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Campus of Nswar

School of law-Newark • Constitutional rcrGiinic
Sl. Newhouse Center For Law arc i^zb
15 Washington Street . Newark • New Jersey OTC2-Z~?2 - 201/648-5687

October 23, 1985

Frank A. Santoro, Esq.
1500 Park Avenue
South Plainfield, NJ 07080

Re: Urban League v. Carteret, C 4122-73

Dear Frank:

The judge has set the South Plainfield compliance hearing for Tuesday, November 12. I must, therefore, ask that you provide me with the information which we agreed upon orally in court on October 2 and which is embodied in my letter to you of October 7, as well as the tax maps showing the precise acreage of the 200 Park Avenue site, immediately.

Thank you for your anticipated cooperation.

Sincerely yours, *

ERIC NEISSER

cc/Carla Lerraan
South Plainfield Service List

Course-

Campus at Newark

School of Law-Newark • Constitutional Litigation Clinic
S.I. Newhouse Center For Law and Justice
15 Washington Street • Newark • New Jersey 07102-3192 • 201/648-5687

October 7, 1985

Frank Santoro, Esq.
1500 Park Avenue
South Plainfield, New Jersey 07080

Re: Urban League v. Carteret, No. C 4122-73

Dear Frank,

This is to confirm my oral inquiry of Wednesday about your letter of September 17 and some of the materials provided with it.

First, with regard to land sales, your letter states that only 20,000 square feet were transferred yet the Deed dated May 13, 1985 which you provided states that 3 tracts totalling 25,000 square feet were involved. Is the Deed correct or are you asserting that not all three of the parcels were within the Judgment? I note in this regard that your letter states that deeds have been executed conveying only one of the six sales of inventoried lands. Page 1. Yet the Deed provided covers, as far as I can tell, three of the six sales for which you provided Council resolutions of acceptance of bids. With regard to those resolutions, please provide copies of the "Schedules" referred to in the March 26, August 13, and November 13, 1984 resolutions and information or documents permitting us to distinguish and identify "parcel 1" from parcel 2" in the two June 11, 1984 resolutions. Moreover, the copy of the first page of the Deed you provided clipped off the handwritten note on the upper left corner. Please provide a new copy of that page so I can read that note.- *

With regard to the three parcels mentioned in the May 13, 1985 Deed, it appears that they were originally part of Block 448-, Lot 4*01 and were subsequently subdivided into Lots- 4.03, 0 • Ttrei ttee^bui-iding permits you provided are for the latter numbered lots. Yet nowhere in the Planning Board materials provided does it indicate that the latter three lots were subdivided out of 4.01 or what remains of 4.01. Please

Counsel: Frank Askin-Joncthan M. Hymon (Adminis'rc". * p-recrcj - Neisser

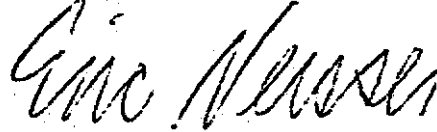
Confirm that it was a subdivision of Lot 4.21 that produced Lots 4.03, 4.04, and 4.05 within Block 448 and either provide me with the appropriate documentation or confirmation that the subdivision that effected this change was the Planning Board's approval of application 84-20 that was preliminarily approved on April 16, 1985 and finally approved on May 21, 1985, as reflected in the Planning Board minutes and subsequent resolutions for those dates.

My uncertainty and concern in this regard derive from the following discrepancies: the Deed executed by the Mayor and Borough Clerk in your presence on May 13, 1985 says that the lots thereby deeded "were Created as a result of subdivision, as evidenced by the signatures of the Chairman and Secretary of the Planning Board of the Borough of South Plainfield below." Page 3. Neither the Chairman's nor the Secretary's signature appears on the Deed. Moreover, the minutes of the Planning Board show that final subdivision approval did not occur until May 21, 1985 and that the subdivision maps were not signed by the Chairman and Secretary until August 20, 1985. Yet building permits for those three subdivided lots were issued on May 16, 1985. My understanding is that the law does not permit issuance of building permits until after the subdivision maps are signed. Please let me know if I am incorrect in this assumption or if there was some special circumstance justifying this unusual deviation from standard practice.

Finally, with regard to the Morris Avenue site, I note that in the recitation of the lots covered by the Judgment in Paragraph 1(F) of your letter, page 2, you state that the lots within Block 112 are Lots 1 and 2..01. However, the Judgment clearly states that it is Lots 1 and 2,-01. This discrepancy takes on substantive importance because in Paragraph 6 of your letter, page 4, you state that you have investigated the ownership status of the parcels within the Morris Avenue site and "find that the Borough still owns all of the previously stipulated to lands* except for the Buccellato site. I would, therefore, appreciate your checking the ownership status of Block 112, Lot 2.01 and certifying whether the Township owns it. Also, you make reference in that paragraph to correspondence of the Land Management Advisory Committee with regard to the site owned by Mr. Buccellato. Because this directly involves the Township's compliance with the Judgment of May 22, 1984, I would request again, as I did in my last letter, copies of that correspondence and any minutes or other internal documents bearing Township's conduct vis-a-vis that parcel. Lastly, I would appreciate a copy of the incorporation paper's relating to the South Plainfield Senior Citizen Housing Finance Committee, Inc., and of any Council meeting agendas at which action was taken or the senior citizen project was discussed.

In closing, let me note my appreciation for your timely and nearly complete response to my prior letter and my hope that we will be able to resolve this matter promptly.

Sincerely yours, .

A handwritten signature in cursive script, appearing to read "Eric Neisser".

Eric Neisser

cc/South Plainfield Service List

Campus at Newark*

School of Law-Newark * Constitutional Litigation Clinic
S.I. Newhouse Center For Law and Justice
15 Washington Street • Newark . New Jersey 07102-3192 • 201/648-5687

September 5, 1985

Frank Santoro, Esq.
1500 Park Avenue
South Plainfield, New Jersey 07080

Re: Urban League, et al. vs. Carteret, et al.
(South Plainfield) - No. C 4122-73

Dear Frank,

This is to confirm our conversation of this morning in which we discussed the remaining documents needed to determine compliance with the Judgment and Orders as to South Plainfield, and which I detail below. You agreed to supply them to me before the September 27 return date of your transfer motion. I would request that they be served at latest eight days before the return date, that is, by Thursday, September 19, as is generally required for motion responses. As I explained, to comply the Borough still must adopt the resolution described in Paragraph 6 of the Judgment of May 22, 1984, committing the Borough to apply for, and to encourage private developers to apply for, any available federal, state or county funds for rehabilitation or subsidy of construction or rents. I suggested that this resolution could be considered at any Council meeting(s) between now and September 27. Finally, as I indicated on the phone, I have written the Judge today, copy attached, asking that Ms. Lerman, the Master, be directed to report to the Court on the acceptability of the zoning and affordable housing ordinances by September 23, so that if the Court denies transfer on the 27th it will be in a position to move forward immediately to complete action concerning South Plainfield.

The documents we agreed upon fall into three categories:

1) Borough Sale of Land Within Judgment

a) Notices of public bids. Council resolutions of acceptances, and, where applicable, deeds concerning any Borough sale or proposed or contracted sale, since January 1, 1984, of land within the blocks and lots listed in the Judgment, or within any new lots derived from the specified lots as a result of subdivision (see item 2 below). As I explained, from the inventory you supplied, we have to date identified six such sales, although our request obviously applies to any additional sales of which we are not yet aware;

b) Clarification of the illegible parts of the previously supplied inventory, as requested in Ms. Williams letter to you of July 10j

c) The Council resolution imposing a moratorium on further land sales and a statement from the Chair of the Economic Development Committee, or other responsible official, that pursuant to that moratorium, no further public bids, acceptance resolutions, contracts for sale, or closings have occurred since April 22, 1985. In this connection, please be sure that the inventory ending April 22, 1985 that you previously supplied reflects, or that you provide an update that reflects, any action short of closing, e.g. notice of bid, relating to other pieces of land that occurred before that date.

2) Subdivision of Lots within Judgment

a) Documentation of any subdivision or other creation of new lot numbers, since January 1, 1984, within lots specified in the Judgment. I suggested that the easiest way to do this might be to send me a copy of all Planning Board minutes from January 1, 1984 to the present, accompanied by a statement of a responsible official, such as the Planning Board Secretary, as to when subdivisions of the relevant lots occurred. We already know, for example, that Block 427 Lot 1.01 was subdivided into four lots (1.01, 1.02, 1.03, and 1.04). We need to know of any other such action affecting land within the Judgment.

b) Any Planning Board or other official approval (including building permits) of developments on land within the Judgment. (I forgot to mention this oh the phone, but this would inevitably be part of the matters in a) above, and could easily be covered through production of the noted Planning Board minutes plus building permits for any finally approved projects on these' lots.)

c) A breakdown of the precise acreage of the land within Block 448 *Lots 2.01 and 4.01 and Block 427 Lot 1.01* the land specified in Paragraph 3(C) of the Judgment as the Pomponio Avenue site, as originally constituted, and within the lots that now comprise that area. You will recall that originally we were told and given discovery suggesting that there were only 25 acres in the specified lots but later learned that there were some 32 acres,.

3) Morris Avenue Senior Citizen Project Site

a) A statement of ownership status, froa January 1, 1984 to the present, of all parcels listed in Paraoraph 3(F) of the Judgment as comprising the Morris Avenue site. This site was represented in the Stipulation and Judgment as "municipally owned" although, as you confirmed today, at least one parcel, the Buccellato site, is still privately owned today. Where applicable, please provide contracts for purchase and deeds to the Borough.

b) All correspondence or internal documents of the Economic Development and Land Management Committees, the Council or other official bodies concerning possible purchase of any of these parcels. As indicated, Mr. Buccellato informed me that at one point he had written the Borough about selling the land but had been told that there was no interest in purchasing it.

c) Documentation of efforts to date, if any, towards planning or development of the senior citizen center at that site. If, as you indicated on the phone, nothing at all has been done to date, then please provide a statement from the responsible official detailing any plans currently in existence for future action.

As noted several times, plaintiffs consider this material crucial to final determination of the litigation as to South Plainfield and at least relevant to the transfer motion now pending before the Court. In reliance on your promise to produce these materials prior to the return date, I am not at this time applying for a formal court order to this effect.

Thank you for your anticipated cooperation.

Sincerely yours,



Eric Neisser

Counsel for Urban League
Plaintiffs

cc/Judge Serpentelli
Carla Lerman
South Plainfield Service List

1500 Park Avenue
South Plainfield, N.J. 07080

Peter J. Calderone, Esq.
Atty for South Plainfield Planning Board-
19 Holly Park Drive
South Plainfield, N.J. 07080

William V. Lane, Esq.
Atty for South Plainfield Board of Adjustment
324 East Broad Street
Westfield, N.J. 07091

Angelo H. Dalto, Esq.
Atty for Elderlodge Plaintiff
1550 Park Avenue
South Plainfield, N.J. 07080

Raymond Miller, Esq.
Atty for Tonsar Corp.
2301 Maple Avenue
South Plainfield, N.J. 07080

Leonard H. Selesner, Esq.
Atty for Gal-Ker, Inc.
225 Millburn Avenue
Millburn, N.J. 07041 •

John George, Esq.
Atty for Larry Massaro
277 South Plainfield Avenue
South Plainfield, N.J. 07080

Donald R. Daines, Esq.
Atty for K. Hovnanian Companies of New Jersey
10 Highway 35, PO Box 500
Red Bank, N.J. 07701

Joseph Buccellato
••Power."Realty"'.
2322 Park Avenue
South Plainfield, N.J. 07080

Joseph Murray, Esq.
McDonough Murray & Korn
555 West-field Avenue
Westfield, N.J. 07091

lt

FRANK A. SANTORO

1500 PARK AVENUE, SUITE ONE

P.O. Box 272

SOUTH PLAINFIELD, NEW JERSEY 07080

MEMBER

New JERSEY BAR

U.S. PATENT BAR

ABBA CODE 201

561-6868

September 17, 1985

Eric Neisser, Esq.
Constitutional Litigation Clinic
Rutgers Law School
15 Washington Street
Newark, New Jersey 07102

Re: Urban League, et al. vs. Carteret, et al.
(South Plainfield) - Docket No. C 4122-73

Dear Eric

It has taken me some time to accumulate the various documentations, which you requested in your letter of September 5, 1985, but having now finally put together the package, I enclose the following items?

1. Notices of Public Bids, Council Resolutions of Acceptances and, where applicable, Deed(s) to Borough land which has conveyed certain of the "Mount Laurel" inventoried properties to third parties.

It is important to note that only six sales of the "inventoried land" have taken place from January 1, 1984 to the present and of the six sales, Deed(s) of conveyance were given for only one of those sales, to wit, P/O Lot 4.01, Block 448 (see copy of Deed enclosed). From a review of this Deed, it is obvious that only 20,000 square feet have been transferred by Deed of the total inventoried lands.

The judgment as to South Plainfield required the rezoning of the following tracts:

A. Block 459, Lot 1; Block 460, Lot 1, Block 461, Lots 1-3; Block 462, Lot 2; Block 465, Lot 1; Block 466, Lot 1; Block 467, Lots 1, 3, 4, 5 and 21, representing 84.8 acres.

B. Block 528, Lot 43, or 27 acres.

C. Block 448, Lots 2.01 and 4.01 and Block 427, Lot 1.01, or 25 acres.

D. Block 255, Lots 14', 33 and 34.

Page 1"

September 17, 1985

E. Block 308, Lot 34; Block 31D, Lots 1.01, 4.01, 5-7, 9, 11, 13-15, 17 and 18? and Block 311, Lots 16-36^ or a total of 12.25 acres.

