

DECLARATION OF PRESERVATION COVENANTS AND RESTRICTIONS

DECLARATION OF PRESERVATION COVENANTS AND RESTRICTIONS made this 13th day of December, 1984, by THE ROSLYN PRESERVATION CORPORATION, a Not-For-Profit corporation existing under the laws of the State of New York and having its principal place of business at 105 Main Street, Roslyn, New York 11576 (herein referred to as "RPC").

W I T N E S S E T H :

WHEREAS, RPC is the owner of certain real property, commonly known as 69 Roslyn Road, Roslyn Heights, New York 11576, and the HENRY EASTMAN HOUSE (ca. 1860), erected on the premises, referred to hereinafter as the "Structure", and being more particularly bounded and described as follows:

ALL that certain plot or parcel of land, together with all the improvements thereon, situate, lying and being in the Town of North Hempstead, County of Nassau and State of New York, bounded and described as follows:

BEGINNING at a point, said point of beginning being the intersection of the northerly line of Lincoln Avenue with the present westerly Right-of-Way line of Roslyn Road, and proceeding thence from said point of beginning along the following four (4) courses:.

1. South 88° 52' 00" West, a distance of 87.82 feet along the northerly line of Lincoln Avenue to a point;
2. North 21° 30' 45" West, a distance of 71.64 feet to a point;
3. North 72° 39' 30" East, a distance of 88.65 feet to a point on the present westerly Right-of-Way line of Roslyn Road;
4. In a generally southerly direction along the arc of a curve bearing to the right whose radius is 570.838 feet, a length of 96.08 feet, said curve being the present westerly Right-of-Way line of Roslyn Road, to the point of beginning, and containing within said bounds 7,332 square feet more or less.

The above described Disposal Parcel No. 45 appears upon a certain map prepared by Sidney B.

Lot 67  
Block 56  
Dotted W...  
Section 7

①

Bowne & Sons, Licensed Professional Engineers, entitled "Town of North Hempstead Community Development Agency, Disposition Plat, Disposal Parcel No. 45, Roslyn Plaza Urban Renewal Project N.Y. R-227, Roslyn Heights, Town of North Hempstead, Nassau County, New York", dated September 30, 1982, revised January 26, 1983, and revised September 29, 1983, and also appears on the Nassau County Land and Tax Map as Lot 67 in Section 7, Block 56.

WHEREAS, RPC desires to impose Preservation Covenants and Restrictions on the use of the Structure for the purpose of preserving the existing architectural character and detail of the Structure.

WHEREFORE, the following Preservation Covenants and Restrictions, which shall run with the land and bind the owner and all other persons and parties claiming through the owner and for the benefit and limitation upon all future owners of said property and for the benefit and limitation of all present and future owners of property and residents within ~~the~~ Historic ~~Area~~ Roslyn, are hereby declared:

EXTERIOR OF THE PREMISES

1. No exterior alteration of or addition to the Structure, including the changing of exterior paint colors, shall be undertaken nor shall any portion of the Structure be demolished or removed, nor shall any external structure be erected, without prior written consent of RPC, its assigns or successors, which consent shall not be unreasonably withheld.

2. No above-grade, outdoor utility transmission lines or cable television transmission lines, except those now existing, may be placed on the premises. No television or radio antenna or any other device or mechanism intended for the purpose of transmitting or receiving television or radio signals shall be affixed to the exterior of the Structure.

3. No portion of the Structure shall be moved from its present location unless, such moving is required by taking by eminent domain.

4. No accessory buildings or sheds, either permanent or temporary in nature, shall be erected or placed on the premises without prior written consent of RPC, its assigns or successors, as hereinafter provided, which written consent shall not be unreasonably withheld.

#### INSPECTION

9. RPC may inspect the Structure and premises annually to insure that the owner is in compliance with the restrictions hereby imposed. Such inspections shall be made at reasonable hours and only after prior notice to the owner. This right of inspection shall be assignable by RPC as hereinafter provided. The failure of RPC to exercise this right of inspection for any period of time, however, shall under no circumstances be construed as a waiver of such right.

#### ENFORCEMENT

10. In the event of a violation of any Covenant, Stipulation or Restriction herein, in addition to any remedies now or hereafter provided by law, RPC may, in writing, notify the owner of such violation, together with a recommendation as to how the violation may be corrected. Such notice shall also inform the owner as to the time period in which such violation may be cured. In the event the owner contests the existence of a violation or the length of time in which to remedy it, he shall notify RPC, in writing, and if the parties cannot agree, either party shall have the right to submit the matter to the Historic District Board of the Town of North Hempstead and/or the Board of Zoning Appeals of the Town of North Hempstead, for hearing and decision. Thereafter, if either party feels aggrieved, the matter may be submitted to a court of competent jurisdiction for judicial review.

#### ASSIGNMENT

11. The right to enforce the Preservation Covenants and Restrictions contained herein, shall be assignable by RPC to any one of the following organizations:

- (a) Any successor corporation to THE ROSLYN PRESERVATION CORPORATION;
- (b) The Board of Trustees of THE ROSLYN LANDMARK SOCIETY, INC., or its successor organization;
- (c) The Historic District Board of the Incorporated Village of Roslyn;
- (d) The Historic District Board of the Town of North Hempstead.

DEED 9608 PAGE 741

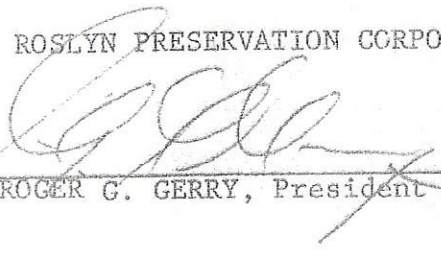
Any such assignment shall be exercisable only by written instrument duly executed in form suitable for recording and shall become enforceable only upon such recording.

IN WITNESS WHEREOF, THE ROSLYN PRESERVATION CORPORATION has caused this instrument to be executed and its corporate seal to be herein affixed by its duly authorized officer.



THE ROSLYN PRESERVATION CORPORATION

BY:

  
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ROGER G. GERRY, President

County and District

N-65749  
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DEC 23 1984

*JS*

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DECLARATION OF PRESERVATION  
COVENANTS AND RESTRICTIONS

BY

THE ROSLYN PRESERVATION CORPORATION

DEC 28 9 44 AM '84

HAROLD W. ROSENTHAL  
COUNTY CLERK  
NASSAU COUNTY

RECORDED

*To Deeds*

Sec. 7  
Blk 56  
Lot 67  
County - Nassau

Return to:  
Robert H. Fredrick Esq.  
Robert S. Grubisnik  
Suite 424  
300 Garden City Plaza  
Garden City, N.Y. 11530

County of Westchester, New York

26  
4  
N-667299

DEC 28 1984

*RS*

X000673

DECLARATION OF PRESERVATION  
COVENANTS AND RESTRICTIONS

BY

THE ROSLYN PRESERVATION CORPORATION

9608 REC 744

RECORDED  
DEC 28 9 44 AM '84  
HAROLD R. ROSENTHAL  
SOLICITOR AT LAW  
WALTON CORNYN

*Ho deeds*

Sq. 7  
PK 56  
Lot 67  
County - N York

Return to:  
Robert H. Fredrick Esq.  
Michael S. Brubaker  
Suite 414  
500 Corner City Plaza  
Farther City, NY 11530