

**Memorandum of Understanding between the NYC Department of Parks and Recreation  
and the NYC Department of Sanitation  
with Respect to the New Springville Greenway,  
Staten Island, New York**

**MEMORANDUM OF UNDERSTANDING**

This Memorandum of Understanding (“MOU”) made this 13<sup>TH</sup> day of January 2014, sets forth the agreement by and between the City of New York Department of Sanitation (“DSNY”) and the City of New York Department of Parks and Recreation (“DPR”) with respect to the proposed New Springville Greenway on Staten Island, New York:

WITNESSETH:

**Whereas**, the Fresh Kills Landfill on Staten Island, New York (the “Landfill”) consists of approximately 2,200 acres of land, which is primarily under the jurisdiction of DSNY, with portions of the site mapped as parkland;

**Whereas**, under a 1990 Order on Consent and subsequent modifications with New York State Department of Conservation (“DEC”) (DEC Case No. D2-9001-89-03) (“Consent Order”), DSNY is charged with the closure and post-closure care of the Landfill in accordance with applicable state and federal regulations; and

**Whereas**, DSNY recognizes the City’s intent to convert the Fresh Kills Landfill into Freshkills Park; and

**Whereas**, DPR has been given the responsibility for developing the Park; and

**Whereas**, DPR proposes to construct a 3.2-mile greenway as a multiple use path creating north south connections through the center of Richmond County for pedestrians and bicyclists (“the Greenway”); and

**Whereas**, the Greenway would run along the edges of William T. Davis Wildlife Refuge, Fresh Kills Park, Fresh Kills Landfill, and La Tourette Park, as represented in **Exhibit A** and attached herein; and

**Whereas**, segments of the Greenway along Richmond Avenue are coterminous with DSNY-assigned property, as represented in **Exhibit B** and attached herein; and

**Whereas**, the proposed segments of the Greenway on DSNY-assigned property (“the DSNY Greenway Segments”) that are the subject of the MOU (i) are located outside of the former Solid Waste Management Unit but within the perimeter of Landfill Section 6/7; (ii) in their proposed location must not (and are not expected to) impede DSNY’s access to any environmental infrastructure subject to post-closure care provisions of 6 NYCRR Part 360-2.15(k); and (iii) in

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their proposed location must not (and are not expected to) impede or interfere with daily operations or flow of traffic at and in the vicinity of DSNY's Staten Island District 2 garage; and

**Whereas**, construction of the Greenway will entail minor modification or removal of certain DSNY structures, as identified in **Exhibit C** and agreed to by DSNY;

**Whereas**, to date DPR has provided DSNY with progressive construction drawings, through 100% completion of the DSNY Greenway Segments, and DSNY has provided timely review and approval of said drawings; and

**Whereas**, the construction and public use of the Greenway including but not limited to the DSNY Greenway Segments must not (and are not expected to) interfere with the City's compliance with the provisions of 6 NYCRR Part 360-2.15(k)(9) namely that "use of the property shall not disturb the integrity of the final cover, liners, or any other components of the [landfill's] containment system, or the function of the monitoring or environmental control systems [unless necessary for certain corrective measures pursuant to §360-2.20]";

NOW THEREFORE, it is agreed by and between the Parties, as follows:

1. DSNY agrees to allow DPR the use of the DSNY Greenway Segments for purposes of developing the Greenway, subject to the terms of this MOU.
2. DSNY agrees to allow public recreational use of such DSNY Greenway Segments by cyclists, pedestrians and other users of the Greenway, subject and subordinate at all times to DSNY's responsibilities for the Landfill under the Consent Order and 6 NYCRR Part 360.
3. The limited public use of such DSNY Greenway Segments as contemplated and described herein is intended to be temporary in anticipation of the eventual mapping of Fresh Kills Landfill as Freshkills Park and shall not itself constitute the express or implied dedication of such Greenway Segments as public trust parkland until so dedicated through ULURP action.
4. DSNY and DPR agree to work cooperatively so that their respective public agency responsibilities concerning the Greenway and the Fresh Kills Landfill can be carried out appropriately prior to, during, and after construction.
5. The responsibility for developing and maintaining the DSNY Greenway Segments shall be borne by DPR.
6. Notices to be given pursuant to this Memorandum are to be given as follows:

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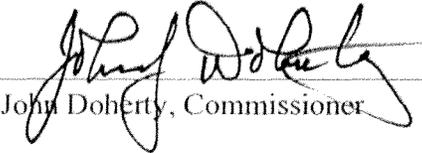
- a. Department of Sanitation, Attention: Deputy Commissioner, Solid Waste Management, 125 Worth Street, New York, N.Y. 10013. Telephone: 646-885-4693
  - b. Department of Parks and Recreation, Attention: Freshkills Park Administrator, 51 Chambers Street, New York, N.Y. 10007. Telephone: 212-788--9528
7. This instrument may be signed in counterparts, all of which when taken together shall constitute a single instrument.
  8. This MOU shall be binding upon and for the benefit of the parties hereto and each of their respective successors and permitted assigns. The provisions of the MOU shall be solely for the benefit of the parties hereto and no other person or entity shall be a third party beneficiary hereof.
  9. List of Exhibits following the executed MOU:
    - Exhibit A: Site Location Map
    - Exhibit B: DSNY Property Map (Greenway Segments)
    - Exhibit C: Layout and Materials Plans and Details

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IN WITNESS WHEREOF, the parties have executed this MOU as of the latest date below:

THE NEW YORK CITY DEPARTMENT OF SANITATION

By:   
John Doherty, Commissioner

Date: January 13, 2014

THE NEW YORK CITY DEPARTMENT OF PARKS & RECREATION

By:   
Liam Kavanagh, First Deputy Commissioner

Date: January 15, 2014

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NEW SPRINGVILLE GREENWAY**

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**LIST OF ATTACHMENTS**

- EXHIBIT A: New Springville Greenway Site Location Map
- EXHIBIT B: New Springville Greenway Segments On or Adjacent to DSNY property
- Length of Richmond Avenue
  - Staten Island 2 garage
- EXHIBIT C: New Springville Greenway Layout Plans and Details
- Grading and Utilities Plans and Environmental Infrastructure
  - Design Details for LFG Monitoring Well Modifications, Fences and Gates, Stone Swales, and Bike Racks

*Exhibits Available Free upon Request*