



January 28, 2020

AD 1.0.2. 141442

NYC Department of Buildings
Scott Pavan, RA
Borough Commissioner, Development HUB
80 Centre Street
New York, New York 10013

**RE: 270 Park Avenue Foundation Design
Take No Exceptions Letter**

Dear Mr. Pavan:

MTA Capital Construction & Development (MTAC&D) and Metro-North Commuter Railroad Company (MNR; and together with MTAC&D, the MTA Parties) take no exception to the referenced and attached ninety percent (90%) design submissions for the 270 Park Avenue foundations within the Grand Central Terminal train shed areas as shown in the attached submissions.

This “take no exception” letter makes reference to a 37 page drawing package attached hereto as Exhibit A entitled “*270 Park Avenue Foundation Design at Column Lines F-K*” dated December 16, 2019 from Mueser Rutledge Consulting Engineers prepared for JPMorgan Chase & Co. and signed and sealed by Professional Engineer Roderic A. Ellman Jr, a Professional Engineer licensed in the State of New York. This “take no exceptions letter” is specific to the work as shown on the attached submissions. All changes to the attached submissions must be submitted to Morgan Starke (MTAC& D) and Jim Harrington (MNR) for approval.

This “take no exception” letter makes reference to a 21 page drawing package attached hereto as Exhibit B entitled “*270 Park Avenue Support of Excavation Design at Column Lines F-K*” dated December 16, 2019 from dated June 30, 2019 from Mueser Rutledge Consulting Engineers prepared for JPMorgan Chase & Co. and signed and sealed by Professional Engineer Roderic A. Ellman Jr, a Professional Engineer licensed in the State of New York. This “take no exception letter” is specific to the work as shown on the attached submissions. All changes to the attached submissions must be submitted to Morgan Starke (MTAC& D) and Jim Harrington (MNR) for approval.

This take no exception letter makes reference to a 44 page drawing package attached hereto as Exhibit C entitled “*270 Park Avenue Foundation*” dated December 16, 2019 from Severud Associates Consulting Engineers P.C. prepared for JPMorgan Chase & Co. and signed and sealed by Professional Engineer Fortunato Orlando, a Professional Engineer licensed in the state of New York. This “take no exception letter” is specific to the work as shown on the attached submissions. All changes to the attached submissions must be submitted to Morgan Starke (MTAC& D) and Jim Harrington (MNR) for approval.

This “take no exception” letter makes reference to a 53 page drawing package attached hereto as Exhibit D entitled “*270 Park Avenue Foundation Express Level Structural Modifications*” dated December 16, 2019 from WSP USA Inc. prepared for JPMorgan Chase & Co. and signed and sealed by Professional Engineer Thomas W. Moorer, a Professional Engineer licensed in the state of New York. This “take no exception letter” is specific to the work as shown on the attached submissions. All changes to the attached submittal must be submitted to Morgan Starke (MTAC& D) and Jim Harrington (MNR) for approval.



The MTA Parties reserve all of their rights under that certain 270 Park Avenue Construction Agreement dated as of July 31, 2019 by and among the MTA Parties, Metropolitan Transportation Authority, The Long Island Rail Road Company and JPMorgan Chase Bank, N.A., including, without limitation, (x) the MTA Parties' right to (i) review and approve in writing, *inter alia*, the 90% Project Shear Walls Design Submission, the 90% ESA Project Redesign Submission, the Pre-Final 100% ESA Project Redesign

Submission, each phase of the JPMC MNR Work Design Submissions and the Contractor Submittals; and (ii) issue applicable Scope of Work Notices to Proceed, in each case prior to any Scope of Work commencing; and


(y) MNR's right to give written approval pursuant to the "Deed" and "Easement" prior to any Work commencing (all of such terms as defined in the 270 Park Avenue Construction Agreement).

All work must be coordinated with (i) MTAC&D – ESA Senior Project Director, Manhattan Overbuild / ESA Coordination, Morgan Starke; and (ii) MNR – Deputy Director GCT Special Projects, Jim Harrington.

Should you have any questions, please contact Morgan Starke by email at MStarke@mtacc-esa.info or by phone at (929) 223-4530 and Jim Harrington by email at Harrington@mnr.org or by phone at (212) 499-4416.

Sincerely,

MTA CAPITAL CONSTRUCTION & DEVELOPMENT

By: 
Name: Arthur R. Troup
Title: Senior Vice President and
Senior Program Executive
MTAC&D – East Side Access

METRO-NORTH COMMUTER RAILROAD COMPANY

By: 
Name: John Kennard
Title: Vice President, Capital Program Management

Enclosures

CC via email: J. Harrington (MNR), R. Gans (MNR), J. North (MTAC&D), M. Starke (MTAC&D), N. Forshner (MTAC&D), E. Eisland (MTAC&D), M. Kane (Paul, Weiss), M. Loney (MNR), G. Dopsch (MNR), R. Ramkeesoon (MNR), T. Carpinelli (TishmanCC), M. Consoli (TishmanCC), and James Scheld (H. I. Shapiro.)

East Side Access Project
469 7th Avenue, 14th Floor
New York, NY 10018



Construction & Development

Exhibit A

Design Package - 270 Park Avenue Foundation Design at Column Lines F-K

(see attached)

East Side Access Project
469 7th Avenue, 14th Floor
New York, NY 10018



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Exhibit B

Design Package - 270 Park Avenue Support of Excavation Design at Column Lines F-K

(see attached)

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Exhibit C

Design Package - 270 Park Avenue Foundation

(see attached)

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Exhibit D

Design Package - 270 Park Avenue Express Level Structural Modifications

(see attached)