Metropolitan Transportation Authority

State of New York

December 16, 2010

By Overnight Delivery Service

Mr. Kevin Roseman, Traffic Engineer
Westchester County Department of Public Works
148 Martine Avenue
White Plains, NY 10601

Re: Comments to Proposed Acquisition of Property by Eminent Domain
Project: PIN 8110.13; Bronx River Parkway Crane Road Reconstruction
Village of Scarsdale, Westchester County, New York

Dear Mr. Roseman:

This letter shall serve as Metropolitan Transportation Authority’s (“MTA’s”) response to Westchester County’s Public Hearing under the Eminent Domain Procedure Law (“EDPL”) held on December 6, 2010, in connection with property acquisitions required for the Bronx River Parkway Crane Road Reconstruction Project (the “Project”). By email dated December 10, 2010 from Senior Assistant County Attorney Tami Altschiller (copy attached), MTA was given until close of business on December 20, 2010 to submit written comments on the Public Hearing to the County. Therefore, this letter is timely-submitted.

MTA is a New York State public authority and public benefit corporation duly established under Public Authorities Law § 1260 et seq. In connection with its statutory authority to provide commuter transportation services in the New York City metropolitan area, MTA entered into a long-term lease (extending to the year 2274) of Grand Central Terminal and the Harlem and Hudson Division Rail Lines serving the Counties of New York, The Bronx, Westchester, Putnam, and Dutchess Counties. MTA’s lease and option to purchase these properties is memorialized in a certain “Amended and Restated Agreement of Lease” dated April 8, 1994 between American Premier Underwriters, Inc. and The Owasco River Railway, Inc., as Landlord, and MTA, as Tenant (as amended and modified, the “MTA Lease”). The MTA Lease gives MTA the exclusive right to operate commuter rail service over these properties and to exercise dominion and control over the underlying property interests that are essential to operating the commuter rail service that is so vital to the City and region.

It has come to our attention that the County is seeking to acquire, by eminent domain, permanent and temporary easements for the Project over a portion of MTA’s right of way that is operated by Metro-North and included in the MTA Lease. While MTA and MTA’s subsidiary, Metro-North Commuter Railroad (which operates the commuter rail service over the Harlem and Hudson Lines) are willing to work with the County in advancing the Project, we have concerns about the County’s proposal to acquire MTA’s property by eminent domain and the potential impacts of the Project and proposed acquisitions on MTA’s property and Metro-North’s maintenance and operation of commuter rail service over the affected property. Consequently, MTA asserts the following objections to the County’s proposed acquisition of MTA’s property for the Project by eminent domain:

The agencies of the MTA
MTA New York City Transit      MTA Long Island Bus      MTA Bridges and Tunnels
MTA Long Island Rail Road      MTA Metro-North Railroad   MTA Capital Construction
MTA Bus Company
1. The property under the MTA Lease is devoted to public use. As such, the County lacks jurisdiction to acquire such property by eminent domain because the County’s proposed acquisition is barred by the Prior Public Use Doctrine.

2. The County failed to comply with the procedural requirement for conducting a Public Hearing under Article 2 of the EDPL, including, but not limited to, the County’s failure to give MTA valid prior notice of the hearing.

3. The County has failed to adequately assess the environmental impacts of its Project with respect to its proposed acquisition of MTA’s property and its impact on MTA’s and Metro-North’s maintenance and operation of the commuter rail right of way and commuter rail service.

4. The County’s proposed acquisition of MTA’s property is more than is necessary for the Project’s needs.

5. The County’s proposed acquisition of MTA’s property violates Section 1266(8) of the NYS Public Authorities Law.

**In summary, while MTA and Metro-North look forward to working with the County on the Project, we object, for all the foregoing reasons, to the County’s current proposal to acquire MTA’s property for the Project by eminent domain.**

Very truly yours,

**Anthony P. Semancik**

Anthony P. Semancik  
Deputy General Counsel  
(212) 878-7248

(w/Attachment)

cc: Tami Altschiller, Esq., Sr. Assistant County Attorney  
Susan Sarch, Esq. (Metro-North)  
Maurice Chapman, Esq. (MTA)  
Neil Mastropietro (MTA)  
Benson Goodwyn (MTA)
January 11, 2011

Anthony P. Semancik
Deputy General Counsel
Metropolitan Transportation Authority
347 Madison Avenue, 9th Floor
New York, NY 10017-3739

Re: Property Acquisition in connection with PIN 8110.13
Bronx River Parkway Crane Road ("Project").

Dear Mr. Semancik:

This letter shall serve as the County of Westchester’s ("County’s") response to the Metropolitan Transportation Authority ("MTA") letter addressed to Mr. Kevin Roseman, dated December 16, 2010, submitted in response to the public hearing held by the County on December 6, 2010 in connection with the Project ("Public Hearing").

The MTA has set forth a list of objections to the County’s proposed property acquisition in connection with the Project. Each of the objections is noted and is followed by the County’s response.

Objection #1. The property under the MTA lease is devoted to public use. As such, the County lacks jurisdiction to acquire such property by eminent domain because the County’s proposed acquisition is barred by the Prior Public Use Doctrine.

Response #1. Contrary to the MTA’s objection, the County does have jurisdiction to acquire the subject property by eminent domain. As a general rule, “property already devoted to a public use is protected from acquisition by exercise of the power of eminent domain by another body or entity.” 51 NY Jur 2d, Eminent Domain §42. More particularly, “railroad property being used for a public purpose cannot be condemned for another and different public use.” Id. at §50. Notwithstanding the above, courts have consistently held that property dedicated to public use may be taken for another public use where the second use is not inconsistent with the prior use of
the property, or would not interfere with the initial use. See New York Cent. & H.R.R. Co. v. City of Buffalo, 200 N.Y. 113 (1910); The Long Island Railroad Company, v. Long Island Lighting Company, 103 A.D. 2d 156 (2d Dept. 1984), aff’d. 64 N.Y.2d 1088 (1985). The Crane Road Bridge is made up of two separate structures that carry the Bronx River Parkway at the Scarsdale/Greenburgh border. One bridge is over the Bronx River and the other is over the Railroad. Both bridges were constructed in 1924 and have been operational ever since. I have attached hereto a copy of an agreement from 1924 from the New York Central Railroad Company to the Bronx Parkway Commission which grants the Bronx Parkway Commission the right to erect and maintain an overhead highway bridge to carry the Bronx Parkway Drive over the tracks and right of way of the Railroad in the Village of Scarsdale. The new bridges will be in approximately the same location as the existing structures (there is some overlap) although there will be a slight realignment to the south and east of the existing structures.

In an effort to ensure that there would be no adverse impact on the MTA’s railway operation, the County has been working with Metro-North to develop an acceptable plan that will include the MTA’s continued ability to run its trains during and after construction. It is the County’s intent that the parties will enter into a Force Account agreement as well. It should be noted that at the insistence of the New York State Department of Transportation (“NYS DOT”) a draft easement agreement was prepared for prior approval and contains a provision that MTA shall have all rights and protections afforded the MTA pursuant to the Amended and Restated Agreement of Lease between American Premier Underwriters, Inc. and the Owasco River Railway, Inc., and MTA dated April 8, 1994. Thus, the easement agreement will be subject to the MTA’s lease agreement.

Objection #2. The County failed to comply with the procedural requirement for conducting a Public Hearing under Article 2 of the Eminent Domain Procedure Law (“EDPL”), including, but not limited to, the County’s failure to give MTA valid prior notice of the hearing.

Response #2. The County complied with the procedural requirements of Article 2 of the EDPL. EDPL §202 provides that where a public hearing is required by Article 2 of the EDPL, notice to the public of a public hearing shall be published “in at least five successive issues of an official daily newspaper if there is one designated in the locality where the project will be situated and in at least five successive issues of a daily newspaper of general circulation in such locality. If the official newspaper is one of general circulation in such locality, publication therein as specified shall be deemed sufficient compliance.” Attached hereto please find an Affidavit of Publication from The Journal News which clearly indicates publication of the Notice of Public Hearing was undertaken for five days from November 20, 2010 through November 24, 2010.

In addition, the County not only sent a copy of the notice of the Public Hearing by certified mail to the record property owner (Midtown Trackage Ventures, LLC) but also sent a courtesy copy by certified mail of the notice of Public Hearing to Mr. John LaFond of the MTA Metro-North Railroad (see copies attached). Notably, EDPL §202(C) provides: “Inadvertent failure to notify a person or persons entitled to notice under this section shall not be jurisdictional nor construed
January 11, 2011
Page 3

to affect the validity of any title acquired by a condemnor under this law.” Whether the MTA is a “person entitled to notice” has not been demonstrated. Additionally, there is no statutory requirement that notice be sent in any fashion other than by publication. These issues aside, the County provided the MTA with notice.

Further, it is my understanding that the County’s property rights specialist, Mr. Richard K. Hite, spoke with Mr. Benson Goodwyn of the MTA on November 17th and again on November 30th, to discuss the upcoming Public Hearing. I understand that Mr. Goodwyn was given my contact information at that time, but it was not until December 9th that I received a phone call from him regarding the Public Hearing. Mr. Hite also informed me that it was his understanding from his conversations with Mr. Goodwyn that the MTA planned to be in attendance at the December 6th Public Hearing.

Objection #3. The County has failed to adequately assess the environmental impacts of its Project with respect to its proposed acquisition of MTA’s property and its impact on MTA’s and Metro-North’s maintenance and operation of the commuter rail right of way and commuter rail service.

Response #3. The County more than adequately assessed the environmental impacts of this Project with respect to the proposed acquisition of property for which the MTA maintains a leasehold interest and also adequately assessed the impacts that the acquisition would have on the future maintenance and operation of the commuter rail right of way and commuter rail service. Initial environmental work began in early 2007 and four public informational meetings were held between October 2007 and April 2009. By letter dated April 21, 2008, signed by Karen Timco, Esq. Director, Environmental Compliance and Services of Metro-North, the County was advised that Metro-North had concurred with the designation of the County as Lead Agency for the Project. A copy of the letter is attached hereto.

On January 21, 2009, the County’s Board of Legislators, by Resolution No. 12-2009, classified the Project as a Type I action pursuant to the State Environmental Quality Review Act and its implementing regulations, 6 NYCRR Part 617 (“SEQRA”). A Full Environmental Assessment Form was prepared and a Negative Declaration was issued for the Project and notice of same was sent to, among others, Metro-North -- attention John LaFond, and the MTA -- attention Neil Mastropietro. Under the National Environmental Policy Act (“NEPA”), the Federal Highway Administration (“FHWA”) makes an environmental determination at the conclusion of preliminary design, before the authorization to enter into the detailed design phase is granted. Pursuant to NEPA, the Project was classified as a Type II Categorical Exclusion. In March 2010, the FHWA concurred with the NEPA designation and granted approval for Final Design to commence.

In addition, the County has met with Metro-North numerous times over the last three or more years and taken into consideration all of Metro-North’s concerns, particularly horizontal and vertical clearance. The County has even included as part of the bridge design a wider footprint for trains than the existing bridge provides which could accommodate a potential third track.
January 11, 2011
Page 4

Attached please find a copy of a letter dated January 28, 2008 from Mr. Richard Ramkeesoon, P.E., of Metro-North Railroad, wherein it is indicated that Metro-North took no exception to the six preliminary design alternatives.

Objection #4. The County’s proposed acquisition of MTA’s property is more than is necessary for the Project’s needs.

Response #4. The property that has been identified by the County as necessary for the Project was done so in conjunction with the NYSDOT and the FHWA during the preliminary design phase of the project. Due to the nature of the Project, the subject property will need to be acquired with either permanent or temporary easements. Attached are several maps depicting the proposed acquisitions. These maps detail the location, size and dimensions of the proposed acquisitions. The maps associated with the MTA leased property are Maps 5A, 5B, 6, and 7. The property depicted in Maps 5A, 5B and 6 are required for a permanent easement for construction and maintenance of the structure. The property depicted on Map 7 is required for a temporary easement for heavy equipment operation to remove the existing structure upon completion of construction of the new bridge as well as for a staging area during construction. The current structure is currently located on and occupies the property that is identified on Maps 5A, 5B and 6 and part of 7. The County is not seeking to acquire permanently anything more than it currently occupies.

I have been informed that, by letter dated September 17, 2010, NYSDOT notified the County that it is authorized to proceed with right-of-way acquisition phase of the Project.

Objection #5. The County’s proposed acquisition of MTA’s property violates Section 1266(8) of the NYS Public Authorities Law.

Response #5. Section 1266(8) of NYS Public Authorities Law provides:

“The authority may do all things it deems necessary, convenient or desirable to manage, control and direct the maintenance and operation of transportation facilities, equipment or real property operated by or under contract, lease or other arrangement with the authority and its subsidiaries…. Except as hereinafter specially provided, no municipality or political subdivision, including but not limited to a county, city, village, town or school or other district shall have jurisdiction over any facilities of the authority and its subsidiaries and New York city transit authority and its subsidiaries, or any of their activities or operations.”

First, it is important to note that the County is receiving Federal Aid Highway funds towards this Project. All public projects receiving federal funding are subject to the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, 42 USC 4601 et. seq. and the Code of Federal Regulations 49 CFR 24 and 23 CFR 710. The Project is also subject to the EDPL. NYSDOT has advised that the County must follow the EDPL or risk losing the federal funding for the Project. Second, the County does not intend to exercise jurisdiction over any of the MTA’s facilities, activities or operations. Throughout the
January 11, 2011
Page 5

entire process the County has involved Metro-North and MTA personnel in an effort to ensure that the Project proceeded without delay.

On a final note, it is the County’s hope that the County can continue to work together with MTA to not only achieve all of the goals of the Project, which will eliminate deficiencies in the existing bridge by making a wider and straighter structure that will ease traffic and increase both vehicle and pedestrian safety, but also to ensure that MTA interests are addressed, which the County has been endeavoring to do since the initial design phases of this Project.

Please do not hesitate to contact me at (914)995-4038.

Very truly yours,

Tami S. Altschiller
Sr. Assistant County Attorney

cc: Robert Meehan, County Attorney
    John Hsu, Commissioner of Public Works and Transportation
    Kevin Roseman, Traffic Engineer
    Susan Sarch, Esq. (Metro-North)
    Maurice Chapman, Esq. (MTA)
    Neil Mastropietro (MTA)
    Benson Goodwyn (MTA)
THIS AGREEMENT made this 1st day of July, 1924, by
and between THE NEW YORK CENTRAL RAILROAD COMPANY, hereinafter
called the Party of the First Part, and the BRONX PARKWAY COMMISSION, created by authority of an act of the Legislature of
the State of New York, Chapter 594 of the Laws of 1907, as
amended, hereinafter called the Party of the Second Part,

WITNESSETH, That the Party of the First Part, for and
in consideration of the sum of One (01.00) Dollar, to it paid
by the Party of the Second Part, the receipt whereof is hereby
acknowledged, hereby grants to the Party of the Second Part
the right to erect and maintain an overhead highway bridge to
carry the Bronx Parkway Drive over the tracks and right of way
of the Party of the First Part at a point about one-tenth (0.1)
of a mile north of Scarsdale Station, in the Village of Scarsdale,
County of Westchester, N. Y., and to be in conformity with the
blue print of plan hereto attached, entitled:

N.Y. & H.R.R.
Leased and Operated by
N.Y.C.R.R. Co.
Rensselaer and West
Electric Division

PROPOSED OVERHEAD CROSSING OF BRONX PARKWAY DRIVE
0.1 MILE NORTH OF SCARSDALE

Engineering Department,
Scale 1" = 50'

New York, February 20, 1924
Issue No.

(sgd) G. A. Moran
ENGINEER IN CHARGE CROSSING

ENGINEER OF CONSTRUCTION

-1-
and the further detailed plans and specifications which shall be
first approved by the Chief Engineer of the Party of the First Part.

