

DECLARATION OF COVENANTS AND RESTRICTIONS

TO ACCOMMODATE REZONING

THIS DECLARATION, made and dated [date], by [Name of Property Owner]., residing at [address] (hereinafter “Owner”) and [Name of Senior Housing Developer] with offices at [address] (hereinafter the “Declarant”)

WITNESSETH:

WHEREAS, Owner is the owner of property known as [address], in the [City/Village/Town] of [Name of City/Village/Town] , [Name of County] County, New York, described more particularly on Exhibit “A” attached hereto, (the “Property”) and

WHEREAS, Declarant has entered into a contract to purchase the Property whereby it will hold an interest as owner in the Property, and

WHEREAS, a public hearing was held on [date] by the [governing body] of the [City/Village/Town] of [Name of City/Village/Town] hereinafter the “[City/Village/Town]”), a municipal corporation of and in the County of [name of County] , State of New York, upon the application of said Declarant, made pursuant to Section 265 of the Town Law of the State of New York, to change the zoning classification of the above-described real property from Residence District (R-1) to Residence Multi District (R-M), and

WHEREAS, at the conclusion of said hearing and after the deliberation having been had thereon, said zoning change is to be considered by said [governing body] on [date] ,and

WHEREAS, Owner and Declarant deem it advisable and for their best interest and for the Town as a whole that certain covenants and restrictions be placed upon said real property with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the [City/Village/Town] ,

NOW, THEREFORE, in consideration of the premises, Owner and Declarant declare as follows:

1. The Property owned by Owner to be conveyed to Declarant being rezoned will be used only for the following purpose among those presently permitted in a [name of] District: Accessory Use on premises known as [address] identified by tax map no. [no.] to be utilized only as an entrance driveway to Multi-family dwelling units for affordable senior housing for persons 62 and above, and handicapped/disabled persons regardless of age to be constructed on premises known as [address] identified by tax map no. [no.] (the "Project")

2. In the event Declarant either fails to construct the Project or transfers ownership of said premises to a third party for any use other than the uses enumerated in paragraph 1 above, then the zoning classification of the subject Property shall automatically revert to its prior classification, namely Residence District (R-1).

3. Such restrictions are and constitute real covenants running with the land and shall be binding upon Owner and Declarant and any and all subsequent owners of said Property, or any part thereof, and upon their heirs, executors and administrators (or their successors and assigns), subject, however, to the right of the [City/Village/Town] to amend, alter, annul or repeal any or all of the foregoing covenants and/or restrictions at any time with the consent of the owner or owners and such rights shall be effectual and may be exercised without the consent of any adjacent owners or other owners or lienors of any other property.

4. Said covenants and restrictions shall be enforceable by Owner and Declarant, their heirs, executors or administrators or by the [City/Village/Town], by injunction proceeding, or by any other appropriate remedy. IN WITNESS WHEREOF, Declarants have hereunto set their hands and seals the day and year first above written.

[Add signatures and acknowledgments for Owner and Declarant]