F. Morris Avenue^ite' known as Block 111, Lots 1-4? Block 112, Lots 1 and (Uj01> Block 113, Lots 1.01, 2, 4 and 5.01? and Block 1157 Lots 1, 2, 2.01 and 3, a total of 6.15, acres.

G. Block 12, Lots 9, 16 and 17, a total of 7.25 acres.

H. Block 259, Lots 5, 6.01, 6.02, 7 and 12, the "Elderlodge site" or 1.46 acres.

The grand total of the required rezoned Mount Laurel areas, as per the Judgment, was 163.91 acres.

The amount transferred by the aforementioned Deed is 20,000 square feet or approximately 0.5 acres. Hence the reduction of the "inventoried" lands is less than 0.3%

2. In response to the previous inquiry of Barbara Williams (letter of July 10, 1985), please be advised, as follows:

A. The July 9, 1984, sale to D. DiGianni in the amount of \$131,250.00 was for the lands described in Schedule A of Ordinance #994 (copy attached) and provides for the transfer to D. DiGianni of P/O Lot 2.01, Block 32c, P/O Lot 18.01, Block 404 and P/O Lot 23.01, Block 404. None of these lots and blocks are included in the judgment.

B. The March 25, 1985, sale to D. DiGianni in the amount of \$144,525.00 was for the lands described in Schedules A and B of Ordinance #1014 (copy attached) and provides for the transfer to D. DiGianni of P/O Lot 18.01, Block 404 and P/O Lot 23.01, Block 404. Again, none of these lots and blocks are included in the Judgment. ; v

C. I have enclosed a copy of Ordinance #1002, which involved a land exchange with A. Mondoro and which clearly shows that no property from the judgment was conveyed.

3. In response to your paragraph 1), and in your letter of September 5, 1985, concerning the land sale mentioned, be advised as follows: .-'

No formal Resolution was adopted by the Council imposing the moratorium, rather it was by voice vote (4-^ } an Executive Session of the Council held on March 4, 1985.

Eric Neisser, Esq. .
Page 3
September 17/ 1985

I. have enclosed the minutes of the Land Management Advisory Committee meetings of March 14, 1985 and March 28, 1985, which discuss among other matters the land sale moratorium approved by the Council on March 4, 1985.

As Municipal Attorney, I hereby certify that no Notice of Sale of Land, acceptance Resolutions, Contracts for Sale or closings have occurred since the April 22, 1985 date set forth on the previously supplied "Property Sales" list.

4. With reference to subdivision of lots within the Judgment, be advised as follows:

I have enclosed for your perusal copies of all Planning Board minutes of meetings from January 1, 1984 to the present. I have reviewed same and can assure you and certify that the only subdivision of "inventoried" lands (other than P/0 Lot 4.01, Block 448) receiving a final subdivision approval was Block 427, Lot 1.01 (which as you know, was subdivided into Lots 1.01, 1.02, 1.03 and 1.04 of Block 427). The property which received subdivision approval and which has not been transferred to date is the portion of the original Lot 1.01, Block 427, comprising some 30,000 square feet, the intended purchasers being Gallo and Rinker.

By sale dated June 11, 1984, another portion of Lot 1.01, Block 427 was intended to be conveyed to D. DiGian & Son Construction Co. (see copies of Notice and acceptance of Resolution attached). Title to this parcel has not closed.

Final subdivision approval for P/0 Lot 4.01, Block 448 has been obtained, as per August 20, 1985 Planning Board action. Tonsar Corp. was the applicant and is the successor to D. DiGian & Son Construction Co. I have already discussed above the fact that title to this portion of Lot 4.01, Block 448 was transferred. I have enclosed*copies of the building permits issued for those lots created by the aforementioned subdivision. i^--.

5. Responsive to your inquiry contained in paragraph 2), c) of your letter of September 5, 1985, please be advised as follows:

Lot 1.01, Block 427, as contained in the Judgment, comprises some 3.66 acres. Lot 2.01, Block 448, which was shown as a separate lot on Tax Maps, Page 38, dated June 30, 1965, illustrating the parcel known as Lot 2.01, having approximately 201 x 225 feet. After Acker Avenue and the realignment of Pomponio Avenue was accomplished by Street vacations, this lot was then incorporated into Lot 4.01 of Block 448. Lot 4.01 of Block 448 originally contained 20.49 acres; however, with the inclusion of«the aforementioned lot 2.01 within it, the new Lot 4.01 of Block 448 contains a total of 22.42 acres. As

Eric Neisser, Esq.
"•Page^ 4
September 17, 1985

for the representation that these parcels comprised originally some 32 acres from the calculations of the above set forth acreage, the total is only 26.08 acres,

6. The Morris Avenue Senior Citizens Site. With reference to your inquiries contained in paragraph 3) of your letter of September 5, 1985, I have investigated the status of the ownership of these parcels and find that the Borough still owns all of the previously stipulated to lands, save the irregularly shaped site⁴¹² 3 owned by Buccellato. My review of the correspondence of the Land Management Advisory Committee indicates only that at some point and for some reason (unknown to me at this time) the owners of this parcel were advised that the town was no longer interested in acquiring title to same. I spoke with Mr. Joseph Buccellato on September 16, 1985, and advised him that the town obviously was still interested (since it is contained in the Judgment and Stipulation) in acquiring his property located within the site. I also on that date advised Councilman Acrin of the Economic Development Committee to pursue this matter on an "as soon as possible" basis.

With reference to other planning or development efforts to date by the Borough regarding the intended or thought to be intended Senior Citizens project, only the establishment of a non-profit corporation entitled "South Plainfield Senior Citizen Housing Finance Committee, inc." has been accomplished for this purpose.

To summarize then, as stated before, of all of the "inventoried" lands, only that portion of Lot 4.01, Block 448 transferred to Tonsar Corp. and amounting to some 20,000 square feet, have been removed from the "inventoried" lands. This represents, as stated above, less than 0.3% of the original 163.91 acres. v

I trust that the within and supporting enclosed documentation is responsive to all of your inquiries.

Very truly yours,



FRANK A. SANTORO

FAS:sr
Enclosures
ccs Judge Serpentelli
South Plainfield Service List

t. pjt l£ ItStilitQ,. by the Mayor and Council of the Borough of South Plainfield,
New Jersey* that:

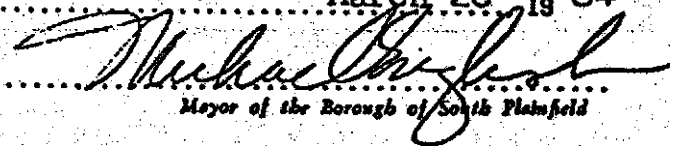
The bid of Michael Gallo and Marshall Sinker, 20? Maiming
Avenue, South Plainfield, H. J. in the amount of \$37,500.00
for property known as part of lot 1.01 in block 427 as more
particularly described in Schedule "A" attached hereto be accepted
said property being owned by the Borough of South Plainfield and
not needed for public purpose or/ise, sale being made subject
to the conditions advertised.

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(SEAL)

Cltrk of iht Borough pf South tUlnfiild

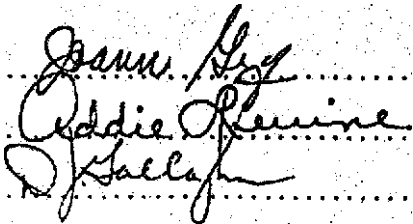
Approved March 26, 19 84



Mayor of the Borough of South Plainfield


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ie* of Coramao Council of tie Borosgk of
Senti PWofird. Wd

March 26, 1985.



COMMITTEE

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Clerk of the Borough of South Plainfield

J. 1"

Resolved, by the Mayor and Council of the Borough of South Plainfield, New Jersey, that:

The bid of D. DiGian & Son Construction Co., Inc. in the amount of 312,500.00 for property known as part of lot 4.01 (parcel 1) in block 448 be accepted, said property being owned by the Borough of South Plainfield and not needed for public purpose or use, sale being made subject to the conditions advertised.

(SEAL)

Approved

William DeLotto
Clerk of the Borough of South Plainfield

June 4-1, 1984

Michael English
Mayor of the Borough of South Plainfield

I certify the foregoing to be a true and correct abstract of a resolution adopted at a meeting of the Common Council of the Borough of South Plainfield, held

June 11, 1984

This is that respect a true and correct copy of it.

William DeLotto
Clerk of the Borough of South Plainfield

Josephella
Addie Davis
James H. ... 6/11/84
COMMITTEE

It. £££>01U£O/- by the Mayor-and Council' oi the Borough,, oi South fiainiieid.,
New Jersey, that: ~..

The bid of D. DiSian &. Son Construction Co., Inc.
in the amount of \$12,500.00 for property known as part of lot 4.01
(parcel 2) in block448 be accepted, said property being owned by
the Borough of South Plainfield and not needed for public purpose
or use, sale being made subject to the conditions advertised.

2,500.00
1,250.00
174.04
87.02

(SEAL)

Will De Sisto
Cttrk of the Borough of South Plainfield

Approve?

Michael P. ...
Ime..XI.....
Mayor of the Borough of South Plainfield

I certify the foregoing to be a true and correct
abstract of the minutes regularly passed at a meeting
of the Common Council of the Borough of South Plainfield, held

June 11.

and in that respect a true and correct copy of
the minutes.

Bernard ...
William ...
John ...
6/11/54
COMMITTEE

Will De Sisto
Cttrk of the Borough of South Plainfield

lie it regobefc, by the Mayor and Council of the Borough of South Plainfield.
New Jersey* that:

The bid of Michael Gallo and Marshall Rinker in the amount of \$25,000.00 for property known as part of lot 1.01 in block 427 be accepted, said property being owned by the Borough of South Plainfield and not needed for public purpose or use, sale being made subject to the conditions advertised.

/ r

(SEAL)

W. Adams
Clerk of the Borough of South Plainfield

Approved

June 11, 1984
Michael English
Mayor of the Borough of South Plainfield

I certify the foregoing to be true and correct in respect to the resolution of the Common Council of the Borough of South Plainfield, New Jersey.

June 11, 1984

in witness whereof I have hereunto set my hand and the seal of the Borough of South Plainfield, New Jersey, this 11th day of June, 1984.

Michael English
Mayor of the Borough of South Plainfield

Bernard J. ...
Jeddie ...
W. ...

COMMITTEE

t

tt fay the Mayor and Council of the Borough of South Plainfield.
New Jersey, that: "

The bid of D. DiGian & Son Construction Co., Inc. in the amount of \$21,325.00 for property known as part of lot 1.01 in block 42? be accepted, said property being owned by the Borough of South Plainfield and not needed for public purpose or use, sale being made subject to the conditions advertised.

(SEAL)

William De Seta
Clerk of the Borough of South Plainfield

Approved June 11, 1984

Richard Magala
Mayor of the Borough of South Plainfield

I certify the foregoing to be true and correct abstract of a resolution regularly passed at a meeting of the Common Council of the Borough at South Plainfield, held

Bernard J. Conroy
D. J. Mally
William J. ...
COMMITTEE

and in that respect a true and correct copy of its minutes.

William De Seta
Clerk of the Borough of South Plainfield

ti' • . by me Mayor and Council of .fiaraugh' oi, iuuia
New Jersey, that:

MAX**', Vr&Kmb****
f Z S * - ^ T i l l l / f l i r t r ' " r ^

The bid
in the amount of &M* ' " ' r for property known as a portion
of lot 1.01 in block 42? and a portion of lot 4.01 in block 448
as more particularly described in Schedule "A" attached hereto
be accepted, said property being owned by the Borough of South
Plainfield and not needed for public purpose or use, sale being
made subject to the conditions advertised.

(SEAL)

W. W. DeLoach
Clerk of the Borough of South Plainfield

Approved

August 13, 1984

Michael J. Galt
Mayor of the Borough of South Plainfield

I certify the foregoing to be a true and correct
abstract of a resolution regularly passed at a meet-
ing of the Common Council of the Borough of
South Plainfield, N.J.

Joseph P. ...
Doddie ...
...
COMMITTEE

August 13, 1984

and in that respect a true and correct copy of
its minutes.

W. W. DeLoach
Clerk of the Borough of South Plainfield

jj&.Z It
..,'. .

by the Mayor and Council of the Borough of South Plainfield,
New Jersey, that:

The bid of p. DiGian & oon Construction Co., Inc.
in the amount of 36,250.00 for property known as part of lot
4.01 in block 443 as more particularly described in Schedule "A"
attached hereto, be accepted, said property being owned by the
Borough of South Plainfield and not needed for public purpose or
use, sale being sade subject to conditions advertised.

SEAL)

Approved November 13, 1984

Walter De Lehto
Clerk of the Borough of South Plainfield

Michael Engel
Mayor of the Borough of South Plainfield

I certify the foregoing to be a true and correct
abstract of a resolution regularly passed at a meet-
ing of the Common Council of the Borough of
South Plainfield, held

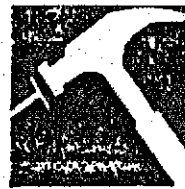
Joseph ...
Bernard ...
Joan ... } COMMITTEE

..... November 13, 1984
and in that respect a true and correct copy of
its minutes.
Walter De Lehto
Clerk of the Borough of South Plainfield

CODE ENFORCEMENT
SOUTH PLAINFIELD, N.J.



**BUILDING
SUBCODE
TECHNICAL SECTION**



PERMIT NO. 10712
DATE ISSUED 5/16/85
REVISION DATE _____
Block 448 Lot 405
Subdivision B M-sec. III

IDENTIFICATION

APPLICANT - *Complete unshaded areas only* When changing contractors, notify this office

Contractor William S. Constr Co Inc
Address PO Box 181
South Plainfield, NJ 07080
Tel. () 753-0292
Lic. No. 01694
Federal Emp. No. 22-2057741

Site Address 1820 1822 Second Place
South Plainfield, N.J.