The said overpass highway bridge is to be constructed and
maintained by the Party of the Second Part upon the following terms
and conditions:

**FIRST:** If either one of the parties hereto shall deem
it necessary to submit copies of the detailed plans for the structure
across the tracks and right of way of the Party of the First Part to
the Engineering Division of the Public Service Commission of the
State of New York for their inspection and examination, the Party
of the First Part hereby agrees to do so with the understanding
that such changes or modifications to said plans as shall be
recommended or required by the Chief Engineer of the Public Service
Commission shall be made by the Party of the Second Part subject
to the approval of the Chief Engineer of the Party of the First
Part.

**SECOND:** That the minimum vertical distance between the
top of rail of the Party of the First Part and the lowest part of
the span over the tracks and right of way of the Party of the
First Part shall be sixteen feet and six inches (16'-6").

**THIRD:** The span over the tracks and right of way of the
Party of the First Part shall be of sufficient length to cover the
present tracks and two additional tracks on the easterly side thereof,
and no piers, abutments, supports or approaches shall come nearer
than 9 feet, three inches (9'-3") from the center line of the
present or proposed future tracks as indicated on the plans
hereto attached.

-2-
FOURTH: That the said bridge and all piers, abutments, supports and approaches therefor or connected therewith shall be constructed in accordance with the attached plan and such further detailed plans and specifications as may be necessary, which shall be first approved by the Chief Engineer for the time being of the Party of the First Part. And the Party of the Second Part shall reimburse the Party of the First Part for the actual and necessary expense to which it may be put for checking such plans.

FIFTH: That the said bridge and all piers, abutments, supports and approaches therefor or connected therewith shall be constructed and thereafter removed, reconstructed, repaired, renewed and maintained in a manner which shall be at all times satisfactory to and under the supervision and control of the Chief Engineer for the time being of the Party of the First Part or such person or persons as he may appoint for that purpose, at the sole expense of the Party of the Second Part, in such manner as to interfere as little as possible with the premises, property and business of the Party of the First Part, and the Party of the Second Part shall at its own cost and expense restore the premises of the Party of the First Part to the same or as good a condition as they were in prior to the construction, removal, reconstruction, repair, renewal or maintenance of said bridge. And the Party of the Second Part shall reimburse the Party of the First Part for the cost of any watchmen, inspectors or others whom the Chief Engineer for the time being of the Party of the First Part may deem necessary to protect the premises, property and business of the Party of the First Part during the
construction, removal, reconstruction, repair, renewal or maintenance of said bridge, and all piers, abutments, supports and approaches thereto and connected therewith.

SIXTH: That the Party of the Second Part covenants and agrees to keep, abide by and perform all the terms and provisions hereof, and shall and will at all times indemnify and save the Party of the First Part of and from all loss and damage which may happen or arise or be done, incurred or caused by reason of the construction, removal, reconstruction, repair, renewal, maintenance or use of said bridge, as aforesaid.

SEVENTH: That the Party of the First Part shall not in any case be liable to the Party of the Second Part, or to the contractors, agents or other servants of the Party of the Second Part, or to agents or servants of any such contractors, for any injury or damage to the person or property of any of the contractors, agents or servants of the Party of the Second Part, or to the agents or servants of any such contractors, which may happen or be done or caused by or by reason of the construction, removal, reconstruction, repair, renewal, maintenance or use of said bridge.

EIGHTH: The Party of the Second Part shall and will indemnify and save harmless the Party of the First Part, its successors and assigns, of and from all damages and claims for damages, demands, suits, recovering, judgments or executions, which may arise or be made, and, brought or recovered by reason of or on account of any injuries or damage, and the Party of the Second Part also covenants and agrees to indemnify and save harmless the Party
of the First Part, its agents, servants and passengers of and from all loss, injury or damage to the Party of the First Part, its agents, servants or passengers which may happen to be done or caused by reason of the construction, removal, reconstruction, repair, renewal, maintenance or use thereof.

NINTH: It is understood and agreed by and between the parties hereto that the Commissioners constituting the Party of the Second Part are acting in a representative capacity and not for their own benefit, and that no liability shall attach to them as individuals by reason of this agreement.

TENTH: The Party of the Second Part covenants and agrees to pay the entire cost and expense of any necessary changes in, or protection to, the telegraph, telephone, power transmission, or signal lines of the Party of the First Part and does hereby assume all injuries or damages to the said telegraph, telephone, power transmission or signal lines which may be caused or done by, or by reason of the construction, removal, reconstruction, repair, renewal maintenance or use of said bridge.

ELEVENTH: It is understood and agreed by and between the parties that the Party of the First Part shall have the right to erect, maintain and operate at its own cost and expense, on the said bridge, if and when it may become necessary in the judgment of the Chief Engineer for the time being of the Party of the First Part, such signals and signalling appliances as may be mutually agreed upon, and upon plans acceptable to the Party of the Second Part.

TWELFTH: The covenants and agreements herein contained
shall be binding upon and inure to the benefit of the successors and
assigns of the parties hereto respectively.

IN WITNESS WHEREOF, the parties hereto have duly executed
this instrument in duplicate, the day and year first above written.

(SEAL)  THE NEW YORK CENTRAL RAILROAD COMPANY
          By (sgd) P. B. Crowley
          President.

OK (sgd) GHW
(sgd) ASL
(sgd) MAH
(sgd) GWR
(sgd) WJP

(SEAL)  THE BRONX PARKWAY COMMISSION
          By (sgd) William W. Miles
          Vice President.

Attest:
(sgd) Jay Becker
Secretary.

APPROVED AS TO FORM, JULY 1, 1924.
(sgd) Theodosia Stevens
Counsel to the Bronx Parkway Commission.

(sgd) L. G. H.

(Acknowledgments, William W. Miles and P. B. Crowley, follow)
AFFIDAVIT OF PUBLICATION
FROM
The Journal News

Florance Bonilla

being duly sworn says that he/she is the principal clerk of The Journal News, a newspaper published in the County of Westchester and State of New York, and the notice of which the annexed is a printed copy, was published in the newspaper area(s) on the date(s) below:

Note: the code to the left of the run dates indicates the zone(s) that the ad was published. (See legend below)

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Signed

 sworn to before me

his 9th day of December 20

Julia Kyle

Notary Public, Westchester County

Legend:
- Northern Area (AN): Armonk, Baldwin Place, Bedford, Bedford Hills, Briarcliff Manor, Buchanan, Chappaqua, Croton, Cross River, Croton Falls, Croton on Hudson, Goldens Bridge, Rye, Purchase, Port Chester, Rye, Harrison, Manhasset, Larchmont, New Rochelle, Pelham
- White Plains Express (XWP): Elmsford, Hawthorne, Valhalla, White Plains
- Yorktown and Cortlandt Express (YX): Yorktown Heights
- Northern Westchester Express (XNW): Armonk, Bedford, Bedford Hills, Briarcliff Manor, Chappaqua, Cross River, Goldens Bridge, Katonah, Millwood, Mount Kisco, North Salem, Pleasantville, Purchase, Port Chester, Rye, Purchase, Pelham, Tuckahoe, Westchester
- Rockland Express (XBR): Blauvelt, Congers, Garnerville, Haverstraw, Hillburn, Monsey, Nanuet, New City, Nyack, Orangeburg, Pearl River, Piermont, Pomona, Sparkill, Spring Valley, Tappan, Thiells, Tomkins Cove, Stormville, Stony Point
- LoHud Express Putnam (LHPN): Baldwin Place, Brewster, Carmel, Cold Spring, Garrison, Lake Peekskill, Mahopac, Putnam Valley, Patterson
- LoHud Express Rivertowns (LHT): Ardsley, Dobbs Ferry, Hastings, Irvington, Tarrytown
- LoHud Express Yonkers/Mount Vernon (LHYM): Mount Vernon, Yonkers
NOTICE OF PUBLIC HEARING
PURSUANT TO
EMINENT DOMAIN
PROCEDURE LAW
SECTION 202

PLEASE TAKE NOTICE that in accordance with New York Eminent Domain Procedure Law, SECTION 202, notice is hereby given of a public hearing regarding the proposed public project (PIN 8116.13) to reconstruct the Bronx River Parkway at Crane Road within the Village of Scarsdale, Westchester County, New York will be held in the Board of Legislators Chambers, Room 306, Municipal Office Building, 148 Martine Avenue, White Plains, New York 10601, on the 5th day of December, 2010 at 7:30 p.m. The purpose of this hearing is to outline the project's purpose, proposed location and alternate locations, if any, and to present other pertinent information, including maps and property descriptions of the properties to be acquired and adjacent parcels.

