

Number of pages 5

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2017 Feb 17 12:31:26 PM
JUDITH A. PASCALE
CLERK OF
SUFFOLK COUNTY
L 000012901
P 131

This document will be public record. Please remove all Social Security Numbers prior to recording.

Deed / Mortgage Instrument Deed / Mortgage Tax Stamp Recording / Filing Stamps

3 FEES

Page / Filing Fee 25
 Handling 20.00
 TP-584 _____
 Notation _____
 EA-52 17 (County) _____ Sub Total 45
 EA-5217 (State) _____
 R.P.T.S.A. 400.00
 Comm. of Ed. 5.00
 Affidavit _____
 Certified Copy 6.25
 NYS Surcharge 15.00 Sub Total 426.25
 Other _____ Grand Total 471.25



Mortgage Amt. _____
 1. Basic Tax _____
 2. Additional Tax _____
 Sub Total _____
 Spec./Assit. _____
 or _____
 Spec./Add. _____
 TOT. MTG. TAX _____
 Dual Town _____ Dual County _____
 Held for Appointment _____
 Transfer Tax _____
 Mansion Tax _____
 The property covered by this mortgage is or will be improved by a one or two family dwelling only.
 YES _____ or NO _____
 If NO, see appropriate tax clause on page # _____ of this instrument.

4 Dist. (3336186 See attached 5.000 5 Community Preservation Fund

Real Property Tax Service Agency Verification

Consideration Amount \$ _____
 CPF Tax Due \$ _____
 Improved _____
 Vacant Land _____
 TD _____
 TD _____
 TD _____

6 Satisfactions/Discharges/Releases List Property Owners Mailing Address
RECORD & RETURN TO:
 Charles R. Cuddy, Esq.
 PO Box 1547
 Riverhead, NY 11901

Mail to: Judith A. Pascale, Suffolk County Clerk
 310 Center Drive, Riverhead, NY 11901
 www.suffolkcountyny.gov/clerk

7 Title Company Information
 Co. Name _____
 Title # _____

8 Suffolk County Recording & Endorsement Page

This page forms part of the attached Declaration of Covenants and Restrictions made by: Villas at Roanoke, LLC
 (SPECIFY TYPE OF INSTRUMENT)
 The premises herein is situated in SUFFOLK COUNTY, NEW YORK.
 TO _____ In the TOWN of Riverhead
 County of Suffolk In the VILLAGE _____
 or HAMLET of _____

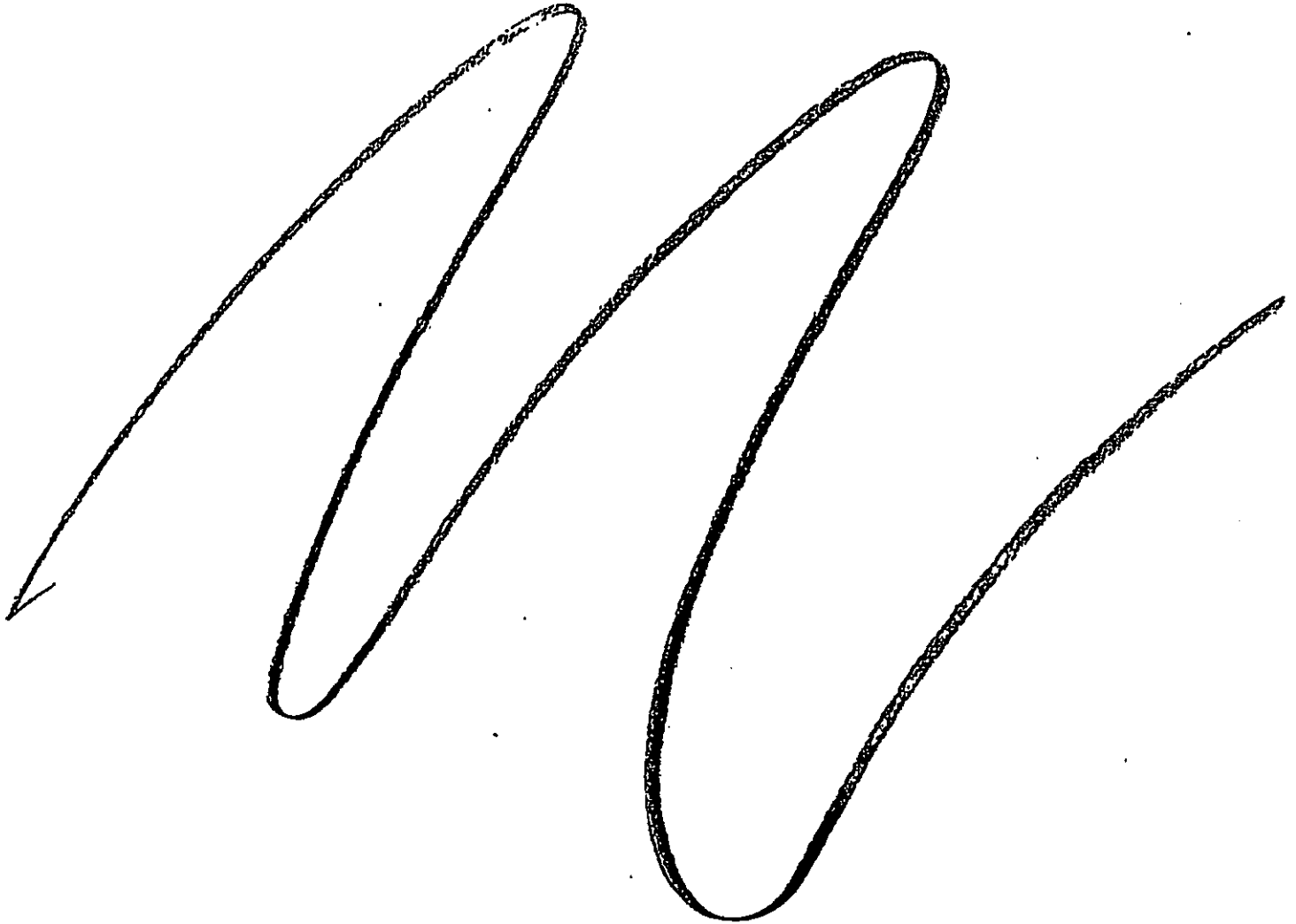
Stat ID:

3336186



Tax Maps

District	Section	Block	Lot	School District
0600	01700	0100	006001	
0600	01700	0100	006002	



DECLARATION OF COVENANTS AND RESTRICTIONS

THIS DECLARATION made this 7th day of February, 2017, by Villas at Roanoke, LLC a domestic Limited Liability Company with office located at 446 Remsen Road, Wading River, New York 11792 hereinafter referred to as the DECLARANT, as the owner of 27.1 acres of property at the intersection of Sound Avenue and Roanoke Avenue, Baiting Hollow, Town of Riverhead, described in Schedule A, annexed hereto, desires to restrict the use and enjoyment of 22.1 acres of that parcel described in Schedule B, annexed hereto, and, referred to as the PREMISES, and has for such purposes determined to impose on said PREMISES covenants and restrictions and does hereby declare that said PREMISES shall be held and shall be conveyed subject to the following covenants and restrictions:

1. The PREMISES owned by DECLARANT is the subject of a Deed of Development Rights made to the County of Suffolk and recorded with the Suffolk County Clerk.

2. As a condition of recommending approval by the Suffolk County Farmland Committee of the purchase of Development Rights by the County of Suffolk, the DECLARANT covenants:

- a) any agricultural support structure(s) (e.g., barn) for the farm would be placed within the approximate 6.0 acre northwestern portion of the currently wooded area and nowhere else on the property with the exception of a farm stand structure. A farm stand structure would be allowed along Sound Avenue or Roanoke Avenue. The farm stand structure and any other agricultural support structures will be in accordance with Chapter 8 of the Suffolk County Code lot coverage and farm stand structure specifications;
- b) the entire Development Rights PREMISES, including the 6-acre wooded area, shall be engaged in commercial agricultural production in accordance with Chapter 8 of the Suffolk County Code, the Deed of Development Rights, and Contract of Sale;
- c) there will be a 5-acre cut out in the northeast corner of the property as described at Schedule A which will not be part of the Development Rights acquisition and may be developed in accordance with applicable local zoning requirements.

3. The DECLARANT, its successors and/or assigns shall set forth these covenants, agreements and declarations in any and all leases to occupants, tenants and/or lessees of the above described property and shall, by their terms, subject same to the covenants and restrictions contained herein. Failure of the DECLARANT, its successors and/or assigns to so condition the leases shall not invalidate their automatic subjugation to the covenants and restrictions.

4. All of the covenants and restrictions contained herein shall be construed to be in addition to and not in derogation or limitation upon any provisions of local, state, and federal laws, ordinances, and/or regulations in effect at the time of execution of this agreement, or at the time such laws, ordinances, and/or regulations may thereafter be revised, amended, or promulgated.

5. This document is made subject to the provisions of all laws required by law or by their provisions to be incorporated herein and they are deemed to be incorporated herein and made a part hereof, as though fully set forth.

6. The aforementioned Restrictive Covenants shall be enforceable by the County of Suffolk, State of New York, by injunctive relief or by any other remedy in equity or at law. The failure of any agencies or departments of the County of Suffolk, or the County of Suffolk, to enforce the same shall not be deemed to affect the validity of this covenant nor to impose any liability whatsoever upon the County of Suffolk or any officer or employee thereof.

7. These covenants and restrictions shall run with the land and shall be binding upon the DECLARANT, its successors and assigns, and upon all persons or entities claiming under them, and may be terminated, revoked or amended only with the written consent of the Suffolk County Farmland Committee.

