

ALI MERCER STREET

SOHO ONE-STORY BUILDING FOR SALE



02 The Opportunity

41 Mercer offers the opportunity to buy a one story retail building with a curb cut in the heart of SoHo. The current tenant is Antique Garage Restaurant with a lease expiring May 15th, 2021. The annual rent, currently \$107,441.78 increases 4% annually.

The property is located in the M1-5B zone with a possible 6,000 Building SF. There are 4,120 SF of unused air rights. The retail space has high ceiling heights, and a mezzanine. The building does not have a basement.

This is the ideal property for an investor looking to develop a retail operation, or office building with ground floor retail in a prime SoHo location. Also with the proper approvals, the curb cut sidewalk allows a user to develop a private townhouse with a garage on the ground floor.



03 Property Ov<u>erview</u>

Location:	West Side of Mercer between Grand and	Historic District	SoHo Cast Iron Historic	
	Broome Streets.	Year Built (Estimated)	1920	
Block / Lot:	474 / 20	Stories	1	
Lot Dimensions (approx:):	24' x 50'	Basement	No	
Lot SF (approx):	1,200 SF	Assessment (2013/2014)	\$418,590	
Gross Building SF (approx.):	1,880 SF	Taxes (2013/2014)	\$43,211	
Total Buildable SF (approx.):	6,000 SF	Property Insurance	\$7,205.38	
Air Rights (approx.)	4,120 SF	Annual Rent * Monthly Rent	\$107,441.78 \$8,953.48	
FAR	5	Net Operating Income*	\$57,025.40	
Zoning	M1-5B	* Rent increases 4% annually, NG	DI breakdown on page 4	

The subject property is a one-story retail building located in the heart of SoHo. The current tenant is the restaurant Antique Garage, with a lease expiring in May 15th, 2021. The current rent is \$107,441 with 4% increases annually. The building has high ceiling heights, a mezzanine, and approximately 6,000 buildable SF in total. This building does not have a basement. The site has a curb cut making this a perfect location for a parking garage, private townhouse with proper approvals, or retail location.

04 Lease Abstract

Period	Annual Amount	Monthly Amount
5/1/13 – 4/30/14	\$107,441.78	\$8,953.48
5/1/14 – 4/30/15	\$111,739.45	\$9,311.62
5/1/15 – 4/30/16	\$116,209.03	\$9,684.09
5/1/16 – 4/30/17	\$120,857.39	\$10,071.45
5/1/17 – 4/30/18	\$125,691.69	\$10,474.31
5/1/18 – 4/30/19	\$130,719.36	\$10,893.28
5/1/19 – 4/30/20	\$135,948.13	\$11,329.01
5/1/20 – 5/15/21	\$141,386.06	\$11,782.17

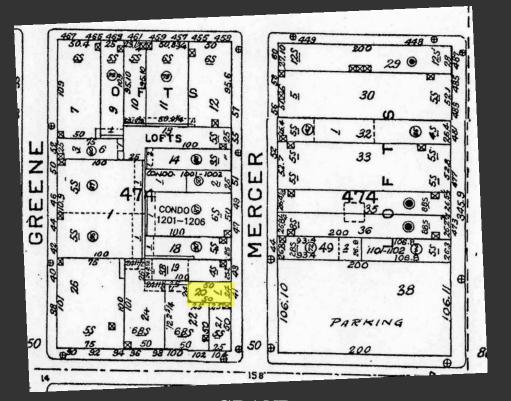
Lease Expiration: May, 15 2021

5/1/13 – 4/30/14 Rental Revenue	\$107,441.78
Real Estate Taxes	\$43,211.00
Property Insurance	\$7,205.38
Net Operating Income	\$57,025.40

04 Tax Map

GREENE

BROOME



BROADWAY

GRAND

41 Mercer Street

Location:	West Side of Mercer Street between Grand and Broome Streets
Block:	474
Lot:	20

05 Neighborhood Description

INTRODUCTION

The Manhattan neighborhood which encompasses **41 Mercer Street** is known as SoHo. Today the area known as SoHo is a vibrant international retail and residential destination.

