APPENDIX A

DECLARATION OF COVENANTS AND RESTRICTIONS

The Office of the Westchester County Clerk: This page is part of the instrument; the County Clerk will rely on the information provided on this page for purposes of indexing this instrument. To the best of submitter's knowledge, the information contained on this Recording and Endorsement Cover Page is consistent with the information contained in the attached document.

571283173DLR0011

Westchester County Recording & Endorsement Page

Submitter Information

Name:	Data Trace / AIS - Pick up by Karen Della Scuicca	Phone:	516-918-4610
Address 1:	1111 Marcus Avenue	Fax:	
Address 2:	Suite MZ-214	Email:	recordingservices@nydata.com
City/State/Zip:	Lake Success NY 11042	Reference for Submitter:	SS170008

Document Details

Control Number: **571283173** Document Type: **Declaration (DLR)**

Package ID: 2017050800095001001 Document Page Count: **26** Total Page Count: **27**

Parties

☐ Additional Parties on Continuation page

1st PARTY		2nd PARTY	
1: POST ROAD PLAZA FEE LLC	- Other	1: POST ROAD PLAZA FEE LLC	- Other
2:		2:	

Property

☐ Additional Properties on Continuation page

Street Address: 4325 BOSTON ROAD Tax Designation: 166.34-5655-300

City/Town: PELHAM Village: PELHAM MANOR

Cross- References

☐ Additional Cross-Refs on Continuation page

1: 2: 3: 4:

Supporting Documents

Recording Fees

Statutory Recording Fee:	$40.00
Page Fee:	$135.00
Cross-Reference Fee:	$0.00
Mortgage Affidavit Filing Fee:	$0.00
RP-5217 Filing Fee:	$0.00
TP-584 Filing Fee:	$0.00
Total Recording Fees Paid:	**$175.00**

Transfer Taxes

Consideration:	$0.00
Transfer Tax:	$0.00
Mansion Tax:	$0.00
Transfer Tax Number:	

Mortgage Taxes

Document Date:

Mortgage Amount:

Basic:	$0.00
Westchester:	$0.00
Additional:	$0.00
MTA:	$0.00
Special:	$0.00
Yonkers:	$0.00
Total Mortgage Tax:	**$0.00**

Dwelling Type: Exempt: ☐

Serial #:

RECORDED IN THE OFFICE OF THE WESTCHESTER COUNTY CLERK

Recorded: 05/11/2017 at 12:10 PM

Control Number: **571283173**

Witness my hand and official seal

Timothy C.Idoni
Westchester County Clerk

Record and Return To

☐ Pick-up at County Clerk's office

Commonwealth Land Title Insurance Company
685 Third Avenue
20th Floor
New York , NY 10017

DECLARATION of COVENANTS and RESTRICTIONS

THIS DECLARATION of COVENANTS and RESTRICTIONS (this "Declaration") is made the 13th day of December, 2016, by **POST ROAD PLAZA FEE LLC** (hereinafter referred to as "Owner"), a limited liability company organized and existing under the laws of the State of Delaware and having an office for the transaction of business at c/o Levin Management Corporation, 975 Route 22 West, North Plainfield, New Jersey, 07060.

WHEREAS, the real property to which this Declaration applies is the subject of Voluntary Cleanup Agreement Index No. W3-0917-02-04 for Site No. V00110-3, dated July 11, 2002, and executed by Levin Properties, L.P., as part of the New York State Department of Environmental Conservation's (the "Department's") Voluntary Cleanup Program, namely that plot, piece or parcel of real property situate, lying and being partially in the City of New York, County of the Bronx, State of New York, and partially in the Village of Pelham Manor, County of Westchester, State of New York, which plot, piece or parcel of real property is presently designated as Block 5655, Lot 300 on the Tax Map of the City of New York for the County of the Bronx and Section 166.34, Block 1, Lot 1 on the Tax Map of the Town of Pelham, New York, and which real property is 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 (the "Remedy") and such Remedy requires that the Property be subject to restrictive covenants.

NOW, THEREFORE, Owner, 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 of New York and the health of the State's citizens, hereinafter referred to as the "Relevant Agency," is first obtained, there shall be no construction, use or occupancy of the Property that results in the disturbance or excavation of the Property which impairs the integrity of the engineering controls required for the Remedy, 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/or maintenance of the engineering controls required for the Remedy, including but not limited to the engineering controls described

in the Site Management Plan for the Property, dated May 2016, and approved by the Department on June 16, 2016 (hereinafter referred to as the "SMP"), the title page and table of contents of which are attached to this Declaration as Appendix "C" and which is incorporated and made enforceable hereto subject to modifications as approved by the Department or Relevant Agency; unless in each instance the owner of the Property first obtains a written waiver of such prohibition from the Department or Relevant Agency.

Fourth, the owner of the Property shall maintain all components of the site cap that were installed pursuant to the Remedy, as specified in the SMP and all revisions thereto approved by the Department or Relevant Agency, over the section of the Property depicted as the "Containment Area" in Appendix "B" to this Declaration, unless the owner of the Property first obtains permission from the Department or Relevant Agency to discontinue such engineering control.

Fifth, the owner of the Property shall maintain a two-foot clean soil cover over all areas of the Property where the soil cover was installed pursuant to the Remedy, as specified in the SMP and all revisions thereto approved by the Department or Relevant Agency, unless the owner of the Property first obtains permission from the Department or Relevant Agency to discontinue such engineering control.

Sixth, the owner of the Property shall ensure that Consolidated Edison Company of New York, Inc. ("Con Edison") or another responsible entity operates and maintains the non-aqueous phase liquid ("NAPL") recovery system required for the Remedy, as specified in the SMP and all revisions thereto approved by the Department or Relevant Agency, unless the Department or Relevant Agency first grants permission to discontinue such engineering control.

Seventh, the owner of the Property shall ensure that Con Edison or another responsible entity operates and maintains the hydraulic control system consisting of groundwater extraction, treatment, and discharge required for the Remedy, as specified in the SMP and all revisions thereto approved by the Department or Relevant Agency, unless the Department or Relevant Agency first grants permission to discontinue such engineering control.

Eighth, the owner of the Property shall ensure that Con Edison or another responsible entity operates and maintains the sub-slab depressurization systems required for the Remedy for the northern portion of the primary commercial building and the separate commercial building, each of which is depicted on the Appendix "B" to this Declaration, as specified in the SMP and all revisions thereto approved by the Department or Relevant Agency, unless the Department or Relevant Agency first grants permission to discontinue such engineering control.

Ninth, the owner of the Property shall limit the Site to only commercial or industrial uses and tenants, and will prohibit use of the Site for residential purposes

without the express written waiver of such prohibition by the Department or Relevant Agency.

Tenth, the owner of the Property shall prohibit the use of the groundwater underlying the Property without treatment rendering such groundwater safe for drinking water or industrial purposes, as appropriate, unless the user of such groundwater first obtains permission to do so from the Department or Relevant Agency.

Eleventh, the owner of the Property shall ensure that any future development, remediation, or maintenance activities requiring subsurface excavation of soil on the Property or the extraction of groundwater underlying the Property is performed in compliance with the SMP and all revisions thereto approved by the Department or Relevant Agency.

Twelfth, the owner shall ensure that Con Edison or another responsible entity provides 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 for the Remedy put in place are unchanged from the previous certification, have not been impaired, and comply with the SMP and all revisions thereto approved by the Department or Relevant Agency.

Thirteenth, the owner of the Property shall install for each new commercial or industrial building constructed within the section of the Property depicted as the "Containment Area" on Appendix "B" to this Declaration a sub-slab vapor barrier and active vapor control system, unless in each instance the owner of the Property first obtains the express written waiver of such required engineering controls by the Department or Relevant Agency.

Fourteenth, the owner of the Property shall provide advance written notification to the Department or Relevant Agency of all construction activities involving the excavation or disturbance of soil below the demarcation fabric delineating the lower boundary of the clean fill throughout the Property, as required by the Excavation Work Plan of the SMP, and shall ensure that such construction activities are performed in compliance with the SMP and all revisions thereto approved by the Department or Relevant Agency, and all applicable rules and regulations of the Department or Relevant Agency and all applicable laws and regulations protecting the health and safety of workers and the public.

Fifteenth, the owner of the Property shall continue in full force and effect all institutional controls and all engineering controls for which the owner is responsible, and shall ensure that Con Edison or another responsible entity continues in full force and effect all engineering controls for which it is responsible, as required for the Remedy, unless in each instance the owner of the Property first obtains permission to discontinue such controls from the Department or Relevant Agency.

Sixteenth, 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 of the Property, and its successors and assigns, consents to enforcement by the Department or Relevant Agency of the prohibitions and restrictions that Paragraph X of Voluntary Cleanup Agreement Index No. W3-0917-02-04 for Site No. V00110-3, dated July 11, 2002, requires to be recorded, and hereby covenants not to contest the authority of the Department or Relevant Agency to seek enforcement of this Declaration.

Seventeenth, 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 as of the day and year written below.

POST ROAD PLAZA FEE LLC

By: JHL Holdings, Inc., Manager

By: _____

Maureen Mooney, Vice President

Acknowledgment

STATE OF NEW JERSEY)
) SS:
COUNTY OF SOMERSET)

On the 8th day of ~~November~~ December, 2016, before me, the undersigned, personally appeared Maureen Mooney, personally known to me or proved 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(ties) signature who, I am satisfied, is the person named in and who executed the within instrument, and that by his/her/their signature(s) on the instrument, the individuals, or the person on behalf of which the individual(s) acted, executed the instrument.

Stacy A. Garrity
Notary Public

STACY A. GARRITY
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires 5/13/2019

APPENDIX "A"

The real property subject to the foregoing Declaration of Covenants and Restriction is comprised of the Parcel I and Parcel II, each as more particularly described below.

