

PLUMBING SYSTEM RESTRICTIVE DECLARATION

DECLARATION, made this _____ day of _____, 20____, by

hereafter referred to as the “Declarant,” having an office/residing at
_____.

WHEREAS, Declarant is the fee owner of certain land located in the City and State of New York, Borough of _____, designated as Block _____ Lot _____, 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, Declarant has requested the New York City Department of Buildings (the “Department of Buildings”) to act upon Application Nos. _____ (the “Applications”) to construct new buildings on Parcel A (the “Subject Premises”) as shown on the plot plan annexed hereto as Schedule B;

WHEREAS, the new buildings on the Subject Premises shall be serviced by a common plumbing system, and/or common house connection, including gas piping, sanitary and storm water drainage, sanitary facilities, water supplies and storm water and sewage disposal (the “Plumbing System”);

WHEREAS, the Plumbing System shall be located within the bounds of the Subject Premises as such area is shown on Application plans on file with the Department of Buildings and as described by metes and bounds as set forth in Schedule C and as shown on sketches annexed hereto as Schedule D (the “Easement Area”);

WHEREAS, Declarant wishes to insure that the use of the Subject Premises does not interfere with the installation, operation, inspection, maintenance, repair, construction and reconstruction of the Plumbing System; and

WHEREAS, the Department of Buildings may approve the permit Applications upon the condition, *inter alia*, that Declarant create an easement area for the Plumbing System for the benefit of the present and future owners of the Subject Premises in order to comply with Title 27 Chapter 1 Subchapter 16 of the 1968 Building Code, “Plumbing and Gas Piping” (§27-896 et seq.) and Reference Standard RS-16 or the 2008 or 2014 Plumbing Code, as applicable.

NOW, THEREFORE, in consideration of the issuance by the Department of Buildings of a building permit for the Subject Premises, the Declarant for its/her/himself and heirs, successors and assigns, hereby declares as follows:

1. Current and future owners of the Subject Premises, successors, heirs, and assigns, shall have the right at all times, to enter upon permanent Easement Area with workers, materials, vehicles and

equipment for the purpose of constructing, installing, reconstructing, laying, relaying, operating, maintaining, repairing, renewing, removing and inspecting the Plumbing System;

2. The Easement Area and Plumbing System shall be maintained and kept in good repair;
3. The Easement Area and Plumbing System shall be kept free and clear of any and all obstructions;
4. Any nuisance due to the use of the Plumbing System that would have an adverse effect on the health, safety, and welfare of the City of New York shall be promptly abated;
5. The covenants set forth herein shall run with the land and shall bind the Declarant, present owner(s) of the Subject Premises and any and all subsequent owners, heirs, legal representatives, successors and assigns of all or any part of the Subject Premises;
6. This declaration may not be amended or terminated without the prior written consent of the Department of Buildings;
7. Failure to comply with the terms of this declaration may result in the revocation of a building permit or certificate of occupancy by the Department of Buildings; 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 affected parcels and in any deed for the conveyance thereof.

IN WITNESS WHEREOF, Declarant has made and executed the foregoing 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