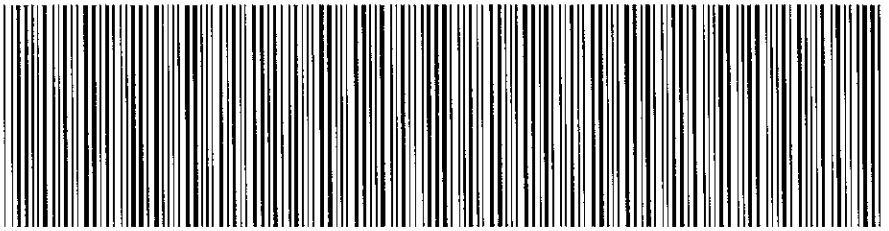


**NYC DEPARTMENT OF FINANCE
OFFICE OF THE CITY REGISTER**

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2015040800271001001EF359

RECORDING AND ENDORSEMENT COVER PAGE

PAGE 1 OF 11

Document ID: 2015040800271001 Document Date: 02-13-2013 Preparation Date: 04-08-2015
 Document Type: SUNDRY MISCELLANEOUS
 Document Page Count: 10

PRESENTER:
 ALL STATE ABSTRACT CORP-86930-"PICK UP REDVISION"
 AS AGENT FOR:COURTESY RECORDING
 52 BROADWAY, SUITE 4
 GREENLAWN, NY 11740
 631-261-7111

RETURN TO:
 HISCOCK & BARCLAY
 ONE PARK PLACE-300 SOUTH STATE STREET
 SYRACUSE, NY 13202

PROPERTY DATA			
Borough	Block	Lot	Unit Address
QUEENS	15891	10 Entire Lot	N/A ROCKAWAY BEACH BLVD
Property Type: OTHER			

CROSS REFERENCE DATA

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

PARTIES

PARTY 1:
 LONG ISLAND LIGHTING COMPANY
 333 EARLE OVINGTON BOULEVARD
 UNIONDALE, NY 11553

FEES AND TAXES

Mortgage :		Filing Fee:	
Mortgage Amount:	\$ 0.00	\$	0.00
Taxable Mortgage Amount:	\$ 0.00	NYC Real Property Transfer Tax:	\$ 0.00
Exemption:		NYS Real Estate Transfer Tax:	\$ 0.00
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:	\$ 87.00		
Affidavit Fee:	\$ 0.00		

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



Recorded/Filed 04-16-2015 13:09
 City Register File No.(CRFN):
 2015000127975

Annette Mc Hill

City Register Official Signature

DECLARATION of COVENANTS and RESTRICTIONS

THIS DECLARATION ("Declaration"), is made the 13th day of February 2013, by Long Island Lighting Company d/b/a LIPA, a New York corporation and wholly-owned subsidiary of the Long Island Power Authority, which is a corporate municipal instrumentality and political subdivision of the State of New York, with principal offices at 333 Earle Ovington Boulevard, Uniondale, Nassau County, New York 11553; and

WHEREAS, Long Island Lighting Company d/b/a LIPA is the owner (the "Owner") of a parcel of real property located on the south side of Rockaway Beach Boulevard and west of Beach 52nd Street, Edgemere, Queens County Tax Records, Section 61, Block 15891, Lot 10 (known as the Arverne (Edgemere) Substation), being more particularly described in Exhibit "A" entitled, "Boundary Survey – Arverne (Edgemere) Substation, Queens County, New York", prepared by KS Engineers, P.C., dated April 11, 2012, attached to this Declaration and made a part hereof, and hereinafter referred to as the "Property;" and

WHEREAS, the Property is the subject of a certain Voluntary Cleanup Agreement, Index # R2-0330-98-01, dated April 19, 1998, executed by Edward J. Youngling, Senior Vice President, Long Island Lighting Company, as part of the New York State Department of Environmental Conservation's ("Department" in the singular) Voluntary Cleanup Program; 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 was completed in August 1998, and such remedy requires that the Property be subject to restrictive covenants; and

WHEREAS, the Department approved a Site Management Plan ("SMP"), which addresses the implementation of institutional and engineering controls required at the Property; and

NOW, THEREFORE, Long Island Lighting Company d/b/a LIPA, for itself and its successors and/or assigns, covenants that:

First, the Property subject to this Declaration is as shown on Exhibit "A" 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 SMP, dated December 1, 2014, 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 soil cap, or

which results in unacceptable human exposure to contaminated soils. The cover page and table of contents of the SMP is attached to this Declaration as Exhibit "B" and made a part hereof.

Third, the Owner of the Property shall maintain the cap covering the Property by maintaining its grass cover or, after obtaining the written approval of the Department or Relevant Agency, by capping the Property with another material. 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 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 or industrial utility purposes 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 continue in full force and effect any institutional and engineering controls required under the SMP and maintain such controls, unless the Owner first obtains permission to discontinue such controls from the Department or Relevant Agency.

Seventh, 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 SMP requires to be recorded, and hereby covenant not to contest the authority of the Department or Relevant Agency to seek enforcement.

Eighth, 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.

[Signature Page Follows]

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

Long Island Lighting Company d/b/a LIPA

Michael J. Taunton

Name: *MICHAEL J. TAUNTON*

Title: *CHIEF OPERATING OFFICER
CHIEF FINANCIAL OFFICER*

::ODMA\PCDOCS\DOCS\315008\1

STATE OF NEW YORK)
)ss:
COUNTY OF *Nassau*)

On the 13th day of February in the year 2013 before me, the undersigned, personally appeared *Michael J. Taunton*, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(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 signatures(s) on the instrument, the individual(s), or the person on behalf of which the individual(s) acted, executed the instrument.

Michele A. Pincus
Notary Signature

Notary Stamp & Expiration Date:

MICHELE A. PINCUS
Notary Public State of New York
No. 02P14990215
Qualified in Suffolk County
Commission Expires December 30, 2013



Exhibit "A"

("Boundary Survey – Arverne (Edgemere) Substation, Queens County, New York",
prepared by KS Engineers, P.C., dated April 11, 2012, revised September 24, 2013)



Geotechnical
Environmental and
Water Resources
Engineering

Site Management Plan

Arverne Substation (Former Edgemere Substation)
Rockaway Beach Boulevard and 53rd Street
Arverne, New York
AOC Index No. R2-0330-98-01
Site No. V00147

Submitted to:
National Grid
175 East Old Country Road
Hicksville, NY 11801

Submitted by:
GEI Consultants, Inc., P.C.
400 Unicorn Park Drive 110 Walt Whitman Road, Suite 204
Woburn MA 01801 Huntington Station, NY 11746
(781) 721-4000 (631) 760-9300

December 1, 2014
Project 093140

Revisions to Final Approved Site Management Plan:

Revision #	Submitted Date	Summary of Revision	DEC Approval Date



Site Management Plan
Arverne Substation (Former Edgemere Substation)
Arverne, New York
National Grid
December 1, 2014

Professional Engineer Certification

I, Matthew J. O'Neil, certify that I am currently a NYS registered professional engineer and that this Site Management Plan was prepared in accordance with all applicable statutes and regulations and in substantial conformance with the DER Technical Guidance for Site Investigation and Remediation (DER-10).

12/1/14
Date



Matthew J. O'Neil
GEI Consultants, Inc. P.C.
New York State Professional Engineer
License Number 091317

SEAL

It is a violation of Article 145 of New York State Education Law for any person to alter this document in any way without the express written verification of adoption by any New York State licensed engineer in accordance with Section 7209(2), Article 145, New York State Education Law.

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