PARCEL I

All that certain plot, piece or parcel of land, situate, lying and being partly in the Village of Pelham Manor, Town of Pelham, County of Westchester and State of New York, and partly in the County of Bronx, City of New York and State of New York, and more particularly bounded and described as follows:

Beginning at a point on the North right-of-way of Boston Post Road, said point being situate at the intersection of the West right-of-way line of Pelham Parkway with the aforementioned North right-of-way line of Boston Post Road; thence from the place of beginning along the aforementioned North right-of-way line of Boston Post Road, South sixty-three degrees six minutes and twenty seconds West (S 63° 06' 20" W) for a distance of four and nine hundredths feet (4.09') to a point; thence further along the same, around a curve having an angle of four degrees thirty-nine minutes and no seconds (4° 39' 00"), a radius of four thousand five hundred forty-seven and forty-nine hundredths feet (4,547.49'), a tangent of one hundred eighty-four and sixty-three hundredths feet (184.63'), an arc of three hundred sixty-nine and six hundredths feet (369.06'), for a chord course of South sixty degrees forty-six minutes and fifty seconds West (S 60° 46' 50" W) for a chord distance of three hundred sixty-eight and ninety-six hundredths feet (368.96') to a point; thence still further along the same. South sixty degrees eighteen minutes and fifty-four seconds West (S 60° 18' 54" W) for a distance of sixty-five and seven hundredths feet (65.70') to a point; thence still further along the same, around a curve having an angle of nineteen degrees seven minutes and one second (19° 07' 01"), a radius of five hundred eighty and no hundredths feet (580.00'), a tangent of ninety-seven and sixty-seven hundredths feet (97.67'), an arc of one hundred ninety-three and fifty-two hundredths feet (193.52'), for a chord course of South sixty-nine degrees fifty-two minutes and twenty-five seconds West (S 69° 52' 25" W) for a chord distance of one hundred ninety-two and sixty-two hundredths feet (192.62') to a point; thence still further along the same, around a curve having an angle of nine degrees forty-one minutes and forty-three seconds (9° 41' 43"), a radius of five hundred thirty and no hundredths feet (530.00'), a tangent of forty-four and ninety-five hundredths feet (44.95'), an arc of eighty-nine and sixty-eight hundredths feet (89.68'), for a chord course of South seventy-four degrees thirty-five minutes and four seconds West (S 74° 35' 04" W) for a chord distance of eighty-nine and fifty-eight hundredths feet (89.58') to a point; thence, North twenty-nine degrees fifty-five minutes and no seconds West (N 29° 55' 00" W) for a distance of one thousand fifteen and

seventeen hundredths feet (1,015.17') to a point; thence along the south side of the Eastchester Creek, North twenty-two degrees thirty-one minutes and thirty seconds East (N 22° 31' 30" E) for a distance of one hundred sixty-one and sixty-seven hundredths feet (161.67') to a point; thence further along the same, North thirty-five degrees thirty-six minutes and thirty seconds East (N 35° 36' 30" E) for a distance of four hundred forty-two and ten hundredths feet (442.10') to a point; thence along the aforementioned West right-of-way line of Pelham Parkway, South fifty-four degrees twenty-three minutes and thirty seconds East (S 54° 23' 30" E) for a distance of seven hundred eighty-two and no hundredths feet (782.00') to a point; thence further along the same, South seventeen degrees fourteen minutes arid twenty seconds East (S 17° 44' 20" E) for a distance of two hundred fifty-five and no hundredths feet (255.00') to a point; thence, South seventy-two degrees fifteen minutes and forty seconds West (S 72° 15' 40" W) for a distance of one hundred and no hundredths feet (100.00') to a point; thence, South seventeen degrees forty-four minutes and twenty seconds East (S 17° 44' 20" E) for a distance of one hundred nine and no hundredths feet (109.00') to a point; thence, North seventy-two degrees fifteen minutes and forty seconds East (N 72° 15' 40" E) for a distance of one hundred and no hundredths feet (100.00') to a point; thence still further along the West right-of-way line of Pelham Parkway, South seventeen degrees forty-four minutes and twenty seconds East (S 17° 44' 20" E) for a distance of two hundred ninety-six and sixteen hundredths feet (296.16') to the place of beginning.

As shown on a map of an instrument survey made by Merlyn J. Jenkins & Associates, Inc. dated August 25, 1998.

PARCEL II

All that tract or parcel of land formerly under the waters of the Hutchinson River, situate in the Town of Pelham, Village of Pelham Manor, County of Westchester, State of New York, the centerline of said parcel being bounded and described as follows:

Beginning at a point formed by the intersection of the easterly line of Eastchester Creek Channel (a.k.a. Hutchinson River, government channel) with the original centerline of the Hutchinson River, said point having coordinates of north 751113.531 feet and east 679518.338 feet, State Plane Coordinates, East Zone, NAD 83, said point being distant South 26 degrees - 50 minutes - 46 seconds West, 54.60 feet from a point formed by the intersection of said easterly line of Eastchester Creek channel with the southerly line of Pelham Parkway and running thence from said point of beginning the following nineteen (19) courses along said centerline of the Hutchinson River and through the interior of Lot 1, Block 1:

1. South 71 degrees - 38 minutes - 44 seconds East, a distance of 32.06 feet to a point, thence;

2. South 66 degrees - 11 minutes - 30 seconds East, a distance of 19.62 feet to a point, thence;

3. South 49 degrees - 42 minutes - 48 seconds East, a distance of 14.25 feet to a point, thence;

4. South 21 degrees - 31 minutes - 46 seconds East, a distance of 8.90 feet to a point, thence;

5. South 05 degrees - 56 minutes - 16 seconds East, a distance of 10.45 feet to a point, thence;

6. South 04 degrees - 56 minutes - 10 seconds West, a distance of 13.86 feet to a point, thence;

7. South 21 degrees - 27 minutes - 53 seconds West, a distance of 9.38 feet to a point, thence;

8. South 26 degrees - 22 minutes - 57 seconds West, a distance of 9.75 feet to a point, thence;

9. South 30 degrees - 59 minutes - 03 seconds West, a distance of 10.55 feet to a point, thence;

10. South 49 degrees - 29 minutes - 37 seconds West, a distance of 11.50 feet to a point, thence;

11. South 38 degrees - 12 minutes - 51 seconds West, a distance of 8.96 feet to a point, thence;

12. South 52 degrees - 58 minutes - 50 seconds West, a distance of 31.60 feet to a point, thence;

13. South 65 degrees - 37 minutes - 06 seconds West, a distance of 23.96 feet to a point, thence;

14. South 46 degrees - 16 minutes - 47 seconds West, a distance of 23.49 feet to a point, thence;

15. South 60 degrees - 39 minutes - 07 seconds West, a distance of 10.97 feet to a point, thence;

16. South 59 degrees - 33 minutes - 21 seconds West, a distance of 22.40 feet to a point, thence;

17. South 43 degrees - 41 minutes - 58 seconds West, a distance of 33.17 feet to a point, thence;

18. South 57 degrees - 50 minutes - 22 seconds West, a distance of 10.46 feet to a point, thence;

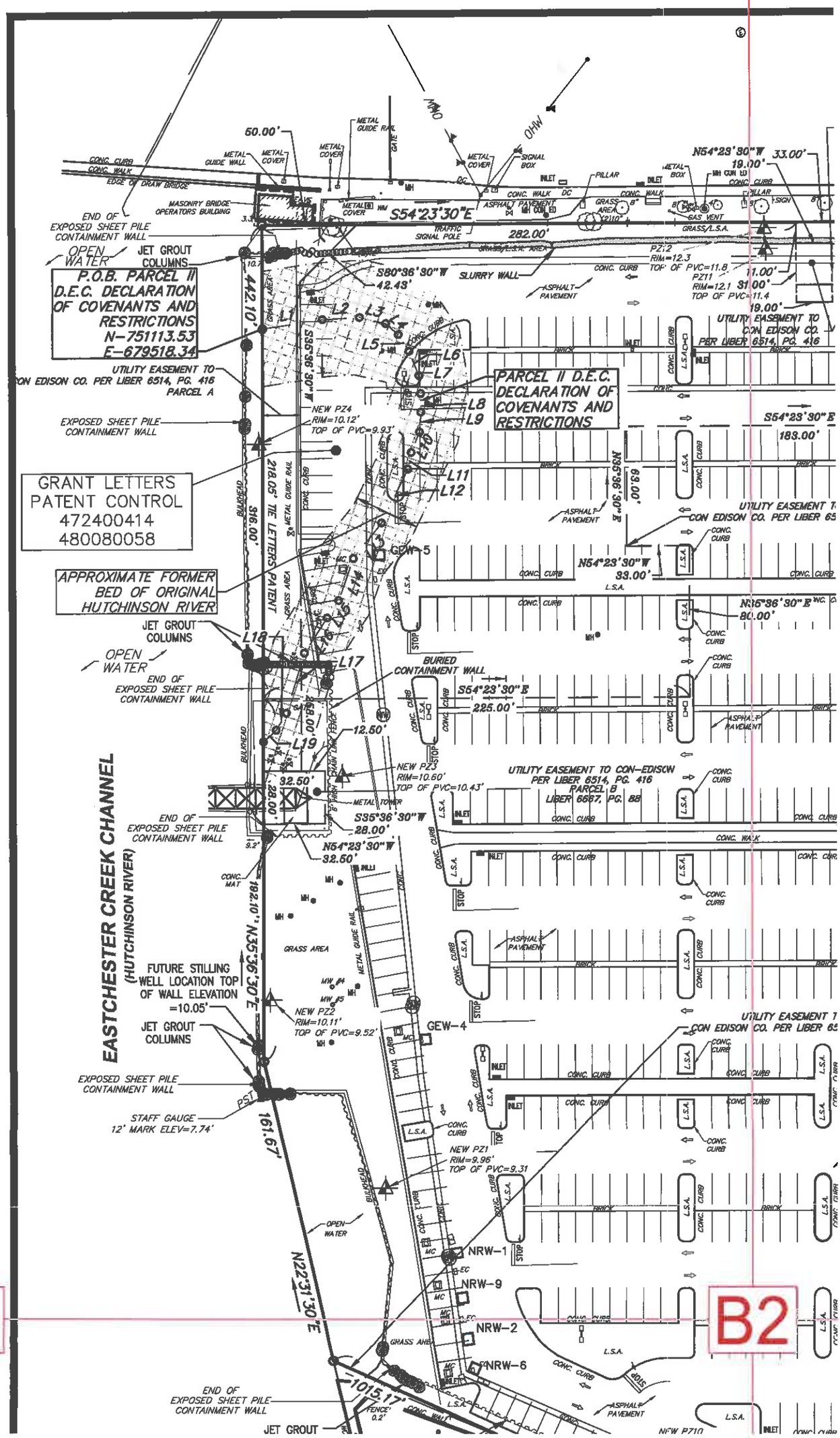
19. South 74 degrees - 37 minutes - 23 seconds West, a distance of 9.05 feet to a point at the terminus of said parcel on the aforementioned easterly line of Eastchester Creek Channel, said point being distant South 26 degrees - 50 minutes - 46 seconds West, a distance of 218.05 feet from the point and place of beginning.

