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ATLANTIC COUNTY LAW DIVISION

ATLANTIC COUNTY, NJ
EDWARD P. McGETTIGAN, COUNTY CLERK
RCPT # 1085409 RECD BY Cathy
VOL 13730
REC FEES \$100.00
RECORDED 03/18/2014 10:13:58 AM
INST # 2014016234

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One Speedwell Avenue
Morristown, NJ 07962-1981
(973) 538-0800
Attorneys for Casino Reinvestment Development Authority

CASINO REINVESTMENT DEVELOPMENT
AUTHORITY, a public corporate body of the
State of New Jersey,

Plaintiff,

vs.

CHARLES BIRNBAUM; LUCINDA
BIRNBAUM; LOUIS TAYLOR DAVIS;
GERALD GITTENS; THE ATLANTIC CITY
MUNICIPAL UTILITIES AUTHORITY; THE
ATLANTIC CITY SEWERAGE CO.; and THE
CITY OF ATLANTIC CITY,

Defendants.

SUPERIOR COURT OF NEW JERSEY

LAW DIVISION - ATLANTIC COUNTY
DOCKET NO.

L 589-14

CIVIL ACTION

DECLARATION OF TAKING

Plaintiff, CASINO REINVESTMENT DEVELOPMENT AUTHORITY ("CRDA")

having offices at 15 South Pennsylvania Avenue, Atlantic City, New Jersey 08401, hereby declares:

1. Possession of the premises described in the Complaint filed in this
action is being taken by and for the use of CRDA.

2. The premises hereby taken are described in the attached **Exhibit**
"A", and are shown on the portion of the tax map attached as **Exhibit "B"**.

Record and Return
Riker Danzig Scherer Hyland & Perretti LLP
1 Speedwell Avenue
Morristown, NJ 07963
Attn: Catherine King

3. The interest being condemned and taken by CRDA is fee simple title to the property.

4. This property is being condemned for CRDA's South Inlet Mixed Use Development Project. This property is needed because it is an essential part of the South Inlet Mixed Use Development Project.

5. The sum of money estimated by CRDA to be just compensation for the taking is Two Hundred Thirty Eight Thousand Five Hundred (\$238,500.00) Dollars, which sum is deposited with the Clerk of the Superior Court.

6. CRDA is entitled to the exclusive possession, title and use of the premises aforesaid and will forthwith enter into and take possession of them, as authorized by N.J.S.A. 5:12-182 and N.J.S.A. 20:3-17 through 20.

7. Persons and corporations appearing to have an interest in the Property and persons and corporations who have or may claim to have an interest therein as are known to CRDA are:

| <u>Name and Address</u> | <u>Nature of Interest</u> |
|--|---|
| Charles and Lucinda Birnbaum 311 Oriental Avenue City of Atlantic City, NJ 08401 | Any and all rights and interests as owners by deed from Dora Birnbaum, dated April 21, 1988, recorded April 25, 1988, in the Clerk's Office of the County of Atlantic, New Jersey, in Deed Book 4665, page 314. |
| Louis Taylor Davis 311 Oriental Avenue Atlantic City, NJ 08401 | Any and all rights of interest or possession established by tenancy at the Property. |
| Gerald Gittens 311 Oriental Avenue Atlantic City, NJ 08401 | Any and all rights of interest or possession established by tenancy at the Property. |
| The Atlantic City Municipal Utilities Authority 401 North Virginia Avenue Atlantic City, NJ 08401 | Any and all municipal charges due and payable. |
| The Atlantic City Sewerage Co. 1200 Atlantic Avenue Atlantic City, NJ 08401 | Any and all municipal charges due and payable. |
| The City of Atlantic City City Hall 1301 Bacharach Boulevard, Suite 704 Atlantic City, NJ 08401 | Any and all taxes or other municipal charges due and payable; and any and all unpaid municipal fire charges. |

IN WITNESS WHEREOF, CRDA has caused this Declaration to be signed
and sealed on this 15th day of January, 2014.

CASINO REINVESTMENT
DEVELOPMENT AUTHORITY

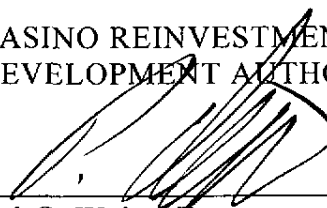
Dated: January 15, 2014

By: 
John F. Palmieri
Executive Director

ATTEST:

CASINO REINVESTMENT
DEVELOPMENT AUTHORITY

Dated: January 15, 2014

By: 
Paul G. Weiss, Esq.
Chief Legal Officer &
Assistant Secretary

ACKNOWLEDGMENT

STATE OF NEW JERSEY)

SS:

COUNTY OF ATLANTIC)

I hereby certify that on, January 15th 2014, PAUL G. WEISS, ESQ. personally appeared before me and acknowledged under oath, to my satisfaction, that:

a. He is the assistant secretary of the Casino Reinvestment Development Authority, the condemning authority named in this declaration of taking;

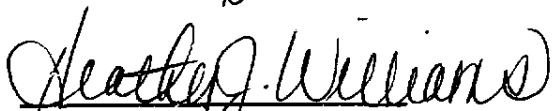
b. He is the attesting witness to the signing of this declaration of taking by the proper corporate officer, who is JOHN F. PALMIERI, the Executive Director of CRDA:

c. This declaration of taking was signed and delivered by CRDA as its voluntary act duly authorized by a proper resolution;

d. He knows the proper seal of CRDA which has been affixed to this declaration of taking; and

e. He signed this proof to attest to the truth of these facts.

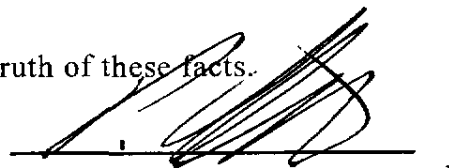
Signed and sworn to before
me on, January 15th, 2014



Notary Public of New Jersey
My Commission Expires:

4422009v4

HEATHER J. WILLIAMS
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires Nov. 16, 2016


PAUL G WEISS ESQ

Schedule A (Continued)

ALTA Plain Language Commitment 2006

File No. CRDA-72003

LEGAL DESCRIPTION

ALL that certain lot, parcel or tract of land, situate and lying in the City of Atlantic City, County of Atlantic, State of New Jersey, and being more particularly described as follows:

BEGINNING at the Northerly line of Oriental Avenue, 140 feet Eastwardly from Rhode Island Avenue; and extending thence.

- (1) Northwardly, parallel with Rhode Island Avenue 80 feet; thence
- (2) Eastwardly parallel with Oriental Avenue 35 feet; thence
- (3) Southwardly parallel with Rhode Island Avenue 80 feet to the Northerly line of Oriental Avenue; thence
- (4) Westwardly along same 35 feet to the BEGINNING

FOR INFORMATIONAL PURPOSES ONLY: Also known as Lot 72 in Block 3 on the City of Atlantic City Tax Map.

FOR INFORMATIONAL PURPOSES ONLY: Known as 311 Oriental Avenue, Atlantic City, N.J.

J. MCHALE & ASSOCIATES, INC.

The Subject Property

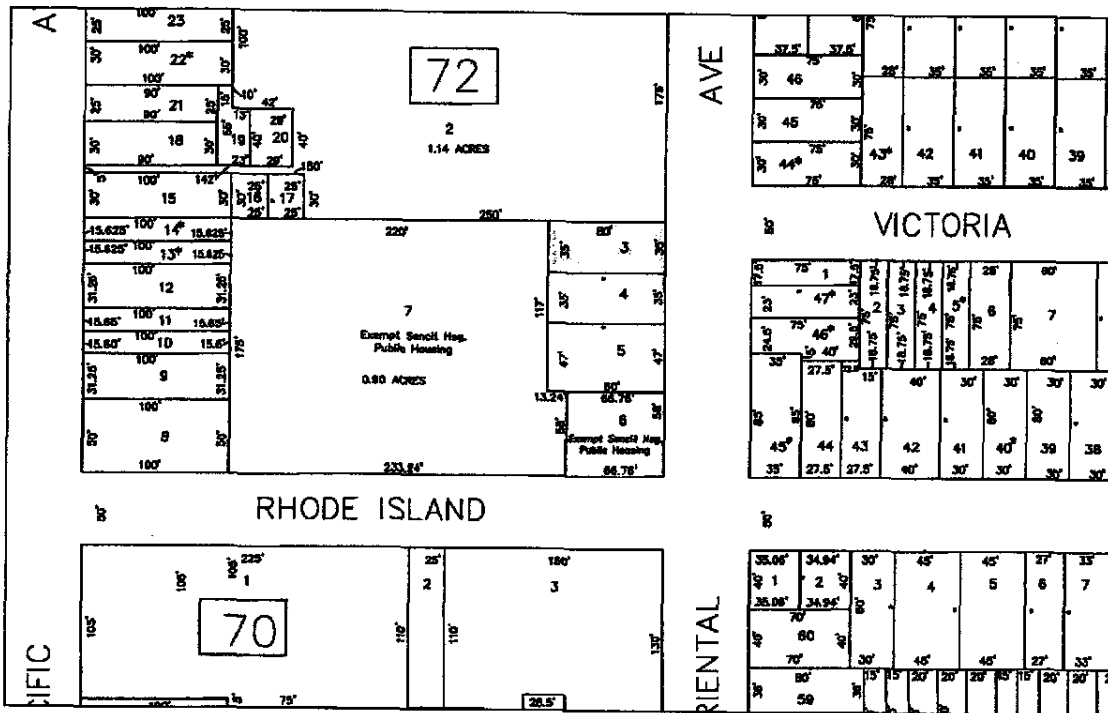
Ownership History

Recorded ownership is in the name of Charles & Lucinda Birnbaum. No arm's length transactions have occurred within the past five years.

Land & Site Improvements

The property consists of one, rectangular-shaped parcel. It is identified on the city's tax assessment maps as Block 72, Lot 3. It contains a total land area of 2,800 SF and has 35' of frontage along Oriental Avenue. It is relatively level and mostly cleared, and has a depth of 80'. The Tax Location Map is shown as follows:

Tax Location Map



212224 Block 72, Lot 3, Multi-Family Residence, Atlantic City