

**TOWNSHIP OF PEMBERTON**

**AN ORDINANCE OF THE TOWNSHIP OF PEMBERTON  
ACCEPTING THE TRANSFER OF PROPERTY LOCATED AT  
BLOCK 541, LOTS 9 THROUGH 16 AND 52 THROUGH 59  
FROM BROWNS MILLS EMERGENCY SQUAD, INC.**

**ORDINANCE NO. 6-2014**

**WHEREAS**, on March 2, 1995, the Township of Pemberton (the "Township") deeded the property located at 30 Juliustown Road, Browns Mills, New Jersey, Block 541, Lots 9 through 16 and 52 through 59 (the "Property") to Browns Mills Emergency Squad, Inc. ("BMES"); and

**WHEREAS**, the deed conveying the Property to BMES contained a deed restriction which required that the Property be used for the purposes of emergency rescue and ambulance services, and that in the event the Property ceased to be used for such purposes it would automatically revert to the Township as the grantor; and

**WHEREAS**, BMES has agreed to transfer the Property back to the Township, as it is no longer being used for the provision of emergency medical services in the Township; and

**WHEREAS**, the New Jersey Local Lands and Building Law, N.J.S.A. 40A:12-1 et seq., authorizes a municipality to obtain any real or personal property for the good of the public.

**NOW, THEREFORE, BE IT ORDAINED**, by the Township Council of the Township of Pemberton, in the County of Burlington and State of New Jersey that The Township Council hereby authorizes acceptance of the transfer of the property located at 30 Juliustown Road, Block 541, Lots 9 through 16 and 52 through 59 from Browns Mills Emergency Squad, Inc. to the Township of Pemberton, by virtue of a reverter clause in the March 2, 1995 deed; and

**BE IT FURTHER ORDAINED**, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

**BE IT FURTHER ORDAINED**, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

**PEMBERTON TOWNSHIP COUNCIL**

**TOWNSHIP OF PEMBERTON  
NOTICE OF PUBLIC HEARING  
ORDINANCE NO. 6 – 2014**

**AN ORDINANCE OF THE TOWNSHIP OF PEMBERTON  
ACCEPTING THE TRANSFER OF PROPERTY LOCATED AT  
BLOCK 541, LOTS 9 THROUGH 16 AND 52 THROUGH 59  
FROM BROWNS MILLS EMERGENCY SQUAD, INC.**

**SUMMARY OF ORD. 6-2014**

Accepts transfer of vacant property from Browns Mills Emergency Squad, Block 541, Lots 9 through 16 and 52 through 59, as property is no longer going to be used to provide emergency services to the Township.

The foregoing Ordinance was introduced and passed on first reading by the governing body of Pemberton Township at a meeting held on May 7, 2014 and will be considered for final passage after a public hearing at a meeting of the said governing body to be held on May 21, 2014 at the Pemberton Township Municipal Building, 500 Pemberton-Browns Mills Road, Pemberton, New Jersey, at 6:30 p.m. prevailing time, at which time any interested member of the public may comment on said Ordinance. During the week prior to and up to and including the date of such meeting or further consideration, copies of said Ordinance in its entirety may be obtained from the Township Clerk.

ATTEST:

  
\_\_\_\_\_  
AMY P. COSNOSKI, RMC, TOWNSHIP CLERK

**TOWNSHIP OF PEMBERTON  
NOTICE OF FINAL PASSAGE  
ORDINANCE NO. 6 – 2014**

**AN ORDINANCE OF THE TOWNSHIP OF PEMBERTON  
ACCEPTING THE TRANSFER OF PROPERTY LOCATED AT  
BLOCK 541, LOTS 9 THROUGH 16 AND 52 THROUGH 59  
FROM BROWNS MILLS EMERGENCY SQUAD, INC.**

Notice is hereby given that Ordinance No. 6 – 2014 as entitled above has been finally adopted on final reading by the governing body of Pemberton Township after a public hearing, at a meeting held on May 21, 2014. Said Ordinance shall take effect in accordance with law.

ATTEST:

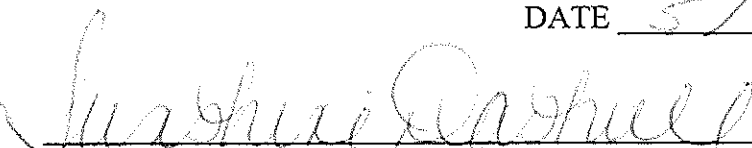
  
\_\_\_\_\_  
SUNSHINE DASHIELL, DEPUTY TOWNSHIP CLERK

ACKNOWLEDGEMENT OF APPROVAL BY MAYOR

  
\_\_\_\_\_  
David A. Patriarca

DATE 5/22 2014

ATTEST:

  
\_\_\_\_\_  
SUNSHINE DASHIELL, DEPUTY TOWNSHIP CLERK

Prepared by:

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Andrew Bayer, Esq.

### DEED

This Deed is made on this \_\_\_\_ day of \_\_\_\_\_, 2014

BETWEEN **BROWNS MILLS EMERGENCY SQUAD, INC.**, a not-for-profit corporation of the State of New Jersey, whose address is 30 Juliustown Road, Browns Mills, New Jersey (the "Grantor"),

AND the **TOWNSHIP OF PEMBERTON**, a body corporate and politic of the State of New Jersey whose address is 500 Pemberton-Browns Mills Road, Pemberton, New Jersey (the "Grantee").

**TRANSFER OF TITLE.** The Grantor does hereby grant and convey the property described below to the Grantee.

**CONSIDERATION.** This transfer of ownership is made for the sum and consideration of \$1.00. The Grantor acknowledges receipt of this money.

**PURPOSE.** The Grantor conveys this deed to confirm that title to the Property has reverted to the Township of Pemberton in accordance with the deed dated March 2, 1995 and recorded with the Burlington County Clerk's Office on August 14, 1995 in Book 5015, page 217, which restricted the within Grantor's use of the property for emergency rescue and ambulance services, and because the Grantor herein has ceased to use the property for such purpose.

**TAX MAP REFERENCE.** The property located in the Township of Pemberton and shown on the official tax map of the Township of Pemberton as Block 541, Lots 9 through 16 and 52 through 59.

**PROPERTY DESCRIPTION.** All that certain Lot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Township of Pemberton, County of Burlington, State of New Jersey, as more particularly described in Exhibit A attached hereto and incorporated herein by reference (the "Property").

Being and intending to be the same premises conveyed to the within Grantor by deed from the Township of Pemberton dated March 2, 1995 and recorded with the Burlington County Clerk's Office on August 14, 1995 in Book 5015, page 217.

**SIGNATURES.**        The Grantor signs this Deed as of date first above written.

BROWNS MILLS EMERGENCY SQUAD,  
INC.

ATTEST:

\_\_\_\_\_  
By:

STATE OF NEW JERSEY        :  
   : SS  
COUNTY OF BURLINGTON       :

I CERTIFY that on \_\_\_\_\_, 2014, \_\_\_\_\_, personally came before me and acknowledged under oath, to my satisfaction, that this person:

- (a) is named in and personally signed this Deed in his/her capacity as \_\_\_\_\_ of Browns Mills Emergency Squad, Inc., a New Jersey not-for-profit corporation;
- (b) signed, sealed and delivered this Deed as his/her act and deed in his/her capacity as \_\_\_\_\_ of Browns Mills Emergency Squad, Inc.; and
- (c) made this Deed for \$1.00 as the full and actual consideration paid or to be paid for the transfer of title. (Such consideration is defined in N.J.S.A. 46:15-5.)

Sworn to and subscribed before me  
on \_\_\_\_\_, 2014

\_\_\_\_\_  
Attorney-at-law/Notary Public of NJ  
My Commission Expires: \_\_\_\_\_

**RECORD AND RETURN TO:**

Andrew Bayer, Esq.  
GluckWalrath LLP  
428 River View Plaza  
Trenton, NJ 08611

## **EXHIBIT "A"**

### **Legal Description of the Property**

ALL that certain tract of land known as Block 541, Lots 9 through 16 located on Hill Street, and Lots 52 through 59 inclusive located on Dearborn Avenue, in the Browns Mills section of the Township of Pemberton, County of Burlington and State of New Jersey, more particularly being described as follows:

BEGINNING at a point in the southeasterly right-of-way line of Dearborn Avenue, formerly known as Rancocas Avenue, (33 feet wide); said beginning point being South 68 degrees 42 minutes West, 160.00 feet measured along said line of Dearborn Avenue from its intersection with the southwesterly right-of-way line of Millview Road, (33 feet wide); and running