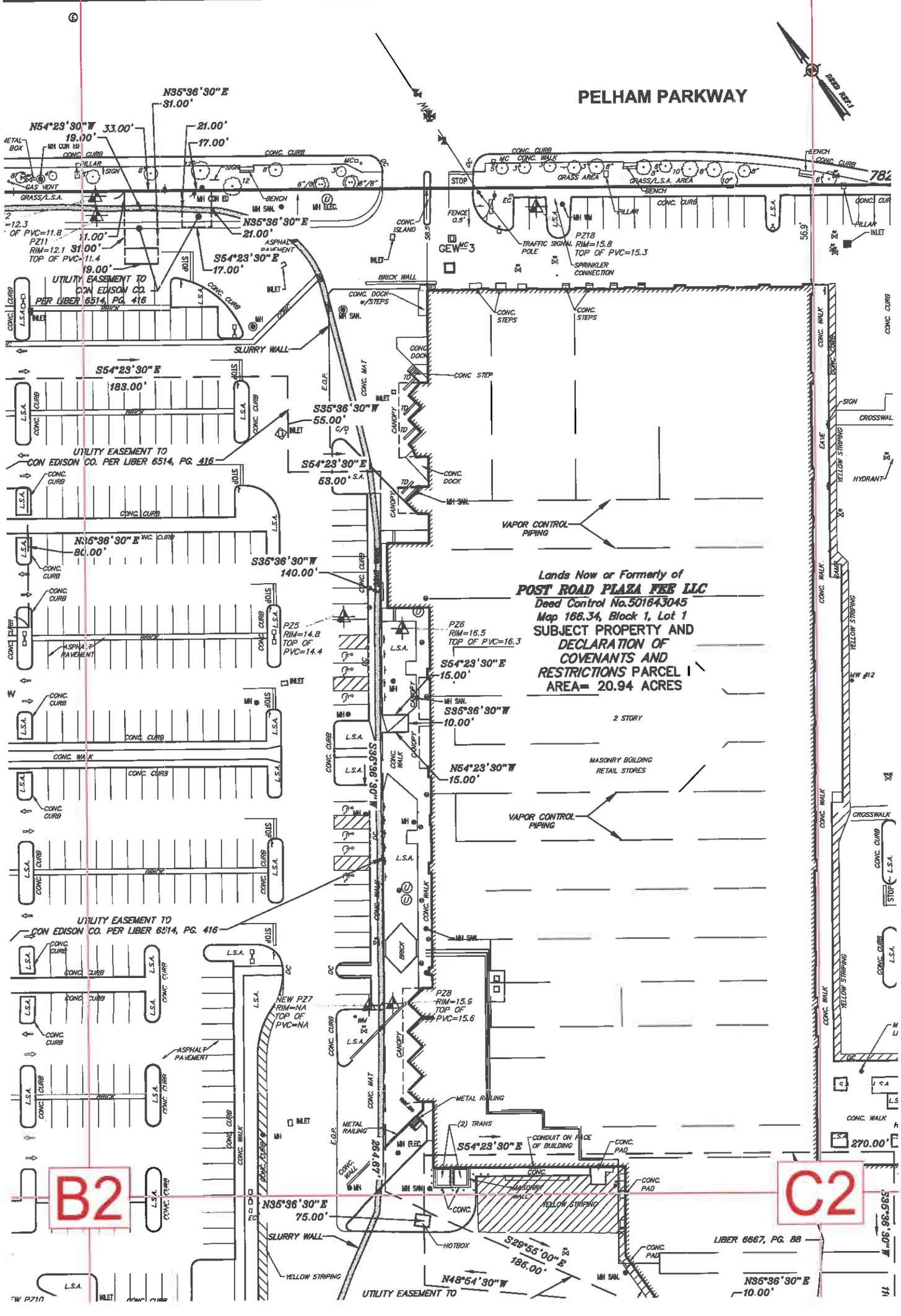
Containing 12,726± square feet or 0.292± acre of land.

Intending to include all lands now or formerly under the waters of the original bed of the Hutchinson River east of the easterly line of Eastchester Creek channel and within Lot 1, Block 1 in the Village of Pelham Manor, Town of Pelham, Westchester County, State of New York. Parcel II is shown on a map entitled, "State of New York Office of General Services Submerged Land Application Map in the Application of Levin Management for a Grant of Lands Formerly Under the Waters of Hutchinson River Situate in the Village of Pelham Manor, Town of Pelham, Comity of Westchester, State of New York," prepared by Gregory S. Gallas, dated July 29, 2005 and filed in the New York State Office of General Services in Albany, New York as O.G.S. Map No 2037.

APPENDIX "B"

Survey dated July 1, 2016 (rev. Nov. 3, 2016)


A3
B3
A2
B2
EASTCHESTER CREEK CHANNEL
(HUTCHINSON RIVER)
P.O.B. PARCEL II
D.E.C. DECLARATION
OF COVENANTS AND
RESTRICTIONS
N-751113.53
E-679518.34
PARCEL II D.E.C.
DECLARATION OF
COVENANTS AND
RESTRICTIONS
GRANT LETTERS
PATENT CONTROL
472400414
480080058
APPROXIMATE FORMER
BED OF ORIGINAL
HUTCHINSON RIVER
OPEN
WATER
JET GROUT
COLUMNS
END OF
EXPOSED SHEET PILE
CONTAINMENT WALL
EXPOSED SHEET PILE
CONTAINMENT WALL
BURIED
CONTAINMENT WALL
SLURRY WALL
NEW PZ4
RIM=10.12'
TOP OF PVC=9.93'
NEW PZ3
RIM=10.60'
TOP OF PVC=10.43'
NEW PZ2
RIM=10.11'
TOP OF PVC=9.52'
NEW PZ1
RIM=9.96'
TOP OF PVC=9.31
PZ2
RIM=12.3
TOP OF PVC=11.8
PZ1
RIM=12.1
TOP OF PVC=11.4
FUTURE STILLING
WELL LOCATION TOP
OF WALL ELEVATION
=10.05'
STAFF GAUGE
12' MARK ELEV=7.74'
UTILITY EASEMENT TO
CON EDISON CO. PER LIBER 6514, PG. 416
PARCEL A
UTILITY EASEMENT TO CON-EDISON
PER LIBER 6514, PG. 416
PARCEL B
LIBER 6687, PG. 88
UTILITY EASEMENT TO
CON EDISON CO. PER LIBER 6514, PG. 416
GEW-5
GEW-4
NRW-1
NRW-9
NRW-2
NRW-6
L1
L2
L3
L4
L5
L6
L7
L8
L9
L10
L11
L12
L13
L14
L15
L16
L17
L18
L19
442.10'
316.00'
218.05' TIE LETTERS PATENT
192.10'
161.67'
1015.17'
N22°31'30"E
N35°36'30"E
S54°23'30"E
282.00'
S80°36'30"W
42.43'
S35°36'30"W
28.00'
N54°23'30"W
32.50'
N54°23'30"W
33.00'
19.00'
31.00'
11.00'
S54°23'30"E
183.00'
N35°36'30"E
93.00'
N54°23'30"W
33.00'
N35°36'30"E
80.00'
S54°23'30"E
225.00'
12.50'
50.00'
OHW
BULKHEAD
METAL GUIDE RAIL
CHAIN LINK FENCE
METAL TOWER
GRASS AREA
ASPHALT PAVEMENT
BRICK
CONC. CURB
CONC. WALK
L.S.A.
INLET
STOP
MH
MW-4
MW-5
CONC. MAT
OPEN WATER
FENCE 0.2'
CONC. WALL
NEW PZ10

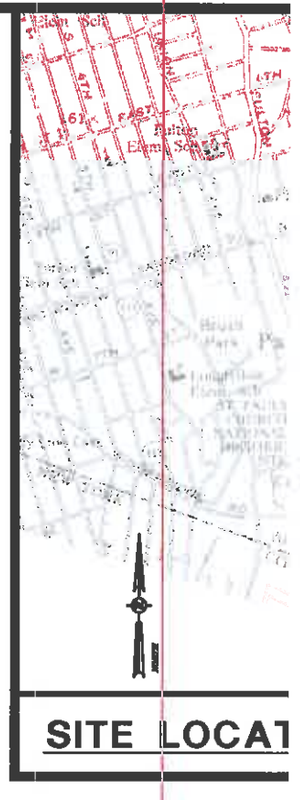

B3
C3
B2
C2
PELHAM PARKWAY
Lands Now or Formerly of
POST ROAD PLAZA FEE LLC
Deed Control No.501643045
Map 166.34, Block 1, Lot 1
SUBJECT PROPERTY AND
DECLARATION OF
COVENANTS AND
RESTRICTIONS PARCEL I
AREA= 20.94 ACRES
2 STORY
MASONRY BUILDING
RETAIL STORES
UTILITY EASEMENT TO
CON EDISON CO. PER LIBER 6514, PG. 416
VAPOR CONTROL
PIPING
SLURRY WALL
YELLOW STRIPING
LIBER 6667, PG. 88
N35°36'30"E
31.00'
N54°23'30"W
33.00'
21.00'
17.00'
19.00'
S54°23'30"E
183.00'
S35°36'30"W
55.00'
S54°23'30"E
63.00'
N35°36'30"E
80.00'
S35°36'30"W
140.00'
S54°23'30"E
15.00'
S35°36'30"W
10.00'
N54°23'30"W
15.00'
N35°36'30"E
75.00'
S29°55'00"E
186.00'
N48°54'30"W
N35°36'30"E
10.00'
S35°36'30"W
264.67'
S35°36'30"W
270.00'
PZ5
RIM=14.8
TOP OF
PVC=14.4
PZ6
RIM=16.5
TOP OF PVC=16.3
PZ7
RIM=NA
TOP OF
PVC=NA
PZ8
RIM=15.9
TOP OF
PVC=15.6
PZ11
RIM=12.1
TOP OF PVC=11.4
PZ18
RIM=15.8
TOP OF PVC=15.3
GEW
MW #12
CONC. CURB
CONC. WALK
CONC. MAT
CONC. DOCK
CONC. STEPS
CONC. STEP
CANOPY
BRICK WALL
METAL RAILING
(2) TRANS
CONDUIT ON FACE OF BUILDING
CONC. PAD
HOTBOX
TRAFFIC SIGNAL POLE
SPRINKLER CONNECTION
GAS VENT
MH CON ED
MH SAN.
MH ELEC.
INLET
STOP
SIGN
CROSSWALK
HYDRANT
EAVE
BENCH
PILLAR
FENCE 0.5'
GRASS AREA
GRASS/L.S.A. AREA
ASPHALT PAVEMENT
BRICK
L.S.A.
E.O.P.
DC
EC
TO
DEED REF.1

C3

D3

DEED REFERENCES:

1. WILLIAM A. FARBER AND PAUL SKWIERSKY AS CO-TRUSTEES OF THE ADAM K. LEVIN TRUST, THE CATHERINE M. LEVIN TRUST, THE ARIELLE TEPPER TRUST AND THE JANICE H. LEVIN TRUST TO POST ROAD PLAZA FEE LLC, DATED 07/29/2010 AND RECORDED IN THE WESTCHESTER COUNTY CLERKS OFFICE AS INSTRUMENT NO. 501643045.