CERTIFICATION IN LIEU OF OATH:

(Complete for Minor Work and Small Job Only)

I hereby certify that the proposed work is authorized by the owner of record and I have been authorized by the owner to make this application as his agent.

AGENT SIGNATURE

TECHNICAL SITE DATA Constr. Class

DESCRIPTION OF WORK
Detail description including materials used, dimensions, etc.

New Home - 2 Family
w/one car attached garh

Plans

- TYPE OF WORK:
- New Building
 - Addition
 - Alteration/Renovation
 - Roofing
 - Siding
 - Other stade
 - Demolition
 - Miscellaneous
 - Fence
 - Sign
 - Pool
 - Elevator
 - Other C.O.

Fee Basis	Fee
	<u>322</u>
	<u>21</u>
	<u>25</u>
SUBTOTAL	<u>368</u>
Minimum Building Fee (if applicable)	
Total Building Fee (Greater of Minimum or Subtotal)	

BUILDING CHARACTERISTICS

GROUP: E3A Present _____ Proposed _____

Stories 2

Area of Structure 16 Ft. Total Building Area - All Floors 2244 Sq. Ft.

Largest Floor 1164 Sq. Ft. Volume of Structure 35762 Cu. Ft.

Estimated Cost of Building Work: \$ 50,000.- Total Land Area Disturbed _____ Sq. Ft.

D. COMMENTS

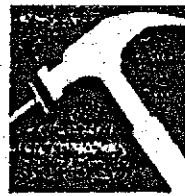
RECEIVED RECEIVED

MAY 2 - 85

Partial Releases Prototype Processing

CODE ENFORCEMENT
SOUTH PLAINFIELD, N.J.

UNIFORM CONSTRUCTION CODE
BUILDING SUBCODE
TECHNICAL SECTION



PERMIT NO. 10781
DATE ISSUED 5/16/85
REVISION DATE _____
Block 448 Lot 403404
Subdivision P.M. Sec. III

IDENTIFICATION

APPLICANT - Complete unshaded areas only

When changing contractors, notify this office

Contractor Johnson Construction Co Inc
Address Same
Tel. (_____) _____
Lic. No. 01694
Federal Emp. No. 27-2057741

Address 1882-1884 Second Place
South Plainfield, NJ 07080

CERTIFICATION IN LIEU OF OATH:
(Complete for Minor Work and Small Job Only)

I hereby certify that the proposed work is authorized by the owner of record and I have been authorized by the owner to make this application as his agent.

AGENT SIGNATURE _____

TECHNICAL SITE DATA Constr. Class _____

DESCRIPTION OF WORK
Give detail description including materials used, dimensions, etc.

TYPE OF WORK:

- New Building
- Addition
- Alteration/Renovation
 - Roofing
 - Siding
 - Other State
- Demolition
- Miscellaneous
 - Fence
 - Sign
 - Pool
 - Elevator
 - Other C.O.

Fee Basis	Fee
	<u>322</u>
	<u>21</u>
	<u>25</u>
SUBTOTAL	<u>368</u>
Minimum Building Fee (if applicable)	\$ _____
Total Building Fee (Greater of Minimum or Subtotal)	<u>368</u>

Plans _____

BUILDING CHARACTERISTICS

GROUP: R313 Present _____ Proposed _____

Stories 2 Total Building Area - All Floors 2,264 Sq. Ft.
Volume of Structure 35762 Cu. Ft.
Structure 16 Ft. Volume of Structure 231,262 Cu. Ft.
Highest Floor 1,164 Sq. Ft. Total Land Area Disturbed _____ Sq. Ft.
Estimated Cost of Building Work: \$ 50,000

D. COMMENTS

RECEIVED 5/17/85

RECEIVED
MAY 2 - 1985

Partial Releases Prototype Processing



PERMIT NO. 1217
 DATE ISSUED _____
 REVISION DATE: 5/16/85
 Block 448 Lot 409 403
 Subdivision B.M. - Sec III

IDENTIFICATION

APPLICANT - *Complete unshaded areas only* When changing contractors, notify this office

OWNER: Graw Son Construction Co Inc Contractor _____
 ADDRESS: P.O. Box 181 Address: Same
South Plainfield, NJ 07080
 TEL: 753-0292 Tel. (_____) _____
 WORKING ADDRESS: 1855-1890 Second Place Lic. No. 01694
South Plainfield, N.J. Federal Emp. No. 22-2057741

CERTIFICATION IN LIEU OF OATH:
(Complete for Minor Work and Small Job Only)

I hereby certify that the proposed work is authorized by the owner of record and I have been authorized by the owner to make this application as his agent.

AGENT SIGNATURE _____

TECHNICAL SITE DATA

DESCRIPTION OF WORK
(Give full description including materials used, dimensions, etc.)

New Home - 2 Family w/ 1 car attached garage

TYPE OF WORK:

- New Building
- Addition
- Alteration/Renovation
 - Roofing
 - Siding
 - Other State
- Demolition
- Miscellaneous
 - Fence
 - Sign
 - Pool
 - Elevator
 - Other C.O.

Fee Basis	Fee
	\$ <u>322</u>
	<u>21</u>
	<u>25</u>
SUBTOTAL	\$ <u>368</u>
Minimum Building Fee (if applicable)	\$ _____
Total Building Fee (Greater of Minimum or Subtotal)	\$ <u>368</u>

BUILDING CHARACTERISTICS

TYPE: R3B Present _____ Proposed _____

Floors: 2

Structure: 16 Ft.

1st Floor: 1,164 Sq. Ft.

Cost of Building Work: \$ 50,000

Total Building Area - All Floors: 2,244 Sq. Ft.

Volume of Structure: 35,762 Cu. Ft.

Total Land Area Disturbed: _____ Sq. Ft.

D. COMMENTS

RECEIVED
 MAY 2 - 1985

Partial Releases Prototype Processing

DEED

Dated: May 13 >19 85

BOROUGH OF SOUTH PLAINFIELD,
a Municipal Corporation of the
State of New Jersey,

Grantor.

TO

Di GIAN * & SON CONSTRUCTION CO.,
INC.

Grantee.

Record and return to:

Raymond S. Miller, Esq.
2301 Maple Avenue *
South Plainfield, New Jersey 07080

226

Prepared by* (Print tigoc't name betawstggiBie)

Frank M. ...
FORMERLY A CAMERON COPY

P

This Deed is made on 13, '85 Attorney at law of New Jersey

BETWEEN BOROUGH OF SOUTH PLAINFIELD, a Municipal Corporation of the State of New Jersey,

of New Jersey

referred to as the Grantor.

AND Di GIAN & SON CONSTRUCTION CO., INC.

whose post office address is P. O. Box 181, South Plainfield, New Jersey, referred to as the Grantee.

The word "Grantee" shall mean all Grantees listed above.

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 THIRTY-ONE THOUSAND TWO HUNDRED FIFTY AND 00/100 (\$31,250.00) - DOLLARS. The Grantor acknowledges receipt of this money.

Tax Map Reference. (N.J.S.A. 46:15-2.1) Municipality of South Plainfield Block No. 448 P/O Lot No. 4.01 Account No. [] No property tax identification number is available on the date of this Deed. (Check box if applicable.)

Property. The property consists of the land and all the buildings and structures on the land in the Borough of South Plainfield County of Middlesex and State of New Jersey. The legal description is:

TRACT I;

BEGINNING at a point on the westerly sideline of Second Place (50* R.O.W.), formerly Second Street. Said point being N. 4° - 45' E., distant 100.00 feet from the intersection of the aforementioned sideline with the northerly sideline of Pomponio Avenue (50* R.O.W.), formerly Middlesex Avenue, as shown on the Tax Assessment Maps of the Borough of South Plainfield, revised December 30, 1983 and running thence:

- (1) N. 85° - 15' W. a distance of 100.00 feet to a point
- (2) N. 4° - 45' E. a distance of 50.00 feet to a point
- (3) S. 85° - 15' E. a distance of 100.00 feet to a point on the westerly sideline of Second Place;., thence
- (4) S. 4° - 45' W. along the westerly sideline of Second Place, a distance of 50.00 feet to the point and place of BEGINNING.

Being further shown and designated as Lots 294 and 295 in Block I on a map entitled, "South Plainfield Heights", filed in the Middlesex County Clerk's Office on July 3', 1908, as Map No. 474 in File No. 23.

Containing 5,000 square feet.

Being now known and designated as P/O Lot 4.04, Block 448 on the Tax and Assessment Maps of the Borough of South Plainfield.

TRACT III

BEGINNING at a point of intersection formed by the northerly sideline of Pomponio Avenue (formerly Middlesex Avenue), having a 50' R.O.W. and the westerly sideline of Second Place (formerly Second Street), having a 50' R.O.W., as shown on the Tax Assessment Maps of the Borough of South Plainfield, revised December 30, 1983, and running thence:

- (1) N. 85° - 15' W. along the northerly sideline of Pomponio Avenue, a distance of 100.00 feet to-a point? thence
- (2) N. 4° - 45' E. a distance of 100.00 feet to a point; thence
- (4) S. 4° - 45' W. along the westerly sideline of Second Place, a distance of 100.00 feet to the point and place of BEGINNING.

Being further described and designated as Lots 388 through 391, inclusive, all in Block I, as shown on a map entitled, "South Plainfield Heights", filed July 3, 1908, in the Middlesex County Clerk's Office, as Map No. 474, in File No. 23.

Containing 10,000 square feet.

Being now known and designated as Lot 4.03. Block 448 on the Tax and Assessment Maps of the Borough of South Plaxnfield.

TRACT III:

BEGINNING at a point of intersection by the northerly sideline of West Avenue (formerly Plainfield Boulevard), having a 50' R.O.W. and the westerly sideline of Second Place (formerly Second Street), having a 50' R.O.W., as shown on the Tax Assessment Maps of the Borough of South Plainfield, revised December 30, 1983, and running thence:

- (1) N. 85° - 15' W. along the northerly sideline of West Avenue, a distance of 100.00 feet to a point; thence
- (2) N. 4° - 45' E. a distance of 100.00 feet to a point; thence
- (3) S. 85° - 15 E. a distance of 100.00 feet to a point on the westerly sideline of Second Place; thence
- (4) S. 4° -45' W. along the westerly sideline of Second Place, a distance of 100.00 feet to the point and place of BEGINNING.

Being further described and designated as Lots 211 through 214, inclusive, all in Block H, as shown on a map entitled, "South Plainfield Heights", filed July 3, 1908, in the Middlesex County Clerk's Office as Map No. 474, in File No. 23.

Containing 10,000 square feet.

and a f t t t U R t e B ^ o f ^ h i ^ S g ^ o l ^ S S l h S S I i n l U j s , 4 4 8 o n ^ T a x
 The above metes and bounds descriptions and the within conveyance are in accordance with Resolutions of the Mayor and Council of the Borough of South Plainfield, dated June 11, 1984 and November 1984.


The above described Tract I, Tract II and Tract III are now known as Lots 4.04, 4.03 & 4.05, in Block 448 on the Tax Assessment Maps of the Borough of South Plainfield.

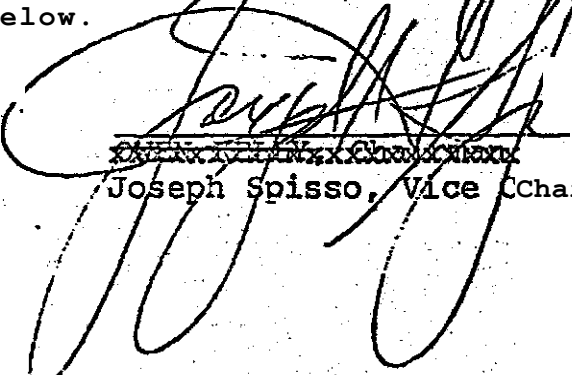
The within conveyance is subject" to:

1. Easements, both of record and not of record;
2. Restrictions of record;
3. Zoning Ordinance of the Borough of South Plainfield, as presently constituted without representations as to the use to which said property can be put.

The above described premises, Tract I, Tract II and Tract III, were created as a result of subdivision, as evidenced by the signatures of the Chairman and Secretary of Planning Board/Sc the Borough of South Plainfield below.

ATTEST:



 JOHN GRAF, Secretary



~~Chairman~~
 Joseph Spisso, Vice Chairman

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" (NJ.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. This Deed is signed and attested to by the Grantor's proper corporate officers as of the date at the top of the first page. Its corporate seal is affixed.

Attested by:


 WILLIAM DeSABATO
 Borough- Clerk

By: 
 MICHAEL ENGLISH, Mayor

STATE OF NEW JERSEY. COUNTY OF MIDDLESEX SS.
 I CERTIFY that on May , 19 85

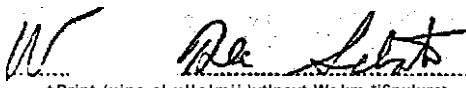
WILLIAM T. DeSABATO

personally came before me and this person acknowledged under oath, to my satisfaction, that:

- (a) this person is the Clerk of the Borough of South Plainfield the corporation named in this Deed;
- (b) this person is the attesting witness to the signing of this Deed by the proper corporate officer who is MICHAEL ENGLISH the Mayor of the corporation;
- (c) this Deed was signed and delivered by the corporation as its voluntary act duly authorized by a proper resolution of its Board of Directors;
- (d) this person knows the proper seal of the corporation which was affixed to this Deed;
- (e) this person signed this proof to attest to the truth of these facts; and
- (f) the full and actual consideration paid or to be paid for the transfer of title is \$ 31,250.00 (Such consideration is defined in N.J.S./k. 46:15-5.)

