

NYC FiOS Real Estate Department 140 West Street, 11th Floor New York, NY 10007 888-364-3467 NYCFiOS@verizon.com

> Kultera, Inc. 68 South Service Rd. Melville, NY 11747 Authorized FiOS Contractor for Verizon

January 13, 2015

Property ID: 9405833 348 West End Avenue LLC Orchard Management Inc 249 West 76TH Street New York, NY 10023

ATTN: Lawrence Zombek

RE: Notice of Intention to Install/Upgrade Cable Television Facilities and Service at 348 West End Avenue

Dear Lawrence Zombek:

Verizon is pleased to be working with you as we build out our FiOS network! This amazing network is in your neighborhood, and now we want to bring it to your building.

Verizon and its engineering/design representatives, Kultera, Inc. will work closely with you to bring these services to you and your tenants. We have surveyed your building(s) and we must confirm your approval of the design plan for the installation of our FiOS facilities on your property. Verizon's design proposal takes into account the safety, functioning and appearance of the premises. In addition, Verizon will bear the cost of the installation and operation of its FiOS facilities. Please review the enclosed design specifications and other documentation, and provide us with your approval and signature on the Certificate of Acceptance of Proposed Work and the Construction Coordination sheet as soon as possible, so that we may move forward with the construction process.

Verizon is focused on the FiOS installation to your property as we work to meet commitments to our customers to provide television services over our FiOS network. For additional information on our proposed work start date and on Verizon's process for installing cable television facilities on private property, please see the enclosed form from the New York Public Service Commission ("Commission"), "Notice of Intention to Install/Upgrade Cable Television Facilities and Service," which has been completed by Verizon and includes a copy of the relevant New York law related to this process. Please note that the enclosed notice is required by the rules of the commission; the notice does not mean that the commission has granted an order of entry with respect to your property.

If you would like to discuss our proposed design plan or if you have any other questions, please contact Mike Gonsalves of Kultera, Inc. at 917-576-9568 or MikeG@Kultera.com. Otherwise, please return the signed Certificate of Acceptance of Proposed Work to Kultera, Inc.. If you wish, you may fax the signed certificate to 212-731-0331.

Thank you for your cooperation and assistance.

Sincerely,

NYC FiOS Real Estate Department

NOTICE OF INTENTION

TO INSTALL/UPGRADE CABLE TELEVISION FACILITIES AND SERVICE

PURSUANT to Public Service Law §228 and 16 NYCRR Part 898, VERIZON NEW YORK INC. intends

to install/upgrade cable television facilities and services upon your property at 348 West End Avenue. Verizon

would like to perform this installation on or after 2/13/2015. In the event of any damage to your property, Verizon

New York Inc. will be responsible. More specifically, Verizon New York Inc.'s installation/upgrade plan involves

the following:

Generally consist of constructing pathway from street to building and/or building to building basement(s), core

drilling and placing vertical pathway, fiber hubs, terminals, and installing a horizontal molding or flexible duct

system as required. Within these pathways fiber optic cable will be placed and spliced. Work to be performed

in accordance with the Certificate of Acceptance of Proposed Work.

Verizon New York Inc's installation/upgrade conforms to the safety, functioning, and appearance of the

building in accord with the requirements of the New York State Public Service Commission law and regulations.

Should you have any questions regarding this Notice, please contact the NYC Verizon FiOS Real Estate Department

at 888-364-3467 or NYCFiOS@verizon.com.

This installation/upgrade of cable television service will likely enhance the value of your property; there

will be no charge to you for such installation/upgrade. If you believe the value of your property is not enhanced, you

may attempt to seek compensation according to the procedures established by the New York State Public Service

Commission as delineated on the reverse side of this notice.

This Notice may be served, among other ways, by certified mail return receipt requested. If you have any

questions regarding the New York State Public Service Commission's rules or regulations, you may write or call the

Verizon New York Inc.'s representative; or write or call the Secretary to the New York State Public Service

Commission at secretary@dps.ny.gov or 3 Empire State Plaza, Albany, New York 12223-1350 or (518) 474-6530.

THE LANDLORD'S RIGHT TO INITIATE A COMPENSATION PROCEEDING WILL EXPIRE FOUR (4) MONTHS FROM

THE SERVICE OF THIS NOTICE OR FROM THE DATE OF INSTALLATION, WHICHEVER IS LATER.

DATED: <u>1/13/2015</u>

PUBLIC SERVICE LAW

§ 228. Landlord-tenant relationship.

- 1. No landlord shall (a) interfere with the installation of cable television facilities upon his property or premises, except that a landlord may require:
- (1) that the installation of cable television facilities conform to such reasonable conditions as are necessary to protect the safety, functioning and appearance of the premises, and the convenience and well being of other tenants;
- (2) that the cable television company or the tenant or a combination thereof bear the entire cost of the installation, operation or removal of such facilities; and
- (3) that the cable television company agree to indemnify the landlord for any damage caused by the installation, operation or removal of such facilities.
- (b) demand or accept payment from any tenant, in any form, in exchange for permitting cable television service on or within his property or premises, or from any cable television company in exchange therefor in excess of any amount which the commission shall, by regulation, determine to be reasonable; or
- (c) Discriminate in rental charges or otherwise, between tenants who receive cable television service and those who do not.
- 2. Rental agreements and leases executed prior to January first, nineteen hundred seventy-three may be enforced notwithstanding this section.
- 3. No cable television company may enter into any agreement with the owners, lessees or persons controlling or managing buildings served by a cable television company, or do or permit any act, that would have the effect, directly or indirectly of diminishing or interfering with existing rights of any tenant or other occupant of such building to use or avail himself of master or individual antenna equipment.

NEW YORK CODES RULES AND REGULATIONS - PART 898 - LANDLORD-TENANT RELATIONSHIP (Statutory authority: Public Service Law §228(1))

§898.1 Prohibition

Except as provided in section 898.2 of this Part, no landlord shall demand or accept any payment from any cable television company in exchange for permitting cable television service or facilities on or within said landlord's property or premises.

§898.2 Just Compensation

Every landlord shall be entitled to the payment of just compensation for property taken by a cable television company for the installation of cable television service or facilities. The amount of just compensation shall be determined by the commission in accordance with section 228 (1)(b) of the Public Service Law upon application by the landlord pursuant to section 898.5 of this Part.

§898.3 Notice of installation

- (a) Every cable television company proposing to install cable television service or facilities upon the property of a landlord shall serve upon said landlord or an authorized agent, written notice of intent thereof at least 15 days prior to the commencement of such installation.
- (b) The secretary of the commission shall prescribe the procedure for service of such notice, and the form and content of such notice, which shall include, but need not be limited to:
- (i) the name and address of the cable television company;
- (ii) the name and address of the landlord;
- (iii) the approximate date of the installation; and
- (iv) a citation of section 228 of the Public Service Law and Part 898 of the commission's rules.
- (c) Notice that installation of equipment has been completed may be served at any time on landlords upon whose property cable television service or facilities were placed prior to the effective date of this Part.

§898.4 Right of Entry.

(a) A cable television company shall have the right to enter property of the landlord for the purpose of making surveys or other investigations preparatory to the installation. Before such entry, the cable television company shall serve notice upon the landlord, or an authorized agent which notice shall contain the date of the entry and all other information described in section 893.3(b) of this Part. The cable television company shall be liable to the landlord for any damages caused by such entry but such damages shall not duplicate damages paid by the cable television company pursuant to section 228(1)(a)(3) of the Public Service Law.