The name "SoHo" comes from the words "SO" uth of "HO" uston. The area from Houston South to Canal Street between Broadway and West Broadway is considered the heart of SoHo. Little Italy is world renowned and extends along Mulberry Street from Canal to Houston Streets.

HISTORY

In the 1800s, as New York developed along Broadway above Canal Street (originally named because it was literally a canal into which early New Yorkers threw their trash), SoHo became an area of merchant buildings. The houses that sprang up around Greene and Mercer Streets housed bordellos which serviced all levels of New York society. It was not unusual to see seamen, businessmen, politicians, policemen and all kinds of fancy carriages with rich gentlemen callers in the evenings around SoHo.

In the 1850s and 1860s a new form of construction was being developed which was quick and inexpensive in which preformed steel frames were joined to normal wood rafters. Cast Iron buildings proliferated and as the area remained primarily manufacturing and retail, enormous loft buildings were built throughout SoHo, taking over the federal townhouses that had dominated earlier.



06 Neighborhood Description Cont.

HISTORY (cont.)

The original New York City department stores thrived on Broadway during this period of tremendous growth and gradually moved uptown as New York continued to expand north. New York became one of the largest producers of clothing during this period and sweatshops proliferated.

When the Great Depression hit the United States and cheaper sources of labor moved jobs overseas in the following decades, these huge buildings gradually became vacant. This process accelerated after World War II and by the 1960s, SoHo was practically a ghost town.

As often happens in New York real estate, underdeveloped areas are revitalized when a group of enterprising individuals band together to create a renaissance. Such was SoHo's destiny. Artists, primarily painters and sculptors, began seeking large spaces for their works of art. They found cheap rents from the owners of these hundreds of vacant loft buildings, getting permission from the owners to look the other way as they actually moved into their lofts to both live and work there.



Neighborhood Description Cont.



HISTORY (cont.)

In the 1970s the art dealer Leo Castelli was encouraged to open a downtown gallery and become part owner of the building at 420 West Broadway and the boom began. Within a few short years SoHo had become the internationally recognized artistic center.

Soon throngs of people were on the streets every weekend. Retailers saw the volume of foot traffic and were quick to take advantage of the situation. By the end of the 1980s galleries and shops were everywhere and today artists and musicians, movie stars, models and attorneys, wall streeters and people from every conceivable profession live and work in SoHo. It has become a truly cosmopolitan and international community.

ARTS and CULTURE

Art galleries in SoHo include O.K. Harris, John McEnroe, Louis K. Meisel, Sundaram Tagore, Animazing Gallery, Aesthetic Realism Foundation, Dutesco Art, and Brentano's.

Museums or their stores include The Drawing Center, The Museum for African Art, the Guggenheim SoHo, the New Museum of Contemporary Art, and the MOMA Design Store. Theatres include the SoHo Playhouse and the Wooster Group.

08 Neighborhood Description Cont.

RESTAURANTS

Older original restaurants include Fanelli's Café at the corner of Prince and Mercer and Kenn's Broome Street Bar at West Broadway. Excellent fare is available throughout the area as some of the world's finer chefs have been brought into the area. Newer restaurants include Aquagrill, Balthazar, Pravda, the Mercer Kitchen, Dos Caminos, Mezzogiorno, the Dutch, and Blue Ribbon Sushi.

HOTELS

Andre Balazs brought us the exclusive Mercer Hotel at Mercer and Prince. The Sterns brought us the SoHo Grand Hotel. The Pomeranz group brought us 60 Thompson. Now the barriers of Soho are being pushed further west with Trump's Soho condo/hotel development that has caused much controversy in the neighborhood. All cater to exclusive clientele and enjoy extremely high occupancy rates the year round.



