CITY REGISTER RECORDING AND ENDORESEMENT PAGE
County of New York

Block > 1462 Lots – only if entire Lot > 5 Partial Lots P/O >
Premises > 1275 York Avenue
Title/agent company name >
Title company number >

Name > Lori G. Cuisinier, Esq.
Company > Friedman & Gotbaum, LLP
Address > 568 Broadway - Suite 505
City/State/Zip > New York, NY 10012

Party 1 > Memorial Hospital for Cancer and Allied Diseases
Name & address
Additional Party 1 > 1275 York Avenue, New York, NY
Party 2 >
Additional Party 2 >

Examinved by

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<td>Apportionment Mortgage</td>
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Indexed by ☑ Verifled by ☑
Block(s) and Lot(s) verified by ☑
Address ☑ Tax map ☑
Extra Block(s) ☑ Lot(s) ☑
Recording fee B $ 87
Affidavit fee C $ 0
RPTT fee R $ 0
HPD-A ☑ HPD-C ☑
New York State Real Estate Transfer Tax ♦ | |
| $ |
| RETT Serial No. ➔ |
| New York City Real Property Transfer Tax |
| RPTT Serial No. ➔ |

Recorded in the Office of the City Register of the City of New York

2061 DEC 20 2:32
DECLARATION

Declaration made as of this 19th day of December, 2001 by Memorial Hospital for Cancer and Allied Diseases ("Declarant"), a New York not-for-profit corporation having its principal office at 1275 York Avenue, New York, NY 10021.

WITNESSETH

WHEREAS, Declarant is the fee owner of certain real property located in the County of New York, designated for real property tax purposes as Lot 5 of Tax Block 1462 (the "Lot"), a portion of which is located within a current R8 zoning district as set forth in the Zoning Resolution of the City of New York (the "Zoning Resolution"), such portion herein referred to as the "Main Campus Midblock", and both the Lot and the Main Campus Midblock being more particularly described in Exhibit "A", annexed hereto, and made a part hereof;

WHEREAS, Chicago Title Insurance Company has certified as of December 11, 2001 that, as of the date hereof, Declarant is the sole party-in-interest, as that term is defined in the definition of "Zoning Lot" in Section 12-10 of the Zoning Resolution of the City of New York, to the Lot, which comprises a Zoning Lot under said Zoning Resolution, and a copy of such certification recorded in the Office of the City Register of the City of New York, County of New York, on December 14, 2001 in Reel 3409, Page 1432 is attached hereto as Exhibit B; and

WHEREAS, all parties-in-interest to the Lot have executed this Declaration; and

WHEREAS, Declarant has submitted an application to the City Planning Commission of the City of New York ("CPC"), designated by the CPC as ULURP #010547ZMIM (revised), to, inter alia, amend the Zoning Map as it applies to the Main Campus Midblock from an R8 zoning district to an R9 zoning district (the "Zoning Map Amendment"); and
WHEREAS, the amount of floor area as defined in the Zoning Resolution available to Declarant for use on the Main Campus Midblock as a result of the Zoning Map Amendment will increase by 290,310 square feet (the “New Floor Area”); and

WHEREAS, Declarant desires to restrict the development and use of the New Floor Area on the Main Campus Midblock; and

WHEREAS, Declarant represents and warrants that there is no restriction of record on the use of the Lot, nor any present or presently existing estate or interest in the Lot, nor any lien, obligation, covenant, limitation or encumbrance of any kind that would prevent or preclude the imposition of the restrictions, covenants, obligations and agreements of this Declaration or the development of the Main Campus Midblock in accordance herewith; and

WHEREAS, the terms "floor area", "develop/development", "enlarge/enlargement", "use/uses", "extend/extension" and "zoning lot" shall have the meanings set forth in Section 12-10 of the Zoning Resolution:

NOW, THEREFORE, Declarant does hereby declare that the Main Campus Block shall be held, sold, transferred, conveyed and occupied subject to the following restrictions, covenants, obligations and agreements which shall run with the Lot and be binding upon Declarant, its successors and assigns:

1. **Restriction on Development and Use of New Floor Area.** Declarant may use up to 75,000 square feet of the New Floor Area for the enlargement or extension of any building in the Main Campus Midblock in existence as of the date of this Declaration in any manner permitted by the Zoning Resolution as a matter of right. Such use shall not require any form of modification or amendment to this Declaration, provided that Declarant shall provide the Department of City Planning with copies of plans and drawings showing zoning computations for any such enlargement or extension no later than 30 days after an Alteration Permit therefor.
has been issued by the Department of Buildings. Declarant covenants that it shall not use any New Floor Area in a manner not permitted under this paragraph 1 except pursuant to a modification or amendment to this Declaration pursuant to paragraph 6 hereof.

2. **Restriction on Sale of Excess Floor Area.** Declarant covenants that it shall not sell, transfer, convey or assign in any manner whatsoever the New Floor Area for development on another zoning lot which it does not own or control.

3. **Effective Date and Enforcement.** This Declaration and the provisions hereof shall become effective upon the approval by the City Council of C010547ZMM (revised) and C010548ZSM (revised). The Declarant covenants to file and record this Declaration in the Office of the Register of the City of New York, County of New York (the "Register"), indexing it against the Lot, within five (5) business days of approval by the City Council. The Declarant shall, following the recordation of this Declaration, promptly deliver to the CPC a true copy hereof, as recorded and certified by the Register. If the Declarant fails to so record and deliver this Declaration, the CPC or any other agency of the City may cause this Declaration to be recorded and request certified copies of the recorded Declaration, all at the sole cost and expense of the Declarant, and the Declarant shall immediately upon request pay to the CPC the costs of having this Declaration recorded and purchasing a reasonable number of certified copies of the recorded Declaration, as applicable.

4. **Applications to City Agencies.** The Declarant shall include a copy of this Declaration as part of any application to the Department of Buildings or any other agency of the City relating to the Lot or any portion thereof.

5. **Remedies.** The City shall have the sole right to exercise any and all of its administrative, legal and equitable remedies in the event Declarant fails to perform any of its obligations under this Declaration. Declarant consents to enforcement by the City, administratively at law or at equity, of the covenants, obligations, restrictions and agreements contained herein. Notwithstanding anything to the contrary contained in this Declaration, the
City will look solely to the estate and interest of Declarant in the Lot, on an in rem basis only, for the collection of any money judgment recovered against Declarant, and no other property of Declarant shall be subject to levy, execution or other enforcement procedure for the satisfaction of the remedies of the City with respect to this Declaration, and Declarant shall have no personal liability under this Declaration.

6. **Amendment, Modification and Cancellation.** This Declaration may be amended, modified or canceled only upon the approval of the CPC or its successor agency and the City Council of the City of New York. No other approval or consent shall be required from any other public body, private person, or legal entity of any kind. Notwithstanding the foregoing, as to anything contained in this Declaration, the Chairperson of the CPC may administratively approve what are deemed by him or her to be minor modifications to this Declaration, which shall not be deemed modifications or amendments requiring the approval of the CPC or any other governmental agency. An amendment to or modification of Paragraph 1 or 2 hereof shall not be considered a minor modification. A signed statement certifying the Chairperson's approval of the minor modification shall be included at the end of the modified or amended Declaration. Following approval of a modification, amendment or cancellation of this Declaration, Declarant shall immediately file and record it, supply the CPC with one (1) copy, and permit its filing and recording in the manner described in the last two sentences of Paragraph 3 hereof.

7. **Covenants Running with the Land.** The provisions of this Declaration shall be considered covenants running with the land, and shall inure to the benefit of and be binding upon all heirs, successors, assigns, legal representatives, and mortgagees in possession of Declarant's interest in the Lot and any improvements thereon. However, notwithstanding the foregoing, the restrictions, covenants, and obligations of this Declaration shall be binding upon Declarant or any other individual or entity only for the period during which Declarant or said individual or entity is a party-in-interest in the Lot. References to "Declarant" shall be deemed to refer to the named Declarant, its heirs, successors, assigns, legal representatives and mortgagees in possession, each to the extent of their respective interest in the Lot. References in this Declaration to agencies or instrumentalities of the City of New York shall be deemed to include
agencies or instrumentalities succeeding to the jurisdiction thereof, pursuant to the laws of the State of New York and the City of New York.

8. **Subordination.** Declarant shall cause every individual, business organization or other entity that between the date hereof and the date of recordation of this Declaration becomes a party-in-interest to the Lot, which comprises a Zoning Lot for purposes of the Zoning Resolution, to execute this Declaration or to subordinate such interest to the Declaration and waive its right to execution. Any mortgage or other lien encumbering the Lot after the recording date of this Declaration shall be subject and subordinate hereto.

IN WITNESS THEREOF, Declarant has executed this Declaration as of the date first above written.

MEMORIAL HOSPITAL FOR CANCER AND ALLIED DISEASES

By: [Signature]
Name: Edward J. Mahoney
Title: Vice President for Facilities Management

STATE OF NEW YORK )
COUNTY OF NEW YORK )

On this 19th day of December in the year 2001 before me, the undersigned, personally appeared Edward J. Mahoney, personally known to me or proved to me on the basis of satisfactory evidence to be the individual 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 individual or the person upon behalf of which the individual acted, executed the instrument.

SHELLY G. FREEMAN
Notary Public, State of New York
No. 05760017188
EXHIBIT A

LEGAL DESCRIPTION - MAIN CAMPUS MIDBLOCK

Tax Lot 5 (in Part) Block 1462

All that certain plot, piece or parcel of land, situate, lying and being in the Borough of Manhattan, County, City and State of New York, bounded and described as follows:

BEGINNING at a point on the northerly side of East 67th Street distant 100' easterly from the corner formed by the intersection of the northerly side of East 67th Street with the easterly side of First Avenue;

RUNNING THENCE easterly along the northerly side of 67th Street, 413';

THENCE northerly along a line parallel to York Avenue (formerly Avenue A), 200' 13" to the southerly side of East 68th Street;

THENCE westerly along the southerly side of 68th Street, 413'; and

THENCE southerly along a line parallel to First Avenue, 200' 13" to the northerly side of 67th Street to the point or place of BEGINNING.
EXHIBIT B

CERTIFICATION OF PARTIES IN INTEREST
**City Register Recording and Endorsement Page**

County of New York

This page forms part of the Instrument

| Block | 1462 |
| Premises | 1275 York Avenue |
| Title/agent company name | Lori G. Cuisinier, Esq. |
| Company | Friedman & Gotbaum, LLP |
| Address | 588 Broadway - Suite 505 |
| City/State/Zip | New York, NY 10012 |

**Chicago Title Insurance Company**

**Name & address**

| Party 1 | Chicago Title Insurance Company |
| Additional Party 1 | 1211 Avenue of the Americas, New York, NY |
| Party 2 | |
| Additional Party 2 | |

Examiner by [Signature]

| Mortgage serial no. | 052486 |
| Mortgage amount | $ |
| Taxable amount | $ |
| Exemption | Yes [ ] No [ ] |
| Type [339EE] [255] [other] |
| Dwelling type | 1-2 [ ] 3 [ ] 4-6 [ ] over 6 |
| Tax received on above mortgage | $ |
| County (basic) | $ |
| City (add’l) | $ |
| Special add’l | $ |
| TASF | $ |
| MTA | $ |
| NYCTA | $ |
| TOTAL TAX | $ |
| Apportionment Mortgage | Yes [ ] No [ ] |

Indexed by [Signature]

**Block(s) and Lot(s) verified by**

| Block(s) and Lot(s) verified by | [ ] |
| Address | [ ] Tax map [ ] |
| Extra Block(s) | B $ |
| Extra Lot(s) | H |

**Recording fee**

**Affidavit fee**

| Affidavit fee | C $ |
| RPTT fee | R $ |
| HPD-A | HPD-C |
| New York State Real Estate Transfer Tax | $ |
| RETT Serial No. | |
| New York City Real Property Transfer Tax |
| RPTT Serial No. | |

Recorded in the Office of the City Register of the City of New York

2001 DEC 20  A 10:17

Form CRGFMB.BPG

25 x 10
PRELIMINARY CERTIFICATION OF PARTIES
IN INTEREST PURSUANT TO SUBDIVISION (C)
OF THE DEFINITION OF ZONING LOT SET FORTH
IN SECTION 12-10 OF THE ZONING RESOLUTION
OF THE CITY OF NEW YORK
EFFECTIVE DECEMBER 15, 1961
AS AMENDED

