

PARTY WALL RESTRICTIVE DECLARATION

DECLARATION, made this day of _____, 200 __, by _____, hereinafter referred to as the "Declarant," having an office at _____.

WHEREAS, the Declarant is the fee owner of certain land in the City of New York, Borough of _____, designated as Tax Lot(s) _____ in Tax Block _____ on the current Tax Map of the City of New York, more particularly described by metes and bounds description on Schedule A annexed hereto, hereinafter described as the "Premises;" and

WHEREAS, the Premises is to be developed with ____ adjoining residential buildings (the "Buildings") that share walls (the "Party Walls"), and which Party Walls are more particularly described by metes and bounds set forth in Schedule __ annexed hereto and/or depicted in a diagram annexed hereto as Schedule __ in the form of a plot plan with cross-hatched portion indicating the area of the Party Walls;

WHEREAS, the Declarant has applied to the New York City Department of Buildings (the "Department") for permits in connection with Application Nos. _____ to construct the Buildings and has indicated which of those Buildings will have Party Walls on the annexed Schedule __; and

NOW, THEREFORE, Declarant declares as follows:

1. This Declaration shall apply to each of the Buildings on Schedule __ wherein it has been indicated that such Building will have Party Walls;
2. Declarant states that each such Building having a Party Wall will be subject to the terms and provisions of New York City Administrative Code ("AC") Sections 27-127, 27-128 and 27-332;
3. The Party Walls shall be used and maintained as party walls forever and Declarant and Declarant's heirs, legal representatives, successors, assigns and transferees shall be licensed and permitted to enter into the Buildings to make necessary excavations for the construction, maintenance and repair of the Party Walls;
4. The Party Walls, or portion or portions thereof, shall not be demolished, removed or altered without prior Department approval of an application for permit to demolish either of the Buildings and/or alter or remove all or part of the Party Walls, and application plans must clearly indicate the existing and proposed condition of the Party Walls;
5. This Declaration will not be considered to diminish or change any of the duties, rights or obligations of the Declarant or Declarant's heirs, legal representatives, successors, assigns and transferees under the common law, custom, usage and practice, as same

pertain to party walls, except however the provisions of AC §§ 27-127, 27-128 and 27-332, to the extent that they are different, shall always control and be binding;

6. This Declaration may not be modified, amended or terminated without the prior written consent of the Department;
7. This Declaration shall run with the land and be binding upon and inure to the benefits of the Declarant and Declarant's heirs, legal representatives, successors, assigns and transferees;
8. Failure to comply with the terms of this Declaration may result in the denial or revocation of building permits or certificates of occupancy for the Buildings; and
9. This Declaration shall be recorded in the county register's (county clerk's) office against all affected parcels of land and the cross reference number and title of the Declaration shall be cited on each temporary and permanent certificate of occupancy hereafter issued to the Buildings and in any deed for the conveyance thereof.

IN WITNESS WHEREOF, Declarant has made and executed the foregoing Party Wall 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