

ORDINANCE #4-2016

**AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF A DEED OF
DEDICATION OF LAND AND IMPROVEMENTS FROM HOVBRO CLAYTON
URBAN RENEWAL, LLC TO THE BOROUGH OF CLAYTON KNOWN AS
BLOCK 1904, PART OF LOT 11
(CLAYTON SENIOR CENTER)**

WHEREAS, Hovbros Clayton Urban Renewal, LLC has executed, recorded and delivered to the Borough of Clayton a Deed of Dedication dated October 28, 2015 by which the said Hovbros Clayton Urban Renewal, LCL has conveyed to the Borough of Clayton, a tract of land and improvements known as the Clayton Senior Center as more particularly described and upon terms set forth in the Deed of Dedication attached hereto; and

WHEREAS, the acceptance of said Deed of Dedication by the Borough of Clayton is in the public interest.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of Clayton, in the County of Gloucester and State of New Jersey that, pursuant to Local Lands and Buildings Law of the State of New Jersey, N.J.S.A. 40A:12-1, et seq., the Borough of Clayton does hereby accept the conveyance of the aforementioned Deed of Dedication, attached hereto, by Hovbro Clayton Urban Renewal, LLC to the Borough of Clayton

BE IT FURTHER ORDAINED that this Ordinance shall take effect immediately upon final passage and publication as required by law.

BOROUGH OF CLAYTON



THOMAS BIANCO, Mayor

Attest:



CHRISTINE NEWCOMB, Borough Clerk



900 Birchfield Drive
Mt. Laurel, NJ 08054
Tel: (856) 235-8444
Fax: (856) 235-3709

January 29, 2016

Ms. Sue Miller
Administrator
Borough of Clayton
125 N. Delsea Drive
Clayton, NJ 08312
via email to smiller@claytonnj.com

Reference: The Villages at Aberdeen
Clayton Senior Center

Dear Ms. Miller:

We have completed the construction of the Senior Center building. The building was issued a Certificate of Occupancy. The property on which the building is situated has been deeded to the Borough. A copy of the filed deed is attached. We are ready to dedicate the site to the Borough.

Please advise what further action is needed from us. When the time is appropriate, we would like to coordinate a dedication ceremony with the Borough.

Sincerely,

Scott V. Bordick
Site Development Manager

Encl: Deed

c: Mark Brunemer, Sickels Associates (via email)
Tim Scaffidi, Borough Attorney (via email)

30374031
 RECORD & RETURN TO:
 Surety Title Co., LLC
 11 Egan Drive, Suite 150
 Madison, NJ 08053

Deed Of Dedication Community Center

Consideration:	1.00 Tax/Code: E
County:	State :
NJATF:	PHPFA :
ERA :	
Sen Pur:	
11H :	
	REALTY TOTAL:

This Deed is made on October 28, 2015

BETWEEN

HOVBROS CLAYTON URBAN RENEWAL, L.L.C.,
 a New Jersey limited liability company

whose post office address is

900 Birchfield Drive
 Mount Laurel, New Jersey 08054

referred to as the Grantor,

AND

BOROUGH OF CLAYTON, a Municipality

whose post office address is

Borough Hall
 125 North Delsea Drive
 Clayton, New Jersey 08312

referred to as the Grantee.

The words "Grantor" and "Grantee" shall mean all Grantors and all Grantees listed above.

1. **Transfer of Ownership.** The Grantor grants and conveys (transfers ownership of) the property (called the "Property") described below to the Grantee. This transfer is made for the sum of One Dollar.

The Grantor acknowledges receipt of this money.

2. **Tax Map Reference.** (N.J.S.A. 46:15.1.1) Municipality of the Borough of Clayton

Block(s): 1904

Lot(s): Part of Lot 11

3. **Property.** As set forth on the "Final Plan of Lots" for Academy Walk, prepared by Millennium Surveying and Engineering dated October 23, 2002, last revised October 10, 2005, Filed as Map #4086.