SPECIAL SERVICE NO. SS#01(01)251(A-1)

CHICAGO TITLE INSURANCE COMPANY, a title insurance company licensed to
do business in the State of New York and having its principal office
at 1211 Avenue of the Americas, New York, New York, through its
authorized agent, Title Associates Inc., a New York corporation,
hereby certifies to Lori G. Cuisinier, Esq. of Friedman & Gotbaum, LLP
(the "Applicant") that as to the land hereafter described, being a
tract of land either unsubdivided or consisting of two or more lots of
record contiguous for a minimum of ten linear feet located within a
single block and under the single fee ownership of Memorial Hospital
For The Treatment Of Cancer And Allied Diseases, that all parties
constituting a "party in interest" as defined for purposes of the
provisions of subdivision (c) of the Definition of Zoning Lot set
forth in Section 12-10 of the Zoning Resolution of the City of New
York, effective December 15, 1961, as amended, are as follows:

1. PARTY IN INTEREST: Memorial Hospital For The Treatment Of
Cancer And Allied Diseases

TAX LOT AFFECTED: Tax Lot 5 (Block 1462)

TYPE OF INTEREST: Fee Owner by Deed recorded on August 4,
1936 in Liber 3932 cp 187:

1275 York Avenue
SPECIAL SERVICE NO. SS#01(01)251(A-1)

The tract of land as to which the aforesaid parties are parties in interest is known as Tax Lot 5 Block 1462 as shown on the Official Tax Map of the City of New York, New York County, and more particularly bounded and described as follows:

TAX LOT 5 (BLOCK 1462)

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

BEGINNING at the corner formed by the intersection of the westerly side of York Avenue (formerly Avenue A) with the northerly side of 67th Street;

RUNNING THENCE northerly along the westerly side of York Avenue (formerly Avenue A), 200 feet 10 inches to the corner, formed by the intersection of the westerly side of York Avenue (formerly Avenue A) with the southerly side of 68th Street;

THENCE westerly along the southerly side of 68th Street, 513 feet;

THENCE southerly along a line parallel to First Avenue, 200 feet 10 inches to the northerly side of East 67th Street; and

THENCE easterly along the northerly side of 67th Street, 513 feet to the corner formed by the intersection of the northerly side of 67th Street with the westerly side of York Avenue (formerly Avenue A) the point or place of BEGINNING.
SPECIAL SERVICE NO. SS#01(01)251(A-1)

Said Tax Lot 5 in Block 1462 is as shown on the annexed diagram.

[SEE DIAGRAM ANNEXED]

NOTE: This Certification has been prepared prior to the execution and recording of the necessary Declaration of Restrictions, Waivers of Declaration and Zoning Lot Description and Ownership Statement. Upon execution and recording of these documents, a Final Certification will be prepared.

NOTE: A Zoning Lot may or may not coincide with a lot as shown on the Official Tax Map of the City of New York or on any recorded subdivision plat or deed. A Zoning Lot may be subdivided into two or more Zoning Lots, provided that all resulting Zoning Lots and all buildings thereon shall comply with all of the applicable provisions of the Zoning Resolution of the City of New York, effective December 15, 1961, as amended.

THIS CERTIFICATION IS MADE FOR AND ACCEPTED BY THE APPLICANT UPON THE EXPRESS UNDERSTANDING THAT LIABILITY HEREUNDER IS LIMITED TO ONE THOUSAND DOLLARS ($1,000).

CHICAGO TITLE INSURANCE COMPANY
By: Title Associates Inc.,
As Agent

DATED: December 11, 2001

By: Charles H. Schaefer
Vice President
STATE OF NEW YORK  
COUNTY OF NEW YORK  

On the 12th day of December in the year 2001 before me, the undersigned, personally appeared Charles H. Schaefer, personally known to me or proved to me on the basis of satisfactory evidence to be the individual 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 individual, or the person upon behalf of which the individual acted, executed the instrument.

[Signature]
Notary Public

JILL S. FELDMAN  
Notary Public, State of New York  
Notary Public, State of New York  
Commission Expires Nov. 3, 2012

[Signature]
Notary Public, State of New York  
Notary Public, State of New York  
Commission Expires Nov. 3, 2012
Block 1462, lot 5 - 1275 York Avenue

Lot 5 in Block 1462