

EIGHTH AMENDMENT
TO OFFERING PLAN RELATING TO PREMISES
32 GRAMERCY PARK SOUTH
NEW YORK, NEW YORK

The Offering Plan dated August 8, 1983 to convert to cooperative ownership premises at 32 Gramercy Park South, New York, New York (the "Plan") is amended by this Eighth Amendment as follows:

I. The following is a brief description of the primary activities which have either been completed since the evacuation of the building on August 22 or are still in progress following the reoccupancy of the building early in 1990.

During the four days following the explosion, and prior to the evacuation, precautionary measures were taken by erecting sidewalk bridging both to protect against falling glass and masonry and to permit examination of the exterior to evaluate the extent to the damage. This work was performed by Cole Restoration Corp. under the supervision of the building's architects, Howard L. Zimmerman & Assoc. At the same time, most of the front doors of the apartments were secured by Abbey Locksmiths, Inc. as they had been damaged during the original evacuation on August 19 by the Fire Department.

The interior of the building, particularly the lobby and lower floor hallways, were then cleaned by Sathis Painting & Construction, Inc.

On notification that the building was to be evacuated, the cooperative engaged the services of Barnes & Jarnis, Inc. as their environmental consultants to supervise testing for asbestos and other contaminants. Barnes & Jarnis continued to act in that capacity throughout the entire cleanup period and until both the exterior and interior decontamination had been completed and they conducted air sampling of each apartment and the hallways on each floor.

After the evacuation of all residents on August 22, three primary activities occurred during the ensuing several months: the round-the-clock protection of both the building and the management and operations trailers by Hall's Security Analysts, Inc.; exterior decontamination of the building by The Brand Companies, Inc. under the direction of Con Edison; and interior decontamination of the building and apartments under the direction of the Board of Directors by Hesco Environmental Safety Co., Inc.

The results of the exterior and interior decontamination were verified by various environmental consultants, including Barnes & Jarnis, Inc. All air sample results taken for asbestos testing were found to meet all air quality monitoring clearance criteria and free of asbestos. The results were approved by the New York City Department of Environmental Protection.

There are several building-wide projects which are in the process of being undertaken now that most residents of the building have resumed occupancy. All windows in the building are being replaced by Air Master Corp. with the work scheduled to begin within the next few weeks. The entire lobby and all common hallways in the building will be refurbished and redecorated under the supervision of Certified Contracting, Inc. as general contractors. This work includes the replacement of all of the front doors to the apartments in the building.

Other items of work that affect the building as a whole include the replacement of all air conditioning units in the building by Classic Air Conditioner Co., Inc., repair of the building's elevators by Millar Elevator Industry, Inc. and repair to the building's plumbing and heating systems by M. Kraus, Inc. and New York Plumbing & Heating Corp.

II. On January 5, 1990, the Department of Health of the City of New York certified the premises as habitable. A copy of their certification is annexed hereto as Exhibit A.

III. The following renovation work is being performed at the premises at Con Edison's expense:

1. New Lobby;
2. New Intercom;
3. New Hallways and carpeting;
4. Upgrading of Elevators;
5. New roof;
6. Restoring substantially damaged units to pre-explosion condition;
7. New air conditioners in all units;
8. New apartment doors, and locks in all apartments;
9. New canopy.

IV. A \$2.00 per share special assessment was levied in December, 1989. This assessment was initiated to pay legal fees of the Cooperative Corporation in connection with the explosion.

V. All reports on work performed are in the possession of the Board of Directors, who at this time, have decided not to make them available to the public. When all reports are received, the Board of Directors will accept requests to inspect same by appointment at the office of the building's managing agent.

VI. There are no other changes to the Offering Plan.

Dated: February 26, 1990
New York, New York

ANBY ASSOCIATES
Sponsor

THE CITY OF NEW YORK
DEPARTMENT OF HEALTH
OFFICE OF THE COMMISSIONER



124 NORTH STREET
NEW YORK, N.Y. 10012

ORDER OF THE COMMISSIONER

PREMISES: Multiple Dwelling known as 32 Gramercy Park South and Commercial spaces and stores in such building and fronting on Third Avenue

ATTENTION: OWNERS, OPERATORS, AGENTS AND PERSONS IN CONTROL OF ABOVE NAMED PREMISES, AND ALL OTHER PERSONS

WHEREAS, on August 19, 1989 an explosion of a 24 inch steam pipe owned and operated by Consolidated Edison Company of New York, Inc. occurred; and

WHEREAS, such explosion resulted in the escape of mud and debris-laden steam, and resulted in the deposit of such material upon and in buildings and the surrounding area; and

WHEREAS, based on findings from inspections dated August 23, 1989, and August 24, 1989, and laboratory analyses of the covering of the above-mentioned steam pipe, such material contained between 35 - 40% asbestos fibres; and

