

CARETAKERS' APARTMENT RESTRICTIVE DECLARATION

DECLARATION, made this ____ day of _____, 200____, by _____, hereinafter referred to as the “Declarant,” having an office/residing at _____.

WHEREAS, the Declarant is the fee owner of certain land located in the City and State of New York, Borough of _____, designated as Block _____ Lot _____ on the Tax Map of the City of New York, hereinafter referred to as Parcel A, more particularly described by a metes and bounds description set forth in Schedule A annexed hereto and by this reference made a part hereof;

WHEREAS, the Declarant has requested the New York City Department of Buildings (the “Department of Buildings”) to act upon Application No. _____ to authorize construction of a caretakers’ apartment (the “Caretakers’ Apartment”) and to issue [an amended/ a new] certificate of occupancy to permit an apartment on the _____ floor of a _____ -story building located on Parcel A (the “Subject Premises”) to be used as a Caretakers’ Apartment pursuant to the provisions of New York City Zoning Resolution (“ZR”) Section 12-10 (definition, “Accessory use;” and

WHEREAS, the Department of Buildings, pursuant to ZR § 12-10 (“Accessory use”), has required Declarant to execute and file this restrictive declaration prior to acting upon the Application and prior to the issuance of [an amended/a new] certificate of occupancy.

NOW, THEREFORE, in consideration of the issuance by the Department of Buildings of a building permit for the Subject Premises, Declarant does hereby declare, create, impose and establish the following:

1. The Declarant operates an establishment at the Subject Premises that is a use listed in Use Group _____ of the New York City Zoning Resolution;
2. The Subject Premises will contain no more than one living or sleeping accommodation for caretakers;
3. The Caretakers’ Apartment will be used for living or sleeping accommodation for caretakers in connection with the Declarant’s use of the establishment;
4. The Caretakers’ Apartment at the Subject Premises will not exceed 1,200 square feet of floor area;
5. The caretaker(s) will provide the following maintenance and/or repair services for the Subject Premises:
 - a. Collect all refuse at the Subject Premises and maintain such refuse in refuse bins in order to perform periodic collection of such bins by private refuse collectors;

- b. Maintain the sidewalk outside the Subject Premises in good repair and in a clean condition;
 - c. Maintain the facade of the Subject Premises in a clean and graffiti-free condition;
 - d. Maintain and operate the mechanical equipment that heats the Subject Premises;
 - e. Maintain the Subject Premises in overall good repair; and
 - f. Perform any other caretaker functions necessary to insure the continuance of maintenance, security and good repair of the Subject Premises;
6. This declaration may not be modified, amended or terminated without the prior written consent of the Department of Buildings;
 7. The covenants set forth herein shall run with the land and be binding upon and inure to the benefit of the parties hereto and their respective heirs, legal representatives, successors and assigns;
 8. Failure to comply with the terms of this declaration may result in the revocation of a building permit or certificate of occupancy; and
 9. This declaration shall be recorded at the city register's (county clerk's) office against all affected parcels of land and the cross-reference number and title of the declaration shall be recorded on each temporary and permanent certificate of occupancy hereafter issued to buildings located on the affected parcels and in any deed for the conveyance thereof.

IN WITNESS WHEREOF, Declarant has made and executed the foregoing restrictive declaration as of the date hereinabove written.

Declarant

By:

STATE OF NEW YORK)
) ss.:
COUNTY OF _____)

On the _____ day of _____, in the year _____, before me, the undersigned, personally appeared [Declarant] _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public