



<p><b>NYC DEPARTMENT OF FINANCE OFFICE OF THE CITY REGISTER</b></p> <p>This page is part of the instrument. The City Register will rely on the information provided by you on this page for purposes of indexing this instrument. The information on this page will control for indexing purposes in the event of any conflict with the rest of the document.</p>	 <p><b>2018032800731001002E80AB</b></p>																																		
<p><b>RECORDING AND ENDORSEMENT COVER PAGE</b> <span style="float: right;"><b>PAGE 1 OF 7</b></span></p>																																			
<p><b>Document ID: 2018032800731001</b>      Document Date: 02-15-2018      Preparation Date: 04-02-2018                  Document Type: SUNDRY MISCELLANEOUS                  Document Page Count: 6</p>																																			
<p><b>PRESENTER:</b>                  CHASE ABSTRACT, LLC                  84-86 COLUMBIA AVENUE                  CHA-11215772K                  CEDARHURST, NY 11516                  718-484-0631                  LAURENF@CHASEABSTRACT.NET</p>	<p><b>RETURN TO:</b>                  ALLEN HERMAN ESQ                  614 HEMPSTEAD GARDENS DRIVE                  STE 100                  WEST HEMPSTEAD, NY 11552</p>																																		
<table style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Borough</th> <th style="text-align: left;">Block</th> <th style="text-align: left;">Lot</th> <th style="text-align: left;">Unit</th> <th style="text-align: left;">Address</th> </tr> </thead> <tbody> <tr> <td>BROOKLYN</td> <td>2269</td> <td>1</td> <td>Entire Lot</td> <td>191 HARRISON AVENUE</td> </tr> <tr> <td colspan="5"><b>Property Type: COMMERCIAL REAL ESTATE</b></td> </tr> </tbody> </table>		Borough	Block	Lot	Unit	Address	BROOKLYN	2269	1	Entire Lot	191 HARRISON AVENUE	<b>Property Type: COMMERCIAL REAL ESTATE</b>																							
Borough	Block	Lot	Unit	Address																															
BROOKLYN	2269	1	Entire Lot	191 HARRISON AVENUE																															
<b>Property Type: COMMERCIAL REAL ESTATE</b>																																			
<p><b>CROSS REFERENCE DATA</b></p> <p>CRFN _____ or DocumentID _____ or Year ____ Reel ____ Page ____ or File Number _____</p>																																			
<p><b>PARTIES</b></p>																																			
<p><b>PARTY 1:</b>                  58 GERRY ST LLC                  58 GERRY STREET                  BROOKLYN, NY 11206</p>																																			
<p><b>FEES AND TAXES</b></p>																																			
<table style="width:100%; border-collapse: collapse;"> <tr> <td colspan="2"><b>Mortgage :</b></td> </tr> <tr> <td>Mortgage Amount:</td> <td style="text-align: right;">\$ 0.00</td> </tr> <tr> <td>Taxable Mortgage Amount:</td> <td style="text-align: right;">\$ 0.00</td> </tr> <tr> <td>Exemption:</td> <td></td> </tr> <tr> <td><b>TAXES: County (Basic):</b></td> <td style="text-align: right;">\$ 0.00</td> </tr> <tr> <td>City (Additional):</td> <td style="text-align: right;">\$ 0.00</td> </tr> <tr> <td>Spec (Additional):</td> <td style="text-align: right;">\$ 0.00</td> </tr> <tr> <td>TASF:</td> <td style="text-align: right;">\$ 0.00</td> </tr> <tr> <td>MTA:</td> <td style="text-align: right;">\$ 0.00</td> </tr> <tr> <td>NYCTA:</td> <td style="text-align: right;">\$ 0.00</td> </tr> <tr> <td>Additional MRT:</td> <td style="text-align: right;">\$ 0.00</td> </tr> <tr> <td><b>TOTAL:</b></td> <td style="text-align: right;"><b>\$ 0.00</b></td> </tr> <tr> <td>Recording Fee:</td> <td style="text-align: right;">\$ 67.00</td> </tr> <tr> <td>Affidavit Fee:</td> <td style="text-align: right;">\$ 0.00</td> </tr> </table>	<b>Mortgage :</b>		Mortgage Amount:	\$ 0.00	Taxable Mortgage Amount:	\$ 0.00	Exemption:		<b>TAXES: County (Basic):</b>	\$ 0.00	City (Additional):	\$ 0.00	Spec (Additional):	\$ 0.00	TASF:	\$ 0.00	MTA:	\$ 0.00	NYCTA:	\$ 0.00	Additional MRT:	\$ 0.00	<b>TOTAL:</b>	<b>\$ 0.00</b>	Recording Fee:	\$ 67.00	Affidavit Fee:	\$ 0.00	<table style="width:100%; border-collapse: collapse;"> <tr> <td>Filing Fee:</td> <td style="text-align: right;">\$ 0.00</td> </tr> <tr> <td>NYC Real Property Transfer Tax:</td> <td style="text-align: right;">\$ 0.00</td> </tr> <tr> <td>NYS Real Estate Transfer Tax:</td> <td style="text-align: right;">\$ 0.00</td> </tr> </table>	Filing Fee:	\$ 0.00	NYC Real Property Transfer Tax:	\$ 0.00	NYS Real Estate Transfer Tax:	\$ 0.00
<b>Mortgage :</b>																																			
Mortgage Amount:	\$ 0.00																																		
Taxable Mortgage Amount:	\$ 0.00																																		
Exemption:																																			
<b>TAXES: County (Basic):</b>	\$ 0.00																																		
City (Additional):	\$ 0.00																																		
Spec (Additional):	\$ 0.00																																		
TASF:	\$ 0.00																																		
MTA:	\$ 0.00																																		
NYCTA:	\$ 0.00																																		
Additional MRT:	\$ 0.00																																		
<b>TOTAL:</b>	<b>\$ 0.00</b>																																		
Recording Fee:	\$ 67.00																																		
Affidavit Fee:	\$ 0.00																																		
Filing Fee:	\$ 0.00																																		
NYC Real Property Transfer Tax:	\$ 0.00																																		
NYS Real Estate Transfer Tax:	\$ 0.00																																		
<p><b>RECORDED OR FILED IN THE OFFICE OF THE CITY REGISTER OF THE CITY OF NEW YORK</b></p> <p>Recorded/Filed 04-04-2018 09:38                  City Register File No.(CRFN):  <b>2018000111646</b></p> <div style="display: flex; align-items: center; justify-content: center;">  <div style="text-align: center;"> <p><i>Annette McMill</i></p> <p><b>City Register Official Signature</b></p> </div> </div>																																			