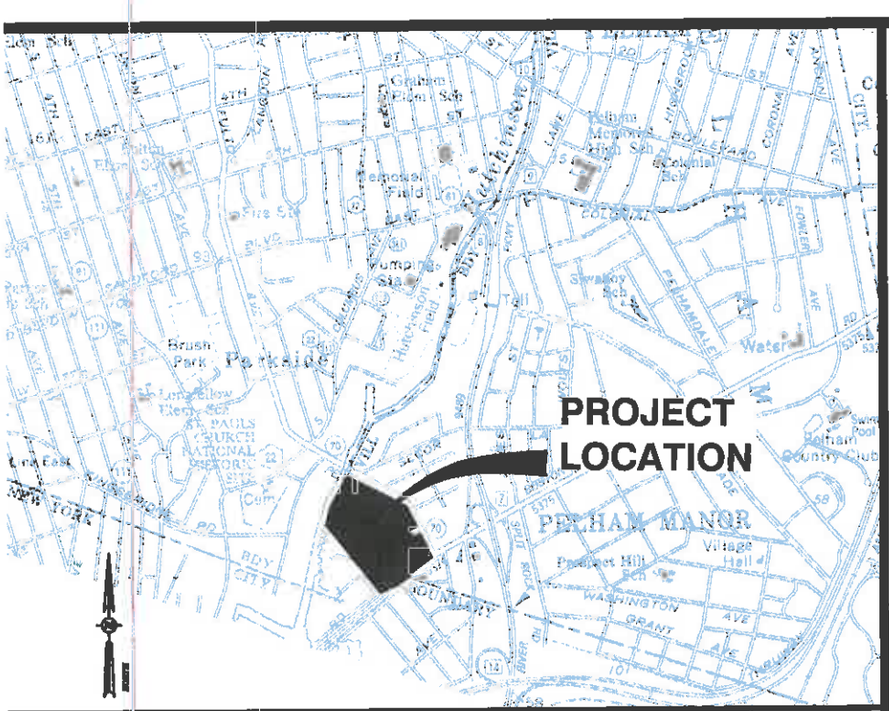
SITE LOCAT

C2

D2

D3

E3

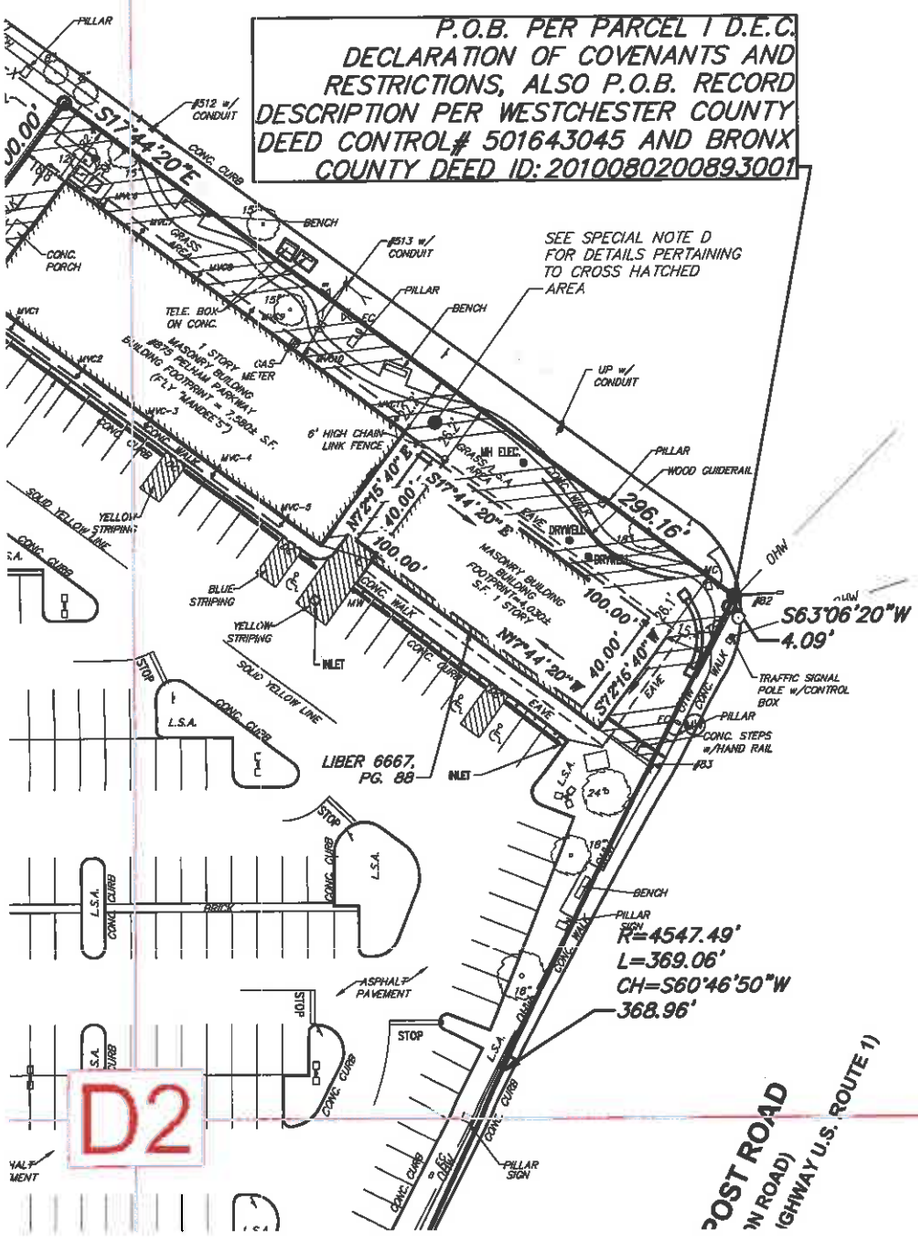


SITE LOCATION PLAN: 1"=2000'

DEED REST
VOLUNTARY CLEANU

THIS PROPERTY IS SUBJEC
AND RESTRICTIONS EXECUT
UNDER VOLUNTARY CLEANU
ENGINEERING AND INSTITU
COVENANTS AND RESTRICTI
MANAGEMENT PLAN (SMP).
PARTY WITH AN INTEREST
FROM THE NYS DEPARTMEI
ENVIRONMENTAL REMEDIAT
ALBANY, NEW YORK 1223

**THE METES AND BOUNDS DESCRI
ENGINEERING AND INSTITUTIONAL C
WITH AN INTEREST IN THE PROPERTY
BY POST ROAD PLAZA FEE LLC UNDE
SET FORTH BELOW AND ARE HI
CONSERVATION. EXCEPT AS NOTED
PARCELS OF THE PROPERTY SUBJEC
WESTCHESTER COUNTY DEED C**



ALL THAT CERTAIN LOT OR PARCEL O
WESTCHESTER AND PARTLY IN THE CITY OF
BEGINNING AT A POINT ON THE NORTH RIG
WEST RIGHT-OF-WAY LINE OF PELHAM PAR
FROM THE PLACE OF BEGINNING ALONG TH
DEGREES SIX MINUTES AND TWENTY SECONI
A POINT: THENCE FURTHER ALONG THE S
SECONDS (4° 39' 00"), A RADIUS OF FOU
TANGENT OF ONE HUNDRED EIGHTY FOUR
SIX HUNDREDTHS FEET (369.06'), FOR A CH
46' 50" W) FOR A CHORD DISTANCE OF TH
STILL FURTHER ALONG THE SAME, SOUTH
DISTANCE OF SIXTY-FIVE AND SEVENTY HU
CURVE HAVING AN ANGLE OF NINETEEN DE
AND NO HUNDREDTHS FEET (580.00'), A
HUNDRED NINETY-THREE AND FIFTY-TWO H
MINUTES AND TWENTY-FIVE SECONDS WEST
HUNDREDTHS FEET (192.62') TO A POINT:
DEGREES FORTY-ONE MINUTES AND FORTY-
(530.00'), A TANGENT OF FORTY-FOUR
HUNDREDTHS FEET (89.68') FOR A CHORD
(S 74° 35' 04" W) FOR A CHORD DISTANC
TWENTY-NINE DEGREES FIFTY-FIVE MINUTES
SEVENTEEN HUNDREDTHS FEET (1,015.17') T
DEGREES THIRTY-ONE MINUTES AND THIR
SIXTY-SEVEN HUNDREDTHS FEET (161.67')
MINUTES AND THIRTY SECONDS EAST (N 3
(442.10') TO A POINT; THENCE ALONG T
DEGREES TWENTY-THREE MINUTES AND THI
NO HUNDREDTHS FEET (782.00') TO A POIN
TWENTY SECONDS EAST (S 17° 44' 20" E)
POINT; THENCE, SOUTH SEVENTY-TWO DEG
HUNDRED AND NO HUNDREDTHS FEET (10
SECONDS EAST (S 17° 44' 20" E) FOR A
NORTH SEVENTY-TWO DEGREES FIFTEEN MI
NO HUNDREDTHS FEET (100.00') TO A POIN
SEVENTEEN DEGREES FORTY-FOUR MINUTES
AND SIXTEEN HUNDREDTHS FEET (296.16')

(BEING AND INTENDED TO BE ALL THAT TR
VOLUNTARY CLEANUP AGREEMENT INDEX W3

D2

E2

E3

F3

DEED RESTRICTION NYSDEC SITE NO. V00110-3,
ITARY CLEANUP AGREEMENT SITE INDEX NO. W3-0917-02-04

Y IS SUBJECT TO THAT CERTAIN DECLARATION OF COVENANTS IONS EXECUTED BY POST ROAD PLAZA FEE LLC AS REQUIRED TARY CLEANUP AGREEMENT INDEX NO. W3-0917-02-04. THE AND INSTITUTIONAL CONTROLS FOR THE DECLARATION OF ND RESTRICTIONS ARE SET FORTH IN MORE DETAIL IN THE SITE PLAN (SMP). A COPY OF THE SMP MUST BE OBTAINED BY ANY AN INTEREST IN THE PROPERTY. THE SMP CAN BE OBTAINED S DEPARTMENT OF ENVIRONMENTAL CONSERVATION, DIVISION OF L REMEDIATION, SITE CONTROL SECTION, 625 BROADWAY, YORK 12233 OR AT DERWEB@DEC.NY.GOV.