- (b) where the installation of cable television service or facilities is not effected pursuant to a notice served in accordance with section 898.3 of this Part, the cable television company may file with the commission a petition verified by an authorized officer of the cable television company setting forth:
- (1) proof of service of a notice of intent to install cable television service upon the landlord;
- (2) the specific location of the real property;
- (3) the resident address of the landlord, if known:
- (4) a description of the facilities and equipment to be installed upon the property, including the type and method of installation, the anticipated costs thereof, and the measures to be taken to minimize the aesthetic impact of the installation;
- (5) the name of the individual or officer responsible for the actual installation;
- (6) a statement that the cable television company shall indemnify the landlord for any damage caused in connection with the installation, including proof of insurance or other evidence of ability to indemnify the landlord;
- (7) a statement that the installation shall be conducted without prejudice to the rights of the landlord to just compensation in accordance with section 898.2 of this Part.
- (8) a summary of efforts by the cable television company to effect entry of the property for the installation; and
- (9) a statement that the landlord is afforded the opportunity to answer the petition within 20 days from the receipt thereof which answer must be responsive to the petition and may set forth any additional matter not contained in the petition. Participation by the landlord is not mandatory, however, if no appearance by the landlord is made in the proceeding or no answer filed within the time permitted, the commission may grant to the petitioning cable company an order of entry which order shall constitute a ruling that the petitioning cable television company has complied with requirements of section 228 of the Public Service Law and the regulations contained in this Part. If the landlord files a written answer to the petition, the cable television company shall have 10 days within which to reply to said answer. The commission may grant or deny the petition, schedule an administrative hearing on any factual issues presented thereby or direct such other procedures as may be consistent with the installation of cable television service or facilities in accordance with Section 228 of the Public Service Law.

§898.5 Application for just compensation.

A landlord may file with the commission an application for just compensation within four months following the service by the cable television company of the notice described in section 898.3 of this Part or within four months following the completion of the installation of the cable television facilities, whichever is later.

§898.6 Contents of application for just compensation.

An application for just compensation shall set forth specific facts relevant to the determination of just compensation. Such facts relevant to the determination of just compensation. Such facts should include, but need not be limited to, a showing of:

- (a) the location and amount of space occupied by the installation;
- (b) the previous use of such space;
- (c) the value of the applicant's property before the installation of cable television facilities and the value of the applicant's property subsequent to the installation of cable television facilities; and
- (d) the method or methods used to determine such values. The secretary may, upon good cause shown, permit the filing of supplemental information at any time prior to final determination by the commission.

§898.7 Service of Application.

A copy of the application filed by the landlord for just compensation shall be served upon the cable television company making the installation and upon the chief executive officer of the municipality in which the real property is located.

§898.8 Responses.

Responses to the application, if any, shall be served on all parties and on the commission within twenty days from the service of the application.

§898.9 Hearing and determination.

- (a) If the commission finds that just compensation for the installation of cable television facilities as described in the application may be in excess of one dollar it shall conduct a hearing pursuant to section 216(3) of the Public Service Law. (b) An applicant may, within 20 days from the release date of the commission order which sets compensation at one dollar or less, file a written request for a hearing. Upon timely receipt of such request, the commission shall conduct a hearing pursuant to section 216(3) of the Public Service Law and Chapter I, Subchapter A of this Title.
- (c) If after the filing of an application, the cable television company and the applicant agree upon the amount of just compensation and the commission approves such amount, the commission shall not be required to conduct a hearing on the issue.

Certificate of Acceptance of Proposed Work

Date: 1/13/2	2015				
Verizon Property ID:	9405833	_			
Property Address:	348 V	Vest End Avenue	Block:	1168	Lot: _4
in the City/Town of	New York	, State of New York			
The installation appearance of the landlord. As required installation, operal Material changes agent for approval. The undersigned at this certificate or	and design plan see premises, and will aired by state law, tion or removal of V to the proposed instal prior to execution.	ummarized above will take be installed with minimal of Verizon will indemnify the Verizon's facilities. allation and design plan will be isted property represents that is operty and, by signing this origin plan on behalf of such property.	into account disruption to a landlord for the presented to the/she has the certificate, ack	the safety, tenants and a any damage the landlord	functioning and t no cost to the e caused by the or the landlord's
		v			<i>(</i> : <i>)</i>
		Name:			(sign)
		Name:			(print)
		Title:			
		Date:			
achments:					
Notice of Intention t	o Install Cable Television	Facilities and Service			
2. Schematic dated: 8/1					