CHA-11215-772K

B-2269  
L-1

DECLARATION of COVENANTS and RESTRICTIONS

THIS COVENANT is made the 15 day of February 2018, by 58 Gerry ST 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 58 Gerry Street, Brooklyn, NY. 11206

WHEREAS, 58 Gerry is the subject of a Voluntary Cleanup Agreement executed by Pfizer 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 on 58 Gerry Street, Brooklyn, NY in the City of Brooklyn, New York, County of Kings, State of New York, which is part of lands conveyed by Pfizer Inc. to 58 Gerry ST LLC by deed dated 12/26/2016 and recorded in the Kings County Clerk's Office in Instrument No. 2017000022147, and being more particularly described in Appendix "A," attached to this declaration and made a part hereof, and hereinafter referred to as "the Property"; and

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

NOW, THEREFORE, 58 Gerry ST 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 Appendix "B" and made a part hereof.

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

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

Fourth, the owner of the Property shall prohibit the Property from ever being used for purposes other than for Restricted Residential, Commercial or Industrial use if current land use is selected, enter current use without the express written waiver of such prohibition by the Department or Relevant Agency.

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

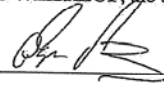
Sixth, the owner of the Property shall provide a periodic certification, prepared and submitted by a professional engineer or environmental professional acceptable to the Department or Relevant Agency, which will certify that the institutional and engineering controls put in place are unchanged from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

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

Eighth, this Declaration is and shall be deemed a covenant that shall run with the land and shall be binding upon all future owners of the Property, and shall provide that the owner and its successors and assigns consent to enforcement by the Department or Relevant Agency of the prohibitions and restrictions that the 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:  \_\_\_\_\_

Print Name: ABRAHAM BRANT

Title: MEMBER Date: 2/15/18

STATE OF NEW YORK )  
 ) s.s.:  
 COUNTY OF Kings )

On the 15<sup>th</sup> day of February, in the year 2018, before me, the undersigned, personally appeared Abraham Brach, 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

CHAYA ABELESZ  
 NOTARY PUBLIC, State of New York  
 No. 01AB6139467  
 Qualified in Kings County  
 Commission Expires January 09, 2022

Exhibit A

**LEGAL DESCRIPTION**

**PARCEL I**

ALL THAT LOT, OR PARCEL OF LAND, IN THE BOROUGH OF BROOKLYN, COUNTY OF KINGS, CITY AND STATE OF NEW YORK, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE CORNER FORMED BY THE INTERSECTION OF THE NORTHWESTERLY SIDE OF BARTLETT STREET WITH THE NORTHEASTERLY SIDE OF HARRISON AVENUE;

RUNNING THENCE NORTHEASTERLY ALONG THE NORTHWESTERLY SIDE OF BARTLETT STREET, SEVENTY-FIVE (75) FEET;

THENCE NORTHWESTERLY PARALLEL WITH HARRISON AVENUE, ONE HUNDRED (100) FEET;

THENCE NORTHEASTERLY, PARALLEL WITH BARTLETT STREET, FIFTY (50) FEET;

THENCE AGAIN NORTHWESTERLY, PARALLEL WITH HARRISON AVENUE, ONE HUNDRED (100) FEET TO THE SOUTHEASTERLY SIDE OF GERRY STREET;

THENCE SOUTHWESTERLY, ALONG THE SOUTHEASTERLY SIDE OF GERRY STREET, TWENTY-FIVE (25) FEET;

THENCE SOUTHEASTERLY, AGAIN PARALLEL WITH HARRISON AVENUE, FIFTY (50) FEET;

THENCE SOUTHWESTERLY, PARALLEL WITH GERRY STREET, ONE HUNDRED (100) FEET TO THE NORTHEASTERLY SIDE OF HARRISON AVENUE; AND

THENCE SOUTHEASTERLY, ALONG THE NORTHEASTERLY SIDE OF HARRISON AVENUE, ONE HUNDRED AND FIFTY (150) FEET TO THE CORNER, THE POINT OR PLACE OF BEGINNING.

**PARCEL II**

ALL THAT LOT OR PARCEL OF LAND, IN THE BOROUGH OF BROOKLYN, COUNTY OF KINGS, CITY AND STATE OF NEW YORK, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE CORNER FORMED BY THE INTERSECTION OF THE SOUTHEASTERLY SIDE OF GERRY STREET WITH THE NORTHEASTERLY SIDE OF HARRISON AVENUE;

RUNNING THENCE NORTHEASTERLY, ALONG THE SOUTHEASTERLY SIDE OF GERRY STREET, ONE HUNDRED (100) FEET;

THENCE SOUTHEASTERLY, PARALLEL WITH HARRISON AVENUE, FIFTY (50) FEET;

THENCE SOUTHWESTERLY, PARALLEL WITH GERRY STREET, ONE HUNDRED (100) FEET TO THE NORTHEASTERLY SIDE OF HARRISON AVENUE; AND

THENCE NORTHWESTERLY, ALONG THE NORTHEASTERLY SIDE OF HARRISON AVENUE, FIFTY (50) FEET TO THE CORNER, THE POINT OR PLACE OF BEGINNING.

**PARCEL IIIA**

ALL THAT CERTAIN LOT (HEREINAFTER REFERRED TO AS "PARCEL IIIA"), PIECE OR PARCEL OF LAND, SITUATE, LYING AND BEING IN THE BOROUGH OF BROOKLYN, COUNTY OF KINGS, CITY AND STATE OF NEW YORK, BOUNDED AND DESCRIBED AS FOLLOWS, TO WIT:

WDC 91021506v2

BEGINNING AT A POINT ON THE NORTHWESTERLY SIDE OF BARTLETT STREET, DISTANT ONE HUNDRED AND TWENTY-FIVE (125) FEET NORTHEASTERLY FROM THE CORNER FORMED BY THE INTERSECTION OF THE NORTHWESTERLY SIDE OF BARTLETT STREET WITH THE NORTHEASTERLY SIDE OF HARRISON AVENUE;

RUNNING THENCE NORTHWESTERLY, PARALLEL WITH HARRISON AVENUE, ONE HUNDRED (100) FEET;

THENCE NORTHEASTERLY, PARALLEL WITH BARTLETT STREET TWENTY-FIVE (25) FEET;

THENCE SOUTHEASTERLY, AGAIN PARALLEL WITH HARRISON AVENUE ONE HUNDRED (100) FEET TO THE NORTHWESTERLY SIDE OF BARTLETT STREET, AND

THENCE SOUTHWESTERLY, ALONG THE NORTHWESTERLY SIDE OF BARTLETT STREET, TWENTY-FIVE (25) FEET TO THE POINT OR PLACE OF BEGINNING.

**PARCEL IIIB**

ALL THAT CERTAIN LOT (HEREINAFTER REFERRED TO AS "PARCEL IIIB"), PIECE OR PARCEL OF LAND, SITUATE, LYING AND BEING IN THE BOROUGH OF BROOKLYN, COUNTY OF KINGS, CITY AND STATE OF NEW YORK, BOUNDED AND DESCRIBED AS FOLLOWS, TO WIT:

BEGINNING AT A POINT ON THE SOUTHERLY SIDE OF GERRY STREET, DISTANT ONE HUNDRED AND TWENTY-FIVE (125) FEET EASTERLY FROM THE CORNER FORMED BY THE INTERSECTION OF THE EASTERLY SIDE OF HARRISON AVENUE, WITH THE SOUTHERLY SIDE OF GERRY STREET;

RUNNING THENCE SOUTHERLY PARALLEL WITH HARRISON AVENUE ONE HUNDRED (100) FEET;

THENCE EASTERLY PARALLEL WITH GERRY STREET TWENTY-FIVE (25) FEET;

THENCE NORTHERLY PARALLEL WITH HARRISON AVENUE ONE HUNDRED (100) FEET TO THE SOUTHERLY SIDE OF GERRY STREET; AND

THENCE WESTERLY ALONG THE SOUTHERLY SIDE OF GERRY STREET TWENTY-FIVE (25) FEET TO THE POINT OR PLACE OF BEGINNING.

**PARCEL IV**

ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND, 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 SOUTHERLY SIDE OF GERRY STREET DISTANT ONE HUNDRED FIFTY (150) FEET EASTERLY FROM THE CORNER FORMED BY THE INTERSECTION OF THE SOUTHERLY SIDE OF GERRY STREET WITH THE EASTERLY SIDE OF HARRISON AVENUE;

RUNNING THENCE SOUTHERLY PARALLEL WITH HARRISON AVENUE ONE HUNDRED (100) FEET;

THENCE EASTERLY PARALLEL WITH GERRY STREET TWENTY-FIVE (25) FEET;

THENCE NORTHERLY PARALLEL WITH HARRISON AVENUE ONE HUNDRED (100) FEET TO THE SOUTHERLY SIDE OF GERRY STREET; AND

THENCE WESTERLY ALONG THE SOUTHERLY SIDE OF GERRY STREET TWENTY-FIVE (25) FEET TO THE POINT OR PLACE OF BEGINNING.

**PARCEL V**

ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND, SITUATE, LYING AND BEING IN THE BOROUGH OF BROOKLYN, COUNTY OF KINGS, CITY AND STATE OF NEW YORK, BOUNDED AND DESCRIBED AS FOLLOWS:

WDC 91021506v2

BEGINNING AT A POINT ON THE SOUTHERLY SIDE OF GERRY STREET DISTANT ONE HUNDRED SEVENTY-FIVE (175) FEET EASTERLY FROM THE SOUTHEASTERLY CORNER OF GERRY STREET AND HARRISON AVENUE;

RUNNING THENCE SOUTHERLY PARALLEL WITH HARRISON AVENUE ONE HUNDRED (100) FEET;

THENCE EASTERLY PARALLEL WITH GERRY STREET TWENTY-FIVE (25) FEET;

THENCE NORTHERLY AGAIN PARALLEL WITH HARRISON AVENUE ONE HUNDRED (100) FEET TO THE SOUTHERLY SIDE OF GERRY STREET; AND

THENCE WESTERLY ALONG THE SOUTHERLY SIDE OF GERRY STREET TWENTY-FIVE (25) FEET TO THE POINT OR PLACE OF BEGINNING.

Being the same land conveyed to the parties by those certain deeds recorded on: April 5, 1941 in Liber 6004 Cp 98 as to Parcel I; September 12, 1944 in Liber 6585 Cp 539 as to Parcel II; July 13, 1945 in Liber 6741 Cp 17 as to Parcele IIIA & IIIB; August 28, 1959 in Liber 8755 Cp 41 as to Parcel IV; and February 25, 1965 in Liber 9357 Cp 106 as to Parcel V.

WDC 91021506v2