BOUNDS DESCRIPTIONS OF THE PROPERTY AND PARCELS THEREOF SUBJECT TO THE D INSTITUTIONAL CONTROLS IMPOSED AND MADE ENFORCEABLE AGAINST ALL PARTIES IN THE PROPERTY BY THE DECLARATION OF COVENANTS AND RESTRICTIONS EXECUTED AZA FEE LLC UNDER VOLUNTARY CLEANUP AGREEMENT INDEX NO. W3-0917-02-04 ARE AS ELOW AND ARE HEREBY CERTIFIED TO THE NYS DEPARTMENT OF ENVIRONMENTAL XCEPT AS NOTED, THE METES AND BOUNDS DESCRIPTIONS OF THE PROPERTY AND THE ROPERTY SUBJECT TO THE ENGINEERING AND INSTITUTIONAL CONTROLS ARE BASED ON R COUNTY DEED CONTROL NO. 501643045/BRONX COUNTY DEED ID:2010080200893001

PARCEL I

TAIN LOT OR PARCEL OF GROUND SITUATE PARTLY IN THE VILLAGE OF PELHAM MANOR, TOWN OF PELHAM, COUNTY OF PARTLY IN THE CITY OF NEW YORK, COUNTY OF BRONX, STATE OF NEW YORK, BOUNDED AND DESCRIBED AS FOLLOWS: INT ON THE NORTH RIGHT-OF-WAY OF BOSTON POST ROAD, SAID POINT BEING SITUATE AT THE INTERSECTION OF THE Y LINE OF PELHAM PARKWAY WITH THE AFOREMENTIONED NORTH RIGHT-OF-WAY LINE OF BOSTON POST ROAD: THENCE OF BEGINNING ALONG THE AFOREMENTIONED NORTH RIGHT-OF-WAY LINE OF BOSTON POST ROAD SOUTH SIXTY-THREE ES AND TWENTY SECONDS WEST (S 63° 06' 20" W) FOR A DISTANCE OF FOUR AND NINE HUNDREDTHS FEET (4.09') TO FURTHER ALONG THE SAME, AROUND A CURVE HAVING AN ANGLE OF FOUR DEGREES THIRTY-NINE MINUTES AND NO 0"), A RADIUS OF FOUR THOUSAND FIVE HUNDRED FORTY-SEVEN AND FORTY-NINE HUNDREDTHS FEET (4,547.49'), A HUNDRED EIGHTY FOUR AND SIXTY-THREE HUNDREDTHS FEET (184.63'), AN ARC OF THREE HUNDRED SIXTY-NINE AND ET (369.06'), FOR A CHORD COURSE OF SOUTH SIXTY DEGREES FORTY-SIX MINUTES AND FIFTY SECONDS WEST (S 60° CHORD DISTANCE OF THREE HUNDRED SIXTY-EIGHT AND NINETY-SIX HUNDREDTHS FEET (368.96') TO A POINT; THENCE NG THE SAME, SOUTH SIXTY DEGREES EIGHTEEN MINUTES AND FIFTY-FOUR SECONDS WEST (S 60° 18' 54" W) FOR A -FIVE AND SEVENTY HUNDREDTHS FEET (65.70') TO A POINT; THENCE STILL FURTHER ALONG THE SAME, AROUND A ANGLE OF NINETEEN DEGREES SEVEN MINUTES AND ONE SECOND (19° 07' 01"), A RADIUS OF FIVE HUNDRED EIGHTY HS FEET (580.00'), A TANGENT OF NINETY-SEVEN AND SIXTY-SEVEN HUNDREDTHS FEET (97.67'), AN ARC OF ONE HREE AND FIFTY-TWO HUNDREDTHS FEET (193.52'), FOR A CHORD COURSE OF, SOUTH SIXTY-NINE DEGREES FIFTY-TWO TY-FIVE SECONDS WEST (S 69° 52' 25" W) FOR A CHORD DISTANCE OF ONE HUNDRED NINETY-TWO AND SIXTY-TWO (192.62') TO A POINT: THENCE STILL FURTHER ALONG THE SAME, AROUND A CURVE HAVING AN ANGLE OF NINE E MINUTES AND FORTY--THREE SECONDS (9° 41' 43"), A RADIUS OF FIVE HUNDRED THIRTY AND NO HUNDREDTHS FEET ENT OF FORTY-FOUR AND NINETY-FIVE HUNDREDTHS FEET (44.95'), AN ARC OF EIGHTY-NINE AND SIXTY-EIGHT (89.68') FOR A CHORD COURSE OF SOUTH SEVENTY-FOUR DEGREES THIRTY-FIVE MINUTES AND FOUR SECONDS WEST FOR A CHORD DISTANCE OF EIGHTY-NINE AND FIFTY-EIGHT HUNDREDTHS FEET (89.58') TO A POINT; THENCE. NORTH EES FIFTY-FIVE MINUTES AND NO SECONDS WEST (N29° 55' 00" W) FOR A DISTANCE OF ONE THOUSAND FIFTEEN AND DTHS FEET (1,015.17') TO A POINT; THENCE ALONG THE SOUTH SIDE OF THE EASTCHESTER CREEK, NORTH TWENTY-TWO NE MINUTES AND THIRTY SECONDS EAST (N 22° 31' 30" E) FOR A DISTANCE OF ONE HUNDRED SIXTY-ONE AND REDTHS FEET (161.67') TO A POINT; THENCE FURTHER ALONG THE SAME. NORTH THIRTY-FIVE DEGREES THIRTY-SIX Y SECONDS EAST (N 35° 36' 30" E) FOR A DISTANCE OF FOUR HUNDRED FORTY-TWO AND TEN HUNDREDTHS FEET OINT; THENCE ALONG THE AFOREMENTIONED WEST RIGHT-OF-WAY LINE OF PELHAM PARKWAY, SOUTH FIFTY-FOUR HREE MINUTES AND THIRTY SECONDS EAST (S 54° 23' 30" E) FOR A DISTANCE OF SEVEN HUNDRED EIGHTY-TWO AND ET (782.00') TO A POINT; THENCE FURTHER ALONG THE SAME, SOUTH SEVENTEEN DEGREES FORTY FOUR MINUTES AND EAST (S 17° 44' 20" E) FOR A DISTANCE OF TWO HUNDRED FIFTY-FIVE AND NO HUNDREDTHS FEET (255.00') TO A OUTH SEVENTY-TWO DEGREES FIFTEEN MINUTES AND FORTY SECONDS WEST (S 72° 15' 40" W) FOR A DISTANCE OF ONE HUNDREDTHS FEET (100.00') TO A POINT; THENCE, SOUTH SEVENTEEN DEGREES FORTY-FOUR MINUTES AND TWENTY 17° 44' 20" E) FOR A DISTANCE OF ONE HUNDRED NINE AND NO HUNDREDTHS FEET (109.00') TO A POINT; THENCE, IO DEGREES FIFTEEN MINUTES AND FORTY SECONDS EAST (N 72° 15' 40" E) FOR A DISTANCE OF ONE HUNDRED AND ET (100.00') TO A POINT; THENCE STILL FURTHER ALONG THE WEST RIGHT-OF-WAY LINE OF PELHAM PARKWAY. SOUTH S FORTY-FOUR MINUTES AND TWENTY SECONDS EAST (S 17° 44' 20" E) FOR A DISTANCE OF TWO HUNDRED NINETY-SIX REDTHS FEET (296.16') TO THE PLACE OF BEGINNING. CONTAINING 20.94 ACRES OF LAND MORE OR LESS.

ED TO BE ALL THAT TRACT OR PARCEL OF LAND DESCRIBED IN N.Y.S DEPARTMENT OF ENVIRONMENTAL CONSERVATION P AGREEMENT INDEX W3-917-02-04 AS PARCEL I)

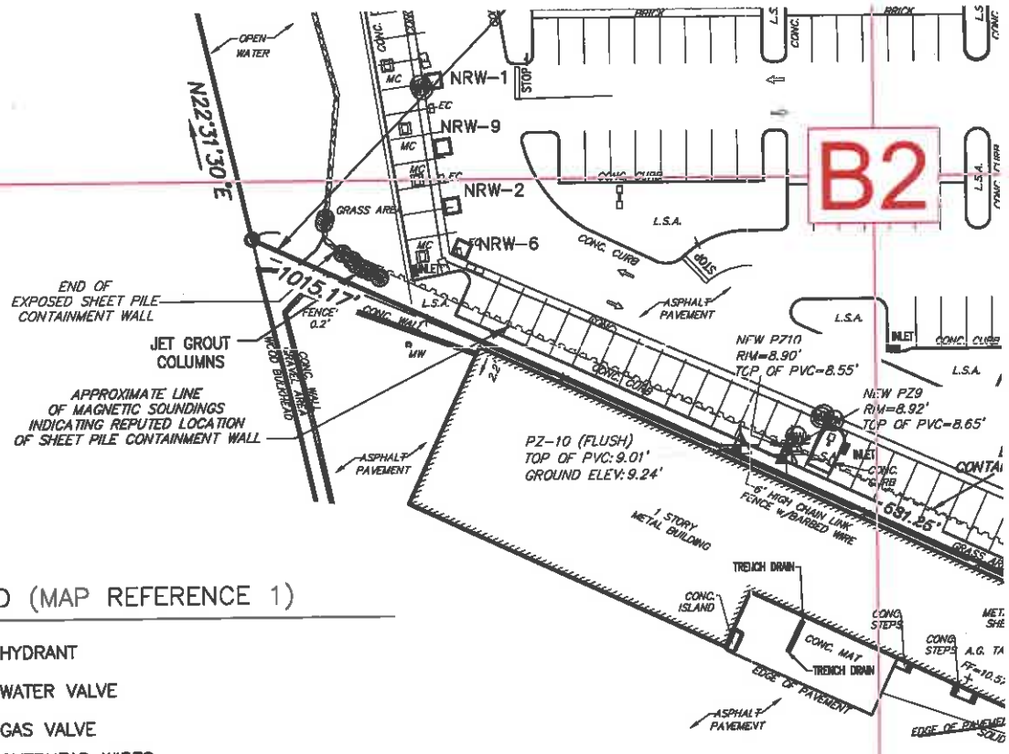
PARCEL ii:

ALL THAT TRACT OR PARCEL OF LAND FORMERLY UNDER THE WATERS OF THE HUTCHINSON RIVER, SITUATE IN THE TOWN OF PELHAM, VILLAGE OF PELHAM MANOR, COUNTY OF WESTCHESTER, STATE OF NEW YORK, THE CENTERLINE OF SAID PARCEL BEING BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT FORMED BY THE INTERSECTION OF THE EASTERLY LINE OF EASTCHESTER CREEK CHANNEL (A.K.A HUTCHINSON RIVER, GOVERNMENT CHANNEL) WITH THE ORIGINAL CENTERLINE OF T HUTCHINSON RIVER, SAID POINT HAVING COORDINATES OF NORTH 751113.531 FEET AND EAST 679518.338 FE STATE PLANE COORDINATES, EAST ZONE, NAD 83, SAID POINT BEING DISTANT SOUTH 26 DEGREES – 50 MINUT – 46 SECONDS WEST, 54.60 FEET FROM A POINT FORMED BY THE INTERSECTION OF SAID EASTERLY LINE EASTCHESTER CREEK CHANNEL WITH THE SOUTHERLY LINE OF PELHAM PARKWAY AND RUNNING THENCE FR