Certificate of Acceptance of Proposed Work 01/13/2015 Verizon Property ID: 9405833 Vz Block #: 1946 Date: 348 West End Avenue Block: 1168 **Property Address:** , State of New York New York in the City/Town of Type of Work: Generally consist of placing FiOS fiber optic facilities on or about the property to provide FiOS services to owner's building and other buildings within the block. Summary of Verizon FiOS installation plan (All dimensions, quantities, and locations are approximate and Verizon will require periodic access to its facilities in order to conduct installation, maintenance and/or upgrade activities): Cable Attach to : (check all that apply) □ Building Side □ Rear Front ☐ Pole (existing) ☐ Pole (new) Quantity +/- 2 Span from: (check all that apply) ☐ Side ⊠ Rear ☐ Front □ Building Pole (existing) Pole (new) Diameter +/- 2" Span to: (check all that apply) □ Rear ☐ Front Pole (new) □ Building Side Pole (existing) **Terminal** 1 Length: +/- 16" Depth: +/- 6" Height: +/- 18" Quantity: Location: (check all that apply) □ Building Side □ Rear Front ☐ Pole (existing) Pole (new) Hub Quantity: Length: Depth: Height: Location: (check all that apply) Side Rear ☐ Front Building Pole (existing) Pole (new) **Service Wires** From terminal to individual residences **New Pole** Quantity: Height: Diameter: Location: (see attached schematic) **Entrance from street** ☐ Aerial □ Underground ■ None Required ☐ New Entrance (see attached schematic) **Interior Pathway Required** It has been identified that interior pathway work will also be required within the interior of the building. To minimize tenant disruption, \boxtimes Verizon will not initiate this work until residents have indicated that they desire the service The installation and design plan summarized above will take into account the safety, functioning and appearance of the premises, and will be installed with minimal disruption to tenants and at no cost to the landlord. As required by state law, Verizon will indemnify the landlord for any damage caused by the installation, operation or removal of Verizon's facilities. Material changes to the proposed installation and design plan will be presented to the landlord or the landlord's agent for approval prior to execution. The undersigned agent of the above-listed property represents that he/she has the requisite authority to execute this Certificate on behalf of such property and, by signing this Certificate, acknowledges and approves the proposed installation and design plan on behalf of such property. Attachments: Name: Notice of Intention to Install Cable Television Facilities and Service Title: ∑ 2. Schematic dated: 8/1/14 Date:

Verizon FiOS Construction Coordination Sheet for 348 West End Avenue ("Building") ***ALL FIELDS IN RED MUST BE COMPLETED***

Access Procedures during FiOS Network Construction						
Work Hours:		Start: Monday thru Friday		Stop:		
Daily check-in procedur	res:					
Entrance(s) to be used, i entrance to Building:	f not main					
Restricted areas of Build	ling:					
Procedures for obtaining keys for locked areas of						
Subcontractor(s) approve in the Building on behalf						
	XYZ CORP WADE					
Access Procedures after	er FiOS Netwo	rk is installed				
Verizon will conduct installations of individual resident's FiOS in concert with appointments scheduled by the resident. It is expected that resident's comply with Building rules when scheduling installations. In the case of an emergency or equipment malfunction, Verizon and/or Verizon's subcontractors will require access to the Building at any time, subject to reasonable security, safety and identification procedures required by owner.						
Clean Up Procedures						
Verizon will perform all work in a neat, professional and workmanlike manner, using commercially reasonable and appropriate construction standards. Work areas will be swept or vacuumed if dust or debris is created.						
Contact Information						
Verizon Design Manager:	Name: Louis	Гromba	Pho	one: 212-643-6253	Email: louis.v.tromba	a@verizon.com
Building On-Site Contact:	Name:		Pho	one:	Email:	
Environmental						
Verizon will not use, generate, store, release or dispose of any hazardous materials from, on, under, in, about or within the Building in violation of any environmental law.						
Garbage/Trash Disposal						
If a dumpster is required to manage daily construction debris, its location will be coordinated with the owner or their representative. Debris will not be left in hallways or common areas overnight.						
Grounding Control Note of Table 1 To the last of the l						
Installation of Optical Network Terminals in resident's apartments requires a three prong grounded outlet. If such						
outlet is unavailable, owner will replace problematic outlets with a grounded three-prong electrical outlet or will allow residents to replace problematic outlets with a grounded three-prong electrical outlet.						
Licensing						
If requested, Verizon and/or Verizon's subcontractors will provide proofs that the company and/or personnel assigned to the job are licensed to perform work in the Building.						
Molding Selection						
Molding Style:				Molding Color:		Initials

