



Office of the
Richmond County Clerk
130 Stuyvesant Place
Staten Island, NY 10301



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Hon. Stephen J. Fiala, County Clerk

Recording and Endorsement Cover Page

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PRESENTER:
COMMONWEALTH/LAWYERS TITLE
2 GRAND CENTRAL TOWER
140 EAST 45TH STREET, 22ND FL.
NEW YORK SS100639 NY, 10017

RETURN TO:
COMMONWEALTH LAND TITLE INS. CO.
140 EAST 45TH STREET
ATTN: GRACE ONAGA
NEW YORK NY, 10017

Block	Lot	PROPERTY DATA	# OF BLOCKS	Unit	# OF LOTS	Address
7971	1	Partial Lot	1		4	N/A RICHMOND VALLEY ROAD

Property Type: Industrial Building
"And Addl Blocks and/or Lots"

PARTIES

GRANTOR
NASSAU METALS CORPORATION
600 MOUNTAIN AVENUE
MURRAY HILL NJ, 07974

GRANTEE
NASSAU METALS CORPORATION
600 MOUNTAIN AVENUE
MURRAY HILL NJ, 07974

PAYMENT DETAIL

Make Checks Payable to:

Richmond County Clerk: 49.00 Recording Fees

Total Payments For This Document: 49.00

FEES PAID

EXAM RF DATE 1/6/11

RECORDED IN RICHMOND COUNTY

JAN - 7 2011

LAND DOC# 365841
27-DECL,CONT,WAIVER

01/07/2011 10:23:32 A.M.
RECEIPT: 1108 FEE: \$49.00
RICHMOND COUNTY CLERK

[Signature]
COUNTY CLERK

DECLARATION of COVENANTS and RESTRICTIONS

THIS COVENANT is made the 22nd day of December 2010, by Nassau Metals Corporation, a corporation organized and existing under the laws of the State of New York and having an office for the transaction of business at 600 Mountain Avenue, Murray Hill, New Jersey 07974.

WHEREAS, Nassau Metals Operable Unit-1 (OU-1) is the subject of a Voluntary Cleanup Agreement executed by Nassau Metals Corporation (f/k/a/ AT&T Nassau Metals Corp., f/k/a Nassau Recycle Corporation, f/k/a Nassau Smelting & Refining Company, Inc. and f/k/a The Nassau Smelting & Works Ltd. Incorporated) ("Nassau Metals Corporation") 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 1 Nassau Place (east of Arthur Kill Road) in the City of New York, County of Richmond, State of New York, which is part of lands conveyed by Tottenville Copper Company, Inc. and Mathilda Realty Corporation to Nassau Metals Corporation by deeds dated October 27, 1931 and October 29, 1931, respectively, and recorded in the Richmond County Clerk's Office in Liber 728 Page 280 (Tottenville Copper Company, Inc. Deed) and Liber 728 Page 255 (Mathilda Realty Corporation), respectively, 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, Nassau Metals Corporation, 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 Commercial or Industrial 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.

Nassau Metals Corporation

By: 

Patrick D. Morrison
President



STATE OF NEW JERSEY)
) s.s..
COUNTY OF UNION)

On the 22 day of December, in the year 2010, before me, the undersigned, personally appeared, Patrick D. Morrison, 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.

Cheryl A. Jesse
Notary Public State of New Jersey
My commission expires:

CHERYL A. JESSE
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires March 20, 2012

Appendix "A"

Legal Description of OU-1

ALL those certain plots, pieces or parcels of land, including land under water, with the buildings and improvements thereon erected, if any, situate, lying and being in the Fifth Ward, of the Borough and County of Richmond, (formerly Town of Westfield) City and State of New York, bounded and described as follows: BEGINNING at a point South 12 degrees 26 minutes 50 seconds West along the easterly side of Arthur Kill Road 56.09 feet south of the corner formed by the intersection of the southerly side of Richmond Valley Road and the easterly side of Arthur Kill Road from set iron pipe (coordinates of the point of beginning in NAD 83 are 917684.763, 129211.908 and the respective rotation required to get the limits into NAD 83 are North 00 degrees 05 minutes 55 seconds East); thence in a general southeasterly direction along the arc of a curve bearing to the left with a radius of 880.29 feet an arc length of 833.23 feet to a point; thence South 88 degrees 51 minutes 00 seconds East a distance of 487.61 feet to the point of intersection with the westerly side of Page Avenue to set iron pipe; thence North 9 degrees 28 minutes 14 seconds West along the westerly side of Page Avenue 324.71 feet to the point of intersection with the southerly side of Richmond Valley Road to set iron pipe; thence along the southerly side of Richmond Valley Road South 77 degrees 45 minutes 00 seconds East 63.04 feet; thence still along said road South 74 degrees 36 minutes 00 seconds East 159.16 feet; thence still along said road South 78 degrees 39 minutes 00 seconds East 181.41 feet; thence still along said road South 82 degrees 42 minutes 00 seconds East 154.27 feet; thence still along said road North 88 degrees 21 minutes 00 seconds East 70.12 feet to set iron pipe, (the land now or formerly of the Department of Environmental Protection.); running thence along the westerly line of land of said Department of Environmental Protection, South 1 degrees 39 minutes 00 seconds East 223.07 feet; thence along a westerly line of the Department of Environmental Protection South 02 degrees 43 minutes 00 seconds East 14.90 feet; thence along a westerly line of lands now or formerly of CSX Realty Development, LLC (formerly Staten Island Rail Road Corporation) South 41 degrees 40 minutes 29 Seconds W 32.77 feet, thence along a westerly line of CSX South 18 degrees 50 minutes 00 seconds West 78.98 feet, thence, thence along a westerly line of CSX South 21 degrees 15 minutes 54 seconds East 255.37 to the northerly line of the Staten Island Rapid Transit Railway company, thence along the northerly line of the said Staten Island Rapid Transit Railway Company, right of way South 75 degrees 36 minutes 06 seconds West 1674.00 feet to the easterly side of Nassau Place to set iron pipe; thence along said easterly side of Nassau Place North 50 degrees 54 minutes 20 seconds West 486.38 feet to the eastern side of Arthur Kill Road to set iron pipe; thence along the said easterly side of Arthur Kill Road North 12 degrees 26 minutes 50 seconds East 883.59 feet to the point of BEGINNING. Excepting there from a strip of land 100 feet in width running from the southerly side of Richmond Valley Road to the said northerly line of said Staten Island Rapid Transit Railway Company right-of-way which has been acquired by the City of New York, for the opening and extending of Lorraine Avenue, Page (Beach) Street (Avenue) and excepting also any and all award or awards that may be made in the proceeding for the said street opening or conveyance.

Being known and designated on the New York City Tax Map as Section 5 Block 7971 Lots 1 (portion), 66, 100, and 125 and containing approximately 29.66 acres.

RECORD AND RETURN TO
Commonwealth Land Title Insurance Co.
140 East 45th Street, 22nd Floor
New York, NY 10017
ATTN: GRACE ONAGA