09 Neighborhood Map



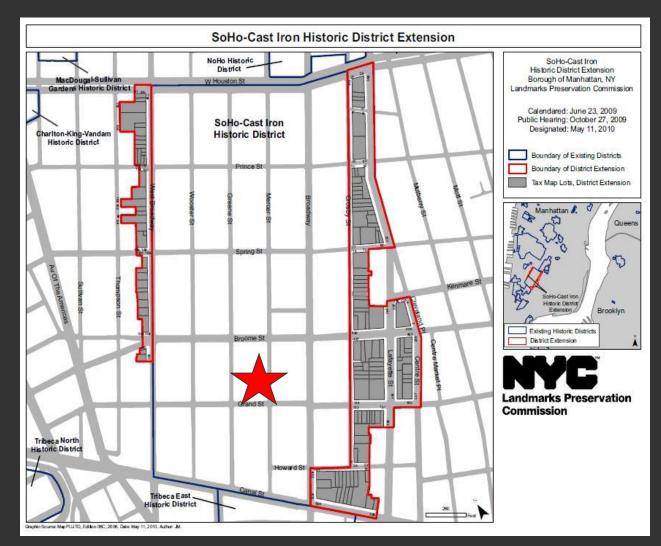
10 Retail Map

Antique Garage Restauran 41 Mercer Street



11

Neighborhood Map SoHo Cast Iron Historic District



Transportation Description

In addition to the diversity of services and amenities located within its parameters, **41 Mercer Street** has excellent access to major transportation modes. All four subway lines (the 1, 9; the A, C, E; the N, R; the D, F; and the 6) are within six blocks. The area is also serviced by express and local MTA buses for uptown service along Sixth Avenue and Bowery and downtown service along Varick Street and Broadway. The fare for both the bus and subway lines is two dollars and fifty cents (\$2.50).

By car, there is easy access to and from SoHo by the Franklin Delano Roosevelt Drive and the West Side Highway. The Holland and Brooklyn Battery Tunnels are less than 5 minutes away and the Manhattan, Brooklyn and Williamsburg Bridges are about 10 minutes away. The highway transportation network connects Manhattan to New Jersey, the three boroughs, and all points north.

41 Mercer Street is close to three major metropolitan airports....LaGuardia (approximately 20-25 minutes drive), John F. Kennedy (approximately 45-60 minutes drive) located to the east on Long Island, and Newark (approximately 20-25 minutes drive) located to the west.

The caliber of quick access from **41 Mercer Street** to local and regional business destinations is unusual and definitely enhances the attractiveness of the property.





14 Bus Map



15 Zoning Information

41 Mercer Street

New York City's zoning regulates permitted uses of the property; the size of the building allowed in relation to the size of the lot ("floor area ratio"); required open space on the lot, the number of dwelling units permitted; the distance between the building and the street; the distance between the building and the lot line; and the amount of parking required. The **Manufacturing** district has **Three** different classifications.

41 Mercer Street is zoned M1-5B and Lies within the SoHo Cast Iron Historic District. FAR: 5.0



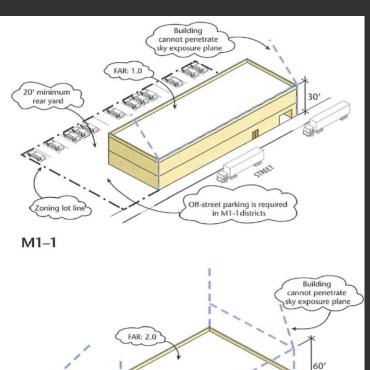
M1

M1 districts range from the Garment District in Manhattan, with its multistory lofts, to parts of Red Hook or College Point with many one- or two-story warehouses studded with loading bays. The M1 district is often a buffer between M2 or M3 districts and adjacent residential or commercial districts. Light industries typically found in M1 areas include woodworking shops, auto storage and repair shops, and wholesale service and storage facilities. In theory, nearly all industrial uses can locate in M1 areas if they meet the more stringent M1 performance standards. Offices and most retail uses are also permitted. Certain community facilities, such as hospitals, are allowed in M1 districts only by special permit but houses of worship are allowed as-of-right.

In M1-5A and M1-5B districts mapped in SoHo/NoHo, artists may occupy *joint living-work quarters* as an industrial use in *loft* buildings.

Other than M1 districts paired with residence districts in Special *Mixed Use Districts* (see Chapter 6), M1-D, M1-SM and M1-6M districts are the only manufacturing districts in which residences are permitted. In M1-D districts, mapped in Sunset Park and Maspeth, limited new residential uses with a maximum *FAR* of 1.65 are permitted only by City Planning Commission authorization.