WHEREAS, laboratory analysis of some samples of loose and encrusted mud, dirt and other debris taken from the interior, exterior, and/or areas surrounding the above premises disclosed that such material contained between 1.0% and 5.0% asbestos fibres; and

WHEREAS, the presence of such asbestos-containing material in and around the above premises constituted a public health nuisance and a condition dangerous to life and detrimental to the health of persons in or occupying such building; and

WHEREAS, residential and commercial space including apartment corridors, stairwell, foyer, and elevator of the above premises having been contaminated with asbestos containing material on August 19, 1989 and were declared unfit for human habitation; and

WHEREAS, the Consolidated Edison Company of New York, Inc. was ordered to abate such conditions; and

WHEREAS, pursuant to the authority vested in the undersigned by the provisions of Chapter 22 of the New York City Charter and Section 17-159 of the New York City Administrative Code, Orders to Vacate were issued on August 31, 1989 for the residential spaces and commercial spaces/stores respectively;

WHEREAS, IT WAS FURTHER ORDERED that the owner, lessee, agent or any other person in control of the above listed premises not permit such premises or any part thereof to be entered or occupied by any person, except that access be provided to authorized employees, agents, or contractors of the Consolidated Edison Company, and other persons authorized by the Department of Health or the Department of Environmental Protection, so as to effectuate the abatement orders, unless and until the Department of Health and the New York City Department of Environmental Protection were satisfied that the abatement ordered had been completed and such premises had been rendered habitable; and

WHEREAS, The Consolidated Edison Company of New York, the New York City Department of Environmental Protection, and Barnes and Jarnis, Inc, Environmental Consultants, have so certified that the above listed premises have been decontaminated and are now safe and habitable, such certifications being annexed hereto; and

WHEREAS, said decontamination was conducted in accordance with procedures established by the United States Environmental Protection Agency, and interior spaces in the above listed premises were subjected to air monitoring in accordance with USEPA Asbestos Hazard Emergency Response Act (AHERA) Transmission Electron Microscopy (TEM) protocols; and

WHEREAS, the course of action taken to abate the asbestos contamination involved Con Edison and Barnes and Jarnis submitting detailed work site procedures to the on-site Department of Environmental Protection Representative describing the manner in which the abatement or testing would be conducted; and

WHEREAS, the Department of Environmental Protection reviewed and, where necessary, requested revisions and clarifications of the written procedures, and when procedures were deemed appropriate, authorized the cleanup; and

WHEREAS, Department of Environmental Protection inspectors were available on-site on a 24 hours basis to conduct scheduled and unscheduled inspections; and

WHEREAS, when the abovementioned premises were clean and so certified by Con Edison and their certified asbestos investigators, and by Barnes and Jarnis, Department Environmental

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Protection inspectors conducted a visual inspection prior to allowing aggressive air monitoring to be conducted; and

WHEREAS, the New York City Department of Environmental Protection periodically observed the air monitoring as it was performed by one or more independent testing laboratories; and

WHEREAS, the Department of Environmental Protection evaluated the results of Transmission Electron Microscopy analysis of air monitoring samples taken by an independent testing laboratory; and

WHEREAS, the Department of Environmental Protection certified that the premises listed above meet all final air quality monitoring clearance requirements; and

WHEREAS, such above referenced procedures used to decontaminate the interior spaces have been approved by the New York City Department of Environmental Protection and, based upon these procedures, periodic and final visual inspections, and clearance air monitoring test results, the Department of Environmental Protection has declared that all required abatement work has been successfully completed at these sites; and

WHEREAS, the Department of Health has reviewed the test data presented by Con Edison, Barnes and Jarnis, and the Department of Environmental Protection, and the test methodology used by the independent testing laboratories, and concurs with the Department of Environmental Protection that the premises have been so cleaned and repaired as to be habitable;

THEREFORE, pursuant to the authority vested in the undersigned by the provisions of Chapter 22 of the New York City Charter and Section 17-159 of the New York City Administrative Code;

IT IS HEREBY ORDERED, that the Order to Vacate the above named premises issued August 31, 1989 is hereby revoked solely with respect to the premises named herein pursuant to section 17-159 of the Administrative Code and;

IT IS FURTHER ORDERED, that the owner, lessee, agent or any other person in control of said premises shall permit such building or any part thereof to be reoccupied by any other persons pursuant to such rights to occupy as they may have enjoyed prior to the date of the Order to Vacate.

IT IS FURTHER ORDERED, that occupants formerly vacated shall be permitted to reoccupy and all other persons shall be permitted to occupy such premises or any part thereof, pursuant to such rights to occupy as they may have enjoyed prior to the date of the Order to Vacate.

If you have any questions concerning compliance with this Order,
you may call the Deputy Commissioner for Environmental Health
Services at 866-6693.

Date: 1.5.90

Margaret Grossi
Margaret Grossi, M.D., M.P.H.
Acting Commissioner of Health

Delivered by: _____
Date and Time of Service: _____
Received by: _____

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