

STUDENT DORMITORY 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. _____ (the “Application”) to authorize the use of a building or part of a building located on Parcel A (the “Subject Premises”) as a student dormitory, as defined by Title 1, Section 51-01(b) of the Rules of the City of New York (“RCNY”);

WHEREAS, _____ is a party/are parties holding an enforceable recorded interest that could result in such holder(s) obtaining possession of all or part of the Subject Premises designated as a student dormitory;

WHEREAS, the Department of Buildings, pursuant to 1 RCNY § 51-01(c)(2), has required Declarant to execute and file and record this restrictive declaration, and has required all parties holding an enforceable interest named above to execute this declaration, prior to acting upon the Application.

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 Subject Premises, or part of the Subject Premises, designated as a student dormitory shall only be used as a student dormitory as defined by 1 RCNY § 51-01(b), or other New York City Zoning Resolution Use Group 3 use;
2. Under no circumstances shall the units in the Subject Premises, or part of the Subject Premises, designated as a student dormitory be offered for sale pursuant to a cooperative or condominium plan;
3. The Declarant agrees to forego defenses to the enforcement of the provisions of 1 RCNY § 51-01;
4. The Declarant shall prominently display the name(s) of the school(s) operating the student dormitory on the exterior of the Subject Premises;

5. This declaration may not be modified, amended or terminated without the prior written consent of the Department of Buildings;
6. 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;
7. Failure to comply with the terms of this declaration may result in the revocation of a building permit or certificate of occupancy; and
8. 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 Subject Premises 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:

 II. Party/Parties holding an enforceable recorded
 III. interest in all or part of the Subject Premises
 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

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