

P:\Dec & Eas\NOA Restrictive Declarat



**RESTRICTIVE DECLARATION
TO BE RECORDED IN THE COUNTY CLERK'S OFFICE**

DOB BIN NOS. 5859588 TO 5859620

Declaration made this 14 day of March, 2005, by BALANO DEVELOPMENT, LLC, a New York limited liability company, with an office at 88 Kreischer Street, Staten Island, NY 10309 (the "Declarant"), being the fee owner of the real property described on Schedule "A" attached hereto (the "Premises"), hereby declares that the PREMISES shall be subject to the following restrictions in accordance with the New York City Department of Buildings requirements:

1. A Homeowner's Association shall be formed. Each property owner shall be required to join the Association, and the Association shall be responsible for continuously maintaining the following specified portions of the development, to wit: (i) the common internal sanitary and/or storm sewer drainage system on the Premises including, without limitation, any common sanitary and storm sewer drains, clean-outs, manholes, traps, yard drains and drywells now or hereafter located on the Premises, and (ii) the common internal private roadway.

2. The Homeowner's Association Declaration of Covenants, Restrictions, Easements, Charges and Liens ("DECLARATION"), a copy of which is included/exhibited in the Offering Plan for the Premises, shall, *inter alia*, contain specific provisions creating an easement over the Premises for purposes of operating, installing, repairing and maintaining the common internal sanitary and/or storm sewer system and private roadway on the Premises and shall further contain specific provisions mandating the maintenance of same by the Association and allowing any other necessary parties, including the City of New York, access thereto for any lawful purpose.

3. A copy of this Restrictive Declaration shall be recorded with the County Clerk's office and made part of the Department of Building's file prior to the issuance of a Building Permit.

4. A copy of the DECLARATION shall be recorded with the County Clerk's office and made part of the Department of Buildings file prior to the issuance of any Certificate of Occupancy and prior to the conveyance of title of any home, which DECLARATION shall supercede this Restrictive Declaration. The DECLARATION shall run with the land and be binding upon the DECLARANT, its heirs, successors and assigns.

5. All applicable laws, rules and regulations of the New York City Department of Buildings shall be complied with by the DECLARANT.

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First American Title Insurance Company of New York

Title No. NY-00025997-NYR

SCHEDULE "A"

AMENDED 1/13/04 (VLF)

ALL that certain plot, piece or parcel of land situate, lying and being in the County of Richmond, City and State of New York, bounded and described as follows:

BEGINNING at a point on the southeasterly side of Greenfield Avenue which bears the following courses and distance from its intersection with the Southwesterly side of Tompkins Avenue;

1. South 51 degrees 41 minutes 45 seconds West 314.42 feet;
2. South 59 degrees 04 minutes 26 seconds West 74.78; and
3. South 56 degrees 02 minutes 14 seconds West 0.02 feet to the point and place of **BEGINNING**;

RUNNING THENCE south 28 degrees 57 minutes 15 seconds East 330.94 feet;

THENCE south 22 degrees 15 minutes 38 seconds West 290.96 feet to an angle point therein;

THENCE south 59 degrees 15 minutes 36 seconds West 10.31 feet to an angle point therein;

THENCE south 27 degrees 38 minutes 02 seconds East 5.58 feet to an angle point therein;

THENCE south 27 degrees 55 minutes 26 seconds West 72.66 feet to an angle point therein;

THENCE south 29 degrees 33 minutes 15 seconds West 71.33 feet to a point;

THENCE north 27 degrees 35 minutes 33 seconds West 78.82 feet (79.08 feet on the tax map);

THENCE south 59 degrees 15 minutes 36 seconds West, 99.17 feet (95 feet on the tax map);

THENCE north 44 degrees 11 minutes 40 seconds West 62.56 feet (60 feet more or less on the tax map);

THENCE north 43 degrees 00 minutes 30 seconds West 279.96 feet to a point;

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First American Title Insurance Company of New York

Title No. NY-00025997-NYR

SCHEDULE "A" CONTINUED

THENCE north 42 degrees 19 minutes 00 seconds West, 142.00 feet to a point on said southeasterly side of Greenfield Avenue;

THENCE along said southeasterly side of Greenfield Avenue north 56 degrees 02 minutes 14 seconds East 575.62 feet to the point or place of **BEGINNING**.

REEL 20219 PAGE 140

THE policy to be issued under this report will insure the title to such buildings and improvements erected on the premises, which by law constitute real property.

FOR CONVEYANCING ONLY: TOGETHER with all the right, title and interest of the party of the first part, of in and to the land lying in the street in front of and adjoining said premises.

6. This Declaration may not be modified, amended or terminated without the prior written consent of the New York City Department of Buildings.

7. 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.

8. Failure to comply with the terms of this declaration may result in the revocation of a Building Permit or Certificate of Occupancy.

IN WITNESS WHEREOF, Declarant has made and executed the foregoing declaration as of the date hereinabove written.

BAIANO DEVELOPMENT, LLC

BY:

Michael Boccheri
MICHAEL BOCCIERI, MANAGING MEMBER

STATE OF NEW YORK, COUNTY OF RICHMOND SS:

On the 17 day of March, 2005, before me, the undersigned, a Notary Public in and for said State, personally appeared **MICHAEL BOCCIERI**, 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.

Tina Mandato-Rago
Notary Public

TINA MANDATO-RAGO
Notary Public, State of New York
No. 01MA5063557
Qualified in Richmond County
Commission Expires July 22, 2016

RESTRICTIVE DECLARATION
BY
BAIANO DEVELOPMENT, LLC

BLOCK: 2873

LOT: 40

COUNTY: Richmond

RECORD & RETURN TO:

Michael Amtzis, Esq.
LEE & AMTZIS, LLP
260 Christopher Lane
Staten Island, New York 10314

REF: 20219 PAGE 141

**RICHMOND COUNTY CLERK
RECORDING and ENDORSEMENT PAGE
COUNTY OF RICHMOND, STATEN ISLAND, NY**
This page forms part of the instrument

Total Number of pages in document
INCLUDING this page

(5)

Premises

V/L Greenfield Avenue

Title/Agent Company Name
Lee & Amtzis Title Agency
Title Company File Number

RECORD & RETURN TO:

Name Lee & Amtzis, LLP
Address 260 Christopher Lane
City/State/Zip Staten Island, NY 10314
Attn: Michael Amtzis, Esq.

BLOCKING SECTION

Block 2873
Lot(s) 40 Partial Lot(s) _____

Describe Document(s)

Restrictive Declaration

Name &
Address

Party 1

Baiano Development, LLC

Party 2

COUNTY CLERK'S USE ONLY...Do Not Write Below This Line

Examined By:

mm Date 3-8-05

Blocked:

By:

mm Date 3-8-05

Mtge. Amount

\$

Mtg. Tax Collected

\$

Exemption

Yes ☐ No ☐

If yes:

Type: [253] [255] Other _____

Verified By:

a. Address _____

b. Tax Map _____

c. Legal Descrp. _____

d. Blk/lot ☒

Dwelling Type: [1to3] [4 to6] [over 6]

[Vacant/Commercial]

Recording Fee

\$

20 + 20

Affidavit Fee

\$

Consideration

\$

Lien Deduction

\$

RPT Tax

\$

RETT Tax

\$

Recording Fees:

a. Page Count

5

b. Extra Block(s)

c. Extra Lot(s)

d. Extra Mortgage Cited

COUNTY CLERK

MAR 08 2005

RECORDED IN RICHMOND COUNTY

02/08/2005
RECEIPT: 19411
RICHMOND COUNTY CLERK
09:42:04 A.M.
FEE: \$40.00

DOCUMENT # 24568
27-DECL. CONT. WAIVER

RECEIVED IN RICHMOND COUNTY

RCC-CLI-2/02

MAR 08 2005

024212

State of New York, County of Richmond, ss:
I, Stephen J. Fleish, County Clerk and Clerk of the Supreme
Court, Richmond County and Recording Officer for Richmond
County, do hereby certify that I have compared this copy with
the original file of [REDACTED] and
and it is a correct and true reproduction of the whole of the
original. Witness my hand and seal of said County and Court on

MAR -8.2005



CLERK