



Township Council
 1 Municipal Plaza
 Bloomfield, NJ 07003

Louise M. Palagano
 Municipal Clerk

<http://www.bloomfieldtwpnj.com>

Meeting: 06/27/16 07:00 PM

2016 RESOLUTION APPROVAL

RESOLUTION - VERIZON

WHEREAS, the property being a part of Lot 32, Block 197 on the Tax Map of the Township of Bloomfield, New Jersey, and more particularly described on Exhibit A attached hereto (the "Property"), is subject to a restriction imposed in a deed of conveyance executed and delivered to the Bloomfield Senior Citizens Housing Corporation, a New Jersey corporation on the 16th of May, 1972, and recorded in the office of the Registrar of Deeds and Mortgages of the County of Essex, in Deed Book 4417 Page 456, whereby the Property shall be used only for the purpose of constructing housing thereon for the elderly and handicapped; and

WHEREAS a public hearing was held on the 27th day of June, 2016, before the Mayor and Council of the Township of Bloomfield after the giving of due and legal notice in accordance with N.J.S.A. 40:60-51.2, on the question as to whether the Property should be released from the restriction; and

WHEREAS, the property is presently improved by a residential apartment building utilized for providing housing only for the elderly in accordance with the above restrictions; and

WHEREAS, New York SMSA Limited Partnership d/b/a Verizon Wireless ("Verizon Wireless") has entered into a certain Lease Agreement with the property owner, Bloomfield Senior Citizen Housing Corporation, to utilize a portion of the rooftop for the installation of a wireless communications facility; and

WHEREAS, pursuant to the Lease Agreement with Verizon Wireless and the wireless communications facility to be constructed, in furtherance of said Lease, the Property Owner will

APPROVED AS TO FORM AND PROCEDURE
 ON BASIS OF FACTS SET FORTH

[Signature]
 DIRECTOR OF LAW-TOWNSHIP ATTORNEY

receive rental consideration and its tenants the benefits of improved wireless communications services; and

WHEREAS, the Property will continue to be used for the provision of housing for the elderly, consistent with the provisions of the aforesaid restrictions, notwithstanding the use of only the roof by Verizon Wireless as a wireless communications facility; and

WHEREAS, the Mayor and Township hereby finds that the release of the restriction will not impair the purpose and intent of the original restriction relating to the use of the Property for housing by elderly.

NOW THEREFORE the restrictions imposed by the Township of Bloomfield in the deed of conveyance to Bloomfield Senior Citizens Housing Corporation in Deed Book 4417, Page 457, which reads as follows: "This conveyance to is made expressly subject to the following restriction: That the above described land shall only be used by the Grantee, its successors and assigns only for the purpose of constructing housing thereon for the elderly and handicapped" is hereby waived and released as to the Property, for the sole purpose of authorizing the installation of a rooftop wireless communications facility by Verizon Wireless. Except to the extent modified herein, the restrictions shall otherwise remain in full force and effect.

BE IT FURTHER RESOLVED that the Mayor and Township Council of the Township of Bloomfield that the Mayor is hereby authorized to sign and the Clerk to attest and affix the seal of the Township of Bloomfield to a Release of Restriction or any other document, subject to review by the Director of Law of the Township of Bloomfield, that may be required to effect the same.

......*

I hereby certify that the above resolution was duly adopted by the Mayor and Council of the Township of Bloomfield at a meeting of said Township Council held on June 27, 2016.

Louise A. Pellegrino

 Municipal Clerk of the Township of Bloomfield

M. V. J.

 Mayor of the Township of Bloomfield

| ✓ Vote Record – Resolution | | | | | |
|---|--|-------------------------------------|--------------------------|--------------------------|-------------------------------------|
| | | Yes/Aye | No/Nay | Abstain | Absent |
| <input type="checkbox"/> Adopt | | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> Deny | | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> Withdrawn | | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> Table | | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> Not Discussed | | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> First Reading | | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> Table with no Vote | | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> Approve | | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> Veto by Mayor | | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> Discussion | | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <input type="checkbox"/> Defeated | | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> Discussion No Vote | | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

PARTIAL TERMINATION OF RESTRICTION AGREEMENT

THIS PARTIAL TERMINATION OF RESTRICTION AGREEMENT is entered into by the Township of Bloomfield, a municipal corporation of the state of New Jersey, the address of which is Municipal Plaza, Bloomfield, New Jersey 07003-3487.

WHEREAS, certain Property comprising a portion of Lot 32, Block 197 on the tax maps of the Township of Bloomfield and more commonly referred to as 100 Llewellyn Avenue, Bloomfield, New Jersey, more particularly described on Exhibit A attached hereto, is subject to a restriction imposed in a certain Deed of Conveyance executed and delivered to the Bloomfield Senior Citizen Housing Corporation on the 16th day of May, 1972, and recorded in the Office of the Register and Deeds and Mortgages of the County of Essex in Deed Book 4417, Page 456, providing in pertinent part that "This Conveyance is made expressly subject to the following restriction: That the above described land shall only be used by the Grantee, its successors and assigns only for the purpose of constructing housing thereon for the elderly and handicapped"; and

WHEREAS, a public hearing was held on 27th day of June, 2016, before the Mayor and Council in the Township of Bloomfield after the giving of due and legal notice in accordance with N.J.S.A. 40:60-51.2 on the issue of whether the Property should be released from the aforesaid restriction; and

WHEREAS, by Resolution dated June 27, 2016 (the "Resolution"), the Mayor and Council resolved to release the restriction for the sole purpose of authorizing the installation of a rooftop wireless communications facility by New York SMSA Limited Partnership d/b/a Verizon Wireless.

