3/4 of an inch to a point;

THENCE southerly and at an exterior angle of 89 degrees 45 minutes 30 seconds with the last mentioned course 50 feet to a point;

THENCE westerly and at an interior angle of 89 degrees 45 minutes 30 seconds with the last mentioned course 100 feet to the easterly side of Forsyth Street;

THENCE northerly along the easterly side of Forsyth Street 150 feet to the corner formed by the intersection of the southerly side of Forsyth Street, the point or place of BEGINNING.

NYC DEPARTMENT OF FINANCE
OFFICE OF THE CITY REGISTER

2015111200547001002S95E1

SUPPORTING DOCUMENT COVER PAGE **PAGE 1 OF 1**

Document ID: 2015111200547001 Document Date: 11-10-2015 Preparation Date: 11-12-2015
Document Type: DEED

ASSOCIATED TAX FORM ID: 2015071600368

SUPPORTING DOCUMENTS SUBMITTED:

	Page Count
DEP CUSTOMER REGISTRATION FORM FOR WATER AND SEWER BILLING	1
RP - 5217 REAL PROPERTY TRANSFER REPORT	1

The City of New York
Department of Environmental Protection
Bureau of Customer Services
59-17 Junction Boulevard
Flushing, NY 11373-5108

Customer Registration Form for Water and Sewer Billing

Property and Owner Information:

(1) **Property receiving service: BOROUGH: MANHATTAN** **BLOCK: 420** **LOT: 47**

(2) **Property Address: 41 RIVINGTON STREET, NEW YORK, NY 10002**

(3) **Owner's Name:** **NEW RIVINGTON PROPERTIES, LLC**

Additional Name:

Affirmation:

☑ Your water & sewer bills will be sent to the property address shown above.

Customer Billing Information:

Please Note:

A. Water and sewer charges are the legal responsibility of the owner of a property receiving water and/or sewer service. The owner's responsibility to pay such charges is not affected by any lease, license or other arrangement, or any assignment of responsibility for payment of such charges. Water and sewer charges constitute a lien on the property until paid. In addition to legal action against the owner, a failure to pay such charges when due may result in foreclosure of the lien by the City of New York, the property being placed in a lien sale by the City or Service Termination.

B. Original bills for water and/or sewer service will be mailed to the owner, **at the property address or to an alternate mailing address.** DEP will provide a duplicate copy of bills to one other party (such as a managing agent), however, any failure or delay by DEP in providing duplicate copies of bills shall in no way relieve the owner from his/her liability to pay all outstanding water and sewer charges. Contact DEP at (718) 595-7000 during business hours or visit www.nyc.gov/dep to provide us with the other party's information.

Owner's Approval:

The undersigned certifies that he/she/it is the owner of the property receiving service referenced above; that he/she/it has read and understands Paragraphs A & B under the section captioned "Customer Billing Information"; and that the information supplied by the undersigned on this form is true and complete to the best of his/her/its knowledge.

Print Name of Owner: Joel Landau, MS

Signature: _____ 11/10/15 Date (mm/dd/yyyy)

Name and Title of Person Signing for Owner, if applicable:

BCS-7CRF-ACRIS REV. 8/08

2015071600368101

FOR CITY USE ONLY

C1. County Code ____ C2. Date Deed Recorded ____ / ____ / ____ (Month / Day / Year)

C3. Book ____ C4. Page ____

OR

C5. CRFN ____

REAL PROPERTY TRANSFER REPORT

STATE OF NEW YORK
STATE BOARD OF REAL PROPERTY SERVICES

RP - 5217NYC

PROPERTY INFORMATION

1. Property Location: 41 (STREET NUMBER) | RIVINGTON STREET (STREET NAME) | MANHATTAN (BOROUGH) | 10002 (ZIP CODE)

2. Buyer Name: NEW RIVINGTON PROPERTIES, LLC (LAST NAME / COMPANY) | (FIRST NAME)

(LAST NAME / COMPANY) | (FIRST NAME)

3. Tax Billing Address: Indicate where future Tax Bills are to be sent if other than buyer address (at bottom of form) (LAST NAME / COMPANY) | (FIRST NAME)

(STREET NUMBER AND STREET NAME) | (CITY OR TOWN) | (STATE) | (ZIP CODE)

4. Indicate the number of Assessment Roll parcels transferred on the deed: 1 (# of Parcels) OR ☐ Part of a Parcel

4A. Planning Board Approval - N/A for NYC
4B. Agricultural District Notice - N/A for NYC