Persons may appear in person or by agent and will be given the opportunity to present oral or written statements and to submit other documents or information concerning the proposed project.

Tina Scozzafava
CLERK OF THE COUNTY BOARD OF LEGISLATORS, WESTCHESTER COUNTY, NEW YORK

Dated: White Plains, New York
November 16, 2010
November 17, 2010

CERTIFIED MAIL,
RETURN RECEIPT REQUESTED

John LaFond
MTA Metro-North Railroad
420 Lexington Ave., 11th Floor
New York, New York 10017

Re: PIN 8110.13; Bronx River Parkway at Crane Road Reconstruction
Village of Scarsdale, Westchester County, New York

Dear Mr. LaFond:

PLEASE TAKE NOTICE that in accordance with New York Eminent Domain Procedure Law, §202, notice is hereby given of a public hearing regarding the proposed public project (PIN 8110.13) to reconstruct the Bronx River Parkway at Crane Road within the Village of Scarsdale, Westchester County, New York will be held in the Board of Legislators Chambers, Room 800, Michaelian Office Building, 148 Martine Avenue, White Plains, New York 10601, on the 6th day of December, 2010 at 7:30 p.m.

The purpose of this hearing is to outline the project’s purpose, proposed location and alternate locations, if any, and to present other pertinent information, including maps and property descriptions of the properties to be acquired and adjacent parcels.

Persons may appear in person or by agent and will be given the opportunity to present oral or written statements and to submit other documents or information concerning the proposed project.

Those property owners who may subsequently wish to challenge condemnation of their property via judicial review may do so only on the basis of issues, facts, and objections raised at such hearing.

Sincerely,

Tina Seckerson
Clerk of the Board of Legislators
County of Westchester
Certified Mail Provides:
- A mailing receipt
- A unique identifier for your mailpiece
- A record of delivery kept by the Postal Service for two years

Important Reminders:
- Certified Mail may ONLY be combined with First-Class Mail, or Priority Mail.
- Certified Mail is not available for any class of international mail.
- NO INSURANCE COVERAGE IS PROVIDED with Certified Mail. For valuables, please consider Insured or Registered Mail.
- For additional fees, a Return Receipt may be requested to provide proof of delivery. To obtain Return Receipt service, please complete and attach a Return Receipt (PS Form 3811) to the article and add applicable postage to cover the fee. Endorse mailpiece "Return Receipt Requested." To receive a fee waiver for a duplicate return receipt, a USPS Postmark on your Certified Mail receipt is required.
- For an additional fee, delivery may be restricted to the address or address's authorized agent. Advise the clerk or mark the mailpiece with the endorsement "Restricted Delivery."
- If a postmark on the Certified Mail receipt is desired, please present this article at the post office for postmarking. If a postmark on the Certified Mail receipt is not needed, detach and affix label with postage and mail.

IMPORTANT: Save this receipt and present it when making an inquiry. Internet access to delivery information is not available on mail addressed to APOs and FPOs.
CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Bertrand Amezgua
Vice President
Midtown Trackage Ventures, LLC.
551 Fifth Avenue
New York, New York 10176

Re: PIN 8110.13; Bronx River Parkway at Crane Road Reconstruction
Village of Scarsdale, Westchester County, New York

Dear Mr. Amezgua:

PLEASE TAKE NOTICE that in accordance with New York Eminent Domain Procedure Law, §202, notice is hereby given of a public hearing regarding the proposed public project (PIN 8110.13) to reconstruct the Bronx River Parkway at Crane Road within the Village of Scarsdale, Westchester County, New York will be held in the Board of Legislators Chambers, Room 800, Michaelian Office Building, 148 Martine Avenue, White Plains, New York 10601, on the 6th day of December, 2010 at 7:30 p.m.

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Persons may appear in person or by agent and will be given the opportunity to present oral or written statements and to submit other documents or information concerning the proposed project.

Those property owners who may subsequently wish to challenge condemnation of their property via judicial review may do so only on the basis of issues, facts, and objections raised at such hearing.

Sincerely,

Tina Seckerson
Clerk of the Board of Legislators
County of Westchester

Tel: (914) 995-2823 • Fax: (914) 995-3884 • E-mail: TinaS@westchesterlegislators.com

800 Michaelian Office Bldg., 148 Martine Avenue, White Plains, N.Y. 10601 • www.westchesterlegislators.com • 914.995.2890 (main voice)
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IMPORTANT: Save this receipt and present it when making an inquiry. Internet access to delivery information is not available on mail addressed to APOs and FPOs.
Attachment #4
April 21, 2008

Gerard Mulligan
Commissioner of Planning
Westchester County Department of Planning
Room 432, 148 Martine Avenue
White Plains, NY 10606

Re: Reconstruction/Replacement of Crane Road Bridge

Dear Commissioner Mulligan:

Attached please find Metro-North’s concurrence with the designation of the County of Westchester as Lead agency for the above referenced project.

Metro-North requests that the Metropolitan Transportation Authority and Metro-North Commuter Railroad Company be listed as Involved Agencies as their approval will be required with respect to construction over the railroad right of way. Metro-North will work with the County to determine how best to proceed with respect to preparation of an Entry Permit for the construction and any other necessary documents.

Please add the following to the list of Involved Agencies:

Metro-North Commuter Railroad Company
Attn: John P. LaFond
420 Lexington Avenue, 11th Floor
New York, NY 10017

Metropolitan Transportation Authority
Attn: Neil Mastropietro
347 Madison Avenue, 8th Floor
New York, NY 10017

For future reference, Mr. LaFond’s telephone number is 212 499 4462 and Mr. Mastropietro’s telephone number is 212 878 7455
Very truly yours,

Karen L. Timko, Esq.
Director, Environmental Compliance and Services

CC: N. Matropietro w/attach
    R. Ramkeeesoon "
    J. LaFond "
    J. Kennard "
    M. Mannix "
STATE ENVIRONMENTAL QUALITY REVIEW
LEAD AGENCY RESPONSE FORM

RESPONSE DEADLINE: March 3, 2008

TO: WESTCHESTER COUNTY BOARD OF LEGISLATORS
   ATTN: GERARD MULLIGAN, COMMISSIONER OF PLANNING

PROJECT: ESTABLISHMENT OF LEAD AGENCY FOR RECONSTRUCTION/
          REPLACEMENT OF CRANE ROAD BRIDGE

The [METRO-NORTH RAILROAD] (name of agency)
   concurs with the designation of the County of Westchester as lead agency for the above-referenced project.
   objects to the designation of the County of Westchester as lead agency for the above-referenced project.

Comments, if any:
SEE ATTACHED LETTER

Signature: [Signature] Date: 4/5/08

Print Name and Title: KAREN TIMKO
   DIRECTOR, ENVIRONMENTAL COMPLIANCE AND SERVICES

RETURN TO: Westchester County Department of Planning
           Room 432, 148 Martine Ave, White Plains, NY 10601
           FAX (914) 995-3780
January 28, 2008

Russell Tomer, P.E.
Civil Engineer
50 West 23rd Street
New York, NY 10010
FAX: 212 366 5629

RE: Reconstruction/Replacement of Crane Road Bridge HA MP 19.11

Attention: Mr. Tomer

Concerning the above project, Metro-North takes no exception to the six preliminary design alternatives. Maintain or improve the existing vertical and horizontal clearances as suggested by Stantec and shown in the design alternatives.

Should you have any questions, please contact me at Ramkeesoon@mnr.org or (212) 499 4460.

Sincerely,

[Signature]

Richard Ramkeesoon, P.E.
Sr. Construction Engineer

cc: D. Melillo, J. LaFond, J. Kennard, G. Baum
Attachment #6
THE PROJECT BASELINE IS A PORTION OF A 2008 SURVEY BASELINE ESTABLISHED BY THE DEPARTMENT OF PUBLIC WORKS - DIVISION OF ENGINEERING, COUNTY OF WESTCHESTER, STATE OF NEW YORK.

ALL COORDINATES, BEARINGS AND DISTANCES ARE REFERENCED TO THE NEW YORK STATE PLANE COORDINATE SYSTEM OF 1983-1996 (NAD 83-96), NEW YORK EAST ZONE 3101.

ALL ELEVATIONS REFER TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 88).
LEGAL DESCRIPTION:

All that piece or parcel of land designated Parcel 1A as shown on the accompanying Map No. 1A; being Lot 6 in tax Block 6, Section 2, as shown on the Tax Map of the Town of Scarsdale, situated in the Village of Scarsdale, County of Westchester, State of New York, and more specifically described below:

PARCEL NO. 1A (Fee)

Commencing at the corner formed by the intersection of the easterly line of Bronx River Parkway (width varies) with the northwesterly side of Crane Road (41 feet wide), said point having North American Datum of 1983-1986 (NAD 83/86) New York East Zone coordinates of N 767015.3145, E 683395.4227;

Thence running North 72 degrees 63 minutes 58.6 seconds West, a distance of 98.995 feet to a point;

Thence running along a curve bearing to the left having a radius of 2208.01 feet and a central angle of 02 degrees 30 minutes 04.3 seconds, an arc distance of 98.301 feet (Chord bearing of South 13 degrees 35 minutes 06.0 seconds West and Chord distance of 96.294 feet) to a point;

Thence running South 65 degrees 07 minutes 04.3 seconds West, a distance of 137.51 feet to the Place and Point of Beginning, said point having North American Datum of 1983-1986 (NAD 83/86) New York East Zone coordinates of N 768582.9958, E 683116.4420;

Thence running along a curve bearing to the left having a radius of 2317.01 feet and a central angle of 01 degrees 16 minutes 26.0 seconds, an arc distance of 52.865 feet (Chord bearing of South 06 degrees 37 minutes 25.3 seconds West and Chord distance of 52.862 feet) to a point of tangent;

Thence running South 08 degrees 58 minutes 12.3 seconds West, a distance of 109.40 feet to a point;

Thence running North 81 degrees 01 minutes 47.7 seconds West, a distance of 16.000 feet to a point;

Thence running North 06 degrees 56 minutes 12.3 seconds East, a distance of 109.40 feet to a point of curvature;

Thence running along a curve bearing to the right having a radius of 2333.01 feet and a central angle of 01 degrees 01 minutes 51.3 seconds, an arc distance of 41.977 feet (Chord bearing of North 09 degrees 29 minutes 08.0 seconds East and Chord distance of 41.977 feet) to a point of tangent;

Thence running North 65 degrees 07 minutes 04.3 seconds East, a distance of 16.537 feet to the Place and Point of Beginning.

Containing 2509.07 square feet or 0.0576 acre.

UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP BEARING A LICENSED SURVEYOR’S SEAL IS A VIOLATION OF SECTION 7209 SUBDIVISION 2 OF THE NEW YORK STATE EDUCATION LAW

I HEREBY CERTIFY THAT THE PROPERTY DESCRIBED AND MAPPED ABOVE IS NECESSARY FOR THIS PROJECT AND THE ACQUISITION THEREOF IS RECOMMENDED

DATE: ____________________

JOHN J. HSU, PE
COMMISSIONER
WESTCHESTER COUNTY
DEPARTMENT OF PUBLIC WORKS

DATE: ____________________

ROBERT P. ASTORINO
COUNTY EXECUTIVE
WESTCHESTER COUNTY

STANTEC CONSULTING SERVICES, INC.
I HEREBY CERTIFY THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH CURRENT NYS DOT POLICIES, STANDARDS AND PROCEDURES.

DATE: ____________________

KENNETH J. STIGNER, LAND SURVEYOR
L.S. LICENSE NO. 49824
LEGAL DESCRIPTION:

All that piece or parcel of land designated Parcel 1B as shown on the accompanying Map No. 1B; being a portion of tax lot 7 in tax block 6, Section 2, as shown on the Tax Map of the Town of Scarsdale, situated in the Village of Scarsdale, County of Westchester, State of New York, and more specifically described below:

PARCEL NO. 1B (FEE)

Commencing at the corner formed by the intersection of the easterly line of Bronx River Parkway (width varies) with the northeasterly side of Crane Road (41 feet wide), said point having North American Datum of 1983-1986 (NAD 83-96) New York East Zone coordinates of N 757015.3146, E 663556.4227;

Thence running North 72 degrees 33 minutes 58.6 seconds West, a distance of 96.993 feet to a point;

Thence running along a curve bearing to the left having a radius of 6284.51 feet and a central angle of 00 degrees 36 minutes 07.0 seconds, an arc distance of 216.970 feet (Chord bearing of North 12 degrees 01 minutes 21.5 seconds East and Chord distance of 219.853 feet) to the Point of Beginning, said point having North American Datum of 1983-1996 (NAD 83-96) New York East Zone coordinates of N 756932.2504, E 663218.6461;

Thence running North 82 degrees 16 minutes 16.1 seconds West, a distance of 43.089 feet to a point,

Thence running South 53 degrees 00 minutes 27.4 seconds West, a distance of 41.357 feet to a point;

Thence running North 08 degrees 50 minutes 53.3 seconds East, a distance of 100.360 feet to a point,

Thence running North 65 degrees 07 minutes 04.4 seconds East, a distance of 91.305 feet to a point,

Thence running along a curve bearing to the left having a radius of 2206.01 feet and a central angle of 03 degrees 08 minutes 02.72 seconds, an arc distance of 120.669 feet (Chord bearing of South 10 degrees 46 minutes 03.9 seconds West and Chord distance of 120.654 feet) to the Place and Point of Beginning.

Containing 7391.47 square feet or 0.1697 acre.

UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP BEARING A LICENSED SURVEYOR'S SEAL IS A VIOLATION OF SECTION 7209 SUBDIVISION 2 OF THE NEW YORK STATE EDUCATION LAW

I HEREBY CERTIFY THAT THE PROPERTY DESCRIBED AND MAPPED ABOVE IS NECESSARY FOR THIS PROJECT AND THE ACQUISITION THEREOF IS RECOMMENDED

DATE: ____________________________

JOHN J. HSU, PE
COMMISSIONER
WESTCHESTER COUNTY
DEPARTMENT OF PUBLIC WORKS

DATE: ____________________________

ROBERT P. ASTORINO
COUNTY EXECUTIVE
WESTCHESTER COUNTY

STANZEC CONSULTING SERVICES, INC.
I HEREBY CERTIFY THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH CURRENT NYS DOT POLICIES, STANDARDS AND PROCEDURES.

DATE: ____________________________

KENNETH J. STIGER, LAND SURVEYOR
L.S. LICENSE NO. 49824
LEGAL DESCRIPTION

A Permanent Easement to be exercised in, on and over the property delineated above for the purposes of constructing, reconstructing and maintaining therein a County Highway, together with such bridges and other facilities in connection therewith as may deemed necessary by the County Commissioner of Public Works in connection with P.I.N. 8110.13, Replacement of Bronx River Parkway Bridges (at Crane Road) over Bronx River (BIN 3346770); Metro-North Railroad (BIN 3346789) in the Village of Scarsdale to be exercised in and to all that piece or parcel of land designated Parcel 2 as shown on the accompanying Map No. 2, being a portion of tax lot 500 in tax block 4, Section 2, as shown on the Tax Map of the Town of Scarsdale, being a portion of Parcel 12 as shown on a subdivision map dated August 22, 2005 and recorded in the office of the Clerk of the County of Westchester on October 27, 2005 as Map No. 27696, situated in the Village of Scarsdale, County of Westchester, State of New York, and more specifically described below:

PARCEL NO. 2 (PERMANENT EASEMENT FOR HIGHWAY PURPOSES)

Commencing at the corner formed by the intersection of the easterly line of Bronx River Parkway (width varies) with the northerly side of Crane Road (41 feet wide), said point having North American Datum of 1983-1991 (NAD 83-91) New York East Zone coordinates of N 767015.3146, E 863355.4227;

Then running North 72 degrees 53 minutes 56.6 seconds West, a distance of 98.993 feet to a point,

Then running along a curve bearing to the left having a radius of 2206.01 feet and a central angle of 02 degrees 30 minutes 04.3 seconds, an arc distance of 96.301 feet (Chord bearing of South 13 degrees 35 minutes 00.0 seconds West and Chord distance of 96.294 feet) to a point,

Then running South 65 degrees 07 minutes 04.3 seconds West, a distance of 91.305 feet to the Place and Point of Beginning, said point having North American Datum of 1983-1991 (NAD 83-91) New York East Zone coordinates of N 766912.4069, E 863156.3686;

Then running South 08 degrees 50 minutes 53.3 seconds West, a distance of 100.398 feet to a point,

Then running South 53 degrees 00 minutes 27.3 seconds West, a distance of 56.377 feet to a point,

Then running North 08 degrees 58 minutes 12.3 seconds East, a distance of 62.329 feet to a point of curvature,

Then running along a curve bearing to the right having a radius of 2317.21 feet and a central angle of 01 degrees 16 minutes 26.0 seconds, an arc distance of 52.963 feet (Chord bearing of North 09 degrees 37 minutes 25.3 seconds East and Chord distance of 52.861 feet) to a point of tangent,

Then running North 65 degrees 07 minutes 04.3 seconds East, a distance of 48.2056 feet to the Place and Point of Beginning.

Containing 4197.05 square feet or 0.9664 acre.

UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP BEARING A LICENSED SURVEYOR’S SEAL IS A VIOLATION OF SECTION 7209 SUBDIVISION 2 OF THE NEW YORK STATE EDUCATION LAW

I HEREBY CERTIFY THAT THE PROPERTY DESCRIBED AND MAPPED ABOVE IS NECESSARY FOR THIS PROJECT AND THE ACQUISITION THEREOF IS RECOMMENDED

DATE: _______________________

JOHN J. HSU, PE
COMMISSIONER
WESTCHESTER COUNTY
DEPARTMENT OF PUBLIC WORKS

DATE: _______________________

ROBERT P. ASTORINO
COUNTY EXECUTIVE
WESTCHESTER COUNTY

STANLEY CONSULTING SERVICES, INC.
I HEREBY CERTIFY THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH CURRENT NYSDOT POLICIES, STANDARDS AND PROCEDURES.

DATE: _______________________

KENNETH J. STIGNER, LAND SURVEYOR
L.S. LICENSE NO. 49824
LEGAL DESCRIPTION:

All that piece or parcel of land designated Parcel 4 as shown on the accompanying Map No. 4 being a portion of the bed of the Existing Bronx River Parkway adjacent to tax Lot 7 in tax Block 6, Section 2, as shown on the Tax Map of the Town of Scarsdale, situated in the Village of Scarsdale, County of Westchester, State of New York, and more specifically described below:

PARCEL NO. 4 (FEE)

Beginning at the corner formed by the intersection of the easterly line of Bronx River Parkway (width varies) with the northerly side of Crane Road (41 feet wide), said point having North American Datum of 1883-1996 New York East Zone coordinates of N 787015.3145, E 663988.4227;

Then run along a curve bearing to the right having a radius of 794.720 feet and a central angle of 07 degrees 54 minutes 46.2 seconds, an arcdistance of 109.707 feet (Chord bearing of South 45 degrees 03 minutes 34.4 seconds West and Chord distance of 109.880 feet) to a point.

Thence running along a curve bearing to the left having a radius of 152.250 feet and a central angle of 25 degrees 22 minutes 45.6 seconds, an arcdistance of 67.440 feet (Chord bearing of South 36 degrees 15 minutes 06.4 seconds West and Chord distance of 66.890 feet) to a point.

Thence running South 23 degrees 38 minutes 16.4 seconds West, a distance of 56.331 feet to a point.

Thence running along a curve bearing to the right having a radius of 2306.01 feet and a central angle of 05 degrees 33 minutes 07.0 seconds, an arcdistance of 216.970 feet (Chord bearing of North 12 degrees 01 minutes 05.5 seconds East and Chord distance of 216.883 feet) to a point.

Thence running South 72 degrees 53 minutes 56.6 seconds East, a distance of 98.993 feet to the Place and Point of Beginning.

Containing 8940.38 square feet or 0.2054 acre.

UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP BEARING A LICENSED SURVEYOR'S SEAL IS A VIOLATION OF SECTION 7209 SUBDIVISION 2 OF THE NEW YORK STATE EDUCATION LAW

I HEREBY CERTIFY THAT THE PROPERTY DESCRIBED AND MAPPED ABOVE IS NECESSARY FOR THIS PROJECT AND THE ACQUISITION THEREOF IS RECOMMENDED

DATE: ________________________

JOHN J. HSU, PE
COMMISSIONER
WESTCHESTER COUNTY
DEPARTMENT OF PUBLIC WORKS

DATE: ________________________

ROBERT P. ASTORINO
COUNTY EXECUTIVE
WESTCHESTER COUNTY

STANTEC CONSULTING SERVICES, INC.
I HEREBY CERTIFY THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH CURRENT NYS DOT POLICIES, STANDARDS AND PROCEDURES.

DATE: ________________________

KENNETH J. STIGNER, LAND SURVEYOR
L.S. LICENSE NO. 49824
LEGAL DESCRIPTION:

A Permanent Easement to be exercised in, on and over the property delineated above for the purposes of the demolishing of the existing bridge supporting the bed of the Bronx River Parkway over the Metro-North Railroad Harlem Line tracks and the constructing, reconstructing and maintaining therein a County Highway, together with such bridges and other facilities in connection therewith as may deemed necessary by the County Commissioner of Public Works in connection with P.I.N. 8110.13, Replacement of Bronx River Parkway Bridges (at Crane Road) over Bronx River (BIN 3348779); Metro-North Railroad (BIN 3348789) in the Village of Scarsdale to be exercised in and to all that piece or parcel of land designated Parcel 5A as shown on the accompanying Map No. 5A, being a portion of the bed of Bronx River Parkway adjacent to tax Lot 6 in tax Block 6, Section 2, as shown on the Tax Map of the Village of Scarsdale, situated in the Village of Scarsdale, County of Westchester, State of New York, and more specifically described below:

PARCEL NO. 5A (PERMANENT EASEMENT FOR HIGHWAY PURPOSES)

Commencing at the corner formed by the intersection of the easterly line of Bronx River Parkway (width varies) with the northerly side of Crane Road (41 feet wide), said point having North American Datum of 1983-1996 (NAD 83-96) New York East Zone coordinates of N 787015.3145, E 683308.4227;

Thence running North 72 degrees 53 minutes 58.6 seconds West, a distance of 98.993 feet to a point,

Thence running along a curve bearing to the left having a radius of 2206.01 feet and a central angle of 02 degrees 30 minutes 04.3 seconds, an arc distance of 96.301 feet (Chord bearing of South 13 degrees 35 minutes 06.0 seconds West and Chord distance of 96.294 feet) to a point,

Thence running South 65 degrees 07 minutes 04.3 seconds West, a distance of 137.510 feet to the Place and Point of Beginning, said point having North American Datum of 1983-1996 (NAD 83-96) New York East Zone coordinates of N 786692.6658, E 683116.4420;

Thence running South 65 degrees 07 minutes 04.3 seconds West, a distance of 19.637 feet to a point,

Thence running North 10 degrees 03 minutes 26.2 seconds East, a distance of 4.993 feet to a point,

Thence running North 52 degrees 58 minutes 04.3 seconds East, a distance of 23.391 feet to a point,

Thence running South 68 degrees 34 minutes 31.8 seconds West, a distance of 10.520 feet to the Place and Point of Beginning.

