

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.



\*542393175DLR0013\*

## Westchester County Recording & Endorsement Page

### Submitter Information

Name: National Real Estate Services Inc. (PICK UP ALL NEV) Phone: 914-686-5600  
Address 1: 222 Bloomingdale Road Fax: 914-686-1440  
Address 2: Suite 306 Email: jkamna@allnyc.com  
City/State/Zip: White Plains NY 10605 Reference for Submitter: ACR-7656^

### Document Details

Control Number: **542393175** Document Type: **Declaration (DLR)**  
Package ID: 2014082700074001001 Document Page Count: **6** Total Page Count: **7**

### Parties

☐ Additional Parties on Continuation page

#### 1st PARTY

#### 2nd PARTY

1: CHRISTIE PLACE OWNERS LLC - Other 1: CHRISTIE PLACE OWNERS LLC - Other  
2: CHRISTE SPENCER CORP - Other 2: - Other

### Property

☐ Additional Properties on Continuation page

Street Address: 35-59 SPENCER PL Tax Designation: 2.5.11  
City/Town: SCARSDALE Village:

### Cross- References

☐ Additional Cross-Refs on Continuation page

1: 2: 3: 4:

### Supporting Documents

#### Recording Fees

Statutory Recording Fee: \$40.00  
Page Fee: \$35.00  
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: **\$75.00**

#### 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: 09/03/2014 at 10:35 AM  
Control Number: **542393175**  
Witness my hand and official seal

*Timothy C. Idoni*

Timothy C. Idoni  
Westchester County Clerk

### Record and Return To

☐ Pick-up at County Clerk's office

KELLY WELCH, ESQ.  
BERTINE HUFNAGEL HEADLEY ZELTNER DRUMMOND & D  
700 WHITE PLAINS ROAD  
SCARSDALE, NY 10583

## DECLARATION of COVENANTS and RESTRICTIONS

**THIS COVENANT** is made the 29 day of July 2014 by Christie Place Owners, LLC, a limited liability company organized and existing under the laws of the State of New York and having an office for the transaction of business at 14 Harwood Place, Suite 304, Scarsdale, NY 10583.

**WHEREAS**, Former Mimi Cleaners Site (Site #V00306-3) is the subject of a Voluntary Cleanup Agreement executed by Hausman Realty Company, Inc. as part of the New York State Department of Environmental Conservation's (the "Department's") Voluntary Cleanup Program, namely that parcel of real property located at the address of 58 Christie Place in the Village of Scarsdale, County of Westchester, State of New York, being the same as (or part of) that property conveyed to Christie Place Owners LLC by Christie-Spencer Corporation by deed(s) dated August 21, 2012 and again by correction deed dated April 21, 2014 correcting a scrivener's error in Schedule A of the deed dated August 21, 2012, and recorded on September 4, 2012 and May 13, 2014, respectively, in the Westchester County Clerk's Office in Instrument No. 522343090 (August 21, 2012 deed) and No. 541013364 (April 21, 2014 deed), and being more particularly described in Schedule "A," attached to this declaration and made a part hereof, and hereinafter referred to as "the Property"; and

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

**NOW, THEREFORE**, Christie Place Owners LLC, 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 Schedule "B" and made a part hereof.

Second, unless prior written approval by the Department or, if the Department shall no longer exist, any New York State agency or agencies subsequently created to protect the environment of the State and the health of the State's citizens, hereinafter referred to as "the Relevant Agency," is first obtained, where contamination remains at the Property subject to the provisions of the Site Management Plan ("SMP"), there shall be no construction, use or occupancy of the Property that results in the disturbance or excavation of the Property which threatens the integrity of the engineering controls or which results in unacceptable human exposure to contaminated soils. The SMP may be obtained from the New York State Department of Environmental Conservation, Division of Environmental Remediation, Site Control Section, 625 Broadway, Albany, NY 12233.

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

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

Fifth, the use of groundwater underlying the property is prohibited without necessary water quality treatment as determined by the NYSDOH or the Westchester County Department of Health 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.

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

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

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

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

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

by Christie Spence Owner LLC  
Christie Spence Corp.  
By: [Signature]

Print Name: RUSH WILSON

Title: PRESIDENT Date: JULY 24, 2014  
CHRISTIE SPENCE CORP., MANAGING MEMBER

### Grantor's Acknowledgment

STATE OF NEW YORK )

) S.S.:

COUNTY OF Westchester)

On the 24<sup>th</sup> day of July, in the year 2014 before me, the undersigned, personally appeared Rush Wilson, 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.

