

Ord.#12-2015 An Ordinance of the Township of Mount Olive, in the County of Morris, State of New Jersey, Authorizing the Acceptance of a Deed of Dedication for Roadway Purposes for a Portion of Block 5401, Lot 4 From Rosalie Davis.

CLERK:

Delivered to Mayor:

Date: 4/1/15

Time: 10:00 am

Signed: *Donna M. Lashway*
Township Clerk

MAYOR:

Action by Mayor:

Approved: ✓

Date: 4-1-15

Vetoed: _____

Date: _____

(Reasons for which Mayor has withheld approval of ordinance, item or part
Thereof.)

Signed: *[Signature]*
Mayor

CLERK:

Returned:

Date: 4/1/15

Time: 10:50 AM

Not returned within the (10) days:

Date: _____

Signed: *Donna M. Lashway*
Township Clerk

Ord. #12-2015

**AN ORDINANCE OF THE TOWNSHIP OF MOUNT OLIVE, IN
THE COUNTY OF MORRIS, STATE OF NEW JERSEY, AUTHORIZING THE ACCEPTANCE
OF A DEED OF DEDICATION FOR ROADWAY PURPOSES FOR A PORTION OF BLOCK
5401, LOT 4 FROM ROSALIE DAVIS**

WHEREAS, the Township Council of the Township of Mount Olive, in the County of Morris, State of New Jersey, wishes to accept a Road Dedication Deed for a portion of Block 5401, Lot 4, by Rosalie Davis for a dedication for roadway purposes; and

WHEREAS, this conveyance is being made in accordance with the site plans approved by the Planning Board of the Township of Mount Olive by Resolution dated October 16, 2014 granting a minor subdivision, use variance and c-variances; and

WHEREAS, both the Township Attorney and the Township Engineer for the Township of Mount Olive have reviewed the Road Dedication Deed and find it acceptable in all respects.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Mount Olive, in the County of Morris, State of New Jersey as follows:

SECTION 1. The Township hereby authorizes acceptance of the Road Dedication Deed and conveyance for a portion of Block 5401, Lot 4, for dedication for roadway purposes as depicted on the attached legal description.

SECTION 2. The Mayor and Township Clerk and all other proper officers and employees of the Township are hereby authorized and directed to take any and all steps necessary to effectuate the purposes of this ordinance.

SECTION 3. All ordinances of the Township of Mount Olive which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 4. If any section, subsection, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid by any court of competent jurisdiction, such decision shall not affect the remaining portion of this ordinance.

SECTION 5. This ordinance may be renumbered for purposes of codification.

TOWNSHIP OF MOUNT OLIVE

JOE NICASTRO, Council President

ATTEST: 3/31/15

Lisa M. Lashway
Lisa Lashway, Township Clerk

Prepared by:

Michael S. Selvaggi, Esq.

ROAD DEDICATION DEED

This Deed is made on October 28, 2014

BETWEEN

MORRIS COUNTY, NJ
ANN F. GROSSI, COUNTY CLERK
DEED-OR BOOK 22629 PG 1353
RECORDED 12/04/2014 13:47:20
FILE NUMBER 2014064901
RCPT #: 10137937 RECD BY: ASIconolfi
RECORDING FEES \$80.00

ROSALIE DAVIS, with an address of 4 River Drive, Hackettstown, NJ 07840, referred to as the "Grantor",

AND

THE TOWNSHIP OF MOUNT OLIVE, a Municipal Corporation of the State of New Jersey, having an address at 204 Flanders-Drakestown Road, Mt. Olive, New Jersey 07828, referred to as the "Grantee".

Transfer of Ownership. The Grantor grants and conveys (transfers ownership of) the property described below to the Grantee. This transfer is made for the sum of \$1.00 (ONE DOLLAR AND NO/100)

The Grantor acknowledges receipt of this money.

