

ERY TENANT LLC
c/o The Related Companies, L.P.
60 Columbus Circle
New York, New York 10023

November 15, 2012

Department of Buildings
Development HUB
80 Centre Street, 3rd Floor
New York, New York 10013
Attention: Damian Titus

New York, New York

RE: *Hudson Yards/Eastern Rail Yard Section of the John D. Caemmerer West Side Yard/Tower C (the "Property")*

NB: 121324290

To Whom It May Concern:

ERY Tenant LLC or an affiliate thereof ("Owner") is in the process of entering into a 99 year ground lease, as ground tenant, with the Metropolitan Transportation Authority ("MTA") with respect to the leasing of the Property. The MTA has given permission to Owner to make all filings with respect to the Property on its behalf.

Owner respectfully requests approval and issuance of a permit for application number 121324290 for Excavation and Foundation with the understanding that Owner will indemnify and hold harmless the Department of Buildings and the City of New York as a result of this approval which is granted on the condition that should the construction of the new building on the Property not occur and the area remains vacant after the excavation and/or foundation is complete for an extended period of time (excluding temporary cessation of construction due to an act of force majeure), the excavation and/or foundation shall be backfilled to grade and shall remain in a safe and lawful condition with regard to the public safety, health and welfare and to the satisfaction of the Department of Buildings.

If you have any questions with respect to the above, please feel free to contact Arelis Batista at (212) 801-3476 or via e-mail at abatista@related.com

Sincerely,

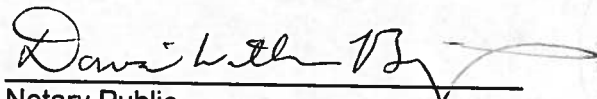


Ron Wackrow
Executive Vice President

Acknowledgments

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

On the ____ day of November, 2012, before me, the undersigned, personally appeared Ron Wackrow, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual(s) acted, executed the instrument.



Notary Public
(Seal)

My commission expires: 2125116

DAVID WILLIAM BISHOP
Notary Public, State of New York
No. 01BJ6182343
Qualified in Queens County
Commission Expires February 25, 2016