Signed and sworn to before me on
 May .19 85


 WILFENK'A^SATORO
 An Attorney at Law; of New Jersey


 WILLIAM T. DeSABATO

NOTICE OF SALE OF LAND
LMC-11ff4 "

TO WHOM IT MAY CONCERN:

At a regular meeting of the Mayor and Common Council of the Borough of South Plainfield, County of Middlesex, State of New Jersey held on June 11, 1984, I was directed to advertise the fact that the Mayor and Council will meet in the Municipal Building, 2480 Plainfield Avenue, South Plainfield, New Jersey, on August 13, 1984 at 8:00 p.m., to expose and sell at a public sale to the highest bidder, according to terms of sale on file with the Borough Clerk, the property described below.

Take further notice that the Mayor and Council have, by resolution and pursuant to law, fixed the minimum price at which said property will be sold together with all other details pertinent, said minimum being as follows plus COM%; of

Upon acceptance of the minimum bid or bid above minimum, by the Council and the payment thereof by the purchaser according to the manner of purchase in accordance with terms of sale on file, the Borough will deliver a Bargain and Sale Deed for said premises.

s/William T. DeSabato, Borough Clerk
Bids to be advertised in The Reporter on July 26, 1984 and August 2, 1984 to be sold on August 13, 1984 at the Municipal Building, 2480 Plainfield Avenue, South Plainfield, New Jersey at 8:00 p.m.

Block	Lots	Name	Street	AmL of Bid *
	pto	Lawrence	Clinton &	(1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100)
42?	1.01	Massaro	Pomponio	S 17° 0' 3" TM 40
	plc			
448	4.01			

SCHEDULE "A"
LMC-11/84
METES AND BOUNDS DESCRIPTION
PORTION OF LOT 1.01 IN BLOCK 427
AN
PORTION OF LOT 4.01 IN BLOCK 448

BEGINNING at a point on the easterly sideline of SOUTH CLINTON AVENUE (80' R.O.W.) Said point being N. 0° - 17' E, distant 530.00 feet from the northerly sideline of POMPONIO AVENUE (60' R.O.W.) as shown on the Tax Assessment Maps of the Borough of South Plainfield and running thence:
(1) N. 0° - 17' E. along the easterly sideline of SOUTH CLINTON AVENUE, a distance of 383.43 feet
thence S. 76° - 52' - 30" E. along the southerly boundaries of Lot 11.02 in Block 449, and Lot 30.01 in Block 308, a distance of 1194.92 feet, more or less, to a point; thence
(3) S. 85° - 19' E. along the southerly boundaries of Lot S3 in Block 308, Lot 34 in Block 427, and along the rear line of Lots fronting on CHRISTOPHER AVENUE, a distance of 953.96 feet, more or less, to a point on the westerly sideline of the proposed extension of RUSH STREET (50') R.O.W. thence the following three courses along the last mentioned westerly sideline:
(4) Southerly along a curve to the left, having a radius of 323.00 feet, an arc length distance of 63.41 feet, more or less, to a point of tangency; thence
(5) S. 14° - 53' - 30" E. a distance of 100.00 feet, more or less, to a point of curvature; thence
(6) Southerly along a curve to the right, having a radius of 275.00 feet, an arc length distance of 94.73 feet, more or less, to a point of tangency on the westerly sideline of SECOND PLACE (50' R.O.W.); thence
(7) S. 4° - 45' W. along the westerly sideline of SECOND PLACE, a distance of 1.61 feet, more or less, to a point; thence
(8) N. 85° - 15' W. a distance of 100.00 feet to a point; thence
(9) S. 4° - 45' W. a distance of 350.00 feet to a point on the northerly sideline of POMPONIO AVENUE (50' R.O.W.); thence
(10) N. 85° - 15' W. along the northerly sideline of POMPONIO AVENUE, a distance of 410.00 feet, more or less, to a point; thence
(11) N. 89° - 43' W. still along the northerly sideline of POMPONIO AVENUE, a distance of 275.14 feet, more or less, to a point; thence
(12) N. 1° - 15' E. a distance of 10.00 feet to a point on the northerly sideline of POMPONIO AVENUE (60' R.O.W.); thence
(13) N. 89° - 43' W. along the northerly sideline of POMPONIO AVENUE, a distance of 535.86 feet, more or less, to a point; thence
(14) N. 0° - 17' E. along the easterly boundary of Lot 11 in Block 448, a distance of 530.00 feet to a point; thence
(15) N. 89° - 43' W. along the northerly boundary of Lot 1 in block 448, a distance of 815.00 feet to a point on the easterly sideline of SOUTH CLINTON AVENUE, the point and place of BEGINNING.

Being further described as portions of Lot 1.01 in Block 427 and Lot 4.01 in Block 448. Containing 23.33 acres, more or less, subject to disclosures of an accurate survey. Subject to all easements of record and not of record, including drainage easements as recorded in Book 3208, Page 388, and Book 3281, Page 381.

Sale of the property described above will be made subject to the following conditions.

- The conveyance by the Borough of South Plainfield shall be by bargain and sale deed, without covenants, and without representations as to the marketability of title. In the event the purchaser shall determine that title to the property in question shall not be good and marketable, any questions as to marketability of title shall be submitted to the Borough Clerks Office within 45 days of the date of sale. In the event said questions have not been raised within said 45 day period, then and in that event all questions relating to the marketability of title shall be deemed waived and this matter shall proceed to closing of title within 90 days of the date of sale.
- Easements, both of record and not of record.
- Restrictions of record.
- Zoning ordinance of the Borough of South Plainfield as presently constituted without representations as to the use to which said property can be put.
- In the event that the purchaser is unable to close title within ninety (90) days of the date of sale, they shall forward to the Borough of South Plainfield a check representing the balance of the purchase price to be held by the Borough until closing of title.
- In the event that the purchaser fails or refuses to close title and/or pay the consideration therefore within the time period stated herein, then in that event, the Borough of South Plainfield may, at its own option, exercise any or all of the following rights:
 - Declare the transaction null and void and the purchasers deposit shall be retained by the borough as liquidated damages.
 - Any other rights as provided by law which may be available to the Borough.
- The cost of advertising, preparation and filing of the deed shall be paid by the purchaser.
- All costs of sub-division, including but not limited to on site and off site improvements as required by appropriate Borough Boards. Agencies and Officers, shall be paid by the purchaser.

AFFIDAVIT OF PUBLICATION

STATE OF NEW JERSEY, \j ss.
COUNTY OF MIDDLESEX. I

JAMES EQKEBS

of full age, being duly sworn, on his/hgr oath, that he/she is the Publisher of THE REPORTER, a newspaper published in tneBorough of Soutif?lainfieId, Middlesex County, and State of New Jersey, and that a notice of which the annexed is a true copy, was published in said paper for the term of. p.

o n c e «-^mi!|-; ;pfi,-; ;

..... S^L^X^ »..... dsy of

Sworn and subscribed before me this • • day of

S^ptiv..... AfIX,

James s^
J' (* c m ^ ^

2094
[Signature]

Notary Public of New Jersey

NOTARY PUBLIC OF NEW JERSEY
My Commission Expires May 23, 189.

TO WHOM IT MAY CONCERN:

At a regular meeting of the Mayor and Common Council of the Borough of South Plainfield, County of Middlesex, State of New Jersey, on May 14, 1984, I was directed to advertise the fact that...

NOTICE OF SALE OF LAND METES & BOUNDS DESCRIPTION PART OF BLOCK 448 LOT 4.01 PARCEL 2

'S61 and run- ...>>> " * * * J i = v ='

Take further notice that at set sale or any date or man. m may be adjourned, the Mayor and (S i S m t h ? r i o h U n ^ discretion to reject any or all bids and < o s e l s a ^ p r o w r ? ^ such bidder as it may select, due regard being giventoterms and manner 61 payment in case one or more minimum bid shall to

a S M - ' a H ? f n c e 10000 feet 10 a Point thence * S & S o , t o ^ t E j ? , e e t , 0 3 p o i n t o n -

Upon acceptance of the minimum bid or bid above m S u m h v e Council and the payment thereof by C S S S S

i n d S M t t u d e S i g n a , e t a s L o , s » » t r o u g h 214 . E S f . a s s h o w n o n a m a p e n t i t l e d , " S o u t h P l a i n f i e l d

83rXh^wii?rtSII^C 2" accordancewith , e r m s o ^ l e o n n e t h e Borough will deliver a Bargain and Sale Deed for said premises

f o l t o t g c o n d S ^ 8 b o v e w i w m a d e t o t h e

o-rf. ... s/Witliam T. DeSabato, Borouah Clerk e|S|>i-.5^x^sod Jun@ J^eporter on May 84,1984 A J u n e V 19M at the Municipal Building 2480 Ra^ield Avenue. South Plainfield, New Jersey at M » ^ T M

bkm,1nCw^yfi1^2 b j m e @ o r o u g h O f S o u t h P l a i n f i e l d s h a l l b e b y i t a S . i . ? j a a l e d s a d , w . l h o u l c o v e n a n t s , a n d w i t h o u t r e o s e n t a - t o . L h @ " ? r K e , a b i l l i , V o f t i t l e . I n t h e e v e n t t h e p u r c S ^ h a H

Block Lots Name street Anrt of bm p/o D.DIGian & Son Ami of Bid 4.01 P- arcel 448 7 s9cond pi_ * << << >> >> 4.01 P- arcel 448 @

m i » A f ? K ^ r , y q u e s t i o n s a s t o m a r k e t a b i l i t y o f t i t l e s h a l l b e s u l ? S & ? r o u s h c , a r k ' s O f f i c e w i t h i n 4 5 d a y s o f X t o t e ^

Co., Inc. Second Pl. \$12,500.00 METES AND BOUNDS DESCRIPTION PART OF BLOCK 448, LOT 4.01 PARCEL 1

m i A ^ h S w ^ . l . ? A d K ^ n . A a l e v e n , 3 1 1 Q u e s t i o n s r e l a t i n g t o t h e i n t e r p r e t a t i o n o f t i t l e s h a l l b e d e e m e d w a i v e d a n d t h i s m a t t e r s h a l l b e d e c i d e d b y t h e c o u r t . E . E a s e l m e n t s , b o t h o f r e c o r d a n d n o t o f r e c o r d . 3 . R e s t r i c t i o n s o f r e c o r d .

B E G I M N ? W I ^ L ^ ? U J ^ F L A ^ N F I E L D N E W J E R S E Y

of the Borough of South Plainfield as presently pertycanbeput rep, eS9n, allions 3810, ho to which K S 1

S s t t ^ t t J t s s s g ' — ' - -

S - m m e e v e n t h a , t h e p u r c h a s e r f a i l s o r r e f u s e s t o c l o s e t i t l e a n d t e r m s o f t h e p a r c e l s u b j e c t o f t h e s a l e , t h e B o r o u g h o f S o u t h P l a i n f i e l d i n S . a U t e o w n o S I t i o n , e x e r c i s e a n y o r a l l o f t h e f o l l o w i n g r i g h t s :

S of 01100.00 feet to a point; thence u & S g X E & E i s ? o a p o i n , o n

M Declare the transaction nuH and void (b) Charge the purchaser with stipulated damages to Include Interest on the purchase price at the rate of 8 % t o « c e m o S year plus \$1.00 per day to be computed from BiedaSoftta Borough @ ^ h 8 e f o S i n o t i , a o r d a e ^ r e l i s t o n ^ S f

4 " ? ? ' J A ^ i o n 8 , h e w e s t e r l y s i d e l i n e o f S E C O N D P L A C E a distance of 100.00 feel to the point and place of BEGINNING Being further described and designated as Lots 388 through 391 2 2 . A ^ J J P ? ? " ^ s h o w n o n a m a p e n t i t l e d , ^ A O U T H P L A I N !

" M S e ^ B o r o u g h P f o V i d e d b i w a w w h i c h « » a a i , paid by the ^ K M h S w ^ t h 9 , p r e p a r a m o n a n i f i , i n s o f d e e d s h a l l b t

L i t o n . P u r C h a S e f S h a w w a l t e a p p l i c a t i o n f o r a n y r e q u i r e d s u b

8 . A l l c o s t s o f s u b d i v i s i o n , i n c l u d i n g b u t n o t l i m i t e d t o o n ^ A i t

Fee: 579.04

AFFIDAVIT OF PUBLICATION

STATE OF NEW JERSEY, } I ss. COUNTY OF MIDDLESEX. }

JAMES V. ECKERT

of full age, being duly sworn, on his/taf oath, that he^fee is the Publisher of THE REPORTER, a newspaper published in the Borough of South Plainfield, Middlesex County, and State of New Jersey, and that a notice of which the annexed is a true copy, was published in said paper for the term of two (2) weeks

once in each week successively, viz . 24, . . 19. 34. & . June . A - 1 9 S 4 - 24 t h ^ . commencing on the

Sworn and subscibed before me this day of A.D., . m

[Signature]

f-O

[Signature]

Notary Public of New Jersey

NOTARY PUBLIC OF t v E W J E R S E Y

-May 23. 1933 ;

NOTICE OF SALE OF LAND
LMC-18-84

TO WHOM IT MAY CONCERN:

At a regular meeting of the Mayor and Council of the Borough of South Plainfield, New Jersey, held on December 30, 1983 and running thence: (1) S. 8' - 36' W. a distance of 5.00 feet to a point; thence E. 81° - 0' Mtly 14. 1964.1 was directed to advertise the fact that (2) N. 81° - 24' W. a distance of 200.00 feet to a point; thence

Further notice that at set date or any date or place to which it may be adjourned, the Mayor and Council reserve the right in its discretion to reject any or all bids and to sell said property to such bidder as it may select, due regard being given to terms and manner of payment in case one or more minimum bids shall be received. Upon acceptance of the minimum bid or bid above minimum, by the Council and the payment thereof by the purchaser according to the manner of purchase in accordance with terms of sale on file. The Borough will deliver a Bargain and Sale Deed for said premises.

Bids to be advertised in The Reporter on May 24, 1984 and June 1, 1984 to be sold on June 11, 1984 at the Municipal Building, 2480 Plainfield Avenue, South Plainfield, New Jersey at 8:00 p.m.