Containing 121.29 square feet or 0.0028 acre.

UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP BEARING A LICENSED SURVEYOR'S SEAL IS A VIOLATION OF SECTION 7209 SUBDIVISION 2 OF THE NEW YORK STATE EDUCATION LAW

I HEREBY CERTIFY THAT THE PROPERTY DESCRIBED AND MAPPED ABOVE IS NECESSARY FOR THIS PROJECT AND THE ACQUISITION THEREOF IS RECOMMENDED

DATE: ____________________________

JOHN J. HSU, PE
COMMISSIONER
WESTCHESTER COUNTY
DEPARTMENT OF PUBLIC WORKS

DATE: ____________________________

STANTED CONSULTING SERVICES, INC.
I HEREBY CERTIFY THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH CURRENT NYS DOT POLICIES, STANDARDS AND PROCEDURES.

DATE: ____________________________

KENNETH J. STIGNER, LAND SURVEYOR
L.S. LICENSE NO. 49824

ROBERT P. ASTORINO
COUNTY EXECUTIVE
WESTCHESTER COUNTY
LEGAL DESCRIPTION:

A Permanent Easement to be exercised in, on and over the property delineated above for the purposes of the demolishing of the existing bridge supporting the bed of the Bronx River Parkway over the Metro-North Railroad Harlem Line tracks and the constructing, reconstructing and maintaining therein a County Highway, together with such bridges and other facilities in connection therewith as may deemed necessary by the County Commissioner of Public Works in connection with P.I.N. 6110.13, Replacement of Bronx River Parkway Bridges (at Crane Road) over Bronx River (BIN 3346779); Metro-North Railroad (BIN 3346769) in the Village of Scarsdale to be erected in and to all that piece or parcel of land designated Parcel 5B as shown on the accompanying Map No. 5B; being a portion of the bed of Bronx River Parkway adjacent to tax Lot 7 in tax Block 6, Section 2, as shown on the Tax Map of the Town of Scarsdale, situated in the Village of Scarsdale, County of Westchester, State of New York, and more specifically described below:

PARCEL NO. 5B (PERMANENT EASEMENT FOR HIGHWAY PURPOSES)

Commencing at the corner formed by the intersection of the easterly line of Bronx River Parkway (width varies) with the northerly side of Crane Road (41 feet wide), said point having North American Datum of 1983-1996 (NAD 83-96) New York East Zone coordinates of N 787015.3145, E 68358.4227;

Then running North 72 degrees 53 minutes 56.6 seconds West, a distance of 98.993 feet to a point;

Then runing along a curve bearing to the left having a radius of 2200.01 feet and a central angle of 01 degrees 02 minutes 11.3 seconds, an arc distance of 36.906 feet (Chord bearing of South 14 degrees 19 minutes 32.5 seconds West and Chord distance of 36.906 feet) to the Place and Point of Beginning, said point having North American Datum of 1983-1996 (NAD 83-96) New York East Zone coordinates of N 787006.7586, E 683253.9375;

Then runing along a curve bearing to the left having a radius of 2206.01 feet and a central angle of 01 degrees 27 minutes 53.0 seconds, an arc distance of 56.395 feet (Chord bearing of South 13 degrees 04 minutes 00.4 seconds West and Chord distance of 56.394 feet) to a point,

Then runing South 65 degrees 07 minutes 04.3 seconds West, a distance of 60.753 feet to a point,

Then runing North 09 degrees 33 minutes 56.5 seconds East, a distance of 34.035 feet to a point,

Then runing North 52 degrees 58 minutes 04.3 seconds East, a distance of 77.936 feet to the Place and Point of Beginning.

Containing 2285.57 square feet or 0.0518 acre.

UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP BEARING A LICENSED SURVEYOR'S SEAL IS A VIOLATION OF SECTION 7209 SUBDIVISION 2 OF THE NEW YORK STATE EDUCATION LAW

I HEREBY CERTIFY THAT THE PROPERTY DESCRIBED AND MAPPED ABOVE IS NECESSARY FOR THIS PROJECT AND THE ACQUISITION THEREOF IS RECOMMENDED

DATE: ____________________________

JOHN J. HSU, PE
COMMISSIONER
WESTCHESTER COUNTY
DEPARTMENT OF PUBLIC WORKS

DATE: ____________________________

ROBERT P. ASTORINO
COUNTY EXECUTIVE
WESTCHESTER COUNTY

STANTEC CONSULTING SERVICES, INC.
I HEREBY CERTIFY THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH CURRENT NYS DOT POLICIES, STANDARDS AND PROCEDURES.

DATE: ____________________________

KENNETH J. STIGNER, LAND SURVEYOR
L.S. LICENSE NO. 49824
LEGAL DESCRIPTION

A Permanent Easement to be exercised in, on and over the property delineated above for the purposes of the demolishing of the existing bridge supporting the bed of the Bronx River Parkway over the Metro-North Railroad Harsen Line tracks and the constructing, reconstructing and maintaining therein a County Highway, together with such bridges and other facilities in connection therewith as may deemed necessary by the County Commissioner of Public Works in connection with P.I.N. 8110.13, Replacement of Bronx River Parkway Bridges (at Crane Road) over Bronx River (BIN 3346779); Metro-North Railroad (BIN 3346786) In the Village of Scarsdale to be exercised in and to all that piece or parcel of land designated Parcel 6 as shown on the accompanying Map No. 6 being a portion of the bed of Bronx River Parkway Drive adjacent to tax Lot 7 & 500 in tax Block 8, Section 2, as shown on the Tax Map of the Village of Scarsdale, situated in the Village of Scarsdale, County of Westchester, State of New York, and more specifically described below:

PARCEL NO. 6 (PERMANENT EASEMENT FOR HIGHWAY PURPOSES)

Commencing at the corner formed by the intersection of the easterly line of Bronx River Parkway (width varies) with the northerly side of Crane Road (41 feet wide), said point having North American Datum of 1983-1996 (NAD 83-96) New York East Zone coordinates of N 767016.3145, E 603556.4227;

Thence running North 72 degrees 53 minutes 56.6 seconds West, a distance of 98.993 feet to a point,

Thence running along a curve bearing to the left having a radius of 2206.01 feet and a central angle of 01 degrees 02 minutes 11.3 seconds, an arc distance of 39.906 feet (Chord bearing of South 14 degrees 19 minutes 02.5 seconds West and Chord distance of 39.906 feet) to a point,

Thence running South 52 degrees 58 minutes 04.3 seconds West, a distance of 77.938 feet to the Place and Point of Beginning, said point having North American Datum of 1983-1996 (NAD 83-96) New York East Zone coordinates of N 766968.8187, E 603191.7211;

Thence running South 09 degrees 33 minutes 58.3 seconds West, a distance of 34.035 feet to a point,

Thence running South 65 degrees 07 minutes 04.3 seconds West, a distance of 78.747 feet to a point,

Thence running North 09 degrees 34 minutes 01.6 seconds East, a distance of 10.526 feet to a point,

Thence running North 52 degrees 58 minutes 04.3 seconds East, a distance of 92.108 feet to the Place and Point of Beginning.

Containing 1410.08 square feet or 0.0324 acre.

UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP BEARING A LICENSED SURVEYOR'S SEAL IS A VIOLATION OF SECTION 7209 SUBDIVISION 2 OF THE NEW YORK STATE EDUCATION LAW

I HEREBY CERTIFY THAT THE PROPERTY DESCRIBED AND MAPPED ABOVE IS NECESSARY FOR THIS PROJECT AND THE ACQUISITION THEREOF IS RECOMMENDED

DATE: ______________________

JOHN J. HSU, PE
COMMISSIONER
WESTCHESTER COUNTY
DEPARTMENT OF PUBLIC WORKS

DATE: ______________________

ROBERT P. ASTORINO
COUNTRY EXECUTIVE
WESTCHESTER COUNTY

STANTEC CONSULTING SERVICES, INC.