E2

F2



LEGEND (MAP REFERENCE 1)

- HYDRANT
- WV — WATER VALVE
- GV — GAS VALVE
- OH — OVERHEAD WIRES
- UTILITY POLE
- UTILITY POLE/LIGHT POLE
- GUY WIRE
- TRAFFIC SIGNAL POLE
- TRAFFIC SIGNAL
- MW — MONITORING WELL
- GAS METER
- SIGN
- BOLLARD
- CONC. WHEEL STOP
- L.S.A. — LANDSCAPED AREA
- A.G. — ABOVE GROUND
- AREA LIGHT
- PAY PHONE
- STOP — PAINTED STOP BAR
- COLUMN
- C/O — CLEAN OUT
- PAINTED ARROWS
- 8" — DENOTES TREE AND TRUNK SIZE
- WM — WATER METER
- DC — DEPRESSED CURB
- MC — METAL COVER
- EC — ELECTRIC COVER
- EXISTING CLEANOUT
- E — EXISTING ELECTRIC MANHOLE
- E — EXISTING ELECTRIC HAND HOLE
- EXISTING GAS VALVE
- TSP — EXISTING TRAFFIC SIGNAL POLE
- U — EXISTING UNKNOWN MANHOLE

EXISTING CONDITIONS:

- PROPERTY LINE
- ADJACENT PROPERTY LINE
- EXISTING PROPERTY EASEMEN
- EXISTING BUILDING
- CONC. CURB — EXISTING CURB/GUTTER
- GRAVEL — EXISTING GRAVEL DRIVEWAY
- EXISTING GUIDERAIL
- X — EXISTING FENCE
- OHW — EXISTING OVERHEAD WIRES
- LOCATION OF MAGNETIC SOUNDING
- AS-BUILT EXPOSED CONTAINMENT WA
- EXISTING PIEZOMETER

NOT FIELD LOCATED:

- AREA EXCLUDED FROM SITE CAP
- CONTAINMENT WALL (BURIED)
- VAPOR CONTROL PIPING
- SELF HARDENING SLURRY WALL
- JET GROUT COLUMNS
- GEW-4 / NRW-4 — MONITORING WELLS

60 0 60
SCALE IN FEET
1"=60'

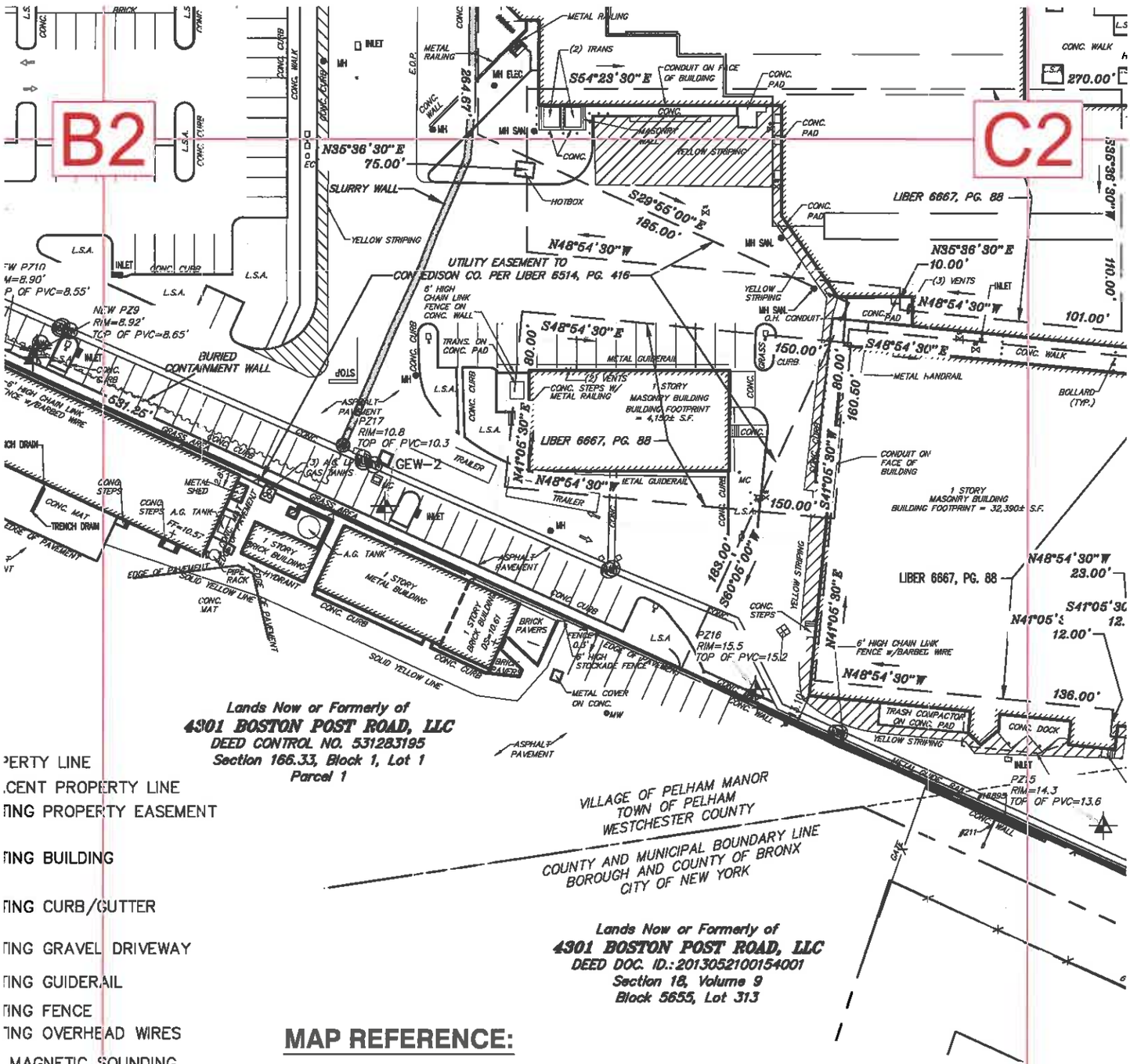
20M 10M 0 10M 20M
SCALE IN METERS

0 1 2 3
ORIGINAL SCALE IN INCHES

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Date Printed: Dec 19, 2016, 2:36pm



PERTY LINE
CENT PROPERTY LINE
TING PROPERTY EASEMENT

TING BUILDING

TING CURB/GUTTER

TING GRAVEL DRIVEWAY

TING GUIDERAIL

TING FENCE

TING OVERHEAD WIRES

MAGNETIC SOUNDING

POSED CONTAINMENT WALL

COMETER

ED FROM SITE CAP

WALL (BURIED)

ROL PIPING

ING SLURRY WALL

OLUMNS

WELLS

MAP REFERENCE:

1. MAP ENTITLED "ALTA/ACSM LAND TITLE SURVEY, LEVIN MANAGEMENT CORPORATION" PREPARED B CONTROL POINT ASSOCIATES, INC., FILE NO. C02424.04, DATED 6-2-2010 AS PROVIDED BY PARSON

2. MAP ENTITLED "AS-BUILT WATER TREATMENT PLANT, PELHAM FORMER MGP SITE REMEDIAL ACTION PREPARED BY LAYOUT INC. DATED 04-22-09 REPUTED DATUM NGVD29.

3. MAP ENTITLED, "STATE OF NEW YORK OFFICE OF GENERAL SERVICES SUBMERGED LAND APPLICATIC THE APPLICATION OF LEVIN MANAGEMENT FOR A GRANT OF LANDS FORMERLY UNDER THE WATERS O HUTCHINSON RIVER SITUATE IN THE VILLAGE OF PELHAM MANOR, TOWN OF PELHAM, COUNTY OF WES STATE OF NEW YORK," PREPARED BY GREGORY S. GALLAS, DATED JULY 29, 2005 AND FILED IN THE STATE OFFICE OF GENERAL SERVICES IN ALBANY, NEW YORK AS O.G.S. MAP NO 2037.

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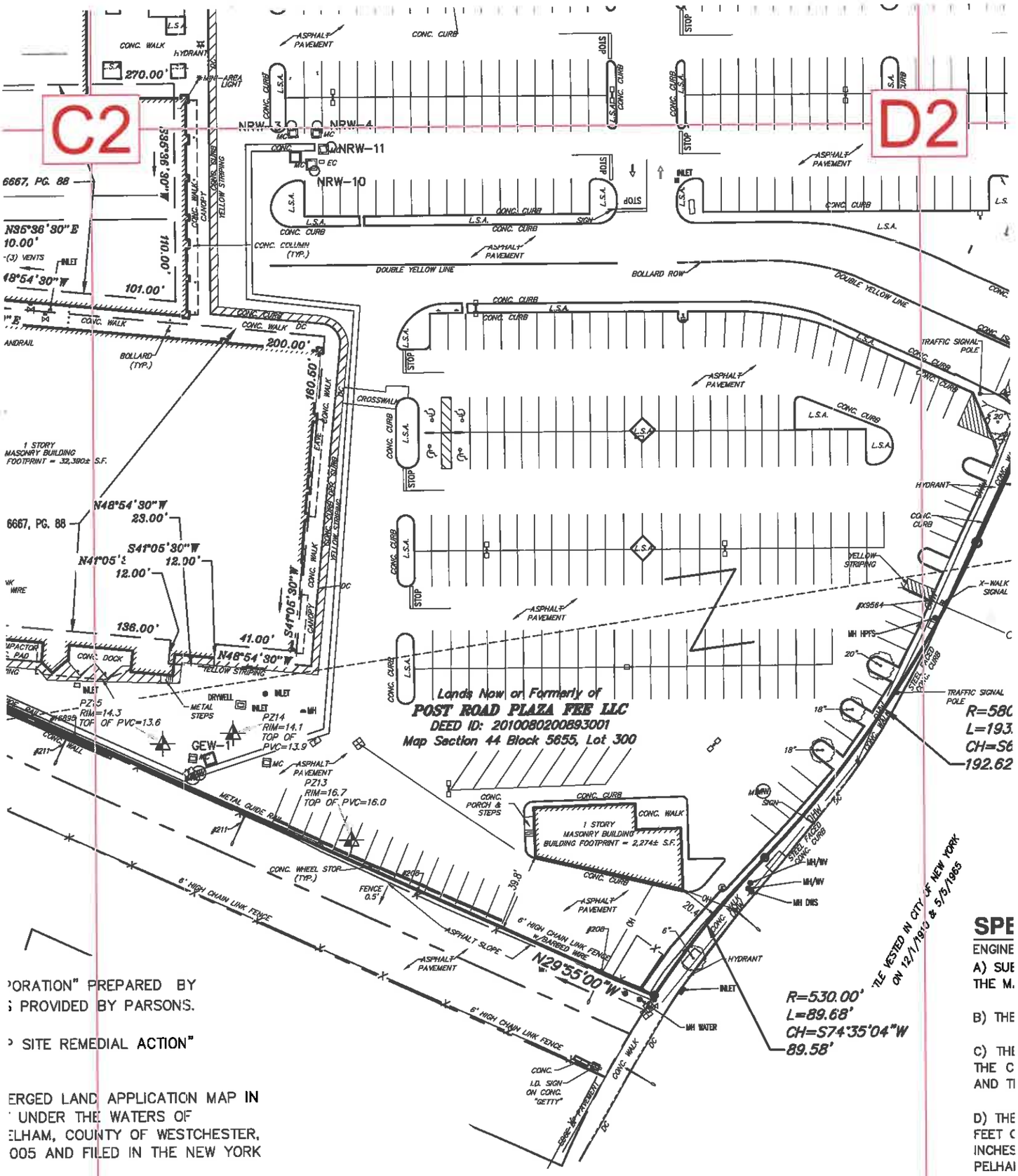
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STATE OF NEW YORK
STEVEN JAY ALEX
050018
LICENSED LAND SURVEYOR

