

AGREEMENT BETWEEN CONSTRUCTION MANAGER AND CONTRACTOR

DATE: August 10, 2016

PROJECT
ADDRESS: 626 First Avenue, New York, NY 10016
Block 967, Lot 1

CONSTRUCTION MANAGER: [REDACTED] S [REDACTED] tion Group LLC
(herein called "Construction Manager")

TRADE CONTRACTOR: [REDACTED] en [REDACTED] er Landscaping, Inc.

(herein called "Contractor"),

[REDACTED] w [REDACTED] d [REDACTED] k [REDACTED] s, [REDACTED] 6

("Contractor" Address)

whose Federal ID Number, for purposes for payment and
reporting is: 11-2120751

TRADE: LANDSCAPING, SITE FURNITURE, IRRIGATION, FOUNTAINS &
ROOF TERRACES

As used herein:

- (i) "Architect" shall mean:
[REDACTED] P [REDACTED] cts PC, or any successor or replacement or similarly situated
participant in the Project who is identified as such by notice to Contractor from
Construction Manager.
- (ii) "Project" shall mean:
the construction of a new mixed use building at the property located at 626 First
Avenue, New York, NY 10016 a.k.a. 616 First Avenue, New York, NY 10016.
- (iii) "Owner" shall mean
[REDACTED] st [REDACTED] ue LLC
- (iv) "Lender" shall mean
any person, financial institution, other entity and/or any government agency
which provides construction or permanent financing for the Project.
- (v) "Indemnitees" shall mean:
Construction Manager, Owner, Lender, Developer, the entities listed on Schedule
1 of Rider "F" as Additional Insureds, and each of their respective parent
companies, corporations, members and/or partnerships and their owned,
controlled, affiliated, associated and subsidiary companies, corporations,
members, and/or partnerships (including but not limited to JDS Development
Group) and their respective agents, consultants, principals, partners, members,
servants, officers, stockholders, directors and employees of each, and any other
persons or entities that Construction Manager notifies Contractor are required to
be indemnified.
- (vi) "Site" shall mean: