

# FLETCHER & SIPPEL LLC

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February 21, 2023

306185

## **VIA ELECTRONIC FILING**

Ms. Cynthia T. Brown  
Chief, Section of Administration  
Office of Proceedings  
Surface Transportation Board  
395 E Street, S.W., Room 1034  
Washington, DC 20423-0001

ENTERED  
Office of Proceedings  
February 21, 2023  
Part of  
Public Record

**Re: FD 35141, *US Rail Corp. – Construction and Operation Exemption –  
Brookhaven Rail Terminal***

**FD 35819, *Brookhaven Rail Terminal and Brookhaven Rail, LLC – Petition for  
Declaratory Order***

**FD 36376, *Spectrum RR Holdings, LLC – Operation Exemption – Railroad  
Line in the Town of Brookhaven, NY***

**FD 36384, *Sills Road Realty LLC – Acquisition Exemption – Railroad Line in  
the Town of Brookhaven, N.Y.***

**FD 36385, *Spectrum RR Holdings, LLC – Acquisition and Operation  
Exemption – Line of Sills Road Realty LLC, In the Town of Brookhaven, N.Y.***

**FD 36398, *Brookhaven Rail LLC – Construction and Operation Exemption –  
In Suffolk County, N.Y.***

**FD 36399, *Brookhaven Rail LLC – Petition for Exemption from Requirements  
of 49 U.S.C. § 10909***

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**Sills Road Parties' Reply to the Surface Transportation Board's Information  
Demand of January 6, 2023**

Dear Ms. Brown:

Sills Road Realty LLC ("Sills Road"), on behalf of itself and the other so-called "Sills Parties,"<sup>1</sup> hereby responds to the Surface Transportation Board's (the "Board") request for

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<sup>1</sup> Collectively, the Sills Parties consist of Sills Road, Brookhaven Terminal Operations, LLC ("BTO"), Brookhaven Rail Freight Services LLC, and Spectrum RR Holdings, LLC

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information as directed by Board order served in the above-referenced dockets on January 6, 2023 (the “*January 6 Order*”). the January 6 Order directed the Sills Parties and Brookhaven Rail LLC (“Brookhaven Rail”) to respond to information requests in a Director’s Order served in the FD 36376, 36384, and 36385 proceedings on June 16, 2020.<sup>2</sup> The *January 6 Order* appears to be in response to a Citizens Campaign for the Environment request (“CCE”) to have “the Board require *Brookhaven Rail* to substantively respond to queries posited in *Spectrum RR Holdings – Operation Exemption – Railroad Line in the Town of Brookhaven, N.Y.*, FD 36376 *et al.*, slip op. at 5-6 (STB served June 16, 2020) . . .”. *January 6 Order*, 10 (emphasis added). The information the Board seeks relates to the construction and operation of a railroad facility located in Brookhaven, New York – the “Line” as that term is defined on page 1 of the *June 16 Order* – that was the subject of a Board-administered construction proceeding in FD 35141, and to certain particulars of that construction proceeding.

Before turning to the information requests, Sills Road notes that Brookhaven Rail has responded to the information requests by way of a filing tendered to the Board on February 15, 2023. Sills Road was not privy to all of the information supplied in Brookhaven Rail’s response before that filing, but Sills Road was aware of most of the facts provided, and Sills Road does not dispute the substance of Brookhaven Rail’s response. Specifically, Sills Road agrees with Brookhaven Rail’s response with respect to Sills Road’s – (a) role in the FD 35141 construction proceeding; (b) involvement in the construction process, post-Board approval; and (c) past ownership of the land known as “Parcel A” and the Line. Most importantly, however, Sills Road no longer owns Parcel A or the Line (nor any of the other adjacent Parcels B-D for that matter), having conveyed its interest in Parcel A and the Line to Brookhaven Logistics Center, LLC (“BLC”) as of May 4, 2022. Copies of the pertinent deeds as evidence of that two-step conveyance are attached. Sills Road no longer owns any of the subject railroad terminal properties, and, accordingly, it had expected no longer to be entangled in these proceedings.<sup>3</sup>

(“SRH”). Although none of the Sills Parties has yet been dissolved, BTO and SRH are inactive companies (with no ongoing business), and Sills Road, having no further stake in Parcel A and the Line (its primary business interests), is in the process of winding down and becoming a fully-inactive entity as well.

<sup>2</sup> The “*June 16 Order*.” The information requests in the *June 16 Order* were predicated upon the expectation that the Sills Parties might return to the Board with respect to the properties that were the subject of those proceedings. June Order, 5 (“any future pleading seeking authority from the Board with respect to these matters should address the following . . .” and “[i]f *Sills Road* believes that remedial authorization to own the Line is needed, in any future proceeding it should explain the legal and factual basis for the authority it seeks.”) (emphasis added). For reasons addressed below, Sills Road never elected to return to the Board.

<sup>3</sup> See, e.g., the Sills Parties’ October 22, 2021 motion to withdraw in the FD 36376, 36384, and 36385 proceedings (to the extent these proceedings had not already concluded upon Board

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The Sills Parties respond, serially, to the Board's information requests as follows:

1. Responsibilities of Each Party in Construction of the Line. The record in these proceedings indicates a factual dispute as to who exercised the construction authority granted in Docket No. 35141. Should Sills Road seek authority based on the premise that it should have sought and obtained construction authority, it should explain in detail the role of Sills Road, U S Rail/Brookhaven Rail, and any other entity or entities that may have been involved with the construction of the Line, including providing information on which entity or entities paid for the construction and in what proportions and what specific construction-related activities each entity performed and at what point in time. With respect to each of these activities, Sills Road also should explain whether the entity performing the activity was acting as an agent of another entity or otherwise taking direction from or acting under the supervision or oversight of another entity. Sills Road should provide any agreements, documents, or other records relevant to its explanations.

Sills Road believes that there is no factual dispute over who exercised the construction authority granted in FD 35141. Sills Road had agreed, at the direction of legal counsel for US Rail Corporation ("US Rail"), to a plan of action whereby US Rail would seek and obtain federal authorization to construct and operate as a common carrier up to 18,000 feet of track to be located on Parcel A pursuant to Board authorization. Sills Road had intended from the outset to function as the developer of the facility – to fund the pursuit of Board construction authorization on US Rail's behalf, cover the railroad facility construction costs post-Board authorization, and own the facility thereafter. And that is precisely what happened. Sills Road jointly oversaw the development of the facility with US Rail, and relied on US Rail's presumed railroad operating and design expertise, as well as US Rail's presumed expertise with federal railroad regulatory matters, to see the project through to completion.<sup>4</sup> US Rail (and Brookhaven Rail thereafter) advised on the development of the facility, and US Rail and Sills Road also negotiated the construction agreements with the contractors that installed the railroad lines.

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rejection of the subject class exemption filings, and from the still-pending FD 36398 and 36399 proceedings not initiated by any of the Sills Parties; and the Sills Parties December 14, 2021 Reply to CCE's Petition for Declaratory Order and/or Order to Show Cause and Suspend.

<sup>4</sup> Whether or not Sills Road nominally should have participated jointly with US Rail as a co-petitioner in the FD 35141 proceeding under the circumstances, Sills Road questions whether its nominal participation in that capacity would have had any bearing on the scope and substance of the proceeding, the Board's merits determination, the scope of public input on the project, or the environmental conditions ultimately imposed and thereafter implemented, particularly given the intense scrutiny to which the proposed construction project was subjected before this agency.

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Sills Road recalls that, at the time that US Rail was preparing to initiate the FD 35141 proceeding, counsel for US Rail had advised Sills Road that because US Rail would – (1) possess the exclusive contractual right under its intended agreement with Sills Road to provide common carrier service over the Line to be built; (2) have, alone, the obligation to provide such common carrier service; and (3) oversee development of the Line, and would manage, operate and maintain the line in its own name, it was US Rail’s counsel’s opinion that Sills Road did not need to be a co-petitioner (even though Sill Road’s involvement and interests would be disclosed, as US Rail did, in the record in that proceeding). Sills Road has no written records of such strategy and discussions with US Rail’s legal counsel, however.

Sills Road defers to the Board as to whether, given the facts, it “should have sought and obtained construction authority in its own name.” *June 16 Order*, 5. In the course of the FD 36376, FD 36384, and FD 36385 proceedings, Brookhaven Rail did not think so, and it appears to remain of that view now, consistent with the opinion of US Rail’s regulatory counsel at the outset of the FD 35141 proceeding. Sills Road had no agency relationship with US Rail or its successor, but it did take direction from US Rail over facility design, and certainly with respect to matters within the Board’s jurisdiction. In fact, Sills Road depended entirely upon US Rail (and Brookhaven Rail thereafter) for guidance on Board-jurisdictional matters until a serious dispute with Brookhaven Terminal arose in 2019, turning Sills Road and Brookhaven Rail from collaborators to litigation opponents in multiple venues, including here.<sup>5</sup> Until then, Sills Road had no regulatory counsel of its own to advise it on Board matters.

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<sup>5</sup> The Sills Parties’ failed invocation of Board processes in the FD 36376, FD 36384, and FD 36385 was a product of a then-unfolding dispute among the Sills Parties, Brookhaven Rail, and developer interests allied with Brookhaven Rail involving not only Parcel A and the Line, but also the prospective future development of other, adjacent parcels. At the time those proceedings had been initiated – and were thereafter effectively terminated by the Director’s Orders rejecting the class exemption filings in each case – Sills Road was exploring the possibility of initiating common carrier service over the Line through a subsidiary (SRH), and, in the process, seeking subsequent authority (under a separate proceeding) for the discontinuance of Brookhaven Rail’s common carrier operations to facilitate evicting Brookhaven Rail. The litigation stemming from that dispute encompassed both state and federal court civil proceedings, and spilled over to proceedings before the Board. This complex and vigorous litigation pitted Sills Road against Brookhaven Rail and developer interests then hostile to Sills Road (including those involved in the BLC joint venture). Following the Board’s rejection of the class exemption filings in FD 36376, FD 36384, and FD 36385, the litigants perceived a path to settle their disputes. Among other things, the Sills Parties agreed as part of formal settlement terms to withdraw the class exemptions in these three proceedings (to the extent this was actually necessary, given prior, adverse, and definitive Board action), with Sills Road also abandoning plans to replace Brookhaven Rail as the Line’s common carrier service provider. Finally, these same (successful) settlement efforts ultimately led to amicable terms under which Sills Road

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2. Roles of the Parties in Prior Board Proceeding. Sills Road has at various points claimed that it constructed the Line, (Sills Road Verified Notice 3); that it financed the construction, (Joint Reply 17); and that it paid for the legal fees covering the construction proceeding at the Board, (id.). In any future request for authority, Sills Road should explain why the parties decided that U S Rail would seek construction authority rather than Sills Road. If Sills Road initially intended that U S Rail would construct the Line, Sills Road should explain why and when Sills Road changed its plans and why it did not inform the Board at any point during the construction proceeding, which was ongoing through January 2018, that Sills Road, rather than U S Rail, was constructing or had constructed the Line. Sills Road should provide any agreements, documents or other records relevant to its explanations.

Again, as Sills Road consistently has stated, Sills Road's development plans for the Brookhaven Terminal never changed during the Board authorization phase and post-Board authorization construction phase. Sills Road and US Rail agreed (at the advice of US Rail's since-deceased legal counsel, John D. Heffner) that US Rail alone should seek Board authorization for construction of the track, and the two companies also agreed that Sills Road and US Rail would collaborate on the construction of the track thereafter. There was never any change of plans concerning coverage of the legal fees and related environmental consultant costs associated with this Board's railroad line construction proceedings in FD 35141; who would cover the construction costs; and who would own Parcel A and the Line (and did until May 4, 2022) – in all instances and at all times it was Sills Road. US Rail collaborated in terminal design, took the lead on the FD 35141 proceeding, assisted with construction oversight, and operated and maintained (and, by way of a successor, still operates and maintains) the Line. Again, Sills Road had no regulatory counsel of its own (independent of US Rail's counsel) until 2019, and, until then, deferred to its rail carrier partners on matters involving the Board. The "parties decided that US Rail would seek construction authority rather than Sills Road" (*June 16 Order*, 5) because US Rail, through its counsel, had advised that approach.

3. Legal and Factual Basis for Authority Sought. Sills Road states that it should have obtained Board authority to own the Line and that its verified notice of exemption to acquire under 49 C.F.R. § 1150.31 "is designed to secure remedial authorization to own the Line." (Sills Road Verified Notice 7.) If Sills Road believes that remedial authorization to own the Line is needed, in any future proceeding it should explain the legal and factual basis for the authority it seeks. For example, in the instant proceeding, Sills Road failed to explain the legal basis for seeking acquisition authority under 49 C.F.R. § 1150.31 as opposed to, for example, seeking to reopen the construction docket.

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divested itself of Parcel A and the Line to interests allied with Brookhaven Rail, with which, months before, Sills Road had been locked in extensive litigation.

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In any future proceeding seeking remedial authorization, it should therefore explain why its approach is appropriate in light of the fact that Brookhaven Rail's predecessor, U S Rail, is the party that sought and obtained construction authority, claims to have been involved in overseeing and supervising construction of the Line, and has been the only operator on the Line to date. Sills Road should provide any agreements, documents, or other records relevant to its explanations.

Sills Road concurs in Brookhaven Rail's response to this Board inquiry, which, as Brookhaven Rail noted, is couched in terms of a future remedial proceeding to address Sills Road's past asserted interest in obtaining Board remedial authorization to own the Line. Sills Road no longer owns Parcel A or the Line affixed to it, has no common carrier aspirations in Brookhaven or elsewhere, and is not interested in railroad common carrier-hood. It has no interest, therefore, in seeking any "remedial authorization."

4. Classification of Track as Excepted Track Under 49 U.S.C. § 10906. To the extent that any subsequent filing asks the Board to find that the portion of the Line other than the Main Stem is excepted track under 49 U.S.C. § 10906, the filing should explain the legal basis for such a determination in light of the fact that the Board previously granted construction and operation authority under 49 U.S.C. § 10901 for the entire Line and should include any agreements, documents, or other records relevant to such a request.

Sills Road no longer owns Parcel A or the Line. It does not have any plan to initiate any new proceeding related to the Line. Sills Road also has no reason to believe that any other interested party intends or desires to explore the issue of whether various of the parallel-running tracks on Parcel A, given configuration and function, would more appropriately or logically be designated as ancillary track under 49 U.S.C. § 10906. For these reasons, Sills Road submits that this line of Board questions is moot.

Respectfully submitted,

/s/ *R. A. Wimbish*

Robert A. Wimbish  
Counsel for Sills Road Realty LLC,  
Brookhaven Terminal Operations, LLC,  
Brookhaven Rail Freight Services LLC, and  
Spectrum RR Holdings, LLC

Attachment

cc: All parties of record



SUFFOLK COUNTY CLERK  
RECORDS OFFICE  
RECORDING PAGE

Type of Instrument: DEED

Number of Pages: 7

Receipt Number : 22-0117383

TRANSFER TAX NUMBER: 21-42023

Recorded: 07/20/2022

At: 10:56:10 AM

LIBER: D00013165

PAGE: 517

District:

0200

Section:

704.00

Block:

02.00

Lot:

036.002

EXAMINED AND CHARGED AS FOLLOWS

Deed Amount:

\$0.00

Received the Following Fees For Above Instrument

|              |         | Exempt |           |          | Exempt |
|--------------|---------|--------|-----------|----------|--------|
| Page/Filing  | \$35.00 | NO     | Handling  | \$20.00  | NO     |
| COE          | \$5.00  | NO     | NYS SRCHG | \$15.00  | NO     |
| EA-CTY       | \$5.00  | NO     | EA-STATE  | \$250.00 | NO     |
| TP-584       | \$5.00  | NO     | Notation  | \$0.00   | NO     |
| Cert.Copies  | \$0.00  | NO     | RPT       | \$600.00 | NO     |
| Transfer tax | \$0.00  | NO     |           |          |        |
|              |         |        | Fees Paid | \$935.00 |        |

TRANSFER TAX NUMBER: 21-42023

THIS PAGE IS A PART OF THE INSTRUMENT

THIS IS NOT A BILL

JUDITH A. PASCALE

County Clerk, Suffolk County

Number of pages

7

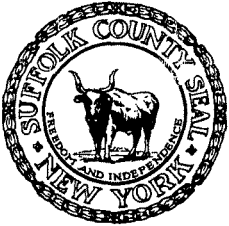
This document will be public record. Please remove all Social Security Numbers prior to recording.

RECORDED  
2022 Jul 20 10:56:10 AM  
JUDITH A. PASCALE  
CLERK OF  
SUFFOLK COUNTY  
L D00013165  
P 517  
DT# 21-42023

| Deed / Mortgage Instrument | Deed / Mortgage Tax Stamp | Recording / Filing Stamps |
|----------------------------|---------------------------|---------------------------|
|----------------------------|---------------------------|---------------------------|

|   |      |  |
|---|------|--|
| 3 | FEES |  |
|---|------|--|

|                   |               |                                                                                                    |                      |  |
|-------------------|---------------|----------------------------------------------------------------------------------------------------|----------------------|--|
| Page / Filing Fee | <u>35</u>     | <div>1</div>                                                                                       | Mortgage Amt.        |  |
| Handling          | 20. 00        |                                                                                                    | 1. Basic Tax         |  |
| TP-584            | <u>5</u>      |                                                                                                    | 2. Additional Tax    |  |
| Notation          |               |                                                                                                    | Sub Total            |  |
| EA-52 17 (County) | <u>5</u>      |                                                                                                    | Spec./Assit.         |  |
| EA-5217(State)    | <u>250</u>    |                                                                                                    | or                   |  |
| R.P.T.S.A.        | <u>2x 600</u> |                                                                                                    | Spec. /Add.          |  |
| Comm. of Ed.      | 5. 00         |                                                                                                    | TOT. MTG. TAX        |  |
| Affidavit         |               |                                                                                                    | Dual TownDual County |  |
| Certified Copy    |               |                                                                                                    | Held for Appointment |  |
| NYS Surcharge     | 15. 00        | Transfer Tax                                                                                       | <u>0</u>             |  |
| Other             |               | Mansion Tax                                                                                        |                      |  |
|                   | Sub Total     | The property covered by this mortgage is or will be improved by a one or two family dwelling only. |                      |  |
|                   | Grand Total   | YESorNO                                                                                            |                      |  |
|                   |               | If NO, see appropriate tax clause on page # of this instrument.                                    |                      |  |



|   |       |   |                             |
|---|-------|---|-----------------------------|
| 4 | Dist. | 5 | Community Preservation Fund |
|---|-------|---|-----------------------------|

|                                               |                                        |                         |          |
|-----------------------------------------------|----------------------------------------|-------------------------|----------|
| Real Property Tax Service Agency Verification | 22027926                               | Consideration Amount \$ | <u>0</u> |
|                                               | <div>RPTSA<br/>SMI<br/>07-JUN-22</div> | CPF Tax Due             | \$       |
|                                               |                                        |                         |          |

|   |                                                                                                                                                                                                        |                                           |
|---|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|
| 6 | Satisfactions/Discharges/Releases List Property Owners Mailing Address RECORD & RETURN TO:<br>Randi Canon<br>Chicago Title Insurance Company<br>6700 College Blvd, Ste. 300<br>Overland Park, KS 66211 | Improved<br>Vacant Land<br>TD<br>TD<br>TD |
|---|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|

|                                                                                                                            |   |                                                                                               |
|----------------------------------------------------------------------------------------------------------------------------|---|-----------------------------------------------------------------------------------------------|
| Mail to: Judith A. Pascale, Suffolk County Clerk<br>310 Center Drive, Riverhead, NY 11901<br>www.suffolkcountyny.gov/clerk | 7 | Title Company Information<br>Co. Name Chicago Title Insurance Company<br>Title # 2117-7262NCS |
|----------------------------------------------------------------------------------------------------------------------------|---|-----------------------------------------------------------------------------------------------|

8 Suffolk County Recording & Endorsement Page

This page forms part of the attached Deed made by: SILLS ROAD REALTY, LLC (SPECIFY TYPE OF INSTRUMENT)

TO ALLWAT ENTERPRISE II LLC, CK2D II LLC, WCC V LLC, JAVE PROPERTIES II LLC, PBI-WHQ II LLC AND SUFFOLK & SOUTHERN RAIL ROAD II LLC

The premises herein is situated in SUFFOLK COUNTY, NEW YORK.

In the TOWN of BROOKHAVEN

In the VILLAGE or HAMLET of YAPHANK

Doc ID:

22027926



Tax Maps

| District | Secton | Block | Lot    | School District | Sub Division Name |
|----------|--------|-------|--------|-----------------|-------------------|
| 0200     | 70400  | 0200  | 036002 |                 |                   |
| 0200     | 70400  | 0200  | 042000 |                 |                   |
| 0200     | 70400  | 0200  | 043000 |                 |                   |



DEED

THIS INDENTURE, made as of the 4 day of May, 2022

BETWEEN **SILLS ROAD REALTY, LLC**

having an address at  
205 Sills Road  
Yaphank, NY 11980

party of the first part, and

**ALLWAT ENTERPRISE II LLC, AS TO A 25% TENANT IN COMMON INTEREST;** having an address at 45 South 4<sup>th</sup> Street, North Bay Shore, NY 11706;

**CK2D II LLC, AS TO A 18.54% TENANT IN COMMON INTEREST;** having an address at 7 High Ridge Court, Glen Cove, NY 11542;

**WCC V LLC, AS TO A 20% TENANT IN COMMON INTEREST;** having an address at 40 Wincrest Drive, Queensbury, NY 12804;

**PBI-WHQ II LLC, AS TO A 15% TENANT IN COMMON INTEREST;** having an address at 333 Marcus Blvd, Hauppauge, NY 11788;

**SUFFOLK & SOUTHERN RAIL ROAD II LLC, AS TO A 1.46% TENANT IN COMMON INTEREST;** having an address at 7 High Ridge Court, Glen Cove, NY 11542; and

**JAVE PROPERTIES II LLC, AS TO A 20% TENANT IN COMMON INTEREST;** having an address at 315 Walt Whitman Road, Suite 3, Huntington Station, NY 11746.

**AS TENANTS IN COMMON,** party of the second part,

**WITNESSETH,** that the party of the first part, in consideration of

TEN AND 00/100 ----- dollars

paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

**ALL** that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the

See Schedule A attached hereto and made a part hereof.

Said Parcel also known as the following on the Suffolk County Tax Map:

See Schedule B attached hereto and made a part hereof.

Being and intended to be the same premises conveyed to party of the first part by the following deeds:

by Deed made by Brookhaven Energy Limited Partnership to Sill Road Realty, LLC dated April 27, 2007 and recorded in the Suffolk County Clerk's Office on May 21, 2007 in Liber 12506 of Deeds at page 68;

and by Certificate of Abandonment filed in the Suffolk County Clerk's Office on November 24, 2019 as ABS#17447; CTF #6547.

Parcel II

and by Quitclaim Deed made by County of Suffolk to Sills Road Realty, LLC dated January 23, 2012 and recorded in the Suffolk County Clerk's Office on January 27, 2012 in Liber 12683 of Deeds at page 486;

Parcel III

and by Quitclaim Deed made by County of Suffolk to Sills Road Realty, LLC dated January 23, 2012 and recorded in the Suffolk County Clerk's Office on January 27, 2012 in Liber 12683 of Deeds at page 487.

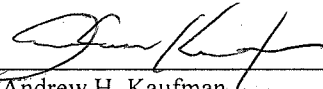
TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof; TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises; TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

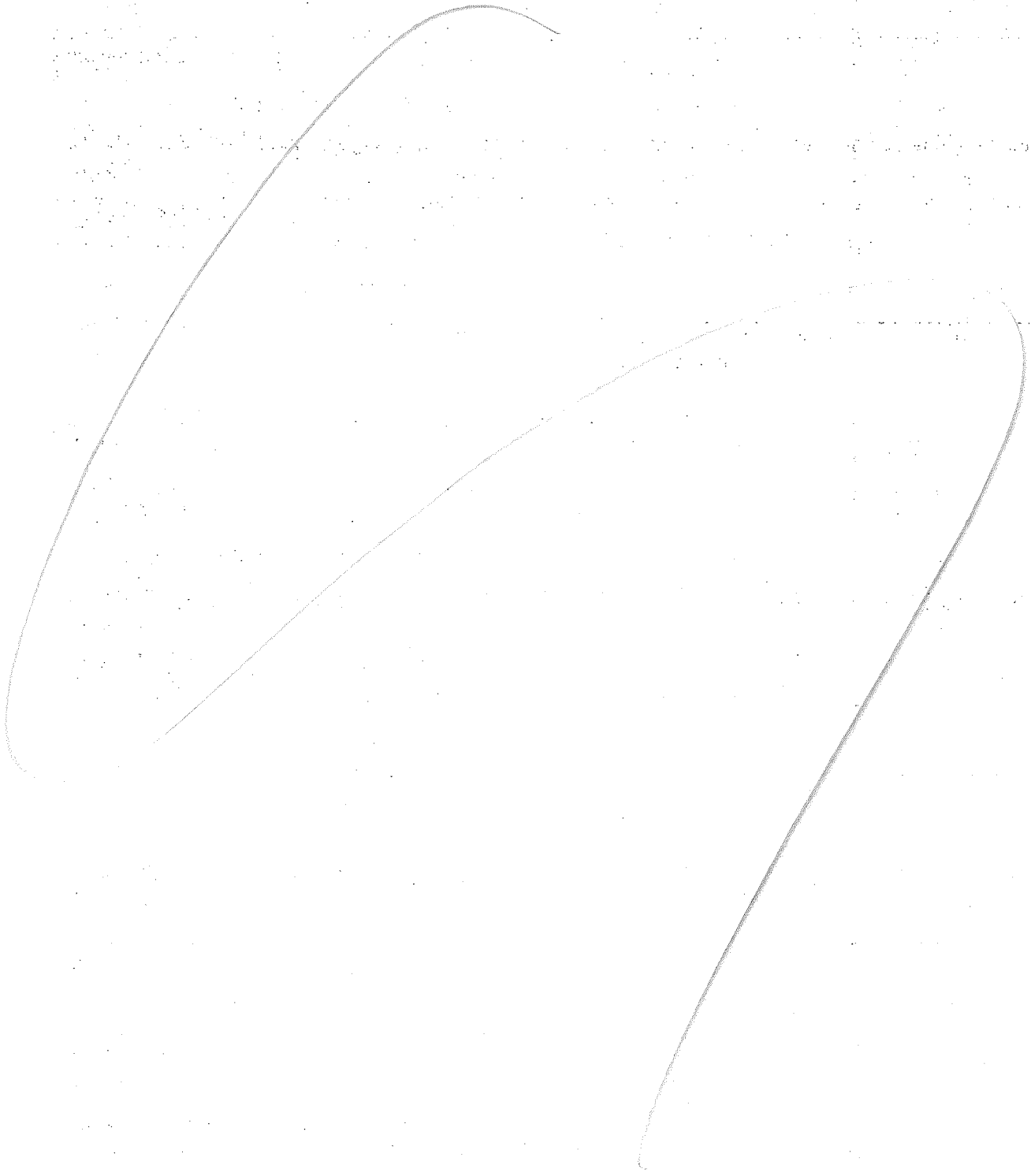
AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose. The word "party" shall be construed as if it read "parties" when ever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

SILLS ROAD REALTY, LLC

By:   
Name: Andrew H. Kaufman  
Title: Manager



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

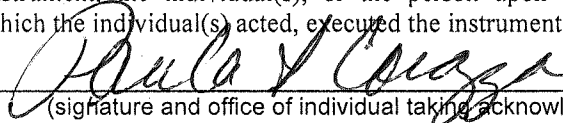
State of New York, County of Nassau

ss:

State of New York, County of

ss:

On the 29 day of April in the year 2021, before me, the undersigned, personally appeared Andrew H. Kaufman personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

  
(signature and office of individual taking acknowledgment)

PAULA A. CORAZZA  
Notary Public, State of New York  
No. 01CO5006388  
Qualified in Queens County  
Commission Expires: 1/11/2023

On the \_\_\_ day of \_\_\_ in the year 2021, before me, the undersigned, personally appeared \_\_\_ personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

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

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

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

ss:

On the \_\_\_ day of \_\_\_ in the year \_\_\_ before me, the undersigned, personally appeared \_\_\_ personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument, and that such individual made such appearance before the undersigned in the

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

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

BARGAIN AND SALE DEED  
WITHOUT COVENANT AGAINST GRANTOR'S ACTS

Title No. 2117-7262NCS

SILLS ROAD REALTY LLC  
TO  
PBI-WHQ II LLC, SUFFOLK & SOUTHERN RAIL  
ROAD II LLC, ALLWAT ENTERPRISE II LLC, WCC V  
LLC, JAVE PROPERTIES II LLC, AND CK2D II LLC.

DISTRICT: 0200  
SECTION: see in body of deed  
BLOCK: see in body of deed  
LOT: see Schedule B attached hereto  
COUNTY OR TOWN: Suffolk/Brookhaven  
STREET ADDRESS:

Recorded at Request of  
RETURN BY MAIL TO:

STANDARD FORM OF NEW YORK BOARD OF TITLE UNDERWRITERS

Distributed by

Ruskin Moscou Faltischek, PC  
1425 RXR Plaza  
East Tower, 15<sup>th</sup> Floor  
Uniondale, NY 11556  
Attention: Anthony Baronci, Esq.

## SCHEDULE A

Parcel I (SBL No. 200-704.00-2-36.001 which has been retired and is now known as SBL No. 200-704.00-2-36.002) ✓

ALL that certain plot, piece or parcel of land, situate, lying and being at Yaphank, Town of Brookhaven, County of Suffolk and State of New York bounded and described as follows:

BEGINNING at a point on the southerly side of Long Island Expressway (New York State Route 495; south service road) where same is intersected by the southeasterly side of Sills Road

RUNNING THENCE along the southerly side of said Long Island Expressway the following two (2) courses and distances:

- (1) North 84 degrees 06 minutes 52 seconds East, 71.07 feet;
- (2) Along the arc of a curve bearing to the left having a radius of 1030.00 feet a distance of 16.15 feet to the westerly side of Bellport Avenue (not open);

THENCE along the westerly side of Bellport Avenue South 05 degrees 50 minutes 33 seconds East, 1931.62 feet to the northerly side of land of the Long Island Rail Road;

THENCE along said last mentioned land, South 82 degrees 58 minutes 07 seconds West, 1079.92 feet;

THENCE North 05 degrees 10 minutes 04 seconds West, 245.33 feet to the southeasterly side of Sills Road;

THENCE along said last mentioned road the following two (2) courses and distances:

- (1) Along the arc of a curve bearing to the left having a radius of 2939.79 feet a distance of 330.72 feet;
- (2) North 23 degrees 04 minutes 16 seconds East, 198.72 feet;

THENCE South 05 degrees 32 minutes 19 seconds East, 104.42 feet to a Right of Way taking line;

THENCE North 23 degrees 04 minutes 16 seconds East, 336.66 feet to a monument found;

THENCE South 77 degrees 04 minutes 31 seconds East, 39.81 feet;

THENCE North 23 degrees 04 minutes 16 seconds East, 74.82 feet;

THENCE North 89 degrees 52 minutes 37 seconds West, 15.06 feet;

THENCE North 05 degrees 33 minutes 18 seconds West, 156.55 feet to the southeasterly side of Sills Road;

THENCE along the southeasterly side of Sills Road the following two (2) courses and distances:

- (1) North 23 degrees 04 minutes 16 seconds East, 836.37 feet;
- (2) Along the arc of a curve bearing to the left having a radius of 982.00 feet a distance of 151.99 feet to the southerly side of the Long Island Expressway at the point or place of BEGINNING.

Parcel II (SBL No. 200-704.00-2-43) ✓

All that certain plot piece or parcel of land, situate, lying and being at Yaphank, County of Suffolk and State of New York, being more particularly bounded and described as follows:

BEGINNING at a point on the easterly boundary line of County Road 101 (Sills Road) at the northeast corner of Tax Lot 1.1 of district 200, section 704, block 2, as shown on the Suffolk County Tax Map, said point being 75.00 feet easterly measured at a right angle from station 276+12± of the Survey Centerline of County Road 101 (Sills Road);

**SCHEDULE A**  
(Continued)

Running thence North 23° 04' 16" East 447.31 feet to a point, said point being 75.00 feet easterly measured at a right angle from station 280+60±;

Thence South 05° 33' 18" East, along the easterly line of Sills Road ( CR 101), 146.24 feet to the northerly line of Old Town Road, said point being distant 145 ± feet easterly measured at a right angle from station 279+31±;

Thence South 89°52'37" East, along the northerly line of Old Town Road, 20.57 feet to a point, said point being 164.00 feet easterly measured at a right angle from station 279+39±;

Thence, South 23°04'08" West 74.79 feet to a point, said point being 164.00 feet easterly measured at a right angle from station 278+64±;

Thence South 77°21'27" West 39.66 feet to a point on the easterly line of Sills Road (CR 101), said point being 125.00 feet easterly measured at a right angle from station 278+57±;

Thence South 23° 04' 16" West, along the easterly line of Sills Road (CR 101) 336.66 feet to the easterly line of the aforementioned tax lot 1.1, said point being 125.00 feet easterly measured at a right angle from station 275+21±;

Thence North 05°32'19" West,, along the easterly line of said tax lot 1.1, a distance of 104.42 feet to the Point of Place of Beginning.

Parcel III (SBL No. 200-704.00-2-42) ✓

All that certain plot piece or parcel of land, situate, lying and being at Yaphank, County of Suffolk and State of New York, being more particularly bounded and described as follows:

BEGINNING at a point on the northerly line of land of the Metropolitan Transportation Authority (Long Island Railroad), said point being 124.69 feet easterly at a right angle from station 268+25± of the Survey Centerline of County Road 101 (Sills Road);

Running thence North 40° 38' 17" East 103.95 feet to a point, said point being distant 137.05 feet easterly measured at a right angle from station 269+23.67;

Thence North 25°27'58" East 107.36 feet, to the easterly line of Sills Road (CR 101), said point being distant 125.19 feet easterly measured at a right angle from station 270+26±;

Thence South 05°27'58" East, along the easterly line of Sills Road (CR 101), 160.61 feet to the northerly line of land of the Metropolitan Transportation Authority (Long Island Railroad), said point being 223 ± feet easterly measured at a right angle from station 269+06+;

Thence South 82° 58 '07" West, along said northerly line of land of the Metropolitan Transportation Authority (Long Island Railroad), 130.35 feet to the Point or Place of Beginning.

**END OF SCHEDULE A**

**SCHEDULE B**

Three (3) parcels located in Town of Brookhaven, County of Suffolk, State of New York and having the following Tax Map Numbers:

020070400020003600~~1~~

0200704000200042000

0200704000200043000





SUFFOLK COUNTY CLERK  
RECORDS OFFICE  
RECORDING PAGE

Type of Instrument: DEED  
Number of Pages: 10  
Receipt Number : 22-0117383  
TRANSFER TAX NUMBER: 21-42024

Recorded: 07/20/2022  
At: 10:56:10 AM  
LIBER: D00013165  
PAGE: 518

District: 0200      Section: 704.00      Block: 02.00      Lot: 036.002

EXAMINED AND CHARGED AS FOLLOWS

Deed Amount: \$28,800,981.42

Received the Following Fees For Above Instrument

|              |              | Exempt |           |          | Exempt |
|--------------|--------------|--------|-----------|----------|--------|
| Page/Filing  | \$50.00      | NO     | Handling  | \$20.00  | NO     |
| COE          | \$5.00       | NO     | NYS SRCHG | \$15.00  | NO     |
| EA-CTY       | \$5.00       | NO     | EA-STATE  | \$250.00 | NO     |
| TP-584       | \$5.00       | NO     | Notation  | \$0.00   | NO     |
| Cert.Copies  | \$0.00       | NO     | RPT       | \$600.00 | NO     |
| Transfer tax | \$115,204.00 | NO     |           |          |        |

Fees Paid \$116,154.00

TRANSFER TAX NUMBER: 21-42024

THIS PAGE IS A PART OF THE INSTRUMENT  
THIS IS NOT A BILL

JUDITH A. PASCALE  
County Clerk, Suffolk County

Number of pages

10

RECORDED  
2022 Jul 20 10:56:10 AM  
JUDITH A. PASCALE  
CLERK OF  
SUFFOLK COUNTY  
L D00013165  
P 518  
DT# 21-42024

This document will be public record. Please remove all Social Security Numbers prior to recording.

Deed / Mortgage Instrument

Deed / Mortgage Tax Stamp

Recording / Filing Stamps

3FEES

Page / Filing Fee 50  
Handling 20. 00  
TP-584 5  
Notation  
EA-52 17 (County) 5  
EA-5217(State) 250  
R.P.T.S.A. 24 600  
Comm. of Ed. 5. 00  
Affidavit  
Certified Copy  
NYS Surcharge 15. 00  
Other

Sub Total 80

Sub Total 87.0

Grand Total 950



2 Mortgage Amt.  
1. Basic Tax  
2. Additional Tax  
Sub Total  
Spec./Assit.  
or  
Spec. /Add.  
TOT. MTG. TAX  
Dual Town Dual County  
Held for Appointment  
Transfer Tax 115,204  
Mansion Tax

The property covered by this mortgage is or will be improved by a one or two family dwelling only.

YES or NO

If NO, see appropriate tax clause on page # of this instrument.

JP 843 5-4-22

4 Dist.

Real Property  
Tax Service  
Agency  
Verification

22027928



5 Community Preservation Fund

Consideration Amount \$ 28,800.98/42

CPF Tax Due \$

6 Satisfactions/Discharges/Releases List Property Owners Mailing Address

RECORD & RETURN TO:  
Randi Canon  
Chicago Title Insurance Company  
6700 College Blvd, Ste. 300  
Overland Park, KS 66211

Improved

Vacant Land

TD

TD

TD

Mail to: Judith A. Pascale, Suffolk County Clerk  
310 Center Drive, Riverhead, NY 11901  
www.suffolkcountyny.gov/clerk

7 Title Company Information

Co. Name Chicago Title Insurance Company  
Title # 2117-7262NCS

8 Suffolk County Recording & Endorsement Page

This page forms part of the attached Deed made by: (SPECIFY TYPE OF INSTRUMENT)

ALLWAT ENTERPRISE II LLC, CK2D II LLC, WCC V LLC,  
JAVE PROPERTIES II LLC, PBI-WHQ II LLC AND SUFFOLK & SOUTHERN RAIL ROAD II LLC

The premises herein is situated in  
SUFFOLK COUNTY, NEW YORK.

TO  
BROOKHAVEN LOGISTICS CENTER, LLC

In the TOWN of BROOKHAVEN  
In the VILLAGE  
or HAMLET of YAPHANK

BOXES 6 THRU 8 MUST BE TYPED OR PRINTED IN BLACK INK ONLY PRIOR TO RECORDING OR FILING.

(over)

Doc ID:

22027928



## Tax Maps

| District | Secton | Block | Lot    | School District | Sub Division Name |
|----------|--------|-------|--------|-----------------|-------------------|
| 0200     | 70400  | 0200  | 036002 |                 |                   |
| 0200     | 70400  | 0200  | 042000 |                 |                   |
| 0200     | 70400  | 0200  | 043000 |                 |                   |



## DEED

THIS INDENTURE, made as of the 4 day of May, 2022

## BETWEEN

**ALLWAT ENTERPRISE II LLC, AS TO A 25% TENANT IN COMMON INTEREST**, having an address at 45 South 4<sup>th</sup> Street, North Bay Shore, NY 11706;  
**CK2D II LLC, AS TO A 18.54% TENANT IN COMMON INTEREST**, having an address at 7 High Ridge Court, Glen Cove, NY 11542;  
**WCC V LLC, AS TO A 20% TENANT IN COMMON INTEREST**, having an address 40 Wincrest Drive, Queensbury, NY 12804;  
**JAVE PROPERTIES II LLC, AS TO A 20% TENANT IN COMMON INTEREST**; having an address at 315 Walt Whitman Road, Suite 3, Huntington Station, NY 11746;  
**PBI-WHQ II LLC, AS TO A 15% TENANT IN COMMON INTEREST**; having an address at 333 Marcus Boulevard, Hauppauge, NY 11788; and  
**SUFFOLK & SOUTHERN RAIL ROAD II LLC, AS TO A 1.46% TENANT IN COMMON INTEREST**; having an address at 7 High Ridge Court, Glen Cove, NY 11542.

party of the first part, and

**BROOKHAVEN LOGISTICS CENTER, LLC, a Delaware limited liability company**  
 having an address at  
 4825 NW 41st Street, Suite 500  
 Riverside, MO 64150

party of the second part,

**WITNESSETH**, that the party of the first part, in consideration of  
 TEN AND 00/100 ----- dollars

paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

**ALL** that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the

See Schedule A attached hereto and made a part hereof.

