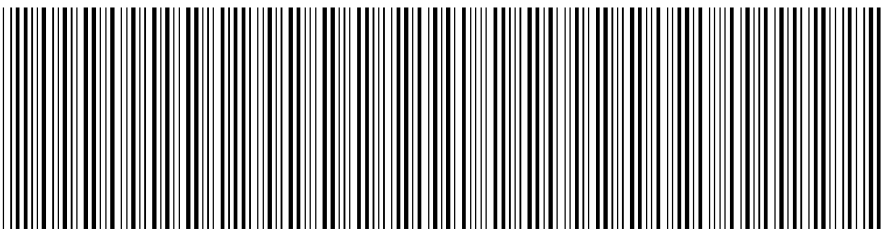


**NYC DEPARTMENT OF FINANCE  
OFFICE OF THE CITY REGISTER**

This page is part of the instrument. The City Register will rely on the information provided by you on this page for purposes of indexing this instrument. The information on this page will control for indexing purposes in the event of any conflict with the rest of the document.



2024041000795001002EDDBA

**RECORDING AND ENDORSEMENT COVER PAGE**

**PAGE 1 OF 11**

**Document ID: 2024041000795001** Document Date: 10-12-2022 Preparation Date: 04-24-2024  
Document Type: DEED WITH RESTRICTIVE COVENANT  
Document Page Count: 10

**PRESENTER:**

MTA  
2 BROADWAY  
4 FLOOR  
NEW YORK, NY 10004  
212-878-1039  
KCARBY@MTAHQ.ORG

**RETURN TO:**

MTA  
2 BROADWAY  
4 FLOOR  
NEW YORK, NY 10004  
212-878-1039  
KCARBY@MTAHQ.ORG

**PROPERTY DATA**

Borough	Block	Lot	Unit	Address
QUEENS	6290	9	Entire Lot	N/A BELL BOULEVARD

**Property Type:** NON-RESIDENTIAL VACANT LAND

**CROSS REFERENCE DATA**

CRFN \_\_\_\_\_ or DocumentID \_\_\_\_\_ or \_\_\_\_\_ Year \_\_\_\_\_ Reel \_\_\_\_\_ Page \_\_\_\_\_ or File Number \_\_\_\_\_

**PARTIES**

**GRANTOR/SELLER:**

NY STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
ATTN: KYLE PERO, 625 BROADWAY, 14TH FLOOR  
ALBANY, NY 12233-1500

**GRANTEE/BUYER:**

LONG ISLAND RAIL ROAD  
93-02 SUTPHIN BLVD  
JAMAICA, NY 11435

**FEES AND TAXES**

**Mortgage :**

Mortgage Amount: \$ 0.00

Taxable Mortgage Amount: \$ 0.00

Exemption:

TAXES: County (Basic): \$ 0.00

City (Additional): \$ 0.00

Spec (Additional): \$ 0.00

TASF: \$ 0.00

MTA: \$ 0.00

NYCTA: \$ 0.00

Additional MRT: \$ 0.00

TOTAL: \$ 0.00

Recording Fee: \$ EXEMPT

Affidavit Fee: \$ 0.00

**Filing Fee:**

\$ 0.00

NYC Real Property Transfer Tax:

\$ 0.00

NYS Real Estate Transfer Tax:

\$ 0.00

**RECORDED OR FILED IN THE OFFICE  
OF THE CITY REGISTER OF THE**

**CITY OF NEW YORK**

Recorded/Filed 04-24-2024 15:04

City Register File No.(CRFN):

**2024000105641**



*Colette N. Chiu-Jacques*

**City Register Official Signature**

**DECLARATION of COVENANTS and RESTRICTIONS**

**THIS COVENANT** is made the 12<sup>th</sup> day of OCTOBER 2021 by MTA Long Island Rail Road (LIRR), a subsidiary public benefit corporation of the MTA and has its offices for the transaction of business at 93-02 Sutphin Boulevard, Jamaica, NY 11435.

**WHEREAS**, Bayside Substation is the subject of a Consent Order, DEC Index No. CO 1-20180613-127, with an effective date of which is July 13, 2018 (together with exhibits, appendices-and any subsequent modifications “the July 2018 Order”). executed by the LIRR as part of the New York State Department of Environmental Conservation’s (the “Department’s) inactive hazardous waste disposal site remedial programs pursuant to Article 27, Title 13 of the Environmental Conservation Law ("ECL") and Part 375 of Title 6 of the Official Compilation of Codes Rules and Regulations ("6 NYCRR") Program, namely that parcel of real property located on 216th Street and 41<sup>st</sup> Avenue situated at Bayside in the Third Ward of the Borough of Queens, County of Queens, State of New York, which is part of lands conveyed by Janet Lawrence to Long Island Rail Road Company by deed dated September 29, 1902 and recorded in the Queens County for NYC Deeds in Book 128 and Page 165, and being more particularly described in Appendix “A,” attached to this declaration and made a part hereof, and hereinafter referred to as “the Property”; and

**WHEREAS**, the Department approved a remedy to eliminate or mitigate all significant threats to the environment presented by the contamination disposed at the Property and such remedy requires that the Property be subject to restrictive covenants.

