NOTICE OF CANCELLATION OF DECLARATION

Notice of Cancellation of Declaration ("Notice of Cancellation") made as of the _____ day of _____, 2024 by Linden Canyon LLC having an address at P.O. Box 334, Albertson, NY, 11507 (the "Declarant").

WITNESSETH

WHEREAS, Declarant is the owner of certain real property located in the County of Queens, City and State of New York, consisting of the parcel located at 78-08 Linden Boulevard, and shown on the Tax Map of the City of New York for the Borough of Queens as Block 11384, Lot 1, which real property is more particularly described in **Exhibit A** annexed hereto (the "Subject Property"); and

WHEREAS, _____ has certified in a certification attached hereto as **Exhibit B** and made a part hereof, that as of _____ Declarant [and _____are the only parties in interest] is the only "party in interest" (as defined in the "zoning lot" definition set forth in Section 12-10 of the Zoning Resolution of the City of New York, as amended) in the Subject Property; and

WHEREAS, all parties in interest to the Subject Property have either executed this Notice of Cancellation or waived their right to execute this Notice of Cancellation by written instrument annexed hereto as **Exhibit C** and made a part hereof, which instrument is intended to be recorded simultaneously with this Notice of Cancellation; and

WHEREAS, in connection with an applications designated CP Nos. 23263 and 23262 for zoning map amendments to facilitate the development of the Subject Property and additional real property shown on the Tax Map of the City of New York for the Borough of Brooklyn as Block 4496, Lots 1, 3, 5 and 8 and Block 4497, Lot 1, which action was approved by the City Planning Commission on August 19, 1976, a predecessor of Declarant executed a declaration that restricts the manner in which the Project Area may be developed, maintained and operated, dated June 28, 1976, and recorded in the Office of the New York City Register on October 5, 1976, in Reel 939, Page 1609 (the "Declaration"); and

WHEREAS, Paragraph 8 of the Declaration provides that the Declaration may not be cancelled without the approval of the City Planning Commission and the Board of Estimate, the successor to which is the City Council; and

WHEREAS, Declarant submitted an application, dated November 3, 2023, and designated No._____, seeking certain zoning map and zoning text amendments affecting the Subject Property that would be inconsistent with the terms of the Declaration and seeking to cancel the Declaration; and

NOW, THEREFORE, Declarant does hereby declare as follows:

(1) The Declaration is hereby cancelled and each and every one of its terms and conditions are null and void and of no further effect.

(2) This Notice of Cancellation shall not be effective until it has been filed for recording in the Office of the City Register.

IN WITNESS WHEREOF, Declarant has caused this Notice of Cancellation to be signed as of the day and year first set forth above.

Declarant

By:_____

Name: _____
Title: _____

State of New York)
) ss.
County of)

On the _____day of _____in the year 2024 before me, the undersigned, 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), or the person upon behalf of which the individual(s) acted, executed the instrument.

_____
Notary Public

EXHIBIT A

Block 11384, Lot 1

All that certain plot, piece or parcel of land, situate, lying and being in the Borough and County of Queens, City and State of New York, bounded and described as follows:

BEGINNING AT THE CORNER FORMED BY THE INTERSECTION OF THE EASTERLY SIDE OF SAPPHIRE STREET (60 FEET WIDE) WITH THE SOUTHERLY SIDE OF LINDEN BOULEVARD (IRREGULAR WIDTH);
RUNNING THENCE SOUTHERLY ALONG THE EASTERLY SIDE OF SAPPHIRE STREET, 235.75 FEET;
THENCE EASTERLY AT RIGHT ANGLES TO THE EASTERLY SIDE OF SAPPHIRE STREET, 213.18 FEET TO THE WESTERLY SIDE OF 79TH STREET (60 FEET WIDE);
THENCE NORTHERLY ALONG THE WESTERLY SIDE OF 79TH STREET, 145.90 FEET TO AN ANGLE POINT;
THENCE STILL NORTHERLY ALONG THE WESTERLY SIDE OF 79TH STREET, 66.75 FEET TO THE CORNER FORMED BY THE INTERSECTION OF THE SOUTHERLY SIDE OF LINDEN BOULEVARD WITH THE WESTERLY SIDE OF 79TH STREET;
THENCE WESTERLY ALONG THE SOUTHERLY SIDE OF LINDEN BOULEVARD, 210.69 FEET TO THE CORNER, THE POINT OR PLACE OF **BEGINNING**.

EXHIBIT B

CERTIFICATION OF PARTIES IN INTEREST

[ATTACHED]

EXHIBIT C

WAIVER

_____, being a "party in interest" as defined in the "Zoning Lot" definition Section 12-10(f)(4) of the Zoning Resolution of the City of New York, effective December 15, 1961, as amended, with respect to the land known as Tax Lot 1 in Block 11384 on the Tax Map of the City of New York, Queens County and more particularly described in Schedule A attached hereto, hereby waives its right to execute a declaration dated January ___, 2024 made by Linden Canyon LLC, regarding archaeological testing and remediation on such land.

IN WITNESS WHEREOF, the undersigned has executed this waiver this ___ day of January, 2024.

By: _____
Name:
Title:

CERTIFICATE OF ACKNOWLEDGMENT

STATE OF _____)
) .ss.:
COUNTY OF _____)

On the ____ day of January in the year 2024 before me, the undersigned, 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 on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

_____
Notary Public