

THE CITY OF NEW YORK
DEPARTMENT OF BUILDINGS

DEPARTMENTAL MEMORANDUM

DATE: May 18, 1978

TO: Borough Superintendents

FROM: Acting Commissioner Irving E. Minkin, P.E.

SUBJECT: Zoning Lot Certification Pursuant to Section 12-10
of the Zoning Resolution.

On August 18, 1977, the Board of Estimate, per Cal. No. 52, amended the Zoning Resolution as to what constitutes a "Zoning Lot."

Under this amendment an applicant for new developments or enlargements who desires to permit the use of a tract of land within a single block as a single zoning lot, which may consist of one or more tax lots or parts of tax lots, as shown on the official tax map whether in common ownership or not, and without the future ability of utilizing the previous "75 year lease" provision, is required to furnish certain information which is to be certified by a title company licensed to do business in the State of New York before he can obtain a building permit or certificate of occupancy.

Enclosed herewith for the guidance of your personnel are acceptable copies of documentation which may be provided for these certification purposes, then executed and recorded.

The acceptable forms are:

1. Exhibit "I": Certification Pursuant to Zoning Lot Subdivision C for a tract of land in single ownership and which lists all the parties in interest. This is to be provided by the title insurance company.
2. Exhibit "II": Certification Pursuant to Zoning Lot Subdivision D for a tract of land with more than one owner to be treated as one zoning lot with a Declaration of Restrictions which may be individually or collectively written with regard to each party in interest. The boundaries of such zoning lot may or may not coincide with its comprising tax lots. This form is to be used in conjunction with Exhibit "IV" and/or Exhibit "V", and is to be provided by the title insurance company.

1466

3. Exhibit "III": Zoning Lot Description and Ownership Statement by Building Department permit applicant in which he states and describes the tax lots applicable to the zoning lot. This is to be recorded in The City Register's office (or, if applicable, in the County Clerk's office) prior to issuance of any permit for a development or enlargement.

4. Exhibit "IV": Declaration of Zoning Lot Restrictions by the parties in interest declaring that certain tract of land is to be treated as a zoning lot. (See Exhibit II)

5. Exhibit "V": Waiver of Declaration of Zoning Restriction by the parties in interest who waiver their rights to execute a declaration, such as Exhibit "IV". (See Exhibit II)

The following procedures shall be followed:

1a. A New Building application or an Alteration application is to be filed for each of the premises declared to be part of the tract of land declared to be treated as one zoning lot. The ownership, metes and bounds and plot plan on the Statement "A" should reflect this. The specification sheets of the applications are to contain the following statement:

"These premises have been declared to be subject to the provisions of Section 12-10 Zoning Resolution as to zoning lot ownership." They are also to contain the libre and page of the Declaration as recorded in the County Clerk's or Register's office.

2a. No certificate of occupancy shall be required for existing buildings on a premises in the tract of land now existing without one and for which there is no change of occupancy or use, and for which the sole purpose an application was filed was to make such Declaration a matter of record in Building Department files.

b. Similarly, the inspectional requirements for an amended certificate of occupancy for an existing building with an existing certificate of occupancy are to be waived when the sole purpose of the application is to make such Declaration a matter of record in Building Department files.

c. However, this shall not be construed to preclude ongoing enforcement of any existing violations in existing buildings.

3. Index cards and other appropriate department records shall also be noted as to such Declaration.

4. A building permit may be issued after:

a. The appropriate "Certification" is filed with the department.

b. The "Zoning Lot Description and Ownership Statement" is recorded in the Conveyances Section of the County Clerk's or Register's office, and evidence of this is received by the department.

5. No "Declaration" or "Certification" is required in connection with any application where the tract of land consisting of two or more contiguous lots of record located within a single block, was in single ownership on August 18, 1977, the effective date of the prior definition of "Zoning Lot" in the resolution and where there is no other Party in Interest, or in the case of applications for other than developments or enlargements, as defined in section 12-10 of the Zoning Resolution.

6. While the enclosed "Exhibit" forms meet the approval of the Counsel of the Department of City Planning and of this department, others may be accepted provided they contain a similar completeness of information.

Referral of the enclosed exhibits to our General Counsel should henceforth not be necessary.


Irving E. Minkin, P.E.
Acting Commissioner

IEM/IP/df
Enclosures

CC: Exec. Staff
Prof. Societies
BCAC; Industry
Norman Marcus, Counsel, Dept City Planning
Bernard M. Rifkin, Vice Pres.
Title Guarantee-N.Y., 120 Broadway, N.Y.C.

N.B. # _____
or
ALT. # _____

EXHIBIT "I"

CERTIFICATION PURSUANT TO ZONING LOT
SUBDIVISION C OF SECTION 12-10
OF THE ZONING RESOLUTION OF DECEMBER 15, 1961
OF THE CITY OF NEW YORK - AS AMENDED
EFFECTIVE AUGUST 18, 1977

THE TITLE GUARANTEE COMPANY, a title insurance company licensed to do business in the State of New York and having its principal office at 120 Broadway, New York, New York hereby certifies 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 in the single ownership of _____ that all the parties in interest consisting of a "party in interest" as defined in Section 12-10, subdivision (c) of the Zoning Resolution of the City of New York, effective December 15, 1961, as amended, are the following

<u>NAME</u>	<u>ADDRESS</u>	<u>NATURE OF INTEREST</u>
-------------	----------------	---------------------------

The subject tract of land with respect to which the foregoing parties are the parties in interest as aforesaid, is known as Tax Lot Number(s) _____ in Block _____ on the Tax Map of the City of New York, _____ County and more particularly described as follows: (Full Metes and Bounds Description)

BEGINNING at a point on the _____ side of
distant _____ feet from the corner
formed by the intersection of
and
running thence _____ feet; thence _____ feet;
(direction) (direction)
thence _____ feet; thence _____ feet;
(direction) (direction)
to the point or place of beginning.

1469

That the said premises are known as and by street address(es)

_____ and _____

_____, as shown on the following

DIAGRAM:

- a) Show Distance from corner. BLOCK NO.
- b) Show Block & Lot numbers and dimensions of each lot.



The north point of the diagram must agree with the arrow

Delete if not applicable

That the Zoning Lot Description and Ownership Statement

containing the above description was recorded on the

_____ day of _____ 19 _____ in

Record Book at Page _____

CERTIFIED this _____ day of _____ to

_____, the applicant for this certification.

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 plot or deed. A Zoning Lot may be subdivided into two or more zoning lots provided all the resulting zoning lots and all the buildings thereon shall comply with the applicable provisions of the zoning lot resolution.

THIS CERTIFICATE IS MADE FOR AND ACCEPTED BY THE APPLICANT UPON THE EXPRESS UNDERSTANDING THAT LIABILITY HEREUNDER IS LIMITED TO ONE THOUSAND (\$1,000.00) DOLLARS.

THE TITLE GUARANTEE COM

EY: _____

N.E. # _____
OR
A.L.T. # _____

EXHIBIT II

CERTIFICATION PURSUANT TO ZONING LOT
SUBDIVISION D OF SECTION 12-10
OF THE ZONING RESOLUTION OF DECEMBER 15, 1961
CITY OF NEW YORK - AS AMENDED
EFFECTIVE AUGUST 18, 1977

THE TITLE GUARANTEE COMPANY, a title insurance company licensed to do business in the State of New York and having its principal office at 120 Broadway, New York, New York, hereby certifies that as to the land hereinafter described, being a tract of land either unsplit or consisting of two or more lots or record contiguous for a minimum of ten linear feet, located within a single block, that all the parties in interest constituting a party as defined in Section 12-10, subdivision (d) of the Zoning Resolution of the City of New York, effective December 15, 1961, as amended are the following:

<u>NAME</u>	<u>ADDRESS</u>	<u>INTEREST (IDENTIFY THE LOT OR LOTS AFFECTED)</u>	<u>DECLARATION OR WAIVER INDICATE WHICH</u>	<u>RECORDING DATE</u>	<u>RECORD BOOK PAGE</u>
-------------	----------------	---	---	---------------------------	-----------------------------

The subject tract of land with respect to which the foregoing parties are the parties in interest as aforesaid is known as Tax Lot Number(s) _____ in Block No. _____, as shown on the Tax Map of the City of New York _____ County and more particularly described as follows: (Full Metes and Bounds Description).

BEGINNING at a point on the _____ side of
distant _____ feet from the corner
formed by the intersection of
and
running thence _____ feet; thence
feet; thence _____ feet; thence
feet; to a point or place of beginning.

That the said premises are known as and by the street
address(es) _____

and _____

1471

That the said premises are known as and by street address(es)

_____ and _____

_____, as shown on the following

DIAGRAM:

a) Show Distance BLOCK NO.
from corner.

b) Show Block &
Lot numbers
and dimensions
of each lot.



The north point
of the diagram
must agree with
the arrow.

Delete
if not
applic-
able

That the Zoning Lot Description and Ownership Statement

containing the above description was recorded on the

_____ day of _____ 19 _____ in

Record Book at Page _____.

CERTIFIED this _____ day of _____ to

_____, the applicant for this

certification.

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 plot or deed. A Zoning Lot may be subdivided into two or more zoning lots provided all the resulting zoning lots and all the buildings thereon shall comply with the applicable provisions of the zoning lot resolution.

THIS CERTIFICATE IS MADE FOR AND ACCEPTED BY THE APPLICANT UPON THE EXPRESS UNDERSTANDING THAT LIABILITY HEREUNDER IS LIMITED TO ONE THOUSAND (\$1,000.00) DOLLARS.