Block	Lots	Name	Street	Ami ol Bid
427	1.01	Marshall Rinker & Michael Gallo	Christopher Avenue.	\$25,000.00

**METES AND BOUNDS DESCRIPTION
OF PART OF BLOCK 427, LOT 1.01
TO BE DEDICATED FOR ROAD WIDENING
IN THE BOROUGH OF SOUTH PLAINFIELD
MIDDLESEX COUNTY, NEW JERSEY**

BEGINNING at a point on the southerly sideline of CHRISTOPHER AVENUE (40' R.O.W.). Said point being N. 81° - 24' W. distant 305.00 feet from the westerly sideline of RUSH STREET, formerly MAPLE STREET (40' R.O.W.), as shown on the Tax Assessment Maps of the Borough of South Plainfield, revised December 30, 1983 and running thence:

- (1) S. 8' - 36' W. a distance of 5.00 feet to a point; thence
- (2) N. 81° - 24' W. creating a new southerly sideline of CHRISTOPHER AVENUE a distance of 200.00 feet to a point; thence
- (3) N. 8° - 36' E. a distance of 5.00 feet to a point off the present southerly sideline of CHRISTOPHER AVENUE; thence
- (4) S. 81° - 24' E. along the present southerly sideline of CHRISTOPHER AVENUE a distance of 200.00 feet to the point and place of BEGINNING.

The foregoing description being intended to describe for road widening purposes, a 5.00 foot wide strip of land containing 1,000 square feet, contiguous to the southerly sideline of CHRISTOPHER AVENUE. Being further described as portions of Lots 7 through 15, in Block 4, as shown on a map entitled "Plainfield Part (South)", filed in the Middlesex County Clerk's Office, April 8, 1912 as Map No. 676 in File 469.

**METES AND BOUNDS DESCRIPTION
OF A PART OF BLOCK 427, LOT 1.01
IN THE BOROUGH OF SOUTH PLAINFIELD
MIDDLESEX COUNTY, NEW JERSEY**

BEGINNING at a point on the southerly sideline of CHRISTOPHER AVENUE (40' R.O.W.) Said point being N. 81° - 24' W., distant 305.00 feet from the westerly sideline of RUSH STREET, formerly MAPLE STREET (40' R.O.W.), as shown on the Tax Assessment Maps of the

line of CHRISTOPHER AVENUE (40' R.O.W.) Sa. a poif cai. N. 81° - 24' W. distant 305.00 feet from the westerly sideline of RUSH STREET, formerly MAPLE STREET (40' R.O.W.), as shown on the Tax Assessment Maps of the Borough of South Plainfield, revised December 30, 1983 and running thence:

- (1) S. 8' - 36' W. a distance of 5.00 feet to a point; thence
- (2) N. 81° - 24' W. creating a new southerly sideline of CHRISTOPHER AVENUE, a distance of 200.00 feet to a point; thence
- (3) N. 8° - 36' E. a distance of 5.00 feet to a point on the present southerly sideline of CHRISTOPHER AVENUE; thence
- (4) S. 81° - 24' E. along the present southerly sideline of CHRISTOPHER AVENUE a distance of 200.00 feet to the point and place of BEGINNING.

Being further described and designated as portions of Lots 7 through 15 in Block 4, as shown on a map entitled, "Plainfield Park (South)", filed in the Middlesex County Clerk's Office, Apt U 8, 1912. as map No. 676 in File No. 469.

1. The conveyance by the Borough of South Plainfield shall be by bargain and sale deed, without covenants, and without representations as to the marketability of title. In the event the purchaser shall determine that title to the property in question shall not be good and marketable, any questions as to marketability of title shall be submitted to the Borough Clerks Office within 45 days of the date of sale. In the event said questions have not been raised within said 45 day period, then and in that event all questions relating to the marketability of title shall be deemed waived and this matter shall proceed to closing of title within 90 days of the date of sale.
2. Easements, both of record and not of record.
3. Restrictions of record.
4. Zoning ordinance of the Borough of South Plainfield as presently constituted without representations as to the use to which said property can be put.
5. In the event that the purchaser fails or refuses to close title and/or pay the consideration therefor within the time period stated herein, then in that event, the Borough of South Plainfield may, at its own option, exercise any or all of the following rights:
 - (a) Declare the transaction null and void.
 - (b) Charge the purchaser with stipulated damages to include interest on the purchase price at the rate of 8% (per cent) per year plus \$1.00 per day to be computed from the date of the sale to the date of closing of title or date of rescission by the Borough.
 - (c) Any other rights as provided by law which may be available to the Borough.
6. The cost of advertising, preparation and filing of the deed shall be paid by the purchaser.
7. The purchaser shall make application for any required subdivision.

AFFIDAVIT OF PUBLICATION

STATE OF NEW JERSEY
COUNTY OF MIDDLESEX

ss.

WMSS V, "X'SKST"

I, the undersigned, being duly sworn, on his/her oath, that he/she is the Publisher of THE REPUBLICAN, a newspaper published in the Borough of South Plainfield, Middlesex County and State of New Jersey, and that a notice of which the annexed is a true copy, was published in said paper for the term of _____ months - (2) _____ once in each week solely,

day

day of

Sworn and subscribed before me this _____ 4th

..... June

1984
[Signature]
Notary Public of New Jersey
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires May 23, 1985

May 24, 1984, 1

v

NOTICE OF SALE OF LAND
LMC-27-64

TO WHOM IT MAY CONCERN:

At a regular meeting of the Mayor and Common Council of the Borough of South Plainfield, County of Middlesex, State of New Jersey held on May 14, 1984, 1 was directed to advertise the fact that the Mayor and Council will meet in the Municipal Building, 2480 Plainfield Avenue, South Plainfield, New Jersey, on June 11, 1984 at 8:00 p.m. to expose and sell at a public sale to the highest bidder, according to the terms of sale on file with the Borough Clerk, the property

Taken together, the date of sale or any date of place to which it may be adjourned, the Mayor and Council reserve the right in its discretion to reject any or all bids and to sell said property to such bidder as it may select, due regard being given to terms and manner of payment in case one or more minimum bids shall be received.

Upon acceptance of the minimum bid or bid above minimum, by the Council and the payment thereof by the purchaser according to the manner of purchase in accordance with terms of sale on file, the Borough will deliver a Bargain and Sale Deed for said premises.

William T. DeSabato, Borough Clerk
Bids to be advertised in The Reporter on May 24, 1984 and June 1, 1984 to be sold on June 11, 1984 at the Municipal Building, 2480 Plainfield Avenue, South Plainfield, New Jersey at 8:00 p.m.

Block	Lets	Nunc	Street	Ami or Bid
427	4271	D.DIGian & Son Construction Co., Inc.	Christopher Avenue.	\$21,325.00

METES AND BOUNDS DESCRIPTION
OF PART OF BLOCK 427, LOT 1.01
TO BE DEDICATED FOR ROAD WIDENING
IN THE BOROUGH OF SOUTH PLAINFIELD
MIDDLESEX COUNTY, NEW JERSEY

BEGINNING at a point on the southerly-sideline of CHRISTOPHER AVENUE (40' R.O.V.). Said point being N. 81° - 24' W. distant 505.00 feet from the westerly sideline of RUSH STREET, formerly MAPLE STREET (40' R.O.W.), as shown on the Tax Assessment Maps of the Borough of South Plainfield, revised December 30, 1983 and running thence:

- (1) S. 81° - 24' W. a distance of 5.00 feet to a point; thence
- (2) N. 81° - 24' W. creating a new southerly sideline of CHRISTOPHER AVENUE a distance of 172.12 feet to a point; thence
- (3) N. 1° - 09' E. a distance of 5.07 feet to a point on the present southerly sideline of CHRISTOPHER AVENUE; thence
- (4) S. 81° - 24' E. along the present southerly sideline of CHRISTOPHER AVENUE a distance of 172.98 feet to the point and place of BEGINNING.

The foregoing description being intended to describe for road widening purposes, a 5.00 foot wide strip of land containing 862.75 square feet contiguous to the southerly sideline of CHRISTOPHER AVENUE.

Being further described as portions of Lots 1 through 7, in Block 4, as shown on a map entitled "Plainfield Park (South)", filed in the Middlesex County Clerk's Office, April 8, 1912 as Map No. 676 in File 46».

SCHEDULE "A"
METES AND BOUNDS DESCRIPTION
OF A PART OF BLOCK 427, LOT 1.01
IN THE BOROUGH OF SOUTH PLAINFIELD
MIDDLESEX COUNTY, NEW JERSEY

BEGINNING at a point on the southerly sideline of CHRISTOPHER AVENUE (40' R.O.W.) Said point being N. 81° - 24' W., distant 505.00 feet from the westerly sideline of RUSH STREET, formerly MAPLE STREET (40' R.O.W.), as shown on the Tax Assessment Maps of the Borough of South Plainfield, revised December 30, 1983 and running thence:

- (1) S. 81° - 24' W. a distance of 105.00 feet to a point; thence
- (2) N. 81° - 24' W. a distance of 154.94 feet to a point; thence
- (3) N. 1° - 09' W. along the rear line or lots fronting on FREDERICK AVENUE a distance of 106.54 feet to a point; thence
- (4) S. 81° - 24' E. along the southerly of CHRISTOPHER AVENUE a distance of 172.12 feet to the point and place of BEGINNING.

Being further described and designated as portions of Lots 1 through 7 in Block 4, as shown on a map entitled, "Plainfield Park (South)", filed in the Middlesex County Clerk's Office, April 8, 1912, as map No. 676 in File No. 469.

Containing 16,353 square feet.

Sale of the property described above will be made subject to the following conditions:

- 1. The conveyance by the Borough of South Plainfield shall be by bargain and sale deed, without covenants, and without representations as to the marketability of title. In the event the purchaser shall determine that title to the property in question shall not be good and marketable, any questions as to marketability of title shall be submitted to the Borough Clerks Office within 45 days of the date of sale. In the event said questions have not been raised within said 45 day period, then and in that event all questions relating to the marketability of title shall be deemed waived and this matter shall proceed to closing of title within 90 days of the date of sale.
- 2. Easements, both of record and not of record.
- 3. Restrictions of record.
- 4. Zoning ordinance of the Borough of South Plainfield as presently constituted without representations as to the use to which said property can be put.
- 5. In the event that the purchaser fails or refuses to close title and/or pay the consideration therefor within the time period stated herein, then in that event, the Borough of South Plainfield may, at its own option, exercise any or all of the following rights:
 - (a) Declare the transaction null and void.
 - (b) Charge the purchaser with stipulated damages to include interest on the purchase price at the rate of 8% (per cent) per year plus \$1.00 per day to be computed from the date of the sale to the date of closing of title or date of rescission by the Borough.
 - (c) Any other rights as provided by law which may be available to the Borough.
- 6. The cost of advertising, preparation and filing of the deed shall be paid by the purchaser.
- 7. The purchaser shall make application for any required subdivision.
- 8. All costs of subdivision, including but not limited to on site and off site improvements as required by appropriate Borough Boards, Agencies and Officers, shall be paid by the purchaser.

2 Times: 5-24-84 and 6-1-84
Fee: \$149.76

AFFIDAVIT OF PUBLICATION

STATE OF NEW JERSEY,
COUNTY OF MIDDLESEX



JAMES V. HCKERT

of full age, being duly sworn, on his/hgf oath, that he^g. is the Publisher of THE REPORTER, a newspaper published in the Borough of South Plainfield, Middlesex County, and State of New Jersey, and ~~that~~ a notice of which the annexed is a true copy, was published in said paper for the term of two- (2.)» weeks- • • _____ • • once in each week successively, viz .. jfoj. 24,.. <1984 •& June •'1984* commencing on the

..... day of ..May
Sworn and subscribed before me this _____ 4 th day of
June A.D., ... 1984

James V. Hckert

[Signature]
Notary Public of New Jersey
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires May 23, 1989

NOTICE OF SALE OF LAND
LM061-63

TO WHOM IT MAY CONCERN: ~

At a regular meeting of the Mayor and Common Council of the Borough of South Plainfield, County of Middlesex, State of New Jersey held on February 27, 1984, I was directed to advertise the fact that the Mayor and Council will meet in the Municipal Building, 2480 Plainfield Avenue, South Plainfield, New Jersey, on March 26, 1984 at 8:00 p.m., to expose and sell at a public sale to the highest bidder, according to terms of sale on file with the Borough Clerk, the property

may be adjourned, the Mayor and Council reserve the right in its discretion to reject any or all bids and to sell said property to such bidder as it may select, due regard being given to terms and manner of payment in case one or more minimum bids shall be received.

Upon acceptance of the minimum bid or bid above minimum, by the Council and the payment thereof by the purchaser according to the manner of purchase in accordance with terms of sale on file, the Borough will deliver a Bargain and Sale Deed for said premises.

William T. DeSabato, Borough Clerk
The Reporter on March 8, 1984 and March 15, 1984 to be sold on March 26, 1984 at the Municipal Building, 2480 Plainfield Avenue, South Plainfield, New Jersey at 8:00 p.m.