I HEREBY CERTIFY THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH CURRENT NYSDOT POLICIES, STANDARDS AND PROCEDURES.

DATE: ______________________

KENNETH J. STIGNER, LAND SURVEYOR
L.S. LICENSE NO. 49824
LEGAL DESCRIPTION:

A Temporary Construction Easement to be exercised in, on and over the property delineated above for use as a work area for heavy equipment operations and staging in connection with the construction of P.I.N. 8110.13, Replacement of Bronx River Parkway Bridges (at Crane Road) over Bronx River (BIN 3348779); Metro-North Railroad (BIN 3348789) in the Village of Scarsdale beginning on October 1, 2011 and terminating upon the approval of the completed work, unless sooner terminated if deemed no longer necessary for above-stated purposes and released by the New York & Harlem Railroad Company Engineer or other authorized representative acting for the New York & Harlem Railroad Company or its assigns, or on December 31, 2016, whichever comes first. Such easement shall be exercised in and to all that piece or parcel of land designated Temporary Construction Easement Parcel 7 as shown on the accompanying Map No. 7, being a portion of lands now or formerly owned by Midtown Tracklage Ventures, LLC, situated in the Village of Scarsdale, County of Westchester, State of New York, and more specifically described below:

PARCEL NO. 7 (TEMPORARY CONSTRUCTION EASEMENT)

Commanding at the corner formed by the intersection of the easterly line of Bronx River Parkway (width varies) with the northeasterly side of Crane Road (41 feet wide), said point having North American Datum of 1983-1998 (NAD 83-98) New York East Zone coordinates of N 787015.3146, E 883358.4227;

Thence running North 72 degrees 53 minutes 59.6 seconds West, a distance of 98.993 feet to the Point of Beginning, said point having North American Datum of 1983-1998 (NAD 83-98) New York East Zone coordinates of N 787004.4251, E 883263.8089;

Thence running along a curve bearing to the left having a radius of 2206.01 feet and a central angle of 01 degrees 02 minutes 11.3 seconds, an arc distance of 39.906 feet (Chord bearing of South 14 degrees 19 minutes 02.5 seconds West and Chord distance of 39.906 feet) to a point;

Thence running South 52 degrees 56 minutes 04.3 seconds West, a distance of 193.435 feet to a point,

Thence running along a curve bearing to the right having a radius of 2333.01 feet and a central angle of 00 degrees 28 minutes 20.0 seconds, an arc distance of 19.907 feet (Chord bearing of North 10 degrees 21 minutes 28.8 seconds East and Chord distance of 19.907 feet) to a point,

Thence running along a curve bearing to the right having a radius of 2079.24 feet and a central angle of 02 degrees 12 minutes 03.1 seconds, an arc distance of 79.866 feet (Chord bearing of North 11 degrees 35 minutes 52.8 seconds East and Chord distance of 79.935 feet) to a point,

Thence running North 62 degrees 32 minutes 33.2 seconds East, a distance of 170.199 feet to a point,

Thence running South 16 degrees 47 minutes 22.9 seconds West, a distance of 22.018 feet to the Place and Point of Beginning.

Containing 10,302.86 square feet or 0.2365 acre.

UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP BEARING A LICENSED SURVEYOR'S SEAL IS A VIOLATION OF SECTION 7209 SUBDIVISION 2 OF THE NEW YORK STATE EDUCATION LAW

I HEREBY CERTIFY THAT THE PROPERTY DESCRIBED AND MAPPED ABOVE IS NECESSARY FOR THIS PROJECT AND THE ACQUISITION THEREOF IS RECOMMENDED

DATE: ____________________________

JOHN J. HSU, PE
COMMISSIONER
WESTCHESTER COUNTY
DEPARTMENT OF PUBLIC WORKS

DATE: ____________________________

ROBERT P. ASTORINO
COUNTY EXECUTIVE
WESTCHESTER COUNTY

STANTEC CONSULTING SERVICES, INC.
I HEREBY CERTIFY THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH CURRENT NYSDOT POLICIES, STANDARDS AND PROCEDURES.

DATE: ____________________________

KENNETH J. STIGNER, LAND SURVEYOR
L.S. LICENSE NO. 49824
LEGAL DESCRIPTION:

A Temporary Construction Easement to be exercised in, on and over the property delineated above, being the northerly portion of an area also known as the Merchant Parking Lot, for use jointly in the establishment of a temporary vehicular access point to the remaining southerly portion of said Merchant Parking Lot, and as a heavy equipment operations and staging work area in connection with the construction of P.I.N. 8110.13, Replacement of Bronx River Parkway Bridges (at Crane Road) over Bronx River (BIN 3348770); Metro-North Railroad (BIN 3348780) in the Village of Scarsdale beginning on October 1, 2011 and terminating upon the approval of the completed work, unless sooner terminated if deemed no longer necessary for above-stated purposes and released by the Village of Scarsdale Engineer or other authorized representative acting for the Village of Scarsdale or its assigns, or on December 31, 2015, whichever comes first. Such easement shall be exercised in and to all that piece or parcel of land designated Temporary Construction Easement Parcel No. 8 as shown on the accompanying Map No. 8; being a portion of tax Lot 7 in tax Block 8, Section 2, as shown on the Tax Map of the Town of Scarsdale, situated in the Village of Scarsdale, County of Westchester, State of New York, and more specifically described below:

PARCEL NO. 8 (TEMPORARY CONSTRUCTION EASEMENT)

Commencing at the corner formed by the intersection of the easterly line of Bronx River Parkway (width varies) with the northerly side of Crane Road (41 feet wide), said point having North American Datum of 1866-1966 (NAD 83-96) New York East Zone coordinates of N 7907015.3145, E 683369.4227;

Thence running North 72 degrees 53 minutes 58.8 seconds West, a distance of 98.933 feet to a point;

Thence running along a curve bearing to the left having a radius of 2208.01 feet and a central angle of 95 degrees 38 minutes 07.0 seconds, an arc distance of 216.970 feet (Chord bearing of North 12 degrees 01 minutes 05.5 seconds East and Chord distance of 216.833 feet) to the Point of Beginning, said point having North American Datum of 1863-1996 (NAD 83-96) New York East Zone coordinates of N 790552.2026, E 6893216.6461;

Thence running South 08 degrees 56 minutes 43.6 seconds West, a distance of 134.682 feet to a point,

Thence running North 40 degrees 44 minutes 44.7 seconds West, a distance of 73.343 feet to a point,

Thence running North 49 degrees 09 minutes 46.5 seconds East, a distance of 103.670 feet to a point,

Thence running North 53 degrees 00 minutes 27.4 seconds East, a distance of 41.357 feet to a point,

Thence running South 82 degrees 16 minutes 16.1 seconds East, a distance of 43.089 feet to the Place and Point of Beginning.

Containing 9285.16 square feet or 0.2127 acre.

UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP BEARING A LICENSED SURVEYOR'S SEAL IS A VIOLATION OF SECTION 7209 SUBDIVISION 2 OF THE NEW YORK STATE EDUCATION LAW

I HEREBY CERTIFY THAT THE PROPERTY DESCRIBED AND MAPPED ABOVE IS NECESSARY FOR THIS PROJECT AND THE ACQUISITION THEREOF IS RECOMMENDED

DATE:____________________

JOHN J. HSU, PE
COMMISSIONER
WESTCHESTER COUNTY
DEPARTMENT OF PUBLIC WORKS

I HEREBY CERTIFY THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH CURRENT NYSDOT POLICIES, STANDARDS AND PROCEDURES.

DATE:____________________

KENNETH J. STIGNER, LAND SURVEYOR
L.S. LICENSE NO. 49824

ROBERT P. ASTRONIO
COUNTY EXECUTIVE
WESTCHESTER COUNTY