

CITY OF VINELAND

ORDINANCE NO. 2017- 45

ORDINANCE ACCEPTING THE DEED OF DEDICATION
FOR A 20 FOOT WIDE DRAINAGE EASEMENT ACROSS
PROPERTY KNOWN AS BLOCK 3202 LOT 28.01

WHEREAS, an existing drainage pipe traverses property known as Block 3202 Lot 28.01 owned by State Street Developers, LLC (Property); and

WHEREAS, an easement is necessary for the continuous right to construct, reconstruct and perpetually maintain the drainage pipe located thereon;

WHEREAS, the Municipal Engineer has recommended the City obtain a 20 foot wide easement in perpetuity so the City may perform all that is necessary to assure proper drainage of storm water protect the Property as well as neighboring properties; and

WHEREAS, State Street Developers LLC has offered a deed of dedication for a 20 foot wide drainage easement across the Property.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Vineland that the Deed of Easement, as attached hereto, be accepted by the City of Vineland and the Clerk is hereby authorized to record and file said Deed of Easement.

Passed first reading:

Passed final reading:

President of Council

Approved by the Mayor:

Mayor

ATTEST:

City Clerk



MEMORANDUM

TO: Robert Dickenson, Business Administrator
Keith Petrosky, City Clerk
Richard Tonetta, City Solicitor

FROM: Kathleen Hicks, Supervising Planner

TOPIC: Nylund Dedication of Drainage Easement

DATE: June 12, 2016

Attached is a copy of a deed of dedication for a 20 foot wide drainage easement. Mr. Nylund is giving the City the easement for an existing City drainage pipe that traverses his property. Please place acceptance of this easement on Council's June 27th agenda.

DEED OF EASEMENT (Drainage)

This Deed is made on _____, 2017

BETWEEN STATE STREET DEVELOPERS, LLC, whose post office address is 2021 A East Chestnut Avenue, Vineland, New Jersey 08360 referred to as the Grantor,

AND CITY OF VINELAND, a body politic of the State of New Jersey located in the County of Cumberland whose address is 640 East Wood Street, Vineland, New Jersey 08362 referred to as the Grantee,

WHEREAS, the Grantors are owners of the premises located in the City of Vineland, County of Cumberland and State of New Jersey more commonly known as Lot 28.01 of Block 3202; and

WHEREAS, the Grantors do agree to convey an Easement in Perpetuity to Grantee for the right to construct, reconstruct and perpetually maintain a 20 feet wide drainage pipe, inlet and manhole drainage system upon and through Grantors' property.

NOW, THEREFORE, in consideration of the sum of ONE (\$1.00) DOLLAR, paid to the Grantors by the Grantee, the receipt of which is hereby acknowledged, and in further consideration of the mutual conditions, covenants, promises and terms hereinafter contained, it is agreed that:

FIRST: Grantors do hereby grant and convey unto Grantee an Easement in Perpetuity, in, through, upon, over and across the herein described lands of Grantors, with full rights, privileges and authority for Grantee to enter upon same from time to time for the purpose of constructing, operating, inspecting, locating, rebuilding or repairing, removing and perpetually maintaining a 20 feet wide drainage pipe, inlet and manhole drainage system upon and through Grantors' property, together with such access to ingress and egress in, from and over all points of the Easement Area as is reasonable or necessary for the full use, occupancy and enjoyment of said Easement.

SECOND: Said Easement Areas shall be more particularly described as follows:

BEGINNING at a point in the easterly line of Linwood Avenue (50 feet wide) said point being the following three (3) courses from the point of intersection of the centerline of Linwood Avenue with the centerline of Maple Avenue (50 feet wide);

(a) along the centerline of Linwood Avenue, south 08 degrees 00 minutes 00 seconds west, a distance of 678.00 feet to a point; thence

(b) south 82 degrees 00 minutes 00 seconds east, a distance of 25 feet to a concrete monument in the easterly line of Linwood Avenue; thence

(c) along said easterly line, south 08 degrees 00 minutes 00 seconds west, a distance of 286.83 feet to the beginning point and running; thence

(1) south 08 degrees 00 minutes 00 seconds west, a distance of 20.90 feet to a point; thence

(2) south 16 degrees 53 minutes 07 seconds west, a distance of 69.80 feet to a point; thence

(3) south 82 degrees 00 minutes 00 seconds east, a distance of 51.81 feet to a point; thence

(4) north 38 degrees 20 minutes 17 seconds east, a distance of 13.55 feet to a point; thence

(5) north 16 degrees 52 minutes 57 seconds east, a distance of 112.83 feet to the point and place of Beginning.

Hereinabove described Drainage Easement, being over Lot 28.01, Block 3202. Is shown on the hereinafter described plan and contains 2,044 SF more or less.

Hereinabove described lands are graphically shown on the plan entitled:

PLAN OF MINOR SUBDIVISION FOR HARRY NYLUND, SHEET 32, BLOCK 3202, LOT 28, CITY OF VINELAND, CUMBERLAND COUNTY, NJ, prepared by Ewing Associates dated 12/01/16, last revised 05/24/17, dwg no. "40721".

THIRD: The cost of constructing, operating, inspecting, locating, rebuilding or repairing, removing and perpetually maintaining a 20 feet wide drainage pipe, inlet and manhole drainage system shall be the obligation of the Grantee.

FOURTH: Grantors generally warrants the rights, privileges and authority herein granted and conveyed and does further warrant that Grantee shall have quiet possession of the within Easement, free from all claims and encumbrances and Grantor will execute and deliver to Grantee such further document and assurances that may become necessary in connection therewith.

FIFTH: Grantee shall be held to the terms and conditions herein and the provisions of this easement shall insure to the benefit of and be obligatory upon the respective parties hereto and their heirs, successors in interest, licenses and assigns.

SIXTH: The agreements, conditions, covenants and promises herein contained are intended to be covenants running with the land.



State of New Jersey
SELLER'S RESIDENCY CERTIFICATION/EXEMPTION

GIT/REP-3
 (9-2015)

(Please Print or Type)

DEED OF EASEMENT (Drainage)

SELLER'S INFORMATION

Name(s)
 Harry G. Nylund, Managing member for State Street Realty Developers, L.L.C
 Current Street Address
 2021 A East Chestnut Avenue
 City, Town, Post Office Box State Zip Code
 Vineland NJ 08360

PROPERTY INFORMATION

Block(s) Lot(s) Qualifier
 3202 28.01
 Street Address
 City, Town, Post Office Box State Zip Code
 Vineland NJ 08360
 Seller's Percentage of Ownership Total Consideration Owner's Share of Consideration Closing Date
 100% \$1.00 \$1.00 6-6-17

SELLER'S ASSURANCES (Check the Appropriate Box) (Boxes 2 through 14 apply to Residents and Nonresidents)

1. Seller is a resident taxpayer (individual, estate, or trust) of the State of New Jersey pursuant to the New Jersey Gross Income Tax Act, will file a resident gross income tax return, and will pay any applicable taxes on any gain or income from the disposition of this property.
2. The real property sold or transferred is used exclusively as a principal residence as defined in 26 U.S. Code section 121.
3. Seller is a mortgagor conveying the mortgaged property to a mortgagee in foreclosure or in a transfer in lieu of foreclosure with no additional consideration.
4. Seller, transferor, or transferee is an agency or authority of the United States of America, an agency or authority of the State of New Jersey, the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, the Government National Mortgage Association, or a private mortgage insurance company.
5. Seller is not an individual, estate, or trust and is not required to make an estimated gross income tax payment.
6. The total consideration for the property is \$1,000 or less so the seller is not required to make an estimated income tax payment.
7. The gain from the sale is not recognized for federal income tax purposes under 26 U.S. Code section 721, 1031, or 1033 (CIRCLE THE APPLICABLE SECTION). If the indicated section does not ultimately apply to this transaction, the seller acknowledges the obligation to file a New Jersey income tax return for the year of the sale and report the recognized gain.
 Seller did not receive non-like kind property.
8. The real property is being transferred by an executor or administrator of a decedent to a devisee or heir to effect distribution of the decedent's estate in accordance with the provisions of the decedent's will or the intestate laws of this State.
9. The real property being sold is subject to a short sale instituted by the mortgagee, whereby the seller agreed not to receive any proceeds from the sale and the mortgagee will receive all proceeds paying off an agreed amount of the mortgage.
10. The deed is dated prior to August 1, 2004, and was not previously recorded.
11. The real property is being transferred under a relocation company transaction where a trustee of the relocation company buys the property from the seller and then sells the house to a third party buyer for the same price.
12. The real property is being transferred between spouses or incident to a divorce decree or property settlement agreement under 26 U.S. Code section 1041.
13. The property transferred is a cemetery plot.
14. The seller is not receiving net proceeds from the sale. Net proceeds from the sale means the net amount due to the seller on the settlement sheet.

SELLER'S DECLARATION

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

6-6-17

 Date

 Date

Harry G. Nylund

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

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

Seller's Residency Certification/Exemption Instructions

Individuals, estates, trusts, or any other entity selling or transferring property in New Jersey must complete this form if they are not subject to the gross income tax estimated payment requirements under N.J.S.A. 54A:8-9. A nonresident seller is required to make an estimated income tax payment if none of the Seller's Assurances apply.

Name(s): Enter the name of the seller. If there is more than one seller, each must complete a separate form unless they are a married/civil union couple that files their income tax returns jointly.

Address: Enter the seller's primary residence or place of business. Do not use the address of the property being sold. The seller is considered to be a nonresident unless a new residence (permanent place of abode, domicile) has been established in New Jersey and the new residence is listed here. Part-year residents are considered nonresidents.

Property Information: Enter the information listed on the deed of the property being sold. Enter the seller's percentage of ownership, the total consideration for the transaction, the seller's share of that consideration, and the closing date.

Consideration: "Consideration" means, in the case of any deed, the actual amount of money and the monetary value of any other thing of value constituting the entire compensation paid or to be paid for the transfer of title to the lands, tenements or other realty, including the remaining amount of any prior mortgage to which the transfer is subject or which is assumed and agreed to be paid by the grantee and any other lien or encumbrance not paid, satisfied or removed in connection with the transfer of title. If there is more than one owner, indicate the seller's portion of the total consideration received. If the total consideration for the property is \$1,000 or less, the seller must check box 6 under Seller's Assurances.

Seller's Assurances: Check the appropriate box(es). If one or more of the Seller's Assurances applies, the seller is not required to make an estimated income tax payment at this time.

Any seller claiming the principal residence exemption (box 2) must also be claiming an income/gain exclusion for the property being sold on their federal income tax return (26 U.S. Code section 121).

1031 like-kind exchange: A nonresident who completes the GIT/REP-3 and claims exemption for a 1031 transaction (box 7) must show the value of the like-kind property received. If the transaction includes non-like kind property (i.e. money, stocks, etc), the seller must also complete the GIT/REP-1, Nonresident Seller's Tax Declaration, show the greater of the consideration or the fair market value of the non-like kind property received, and remit an estimated tax payment of 2% of that amount. If the transaction is a deferred like-kind exchange and the seller receives non-like kind property, the qualified intermediary (QI) must remit an estimated tax payment of 2% of the greater of the consideration or the fair market value of any non-like kind property when the 1031 transaction is completed. If the deferred exchange is voided, the QI must complete a GIT/REP-1, Nonresident Seller's Tax Declaration, and remit an estimated tax payment of 2% of the total consideration with an NJ-1040-ES Voucher.

Example: Mr. Smith is a nonresident of New Jersey who exchanges rental property A with a fair market value of \$1.2 million for rental property B with a fair market value of \$1.0 million and receives \$200,000 in cash (non-like kind property). An estimated tax payment is required on the \$200,000 non-like kind property for nonresidents.

PROPERTY A	\$1,200,000
PROPERTY B	\$1,000,000
CASH \$	\$ 200,000
Estimated tax payment for GIT/REP-1	\$ 4,000

Signature: The seller must sign and date the Seller's Declaration. If the seller has appointed a representative who is signing the Seller's Declaration on their behalf, either the Power of Attorney executed by the seller must have been previously recorded or recorded with the deed to which this form is attached, or a letter signed by the seller granting authority to the representative to sign this form must be attached.

The seller must give the completed GIT/REP-3 to the settlement agent at closing. The county clerk will attach this form to the deed when recording it. If the form is not completed in its entirety, or if the settlement agent does not submit the original form with the deed, the county clerk will not record the deed.

STATE OF NEW JERSEY
AFFIDAVIT OF CONSIDERATION FOR USE BY SELLER

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

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

STATE OF NEW JERSEY

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

COUNTY Cumberland } SS. County Municipal Code 0614

MUNICIPALITY OF PROPERTY LOCATION City of Vineland

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

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

Deponent, Harry G. Nylund, managing member for State Street Realty Developers, LLC, being duly sworn according to law upon his/her oath, deposes and says that he/she is the [Name] in a deed dated 6/6/17 transferring real property identified as Block number 3202 Lot number 28.01 located at Vineland and annexed thereto.

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

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

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

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

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

\$ ÷ % = \$

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

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

Deponent states that this deed transaction is fully exempt from the Realty Transfer Fee imposed by C. 49, P.L. 1968, as amended through C. 66, P.L. 2004, for the following reason(s). Mere reference to exemption symbol is insufficient. Explain in detail. Transfer is less than \$100.00

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

NOTE: All boxes below apply to grantor(s) only. ALL BOXES IN APPROPRIATE CATEGORY MUST BE CHECKED. Failure to do so will void claim for partial exemption. Deponent claims that this deed transaction is exempt from State portions of the Basic, Supplemental, and General Purpose Fees, as applicable, imposed by C. 176, P.L. 1975, C. 113, P.L. 2004, and C. 66, P.L. 2004 for the following reason(s):

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

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

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

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

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

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

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

- [] Entirely new improvement. [] Not previously occupied.
[] Not previously used for any purpose. [] "NEW CONSTRUCTION" printed clearly at top of first page of the deed.

