THIS AGREEMENT made this day of , 20 , by , residing at hereinafter referred to as OWNER;  

WITNESSETH:

That for and in consideration of ONE and 00/100 ($1.00) DOLLAR, and other good and valuable consideration, the receipt of which is hereby acknowledged, the parties hereby agree as follows:

That OWNERS hereby grant to each parcel, their successors and assigns, guests and invitees, a perpetual maintenance and improvement easement and right-of-way for cross access, parking, loading, queuing, landscaping and other typical improvements necessary to support the major restaurant use, under, through and over, as described in Schedule “B”, the subject premises for property identified on the Suffolk County Tax Map as 0200- , said lot is more particularly described in Schedule “A” attached hereto and made a part hereof, lying and being in the Town of Brookhaven, County of Suffolk and State of New York, said easement and right-of-way is more particularly described in Schedule “B” attached hereto and made a part hereof.

That OWNERS, their successors and assigns, guests and invitees, take the premises subject to the above described easement and right-of-way and rights of others along said right-of-way.

That this grant and easement shall, at all times, be deemed to be a continuing easement running with the land and shall be binding upon the heirs, successors and/or assigns of the parties herein.
It shall be the obligation of the then OWNERS of the subject parcel, their heirs, successors and/or assigns, to repair and/or maintain the said easement area. Each property owner shall be required to pay a % share of said maintenance and repair cost. In addition, the lot owners, their heirs, successors and/or assigns shall be equally responsible for the clearing of snow and maintenance of the easement and right-of-way, including but not limited to the maintenance of grass, trees and bushes, if any.

IN WITNESS WHEREOF, the parties hereto have caused their hands to be hereunto fixed, and these presents to be signed as of the day and year first above written.

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State of New York
) ss.: County of Suffolk

On the day of in the year 2006 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 signature(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

State of New York
) ss.: County of Suffolk

On the day of in the year 2003 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 signature(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