Zoning lot line

Corner lot does

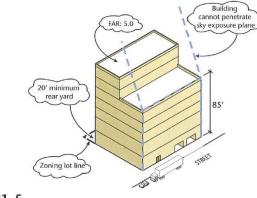
16 Zoning Information

M1 Manufacturing Districts							
M1	M1-1	M1-2	M1-3	M1-4	M1-5	M1-6	
FAR (max)	1.0	2.0	5.0	2.0	5.0	10.0 ¹	
Parking	required	required	required	not required	not required	not required	

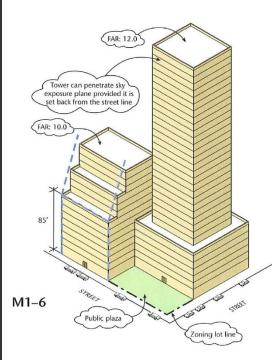
M1-4

1FAR bonus up to 20% for a plaza

Zoning Information







M1

In M1-5M and M1-6M districts, mapped in parts of Chelsea, space in an industrial building may be converted to *dwelling units*, provided a specified amount of floor area is preserved for particular industrial and commercial uses. Conversion to dwellings is also allowed, with restrictions, in the Special Tribeca Mixed Use District.

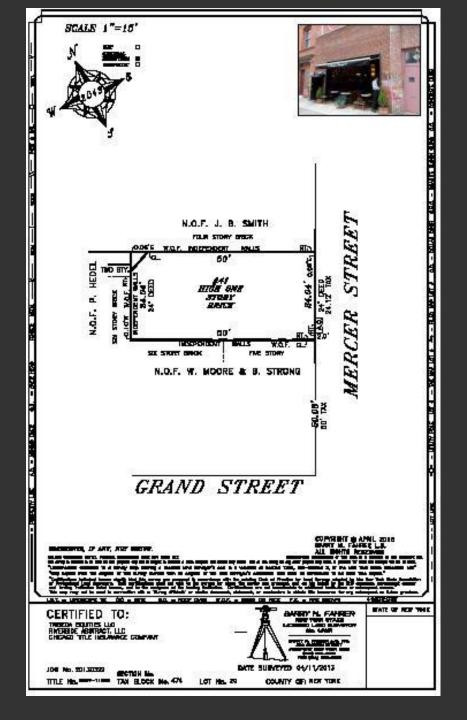
Floor area ratios in M1 districts range from 1.0 to 10.0 and building height and setbacks are controlled by sky exposure planes which may be penetrated by towers in certain districts. Although new industrial buildings are usually low-rise structures that fit within sky exposure planes, commercial and community facility buildings can be constructed as towers in M1-3 through M1-6 districts. In the highest density manufacturing district, M1-6, mapped only in Manhattan, an FAR of 12 can be achieved with a bonus for a public plaza. Except along district boundaries, no side yards are required. Rear yards at least 20 feet deep are usually required, except within 100 feet of a corner.

Parking and loading requirements vary with district and use. M1-1, M1-2 and M1-3 districts are subject to parking requirements based on the type of use and size of an establishment (Section 44-21 of the Zoning Resolution). For example, a warehouse in an M1-1 district requires one off-street parking space per 2,000 square feet of floor area or per three employees, whichever would be less. Parking is not required in M1-4, M1-5 and M1-6 districts, mapped mainly in Manhattan loft areas. Requirements for loading berths of specified dimensions differ according to district, size and type of use.



Port Morris

18 Survey Reading



19 Survey Reading

RIVERSIDE ABSTRACT, LLC as Agent for Chicago Title Insurance Company SURVEY READING

Title Number: RANY-11685

Survey of property located at Block 474, Lot 20 dated April 11, 2013, made by Barry M. Fahrer discloses the following: High Story Brick

NORTHEASTERLY LINE:	Variation between walls and record line of title Wires on fence at or near property line
SOUTHEASTERLY LINE:	Awning over encroaches 2.0' onto Mercer Street
SOUTHWESTERLY LINE:	Variation between walls and record line of title
	Wires on fence at or near property line
NORTHWESTERLY LINE:	Variation between walls and record line of title
	Wires on fence at or near property line

NOTE FOR MORTGAGE POLICY ONLY: Policy insures against monetary loss to the insured mortgagee occasioned by the forced removal of minor encroachments/projections/party walls set forth in the survey reading above.

