

**ENVIRONMENTAL EASEMENT GRANTED PURSUANT TO ARTICLE 71, TITLE 36  
OF THE NEW YORK STATE ENVIRONMENTAL CONSERVATION LAW**

**THIS INDENTURE** made this 11<sup>th</sup> day of November, 2016, between Owner(s) City of New York through its Department of Environmental Protection ("NYC DEP"), having an office at 96-05 Horace Harding Expressway, County of Queens, State of New York (the "Grantor"), and The People of the State of New York (the "Grantee."), acting through their Commissioner of the Department of Environmental Conservation (the "Commissioner", or "NYSDEC" or "Department" as the context requires) with its headquarters located at 625 Broadway, Albany, New York 12233,

**WHEREAS**, the Legislature of the State of New York has declared that it is in the public interest to encourage the remediation of abandoned and likely contaminated properties ("sites") that threaten the health and vitality of the communities they burden while at the same time ensuring the protection of public health and the environment; and

**WHEREAS**, the Legislature of the State of New York has declared that it is in the public interest to establish within the Department a statutory environmental remediation program that includes the use of Environmental Easements as an enforceable means of ensuring the performance of operation, maintenance, and/or monitoring requirements and the restriction of future uses of the land, when an environmental remediation project leaves residual contamination at levels that have been determined to be safe for a specific use, but not all uses, or which includes engineered structures that must be maintained or protected against damage to perform properly and be effective, or which requires groundwater use or soil management restrictions; and

**WHEREAS**, the Legislature of the State of New York has declared that Environmental Easement shall mean an interest in real property, created under and subject to the provisions of Article 71, Title 36 of the New York State Environmental Conservation Law ("ECL") which contains a use restriction and/or a prohibition on the use of land in a manner inconsistent with engineering controls which are intended to ensure the long term effectiveness of a site remedial program or eliminate potential exposure pathways to hazardous waste or petroleum; and

**WHEREAS**, Grantor, is the owner of real property located at the former Brookfield Avenue Landfill and having an address of 575 Arthur Kill Road in the City of New York, County of Richmond and State of New York, known and designated on the tax map of the New York City Department of Finance ("NYC DOF") as tax map parcel number: Block 4449 Lot 1; Block 4454 Lot 1; Block 4454 Lot 49; Block 5540 Lot 1; Block 5550 Lot 1; Block 5550 Lot 22; Block 5551 Lot 1; Block 5552 Lot 1; Block 5553 Lot 1; Block 5554 Lot 1; Block 5555 Lot 1; Block 5558 Lot 1; Block 5559 Lot 1; Block 5559 Lot 100; Block 5570 Lot 1, being the same as that property conveyed to Grantor by Condemnation Decree, dated May 25, 1953; Index No. City 503/53.

**WHEREAS**, Grantor, is the owner of real property located at the former Brookfield Avenue Landfill and having an address of 575 Arthur Kill Road in the City of New York, County of Richmond and State of New York, known and designated on the tax map of the NYC DOF as tax map parcel number: Block 5559 Lot 260, being a portion of the property conveyed to Grantor by Condemnation Decree, dated March 2, 1953; Index No. City 494/53.

**WHEREAS**, Grantor, is the owner of real property located at the former Brookfield Avenue Landfill and having an address of 575 Arthur Kill Road in the City of New York, County of Richmond and State of New York, known and designated on the tax map of the NYC DOF as tax map parcel number: Block 5550 Lot 10, being the same as that property conveyed to Grantor by deed dated February 26, 2013 and recorded in the Richmond County Clerk's Office in Instrument No. 000000000497268.

**WHEREAS**, the property subject to this Environmental Easement (the "Controlled Property") comprises approximately 243.58 +/- acres, and is hereinafter more fully described in the Land Title Survey dated September 19, 2016 prepared by WSP Transportation and Infrastructure, which will be attached to the Site Management Plan ("SMP"). The Controlled Property description is set forth in and attached hereto as Schedule A. Excepting from the Controlled Property and excluded from the easement is the portion of Block 5550 Lot 1, containing the NYC HPD structures, as noted in Schedule A and the SMP; the portion of Block 5570 Lot 1, containing the NYC Parks structures, as noted in Schedule A and the SMP; the portion of Block 5559 Lot 260, containing the New York City Department of Environmental Protection ("NYC DEP") Eltingville Pump Station ("PS"), as noted in Schedule A and the SMP; and Block 5570 Lots 150 and 101 (as reflected on the current tax map (Effective Date: 2014/01/17) or as other records may show.

**WHEREAS**, the Department accepts this Environmental Easement in order to ensure the protection of public health and the environment and to achieve the requirements for remediation established for the Controlled Property until such time as this Environmental Easement is extinguished pursuant to ECL Article 71, Title 36; and

**NOW THEREFORE**, in consideration of the mutual covenants contained herein and the terms and conditions of State Assistance Contract Number: C3044198, Grantor conveys to Grantee a permanent Environmental Easement pursuant to ECL Article 71, Title 36 in, on, over, under, and upon the Controlled Property as more fully described herein ("Environmental Easement")

1. Purposes. Grantor and Grantee acknowledge that the Purposes of this Environmental Easement are: to convey to Grantee real property rights and interests that will run with the land in perpetuity in order to provide an effective and enforceable means of encouraging the reuse and redevelopment of this Controlled Property at a level that has been determined to be safe for a specific use while ensuring the performance of operation, maintenance, and/or monitoring requirements; and to ensure the restriction of future uses of the land that are inconsistent with the above-stated purpose.

2. Institutional and Engineering Controls. The controls and requirements listed in the Department approved SMP including any and all Department approved amendments to the SMP are incorporated into and made part of this Environmental Easement. These controls and requirements apply to the use of the Controlled Property, run with the land, are binding on the Grantor and the Grantor's successors and assigns, and are enforceable in law or equity against any owner of the Controlled Property, any lessees and any person using the Controlled Property.

A. (1) The Controlled Property may be used for:

**Commercial as described in 6 NYCRR Part 375-1.8(g)(2)(iii) and Industrial as described in 6 NYCRR Part 375-1.8(g)(2)(iv)**

(2) All Engineering Controls must be operated and maintained as specified in the SMP;

(3) All Engineering Controls must be inspected at a frequency and in a manner defined in the SMP;

(4) The use of groundwater underlying the property is prohibited without necessary water quality treatment as determined by the NYSDOH or the New York City Department of Health and Mental Hygiene to render it safe for use as drinking water or for industrial purposes, and the user must first notify and obtain written approval to do so from the Department;

(5) Groundwater and other environmental or public health monitoring must be performed as defined in the SMP;

(6) Data and information pertinent to Site Management of the Controlled Property must be reported at the frequency and in a manner defined in the SMP;

(7) All future activities on the property that will disturb remaining contaminated material must be conducted in accordance with the SMP;

(8) Monitoring to assess the performance and effectiveness of the remedy must be performed as defined in the SMP;

(9) Operation, maintenance, monitoring, inspection, and reporting of any mechanical or physical components of the remedy shall be performed as defined in the SMP;

(10) Access to the site must be provided to agents, employees or other representatives of the State of New York with reasonable prior notice to the property owner to assure compliance with the restrictions identified by this Environmental Easement.

B. The Controlled Property shall not be used for Residential or Restricted Residential purposes as defined in 6NYCRR 375-1.8(g)(2)(i) and (ii), and the above-stated engineering controls may not be discontinued without an amendment or extinguishment of this Environmental Easement. Excepting from the Controlled Property and excluded from the easement is the portion of Block 5550 Lot 1, containing the NYC HPD structures, as noted in Schedule A and the SMP; the portion of Block 5570 Lot 1, containing the NYC Parks structures, as noted in Schedule A and the SMP; the portion of Block 5559 Lot 260, containing the NYC DEP Eltingville PS, as noted in Schedule A and the SMP; and Block 5570 Lots 150 and 101 (as reflected on the current tax map (Effective Date: 2014/01/17) or as other records may show.

C. The SMP describes obligations that the Grantor assumes on behalf of Grantor, its successors and assigns. The Grantor's assumption of the obligations contained in the SMP which may include sampling, monitoring, and/or operating a treatment system, and providing certified

reports to the NYSDEC, is and remains a fundamental element of the Department's determination that the Controlled Property is safe for a specific use, but not all uses. The SMP may be modified in accordance with the Department's statutory and regulatory authority. The Grantor and all successors and assigns, assume the burden of complying with the SMP and obtaining an up-to-date version of the SMP from:

Site Control Section  
Division of Environmental Remediation  
NYSDEC  
625 Broadway  
Albany, New York 12233  
Phone: (518) 402-9553

D. Grantor must provide all persons who acquire any interest in the Controlled Property a true and complete copy of the SMP that the Department approves for the Controlled Property and all Department-approved amendments to that SMP.

E. Grantor covenants and agrees that until such time as the Environmental Easement is extinguished in accordance with the requirements of ECL Article 71, Title 36 of the ECL, the property deed and all subsequent instruments of conveyance relating to the Controlled Property shall state in at least fifteen-point bold-faced type:

**This property is subject to an Environmental Easement held by the New York State Department of Environmental Conservation pursuant to Title 36 of Article 71 of the Environmental Conservation Law.**

F. Grantor covenants and agrees that this Environmental Easement shall be incorporated in full or by reference in any leases, licenses, or other instruments granting a right to use the Controlled Property.

G. Grantor covenants and agrees that it shall, at such time as NYSDEC may require, submit to NYSDEC a written statement by an expert the NYSDEC may find acceptable certifying under penalty of perjury, in such form and manner as the Department may require, that:

(1) the inspection of the site to confirm the effectiveness of the institutional and engineering controls required by the remedial program was performed under the direction of the individual set forth at 6 NYCRR Part 375-1.8(h)(3).

(2) the institutional controls and/or engineering controls employed at such site:  
(i) are in-place;  
(ii) are unchanged from the previous certification, or that any identified changes to the controls employed were approved by the NYSDEC and that all controls are in the Department-approved format; and

(iii) that nothing has occurred that would impair the ability of such control to protect the public health and environment;

(3) the owner will continue to allow access to such real property to evaluate the continued maintenance of such controls;

(4) nothing has occurred that would constitute a violation or failure to comply with any site management plan for such controls;

(5) the report and all attachments were prepared under the direction of, and reviewed by, the party making the certification;

(6) to the best of his/her knowledge and belief, the work and conclusions described in this certification are in accordance with the requirements of the site remedial program, and generally accepted engineering practices; and

(7) the information presented is accurate and complete.