See attached Senior Center Exhibit prepared by Taylor Wiseman & Taylor dated October 19, 2015 attached hereto and made a part hereof outlining the 178,473 Square Feet on 3.179 Acres conveyed to the Borough of Clayton by the Grantee. The legal description attached hereto as Exhibit A.

Prepared by: (print signer's name below signature)


 Mitchell T. Grayson, Esquire



(For Rec 10/28/2015 00042588)
 Docket: 00042588
 Type: DEE Pages: 7
 James H. Hason, Gloucester County Clerk
 Receipt: 481368 01:12:20P Nov 04, 2015
 Recording Fee: 100.00 DB 5391 212

DB 5391 213
DOCKET# 00042388State of New Jersey
SELLER'S RESIDENCY CERTIFICATION/EXEMPTION
(C.55, P.L. 2004)GIT/REP-3
(11-04)

(Please Print or Type)

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

Name(s)

HOVBROS CLAYTON, LLC, a New Jersey Liability Company

Current Resident Address:

Street: 900 Birchfield Drive

City, Town, Post Office

State

Zip Code

Mount Laurel

NJ

08054

PROPERTY INFORMATION (Brief Property Description)

Block(s)

Lot(s)

Qualifier

1904

11

Street Address:

Estates of Aberdeen

City, Town, Post Office

State

Zip Code

Clayton

NJ

08312

Seller's Percentage of Ownership

Consideration

Closing Date

100%

One Dollar (\$1.00)

10-28-15

SELLER ASSURANCES (Check the Appropriate Box)

1. ☐ I am a resident taxpayer 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 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.

SELLER(S) DECLARATION

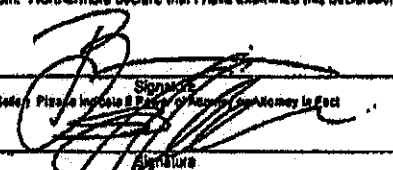
The undersigned understands that this declaration and its contents may be disclosed or provided to the New Jersey Division of Taxation and that any false statement contained herein could be punished by fine, imprisonment, or both. I furthermore declare that I have examined this declaration and, to the best of my knowledge and belief, it is true, correct and complete.

10/20/15

Date

10/20/15

Date


 (Seller) Please indicate if Seller or Agent or Attorney in Fact

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

DB 5391 214
DOCKET# 00042588

4. **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. 46:4-5). 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).

5. **Signatures.** The Grantor signs this Deed as of the date at the top of the first page. (Print name below each signature).

WITNESS:

HOVBROS CLAYTON URBAN RENEWAL, L.L.C.

Scott V. Barchi

By:

Stephen J. Hovnanian, MemberScott V. Barchi

By:

Peter J. Hovnanian, Member

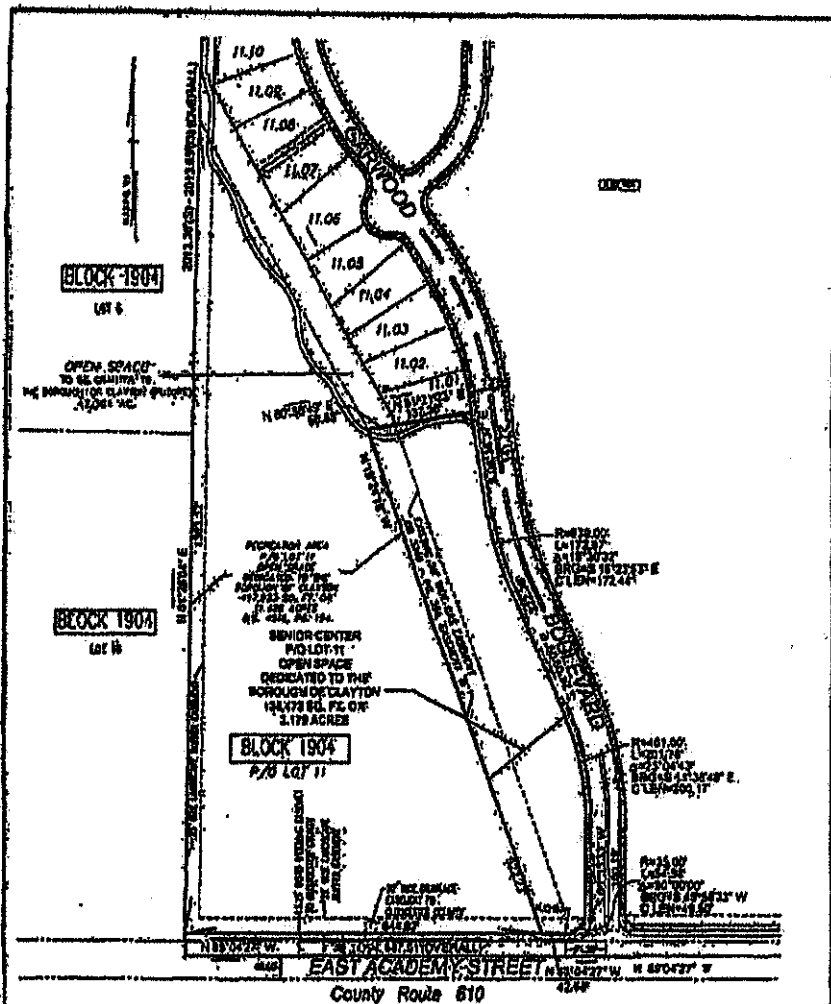
STATE OF NEW JERSEY, COUNTY OF BURLINGTON; SS.

I CERTIFY that on October 28, 2015, Stephen J. Hovnanian and Peter J. Hovnanian, Members personally came before me and stated to my satisfaction that this person (or if more than one, each person):

- (a) was the maker of this Deed;
- (b) executed this Deed as Members of Hovbros Clayton Urban Renewal, L.L.C. as their own act and deed on behalf of the Company; and,
- (c) made this Deed 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.)

Maria E. Gelfand
(Print name and title below signature)

MARIA E. GELFAND
NOTARY PUBLIC
STATE OF NEW JERSEY
ID # 2447262
MY COMMISSION EXPIRES JUNE 17, 2019

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DOCKET# 00042588

NOTES:
1. DISTRICT INFORMATION TAKEN FROM "FINAL PLAN OF LOT 11" FOR ROADWAY.
2. THIS PLAN WAS MADE UNDER MY IMMEDIATE SUPERVISION.
3. THIS PLAN WAS MADE BY SURVEYORS AND ENGINEERS, DATED
4. IMMEDIATELY AFTER THE PLAN WAS FILED AS MAP 5-4-88

THIS PLAN WAS MADE UNDER MY IMMEDIATE SUPERVISION.

SENIOR CENTER DEDICATION

SENIOR CENTER
BLOCK 1904 PART OF LOT 11
BOROUGH OF CLAYTON
GLoucester COUNTY, NEW JERSEY

Taylor Wiseman & Taylor

SURVEYORS / SCIENTISTS

100 BARTER DRIVE, SUITE 100, MOUNT LAUREL, NJ 08054

TELEPHONE (609) 261-7500 FAX (609) 261-7500

www.taylorwiseman.com

NJ CERTIFICATE OF AUTHORIZATION NO. 24042022200

DATE: OCTOBER 16, 2018 SCALE: 1"=50' SURVEYOR: TWT

DRAWN BY: 81200-80408 (CMT) DED

Thurman Golightly
THURMAN GOLIGHTLY
NJ CERTIFICATE OF AUTHORIZATION NO. 24042022200

DATE: OCTOBER 16, 2018 SCALE: 1"=50' SURVEYOR: TWT

DRAWN BY: 81200-80408 (CMT) DED



Taylor Wiseman & Taylor

ENGINEERS / SURVEYORS / SCIENTISTS

124 Galther Drive, Suite 150, Mt. Laurel, NJ 08054

856-238-7200 phone 856-722-8250 fax

www.taylorwiseman.com

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DOCKET# 00012388

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#01200

DESCRIPTION OF PROPERTY

Block 1904, P/O Lot 11

Senior Center

Age Qualified Section, Hovbros Clayton Urban Renewal, LLC

ALL THAT CERTAIN tract or parcel of land situate and lying in the Borough of Clayton, County of Gloucester, and the State of New Jersey being more particularly bounded and described as follows:

BEGINNING AT A POINT in the northerly line of East Academy Street (County Route No. 610) as measured 38.00 feet, at right angles, from the centerline of East Academy Street, where the same is located North 89° 04' 27" West a distance of 71.50' from the centerline of Garwood Boulevard (73' wide), and from said beginning point runs; thence, the following:

1. Along said northerly line of East Academy Street North 89° 04' 27" West, a distance of 42.68'
2. North 19° 24' 18" West, a distance of 922.23' on a line coincident with the westerly line of the N/P South Jersey Gas Company 50' wide easement as recorded in the office of the Gloucester County Clerk in Deed Book 3246 Page 354
3. North 80° 58' 49" East, a distance of 50.85' to the southwest corner of Block 1904, Lot 11.01
4. North 81° 21' 23" East, a distance of 137.30' coincident with the southerly line of Block 1904 Lot 11.01 to a point on the westerly line of Garwood Boulevard; thence, along the westerly line of Garwood Boulevard the following four (4) courses and distances:
5. South 08° 38' 37" East, a distance of 141.72'
6. Tangential to the preceding course, on a curve to the left, having an arc length of 172.97', a radius of 639.00', a chord bearing of South 16° 23' 53" East, and a chord length of 172.44'



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DOCKET# 00042588

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7. On a line tangent to the preceding curve, South $24^{\circ} 09' 09''$ East, a distance of 222.39'
8. Tangential to the preceding course, on a curve to the right, having an arc length of 201.78', a radius of 461.00', a chord bearing of South $11^{\circ} 36' 48''$ East, and a chord length of 200.17'
9. On a line tangent to the preceding curve, South $00^{\circ} 55' 33''$ West, a distance of 160.19' to a point of curvature leading from the westerly line of Garwood Boulevard to the northerly line of East Academy Street
10. Tangential to the preceding course, on a curve to the right, having an arc length of 54.98', a radius of 35.00', a chord bearing of South $45^{\circ} 55' 33''$ West, and a chord length of 49.50'

TO THE POINT AND PLACE OF BEGINNING.

SAID ABOVE DESCRIBED tract or parcel of land containing within said bounds 138,473 Sq. Ft. or 3.179 acres more or less.

TD M. Golightly 10/21/2015
Thurman Golightly
NJ Licensed Land Surveyor #24GS03536400
NJ Certificate of Authorization No. 24GA28032900.

October 21, 2015
L:\Work\1012000\1200\Description\BLOCK 1904 LOT 11 - SENIOR CNTR.doc



MUST SUBMIT IN DUPLICATE

STATE OF NEW JERSEY
AFFIDAVIT OF CONSIDERATION FOR USE BY SELLER(Chapter 49, P.L. 1988, as amended through Chapter 33, P.L. 2006) (N.J.S.A. 46:15-5 (1988))
BEFORE COMPLETING THIS AFFIDAVIT, PLEASE READ THE INSTRUCTIONS ON THE REVERSE SIDE OF THIS FORM.

STATE OF NEW JERSEY

COUNTY GLOUCESTER } SS. County Municipal Code
0801MUNICIPALITY OF PROPERTY LOCATION Clayton

FOR RECORDER'S USE ONLY	
Consideration	\$
RTF paid by seller	\$
Date	By

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

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

Deponent, Peter J. Hovanian being duly sworn according to law upon his/her oath, deposes and says that he/she is the Managing Member of Grantor in a deed dated 10-23-15 transferring (Grantor, Legal Representative, Corporate Officer, Officer of This Company, Lending Institution, etc.) real property identified as Block number 1904 Lot number 11 located at Estates at Aberdeen, Clayton, New Jersey and annexed thereto. (Street Address, Town)

(2) CONSIDERATION \$ 1.00 (Instructions #1 and #2 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: (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 (Instruction #6 on reverse side)
Deponent states that this deed transaction is fully exempt from the Realty Transfer Fee imposed by G. 49, P.L. 1988, as amended through G. 49, P.L. 2004, for the following reason(s). Mere reference to exemption symbol is insufficient. Explain in detail.
Grantor is Borough of Clayton(5) PARTIAL EXEMPTION FROM FEE (Instruction #7 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 State, Supplemental, and General Purpose Fees, as applicable, imposed by G. 176, P.L. 1975, G. 113, P.L. 2004, and G. 86, P.L. 2004 for the following reason(s):
(6) by agreement between the USA and the State of New Jersey, INTERSTATE TAX AGREEMENT, 10-23-15

A. SENIOR CITIZEN (Grantor(s) ☐ 62 years of age or over. (Instruction #8 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 GRANITOR NEED QUALIFY IF TENANTS BY THE ENTIRETY.

C. LOW AND MODERATE INCOME HOUSING (Instruction #9 on reverse side)
☐ Affordable according to HUD standards. ☐ Reserved for occupancy.
☐ Meets income requirements of region. ☐ Subject to resale controls.

(6) NEW CONSTRUCTION (Instructions #12, #10, #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) DELAYED LEGAL ENTITIES TO LEGAL ENTITIES (Instructions #5, #12, #14 on reverse side)
☐ No prior mortgage assumed or to which property is subject.
☐ 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 estimated herewith in accordance with the provisions of Chapter 49, P.L. 1988, as amended through Chapter 33, P.L. 2006.

Subscribed and sworn to before me this 23 day of October, 2015

JEAN L. TEMPLE
A Notary Public of New Jersey
My Commission Expires July 19, 2018

County recording officers shall forward one copy of each RTF-1 form when Section 2A is completed to:

Signature of Deponent: Hovanian, Clayton, LLC
Grantor Name
800 Birchfield Dr., Mt. Laurel, NJ
Deponent Address
08053
Peter J. Hovanian
Name/Company of Notary Public Officer

Last three digits in Grantor's Social Security Number: 8 9 2

FOR OFFICIAL USE ONLY	
Instrument Number	County
Deed Number	Book
Deed Date	Date Received

STATE OF NEW JERSEY

PO BOX 381

TRENTON, NJ 08646-0381

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 it 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's website at: www.state.nj.us/treasury/taxation/fees/rtf1.htm.

4-2016

NOTICE OF INTRODUCTION

**AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF A DEED OF
DEDICATION OF LAND AND IMPROVEMENTS FROM HOVBRO CLAYTON
URBAN RENEWAL, LLC TO THE BOROUGH OF CLAYTON KNOWN AS
BLOCK 1904, PART OF LOT 11
(CLAYTON SENIOR CENTER)**

TAKE NOTE that the foregoing ordinance was introduced at a meeting of the Mayor and Council of the Borough of Clayton held on February 11, 2016 and was then read for the first time. The said ordinance will be further considered for final passage by the Mayor and Council at the Municipal Building, 125 N. Delsea Drive, Clayton, New Jersey, at a meeting beginning 6:30 p.m. on February 25, 2016, at which time and place, or any time and place to which such meeting be adjourned, all persons interested will be given an opportunity to be heard concerning such ordinance.

BY ORDER of the Mayor and Council of the Borough of Clayton.

Christine Newcomb
Borough Clerk

4-2016

NOTICE OF ADOPTION

**AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF A DEED OF
DEDICATION OF LAND AND IMPROVEMENTS FROM HOVBRO CLAYTON
URBAN RENEWAL, LLC TO THE BOROUGH OF CLAYTON KNOWN AS
BLOCK 1904, PART OF LOT 11
(CLAYTON SENIOR CENTER)**

The foregoing Ordinance was finally adopted by the Mayor and Council of the Borough of Clayton on February 25, 2016.

Christine Newcomb
Borough Clerk