20 Survey Reading

RIVERSIDE ABSTRACT, LLC

as Agent for Chicago Title Insurance Company

SCHEDULE A - DESCRIPTION

Title No.: RANY-11685

All that certain plot, piece or parcel of land situate, lying and being in the Borough of Manhattan, County of New York, City and State of New York bounded and described as follows:

BEGINNING at a point on the westerly side of Mercer Street, distant 50 (Deed), 50.08' (Actual) feet northerly from the corner formed by the intersection of the northerly side of Grand Street and the westerly side of Mercer Street;

RUNNING THENCE easterly in front by the westerly side of Mercer Street, 24 feet (Deed), 24.04' (Actual);

THENCE northerly on the side by land now or late of Jacob B. Smith, 50 feet;

THENCE westerly in the rear by ground now or late of Paulus Hedel, 24 feet (Deed), 24.04' (Actual);

THENCE southerly partly by land now or late of William Moore and partly by land now or late of Benjamin Strong, 50 feet, to the point or place of BEGINNING.

Note: Address, Block & Lot shown for informational purposes only

Designated as Block 474, Lot 20 and also known as 41 Mercer Street.

21 Zoning Report

LAW OFFICE OF FREDRICK A. BECKER

I22 EAST 42ND STREET SUITE 2100 NEW YORK, NEW YORK 10168-0098

FREDRICK A. BECKER

(212) 867-3820 FAX (212) 983-5276

August 14, 2013

e: Premises: 41 Mercer Street	
Block 474, Lot 20	
BIOCK 474, LOL 20	

New York, New York

Dear

We have been requested by W Financial Fund LP to provide zoning information concerning the possible use and development of the above subject premises. In particular, you have asked about the potential to enlarge the subject building to create additional space for office and retail use on upper floors. In response to that request we hereby submit the following.

The subject premises is located on the westerly side of Mercer Street 50.08 feet north of Grand Street in Manhattan. It has the address of 41 Mercer Street, New York, New York, and is known as block 474, lot 20 on the New York City tax map. The subject premises is situated within an M1-5B zoning district, as shown on map 12a of the 1961 New York City Zoning Resolution, as amended, (hereinafter the "Zoning Resolution"). The subject premises is also located in the Soho Historic District and the building and site therefore has landmark status.

Within the M1-5B zoning district there are very atypical zoning regulations relating to permissible uses. It is not possible to locate residential and many community facility uses in the subject zoning district. The only use that is permitted for occupancy in which to reside is Joint Living Work Quarters for Artists (JLWQA) use. This use is only permitted in existing structures, and is not allowed on the ground floor. There are also very particular regulations concerning ground floor use and certain other commercial uses in general. Specifically, Use Group 6 retail, office or restaurant use is not permitted on the level below the second floor in the M1-5B zoning district. There is an exception for one story buildings which does permit such uses, as these buildings do not have second floors. Office and retail uses are allowed on an as-of-right basis on upper floors.

A review of the NYC Department of Buildings website for the subject premises shows that there is a Certificate of Occupancy issued to the subject premises, No. 103491320, dated February 24, 2004. A copy of this Certificate of Occupancy is attached hereto. This Certificate of Occupancy

LAW OFFICE OF FREDRICK A. BECKER



lists Eating and Drinking Establishment UG6 with accessory retail use on the first floor and accessory lounge and office use on the mezzanine level. Provided that the existing floor area of the building is not demolished or destroyed by more than 50%, this use may be continued. It would also be possible to enlarge the building and to retain the use, but the manner in which the building is enlarged and/or modified must be very carefully monitored in order for the use to be retained. Once additional floors are added the ground floor eating and drinking establishment use will be non-conforming, but with a grandfathered status. If more than 50% of the floor area of the existing structure is demolished or removed, the existing grandfathered non-conforming status would be lost, and the first floor could no longer contain retail, office or eating and drinking establishment/ restaurant uses.

