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NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

In the Matter of a Remedial Program for the
Concord Hotel & Resort
Sullivan County, under Article 27, Title 14
Of the Environmental Conservation Law
By Volunteer
Concord Associates, L.P.

**AMENDED
BROWNFIELD SITE
CLEANUP AGREEMENT**

Index No. W3-1004-09-06
Site No. C353008

WHEREAS, the Brownfield Cleanup Agreement, Index No. W3-1004-04-06, (the "BCA") for Site No. C353008 (the "Site") was fully executed on May 19, 2005; and

WHEREAS, pursuant to the Stipulation and Order (the "S&O") "So Ordered" by the Honorable Burton Ledina, Judge of the Sullivan County Court, and filed in the Sullivan County Clerk's Office on July 30, 2009, Concord Associates, L.P.'s BCP application submitted under cover dated July 16, 2008 for 20.579 acres, delineated on "Exhibit B" of the S&O, was granted as an enlargement of BCP site C353008; and

WHEREAS, by certified amendment application for change in party dated July 7, 2009, Concord Kiamesha LLC, a Delaware limited liability company, with offices at 115 Stevens Avenue, Valhalla, New York 10595, requested to be added as a Volunteer to the BCA; and

WHEREAS, by certified acknowledgment of the amendment application for change in party dated July 7, 2009, Concord Associates, L.P. has agreed to Concord Kiamesha LLC's request and to execute an amendment; and

WHEREAS, the Department has accepted the amendment application to add Concord Kiamesha LLC as a Volunteer to the BCA.

NOW, THEREFORE, IN CONSIDERATION OF AND IN EXCHANGE FOR THE MUTUAL COVENANTS AND PROMISES, THE PARTIES AGREE TO THE FOLLOWING:

1. The 20.579 acres, as delineated on "Exhibit B" of the S&O which copy is attached hereto for reference, is incorporated into OU-1A of the Site; and
2. Concord Kiamesha LLC is added to the BCA as a Volunteer; and
2. The BCA and this Amended BCA shall constitute the entire Agreement between the parties with all the terms and conditions of the Agreement, except as provided herein, remaining in full force and effect; and

3. The effective date of the Amended Brownfield Site Cleanup Agreement shall be the date it is executed by the Commissioner or the Commissioner's designee.

DATED: ALEXANDER B. GRANNIS
COMMISSIONER
NEW YORK STATE DEPARTMENT OF
ENVIRONMENTAL CONSERVATION AND
TRUSTEE OF THE STATE'S NATURAL RESOURCES

By: _____
Dale A. Desnoyers
Director
Division of Environmental Remediation

CONSENT BY VOLUNTEER

Respondent hereby consents to the issuing and entering of this Order, waives Respondent's right to a hearing herein as provided by law, and agrees to be bound by this Order.

Concord Kiamesha LLC

By: 
Louis R. Cappelli, Manager

Date: 1 September 2009

STATE OF NEW YORK)
) S.S.:
COUNTY OF Westchester)

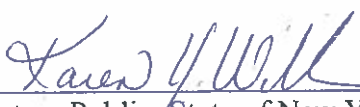
On the 1 day of September in the year 2009, before me, the undersigned, personally appeared Louis R. Cappelli, personally
(Full Name)

known to me who, being duly sworn, did depose and say that he/she/they reside at
115 Stevens Ave, Valhalla, NY 10595,
(Full mailing address)

and that he/she/they is (are) the Manager
(President or other officer or director or attorney in fact duly appointed)

of the Concord Associates, L.P,
(Full legal name of limited liability company)

the limited liability company described in and which executed the above instrument; and that he/she/they signed his/her/their name(s) thereto by the authority of the general partner(s) of said limited partnership and that such individual(s) made such appearance before the undersigned.


Notary Public, State of New York
KAREN Y. WILLIAMS
Notary Public, State of New York
No. 01WI6151782
Qualified in Westchester County
Commission Expires Aug. 28, 2010

CONTRACTORS' LINE & GRADE SOUTH L.L.C.

9 North Goodwin Avenue, Suite 3
Elmsford, New York 10523

Phone: (914) 347-3141 Fax: (914) 347-5120

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THE SHOWN SET, SHOWING, MOUNT, CERTIFICATION, APPEARING HEREON SHOWS THAT, TO THE BEST OF HIS KNOWLEDGE AND BELIEF, THIS SURVEY WAS PREPARED IN ACCORDANCE WITH THE USUAL STANDARDS FOR LAND SURVEYS AS SET FORTH IN THE CODE OF PRACTICE ADOPTED BY THE NEW YORK STATE ASSOCIATION OF PROFESSIONAL LAND SURVEYORS, INC.

THE PURPOSE OF THIS MAP IS TO LOCATE THE AREA (MARKED BY THE METERS AND BOUNDS SHOWN ON THIS MAP) REQUIRED FOR A BROWNFIELD SUBDIVISION. THE METERS AND BOUNDS OF THE BROWNFIELD SITE AS SHOWN HEREON ARE NOT NECESSARILY IDENTICAL TO THE METERS AND BOUNDS OF THE BROWNFIELD SITE AS SHOWN ON ANY OTHER MAP OR PLAN. THE METERS AND BOUNDS OF THE BROWNFIELD SITE AS SHOWN ON ANY OTHER MAP OR PLAN ARE NOT NECESSARILY IDENTICAL TO THE METERS AND BOUNDS OF THE BROWNFIELD SITE AS SHOWN ON THIS MAP.

UNDERGROUND UTILITIES, STRUCTURES, UTILITIES OR ENCROACHMENTS, AND ANY CASUALTIES RELATED THERETO, ARE NOT SHOWN HEREON UNLESS OTHERWISE NOTED. ANY UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS, AND IS NOT GUARANTEED TO BE ACCURATE OR COMPLETE.

UNRECORDED ENCROACHMENTS, ENCROACHMENTS, ENCROACHMENTS, AND ANY CASUALTIES UNRECORDED AT LEASTON OR ADDITION TO A SURVEY MAP BEARING A LICENSED LAND SURVEYOR'S SEAL IS A VIOLATION OF SECTION 2000, SUB-DIVISION 2 OF THE NEW YORK STATE ENCLAVATION LAW.

SHEET 7 OF 7
**BROWNFIELD CLEAN-UP PROGRAM
EXPANSION SITE**
PREPARED FOR
CONCORD ASSOCIATES, LLP
PROPERTY SITUATE IN THE
**TOWN OF THOMPSON
COUNTY OF SULLIVAN
STATE OF NEW YORK**
SCALE: 1" = 150'
Date: JULY 10, 2008