[Signature]  
Notary Public State of New York

TAMITHA HOBBS  
Notary Public, State of New York  
No. 01HO6110257  
Qualified in Westchester County  
Commission Expires May 24, 2016

**SCHEDULE "A"**

ALL that certain plot, piece or parcel of land, situate, lying and being in the Village and Town of Scarsdale, County of Westchester and State of New York, bounded and described as follows:

BEGINNING at a point on the easterly side of East Parkway at the northerly end of a curve having a radius of 20 feet connecting the easterly side of East Parkway with the northerly side of Spencer Place;

THENCE along the easterly side of East Parkway, North  $18^{\circ} 08' 00''$  East 120 feet to the southerly side of Christie Place;

THENCE along the southerly side of Christie Place, South  $71^{\circ} 52' 0''$  East 311.40 feet to the lands now or formerly of the United States of America, being the point and place of BEGINNING.

THENCE along said lands now or formerly of the United States of America, South  $18^{\circ} 08' 00''$  West 140 feet to the northerly side of Spencer Place;

THENCE along the northerly side of Spencer Place, North  $71^{\circ} 52' 00''$  West 96.40 feet to a point;

THENCE from said point and parallel to the aforesaid division line of the premises herein and lands now or formerly of the United States of America North  $18^{\circ} 08' 00''$  East 140 feet to the southerly side of Christie Place;

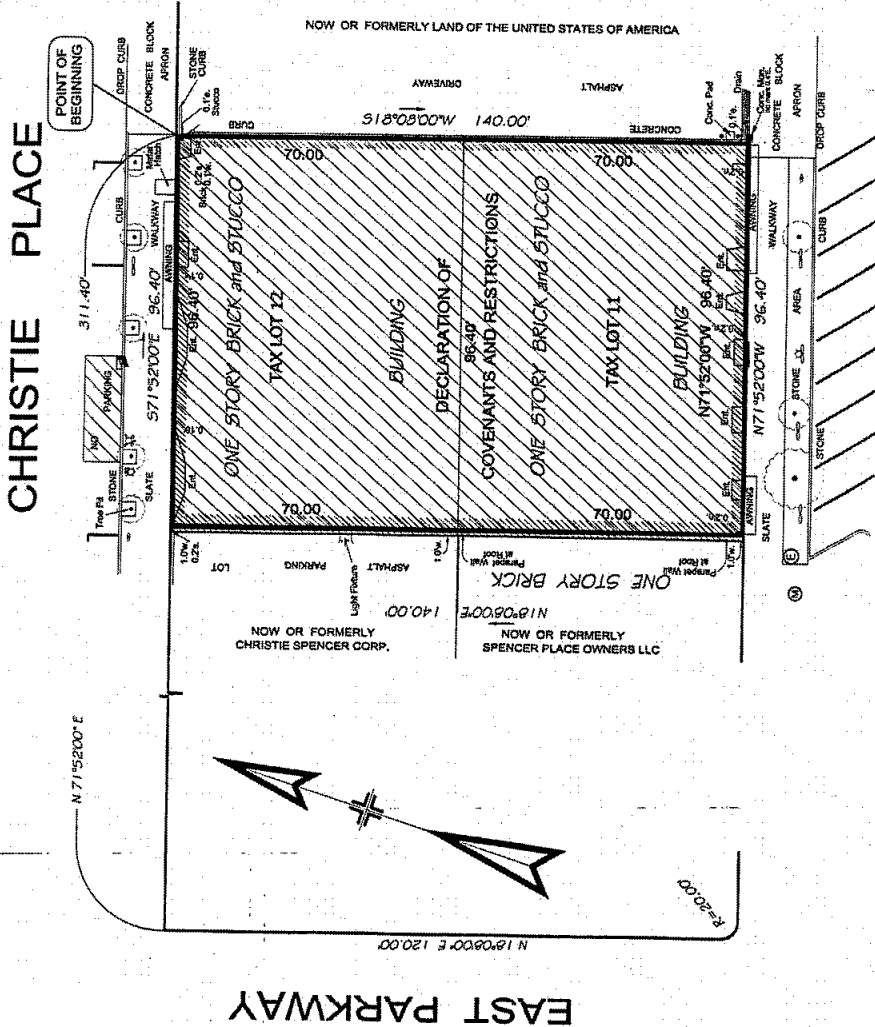
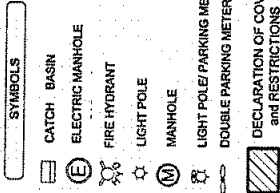
THENCE along the southerly side of Christie Place, South  $71^{\circ} 52' 00''$  West 96.40 feet to the division line between property herein and lands now or formerly of the United States of America, being the point and place of BEGINNING

SAID PREMISES CONTAINING 13,496 Sq. Ft. = 0.3098 ACRES.

**SCHEDULE "B"**

ALTA / ACSM  
SURVEY OF PROPERTY  
SITUATE IN THE  
TOWN / VILLAGE OF  
SCARSDALE  
WESTCHESTER COUNTY  
NEW YORK

SCALE: 1"= 16'  
SURVEYED: SEPTEMBER 23, 2013



COMMENTS	JRL	5-28-14
REVISED		
DECLARATION OF COVENANTS AND RESTRICTIONS	JRL	3-12-14
COMMENT	BY	DATE

**SURVEYORS NOTES:**

- [illegible]

DEC SITE NO. V00306-3  
DECLARATION OF COVENANTS AND RESTRICTIONS:  
PREMISES ARE KNOWN AS : No. 35-59 SPENCER PLACE  
No. 42-66 CHRISTIE PLACE  
PROPERTY AREA : 0.3098 ACRES = 13,496 Sq. Ft.  
THE PREMISES SHOWN HEREON ARE DESIGNATED ON THE TAX MAPS FOR THE  
TOWN / VILLAGE OF SCARSDALE  
SECTION 2 - BLOCK 5 - LOT 11 and 12

**LEGAL DESCRIPTION**

L.L. that certain plot, piece or parcel of land, situate, lying and being in the Village and Town of Canastota, County of Westchester and State of New York, bounded and described as follows:

BEGINNING at a point on the eastern side of East Parkway at the northern end of a curve having a radius of 20 feet connecting the eastern side of East Parkway with the northern side of Monroe Place;

FENCE along the easterly side of East Parkway, North 15' OF OUR East 120 feet to the easterly side of Christa Place:

REFERENCE: along the southern side of Christie Place, South 71° 52' 00" East 311.40 feet to the  
the now or formerly of the United States of America, being the place used since the beginning

ENCE along said lands now or formerly of the United States of America, South 1/4 of 00\* East 140 feet to the northerly side of Spencer Place.

ENCE along the northern side of Spencer Place, North 74 degrees 52' 00" West 98.40 feet to corner.

EVENCE from said point and parallel to the aforesaid division line of the premises herein and is now or formerly of the United States of America, North 1st Corner East 140 feet to the

EVIDENCE along the southern side of Christie Place, South 71° 52' 00" West 99.49 feet to the

ing the point and place of BEGINNING

AND FURNISHED CONTAINING 15,150 SQ. FT. @ 0.3088 ACRES

## DECLARATION OF COVENANTS and RESTRICTIONS SITE No. V00306-3

...that certain plot, piece or parcel of land, situate, lying and being in the Village and Town of  
 ...County of Westchester and State of New York, bounded and described as follows:

CUNNING at a point on the easterly side of East Parkway at the northerly end of a curve having a radius of 20 feet connecting the westerly side of East Parkway with the northerly side of

ENCE along the easterly side of East Parkway. North 18° 00' East 200 feet to the

ENCE along the southern side of Christie Place, South 71° 52' 00" East 319.40 feet to the

ANCE along said lands now or formerly of the United States of America. Such 187 188 189

ENCE: along the northerly side of Spencer Place, North 71 Avenue 57° 00' West 98.40 feet to

PERPENDICULAR from said point and parallel to the aforesaid division line of the premises herein and

**Cherry Ridge of Christie Plains;**

division line between property heroin and lands now or formerly of the United States of America, and the point and place of BEGINNING

0 PREMISES CONTAINING 13,490 SQ. FT. ± 0.3098 ACRES

**SURVEYOR'S CERTIFICATION**

DATED AS OF MAY 28, 2016

2

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

THIS IS TO CERTIFY THAT THIS MAP ON PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2011 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA SURVEY AND TITLE SURVEY'S JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND ASPRS AND INCLUDE NO TYPING OF TABLE "A" THEREOF.

THE FIELD WORK WAS COMPLETED ON SEPTEMBER 28, 2013.

DATE OF MAP ON PLAT: OCTOBER 31, 2013 ISSUED ON MAY 28, 2014.

NEW YORK STATE DEPARTMENT OF TAXATION  
LAND SURVEYOR'S SEAL

5/28/14  
DATE

*Joseph R. Link*  
JOSEPH R. LINK  
NEW YORK STATE LICENSED  
LAND SURVEYOR NO. 000406

**Link**  
**Land Surveyors P.C.**  
11 Clark Place Suite 1B  
Mahopac N.Y. 10541  
Phone 845-628-5811  
Fax 845-621-0013