The permitted Floor Area Ratio (hereinafter "F.A.R.") for a structure at this location is 5.0. Floor area ratio is the number that can be used to multiply the lot area of a zoning lot to determine the maximum amount of floor area that can be constructed on the subject zoning lot. A F.A.R. of 5.0 would therefore allow a development to contain floor area equal to five times the size of the zoning lot.

According to information set forth on the survey prepared by **December 2019**, New York State Licensed Land Surveyor, and dated April 11, 2013, the subject premises has a lot area of approximately 12,000 square feet. Therefore a building at this location could be developed with approximately 6,000 square feet.

The floor area ratio listed above is permitted on an As-of-Right basis within the subject zoning district in which the subject premises is located. Accordingly, provided that a building meets the requirements of the NYC Building Code, Zoning Resolution and other relevant statues, it can be constructed to the above maximum floor area ratio without having to obtain any variance or other special forms of relief, and instead only requires a filing with the Department of Buildings.

Nonetheless, and despite the foregoing As-of-Right analysis, when a property is located in a historic district, such as the subject premises, the bulk of a new or enlarged building is governed by the Landmark Preservation Commission (hereinafter "LPC") based on aesthetic issues and the As-of-Right floor area permitted is no longer the controlling criteria. The LPC clearly has the authority to limit the size of a structure without regard to what is otherwise allowed on an As-of-Right basis, the potential result being a building that could be smaller than might otherwise be allowed on that As-of-Right basis. The LPC can also guide the appearance of the new or enlarged building.

In sum, the current zoning for the subject location will permit a building or buildings with a total F.A.R. of 5.0. The current building is currently underbuilt and may be enlarged. The enlargement will be subject to review and approval from the Landmarks Preservation Commission. The Use Group 6 retail use of the first floor could remain provided that not more than 50% of the floor area

Zoning Report

22

Zoning Report

LAW OFFICE OF FREDRICK A. BECKER



of the existing structure is demolished. Therefore to retain the commercial use on the ground floor it will be necessary to maintain more than 50% of the floor area of the existing building.

Please be advised that the above is submitted for informational purposes only, and is based upon the facts surrounding the matter as they exist as of today, the Zoning Resolution as currently published and the survey of the subject premises prepared by the survey of the subject premises prepared by the survey of the subject premises of zoning set forth herein, the Zoning Resolution Surveyor, dated April 11, 2013. As to the matters of zoning set forth herein, the Zoning Resolution is the only statute or ordinance applicable to the subject premises.

This information is rendered solely for your benefit and use and the benefit and use of any assignee or participant of your interests in the subject building. This information may not be relied upon by any other person without our prior written consent.

Do not hesitate to contact me if you have any questions or require additional information.

Very truly yours,

Fredrick A. Becker

FAB:dl attach.

Certificate Of Occupancy

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					Date Hay 18, 1962
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To the owner of	or owners of the b	uilding o	or premise	es:	
THIS C	CERTIFIES that	the me	-altered	- CHILINE	building-premises located at
	41 Mercer				Block 474 Lot 20
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B	Area 2				vi issuance of permit 217-1962; 3141-196;
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25 DOB Violations

*DOB Violations record for tax lot 475/58. No open violations or complaints.

	NY	C Department of Buildin	igs		
	Pr	operty Profile Overvie	ew		
41 MERCER STREET		MANHATTAN 10013		BIN# 10070	42
MERCER STREET	41 - 41	Health Area: 6Census Tract: 4Community Board: 1Buildings on Lot: 1	02	Tax Block Tax Lot Condo Vacant	: 474 : 20 : NO : NO
View DCP Addresses B	rowse Block				
View Zoning Documents	View Challenge Results	<u>Pre - BIS PA</u>		View Certificat	es of Occupancy
Cross Street(s):	GRAND STREET,	BROOME STREET			
DOB Special Place Name:					
DOB Building Remarks:					
Landmark Status:	L - LANDMARK	Special Status:	N/A		
Local Law:	NO	Loft Law:	NO		
SRO Restricted:	NO	TA Restricted:	NO		
UB Restricted:	NO				
Little 'E' Restricted:	N/A	Grandfathered Sign:	NO		
Legal Adult Use:	NO	City Owned:	NO		
Additional BINs for Building:	NONE				
Special District:	UNKNOWN				

This property is not located in an area that may be affected by Tidal Wetlands, Freshwater Wetlands, or Coastal Erosion Hazard Area. <u>Click here for more information</u>

Department of Finance Building Classification:

K1-STORE BUILDING

Please Note: The Department of Finance's building classification information shows a building's tax status, which may not be the same as the legal use of the structure. To determine the legal use of a structure, research the records of the Department of Buildings.