(7) RELATED LEGAL ENTITIES TO LEGAL ENTITIES (Instructions #5, #12, #14 on reverse side)

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

(8) Deponent makes this Affidavit to induce county clerk or register of deeds to record the deed and accept the fee submitted herewith in accordance with the provisions of Chapter 49, P.L. 1968, as amended through Chapter 33, P.L. 2006. Harry G. Nylund, Managing member for State Street Realty Developers, LLC

Subscribed and sworn to before me this 6th day of June, 2017

Signature of Deponent: Harry G. Nylund
Grantor Name: Harry G. Nylund, Managing member for State Street Realty Developers, LLC

2021 A East Chestnut Avenue
Vineland, NJ 08360

2021 A East Chestnut Avenue
Vineland, NJ 08360

Deponent Address

Grantor Address at Time of Sale

XXX-XXX-2382

Last three digits in Grantor's Social Security Number Name/Company of Settlement Officer

FOR OFFICIAL USE ONLY
Instrument Number County
Deed Number Book Page
Deed Dated Date Recorded

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

STATE OF NEW JERSEY

PO BOX 251

TRENTON, NJ 08695-0251

ATTENTION: REALTY TRANSFER FEE UNIT

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

STATE OF NEW JERSEY
AFFIDAVIT OF CONSIDERATION FOR USE BY SELLER

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

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

STATE OF NEW JERSEY

COUNTY

Cumberland

SS. County Municipal Code
0614

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

MUNICIPALITY OF PROPERTY LOCATION City of Vineland

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

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

Harry G. Nylund, managing member for State Street Realty Developers, LLC
Deponent, (Name) being duly sworn according to law upon his/her oath,

deposes and says that he/she is the in a deed dated 6/6/17 transferring
(Grantor, Legal Representative, Corporate Officer, Officer of Title Company, Lending Institution, etc.)

real property identified as Block number 3202 Lot number 28.01 located at

Vineland and annexed thereto.
(Street Address, Town)

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

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

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

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\$ + % = \$

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

Transfer is less than \$100.00

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- Affordable according to H.U.D. standards. Reserved for occupancy.
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- Entirely new improvement. Not previously occupied.
Not previously used for any purpose. 'NEW CONSTRUCTION' printed clearly at top of first page of the deed.

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No contributions to capital by either grantor or grantee legal entity.
No stock or money exchanged by or between grantor or grantee legal entities.

(8) Deponent makes this Affidavit to induce county clerk or register of deeds to record the deed and accept the fee submitted herewith in accordance with the provisions of Chapter 49, P.L. 1968, as amended through Chapter 33, P.L. 2006. Harry G. Nylund, Managing member for State Street Realty Developers, LLC

Subscribed and sworn to before me this 6th day of June, 2017

MARTHA KLEKOS
Notary Public of New Jersey
My Commission Expires April 30, 2019
I.D. #2445975

Signature of Deponent
2021 A East Chestnut Avenue
Vineland, NJ 08360

Grantor Name
2021 A East Chestnut Avenue
Vineland, NJ 08360

Deponent Address

Grantor Address at Time of Sale

XXX-XXX-7382

Last three digits in Grantor's Social Security Number

Name/Company of Settlement Officer

FOR OFFICIAL USE ONLY
Instrument Number County
Deed Number Book Page
Deed Dated Date Recorded

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STATE OF NEW JERSEY

PO BOX 251

TRENTON, NJ 08695-0251

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www.state.nj.us/treasury/taxation/lpt/localtax.htm

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

WITNESSED BY:

STATE STREET REALTY DEVELOPERS, L.L.C.



WITNESS



HARRY G. NYLUND, MANAGING MEMBER (Seal)

STATE OF NEW JERSEY, COUNTY OF CUMBERLAND SS:

I CERTIFY that on June 6, 2017, HARRY G. NYLUND, personally came before me and stated to my satisfaction that this person (or if more than one, each person):

- (a) was the maker of this Deed of Easement
- (b) was authorized to and did execute this Deed of Easement as Managing Member of STATE STREET REALTY DEVELOPER, L.L.C., the entity named in this Deed; and
- (c) made this Deed of Easement for \$1.00 as the full and actual consideration paid or to be paid for the transfer of title. (Such consideration is defined in N.J.S.A. 46:15-5.)



(Print name and title below signature)
Notary Public of New Jersey
My Commission Expires April 30, 2019
I.D. #2445975

RECORD AND RETURN TO: