

IS IS NOT
A BILL



Erie County Clerk's Office
County Clerk's Recording Page

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Book 10921 Page 3979

No. Pages 0004

Instrument ~~DECL RSTRCT COV~~

Date : 9/18/1997

Time : 3:18:23

Return To:

BOX 243

4100 SHERIDAN DRIVE LLC

MORTGAGE TAX

Serial #

City/Town \$.00

S.M.A. \$.00

Trans. Auth. \$.00

Total \$.00

COUNTY	\$	17.00
	\$.00
COE	\$	5.00
	\$.00
	\$.00
	\$.00
	\$.00
	\$.00
	\$.00
	\$.00
Total:	\$	22.00

STATE OF NEW YORK
Erie County Clerk's Office

TRANSFER TAX

Transfer Tax \$.00

Amount \$.00

Transfer Tax #

WARNING - THIS SHEET CONSTITUTES THE CLERKS
ENDORSEMENT, REQUIRED BY SECTION 316-A(5) OF
THE REAL PROPERTY LAW OF THE STATE OF NEW YORK
DO NOT DETACH

DAVID J SWARTS
County Clerk



D109213979

ok
Jan
9/12/97

DECLARATION OF RESTRICTIONS

WHEREAS, 4100 SHERIDAN DRIVE, L.L.C. is the sole owner of property referred to herein in Exhibit A, attached hereto and made a part hereof. Said parcel being situated in the Town of Amherst, County of Erie and State of New York, and being identified as 4100 SHERIDAN DRIVE, L.L.C., and

WHEREAS, 4100 SHERIDAN DRIVE, L.L.C. is the successor in interest to 428 CO., INC. and now holds legal title to the property described in Exhibit A, and

WHEREAS, the Town of Amherst approved the rezoning of said property and adopted a resolution approving said rezoning at their meeting on July 7, 1997 subject to the following restrictions:

1. Maintenance of a 100 foot wide green-space buffer along the entire northerly line of the property, including the retention of existing woods. The developer will provide additional fill-in trees or other suitable landscaping within the buffer area.
2. No building foundation will be constructed closer than 175 feet to the northerly property line, nor will any building foundation be constructed closer than 75 feet from the eastern property line.
3. Any office buildings to be constructed on this site will be to a maximum height of 48 feet, including the stair and utility towers.
4. Hotel construction will be located along the westerly property line and will set back a minimum of 330 feet from the said northerly property line.
5. The height of the hotel shall be restricted to a maximum overall height of 55 feet including the stair and utility towers.

The above restrictions shall be binding on 4100 SHERIDAN DRIVE, L.L.C., their successors and assigns and shall run with the land except that the above-described descriptions can be changed, modified or eliminated only by majority vote of the Town Board of Amherst, New York.

4100 SHERIDAN DRIVE, L.L.C.

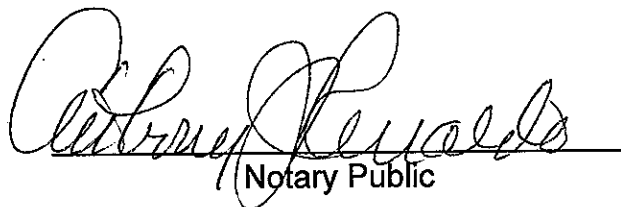
By: Stephen S. Obletz
Stephen S. Obletz, General Manager

@ 935

779-3

STATE OF NEW YORK)
) SS.:
COUNTY OF ERIE)

On this 11th day of September, 1997, before me personally came STEPHEN S. OBLETZ, to me known, who, being by me duly sworn, did depose and say that he is the General Manager of 4100 SHERIDAN DRIVE, L.L.C., the Limited Liability Company described in and which executed the above instrument; and that he signed his name thereto as and for the act of said Limited Liability Company.


Notary Public

ANTHONY J. RENALDO
Notary Public, State of New York
Qualified in Erie County
My Commission Expires 9/13/10 ~~10~~ 1997

EXHIBIT A

Commencing at the intersection of the northerly line of Sheridan Drive as a 100 foot highway and the northeast boundary of the 100 foot wide Lehigh Valley Railroad right of way: running thence easterly along the northerly line of Sheridan Drive, 200 feet: running thence northerly parallel with the west line of Lot No. 66, 200.00 feet: running thence westerly parallel with the northerly line of Sheridan Drive 80.00 feet to a point: running thence northerly parallel with the west line of Lot No. 66, 645.90 feet: running thence westerly at an inside angle of $86^{\circ} 22'$, 959.92 feet to a point in the said northeast bounds of the Lehigh Valley Railroad right of way which is distant 1146.70 feet northwest from the point of beginning: running thence southeasterly along the said northeasterly boundary of the Lehigh Valley Railroad right of way 1146.70 feet to the point or place of beginnng.