THE Chazen COMPANIES®
Proud to be Employee Owned
Engineers
Land Surveyors
Planners
Environmental & Safety Professionals
Landscape Architects

map\internal\20161219\SIGNED-SMALL-SHEETS-20161219.dwg

B1
C1



"ORATION" PREPARED BY
S PROVIDED BY PARSONS.

" SITE REMEDIAL ACTION"

ERGED LAND APPLICATION MAP IN
' UNDER THE WATERS OF
ELHAM, COUNTY OF WESTCHESTER,
005 AND FILED IN THE NEW YORK

SPE
ENGINE
A) SUE
THE M.

B) THE

C) THE
THE C
AND TI

D) THE
FEET C
INCHES
PELHAI
EXCLUI

TLE VESTED IN CITY OF NEW YORK
ON 12/1/1913 & 5/5/1965

CHAZEN ENGINEERING, LAND SURVEYING
& LANDSCAPE ARCHITECTURE CO., D.P.C.

Office Locations:

Dutchess County Office:
21 Fox Street
Poughkeepsie, New York 12601
Phone: (845) 454-3980

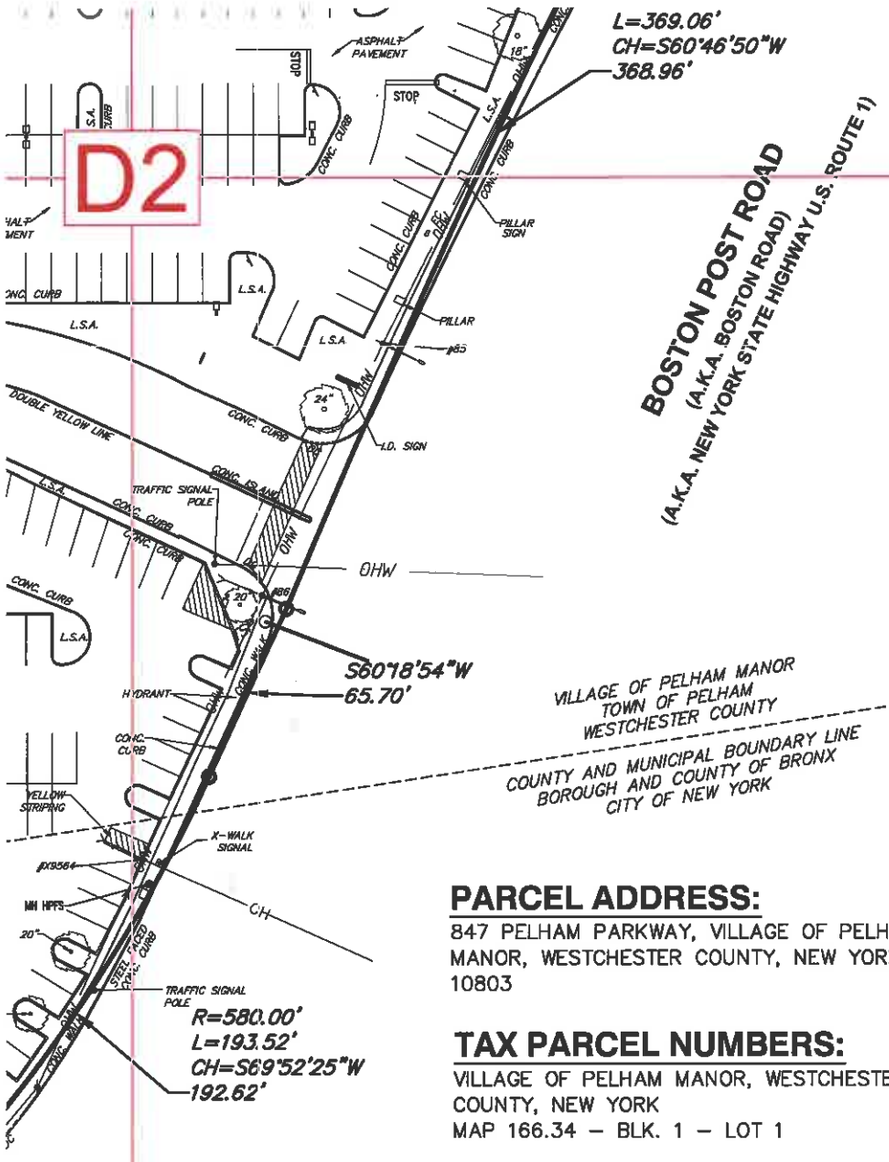
Capital District Office:
547 River Street
Troy, New York 12180
Phone: (518) 273-0055

North Country Office:
375 Bay Road
Queensbury, New York 12804
Phone: (518) 812-0513

Employee Owned
Engineers
Land Surveyors
Planners
Safety Professionals
andscape Architects

8
7
6
5
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3
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1
rev

C1
D1



GRANT LETTERS PATENT
CONTROL 472400414
CONTROL 480080058

Line Table		
Line #	Direction	Length
L1	S62°53'00"E	32.06'
L2	S57°25'46"E	19.62'
L3	S40°57'04"E	14.25'
L4	S12°46'02"E	8.90'
L5	S02°49'28"W	10.45'
L6	S13°41'54"W	13.86'
L7	S30°13'37"W	9.38'
L8	S35°08'41"W	9.75'
L9	S39°44'47"W	10.55'
L10	S58°15'21"W	11.50'
L11	S46°58'35"W	8.96'
L12	S61°44'34"W	31.60'
L13	S74°22'50"W	23.96'
L14	S55°02'31"W	23.49'
L15	S69°24'51"W	10.97'
L16	S68°19'05"W	22.40'
L17	S52°27'42"W	33.17'
L18	S66°36'06"W	10.46'
L19	S83°23'07"W	9.05'

PARCEL ADDRESS:

847 PELHAM PARKWAY, VILLAGE OF PELHAM MANOR, WESTCHESTER COUNTY, NEW YORK 10803

TAX PARCEL NUMBERS:

VILLAGE OF PELHAM MANOR, WESTCHESTER COUNTY, NEW YORK
MAP 166.34 – BLK. 1 – LOT 1

THE CITY OF NEW YORK, BOROUGH & COUNTY OF BRONX, NEW YORK
SEC. 18 – BLK. 5655 – LOT 300 (SOUTH WEST CORNER OF PARCEL, COUNTY LINE RUNS THROUGH PARCEL)

'TLE VESTED IN CITY OF NEW YORK ON 12/1/1913 & 5/5/1965

00'
'8"
4'35'04"W

SPECIAL NOTE:

ENGINEERING CONTROLS ARE PART OF MAINTAINING THE SITE REMEDY AND INCLUDE:
A) SUB-SLAB DEPRESSURIZATION (SSD) SYSTEMS INSTALLED IN THE BUILDING AT #875 PELHAM PARKWAY (F'LY "MANDEE'S") AND THE MAIN BUILDING STRUCTURE.

B) THE NAPL EXTRACTION WELLS.

C) THE HYDRAULIC CONTROL SYSTEM COMPRISED OF THE CONTAINMENT BARRIER WALL, THE GROUNDWATER EXTRACTION WELLS, THE CONVEYANCE PIPING, THE TREATMENT AND DISCHARGE OF THE GROUNDWATER VIA THE GROUNDWATER TREATMENT PLANT, AND THE PIEZOMETERS.

D) THE SITE CAP COVER WHICH INCLUDES THE EXISTING BUILDINGS AND ASSOCIATED CONCRETE SIDEWALKS, A MINIMUM OF 2.5 FEET OF CLEAN SOIL WITH 6 INCHES OF TOP SOIL IN LANDSCAPED AREAS, AND A MINIMUM OF 2 FEET OF CLEAN SOIL WITH 6 INCHES OF ASPHALT PAVEMENT OR CONCRETE IN THE REMAINING AREAS. THE SITE CAP EXCLUDES THE AREA ADJACENT TO PELHAM PARKWAY FOR THE TWO MASONRY BUILDINGS AT THE CORNER OF PELHAM PARKWAY AND BOSTON POST ROAD. IT ALSO EXCLUDES THE AREA BETWEEN THE TWO BUILDINGS AND AREAS AT THE ENDS OF THE BUILDINGS.