Block	Lot	Name	Street	Ami of Bid
427	1.01	Michael GaBo & Marshall Rinker	Rush & Christopher	\$37,500.00

SCHEDULE "A"

METES AND BOUNDS DESCRIPTION OF A PORTION
OF LOT 1.01 IN BLOCK 427
BOROUGH OF SOUTH PLAINFIELD
MIDDLESEX COUNTY, NEW JERSEY

distance of 100.00 feet to a point thence

BEGINNING at a point of intersection formed by the southerly sideline of CHRISTOPHER AVENUE (40' R.O.W.) and the westerly Sideline of RUSH STREET (40' R.O.W.), formerly MAPLE STREET, as shown on the Tax Assessment Map of the Borough of South Plainfield, revised December 30, 1983, and running thence:

- (1) S. 8°-36' W. along the westerly Sideline of RUSH STREET, a distance of 55.00 feet to a point; thence
- (2) N. 81°-24' W. a distance of 5.00 feet to a point; thence
- (3) S. 8°-36' W. a distance of 50.00 feet to a point; thence
- (4) N. 81°-24' W. a distance of 300.00 feet to a point; thence
- (5) N. 8°-36' E. a distance of 105.00 feet to a point on the southerly sideline of CHRISTOPHER AVENUE; thence
- (6) S. 81°-24' E. along the southerly sideline of CHRISTOPHER AVENUE a distance of 305.00 feet to the point and place of BEGINNING.

Excepting therefrom, a strip of land for road widening purposes 5 feet in width contiguous to the southerly sideline of CHRISTOPHER AVENUE and the westerly sideline of RUSH STREET containing 1775 square feet described as follows:

BEGINNING at a point of intersection formed by the southerly sideline of CHRISTOPHER AVENUE (40' R.O.W.) and the westerly sideline of RUSH STREET (40' R.O.W.) formerly, MAPLE STREET, as shown on the Tax Assessment Map of the Borough of South Plainfield, revised December 30, 1983, and running thence:

- (1) S. 8°-24' W. along the present westerly sideline of RUSH STREET a distance of 55.00 feet to a point; thence
- (2) N. 81°-24' W. a distance of 5.00 feet to a point; thence
- (3) N. 8°-36' E. creating a new westerly sideline of RUSH STREET a distance of 50.00 feet to a point; thence
- (4) N. 81°-24' W. creating a new southerly sideline of CHRISTOPHER AVENUE a distance of 300.00 feet to a point; thence
- (5) N. 8°-36' E. a distance of 5.00 feet to a point on the present southerly sideline of CHRISTOPHER AVENUE; thence
- (6) S. 81°-24' E. along the present southerly sideline of CHRISTOPHER AVENUE a distance of 305.00 feet to the point and place of BEGINNING.

Being further described and designated as portions of Lots 15 through 27 inclusive in Block 4, as shown on a map entitled Plainfield Park South filed in the Middlesex County Clerk's Office on April 8, 1912, as Map No. 676, in File No. 469 containing 30,000 square feet of land.

Sale of the property described above will be made subject to the following conditions:

1. That conveyance by the Borough of South Plainfield shall be by bargain and sale deed, without covenants, and without representations as to the marketability of title. In the event the purchaser shall determine that title to the property in question shall not be good and marketable, any questions as to marketability of title shall be submitted to the Borough Clerks Office within 45 days of the date of sale. In the event said questions have not been raised within said 45 day period, then and in that event all questions relating to the marketability of title shall be deemed waived and this matter shall proceed to closing of title within 90 days of the date of sale.
 2. Easements, both of record and not of record.
 3. Restrictions of record.
 4. Zoning ordinance of the Borough of South Plainfield as presently constituted without representations as to the use to which said property can be put.
 5. In the event that the purchaser fails or refuses to close title and/or pay the consideration therefor within the time period stated herein, then in that event, the Borough of South Plainfield may, at its own option, exercise any or all of the following rights:
 - (a) Declare the transaction null and void,
 - (b) Charge the purchaser with stipulated damages to include interest on the purchase price at the rate of 8% (per cent) per year plus \$1.00 per day to be computed from the date of the sale to the date of closing of title or date of rescission by the Borough.
 - (c) Any other rights as provided by law which may be available to the Borough.
 6. The cost of advertising, preparation and filing of the deed shall be paid by the purchaser.
- 2 Times: 3-8-84 and 3-15-84
Fes: 150.80

AFFIDAVIT OF PUBLICATION


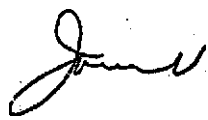
STATE OF NEW JERSEY,
COUNTY OF MIDDLESEX.

} ss.

JAMES V. ECXKRT

being duly sworn, I do hereby swear, that he/she is the Publisher of THE REPORTER, a newspaper published in the Borough of South Plainfield, Middlesex County and State of New Jersey, and that a notice of which the annexed is a true copy was **Dublished** in said paper for the term of two . . . weeks . . . once in each week successively, viz . . . M a ^ . g , . 4 9 3 4 ^ ^

.. — . . . — , . . c s t h — — — day of March . . . commencing on the Sworn and subscribed before me this 19th V _____ day of Ma-reht _____ A.D., ~~1984~~



^^ ' Notary Public of New Jersey
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires May 23, 1984

v AJULU jaa-?

A?TY. A-J SNAN jc,
l a w

AN ORDINANCE PROVIDING FOR THE EXCHANGE OF LANDS BETWEEN THE BOROUGH OF SOUTH PLAINFIELD AND D. DI GIAN & SON CONSTRUCTION COMPANY, INC. PURSUANT TO THE PROVISIONS OF N.J.R.S. 40A: 12-16 etseq.

•Borough • P' : teld trie -owner or 'property

WHEREAS, the Borough of South Plainfield, by its Mayor and Council, deems it is in the public interest that the Borough of South Plainfield acquire title to Lot 4 in Block 307, Lot 24 in Block 525, Lot 10 in Block 526 and Lot 5 in Block 540 which properties are shown on the tax and assessment map of the Borough of South Plainfield currently in use; and

WHEREAS, the Borough of South Plainfield, by its Mayor and Council, deems it is in the public interest that the Borough of South Plainfield acquire title to Lot 4 in Block 307, Lot 24 in Block 525, Lot 10 in Block 526 and Lot 5 in Block 540 in exchange for property described in Schedule "A, B, C, and D"; and

WHEREAS, it is further deemed that the land to be exchanged by the Borough of South Plainfield is not needed for public purpose or use and that the land to be acquired by the Borough of South Plainfield is more advantageous to the Borough of South Plainfield for public use; and

WHEREAS, it is further deemed that the property owned by the Borough of South Plainfield and the property owned by D. Di Gian & Son Construction Company, Inc. is not of equal value; and

WHEREAS, it is proposed that D. Di Gian & Son Construction Company, Inc. convey his aforesaid property to the Borough of South Plainfield in exchange for property described in Schedule "A, B, C, and D" as shown on the tax and assessment maps currently in use by the Borough of South Plainfield; and

WHEREAS, in order to equalize said exchange it is hereby determined by the Borough of South Plainfield that the Borough exchange property described in Schedule "A, B, C, and D" for Lot 4 in Block 307, Lot 24 in Block 525, Lot 10 in Block 526 and Lot 5 in Block 540 plus the sum of \$ 131,250.00 in order to equalize said exchange; and

WHEREAS, it is further deemed that it is in the public interest that said exchange be consummated;

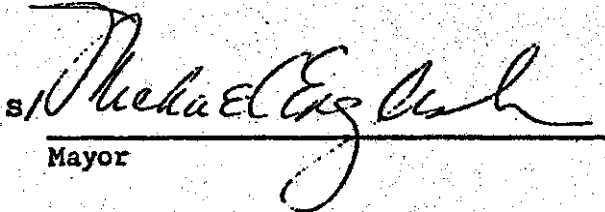
NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of South Plainfield, that;

SECTION 1. The Mayor and Borough Clerk be authorized to execute and deliver to D. Di Gian and Son Construction Company, Inc. a bargain and sale deed, conveying property described in Schedule "A, B, C, and D" without covenants and without representations as to marketability of title. In the event D. Di Gian and Son Construction Company, Inc. shall determine that title to the property in question shall not be good and marketable, any question relating to the marketability of title shall be submitted to the Borough of South Plainfield through the Borough Clerk's office within 45 days from the date of the ordinance. In the event that questions have not been raised within said 45 day period, then and in that event all questions relating to the marketability of title shall be deemed waived and this matter shall proceed to closing of title within 90 days of the date of adoption of this ordinance.

SECTION 2. The conveyance of property described in Schedule "A, B, C, and D" shall be made subject to easements both of record and not of record, restrictions of record, the Zoning Ordinance of the Borough of South Plainfield as presently constituted without any representations as to the use which said property can be put upon receipt from D. Di Gian and Son Construction Company, Inc. of a deed conveying good and marketable title to Lot 4 in Block 307, Lot 24 in Block 525, Lot 10 in Block 526 and Lot 5 in Block 540 free and clear of all encumbrances and taxes paid to the date of closing plus the sum of \$ 131,250.00.

insurance policy issued by the duly licensed and qualified title insurance company of the State of New Jersey. The Borough of South Plainfield shall be furnished with a title insurance policy as to said property in the amount of \$ 44,000.00.

SECTION 4. This ordinance shall take effect immediately after publication in the manner .provided by law.


s/ Michael English
Mayor

ATTEST: July 9, 1984
Certified a true copy.

i h f a L - t k ^ J i k -
Borough Clerk

METES AND BOUNDS DESCRIPTION

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BOROUGH OF SOUTH PLAINFIELD
NEW JERSEY

'^BEGINNING at a point, said point being the intersection of the westerly sideline of JACKSON AVENUE (50* R.O.W.), with the northerly sideline of MATIS STREET (50* R.O.W.) as shown on the Tax Assessment Maps of the Borough of South Plainfield, revised December 30, 1983, and running thence:

- (1) S 87° - 31¹ W. along the northerly sideline of MATIS STREET, a distance of 719.83 feet to a point on the former centerline of CROWN STREET, now vacated i thence
- (2) N. 2° - 29« W. along the centerline of vacated CROWN STREET, a distance of 100.00 feet to a point? thence
- (3) N. 87° - 31' E. a distance of 699.55 feet to a point on the westerly sideline of JACKSON AVENUE: thence
- (4) S. 13° - 57' E. along the westerly sideline of JACKSON AVENUE, a distance of 102.04 feet to the point and place of BEGINNING.

Being further shown and designated as Lots 27 through^53> inclusive, in Block ^MC^U * and a 25x100 feet portion of the vacated bed of CROWN STREET, (formerly CHARLES PLACE) contiguous to Lot 53 on a map entitled, "Section Four - Plainfield Terrace", filed in the Middlesex County Clerk's Office on August 3, 1920 as Map No. 932 in File No. 562.

Containing 70,969 square feet. 0

PORTION OF LOT 10,01 IN BLOCK' 404
 'IN THE. ' ' .
 BOROUGH OF SOUTH PLAINFIELD
 NEW JERSEY

BEGINNING at a point on the southerly sideline of MATIS STREET
 {50' R.O.K.;. Said point being N. 87° - 31' E., distant 11.35 feet
 from the intersection of the aforementioned sideline with the easterly
 sideline of HAMILTON BOULEVARD (50' R.O.W.), formerly PLAINFIELD
 AVENUE, as shown on the Tax Assessment Maps of the Borough of South
 Plainfield, revised December 30, 1983, and running thence:

- (1) N. 87° - 31' E. along the southerly sideline of MATIS
 STREET, a distance of 116.53 feet to a point of inter-
 section with the recently created westerly sideline of
 PERTH PLACE; thence
- (2) S. 2° - 29' E. along the westerly sideline of PERTH
 PLACE, a distance of 98.17 feet to a point; thence
- (3) S. 1° - 43' W. still along the westerly sideline of
 PERTH PLACE, a distance of 1.84 feet to a point; thence
- (4) S. 87° - 31' W. a distance of 116.40 feet to a point;
 thence
- (5) N. 2° - 29' W. a distance of 100.00 feet to the point
 and place of BEGINNING.

Being further described and designated as Lots 25 through 28,
 inclusive, and a portion of Lot 29, all in Block "A" as shown on a
 map entitled, "Section Four - Plainfield Terrace^{1*}", filed in the Middlesex
 County Clerk's Office on August 3, 1920 as Map No. 932, in File No. 562.

Containing 11,652.88 square feet./

PORTION OF LOT 18.01 IN BLOCK 404
 IN THE
 BOROUGH OF SOUTH PLAINFIELD
 NEW JERSEY

BEGINNING at a point on the southerly sideline of MATIS STREET (50* R.O.W.). Said point being N. 87° - 31* E., distant 777.88 feet from the intersection of the aforementioned sideline with the easterly sideline of HAMILTON BOULEVARD (50' R.O.W.), formerly PLAINFIELD AVENUE as shown on the Tax Assessment Maps of the Borough of South Plainfield, revised December 30, 1983, and running thence:

- (1) N. 87° - 31' E. along the southerly sideline of MATIS STREET, a distance of 183.47 feet to a" point; thence
- (2) S. 2° - 29¹ E, a distance of 100.00 feet to a pointj
thence
- (3) S. 87° - 31' W. a distance of 183.47 feet to a point of intersection with the easterly sideline of PERTH PLACE (50« R.O.W.); thence
- (4) N. 2° - 29' W. along the recently created easterly side-line of PERTH PLACE, a distance of 100.00 feet tQ.a point of intersection with the southerly sideline of MATIS 'STREET, the point and place of BEGINNING.

Being further shown ana designated as Lots 32 through 38, inclusive, and a portion of Lot 31, all in Block "A" on a map entitled, "Section Four - Plainfield Terrace", filed in the Middlesex County Clerk's Office August 3, 1920, as Map No. 932, in File No. 562»

Containing 18,347 square feet.

PORTION OF LOT 23.01 IN wLOCiv 404 ;
IN THE
BOROUGH OF SOUTH PLAINFIELD
NEW JERSEY

BEGINNING at a point of intersection fronted by the westerly sideline of JACKSON AVENUE (50* R.O.W.) and the southerly sideline of MATIS STREET (50* R.O.W.) as shown on the Tax Assessment Maps of the Borough of South Plainfield, revised December 30, 1983, and running thence:

- (1) S. 13° - 57' E. along the westerly sideline of JACKSON AVENUE, a distance of 102.04 feet to a point; thence
- (2) S. 87° - 31' W. a distance of 400.26 feet to a point; thence
- (3) N. 2° - 29' W. a distance of 100.00 feet to a point on the southerly sideline of MATIS STREET; thence
- (4) N. 87° - 31' E. along the southerly sideline of MATIS STREET, a distance of 379.98 feet to the point and place of BEGINNING.