Said Parcel also known as the following on the Suffolk County Tax Map:

See Schedule B attached hereto and made a part hereof.

Being and intended to be the same premises conveyed to party of the first part by the following deeds:

by deed dated May 4, 2022, being recorded simultaneously.  
 by Deed made by Brookhaven Energy Limited Partnership to Sill Road Realty, LLC dated April 27, 2007 and recorded in the Suffolk County Clerk's Office on May 21, 2007 in Liber 12506 of Deeds at page 68;

and by Certificate of Abandonment filed in the Suffolk County Clerk's Office on November 24, 2019 as ABS#17447; CTF #6547.

## Parcel II

and by Quitclaim Deed made by County of Suffolk to Sills Road Realty, LLC dated January 23, 2012 and recorded in the Suffolk County Clerk's Office on January 27, 2012 in Liber 12683 of Deeds at page 486;

## Parcel III

and by Quitclaim Deed made by County of Suffolk to Sills Road Realty, LLC dated January 23, 2012 and recorded in the Suffolk County Clerk's Office on January 27, 2012 in Liber 12683 of Deeds at page 487.

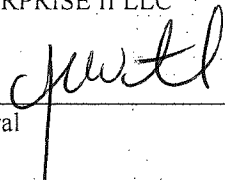
TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof; TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises; TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose. The word "party" shall be construed as if it read "parties" when ever the sense of this indenture so requires.

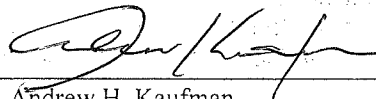
IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

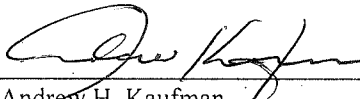
ALLWAT ENTERPRISE II LLC

By:   
Name: John Watral  
Title: Manager

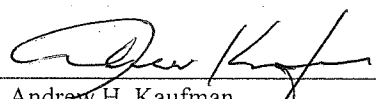
CK2D II LLC

By:   
Name: Andrew H. Kaufman  
Title: Manager

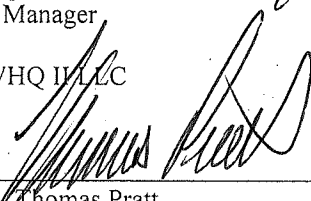
WCC V LLC

By:   
Name: Andrew H. Kaufman  
Title: Manager

JAVE PROPERTIES II LLC

By:   
Name: Andrew H. Kaufman  
Title: Manager

PBI-WHQ II LLC

By:   
Name: Thomas Pratt  
Title: Manager

SUFFOLK & SOUTHERN RAIL ROAD II LLC

By: \_\_\_\_\_  
Name: Richard Kessler  
Title: Manager

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose. The word "party" shall be construed as if it read "parties" when ever the sense of this indenture so requires.

**IN WITNESS WHEREOF**, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

ALLWAT ENTERPRISE II LLC

By: \_\_\_\_\_  
Name: John Watral  
Title: Manager

CK2D II LLC

By: \_\_\_\_\_  
Name: Andrew H. Kaufman  
Title: Manager

WCC V LLC

By: \_\_\_\_\_  
Name: Andrew H. Kaufman  
Title: Manager

JAVE PROPERTIES II LLC

By: \_\_\_\_\_  
Name: Andrew H. Kaufman  
Title: Manager

PBI-WHQ II LLC

By: \_\_\_\_\_  
Name: Thomas Pratt  
Title: Manager

SUFFOLK & SOUTHERN RAIL ROAD II LLC

By: \_\_\_\_\_  
Name: Richard Kessler  
Title: Manager

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

State of New York, County of Nassau ss:

On the 29 day of April in the year 2022, before me, the undersigned, personally appeared Andrew H. Kaufman personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Paula A. Corazza  
(signature and office of individual taking acknowledgment)

PAULA A. CORAZZA  
Notary Public, State of New York  
No. 01CO5006888  
Qualified in Queens County  
Commission Expires: 1/11/2023

State of New York, County of Nassau ss:

On the 29th day of April in the year 2022, before me, the undersigned, personally appeared John Watral personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Paula A. Corazza  
(signature and office of individual taking acknowledgment)

PAULA A. CORAZZA  
Notary Public, State of New York  
No. 01CO5006888  
Qualified in Queens County  
Commission Expires: 1/11/2023

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

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

On the day of in the year 2022 before me, the undersigned, personally appeared RICHARD KESSLER personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument, and that such individual made such appearance before the undersigned in the

(insert the City or other political subdivision) in (and insert the State or Country or other place the acknowledgment was taken)

(signature and office of individual taking acknowledgment)

BARGAIN AND SALE DEED  
WITHOUT COVENANT AGAINST GRANTOR'S ACTS

Title No. 2117-7262NCS

SUFFOLK & SOUTHERN RAIL ROAD II LLC, PBI-WHQ II LLC,  
ALLWAT ENTERPRISE II LLC, WCC V LLC, JAVE PROPERTIES II  
LLC, AND CK2D II LLC

TO  
BROOKHAVEN LOGISTICS CENTER, LLC

DISTRICT: 0200  
SECTION: see in body of deed  
BLOCK: see in body of deed  
LOT: see Schedule B attached hereto  
COUNTY OR TOWN: Suffolk/Brookhaven  
STREET ADDRESS:

Recorded at Request of  
RETURN BY MAIL TO:

STANDARD FORM OF NEW YORK BOARD OF TITLE UNDERWRITERS  
Distributed by

Ruskin Moscou Faltischek, PC  
1425 RXR Plaza  
East Tower, 15th Floor  
Uniondale, NY 11556  
Attention: Anthony Baronci, Esq.

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

State of New York, County of

ss:

State of New York, County of

ss:

On the \_\_\_\_ day of \_\_\_\_\_ in the year 2022, before me, the undersigned, personally appeared Andrew H. Kaufman personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

(signature and office of individual taking acknowledgment)

On the \_\_\_\_ day of \_\_\_\_\_ in the year 2022, before me, the undersigned, personally appeared John Watral personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

(signature and office of individual taking acknowledgment)

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

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

Ocean County, NJ

ss:

On the 30th day of April in the year 2022 before me, the undersigned, personally appeared RICHARD KESSLER personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument, and that such individual made such appearance before the undersigned in the

Ocean

(insert the City or other political subdivision)

in

New Jersey

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

Lori Anderson

(signature and office of individual taking acknowledgment)

**LORI ANDERSON**

**NOTARY PUBLIC OF NEW JERSEY**

**My Commission Expires July 21, 2023**

**BARGAIN AND SALE DEED**

**WITHOUT COVENANT AGAINST GRANTOR'S ACTS**

**Title No. 2117-7262NCS**

SUFFOLK & SOUTHERN RAIL ROAD II LLC, PBI-WHQ II LLC,  
ALLWAT ENTERPRISE II LLC, WCC V LLC, JAVE PROPERTIES II  
LLC, AND CK2D II LLC

**TO**

**BROOKHAVEN LOGISTICS CENTER, LLC**

DISTRICT: 0200

SECTION: *see in body of deed*

BLOCK: *see in body of deed*

LOT: *see Schedule B attached hereto*

COUNTY OR TOWN: Suffolk/Brookhaven

STREET ADDRESS:

Recorded at Request of  
RETURN BY MAIL TO:

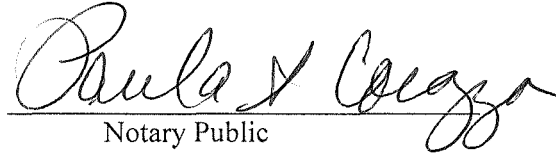
STANDARD FORM OF NEW YORK BOARD OF TITLE UNDERWRITERS

Distributed by

Ruskin Moscou Faltischek, PC  
1425 RXR Plaza  
East Tower, 15<sup>th</sup> Floor  
Uniondale, NY 11556  
Attention: Anthony Baronci, Esq.

