



THE CITY OF NEW YORK  
**LAW DEPARTMENT**

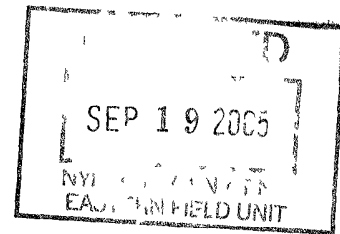
100 CHURCH STREET  
NEW YORK, N Y 10007 2601

**MICHAEL A CARDOZO**  
*Corporation Counsel*

**DANIEL GREENE**  
Phone (212) 788-1568  
Fax (212) 788-1619  
E-mail [dgreene@law.nyc.gov](mailto:dgreene@law.nyc.gov)

September 16, 2005

Rosalie K Rusinko, Esq  
Division of Environmental Enforcement  
New York State Department of Environmental  
Conservation  
200 White Plains Road, 5<sup>th</sup> Floor  
Tarrytown, NY 10591-5805



*Re St George's Railyard (VCP Site Number V-00228)*

Dear Ms Rusinko

Enclosed herein is a certified copy of the filed Declaration of Covenants and Restrictions ("Declaration") for the former St George's Railyard in Staten Island, granted to the Department by City pursuant to the above-referenced Voluntary Cleanup Agreement ("VCA") Please also note that, while the map attached as Schedule B to the certified copy is in black and white, the map on file with the Richmond County Clerk's Office is the color version previously approved by the Department

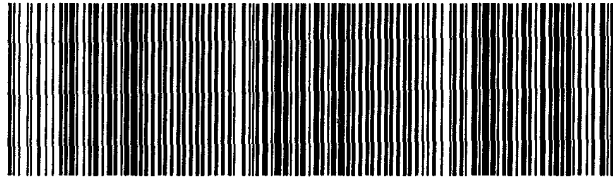
If you have any further questions regarding these matters, please do not hesitate to contact me

Sincerely yours,

  
Daniel Greene



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



ACS-000000000027412-000000000036749-017

Hon Stephen J Fiala, County Clerk

Recording and Endorsement Cover Page

Document Id 000000000036749 Document Date 08/31/2005 Preparation Date 09/14/2005  
Document Type DECLARATION  
Document Page Count 00017

PRESENTER  
DAN GREENE  
100 CHURCH STREET  
NEW YORK NY, 10007

RETURN TO  
DAN GREENE  
100 CHURCH STREET  
NEW YORK NY, 10007

Block	Lot	PROPERTY DATA	# OF BLOCKS	Unit	Address	# OF LOTS
2	20	Partial Lot	1		75 RICHMOND TERRACE	1
Property Type		Industrial Building				

PARTIES	
GRANTOR CITY OF NEW YORK 110 WILLIAM STREET NEW YORK NY, 10038	GRANTEE NEW YORK STATE DEPT OF ENVIRONMENTAL CON 625 BROADWAY ALBANY NY, 12233

PAYMENT DETAIL

Make Checks Payable to  
-----  
Total Payments For This Document 00  
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EXAM DAF DATE 9/14/05

LAND DOC# 71568  
27-DECL,CONT,WAIVER

09/14/2005 11:54:02 A.M.  
RECEIPT: 67802 FEE: \$.10  
RICHMOND COUNTY CLERK

RECORDED IN RICHMOND COUNTY

SEP 14 2005

*Stephen J. Fiala*  
COUNTY CLERK

## DECLARATION OF COVENANTS AND RESTRICTIONS

**THIS COVENANT** is made the 31 day of August 2005, 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, 7th Floor, 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**, pursuant to an Agreement between the Department and the City entitled "In the Matter of the Implementation of Further Investigation, if needed and Remediation of St George Railyard," Index No W2-0852-99-10 (VCP Site Number V-00228), (the "Agreement"), the City, acting by and through its Commissioner of the Department of Small Business Services, hereby executes this declaration of covenants and restrictions in favor of the Department for the parcel of real property bounded on the North by Bank Street between Richmond Terrace and the Kill Van Kull, on the East by the Kill Van Kull, on the South by the North Ramp of the Staten Island Ferry Terminal north parking field extending from Richmond Terrace at Wall Street east to the Kill Van Kull, and on the West by Richmond Terrace from Wall to Bank Streets, in the County of Richmond, State of New York, more specifically denoted as Tax Map Nos 16 and 17, Block 2, Lot 20 (not including the railroad right-of-way), which are the lands conveyed by the New York City Economic Development Corporation to the City of New York by deed dated December 1, 2000 and recorded in the Richmond County Clerk's Office on December 21, 2000 on Reel 10786 at Page 74, and are more particularly described by the maps and metes and bounds description attached hereto as Schedule "A" (hereinafter referred to as the "Property")

**NOW THEREFORE**, the City of New York, for itself and its successors and/or assigns, covenants that

First, this declaration is and shall be deemed a covenant and shall run with the land, be binding on all future owners of the Property, and shall provide that the owner, and its successors and assigns, consent to the enforcement 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"), contained in this covenant, and hereby covenant not to contest the authority of the Department or Relevant Agency to seek enforcement,

Second, unless prior written approval by the New York State Department of Environmental Conservation or the Relevant Agency, is first obtained, this declaration prohibits the use of the Property for any purpose other than as a sports stadium, a public parking lot, and water-front esplanade;

Third, the owner of the Property shall prohibit the use of groundwater underlying the Property without treatment rendering it safe for drinking water, irrigation, or industrial purposes, as appropriate, unless the owner first obtains permission from the Department or the Relevant Agency,

Fourth, the owner of the Property, and its successors and assigns, shall continue in full force and effect any institutional and/or engineering controls required, including the sub-slab methane venting system and the gas monitoring system, under the Agreement and maintain such controls unless the owner first obtain permission to discontinue such controls from the Department or Relevant Agency,

Fifth, unless prior written approval by the Department or Relevant Agency is first obtained, there shall be no excavation exceeding the following limitations

- A In open areas of the Property (i.e. areas not covered by pavement or building structures) covered by a layer of at least 18 inches of clean soil, there shall be no excavation below 18 inches of clean soil,
- B In the western open area of the Property covered by less than 18 inches of clean fill and a permeable filter fabric demarcation layer, there shall be no excavation below the permeable filter fabric demarcation layer,
- C In paved areas of the Property, there shall be no excavation below the underlying imported subgrade layer,
- D In areas covered by buildings or other structures on the Property, there shall be no excavation below the footprint of such structures and the underlying imported subgrade materials

The areas described in sub-paragraphs A through D above are described in greater detail on the map attached as Schedule "B". If excavation occurs on the Property, any soils that are excavated must be managed, characterized, and properly disposed of off-site in an approved and permitted facility in accordance with regulations and directives of the Department or Relevant Agency, or re-deposited onsite and covered by filter fabric and a clean soil cover, unless the owner demonstrates to the satisfaction of the Department or Relevant Agency that such soil is not contaminated with any substance that will pose a risk to human health,

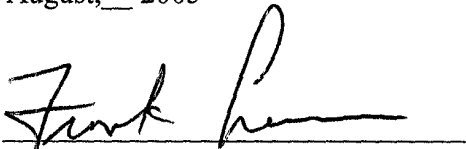
Sixth, any deed of conveyance of the Property, or any portion thereof, shall recite, unless the Department or Agency has consented to the termination of such covenants and restrictions, that said conveyance is subject to this Declaration of Covenants and Restrictions

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 31 day of  
August,    2005



Notary Public

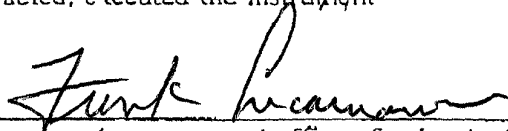
FRANK ENCARNACION  
Notary Public, State of New York  
No 41-4849424  
Qualified in Queens County  
Commission Expires

