

REEL 3413 PG 1880

**CITY REGISTER RECORDING AND ENDORSEMENT PAGE**  
**County of New York**

Total number of pages in document  
including this page > 14

This page forms part of the instrument

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

Name & address	Party 1 >	Memorial Hospital for Cancer and Allied Diseases
	Additional Party 1 >	1275 York Avenue, New York, NY
	Party 2 >	
	Additional Party 2 >	
Check this box <input type="checkbox"/> if there are more than 2 of either Party    Check this box <input type="checkbox"/> if there are multiple blocks or lots & attach an addendum		
City Register's use only - do not write below this line		

Examined by *AK*

Mtge Tax serial no.	
Mtge amount	\$
Taxable amount	\$
Exemption	Yes <input type="checkbox"/> No <input type="checkbox"/>
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	\$
<b>TOTAL TAX</b>	<b>\$</b>
Apportionment Mortgage	Yes <input type="checkbox"/> No <input type="checkbox"/>

City Register Serial Number ♦ **053560**

Indexed by <i>ik</i>	Verified by
Block(s) and Lot(s) verified by: <i>AK</i>	
Address <input checked="" type="checkbox"/>	Tax map <input type="checkbox"/>
Extra Block(s)	Lot(s)
Recording fee <i>B</i>	\$ <i>87</i>
Affidavit fee <i>C</i>	\$
RPTT fee <i>R</i>	\$
HPD-A <input type="checkbox"/>	HPD-C <input type="checkbox"/>
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 P 2:32

*[Handwritten signature]*

**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 #010547ZMM (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

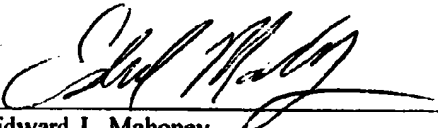
REF 3413 PG 1865

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:   
Name: Edward J. Mahoney  
Title: Vice President for Facilities Management

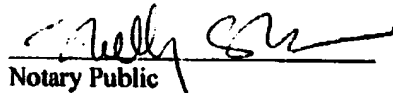
STATE OF NEW YORK )

: ss.:

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 S. FRIEDMAN**  
Notary Public, State of New York  
No. 02FP0017168  
Qualified in New York County  
Commission Expires December 7, 2002.

  
Notary Public

**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 67<sup>th</sup> Street distant 100' easterly from the corner formed by the intersection of the northerly side of East 67<sup>th</sup> Street with the easterly side of First Avenue;

**RUNNING THENCE** easterly along the northerly side of 67<sup>th</sup> Street, 413';

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

**THENCE** westerly along the southerly side of 68<sup>th</sup> Street, 413'; and

**THENCE** southerly along a line parallel to First Avenue, 200' 13" to the northerly side of 67<sup>th</sup> Street to the point or place of **BEGINNING**.

*Premises: 1275 York Avenue  
411-425 East 67th Street  
412-444 East 68th Street*

REF: 3413 PG 1867

**EXHIBIT B**  
**CERTIFICATION OF PARTIES IN INTEREST**



REF: 341301868

# 2.

340901432

**CITY REGISTER RECORDING AND ENDORSEMENT PAGE**  
County of New York

Total number of pages in document including this page > 6

This page forms part of the instrument

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

Name & address	Party 1 > Chicago Title Insurance Company
	Additional Party 1 > 1211 Avenue of the Americas, New York, NY
	Party 2 >
	Additional Party 2 >

Check this box  if there are more than 2 of either Party Check this box  if there are multiple blocks or lots & attach an addendum

*City Register's use only - do not write in this area*

Examined by *SP*

City Register Serial Number <

Mtge Tax serial no.	
Mtge amount	\$
Taxable amount	\$
Exemption	Yes <input type="checkbox"/> No <input type="checkbox"/>
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	\$
<b>TOTAL TAX</b>	\$
Apportionment Mortgage	Yes <input type="checkbox"/> No <input type="checkbox"/>

City Register Serial Number < 052486	
Indexed by	Verified by
Block(s) and Lot(s) verified by:	<i>SP</i>
Address <input checked="" type="checkbox"/>	Tax map <input type="checkbox"/>
Extra Block(s)	Lot(s)
Recording fee	<i>B</i> \$ <i>49</i>
Affidavit fee	C \$
RPTT fee	R \$
HPD-A <input type="checkbox"/>	HPD-C <input type="checkbox"/>
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

*Signature*

REEL 3413781869

REEL 3409781433

**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 18..

*1275 York Avenue*

REEL 3413 PG 1870

193409231434

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.