**NOW, THEREFORE**, MTA Long Island Rail Road, for itself and its successors and/or assigns, covenants that:

First, the Property subject to this Declaration of Covenants and Restrictions is as shown on a map attached to this declaration as Appendix "B" and made a part hereof.

Second, unless prior written approval by the Department or, if the Department shall no longer exist, any New York State agency or agencies subsequently created to protect the environment of the State and the health of the State’s citizens, hereinafter referred to as “the Relevant Agency,” is first obtained, where contamination remains at the Property subject to the provisions of the Site Management Plan (“SMP”), there shall be no construction, use or occupancy of the Property that results in the disturbance or excavation of the Property which threatens the integrity of the engineering controls or which results in unacceptable human exposure to contaminated soils.

Third, the owner of the Property shall not disturb, remove, or otherwise interfere with the installation, use, operation, and maintenance of engineering controls required for the Remedy, which are described in the SMP, unless in each instance the owner first obtains a written waiver of such prohibition from the Department or Relevant Agency.

Fourth, the owner of the Property shall prohibit the Property from ever being used for purposes other than for railroad and/or transportation purposes without the express written waiver of such prohibition by the Department or Relevant Agency.

Fifth, the owner of the Property shall prohibit the use of the groundwater underlying the Property without treatment to render it safe for drinking water or for industrial purposes, as appropriate, and the user must first notify and obtain written approval to do so from the Department or Relevant Agency.

Sixth, the owner of the Property shall provide a periodic certification, prepared and submitted by a professional engineer or environmental professional acceptable to the Department or Relevant Agency, which will certify that the institutional and engineering controls put in place are unchanged from the previous certification, comply with the SMP, and have not been impaired.

Seventh, the owner of the Property shall continue in full force and effect any institutional and engineering controls required for the Remedy and maintain such controls, unless the owner first obtains permission to discontinue such controls from the Department or Relevant Agency, in compliance with the approved SMP, which is incorporated and made enforceable hereto, subject to modifications as approved by the Department or Relevant Agency.

Eighth, this Declaration is and shall be deemed a covenant that shall run with the land and shall be binding upon all future owners of the Property, and shall provide that the owner and its successors and assigns consent to enforcement by the Department or Relevant Agency of the prohibitions and restrictions that the Consent Order requires to be recorded, and hereby covenant not to contest the authority of the Department or Relevant Agency to seek enforcement.

Ninth, any deed of conveyance of the Property, or any portion thereof, shall recite, unless the Department or Relevant Agency has consented to the termination of such covenants and restrictions, that said conveyance is subject to this Declaration of Covenants and Restrictions.

IN WITNESS WHEREOF, the undersigned has executed this instrument the day written below.

MTA Long Island Rail Road :

By: [Signature]

Print Name: David Florio

Title: Chief Real Estate Transactions and Operations Officer

Date: 10/12/22

STATE OF NEW YORK )  
 ) ss:  
COUNTY OF New York )

On the 12<sup>th</sup> day of October, in the year 2022, before me, the undersigned, personally appeared David Florio, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Pam Geary  
Notary Public - State of New York

**PAM GEARY**  
Notary Public, State of New York  
No. 01GE6036159  
Qualified in Nassau County  
Commission Expires February 28, 2026

# APPENDIX "A"

107. Bond With Full Covenants (Act of

John P. Roberts

Platons and M's Station  
New York.

This Indenture, made the twenty day  
of September in the year One thousand nine hundred  
Between Jessie C. B. L. Vincent of Bay Side Ingers  
County New York

To, J. C. A. 22

Witnesseth, That the said part, of the second part:  
of the first part, in consideration of  
the sum of dollars,  
lawful money of the United States

paid by the of the second  
part, due and the second  
parts twice and assigns forever **All**

*[Faint, mostly illegible handwritten text follows, containing various numbers and bearings.]*

100.02 feet, Sore  $87^{\circ} 32'$  East or less  
1100) t,  $88^{\circ} 45'$  East  
four  $100.04$   
 $89^{\circ} 3'$  st one hundred and one  $100.1$   
 $89^{\circ} 32'$  at  $100.18$ ,  $87^{\circ}$  East one  
an fo on me  $41$  feet  
 $89^{\circ} 32'$   
36

low

2.1

me

1.44

to (0.1)

re

0.15



**Together** with the appurtenances; and all the estate and rights of the said party of the first part, in and to said premises.