Molding and Other Pathways

If Verizon installs conduits, raceways or molding ("Pathways") in the Building, then the Pathways will be installed at locations and with materials reasonably approved by owner. Upon installation, the Pathways will be deemed Building fixtures and will be owned by owner. subject to Verizon's right to remove, replace and maintain the Pathways. Unless otherwise specified by law or regulation the fiber optic, copper and coaxial cables and lines and any flexible microducts ("Cabling Equipment") installed by Verizon within such Pathways will not be Building fixtures and will continue to be owned by Verizon. Owner may not move, disturb, alter or change the Cabling Equipment or connect, directly or indirectly, any telephones, computers, televisions or other devices to the Cabling Equipment. If molding is installed by Verizon ("Verizon's Molding"), Verizon's Molding may cover the conduits and raceways containing Verizon's Cabling Equipment as well as any adjacent conduits and raceways owned by owner or any cable TV or other communications company serving the Building, and owner will have the right to remove, replace and maintain Verizon's Molding and will also have the right to allow its contractors and any cable TV or other communications company serving the Building to remove, replace and maintain Verizon's Molding; provided such installation, removal, replacement or maintenance of Verizon's Molding does not materially adversely affect the operation of Verizon's facilities.

Noise/Other Disruptions

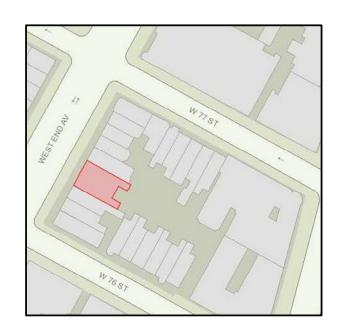
Verizon will not unreasonably disrupt other providers of services of all types in the Building or unreasonably interfere with the tenants' use and enjoyment of their living units or the common areas of the Building or with the operation of the Building. Verizon will not permanently block

		ks, entrances, garages, parking areas or other common areas of the		
Notices Notices	tructions will be coordinated with owner.			
	eations from either party can be given to	owner or Verizon at the following addresses:		
To owner:	1 7 5	With a copy to:		
				
To Verizon:				
Verizon New York Inc. NYC FiOS Real Estate Dept				
140 West Street, 11th Floor				
New York, New York 10007				
Doulting				
Parking Verizon employees and all oth	ners performing work in the Building on be	chalf of Verizon will park their vehicles on public streets, unless they		
receive the express consent of the owner or owner's representative to park on the private property belonging to owner.				
Permitting				
If requested, Verizon and/or approvals (if applicable).	Verizon's subcontractors will provide ov	oner with copies of federal, state and municipal permits, licenses and		
Potential Damages				
In the event of damage caused by negligence of Verizon, Verizon will repair such damage and restore the property back to substantially the				
same condition as existed prior to such damage.				
Safety Measures				
Verizon will take all reasonable precautions necessary for the safety of persons and property in and about the Building. Verizon will erect and properly maintain all necessary safety guards and signs as is reasonably required by the conditions and progress of the work so that the				
public is protected.	acsary safety guards and signs as is reason	madify required by the conditions and progress of the work so that the		
Storage Storage				
If owner gives Verizon permission to store materials in the Building, Verizon will coordinate the storage of materials with owner and Verizon				
	eas designated by owner. It is Verizon's re	sponsibility to ensure that its materials are stored appropriately and		
securely locked.				
Approved storage areas:				