3. Right to Enter and Inspect. Grantee, its agents, employees, or other representatives of the State may enter and inspect the Controlled Property in a reasonable manner and at reasonable times to assure compliance with the above-stated restrictions.

4. Reserved Grantor's Rights. Grantor reserves for itself, its assigns, representatives, and successors in interest with respect to the Property, all rights as fee owner of the Property, including:

A. Use of the Controlled Property for all purposes not inconsistent with, or limited by the terms of this Environmental Easement;

B. The right to give, sell, assign, or otherwise transfer part or all of the underlying fee interest to the Controlled Property, subject and subordinate to this Environmental Easement;

5. Enforcement

A. This Environmental Easement is enforceable in law or equity in perpetuity by Grantor, Grantee, or any affected local government, as defined in ECL Section 71-3603, against the owner of the Property, any lessees, and any person using the land. Enforcement shall not be defeated because of any subsequent adverse possession, laches, estoppel, or waiver. It is not a defense in any action to enforce this Environmental Easement that: it is not appurtenant to an interest in real property; it is not of a character that has been recognized traditionally at common law; it imposes a negative burden; it imposes affirmative obligations upon the owner of any interest in the burdened property; the benefit does not touch or concern real property; there is no privity of estate or of contract; or it imposes an unreasonable restraint on alienation.

B. If any person violates this Environmental Easement, the Grantee may revoke the Certificate of Completion with respect to the Controlled Property.

C. Grantee shall notify Grantor of a breach or suspected breach of any of the terms of this Environmental Easement. Such notice shall set forth how Grantor can cure such breach or suspected breach and give Grantor a reasonable amount of time from the date of receipt of notice in which to cure. At the expiration of such period of time to cure, or any extensions granted by Grantee, the Grantee shall notify Grantor of any failure to adequately cure the breach or suspected breach, and Grantee may take any other appropriate action reasonably necessary to remedy any breach of this Environmental Easement, including the commencement of any proceedings in

accordance with applicable law.

D. The failure of Grantee to enforce any of the terms contained herein shall not be deemed a waiver of any such term nor bar any enforcement rights.

6. Notice. Whenever notice to the Grantee (other than the annual certification) or approval from the Grantee is required, the Party providing such notice or seeking such approval shall identify the Controlled Property by referencing the following information:

County, NYSDEC Site Number, NYSDEC Brownfield Cleanup Agreement, State Assistance Contract or Order Number, and the County tax map number or the Liber and Page or computerized system identification number.

Parties shall address correspondence to:

Site Number: 243006  
Office of General Counsel  
NYSDEC  
625 Broadway  
Albany New York 12233-5500

With a copy to:

Site Control Section  
Division of Environmental Remediation  
NYSDEC  
625 Broadway  
Albany, NY 12233

All notices and correspondence shall be delivered by hand, by registered mail or by Certified mail and return receipt requested. The Parties may provide for other means of receiving and communicating notices and responses to requests for approval.

7. Recordation. Grantor shall record this instrument, within thirty (30) days of execution of this instrument by the Commissioner or her/his authorized representative in the office of the recording officer for the county or counties where the Property is situated in the manner prescribed by Article 9 of the Real Property Law.

8. Amendment. Any amendment to this Environmental Easement may only be executed by the Commissioner of the New York State Department of Environmental Conservation or the Commissioner's Designee, and filed with the office of the recording officer for the county or counties where the Property is situated in the manner prescribed by Article 9 of the Real Property Law.

9. Extinguishment. This Environmental Easement may be extinguished only by a release by the Commissioner of the New York State Department of Environmental Conservation, or the Commissioner's Designee, and filed with the office of the recording officer for the county or counties where the Property is situated in the manner prescribed by Article 9 of the Real Property Law.

10. Joint Obligation. If there are two or more parties identified as Grantor herein, the obligations imposed by this instrument upon them shall be joint and several.

**Remainder of Page Intentionally Left Blank**

**IN WITNESS WHEREOF**, Grantor has caused this instrument to be signed in its name.

City of New York through its Department of Environmental Protection:

By: Uncle [Signature]

Print Name: Vincent Saprenza

Title: Acting Comm. Date: 10/7/14

### Grantor's Acknowledgment

STATE OF NEW YORK )  
COUNTY OF Queens ) ss:

On the 7 day of October in the year 2016, before me, the undersigned, personally appeared Vincent Saperstein 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.

Alison L. Meyer  
Notary Public - State of New York

ALISON K. GILGORE  
Notary Public, State of New York  
No. 02GI6124110  
Qualified in New York County  
Commisison Expires March 21, 20 17

APPROVED AS TO FORM  
*[Signature]* SCH  
 RECORDS MANAGEMENT DIVISION  
 SEP 27 2016





**SCHEDULE "A" PROPERTY DESCRIPTION**

**Block 5570 Lot 1**

All that certain piece or parcel of land lying and being in Staten Island, County of Richmond, and State of New York and being more particularly bounded and described as follows:

Beginning at a point on the Easterly side of Richmond Ave, being the northwestern corner of the parcel thence;

Easterly along the existing waterline of Richmond Creek a distance of 955'± thence;  
(Survey Tie: N 74°03'56" E a distance of 868.76 feet)

Along the lands now or formerly Parks and Recreation the following three courses

1. S 30°21'51" E a distance of 1031.77 feet to a point thence;
2. S 18°16'44" E a distance of 1193.82 feet to a point thence;
3. S 19°48'02" E a distance of 143.78 feet to a point thence;

Along Arthur Kill Rd the following ten courses

1. S 59°39'09" W a distance of 220.53 feet to a point thence;
2. Along a curve to the right with an arc length of 88.69 feet, a radius of 300 feet, and a delta angle of 16°56'19" thence;
3. S 76°35'29" W a distance of 208.49 feet to a point thence;
4. Along a curve to the right with an arc length of 150.86 feet, a radius of 300 feet, and a delta angle of 28°48'44" thence;
5. N 75°01'58" W a distance of 392.52 feet to a point thence;
6. Along a curve to the right with an arc length of 47.12 feet, a radius of 30 feet, and a delta angle of 89°59'58" thence;
7. N 75°01'58" W a distance of 85.00 feet to a point thence;
8. Along a concave curve to the left with an arc length of 47.12 feet, a radius of 30 feet, and a delta angle of 90°00'03" thence;
9. N 75°01'36" W a distance of 698.26 feet to a point thence;
10. Along a curve to the right with an arc length of 32.66 feet, a radius of 25 feet, and a delta angle of 74°51'06" thence;

Along Richmond Ave the following three courses

1. N 0°10'29" W a distance of 260.42 feet to a point thence;
2. N 02°12'54" E a distance of 1399.47 feet to a point thence;
3. N 01°46'08" E a distance of 103.19 feet to the existing waterline of Richmond Creek and the point of beginning.

Having an area of 69.8± Acres

The following portion of Block 5570 Lot 1 is excluded from the environmental easement to be recorded for site number 243006 pursuant to State Assistance Contract number C3044198.

Beginning at a point on the Northerly side of Arthur Kill Road, being the southeastern corner of the parcel thence;

Along Arthur Kill Road the following two courses;

1. N 75°01'36" W a distance of 414.56 feet to a point thence;
2. Along a curve to the right with an arc length of 32.66 feet, a radius of 25 feet, and a delta angle of 74°51'06" thence;

Along Richmond Ave the following three courses;

1. N 0°10'29" W a distance of 214.00 feet to a point thence;

Thence through the lands now or formerly parks and recreation the following twenty two courses;

1. N 76°56'15" E a distance of 26.07 feet to a point thence;
2. S 84°49'16" E a distance of 34.87 feet to a point thence;
3. N 82°25'30" E a distance of 29.03 feet to a point thence;
4. N 76°14'28" E a distance of 40.21 feet to a point thence;
5. S 53°09'45" E a distance of 22.48 feet to a point thence;
6. S 25°51'10" E a distance of 15.50 feet to a point thence;
7. S 15°33'06" E a distance of 20.10 feet to a point thence;
8. S 54°44'48" E a distance of 46.02 feet to a point thence;
9. S 30°44'39" W a distance of 20.92 feet to a point thence;
10. S 50°35'30" E a distance of 17.91 feet to a point thence;
11. S 31°55'24" E a distance of 34.21 feet to a point thence;
12. S 7°36'54" E a distance of 31.71 feet to a point thence;
13. S 17°18'09" E a distance of 56.50 feet to a point thence;
14. S 80°14'37" E a distance of 30.96 feet to a point thence;
15. N 89°26'48" E a distance of 18.57 feet to a point thence;
16. S 79°30'21" E a distance of 35.38 feet to a point thence;
17. S 11°31'56" W a distance of 8.66 feet to a point thence;
18. S 59°20'08" E a distance of 15.26 feet to a point thence;
19. S 53°03'39" E a distance of 31.25 feet to a point thence;
20. S 47°27'21" E a distance of 48.97 feet to a point thence;
21. S 31°19'12" E a distance of 49.21 feet to a point thence;
22. S 20°21'44" W a distance of 22.51 feet to the point or place of beginning.

Having an area of 71584± Square Feet, 1.64± Acres

Excepting there from, Tax Lots 150 and 101 from Block 5570, as reflected on the current tax map (Effective Date: 2014/01/17) or as other records may show.

**Block 5559 Lot 1**

All that certain piece or parcel of land lying and being in Staten Island, County of Richmond, and State of New York and being more particularly bounded and described as follows:

Beginning at a point on the Northerly side of Arthur Kill Rd, being the southwestern corner of the parcel thence;

Along the lands now or formerly Parks and Recreation the following three courses

1. N 19°48'02" W a distance of 143.78 feet to a point thence;
2. N 18°16'44" W a distance of 1193.82 feet to a point thence;
3. N 30°21'51" W a distance of 1031.77 feet to the existing waterline of Richmond creek thence;

Easterly along the waterline of Richmond Creek a distance of 1275'± thence;  
(Survey Tie: N 46°56'24" E a distance of 436.08 feet)  
(Survey Tie: S 19°26'36" E a distance of 722.23 feet)

Along the lands now or formerly Parks and Recreation N 32°31'37" E a distance of 216.78 feet to a point thence;

Along the unimproved Right of Way the following six courses

1. S 40°33'30" E a distance of 587.98 feet to a point thence;
2. S 71°31'55" W a distance of 276.28 feet to a point thence;
3. S 37°47'19" E a distance of 63.58 feet to a point thence;
4. S 18°28'04" E a distance of 573.94 feet to a point thence;
5. N 71°31'56" E a distance of 260.00 feet to a point thence;
6. S 18°28'04" E a distance of 670.00 feet to a point thence;

Along the northerly sideline of Arthur Kill Road the following three courses

1. S 71°31'56" W a distance of 91.49 feet to a point thence;
2. S 60°56'06" W a distance of 476.64 feet to a point thence;
3. S 59°39'09" E a distance of 31.73 feet to a point thence;

Having an area of 25.2± Acres

#### **Block 5555 Lot 1**

All that certain piece or parcel of land lying and being in Staten Island, County of Richmond, and State of New York and being more particularly bounded and described as follows:

Beginning at a point on the Northerly side of Arthur Kill Rd, being the southwestern corner of the parcel thence;

Along the unimproved Right of Way the following 3 courses

1. N 18°28'04" W a distance of 670.00 feet to a point thence;
2. N 71°31'56" E a distance of 828.51 feet to a point thence;
3. N 49°26'30" E a distance of 30.00 feet to a point thence;

Along the lands now or formerly Department of Sanitation the following four courses

1. S 40°23'35" E a distance of 120.69 feet to a point thence;
2. S 62°06'47" W a distance of 164.00 feet to a point thence;
3. S 42°33'44" E a distance of 66.00 feet to a point thence;
4. S 25°37'01" E a distance of 460.74 feet to a point thence;

Along Arthur Kill Rd the following two courses

1. S 65°57'58" W a distance of 258.48 feet to a point thence;
2. S 71°31'55" W a distance of 566.60 feet to the point of beginning;

Having an area of 537246± Square Feet, 12.33± Acres

**Block 5552 Lot 1**

All that certain piece or parcel of land lying and being in Staten Island, County of Richmond, and State of New York and being more particularly bounded and described as follows:

Beginning at a point on the Northerly side of Arthur Kill Rd, being the southwestern corner of the parcel thence;

Along the lands now or formerly Department of Sanitation the following four courses

1. N 25°37'01" W a distance of 460.74 feet to a point thence;
2. N 42°33'44" W a distance of 66.00 feet to a point thence;
3. N 62°06'47" E a distance of 164.00 feet to a point thence;
4. N 40°23'35" W a distance of 120.69 feet to a point thence;

Along the unimproved Right of Way the following three courses

1. N 49°26'30" E a distance of 230.00 feet to a point thence;
2. S 40°33'30" E a distance of 480.16 feet to a point thence;
3. S 18°27'59" E a distance of 196.55 feet to a point thence;

Along Arthur Kill Rd the following three courses

1. S 38°57'52" W a distance of 40.83 feet to a point thence;
2. Along a curve to the right with an arc length of 176.83 feet, a radius of 375.25 feet, and a delta angle of 26°59'59" thence;
3. S 65°57'58" W a distance of 227.20 feet to a point thence;

Having an area of 262835± square feet, 6.03± Acres

**Block 5551 Lot 1**

All that certain piece or parcel of land lying and being in Staten Island, County of Richmond, and State of New York and being more particularly bounded and described as follows:

Beginning at a point on the Northerly side of Arthur Kill Rd, being the southwestern corner of the parcel thence;

Along the unimproved Right of Way the following two courses

- N 18°27'55" W a distance of 169.93 feet to a point thence;  
N 40°33'29" W a distance of 524.26 feet to a point thence;

Along the lands now or formerly Department of Sanitation N 49°26'30" E a distance of 156.53 feet to a point thence;

Along the lands now or formerly Department of Sanitation the following three courses

1. S 42°43'06" E a distance of 265.65 feet to a point thence;
2. S 42°43'21" E a distance of 95.18 feet to a point thence;
3. S 37°06'04" E a distance of 281.50 feet to a point thence;

Along Arthur Kill Road S 38°57'59" W a distance of 220.76 feet to the point of beginning.

Having an area of 111142± Square Feet, 2.55± Acres

**Block 5550 Lot 1**

All that certain piece or parcel of land lying and being in Staten Island, County of Richmond, and State of New York and being more particularly bounded and described as follows:

Beginning at a point on the Northerly side of Arthur Kill Rd, being the southwestern corner of the parcel thence;

Along the lands now or formerly Department of Sanitation the following three courses

1. N 37°06'04" W a distance of 281.50 feet to a point thence;
2. N 42°43'21" W a distance of 95.18 feet to a point thence;
3. N 42°43'06" W a distance of 265.65 feet to a point thence;

Along the lands now or formerly Department of Sanitation the following two courses

1. N 42°43'06" W a distance of 5.28 feet to a point thence;
2. N 35°23'02" E a distance of 132.30 feet to a point thence;

Along the lands now or formerly Department of Environmental Protection S 54°35'51" E a distance of 315.58 feet to a point thence;

Along the land now or formerly Holtermann S 54°35'51" E a distance of 268.44 feet to a point thence;

Along Arthur Kill Rd the following two courses

1. S 25°19'26" W a distance of 219.78 feet to a point thence;
2. Along a curve to the right with an arc length of 76.20 feet, a radius of 320 feet, and a delta angle of 13°38'37" thence to the point of beginning.

Having an area of 122870± Square Feet, 2.82± Acres

The following portion of Block 5550 Lot 1 is excluded from the environmental easement to be recorded for site number 243006 pursuant to State Assistance Contract number C3044198.

Beginning at a point on the Northerly side of Arthur Kill Road, being the northeastern corner of the parcel thence;

Along the northerly side of Arthur Kill Road S 25°19'26" W a distance of 175.43 feet to a point thence;

Through the lands now or formerly Department of Sanitation the following six courses

1. N 37°02'08" W a distance of 49.45 feet to a point thence;
2. N 75°45'43" W a distance of 66.09 feet to a point thence;
3. N 10°17'28" W a distance of 45.43 feet to a point thence;
4. N 5°55'13" W a distance of 24.39 feet to a point thence;
5. N 1°29'11" E a distance of 131.59 feet to a point thence;
6. N 2°11'48" W a distance of 28.29 feet to a point thence;

Along the land now or formerly Holtermann S 54°35'51" E a distance of 217.38 feet to the point of beginning.

Having an area of 29107± Square Feet, 0.67± Acres

**Block 5550 Lot 10**

All that certain piece or parcel of land lying and being in Staten Island, County of Richmond, and State of New York and being more particularly bounded and described as follows:

Beginning at a point the following course from the Southern corner of the parcel now or formerly Holtermann

1. N 54°35'51" W a distance of 268.44 feet to the TRUE POINT OF BEGINNING thence;

Along the lands now or formerly Department of Sanitation N 54°35'51" W a distance of 315.58 feet to a point thence;

Along the lands now or formerly Department of Sanitation the following two courses

1. N 35°23'02" E a distance of 41.21 feet to a point thence;
2. N 40°53'43" E a distance of 7.78 feet to a point thence;

Along the lands now or formerly Department of Sanitation S 59°22'48" E a distance of 309.67 feet to a point;

Along the lands now or formerly Holtermann S 30°36'57" W a distance of 75.04 feet to the point of beginning.

Having an area of 19358± Square Feet, 0.44± Acres

**Block 5550 Lot 22**

All that certain piece or parcel of land lying and being in Staten Island, County of Richmond, and State of New York and being more particularly bounded and described as follows:

Beginning at a point the following two courses from the Southern corner of the parcel now or formerly Holtermann

1. N 54°35'51" W a distance of 268.44 feet to a point thence;
2. N 30°36'57" E a distance of 75.04 feet to the TRUE POINT OF BEGINNING thence;

Along the lands now or formerly Department of Environmental Protection N 59°22'48" W a distance of 309.67 feet to a point thence;

Along the lands now or formerly Department of Sanitation the following two courses

1. N 32°46'03" E a distance of 31.51 feet to a point thence;
2. S 77°57'49" E a distance of 96.84 feet to a point thence;

Along the lands now or formerly Department of Sanitation the following three courses

1. S 77°57'50" E a distance of 177.00 feet to a point thence;
2. S 56°57'45" E a distance of 25.11 feet to a point thence;
3. S 44°15'54" E a distance of 160.30 feet to a point thence;

Along the lands now or formerly Holtermann the following four courses

1. S 25°19'25" W a distance of 56.13 feet to a point thence;
2. N 59°22'48" W a distance of 63.08 feet to a point thence;
3. S 30°37'12" W a distance of 20 feet to a point thence;
4. N 59°23'09" W a distance of 73.02 feet to the point of beginning.

Having an area of 36448± Square Feet, 0.84± Acres

**Block 4454 Lot 1**

All that certain piece or parcel of land lying and being in Staten Island, County of Richmond, and State of New York and being more particularly bounded and described as follows:

Beginning at a point on the Northerly side of Arthur Kill Rd, being the southwestern corner of the parcel thence;

Along the lands now or formerly Holtermann the following two courses

1. N 64°40'35" W a distance of 120.01 feet to a point thence;
2. S 25°19'25" W a distance of 62.85 feet to a point thence;

Along the lands now or formerly Department of Sanitation the following three courses

1. N 44°15'54" W a distance of 160.30 feet to a point thence;
2. N 56°57'45" W a distance of 25.11 feet to a point thence;
3. N 77°57'50" W a distance of 177.00 feet to a point thence;

Along the lands now or formerly Department of Sanitation the following two courses

1. N 24°12'13" W a distance of 634.83 feet to a point thence;

Along the lands now or formerly Parks and Recreation N 24°12'13" W a distance of 817.21 feet to the existing waterline of Richmond Creek thence;

Easterly along the existing waterline of Richmond Creek a distance of 1575'± thence;  
(Survey Tie: N 80°54'32" E a distance of 1050.37 feet)

Along the lands now or formerly Department of Sanitation S 38°08'20" E a distance of 1098.69 feet to a point thence;

Along Arthur Kill Rd the following two courses

1. S 34°55'55" W a distance of 257.64 feet to a point thence;
2. S 45°02'58" W a distance of 60.10 feet to a point thence;

Along the lands now or formerly Department of Sanitation the following three courses

1. N 33°41'31" W a distance of 100.02 feet to a point thence;
2. S 45°02'58" W a distance of 50.51 feet to a point thence;
3. S 33°41'31" E a distance of 100.02 feet to a point thence;

Along Arthur Kill Rd the following four courses

1. S 45°02'58" W a distance of 151.83 feet to a point thence;
2. S 50°29'15" W a distance of 273.93 feet to a point thence;



3. Along a curve to the left with an arc length of 136.15 feet, a radius of 310 feet, and a delta angle of 25°09'50" thence;
4. S 25°19'25" W a distance of 120.21 feet to the point of beginning.

Having an area of 37.9± Acres

**Block 4454 Lot 49**

All that certain piece or parcel of land lying and being in Staten Island, County of Richmond, and State of New York and being more particularly bounded and described as follows:

Beginning at a point on the Northerly side of Arthur Kill Rd, being the southwestern corner of the parcel thence;

Along the lands now or formerly Department of Sanitation the following three courses

1. N 33°41'31" W a distance of 100.02 feet to a point thence;
2. N 45°02'58" E a distance of 50.51 feet to a point thence;
3. S 33°41'31" E a distance of 100.02 feet to a point thence;

Along Arthur Kill Rd S 45°02'58" W a distance of 50.51 feet to the point of beginning.

Having an area of 4955± Square Feet, 0.11± Acres

**Block 5559 Lot 260**

All that certain piece or parcel of land lying and being in Staten Island, County of Richmond, and State of New York and being more particularly bounded and described as follows:

Beginning at a point on the Northerly side of Glencoe Street (unimproved paper street) and the Easterly side of Cicero Street (unimproved paper street), being the southwestern corner of the parcel thence;

Along the unimproved Right of Ways the following four courses

1. N 18°28'04" W a distance of 513.94 feet to a point thence;
2. N 71°31'55" E a distance of 460.00 feet to a point thence;
3. S 18°28'04" E a distance of 513.94 feet to a point thence;
4. S 71°31'55" W a distance of 460.00 feet to the point of beginning.

Having an area of 236415± Square Feet, 5.43± Acres

The following portion of Block 5559 Lot 260 (a/k/a New York City Department of Environmental Protection Eltingville Pump Station) is excluded from the environmental easement to be recorded for site number 243006 pursuant to State Assistance Contract number C3044198.

Excluding there from a portion of the lot beginning at a point on the Northerly side of Glencoe Street (unimproved paper street) and the Westerly side of Brookfield Avenue (unimproved paper street), being the southeastern corner of the parcel thence;

Along the unimproved Right of Ways the following four courses

1. S 71°31'55" W a distance of 204.44 feet to a point thence;
2. N 18°28'04" W a distance of 166.34 feet to a point thence;
3. N 71°31'55" E a distance of 204.44 feet to a point thence;
4. S 18°28'04" E a distance of 166.34 feet to the point of beginning.

Having an area of 34,007± Square Feet, 0.78± Acres

**Block 5558 Lot 1**

All that certain piece or parcel of land lying and being in Staten Island, County of Richmond, and State of New York and being more particularly bounded and described as follows:

Beginning at a point on the Northerly side of Glencoe Street (unimproved paper street) and the Easterly side of Brookfield Ave (unimproved paper street), being the southwestern corner of the parcel thence;

Along the unimproved Right of Way N 18°28'04" W a distance of 543.94 feet to a point thence;

Along the lands now or formerly Department of Sanitation the following two courses

1. N 71°31'56" E a distance of 195.00 feet to a point thence;
2. N 51°29'16" E a distance of 149.06 feet to a point thence;

Along the lands now or formerly Department of Sanitation S 40°33'30" E a distance of 630.00 feet to a point thence;

Along the unimproved Right of Way the following two courses

1. S 49°26'30" W a distance of 30.00 feet to a point thence;
2. S 71°31'56" W a distance of 544.16 feet to the point of beginning.

Having an area of 257485± Square Feet, 5.91± Acres

**Block 5559 Lot 100**

All that certain piece or parcel of land lying and being in Staten Island, County of Richmond, and State of New York and being more particularly bounded and described as follows:

Beginning at a point being the Northerly corner of Block 5558 Lot 1 now or formerly Department of Sanitation, also being the southeastern corner of the parcel thence;

Along the lands now or formerly Department of Sanitation the following two courses

1. S 51°29'16" W a distance of 149.06 feet to a point thence;
2. S 71°31'56" W a distance of 195.00 feet to a point thence;

Along the unimproved Right of Way the following three courses

1. N 18°28'04" W a distance of 30.00 feet to a point thence;
2. S 71°31'55" W a distance of 260.00 feet to a point thence;
3. S 40°33'30" W a distance of 630.58 feet to a point thence;

Along the lands now or formerly Parks and Recreation the following four courses;

1. N 32°31'37" E a distance of 26.00 feet to a point thence;

2. Along a curve to the right with an arc length of 494.04 feet, a radius of 800 feet, and a delta angle of 35°22'58" thence;
3. N 67°54'35" E a distance of 50.85 feet to a point thence;
4. S 40°33'30" E a distance of 819.68 feet to a point thence;

Having an area of 436685± Square Feet, 10.02± Acres

**Block 5540 Lot 1**

All that certain piece or parcel of land lying and being in Staten Island, County of Richmond, and State of New York and being more particularly bounded and described as follows:

Beginning at a point being the Northerly corner of Block 5558 Lot 1 now or formerly Department of Sanitation, also being the southern corner of the parcel thence;

Along the lands now or formerly Department of Sanitation the following four courses

1. N 40°33'30" W a distance of 819.68 feet to a point thence;
2. S 67°54'35" W a distance of 50.85 feet to a point thence;
3. Along a curve to the left with an arc length of 494.04 feet, a radius of 800 feet, and a delta angle of 35°22'58" thence;
4. S 32°31'37" E a distance of 305.49 feet to the existing waterline of Richmond Creek thence;

Along the existing waterline of Richmond Creek a distance of 2990± thence;

(Survey Tie: N 19°26'36" W a distance of 722.23 feet)

(Survey Tie: N 51°30'44" E a distance of 760.03 feet)

(Survey Tie: N 86°01'29" E a distance of 1154.67 feet)

Along the lands now or formerly Department of Sanitation S 24°12'13" E a distance of 817.21 feet to a point thence;

Along the lands now or formerly Department of Sanitation the following three courses

1. S 65°47'47" W a distance of 32.25 feet to a point thence;
2. N 67°59'45" W a distance of 77.51 feet to a point thence;
3. S 49°26'30" W a distance of 566.23 feet to a point thence;

Along the lands now or formerly Department of Sanitation S 49°26'30" W a distance of 260.00 feet to the point of beginning.

Having an area of 36.1± Acres

**Block 5554 Lot 1**

All that certain piece or parcel of land lying and being in Staten Island, County of Richmond, and State of New York and being more particularly bounded and described as follows:

Beginning at a point being the Northerly corner of Block 5558 Lot 1 now or formerly Department of Sanitation, also being the northwestern corner of the parcel thence;

Along the lands now or formerly Parks and Recreation N 49°26'30" E a distance of 260.00 feet to a point thence;

Along the lands now or formerly Department of Sanitation S 40°33'30" E a distance of 630.00 feet to a point thence;

Along the unimproved Right of Way S 49°26'30" W a distance of 260.00 feet to a point thence;

Along the lands now or formerly Department of Sanitation N 40°33'30" W a distance of 630.00 feet to the point of beginning.

Having an area of 163800± Square Feet, 3.76± Acres

**Block 5553 Lot 1**

All that certain piece or parcel of land lying and being in Staten Island, County of Richmond, and State of New York and being more particularly bounded and described as follows:

Beginning at a point being the Northerly corner of Block 5554 Lot 1 now or formerly Department of Sanitation, also being the easterly corner of the parcel thence;

Along the lands now or formerly Parks and Recreation the following three courses

1. N 49°26'30" E a distance of 566.23 feet to a point thence;
2. S 67°59'45" E a distance of 71.51 feet to a point thence;
3. N 65°47'47" E a distance of 32.25 feet to a point thence;

Along the lands now or formerly Department of Sanitation S 24°12'13" E a distance of 634.83 feet to a point thence;

Along the lands now or formerly Department of Sanitation the following two courses

1. N 77°57'49" W a distance of 96.84 feet to a point thence;
2. S 32°46'03" W a distance of 31.51 feet to a point thence;

Along the lands now or formerly Department of Environmental Protection the following two courses

1. S 40°53'43" W a distance of 7.78 feet to a point thence;
2. S 35°23'02" W a distance of 41.21 feet to a point thence;

Along the lands now or formerly Department of Sanitation the following two courses

1. S 35°23'02" W a distance of 132.30 feet to a point thence;
2. S 42°43'06" E a distance of 5.28 feet to a point thence;

Along the lands now or formerly Department of Sanitation S 49°26'30" W a distance of 156.53 feet to a point thence;

Along the unimproved Right of Way the following two courses

N 40°33'29" E a distance of 32.38 feet to a point thence;  
S 49°26'30" W a distance of 30.00 feet to a point thence;

Along the lands now or formerly Department of Sanitation N 40°33'30" W a distance of 630.00 feet to the point of beginning.

Having an area of 354722± Square Feet, 8.14± Acres

**Block 4449 Lot 1**

All that certain piece or parcel of land lying and being in Staten Island, County of Richmond, and State of New York and being more particularly bounded and described as follows:

Beginning at a point on the Northerly side of Arthur Kill Road, also being the southwesterly corner of the parcel thence;

Along the lands now or formerly Department of Sanitation N 38°08'20" W a distance of 1098.69 feet to the existing waterline of Richmond Creek thence;

Easterly along the existing waterline of Richmond Creek a distance of 1395'± thence;  
(Survey Tie: N 63°25'50" E a distance of 594.68 feet)

Along the lands now or formerly Colonial Square the following four courses

1. S 76°15'36" E a distance of 421.70 feet to a point thence;
2. S 3°44'24" W a distance of 294.36 feet to a point thence;
3. N 73°49'32" E a distance of 88.68 feet to a point thence;
4. S 46°42'21" E a distance of 294.39 feet to a point thence;

Along the Northerly side of Arthur Kill Road the following two courses

1. S 42°34'05" W a distance of 0.61 feet to a point thence;
2. S 47°37'32" W a distance of 396.16 feet to a point thence;
3. S 40°37'23" W a distance of 384.20 feet to the point of beginning.

Having an area of 16.2± Acres

