

GETTY REALTY CORP /MD/  
Form 8-K  
February 10, 2009

UNITED STATES  
SECURITIES AND EXCHANGE COMMISSION  
Washington, D.C. 20549

FORM 8-K

CURRENT REPORT

Pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934

Date of Report (Date of earliest event reported): February 10, 2009

Getty Realty Corp.  
(Exact name of registrant as specified in charter)

Maryland  
(State of  
Organization)

001-13777  
(Commission  
File Number)

11-3412575  
(IRS Employer  
Identification No.)

125 Jericho Turnpike, Suite 103  
Jericho, New York  
(Address of principal executive offices)

11753  
(Zip Code)

Registrant's Telephone Number, including area code: (516) 478-5400

Not Applicable  
(Former name or former address, if changed since last report.)

Check the appropriate box below if the Form 8-K filing is intended to simultaneously satisfy the filing obligation of the registrant under any of the following provisions (see General Instruction A.2. below):

- Written communications pursuant to Rule 425 under the Securities Act
- Soliciting material pursuant to Rule 14a-12 under the Exchange Act
- Pre-commencement communications pursuant to Rule 14d-2(b) under the Exchange Act
- Pre-commencement communications pursuant to Rule 13e-4(c) under the Exchange Act

Item 2.02. Results of Operations and Financial Condition

On February 10, 2009, Getty Realty Corp. announced its preliminary financial results for the quarter and year ended December 31, 2008.

A copy of the press release announcing these preliminary financial results is attached as Exhibit 99.1.

Item 9.01. Financial Statements and Exhibits

(d) Exhibits

| Exhibit<br>Number | Description  |
|-------------------|--|
| 99.1              | Press Release, dated February 10, 2009, issued by Getty Realty Corp. |

The information contained in Item 2.02 and Exhibit 99.1 to this Current Report on Form 8-K is being furnished and shall not be deemed “filed” for the purposes of Section 18 of the Securities Exchange Act of 1934, as amended, or otherwise subject to the liabilities of that Section. Such information in this Current Report on Form 8-K shall not be incorporated by reference into any registration statement or other document pursuant to the Securities Act of 1933, as amended, except as shall be expressly set forth by specific reference in any such filing.

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SIGNATURES

Pursuant to the requirements of the Securities Exchange Act of 1934, the Registrant has duly caused this report to be signed on its behalf by the undersigned hereunto duly authorized.

GETTY REALTY CORP.

Date: February 10, 2009

By: /s/ Thomas J. Stirnweis  
Thomas J. Stirnweis  
Vice President, Treasurer and  
Chief Financial Officer

INDEX TO EXHIBITS

| Exhibit         | Description  |
|-----------------|--|
| Exhibit<br>99.1 | Press Release, dated February 10, 2009, issued by Getty Realty Corp. |