

THIS AGREEMENT, made and entered into this day of April, One thousand nine hundred and seven, by and between THE CITY OF NEW YORK (hereinafter called the "CITY"), party of the first part, THE BROOKLYN CITY RAILROAD COMPANY, a domestic corporation of the State of New York, (hereinafter called the "BROOKLYN"), party of the second part, and THE BROOKLYN HEIGHTS RAILROAD COMPANY, a domestic corporation of the State of New York, (hereinafter called the "HEIGHTS"), party of the third part:
W I T N E S S E T H :

W H E R E A S , by order entered in the Supreme Court on the sixteenth day of August, 1905, there was confirmed the report of the Commissioners of Estimate and Assessment in the matter of acquiring title by the "CITY" for the use of the public as a park to premises bounded by Berry Street, Nassau Avenue, Lorimer Street, Driggs Avenue, Manhattan Avenue, Leonard Street, Bayard Street, Union Avenue and North 12th Street in the 14th, 15th and 17th Wards of the Borough of Brooklyn; and

W H E R E A S , by order of the Hon. Wm. J. Kelly, Justice of the Supreme Court, granted January 12, 1906, on the petition of the "HEIGHTS", the said order of August 16, 1905, confirming the said report of the Commissioners of Estimate and Assessment in said matter was amended by inserting in said confirming order, the following provision, to wit:

"The vested rights of The Brooklyn City Railroad Company, Lessor, and The Brooklyn Heights Railroad Company, Lessee, to construct, maintain and operate street surface railroad lines on Lorimer Street between Bayard Street and Driggs Avenue; on Union Avenue between North 12th Street and Driggs Avenue; on Driggs Avenue between Lorimer Street and North 12th Street and on Bedford Avenue between North 12th Street and Nassau Avenue are not taken or affected in this proceeding and no compensation is made to said companies or either of them therefor;"

and

W H E R E A S , the "BROOKLYN" is the owner of and has the right to operate in perpetuity a double track street surface railroad upon Lorimer Street, between Bayard Street and Driggs Avenue; on Union Avenue, between North 12th Street and Driggs Avenue; on Driggs Avenue, between Lorimer Street and North 12th Street, and on Bedford Avenue between North 12th Street and Nassau Avenue as the said streets and avenues are now laid out; and

W H E R E A S , by instrument of lease dated the fourteenth day of February, 1893, the "BROOKLYN" did lease unto the "HEIGHTS" all of its railroads, property and franchises, except its franchise to be a corporation, including the railroad tracks hereinabove described, for a period of nine hundred and ⁽⁹⁹⁹⁾ ninety-nine years from the taking effect of said lease, and the said "HEIGHTS" is now and has been, since June 6, 1893, in possession of and operating the aforesaid tracks pursuant to the provisions of said lease; and

W H E R E A S , it is desired by the "CITY" that the said "BROOKLYN" and the said "HEIGHTS" should surrender and abandon all those portions of the aforesaid tracks lying within the lines of said park as now laid out, and in addition, that portion of the said tracks located on Lorimer Street, between Driggs Avenue and Nassau Avenue and shall accept from the "CITY" in lieu thereof new railroad tracks on other streets which shall connect with and form a part of existing railroad tracks of the "BROOKLYN" not thus proposed to be surrendered and abandoned.

NOW, THEREFORE, the parties hereto for and in consideration of the sum of One dollar (\$1.00), by each to the other in hand paid and other valuable considerations,

the receipt whereof is hereby acknowledged and in further consideration of the terms and conditions of this agreement, do agree as follows:

I: The "CITY" will aid and assist the "HEIGHTS" and "BROOKLYN" companies to acquire the right and franchise in perpetuity, to construct, maintain and operate a street surface railroad fully equipped for operation by the overhead electrical trolley upon and along the following streets and avenues in the Borough of Brooklyn, City of New York.

(a) A double track surface railroad on Bayard Street, between Union Avenue and Leonard Street; continuing thence on Leonard Street to Manhattan Avenue; and thence on Manhattan Avenue to Driggs Avenue with suitable connections with existing tracks of the "BROOKLYN" at Union Avenue and Bayard Streets; at Lorimer Street and Bayard Street, and at Manhattan Avenue and Driggs Avenue.

(b) A double track surface railroad on Nassau Avenue, between Lorimer Street and Berry Street; thence on Berry Street to North 12th Street, and thence on North 12th Street to Bedford Avenue, and a single track surface railroad on North 12th Street, from Bedford Avenue to Driggs Avenue, including suitable connections with existing tracks of the "BROOKLYN" at Lorimer Street and Nassau Avenue, at North 12th Street and Bedford Avenue and at North 12th Street and Driggs Avenue.

The said railroads are to be constructed upon plans approved by the "BROOKLYN" and "HEIGHTS" and are to be constructed in the most approved manner and the space between the tracks and two feet on either side thereof shall be paved with such pavement as shall be approved by the "CITY".