Tax Map Reference. (N.J.S.A. 46:15-1.1) Municipality of Township of Mount Olive, Block 5401, Lot 4

☐ No property tax identification number is available on the date of the deed. (check box if applicable)

Property. The property consists of the land on the land in the Township of Mount Olive, County of Morris and State of New Jersey as shown on engineering plans entitled "Minor Subdivision/Lot Line Adjustment Plans for Lot 27, Block 5401, '#195 Route 206 North' & Lot 4, Block 5401, '#12 Main Road'" prepared by the engineering office of Civil Engineering, Inc., dated June 17, 2014. The legal description is attached as Schedule "A".

The within described premises are hereby conveyed to the Township of Mount Olive for roadway purposes, as required by the Township of Mt. Olive Planning Board and as set forth in its Resolution No. PB 14-08.

The Grantor makes this conveyance pursuant to a Power of Attorney dated August 17, 2004 which appointed John A. Davis as her attorney-in-fact to, among other things, "execute and deliver . . . deeds and other like instruments with or without covenants."

Promises by Grantor. The Grantor promises that the Grantor has done no act to encumber the property. This promise is called a "covenant as to grantor's acts" (N.J.S.A. 46:4-6). This promise means that the Grantor has not allowed anyone else to obtain any legal rights which affect the property (such as by making a mortgage or allowing a judgment to be entered against the Grantor).

Signatures. The Grantor signs this Deed as of the date at the top of the first page.

Rosalie Davis
ROSALIE DAVIS by her
Attorney-in-Fact John Davis

August 29, 2014

SCHEDULE "A"

Description For Proposed
Right of Way Dedication to
Mount Olive Township from Lot 4 Block 5401
Morris County, New Jersey

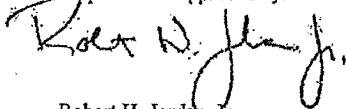
Beginning at a point in Main Road, width varies, said BEGINNING point being the beginning corner of a lot formerly known as Lot 5 Block 21 as described in a tract of land conveyed by Blanche P. Mac Crea, widow to Rosalie M. Davis, married by Deed dated January 17, 1990 and recorded in the Morris County Clerk's Office in Deed Book 3248, page 90; thence

1. South sixty two degrees, fifty eight minutes, twenty two seconds West (S 62°-58'-22" W) twenty eight and forty four hundredths (28.44) feet to a point in the new sideline of Main Road; thence
2. North one degree, twenty seven minutes, thirty seven seconds East (N 01°-27'-37" E) two hundred thirteen and eighty three hundredths (213.83) feet along the new sideline of Main Road to a point; thence
3. North seventy eight degrees, forty two minutes, thirty seven seconds East (N 78°-42'-37" E) twenty five and sixty three hundredths (25.63) feet to the point; thence
4. South one degree, twenty seven minutes, thirty seven seconds West (S 01°-27'-37" W) two hundred five and ninety two hundredths (205.92) feet to the point and place of beginning.

Containing in the above described bounds 5,246.91 S. F.

Subject to documents of record

Prepared and approved by:



Robert H. Jordan, Jr.
Professional Land Surveyor
New Jersey License No. 34485

State of New Jersey
SELLER'S RESIDENCY CERTIFICATION/EXEMPTION
(C.55, P.L. 2004)

(Please Print or Type)

SELLER(S) INFORMATION (See Instructions, Page 2)

Name(s)

Rosalie Davis

Current Resident Address:

Street: 4 River Drive

City, Town, Post Office

Hackettstown

State

NJ

Zip Code

07840

PROPERTY INFORMATION (Brief Property Description)

Block(s)

5401

Lot(s)

4

Qualifier

Street Address:

City, Town, Post Office

Mt. Olive Township

State

NJ

Zip Code

Seller's Percentage of Ownership

100%

Consideration

\$1.00

Closing Date

SELLER ASSURANCES (Check the Appropriate Box) (Boxes 2 through 10 apply to Residents and Non-Residents)