5. Deed Property Size: 200 (FRONT FEET) X 100 (DEPTH) OR ____ (ACRES)

Check the boxes below as they apply:
6. Ownership Type is Condominium ☐
7. New Construction on Vacant Land ☐

8. Seller Name: THE CITY OF NEW YORK (LAST NAME / COMPANY) | (FIRST NAME)

(LAST NAME / COMPANY) | (FIRST NAME)

9. Check the box below which most accurately describes the use of the property at the time of sale:

A ☐ One Family Residential
B ☐ 2 or 3 Family Residential
C ☐ Residential Vacant Land
D ☐ Non-Residential Vacant Land
E ☑ Commercial
F ☐ Apartment
G ☐ Entertainment / Amusement
H ☐ Community Service
I ☐ Industrial
J ☐ Public Service

SALE INFORMATION

10. Sale Contract Date: 6 / 30 / 2015 (Month / Day / Year)

11. Date of Sale / Transfer: 11 / 10 / 2015 (Month / Day / Year)

12. Full Sale Price $: 16,150,000

(Full Sale Price is the total amount paid for the property including personal property. This payment may be in the form of cash, other property or goods, or the assumption of mortgages or other obligations.) *Please round to the nearest whole dollar amount.*

13. Indicate the value of personal property included in the sale: ____

14. Check one or more of these conditions as applicable to transfer:

A ☐ Sale Between Relatives or Former Relatives
B ☐ Sale Between Related Companies or Partners in Business
C ☐ One of the Buyers is also a Seller
D ☑ Buyer or Seller is Government Agency or Lending Institution
E ☑ Deed Type not Warranty or Bargain and Sale (Specify Below)
F ☐ Sale of Fractional or Less than Fee Interest (Specify Below)
G ☐ Significant Change in Property Between Taxable Status and Sale Dates
H ☐ Sale of Business is Included in Sale Price
I ☐ Other Unusual Factors Affecting Sale Price (Specify Below)
J ☐ None

ASSESSMENT INFORMATION - Data should reflect the latest Final Assessment Roll and Tax Bill

15. Building Class: I6

16. Total Assessed Value (of all parcels in transfer): 981,000

17. Borough, Block and Lot / Roll Identifier(s) (If more than three, attach sheet with additional identifier(s))

MANHATTAN 420 47

2015071600368201O3

CERTIFICATION

I certify that all of the items of information entered on this form are true and correct (to the best of my knowledge and belief) and understand that the making of any wilful false statement of material fact herein will subject me to the provisions of the penal law relative to the making and filing of false instruments.

BUYER

BUYER SIGNATURE: Joel Landau, AS — DATE: 11/10/15

C/O ALLURE GROUP LLC 199 LEE STREET

STREET NUMBER — STREET NAME (AFTER SALE)

BROOKLYN | NY | 12211

CITY OR TOWN — STATE — ZIP CODE

BUYER'S ATTORNEY

LAST NAME — FIRST NAME

AREA CODE — TELEPHONE NUMBER

SELLER

SELLER SIGNATURE: Michael J. Wisser, AS — DATE: 11/9/2015

2015071600368201

APPENDIX II

From: Stacey Cumberbatch (DCAS) </o=cs hosting/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=stacey cumberbatchf2a>
To: [redacted] (DCAS) </o=cs hosting/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=[redacted]
Cc: [redacted] (DCAS) </o=cs hosting/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=[redacted] (DCAS) </o=cs hosting/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=[redacted] (DCAS) </o=cs hosting/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=[redacted]
Bcc:
Subject: Re: Rivington House Deed Modification Payment Received
Date: Tue Nov 10 2015 19:28:30 EST
Attachments:

[redacted]

Congratulations! Thank you and staff for great work and bringing this to closure in the best interest of the City. Much appreciated.
Stacey

Sent from my iPhone

On Nov 10, 2015, at 6:06 PM, [redacted] (DCAS) [redacted] wrote:

Congratulations. We got the first call about this property in January 2014!

On Nov 10, 2015, at 5:19 PM, [redacted] (DCAS) [redacted] wrote:

Staff did a great job, especially [redacted]

Thanks,

[redacted]

From: [redacted] (DCAS)
Sent: Tuesday, November 10, 2015 5:15 PM
To: [redacted] (DCAS)
Subject: Rivington House Deed Modification Payment Received

We have received checks totaling $16.15 million as payment for the deed modification.

APPENDIX JJ

Document ID: 0.7.6160.876873

From: Stacey Cumberbatch (DCAS) </o=cs hosting/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=stacey cumberbatchf2a>
To: Shorris, Anthony <ashorris@cityhall.nyc.gov>
Cc: Williams, Dominic <dwilliams@cityhall.nyc.gov>; [redacted] (DCAS) </o=cs hosting/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=[redacted] (DCAS) </o=cs hosting/ou=exchange administrative group (fydibohf23spdlt)/cn=[redacted]
Bcc:
Subject:
Date: Wed Nov 18 2015 15:37:39 EST
Attachments: @

Attached please find DCAS's weekly status report.

Stacey Cumberbatch | Commissioner

P: (212) 386-0201 | F: (212) 669-8992 | scumberbatch@dcas.nyc.gov

New NYC_DCAS_Commish

Follow us on:

3847E662103BEFB31CBB4C0581CADC1

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Weekly Report 11.18.15.fin.docx (70.6KB)
image006.png (23.5KB)
image007.jpg (1.2KB)
image008.jpg (1.1KB)
image009.png (3.5KB)
image010.png (3.5KB)

(103.5KB)
>>

NYC
Citywide Administrative Services

Stacey Cumberbatch
Commissioner

1 Centre Street
17th Floor
New York, NY 10007

212 386 0201 tel
212 669 8992 fax

TO: First Deputy Mayor Anthony E. Shorris

FROM: Stacey Cumberbatch

DATE: November 18, 2015

SUBJECT: First Deputy Mayor Weekly Report

NR

Asset Management

Rivington House

DCAS and the Law Department completed the removal of two use restrictions that were imposed when the Rivington House property that was sold by the City in 1992. This building is located at Rivington Street and Forsyth Street in the Lower East Side. The not-for-profit and residential health care facility restrictions were removed for $16,150,000. DCAS has worked on this deed modification process for over two years.

NR

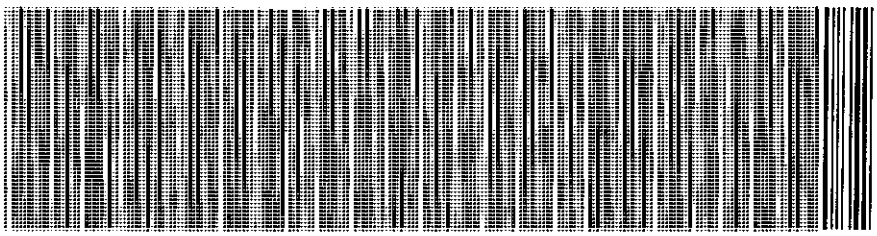
NR

C: Dominic Williams, Chief of Staff to the First Deputy Mayor [redacted]

APPENDIX KK

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.



2016021900722002001E1406

RECORDING AND ENDORSEMENT COVER PAGE **PAGE 1 OF 5**

Document ID: 2016021900722002 Document Date: 02-11-2016 Preparation Date: 02-19-2016
Document Type: DEED
Document Page Count: 4

PRESENTER:
KENSINGTON VANGUARD
39 WEST 37TH STREET, TITLE NO. 821839
HOLD/ PICKUP SEARCH NY
NEW YORK, NY 10018
212-532-8686
chrisc@KVNATIONAL.COM

RETURN TO:
WESTERMAN BALL EDERER MILLER & SHARFSTEIN LLP
1201 RXR PLAZA
UNIONDALE, NY 11556

PROPERTY DATA

Borough	Block	Lot	Unit	Address
MANHATTAN	420	47	Entire Lot	41-49 RIVINGTON STREET

Property Type: COMMERCIAL REAL ESTATE

CROSS REFERENCE DATA

CRFN_____ *or* DocumentID_____ *or* _____ Year____ Reel____ Page_____ *or* File Number_____

PARTIES

GRANTOR/SELLER:
NEW RIVINGTON PROPERTIES,LLC
199 LEE AVENUE, SUITE 182
BROOKLYN, NY 11211

GRANTEE/BUYER:
RIVINGTON STREET INVESTORS LLC
C/O SLATE PROPERTY GROUP, 850 THIRD AVENUE, SUITE 16B
NEW YORK, NY 10022

FEES AND TAXES

Mortgage :		
Mortgage Amount:	$	0.00
Taxable Mortgage Amount:	$	0.00
Exemption:		
TAXES: County (Basic):	$	0.00
City (Additional):	$	0.00
Spec (Additional):	$	0.00
TASF:	$	0.00
MTA:	$	0.00
NYCTA:	$	0.00
Additional MRT:	$	0.00
TOTAL:	$	0.00
Recording Fee:	$	57.00
Affidavit Fee:	$	0.00

Filing Fee:	$	250.00
NYC Real Property Transfer Tax:	$	3,045,000.00
NYS Real Estate Transfer Tax:	$	464,000.00

RECORDED OR FILED IN THE OFFICE OF THE CITY REGISTER OF THE CITY OF NEW YORK
Recorded/Filed 03-15-2016 15:51
City Register File No.(CRFN): **2016000091268**

City Register Official Signature

821839

Standard N.Y.B.T.U. Form 8002 - Bargain and Sale Deed, with Covenant against Grantor's Acts-Individual or Corporation (single sheet)
CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT--THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY.

THIS INDENTURE, made as of the 11th day of February, Two Thousand and Sixteen
BETWEEN

New Rivington Properties, LLC having an address at 199 Lee Avenue, Suite 182, Brooklyn, NY 11211

party of the first part, and

Rivington Street Investors LLC, having an address c/o Slate Property Group, 850 Third Avenue, Suite 16B, New York, New York 10022

party of the second part,

WITNESSETH, that the party of the first part, in consideration of Ten Dollars and other valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the

SEE SCHEDULE A ANNEXED HERETO AND MADE A PART HEREOF.
Said Premises being known as 41-49 Rivington Street, New York, NY
Block: 420, Lot: 47

Being and intended to be the same premises conveyed by deed dated as of 2/9/2015 and recorded on 2/26/2015 as CRFN 2015000067348.

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof; **TOGETHER** with the appurtenances and all the estate and rights of the party of the first part in and to said premises; **TO HAVE AND TO HOLD** the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.
The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

[Remainder of the page intentionally left blank. Signatures to follow.]

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

New Rivington Properties, LLC

By:_____
Name: Jeffrey Zwick
Title: Authorized Signatory

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

On the 4 day of February in the year 2016 before me, the undersigned, a notary public in and for said state, personally appeared Jeffrey Zwick, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s) acted, executed the instrument.

Notary Public

Daniel Cohen
Notary Public, State of New York
No. 02C06272318
Qualified in Kings County
Comm. Expires November 19, 2016

STATE OF NEW YORK)
COUNTY OF) ss.:

On the __day of _____ in the year ____, before me, the undersigned, a notary public in and for said state, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s) acted, executed the instrument.

Notary Public

SEAL

BARGAIN AND SALE DEED
WITH COVENANT AGAINST GRANTOR'S ACTS

TITLE NO.

New Rivington Properties, LLC

TO

Rivington Street Investors LLC

SECTION 8

BLOCK 420

LOT 47

COUNTY OR TOWN: New York

PREMISES: 41-49 Rivington Street
New York, NY

RETURN BY MAIL TO:

Westerman Ball Ederer Miller Zucker & Sharfstein, LLP
1201 RXR Plaza, Uniondale, New York 11556

EXHIBIT A

Property Description

LEGAL DESCRIPTION

All those certain lots, pieces or parcels of land, situate, lying and being in the tenth ward of the City of New York, State and County of New York which, taken together, are bounded and described as follows:

BEGINNING at a point formed by the intersection of the southerly side of Rivington Street with the easterly side of Forsyth;

RUNNING THENCE easterly along the southerly side of Rivington Street, 200 feet 1 inch to the Westerly side of Eldridge Street;

THENCE southerly along the westerly side of Eldridge Street, 99 feet 4 inches;

THENCE westerly and at an interior of 89 degrees 31 minutes 50 seconds with the last mentioned course 50 feet 2 inches to a point distant 99 feet 3 inches southerly from the southerly side of Rivington Street;

THENCE southerly and at an exterior angle of 89 degrees 31 minutes 50 seconds with the last mentioned course 9 inches to a point;

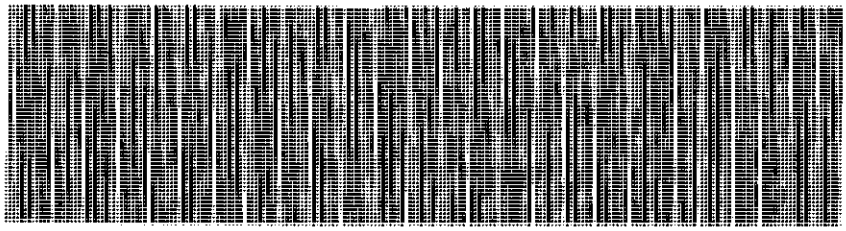
THENCE westerly and parallel with the southerly side of Rivington Street 50 feet 1-3/4 of an inch to a point;

THENCE southerly and at an exterior angle of 89 degrees 45 minutes 30 seconds with the last mentioned course 50 feet to a point;

THENCE westerly and at an interior angle of 89 degrees 45 minutes 30 seconds with the last mentioned course 100 feet to the easterly side of Forsyth Street;

THENCE northerly along the easterly side of Forsyth Street 150 feet to the corner formed by the intersection of the southerly side of Forsyth Street, the point or place of BEGINNING.

NYC DEPARTMENT OF FINANCE
OFFICE OF THE CITY REGISTER



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SUPPORTING DOCUMENT COVER PAGE **PAGE 1 OF 1**

Document ID: 2016021900722002 Document Date: 02-11-2016 Preparation Date: 02-19-2016
Document Type: DEED

ASSOCIATED TAX FORM ID: 2016012900351

SUPPORTING DOCUMENTS SUBMITTED:

	Page Count
DEP CUSTOMER REGISTRATION FORM FOR WATER AND SEWER BILLING	1
RP - 5217 REAL PROPERTY TRANSFER REPORT	3

FOR CITY USE ONLY

C1. County Code | | C2. Date Deed Recorded | | / | / | (Month / Day / Year)

C3. Book OR C5. CRFN | | C4. Page | |

REAL PROPERTY TRANSFER REPORT

STATE OF NEW YORK
STATE BOARD OF REAL PROPERTY SERVICES

RP - 5217NYC

PROPERTY INFORMATION

1. Property Location: 41-49 (STREET NUMBER) | RIVINGTON STREET (STREET NAME) | MANHATTAN (BOROUGH) | 10002 (ZIP CODE)

2. Buyer Name: RIVINGTON STREET INVESTORS LLC (LAST NAME / COMPANY) | (FIRST NAME)

(LAST NAME / COMPANY) | (FIRST NAME)

3. Tax Billing Address: Indicate where future Tax Bills are to be sent if other than buyer address (at bottom of form) (LAST NAME / COMPANY) | (FIRST NAME)

(STREET NUMBER AND STREET NAME) | (CITY OR TOWN) | (STATE) | (ZIP CODE)

4. Indicate the number of Assessment Roll parcels transferred on the deed: 1 # of Parcels OR ☐ Part of a Parcel

4A. Planning Board Approval - N/A for NYC

4B. Agricultural District Notice - N/A for NYC

5. Deed Property Size: | (FRONT FEET) X | (DEPTH) OR | (ACRES)

Check the boxes below as they apply:

6. Ownership Type is Condominium ☐

7. New Construction on Vacant Land ☐

8. Seller Name: NEW RIVINGTON PROPERTIES,LLC (LAST NAME / COMPANY) | (FIRST NAME)

(LAST NAME / COMPANY) | (FIRST NAME)

9. Check the box below which most accurately describes the use of the property at the time of sale:

A ☐ One Family Residential
B ☐ 2 or 3 Family Residential
C ☐ Residential Vacant Land
D ☐ Non-Residential Vacant Land
E ☑ Commercial
F ☐ Apartment
G ☐ Entertainment / Amusement
H ☐ Community Service
I ☐ Industrial
J ☐ Public Service

SALE INFORMATION

10. Sale Contract Date: 5 / 11 / 2015 (Month / Day / Year)

11. Date of Sale / Transfer: 2 / 11 / 2016 (Month / Day / Year)

12. Full Sale Price: $ 116,000,000

(Full Sale Price is the total amount paid for the property including personal property. This payment may be in the form of cash, other property or goods, or the assumption of mortgages or other obligations.) *Please round to the nearest whole dollar amount.*

13. Indicate the value of personal property included in the sale: $

14. Check one or more of these conditions as applicable to transfer:

A ☐ Sale Between Relatives or Former Relatives
B ☐ Sale Between Related Companies or Partners in Business
C ☐ One of the Buyers is also a Seller
D ☐ Buyer or Seller is Government Agency or Lending Institution
E ☐ Deed Type not Warranty or Bargain and Sale (Specify Below)
F ☐ Sale of Fractional or Less than Fee Interest (Specify Below)
G ☐ Significant Change in Property Between Taxable Status and Sale Dates
H ☐ Sale of Business is Included in Sale Price
I ☐ Other Unusual Factors Affecting Sale Price (Specify Below)
J ☑ None

