

Van Brunt Parking Lot

EASEMENT

Prepared by:

Barbara S. Fox
Barbara S. Fox,
Attorney at Law of N.J.

KNOW ALL MEN BY THESE PRESENTS, that the TOWNSHIP OF MONTCLAIR, a municipal corporation of the State of New Jersey, located in the County of Essex, hereinafter called the "Township", as owner of the premises hereinafter described in the Township of Montclair, County of Essex and State of New Jersey, does hereby grant and convey to MONTCLAIR KIMBERLEY ACADEMY FOUNDATION, a non-profit corporation of the State of New Jersey, with its principal office at 201 Valley Road, Montclair, Essex County, New Jersey, hereinafter called "MKA", an easement for the premises described on Schedule A attached hereto for the maintenance and operation of a parking lot for students, faculty and guests of MKA; and MKA as owner of the premises hereinafter described in the Township of Montclair, County of Essex and State of New Jersey does hereby grant and convey to Township an easement for the premises described on Schedule B attached hereto for the maintenance and operation of a parking area for Township residents who require overnight and 24 hour parking. (The said areas described on Schedules A and B hereinafter referred to as "the premises").

MKA and TOWNSHIP further agree as follows:

1. MKA will maintain and keep the premises in a good state of repair.
2. MKA will provide general liability insurance on the premises in an amount acceptable to Township, naming Township as an additional insured.

**RESOLUTION AUTHORIZING EASEMENT AGREEMENT WITH MONTCLAIR
KIMBERLEY ACADEMY FOUNDATION**

Councilor Barnett

April 25, 1995

BE IT RESOLVED that the Mayor and Township Clerk be and they hereby are authorized to execute and attest the Easement Agreement for a portion of the easterly right-of-way on Lloyd Road which is attached hereto.

RECORD OF COUNCIL VOTE											
COUNCILORS	YES	NO	ABS	N.V.	AB	COUNCILORS	YES	NO	ABS	N.V.	AB
Mayor Bishop	X					Russo	X				
Barnett	X					Scantlebury					X
de Koninck	X					Zief	X				
Fletcher					X						

X - Indicate Vote ABS - Abstain N.V. - Not Voting AB - Absent

I HEREBY CERTIFY the foregoing to be a true copy of a resolution adopted by the Council of the Township of Montclair, in the County of Essex, at its meeting held on April 25, 1995

Linda S. Wanat
Linda S. Wanat
Clerk of the Township of Montclair, N.J.

3. Township will provide general liability insurance in an amount acceptable to MKA on the premises, naming MKA as an additional insured.

4. Township will remove the presently existing curb and provide for drainage as needed. MKA will then repave and Township will paint lines for parking spaces, all in a workman-like manner.

5. This is intended to be an exclusive easement for parking purposes by MKA students, faculty and guests and by those individuals who have purchased Township overnight parking decals or 24 hour parking decals. The five most northerly spaces in the parking lot will be for the exclusive use of Montclair residents who have purchased 24 hour parking decals. The remaining 52 spaces from 7:30 a.m. to 5:30 p.m. on weekdays will be for the exclusive use of vehicles bearing valid MKA issued decals. From 2:00 a.m. to 5:00 a.m., these spaces may only be used by vehicles with valid night permits issued by the Township of Montclair pursuant to Section 161 A-4 (I). The Montclair Police Department may be contacted for any overnight exceptions. At all other times, these 52 spaces will be available on a first come, first serve basis.

6. MKA may place such signs and other means of notification as it deems appropriate on the premises to advise the public that the parking is for the exclusive use of MKA and vehicles bearing valid Township issued parking stickers; provided, however, that MKA must obtain the administrative approval of the Planning Board of the Township for said signs.

7. This Easement may not be revoked by either party for a period of one year from the date hereof;

thereafter, this Easement may be revoked by either party by 180 days written notice to the other party.

8. In case of revocation, MKA shall not be required to replace the curb or to restore the premises to its original condition.

IN WITNESS WHEREOF, the undersigned have set their hands and seals this 7th day of June, 1995.

ATTEST:

TOWNSHIP OF MONTCLAIR

Linda S. Wanat
LINDA S. WANAT,
Township Clerk

By:

James E. Bishop
JAMES E. BISHOP, Mayor

Jolanda Smith
JOLEND A SMITH,
Secretary

By:

MONTCLAIR KIMBERLEY ACADEMY FOUNDATION
John E. Garippa
JOHN E. GARIPPA, President

SCHEDULE A

BEGINNING at a point in the northwesterly corner of Lot 10, Block 304, as shown on the Montclair Tax Map, said point being distant 616.75 feet southerly from the intersection of the easterly right-of-way of Lloyd Road with the southerly right-of-way of Bloomfield Avenue and from thence running:

- 1) North 61 degrees 30 minutes West at right angle to said street right-of-way, 15 feet to the existing curb line on Lloyd Road; thence
- 2) Along said curb line and parallel to the street right-of-way line North 28 degrees 30 minutes East 489 feet to a point; thence
- 3) South 61 degrees 30 minutes East 15 feet to the said right-of-way line; thence
- 4) Along said street right-of-way South 28 degrees 30 minutes West 489 feet to the point and place of **BEGINNING**.

SCHEDULE B

BEGINNING at a point in the northwesterly corner of Lot 10, Block 304, as shown on the Montclair Tax Map, said point being distant 616.75 feet southerly from the intersection of the easterly right-of-way of Lloyd Road with the southerly right-of-way of Bloomfield Avenue and from thence running:

- (1) South 61 degrees 30 minutes East at right angle to said Lloyd Road right-of-way, 3 feet to a point; thence
- (2) North 28 degrees 30 minutes East and parallel to the right-of-way of Lloyd Road 489 feet to a point; thence
- (3) North 61 degrees 30 minutes West 3 feet to a point; thence
- (4) South 28 degrees 30 minutes West and parallel to Lloyd Road right-of-way 489 feet to the point and place of **Beginning**.

STATE OF NEW JERSEY, COUNTY OF ESSEX, SS.:

I CERTIFY that on May 9, 1995,

LINDA S. WANAT

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

(a) This person is the Township Clerk of the TOWNSHIP OF MONTCLAIR, the municipal corporation named in the attached Easement;

(b) This person is the attesting witness to the signing of this Easement by the proper corporate officer who is, JAMES E. BISHOP, the Mayor of the Township of Montclair, the municipal corporation;

(c) This Easement was signed and delivered by the corporation as its voluntary act duly authorized by a proper resolution of its Township Council;

(d) This person knows the proper seal of the corporation which was affixed to this Easement;

(e) This person signed this proof to attest to the truth of these facts; and

Signed and sworn to before me on May 9, 1995.

Richard S. ...
RICHARD S. ...
ATTORNEY AT LAW
STATE OF NEW JERSEY

Linda S. Wanat
LINDA S. WANAT, Township Clerk

STATE OF NEW JERSEY, COUNTY OF ESSEX, SS.:

I CERTIFY that on June 7th, 1995,

JOLINDA SMITH

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

(a) This person is the secretary of, **MONTCLAIR KIMBERLEY ACADEMY FOUNDATION**, the corporation named in the attached Easement;

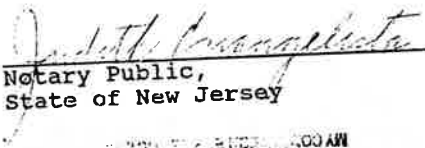
(b) This person is the attesting witness to the signing of this Easement by the proper corporate officer who is **JOHN E. GARIPPA**, the President of the corporation;

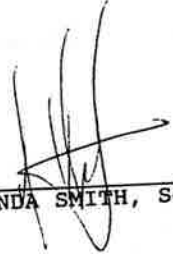
(c) This Easement was signed and delivered by the corporation as its voluntary act duly authorized by a proper resolution of its Board of Directors;

(d) This person knows the proper seal of the corporation which was affixed to this Easement;

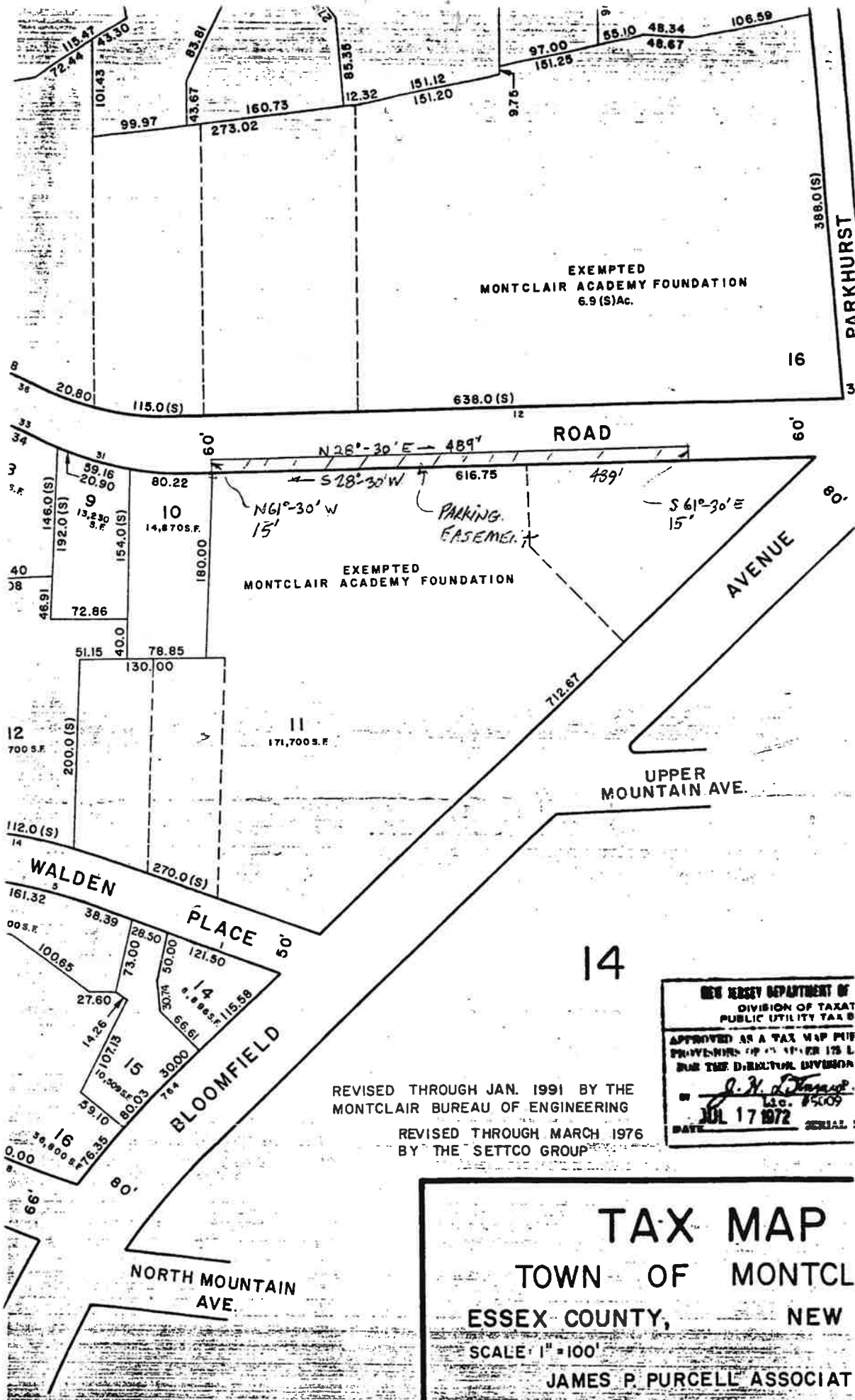
(e) This person signed this proof to attest to the truth of these facts; and

Signed and sworn to before me on
June 7th, 1995.


Notary Public,
State of New Jersey


JOLINDA SMITH, Secretary

NOTARY PUBLIC ROOAN
RESIDENTIAL OFFICE ABSPON
VIRGINIA HUGHES
JULIA EVANGELISTA
NEW JERSEY
EXPIRES OCT. 24, 1995



EXEMPTED
MONTCLAIR ACADEMY FOUNDATION
6.9(S)Ac.

EXEMPTED
MONTCLAIR ACADEMY FOUNDATION

UPPER
MOUNTAIN AVE.

WALDEN
PLACE

PL
CE

BLOOMFIELD

NORTH MOUNTAIN
AVE.

REVISED THROUGH JAN. 1991 BY THE
MONTCLAIR BUREAU OF ENGINEERING
REVISED THROUGH MARCH 1976
BY THE SETTCO GROUP

NEW JERSEY DEPARTMENT OF
DIVISION OF TAX &
PUBLIC UTILITY TAX
APPROVED AS A TAX MAP BY
PROVISIONS OF N.J.A.C. 17:27 L.
BY THE DIRECTOR DIVISION
J. H. ...
LIC. 85009
DATE JUL 17 1972 SERIAL

TAX MAP
TOWN OF MONTCL
ESSEX COUNTY, NEW
SCALE 1" = 100'
JAMES P. PURCELL ASSOCIAT
EAST ORANGE, NEW JERSE

ACORD. CERTIFICATE OF INSURANCE

DATE (MM/DD/YY)
09/16/94

PRODUCER

O'GORMAN & YOUNG, INC.
P.O. BOX 960
CHATHAM, NJ 07928
(201) 635-1800 FAX: 635-7744

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

COMPANIES AFFORDING COVERAGE

COMPANY
UTICA NATIONAL INSURANCE GROUP
COMPANY
C
COMPANY
D

INSURED

MONTCLAIR KIMBERLEY ACADEMY FDN
201 VALLEY ROAD
MONTCLAIR, NJ 07042

COPY

COVERAGES

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED, NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

CO LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
A	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> OWNER'S & CONTRACTOR'S PROT	CPP1786839	07/01/94	07/01/95	GENERAL AGGREGATE \$3,000,000
	PRODUCTS - COMP/OP AGG \$1,000,000				
	PERSONAL & ADV INJURY \$1,000,000				
	EACH OCCURRENCE \$1,000,000				
	FIRE DAMAGE (Any one fire) \$50,000				
	MED EXP (Any one person) \$5,000				
AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS				COMBINED SINGLE LIMIT \$	
				BODILY INJURY (Per person) \$	
				BODILY INJURY (Per accident) \$	
				PROPERTY DAMAGE \$	
GARAGE LIABILITY <input type="checkbox"/> ANY AUTO				AUTO ONLY - EA ACCIDENT \$	
				OTHER THAN AUTO ONLY: EACH ACCIDENT \$	
				AGGREGATE \$	
EXCESS LIABILITY <input type="checkbox"/> UMBRELLA FORM <input type="checkbox"/> OTHER THAN UMBRELLA FORM				EACH OCCURRENCE \$	
				AGGREGATE \$	
				\$	
WORKERS COMPENSATION AND EMPLOYERS' LIABILITY THE PROPRIETOR/PARTNERS/EXECUTIVE OFFICERS ARE: <input type="checkbox"/> INCL <input type="checkbox"/> EXCL				STATUTORY LIMITS	
				EACH ACCIDENT \$	
				DISEASE - POLICY LIMIT \$	
				DISEASE - EACH EMPLOYEE \$	
OTHER					

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/SPECIAL ITEMS

AS RESPECTS EASEMENT, FOR PREMISES DESCRIBED ON ATTACHED SCHEDULE, THE TOWNSHIP OF MONTCLAIR IS INCLUDED AS AN ADDITIONAL INSURED.

CERTIFICATE HOLDER

TOWNSHIP OF MONTCLAIR
MONTCLAIR, NJ 07042

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING COMPANY WILL ENDEAVOR TO MAIL 10 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE COMPANY, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE

Simon H. Hollenbeck, Jr.
O'GORMAN & YOUNG CORPORATION 1993

SCHEDULE A

BEGINNING at a point in the northwesterly corner of Lot 10, Block 304, as shown on the Montclair Tax Map, said point being distant 616.75 feet southerly from the intersection of the easterly right-of-way of Lloyd Road with the southerly right-of-way of Bloomfield Avenue and from thence running:

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- 2) Along said curb line and parallel to the street right-of-way line North 28 degrees 30 minutes East 489 feet to a point; thence
- 3) South 61 degrees 30 minutes East 15 feet to the said right-of-way line; thence
- 4) Along said street right-of-way South 28 degrees 30 minutes West 489 feet to the point and place of **BEGINNING**.

CERTIFICATE OF INSURANCE

ISSUE DATE (MM/DD/YY)

3/16/95

PRODUCER A.J. Gallagher & Co. NJ 1501 Hamburg Turnpike Wayne, NJ 07470	THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.
COMPANIES AFFORDING COVERAGE	
CODE SUB-CODE	COMPANY LETTER A Underwriters at Lloyds
INSURED Township of Montclair 205 Claremont Ave. Montclair, N.J. 07042	COMPANY LETTER B COMPANY LETTER C COMPANY LETTER D COMPANY LETTER E

COVERAGES
 THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

CO LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	ALL LIMITS IN THOUSANDS	
					EACH OCCURRENCE	AGGREGATE
A	GENERAL LIABILITY	ISL5826	6/14/94	6/14/95	GENERAL AGGREGATE	
	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY				PRODUCTS-COMP/OPS AGGREGATE	
	<input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR. <input type="checkbox"/> OWNER'S & CONTRACTOR'S PROT				PERSONAL & ADVERTISING INJURY	
	<input checked="" type="checkbox"/> Professional Liab.				EACH OCCURRENCE	1000
					FIRE DAMAGE (ANY ONE FIRE)	
					MEDICAL EXPENSE (ANY ONE PERSON)	10
A	AUTOMOBILE LIABILITY	ISL5826	6/14/94	6/14/95	COMBINED SINGLE LIMIT	
	<input checked="" type="checkbox"/> ANY AUTO				1000	
	<input type="checkbox"/> ALL OWNED AUTOS					
	<input type="checkbox"/> SCHEDULED AUTOS					
	<input type="checkbox"/> HIRED AUTOS					
	<input type="checkbox"/> NON-OWNED AUTOS				BODILY INJURY (PR. PER.)	
	<input type="checkbox"/> GARAGE LIABILITY				BODILY INJURY (PR. ACC.)	
					PROPERTY DAMAGE	
	EXCESS LIABILITY				EACH OCCURRENCE	AGGREGATE
	<input type="checkbox"/> OTHER THAN UMBR. FORM					
	WORKERS' COMPENSATION AND EMPLOYERS' LIABILITY				STATUTORY	
					(EACH ACCIDENT)	
					(DISEASE-POL. LIM.)	
					(DISEASE-EA. EMPL.)	
	OTHER					

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/SPECIAL ITEMS
 RE: PARKING LOT AT LLOYD RD., MONTCLAIR, N.J.
 CERTIFICATE HOLDER IS INCLUDED AS AN ADDITIONAL INSURED ATINA.

CERTIFICATE HOLDER MONTCLAIR KIMBERLEY ACADEMY 201 VALLEY RD. MONTCLAIR, N.J. 07042	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING COMPANY WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE COMPANY, ITS AGENTS OR REPRESENTATIVES. _____ AUTHORIZED REPRESENTATIVE
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