1. ☐ I am a resident taxpayer (individual, estate, or trust) of the State of New Jersey pursuant to N.J.S.A. 54A:1-1 et seq. and will file a resident gross income tax return and pay any applicable taxes on any gain or income from the disposition of this property.
2. ☐ The real property being sold or transferred is used exclusively as my principal residence within the meaning of section 121 of the federal Internal Revenue Code of 1986, 26 U.S.C. s. 121.
3. ☐ I am a mortgagor conveying the mortgaged property to a mortgagee in foreclosure or in a transfer in lieu of foreclosure with no additional consideration.
4. ☐ Seller, transferor or transferee is an agency or authority of the United States of America, an agency or authority of the State of New Jersey, the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, the Government National Mortgage Association, or a private mortgage insurance company.
5. ☐ Seller is not an individual, estate or trust and as such not required to make an estimated payment pursuant to N.J.S.A. 54A:1-1 et seq.
6. ☒ The total consideration for the property is \$1,000 or less and as such, the seller is not required to make an estimated payment pursuant to N.J.S.A. 54A:5-1-1 et seq.
7. ☐ The gain from the sale will not be recognized for Federal income tax purposes under I.R.C. Section 721, 1031, 1033 or is a cemetery plot. (CIRCLE THE APPLICABLE SECTION). If such section does not ultimately apply to this transaction, the seller acknowledges the obligation to file a New Jersey income tax return for the year of the sale (see instructions).
- ☐ No non-like kind property received.
8. ☐ Transfer by an executor or administrator of a decedent to a devisee or heir to effect distribution of the decedent's estate in accordance with the provisions of the decedent's will or the intestate laws of this state.
9. ☐ The property being sold is subject to a short sale instituted by the mortgagee, whereby the seller has agreed not to receive any proceeds from the sale and the mortgagee will receive all proceeds paying off an agreed amount of the mortgage.
10. ☐ The deed being recorded is a deed dated prior to the effective date of P.L. 2004, c. 55 (August 1, 2004), and was previously unrecorded.

SELLER(S) DECLARATION

The undersigned understands that this declaration and its contents may be disclosed or provided to the New Jersey Division of Taxation and that any false statement contained herein could be punished by fine, imprisonment, or both. I furthermore declare that I have examined this declaration and, to the best of my knowledge and belief, it is true, correct and complete. By checking this box ☐ I certify that the Power of Attorney to represent the seller(s) has been previously recorded or is being recorded simultaneously with the deed to which this form is attached.

October 28, 2014

Date

JOHN DAVIS, Attorney-in-Fact for Rosalie Davis

(Seller) Please indicate if Power of Attorney or Attorney in Fact

Date

Signature

(Seller) Please indicate if Power of Attorney or Attorney in Fact

STATE OF NEW JERSEY

AFFIDAVIT OF CONSIDERATION FOR USE BY SELLER

(Chapter 49, P.L. 1968, as amended through Chapter 33, P.L. 2006) (N.J.S.A. 46:15-5 et seq.)

BEFORE COMPLETING THIS AFFIDAVIT, PLEASE READ THE INSTRUCTIONS ON THE REVERSE SIDE OF THIS FORM.

STATE OF NEW JERSEY

COUNTY

WARREN

SS, County Municipal Code
1427

MUNICIPALITY OF PROPERTY LOCATION ML Olive Township

FOR RECORDER'S USE ONLY

Consideration \$ 100
RTF paid by seller \$ 100
Date 10/28/14 By [Signature]

*Use symbol "C" to indicate that fee is exclusively for county use.

(1) PARTY OR LEGAL REPRESENTATIVE (See Instructions #3 and #4 on reverse side)

Deponent, John Davis, being duly sworn according to law upon his/her oath,

deposes and says that he/she is the Attorney-in-Fact for Grantor in a deed dated 10/28/14 transferring

real property identified as Block number 5401 Lot number 4 located at

ML Olive Township, Morris County, New Jersey

(Street Address, Town)

and annexed thereto.

(2) CONSIDERATION \$ 1.00 (Instructions #1 and #5 on reverse side) ☒ no prior mortgage to which property is subject.

(3) Property transferred is Class 4A 4B 4C (circle one); if property transferred is Class 4A, calculation in Section 3A below is required.

(3A) REQUIRED CALCULATION OF EQUALIZED VALUATION FOR ALL CLASS 4A (COMMERCIAL) PROPERTY TRANSACTIONS:

(See Instructions #5A and #7 on reverse side)

Total Assessed Valuation + Director's Ratio = Equalized Assessed Valuation

\$ + % = \$

If Director's Ratio is less than 100%, the equalized valuation will be an amount greater than the assessed value. If Director's Ratio is equal to or in excess of 100%, the assessed value will be equal to the equalized valuation.

(4) FULL EXEMPTION FROM FEE (See Instruction #8 on reverse side)

Deponent states that this deed transaction is fully exempt from the Realty Transfer Fee imposed by C. 49, P.L. 1968, as amended through C. 66, P.L. 2004, for the following reason(s). More reference to exemption symbol is insufficient. Explain in detail.

(a) Consideration less than \$100.00

(5) PARTIAL EXEMPTION FROM FEE (Instruction #9 on reverse side)

NOTE: All boxes below apply to grantor(s) only. ALL BOXES IN APPROPRIATE CATEGORY MUST BE CHECKED. Failure to do so will void claim for partial exemption. Deponent claims that this deed transaction is exempt from State portions of the Basic, Supplemental, and General Purpose Fees, as applicable, imposed by C. 176, P.L. 1975, G. 113, P.L. 2004, and C. 86, P.L. 2004 for the following reason(s):

- A. SENIOR CITIZEN Grantor(s) ☒ 62 years of age or over. * (Instruction #9 on reverse side for A or B)
B. BLIND PERSON Grantor(s) ☒ legally blind or;
DISABLED PERSON Grantor(s) ☒ permanently and totally disabled ☐ receiving disability payments ☐ not gainfully employed*

Senior citizens, blind persons, or disabled persons must also meet all of the following criteria:

- ☒ Owned and occupied by grantor(s) at time of sale. ☐ Resident of State of New Jersey.
☒ One or two-family residential premises. ☐ Owners as joint tenants must all qualify.

*IN CASE OF HUSBAND AND WIFE, PARTNERS IN A CIVIL UNION COUPLE, ONLY ONE GRANTOR NEED QUALIFY IF TENANTS BY THE ENTIRETY.

C. LOW AND MODERATE INCOME HOUSING (Instruction #9 on reverse side)

- ☒ Affordable according to H.U.D. standards. ☐ Reserved for occupancy.
☒ Meets income requirements of region. ☐ Subject to resale controls.

(6) NEW CONSTRUCTION (Instructions #2, #10 and #12 on reverse side)

- ☒ Entirely new improvement. ☐ Not previously occupied.
☐ Not previously used for any purpose. ☐ NEW CONSTRUCTION* printed clearly at top of first page of the deed.

(7) RELATED LEGAL ENTITIES TO LEGAL ENTITIES (Instructions #6, #12, #14 on reverse side)

- ☐ No prior mortgage assumed or to which property is subject at time of sale.
☐ No contributions to capital by either grantor or grantee legal entity.
☐ No stock or money exchanged by or between grantor or grantee legal entities.

(8) Deponent makes this Affidavit to induce county clerk or register of deeds to record the deed and accept the fee submitted herewith in accordance with the provisions of Chapter 49, P.L. 1968, as amended through Chapter 33, P.L. 2006.

Subscribed and sworn to before me
this 28th day of September, 2014

[Signature of TONI ANN LAWLER]

TONI ANN LAWLER

A NOTARY PUBLIC OF NEW JERSEY

MY COMMISSION EXPIRES OCTOBER 1, 2017

[Signature of John Davis]
Signature of Deponent

John Davis
4 River Drive
Hackettstown, NJ 07840

Rosalee Davis
Grantor Name

4 River Drive
Hackettstown, NJ 07840

Deponent Address

Grantor Address at Time of Sale

XXX-XXX-807

N/A

Last three digits in Grantor's Social Security Number

Name/Company of Settlement Officer

2014064901

FOR OFFICIAL USE ONLY		
Instrument Number	County	Page
Deed Number	Book 2162	Page 1252
Deed Dated 10-28-14	Date Recorded 11-11-14	

County recording officers shall forward one copy of each RTF-1 form when Section 3A is completed to:

STATE OF NEW JERSEY

PO BOX 251

TRENTON, NJ 08646-0251

ATTENTION: REALTY TRANSFER FEE UNIT

The Director of the Division of Taxation in the Department of the Treasury has prescribed this form as required by law, and may not be altered or amended without prior approval of the Director. For information on the Realty Transfer Fee or to print a copy of this Affidavit, visit the Division of Taxation website at:

www.state.nj.us/treasury/taxation/rtf1localtax.htm

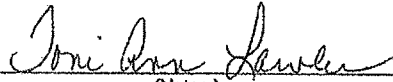
STATE OF NEW JERSEY :
SS:
COUNTY OF WARREN :

I CERTIFY that on October 28, 2014

Rosalie Davis, by her attorney-in-fact, John Davis

personally came before me (or if more than one, each person):

- (a) was the maker of the attached deed;
- (b) executed this deed as his or her own act; and,
- (c) this Deed was made for \$1.00 as the full and actual consideration paid or to be paid for the transfer of title (Such consideration is defined in N.J.S.A. 46:15-5.)


(Notary)

TONI ANN LAWLER
A NOTARY PUBLIC OF NEW JERSEY
MY COMMISSION EXPIRES OCTOBER 1, 2017

Record & Return to:

Michael S. Selvaggi, Esq.
Courter, Kobert & Cohen
1001 Route 517
Hackettstown, New Jersey 07840

Record and Return to:

William V. Romano, Esq.
1347 Route 46

Ledgebrook, NJ 07852
COURTIER, ROBERT & COHEN, P.C.
1001 ROUTE 517
HACKETTSTOWN, NEW JERSEY 07840

ATTN: Michael S. Selvasi, Esq.

Prepared by: William V. Romano
Attorney at Law

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS

THAT I, ROSALIE M. DAVIS, presently residing at 4 River Drive, Hackettstown, NJ 07840, do hereby constitute and appoint John A. Davis, 4 River Drive, Hackettstown, NJ 07840 my true and lawful attorney. Should this person be unable or unwilling at any time to serve as my true and lawful attorney, I appoint my daughter, Regina Marie Davis, to do the following:

1. Enter upon and take possession of any lands or buildings that belong to me or in which I may have an interest; to collect and receive rents; to execute and deliver contracts of sale or exchange, leases, mortgages, deeds and other like instruments, with or without covenants; to repair, alter or rebuild any buildings or other structures, to pay taxes, effect and maintain insurance and do all other things necessary or desirable in connection with the management thereof.
2. Demand, sue for, collect, recover and receive goods, debts, claims or other obligations, whether now due, or hereafter to become due, or that belong to me (including the right to foreclose liens, institute any action, suit or legal proceeding or enter into any arrangement of settlement or compromise and to give good and valid receipts, releases, discharges and acquittances in connection therewith).
3. Draw checks upon and withdraw funds from any checking or savings account standing in my name, including the right to draw checks in favor of himself, to endorse checks payable to me either for negotiation, deposit or collection.
4. Pay any obligation owed by me.