

RESOLUTION
of the
BOROUGH OF NEW PROVIDENCE
Resolution No. 2017-225

Council Meeting Date: 09-11-2017

Date Adopted: 09-11-2017

TITLE A RESOLUTION OF THE BOROUGH OF NEW PROVIDENCE, COUNTY OF UNION, STATE OF NEW JERSEY AUTHORIZING THE FOURTH AMENDMENT TO THE MASTER DEED FOR 705 CENTRAL AVENUE, A CONDOMINIUM (BLOCK 185, LOT 23 ON THE TAX MAP)

Councilperson Galluccio submitted the following resolution, which was duly seconded by Councilperson Madden.

WHEREAS, the Borough has previously sold an interest in 705 Central Avenue (Block 185, Lot 23 on the Tax Map) for the creation of an entity known as the 705 Central Avenue Condominium Association, Inc., with the Borough retaining an interest in said Association; and

WHEREAS, the owners of Units 2 - 6, NP 2008, have determined it is necessary to revise the definition of the term "Unit" as it applies to their respective Units and to revise certain other related definitions, and to amend the master deed to reflect same, and

WHEREAS, the owners of Units 2 - 6, NP 2008, believe said revisions to the definitions in in the best interest of 705 Central Avenue Condominium Association, Inc. and request the Borough to consent to same;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of New Providence, County of Union, State of New Jersey, that the Mayor and Clerk be and the same are hereby authorized to execute the Fourth Amendment to the Master Deed to effectuate the definition revisions.

APPROVED, this 11th day of September, 2017.

RECORD OF VOTE

	AYE	NAY	ABSENT	NOT VOTING
GALLUCCIO	X			
GENNARO	X			
KAPNER	X			
MADDEN	X			
MUÑOZ			X	
ROBINSON	X			
MORGAN			TO BREAK COUNCIL TIE VOTE	

I hereby certify that the above resolution was adopted at a meeting of the Borough Council held on the 11th day of September, 2017.

Wendi B. Barry, Borough Clerk

FOURTH AMENDMENT TO MASTER DEED FOR 705 CENTRAL AVENUE, A CONDOMINIUM

This Fourth Amendment to Master Deed for 705 Central Avenue, a Condominium (this “Fourth Amendment”), made as of the ____ day of _____, 2017 by 705 Central Avenue Condominium Association, Inc., a New Jersey non-profit corporation having an address of 175 Woodbine Circle, New Providence, New Jersey 07974 (the “Condominium Association”),

WITNESSETH:

WHEREAS, the Borough of New Providence (the “Declarant”) recorded a Master Deed creating 705 Central Avenue, a Condominium dated June 12, 2008 and recorded on June 17, 2008 in the Office of the Union County Clerk in Deed Book 5716 at Page 594 (as amended, the “Master Deed”); and

WHEREAS, Declarant, NP 2008 and the Condominium Association joined in, executed and forwarded for recording a First Amendment to Master Deed for 705 Central Avenue, a Condominium dated June 28, 2011 and recorded July 14, 2011 in the Office of the Union County Clerk in Deed Book 5870 at Page 0209 (the “First Amendment”); and

WHEREAS, Declarant, NP 2008 and the Condominium Association joined in, executed and forwarded for recording a Second Amendment to Master Deed for 705 Central Avenue, a Condominium dated June 27, 2013, recorded July 3, 2013 in the Office of the Union County Clerk in Deed Book 5959 at Page 0751 and re-recorded July 29, 2013 in the Office of the Union County Clerk in Deed Book 5963 at Page 0948 (the “Second Amendment”); and

WHEREAS, NP 2008 executed and forwarded for recording a Third Amendment to Master Deed for 705 Central Avenue, a Condominium dated October 22, 2015, recorded November 12, 2015 in the Office of the Union County Clerk in Deed Book 6090 at Page 0587 (the “Third Amendment”); and

WHEREAS, the Unit Owners of Units 2, 2A, 3, 4, 5, and 6 located in the rear half of the Building desire to amend the Master Deed to revise the definition of the term “Unit” as it applies to their respective Units and to revise certain other related definitions as more particularly set forth in this Fourth Amendment, it being understood that such revised definitions shall not apply to Unit 1 located in the front half of the Building; and

WHEREAS, the Declarant as the Unit Owner of Unit 1 has consented to the amendment of the Master Deed set forth in this Fourth Amendment; and

WHEREAS, the amendment of the Master Deed set forth in this Fourth Amendment has been approved by the Condominium Association in accordance with the provisions of the Master Deed and the By-Laws of the Condominium Association;

NOW, THEREFORE, the Master Deed is hereby amended as follows:

1. Re-Definition of Rear Units.

Section 2(D) of the Master Deed is hereby amended to read:

D) "Unit" shall mean a part of the Building designed and intended for independent commercial use and shall include the proportionate undivided interest in the Common Elements and in any Limited Common Element assigned thereto in this Master Deed or any amendment hereto. Unit 1 shall consist of the entire portion, interior, and exterior, including the roof, of the Building on its side of the party wall as shown on the survey annexed to the Master Deed as Schedule B and as further described in Section 4 therein. Units 2, 2A, 3, 4, 5, and 6 shall each consist of (a) the unfinished inner surfaces of perimeter and party walls, roofing and floors enclosing such Unit, including vents, doors, windows, and such other structural elements as are ordinarily regarded as enclosures of space, and the unfinished exterior surfaces of all load bearing columns and walls and other Common Elements within such Unit (b) all volumes and cubicles of space enclosed thereby, (c) the decorated interior surfaces of said perimeter and party walls, roofing and floors and the decorated exterior surfaces of any load bearing columns and walls and other Common Elements within such Unit, including wallpaper, paint, plaster, carpeting, tiles, and all other finishing materials affixed or installed as part of the physical structure of such Unit, (d) all non-load bearing interior walls (including the space occupied by such walls) and other betterments and improvements with such Unit, (e) all immediately visible fixtures, mechanical systems and equipment installed for the sole and exclusive use of such Unit including but not limited to the heating, air conditioning, plumbing and electrical systems commencing at the point of disconnection from the perimeter and party walls, roofing and floors of such Unit and from the common utility lines, pipes and systems serving such Unit, and (f) as further described in Section 4.02, but excluding all load bearing columns and walls within such Unit, all beams, decking and other structural elements of the roof within such Unit, and all Common Elements enclosing or running through such Unit.

Section 2(F) of the Master Deed is hereby amended to exclude the foundations and footings of the Building under Units 2, 2A, 3, 4, 5, and 6 from the definition of Limited Common Elements. Such foundations and footings shall be Common Elements.

Section 2(F) of the Master Deed is further amended to include any steps, ramps, and lifts leading to the entrances to Units 2, 2A, 3, 4, 5, and 6 as Limited Common Elements of such Units.

Section 4.01 of the Master Deed shall apply only to Unit 1 and the portion of the Building contained therein. It shall not apply to Units 2, 2A, 3, 4, 5, and 6.

2. Defined Terms. Terms used in this Fourth Amendment without definition shall have the meaning ascribed to them in the Master Deed.

3. No Further Modification. Except as expressly set forth herein, all of the terms, covenants and conditions of the Master Deed, the First Amendment, the Second Amendment and the Third Amendment shall remain in full force and effect without change.

IN WITNESS WHEREOF, this Fourth Amendment to Master Deed for 705 Central, A Condominium has been executed as of the date and year first above written.

Witness/Attest:

705 CENTRAL AVENUE CONDOMINIUM
ASSOCIATION, INC.

By: _____
Name: _____
Title: _____

By: _____
Name: _____
Title: _____