REC-3413 PG 1871

REC-3409 PG 1435

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 HEREBUNDER 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

3413 PG 1872

123409 PG 1436

STATE OF NEW YORK )  
 ) SS.:  
COUNTY OF NEW YORK )

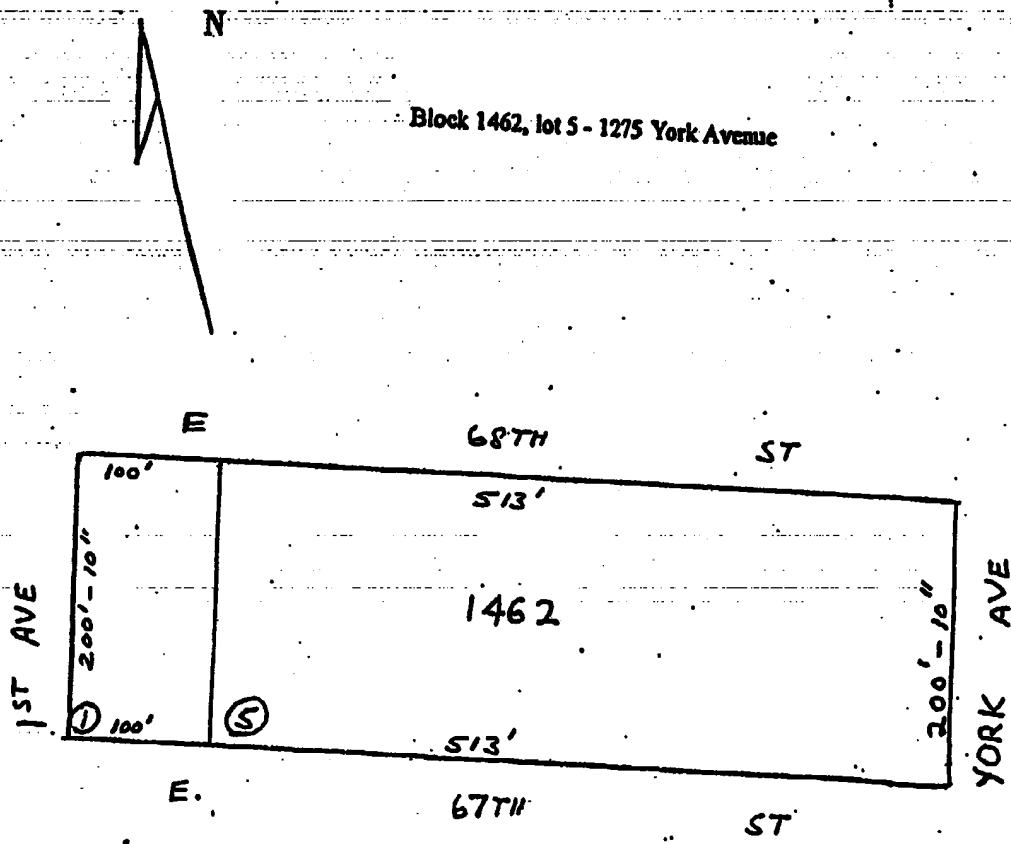
On the 12th day of December in the year 2001 before me, the undersigned, personally appeared Charles H. Schaefer, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed 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.

*Jill S. Feldman*  
Notary Public

JILL S. FELDMAN  
Notary Public, State of New York  
No. 4876548  
Qualified in Westchester County  
Commission Expires Nov. 3, 2002

NEEL 3413 PG 1873

NEEL 3409 PG 1437



Lot 5 in Block 1462