Being further shown and designated as Lots 43 through 57, inclusive, all in Block "A^M" on a map entitled, "Section Four - Plainfield Terrace", filed in the Middlesex County Clerk's Office on August 3, 1920 as Map No. 932 in File No. 562.

Containing 39,012 square feet.

ORDINANCE #1014

AN ORDINANCE PROVIDING FOR THE EXCHANGE OF LANDS BETWEEN THE BOROUGH OF SOUTH PLAINFIELD AND D. DI GIAN & SON CONSTRUCTION COMPANY INC. PURSUANT TO THE PROVISIONS OF N. J. R. S. 40A; 12-16 et seq.

WHEREAS, D. Di Gian and Son Construction Company, Inc. is the owner of property known as Lot 1 in Block 524, Lot 12 in Block 524 and Lot 5 in Block 333 which properties are shown on the tax and assessment map of the Borough of South Plainfield currently in use; and

WHEREAS, the Borough of South Plainfield, by its Mayor and Council, deems it is in the public interest that the Borough of South Plainfield acquire title to Lot 1 in Block 524, Lot 12 in Block 524 and Lot 5 in Block 333 in exchange for property described in Schedule "A" and "B"; and

WHEREAS, it is further deemed that the land to be exchanged by the Borough of South Plainfield is not needed for public purpose or use and that the land to be acquired by the Borough of South Plainfield is more advantageous to the Borough of South Plainfield for public use; and

WHEREAS, it is further deemed that the property owned by the Borough of South Plainfield and the property owned by D. Di Gian & Son Construction Company, Inc. is not of equal value? and

WHEREAS, it is proposed that D. Di Gian & Son Construction Company, Inc. convey his aforesaid property to the Borough of South Plainfield in exchange for property described in Schedule "A" and "B" as shown on the tax assessment maps currently in use by the Borough of South Plainfield; and

WHEREAS, in order to equalize said exchange it is hereby determined by the Borough of South Plainfield that the Borough exchange property described in Schedule "A" and "B" for Lot 1 in Block 524 Lot 12 in Block 524 and Lot 5 in Block 333 plus the sum of \$144,525.00 in order to equalize said exchange; and

WHEREAS, it is further deemed that it is in the public interest that said exchange be consummated;

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of South Plainfield, that;

SECTION 1. The Mayor and Borough Clerk be authorized to execute and deliver to D. Di Gian and Son Construction Company, Inc. a bargain and sale deed, conveying property described in Schedule "A" and "B" without covenants and without representations as to marketability of title. In the event D. Di Gian and Son Construction Company, Inc. shall determine that title to the property in question shall not be good and marketable, any questions relating to the marketability of title shall be submitted to the Borough of South Plainfield through the Borough Clerk's office within 45 days from the date of the ordinance. In the event that questions have not been raised within said 45 day period then and in that event all questions relating to the marketability of title shall be deemed waived and this matter shall proceed to closing of title within 90 days of the date of adoption of this ordinance.

SECTION 2. The conveyance of property described in Schedule "A" and "B" and shall be made subject to. easements both of record and *r,ot* of record, rostrictiot-s of reccirr, -.he Zoning Ordinance'

of a deed conveying good and narketable -it.a to Lot 1 in Block 524 Lot 12 in Block 524 and Lot 5 in Block 333 free and clear of all encumbrances and taxes paid to the date of closing plus the sum of \$144,525.00.

SECTION 3. Good and Marketable title to *the* property to be conveyed to the Borough of South Plainfield shall be evidenced by a title insurance policy issued by the duly licensed and qualified title insurance company of the State of New Jersey. The Borough of South Plainfield shall be furnished with a title insurance policy as to said property in the amount of \$33,000.00.

SECTION 4. This ordinance shall take effect immediately after publication in the manner provided by law.

/

s/ Michael Snglislr

Mayor

ATTEST: Adopted April 8, 1985
Certified a true copy.



Borough Clerk

METES AND BOUNDS DESCRIPTION
BLOCK 404, PART OF LOT 18.01
IN THE BOROUGH OF SOUTH
PLAINFIELD, MIDDLESEX COUNTY
NEW JERSEY

(+50: R.O.W.) . . . Said pui-iu . . . > " . . . -ii.' - - - . . .
from the northerly sideline of HILLSIDE AVENUE (50' R.O. W.), as
shown on the Tax Assessment Maps of the Borough of South Plainfield
revised December 20, 1984 and running thence:

- (1) N. 89° *" 24 * W. along the rear line of lots fronting
on HILLSIDE AVENUE, a distance Of 400.00 feet to a
point on the easterly sideline of PERTH PLACE (50* R.O.W.)
•. thence
- (2) N. 0° - 36' E. along the easterly sideline of PERTH
PLACE, a distance of 200.18 feet to a point; thence
- (3) N. 86° - 26' E. along the rear line of lots fronting
on MATIS STREET, a distance of 401.06 feet to a point
on the westerly sideline of BEATRICE PLACE; thence
- (4) s. 0° - 36' W. along the westerly sideline of BEATRICE
PLACE, a distance of 229.33 feet to the point and place
of BEGINNING.

Containing 85902 square feet, more or less, subject to the dis-
closures of an accurate survey.

METES AND BOUNDS DESCRIPTION
 BLOCK 404, PART OF LOT 23.01
 IN THE BOROUGH OF SOUTH
 PLAINFIELD, MIDDLESEX COUNTY
 NEW JERSEY

of BEATRICE PLACE (50' R.O.W.) as shown on the Tax Assessment Maps of the Borough of South Plainfield, revised December 20, 1984 and running thence:

- (1) N. 0° - 36* E. along the easterly sideline of BEATRICE PLACE, a distance of 222.92 feet to a point; thence
- (2) N. 86° - 26' E. along the rear line of lots front[^]-ing on MATIS STREET (50' R.O.W.), a distance of 232.91 feet to a point on the westerly sideline of JACKSON AVENUE (50" R.O.W.);thence
- (3) S. 15° - 02' E. along the westerly sideline of JACKSON AVENUE as extended, a distance of 97.14 feet to an angle point; thence
- (4) S. 6° - 37' E. still along the westerly sideline of JACKSON AVENUE as extended, a distance of 112.66 feet to a point of intersection with the northerly sideline of GARFIELD AVENUE; thence
- (5) S. 83° - 23' W. along the northerly sideline of GARFIELD AVENUE, a distance of 274.80 feet to the point and place
 *of BEGINNING. " ' ' "

Containing 55,376 squarefeet, 'more'oir less, subject to the disclosure of an accurate survey.

MANACRMIN't AOVTSOKY COY•7X'T'f" T.

The following members attended! Vice-Cr. ilrsan Leonard kleczkowski, Robert Jones, Janes Wierdo, Norman Skolnic/c and Richard Kennedy of the Committee, and Gary Toth, Tax Asisessor.

Absent* Al Musmanno and Councilman Acrin,

Correction to the minutes of the meeting of February 28, 1985, to show that the name of applicant in case LMC 22-85 is Mrs* Jean Chin, not Lena Chin, was made. The minutes were accepted with correction noted.

LMC 21-851 P. Campagna re Lot 1.01 in Block 341 and Lot 3 in Block 335. Case referred to the EDC on February 28, 1985, but case was not presented at the Council neeting of March 4, 1985.

Cases for sale on March 25* 19851

- LMC 2-85 (old 67-84)* Guy Henle for part of Lot 8, Block 347
LMC 6-85> J. Spisso for part of Lot 1.01 in Block 525
LMC 7-851 Robert Capparelli for part of Lot 3.01 in Block 363
LMC 8-851 Peter & Joseph Piro for Lot 2 in Block 367
LMC 19-851 P. DiUario for 1/2 of Lot 2, Block 108
LMC 20-85» H. Wilson for 1/2 of Lot 2, Block 108

Cases to be advertised for sale after the engineer's report has been completed*

- LMC 4-851 Walter Kurilew for Lot .9,Block"330;*.
LMC 10-85> Don DiGion & Son - part of Lot 18.01 and part of 23.01. in Block ,404. ;
LMC 16-851 David Kaschock - part of Lot 3.01, Block 363.
LMC 17-851 Pat Famularo - portion of Lot 8.01 in^Bl'Sck 347.
LMC 18-85* Bonald Dabrio - portion of Lot 3.01, Block 363.

Cases to be submitted to the EDC for Council approval:

- LMC 11-85i Dora Dumico for part of Lot 6.01 in Block 525. (adjoining owners failed to respond).
LMC 22-851 Mrs. Juan Chin for part of Lot «J.Ui in Block 354.
LMC 24-851 P. Deltosa - part of 6.31 in Block 368.
LMC 29-851 Angelu I'aradiso, Jr. tor part 01* Lot 8.01 in Block 347.

LMC 32-85; J. Celentano and R. Cappaiclli - part of Lot 2 in Block 367. V - /;...*

LMC 37~85t Robert Bencivenga - remainder of Lot 28.01 in Block 404, plus part of 2.01 in Block 398 and part of Lot 6 in Block 399, - . . * . .

Cases in which applicant failed to respond by the March 12, 1985, due date»

LMC 23-85i William Elster for part of Lot 3.05 in Block 353.

: LMC 25-85* Rinker & Cullen for part of 10.01 in Block 541. (No reply from owners of adjoining property).

LMC 26-85i Rinker & Cullen for part of Lot 10.01 in Block 541. (No reply from adjoining property owner).

LMC 27-85t Rinker & Cullen for part of Lot 10w01 in Block 541. (No reply from adjoining property owners).

It was also suggested that a letter be sent to the above regarding the moratorium on sales approved by Council at their March 4i 1985, meeting and suggesting that their failure to reply may have been due to the notice. The letter will include another request for reply if they are interested. Due date for this was set as March 28, 1985, The letter will also include a statement that if they agree with the notice sent and a reply is submitted by March 28, 1985, the case will be held over until such time as the moratorium is lifted when they will then be presented to the Council for approval. .

Review postponed pending information from the Planning Board*

LMC 38-85i Phil Campagria for part of Lot 5.01 in Block 526.

Cases tabled because the desired properties were smaller portions of larger portions already requested by other earlier applicants!

LMC 28-85i Rinker & Cullen - part of Lot 2.01 in Block 398, and part of Lot 6 in Block 399.

LMC 31-85i PeWitt Giles - part of 28*01 in Block 404.

LMC *35-85j: Hayry Popik Lot 6 in Block 405 for land exchange. This is a previous request in for the entire Lot: 6 in Block 405. . . . ?v

LMC 36-85» L. Massaro, had numerous requests for properties-- j three of which have already been sold and one would have created a land-locked piece of property. The others were for smaller portions of land previously requested. Letters had been sent to these people.

Reviewedt

LMC 33-85i Marshall Rinker, "203 Sampton Ave., Boro. Request is for Lot 11 in Block 345. The lot is 50 x 100* which is below the R-10 zone standards of 100 x 100*. However, on one side of the property is Lot 9, which is owned and occupied by M/M Thomas Pierzog, 227 Tremont Ave. This is a 100 x 100' piece of property and hence conforming. On the other side is Lot 12 which is 50 x 100' and in tax

title lien held by the Boro. The Cu;«uiUtee iirssi should not be sold until Lot 12 is acquired. A letter will be sent to the applicant apprising him of this situation, and suggest that he inform the Committee of his intentions considering his prior acquisition of Lot 13 and his current request for Lot 11.

LMC 40-85i James and Robert Cacdamone, c/oXichele Donito, Box .247, Metuchen, 09840. Request is for part of Lot 6 in Block 315 and part of 8,01 in Block 315. It is on both sides of Elsie Ave. and adjacent to property recently purchased by applicaats. Inasmuch as the moratorium has been set by Council, a letter Kill be sent to applicants notifying thorn of. this situation and advising that no action can be taken until the moratorium is lifted, at which time the request will be reviewed and notice sent of the Coaraixtee*s findings.

Chairman Shaw advised a letter requesting property was received from a Mr. Fox* Mr. Shaw called him and advised hiss of the land sale situation..

Members were reminded there will be a deeting of the Land Management Committee and the Planning Board ast 7?3t» P.M. on Thursday, March 21st. This is to discuss possible changes in OPA-2 zone requirements and other matters.

There being no further business, motion, to adjourn was made by Richard Kennedy, seconded by James Uierdo. . . The next regular meeting will be Thursday, March 2a_f 1985.

\ ' Respectfully subiaitted,

B.K.BANYO, Secretary

The following members attended the Land Management Advisory Committee meeting held on March 28, 1985, at 8:15 P.M. Chairman John D. Shaw, Richard Kennedy* Robert Jones, Vice-chairman Leonard Klaczkowski, and Councilman Don Acrin. Excused absences Norman Skolnick and Gary Toth. Absents James Wierdo and Al Musmanno.

A general discussion was held concerning the March 21, 1985, meeting with the Planning Board. Several points were raised, but the only definite resolution was that the OPA-2 zoning minimum would not be changed; the reason behind this was the lack of sewage disposal in the area.

March 25th sales

LMC 2-85i Guy Henle for part of Lot 8.01 in Block 34? - request withdrawn by, Mr. Henle. The property was purchased by Mr. Joseph DVAndrea. Price was \$15,000.

LMC 6-85i Applicant Joseph Spisso was outbid for part of Lot 1.01 in Block 525, by Ralph Pastore of Garden City, N.Y. Sale price was \$140,000.

