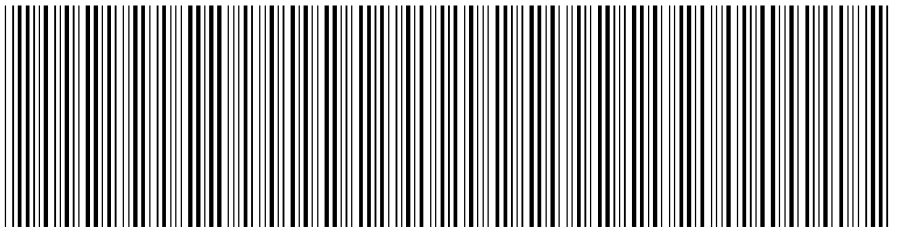


**NYC DEPARTMENT OF FINANCE
OFFICE OF THE CITY REGISTER**

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RECORDING AND ENDORSEMENT COVER PAGE

PAGE 1 OF 8

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Document Page Count: 7

PRESENTER:

JOSE ALMANZAR
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260 MADISON AVENUE, 15TH FL.
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JALMANZAR@PERICONI.COM

RETURN TO:

JOSE ALMANZAR
PERICONI, LLC
260 MADISON AVENUE, 15TH FL.
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JALMANZAR@PERICONI.COM

PROPERTY DATA

Borough	Block	Lot	Unit	Address
BROOKLYN	2266	52	Entire Lot	N/A GERRY STREET
Property Type: NON-RESIDENTIAL VACANT LAND				

CROSS REFERENCE DATA

CRFN _____ or DocumentID _____ or _____ Year _____ Reel _____ Page _____ or File Number _____

PARTIES

PARTY 1:

BAIS RUCHEL HIGH SCHOOL, INC.
174 RODNEY STREET
BROOKLYN, NY 11211

FEES AND TAXES

Mortgage :

Mortgage Amount: \$ 0.00

Taxable Mortgage Amount: \$ 0.00

Exemption:

TAXES: County (Basic): \$ 0.00

City (Additional): \$ 0.00

Spec (Additional): \$ 0.00

TASF: \$ 0.00

MTA: \$ 0.00

NYCTA: \$ 0.00

Additional MRT: \$ 0.00

TOTAL: \$ 0.00

Recording Fee: \$ EXEMPT

Affidavit Fee: \$ 0.00

Filing Fee:

\$ 0.00

NYC Real Property Transfer Tax:

\$ 0.00

NYS Real Estate Transfer Tax:

\$ 0.00

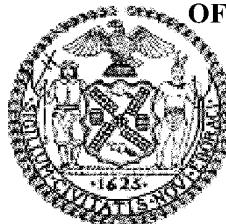
**RECORDED OR FILED IN THE OFFICE
OF THE CITY REGISTER OF THE**

CITY OF NEW YORK

Recorded/Filed 03-14-2018 15:28

City Register File No.(CRFN):

2018000088966



Annette M. Hill

City Register Official Signature

DECLARATION of COVENANTS and RESTRICTIONS

THIS COVENANT is made the 20th day of FEBRUARY 2018, by Bais Ruchel High School, Inc., a corporation organized and existing under the laws of the State of New York and having an office for the transaction of business at 174 Rodney Street, Brooklyn, New York 11211.

WHEREAS, Operable Unit #3 of Pfizer Sites B and D (Site #V00350) is the subject of a Voluntary Cleanup Agreement executed by Pfizer Inc. (to which Oholei Shloma and YGS, Inc. f/k/a Congregation YGS were added as Volunteers by amendment dated September 19, 2012, VCA Index #D2-0010-0703, Amendment #2) as part of the New York State Department of Environmental Conservation's (the "Department's") Voluntary Cleanup Program, including that parcel of real property known as Brooklyn Block 2266, Lot 1 ("Lot 1") in the City of New York, County of Kings, State of New York, being the same as (or part of) that property conveyed to Bais Ruchel High School, Inc. by YGS, Inc. f/k/a Congregation YGS by deed(s) dated January 17, 2013 and recorded on June 20, 2013 in the City Register of the City of New York in Instrument No. 2013000243646; and

WHEREAS, Oholei Shloma obtained a portion of Site #V00350, namely that parcel of real property located on Gerry Street, City of New York, County of Kings, and State of New York and identified as Brooklyn Block 2266, Lot 52 confirmed by a deed dated October 2, 2013, and recorded on December 6, 2013 in the City Register of the City of New York in Instrument No. 2013000501811, 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, Bais Ruchel High School, Inc. and Oholei Shloma declared that Lot 1 and the Property are to be treated as one zoning lot, as confirmed by a Declaration of Zoning Lot Restrictions dated October 22, 2014, and recorded on November 5, 2014 in the City Register of the City of New York in Instrument No. 2014000366441; and

WHEREAS, Declarations of Covenants and Restrictions were recorded on October 20, 2016 as to those portions of Site #V000350 identified as Brooklyn Block 2266, Lots 46, 47, 48, 49 and 50 (see recording information below) in the City of New York, County of Kings, State of New York, recording engineering controls on all Site #V00350 Lots excepting Lot 45 and the Property; and

WHEREAS, a Declaration of Covenants and Restrictions was recorded on October 20, 2016 in the City Register of the City of New York in Instrument No. 2016000368537 as to those portions of Site #V000350 identified Brooklyn Block 2266, Lots 46, 47 and 48 in the City of New York, County of Kings, State of New York, recording engineering controls on those portions of Site #V00350; and

WHEREAS, a Declaration of Covenants and Restrictions was recorded on October 20, 2016 in the City Register of the City of New York in Instrument No. 2016000368538 as to those portions of Site #V000350 identified Brooklyn Block 2266, Lots 49 and 50 in the City of New York, County of Kings, State of New York, recording engineering controls on those portions of Site #V00350; and

WHEREAS, a Declaration of Covenants and Restrictions was recorded on November 29, 2017 in the City Register of the City of New York in Instrument No. 2017000436670 as to those portions of Site #V000350 identified Brooklyn Block 2266, Lot 45 in the City of New York, County of Kings, State of New York, recording engineering controls on that portion of Site #V00350; 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 as to all lots comprising Site #V00350 and such remedy requires that the Property be subject to restrictive covenants.

NOW, THEREFORE, Bais Ruchel High School, Inc., 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 approved Site Management Plan ("SMP") for OU3 of Site #V00350, which is incorporated and made enforceable hereto, as referenced above, 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 referenced 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 referenced 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 **Restricted Residential as described in 6 NYCRR Part 375-1.8(g)(2)(ii), 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 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.

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 referenced 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, 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: [Signature]

Print Name: SOL MOSKOVITS

Title: VP Date: 2/22/18

Grantor's Acknowledgment

STATE OF NEW YORK)

) s.s.:

COUNTY OF Kings)

On the 22 day of Feb, in the year 2018, before me, the undersigned, personally appeared Sol Moskovitz, 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.

Notary Public State of New York

MENDEL KLEIN
NOTARY PUBLIC STATE OF NEW YORK
No. 01KL6200703
Qualified in Kings County
My Commission Expires February 09, 2021

SCHEDULE "A"

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Borough of Brooklyn, County of Kings, City and State of New York, bounded and described as follows:

BEGINNING at a point on the northwesterly side of Gerry Street distant 150 feet northeasterly from the corner formed by the intersection of the northwesterly side of Gerry Street with the northeasterly side of Harrison Avenue;

RUNNING THENCE northwesterly approximately parallel with Harrison Avenue, 100 feet;

THENCE northeasterly approximately parallel with Gerry Street, 60 feet;

THENCE southeasterly approximately parallel with Harrison Avenue, 100 feet;

THENCE southwesterly, along the northwesterly side of Gerry Street, 60 feet to the point or place of BEGINNING.

Note: Address, Block & Lot shown for informational purposes only
Designated as Block 2266, Lot 52.
Street Address: 75 Gerry Street, Brooklyn, NY 11206

SCHEDULE “B”

Steve Whitman	50
Wanda Lewis	51
John Morris	52
Marjorie Weil	53
Irma & Lester	54
John Neal	55
John Neal	56
Joe Voth	57
Paul Whitman	58
Walter Ross	59
Thelma Engel	60
Paul Gray	61
Josephine Jones	62
John & Emeline	63
William & Carl Goodwin	64
Edith Cross	65
Miss Alexander	66
Henry	67
Joe Morris & Jeanette	68
William & Grace Jones & Emeline	69
Carl & Grace	70
Edith Cross	71
Grace & Ralph Cross	72
John & Lila	73
Grace Lila	74
Arthur Lila	75
Doc Lila	76
Mr. & Mrs. George Jones	77
Mr. & Mrs. John & Grace Jones	78
Miss Jones	79
Miss Jones	80
Miss Jones	81
Miss Jones	82
Miss Jones	83
Miss Jones	84
Miss Jones	85
Miss Jones	86
Miss Jones	87
Miss Jones	88
Miss Jones	89
Miss Jones	90
Miss Jones	91
Miss Jones	92
Miss Jones	93
Miss Jones	94
Miss Jones	95
Miss Jones	96
Miss Jones	97
Miss Jones	98
Miss Jones	99
Miss Jones	100

THE ENGINEERING/INSTITUTIONAL CONTROLS
For this deed restriction, see set forth in more detail in the title
Management Plan ("SMP"). A copy of the SMP must be
obtained by any party with an interest in the property. 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
12243 or at ehdweb01.dec.state.ny.us

Answers:

1. ALL EVIDENCE SHOWS HEREIN REFER TO THE SUBJECTIVE "OPINION OF LAW" WHICH IS NOT A "FACT" AND MUST BE PROVEN AS SUCH BY EVIDENCE BY THE U.S. GOVT. AS A SUBJECTIVE "OPINION" ONLY.

2. ALL SUBSIDIZED JETTES SHOWN HEREIN WERE OBTAINED FROM CITY OF CHANDLER AND CHANDLER COUNTY AIRPORTS AND THE OPINION OF LAW THAT THEY ARE NOT AIRPORTS IS NOT SUBSTANTIATED BY THE SUBSIDIZED CONTACT INFORMATION ORIGINATED OR COMPILED BEFORE TAKING ANY PHOTOGRAPHS.

3. "PROPERTY" DEFINED: BELONGS TO AN INDIVIDUAL, NOT "OWNED".

4. "PROPERTY" DOES NOT MEAN "ACCESS".

5. "PROPERTY" DOES NOT MEAN "POSSESSOR OF AN UNDEVELOPED LOT OR PROPERTY".

6. "PROPERTY" DOES NOT MEAN "ANY LOT OR LOT OF LAND".

7. "PROPERTY" DOES NOT MEAN "ANY LOT OF LAND".

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1

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25

100

1000

NYSDEC Deed Restriction Area -
Pavement Cap (Site # V00350)

~~Tax Lot 5.~~

5 Story Brick

Schedule A

Legal Description for Section 8 Block 2266 Lot 52
NYSDEC Dead Restriction Area
 Engineering Control Area

All that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Borough of Brooklyn, County of Kings, City and State of New York, bounded and described as follows:

BEGINNING at a point on the northwesterly side of Gerry Street distant 150 feet northeasterly from the corner formed by the intersection of the northwesterly side of Gerry Street with the northeasterly side of Harrison Avenue;

RUNNING THENCE northwesterly approximately parallel with Harrison Avenue, 100 feet;

THENCE northeasterly approximately parallel with Gerry Street, 60 feet;

THENCE southeasterly approximately parallel with Harrison Avenue, 100 feet

THENCE southwesterly, along the northwesterly side of Gerry Street, 60 feet, to the point or place of BEGINNING.

AREA OF LOT = 6,000 SQ. FT. = 0.1377 ACRES

Harrison (70' Wide) Avenue

CERTIFIED ONLY TO: NYSDEC
NYSDEC SITE No. V0350-2
N/A GERRY STREET
EASTERN PORTION OF PRIZER SITE "B"
PART OF CV-2



SECTION 8, BLOCK 2266, LOT 52
BOROUGH OF BROOKLYN, CITY OF NEW YORK

Scale: 1 cm = 1.02 m.

Figure 10-10

DATE: DECEMBER 4, 2017

Scale: 1"=10'

68563

ERLANDSEN-CROWELL & SHAW

FOUNDED IN 1852 BY E.W. CORCORAN

City Engineers & City Surveyors
 240 BROADWAY NEW YORK, N.Y. 10004

546. 326-435.3

718-525-6339

6856-

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