4/30/07

On the 31<sup>st</sup> day of August in the year 2005  
undersigned, personally appeared Andrew Schwark

before me, the

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 signature(s) on the instrument, the individual(s) or the person upon behalf of which the individual(s) acted, executed the instrument



(signature and office of individual taking acknowledgment)

FRANK ENCARNACION  
Notary Public, State of New York  
No 41-4849424  
Qualified in Queens County  
Commission Expires 4/30/07

**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  
personally appeared

in the year

before me, the undersigned,

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 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

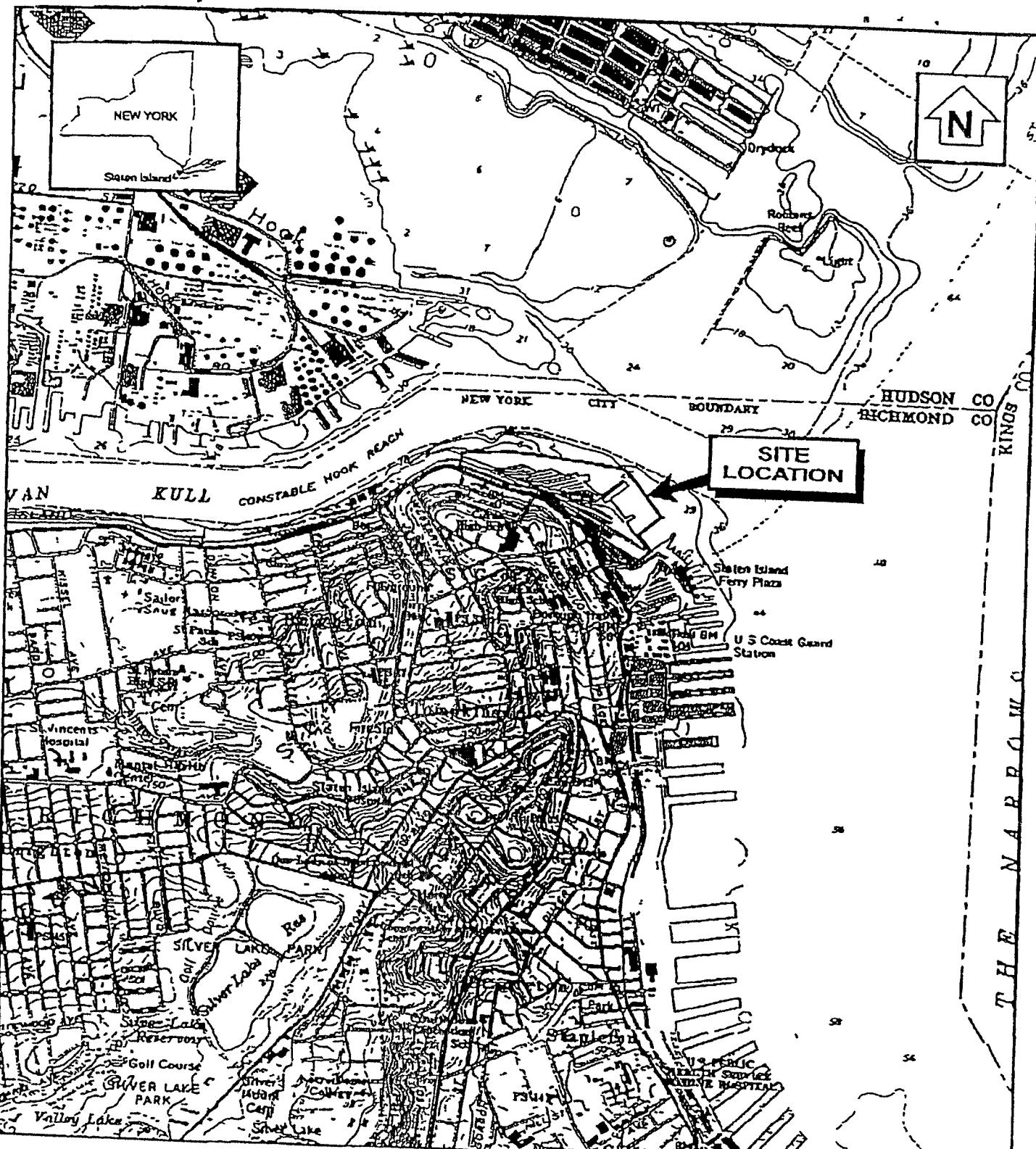
\_\_\_\_\_  
(insert the City or other political subdivision)

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

\_\_\_\_\_  
(signature and office of individual taking acknowledgment)

# Schedule "A"





0 2000  
SCALE FEET

0 1  
SCALE MILE

1:24000

BASE CREATED WITH TOPO™ © 1996 WILDFLOWERS PRODUCTIONS www.topo.com  
JERSEY CITY AND THE NARROWS 7.5 USGS TOPOGRAPHIC MAP

**TRC Environmental Corporation**  
5 Waterside Crossing  
Windsor, Ct 06095  
(860) 289-8631

**BALLPARK AT ST GEORGE STATION  
STATEN ISLAND NEW YORK**

**FIGURE 1  
SITE LOCATION MAP**

Date: 9/99 | Project No. 14683-0310-0000

SCHEDULE A DESCRIPTION

PARCEL I

ALL that certain plot, piece or parcel of land, situate, lying and being in the Borough of Staten Island, County of Richmond, City and State of New York, bounded and described as follows

BEGINNING at a point on the northerly side of Richmond Terrace as vested in the City of New York, 12/5/1947 where the same is intersected by the northerly prolongation of the westerly side of Nicholas Street,

RUNNING THENCE North 24 degrees 07 minutes 43 seconds East along the northerly prolongation of the westerly side of Nicholas Street, 107 42 feet to the low water line as the same existed in 1797,

THENCE along said low water line the following courses and distances,

NORTH 66 degrees 39 minutes 07 seconds West 208 86 feet,

NORTH 76 degrees 43 minutes 47 seconds West 80 52 feet and North 89 degrees 56 minutes 27 seconds West 82 61 feet to a point,

THENCE North 71 degrees 19 minutes 27 seconds West, along other lands of the Staten Island Railroad Corporation, 675 17 feet to a point,

THENCE the following courses and distances

NORTH 12 degrees 14 minutes 30 seconds West 32 20 feet,

NORTH 63 degrees 26 minutes 06 seconds West 33 54 feet,

NORTH 87 degrees 25 minutes 36 seconds West 57 55 feet,

NORTH 12 degrees 34 minutes 50 seconds East 66 88 feet to the U S Bulkhead Line as approved by the Secretary of War 1/27/31,

RUNNING THENCE along said line the following five courses and distances

SOUTH 89 degrees 35 minutes 00 seconds East 666 44 feet,

SOUTH 72 degrees 52 minutes 30 seconds East 950 00 feet,

SOUTH 59 degrees 12 minutes 30 seconds East 604 00 feet,

SOUTH 44 degrees 54 minutes 00 seconds East 627 50 feet,

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LEGAL DESCRIPTION -- CONTINUED

SOUTH 34 degrees 14 minutes 00 seconds East 204 25 feet to the northwesterly line of lands of the City of New York as described in Liber 1887 of deeds Page 208,

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LEGAL DESCRIPTION -- CONTINUED

THENCE along said land of the City of New York

SOUTH 43 degrees 50 minutes 00 seconds West 51 12 feet,

SOUTH 34 degrees 14 minutes 00 seconds East 263 52 feet,

SOUTH 55 degrees 46 minutes 05 seconds West 3 50 feet,

SOUTH 34 degrees 14 minutes 00 seconds East 5 00 feet to a point of curve,

CONTINUING along said curve to the right having a radius of 25 50 feet and a central angle of 87 degrees 16 minutes 31 seconds 38 84 feet to a point of tangency,

CONTINUING along said lands of the City of New York South 53 degrees 02 minutes 31 seconds West 136 35 feet to a point of curve,

CONTINUING along said curve to the right having a radius of 275 00 feet and a central angle of 45 degrees 28 minutes 31 seconds 218 27 feet to a point of tangency,

CONTINUING along said lands of the City of New York North 81 degrees 28 minutes 58 seconds West 321 20 feet to the Northeasterly side of Richmond Terrace,

THENCE along the Northeasterly and Northerly side of Richmond Terrace, the following courses and distances,

NORTH 30 degrees 08 minutes 23 seconds West 569 50 feet to a point of curve,

THENCE on a curve to the left having a radius of 320 17 feet a central angle of 22 degrees 47 minutes 16 seconds a distance of 127 34 feet to a point of tangency,

THENCE North 52 degrees 55 minutes 39 seconds West 379 51 feet,

NORTH 54 degrees 16 minutes 20 seconds West 188 13 feet to a point of curve,

THENCE on a curve to the left having a radius of 853 42 feet, a central angle of 17 degrees 06 minutes 20 seconds a distance of 254 79 feet to a point of tangency, and North 71 degrees 22 minutes 40 seconds West 48 91 feet to the point or place of BEGINNING

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LEGAL DESCRIPTION - CONTINUED

PARCEL II

ALL that certain plot, piece or parcel of land, situate, lying and being in the Borough of Staten Island, County of Richmond, City and State of New York, bounded and described as follows

BEGINNING at a point formed by the intersection of the U S Bulkhead Line as approved by the Secretary of War 1/27/31, and the Easterly line of a grant of lands to Pindelton Estates in Liber 595 Cp 472 Said point or place of beginning being the following courses and distances from Richmond Terrace,

BEGINNING at a point on the northerly side of Richmond Terrace as vested in the City of New York 12/5/1947 where the same is intersected by the Northerly prolongation of the Westerly side of Nicholas Street,

RUNNING THENCE North 24 degrees 07 minutes 43 seconds East along the Northerly prolongation of the Westerly side of Nicholas Street 107 42 feet to the low waterline as the same existed in 1797,

THENCE along said low water line the following courses and distances,

NORTH 66 degrees 39 minutes 07 seconds West 208 86 feet,

NORTH 76 degrees 43 minutes 47 seconds West 80 52 feet and North 89 degrees 56 minutes 27 seconds West 82 61 feet to a point,

NORTH 71 degrees 19 minutes 27 seconds West, along other lands of the Staten Island Railroad Corporation 675 17 feet to a point,

THENCE the four following courses and distances

NORTH 12 degrees 14 minutes 30 seconds West 32.20 feet,

NORTH 63 degrees 26 minutes 06 seconds West 33 54 feet,

NORTH 87 degrees 25 minutes 36 seconds West 57 55 feet and North 12 degrees 34 minutes 50 seconds East 66 88 feet to the true point or place of beginning,

THENCE North 12 degrees 34 minutes 50 seconds East along said grant of lands 163 94 feet to the U S Pierhead Line as approved by the Secretary of War 1/27/1931,

THENCE along said Pierhead Line, South 89 degrees 35 minutes 00 seconds East 1280 25 feet,

SOUTH 68 degrees 25 minutes 00 seconds East 1200 00 feet, and

SOUTH 46 degrees 10 minutes 00 seconds East 792 80 feet to the Northwesterly line of lands of the City of New York as described in Liber 1887 of deeds Page 208,

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LEGAL DESCRIPTION - CONTINUED

THENCE along said lands of the City of New York, South 43 degrees 50 minutes 00 seconds West 509 23 feet to a point in the U S Bulkhead Line as approved by the Secretary of War 1/27/1931,

THENCE along said Bulkhead line

NORTH 34 degrees 14 minutes 00 seconds West 204 25 feet,

NORTH 44 degrees 54 minutes 00 seconds West 627 50 feet,

NORTH 59 degrees 12 minutes 30 seconds West 604 feet,

NORTH 72 degrees 52 minutes 30 seconds West 950 feet,

NORTH 89 degrees 35 minutes 00 seconds West 666 40 feet to the true point or place of BEGINNING

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LEGAL DESCRIPTION -- CONTINUED

BLANKET DESCRIPTION

ALL that certain plot, piece or parcel of land, situate, lying and being in the Borough of Staten Island, County of Richmond, City and State of New York, bounded and described as follows

TRACT I (Underwater and solid fill combined)

BEGINNING at a point on the Northerly side of Richmond Terrace as vested in the City of New York 12/5/1947 where the same is intersected by the Northerly prolongation of the Westerly side of Nicholas Street,

RUNNING North 24 degrees 07 minutes 43 seconds East along the Northerly prolongation of the Westerly side of Nicholas Street 107 42 feet to the low water line as the same existed in 1797,

THENCE along said low water line the following courses and distances,

NORTH 66 degrees 39 minutes 07 seconds West 208 86 feet,

NORTH 76 degrees 43 minutes 47 seconds West 80 52 feet and North 89 degrees 56 minutes 27 seconds West 82 61 feet to a point,

THENCE North 71 degrees 19 minutes 27 seconds West, along other lands of the Staten Island Railroad Corporation, 675 17 feet to a point,

THENCE the four following courses and distances

NORTH 12 degrees 14 minutes 30 seconds West 32 20 feet,

NORTH 63 degrees 26 minutes 06 seconds West 33 54 feet,

NORTH 87 degrees 25 minutes 36 seconds West 57 55 feet and North 12 degrees 34 minutes 50 seconds East 230 82 feet to the U S Pierhead Line as approved by the Secretary of War 9/5/1913 and 1/27/1931,

THENCE along said Pierhead Line,

SOUTH 89 degrees 35 minutes 00 seconds Est, 1,280 25 feet,

SOUTH 68 degrees 25 minutes 00 seconds East, 1,200 00 feet and South 46 degrees 10 minutes 00 seconds East, 792 80 feet to the northwesterly line of land of the City of New York as described in Liber 1887 of deed Page 208,

THENCE along the said lands of the City of New York,

SOUTH 43 degrees 50 minutes 00 seconds West, 560 35 feet,

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LEGAL DESCRIPTION - CONTINUED

SOUTH 34 degrees 14 minutes 00 seconds East, 263 52 feet,

SOUTH 55 degrees 46 minutes 05 seconds West, 3 50 feet,

SOUTH 34 degrees 14 minutes 00 seconds East, 5 00 feet to a point of curve,

CONTINUING along said curve to the right having a radiu of 25 50 feet and central angle of 87 degrees 16 minutes 31 seconds, 38 84 feet to a point of tangency,

CONTINUING along said lands of the City of New Yor South 53 degrees 02 minutes 31 seconds West, 136 35 feet to a point of curve,

CONTINUING along said curve to the right having a radius of 275 00 feet and a central angle of 45 degrees 28 minutes 31 seconds, 218 27 feet to a point of tangency,

CONTINUING along said lands of the City of New York North 8 1 degrees 28 minutes 58 seconds West 321 20 feet to the Northeasterly side of Richmond Terrace,

THENCE along the Northeasterly and Northerly side of Richmond Terrace, the following courses and distances:

NORTH 30 degrees 08 minutes 23 seconds West 569 50 feet to a point of curve,

THENCE on a curve to the left having a radius of 320 17 feet, a central angle of 22 degrees 47 minutes 16 seconds a distance of 127 34 feet to a point of tangency;

THENCE North 52 degrees 55 minutes 39 seconds West 379 51 feet,

NORTH 54 degrees 16 minutes 20 seconds West 188 13 feet to a point of curve,

THENCE on a curve to the left having a radius of 853 42 feet, a central angle of 17 degrees 06 minutes 20 seconds a distance of 254 79 feet to a point of tangency, and

NORTH 71 degrees 22 minutes 40 second West 48 91 feet to the point or place of BEGINNING

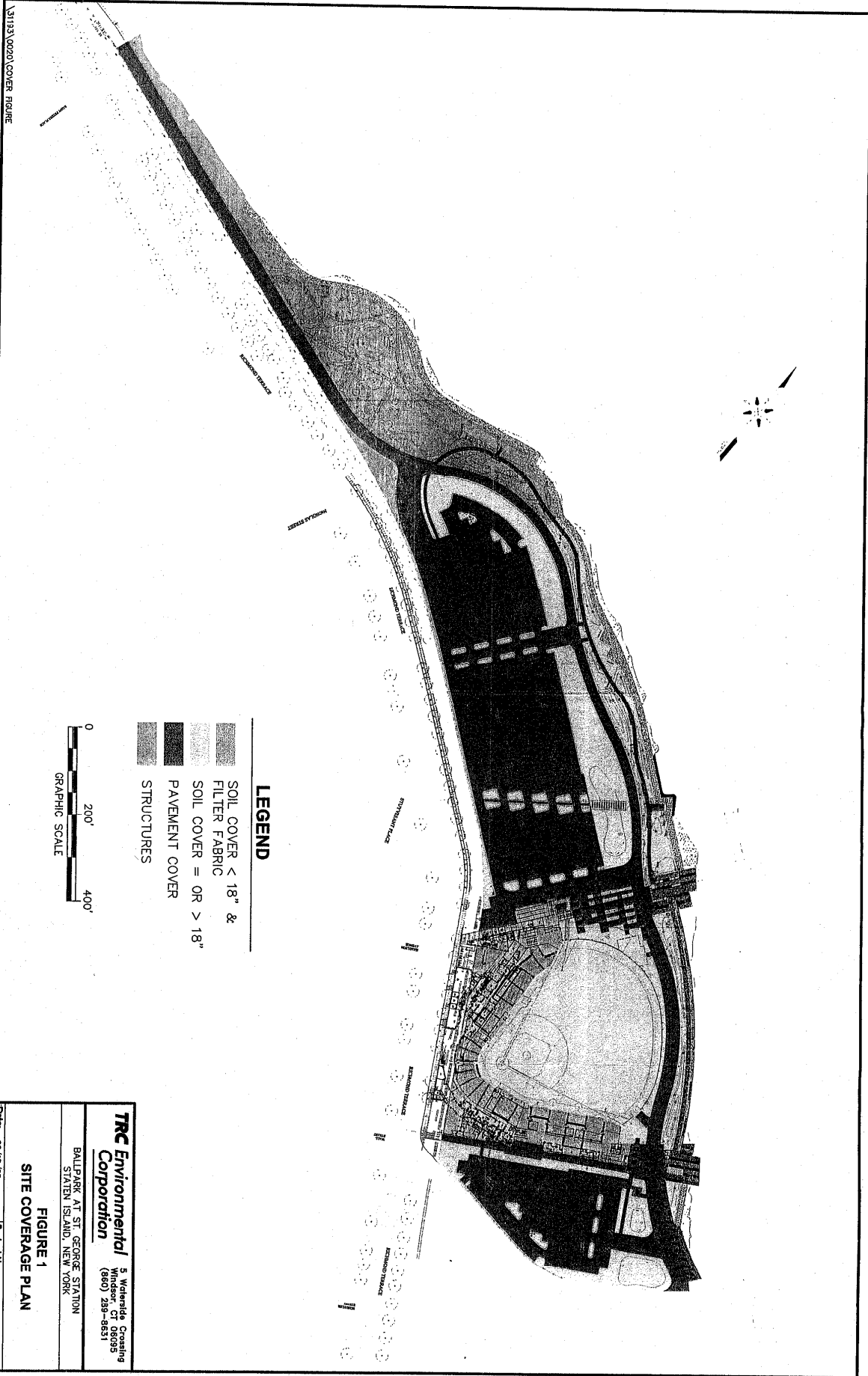
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Schedule "B"



<b>TRC Environmental Corporation</b> 5 Waterford Crossing Staten Island, NY 10314 (850) 289-8531	BALLPARK AT ST. GEORGE STATION STATEN ISLAND, NEW YORK
	<b>FIGURE 1</b> <b>SITE COVERAGE PLAN</b>
Date: 06/15/05	Project No. 31193-0020-00020