D.P.C.

rev.	date	description
8	11/03/16	REVISED MAP MERIDIAN
7	10/24/16	REVISIONS PER CLIENT COMMENTS 10/24/2016
6	10/18/16	REVISIONS PER CLIENT COMMENTS 10/11/2016
5	09/21/16	REVISIONS PER CLIENT COMMENTS 09/21/2016
4	09/20/16	REVISIONS PER CLIENT COMMENTS 09/19/2016
3	08/29/16	REVISIONS PER CLIENT COMMENTS 8/26/2016
2	08/24/16	REVISIONS PER CLIENT COMMENTS 8/17/2016
1	07/15/16	REVISIONS FOR FINAL SUBMISSION

SITE AI
DEED RESTR
N.Y.S. DEPT. OF
LOCATION
PELHAM
NYSDEC SITE I
VILLAGE OF PELH

D1
E1

E2

F2

ERS PATENT
472400414
480080058

Table	
tion	Length
'OO"E	32.06'
'46"E	19.62'
'04"E	14.25'
'02"E	8.90'
'28"W	10.45'
'54"W	13.86'
'37"W	9.38'
'41"W	9.75'
'47"W	10.55'
'21"W	11.50'
'35"W	8.96'
'34"W	31.60'
'50"W	23.96'
'31"W	23.49'
'51"W	10.97'
'05"W	22.40'
"42"W	33.17'
'06"W	10.46'
'07"W	9.05'

'LY "MANDEE'S") AND

R EXTRACTION WELLS,
R TREATMENT PLANT,

A MINIMUM OF 2.5
LEAN SOIL WITH 6
ADJACENT TO
POST ROAD. IT ALSO

PARCEL II:

ALL THAT TRACT OR PARCEL OF LAND FORMERLY UNDER THE WATERS OF THE HUTCHINSON RIVER, SITUATE IN THE TOWN OF PELHAM, VILLAGE OF PELHAM MANOR, COUNTY OF WESTCHESTER, STATE OF NEW YORK, THE CENTERLINE OF SAID PARCEL BEING BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT FORMED BY THE INTERSECTION OF THE EASTERLY LINE OF EASTCHESTER CREEK CHANNEL (A.K.A HUTCHINSON RIVER, GOVERNMENT CHANNEL) WITH THE ORIGINAL CENTERLINE OF T HUTCHINSON RIVER, SAID POINT HAVING COORDINATES OF NORTH 751113.531 FEET AND EAST 679518.338 FE STATE PLANE COORDINATES, EAST ZONE, NAD 83, SAID POINT BEING DISTANT SOUTH 26 DEGREES – 50 MINUT – 46 SECONDS WEST, 54.60 FEET FROM A POINT FORMED BY THE INTERSECTION OF SAID EASTERLY LINE EASTCHESTER CREEK CHANNEL WITH THE SOUTHERLY LINE OF PELHAM PARKWAY AND RUNNING THENCE FR SAID POINT OF BEGINNING THE FOLLOWING NINETEEN (19) COURSES ALONG SAID CENTERLINE OF THE HUTCHINSON RIVER AND THROUGH THE INTERIOR OF LOT 1, BLOCK 1:

1. SOUTH 71 DEGREES – 38 MINUTES – 44 SECONDS EAST, A DISTANCE OF 32.06 FEET TO A POINT, THENCE;
2. SOUTH 66 DEGREES – 11 MINUTES – 30 SECONDS EAST, A DISTANCE OF 19.62 FEET TO A POINT, THENCE;
3. SOUTH 49 DEGREES – 42 MINUTES – 48 SECONDS EAST, A DISTANCE OF 14.25 FEET TO A POINT, THENCE;
4. SOUTH 21 DEGREES – 31 MINUTES – 46 SECONDS EAST, A DISTANCE OF 8.90 FEET TO A POINT, THENCE;
5. SOUTH 05 DEGREES – 56 MINUTES – 16 SECONDS EAST, A DISTANCE OF 10.45 FEET TO A POINT, THENCE;
6. SOUTH 04 DEGREES – 56 MINUTES – 10 SECONDS WEST, A DISTANCE OF 13.86 FEET TO A POINT, THENCE;
7. SOUTH 21 DEGREES – 27 MINUTES – 53 SECONDS WEST, A DISTANCE OF 9.38 FEET TO A POINT, THENCE;
8. SOUTH 26 DEGREES – 22 MINUTES – 57 SECONDS WEST, A DISTANCE OF 9.75 FEET TO A POINT, THENCE;
9. SOUTH 30 DEGREES – 59 MINUTES – 03 SECONDS WEST, A DISTANCE OF 10.55 FEET TO A POINT, THENCE;
10. SOUTH 49 DEGREES – 29 MINUTES – 37 SECONDS WEST, A DISTANCE OF 11.50 FEET TO A POINT, THENCE;
11. SOUTH 38 DEGREES – 12 MINUTES – 51 SECONDS WEST, A DISTANCE OF 8.96 FEET TO A POINT, THENCE;
12. SOUTH 52 DEGREES – 58 MINUTES – 50 SECONDS WEST, A DISTANCE OF 31.60 FEET TO A POINT, THENCE;
13. SOUTH 65 DEGREES – 37 MINUTES – 06 SECONDS WEST, A DISTANCE OF 23.96 FEET TO A POINT, THENCE;
14. SOUTH 46 DEGREES – 16 MINUTES – 47 SECONDS WEST, A DISTANCE OF 23.49 FEET TO A POINT, THENCE;
15. SOUTH 60 DEGREES – 39 MINUTES – 07 SECONDS WEST, A DISTANCE OF 10.97 FEET TO A POINT, THENCE;
16. SOUTH 59 DEGREES – 33 MINUTES – 21 SECONDS WEST, A DISTANCE OF 22.40 FEET TO A POINT, THENCE;
17. SOUTH 43 DEGREES – 41 MINUTES – 58 SECONDS WEST, A DISTANCE OF 33.17 FEET TO A POINT, THENCE;
18. SOUTH 57 DEGREES – 50 MINUTES – 22 SECONDS WEST, A DISTANCE OF 10.46 FEET TO A POINT, THENCE;
19. SOUTH 74 DEGREES – 37 MINUTES – 23 SECONDS WEST, A DISTANCE OF 9.05 FEET TO A POINT AT

THE TERMINUS OF SAID PARCEL ON THE AFOREMENTIONED EASTERLY LINE OF EASTCHESTER CREEK CHANNEL, SAID POINT BEING DISTANT SOUTH 26 DEGREES – 50 MINUTES – 46 SECONDS WEST, A DISTANCE OF 218.05 FEET FROM THE POINT AND PLACE OF BEGINNING.

CONTAINING 12,726± SQUARE FEET OR 0.292± ACRE OF LAND.

INTENDING TO INCLUDE ALL LANDS NOW OR FORMERLY UNDER THE WATERS OF THE ORIGINAL BED OF THE HUTCHINSON RIVER EAST OF THE EASTERLY LINE OF EASTCHESTER CREEK CHANNEL AND WITHIN LOT 1, BLOCK 1 IN THE VILLAGE OF PELHAM MANOR, TOWN OF PELHAM, WESTCHESTER COUNTY, STATE OF NEW YORK. PARCEL II IS SHOWN ON A MAP ENTITLED, "STATE OF NEW YORK OFFICE OF GENERAL SERVICES SUBMERGED LAND APPLICATION MAP IN THE APPLICATION OF LEVIN MANAGEMENT FOR A GRANT OF LANDS FORMERLY UNDER THE WATERS OF HUTCHINSON RIVER SITUATE IN THE VILLAGE OF PELHAM MANOR, TOWN OF PELHAM, COUNTY OF WESTCHESTER, STATE OF NEW YORK," PREPARED BY GREGORY S. GALLAS, DATED JULY 29, 2005 AND FILED IN THE NEW YORK STATE OFFICE OF GENERAL SERVICES IN ALBANY, NEW YORK AS O.G.S. MAP NO 2037.

BEING AND INTENDED TO BE ALL THAT TRACT OR PARCEL OF LAND RECORDED IN BOOK OF PATENTS NUMBER 110 AT PAGE 20 ON MAY 2, 2007 AND RECORDED AS CONTROL DOCUMENTS 472400414 AND 480080058 AT THE WESTCHESTER COUNTY CLERK'S OFFICE AND ALSO BEING AND INTENDING TO BE ALL THAT TRACT OR PARCEL OF LAND DESCRIBED IN NYS DEPARTMENT OF ENVIRONMENTAL CONSERVATION VOLUNTARY CLEANUP AGREEMENT INDEX W3-917-02-04 AS PARCEL II.

RECORD DEED MERIDIAN FOR PARCEL 2 IS -8°45'44" DIFFERENT THEN RECORD DEED **MERIDIAN** FOR PARCEL 1. LINE TABLE DEPICTS PARCEL 2 METES AND BOUNDS ON PARCEL 1 MERIDIAN.

NOTES:

UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP BEARING A LICENSED LAND SURVEYOR'S SEAL IS A VIOLATION OF SECTION 7209, SUBDIVISION 2 OF THE NEW YORK STATE EDUCATION LAW.

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SURVEYED FROM RECORD DESCRIPTION AND AS IN POSSESSION.
SURVEYED WITHOUT THE BENEFIT OF A TITLE REPORT.

SUBSURFACE STRUCTURES NOT VISIBLE OR READILY APPARENT ARE NOT SHOWN AND THEIR LOCATION AND EXTENT ARE NOT CERTIFIED.

THE CONTRACTOR SHALL COMPLY WITH NEW YORK STATE INDUSTRIAL CODE RULE 753 – 48 HOURS PRIOR TO DIGGING CALL DIGSAFELY NEW YORK 1-800-272-4480 TO HAVE PUBLIC UTILITY LOCATIONS PAINTED.

ELEVATIONS SHOWN HEREON ARE BASED ON A MAP ENTITLED "AS-BUILT WATER TREATMENT PLANT, PELHAM FORMER MGP SITE REMEDIAL ACTION" PREPARED BY LAYOUT INC. DATED 04-22-09 REPUTED DATUM NGVD29.

IMPROVEMENTS SHOWN HEREON WERE COMPILED FROM A SURVEY (MAP REF. #1) BY CONTROL POINT ASSOCIATES, INC., DATED 6/2/10. AND FROM FIELD SURVEYS BY CHAZEN ENGINEERING, LAND SURVEYING & LANDSCAPE ARCHITECTURE CO., D.P.C

LOCATION OF PROPERTY LINES, BUILDINGS, CONTAINMENT BARRIER WALL, SSD SYSTEMS, MONITORING WELLS, PIEZOMETER LOCATIONS AND STAFF GAUGE LOCATION PER CHAZEN ENGINEERING, LAND SURVEYING AND LANDSCAPE ARCHITECTURE CO. D.P.C. SURVEY.

SITE ADDRESS: 847 PELHAM PARKWAY

DEED RESTRICTION SURVEY PREPARED FOR Y.S. DEPT. OF ENVIRONMENTAL CONSERVATION LOCATION OF ENGINEERING CONTROLS PELHAM PLAZA - FORMER MGP SITE IYSDEC SITE NO. V00110-3, PELHAM MANOR, NY

VILLAGE OF PELHAM MANOR, WESTCHESTER COUNTY, NEW YORK

designed AJF	checked SJA
date 07/01/16	scale 1"=60'
project no. 50900.07	
sheet no. **SV1** 1 OF 1	

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