HIGH LEVEL SURVEY

Verizon FiOS

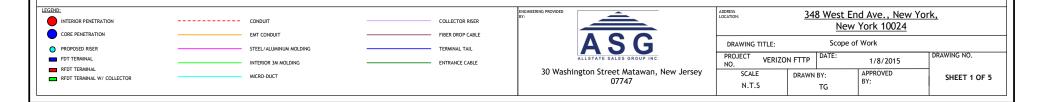


348 West End Ave., New York, NY 10024

Verizon Contact: Louis Tromba

MDU Property ID: 9405833

Building Contact: Kenneth 917-642-6650



PROJECT SUMMARY

BUILDING INFORMATION

PROJECT INFORMATION

NAME:		SURVEY DATE:	December 22, 2014
<u>ADDRESS</u>	348 West End Ave, New York 10024	BDMS:	9405833
YEAR BUILT:	1920	WIRE CENTER:	W 73rd St
		_	
CROSS STREET:	W 76 th St	VERIZON ENGINEER:	Louis Tromba
NUMBER OF BUILDINGS:	1	ASG ENGINEER:	Tomasz Grzesiuk
NUMBER OF FLOORS:	5	_	
TOTAL NUMBER OF UNITS:	20	FDH LOCATION:	Basement
		FDT/RISER LOCATION:	Basement
SITE CONTACT:	Kenneth 917-642-6650	FIBER DROP LOCATION:	Exterior Wall
MANAGEMENT:		<u>CATV LOCATION</u>	Stairwell
······································		_	
OWNER TYPE:	Residential	_	
		_	
EXTERIOR MATERIAL:	BRICK		

CONCRETE

Conduit

GROUNDED APTS ALL APTS PROPERLY GROUNDED Checked apts: 2A, 2D

TG



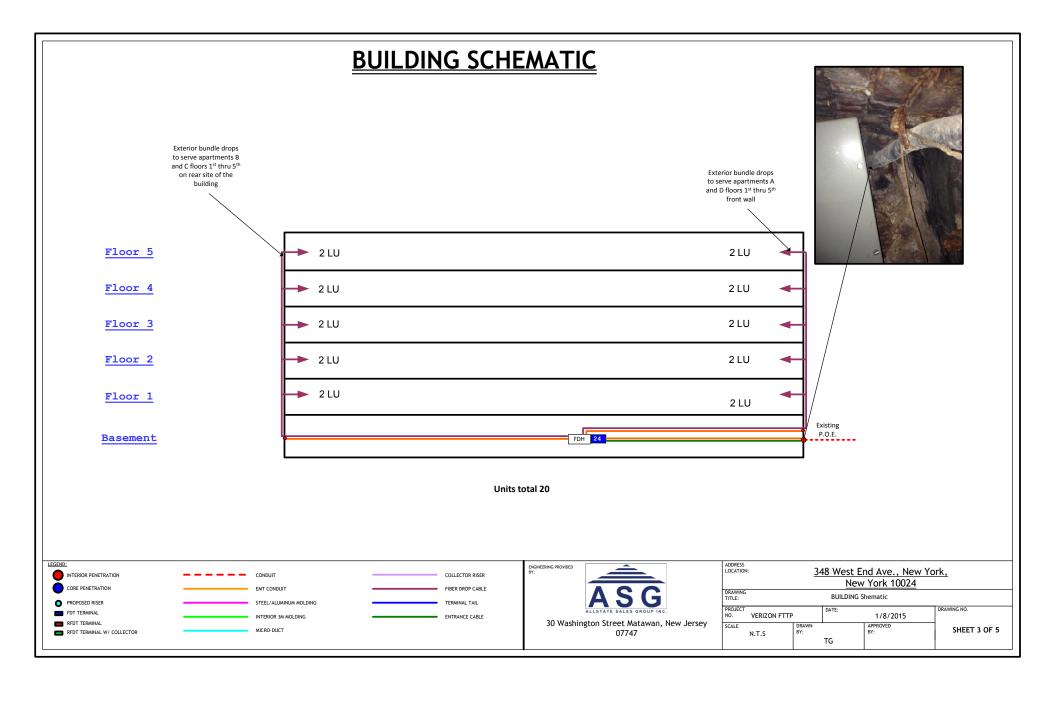
INTERNAL MATERIAL:

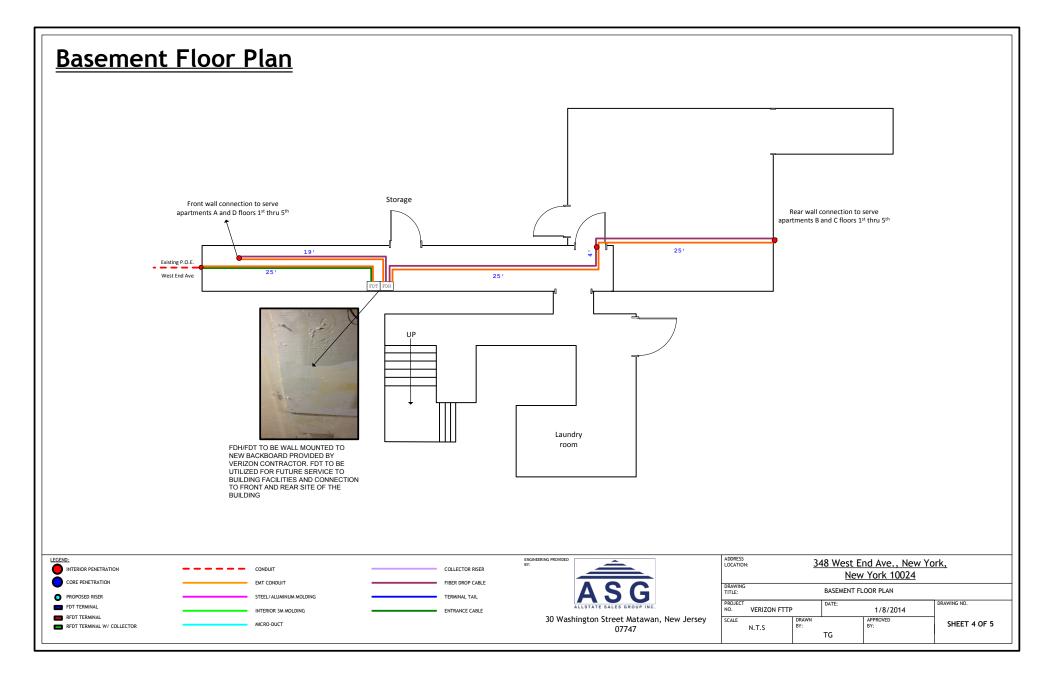
P.O.E. TYPE:



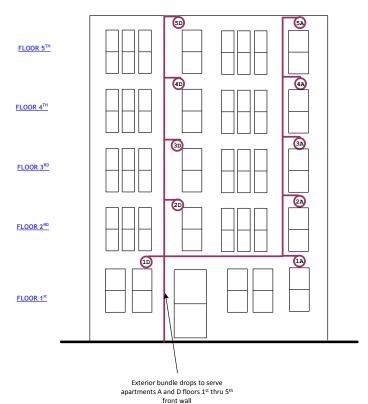
30 Washington Street Matawan, New Jersey 07747

ADDRESS 348 West End Ave., New York, New York 10024					
DRAWING TITLE: Project Summary					
PROJECT NO. VERIZON FTTP		DATE: 1/8/2015 DRAWING NO.		DRAWING NO.	
SCALE N.T.S	DRAWN BY:	TG	APPROVED BY:	SHEET 2 OF 5	



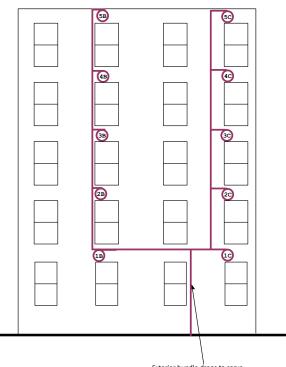


Front wall





Rear wall



Exterior bundle drops to serve apartments B and C floors 1st thru 5th on rear site of the building

LECEND:
INTERIOR PENETRATION
CONDUIT
COLLECTOR RISER
CORE PENETRATION
EMT CONDUIT
FIBER DROP CABLE
PROPOSED RISER
STEEL/ALLMINUM MOLDING
TERMINAL TAIL
FID TERMINAL
RPT TERMINAL W/ COLLECTOR
MICRO-DUCT

ASS GALLSTATE SALES GROUP INC.

30 Washington Street Matawan, N.

30 Washington Street Matawan, New Jersey 07747

ADDRESS LOCATION: 559 W 164 th St, New York, New York 10032					
DRAWING TITLE: Front and rear wall					
PROJECT NO. VERIZON FTTP	DATE:	1/8/2015	DRAWING NO.		
	DRAWN BY: TG	APPROVED BY:	SHEET 5 OF 5		