	Total	Open	Elevator Records
Complaints	2	0	Electrical Applications
Violations-DOB	0	0	Permits In-Process / Issued
Violations-ECB (DOB)	0	0	Illuminated Signs Annual Permits
Jobs/Filings	5		Plumbing Inspections
ARA / LAA Jobs	0		Open Plumbing Jobs / Work Types
Total Jobs	5		Facades
Actions	26		Marquee Annual Permits
	20		Boiler Records
OR Enter Action Type:			DEP Boiler Information
OR Select from List: Select		-	Crane Information
AND Show Actions			After Hours Variance Permits



Total amount due by January 2, 2014

\$21,678.76

Amount enclosed:

Mail payment to: NYC Department of Finance

Newark, NJ 07101-0680

P.O. Box 680

#BWNFFBV #8771662131122019#

> WB 41 MERCER LLC 590 MADISON AVENUEAPT. 34TH FLOO NEW YORK NY 10022

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Statement Details

November 22, 2013 Wb 41 Mercer Llc 41 Mercer St. 1-00474-0020 Page 2

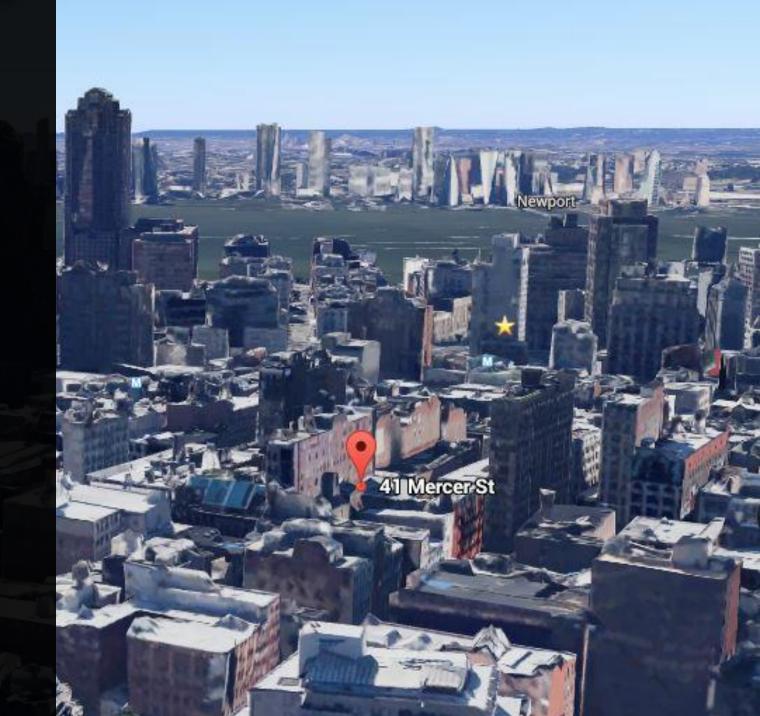
Billing Summary	Activity Date	Due Date	Amount
Outstanding charges including interest and	payments		\$0.00
Finance-Property Tax Adopted Tax Rate		01/01/2014	\$21,532.26 \$146.50
Total amount due			\$21,678.76

How We Calculated Your Property Tax For July 1, 2013 Through June 30, 2014					
Tax class 4 - Commercial Property Original tax rate billed June 2013 New tax rate	Tax rate 10.2880% 10.3230%				
Estimated market value \$1,027,000	Billable assessed value		New Tax rate		Taxes
Tax before exemptions and abatements	\$418,590	х	10.3230%	=	\$43,211
Tax before abatements Annual property tax					\$43,211 \$43,211
Original property tax billed in June 2013 Change in property tax bill based on new tax rate					\$43,065 \$146

Property Tax Assessment

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Assessed Value: \$418,590 Taxes: \$43,211



PROPERTIES