LMC 7-85t Applicant Robert Capparelli was outbid for part of Lot 3.01 in Block 363, by Geoa Meador of Meador Realty. Price paid was \$22,000. /-

LMC 8-85i Applicants Peter & Joseph Piro were outbid for part of Lot 2 in Block 367, by Ralph Pastore, Garden City, N.Y. Sale price was \$29,750.

LMC 9-85: Ralph Pastore, Garden City, N.Y. outbid Mariano OeSantis for part of Lot 6.01 in Block 525. Sale price was \$110,000.

LMC 19-851 >
LMC 20-85i) Equal parts of Lot 2, Block 108, were sold to M/M Harold Wilson and M/M P. DiDario. Both property owners had an 80% lot adjoining Lot 2, and each applicant paid \$1,500. for a total of \$3,000.

Total sales were \$319,750, for seven parcels. The total thus far for 1985 is \$468,106. in sales.

The following cases were approved for advertising*

LMC 10-85i Don DiGion & Son - rest of Lot 18.01 and part of 23.01 in Block 404 for Lots 1 and 12 in Block 524 and Lot 5 in Block 333 and cash. Ordinance 1014. Final reading and sale on April 8, 1985.

LMC 4-85: Walter Kurilew for Lot 9, Block 330.

LMC 17-85* Pat Famularo - part of Lot 8.01 in Block 347,

LMC 16-85* David Kaschock - part of Lot 3.01 in Block 363, next to Lot 2.

LMC 18-85* H/M Ronald Dabrlo - part of Lot 3.01 in Block 363 on Spicer Ave.

New Cases *

LMC 41-85* Raymond Miller, representing applicant Ralph Crawford, who is under contract to purchase the property known as Lot 14 in Block 282 on Martin Drive. Applicant requests an easement across a portion of Lot 40.02 in Block 282, which is Boro-owned, in order to have means of access and egress to all of his property. At first indication, the location seems to be in the flood zone. The Boro engineer has been informed of this but no action will be taken by the Committee until the moratorium is lifted.

LMC 42-85* A letter was received from Frank Santoro to the Mayor & Council concerning an exchange of land with Mr. John DeCarlo, whose attorney is Angelo Dalto. Mr. DeCarlo is designated as the owner of Lots 6 and 6.01 in Block 25a and also Lot 10 in Block 259. The letter goes on to say that Mr. DeCarlo would be interested in making a land exchange with the Boro. This matter should be handled between Boro Attorney Santoro and the Mayor & Council.

LMC 43-851 Ted Dabrowski, 132 McKinley St., Boro. Request for purchase of Lot 4.01 in Block 380. Case will be held over until the moratorium is lifted.

LMC 44-85* Concerns request for resident land in Plainfield for the purpose of constructing a home. Applicant, Mr. Bob Dudash, representing himself as an Edison police officer with his residence in Edison. On March 27, 1985, Chairman Shaw spoke to him and advised him that only Boro residents could apply for purchase of property. He was informed that he had the right to bid on any property at any of the public auctions held by the Mayor & Council. When Mr. Dudash advised Mr. Shaw that several of his neighbors were police officers in S. Plainfield, he was advised to have one of them supply him with a copy of The Reporter each week so that he would be able to see when land sales are published.

LMC 49-85* Suburban Transit. Applicant requests Lot 44 in Block 315* for expansion of his present holdings. It was discovered that several years ago when Ambdy Ave. was extended thru to connect with Valley Road - 1/2 mile - also thru Lot 23, which is in tax title lien. The engineer is going to provide the Committee with the dimensions of the portions of Lot 44 which is north of the constructed road. Further review will be made when the moratorium is lifted.

LMC 50-851 Buckstin Assoc., P.O. Box 96, Boro. Mr. Buckelew is the owner of Lot 13, Block 541 and wishes to purchase property along Durham Ave. adjacent to his property a portion of Lot 10.01 in Block 541. Further review will be held only after the

moratorium is lifted.

Mr. Shaw read a letter Which will be sent to the Economic Development Committee to alert them that there will be no further Meetings of the Committee unless by emergency call by the Chairman, until the moratorium is lifted*

There being no further business, motion to adjourn was made by Leonard Kleczkowski, seconded by Robert Jones. The meeting adjourned at 11:00 P.M.

Respectfully submitted,

js *d^j'e*
B.K. DANYO, Secretary

fJf (t rf^Olbtb, .by, the Mayor and Council oi the Borough of South Plainiield,

Hew Jeney, that;

The Clerk advertise in The fleporter on Way 24, 1984 and June 1, 1984 t sale of property known as part of lot 1.01 in block 42? as more ..particularly described -in. -Schedule "A" attached hereto, said property

.the following conditions:

1. That conveyance by the Borough of South Plainfield shall be by bargain and sale deed, without covenants, and without representations as to the marketability of title. In the event the purchaser shall determine that title of the property in question shall not be good and marketable, any questions as to marketability of title shall be submitted to the Borough Clerks Office within 45 days of the date of sale. In the event said questions have not been raised within said 45 day period, then and in that event all questions relating to the marketability of title shall be deemed waived and this matter shall proceed to closing of title within 90 days of the date of sale.
2. Easements, both of record and not of record.
3. Restrictions of record.
4. Zoning ordinance of the Borough os South Plainfield as presently constituted without representations as to the use to which said property can be put.
5. in the event that the purchaser is unable to close title within ninety (90) days of the date of sale, they shall forward to the Borough of South Plainfield a check representing the balance of the purchase price to be held by the Borough until closing of title.
6. In the event that the purchaser fails or refuses to close title and/or pay the consideration therefor within the time period stated herein, then in that event, the Borough of South Plainfield may, at its own option, exercise any or all of the following rights:
 - (a) Declare the transaction null and void and the purchasers deposit shall be retained by the Borough as^liquidated damages.
 - <b) Any other rights as provided by law which may be available to the Borough.
7. The cost of advertising, preparation and filing of the deed shall be paid by the purchaser.
8. All costs of subdivision, including but not limited to on site and off site improvements as required by appropriate Borough Board Agencies and Officers shall be paid by the purchaser.

(SEAL)

Approved May. 14. . . . 1984

W. J. Jeney
ClitJt uj iitt botouib of South PUmtitU

s/ Michael iSnglish ^ ...v.,
AU>o# u/ iht Buruugh ef South Plain/itM

I ceclify the forgoing to be » true and correct ibunct of a leiolmiun rc^ulaci, puicd at a rom-.!t of the Common Council of the Borough of bvuih PUWScU. held

METES & BOUNDS DESCRIPTION
 PART OF BLOCK 427, LOT 1.01
 BOROUGH OF SOUTH PLAINFIELD

BEGINNING at a point on the southerly sideline of RUSH STREET (40' R.O.W.) said point being N. 81° - 24' W. distant 505.00 feet from the westerly sideline of RUSH STREET, formerly MAPLE STREET (40' R.O.W.), as shown on the Tax Assessment Maps of the Borough of South Plainfield, revised December 30, 1983, and running thence:

- (1) S. 8° - 36' W. a distance of 105.00 feet to a point; thence
- (2) N. 81° - 24' W. a distance of 154.94 feet to a point; thence
- (3) N. 1° - 09' W. along the rear line of lots fronting on FREDERICK AVENUE a distance of 106.54 feet to a point; thence
- (4) S. 81° - 24' E. along the present southerly sideline of CHRISTOPHER AVENUE, a distance of 172.98 feet to the point and place of BEGINNING.

Excepting, therefrom, a strip of land for road widening purposes 5.00 feet in width, contiguous to the southerly sideline of CHRISTOPHER AVENUE, containing 862.75 square feet now particularly described as follows:

BEGINNING at a point on the southerly sideline of CHRISTOPHER AVENUE (40' R.O.W.) said point being N. 81° - 24' W. distant 505.00 feet from the westerly sideline of RUSH STREET, formerly MAPLE STREET (40' R.O.W.), as shown on the Tax Assessment Maps of the Borough of South Plainfield, revised December 30, 1983, and running thence:

5/16/84

LMC-27/84

(1) S. 8° - 36' W. a distance of 5.00 feet to a point;

.. (2) w, di' ^ r t t a ^ r r v ; . . .

of CHRISTOPHER AVENUE, a distance of 172.12 feet
to a point; thence

(3) N. 1° - 09' W. a distance of 5.07 feet to a point;

, thence ~~thence~~

(4) S. 81° - 24* E. along the present southerly sideline
of CHRISTOPHER AVENUE, a distance of 172.98 feet to .
the point and place of BEGINNING.

Being further described and designated as portions of Lots 1
through 7 in Block 4, as shown on a map entitled, "Piainfield Park
(South)", filed in the Middlesex County Clerk's Office April 8, 1912,
as Map No. 676, in Pile No. 469.

Containing 16,353 square feet.

METES & BOUNDS DESCRIPTION
 PART OF BLOCK 427, LOT 1.01
 : (-f) .DT^fiT^fvnrp* P0 & ROI^D

NEW JERSEY

BEGINNING at a point on the southerly sideline of CHRISTOPHER AVENUE (40' R.O.W.) said point being N. 81° - 24' W. distant 505.00 feet from the westerly sideline of RUSH STREET, formerly MAPLE STREET (40* R.O.W.), as sown on the Tax Assessment Maps of the Borough of South Plainfield, revised December 30, 1983, and running thence:

- (1) S. 8° - 36' W. a distance of 5.00 feet to a .
point; thence
- (2) NY 81° - 24' W. creating a new southerly sideline of CHRISTOPHER AVENUE a distance of 172.12 feet to a point; thence
- (3) N. 1° - 09' W. a distance of 5.07 feet to a point; thence
- (4) S. 81° - 24' E. along the present southerly sideline of CHRISTOPHER AVENUE, a distance of 172.98 feet to the point and place of BEGINNING.

The foregoing description being intended to describe for road widening purposes a 5.00 foot wide strip of land containing 862.75 square feet, contiguous to the southerly sideline of CHRISTOPHER AVENUE.

Being further described as portions of Lots 1 through 1, in Block 4, as shown on a map entitled, "Plainfield Park (South)" filed in the MIDDLESEX County Clerk's Office April 8, 1912, as map No. 676 in File No. 469.

, by the Mayor and Council of the Borough of South Plainfield,
New Jersey, that;

The bid of D. DiGian & Jon Construction Co., Inc. in
r | A A . >" < ~ n u h p c t r l o t 1.0.1

or use, sale being made subject to the conditions attached.

(SEAL)

Approved

Mayor of the Borough of South Plainfield

Mayor of the Borough of South Plainfield

1. That the foregoing to be a true and correct
abstract of a resolution regularly passed by the
Council of the Common Council of the Borough of
South Plainfield, held

COMMITTEE

and in the true and correct copy of
in the files of the Borough of South Plainfield

Clerk of the Borough of South Plainfield

ORDINANCE #1002

AN ORDINANCE PROVIDING FOR THE EXCHANGE OF LANDS BETWEEN
THE BOROUGH OF SOUTH PLAINFIELD AND ANTHONY MONDORO
PURSUANT TO THE PROVISIONS OF N.J.R.S. 40A:12-16 et seq.

WHEREAS, Anthony Mondoro is the owner of the property described in Schedule "A" attached hereto, which properties are shown on the tax and assessment map of the Borough of South Plainfield currently in use; and

WHEREAS, the Borough of South Plainfield, by its Mayor and Council, deems it is in the public interest that the Borough of South Plainfield acquire title to the property described in Schedule "A" attached hereto in exchange for Lot 1 in Block 329.01; and

WHEREAS, it is further deemed that the land to be exchanged by the Borough of South Plainfield is not needed for public purpose or use and that the land to be acquired by the Borough of South Plainfield is more advantageous to the Borough of South Plainfield for public use; and

WHEREAS, it is further deemed by the Borough of South Plainfield that the property of Anthony Mondoro is not of equal value; and

WHEREAS, it is proposed that Anthony Mondoro convey the property described in Schedule "A" attached hereto to the Borough of South Plainfield in exchange for Lot 1 in Block 329.01 as shown on the tax and assessment maps currently in use by the Borough of South Plainfield; and

WHEREAS, in order to equalize said exchange it is hereby determined by the Borough of South Plainfield that the Borough exchange Lot 1 in Block 329.01 for the property described in Schedule "A" attached hereto plus the sum of \$7,500.00 in order to equalize said exchange; and

WHEREAS, it is further deemed that it is in the public interest that said exchange be consummated.

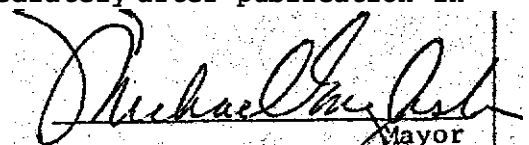
NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of South Plainfield, that:

SECTION 1. The Mayor and Borough Clerk be authorized to execute and deliver to Anthony Mondoro a bargain and sale deed, conveying Lot 1 in Block 329.01, without covenants and without representations as to marketability of title. In the event Anthony Mondoro shall determine that title to the property in question shall not be good and marketable, any questions relating to the marketability of title shall be submitted to the Borough of South Plainfield through the Borough Clerk's Office within 45 days from the date of this ordinance. In the event that questions have not been raised within said 45 day period, then and in that event all questions relating to the marketability of title shall be deemed waived and this matter shall proceed to closing of title within 90 days of the date of adoption of this ordinance.

SECTION 2. The conveyance of Lot 1 in Block 329.01 shall be made; subject to easements both of record and not of record, restrictions of record, the Zoning Ordinance of the Borough of South Plainfield as presently constituted without any representations as to the use which said property can be put on receipt from Anthony Mondoro of a deed conveying good and marketable title to the property described in Schedule "A" attached hereto free and clear of all encumbrances and taxes paid to the date of closing plus the sum of \$7,500.00.

SECTION 3. This ordinance shall take effect immediately after publication in the manner provided by law. . .

ATTEST:


Mayor