**To have and to hold** the above granted premises unto the said party of the second part heirs and assigns forever  
subject as -

**And** party of  
does covenant with the said party of the second part as follows:

**First**—That the said party of the first part, is seized of the said premises in fee simple, and has good right therein.

**Second**—That the party of the second part shall quietly enjoy the said premises.

**Third**—That the said premises are free from incumbrances.

**Fourth**—That the party of the first part will execute or procure any further necessary assurance in the title to said premises.

**Fifth**—That the party of the first part will warrant the title to said premises.

**In Witness whereof**, the said party of the first part has hereunto set hand and seal the day and year first above written.

In the presence of

S

State of New York  
City & County of New York ss:

On this 2<sup>nd</sup> day of September in the year  
1902, before me personally came Effingham  
Lawrence subscribing witness to the within instru-  
ment, with whom I am personally acquainted  
and who being by me duly sworn, said that he resided  
in the City of New York, that he was acquainted  
with James and John the persons described in and who executed the within  
instrument, and that he saw them execute and deliver the same, and that  
he the said Effingham Lawrence thereupon  
subscribed his name as a witness thereto

STATE OF NEW YORK )  
County of New York ) ss.

On this ninth day of September, 1902 before me person-

State of New York,  
County of New York,

THOMAS L. HAMILTON

Notary Public

City of N

County of N

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State of New York  
City & County of New York ss:

On this 2nd day of September in the year One thousand nine hundred and two before me personally came Effingham Lawrence, subscribing witness to the within instrument, and James C. Lawrence, personally acquainted with whom I was, said that he resided in the City of New York, that he was acquainted with James C. Lawrence, and known to me to be the individual described in and who executed the foregoing instrument, and that he saw her execute and deliver the same, and that he the said Effingham Lawrence thereupon subscribed his name as a witness thereto

STATE OF YORK, )  
County of York, ) ss.

On ninth day of September 1902 before me personally came James C. Lawrence appeared

JAMES C. LAWRENCE

to me known and known to me to be the individual described in and who executed the foregoing instrument, and who acknowledged that she executed the same.

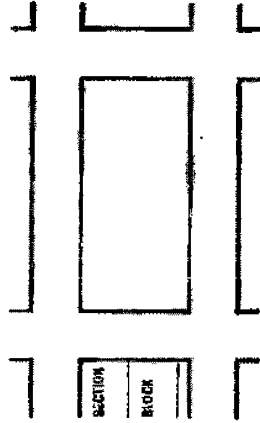
Lana Taylor  
Notary Public,  
Livingston County,  
Cert. filed in N. Y. Co.