ASSESSMENT INFORMATION - Data should reflect the latest Final Assessment Roll and Tax Bill

15. Building Class: I6

16. Total Assessed Value (of all parcels in transfer): $ 9,810,000

17. Borough, Block and Lot / Roll Identifier(s) (If more than three, attach sheet with additional identifier(s))

MANHATTAN 420 47

CITY REGISTER

FEB 24 2016

2016012900351201O1

CERTIFICATION

I certify that all of the items of information entered on this form are true and correct (to the best of my knowledge and belief) and understand that the making of any willful false statement of material fact herein will subject me to the provisions of the penal law relative to the making and filing of false instruments.

BUYER

BUYER SIGNATURE | DATE

C/O SLATE PROPERTY GROUP 850 THIRD AVENUE, SUITE 16B

STREET NUMBER | STREET NAME (AFTER SALE)

NEW YORK | NY | 10022

CITY OR TOWN | STATE | ZIP CODE

BUYER'S ATTORNEY

LAST NAME | FIRST NAME

AREA CODE | TELEPHONE NUMBER

SELLER

SELLER SIGNATURE | DATE

2/11/16

Jeffrey Zwick
Authorized Signatory

2016012900351201

CERTIFICATION

I certify that all of the items of information entered on this form are true and correct (to the best of my knowledge and belief) and understand that the making of any willful false statement of material fact herein will subject me to the provisions of the penal law relative to the making and filing of false instruments.

BUYER

X [redacted] 2/11/16

BUYER SIGNATURE | DATE

C/O SLATE PROPERTY GROUP 850 THIRD AVENUE, SUITE 16B

Martin Nussbaum, Attn: Signatory

STREET NUMBER | STREET NAME (AFTER BAL'S)

NEW YORK | NY | 10022

CITY OR TOWN | STATE | ZIP CODE

BUYER'S ATTORNEY

LAST NAME | FIRST NAME

AREA CODE | TELEPHONE NUMBER

SELLER

SELLER SIGNATURE | DATE

2016012900351201

The City of New York
Department of Environmental Protection
Bureau of Customer Services
59-17 Junction Boulevard
Flushing, NY 11373-5108

Customer Registration Form for Water and Sewer Billing

Property and Owner Information:

(1) Property receiving service: BOROUGH: MANHATTAN BLOCK: 420 LOT: 47

(2) Property Address: 41-49 RIVINGTON STREET, NEW YORK, NY 10002

(3) Owner's Name: RIVINGTON STREET INVESTORS LLC

Additional Name:

Affirmation:

☑ You have visited DOF's Mailing Address Update website and indicated that your water & sewer bill should be sent to the mailing address provided on that site. If no information was entered your water & sewer bill be sent to the property address.

Customer Billing Information:

Please Note:

A. Water and sewer charges are the legal responsibility of the owner of a property receiving water and/or sewer service. The owner's responsibility to pay such charges is not affected by any lease, license or other arrangement, or any assignment of responsibility for payment of such charges. Water and sewer charges constitute a lien on tha property until paid. In addition to legal ection against the owner, a failure to pay such charges when due may result in foreclosure of the lien by the City of New York, the property being placed in a lien sale by the City or Service Termination.

B. Original bills for water and/or sewer service will be mailed to the owner, **at the property address or to an alternate mailing address.** DEP will provide a duplicate copy of bills to one other party (such es a managing agent), however, any failure or delay by DEP in providing duplicate copies of bills shall in no way relieve the owner from his/her liability to pay all outstanding water and sewer charges. Contact DEP at (718) 595-7000 during business hours or visit www.nyc.gov/dep to provide us with the other party's information.

Owner's Approval:

The undersigned certifies that he/she/it is the owner of the property receiving service referenced above; that he/she/it has read and understands Paragraphs A & B under the section captioned "Customer Billing Information"; and that the information supplied by the undersigned on this form is true and complete to the best of his/her/its knowledge.

Print Name of Owner:

Signature: X _____ Date (mm/dd/yyyy)

Name and Title of Person Signing for Owner, if applicable: Martin Nussbaum, Authorized Signatory