

# TOWN OF SOUTHAMPTON

TOWN OF SOUTHAMPTON  
116 HAMPTON ROAD  
SOUTHAMPTON, NY 11968



ROAD REVIEW COMMITTEE

TELEPHONE: (631)702-1750  
FAX: (631) 287-1530

JAY SCHNEIDERMAN  
TOWN SUPERVISOR

## INSTRUCTIONS FOR SPECIAL ASSESSMENT DISTRICT COVENANT

### **PLEASE READ CAREFULLY**

Attached is a **SAMPLE** covenant and a **BLANK** covenant which the Road Review Committee and the Town Board required in connection with your request to build on a lot on a private road. This **BLANK** covenant, when properly executed and signed, becomes a legal document which must be filed in the Suffolk County Clerk's Office. This document can be printed and then typed on or downloaded and typed on in the computer.

The enclosed sample document must have the proper information **TYPED** in. SHOULD YOU HAVE ANY QUESTIONS CONCERNING THE FORM OR SUBSTANCE OF THIS COVENANT, YOU SHOULD CONSULT YOUR ATTORNEY. Proper signatures and notarization of the document are a must.

Following the signature(s) on the last page there is a place for the acknowledgement. Select the appropriate Individual, Corporate or Partnership Acknowledgments from the **INSTRUCTIONS** provided.

You will also note that a written legal description of the property is required for the document. This written description must be a metes and bounds description of the entire property affected and attached as Schedule A.

**The applicant must submit the following to the Engineering Department for review by the Town Attorney:**

- One copy of the Original completed covenant
- Original Title Certification issued within the last six (6) months
- "Consent of Mortgagee/Lienor" if a mortgage exists
- Copy of the deed for the property (Applicant shall provide proof of ownership if property is owned by a Corporation)

After said review is deemed to be satisfactory, the applicant is responsible for recording the document at the Suffolk County Clerk's Office and providing a CERTIFIED COPY to the Engineering Division. Upon receipt of the certified copy, a letter will be forwarded to the building inspector recommending that a Certificate of Occupancy be issued provided all other requirements have been met

In order to comply with the conditions and obtain a Certificate of Occupancy the **Engineering Division must receive the fully executed recorded document, including the Suffolk County Clerk's Recording Cover Sheet.**

If necessary, contact the Engineering Division at (631) 702-1750

**THIS COVENANT MAY BE COMPLETED AT ANYTIME – PLEASE AVOID WAITING UNTIL YOU ARE READY TO APPLY FOR YOUR CERTIFICATE OF OCCUPANCY**

**THIS IS TO BE CONSIDERED AS A GUIDE AND SHOULD BE COMPLETED EITHER BY YOUR ATTORNEY OR SOMEONE FAMILIAR WITH SUCH MATTERS.**

**DECLARATION**

**THIS DECLARATION**, made the \_\_(#)\_ day of \_\_\_\_\_(month)\_\_\_\_\_ 20\_(#)\_\_, by (**set forth all owners of property and residence address, or if a corporation, principal place of business address**) hereinafter referred to as the Declarant (s).

**WHEREAS**, the Declarant (s) is (are) the owner(s) of certain real property situate at \_\_\_\_\_(**NAME OF HAMLET**)\_\_\_\_\_, Town of Southampton, Suffolk County, New York, more particularly bounded and described as set forth in Schedule “A” annexed hereto, and

**WHEREAS**, the Declarant(s) has (have) made application to the Road Review Committee and the Town Board of the Town of Southampton pursuant to Section 280 a, Town Law and Article III of Chapter 123 of the Town Code for permission to build on property on the (**NORTH/EAST/SOUTH/WEST**) side of a certain unimproved road presently known and designated as \_\_\_\_\_(**NAME OF ROAD) & (SCTM#)**)\_\_\_\_\_, and

**WHEREAS**, for and in consideration of the granting of said approval, the Road Review Committee and the Town Board of the Town of Southampton have deemed it to be for the best interests of the Town of Southampton and the owners and prospective owners of said parcels that the within covenants and restrictions be imposed on said parcels and as a condition of said approval said Road Review Committee and Town Board have required that the within Declaration be recorded in the Suffolk County Clerk’s Office, and

**WHEREAS**, the Declarant (s) has (have) considered the foregoing and determined that the same will be for the best interest of the Declarant (s) and subsequent owners of said parcels,

**NOW THEREFORE, THIS DECLARATION WITNESSETH:**

That the Declarant (s) for the purpose of carrying out the intentions above expressed, does (do) hereby make known, admit, publish, covenant and agree that the following covenants and restrictions on said premises herein described shall run with the land and shall be binding upon all purchasers and holders of said premises, their heirs, executors, legal representatives, distributees, successors and assigns, to wit:

**1.** That all claim to the maintenance of a certain private road designated as \_\_\_\_\_ (NAME OF STREET) \_\_\_\_\_ by the Town of Southampton is waived and hereby releases the said Town of Southampton of all legal obligations with regard to said road until such time as said road shall be made to comply with all present or future road requirements of the said Town of Southampton and are specifically accepted by the Town of Southampton for incorporation into the Southampton Town Highway System.

**2.** That the Declarant (s) his/her heirs, successors and assigns, does (do) hereby agree to join in the execution of the required petition for the creation of a special street assessment district, if, as and when said petition is presented for execution, pursuant to Section 200 of the Town Law of the State of New York, for said street fronting on purchaser's property.

3. Nothing herein contained shall be construed as a waiver by the Town of Southampton or any of its agencies of any other provisions of the Building and Zoning Codes of the Town of Southampton as they now exist or may hereafter be amended.

4. The within Declaration may not be annulled, waived, changed or modified by the Declarant(s) and shall be considered a covenant running with the land.

IN WITNESS WHEREOF, the Declarant (s) above named has (have) executed the foregoing Declaration the day and year first above written.

**SAMPLE** \_\_\_\_\_  
(SIGNATURE)  
(NAME OF LANDOWNER(S))

**(Only sign in “BLACK INK” PLEASE)  
(If there are two (2) or more Landowners – two (2) Signature lines and name of  
Landowner(s) must be typed in)**

(TYPE IN APPROPRIATE ACKNOWLEDGEMENT)  
(SEE ATTACHED SAMPLE)

**SAMPLE  
ACKNOWLEDGEMENT**

State of New York }

ss:

County of            }

On the \_(#)\_ day of \_\_\_(month)\_\_\_ in the year \_(#)\_\_\_ before me, the undersigned, a Notary Public in and for said State, personally appeared \_\_\_(NAMES) (S)\_\_\_, 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 signatures(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

SAMPLE \_\_\_\_\_(NAME OF NOTARY)\_\_\_\_\_  
NOTARY PUBLIC

**TO BE TYPED ON ORIGINAL DOCUMENT  
SAMPLE ONLY**

**Please Note:**

If there are two signatures on this acknowledgement being signed at the same time, please adjust this acknowledgement to reflect both names.

If this acknowledgement is being signed separately, two separate acknowledgements will be needed, one for each signature.

## **Schedule “A”**

**(Set forth written metes and bounds description of entire premises)**

**You MAY copy the Schedule “A” that is in your  
TITLE and DEED and attach to this Document**

**No need to Re-type it**

# SAMPLE

**This and all preceding pages are SAMPLES only, please follow instructions to complete.  
They may not be used as a legal document.**

The following pages, when properly executed and signed, become a legal document that must be returned to the Engineering Division, for review by a Southampton Town Attorney. After final approval it then will be filed with the Suffolk County Clerk's Office with the Suffolk County Recording and Endorsement Page. You **DO NOT** need to re-type the following pages; this document can be printed and then typed on or downloaded and typed on in the computer. You **MUST** however add to the following pages the proper information, signatures, notarization, and legal description of the property before the covenant may be submitted. All information excluding signatures **MUST** be **TYPED**. Documents which are not typed will **NOT** be accepted.

**(Refer to page one (1) for full instructions.)**

**DECLARATION**

**THIS DECLARATION**, made the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_, by

\_\_\_\_\_  
\_\_\_\_\_ hereinafter referred to as the Declarant (s).

**WHEREAS**, the Declarant (s) is (are) the owner(s) of certain real property situate at \_\_\_\_\_, Town of Southampton, Suffolk County, New York, more particularly bounded and described as set forth in Schedule “A” annexed hereto, and

**WHEREAS**, the Declarant (s) has (have) made application to the Road Review Committee and the Town Board of the Town of Southampton pursuant to Section 280 a, Town Law and Article III of Chapter 123 of the Town Code for permission to build on property on the \_\_\_\_\_ side of a certain unimproved road presently known and designated as \_\_\_\_\_, and

**WHEREAS**, for and in consideration of the granting of said approval, the Road Review Committee and the Town Board of the Town of Southampton have deemed it to be for the best interests of the Town of Southampton and the owners and prospective owners of said parcels that the within covenants and restrictions be imposed on said parcels and as a condition of said approval said Road Review Committee and Town Board have required that the within Declaration be recorded in the Suffolk County Clerk’s Office, and

**WHEREAS**, the Declarant (s) has (have) considered the foregoing and determined that the same will be for the best interest of the Declarant (s) and subsequent owners of said parcels,

**NOW THEREFORE, THIS DECLARATION WITNESSETH:**

That the Declarant(s) for the purpose of carrying out the intentions above expressed, does (do) hereby make known, admit, publish, covenant and agree that the following covenants and restrictions on said premises herein described shall run with the land and shall be binding upon all purchasers and holders of said premises, their heirs, executors, legal representatives, distributees, successors and assigns, to wit:

**1.** That all claim to the maintenance of a certain private road designated as \_\_\_\_\_ by the Town of Southampton is waived and hereby releases the said Town of Southampton of all legal obligations with regard to said road until such time as said road shall be made to comply with all present or future road requirements of the said Town of Southampton and are specifically accepted by the Town of Southampton for incorporation into the Southampton Town Highway System.

**2.** That the Declarant (s) his/her heirs, successors and assigns, does (do) hereby agree to join in the execution of the required petition for the creation of a special street assessment district, if, as and when said petition is presented for execution, pursuant to Section 200 of the Town Law of the State of New York, for said street fronting on purchaser's property.

3. Nothing herein contained shall be construed as a waiver by the Town of Southampton or any of its agencies of any other provisions of the Building and Zoning Codes of the Town of Southampton as they now exist or may hereafter be amended.

4. The within Declaration may not be annulled, waived, changed or modified by the Declarant(s) and shall be considered a covenant running with the land.

**IN WITNESS WHEREOF**, the Declarant (s) above named has (have) executed the foregoing Declaration the day and year first above written.

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State of New York }

ss:

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 signatures(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

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NOTARY PUBLIC