(1) Along the southwesterly right-of-way line of Lots 60 & 8, South 21 degrees 18 minutes 00 seconds East, 200.00 feet to a point in the northwesterly right-of-way line of Hill Street (33 feet wide); thence

(2) Along said line of Hill Street, South 68 degrees 42 minutes 00 seconds West, 160.00 to a point corner to Lot 17; thence

(3) Along the northeasterly line of said Lot 17 and Lot 51, North 21 degrees 18 minutes 00 seconds West, 200.00 feet to a point in the southeasterly right-of-way line of Dearborn Avenue; thence

(4) Along said line Dearborn Avenue, North 68 degrees 42 minutes 00 seconds East, 160.00 feet to a point and the PLACE OF BEGINNING.

Containing within said bounds 32,000 square feet.

Also being known as Block 5, Lots 9-16, and Lots 52-59, as shown on a plan entitled, "Browns Mills in the Pines, Plat No. A-1" and filed in the Burlington County Clerk's Office as Map No. 2509.

## AFFIDAVIT OF TITLE

STATE OF NEW JERSEY

COUNTY OF BURLINGTON

} ss.

\_\_\_\_\_ says under oath:

1. I am the \_\_\_\_\_ of the Browns Mills Emergency Squad, Inc. (the "EMS Squad") a not-for-profit corporation of the State of New Jersey, whose address is 30 Juliustown Road, Browns Mills, New Jersey. I am fully familiar with the business of the EMS Squad, am a citizen of the United States and am at least 18 years old.
2. The statements contained in this affidavit are true to the best of my knowledge, information and belief.
3. The EMS Squad is the only owner of that certain property located in **Pemberton Township, New Jersey**, which is shown on the official tax map of the Township as Block 541, Lots 9-16 and 52-59. This property is now being sold to the Township of Pemberton (the "Buyer").
4. This action and the making of this affidavit of title have been duly authorized by a proper resolution of the Board of Trustees of the EMS Squad. The EMS Squad is legally authorized to transact business in New Jersey. Its charter, franchise and corporate powers have never been suspended or revoked. It is not restrained from doing business, nor has any legal action been taken for that purpose. It has never changed its name or used any other name.
5. The EMS Squad has owned this property since **March 2, 1995**. Since then, no one has questioned its right to possession or ownership. The EMS Squad has sole possession of this property. There are no tenants or other occupants of this property. Except for its agreement with the Buyer, it has not signed any contracts to sell this property. It has not given anyone else any rights concerning the purchase or lease of this property. It has never owned any property which is next to this property.
6. **Improvements.** No additions, alternations or improvements are now in progress or have been made to this property since **FOUR MONTHS PAST**. It has always obtained all necessary permits and certificates of occupancy. All charges for municipal improvements such as sewers, sidewalks, curbs or similar improvements benefiting this property have been paid in full. No building, addition, extension or alteration on this property has been made or worked on within the past four months. The EMS Squad is not aware that anyone has filed or intends to file a mechanic's lien or building contract relating to this property. No one has notified it that money is due and owing for construction or repair work on this property.
7. **Liens or Encumbrances.** The EMS Squad has not allowed any interests (legal rights) to be created which affect its ownership or use of this property. No other persons have legal rights in this property, except the rights of utility companies to use this property along the road or for the purpose of serving this property. The EMS Squad does not have any pending lawsuits or judgments against it or other legal obligations that may be enforced against this property. It does not owe any disability, unemployment, corporate franchise, social security, municipal or alcoholic beverage tax payments. No bankruptcy or insolvency proceedings have been started by or against it, nor has it ever been declared bankrupt. No one has any security interest in any personal property or fixtures on this property. All liens (legal claims, such as judgments) listed on the attached judgments or lien search are not against the EMS Squad, but against others with similar names.
8. **Exceptions.** The following is a complete list of exceptions to any of the above statements. This includes all liens or mortgages which are not being paid as a result of this transaction.

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9. **Reliance.** The EMS Squad makes this affidavit in order to induce the Buyer, the Buyer's attorney, and the Buyer's title agent (if applicable) to accept its deed. It is aware that the Buyer will rely on the statements made in this affidavit and on its truthfulness.

Signed and sworn to before me on  
May \_\_\_\_\_, 2014.

Browns Mills Emergency Squad, Inc.

\_\_\_\_\_  
Notary Public/attorney-at-law State of NJ

\_\_\_\_\_  
By: