



Glenn T. Dyer
gdyer@dyerpeterperson.com
Direct: 973-928-8219

Gregory E. Peterson
gpeterperson@dyerpeterperson.com
Direct: 973-218-1053
NJ, NY, PA, and DC

John K. Fiorilla
jfiorilla@dyerpeterperson.com
Direct: 973-419-6124

973-928-8208
(phone & fax)

www.DyerPeterson.com

Offices

Main Office (all mail)
322 US Highway 46
Suite 220E
Parsippany, NJ 07054

South Jersey Office
605 Main Street
Suite 104
Riverton, NJ 08077

Associates

Matilda A. Carvajal
mcarvajal@dyerpeterperson.com
Direct: 973-928-8208 x15

Jaime R. Ackerman
jackerman@dyerpeterperson.com
Direct: 973-928-8615
NJ, NY, PA, and ME

Nathan C. Orr
norr@dyerpeterperson.com
Direct: 973-841-5688

December 8, 2021

Via E Filing

Ms. Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street SW
Washington, DC 20423-0001

Re: Verified Petition of DH Property Holdings, LLC to establish that the remains of a railroad right of way in the County of Bronx, State of New York is an excepted spur track and not a line of railroad. STB Docket No. FD 36559;

Dear Ms. Brown:

Please find attached a Verified Petition for a Declaratory Order on behalf of Action Environmental Systems, LLC, DH Property Holdings, LLC and Bridge Industrial, LLC. I have arranged for payment of the \$ 1400.00 filing fee through the link provided on the Board's website.

Please do not hesitate to contact me if you have any questions.

Sincerely,

/s/

John K. Fiorilla
Counsel for Action
Environmental Systems, LLC,
DH Property
Holdings, LLC and Bridge
Industrial, LLC

BEFORE THE
SURFACE TRANSPORTATION BOARD

FD 36559

**ACTION ENVIRONMENTAL SYSTEMS, LLC, DH PROPERTY HOLDINGS, LLC
AND BRIDGE INDUSTRIAL, LLC**

PETITION FOR DECLARATORY ORDER

**VERIFIED PETITION FOR A DECLARATORY ORDER TO ESTABLISH THAT THE
REMAINS OF A RAILROAD RIGHT OF WAY IN THE COUNTY OF BRONX, STATE
OF NEW YORK IS AN EXCEPTED SPUR TRACK AND NOT A LINE OF RAILROAD**

John K. Fiorilla
Gregory E. Peterson
Dyer & Peterson, P.C.
605 Main Street Suite 104
Riverton, N.J. 08077-1440
(973) 419-6124
jfiorilla@dyerpetererson.com
gpetererson@dyerpetererson.com

**COUNSEL FOR Action Environmental Systems, LLC, DH Property Holdings, LLC and
Bridge Industrial, LLC**

Dated: December 8, 2021

BEFORE THE
SURFACE TRANSPORTATION BOARD

FD 36559

**ACTION ENVIRONMENTAL SYSTEMS, LLC, DH PROPERTY HOLDINGS, LLC
AND BRIDGE INDUSTRIAL, LLC**

PETITION FOR DECLARATORY ORDER

**VERIFIED PETITION FOR A DECLARATORY ORDER TO ESTABLISH THAT THE
REMAINS OF A RAILROAD RIGHT OF WAY IN THE COUNTY OF BRONX, STATE
OF NEW YORK IS AN EXCEPTED SPUR TRACK AND NOT A LINE OF RAILROAD**

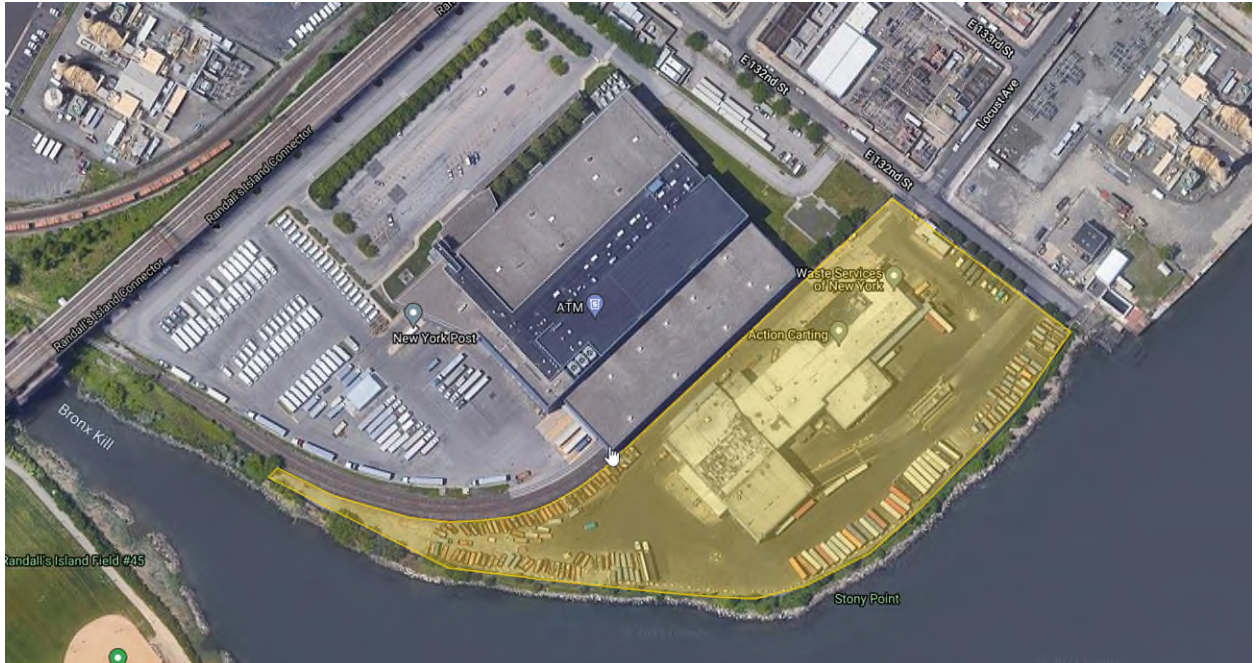
Action Environmental Systems, LLC, DH Property Holdings, LLC and Bridge Industrial, LLC, non-carriers, hereby petition the Board for a Declaratory Order pursuant to 49 U.S.C. § 1321 and 5 U.S.C. § 554(e) confirming that certain defunct railroad facilities that encumber property owned by petitioner Action Environmental Systems, LLC and respecting which petitioners DH Property Holdings, LLC and Bridge Industrial, LLC have a non-exclusive Letter of Intent to acquire are in fact “Excepted spur track” within the scope of 49 U.S.C. §10906. [See **Attachment Letter of Intent** -subject to separate Motion for Protective Order]

INTRODUCTION

The property to be acquired is located at 920 East 132nd Street and 1 Plaza Place, Bronx, New York 10454.

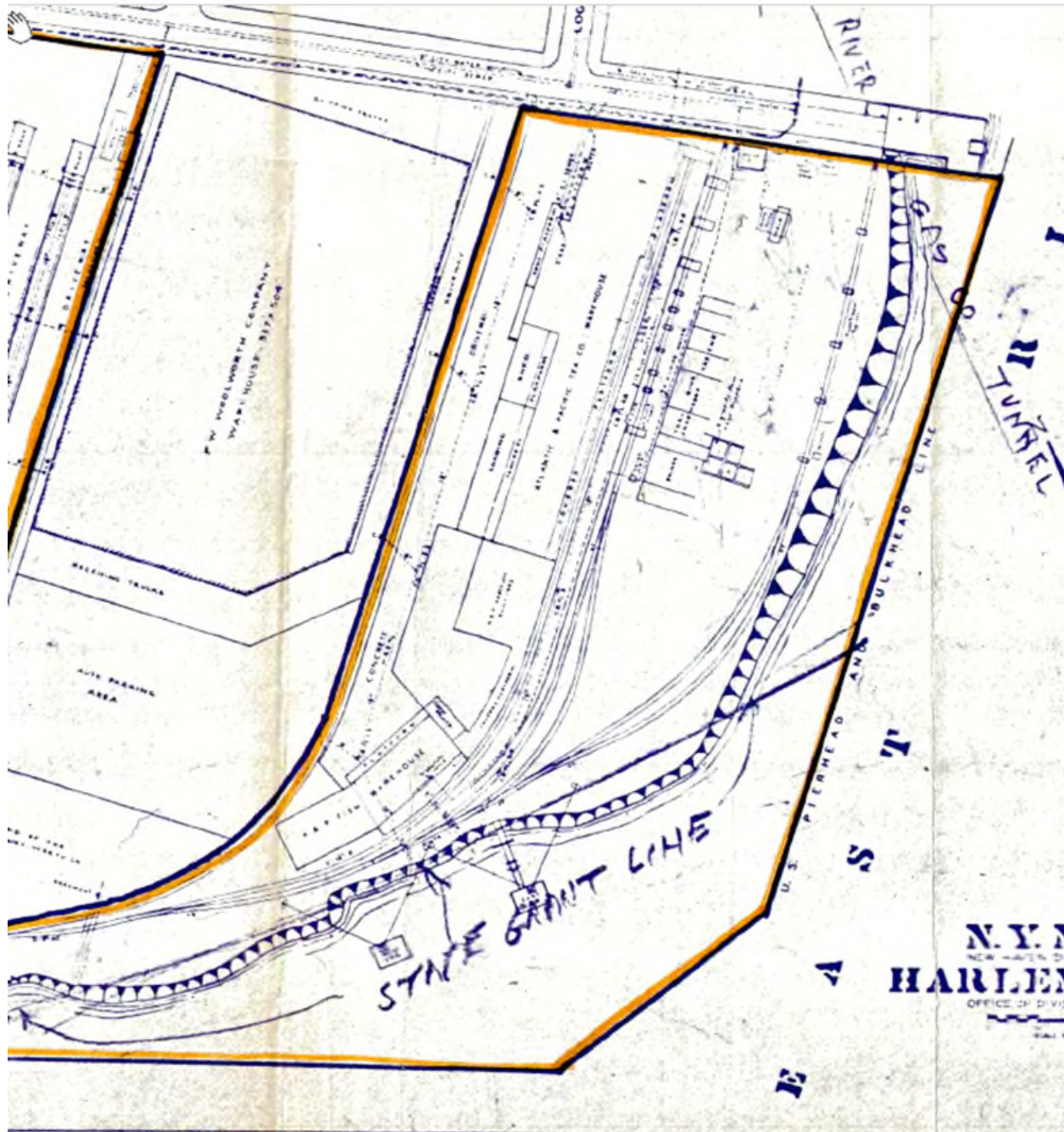
This Verified Petition applies only to long abandoned railroad facilities. As a frame of reference, now inactive railroad was located on the parcel which lies southeast of 132nd St., borders the East River (to the east) the Harlem River (to the south), and an unrelated plot (to the north and west).

An overhead, “current” view of the property- with an approximate depiction of the property at issue shaded yellow- is included for ready reference. (See **Attachment-Overhead**) A detailed survey is also attached. (See **Attachment- Survey**)



The original railroad rights of way on the parcel are indicated in the map of the New of the York New Haven & Hartford Railroad (N.Y.N.H. & H.R.R.), originally dated November 30, 1948. **[Attachment N.Y.N.H & H.R.R.]**

Historically, the railroad facilities were utilized by the N.Y.N.H. & H.R.R. to service customers with sidings for loading and unloading, including fish and grocery products. A spur adjacent to the westernmost border of the property terminated near a loading shed and ran parallel to a concrete driveway. A points- facing-west turnout diverged from the “fish warehouse” spur to enter the subject property. Three turnouts on the property created two extremely short run around tracks at the base of two, separate, stub-ended, elevated unloading tracks. These facilities were likely used to unload coal from bottom discharge hoppers:



The siding into the property was fed by a series of other spurs which ultimately accessed the easternmost portion of the Harlem River Yard, which itself was a portion of the New Haven Division and Harlem River Branch. [Attachment N.Y.N.H & H.R.R.]

The above indicated N.Y.N.H. & H.R.R Division Engineer Plan with a last revision date of January 21, 1969, continued to reference the complex arrangement of spur tracks – both elevated

and at grade- on the property. As explained more fully below, it is unlikely that these facilities continued to exist at the time of the Plan's last revision.

It is important to note that the track layout would only have been able to accommodate shorter, lighter weight rail-cars common in the early 20th century, as evidenced by the extremely short passing sidings on the property.

Critically, all of the sidings on the property ultimately stub ended south and east of 132nd Street, on the property. None of the track ever constituted a through route of any kind. [See **Attachment N.Y.N.H & H.R.R.**]

In 1969, the assets of the N.Y.N.H. & H.R.R. were merged with the Penn Central.¹

In 1972 Penn Central ceased operations at the Harlem River Yard², effectively terminating any access to the subject spurs.

Certain property rights passed to Conrail, with its formation, by way of Deed [**Attachment Deed**]. As to the parcel in question, the area was identified as Owner 500, Valuation Section 9481, Sub Div. 080, Sheet Number ST1A and Real Estate Region 1. A notation on the map incorporated Notes 1 and 2 on Map ST1. Notes 1 and 2 indicated "1. All Land except Original R.O.W. will remain with Estate. 2. Original R.O.W. Location August 31, 1869".

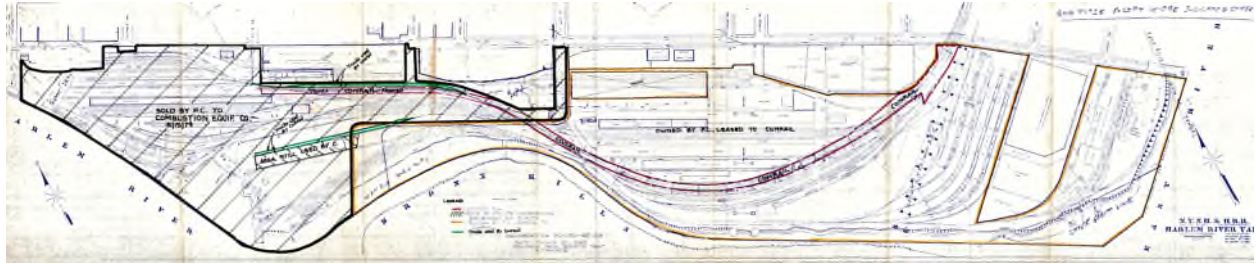
The Deed confirmed that the transfer for the subject property was excepted from the conveyance to Conrail except the railroad right-of-way (reel 379, page 656).

In response to a request to investigate, Conrail found nothing to indicate it operated the spur into the subject property at any time.

As of March 20, 1980, according to a Conrail, it had no extant right of way on the subject property. There were only four active tracks used by Conrail, well west of the area in question, in the Harlem River Yard. [See **Attachment N.Y.N.H & H.R.R**]

¹ John L. Weller, The New Haven Railroad: its rise and fall (1969)

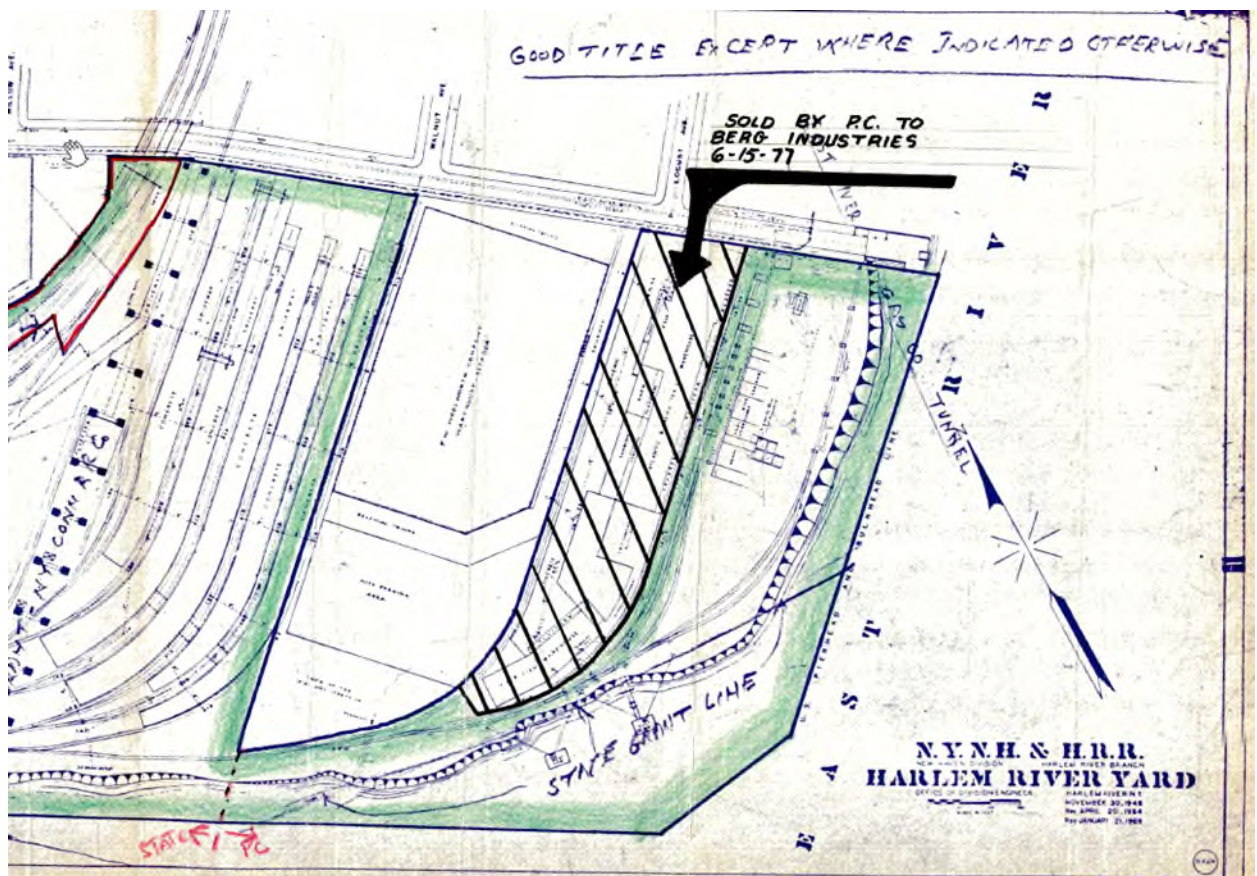
² Robert E. Paaswell, P.E., Ph.D., Director, CUNY Institute for Urban Systems, An Evaluation of New York's Full Freight Access Progress, p. 30 (2005)



[red indicates right of way as of March 20, 1980, green indicates active rail line, yellow indicates Owned by P.C., leased to Conrail]

An updated version of the same, March 20, 1980 map confirmed that Penn Central had, on June 15, 1977, sold a portion of property adjacent to the subject property [which also included railroad right of way and the location of the former grocery customers, to Berg Industries].³

[Attachment Conrail Map]



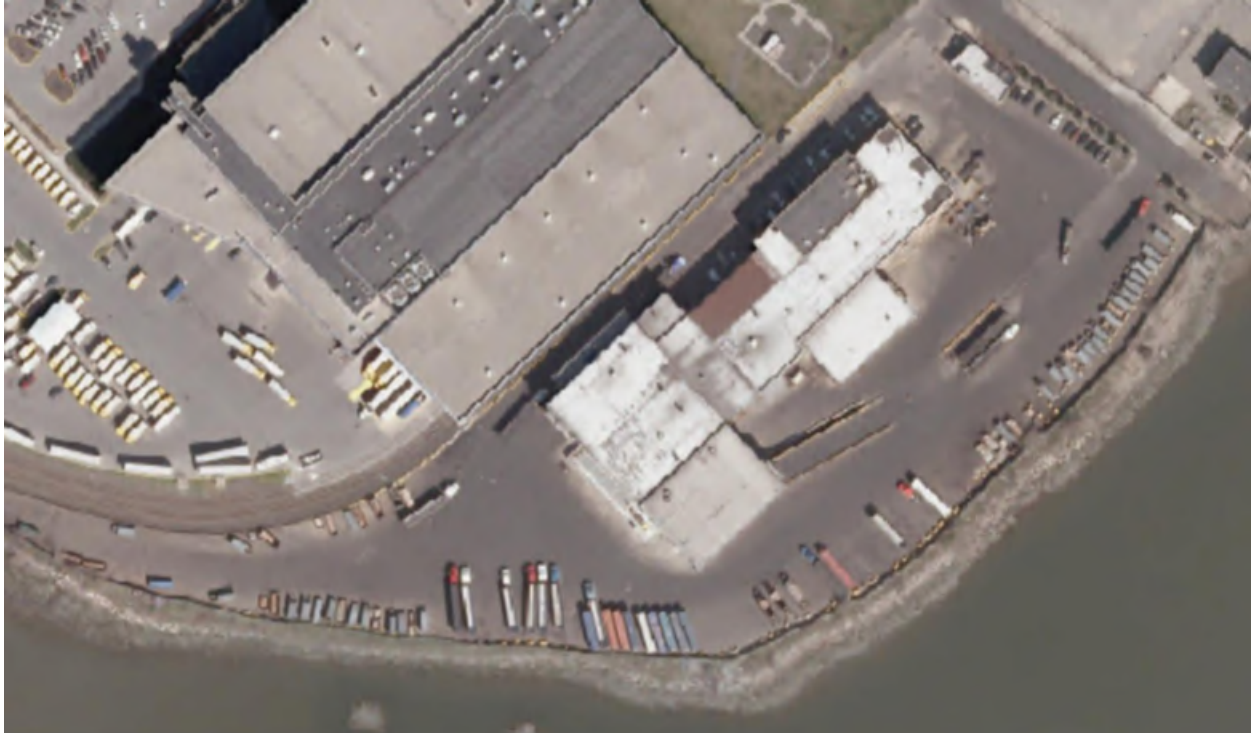
³ Penn Central apparently considered the right-of-way on that parcel to have been spur.

(References in **Attachment Conrail Map** to the State [of New York] regard a demarcation line for a 1998 Department of Transportation condemnation).

A satellite view from 1980 confirms that nearly all railroad infrastructure referenced in the historic maps was removed. No rail served customers existed. There were no railroad facilities of any kind and turnouts had been removed. [**Attachment 1980 view**]



By 2012, there was little evidence any railroad right-of-way had ever existed on the property [**Attachment 2012 view**]



Rail service was never restored to the property by Penn Central, Conrail or CSX.

ARGUMENT

There is no definition in 49 U.S.C. §10906 of what constitutes “spur, industrial, team, switching or side tracks” over which the Board has no abandonment authority. Likewise, there is no single test for what is- or is not-excepted track under §10906. In prior matters considering the issue, the Board has considered several factors including but not limited to the intended use of the track, the track’s physical characteristics, its relationship to the rail system and the history of the track. See Brookhaven Rail Terminal, Petition for Declaratory Order Finance Docket 35819, Decision at p.3.

In this matter, the sole historic use of the property was to serve customer sidings for unloading products at facilities which were razed decades ago. The tracks as noted above were stub ended south and east of 132nd Street on the property which the petitioner has an intent to purchase. The history of how the railroad was conveyed also indicates that although the right-of-way was deeded to Conrail, there is no evidence that Conrail, CSX or any other carrier ever operated since its conveyance to Conrail in 1976. The evidence noted above confirms that the stub

end right of way which only served local customers has not been operated in more than fifty years. The physical characteristics of the railroad facilities – in this case including elevated tracks for bottom discharge rail cars with extremely short run around tracks for each spur—confirm in and of themselves that the railroad facilities are obsolete and feature infrastructure from a bygone era.

The right of way in question meets the criteria used in previous cases since the right of way was stub end, used only to serve local customers who are long gone, upon which no thru service could be operated and upon which no service has been found for at least fifty years.

In Pinelawn Cemetery—Pet. for Declaratory Order, FD 35468, at 6 (2015) the Board mentioned the relevance of “whether or not the carrier has continued to exhibit a fixed and continuing intent to hold out to provide common carrier rail service to the public”. The best evidence with regard to the intent of the carrier is the removal of the turnout to the customer sidings occupying the property. It is noteworthy that the switch was from a spur, itself, and not from any mainline. All sidings have long since been removed. The Map annexed to the Deed to Conrail showed no active rail facilities on the property as of the date of formation of Conrail. [See **Attachment Deed**, Reel 379, Page 673]

Under these circumstances petitioners request that the Board exercise its jurisdiction to declare the right of way in question as excepted spur track over which it has no decision making authority as regards its abandonment.

Respectfully submitted,

/s/ John K. Fiorilla

John K. Fiorilla

Gregory E. Peterson

Dyer & Peterson, P.C.

605 Main Street Suite 104

Riverton, N.J. 08077-1440

(973) 419-6124

jfiorilla@dyerpeterston.com

gpeterston@dyerpeterston.com

COUNSEL FOR Action Environmental Systems, LLC, DH Property Holdings, LLC and Bridge Industrial, LLC

Dated: December 8, 2021

VERIFICATION AND CERTIFICATION

I, Michael DiBella, am the CEO and President of Action Environmental Systems, LLC. I verify, under penalty of perjury, that the facts set forth in this Verified Petition for Declaratory Judgment are true and correct based upon my investigation, and/or review of documents and/or my personal knowledge.

Dated:

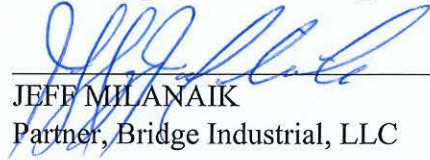
A handwritten signature in black ink, appearing to read "Michael DiBella", written over a horizontal line.

MICHAEL DiBELLA
CEO and President, Action Environmental
Systems, LLC

VERIFICATION AND CERTIFICATION

I, Jeff Milanaik, am a Partner with Bridge Industrial, LLC. I verify, under penalty of perjury, that the facts set forth in this Verified Petition for Declaratory Judgment are true and correct based upon my investigation, and/or review of documents and/or my personal knowledge.

Dated:



JEFF MILANAİK
Partner, Bridge Industrial, LLC

VERIFICATION AND CERTIFICATION

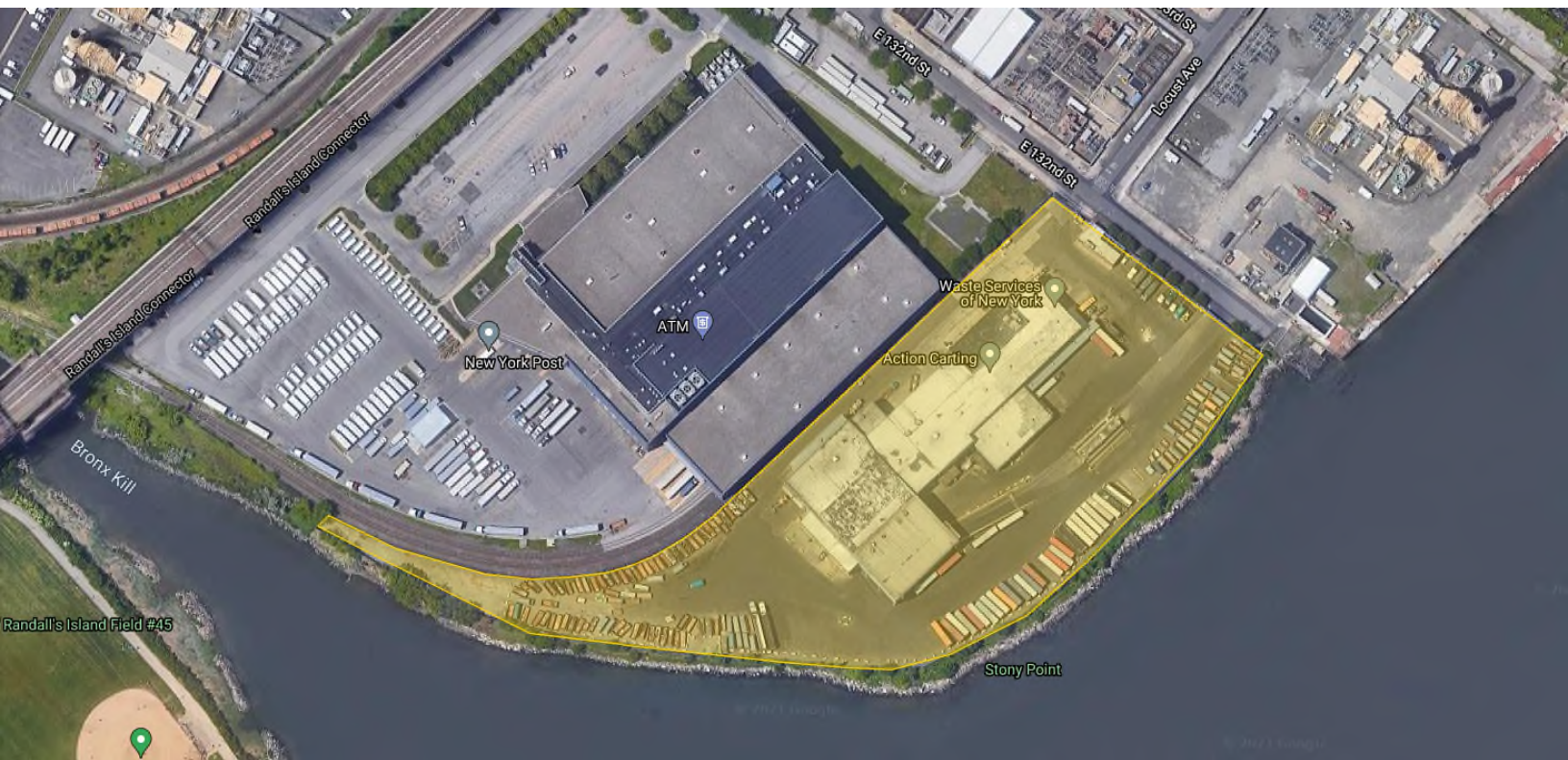
I, Dov Hertz, am the founder and President of DH Property Holdings, LLC. I verify, under penalty of perjury, that the facts set forth in this Verified Petition for Declaratory Judgment are true and correct based upon my investigation, and/or review of documents and/or my personal knowledge.

Dated: 11/22/2021



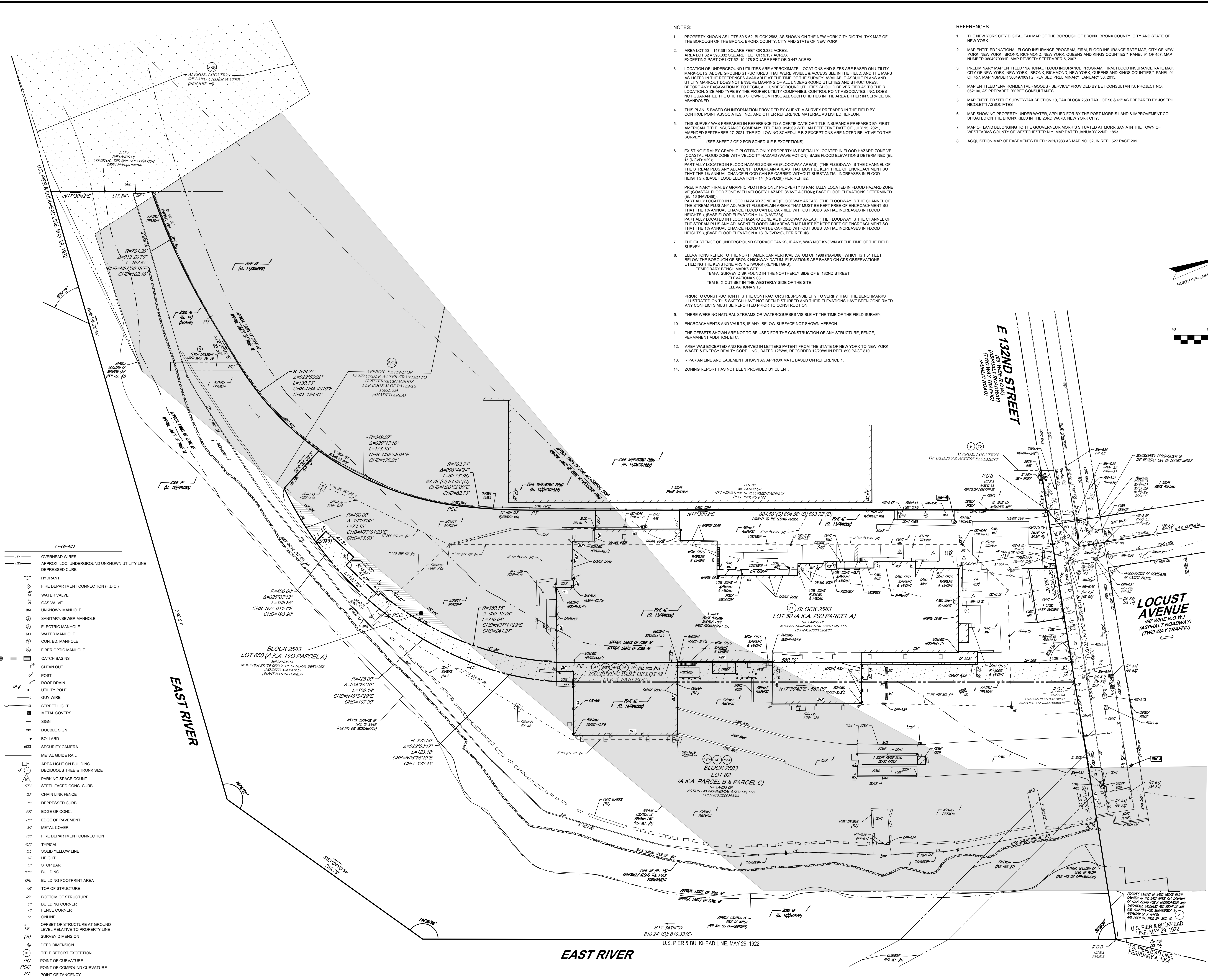
DOV HERTZ
President, DH Property Holdings, LLC

ATTACHMENT - LETTER OF INTENT -
PROTECTED



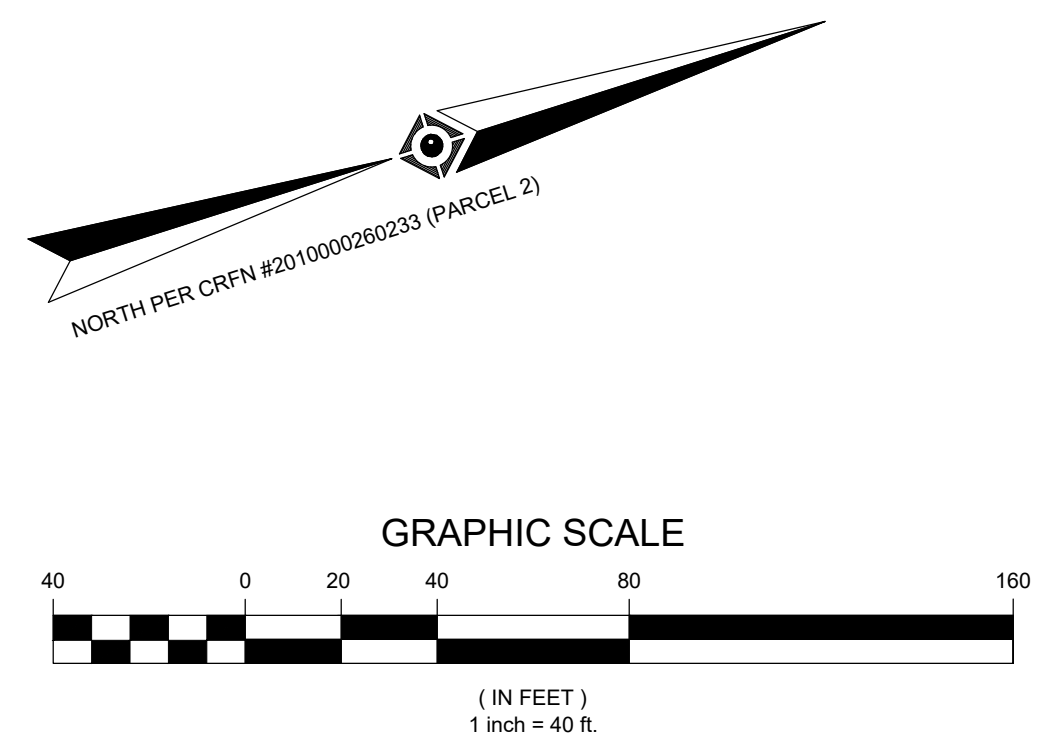
ATTACHMENT -SURVEY

CONTROL POINT ASSOCIATES, INC. ALL RIGHTS RESERVED. ORIGINAL PROJECTOR
THESE CHANGES ARE NOT TO BE USED FOR ANY OTHER PROJECTS. CONTROL POINT ASSOCIATES, INC. IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS.



- NOTES:
- PROPERTY KNOWN AS LOTS 50 & 62, BLOCK 2583, AS SHOWN ON THE NEW YORK CITY DIGITAL TAX MAP OF THE BOROUGH OF THE BRONX, BRONX COUNTY, CITY AND STATE OF NEW YORK.
 - AREA LOT 50 = 147,361 SQUARE FEET OR 3.362 ACRES.
AREA LOT 62 = 386,032 SQUARE FEET OR 8.137 ACRES.
EXCEPTING PART OF LOT 62=18,478 SQUARE FEET OR 0.447 ACRES.
 - LOCATION OF UNDERGROUND UTILITIES ARE APPROXIMATE. LOCATIONS AND SIZES ARE BASED ON UTILITY MARK-OUTS ABOVE GROUND STRUCTURES THAT WERE VISIBLE & ACCESSIBLE IN THE FIELD, AND THE MAPS AS LISTED IN THE REFERENCES AVAILABLE AT THE TIME OF THE SURVEY. AVAILABLE ASBUILT PLANS AND UTILITY MARK-OUT DOES NOT ENSURE MAPPING OF ALL UNDERGROUND UTILITIES AND STRUCTURES. BEFORE ANY EXCAVATION IS TO BEGIN, ALL UNDERGROUND UTILITIES SHOULD BE VERIFIED AS TO THEIR LOCATION, SIZE AND TYPE BY THE PROPER UTILITY COMPANIES. CONTROL POINT ASSOCIATES, INC. DOES NOT GUARANTEE THE UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA EITHER IN SERVICE OR ABANDONED.
 - THIS PLAN IS BASED ON INFORMATION PROVIDED BY CLIENT, A SURVEY PREPARED IN THE FIELD BY CONTROL POINT ASSOCIATES, INC., AND OTHER REFERENCE MATERIAL AS LISTED HEREON.
 - THIS SURVEY WAS PREPARED IN REFERENCE TO A CERTIFICATE OF TITLE INSURANCE PREPARED BY FIRST AMERICAN TITLE INSURANCE COMPANY, TITLE NO. 314888 WITH AN EFFECTIVE DATE OF JULY 15, 2021, AMENDED SEPTEMBER 27, 2021. THE FOLLOWING SCHEDULE B-2 EXCEPTIONS ARE NOTED RELATIVE TO THE SURVEY:
(SEE SHEET 2 OF 2 FOR SCHEDULE B-2 EXCEPTIONS)
 - EXISTING FIRM: BY GRAPHIC PLOTTING ONLY PROPERTY IS PARTIALLY LOCATED IN FLOOD HAZARD ZONE VE (COASTAL FLOOD ZONE WITH VELOCITY HAZARD (WAVE ACTION); BASE FLOOD ELEVATIONS DETERMINED (EL. 15 (NGVD1989)).
PARTIALLY LOCATED IN FLOOD HAZARD ZONE AE (FLOODWAY AREAS); (THE FLOODWAY IS THE CHANNEL OF THE STREAM PLUS ANY ADJACENT FLOODPLAIN AREAS THAT MUST BE KEPT FREE OF ENCROACHMENT SO THAT THE 1% ANNUAL CHANCE FLOOD CAN BE CARRIED WITHOUT SUBSTANTIAL INCREASES IN FLOOD HEIGHTS.); (BASE FLOOD ELEVATION = 14' (NGVD29)) PER REF. #2.
PRELIMINARY FIRM: BY GRAPHIC PLOTTING ONLY PROPERTY IS PARTIALLY LOCATED IN FLOOD HAZARD ZONE VE (COASTAL FLOOD ZONE WITH VELOCITY HAZARD (WAVE ACTION); BASE FLOOD ELEVATIONS DETERMINED (EL. 16 (NAVOD88)).
PARTIALLY LOCATED IN FLOOD HAZARD ZONE AE (FLOODWAY AREAS); (THE FLOODWAY IS THE CHANNEL OF THE STREAM PLUS ANY ADJACENT FLOODPLAIN AREAS THAT MUST BE KEPT FREE OF ENCROACHMENT SO THAT THE 1% ANNUAL CHANCE FLOOD CAN BE CARRIED WITHOUT SUBSTANTIAL INCREASES IN FLOOD HEIGHTS.); (BASE FLOOD ELEVATION = 14' (NAVOD88)).
PARTIALLY LOCATED IN FLOOD HAZARD ZONE AE (FLOODWAY AREAS); (THE FLOODWAY IS THE CHANNEL OF THE STREAM PLUS ANY ADJACENT FLOODPLAIN AREAS THAT MUST BE KEPT FREE OF ENCROACHMENT SO THAT THE 1% ANNUAL CHANCE FLOOD CAN BE CARRIED WITHOUT SUBSTANTIAL INCREASES IN FLOOD HEIGHTS.); (BASE FLOOD ELEVATION = 13' (NGVD29)) PER REF. #3.
 - THE EXISTENCE OF UNDERGROUND STORAGE TANKS, IF ANY, WAS NOT KNOWN AT THE TIME OF THE FIELD SURVEY.
 - ELEVATIONS REFER TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVOD88), WHICH IS 1.51 FEET BELOW THE BOROUGH OF BRONX HIGHWAY DATUM. ELEVATIONS ARE BASED ON GPS OBSERVATIONS UTILIZING THE KEYSTONE VRS NETWORK (KEYNETGPS).
TEMPORARY BENCH MARKS SET:
TBM-A: SURVEY DISK FOUND IN THE NORTHERLY SIDE OF E. 132ND STREET.
ELEVATION= 9.08'
TBM-B: X-CUT SET IN THE WESTERLY SIDE OF THE SITE.
ELEVATION= 9.13'
 - PRIOR TO CONSTRUCTION IT IS THE CONTRACTOR'S RESPONSIBILITY TO VERIFY THAT THE BENCHMARKS ILLUSTRATED ON THIS SKETCH HAVE NOT BEEN DISTURBED AND THEIR ELEVATIONS HAVE BEEN CONFIRMED. ANY CONFLICTS MUST BE RECORDED PRIOR TO CONSTRUCTION.
 - THERE WERE NO NATURAL STREAMS OR WATERCOURSES VISIBLE AT THE TIME OF THE FIELD SURVEY.
 - ENCROACHMENTS AND VAULTS, IF ANY, BELOW SURFACE NOT SHOWN HEREON.
 - THE OFFSETS SHOWN ARE NOT TO BE USED FOR THE CONSTRUCTION OF ANY STRUCTURE, FENCE, PERMANENT ADDITION, ETC.
 - AREA WAS EXCEPTED AND RESERVED IN LETTERS PATENT FROM THE STATE OF NEW YORK TO NEW YORK WASTE & ENERGY REALTY CORP., INC., DATED 12/28/86, RECORDED 12/28/86 IN REEL 899 PAGE 810.
 - RIPARIAN LINE AND EASEMENT SHOWN AS APPROXIMATE BASED ON REFERENCE 1.
 - ZONING REPORT HAS NOT BEEN PROVIDED BY CLIENT.

- REFERENCES:
- THE NEW YORK CITY DIGITAL TAX MAP OF THE BOROUGH OF BRONX, BRONX COUNTY, CITY AND STATE OF NEW YORK.
 - MAP ENTITLED "NATIONAL FLOOD INSURANCE PROGRAM, FIRM, FLOOD INSURANCE RATE MAP, CITY OF NEW YORK, NEW YORK, BRONX, RICHMOND, NEW YORK, QUEENS AND KINGS COUNTIES," PANEL 91 OF 457, MAP NUMBER 304970091F, MAP REVISED: SEPTEMBER 5, 2007.
 - PRELIMINARY FIRM: MAP ENTITLED "NATIONAL FLOOD INSURANCE PROGRAM, FIRM, FLOOD INSURANCE RATE MAP, CITY OF NEW YORK, NEW YORK, BRONX, RICHMOND, NEW YORK, QUEENS AND KINGS COUNTIES," PANEL 91 OF 457, MAP NUMBER 304970091G, REVISED PRELIMINARY: JANUARY 30, 2015.
 - MAP ENTITLED "ENVIRONMENTAL - GOODS - SERVICE" PROVIDED BY BET CONSULTANTS. PROJECT NO. 06210, AS PREPARED BY BET CONSULTANTS.
 - MAP ENTITLED "TITLE SURVEY-TAX SECTION 10, TAX BLOCK 2583 TAX LOT 50 & 62" AS PREPARED BY JOSEPH NICOLETTI ASSOCIATES
 - MAP SHOWING PROPERTY UNDER WATER, APPLIED FOR BY THE PORT MORRIS LAND & IMPROVEMENT CO. SITUATED ON THE BRONX KILLS IN THE 23RD WARD, NEW YORK CITY.
 - MAP OF LAND BELONGING TO THE GOVERNOR MORRIS SITUATED AT MORRISANA IN THE TOWN OF WESTFARM COUNTY OF WESTCHESTER N.Y. MAP DATED JANUARY 22ND, 1853.
 - ACQUISITION MAP OF EASEMENTS FILED 12/11/83 AS MAP NO. 52, IN REEL 527 PAGE 209.



THIS SURVEY IS CERTIFIED TO:

- ROYAL ABSTRACT OF NEW YORK LLC
- FIRST AMERICAN TITLE INSURANCE COMPANY
- ACTION ENVIRONMENTAL SYSTEMS, LLC

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT WAS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100.

UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP BEARING A LICENSED LAND SURVEYOR'S SEAL IS A VIOLATION OF SECTION 7209, SUB-DIVISION 2, OF THE NEW YORK STATE EDUCATION LAW.

ONLY COPIES FROM THE ORIGINAL OF THIS SURVEY MARKED WITH AN ORIGINAL OF THE LAND SURVEYOR'S EMBOSSED SEAL SHALL BE CONSIDERED TO BE VALID TRUE COPIES.

PREPARED BY:
CONTROL POINT ASSOCIATES, INC. P.C.
9 TIMES SQUARE,
200 WEST 41ST STREET, SUITE 1203
NEW YORK, NY 10036
646.704.1111 • 646.686.9955 FAX
WWW.CONTROLPOINT.COM

NO.	DATE	BY	DESCRIPTION	APPROVED
REVISIONS				

PROJECT NAME
920 EAST 132ND STREET
BLOCK 2583, LOTS 50, 62 & 650
BOROUGH OF THE BRONX, BRONX COUNTY
CITY AND STATE OF NEW YORK

DRAWING TITLE
ALTA/NSPS LAND TITLE SURVEY

SEAL & SIGNATURE
WILLIAM T. WHIMPLE
DATE
FEBRUARY 4, 2021

FIELD DATE: 8-4-2021
FIELD BK: 21-02
F. B. PAGE: 74
DATE: 10-05-2021
SCALE: 1"=40'
PROJECT NO: 04-210205-00
DRAWING BY: T.L.
CHK BY: G.J.A.
APPROVED BY: W.T.W.
DWG No: V-001.0.0
CAD FILE No: 04-210205
PAGE No: 1 OF 2

SCHEDULE "A" LEGAL DESCRIPTION

PARCEL A:

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

BEGINNING AT A POINT ON THE SOUTHERLY SIDE OF EAST 132ND STREET, 60 FEET WIDE, AS ON THE RECORD MAP, SECTION 2 OF THE BOROUGH OF THE BRONX, AS AMENDED AND CORRECTED TO 4/17/2, DISTANT 17.73 FEET WEST OF THE WESTERLY SIDE OF LOCUST AVENUE PROLONGED SOUTHWARDLY;

THENCE EASTWARDLY ALONG THE SOUTHERLY SIDE OF EAST 132ND STREET, 180.78 FEET TO A POINT;

THENCE SOUTHWESTWARDLY ALONG A LINE FORMING AN INTERIOR ANGLE OF 80 DEGREES 53 MINUTES 50 SECONDS WITH THE PRECEDING COURSE, 580.70 FEET TO A POINT OF CURVATURE;

THENCE SOUTHWESTWARDLY ALONG THE EASTERLY EDGE OF THE CONCRETE LOADING PLATFORM AND ALONG THE ARC OF A CURVE BEARING TO THE RIGHT WHOSE RADIUS OF 359.56 FEET SUBTENDING AN ANGLE OF 39 DEGREES 12 MINUTES 28 SECONDS A DISTANCE OF 246.04 FEET TO A POINT;

THENCE SOUTHWARDLY ALONG A LINE FORMING AN ANGLE OF 04 DEGREES 01 MINUTE 34 SECONDS WITH A RADIAL LINE PASSING THROUGH THE LAST POINT, 3.38 FEET TO A POINT;

THENCE SOUTHWESTWARDLY ALONG THE EDGE OF A CONCRETE PLATFORM AND FORMING AN EXTERIOR ANGLE OF 89 DEGREES 54 MINUTES 29 SECONDS WITH THE PREVIOUS COURSE, 51.67 FEET TO A POINT;

THENCE NORTHWARDLY FORMING AN INTERIOR ANGLE OF 90 DEGREES 15 MINUTES 52 SECONDS WITH THE PREVIOUS COURSE, 12.96 FEET TO A POINT ON THE SOUTHERLY WALL OF A ONE STORY BRICK;

THENCE SOUTHWESTWARDLY ALONG THE FACE OF SAID WALL AND AT RIGHT ANGLE WITH THE PRECEDING COURSE, 44.34 FEET TO A POINT;

THENCE SOUTHWARDLY FORMING AN EXTERIOR ANGLE OF 90 DEGREES 01 MINUTE 07 SECONDS WITH THE PRECEDING COURSE, 17.20 FEET TO A POINT;

THENCE SOUTHWESTWARDLY ALONG THE ARC OF A CURVE, BEARING TO THE RIGHT, WHOSE RADIUS IS 400.00 FEET, SUBTENDING AN ANGLE OF 10 DEGREES 28 MINUTES 1 SECONDS, 73.13 FEET TO A POINT;

THENCE NORTHWARDLY ALONG A LINE FORMING AN ANGLE OF 21 DEGREES 47 MINUTES 54.3 SECONDS WITH THE RADIAL LINE PASSING THROUGH THE LAST POINT, 59.70 FEET TO A POINT ON THE EASTERLY SIDE OF PROPERTY OF F. W. WOOLWORTH COMPANY;

THENCE NORTHEASTWARDLY ALONG THE ARC OF A CURVE, BEARING TO THE LEFT, WHOSE RADIUS MAKES AN INTERIOR ANGLE OF 90 DEGREES 55 MINUTES 14 SECONDS WITH THE PRECEDING COURSE, WHOSE RADIUS IS 349.27 FEET, SUBTENDING AN ARC OF 29 DEGREES 13 MINUTES 16 SECONDS A DISTANCE OF 178.13 FEET TO A POINT OF COMPOUND CURVATURE;

THENCE CONTINUING NORTHEASTWARDLY ALONG THE ARC OF A CURVE BEARING TO THE LEFT, WHOSE RADIUS IS 703.74 FEET, SUBTENDING AN ANGLE OF 08 DEGREES 44 MINUTES 24 SECONDS, A DISTANCE OF 82.78 FEET TO A POINT OF TANGENCY;

THENCE NORTHEASTWARDLY CONTINUING ALONG THE EASTERLY SIDE OF THE PROPERTY OF F.W. WOOLWORTH COMPANY AND PARALLEL TO THE SECOND COURSE, 604.56 FEET TO THE POINT OR PLACE OF BEGINNING.

PARCEL B:

ALL THAT CERTAIN PARCEL OF LAND, SITUATE, IN THE BOROUGH OF THE BRONX, COUNTY OF THE BRONX, CITY, COUNTY AND STATE OF NEW YORK, BOUNDED AND DESCRIBED ACCORDING TO AN EXTRACT OF SURVEY MADE BY EARL B. LOVELL, - S.P. BELCHER, INC., DATED OCTOBER, 1974 TO JULY, 1975 AND UPDATED JULY, 1978, PREPARED MAY 2, 1983 AS FOLLOWS:

BEGINNING AT A POINT WHERE THE SOUTHERLY LINE OF EAST 132ND STREET MEETS THE UNITED STATES MODIFIED PIERHEAD AND BULKHEAD LINE APPROVED BY THE SECRETARY OF WAR, DECEMBER 2, 1926;

EXTENDED FROM SAID BEGINNING POINT, THE FOLLOWING THIRTEEN (13) COURSES AND DISTANCES, THE FIRST THREE THEREOF BEING ALONG SAID MODIFIED PIERHEAD AND BULKHEAD LINE:

1. SOUTH 17 DEGREES 34 MINUTES 04 SECONDS WEST, 810.24 FEET TO AN ANGLE POINT THEREIN;
2. SOUTH 53 DEGREES 04 MINUTES 00 SECONDS WEST, 280.79 FEET TO ANOTHER ANGLE POINT THEREIN;
3. NORTH 88 DEGREES 39 MINUTES 20 SECONDS WEST, 740.29 FEET TO AN EASTERLY LINE OF LAND APPROPRIATED BY THE COMMISSIONER OF TRANSPORTATION FOR THE PEOPLE OF THE STATE OF NEW YORK ON DECEMBER 27, 1882 AND IDENTIFIED AS MAP NO. 46, PARCEL NO. 62;
4. NORTH 17 DEGREES 30 MINUTES 42 SECONDS EAST ALONG SAID EASTERLY LINE, 117.84 FEET TO A POINT AT THE WESTERMOST CORNER OF THE PARCEL OF LAND WHICH HAS BEEN CONVEYED BY THE NEW YORK, NEW HAVEN AND HARTFORD RAILROAD COMPANY TO F.W. WOOLWORTH COMPANY BY DEED DATED JANUARY 15, 1954, THE FOLLOWING THREE COURSES AND DISTANCES BEING ALONG LINE OF THE LAST MENTIONED PARCEL OF LAND;
5. EASTWARDLY ON A CURVE TO THE LEFT HAVING A RADIUS OF 754.26 FEET AND A CENTRAL ANGLE OF 12 DEGREES 20 MINUTES 29 SECONDS, THE ARC DISTANCE OF 162.47 FEET TO A POINT OF TANGENT;
6. NORTH 76 DEGREES 23 MINUTES 42 SECONDS EAST, 63.65 FEET TO A POINT OF CURVE;
7. NORTHEASTWARDLY ON A CURVE TO THE LEFT HAVING A RADIUS OF 349.27 FEET AND A CENTRAL ANGLE OF 22 DEGREES 55 MINUTES 22 SECONDS THE ARC DISTANCE OF 139.73 FEET TO A POINT AT THE NORTHWESTERLY CORNER OF THE PARCEL OF LAND CONTAINING 73,059.3 SQUARE FEET, MORE OR LESS, WHICH HAS BEEN CONVEYED BY THE TRUSTEES OF THE PROPERTY OF THE PENN CENTRAL TRANSPORTATION COMPANY TO BERG CHEMICAL CO., INC., BY DEED DATED JUNE 3, 1977, THE FOLLOWING FIVE COURSES AND DISTANCES BEING THE LAST MENTIONED PARCEL OF LAND;
8. SOUTH 29 DEGREES 35 MINUTES 36 SECONDS EAST, 59.70 FEET TO A POINT;
9. NORTHEASTWARDLY ON A CURVE TO THE LEFT HAVING A RADIUS OF 400.00 FEET AND A CENTRAL ANGLE OF 28 DEGREES 03 MINUTES 12 SECONDS, THE ARC DISTANCE OF 195.85 FEET TO A POINT OF COMPOUND CURVE;
10. NORTHEASTWARDLY ON A CURVE TO THE LEFT HAVING A RADIUS OF 425.00 FEET AND A CENTRAL ANGLE OF 14 DEGREES 35 MINUTES 10 SECONDS, THE ARC DISTANCE OF 108.19 FEET TO A POINT OF COMPOUND CURVE;
11. NORTHEASTWARDLY ON A CURVE TO THE LEFT HAVING A RADIUS OF 120.00 FEET AND A CENTRAL ANGLE OF 22 DEGREES 03 MINUTES 17 SECONDS, THE ARC DISTANCE OF 123.15 FEET TO A POINT OF TANGENT;
12. NORTH 17 DEGREES 30 MINUTES 42 SECONDS WEST, 587.00 FEET TO A POINT IN SAID SOUTHERLY LINE OF EAST 132ND STREET;
13. SOUTH 81 DEGREES 35 MINUTES 28 SECONDS EAST ALONG SAID LINE OF STREET, 305.18 FEET TO THE FIRST MENTIONED POINT AND PLACE OF BEGINNING.

EXCEPTING THEREFROM THE FOLLOWING DESCRIBED PREMISES WHICH WAS EXCEPTED AND RESERVED IN LETTERS PATENT FROM THE STATE OF NEW YORK TO NEW YORK WASTE & ENERGY REALTY CORP., INC., DATED 12/51/1985 AND RECORDED 12/29/1985 IN REEL 890 PAGE 810:

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

BEGINNING AT A POINT IN THE SOUTHERLY LINE OF EAST 132ND STREET, SAID POINT BEING NORTH 81 DEGREES 35 MINUTES 28 SECONDS WEST, A DISTANCE OF 305.18 FEET FROM THE POINT OF INTERSECTION OF SAID SOUTHERLY LINE OF EAST 132ND STREET WITH THE WESTERLY PIERHEAD AND BULKHEAD LINE OF THE EAST RIVER;

THENCE SOUTH 17 DEGREES 30 MINUTES 42 SECONDS WEST, A DISTANCE OF 587.00 FEET TO A POINT OF TANGENCY; THENCE SOUTHWESTERLY ON A CURVE TO THE RIGHT HAVING A RADIUS OF 320.00 FEET, AN ARC LENGTH OF 108.19 FEET TO A POINT OF COMPOUND CURVATURE;

THENCE CONTINUING ON A CURVE TO THE RIGHT HAVING A RADIUS OF 425.00 FEET, AN ARC LENGTH OF 108.19 FEET TO A POINT OF COMPOUND CURVATURE;

THENCE STILL CONTINUING SOUTHWESTERLY ON A CURVE TO THE RIGHT HAVING A RADIUS OF 400.00 FEET, AN ARC LENGTH OF 122.72 FEET TO A POINT MARKING THE SOUTHERLY CORNER OF THE PREMISES EXCEPTED;

THENCE NORTH 29 DEGREES 37 MINUTES 48 SECONDS WEST, A DISTANCE OF 17.20 FEET;

THENCE NORTH 60 DEGREES 23 MINUTES 19 SECONDS EAST, A DISTANCE OF 44.34 FEET;

THENCE SOUTH 29 DEGREES 36 MINUTES 41 SECONDS EAST, A DISTANCE OF 12.96 FEET;

THENCE NORTH 60 DEGREES 39 MINUTES 11 SECONDS EAST, A DISTANCE OF 51.67 FEET; THENCE

NORTH 29 DEGREES 15 MINUTES 18 SECONDS WEST, A DISTANCE OF 3.38 FEET;

THENCE NORTHEASTERLY ON A CURVE TO THE LEFT HAVING A RADIUS OF 359.56 FEET AN ARC LENGTH OF 246.04 FEET TO A POINT;

THENCE NORTH 17 DEGREES 30 MINUTES 42 SECONDS EAST, A DISTANCE OF 580.70 FEET TO THE SOUTHERLY LINE OF EAST 132ND STREET;

THENCE SOUTH 81 DEGREES 35 MINUTES 28 SECONDS EAST, A DISTANCE OF 22.78 FEET TO THE POINT OR PLACE OF BEGINNING

PARCEL C:

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

BEGINNING AT A POINT IN THE SOUTHERLY LINE OF EAST 132ND STREET, SAID POINT BEING NORTH 81 DEGREES 35 MINUTES 28 SECONDS WEST, A DISTANCE OF 305.18 FEET FROM THE POINT OF INTERSECTION OF SAID SOUTHERLY LINE OF EAST 132ND STREET WITH THE WESTERLY PIERHEAD AND BULKHEAD LINE OF THE EAST RIVER;

THENCE SOUTH 17 DEGREES 30 MINUTES 42 SECONDS WEST, A DISTANCE OF 587.00 FEET TO A POINT OF TANGENCY;

THENCE SOUTHWESTERLY ON A CURVE TO THE RIGHT HAVING A RADIUS OF 320.00 FEET, AN ARC LENGTH OF 108.19 FEET TO A POINT OF COMPOUND CURVATURE;

THENCE CONTINUING ON A CURVE TO THE RIGHT HAVING A RADIUS OF 425.00 FEET, AN ARC LENGTH OF 108.19 FEET TO A POINT OF COMPOUND CURVATURE;

THENCE STILL CONTINUING SOUTHWESTERLY ON A CURVE TO THE RIGHT HAVING A RADIUS OF 400.00 FEET, AN ARC LENGTH OF 122.72 FEET TO A POINT MARKING THE SOUTHERLY CORNER OF THE PREMISES EXCEPTED;

THENCE NORTH 29 DEGREES 37 MINUTES 48 SECONDS WEST, A DISTANCE OF 17.20 FEET;

THENCE NORTH 60 DEGREES 23 MINUTES 19 SECONDS EAST, A DISTANCE OF 44.34 FEET;

THENCE SOUTH 29 DEGREES 36 MINUTES 41 SECONDS EAST, A DISTANCE OF 12.96 FEET;

THENCE NORTH 60 DEGREES 39 MINUTES 11 SECONDS EAST, A DISTANCE OF 51.67 FEET;

THENCE NORTH 29 DEGREES 15 MINUTES 18 SECONDS WEST, A DISTANCE OF 3.38 FEET;

THENCE NORTHEASTERLY ON A CURVE TO THE LEFT HAVING A RADIUS OF 359.56 FEET AN ARC LENGTH OF 246.04 FEET TO A POINT;

THENCE NORTH 17 DEGREES 30 MINUTES 42 SECONDS EAST, A DISTANCE OF 580.70 FEET TO THE SOUTHERLY LINE OF EAST 132ND STREET;

THENCE SOUTH 81 DEGREES 35 MINUTES 28 SECONDS EAST, A DISTANCE OF 22.78 FEET TO THE POINT OR PLACE OF BEGINNING.

SCHEDULE "A" LEGAL DESCRIPTION (CONTINUED):

PERIMETER DESCRIPTION (PARCELS A, B & C):

ALL THAT CERTAIN LOT OR PARCEL OF GROUND SITUATE IN THE BOROUGH OF BRONX, COUNTY OF BRONX, STATE OF NEW YORK, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT LOCATED ON THE SOUTH RIGHT-OF-WAY LINE OF EAST 132ND STREET, SAID POINT BEING SITUATE SOUTH 68 DEGREES 21 MINUTES 43 SECONDS WEST, A DISTANCE OF 95.54 FEET FROM A POINT LOCATED AT THE INTERSECTION OF THE PROJECTED CENTERLINE OF LOCUST AVENUE WITH THE CENTERLINE OF AFOREMENTIONED EAST 132ND STREET;

THENCE FROM THE PLACE OF BEGINNING ALONG THE AFOREMENTIONED SOUTH RIGHT-OF-WAY LINE OF EAST 132ND STREET, SOUTH 81 DEGREES 35 MINUTES 28 SECONDS EAST FOR A DISTANCE OF 508.74 FEET TO A POINT;

THENCE ALONG THE U.S. PIERHEAD AND BULKHEAD LINE, SOUTH 17 DEGREES 34 MINUTES 04 SECONDS WEST FOR A DISTANCE OF 810.24 FEET TO A POINT;

THENCE FURTHER ALONG THE SAME, SOUTH 53 DEGREES 04 MINUTES 00 SECONDS WEST FOR A DISTANCE OF 280.79 FEET TO A POINT;

THENCE STILL FURTHER ALONG THE SAME, NORTH 88 DEGREES 39 MINUTES 20 SECONDS WEST FOR A DISTANCE OF 740.29 FEET TO A POINT;

THENCE NORTH 17 DEGREES 30 MINUTES 42 SECONDS EAST FOR A DISTANCE OF 117.84 FEET TO A POINT;

THENCE AROUND A CURVE HAVING AN ANGLE OF 12 DEGREES 20 MINUTES 31 SECONDS A RADIUS OF 754.26 FEET, A TANGENT OF 81.55 FEET, AN ARC OF 162.47 FEET, FOR A CHORD COURSE OF NORTH 82 DEGREES 33 MINUTES 57 SECONDS EAST FOR A CHORD DISTANCE OF 162.16 FEET TO A POINT;

THENCE NORTH 76 DEGREES 23 MINUTES 42 SECONDS EAST FOR A DISTANCE OF 63.65 FEET TO A POINT;

THENCE AROUND A CURVE HAVING AN ANGLE OF 52 DEGREES 08 MINUTES 33 SECONDS, A RADIUS OF 349.27 FEET, A TANGENT OF 170.89 FEET, AN ARC OF 317.86 FEET, FOR A CHORD COURSE OF NORTH 50 DEGREES 19 MINUTES 24 SECONDS EAST FOR A CHORD DISTANCE OF 307.00 FEET TO A POINT;

THENCE AROUND A CURVE HAVING AN ANGLE OF 6 DEGREES 48 MINUTES 37 SECONDS A RADIUS OF 703.74 FEET, A TANGENT OF 41.87 FEET, AN ARC OF 63.65 FEET FOR A CHORD COURSE OF NORTH 20 DEGREES 50 MINUTES 50 SECONDS EAST FOR A CHORD DISTANCE OF 63.60 FEET TO A POINT;

THENCE NORTH 17 DEGREES 30 MINUTES 42 SECONDS EAST FOR A DISTANCE OF 603.72 FEET TO THE PLACE OF BEGINNING.

SAID PREMISES BEING ALSO BOUNDED AND DESCRIBED AS FOLLOWS:

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

BEGINNING AT A POINT ON THE SOUTHERLY SIDE OF EAST 132ND STREET, 60 FEET WIDE, AS ON THE RECORD MAP, SECTION 2 OF THE BOROUGH OF THE BRONX AS AMENDED AND CORRECTED TO 10/11/1972, DISTANT 17.73 FEET WEST OF THE WESTERLY SIDE OF LOCUST AVENUE PROLONGED SOUTHWARDLY;

RUNNING THENCE EASTWARDLY ALONG THE SOUTHERLY SIDE OF EAST 132ND STREET, 508.74 FEET TO A POINT WHERE THE SOUTHERLY SIDE OF EAST 132ND STREET MEETS THE UNITED STATES MODIFIED PIERHEAD AND BULKHEAD LINE APPROVED BY THE SECRETARY OF WAR, DECEMBER 2, 1926;

THENCE THE FOLLOWING THREE (3) COURSES AND DISTANCES ALONG SAID MODIFIED PIERHEAD AND BULKHEAD LINE:

1. SOUTH 17 DEGREES 34 MINUTES 04 SECONDS WEST, 810.24 FEET TO AN ANGLE POINT THEREIN;
2. SOUTH 53 DEGREES 04 MINUTES 00 SECONDS WEST, 280.79 FEET TO ANOTHER ANGLE POINT THEREIN;
3. NORTH 88 DEGREES 39 MINUTES 20 SECONDS WEST, 740.29 FEET TO AN EASTERLY LINE OF LAND APPROPRIATED BY THE COMMISSIONER OF TRANSPORTATION FOR THE PEOPLE OF THE STATE OF NEW YORK ON DECEMBER 27, 1882 AND IDENTIFIED AS MAP NO. 46, PARCEL NO. 62;

THENCE NORTH 17 DEGREES 30 MINUTES 42 SECONDS EAST ALONG SAID EASTERLY LINE, 117.84 FEET TO A POINT AT THE WESTERMOST CORNER OF THE PARCEL OF LAND WHICH HAS BEEN CONVEYED BY THE NEW YORK, NEW HAVEN AND HARTFORD RAILROAD COMPANY TO F.W. WOOLWORTH COMPANY BY DEED DATED JANUARY 15, 1954, THE FOLLOWING THREE COURSES AND DISTANCES BEING ALONG LINE OF SAID LANDS UNDER WATER GRANTED TO GOVERNOUR MORRIS BY THE STATE OF NEW YORK IN LETTERS PATENT DATED AUGUST 23RD, 1863 AND THE VERTICAL PLANE OF THE SOUTHERLY LINE OF EAST 132ND STREET TOGETHER WITH THE STRIP LYING BETWEEN THE VERTICAL PLANE OF THE LINE ESTABLISHED AND APPROVED BY THE SECRETARY OF WAR, FEBRUARY 1, 1904, AS THE PIERHEAD LINE OF THE EAST RIVER AND THE VERTICAL PLANE OF THE EXTERIOR LINE OF SAID LANDS UNDER WATER GRANTED TO GOVERNOUR MORRIS (APPROXIMATE EXTENT OF THE PREMISES SHOWN)

THE CENTERLINE OF SAID EASEMENT IS TO BE CONSTRUCTED BETWEEN STATION NO. 42 PLUS 86.88 AND STATION 48 PLUS 18.84, AS SHOWN ON THE BLUE PRINT ENTITLED "LOCATION OF PROPOSED TUNNEL, PORT MORRIS", WHICH WAS NOT INCLUDED IN THE DEED - UNABLE TO REVIEW - NOT SHOWN

1. THENCE EASTWARDLY ON A CURVE TO THE LEFT HAVING A RADIUS OF 754.26 FEET AND A CENTRAL ANGLE OF 12 DEGREES 20 MINUTES 29 SECONDS, THE ARC DISTANCE OF 162.47 FEET TO A POINT OF TANGENT;
2. THENCE NORTH 76 DEGREES 23 MINUTES 42 SECONDS EAST, 63.65 FEET TO A POINT OF CURVE;
3. THENCE NORTHEASTWARDLY ON A CURVE TO THE LEFT HAVING A RADIUS OF 349.27 FEET AND A CENTRAL ANGLE OF 22 DEGREES 55 MINUTES 22 SECONDS THE ARC DISTANCE OF 139.73 FEET;

THENCE AROUND A CURVE HAVING AN ANGLE OF 52 DEGREES 08 MINUTES 33 SECONDS, A RADIUS OF 349.27 FEET, AN ARC OF 317.86 FEET FOR A CHORD COURSE OF NORTH 50 DEGREES 19 MINUTES 24 SECONDS EAST FOR A CHORD DISTANCE OF 307.00 FEET TO A POINT;

THENCE AROUND A CURVE HAVING AN ANGLE OF 6 DEGREES 48 MINUTES 37 SECONDS (DEED) 6 DEGREES 44 MINUTES 24 SECONDS (ACTUAL) A RADIUS OF 703.74 FEET, AN ARC OF 63.65 FEET (DEED) 62.78 FEET (ACTUAL) FOR A CHORD COURSE OF NORTH 20 DEGREES 50 MINUTES 50 SECONDS EAST FOR A CHORD DISTANCE OF 63.60 FEET TO A POINT;

THENCE NORTH 17 DEGREES 30 MINUTES 42 SECONDS EAST FOR A DISTANCE OF 603.72 FEET (DEED) 604.56 FEET (ACTUAL) TO THE PLACE OF BEGINNING.

THIS DESCRIPTION WAS PREPARED WITH A REFERENCE TO A CERTIFICATE OF TITLE INSURANCE PREPARED BY FIRST AMERICAN TITLE INSURANCE COMPANY, TITLE NO. 914569, WITH AN EFFECTIVE DATE OF JULY 15, 2021, AMENDED SEPTEMBER 27, 2021.

SCHEDULE B EXCEPTIONS OF THE CERTIFICATE OF TITLE INSURANCE PREPARED BY FIRST AMERICAN TITLE INSURANCE COMPANY, TITLE NO. 914569 WITH AN EFFECTIVE DATE OF JULY 15, 2021, AMENDED SEPTEMBER 27, 2021:

5. TERMS, CONDITIONS, EASEMENTS AND RESERVATIONS CONTAINED IN LETTERS PATENT MADE BY THE PEOPLE OF THE STATE OF NEW YORK TO:

(A) GOVERNOUR MORRIS DATED 8/24/1863 AND RECORDED 4241/1869 IN LIBER 712 OF DEEDS, PAGE 118 (WESTCHESTER COUNTY) AND FILED WITH THE N.Y.S. DEPARTMENT OF STATE IN BOOK 31 OF PATENTS, PAGE 225;

THE LAND UNDER WATER, BETWEEN HIGH AND LOW WATER MARK, GRANTED BY THE PEOPLE OF THE STATE OF NEW YORK TO GOVERNOUR MORRIS, HIS HEIRS AND ASSIGNS, FOR THE PURPOSE OF PROMOTING COMMERCE OF THE STATE AND FOR ANY OTHER USE OR PURPOSE WHATSOEVER, COVERS PORTIONS OF THE SUBJECT LOTS 50 & 62. THE EXTEND OF SAID LAND IS APPROXIMATELY SHOWN ON THE SURVEY.

THE PEOPLE OF NEW YORK GRANTED THE FULL AND FREE RIGHT, LIBERTY AND PRIVILEGE OF ENTERING UPON AND USING ALL AND EVERY PART OF SAID PREMISE, UNTIL SAID PREMISES SHALL HAVE BEEN APPROPRIATED AND APPLIED TO THE PURPOSES OF COMMERCE BY ERECTING A DOCK OR DOCKS THEREON.

THERE IS A TERM LIMIT OF TEN YEARS FROM THE DATED OF THIS DOCUMENT UNTIL SAID DOCK OR DOCKS CAN BE ERECTED, AFTER WHICH THE DOCUMENT IS VOIDED.

WITH RESPECTS THERETO:

FOR INFORMATION ONLY:

- I. RELEASE AND SURRENDER MADE BY GEORGE H. NUTMAN, INC. TO THE PEOPLE OF THE STATE OF NEW YORK DATED 9/17/1958 AND FILED WITH THE N.Y.S. DEPARTMENT OF STATE ON 12/10/1958 IN BOOK 88 OF ORIGINAL DEEDS AND TITLE PAPERS, PAGE 207.
THE PREMISES DESCRIBED BY THE DEED IS LOCATED OUTSIDE THE SUBJECT PROPERTY - NOT SHOWN.

- II. RELEASE AND SURRENDER MADE BY GEORGE H. NUTMAN, INC. TO THE PEOPLE OF THE STATE OF NEW YORK DATED 9/17/1958 AND FILED WITH THE N.Y.S. DEPARTMENT OF STATE IN BOOK 13 OF PATENTS, PAGE 171.
THE PREMISES DESCRIBED BY THE DEED IS LOCATED OUTSIDE THE SUBJECT PROPERTY - NOT SHOWN.

(B) THE PORT MORRIS LAND AND IMPROVEMENT COMPANY DATED 3/30/1885 AND RECORDED 1121/1889 IN LIBER 2324 OF DEEDS, PAGE 459 AND FILED WITH THE N.Y.S. DEPARTMENT OF STATE IN THE BOOK 47 OF PATENTS, PAGE 15 - SHOWN HEREON

(C) OMITTED

(D) FOR INFORMATION ONLY:
NEW YORK WASTE & ENERGY REALTY CORP., INC. DATED 12/51/1985 AND RECORDED 12/29/1985 IN REEL 890 PAGE 810:
THE PREMISES DESCRIBED BY THE DEED IS SUBJECT PARCEL B (A.K.A. PLO LOT 62, BLOCK 2583) - SHOWN HEREON.

(E) FOR INFORMATION ONLY:
OWASCO RIVER RAILWAY, INC., DATED 12/51/1985 AND FILED WITH THE N.Y.S. DEPARTMENT OF STATE IN BOOK 88 OF PATENTS, PAGE 251
THE PREMISES RECONVEYED BY THE PEOPLE OF NEW YORK TO OWASCO RIVER RAILWAY, INC. IS SUBJECT PARCEL C (A.K.A. PLO LOT 62, BLOCK 2583) - SHOWN HEREON.

(F) AGREEMENT MADE BY THE PORT MORRIS LAND AND IMPROVEMENT COMPANY AND THE HARLEM RIVER AND PORT CHESTER RAILROAD COMPANY DATED 11/14/1906 AND RECORDED 11/15/1906 IN LIBER 53 SECTION 10 PAGE 268.
AREA DESCRIBED IN DOCUMENT IS LOCATED OUTSIDE THE SUBJECT PARCEL - NOT SHOWN.

(G) AGREEMENT MADE BY UNITED STATES TRUST COMPANY OF NEW YORK, AS TRUSTEE OF THE HARLEM RIVER & PORT CHESTER RAILROAD COMPANY, THE NEW YORK, NEW HAVEN AND HARTFORD RAILROAD COMPANY, AND THE EAST RIVER GAS COMPANY OF LONG ISLAND CITY, DATED 6/30/1914 AND RECORDED 1029/1914 IN LIBER 51 SECTION 10 PAGE 1.

THE DEED GRANTS TO THE EAST RIVER GAS COMPANY OF LONG ISLAND CITY AN EASEMENT AND RIGHT OF WAY FOR THE CONSTRUCTION, MAINTENANCE AND OPERATION OF A TUNNEL THROUGH THE PREMISES DESCRIBED HEREIN, AND SUBJECT TO COVENANTS INCLUDED IN THE DEED.

THE PREMISES APPEARS TO BE LOCATED WITHIN THAT PART OR PARCEL OF LAND UNDER UPLANDS AND TRANSFER LANDS UNDER WATER LOCATED WITHIN THE VERTICAL PLANE OF THE EXTERIOR LINE OF LANDS UNDER WATER GRANTED TO GOVERNOUR MORRIS BY THE STATE OF NEW YORK IN LETTERS PATENT DATED AUGUST 23RD, 1863 AND THE VERTICAL PLANE OF THE SOUTHERLY LINE OF EAST 132ND STREET TOGETHER WITH THE STRIP LYING BETWEEN THE VERTICAL PLANE OF THE LINE ESTABLISHED AND APPROVED BY THE SECRETARY OF WAR, FEBRUARY 1, 1904, AS THE PIERHEAD LINE OF THE EAST RIVER AND THE VERTICAL PLANE OF THE EXTERIOR LINE OF SAID LANDS UNDER WATER GRANTED TO GOVERNOUR MORRIS (APPROXIMATE EXTENT OF THE PREMISES SHOWN)

THE CENTERLINE OF SAID EASEMENT IS TO BE CONSTRUCTED BETWEEN STATION NO. 42 PLUS 86.88 AND STATION 48 PLUS 18.84, AS SHOWN ON THE BLUE PRINT ENTITLED "LOCATION OF PROPOSED TUNNEL, PORT MORRIS", WHICH WAS NOT INCLUDED IN THE DEED - UNABLE TO REVIEW - NOT SHOWN

(H) COVENANTS AND RESTRICTIONS AS RECITED IN DEED MADE BY THE NEW YORK, NEW HAVEN AND HARTFORD RAILROAD COMPANY TO F.W. WOOLWORTH CO., DATED 3/8/1954 AND RECORDED 3/30/1954 IN LIBER 2083 OF DEEDS, PAGE 39.

THE DEED GRANTS TO F. W. WOOLWORTH CO. THE RIGHT, PRIVILEGE AND EASEMENT TO LAY, CONSTRUCT, OPERATE, REPAIR, REPLACE AND MAINTAIN A THIRTY INCH REINFORCED CONCRETE STORM SEWER PIPE LINE ON, UNDER AND ACROSS THE LAND AND UNDER THE TRACKS OF THE GRANTOR WITHIN THE LIMITS OF A STRIP OF LAND TEN FEET IN WIDTH - LOCATED WITHIN SUBJECT LOT 62, BLOCK 2583 - SHOWN.

(I) AGREEMENT MADE BY AND BETWEEN THE NEW YORK, NEW HAVEN AND HARTFORD RAILROAD COMPANY AND F.W. WOOLWORTH CO., DATED 9/9/1954 AND RECORDED 9/21/1954 IN LIBER 2090 OF DEEDS, PAGE 50.
PROPOSED STEAM SERVICE PIPE TO BE CONSTRUCTED BY WOOLWORTH IN THE SIDEWALK AREA - GENERALLY AS SHOWN.

(J) AGREEMENT MADE BY AND BETWEEN THE GREAT ATLANTIC AND PACIFIC TEA COMPANY TO F.W. WOOLWORTH COMPANY, DATED 9/30/1954 AND RECORDED 10/14/1954 IN LIBER 2093 OF DEEDS, PAGE 272 - **HAVING THE RIGHT TO USE THE CONCRETE DRIVEWAY ALONG THE NORTHWESTERLY SIDE THEREOF - GENERALLY AS SHOWN.**

(K) COVENANTS AND RESTRICTIONS AS RECITED IN DEED MADE BY ROBERT W. BLANCHETTE, RICHARD C. BOND AND JOHN H. MCARTHUR, TRUSTEES OF THE PROPERTY OF PENN CENTRAL TRANSPORTATION COMPANY TO BERG CHEMICAL CO., INC., DATED 6/18/1977 AND RECORDED 8/18/1977 IN REEL 340 PAGE 185.
THE PREMISES DESCRIBED BY THE DEED IS SUBJECT PARCEL A (A.K.A. LOT 52 & LOT 650) AND IS SUBJECT TO ANY EASEMENTS, ENCUMBRANCE, RIGHT OR BENEFITS THAT MAY HAVE BEEN CREATED BY CERTAIN DEED FROM GRANTOR TO CONSOLIDATED RAIL CORPORATION DESIGNATED AS DOCUMENT NO. PC-CRC-RP-103 IN THE CERTIFICATION (DEED NOT YET RECORDED) - UNABLE TO REVIEW. THE DEED IS SUBJECT TO UNDERSTANDING AND AGREEMENT INCLUDED IN THE DOCUMENT.

(L) COVENANTS AND RESTRICTIONS AS RECITED IN DEED MADE BY ROBERT W. BLANCHETTE, RICHARD C. BOND AND JOHN H. MCARTHUR, TRUSTEES OF THE PROPERTY OF PENN CENTRAL TRANSPORTATION COMPANY TO THE OWASCO RIVER RAILWAY, INC., DATED AS OF 10/24/1978 AND RECORDED 11/16/1978 IN REEL 376 PAGE 666 - UNABLE TO DETERMINE LOCATION BASED ON PROVIDED DOCUMENT.

(M) COVENANTS, RESTRICTIONS AND RESERVATIONS AS RECITED IN DEED MADE BY ROBERT W. BLANCHETTE, RICHARD C. BOND AND JOHN H. MCARTHUR, TRUSTEES OF THE PROPERTY OF PENN CENTRAL TRANSPORTATION COMPANY TO CONSOLIDATED RAIL CORPORATION, DATED 3/30/1978 AND RECORDED 12/19/1978 IN REEL 379 PAGE 641 - UNABLE TO DETERMINE LOCATION BASED ON PROVIDED DOCUMENT.

(N) COVENANTS AND RESTRICTIONS AS RECITED IN DEED MADE BY THE OWASCO RIVER RAILWAY, INC. TO NEW YORK WASTE AND ENERGY REALTY CORP., INC., DATED 7/7/1983 AND RECORDED 1031/1983 IN REEL 521 PAGE 494 - LOCATED ON SUBJECT PROPERTY LOT 62 (A.K.A. PARCEL B), SHOWN HEREON.

(O) EASEMENTS ACQUIRED BY THE PEOPLE OF THE STATE OF NEW YORK BY CONDEMNATION PROCEEDING FOR PROJECT ENTITLED "HARLEM RIVER YARDS" AS SHOWN AS PARCEL NO. 68 ON THE ACQUISITION MAP NO. 52, FOR WHICH AN ORDER WAS ENTERED IN THE SUPREME COURT OF THE COUNTY OF THE BRONX:

(A) ACQUISITION MAP OF EASEMENTS FILED 12/21/1983 AS MAP NO. 52 IN REEL 527 PAGE 209 - LOCATED ON SUBJECT PROPERTY LOT 62 (A.K.A. PARCEL B), SHOWN HEREON.

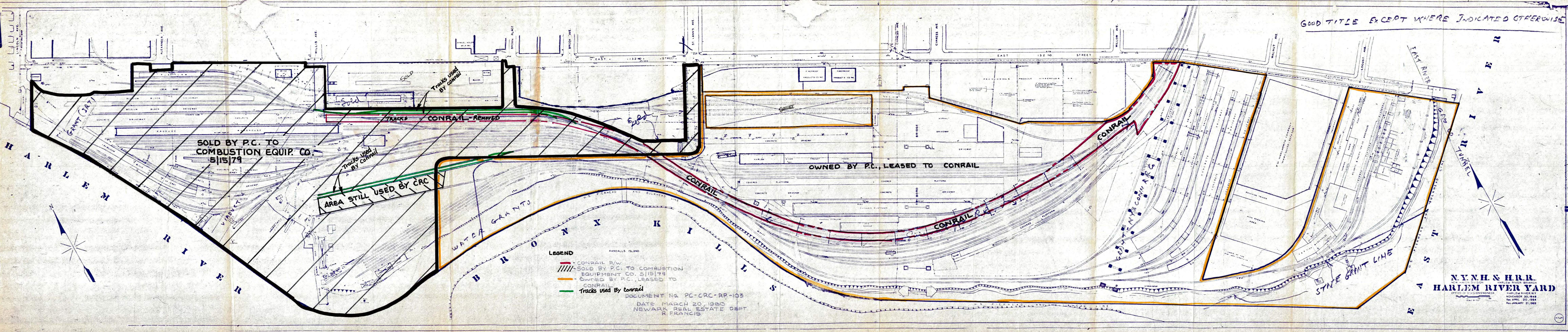
(P) COVENANTS AND RESTRICTIONS AS RECITED IN DEED MADE BY THE OWASCO RIVER RAILWAY, INC. TO MARDIAN PERATING COMPANY, DATED 12/51/1985 AND RECORDED 12/21/1985 IN REEL 811 PAGE 1893.
RESERVING ONTO GRANTOR PERMANENT AND PERPETUAL EASEMENT - SHOWN HEREON.

(Q) COVENANTS AND RESTRICTIONS AS RECITED IN DEED MADE BY MARDIAN OPERATING COMPANY TO PROVECH REALTY COMPANY INC., DATED 12/21/1994 AND RECORDED 12/20/1994 IN REEL 1296 PAGE 1283 - RESERVING ONTO GRANTOR PERMANENT AND PERPETUAL EASEMENT - SHOWN HEREON.

(R) EXCEPT THE RIGHTS OF THE UNITED STATES GOVERNMENT TO ESTABLISH HARBOR, BULKHEAD, OR PIERHEAD LINES OR TO CHANGE OR ALTER ANY SUCH EXISTING LINES, AND TO REMOVE, OR COMPLETE THE REMOVAL, OF FILL AND IMPROVEMENTS THEREON, (INCLUDING BUILDINGS OR OTHER STRUCTURES) FROM LAND LYING BELOW THE PRESENT OR ANY FORMER HIGH WATER LINE OF THE **EAST RIVER AND BRONX KILLS**, ITS ARMS, BRANCHES OR TRIBUTARIES BY WHATEVER NAME CALLED, WITHOUT COMPENSATION TO THE INSURED - UNABLE TO PLOT.

ATTACHMENT - N.Y.N.H & H.R.R.

GOOD TITLE EXCEPT WHERE INDICATED OTHERWISE



SOLD BY P.C. TO
COMBUSTION EQUIP. CO.
5/15/79

AREA STILL USED BY CRC

Tracks used
By Conrail

Tracks used
By Conrail

OWNED BY P.C., LEASED TO CONRAIL

CONRAIL

CONRAIL R/W

LEGEND

- CONRAIL R/W
- SOLD BY P.C. TO COMBUSTION EQUIPMENT CO. 5/15/79
- OWNED BY P.C., LEASED TO CONRAIL
- Tracks used By Conrail

DOCUMENT NO. PC-CRC-RP-103
DATE MARCH 20, 1980
NEWARK REAL ESTATE DEPT
R. FRANCIS

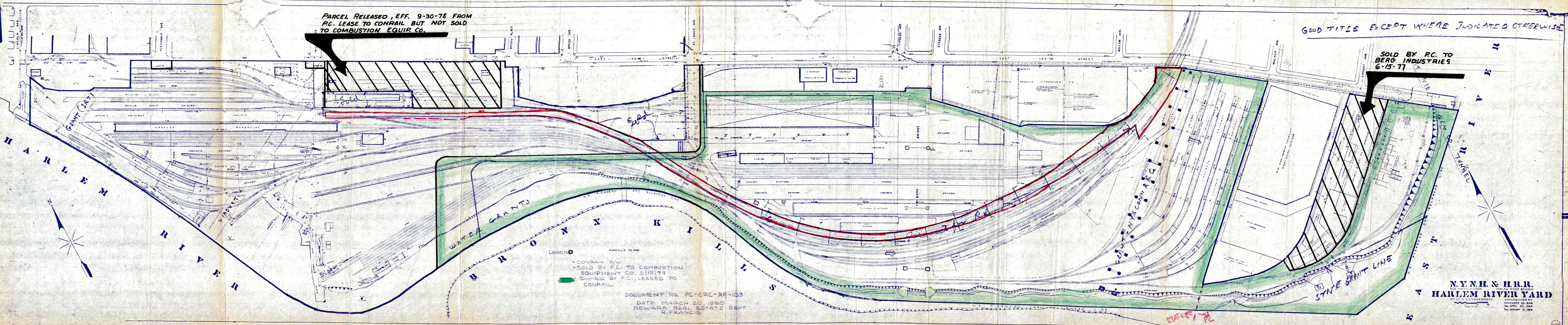
N.Y.N.H. & H.R.R.
HARLEM RIVER BRANCH
HARLEM RIVER YARD
OFFICE OF DIVISION ENGINEER
NOVEMBER 30, 1948
REV. APRIL 20, 1954
REV. JANUARY 21, 1969

ATTACHMENT - CONRAIL MAP

PARCEL RELEASED, EFF. 9-30-78 FROM
P.C. LEASE TO CONRAIL BUT NOT SOLD
TO COMBUSTION EQUIP. CO.

GOOD TITLE EXCEPT WHERE INDICATED OTHERWISE

SOLD BY P.C. TO
BERG INDUSTRIES
6-15-77



LEGEND
- CONRAIL R/W
- SOLD BY P.C. TO COMBUSTION
EQUIPMENT CO. 5/15/79
- OWNED BY P.C. LEASED TO
CONRAIL

DOCUMENT NO. PC-CRC-RP-103
DATE MARCH 20, 1980
NEWARK REAL ESTATE DEPT
R. FRANCIS

N.Y.N.H. & H.R.R.
NEW HAVEN DIVISION
HARLEM RIVER BRANCH
HARLEM RIVER YARD
OFFICE OF DIVISION ENGINEER
NOVEMBER 30, 1948
REV. APRIL 20, 1949
REV. JANUARY 27, 1959

ATTACHMENT - DEED

DEED

THIS DEED IS MADE BY AND BETWEEN

ROBERT W. BLANCHETTE, RICHARD C. BOND AND JOHN H. MCARTHUR,

AS TRUSTEES OF THE PROPERTY OF

PENN CENTRAL TRANSPORTATION COMPANY, DEBTOR

(collectively "Grantor"), whose address is Six Penn Center,
Philadelphia, Pennsylvania 19104

AND

CONSOLIDATED RAIL CORPORATION,

a corporation organized and existing under the laws of the
Commonwealth of Pennsylvania ("Grantee"), whose address is 1818 Market Street,
Philadelphia, Pennsylvania 19103.

WHEREAS, the Debtor is a railroad in reorganization under Section 77 of the Federal Bankruptcy Act, 11 U.S.C. Sec. 205, and is a railroad in reorganization as that term is defined in the Regional Rail Reorganization Act of 1973 (Public Law 93-236, 87 Stat. 985), as amended ("Act"); and

WHEREAS, by orders of the United States District Court for the Eastern District of Pennsylvania entered in Docket No. 70-347 the above-named individuals were duly appointed and are now serving as Trustees of the property of the Debtor; and

WHEREAS, the United States Railway Association, pursuant to Section 209 (c) of the Act, has certified to the Special United States District Court established pursuant to Section 209 (b) of the Act ("Special Court"), that the rail properties of the Debtor hereinafter described (except those hereinafter reserved and excepted) are to be transferred by the Grantor to the Grantee; and

WHEREAS, pursuant to Section 308 (b) (1) of the Act, the Special Court has ordered the Grantor to convey to the Grantee all of the Grantor's right, title and interest in such rail properties, free and clear of any liens or encumbrances as provided in Section 308 (b) of the Act;

NOW, THEREFORE, pursuant to the Order of the Special Court, the Grantor hereby grants and conveys to the Grantee:

A. All of the Grantor's right, title and interest, legal and equitable, in and to the real property located in the
County of Bronx, State of New York

as described in Exhibit A attached to this Deed as a part hereof, together with all of the appurtenances, hereditaments, franchises, ways, waters, minerals, rights, privileges, improvements, fixtures, licenses, leaseholds, reversions, easements, rights under operating, trackage and joint facility agreements, rents, issues, profits and other interests and items belonging to or in any way appertaining to such real property, including but not limited to all real property items that would properly be recorded in Accounts 1 through 45 and 90 of the Property Accounts prescribed by the Interstate Commerce Commission for Railroad Companies in its Uniform System of Accounts, 49 C.F.R. Part 1201, to the extent that such interests and items belong or in any way appertain to such real property, except as those interests and items belong or appertain to the real property hereinafter reserved and excepted.

372 30
B. 1. The easements and rights to use, operate, maintain, repair, renew, replace and remove on, under, over and across the real property hereinafter reserved and excepted ("Grantor's Burdened Property"), any and all lines, poles, pipes, appliances, equipment, structures, facilities and appurtenances (each an "Easement Item") existing on and used or useful as of the date of delivery of this Deed as a part of any railroad communication, signal or interlocker system or as a part of any electric, telephone, telegraph, water, gas, steam, sanitary sewer, storm sewer or other utility system, together with the easement of reasonable access over the Grantor's Burdened Property to permit the exercise of the foregoing easements and rights, and the easement for lateral support of the real property conveyed by this Deed.

2. The easements and rights for the specific uses, if any, (each an "Easement Item") particularly described in Exhibit B attached to this Deed as a part hereof and burdening certain real property hereinafter reserved and excepted.

3. The Grantee shall give the Grantor reasonable notice before entering on the Grantor's Burdened Property to exercise the easements and rights conveyed in this Paragraph B, and shall exercise such easements and rights (a) so as not to interfere unreasonably with the use and enjoyment of the Grantor's Burdened Property, (b) in compliance with generally applicable reasonable requirements established from time to time by the Grantor and (c) so as not to increase materially the burden on the Grantor's Burdened Property existing on the date of delivery of this Deed. The Grantee shall indemnify and save the Grantor harmless from any loss, damage or expense arising from the exercise of the foregoing easements and rights, without regard to negligence on the part of the Grantor or the Grantee. Upon request of and at the expense of the Grantor, the Grantee shall execute and deliver to the Grantor a deed or other instrument releasing the Grantee's rights in any part of the Grantor's Burdened Property that is not used or reasonably needed by the Grantee in the exercise of the easements and rights conveyed in this Paragraph B.

4. If the location of any Easement Item would interfere with any proposed use or sale of any part of the Grantor's Burdened Property, the Grantor may, at the Grantor's expense and after obtaining the Grantee's written consent, relocate the interfering Easement Item or cause the same to be relocated. Such consent will be granted unless (a) the Easement Item cannot be relocated as proposed by the Grantor without unreasonable interference to the Grantee's operations or without damage to the integrity of the system of which the Easement Item is a part or (b) the Grantee will not have reasonable access to the relocated Easement Item. If the Grantee has previously released its easements and rights in any real property as provided in Paragraph B. 3. and a relocated Easement Item falls, in whole or in part, within the area that has been so released, the Grantor and the Grantee shall exchange the following instruments promptly after the relocation is completed:

(a) The Grantor shall execute and deliver to the Grantee a supplementary deed of easement which conveys to the Grantee with respect to the relocated Easement Item the easements and rights described in this Paragraph B.

(b) The Grantee shall execute and deliver to the Grantor a deed or other instrument of release as provided in Paragraph B. 3.

5. The Grantor shall bear all expenses and the cost of all transfer and recording taxes, fees and charges in connection with all deeds and other instruments delivered pursuant to this Paragraph B.

RESERVING AND EXCEPTING, HOWEVER, TO THE GRANTOR:

C. All the respective right, title and interest of the Grantor, legal and equitable, in and to the real property described in Exhibit B attached to this Deed as a part hereof, but subject, however, to (a) the limitation of access thereto across the real property conveyed by this Deed as hereinafter provided and (b) the easements and rights conveyed pursuant to Paragraph B above.

D. 1. The easements and rights to use, operate, maintain, repair, renew, replace and remove on, under, over and across the real property conveyed by this Deed ("Grantee's Burdened Property"), any and all lines, poles, pipes, appliances, equipment, structures, facilities and appurtenances (each an "Easement Item") existing on and used or useful as of the date of delivery of this Deed as a part of any railroad communication, signal or interlocker system or as a part of any electric, telephone, telegraph, water, gas, steam, sanitary sewer, storm sewer or other utility system, together with the easement of reasonable access over the Grantee's Burdened Property to permit the exercise of the foregoing easements and rights, and the easement for lateral support of the real property reserved and excepted from this conveyance.

2. The easements and rights for the specific uses, if any, (each an "Easement Item") particularly described in Exhibit B to this Deed and burdening certain real property conveyed by this Deed.

372 31
3. The Grantor shall give the Grantee reasonable notice before entering on the Grantee's Burdened Property to exercise the easements and rights reserved and excepted in this Paragraph D, and shall exercise such easements and rights (a) so as not to interfere unreasonably with the use and enjoyment of the Grantee's Burdened Property, (b) in compliance with generally applicable reasonable requirements established from time to time by the Grantee and (c) so as not to increase materially the burden on the Grantee's Burdened Property existing on the date of delivery of this Deed. The Grantor shall indemnify and save the Grantee harmless from any loss, damage or expense arising from the exercise of the foregoing easements and rights, without regard to negligence on the part of the Grantee or the Grantor. Upon request of and at the expense of the Grantee, the Grantor shall execute and deliver to the Grantee a deed or other instrument releasing the Grantor's rights in any part of the Grantee's Burdened Property that is not used or reasonably needed by the Grantor in the exercise of the easements and rights reserved and excepted in this Paragraph D.

4. If the location of any Easement Item would interfere with any proposed use or sale of any part of the Grantee's Burdened Property, the Grantee may, at the Grantee's expense and after obtaining the Grantor's written consent, relocate the interfering Easement Item or cause the same to be relocated. Such consent will be granted unless (a) the Easement Item cannot be relocated as proposed by the Grantee without unreasonable interference to the Grantor's operations or without damage to the integrity of the system of which the Easement Item is a part or (b) the Grantor will not have reasonable access to the relocated Easement Item. If the Grantor has previously released its easements and rights in any real property as provided in Paragraph D. 3. and a relocated Easement Item falls, in whole or in part, within the area that has been so released, the Grantor and the Grantee shall exchange the following instruments promptly after the relocation is completed:

(a) The Grantee shall execute and deliver to the Grantor a supplementary deed of easement which conveys to the Grantor with respect to the relocated Easement Item the easements and rights described in this Paragraph D.

(b) The Grantor shall execute and deliver to the Grantee a deed or other instrument of release as provided in Paragraph D. 3.

5. The Grantee shall bear all expenses and the cost of all transfer and recording taxes, fees and charges in connection with all deeds and other instruments delivered pursuant to this Paragraph D.

E. All mineral rights owned by the Grantor in any parcel as to which an interest in the surface is not conveyed by this Deed.

TO HAVE AND TO HOLD the real property and the easements and rights hereby conveyed to the Grantee, free and clear of (a) any liens or encumbrances as provided in Section 303 (b) of the Act and (b) any and all easements and rights of access to the real property reserved and excepted from this conveyance across the real property conveyed by this Deed (except as otherwise provided in this Deed), even if such easements and rights would otherwise arise by reason of necessity, implication or other operation of law, statute, ordinance, rule or regulation of any governmental entity, BUT SUBJECT, HOWEVER, to (i) those easements and rights reserved and excepted in Paragraph D above, (ii) all existing licenses, easements, leases (other than those which may have been created to secure payment of a financial obligation), and operating, trackage right and joint facility agreements and (iii) Operating Rights Grants, if any, from the Grantor to a third party conveyed concurrently with this conveyance and identified in Exhibit B to this Deed.

The Grantor hereby covenants that the Grantor will perform, execute, acknowledge and deliver any and all such further acts, deeds, assignments and other instruments as may be reasonably requested by the Grantee to convey, confirm, clarify, identify or more precisely describe the real property and the easements and rights conveyed by this Deed or intended so to be in order to carry out the intent of this Deed in light of the designations contained in the Final System Plan which has been certified to the Special Court by the United States Railway Association pursuant to the Act, and to effect the recordation of, or otherwise perfect, this Deed and all such other deeds, assignments and instruments under any applicable statute, ordinance, rule or regulation.

The Grantee hereby covenants that the Grantee will perform, execute, acknowledge and deliver any and all such further acts, deeds, assignments and other instruments as may be reasonably requested by the Grantor to confirm, clarify, identify or more precisely describe the real property and the easements and rights reserved and excepted from this conveyance or intended so to be in order to carry out the intent of this Deed in light of the designations contained in such Final System Plan, and to effect the recordation of, or otherwise perfect, this Deed and all such other deeds, assignments and instruments under any applicable statute, ordinance, rule or regulation.

103

372- 32

FILE 379 PAGE 644

By acceptance of this Deed, the Grantee (a) agrees to perform each of the obligations imposed on the Grantee by the terms of this Deed, and (b) assumes and agrees to perform and observe all obligations and conditions on the part of the Grantor or the Grantor's predecessor in title to be performed or observed that arise or accrue after the date of delivery of this Deed under all licenses, easements, leases (other than those which may have been created to secure payment of a financial obligation) and operating, trackage right and joint facility agreements (subject, however, to the terms thereof) which are conveyed by this Deed and under those to which this conveyance is made subject, provided that the Grantee assumes no obligation or liability that arises after the date of delivery of this Deed out of any event, act or failure to act that occurred prior thereto and, where an obligation or liability is related to a period which is both before and after such date, the Grantee assumes only that portion of the obligation or liability which is reasonably allocable to the part of the period after such date. Concurrently with the delivery of this Deed, the Grantee is delivering to the Grantor a separate instrument executed by the Grantee acknowledging receipt and acceptance of this Deed and affirming the provisions of this paragraph.

All of the covenants of the Grantor and the Grantee, respectively, shall be deemed to be real covenants and shall run with the land.

The words "Grantor" and "Grantee" used herein shall be construed as if they read "Grantors" and "Grantees", respectively, whenever the sense of this Deed so requires and, whether singular or plural, such words shall be deemed to include in all cases the successors and assigns of the respective parties.

This conveyance and the specific covenants of the Grantor are made by the Grantor as Trustees of the property of the Debtor, and not individually, and this conveyance is made without covenants of title or any warranties express or implied.

IN WITNESS WHEREOF, the Grantor has caused this Deed to be executed this 30th day of March, 1976 by Malcolm V. Lane, Jr. being duly authorized so to do by order of the United States District Court for the Eastern District of Pennsylvania entered in Docket No. 70-347.

Signed and Acknowledged
in the Presence of:

Walter V. Peters
Walter V. Peters
Anna B. Freund
Anna B. Freund

ROBERT W. BLANCHETTE, RICHARD
C. BOND AND JOHN H. MCARTHUR,
AS TRUSTEES OF THE PROPERTY OF
PENN CENTRAL TRANSPORTATION
COMPANY, DEBTOR

By Malcolm V. Lane, Jr. L.S.
Malcolm V. Lane, Jr.
OFFICER

DISTRICT OF COLUMBIA, SS:

On this 30th day of March, 1976, before me, a Notary Public authorized to take acknowledgements and proofs in the District of Columbia, personally appeared Malcolm V. Lane, Jr., personally known to me to be the person whose name is subscribed to the foregoing Deed, bearing the same date as this certificate of acknowledgement, and acknowledged himself to be an Officer of Robert W. Blanchette, Richard C. Bond and John H. McArthur, Trustees of the Property of Penn Central Transportation Company, Debtor, and that as such Officer and being authorized so to do, he executed the foregoing Deed on behalf of and in the name of the Trustees as their free act and deed for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

This Instrument Prepared By:

United States Railway Association
Pursuant to the Act

Conrad J. Smith
Notary Public
for the District of Columbia
My Commission Expires _____

Document No.

PC-CRC - RP-103

EXHIBIT A

REEL 379 PAGE 645
REEL 372 PAGE 33

TO THE DEED BY AND BETWEEN

ROBERT W. BLANCHETTE, RICHARD C. BOND AND JOHN H. MCARTHUR,

AS TRUSTEES OF THE PROPERTY OF

PENN CENTRAL TRANSPORTATION COMPANY, DEBTOR

AND

CONSOLIDATED RAIL CORPORATION

DESCRIPTION OF REAL PROPERTY

LOCATED IN

County of Bronx, State of New York

For the purpose of each description contained in this Exhibit A (and solely by way of illustration and not by way of limiting the generality of the term "adjacent"), adjacency shall be deemed to exist without regard to the existence of any public or private street, highway, alley or other way between one part of the Grantor's real property and another.

This Exhibit A consists of the following pages: A-1, A-2 Revised, A-3, A-4 Revised, A-5, A-6 Revised, A-7

REEL 379 PAGE 646

FILE 372 PAGE 34

Document No.

PC-CRC-RP-103

Situate in the County of Bronx, State of New York and being the Penn Central Transportation Company's line of railroad known as the Hell Gate and Bay Ridge Lines, and being all the real property in the County lying in, under, above, along, contiguous to, adjacent to or connecting to such lines.

Such lines originate in the County near East 140th Street at a connection with The New York Connecting Railroad and exit the County near Pelham Bay Park.

The lines of railroad described herein are identified as Line Codes 4207 and 4219 in the records of the United States Railway Association.

REEL 379 PAGE 647

FL 372 PAGE 35

Document No.

PC-CRC-RP-103

Situate in the County of Bronx, State of New York, and being the Penn Central Transportation Company's line of railroad known as the Putnam Industrial Track South and being all the real property in the County lying in, under, above, along, contiguous to, adjacent to or connecting to such line.

Such line originates in the County at Kingsbridge Road in Marble Hill, connecting to another line of railroad known as the MTA Hudson Line and leaves the County near Van Cortland Park.

The line of railroad described herein is identified as Line Code 4233 in the records of the United States Railway Association.

REEL 379 PAGE 648
REEL 372 PAGE 36

Document No.

PC-CRC-RP-103

Situate in the County of Bronx, State of New York, and being the Penn Central Transportation Company's line of railroad known as the Harlem River Line and being all the real property in the County lying in, under, above, along, contiguous to, adjacent to or connecting to such line.

Such line originates in the County near East 141 Street, connecting to the Hell Gate and Bay Ridge Lines, and terminates in the County at the Harlem River Yard.

The line of railroad described herein is identified as Line Code 4270 in the records of the United States Railway Association.

REEL 379 PAGE 649
FL 372 PAGE 37

Document No.

PC-CRC-RP-103

Situate in the County of Bronx, State of New York, and being the Penn Central Transportation Company's line of railroad known as the Oak Point Spur and being all the real property in the County lying in, under, above, along, contiguous to, adjacent to or connecting to such line.

Such line originates in the County at a connection with the Hell Gate Line, passes through the Oak Point Yard and terminates in the County near Oak Point.

The line of railroad described herein is identified as Line Code 4272 in the records of the United States Railway Association.

All operating rights in the following described line of railroad and all parts of the following described line of railroad which are neither leased, nor excluded, excepted or reserved in the lease, to Metropolitan Transportation Authority.

Situate in the County of the Bronx, State of New York, and being the Penn Central Transportation Company's line of railroad known as the Hudson Line, and being all the real property in the County lying in, under, above, along, contiguous to, adjacent to or connecting to such line.

Such line originates in the County near Mott Haven, connecting to another line of railroad known as Penn Central Harlem Line, passes through High Bridge and University Heights, leaves the County in Kingsbridge, re-enters east of Spuyten Duyvil, runs along the east bank of the Hudson River, and leaves the County near Mt. St. Vincent.

The line of railroad described herein is identified as Line Code 9100 in the records of the United States Railway Association.

Document No.

PC-CRC-RP-103

All operating rights in the following described line of railroad and all parts of the following described line of railroad which are not owned by the Metropolitan Transportation Authority.

Situate in the County of Bronx, State of New York, and being the Penn Central Transportation Company's line of railroad known as the New Haven Shore Line and being all the real property in the County lying in, under, above, along, contiguous to, adjacent to or connecting to such line.

Such line originates in the County near Woodlawn at 233rd Street, connecting to another line of railroad known as the Penn Central Harlem Line, and leaves the County near 241st Street.

The line of railroad described herein is identified as Line Code 9108 in the records of the United States Railway Association.

Document No.

PC-CRC - RP-103

EXHIBIT B

EL 372 PAGE 40

TO THE DEED BY AND BETWEEN

ROBERT W. BLANCHETTE, RICHARD C. BOND AND JOHN H. McARTHUR,

AS TRUSTEES OF THE PROPERTY OF

PENN CENTRAL TRANSPORTATION COMPANY, DEBTOR

AND

CONSOLIDATED RAIL CORPORATION

REEL 379 PAGE 652

**DESCRIPTION OF REAL PROPERTY
LOCATED IN**

County of Bronx, State of New York

RESERVED AND EXCEPTED BY THE GRANTOR

Each map referred to in this Exhibit B bears the Document Number which appears hereon. A copy of each map is on file in the office of the United States Railway Association and a copy of each map has been certified by the United States Railway Association to the Special Court and filed in the office of the Clerk of the Special Court in the United States District Courthouse in Washington, D.C.

The United States Railway Association has delivered a copy of each such map to both the Grantor and the Grantee and has certified on each such copy that it is a true copy of the map filed in the office of the Clerk of the Special Court.

This Exhibit B consists of the following pages only: B-1, B-2, B-3 Revised, B-7, B-8 Revised, B-9 Revised, B-9-A, B-10, B-11

Document No.

PC-CRC-RP-103

Situate in the County of Bronx, State of New York, and being the Penn Central Transportation Company's line of railroad as described in Exhibit A of this Deed, and is identified as Line Code 4207-9 in the records of the United States Railway Association, and being all of the real property in the County lying in, under, above, along, contiguous to and adjacent to said line of railroad except the following described part or parts thereof:

All that parcel of land situated in the City of New York, County of Bronx, and State of New York, being designated as Parcel No. 4207-9 on Railroad Valuation Map No. V81 80 81 S.T.2, as revised to February 9, 1948; and being all of the land of the Penn Central Transportation Company, as shown on the Map, which lies southwesterly of East 132nd Street, and southeasterly of the following described line:

Beginning at a point on the southwestern boundary of East 132nd Street opposite Station 57+50;

Thence, South 48° West 372 feet, more or less, to a point on the Match Mark at Station 52+80, distant 95 feet southeastwardly, at right angles, from the Monumented Six Track Centerline of said Railroad, the point of ending.

The above described parcel or parcels are identified in the records of the United States Railway Association as Line Code 4207-9.

Document No.

PC-CRC-RP-103

Situate in the County of Bronx, State of New York, and being the Penn Central Transportation Company's line of railroad as described in Exhibit A of this Deed, and is identified as Line Code 4207-10 in the records of the United States Railway Association, and being all of the real property in the County lying in, under, above, along, contiguous to and adjacent to said line of railroad except the following described part or parts thereof:

All that parcel of land situated in the City of New York, County of Bronx, and State of New York, being designated as Parcel No. 4207-10 on Railroad Valuation Map Nos. V.81 81/ST3 and V81 80-81/ST2, as revised to October 20, 1960 and February 9, 1948, respectively; and being all of the land of the Penn Central Transportation Company, as shown on the Map, which lies southeasterly of the following described lines:

Beginning on an existing property corner on the southwestern boundary of Longwood Avenue distant 82 feet southeastwardly, at right angles, from the Monumented Six Track Centerline of said Railroad; thence, South 42° West 62 feet, more or less, to a point; thence, South 24° West 220 feet, more or less, to a point; thence, northwestwardly 73 feet, to a point; thence, South 42° West 258 feet, more or less, to a point on the northeastern boundary of East 156th Street on Bridge No. 2.11, distant 56 feet southeastwardly and radially from said centerline; thence, southwestwardly 1,570 feet, more or less, parallel to said centerline, to a point; thence, northwestwardly 8 feet, more or less, at right angles, to said centerline, to a point 48 feet distant southeastwardly from said centerline; thence, South 47° West 470 feet, more or less, parallel to said centerline to a point on the Match Mark at Station 107+76; thence, northwestwardly 2 feet along said Match Mark to a point 46 feet southeastwardly, at right angles, from said centerline; thence, South 46° West 685 feet, more or less, parallel to said centerline to a point on the southwestern boundary of East 149th Street; thence, southwardly 4 feet, more or less, along said western boundary of East 149th Street to a point 50 feet distant southeastwardly, at right angles, from said centerline; thence, southwestwardly 350 feet, more or less, parallel to the tracks to a point opposite Station 97+30; thence, southeastwardly 43 feet, more or less, at right angles to the tracks to a point on the southeastern property line of said railroad property, the point of ending.

The above described parcel or parcels are identified in the records of the United States Railway Association as Line Code 4207-10, and also include the trackage and lands associated with Line Code 4272.

Document No.

PC-CRC-RP-103

Situate in the County of the Bronx, State of New York, and being part of the Penn Central Transportation Company's line of railroad which is known as the Harlem River Line, and is described in Exhibit A of this Deed, and is identified as Line Code 4270-0.0 in the records of the United States Railway Association, and being all of the real property in the County lying in, under, above, along, contiguous to and adjacent to said line of railroad except the following described part or parts thereof:

Situate in the County of Bronx, State of New York, and being part of the Penn Central Transportation Company's line of railroad which is known as the Harlem River Line and is described in Exhibit A of this Deed, and being all of the real property in the County lying in, under, above, along, contiguous to and adjacent to that part of the line of railroad which lies beyond and initially westerly of the following described lateral cut lines:

Beginning at the intersection of the southwestern line of East 132nd Street and the northwestern property line of said railroad property;

Thence, southeastwardly 130 feet, more or less, along said southwestern line of East 132nd Street, to a point 45 feet distant southeastwardly, at right angles, from the centerline of the main line tracks;

Thence, westwardly parallel to said centerline 288 feet, more or less, to the Match Mark at Station 52+80 and continuing off said Map, as shown on Railroad Valuation Map No. V81/80/81/S.T.2, as revised to February 9, 1948.

The part of the line of railroad described herein begins at the lateral cut line in The Bronx, south of Bruckner Boulevard, and extends to the end of the near the Harlem River.

The lateral cut line is identified as Line Code 4270-0.0 in the records of the United States Railway Association.

Document No.

PC-CRC-RP-103

All that parcel of land situate in the Borough of Bronx, County of Bronx, City of New York, and State of New York, being designated Parcel No. NY. 010f 01-3 on Railroad Valuation Map Nos. 500-9481-080-ST1A-1, as revised to October 26, 1974 and 500-9481-080-ST1-1, as revised to October 26, 1964, and being all the land of the Penn Central Transportation Company as shown on Map, which lies southwesterly on East 132nd Street, northwesterly of the East River, northeasterly of the Harlem River and Bronx Kills, and southeasterly of Lincoln Avenue, excepting, however, the entire original right-of-way location of August 31, 1869.

The parcel of land described above has been excepted from conveyance is subject to the following conditions:

The portion of the property retained by the Grantor shall be leased to Grantee for a period of ten (10) years on the following terms and conditions:

1. The rent for the property leased to Grantee shall be One Dollar (\$1.00) per year plus real estate and utility taxes, if any, on the property leased.
2. Grantee shall be obligated to maintain all structures on the property and to comply with any governmental regulations affecting the property.
3. Grantee will not enter into any new lease with any new tenants and will not modify, extend or renew any lease with any existing Tenant unless such lease is terminable without penalty by the landlord upon not more than ninety (90) days' written notice.1/
4. During the term of the lease Grantee will not develop the vacant land in the property known as Oak Point Yard, as shown on Railroad Valuation Map No. 500-9481-081-ST3A-1, which is included for purposes of clarification. Grantee will reserve such vacant land to permit Grantor to relocate one or more of the Tenants on the Harlem River Yard to the Oak Point Yard.
5. During the term of the lease Grantor shall have exclusive option to construct, at its sole cost any expense a building or buildings on the depicted vacant land in the Oak Point Yard. Any building or buildings to be constructed shall contain at least as many square feet as the Tenant or Tenants to be relocated currently leases in the Harlem Yard and shall be equivalent in quality to the structures currently leased by the Tenant or Tenants to be relocated. The building or buildings to be constructed shall comply with any applicable governmental regulations then in effect.

372 45

6. Upon completion, any new building on the Oak Point Yard shall be the property of Grantee.

7. Grantor shall advise Grantee of its intent to relocate any Tenants prior to commencing construction of any new building on the Oak Point Yard, and Grantee shall then advise Grantor of the rent it intends to charge the Tenants to be relocated. If the Tenant accepts the new rental and agrees to be relocated, Grantor will relocate the Tenant at Grantor's sole cost and expense. If the Tenant rejects the offer to be relocated, Grantee shall forthwith terminate such Tenant's lease pursuant to the applicable terms in such lease.

8. In the event the Harlem River Yard is sold to or condemned by the City of New York or other governmental agency, Grantor shall be entitled to the entire award attributable to the property in the Harlem River Yard conveyed to Grantee if Grantor agrees to relocate the Tenants to be displaced by such sale or condemnation.

9. During the term of the lease Grantee will release to the Grantor any portion of the property leased to Grantee provided, that any Tenants on the portion of the leased property to be released from the lease has (i) terminated its tenancy, (ii) been located within the property still leased by Grantee or within the Oak Point Yard, (iii) rejected the offer to be relocated, or (iv) not shipped or received any cars within the twelve (12) months preceding the Trustees' request for release of the property. If necessary, Grantee shall provide Grantor with the right to ingress and egress for access and utilities over portions of the property still being leased by Grantee.

10. Upon termination of the ten-year term, Grantor shall either agree to relocate within the Oak Point Yard any Tenant still remaining on the property or to lease the property currently used by such Tenant at the same rental then being charged such Tenant plus real estate taxes and other services provided by the landlord. Any such leases with Tenants shall not be terminable by the landlord except upon the Tenant's default or with Grantees consent.

11. If there are any team tracks on property to be released from the lease or upon the termination of the ten-year term, Grantor will relocate, at its cost and expense, equivalent team tracks at the Oak Point Yard as shown on Railroad Valuation Map Nos. 500-9481-080-ST2-1 and 500-9481-081-ST3A-1, which are included for purposes of clarification.

379 PAGE 657

REEL 379 PAGE 658
372 PAGE 46

Document No.

PC-CRC-RP-103

12. At all times during this lease period Grantee will reserve an amount of ground in Oak Point Yard exactly equal to the ground then occupied by tenants in the Harlem River Yard. To the extent that such tenants leave Harlem River Yard and do not relocate to Oak Point, Grantee shall reduce the total ground reserved at Oak Point for tenant relocations by the amount of square footage that such tenants were occupying at Harlem River Yard.

Document No.

PC-CRC-RP-103

FILE 372 PAGE 47

1/ The tenants located at the above-described parcel are:

<u>Rent, Lease No.</u>	<u>Tenant</u>
27-00295	A. C. Carpenter
27-00305	Main Farmers Exchange
27-00310	Steve Huggard
27-00355	George Tiefer
27-00365	Fire Proof Products
27-00425	Victory Coal
27-00445)	Baldwin Transportation
27-00580)	
27-00590)	
27-00660)	
27-00505	A. R. Fuels
27-00630	
27-00550	Ajax Fuel Corporation
27-00560	Blue Fleet
27-00610	
27-00615	
27-00565	Jack Singer Terminal
27-00595	George Tiefer
27-01840	Cargill Inc.
27-00680	Blaze Handling Corporation
27-01835	Four Star Handling
27-00620	Zullo Lumber Company
27-00645	Farer Trans.

FILE 379 PAGE 659

The above described parcel or parcels are identified in the records of the United States Railway Association as Line Code 4270-1.3.

REEL 379 PAGE 660

Document No. REEL 372 PAGE 48

PC-CRC-RP-103

All that parcel of land situate in the Borough of the Bronx, County of Bronx, City of New York, and State of New York, and designated as Parcel No. NY.O 10c 03-1 on Railroad Valuation Map No. 500-0590-OT5A-1, as revised to December 31, 1975, and being all of the land of the Penn Central Transportation Company which is described as follows:

All the land of the Penn Central Transportation Company lying southwest of West 230th Street, northwest of the northwesterly line of Kingsbridge Avenue, north of the northerly line of Terrace View Avenue and southeasterly of Spuyten Duyvil Road.

The above described parcel or parcels are identified in the records of the United States Railway Association as Line Code 9100-9.5.

BRONX COUNTY

REEL 379 PAGE 661

GRANTOR: Trustees of Penn Central Transportation Company, Debtor

GRANTEE: Consolidated Rail Corporation

DOCUMENT NO: PC-CRC-RP-103 - Deed of Conveyance

RECORD AND RETURN TO:

Kenneth R. Nourse
Supervisor Real Estate
Consolidated Rail Corporation
Room 958 - 466 Lexington Avenue
New York, New York 10017

BRONX COUNTY

REEL 579 PAGE 661

GRANTOR: Trustees of Penn Central Transportation Company, Debtor

GRANTEE: Consolidated Rail Corporation

DOCUMENT NO: PC-CRC-RP-103 - Deed of Conveyance

RECORD AND RETURN TO:

Kenneth R. Nourse
Supervisor Real Estate
Consolidated Rail Corporation
Room 958 - 466 Lexington Avenue
New York, New York 10017

14859

BRONX COUNTY

GRANTOR: Trustees of Penn Central Transportation Company, Debtor

GRANTEE: Consolidated Rail Corporation

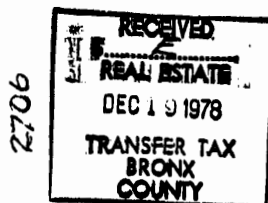
DOCUMENT NO: PC-CRC-RP-103 - Deed of Conveyance

REEL 379 PAGE 662

BLOCK	LOT	BLOCK	LOT
2260	62	3270	75
2443	71	3271	100
2539	506	5900	100
2543	1	5753	135
2583	2		
2604	74		
"	252		
"	292		
"	600		
3238	52		
"	126		
3245	3		
3244	1		
3264	20		
3265	11		
3267	72		
3268	30		
3269	118		

EXTRA BLOCKS

REC. FEE A-125
SST \$ —
RPT # 6587



RECORDED IN BRONX COUNTY

BOOK

LOT

INDEXER

DEC 22 1978

DEC 19 1978 9:34

Matthew P. Dwyer
CITY REGISTRAR

9

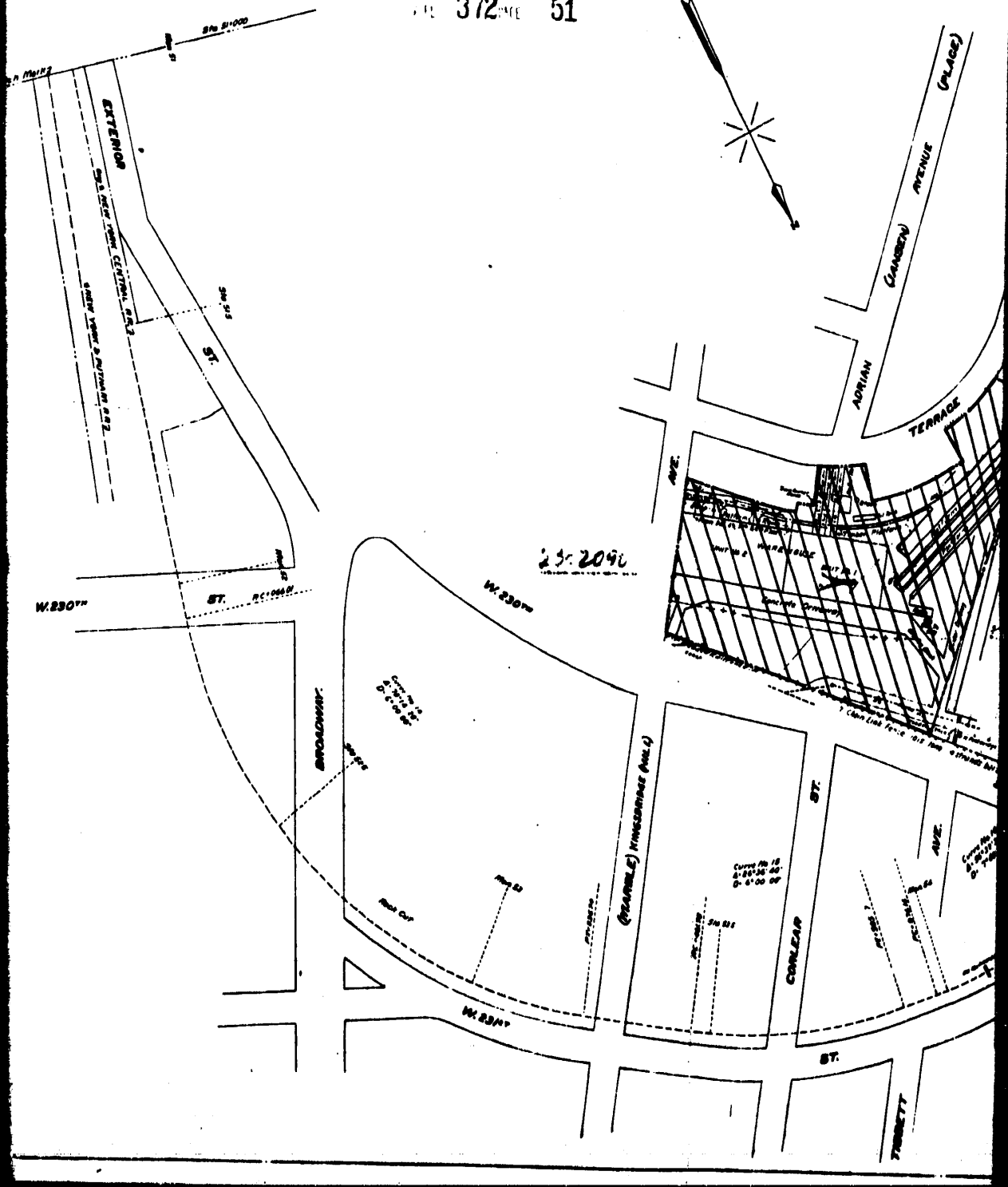
REEL 379 PAGE 663
REEL 372 PAGE 50

250

REPRODUCED FROM
ORIGINAL FILED IN
FBI LABORATORY
FBI - NEW YORK
FBI - NEW YORK
FBI - NEW YORK

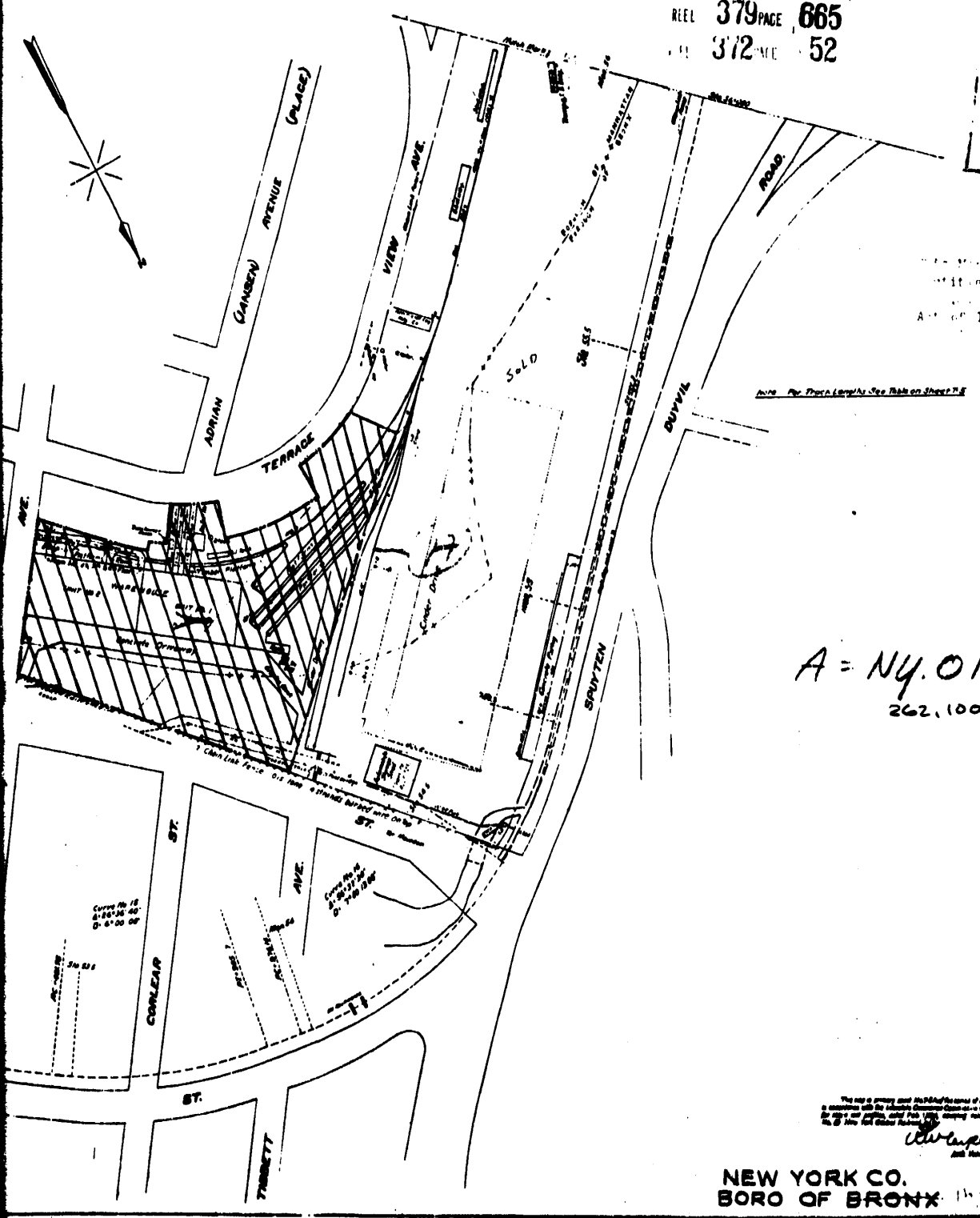
VZ. 59. MAP NO. 100

372 PAGE 51



REEL 379 PAGE 665
 372-MCE 52

500

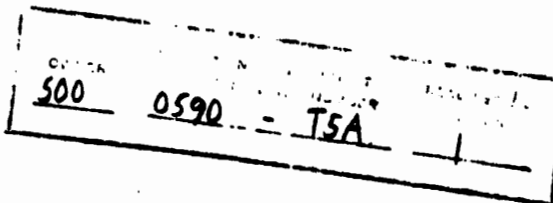


A = NY. 010
 262,100

NEW YORK CO.
 BORO OF BRONX

665
52

9100 9.5



is referred to in document NO. PC-CRL-RP-103
by the United States Railway Association
in accordance with the Regional Rail Reorganization
Act of 1973, as amended

Trace Lengths Use Rule on Sheet 2-B

REEL 379ME 666

A = NY.01ΦC Φ3-1
262,100 Φ = 6.02AC

THIS TRACKING IS 50% ORIGINAL SIZE
BASED ON 100% ORIGINAL

TRACK MAP
NEW YORK CENTRAL RAILROAD
Operated by
THE NEW YORK CENTRAL RAILROAD COMPANY
MAIN LINE - ELECTRIC DIVISION

MARBLE HILL - SPUTEN DUTVIL

From Mile 51+00 to Mile 56+00
1 in 100 M. June 30th 1917

Office of Production Engineering
Grand Central Terminal New York, N. Y.

This map is a copy and not the original of any paper
submitted to the Interstate Commerce Commission in accordance
with the Act of March 3, 1907, Chapter 103, Section 10301
and 10302, and the Act of March 3, 1907, Chapter 103, Section 10301

W. L. Carpenter
and similar design

NEW YORK CO.
OF BRONX

1"=200'

10/7



11/76 C.S.A.M.E.

5
2

9100 9.5

500 0590 - TSA

is referred to in DOCUMENT NO. PC-CRC-RP-103
by the United States Railway Administration to the
Regional Rail Administration
of 1973, as amended

Length See Note on Sheet 1-2

379
666

= NY.01φC φ3-1
262,100 φ = 6.02AC

THIS TRACKING IS 50% ORIGINAL SIZE
BASED ON 100' SCALE

TRACK MAP
NEW YORK CENTRAL RAILROAD
Operated by
THE NEW YORK CENTRAL RAILROAD COMPANY
MAIN LINE - ELECTRIC DIVISION
MARBLE HILL - SPUYTEN DUYVIL

From Sta. 51+00 to Sta. 56+00
1 in = 100 ft. June 20th 1917
Office of Population Statistics
Grand Central Terminal New York, N.Y.

See map of entire line in the back of this map, prepared
by the New York Central Railroad Company, and
also the New York Central Railroad Company
and the New York Central Railroad Company

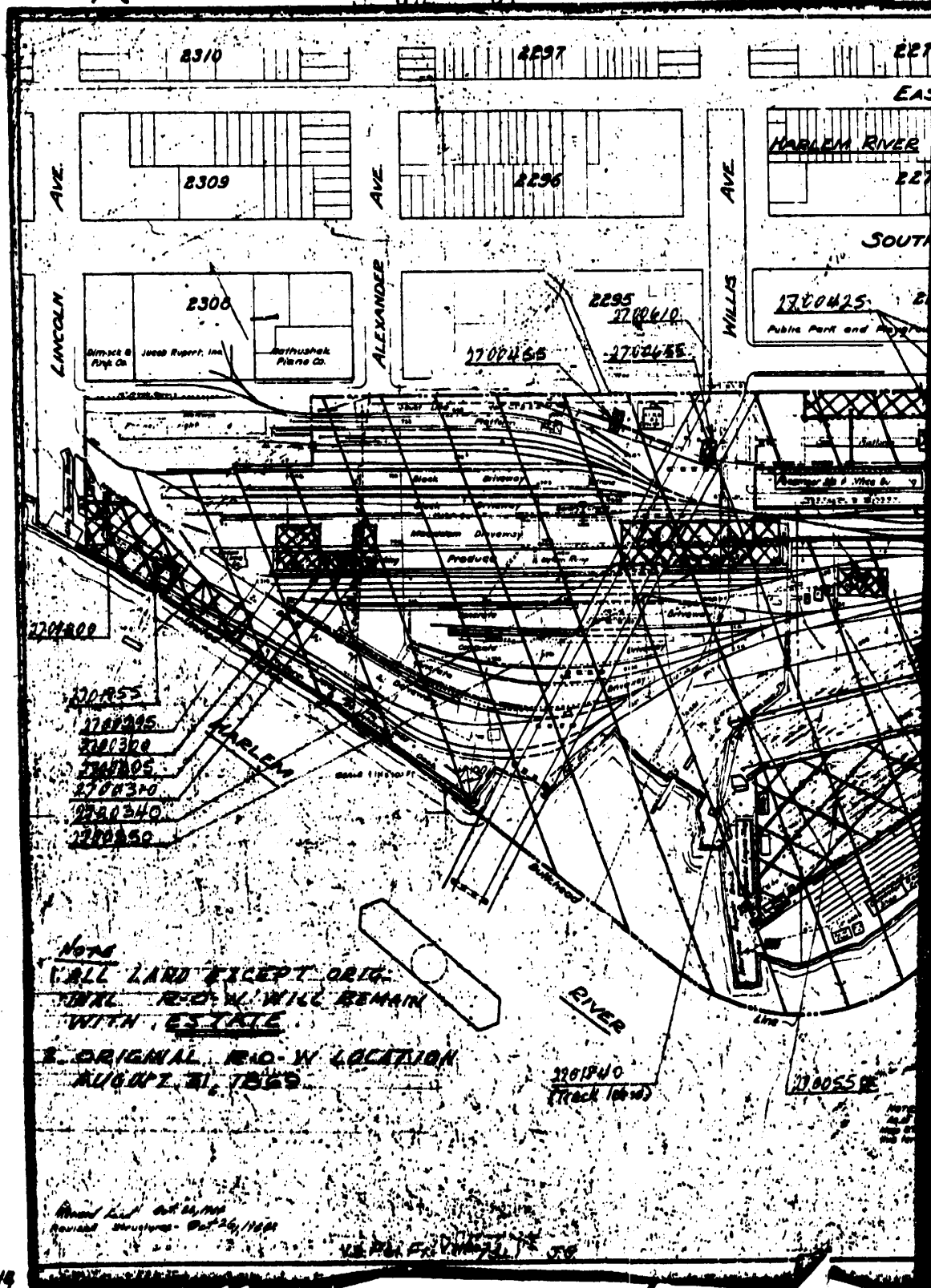
K CO.
BRONX

1" = 200'

10/7



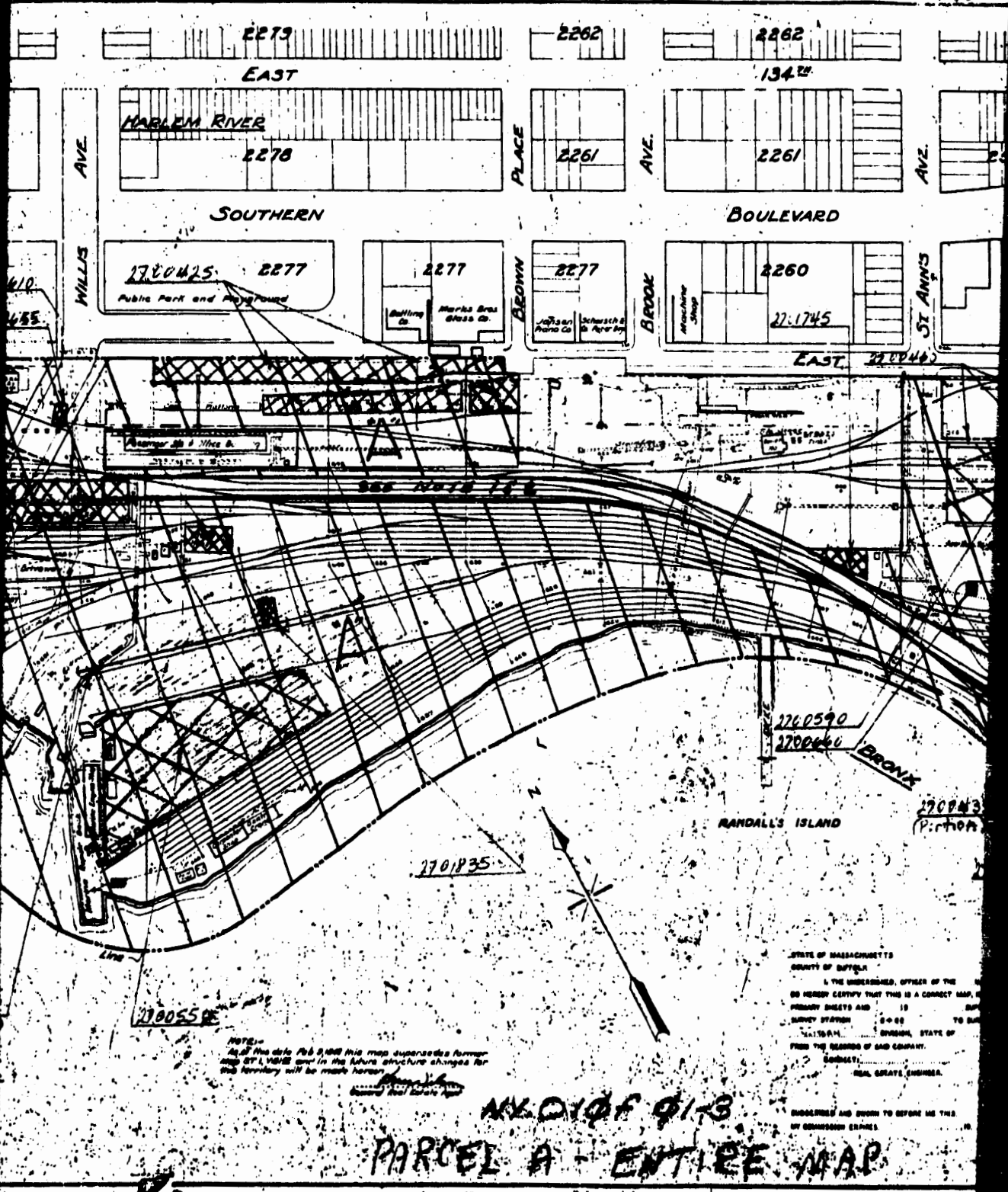
11/76 CL-AME

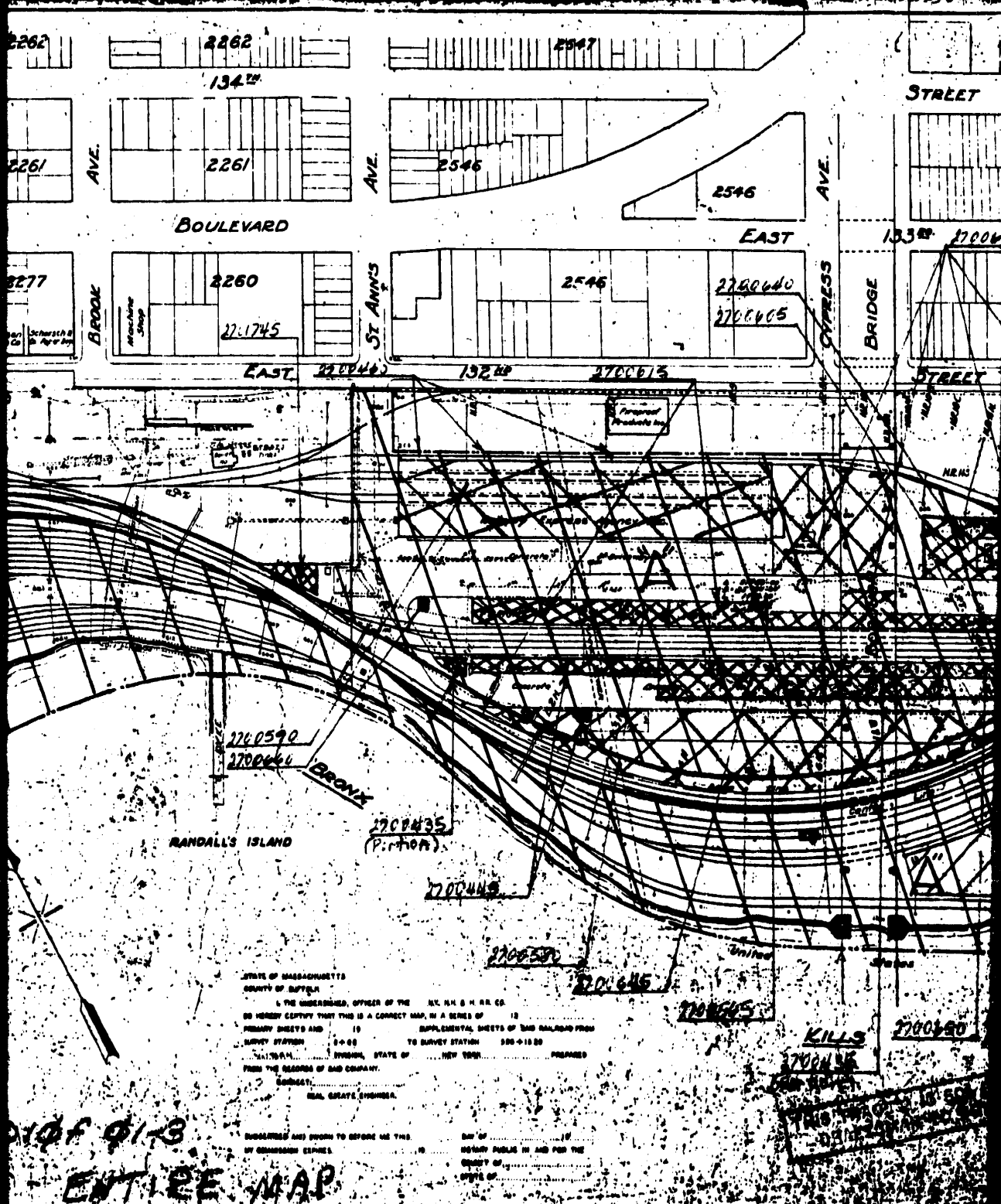


NOTE
ALL LARD EXCEPT ORIG-
INAL R.O.W. WILL REMAIN
WITH ESTATE
2. ORIGINAL R.O.W. LOCATION
AUGUST 31, 1969

Revised Land Use - Oct 26, 1968
Revised Structures - Oct 26, 1968

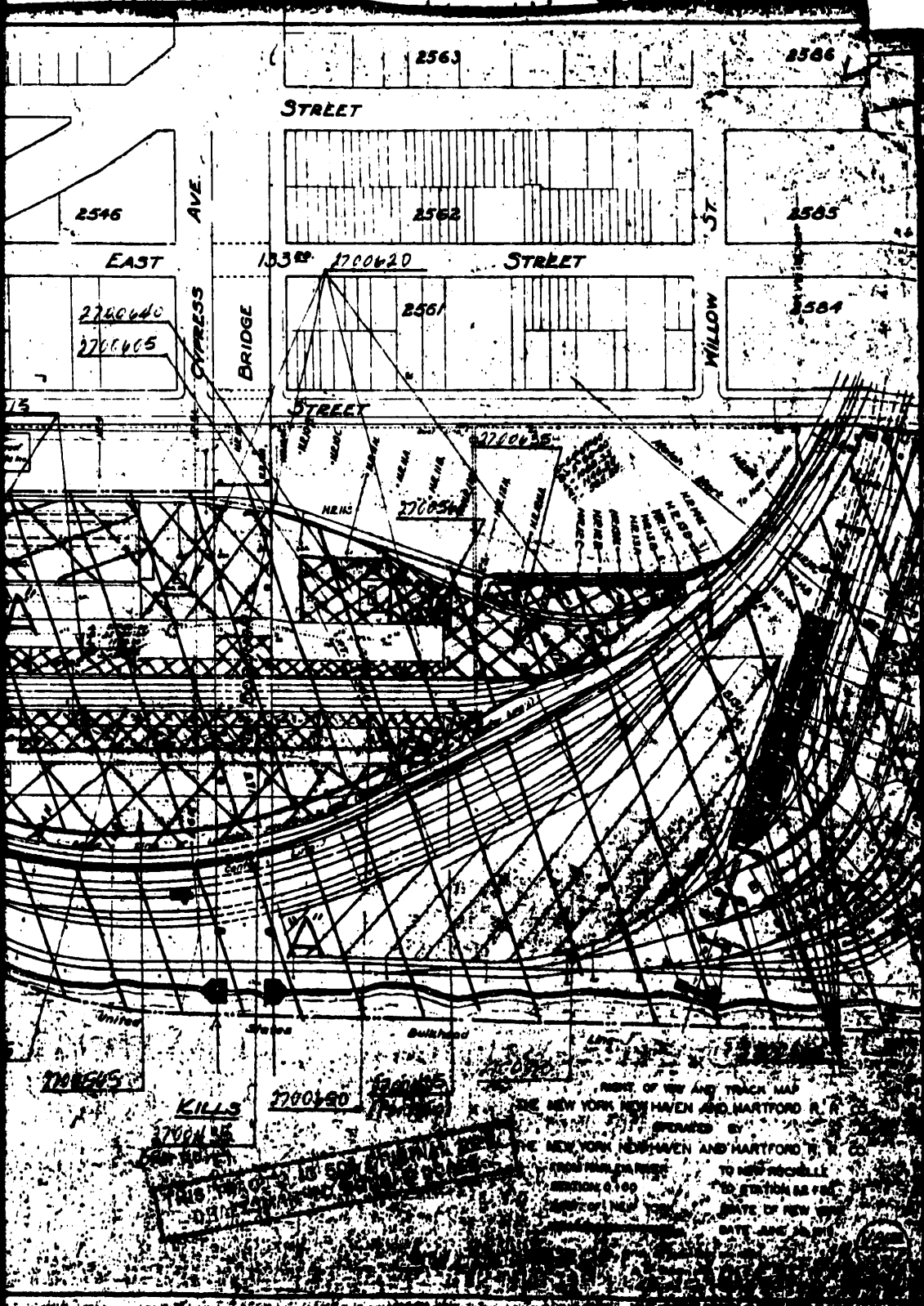
U.S. Air Force





669

713 LC 4870 43



312 VALLEY ST. SHEET
OWNER SECTION DIV. N. 1/2
250 000 517
RECORD

115 312
115 312

100005

KILLS

2700420

100005

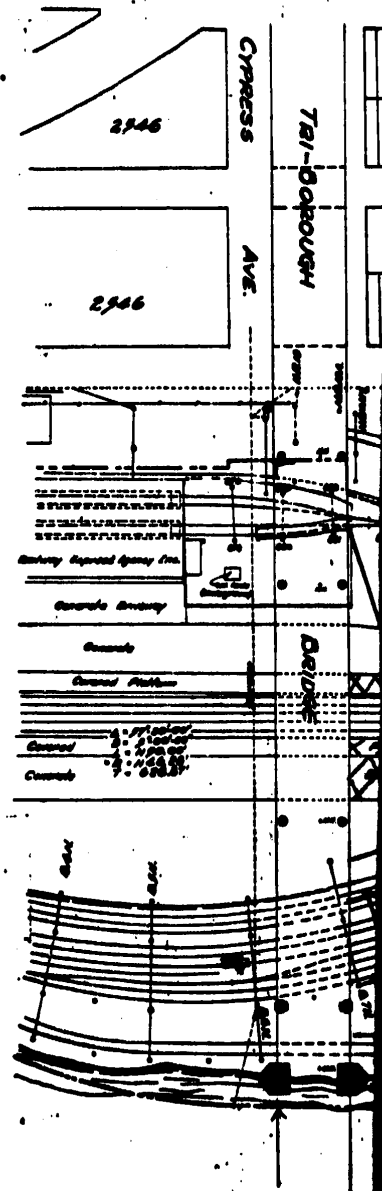
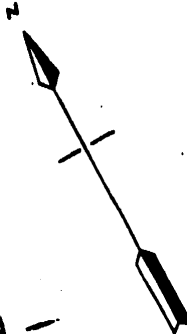
2700435

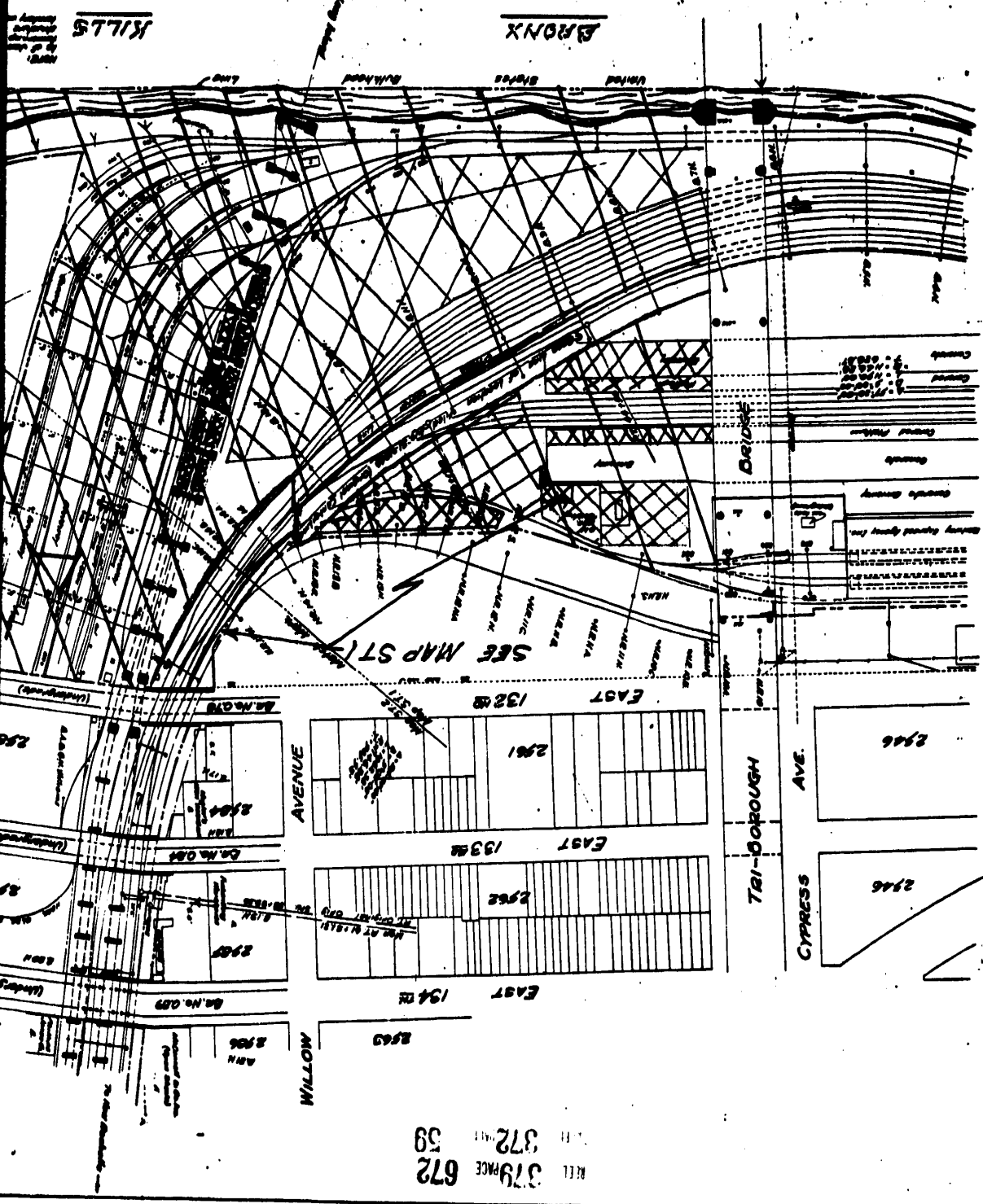
THIS MAP IS FOR THE
DATE

RIGHT OF WAY AND TRUCK MAP
THE NEW YORK NEW HAVEN AND HARTFORD R. R.
OPERATED BY
THE NEW YORK NEW HAVEN AND HARTFORD R. R. CO.
FROM HARTFORD
STATION 0.100
TO NEW HAVEN
DATE OF NEW
DATE AND

REEL 379 PAGE 671
FL 372 DATE 58

PARCEL A -
ENTIRE MAP
SOUTH OF EAST
132 ND STREET
NY. 014 OF 01-3





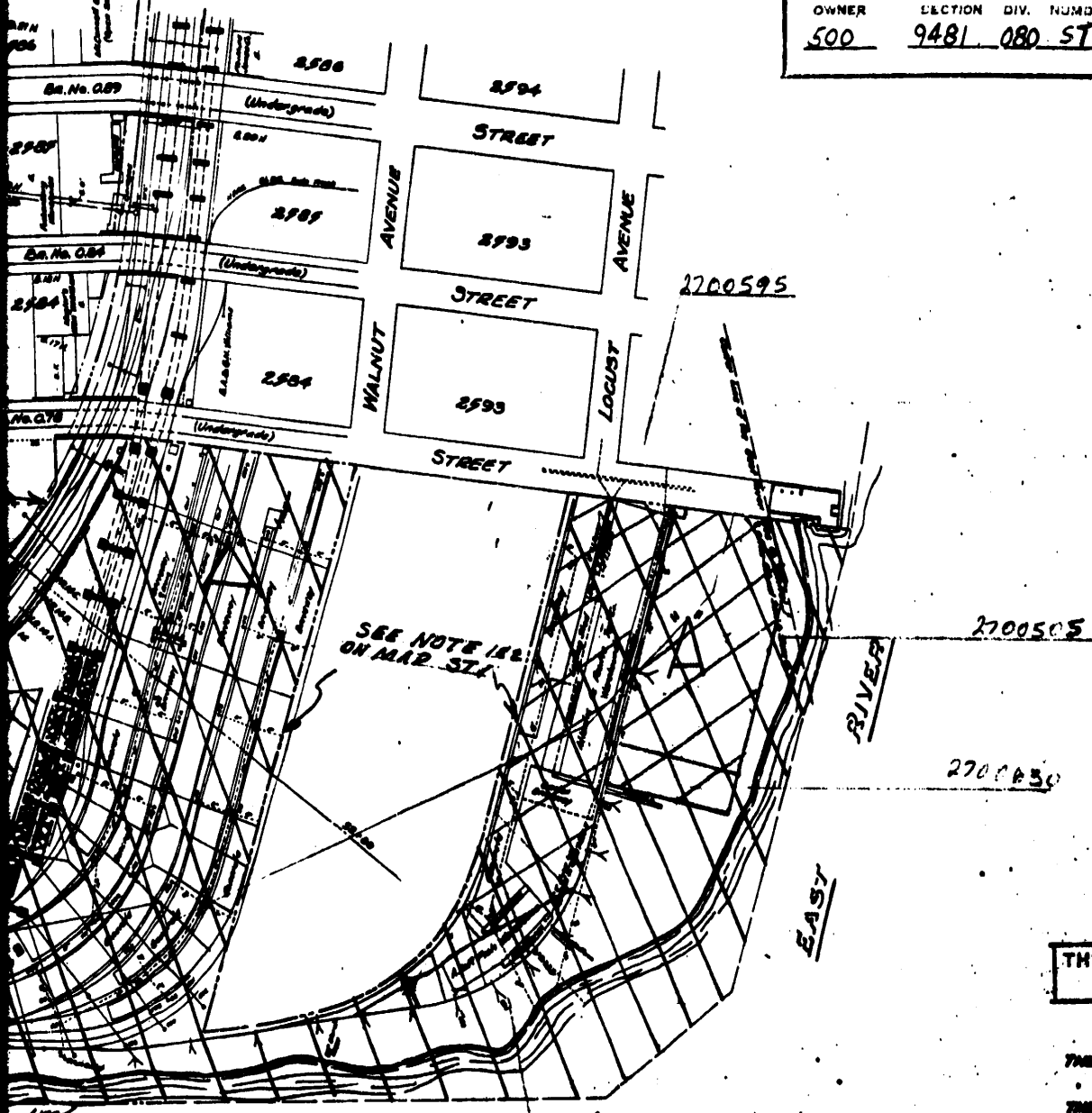
REL 379 PAGE 672
372 59

REF 379 PAGE 673

312 60

THIS MAP is referred to
Certified by the United
Special Court pursuant
Act of 1973.

OWNER	VALUATION	SUB	SHEET
	SECTION	DIV.	NUMBER
500	9481	080	STIA



SEE NOTE 122
ON MAP 574

KILLS

NOTE:
In all cases of this map, the map is prepared
by the State of New York and is the basis of
all other maps. Any change for the
purpose of this map is to be made by the
State of New York.

Chubb
Surveyor - East Side

THIS TR
DRAFT

THE NEW

THE NEW

SCALE 1" = 200'

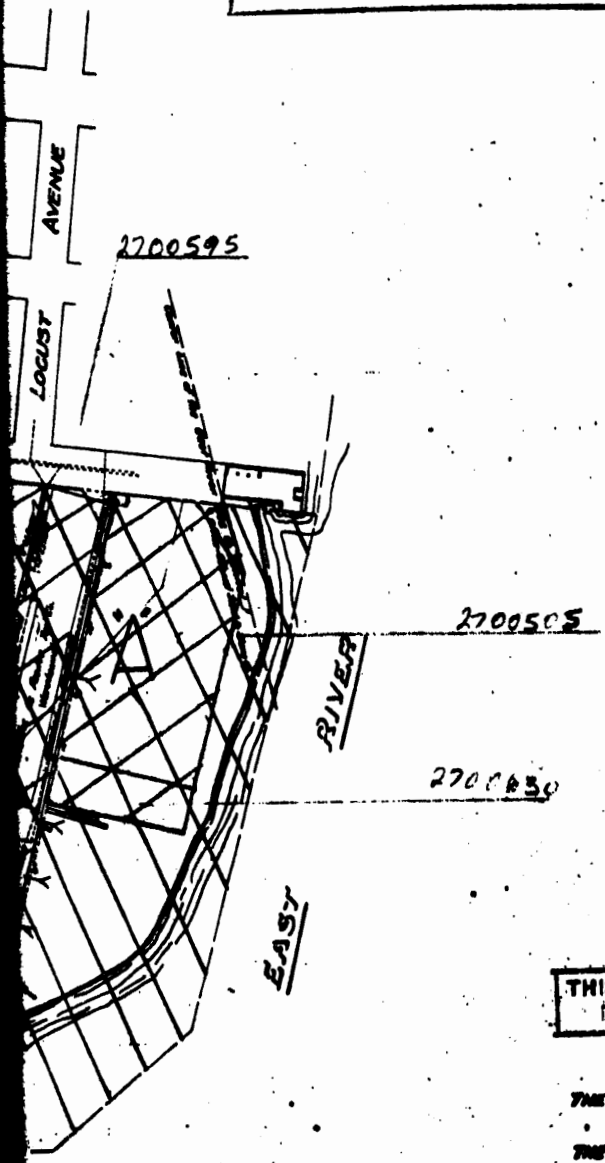
LC 4270 1-3

379 PAGE 673
312 PAGE 60

THIS Map is referred to in DOCUMENT NO. - **CRP-RP-103**
Certified by the United States Railway Administration to the
Special Court pursuant to the National Rail Road Organization
Act of 1935, as amended.

OWNER	VALUATION	SUB	SHEET	REAL ESTATE
	SECTION	DIV.	NUMBER	REGION
500	9481	080	STIA	1

312 PAGE 61
REL 379 PAGE 674

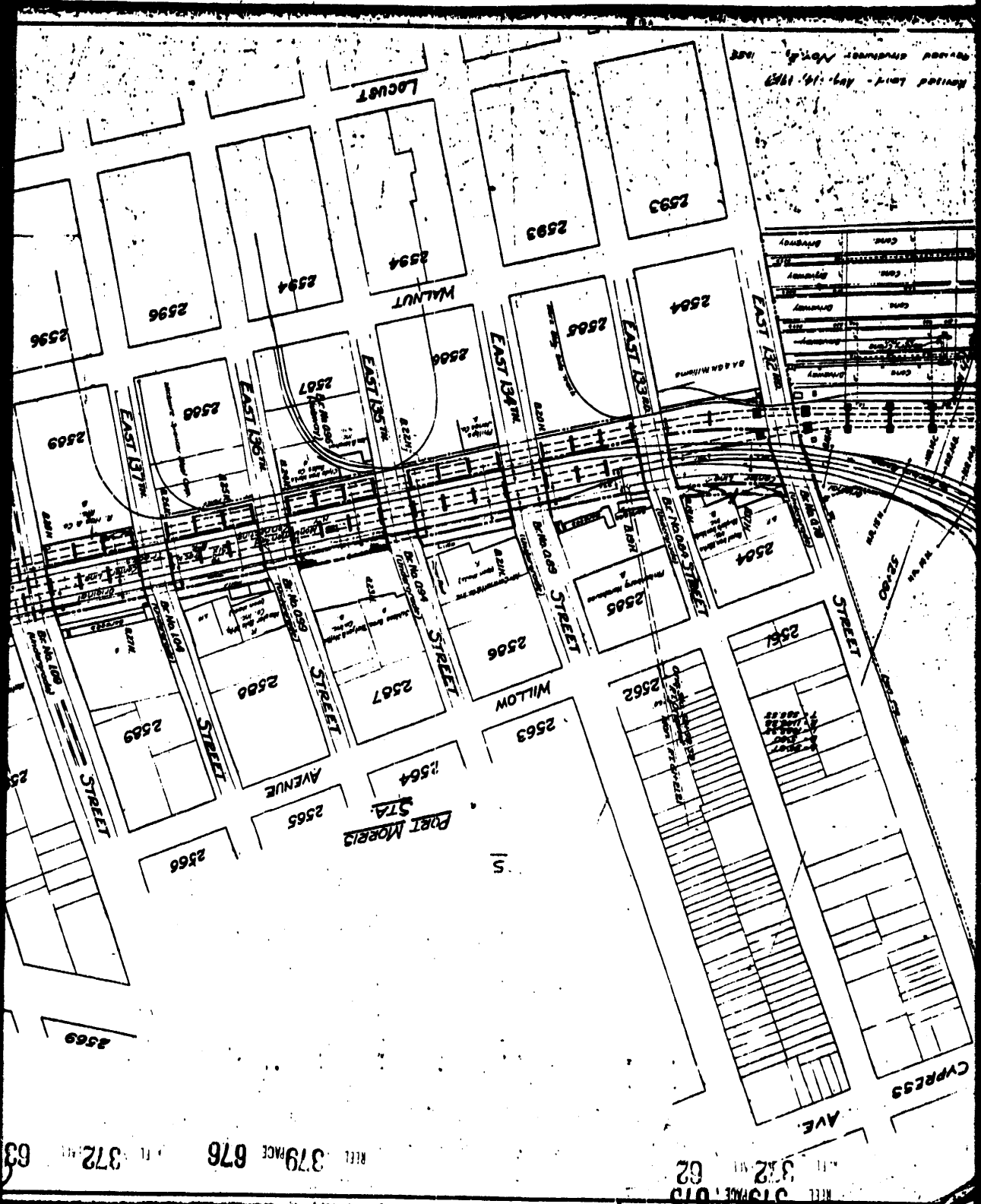


THIS TRACING IS 50% ORIGINAL SIZE.
DRAFTSMAN TO DOUBLE SCALE

DEPT OF NAV AND TRUCK MAP
THE NEW YORK NEW HAVEN AND HARTFORD R.R. CO.
OPERATED BY
THE NEW YORK NEW HAVEN AND HARTFORD R.R. CO.
FROM HARTFORD RIVER TO NEW HAVEN
STATION — TO STATION —
CITY OF NEW YORK STATE OF NEW YORK
DATE JAN 24 1947
SCALE 1" = 100'



367

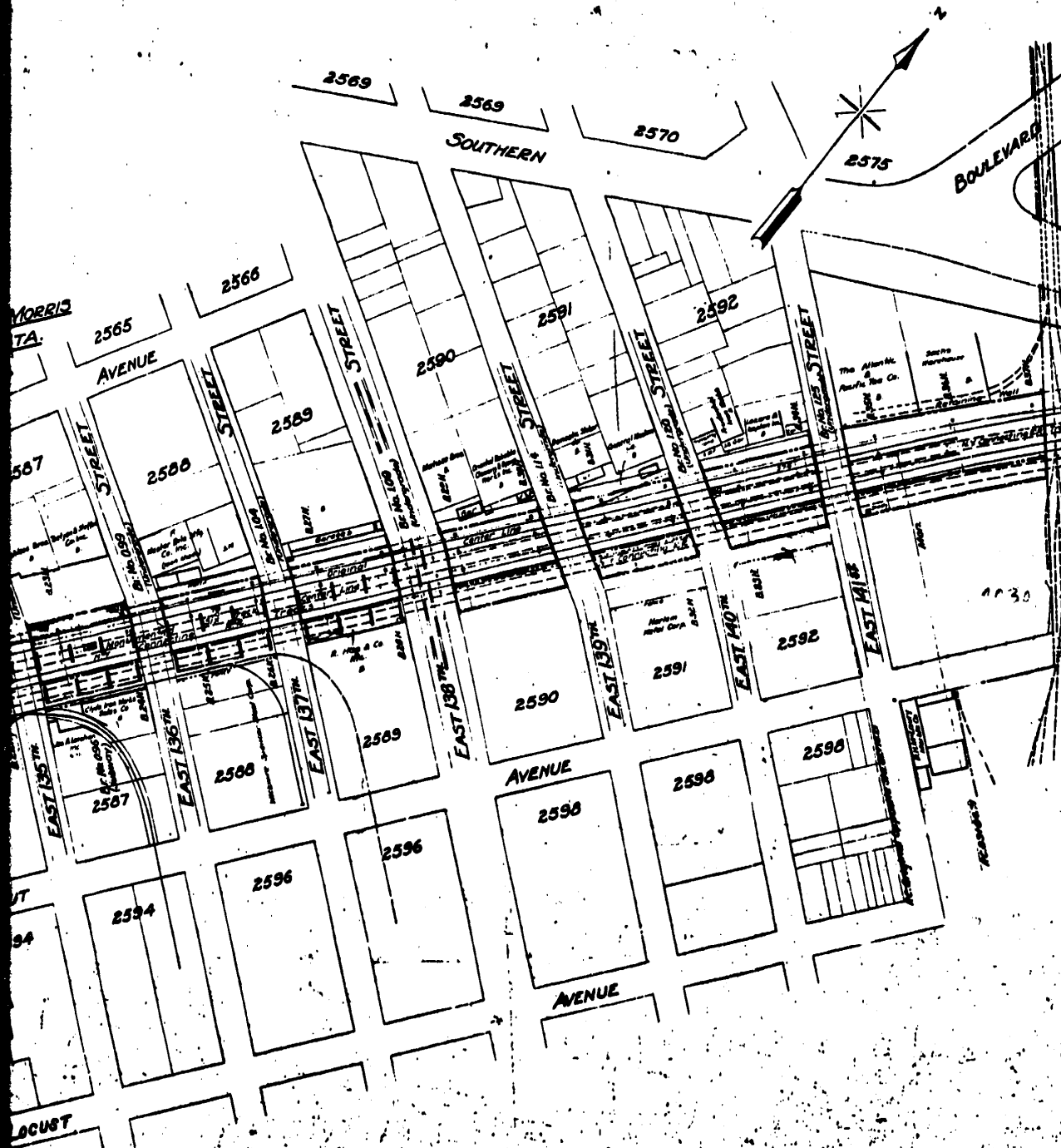


Revised Map - Aug. 14, 1959
Revised Streets - May 8, 1958

63 372 379 676
62 372 379 675

63

PARCEL "A" - LEASES ON OPERATING PRO



71-1)

SEAS ON OPERATING PROPERTY

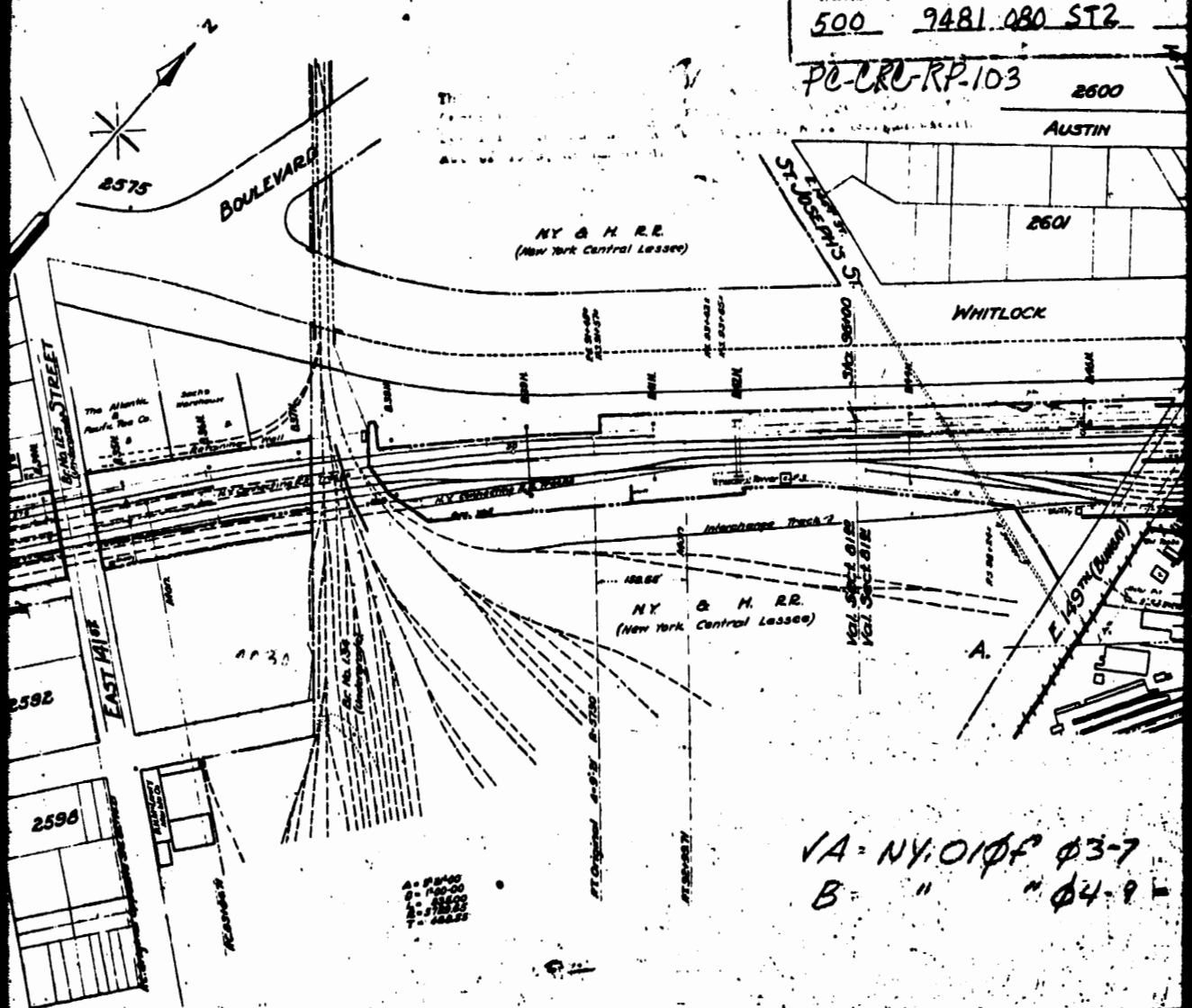
REEL 379 PAGE 677
 REEL 372 PAGE 64

OWNER	VALUATION	SUB	SHEET	REA
	SECTION	T.V.	NUMBER	
500	9481	080	ST2	

PC-CRC-RP-103

2500

AUSTIN



VA = NY. OIPF #3-7
 B = " " #4-9

THIS TRACING IS
 DRAFTSMAN J

NOTE -
 As of this date Feb. 2, 1948, this map supersedes former
 Map ST. 2, 1918 and in the future structure changes for
 this territory will be made hereon.

SHEET NO. 62 OF THIRTY TWO SHEETS OF THE HARTLEY RIVER AND PORT WHEELER R.R.
 FROM SURVEY STATION 12+00 TO SURVEY STATION 107+00
 DRAWN BY *Amidon*
 CHECKED BY *Amidon*

APPROVED
 VALUATION ENGINEER

11-1-1948

also 210-9401-STI-1)

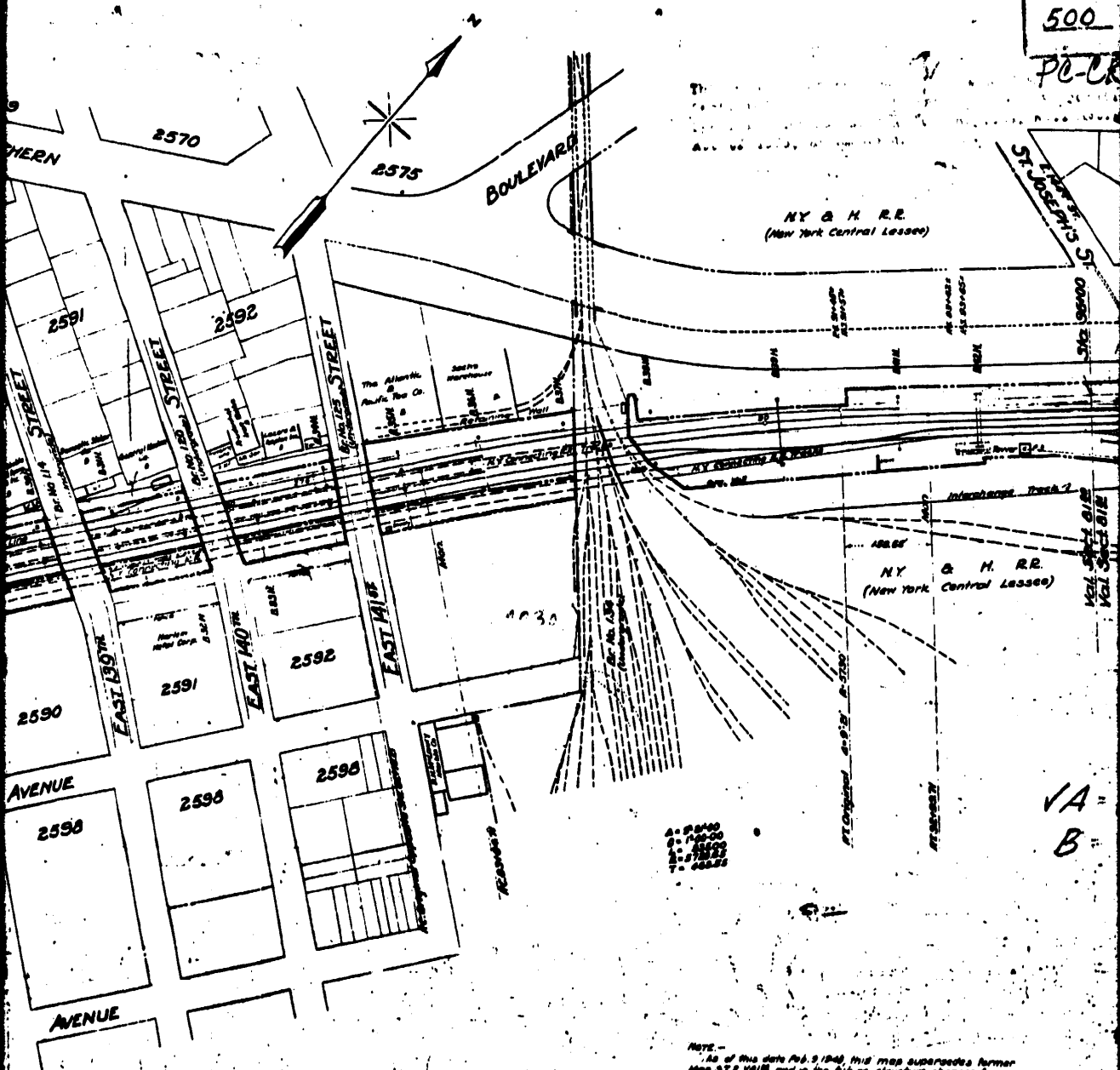
REEL "A" - LEASES ON OPERATING PROPERTY

REEL 379 PAGE 677

REEL 372 PAGE 64

OWNER
500

PC-UK



NOTE -
As of this date Feb. 2, 1946, this map supercedes former
map ST. 1018 and in the future structure changes for
this territory will be made hereon.

SHEET NO. 12 OF THIRTY TWO SHEETS OF THE HARLEM RIVER AND FORT GEORGE R.R.

FROM SURVEY STATION 107+00 TO SURVEY STATION 107+70

DATE: 1/1/46

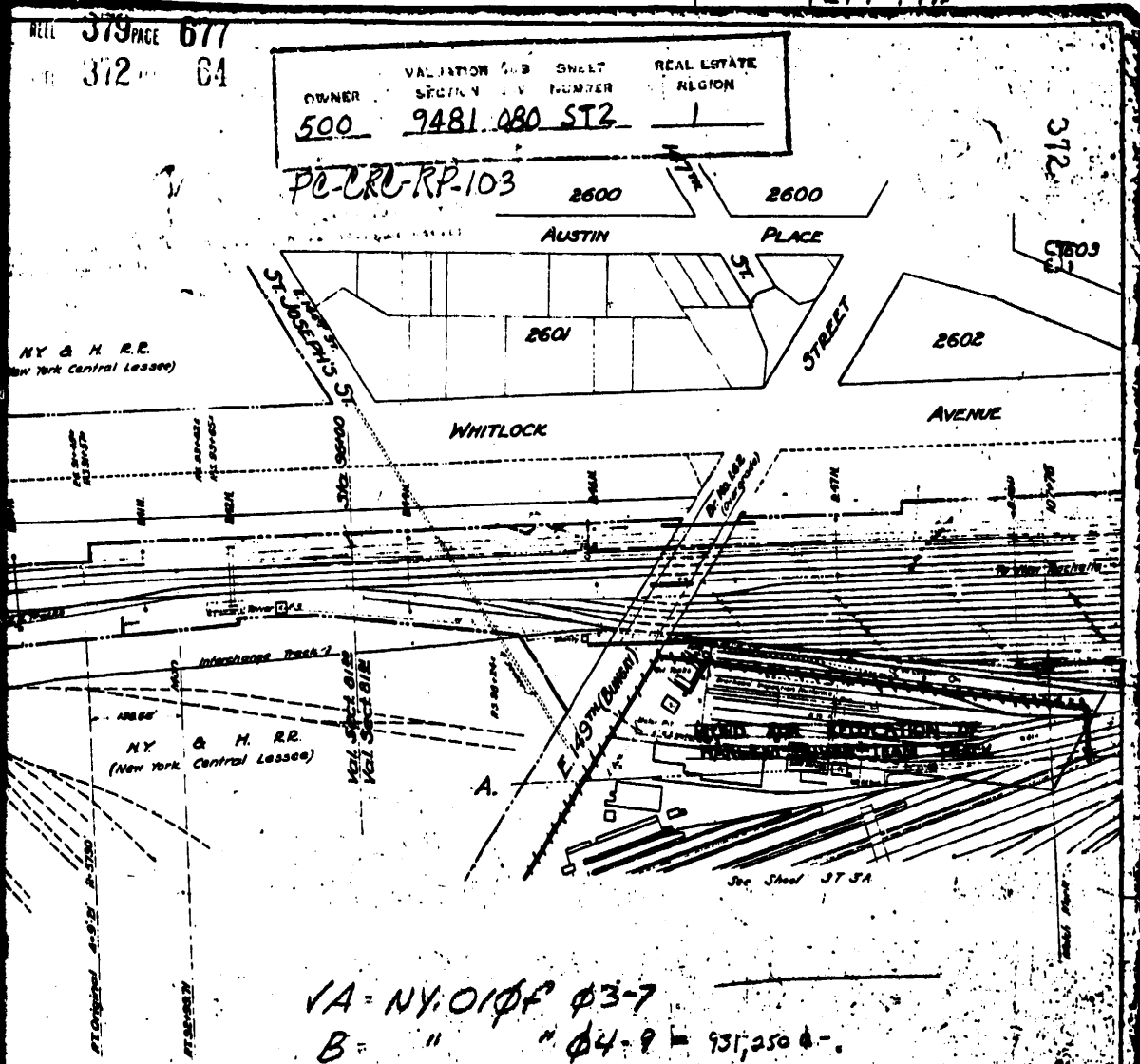
APPROVED: [Signature]
[Signature]

4219-190

REEL 379 PAGE 677
372 64

OWNER	VALUATION	SUB	SHEET	REAL ESTATE
500	9481	080	ST2	1

PC-CRC-RP-103



REEL 379 PAGE 678

VA = NY. OI OF 03-7
B = " " 04-9 = 931,250 0.-

THIS TRACING IS 50% ORIGINAL SIZE.
DRAFTSMAN TO DOUBLE SCALE.

Date Feb. 9, 1944, this map supersedes former
and in the future structure changes for
will be made hereon.

THIRTY TWO SHEETS OF THE HARTFORD AND HARTFORD R.R.
TO SURVEY STATION 107+00

APPROVED
[Signature]

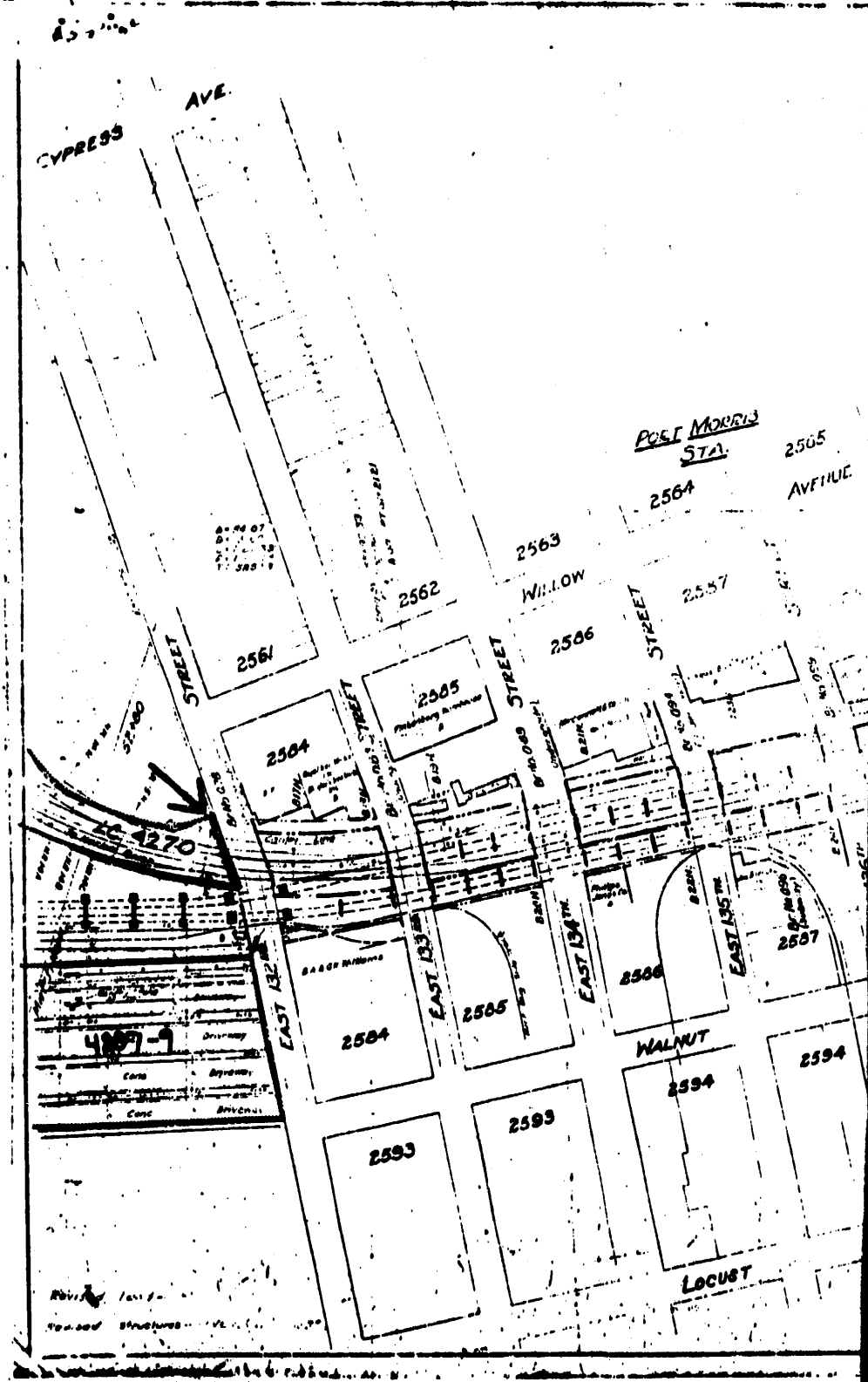
RIGHT OF WAY AND TRACK MAP
THE NEW YORK NEW HAVEN AND HARTFORD R. R. CO.
OPERATED BY

THE NEW YORK NEW HAVEN AND HARTFORD R. R. CO.
FROM HARLEM RIVER TO NEW ROCHELLE
STATION 52+00 TO STATION 107+70
CITY OF NEW YORK STATE OF NEW YORK
DATE JUNE 30, 1915

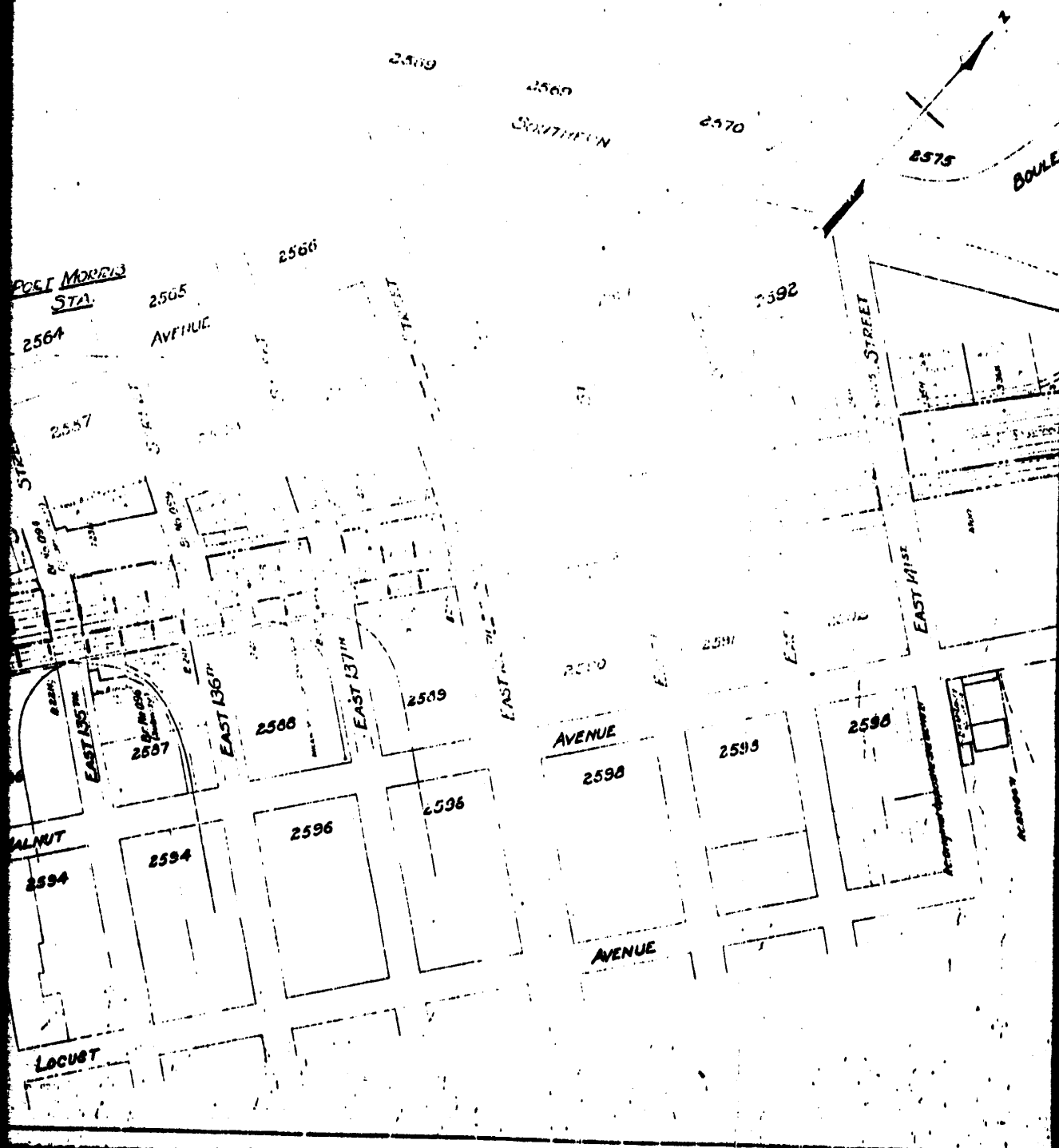
SCALE 1 IN. = 100 FT.



11/76 CB - AME



406

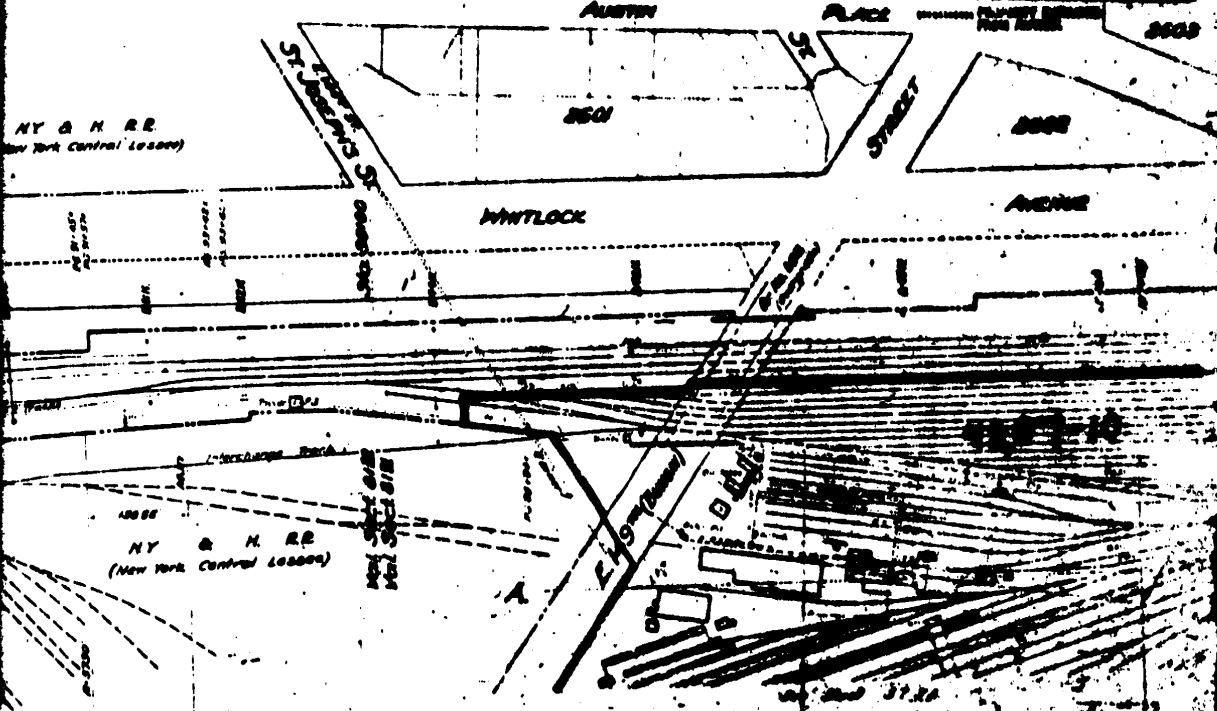


This Map is referred to in DOCUMENT NO. 100-44-27-103
certified by the United States Railway Association to the
Special Court pursuant to the Regional Rail Reorganization
Act of 1973, as amended.

ADIRAK

NORTHEAST CORNER
PROPERTY IDENTIFICATION

12 4207 MAP 100-44-27-103
1000 1000 1000 1000



See Map 100-44-27-103 and map superimposed thereon
and in the future should attempt to
will be made hereon

THE TOP CORNER OF THE HALLS BURN AND WEST CORNER S.E.
100-44-27-103 100-44-27-103

This Map has been referred to

the Public in 1973

100-44-27-103

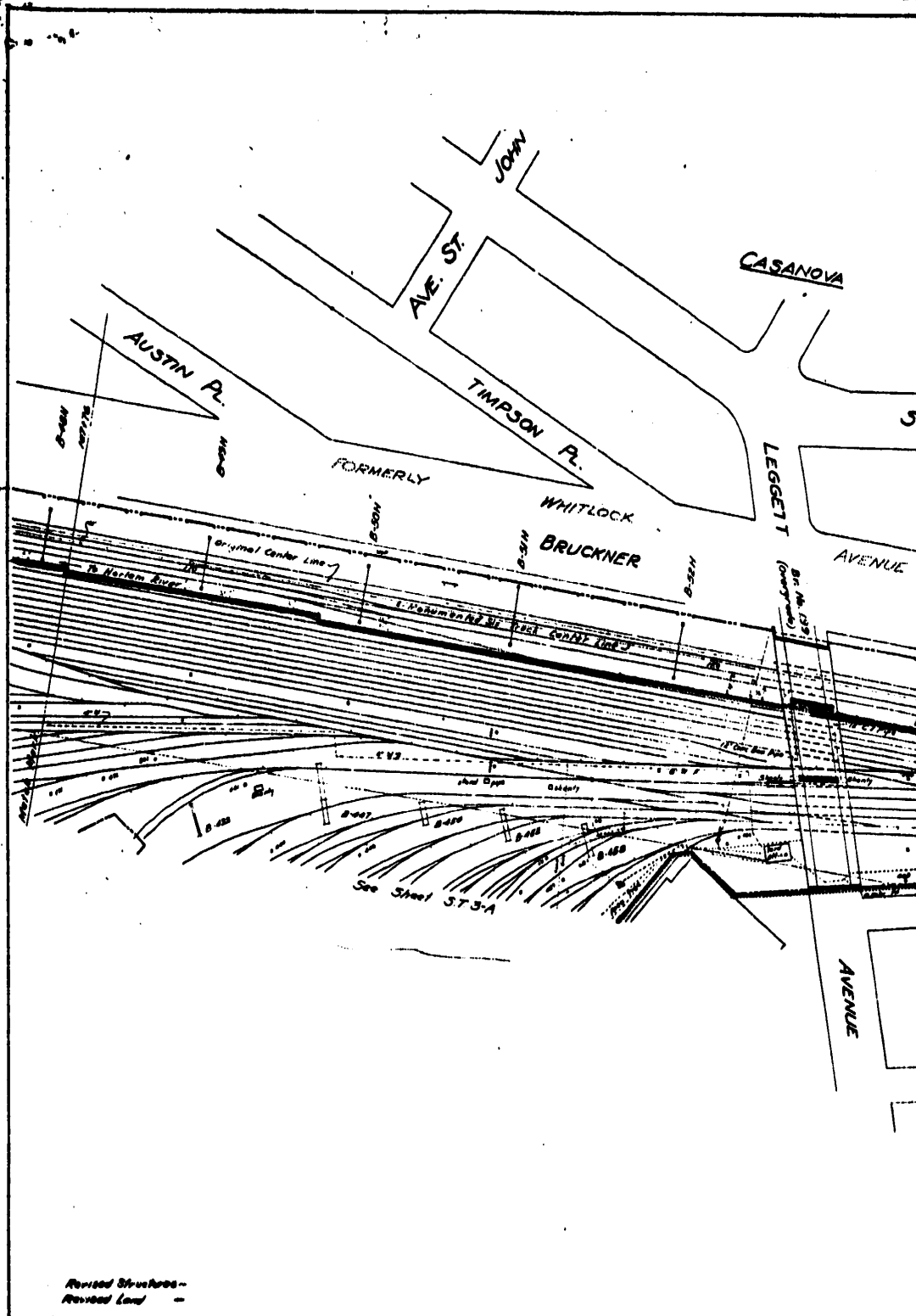
THE NEW YORK AND WEST CORNER

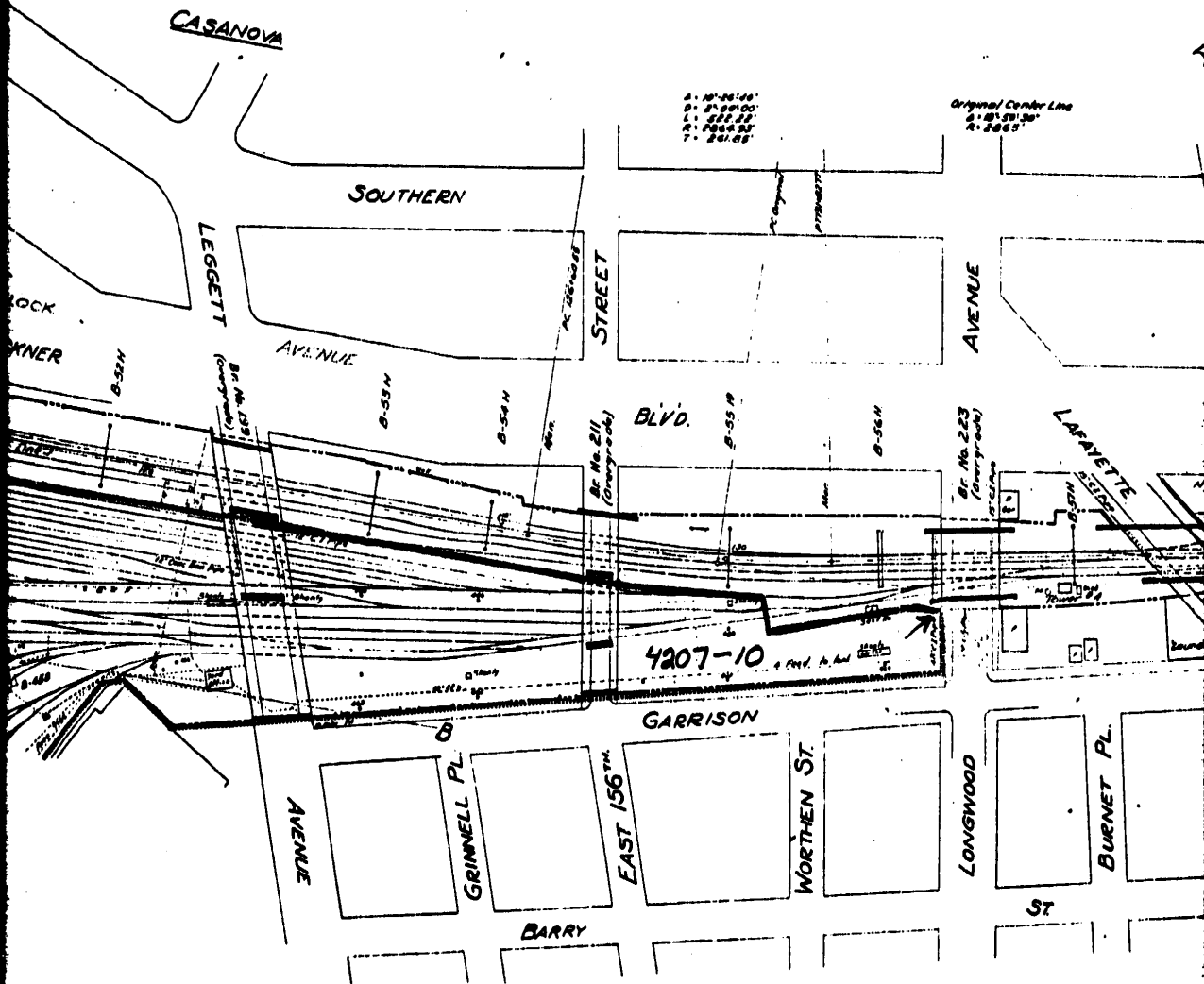
THE NEW YORK AND WEST CORNER

THE NEW YORK AND WEST CORNER

THE NEW YORK AND WEST CORNER

THE NEW YORK AND WEST CORNER

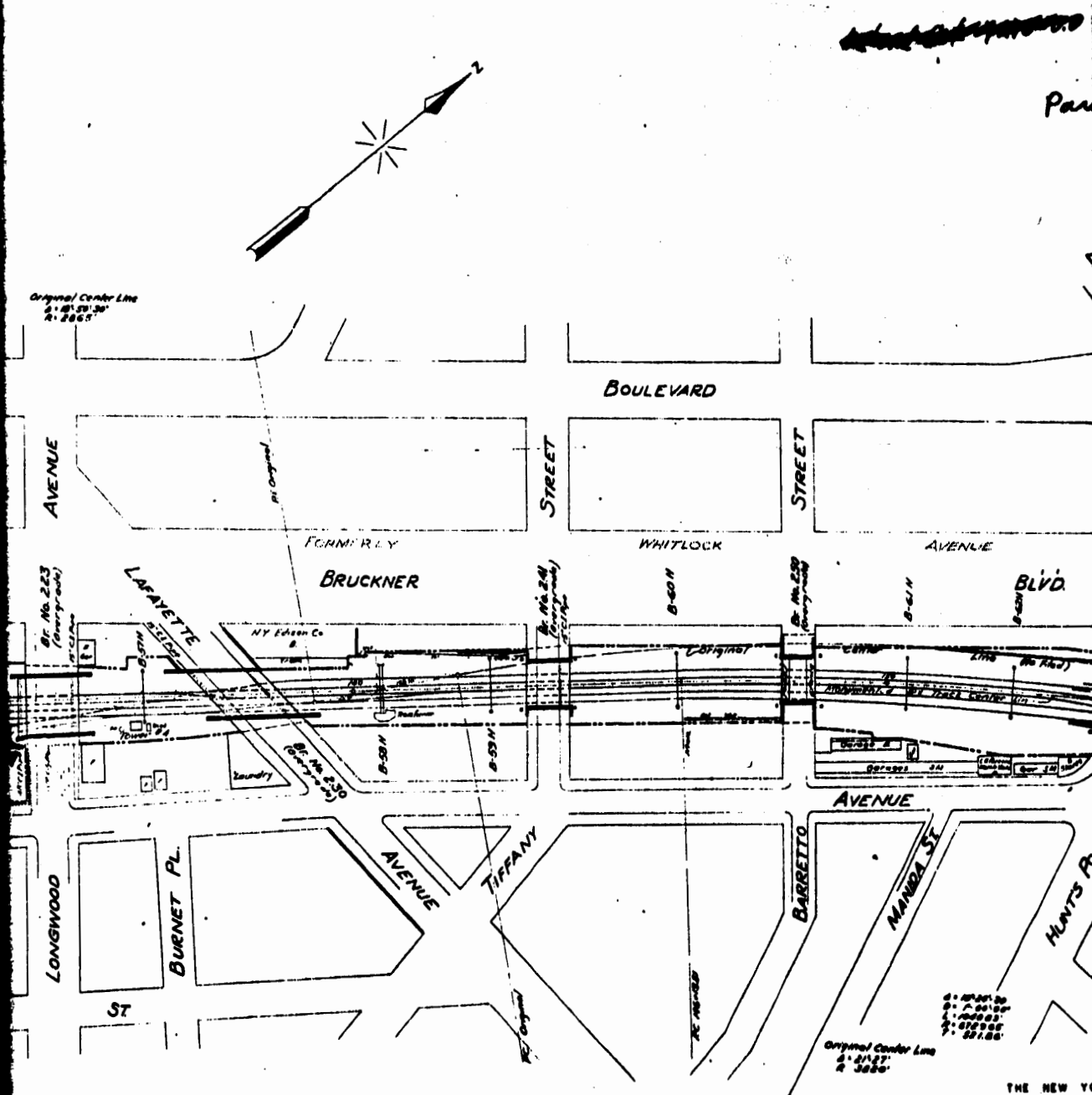




REEL 379 PAGE 685

REEL 372 PAGE 72

This Map is referred to in District No. PC-REC-RPT-1
certified by the State Engineer, Assistant
Special Agent pursuant to the National Rail Road Act
Act of 1973, as Amended.



NOTE: -
As of October 30, 1964 this map supersedes former
map ST 2, 1961 and in the future all structure changes
for this territory will be made thereon.

W. J. J. J.
Engineer, Road & City

SWIFT RAILROADS OF NEW YORK AND THE NEW YORK RIVER AND PORT DISTRICT
FROM SURVEY STATION 100+00 TO SURVEY STATION 100+00

This map is a reproduction of the original map.

The scale is now: 1" = 200'.

THE NEW YORK
THE NEW YORK
FROM
STATION
CITY OF
SEA

PC-RC-RP-163

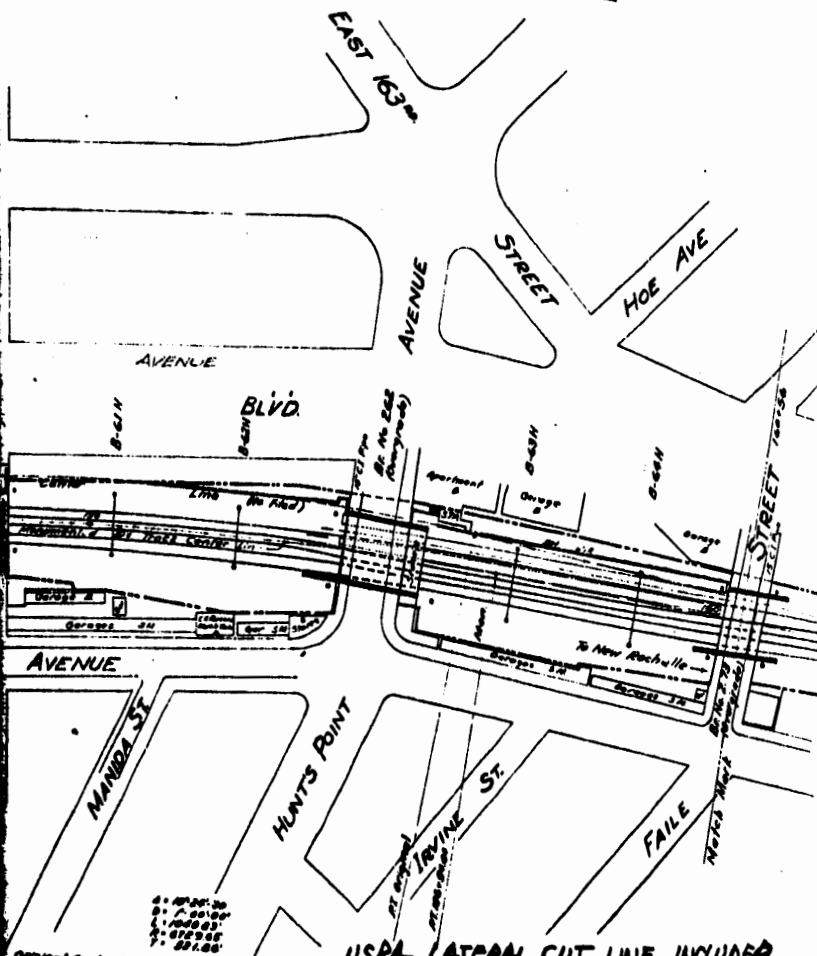
372 73

Parcel

AMTRAK				
NORTHEAST CORRIDOR				
PROPERTY IDENTIFICATION				
LC 4207	MAP		MP 10	
SIGNATURE	DATE	SIGNATURE	DATE	MAP NO.
				319

HUNT'S POINT

379 PAGE 686



USRA LATERAL CUT LINE INCLUDED

RIGHT OF WAY AND TRACK MAP

THE NEW YORK NEW HAVEN AND HARTFORD RR CO.

OPERATED BY

THE NEW YORK NEW HAVEN AND HARTFORD RR CO.

FROM HARLEM RIVER

TO NEW ROCHELLE

STATION 107+70

TO STATION 180+00

CITY OF NEW YORK

STATE OF NEW YORK

SCALE - 1" = 100 FT

DATE JUNE 10, 1965

OFFICE OF VALUATION ENGINEER

BOSTON, MASS

6017
K818
ST3

72

This map is referred to in DEEDS as **PC-REC-RPT-163**
 certified by the United States District Court
 Special Court pursuant to the Regional Rail
 Act of 1973, as amended.

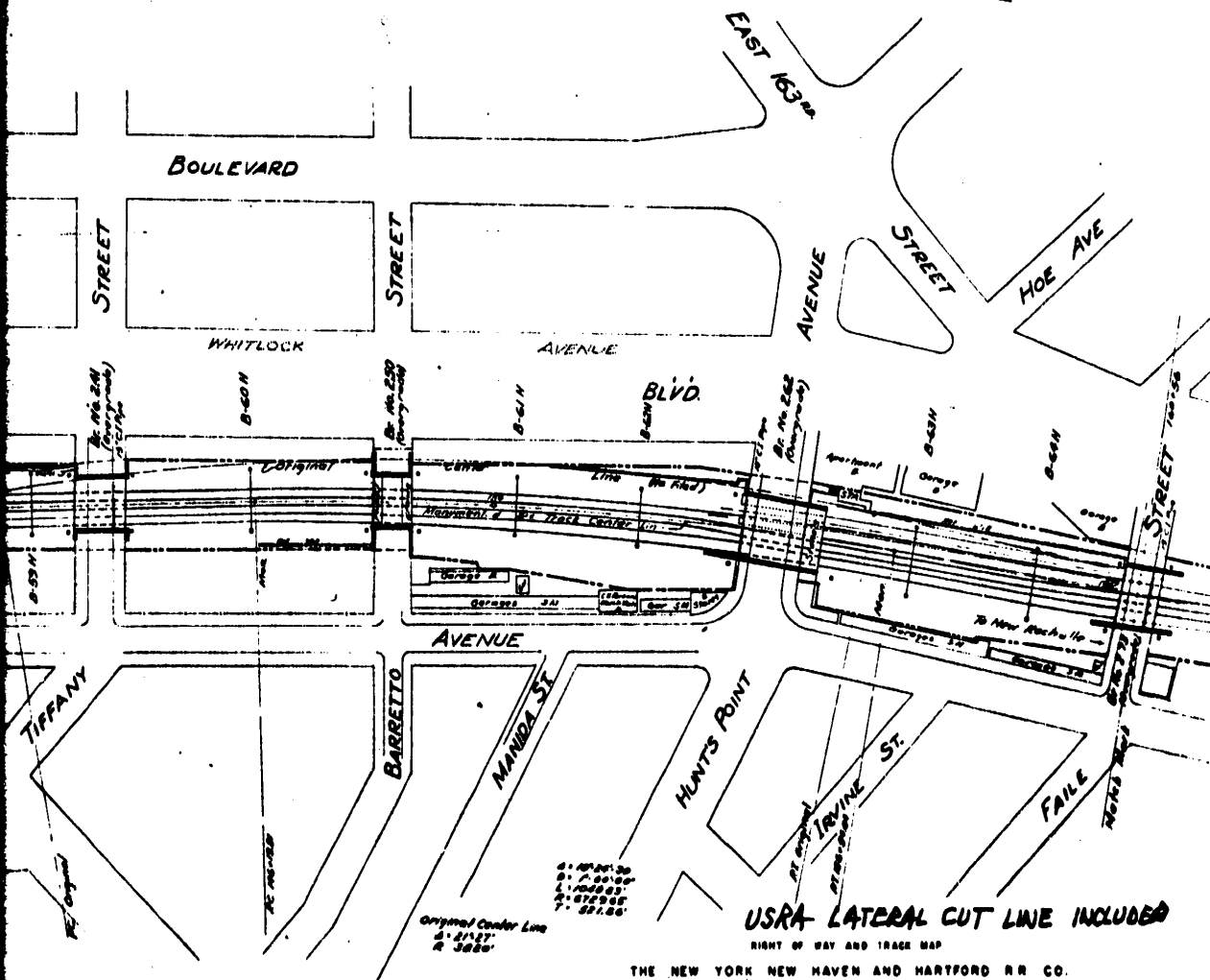
372 73

AMTRAK				
NORTHEAST CORRIDOR				
PROPERTY IDENTIFICATION				
LC 4207	MAP	MP 10		
SIGNATURE	DATE	SIGNATURE	DATE	MAP NO.
				319

Parcel

UNDIVIDED PROPERTY & EASEMENTS
 FROM AMTRAK

HUNT'S POINT



USRA LATERAL CUT LINE INCLUDED

RIGHT OF WAY AND TRACE MAP

THE NEW YORK NEW HAVEN AND HARTFORD RR CO.

OPERATED BY

THE NEW YORK NEW HAVEN AND HARTFORD RR CO

FROM HARLEM RIVER

TO NEW MICHELLE

STATION 107+75

TO STATION 101+00

CITY OF NEW YORK

STATE OF NEW YORK

SCALE - 1" = 100 FT

DATE JUNE 17, 1913

OFFICE OF VALUATION ENGINEER

BOSTON, MASS

This map was made by the

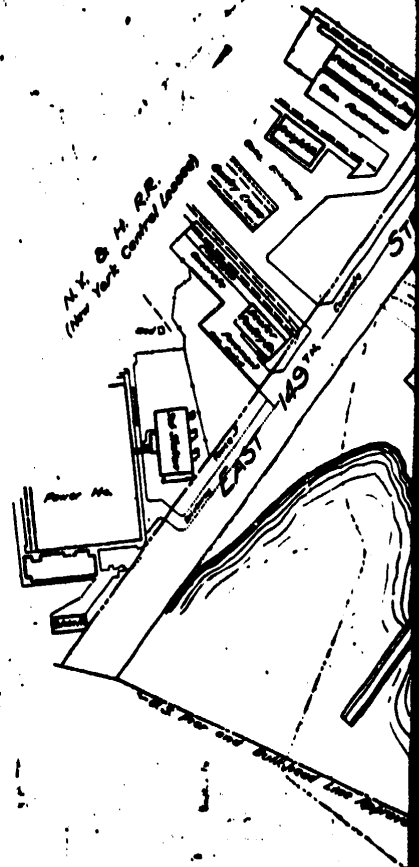
The scale is now: 1" = 200'.

379 PAGE 686

60/7

REEL 379 PAGE 687

REEL 372 PAGE 74



PARCEL "A" - ENTIRE YARD
NY. 010F 02-5

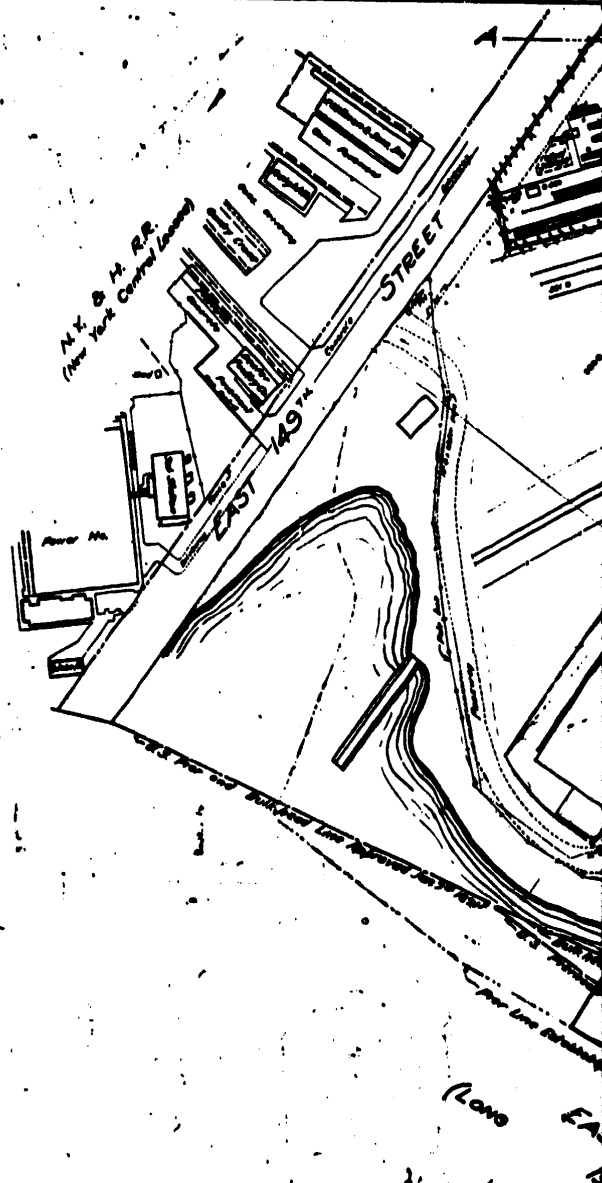
Revised Structures

22

107

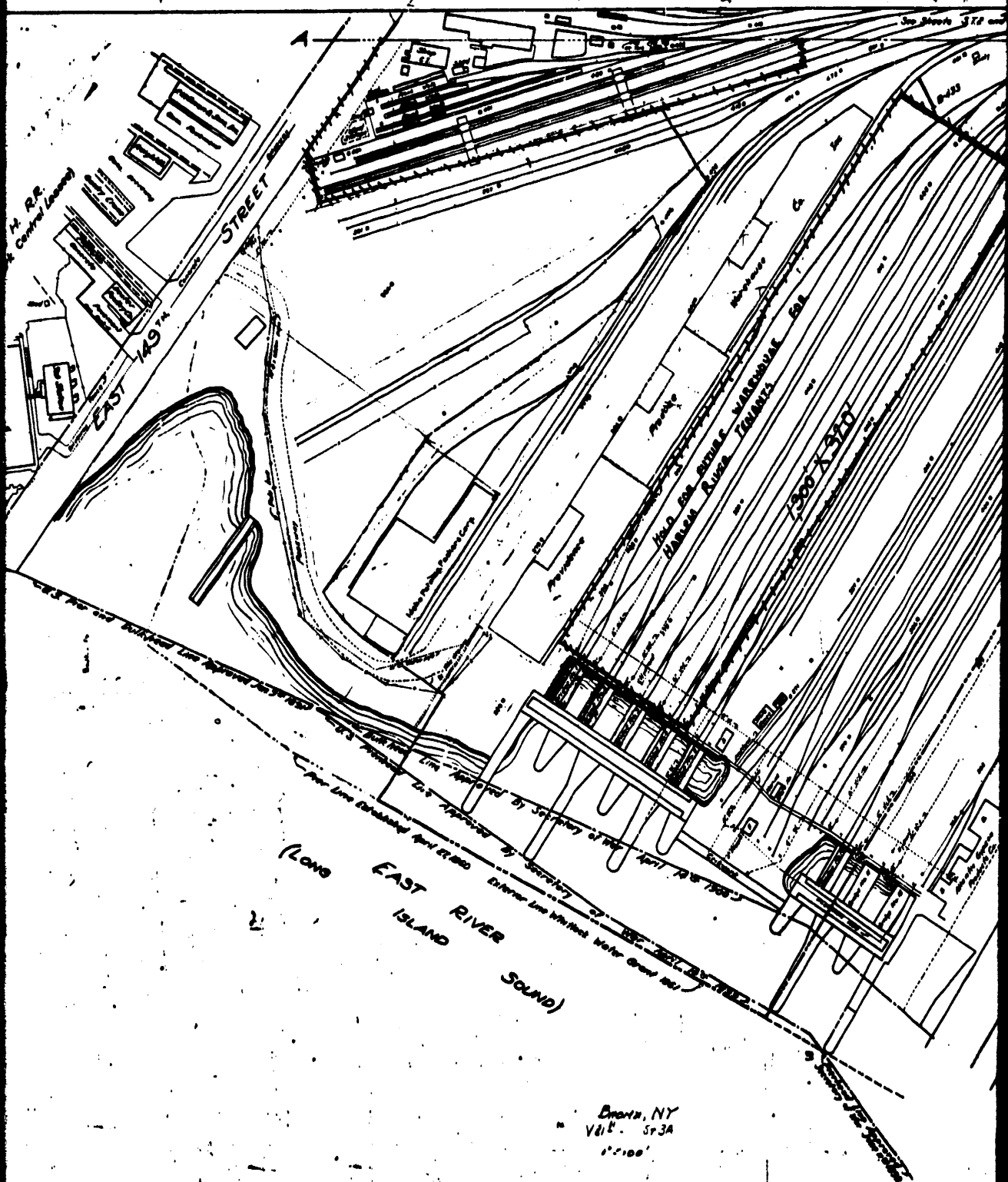
REEL 379 PAGE 687

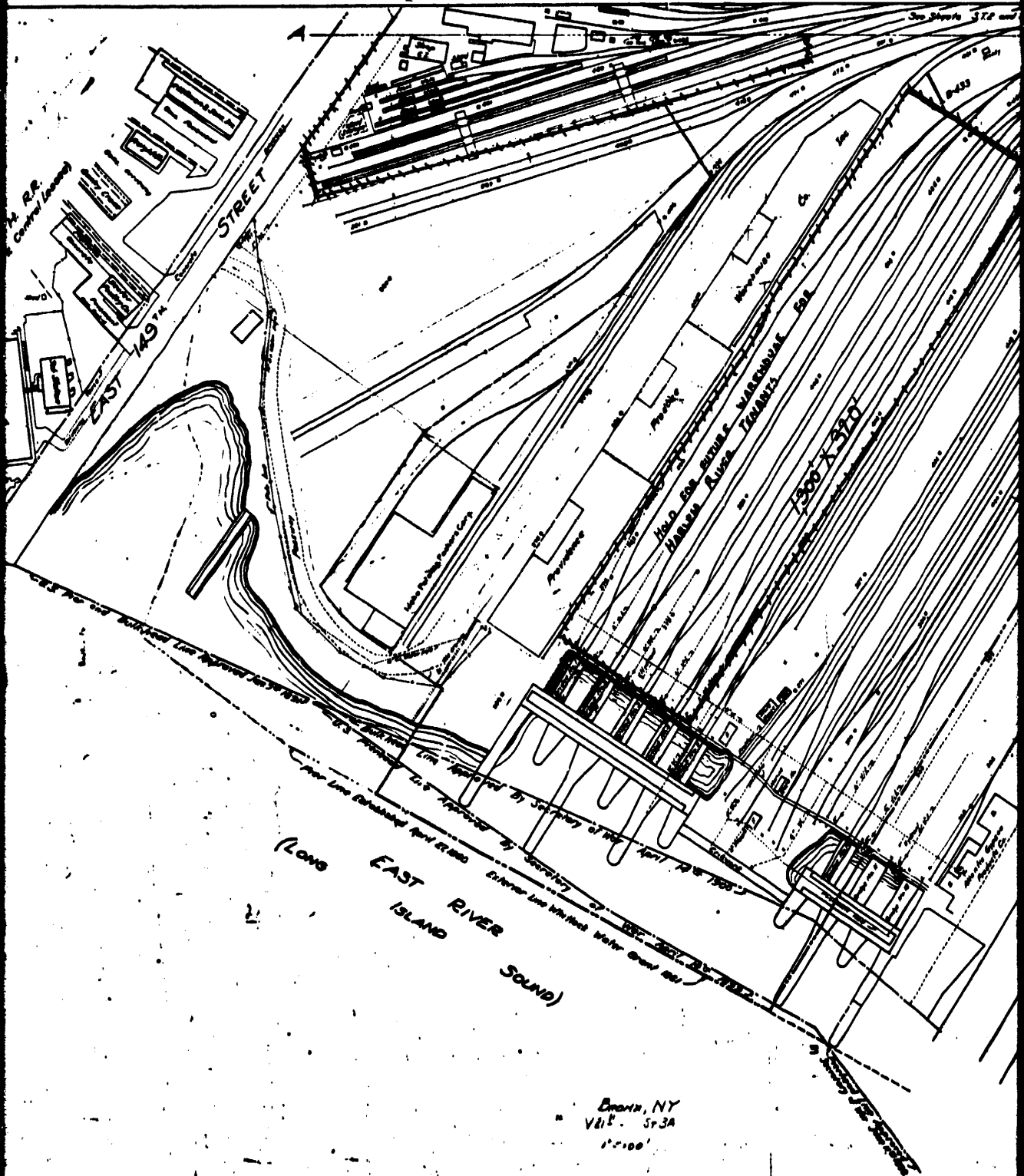
REEL 372 PAGE 74

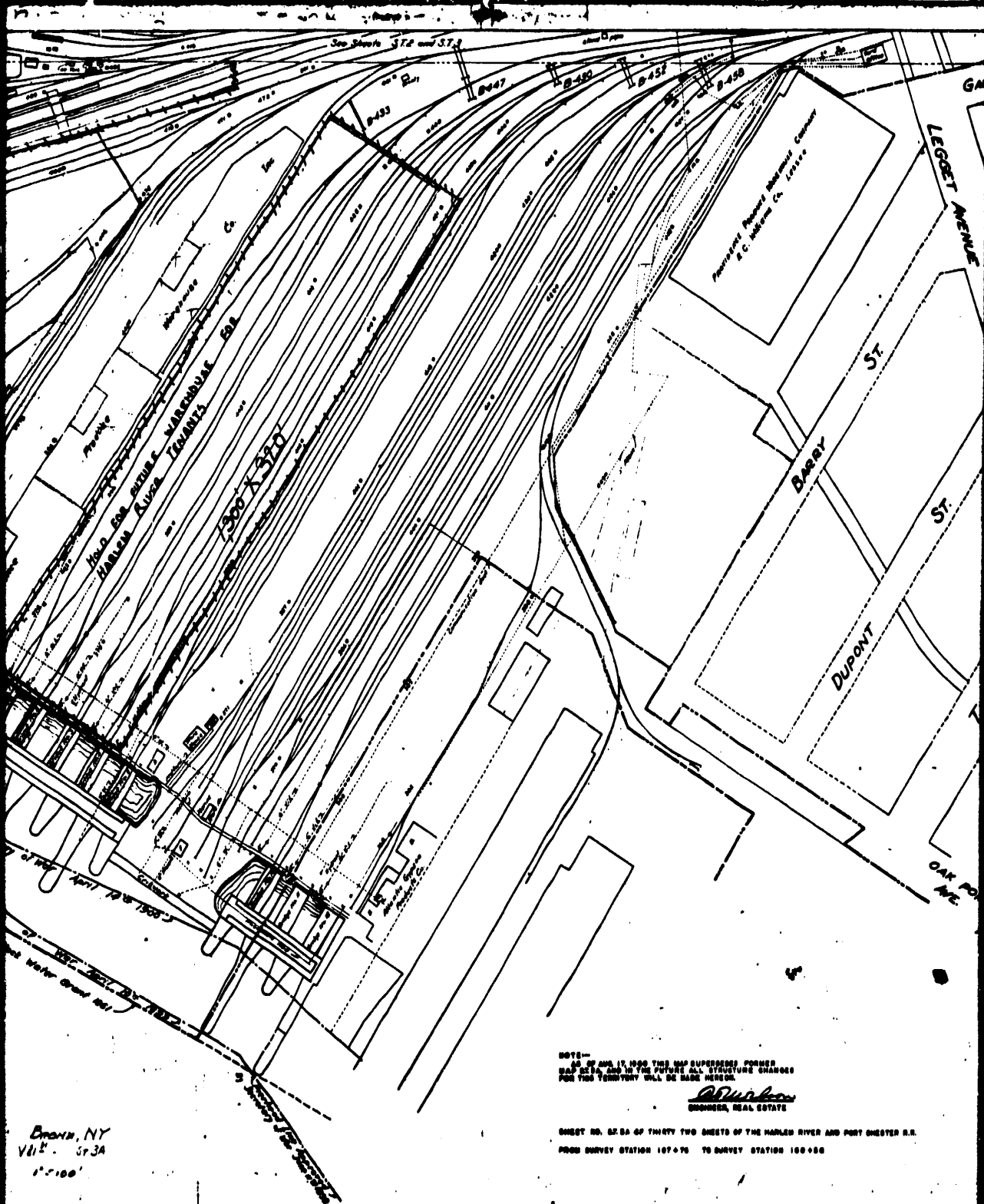


PARCEL "A" - ENTIRE YARD
 NY. 0106 02-5

Revised Structures





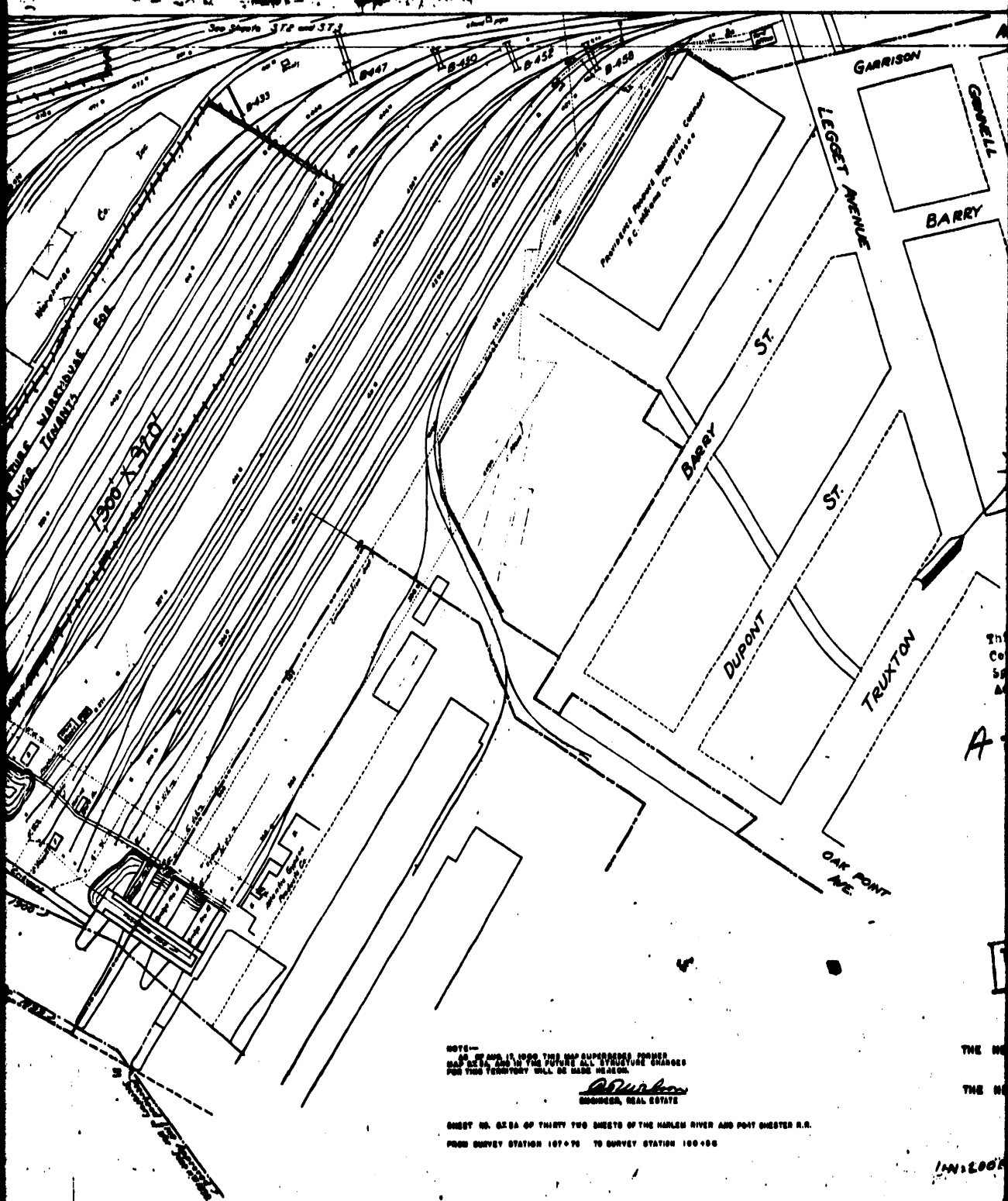


NOTES:
 1. AS OF APRIL 17, 1900 THIS MAP SUPERSEDES FORMER
 MAPS AND IN THE FUTURE ALL STRUCTURE CHANGES
 FOR THE TUNNEL WILL BE MADE HEREON.

W. H. H. H.
 ENGINEER, REAL ESTATE

SHEET NO. 27 OF THIRTY TWO SHEETS OF THE HARLEM RIVER AND PORT CHESTER R.R.
 FROM SURVEY STATION 107+70 TO SURVEY STATION 100+00

Brown, NY
 Vol. 34
 1-100



NOTE—
 IF ST. APR. 15, 1900 THIS MAP SUPERSEDES FORMER
 MAPS AND IN THE FUTURE ALL STRUCTURE CHANGES
 FOR THIS TERRITORY WILL BE MADE HEREON.

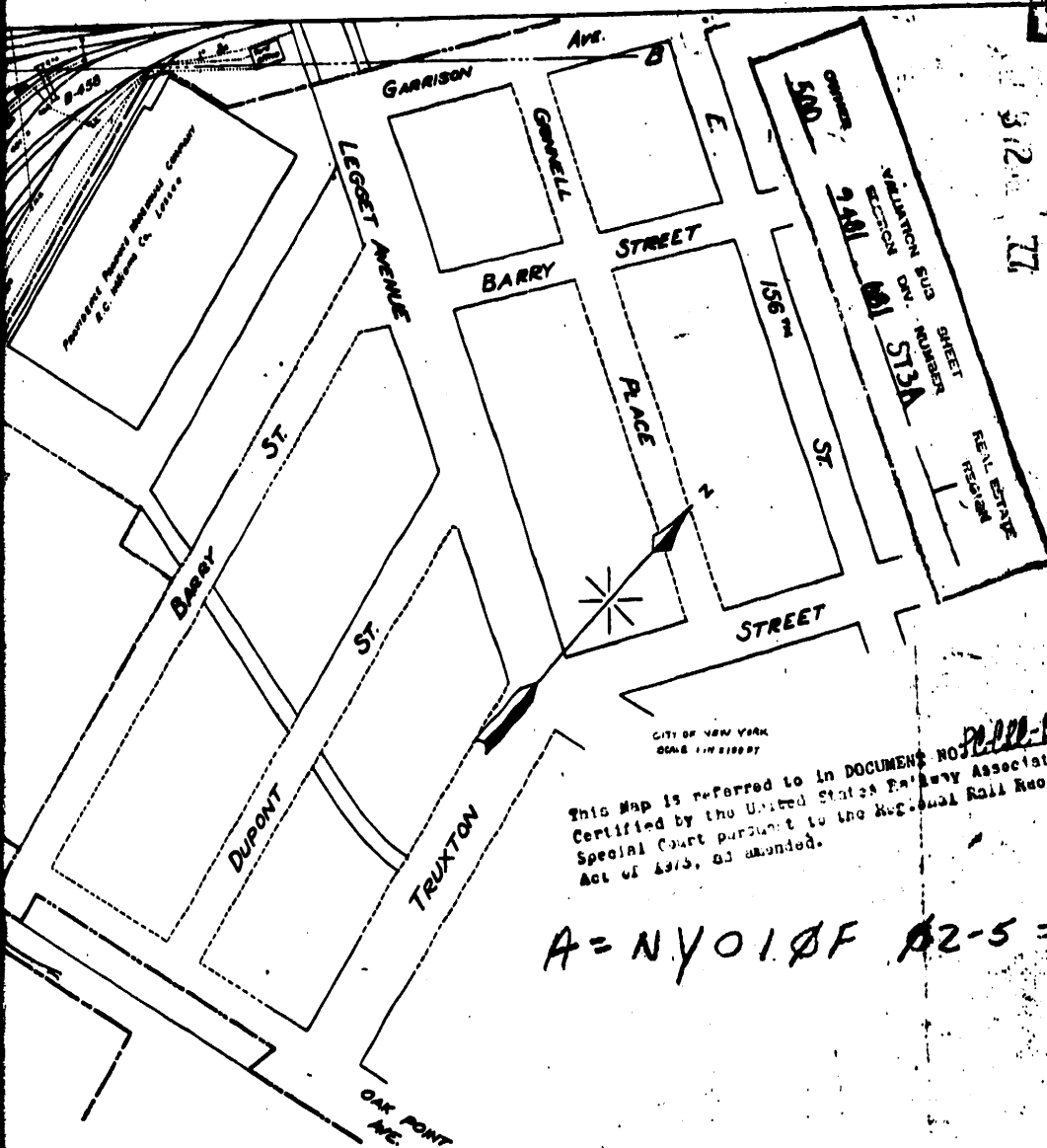
Arthur
 ENGINEER, REAL ESTATE

SHEET NO. 625A OF THIRTY TWO SHEETS OF THE HARLEM RIVER AND POAT CREEK R.R.
 FROM SURVEY STATION 107+70 TO SURVEY STATION 100+00

JAN. 20, 1900

372 70

4219-19.0



This Map is referred to in DOCUMENT NO. **DP-103**
 Certified by the United States Railway Association to the
 Special Court pursuant to the National Rail Reorganization
 Act of 1935, as amended.

A = NY 01 OF 02-5 = 51.00

**THIS TRACING IS 50% ORIGINAL SIZE.
 DRAFTSMAN TO DOUBLE SCALE**

THIS MAP SUPERSEDES ALL
 PREVIOUS MAPS OF THE
 AREA.
W. H. HARRIS
 ENGINEER, REAL ESTATE

THIRTY TWO SHEETS OF THE HARTFORD AND PORT CHESTER R.R.
 107+70 TO SURVEY STATION 100+00

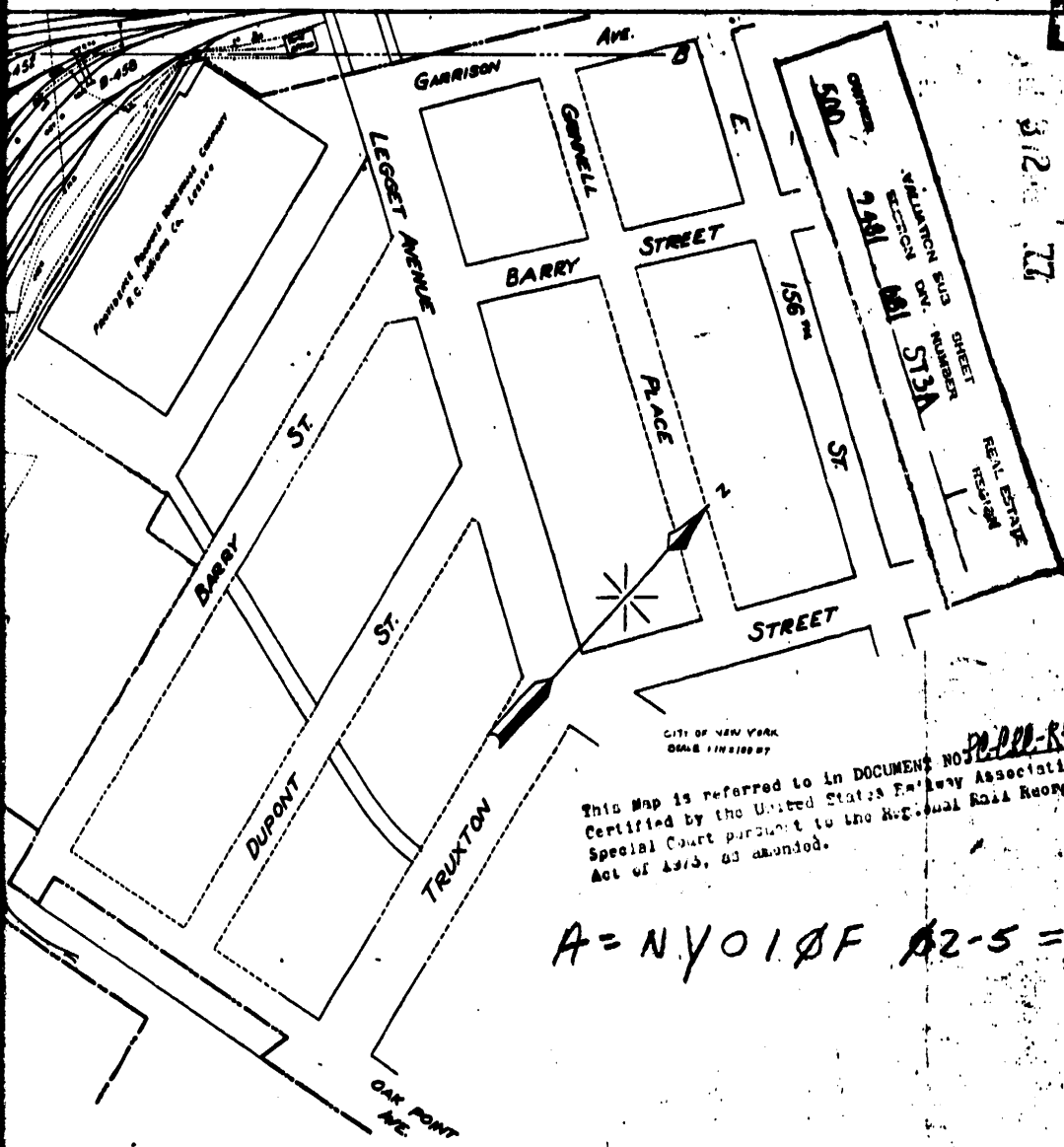
PORT OF WAY AND TRACK MAP
THE NEW YORK NEW HAVEN AND HARTFORD R.R. CO.
 OPERATED BY
THE NEW YORK NEW HAVEN AND HARTFORD R.R. CO.
 FROM HARTFORD RIVER TO NEW ROSSVILLE
 STATION 107+70 TO STATION 100+00
 CITY OF NEW YORK STATE OF NEW YORK
 IN 1907, SCALE 1" = 100 FT. DATE JUNE 30, 1910
 OFFICE OF THE ENGINEER
 HARTFORD, CONN.



11/76 CB-AME

372 70

4219-19.0



379 PAGE 690

This Map is referred to in DOCUMENT NO. 10-100-RP-105
 Certified by the United States Railway Association to the
 Special Court pursuant to the National Rail Reorganization
 Act of 1935, as amended.

A = NY 010 F 02-5 = 51.00

THIS TRACING IS 50% ORIGINAL SIZE.
 DRAFTSMAN TO DOUBLE SCALE

THIS MAP SUPERSEDES ALL
 PREVIOUS MAPS OF THE SAME
 AREA AND SHALL BE USED THEREIN.
W. H. H. H.
 ENGINEER, REAL ESTATE

THIRTY TWO SHEETS OF THE HARLEM RIVER AND PORT CHESTER R.R.
 IN 107-70 TO SURVEY STATION 100+00

RIGHT OF WAY AND TRACK MAP
 THE NEW YORK NEW HAVEN AND HARTFORD R.R. CO.
 OPERATED BY
 THE NEW YORK NEW HAVEN AND HARTFORD R.R. CO.

FROM HARLEM RIVER TO NEW ROSSVILLE
 STATION 107+70 TO STATION 100+00
 CITY OF NEW YORK STATE OF NEW YORK

IN 107-70 SCALE: 1" = 100 FT. DATE JUNE 10, 1910
 OFFICE OF TRAMWAY ENGINEER
 BOSTON, MASS.

107-70
 107-70

11/76 CS-AME

11145 SEP 26 78

Return to:
J. F. Clark
Mgr. Real Estate
Consolidated Rail Corp.
Rm 958
466 Lexington Ave.
N. Y. N. Y. 10017

372
78
379
691

8

11-76

RECORDED IN BRONX COUNTY

1978

RECEIVED

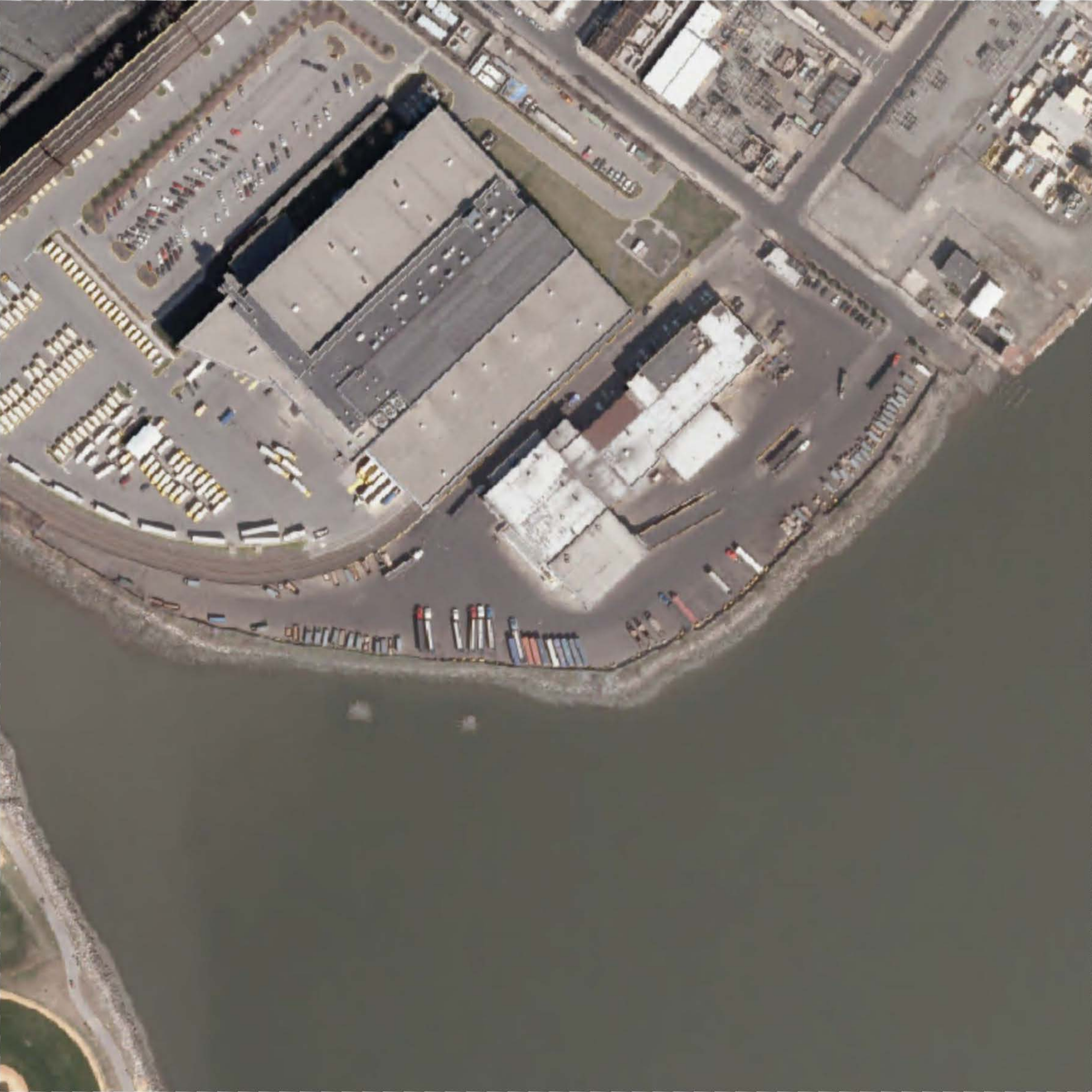
7 01 10 9:24

Robert D. B. B.

ATTACHMENT - 1980 VIEW



ATTACHMENT - 2012 VIEW



CERTIFICATE OF SERVICE

I hereby certify that I have this day caused to be served a copy of the foregoing Verified Petition of Action Environmental Systems, LLC, DH Property Holdings, LLC and Bridge Industrial, LLC for a Declaratory Order to be served upon the following individuals via first class mail, postage prepaid.

Nathan D. Goldman, Esq
Chief Legal Officer
CSX Corporation
500 Water Street 15th Floor
Jacksonville, FL 32202

/s/ John K. Fiorilla_____

John K. Fiorilla, Esq.
Counsel DH Property Holdings, LLC and
Bridge Industrial LLC

Dated: December 8, 2021