8. If any section, subsection, paragraph, clause, phrase or provision of these covenants and restrictions shall, by a Court of competent jurisdiction, be adjudged illegal, unlawful, invalid, or held to be unconstitutional, the same shall not affect the validity of these covenants as a whole, or any other part or provision hereof other than the part so adjudged to be illegal, unlawful, invalid, or unconstitutional.

9. Local Law #32-1980-The DECLARANT represents and warrants that he has not offered or given any gratuity to any official, employee, or agent of Suffolk County, New York State, or of any political party, with the purpose or intent of securing favorable treatment with respect to the performance of an agreement, and that such person has read and is familiar with the provisions of Local Law #32-1980.

Villas at Roanoke, LLC

By:


Gerald Simone, Member

STATE OF NEW YORK)

SS.:

COUNTY OF SUFFOLK)

On the 7 day of February in the year 2017 before me, the undersigned, personally appeared,

Gerald Simone

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 executed the same in his capacity, and that by his signature on the instrument, the individual or the person upon behalf of which the individual acted, executed the instrument.


Notary Public

SCHEDULE A

ALL that certain plot, piece or parcel of land, situate, lying and being at Roanoke, in the Town of Riverhead, County of Suffolk and State of New York, being more particularly bounded and described as follows:

BEGINNING at the corner formed by the intersection of the Northerly side of Sound Avenue and the Westerly side of Roanoke Avenue, and from said point of beginning the following three (3) courses and distances along the Northerly side of Sound Avenue:

1. South 85 degrees 59 minutes 10 seconds West, 109.46 feet;
2. South 84 degrees 07 minutes 40 seconds West, 618.91 feet;
3. South 83 degrees 08 minutes 10 seconds West, 18.26 feet to a point;

RUNNING THENCE along land now or formerly of Grodski, the following three (3) courses and distances:

1. North 18 degrees 36 minutes 50 seconds West, 807.40 feet;
2. North 17 degrees 05 minutes 50 seconds West, 400.15 feet to a point;
3. North 22 degrees 28 minutes 50 seconds West, 215.07 feet;

THENCE North 75 degrees 02 minutes 50 seconds East, 861.73 feet to the Westerly side of Roanoke Avenue;

THENCE the following two (2) courses and distances along the Westerly side of Roanoke Avenue:

1. South 14 degrees 57 minutes 10 seconds East, 386.52 feet;
2. South 13 degrees 26 minutes 50 seconds East, 1153.78 feet to the corner aforesaid, the point or place of BEGINNING.

SCHEDULE B

ALL that certain plot, piece or parcel of land, situate, lying and being in the Town of Riverhead; County of Suffolk and State of New York, being more particularly bounded and described as follows:

BEGINNING at a point at the intersection formed by the Westerly line of Roanoke Avenue and the Northerly line of Sound Avenue;

RUNNING THENCE from said point of beginning along the Northerly line of Sound Avenue the following three (3) courses and distances:

1. South 85 degrees 59 minutes 10 seconds West, a distance of 109.46 feet;
2. South 84 degrees 07 minutes 40 seconds West, a distance of 618.91 feet;
3. South 83 degrees 08 minutes 10 seconds West, a distance of 18.26 feet to a point and the Easterly line of the subdivision of "Park Sound Estates" filed in the Office of the Suffolk County Clerk on June 12, 1977 as File No. 6267;

THENCE along the Easterly line of the aforesaid filed map, North 18 degrees 36 minutes 50 seconds West, a distance of 807.40 feet to a point;

THENCE North 17 degrees 05 minutes 50 seconds West, a distance of 400.15 feet to a point and the terminus of South Avenue;

THENCE North 22 degrees 28 minutes 50 seconds West, a distance of 215.07 feet to a point across South Avenue, along the Easterly line of lands now or formerly of Kowalski and lands now or formerly of Sullivan;

THENCE North 75 degrees 02 minutes 50 seconds East along the Southerly line of a subdivision map of "Rolling Woods" at Roanoke, Section 2" filed in the Office of the Suffolk County Clerk on January 22, 1970 as Map No. 5421, a distance of 315.49 feet to a point;

THENCE through lands of the county acquisition parcel herein described the following five (5) courses and distances:

1. South 14 degrees 57 minutes 10 seconds East, a distance of 256.78 feet;
2. South 46 degrees 03 minutes 34 seconds East, a distance of 157.64 feet;
3. South 59 degrees 40 minutes 07 seconds East, a distance of 110.32 feet;
4. North 74 degrees 51 minutes 51 seconds East, a distance of 163.34 feet;
5. North 31 degrees 22 minutes 10 seconds East, a distance of 309.50 feet to a point and the Westerly line of Roanoke Avenue;

THENCE South 14 degrees 57 minutes 10 seconds East, a distance of 130.63 feet to a point;

THENCE South 13 degrees 26 minutes 50 seconds East, a distance of 1153.78 feet to the point and place of BEGINNING.