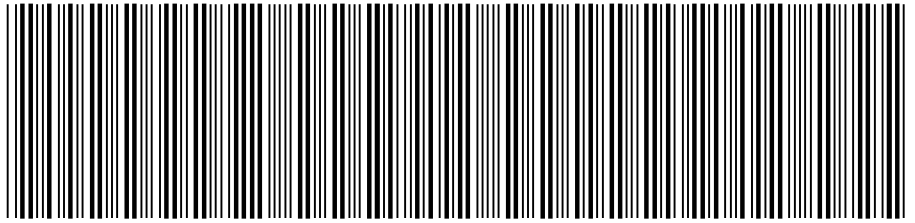


**NYC DEPARTMENT OF FINANCE
OFFICE OF THE CITY REGISTER**

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RECORDING AND ENDORSEMENT COVER PAGE

PAGE 1 OF 13

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PRESENTER:

DANIEL GREENE
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NEW YORK, NY 10007
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RETURN TO:

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PROPERTY DATA

Borough

BRONX

Block Lot

2781 500 Partial Lot

Unit

Address

N/A HUNT'S POINT AVENUE

Property Type: OTHER

CROSS REFERENCE DATA

CRFN _____ or Document ID _____ or _____ Year _____ Reel _____ Page _____ or File Number _____

PARTIES

PARTY 1:

CITY OF NEW YORK
110 WILLIAM STREET
NEW YORK, NY 10038

PARTY 2:

NEW YORK STATE DEPARTMENT OF
ENVIRONMENTAL CONSERV
625 BROADWAY
ALBANY, NY 12233

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 08-01-2007 16:22

City Register File No.(CRFN):

2007000396186

Annette McHill

City Register Official Signature

DECLARATION OF COVENANTS AND RESTRICTIONS

THIS COVENANT is made the 18 day of July, 2007, by the City of New York ("City"), a municipal corporation organized and existing under the laws of the State of New York and having an office for the transaction of business at the New York City Department of Small Business Services, 110 William Street, New York, New York 10038, in favor of the New York State Department of Environmental Conservation ("Department"), an agency of the State of New York, with offices at 625 Broadway, Albany, New York 12233;

WHEREAS, the City is the owner of a parcel of real property which is participating in the Department's Voluntary Cleanup Program, and which is located on Block 2781, Lot 500, which is part of lands conveyed by Consolidated Edison Company of New York, Inc. to the City by deeds dated (i) November 10, 1966 and recorded in the Bronx County Clerk's Office on November 18, 1966 in Liber 152 of Conveyances at page 1, (ii) June 6, 1968 and recorded in the Bronx County Clerk's Office on June 8, 1968 in Liber 366 of Conveyances at page 48, and (iii) March 29, 1972 and recorded in the Bronx County Clerk's Office on March 31, 1972 in Liber 179 of Conveyances at page 1126.

WHEREAS, the Property is subject to a Voluntary Cleanup Agreement entitled "In the Matter of the Implementation of an Investigation of the Perimeter Section of Hunts Point Food Distribution Center," Index Number D2-0023-00-04 (the "Agreement");

NOW, THEREFORE the City, for itself and its successor and/or assigns, covenants that:

First, the realty subject to this Declaration of Covenants and Restrictions is known as the Perimeter Section, which is shown on a map attached to this declaration as Schedule A and consists of certain property and improvements thereon situated on Block 2781, Lot 500 in the Borough of the Bronx, County of Bronx, City and State of New York, bounded and described in a metes and bounds description attached as Schedule B and made part of this covenant:

Second, unless prior 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, there shall be no excavation at the Perimeter Section which threatens the integrity of the pavement or building foundations or which results in unacceptable human exposure to contaminated soils;

Third, the owner of the Perimeter Section shall maintain the pavement or building foundations existing at the Perimeter Section or, after obtaining the written approval of the Department or Relevant Agency, shall cover the Perimeter Section with another material. If redevelopment or excavation occurs on the Perimeter Section, any soils that are excavated must be managed, characterized, and properly disposed of off-site in an approved and permitted landfill in accordance with regulations and directives of the Department or Relevant Agency, or re-deposited on-site and covered by filter fabric and a two foot soil cover unless the owner demonstrate to the satisfaction of the Department or the Relevant Agency that such soil is not contaminated with any substance that will pose a risk to human health;

Fourth, the owner of the shall prohibit use of the Perimeter Section for purposes other than the restricted commercial/industrial uses, without the express written waiver of such prohibition by the Department or Relevant Agency;

Fifth, the owner of the Perimeter Section shall prohibit the use of the groundwater underlying the Perimeter Section 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 Perimeter Section shall continue in full force and effect any institutional and/or engineering controls required under the Agreement and maintain such controls unless the owner first obtains permission to discontinue such controls from the Department or Relevant Agency. The owner of the Perimeter Section shall annually certify to the Department or Relevant Agency that any such institutional control and/or engineering controls have been maintained;

Seventh, this declaration is and shall be deemed a covenant and shall run with the land and shall be binding on all future owners of the Perimeter Section, and shall provide that the owner, its successors and assigns, consent to the enforcement by the Department or the Relevant Agency or the covenants and restrictions that Paragraph XI of the Agreement require to be recorded, and hereby covenant not to contest the authority of the Department or the Relevant Agency to seek enforcement;

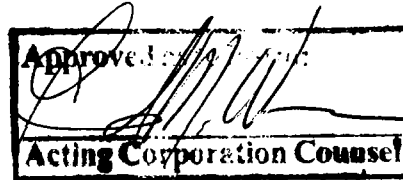
Eighth, any deed of conveyance of the Perimeter Section, or any portion thereof, shall recite, unless the Department or the Relevant Agency has consented to the termination of such covenants and restrictions, that said conveyance is subject to this Declaration of Covenants and Restrictions.

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



ANDREW SCHWARTZ
Deputy Commissioner
Department of Small Business Services

Sworn to before me this 16th day of
July, 2007.



Raj' Bela Jaswal
Notary Public

RAJBALA JASWAL
Notary Public
State of New York
No. 01JA6152836
Qualified in Queens County
Commission Expires 9/25/2010

SEAL

On the 18th day of July in the year 2007
undersigned, personally appeared Andrew Schwartz

before me

personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose names(s) 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.

RAJBALA JASWAL
Notary Public
State of New York
No. 01JA6152836
Qualified in Queens County
Commission Expires 9/25/2010

SEAL

Raj Bala Jaswal

(signature and office of individual taking acknowledgment)

TO BE USED ONLY WHEN THE ACKNOWLEDGMENT IS MADE OUTSIDE NEW YORK STATE

State (or District of Columbia, Territory, or Foreign Country) of

ss:

On the day of in the year
personally appeared

before me, the undersigned

personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose names(s) 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, and that such individual made such appearance before the undersigned in the

in

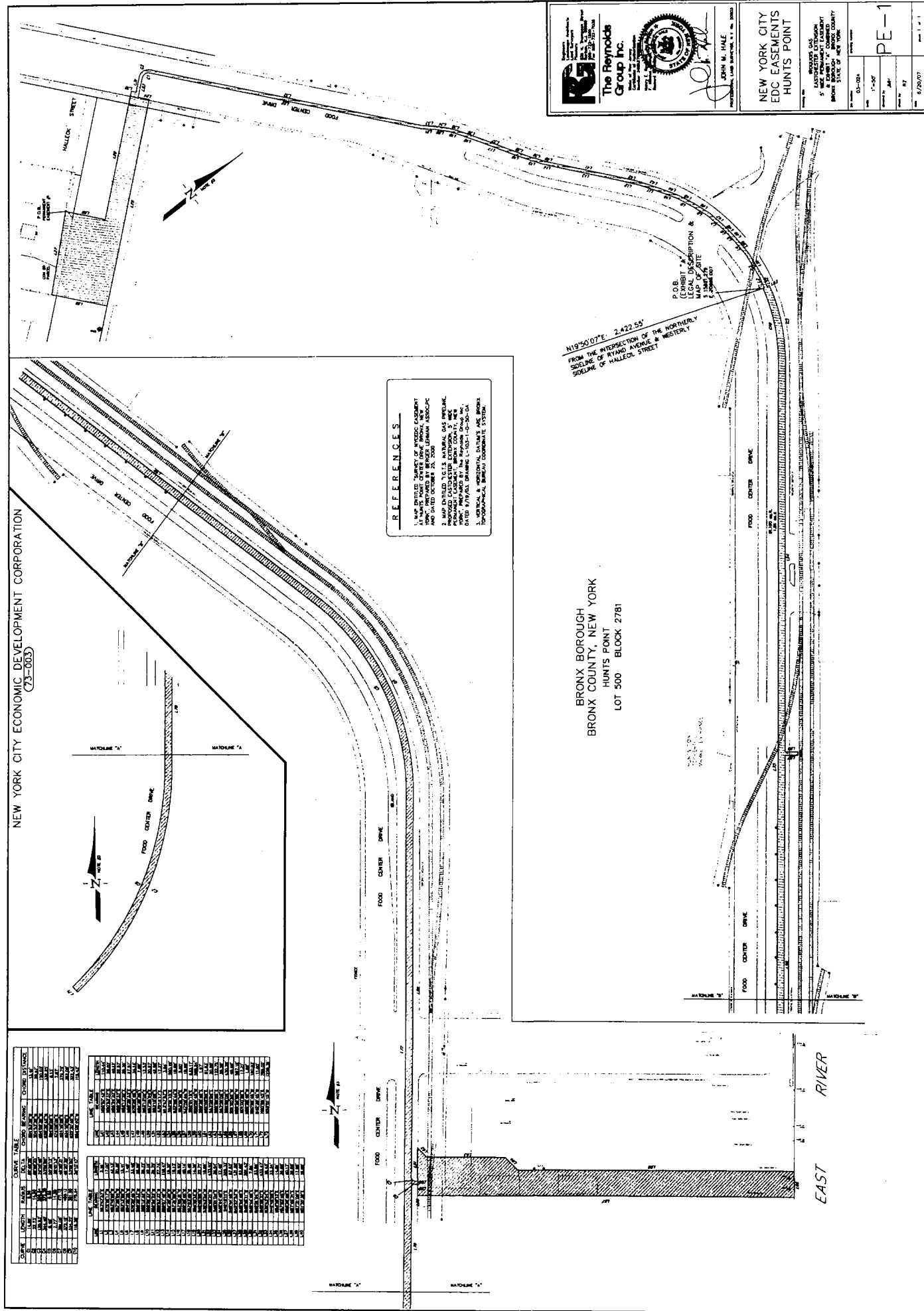
(insert the City or other political subdivision)

(and insert the State or Country or other place the acknowledgment was taken)

(signature and office of individual taking acknowledgment)

Schedule A

3



Schedule B

3

State Certificate of Authorization
No. 24GA27969200

Engineers
Landscape Architects
Land Surveyors
Planners
Environmental Specialists

Deed Description
Of a Portion
Of
Lot 500, Block 2781
Iroquois Gas 5' Permanent Easement
&
Exhibit "A" Easement
Borough of the Bronx
County of the Bronx
State of New York
TRG No. 03-024-1

Beginning at a point, said point being the same beginning point as described in the Exhibit "A" legal description and being in bed of the roadway known Hunts Point- Food center drive (not legally opened on the City map), said point having the coordinate value of South: 15921.279, East: 20696.007 in the Bronx Topographical Bureau Coordinate System as adopted and shown on Final Section Map No. 5, Also being 2,422.55' distant on a bearing of North 19° 50' 07" East from the intersection of the northerly sideline of Ryawa Avenue and the westerly sideline of Halleck Street, Thence

1. North 13° 47' 57" East a distance of 2.16', thence
2. Along the southerly line of the 5' permanent easement of Iroquois Gas the following 25 courses North 75° 19' 17" West a distance of 17.00', thence
3. North 83° 18' 06" West a distance of 42.13', thence
4. South 87° 25' 04" West a distance of 30.39', thence
5. South 83° 13' 02" West a distance of 12.41', thence
6. South 84° 38' 25" West a distance of 7.48', thence
7. South 78° 29' 45" West a distance of 33.48', thence
8. South 69° 35' 33" West a distance of 26.99', thence
9. South 65° 12' 32" West a distance of 28.72', thence
10. South 58° 28' 37" West a distance of 22.19', thence
11. South 56° 24' 22" West a distance of 39.79', thence
12. South 50° 53' 37" West a distance of 27.74', thence
13. South 50° 07' 42" West a distance of 110.47', thence
14. South 51° 30' 39" West a distance of 19.32', thence
15. South 57° 31' 09" West a distance of 18.13', thence

Deed Description
of a Portion of
Lot 500, Block 2781
Iroquois Gas 5' Permanent Easement &
Exhibit "A" Easement
Page 2 of 5

16. South 57° 45' 31" West a distance of 39.92', thence
17. South 58° 26' 40" West a distance of 40.14', thence
18. South 57° 03' 45" West a distance of 39.49', thence
19. South 54° 10' 12" West a distance of 14.36', thence
20. South 46° 45' 08" West a distance of 22.71', thence
21. South 39° 43' 54" West a distance of 18.56', thence
22. South 49° 48' 21" West a distance of 433.92', to a point of curvature, thence
23. On a curve to the left with a radius of 9.50', central angle of 89° 49' 25" and an arc length of 14.89' (chord S 04° 53' 39" E – 13.41') to a point of tangency, thence
24. South 40° 01' 04" East a distance of 30.94', thence
25. Along the existing curb line of Food Center Court North 49° 44' 49" East a distance of 17.46', thence
26. Leaving said roadbed and curb line the following five (5) courses South 40° 15' 11" East a distance of 325.33', thence
27. South 49° 44' 49" West a distance of 87.62', thence
28. North 42° 27' 53" West a distance of 131.00', thence
29. North 49° 44' 49" East a distance of 62.68', thence
30. North 40° 15' 11" West a distance of 201.42', to a point in said road bed, thence
31. Running along the northerly line of the 5' permanent Iroquois Gas easement the following Twenty Four (24) Courses North 49° 44' 49" East a distance of 7.56', thence
32. North 40° 01' 04" West a distance of 23.96', to a point of curvature, thence
33. On a curve to the right with radius of 14.50', a central angle of 89° 49' 25" and an arc length of 22.73' (chord N 04° 53' 39" E – 20.47') to a point of tangency, thence
34. North 49° 48' 21" East a distance of 433.47', thence
35. North 39° 43' 54" East a distance of 18.43', thence
36. North 46° 45' 08" East a distance of 23.34', thence
37. North 54° 10' 12" East a distance of 14.81', thence
38. North 57° 03' 45" East a distance of 39.68', thence

Deed Description
of a Portion of
Lot 500, Block 2781
Iroquois Gas 5' Permanent Easement &
Exhibit "A" Easement
Page 3 of 5

39. North 58° 26' 40" East a distance of 40.17', thence
40. North 57° 45' 31" East a distance of 39.88', thence
41. North 57° 31' 09" East a distance of 17.85', thence
42. North 51° 30' 39" East a distance of 19.00', thence
43. North 50° 07' 42" East a distance of 110.44', thence
44. North 50° 53' 37" East a distance of 28.02, thence
45. North 56° 24' 22" East a distance of 40.12', thence
46. North 58° 28' 37" East a distance of 22.57', thence
47. North 65° 12' 32" East a distance of 29.20', thence
48. North 69° 35' 33" East a distance of 27.57', thence
49. North 78° 29' 45" East a distance of 34.14', thence
50. North 84° 38' 25" East a distance of 7.69', thence
51. North 83° 13' 02" East a distance of 12.53', thence
52. North 87° 25' 04" East a distance of 30.97', thence
53. South 83° 18' 06" East a distance of 42.89', thence
54. South 75° 19' 17" East a distance of 17.27', thence
55. Running along the easterly and southerly line of the Exhibit "A" Easement line the following eight (8) courses North 13° 47' 57" East a distance of 3.84', thence
56. On a curve to the right with a radius of 286.54', a central angle of 24° 10' 48" and an arc length of 120.93' (chord S 64° 06' 39" E – 120.03') to a point of tangency, thence
57. South 52° 01' 15" East a distance of 590.19', thence
58. North 37° 58' 44" East a distance of 19.69', thence
59. South 52° 01' 16" East a distance of 5.00', thence
60. South 37° 58' 44" West a distance of 19.69', thence
61. South 52° 01' 15" East a distance of 633.17', to a point of curvature, thence

Deed Description
of a Portion of
Lot 500, Block 2781
Iroquois Gas 5' Permanent Easement &
Exhibit "A" Easement
Page 4 of 5

62. On a curve to the right with a radius of 372.20', a central angle of 53° 01' 00", and an arc length of 344.40' (chord S 25° 30' 45" E – 332.25') to a point of tangency, thence
63. South 00° 59' 45" West a distance of 589.54', thence
64. Leaving said easement line now running along the following ten (10) courses of said Iroquois Gas easement on a curve to the left with a radius of 9.50', a central angle of 50° 39' 12" and an arc length of 8.40' (chord S 64° 09' 09" E – 8.13'), to a point of tangency, thence
65. South 89° 28' 45" East a distance of 1.97', thence
66. North 01° 00' 58" East a distance of 51.93', thence
67. South 43° 59' 04" East a distance of 20.00', thence
68. South 88° 59' 05" East a distance of 122.75', thence
69. South 43° 59' 05" East a distance of 28.28', thence
70. South 88° 59' 05" East a distance of 430.29', to a point at/or near a bulkhead of the East River, thence
71. Along said bulkhead South 01° 00' 55" West a distance of 40.00', thence
72. North 88° 59' 05" West a distance of 587.18', thence
73. North 01° 00' 58" East a distance of 17.21', thence
74. North 89° 28' 45" West a distance of 1.92', to a point of curvature, thence
75. On a curve to the right with a radius of 14.50', a central angle of 30° 41' 13" and an arc length of 7.77' (chord N 74° 08' 09" W – 7.67'), thence
76. Along said Exhibit "A" easement line the remaining courses South 00° 59' 45" West a distance of 190.03', to a point of curvature, thence
77. On a curve to the right with a radius of 471.12', a central angle of 46° 20' 32" and an arc length of 381.05' (chord S 24° 10' 00" W – 370.75'), thence
78. North 42° 39' 45" West a distance of 11.00', thence
79. On a curve to the left with a radius of 460.12', a central angle of 46° 20' 30" and an arc length of 372.15' (chord N 24° 10' 00" E – 362.09'), to a point of tangency, thence
80. North 00° 59' 45" East a distance of 786.02', to a point of curvature, thence
81. On a curve to the left with a radius of 361.20', a central angle of 53° 01' 00" and an arc length of 334.22' (chord N 25° 30' 45" W – 322.43') to a point of tangency, thence

82. North $52^{\circ} 01' 15''$ West a distance of 1,228.36', to a point of curvature, thence
83. Along a curve to the left with a radius of 275.54', a central angle of $24^{\circ} 10' 47''$ and an arc length of 116.28' (chord N $64^{\circ} 06' 40''$ W - 115.42') to the point and place of beginning.

Containing 81,190 square feet or 1.86 acres more or less.

Block 2781, Lot 500 – Exhibit A Easement

