

OFF SITE PARKING RESTRICTIVE DECLARATION

DECLARATION, made this _____ day of _____, 200__, by _____, hereafter 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 and 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 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 B and more particularly described by a metes and bounds description set forth in Schedule B annexed hereto and by this reference made a part hereof;

WHEREAS, a diagram marked Schedule C showing the description of Parcels A and B, the boundaries of each and the proposed parking spaces is attached hereto and made a part hereof;

WHEREAS, the Declarant has requested the Department of Buildings of the City of New York (the “Department of Buildings”) to act upon Application No. _____ to construct a new building [alter an existing building] on Parcel B (the “Building”);

WHEREAS, Parcel A contains a parking area (“Parking Lot”) containing more than _____ spaces, of which _____ spaces are necessary to satisfy the parking requirements for the uses on Parcel A;

WHEREAS, the Parking Lot is to be used in accordance with the applicable provisions of the Zoning Resolution of the City of New York, part of which will serve as an accessory parking area for the Building; and

WHEREAS, the Department of Buildings requires the execution and recording of this Declaration in connection with the use of the Parking Lot as accessory off site parking for the Building pursuant to Section(s) 25-55;36-45; and/or 44-34 of the Zoning Resolution of the City of New York.

NOW, THEREFORE, in consideration of the issuance by the Department of Buildings of a building permit for the Building, the Declarant hereby declares as follows:

1. The Declarant hereby covenants and agrees for itself, its successors and assigns that _____ spaces, as required for the Building at the time of the issuance of a building

permit thereof, shall be reserved in the Parking Lot as accessory parking spaces to the Building;

- 2. The off site parking area covered by this declaration shall at all times be maintained and kept clear and unobstructed to allow utilization of the required parking spaces;
- 3. This declaration may not be modified, amended or terminated without the prior written consent of the Department of Buildings;
- 4. 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;
- 5. Failure to comply with the terms of this declaration may result in the revocation of a building permit or certificate of occupancy; and
- 6. 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