12 7

*Special White Paper*

*to*

*Mr. Harry Belmont, National  
Company*

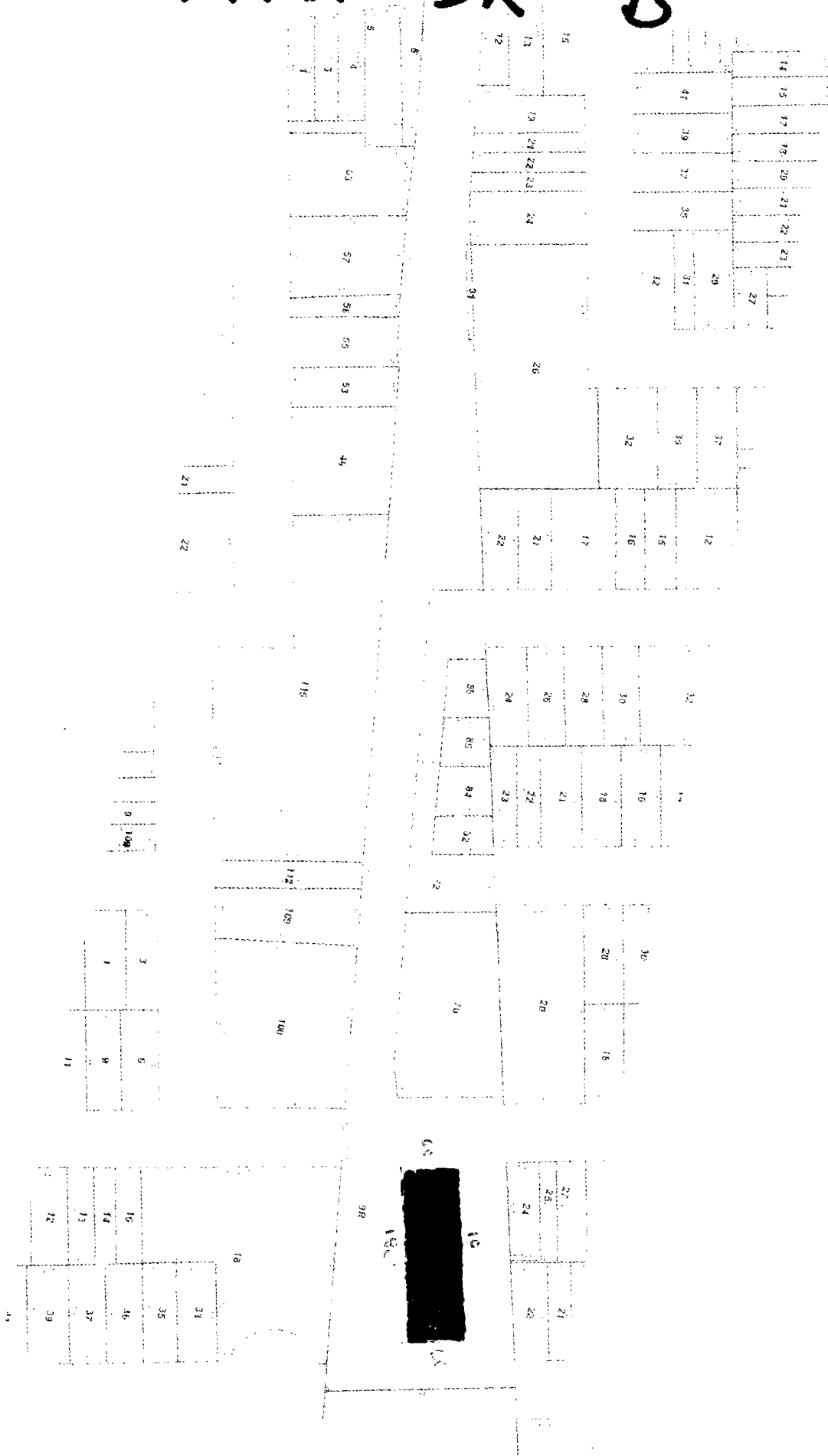


**Order**

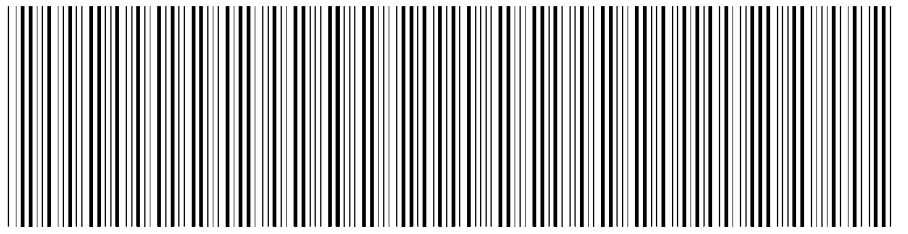
*Ordered*

1900

# APPENDIX "B"



NYC DEPARTMENT OF FINANCE  
OFFICE OF THE CITY REGISTER



2024041000795001002S133B

**SUPPORTING DOCUMENT COVER PAGE**

**PAGE 1 OF 1**

**Document ID: 2024041000795001**

Document Date: 10-12-2022

Preparation Date: 04-24-2024

Document Type: DEED WITH RESTRICTIVE COVENANT

**ASSOCIATED TAX FORM ID:** 2024040500183

**SUPPORTING DOCUMENTS SUBMITTED:**

Page Count

RP - 5217 REAL PROPERTY TRANSFER REPORT

4



## Metropolitan Transportation Authority

State of New York

April 9, 2024

Queens County City Register  
Queens Business Center  
144-06 94th Avenue  
Jamaica, New York 11435

Re: Tax and Fee Exemption – Declaration of Covenants and Restrictions  
Bayside Substation

To Whom It May Concern:

Please take note that pursuant to Public Authorities Law § 1275, the Metropolitan Transportation Authority and its agencies are exempt from recording fees:

“...Without limiting the generality of the following provisions of this section, property owned by the authority ...shall be exempt from taxation and special ad valorem levies. The authority shall be required to pay no fees, taxes or assessments, whether state or local, including but not limited to fees, taxes or assessments on real estate, franchise taxes, sales or other excise taxes, upon any of its property or the use thereof...”

Please contact me if there are any questions concerning the foregoing.

Very truly yours,

A handwritten signature in cursive script that reads "Kimlyn Carby".

Kimlyn Carby  
Paralegal  
(212) 878-1038  
kcarby@mtahq.org

Encl.

*The agencies of the MTA*

MTA New York City Transit  
MTA Long Island Rail Road

MTA Metro-North Railroad  
MTA Bridges and Tunnels

MTA Capital Construction  
MTA Bus Company