

## DRIVEWAY/FRONTAGE SPACE RESTRICTIVE DECLARATION

DECLARATION, made this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, 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 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, 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, the Declarant is desirous of creating a driveway for the purpose of permitting and enabling present and future owners of Parcels A and B, their heirs, successors and assigns to pass over the lands of both Parcels A and B for the purpose of ingress and egress to and from the \_\_\_\_\_ [location of ingress and egress route (e.g., front, rear)] of said parcels for pedestrian and motor vehicles use;

WHEREAS, the Declarant has requested the New York City Department of Buildings (the "Department of Buildings") to act upon Application No(s). \_\_\_\_\_ to construct/alter \_\_\_\_\_;

WHEREAS, the Department of Buildings may approve the Application(s) upon the condition that the Declarant create a permanent easement for the benefit of present and future owners of Parcels A and B, such that the owners [either one or both of the following, depending on the circumstances of the application]: 1) have access to required parking per New York City Zoning Resolution Section \_\_\_\_\_ (e.g., §25-21 et seq., §25-30 et seq., §36-20 et seq., §36-30 et seq., §44-20 et seq.) from a street; and 2) have frontage on a "frontage space" that provides Fire Department access to a street in accordance with Sections 27-291 and 27-232 (definition, "frontage space") of the 1968 Building Code or Sections BC 501.3.1 and 502.1 (definition, "frontage space") of the 2008 or 2014 Building Code, as applicable; and

WHEREAS, a diagram marked Schedule C showing the two above referenced properties, the boundaries of each and a cross-hatched portion indicating the area of the driveway and frontage space (the "Access Area") is attached hereto and made a part hereof, said Access Area being more particularly described by

a metes and bounds description set forth in Schedule D annexed hereto and by this reference made a part hereof.

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 Access Area shall be used to permit and enable present and future owners of said parcels, their heirs and assigns to pass over the lands of Parcels A and B for the purpose of ingress and egress to and from \_\_\_\_\_ Street and the \_\_\_\_\_ [location of ingress and egress route (e.g., front, rear)] of said parcels for pedestrian, motor vehicle use and Fire Department access;
2. The access Area shall at all times be maintained and kept clear and unobstructed;
3. The 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 on the basis of satisfactory evidence to 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