STATE OF NEW YORK       )  
COUNTY OF Westchester       ): ss.:

On the 29 day of April, in the year 2022, before me, the undersigned, a Notary Public in and for said state, personally appeared **THOMAS PRATT**, personally known to me or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity and that by his signature on the instrument, the person or the entity upon behalf of which the person acted, executed the instrument.

  
Notary Public

PAULA A. CORAZZA  
Notary Public, State of New York  
No. 01CO5006888  
Qualified in Queens County  
Commission Expires: 1/11/2023

## SCHEDULE A

Parcel I (SBL No. 200-704.00-2-36.001 which has been retired and is now known as SBL No. 200-704.00-2-36.002)

ALL that certain plot, piece or parcel of land, situate, lying and being at Yaphank, Town of Brookhaven, County of Suffolk and State of New York bounded and described as follows:

BEGINNING at a point on the southerly side of Long Island Expressway (New York State Route 495; south service road) where same is intersected by the southeasterly side of Sills Road

RUNNING THENCE along the southerly side of said Long Island Expressway the following two (2) courses and distances:

- (1) North 84 degrees 06 minutes 52 seconds East, 71.07 feet;
- (2) Along the arc of a curve bearing to the left having a radius of 1030.00 feet a distance of 16.15 feet to the westerly side of Bellport Avenue (not open);

THENCE along the westerly side of Bellport Avenue South 05 degrees 50 minutes 33 seconds East, 1931.62 feet to the northerly side of land of the Long Island Rail Road;

THENCE along said last mentioned land, South 82 degrees 58 minutes 07 seconds West, 1079.92 feet;

THENCE North 05 degrees 10 minutes 04 seconds West, 245.33 feet to the southeasterly side of Sills Road;

THENCE along said last mentioned road the following two (2) courses and distances:

- (1) Along the arc of a curve bearing to the left having a radius of 2939.79 feet a distance of 330.72 feet;
- (2) North 23 degrees 04 minutes 16 seconds East, 198.72 feet;

THENCE South 05 degrees 32 minutes 19 seconds East, 104.42 feet to a Right of Way taking line;

THENCE North 23 degrees 04 minutes 16 seconds East, 336.66 feet to a monument found;

THENCE South 77 degrees 04 minutes 31 seconds East, 39.81 feet;

THENCE North 23 degrees 04 minutes 16 seconds East, 74.82 feet;

THENCE North 89 degrees 52 minutes 37 seconds West, 15.06 feet;

THENCE North 05 degrees 33 minutes 18 seconds West, 156.55 feet to the southeasterly side of Sills Road;

THENCE along the southeasterly side of Sills Road the following two (2) courses and distances:

- (1) North 23 degrees 04 minutes 16 seconds East, 836.37 feet;
- (2) Along the arc of a curve bearing to the left having a radius of 982.00 feet a distance of 151.99 feet to the southerly side of the Long Island Expressway at the point or place of BEGINNING.

Parcel II (SBL No. 200-704.00-2-43)

All that certain plot piece or parcel of land, situate, lying and being at Yaphank, County of Suffolk and State of New York, being more particularly bounded and described as follows:

BEGINNING at a point on the easterly boundary line of County Road 101 (Sills Road) at the northeast corner of Tax Lot 1.1 of district 200, section 704, block 2, as shown on the Suffolk County Tax Map, said point being 75.00 feet easterly measured at a right angle from station 276+12± of the Survey Centerline of County Road 101 (Sills Road);

**SCHEDULE A**  
(Continued)

Running thence North 23° 04' 16" East 447.31 feet to a point, said point being 75.00 feet easterly measured at a right angle from station 280+60±;

Thence South 05° 33' 18" East, along the easterly line of Sills Road ( CR 101), 146.24 feet to the northerly line of Old Town Road, said point being distant 145 ± feet easterly measured at a right angle from station 279+31±;

Thence South 89°52'37" East, along the northerly line of Old Town Road, 20.57 feet to a point, said point being 164.00 feet easterly measured at a right angle from station 279+39±;

Thence, South 23°04'08" West 74.79 feet to a point, said point being 164.00 feet easterly measured at a right angle from station 278+64±;

Thence South 77°21'27" West 39.66 feet to a point on the easterly line of Sills Road (CR 101), said point being 125.00 feet easterly measured at a right angle from station 278+57±;

Thence South 23° 04' 16" West, along the easterly line of Sills Road (CR 101) 336.66 feet to the easterly line of the aforementioned tax lot 1.1, said point being 125.00 feet easterly measured at a right angle from station 275+21±;

Thence North 05°32'19" West,, along the easterly line of said tax lot 1.1, a distance of 104.42 feet to the Point of Place of Beginning.

Parcel III (SBL No. 200-704.00-2-42)

All that certain plot piece or parcel of land, situate, lying and being at Yaphank, County of Suffolk and State of New York, being more particularly bounded and described as follows:

BEGINNING at a point on the northerly line of land of the Metropolitan Transportation Authority (Long Island Railroad), said point being 124.69 feet easterly at a right angle from station 268+25± of the Survey Centerline of County Road 101 (Sills Road);

Running thence North 40° 38' 17" East 103.95 feet to a point, said point being distant 137.05 feet easterly measured at a right angle from station 269+23.67;

Thence North 25°27'58" East 107.36 feet, to the easterly line of Sills Road (CR 101), said point being distant 125.19 feet easterly measured at a right angle from station 270+26±;

Thence South 05°27'58" East, along the easterly line of Sills Road (CR 101), 160.61 feet to the northerly line of land of the Metropolitan Transportation Authority (Long Island Railroad), said point being 223 ± feet easterly measured at a right angle from station 269+06+;

Thence South 82° 58 '07" West, along said northerly line of land of the Metropolitan Transportation Authority (Long Island Railroad), 130.35 feet to the Point or Place of Beginning.

**END OF SCHEDULE A**

**SCHEDULE B**

Three (3) parcels located in Town of Brookhaven, County of Suffolk, State of New York and having the following Tax Map Numbers:

020070400020003600~~1~~

0200704000200042000

0200704000200043000

