

SIGN RESTRICTIVE DECLARATION

DECLARATION, made this _____ of _____, 20____, at _____

WHEREAS, Declarant is the fee owner of certain real property (“the Premises”) in the City of New York, Borough of _____, designated as Block _____, Lot _____ on the Tax Map of the City of New York, and more particularly described in Exhibit A [metes and bounds description], and Exhibit B attached hereto as the plot plan indicating location and size of proposed sign as well as the location and size for all other signs on the zoning lot with their size in square feet.

WHEREAS, the Premises is located in a _____ zoning district and has a principal use which consists of _____

WHEREAS, The New York City Department of Buildings, pursuant to RCNY section 49-41(a)(6)(g), has required the Declarant to execute and record this restrictive declaration prior to acting upon Application No. _____, an application to erect, alter or install a sign and/or sign structure located in an area that is subject to inclusion on the sign inventory as set forth in RCNY section 49-15 and that is larger than 200 square feet.

NOW, THEREFORE, Declarant does hereby declare the following:

1. The sign shall at all times be maintained as a(n) [accessory sign/non-commercial sign] as defined by Section 12-10 of the Zoning Resolution. If at any time the principal use of the premises is changed or an occupant of the premises ceases to occupy the premises such that the existing sign is no longer an accessory sign, the sign must be removed.
2. If the Declarant fails to remove the sign, the Declarant consents to allow the City to enter onto Declarant’s property and to remove the sign by the City and the Declarant agrees to reimburse the City of New York for all actual costs associated with such removal. Nothing contained therein shall limit the City from exercising any other remedies available by law at such time as the adjudication or determination is made.
3. This declaration may not be modified, amended or terminated without the prior written consent of the Department.
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. The failure to comply with the terms of this declaration may result in the denial or revocation of a permit or certificate or occupancy.

IN WITNESS WHEREOF, Grantor has made and executed the foregoing Restrictive Declaration as of the date hereinabove written.

DECLARANT:

Name/Title:

ACKNOWLEDGEMENT

State of New York

County of _____

On the _____ day of _____ in the year _____ before me, the undersigned, a notary public in and for said state, personally appeared.

_____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Notary Public