NOW, THEREFORE, the restriction imposed by the Township of Bloomfield in the Deed of Conveyance to Bloomfield Senior Citizen Housing Corporation in Deed Book 4417, Page 457, which reads as follows: This conveyance is made expressly subject to the following restriction: "That the above described land shall only be used by the Grantee, its successors and assigns only for the purpose of constructing housing thereon for the elderly and handicapped", is hereby waived and released as to the Property for the limited purpose of authorizing the installation of a rooftop wireless communications facility by New York SMSA Limited Partnership d/b/a Verizon Wireless. This partial termination of restriction shall otherwise, except to the extent modified herein, remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed and delivered this Agreement as of the day and year first above written.

ATTEST:

TOWNSHIP OF BLOOMFIELD

By: 

By 

STATE OF NEW JERSEY

SS:

COUNTY OF ESSEX

I certify that on July 27, 2016, Michael Venezia and Louise Palaganis personally came before me, and they acknowledged under oath, to my satisfaction that:

- (a) they are the Mayor and Borough Clerk respectively of the Township of Bloomfield, a Municipal Corporation of the State of New Jersey;
- (b) this document was signed and delivered by the Municipal Corporation as its voluntary act duly authorized by resolution of the Mayor and Council;
- (c) they signed, sealed and delivered the same as the act and deed of the Township of Bloomfield for the uses and purposes therein expressed;
- (d) this person signed this proof to attest to the truth of these facts.

Subscribed and sworn before me
on July 27, 2016

Andrea Schneider



DANA RONE
ESSEX COUNTY REGISTER OF DEEDS & MORTGAGES



Hall of Records
465 Martin Luther King Jr Blvd
Room 130
Newark, NJ 07102
(973) 621-4960

RECORDED

SEP 19 2016

Instrument Number - 2016077375

Recorded On 9/8/2016 At 11:59:16 AM

* Instrument Type - DEED

Invoice Number - 78362 User ID: KWG

* Grantor - BLOOMFIELD, TOWNSHIP OF

* Grantee - NEW YORK SMSA LIMITED PARTNERSHIP

* PARCEL IDENTIFICATION NUMBER

Block: 197 Lot: 32 - BLOOMFIELD

* RETURN DOCUMENT TO:

BEVAN, MOSCA & GIUDITTA, P.C.
222 MOUNT AIRY ROAD
SUITE 200
BASKING RIDGE, NJ 07920

* **Total Pages - 4**

* FEES

| | |
|-------------------------|---------|
| NJ PRESERVATION ACCOUNT | \$5.00 |
| REGISTER RECORDING FEE | \$3.00 |
| HOMELESSNESS TRUST FUND | \$3.00 |
| TOTAL PAID | \$11.00 |

I hereby CERTIFY that this document is
Recorded in the Register of Deeds & Mortgages Office
of Essex County, New Jersey

Dana Rone
Register of Deeds & Mortgages

THIS IS A CERTIFICATION PAGE

Do Not Detach

THIS PAGE IS NOW PART OF THIS LEGAL DOCUMENT

* - Information denoted by an asterisk may change during the verification process and may not be reflected on this page.

INSTRUMENT NUMBER - 2016077375



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ATTEST:

TOWNSHIP OF BLOOMFIELD

By: *Guiseb Palazono*

By: *me Ugc*

STATE OF NEW JERSEY

SS:

COUNTY OF ESSEX

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on July 27, 2016

Andrea Schneider



RGR
BEVAN, MOSCA & GIUDITTA, P.C.
222 MOUNT AIRY ROAD
SUITE 200
BASKING RIDGE, NJ 07920

EXHIBIT A

METES AND BOUNDS DESCRIPTION

TRACT ONE

BEGINNING in the northeasterly terminus of Koehler Avenue at a point therein distant 10.00 feet on a bearing of South 57 degrees 44 minutes 23 seconds East from the northwesterly sideline of Koehler Avenue.

Thence (1) North 32 degrees 15 minutes 37 seconds East, 50.00 feet to a point of curve.

Thence (2) Northeasterly on a curve to the right having a radius of 375.00 feet and an arc distance of 104.29 feet.

Thence (3) South 57 degrees, 44 minutes 23 seconds East, 31.31 feet.

Thence (4) Southwesterly on a curve to the left having a radius of 345.00 feet and an arc distance of 104.54 feet to a point of tangency.

Thence (5) South 32 degrees 15 minutes 37 seconds West, 50.00 feet to the northeasterly terminus of Koehler Avenue.

Thence (6) North 57 degrees 44 minutes 23 seconds West along said terminus of Koehler Avenue, 30.00 feet to the point and place of **BEGINNING**.

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