II: The "CITY" will pay to and will reimburse the

"BROOKLYN" and "HEIGHTS" companies for all costs, counsel fees and expenses of whatever kind to which the "BROOKLYN" or "HEIGHTS" companies or either of them may be subjected in their efforts to acquire the right and franchise in perpetuity to construct said new railroad tracks in said streets and in the removal of the said tracks and electrical equipment thereof hereinafter agreed to be removed and in the furnishing and laying of said pavement in the said streets and avenues in which said new tracks are to be constructed.

III: The "CITY" will, in the event that the "BROOKLYN" and "HEIGHTS" after diligent and faithful effort to acquire the right and franchise in perpetuity to construct, maintain and operate said new railroad upon said portions of said streets and avenues shall be unable to acquire the same, pay and reimburse said "BROOKLYN" and "HEIGHTS" all moneys, costs, counsel fees and expenses paid or incurred by them or either of them in the effort to acquire said right and franchise.

IV: The "BROOKLYN" and "HEIGHTS" agrees forthwith upon the execution and delivery of this contract to take all necessary steps and proceedings, that may be advised by counsel, to acquire the right and franchise in perpetuity to construct, maintain and operate a street surface railroad by overhead electrical trolley upon and along the portions of the said streets and avenues above mentioned in paragraphs (a) and (b) of this agreement.

V: Upon the acquisition by the "BROOKLYN" of the right and franchise in perpetuity, to construct, maintain and operate a street surface railroad upon and along the portion of said streets and avenues above mentioned, and the completion of the construction of a street surface railroad thereon and the electrical equipment thereof and

the paving of said streets and upon the payment by the "CITY" to and the reimbursement of said "BROOKLYN" and "HEIGHTS" of the said costs, counsel fees and expenses and cost of pavement aforesaid, thereafter, upon the demand by the "CITY", the "BROOKLYN" and "HEIGHTS" will remove all of the tracks of the "BROOKLYN" including the electrical overhead equipment thereof, lying within the lines of the said park as now laid out and also all of the railroad tracks including the electrical equipment thereof of the "BROOKLYN" now constructed on Lorimer Street between Driggs Avenue and Nassau Avenue and will surrender and abandon all their franchises to construct, maintain and operate a railroad or railroads upon said streets and avenues lying within the lines of said park as now laid out and upon Lorimer Street between Driggs Avenue and Nassau Avenue.

VI: It is mutually agreed between the parties hereto that all the tracks and materials including the electrical overhead equipment thereof to be removed under the terms of this agreement shall belong to and be the property of the "BROOKLYN" subject to the terms and provisions of the lease between the "BROOKLYN" and "HEIGHTS" bearing date February 14th, 1893.

VII: It is mutually agreed between the parties hereto that the tracks and trolley equipment hereinabove described to be removed are shown upon the annexed blue print in _____ and the portion of the streets and avenues upon which new franchises are to be acquired and new railroad tracks are to be constructed are shown upon said blue print in _____. The said blue print hereunto attached is hereby made part of this agreement.

This agreement and all obligations hereunder to be performed by either of the parties hereto except the payment by the "CITY" of said costs, counsel fees and

expenses shall cease and determine _____ years from
the date hereof in the event that prior to the expiration
of said _____ years the "BROOKLYN" and "HEIGHTS"
have not after faithful and diligent effort so to do, ac-
quired the right, privilege and franchise in perpetuity to
construct, maintain and operate a railroad as aforesaid
upon said portions of said streets and avenues mentioned
and described in paragraphs (a) and (b) of this agreement.

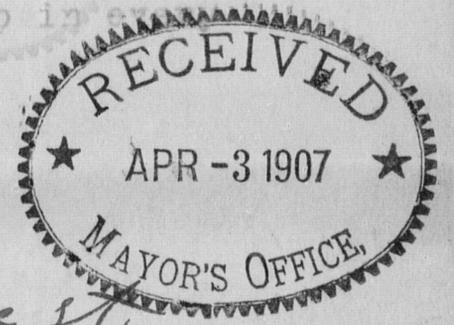
IN WITNESS WHEREOF,

Exa Sept 28/07
Brooklyn

Me to Land to be put
in shape, for Pass. Purposes
+ agreement with the BRT
for change of Tracks etc

Wm

We, the undersigned, understanding that a public park is projected for the block bounded by East Houston, Allen, Stanton, and Orchard Streets; and living in the immediate neighborhood of this block, do respectfully petition that this location be approved, and that the proposed public park be established as soon as possible upon this block. The children of our families especially ^{used} ~~used~~ the park here, there being now no park to which they can easily and ^{safely} ~~safely~~ go. If the park were here, it would be a great benefit and help in ^{any} ~~any~~ way to our neighborhood.



Name	Address
William Siegmund	257 Broome St.
Josef Bal	198 Allen St.
J. Schechter	125 Orchard St.
A. Rive	131 Orchard St.
S. Tullman	40 Rivington St.
N. Ruthman 85	Rivington St. 85 Rivington and
Edelstein	147 Orchard St.
Loius Feldstein	162 Orchard St.
Israh Wahrenman	168 Orchard St.
Hegal	170 E. Houston St.
Augustus	170 E. Houston St.
M. G. Steers	154-56 Houston St.
B. Kasser	179-81 E 3rd St.
Max Roebig	162 E. Houston

We, the undersigned, understanding that a public park is projected for the block bounded by East Houston, Allen, Stanton, and Orchard Streets, and living in the immediate neighborhood of this block, do respectfully petition that this location be approved, and that the proposed public park be established as soon as possible upon this block. The children of our families especially need the park here, there being now no park to which they can easily and safely go. If the park were here, it would be a great benefit and help in every way to our neighborhood.

Name	Address
Max Cohen	98 Allen St N.Y.
Jack Kupris	98 Allen St N.Y.
Henry Cohen	98 Allen St N.Y.
Max Bross	100 Allen St N.Y.
H. Pasternak	100 Allen St N.Y.
Jakob Aschkenazy	100 Allen St
Hirsh Silber	100 Allen St
Edward Gallagher	242 Broome St
Felix Brudny	100 Allen St
S. Schwartz	100 Allen St
Felix Jablonzky	100 Allen St
L. Lankowitz	100 Allen St
Kolman Lehenhaut	100 Allen St

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Name	Address
Abraham Sigelstein	152 Stanton St
Frank Oakley	152 " "
Max Gutesman M.W.	150 Stanton St
D. Desouza	153 Suffolk St
Spencer	151 Stanton
Miriam Mandelbaum	143 Stanton
H. F. Lick D.D.S.	140 Stanton St
Daniel S. Kerin	100 Suffolk St
Gelman	136 Stanton St

L. SIGELSTEIN,

MAKER OF

INFANTS' AND
CHILDREN'S

DR Sigelstein Co. EAR,

589 Broadway,

New York.

NEW YORK, 190

name	address
Isaac Kämpel	133 Stanton St.
Morris Sparker	129 Stanton St.
Max Goldman	757 E 5th St. <small>Queens 136 Stanton St.</small>
B. Schar	157 Essex St.
Max Kurtz	157 E. 5th
L. Schuttmann	718 Stanton
Harry Keschner	113 Stanton St.
Jacques Elmer	108 Stanton St.
David Gross	104 Stanton St.
Benjamin Levy	69 Stanton St.
Harry Vogt	209 Torryth St.
Wm. Alsopson	49 Stanton
Samuel Kaplan	49-51 Stanton St.
Adolph Lung	240 1/2 E Houston St.
M. J. Kahan	2 Ave. A
Jerome Modinsky	1 Avenue A
Samuel Schaul	9. Av. A. <small>Business 735 E Houston St.</small>
Frederick Kork	430 E Houston St.
Francis M. White	9. 1 st Avenue
A. Brumbyer	217 Stanton St.
H. Hermann	208 E. Houston St.
D. H. H. H.	202 E. Stanton St.
Samuel Bircowich	190 E Houston St.

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Name	Address
J. Berger	20 Norfolk st.
R. J. Smith	146 E. Houston St.
Chenkes	136 E. Houston St.
Charles Klein	17 Pike Street
Cassius Flantz	68 Orchard str.
Louis Helmannitch	36 Norfolk str.
Abraham Goldin	195 E. Houston str.
Avn. Bueroff	160 Green St.
Jacob Cohen	160 Allen Street.
Burt Cooper	81 Stanton str.

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Name	Address
Chas. Schenfeld	287 Broome St.
Charles Schwis	85 Orchard St.
H. Schenfeld	282 Broome
D. Israel	282 Broome St.
Sigmund Kistand	282 Broome St. N.Y.
Elias A. Jalen	283 ⁵⁵ Broome St. N.Y.
Michael Prigning	327 Broome St.
Max Levy	142 ² 2 ² Ave
Max. Laksman	Cass St.
Mollie Weinstern	82 Clinton St.
Sam. Linsenberq.	271 Broome St.

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Name	Address
Hyman Sigel	268 Broome
Isidor Sigel	" "
Leif Sigel	284 Broome St.

Samuel Sigel	284 Broome St.
A. B. Arch	317 Broome St.
D. Gordon	314 Broome St.
H. S. Linn	287 Broome St.

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Name

Address

Maurice M. Maisel

187 Rivington St

Sarah Friedman

64 West St

Max Vogel

100 Orchard St

Mrs. [unclear]

212 Stanton St

Miss [unclear]

76 Orchard St

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*Petition for Park
on E. Houston & Etc
Sts*

Name

Address