THE TITLE GUARANTEE COMPAN

BY: _____

N.B.# _____
or
ALT.# _____

EXHIBIT III

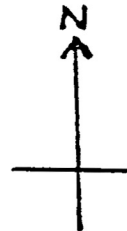
ZONING LOT DESCRIPTION AND OWNERSHIP STATEMENT BY
BUILDING DEPARTMENT PERMIT APPLICANT
AND TO BE RECORDED IN THE
COUNTY CLERK'S OR REGISTER S OFFICE

_____, a New York Corporation having its principal office at _____, an applicant for present or future permits pursuant to the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended states that the zoning lot to which the aforementioned permit or permits pertain are shown on the Tax Map of the City of New York, County of New York, as Lots _____ in Block _____ as shown on the Tax Map of the City of New York _____ County, and is more particularly described as:

BEGINNING at a point on the _____ side of
distant _____ feet from
the corner formed by the intersection of
and
running thence _____ feet; thence
feet; thence _____ feet; thence
feet; to the point or place of beginning,
That the said premises are known as and by street
address(es) _____
and _____

as shown on the following DIAGRAM:

- 1) Show distance from corner
- 2) Show Block & Lot Numbers and dimensions of each lot.



The north point of the diagram must agree with the arrow.

The above described zoning lot is presently owned by

BLOCK TAX LOT NAME ADDRESS

1473

IN WITNESS WHEREOF the applicant for permit has executed this instrument this _____ day of _____, 19__.

BY _____

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

On the _____ day of _____, 1978, before me personally came _____ to me known, who, being by me duly sworn, did depose and say that he resides at _____; that he is the _____ of _____; the Corporation described in and which executed the foregoing instrument; that said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed his name thereto by like order.

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

On the _____ day of _____, 1978, before me personally came _____ to be known to be the individual _____ described in and who executed the foregoing instrument, and acknowledged that executed the same.

NOTE: Section C26-110.2 Subdivision (a) Paragraph (1) of the Administrative Code requires submission of an accurate lot diagram in accordance with an attached boundary survey made by a licensed surveyor, which need not be recorded but which must be submitted with the application for the permit.

1474

EXHIBIT IV

DECLARATION OF ZONING LOT RESTRICTIONS

_____, residing at _____;
 _____;
 _____, residing at _____;
 _____;
 _____ a
 _____ corporation having its
 principal office at _____

line out
if not .
applicable)

constituting the "parties in interest" (excepting those parties
 waiving their respective rights to join therein) as defined in
 Section 12-10(d) of the Zoning Resolution of the City of New
 York effective December 15, 1961, as amended with respect to
 the land known as Tax Lot(s) _____, in Block _____
 on the Tax Map of the City of New York, County of _____
 _____, do hereby declare that the tract of land known as
 and by street address(es) _____

_____ and _____
 _____ is to be treated as one zoning lot for
 the purposes of and in accordance with the provisions of the
 aforementioned Zoning Resolution effective December 15, 1961,
 as amended August 18, 1977.

IN WITNESS WHEREOF, the declarants have executed this
 instrument this _____ day of _____,
 19____.

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

On the _____ day of _____, 19____,
before me personally came _____
to me known, who, being by me duly sworn, did depose and say
that he resides at _____,
that he is the _____ of _____, the
Corporation described in and which executed the foregoing instru-
ment; that he knows the seal of said corporation; that the seal
affixed to said instrument is such corporate seal; that it was so
affixed by order of the board of directors of said corporation;
and that he signed his name thereto by like order.

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

On the _____ day of _____, 19____,
before me personally came _____
to me known to be the individual _____ described in and who executed
the foregoing instrument, and acknowledged that
executed the same.

1476

N.B.# _____
OR
ALT.# _____

EXHIBIT V

WAIVER OF DECLARATION OF ZONING RESTRICTIONS

_____, residing at _____;
_____, residing at _____;
_____ a _____ corporation having its principal office at _____, being a "party in interest" as defined in Section 12-10(d) of the Zoning Resolution of the City of New York effective December 15, 1961, as amended with respect to the land known as Tax Lot(s) _____, _____, _____ in Block _____ on the Tax Map of the City of New York, County of _____ hereby waives (its) (his) (her) (their) respective right(s) to execute a declaration that the above described lands which are known by street address(es) _____ and _____ is to be treated as one zoning lot for the purpose of and in accordance with the provisions of the aforementioned zoning resolution and shall have the effect therein set forth.

IN WITNESS WHEREOF, the undersigned has executed this waiver this _____ day of _____, 19__.

1477

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

On the _____ day of _____, 19____
before me personally came _____
to me known, who, being by me duly sworn, did depose and say t
he resides at _____
that he is the _____ of _____
the Corporation described in and which executed the foregoing
strument; that he knows the seal of said corporation; that the
seal affixed to said instrument is such corporate seal; that i
so affixed by order of the board of directors of said corporat
and that he signed his name thereto by like order.

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

On the _____ day of _____, 19____
before me personally came _____
to me known to be the individual _____ described in and who execu
the foregoing instrument, and acknowledged that
executed the same.

147E