RECORDING INFORMATION SHEET	50 RANCOCAS RD, MT. HOLLY, NJ 08060

INSTRUMENT NUMBER:	DOCUMENT TYPE:
5804995	DEED

Official Use Only

JOANNE SCHWARTZ
BURLINGTON COUNTY

RECEIPT NUMBER
8933451
RECORDED ON
December 28, 2022 10:13 AM

INSTRUMENT NUMBER
5804995

BOOK: OR13652
PAGE: 2071

Document Charge Type	DEED - FULL EXEMPTION
Return Address *(for recorded documents)*	LLC SIMPLIFILE 4844 NORTH 300 WEST PROVO UT 84604
No. Of Pages *(Excluding Recording Information and/or Summary Sheet)*	25
Consideration Amount	$1.00
Recording Fee	$285.00
Realty Transfer Fee	$0.00
Total Amount Paid	$285.00
Municipality	EVESHAM TWP
Parcel Information	**Block:** 36 **Lot:** 4.05
First Party Name	NEW PRIVATE RESTAURANT PROPERTIES
Second Party Name	NEW PRIVATE RESTAURANT PROPERTIES

Additional Information (Official Use Only)

5804995

RECEIVED

JAN 30 2026

P26-04

Ctrl Id: 6175112 Recording Clerk: dcoco

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Burlington County Document Summary Sheet

BURLINGTON COUNTY CLERK

50 RANCOCAS RD

MOUNT HOLLY NJ 08060 1317

Transaction Identification Number	6469681	7861799

Recorded Document to be Returned by Submitter to:

PRESTIGE TITLE AGENCY, NOS

130 POMPTON AVE

VERONA, NJ 07044

Official Use Only

Submission Date *(mm/dd/yyyy)*	12/22/2022
No. of Pages *(excluding Summary Sheet)*	25
Recording Fee *(excluding transfer tax)*	$285.00
Realty Transfer Tax	$0.00
Total Amount	$285.00
Document Type	DEED-NO CONSIDERATION

Electronic Recordation Level L2 - Level 2 (With Images)

Municipal Codes

EVESHAM TWP 13

708811

Additional Information (Official Use Only)

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Burlington County Document Summary Sheet

DEED-NO CONSIDERATION	Type	DEED-NO CONSIDERATION
	Consideration	$1.00
	Submitted By	SIMPLIFILE, LLC. (SIMPLIFILE)
	Document Date	11/18/2022

Reference Info

Book ID	Book	Beginning Page	Instrument No.	Recorded/File Date

GRANTOR	Name	Address
	NEW PRIVATE RESTAURANT PROPERTIES LLC	2202 N WESTSHORE BOULEVARD, TAMPA, FL 33607

GRANTEE	Name	Address
	NEW PRIVATE RESTAURANT PROPERTIES LLC	2202 N WESTSHORE BOULEVARD, TAMPA, FL 33607

Parcel Info

Property Type	Tax Dist.	Block	Lot	Qualifier	Municipality
	13	36	4.05		13
	13	36	4.11		13

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Prepared By & Record/Return To:
Nehmad Davis & Goldstein, P.C.
4030 Ocean Heights Avenue
Egg Harbor Township, NJ 08234
Attn.: CherylLynn Walters, Esquire
Phone: (609) 927-1177
Preparer signature no longer required pursuant to N.J.S.A. 46:26A-3(b)

MINOR SUBDIVISION DEED

This Deed is made on November 18, 2022

BETWEEN

NEW PRIVATE RESTAURANT PROPERTIES, LLC, whose address is 2202 N. Westshore Boulevard, Tampa, Florida 33607,

referred to as the **GRANTOR**,

AND

NEW PRIVATE RESTAURANT PROPERTIES, LLC, whose address is 2202 N. Westshore Boulevard, Tampa, Florida 33607,

referred to as the **GRANTEE**.

The words "Grantor" and "Grantee" shall mean all Grantors and all Grantees listed above.

Transfer of Ownership. The Grantor grants and conveys (transfers ownership of) the property described below to the Grantee. This transfer is made for the sum of One Dollar ($1.00); this Deed being made to perfect a minor subdivision approval to permit a minor subdivision of Lot 4.05 pursuant to N.J.S.A. 40:55D-47(d), as more specifically recited below.

Tax Map Reference. (N.J.S.A. 46:26A-3) Municipality of Township of Evesham (Burlington County) Block No. 36 Lots 4.05 and 4.11 Account No.:

Property. The property consists of the land and all the buildings and structures on the land in the Township of Evesham, County of Burlington, and State of New Jersey. The legal description is:

LOT 4.05 – See **Exhibit A** attached hereto and made a part hereof, which constitutes a 1 Page metes and bounds description prepared by Menlo Engineering Associates, Inc. which describes the lot boundaries of the remainder of existing Lot 4.05 after the minor subdivision described herein; and

LOT 4.11 – See **Exhibit B** attached hereto and made a part hereof, which constitutes a 1 Page metes and bounds description prepared by Menlo Engineering Associates, Inc. which describes the lot boundaries of new Lot 4.11 created by the subdivision described herein.

Book # OR 13652 Page # 2071 Inst. # 5804995

This minor subdivision also is more specifically shown on that certain Minor Subdivision Plan prepared by Menlo Engineering Associates, Inc. dated February 8, 2022, last revised September 7, 2022 (1 Page), a copy of which is attached hereto and made a part hereof as **Exhibit C.**

BEING the same lands and premises granted and conveyed unto the within Grantor by Deed dated March 27, 2012 from Private Restaurant Properties, LLC, which Deed was recorded in the Burlington County Clerk's office on May 4, 2012 in Deed Book OR13007, Page 8640&c., as Instrument #4883936.

THIS DEED is being recorded for the sole and exclusive purpose of establishing of record that certain minor subdivision approval of existing Lot 4.05 to create a new 4.39-acre lot designated as Lot 4.11 pursuant to and in accordance with N.J.S.A. 40:55D-47, which minor subdivision was approved by the Evesham Township Planning Board on August 4, 2022. Said subdivision is subject to the terms and conditions contained in a Resolution of the Evesham Township Planning Board (relating to Application #P22-05) adopted on September 1, 2022, a copy of which is attached hereto as **Exhibit D**. The execution of this Minor Subdivision Deed by the Planning Board Chairman is for the sole and exclusive purpose of confirming that the said minor subdivision approval was granted on the aforesaid date and that the approved lot numbers, descriptions and configurations are as set forth in this Minor Subdivision Deed.

Type of Deed. This Deed is called a Minor Subdivision Deed. The Grantor executes this Deed to satisfy a condition of a minor subdivision approval extended to Grantor by the Evesham Township Planning Board. The Chairman of the Evesham Township Planning Board executes this Deed to confirm that minor subdivision approval has been granted as recited above.

WE HEREBY CERTIFY pursuant to N.J.S.A. 40:55D-47 that the subdivision of the property set forth herein was approved as a minor subdivision by the Evesham Township Planning Board on August 4, 2022, and subject to the conditions contained in a Resolution adopted by the Evesham Township Planning Board on September 1, 2022, a copy of which is attached hereto as Exhibit D.

Attest:

EVESHAM TOWNSHIP PLANNING BOARD

By: Gene R. Friedman (Seal)
Gene Friedman, Chairperson

Attest:

EVESHAM TOWNSHIP PLANNING BOARD

By: Jennifer A. Newton (Seal)
Jennifer A. Newton, Secretary

Signatures. The Grantor signs this Deed as of the date at the top of the first page. If the Grantor is a corporation, this Deed is signed and attested to by its proper corporate officers and its corporate seal is affixed.

Attest/Witness

James Butler

JAMES BUTLER

NEW PRIVATE RESTAURANT PROPERTIES, LLC

By: Ronda Stoker (Seal)
Ronda Stoker, Authorized Agent – Real Estate

STATE OF FLORIDA :
:ss.
COUNTY OF HILLSBOROUGH :

The foregoing instrument was acknowledged before me by means of ☑ physical appearance or ☐ online notarization, this 18th day of November, 2022, by Ronda Stoker, as Authorized Agent-Real Estate for **NEW PRIVATE RESTAURANT PROPERTIES, LLC**, a Delaware limited liability company, for and on behalf of the company. She [select one] (✓) is personally known to me or ( ) produced a valid Florida driver's license as identification.

TERESA SCHAAF
MY COMMISSION # HH 168663
EXPIRES: August 24, 2025
Bonded Thru Notary Public Underwriters
(Notary Seal)

Teresa Schaaf

Printed Name: Teresa Schaaf

EXHIBIT A
Metes and Bounds Legal Description
Block 36, Lot 4.05

menlo
engineering
associates

732 846 8585
732 846 9439

Legal Description
Raritan Realty Partners, LLC
Block 36, **Proposed Lot 4.05**
Township of Evesham
Burlington County, New Jersey

BEGINNING at a point and monument found, said point marking the intersection of the common lot line between Lots 4 and 4.05 in Block 36 with the westerly right-of-way line of New Jersey State Highway Route 73 (126' R.O.W.); thence

1. South 00 degrees 18 minutes 23 seconds East, along said westerly right-of-way line, a distance of 251.28 feet to a point; thence

2. South 89 degrees 07 minutes 43 seconds West, along a proposed subdivision line, a distance of 560.72 feet to a point lying in the westerly lot line of existing Lot 4.05 in Block 218; thence

3. North 12 degrees 41 minutes 15 seconds West, along said westerly lot line, a distance of 230.37 feet to a point and iron bar with cap found lying in the common lot line between Lots 4 and existing Lot 4.05 in Block 36; thence

4. North 86 degrees 42 minutes 38 seconds East, along said common lot line, a distance of 610.91 feet to a monument found at the point or place of BEGINNING.

The above-described parcel contains 139,867 S.F. (3.21 acres), more or less, as shown on a map entitled "Minor Subdivision Plan" prepared by Menlo Engineering Associates, Inc.; job no. 2021.080.01; dwg no. SD-1; dated February 8, 2022 and revised through September 7, 2022.

KMR/dp
MEA #2021.080.01
September 7, 2022

Gregg A. Gaffney
Professional Land Surveyor
NJPLS #GS43304

O:\Documents\2021\2021.080.01\ENG\2021.080.01-Legal Desc.-Block 36 Lot 4.05.docx

EXHIBIT B
Metes and Bounds Legal Description
Block 36, Lot 4.11

menlo
engineering
associates

732 846 8585
732 846 0439

Legal Description
Raritan Realty Partners, LLC
Block 36, **Proposed Lot 4.11**
Township of Evesham
Burlington County, New Jersey

BEGINNING at a point, said point marking the intersection of the common lot line between Lots 4.02 and existing Lot 4.05 in Block 36 with the westerly right-of-way line of New Jersey State Highway Route 73 (126' R.O.W.); thence

1. South 89 degrees 07 minutes 43 seconds West, along said common lot line, a distance of 480.18 feet to a monument found lying in the common lot line between Lot 17.1 in Block 218 and existing Lot 4.05 in Block 36; thence

2. North 12 degrees 41 minutes 15 seconds West, along said common lot line and continuing along the common lot line between Lots 2 through 6 in Block 218.26 and existing Lot 4.05 in Block 36, a distance of 375.58 feet to a point; thence

3. North 89 degrees 07 minutes 43 seconds East, along a proposed subdivision line, a distance of 560.72 feet to a point lying in the westerly right-of-way line of New Jersey State Highway Route 73; thence

4. South 00 degrees 18 minutes 23 seconds East, along said westerly right-of-way line, a distance of 367.64 feet to the point or place of BEGINNING.

The above-described parcel contains 191,329 S.F. (4.39 acres), more or less, as shown on a map entitled "Minor Subdivision Plan" prepared by Menlo Engineering Associates, Inc.; job no. 2021.080.01; dwg no. SD-1; dated February 8, 2022 and revised through September 7, 2022.

KMR/dp
MEA #2021.080.01
September 7, 2022

Gregg A. Gaffney
Professional Land Surveyor
NJPLS #GS43304

O:\Documents\2021\2021.080.01\ENG\2021.080.01-Legal Desc.-Block 36 Lot 4.11.docx

EXHIBIT C
Minor Subdivision Plan
Dated February 8, 2022, Last Revised September 7, 2022
Prepared by Menlo Engineering Associates, Inc.

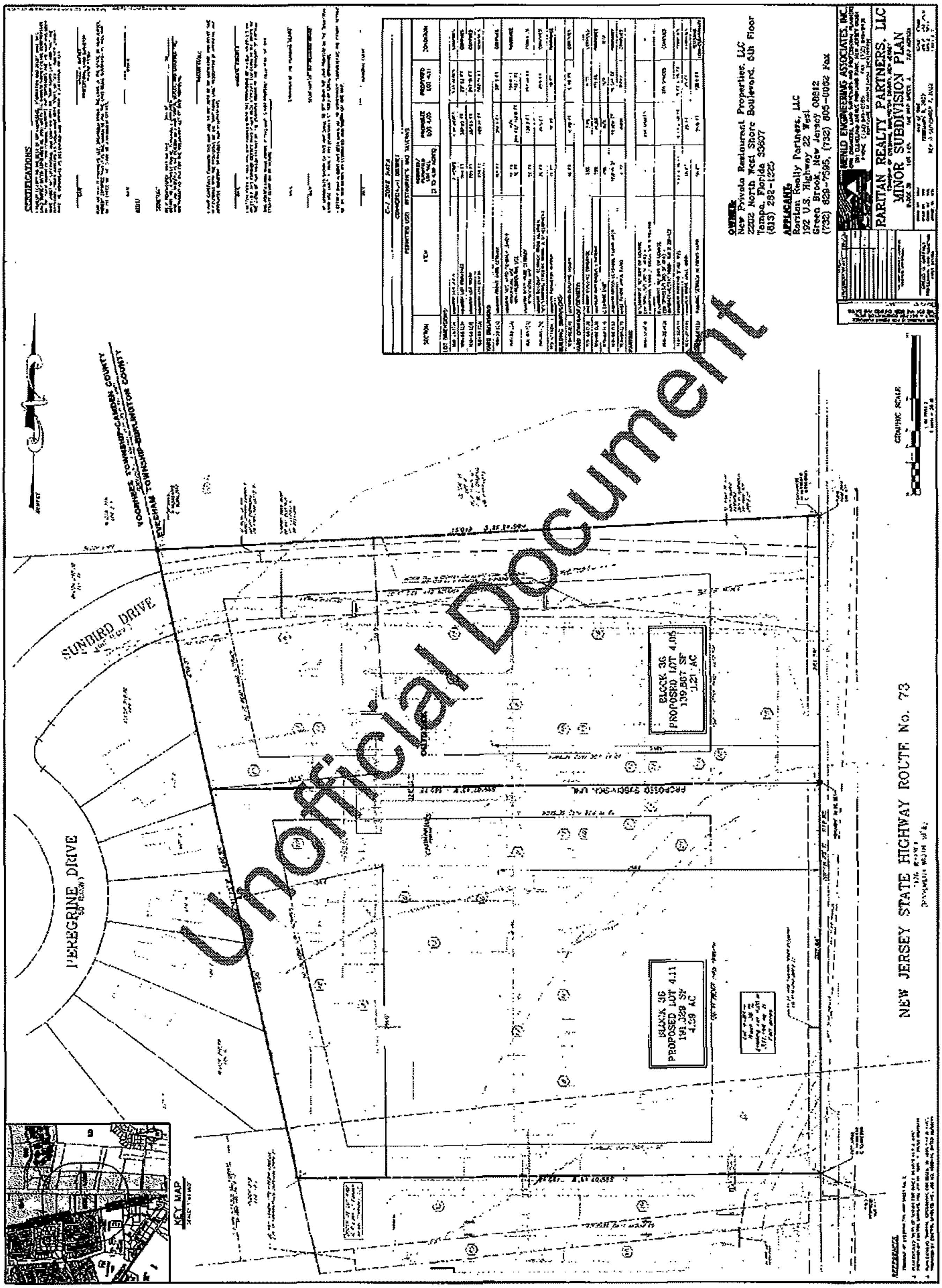
CERTIFICATIONS
VOORHEES TOWNSHIP-CAMDEN COUNTY
EVESHAM TOWNSHIP-BURLINGTON COUNTY
SUNBIRD DRIVE
PEREGRINE DRIVE
BLOCK 36
PROPOSED LOT 4.05
BLOCK 36
PROPOSED LOT 4.11
NEW JERSEY STATE HIGHWAY ROUTE No. 73
GRAPHIC SCALE
KEY MAP
REFERENCES
OWNER
New Private Restaurant Properties, LLC
2202 North West Shore Boulevard, 5th Floor
Tampa, Florida 33607
(813) 282-1225
APPLICANT
Raritan Realty Partners, LLC
192 U.S. Highway 22 West
Green Brook, New Jersey 08812
(732) 829-7585, (732) 805-0062 Fax
MENLO ENGINEERING ASSOCIATES, INC.
RARITAN REALTY PARTNERS, LLC
MINOR SUBDIVISION PLAN

EXHIBIT D
Evesham Township Planning Board Resolution
For Application #P22-05 - Adopted September 1, 2022

RESOLUTION NO. 2022-PB-13
EVESHAM TOWNSHIP PLANNING BOARD
IN THE MATTER OF EVESHAM TOWNSHIP
RARITAN REALTY PARTNERS, LLC
APPLICATION NO. P22-05
DECIDED ON AUGUST 4, 2022
MEMORIALIZED ON SEPTEMBER 1, 2022
MINOR SUBDIVISION APPROVAL
WITH ANCILLARY VARIANCE RELIEF

WHEREAS, an application for minor subdivision approval with ancillary variance relief has been made to the Township of Evesham Planning Board (hereinafter referred to as the "Board") by Raritan Realty Partners, LLC (hereinafter referred to as the "Applicant") on lands known and designated as Lot 4.05 in Tax Block 36 as depicted on the Tax Map of the Township of Evesham (hereinafter "Property"), and more commonly known as the outback Steakhouse and Carrabba's Italian Grille site situated in the C-1 (Commercial) District; and

WHEREAS, a public hearing was held on August 4, 2022 after the Board determined it had jurisdiction; and

WHEREAS, the Applicant was represented by CherylLynn Walters, Esq.; and

WHEREAS, a complete application has been filed, the fees as required by Township Ordinance have been paid, and it otherwise appears that proper notice has been published and the jurisdiction and powers of the Board have been properly invoked and exercised.

NOW, THEREFORE, the Board makes the following findings of fact based on the plans and documents submitted in support of the application and the evidence presented at the August 4, 2022 public hearing, at which a record was made.

1. The subject Property contains 7.6 acres and is located along NJ Route 73 South and borders Voorhees Township in the C-1 Commercial Zone. The subject Property currently has shared access, parking and utilities and other site improvements including lighting, landscaping,

stormwater management infrastructure and a fire pond. The subject Property also shares access and parking with the adjoining Galleria at Marlton property which is designated as Block 36, Lot 4.02. The Galleria at Marlton site is separately owned and operated and is not the subject of this application.

2. The Applicant is seeking minor subdivision approval with ancillary variance relief to create two (2) lots, each to contain an existing building. One parcel (proposed Lot 4.11) would consist of one (1) currently vacant "Carrabba's Italian Grill" building and will contain approximately 4.39 acres. The other parcel (proposed Lot 4.05) would consist of the existing "Outback Steakhouse" building and will contain approximately 3.21 acres. The Applicant is not proposing any site improvements as part of this minor subdivision. Existing cross easements with adjacent lot 4.02 will continue for access, parking, utilities and stormwater management.

3. Counsel for the Applicant, CherylLynn Walters, Esq. stated that the subject Property is improved with two (2) restaurant buildings, parking, and a previously approved but undeveloped pad of land, as well as a fire pond. She explained that the rear of the subject Property abuts Voorhees Township. Ms. Walters further stated that the restaurant buildings include an Outback Steakhouse and a vacant Carrabba's Italian Grill. She further stated that the Applicant was not proposing any new development with this application; only a new property line. The new lot line, however, results in some bulk variances relating to existing improvements/conditions. She confirmed that notice was provided to all property owners within 200 feet of the subject Property, including notices to the Voorhees Township property owners which were sent on July 22, 2022. She also indicated the applicant had submitted an application to the Burlington County Planning Board and that proof of the County's approval would be supplied upon receipt.

4. The Applicant's Engineer, William Lane, PE testified that the Applicant was proposing to subdivide the subject Property with a property line splitting between the two restaurants. He noted that the subdivision would create the need for variance relief. Mr. Lane stated that the side yard setback for the Outback Steakhouse is 12.7 feet and 12.5 feet for Carrabbas. The impervious coverage for the Outback Steakhouse is 71.4% where 55% is the maximum allowed. Ten thousand (10,000) square feet of rental space is required. Cumulatively, the restaurants comply, but with the subdivision, the square footage of rental space would be below 10,000 square feet. He testified that a buffer of 15 feet would be required where 0 feet is proposed because of the existing parking lot. The existing parking lot front yard setback is 21.3 feet on the adjoining Galleria site and is 38.9 feet on the subject Property and no changes to the parking setback were proposed. Mr. Lane further stated that the Resolution that initially granted approval of the site plan for the subject Property is silent on the parking lot front yard setback, so the Applicant was seeking a variance with this application to memorialize the existing condition.

5. Mr. Lane introduced a subdivision plan as Exhibit A-1. He testified that the existing property contains 7.6 acres and is in the C-1 Zone. To the east of the subject Property is NJ Route 73. To the south is the Galleria at Marlton. To the west are residential homes in Voorhees Township. To the north is Sunbird Drive. He stated that the Outback Steakhouse is approximately 6,600 square feet and the vacant Carrabba's is approximately 6,000 square feet. There are 337 parking spaces on the subject Property.

6. Mr. Lane further testified that the subdivision is based on a 2014 survey. Although it is an older survey, it is consistent with the existing conditions on the site and is therefore valid. He agreed to submit a certification to that as a condition of approval.

7. Mr. Lane then stated that the subject Property has had cross easements with the Galleria since 1998. He stated that the cross easements are for parking, landscaping, stormwater management and maintenance. Mr. Lane stated that the cross easements run with the land, so they will continue to be in force on the new subdivided lots and no change is proposed. Ms. Walters argued that new easements are not needed for the new lots as the existing cross easements are sufficient. She stated that the Applicant would like to avoid needing to create new cross easements because the owner of Outback Steakhouse is a large corporation based in Florida and is challenging to work with. She agreed to work with the Board Attorney to confirm if new cross easements are needed.

8. Mr. Lane continued to testify that the subdivision would be recorded via deed and the Applicant would agree to comply with all of the comments in reports of the Board's Professionals, except to the extent otherwise agreed upon during the course of the hearing.

9. The Applicant's Planner, James Miller, P.P. testified that the Applicant was seeking five (5) variances and was not proposing any development. He stated that the proposed subdivision would advance the following purposes of the MLUL: 2a) because the restaurants are an appropriate use; 2c) because, other than the setbacks between the two new proposed lots, the setbacks are the same as they have existed promoting adequate open space; and 2m) because subdividing the two restaurants is a more efficient use of land. He further testified that the existing buildings are close together and have existed that way for several years. Mr. Miller testified that the benefit to the public would be that it is a financial subdivision, which is common. The variance relief would allow more than one entity to own the property and independently finance and manage the property.

10. Mr. Miller further testified that subdividing the subject Property allows better financing, marketing, and management. He asserted that the variance relief would also advance the public welfare by facilitating the re-occupancy and re-use of the vacant restaurant. Mr. Miller opined that strict adherence to the zone or denial of the subdivision would require the vacant restaurant to be demolished, which would be a detriment to the Outback Steakhouse and the surrounding area. He testified that the building sizes were in excess of the minimum leasable floor area. Mr. Miller believed that the purpose of the ordinance was to encourage use of all of the land, minimize driveways interacting with the roadways and improve parking lot circulations. Mr. Miller stated that since the site is already developed, the purpose of the ordinance is already achieved. He further testified that the subdivision would not harm the purpose of the leasable floor area ordinance. Mr. Miller believed the cross easements in place are adequate to continue maintenance as it currently operates. Mr. Miller also concluded that there would be not be any negative impact to the zoning or master plan as the restaurants are a permitted use, it is an existing use that will continue, and it creates stability for the continued operation of the two restaurants and/or redevelopment of a vacant restaurant.

11. Mr. Miller then confirmed the Applicant required following variance relief:

a. ***Section 160-68.E(3)*** – the minimum side yard setback for a non-residential use is 30 feet within the zoning district. Proposed Lot 4.05 and Proposed Lot 4.11 have a side yard setback of 12.8 feet and 12.7 feet respectively.

b. ***Section 160-68.E(3)*** – the maximum impervious coverage allowed is 55% in the zoning district. Proposed Lot 4.05 has an impervious coverage of 71.4%.

c. ***Section 160-68.E(3)*** – the minimum gross leasable floor area required is 10,000 SF in the zoning district. Proposed Lot 4.05 and Proposed Lot 4.11 have a gross leasable floor area of 5,969 SF and 6,591 SF, respectively.

d. ***Section 160-68.E(3)*** – the parking front yard setback is 50 feet in the zoning district. Proposed Lot 4.05 has a parking front yard setback of 38.9 feet. It is noted that this is an existing non-compliant condition.

e. ***Section 160 – Attachment 1*** – a perimeter buffer shall be placed between land uses or zoning districts and be a minimum of 15 feet in width. Both Proposed Lots have a proposed parking perimeter buffer of 0 feet as between the two existing restaurant buildings.

12. The hearing was opened to the public for questions of the witness at which time Ilya Vassallo, 5 Beauport Circle, asked how this application promotes an efficient use of land. She further inquired if the existing footprint would be released. She also asked the difference between reuse and redevelopment. Ms. Vassallo then asked how the increase in impervious coverage effects the Outback Steakhouse. Mr. Miller responded that there would not be any change in impervious coverage for the overall site. He stated that the site is not being redeveloped; rather it is just a subdivision line. He then explained that the proposed variances would allow for an efficient use because if strict bulk standards were required, it would require the demolition of one of the buildings. The requirement of the buffer would disrupt the circulation of the parking lot and it would violate the cross easements. He further stated that strict adherence to the zoning standards would create a hardship for the Applicant. The subdivision also allows a separate entity to purchase the vacant restaurant and put it to better use. In the future, if the Applicant or any owner of the properties want to make changes, it will be subject to Township and Board review.

13. No other members of the public asked questions of the witness.

14. The Board Engineer advised that the comments in his Report of July 14, 2022 had been addressed. The Applicant had agreed to comply with the technical comments. A remaining concern was whether the cross easements apply to the new subdivided lots, but the Applicant's Attorney agreed to work with the Board Attorney to make that determination. He advised that the

impervious coverage is not a technical variance. The Board Engineer noted that the existing lot has approximately 58% impervious coverage. The impervious coverage for the Outback Steakhouse lot would be 71.4% and the vacant Carrabba's lot would be 46.8%. The vacant Carrabba's lot could increase its impervious coverage up to 55% without the Board granting a variance.

15. In response to questions from the Board, the Board Engineer confirmed the absence of any forested areas on the subject Property.

16. In response to questions from the Board, Mr. Miller testified that the Galleria is responsible for maintenance for stormwater management through the cross easements. There will not be any change to the maintenance.

17. The hearing was opened to the public for question and comments at which time Ilya Vassallo, 5 Beauport Circle, asked how often the maintenance is conducted on the fire pond and if there are any issues. She also asked if the pad site was included in the impervious coverage calculation. Mr. Lane responded that the pad is currently just grass. The original site plan had a 14,000 square foot building. He calculated the impervious coverage of the site in its existing condition which includes the pad as grass.

18. Irv Czyner, principal of the Applicant, testified in response to Ms. Vassallo's questions. He testified that he has owned the Galleria for eight (8) years. The property was in bad shape with debris throughout when he bought it. He explained that the owner of the Outback is a corporation based in Tampa, Florida, so he maintains the entire site (The Galleria and the subject Property). He had maintained the subject Property before he contracted to purchase a portion of it because he, personally, did not want to see it unkept. Maintenance on the fire pond is conducted every two (2) weeks. He explained that at the bottom of the pond has rubber lining to

maintain the water. There is a fountain to circulate the water which is serviced frequently. The subject Property now has connection to city water, so the fire pump from the fire pond has been eliminated. The initial purpose of the fire pond to provide water to the site in case of a fire emergency is obsolete.

19. No other members of the public expressed an interest in the application.

NOW, THEREFORE, the Board makes the following conclusions of law, based on the foregoing findings of fact.

The application before the Board is a request for minor subdivision approval as well as ancillary bulk variance relief in regard to Lot 4.05 in Block 36 on the Tax Assessment Map of the Township of Evesham. The property is located within the C-1 Zone.

The Applicant seeks minor subdivision approval for a permitted use but does require bulk variance relief. The <u>Municipal Land Use Law</u> at <u>N.J.S.A.</u> 40:55D-70c provides Boards with the power to grant variances from strict bulk and other non-use related issues when the applicant satisfies certain specific proofs which are enunciated in the Statute. Specifically, under the c(1) criteria the applicant may be entitled to relief if the specific parcel is limited by exceptional narrowness, shallowness or shape. An applicant may show that exceptional topographic conditions or physical features exist which uniquely affect a specific piece of property. Further, the Applicant may also supply evidence that exceptional or extraordinary circumstances exist which uniquely affect a specific piece of property or any structure lawfully existing thereon and the strict application of any regulation contained in the Zoning Ordinance would result in a peculiar and exceptional practical difficulty or exceptional and undue hardship upon the developer of that property. Additionally, under the c(2) criteria, the applicant has the option of showing that in a particular instance relating to a specific piece of property, the purpose(s) of the act would be advanced by allowing a deviation from the Zoning Ordinance requirements and the benefits of any deviation will substantially outweigh any detriment. In those instances, a variance may be granted to allow departure from regulations adopted pursuant to the Zoning Ordinance.

Those categories specifically enumerated above constitute the affirmative proofs necessary in order to obtain "bulk" or (c) variance relief. Finally, an applicant must also show that the proposed variance relief sought will not have a substantial detriment to the public good and, further, will not substantially impair the intent and purpose of the zone plan and Zoning Ordinance. This is known as the negative criteria. It is only in those instances when the applicant has satisfied both these tests, that a Board, acting pursuant to the Statute and case law, can grant relief. The burden of proof is upon the applicant to establish these criteria.

The Board addresses the required bulk variances collectively. The Board finds that the Applicant has satisfied the positive criteria. The Board finds that the Applicant has proposed a subdivision of two (2) existing restaurant buildings. The Board finds subdivision encourages the appropriate use of land which will promote the general welfare because the use as restaurants is appropriate use for the subject Property. The Board also finds the subdivision provides adequate light, air, and open space as the site will operate similarly to its existing operation. The Board further finds the subdivision encourages the efficient use of land by making it easier to reuse or redevelop the vacant restaurant. The Board therefore concludes that the goals of planning enumerated in the <u>Municipal Land Use Law</u> at <u>N.J.S.A.</u> 40:55D-2 have been advanced. The positive criteria pursuant to <u>N.J.S.A.</u> 40:55D-70c(2) has therefore been satisfied.

The Board also finds that the negative criteria has been satisfied. As previously stated, the site will operate similarly to how it has operated for nearly fifteen years and has not had any substantial detriment. The proposed development is further a permitted use and the variance relief will not result in any additional traffic, noise or odors not already contemplated by the ordinance. The Board therefore finds that the proposed variance relief will not result in substantial detriment or impairment of the zone plan, zoning ordinance or public welfare. The Board concludes that the negative criteria pursuant to N.J.S.A. 40:55D-70c(2) has been satisfied.

The Board concludes that the benefits substantially outweigh the detriments and that variance relief pursuant to N.J.S.A. 40:55D-70c(2) may be granted.

With the exception of the above relief, the Applicant complies with all other zoning, site plan and design ordinance requirements. Minor subdivision approval is therefore appropriate pursuant to N.J.S.A. 40:55D-47.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board that the application of the Township of Evesham for property known and designated as Lot 4.05 in Block 36 on the Tax Assessment Map of the Township of Evesham requesting land use relief and checklist waivers is determined as follows:

A. Submission waivers requested by the Applicant are granted.

B. Variance Relief pursuant to N.J.S.A. 40:55D-70c(2) is granted.

C. Minor subdivision/lot line adjustment is granted pursuant to the Municipal Land Use Law pursuant to N.J.S.A. 40:55D-47.

IT IS FURTHER RESOLVED that the above approvals are granted subject to the following terms and conditions:

1. The development of this parcel shall be implemented in accordance with the plans submitted and approved as may be modified consistent herewith.

2. The Applicant shall comply with any terms and conditions contained in any reports of the Board professionals, except to the extent agreed otherwise during the course of the hearing and/or as may be otherwise modified herein.

3. The Deed to be recorded to memorialize this subdivision shall specifically refer to this Resolution and shall be subject to the review and approval of the Board Engineer and Board Attorney. The Applicant shall record the subdivision Deed within 190 days of the memorializing resolution being adopted. Failure to do so shall render this approval null and void unless an extension of time to perfect the minor subdivision is granted.

4. The Applicant represents that all its representations and stipulations made either by the Applicant or on its behalf to the Township of Evesham Planning Board are true and accurate and acknowledges that the Land Use Board specifically relied upon said stipulations in the Board's granting of approval. If any representation or stipulation is false, this approval is subject to revocation.

5. The Applicant shall submit a certification that the 2014 survey used in the application reflects the existing conditions of the subject Property and is valid.

6. The Applicant's Attorney shall confirm with the Board Attorney whether the existing cross-easements for maintenance is sufficient for the newly created lots or new cross easements will need to be conveyed, subject to the review and approval of any such easement document by the Board Attorney and Board Engineer.

8. Payment of all fees, costs and escrows due or to become due. Any monies are to be paid within twenty (20) days of said request by the Board Secretary.

9. Certificate that taxes are paid current to date of approval.

10. Subject to all other applicable rules, regulations, ordinances and statutes of the Township of Evesham, County of Burlington, State of New Jersey or any other jurisdiction.

RECORD OF VOTE FOR ACTION TAKEN						
BOARD	AYE	NAY	Abstain	Absent	Motion Made By	Second
Gene Friedman, Chairperson				X		
Mayor Jaclyn Veasy				X		
Councilman Eddie Freeman, III	X					
Elizabeth Costello, Vice Chairperson				X		
Patricia Everhart	X					
Craig Higginbotham	X					
Lisa Killion-Smith	X				X	
Robert Sullivan				X		
David Touri	X				X	
Stephen Kavalkovich				X		
Victoria Smith	X					

I, Jennifer A. Newton, Secretary to the Planning Board of the Township of Evesham, County of Burlington, State of New Jersey, do hereby certify that the foregoing is a true and correct copy of the action taken by the said Board at a meeting held at the Municipal Building, 984 Tuckerton Road, Marlton, New Jersey, on the 4th day of August, 2022.

Jennifer A. Newton

JENNIFER A. NEWTON, Secretary
EVESHAM TOWNSHIP PLANNING BOARD

Book # OR 13652 Page # 2071 Inst. # 5804995

RECORD OF VOTE FOR ACTION TAKEN						
BOARD	AYE	NAY	Abstain	Absent	Motion Made By	Second
Gene Friedman, Chairperson						
Mayor Jaclyn Veasy						
Councilman Eddie Freeman, III	X				X	
Elizabeth Costello, Vice Chairperson						
Patricia Everhart	X					
Craig Higginbotham				X		
Lisa Killion-Smith	X				X	
Robert Sullivan						
David Touri				X		
Stephen Kavalkovich						
Victoria Smith				X		

I, Jennifer A. Newton, Secretary to the Planning Board of the Township of Evesham, County of Burlington, State of New Jersey, do hereby certify that the foregoing is a true and correct copy of the action taken by the said Board at a meeting held at the Municipal Building, 984 Tuckerton Road, Marlton, New Jersey, on the 1st day of September, 2022.

Jennifer A. Newton

JENNIFER A. NEWTON, Secretary
EVESHAM TOWNSHIP PLANNING BOARD

CERTIFICATION

The undersigned secretary certifies that the within Resolution was adopted by the Township of Evesham Planning Board on August 4, 2022 and memorialized herein pursuant to N.J.S.A 40:55D-10(g) on September 1, 2022.

Jennifer A. Newton

Jennifer A. Newton, Board Secretary

GIT/REP-3
(2-21)
(Print or Type)

State of New Jersey
Seller's Residency Certification/Exemption

Seller's Information

Name(s)
NEW PRIVATE RESTAURANT PROPERTIES, LLC

Current Street Address
2202 N. WEST SHORE BOULEVARD, 5th FLOOR

City, Town, Post Office	State	ZIP Code
TAMPA	FL	33607

Property Information

Block(s)	Lot(s)	Qualifier
36	4.05 & 4.11	

Street Address
901 ROUTE 73 SOUTH

City, Town, Post Office	State	ZIP Code
EVESHAM	NJ	08053

Seller's Percentage of Ownership	Total Consideration	Owner's Share of Consideration	Closing Date
100	$1.00	$1.00	11/18/22

Seller's Assurances (Check the Appropriate Box) (Boxes 2 through 16 apply to Residents and Nonresidents)

1. ☐ Seller is a resident taxpayer (individual, estate, or trust) of the State of New Jersey pursuant to the New Jersey Gross Income Tax Act, will file a resident Gross Income Tax return, and will pay any applicable taxes on any gain or income from the disposition of this property.
2. ☐ The real property sold or transferred is used exclusively as a principal residence as defined in 26 U.S. Code section 121.
3. ☐ Seller is a mortgagor conveying the mortgaged property to a mortgagee in foreclosure or in a transfer in lieu of foreclosure with no additional consideration.
4. ☐ Seller, transferor, or transferee is an agency or authority of the United States of America, an agency or authority of the State of New Jersey, the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, the Government National Mortgage Association, or a private mortgage insurance company.
5. ☐ Seller is not an individual, estate, or trust and is not required to make an estimated Gross Income Tax payment.
6. ☒ The total consideration for the property is $1,000 or less so the seller is not required to make an estimated Income Tax payment.
7. ☐ The gain from the sale is not recognized for federal income tax purposes under 26 U.S. Code section 721, 1031, or 1033 (CIRCLE THE APPLICABLE SECTION). If the indicated section does not ultimately apply to this transaction, the seller acknowledges the obligation to file a New Jersey Income Tax return for the year of the sale and report the recognized gain.
   ☐ Seller did not receive non-like kind property.
8. ☐ The real property is being transferred by an executor or administrator of a decedent to a devisee or heir to effect distribution of the decedent's estate in accordance with the provisions of the decedent's will or the intestate laws of this State.
9. ☐ The real property being sold is subject to a short sale instituted by the mortgagee, whereby the seller agreed not to receive any proceeds from the sale and the mortgagee will receive all proceeds paying off an agreed amount of the mortgage.
10. ☐ The deed is dated prior to August 1, 2004, and was not previously recorded.
11. ☐ The real property is being transferred under a relocation company transaction where a trustee of the relocation company buys the property from the seller and then sells the house to a third party buyer for the same price.
12. ☐ The real property is being transferred between spouses or incident to a divorce decree or property settlement agreement under 26 U.S. Code section 1041.
13. ☐ The property transferred is a cemetery plot.
14. ☐ The seller is not receiving net proceeds from the sale. Net proceeds from the sale means the net amount due to the seller on the settlement sheet.
15. ☐ The seller is a retirement trust that received an acknowledgment letter from the Internal Revenue Service that the seller is a retirement trust, and is therefore not required to make the estimated Gross Income Tax payment.
16. ☐ The seller (and/or spouse/civil union partner) originally purchased the property while a resident of New Jersey as a member of the U.S. Armed Forces and is now selling the property as a result of being deployed on active duty outside of New Jersey. (Only check this box if applicable and neither boxes 1 nor 2 apply.)

Seller's Declaration

The undersigned understands that this declaration and its contents may be disclosed or provided to the New Jersey Division of Taxation and that any false statement contained herein may be punished by fine, imprisonment, or both. I furthermore declare that I have examined this declaration and, to the best of my knowledge and belief, it is true, correct and complete. By checking this box ☐ I certify that a Power of Attorney to represent the seller(s) has been previously recorded or is being recorded simultaneously with the deed to which this form is attached.

11/18/22	Rondah Stoker	RONDA STOKER, AUTHORIZED AGENT-REAL ESTATE
Date	Signature (Seller)	Indicate if Power of Attorney or Attorney in Fact
Date	Signature (Seller)	Indicate if Power of Attorney or Attorney in Fact

RTF-1 (Rev. 3/2/22)
MUST SUBMIT IN DUPLICATE

STATE OF NEW JERSEY

AFFIDAVIT OF CONSIDERATION FOR USE BY SELLER

(Chapter 49, P.L.1968, as amended through Chapter 33, P.L. 2006) (N.J.S.A. 46:15-5 et seq.)

BEFORE COMPLETING THIS AFFIDAVIT, PLEASE READ THE INSTRUCTIONS ON THE REVERSE SIDE OF THIS FORM.

STATE OF NEW JERSEY } SS. County Municipal Code
COUNTY BURLINGTON 0313

FOR RECORDER'S USE ONLY	
Consideration	$
RTF paid by seller	$
Date	By

MUNICIPALITY OF PROPERTY LOCATION EVESHAM TWP

*Use symbol "C" to indicate that fee is exclusively for county use.

(1) PARTY OR LEGAL REPRESENTATIVE *(See Instructions #3 and #4 on reverse side)*

Deponent, RONDA STOKER (Name), being duly sworn according to law upon his/her oath, deposes and says that he/she is the Authorized Agent Real Estate (Grantor, Legal Representative, Corporate Officer, Officer of Title Company, Lending Institution, etc.) in a deed dated November 18 2022 transferring real property identified as Block number 36 Lot number 4.05 & 4.11 located at 901 ROUTE 73 SOUTH, EVESHAM, NJ (Street Address, Town) and annexed thereto.

(2) CONSIDERATION $ $1.00 *(Instructions #1 and #5 on reverse side)* ■ no prior mortgage to which property is subject.

(3) Property transferred is Class 4A 4B 4C (circle one). If property transferred is Class 4A, calculation in Section 3A below is required.

(3A) **REQUIRED CALCULATION OF EQUALIZED VALUATION FOR ALL CLASS 4A (COMMERCIAL) PROPERTY TRANSACTIONS:**
(See Instructions #5A and #7 on reverse side)
Total Assessed Valuation ÷ Director's Ratio = Equalized Assessed Valuation

$4,000,000.00 ÷ 88.95 % = $4,496,908.38

If Director's Ratio is less than 100%, the equalized valuation will be an amount greater than the assessed value. If Director's Ratio is equal to or in excess of 100%, the assessed value will be equal to the equalized valuation.

(4) FULL EXEMPTION FROM FEE *(See Instruction #8 on reverse side)*
Deponent states that this deed transaction is fully exempt from the Realty Transfer Fee imposed by C. 49, P.L. 1968, as amended through C. 66, P.L. 2004, for the following reason(s). Mere reference to exemption symbol is insufficient. Explain in detail.
(e) For consideration of less than $100

(5) PARTIAL EXEMPTION FROM FEE *(Instruction #9 on reverse side)*
NOTE: All boxes below apply to grantor(s) *only*. **ALL BOXES IN APPROPRIATE CATEGORY MUST BE CHECKED.** Failure to do so will void claim for partial exemption. Deponent claims that this deed transaction is exempt from State portions of the Basic, Supplemental, and General Purpose Fees, as applicable, imposed by C. 176, P.L. 1975, C. 113, P.L. 2004, and C. 66, P.L. 2004 for the following reason(s):

A. SENIOR CITIZEN Grantor(s) ☐ 62 years of age or over.* *(Instruction #9 on reverse side for A or B)*
B. BLIND PERSON Grantor(s) ☐ legally blind or;*
DISABLED PERSON Grantor(s) ☐ permanently and totally disabled ☐ receiving disability payments ☐ not gainfully employed*

Senior citizens, blind persons, or disabled persons must also meet all of the following criteria:
☐ Owned and occupied by grantor(s) at time of sale. ☐ Resident of State of New Jersey
☐ One or two-family residential premises. ☐ Owners as joint tenants must all qualify

*IN CASE OF HUSBAND AND WIFE, PARTNERS IN A CIVIL UNION COUPLE, ONLY ONE GRANTOR NEED QUALIFY IF TENANTS BY THE ENTIRETY.

C. LOW AND MODERATE INCOME HOUSING *(Instruction #9 on reverse side)* IF APPLIES ALL BOXES MUST BE CHECKED.
☐ Affordable according to H.U.D. standards. ☐ Reserved for occupancy.
☐ Meets income requirements of region. ☐ Subject to resale controls.

(6) NEW CONSTRUCTION *(Instructions #2, #10 and #12 on reverse side)* IF APPLIES ALL BOXES MUST BE CHECKED.
☐ Entirely new improvement. ☐ Not previously occupied.
☐ Not previously used for any purpose. ☐ "NEW CONSTRUCTION" printed clearly at top of first page of the deed.

(7) RELATED LEGAL ENTITIES TO LEGAL ENTITIES *(Instructions #5, #12, #14 on reverse side)* IF APPLIES ALL BOXES MUST BE CHECKED.
☐ No prior mortgage assumed or to which property is subject at time of sale.
☐ No contributions to capital by either grantor or grantee legal entity.
☐ No stock or money exchanged by or between grantor or grantee legal entities.

(8) INTERCOMPANY TRANSFER IF APPLIES ALL BOXES MUST BE CHECKED. *(Instruction #15 on reverse side)*
☐ Intercompany transfer between combined group members as part of the unitary business
☐ Combined group NU ID number (Required) ____________

(9) Deponent makes this Affidavit to induce county clerk or register of deeds to record the deed and accept the fee submitted herewith in accordance with the provisions of Chapter 49, P.L. 1968, as amended through Chapter 33 P.L. 2006.

Subscribed and sworn to before me this 18th day of November 2022

Ronda A. Stoker
Signature of Deponent
2202 N. West Shore Blvd., 5th Floor.
Tampa, Florida 33607
Deponent Address
XXX-XX-X 413
Last three digits in Grantor's Social Security Number

NEW PRIVATE RESTAURANT PROPERTIES LLC
Grantor Name
2202 N. West Shore Blvd., 5th Floor.
Tampa, Florida 33607
Grantor Address at Time of Sale
Name/Company of Settlement Officer

TERESA SCHAAF
MY COMMISSION # HH 168663
EXPIRES: August 24, 2025
Bonded Thru Notary Public Underwriters

Teresa Schaaf
TERESA SCHAAF

FOR OFFICIAL USE ONLY	
Instrument Number	County
Deed Number	Book / Page
Deed Dated	Date Recorded

County recording officers shall forward one copy of each RTF-1 form when Section 3A is completed to:

STATE OF NEW JERSEY
PO BOX 251
TRENTON, NJ 08695-0251
ATTENTION: REALTY TRANSFER FEE UNIT

The Director of the Division of Taxation in the Department of the Treasury has prescribed this form as required by law, and may not be altered or amended without prior approval of the Director. For information on the Realty Transfer Fee or to print a copy of this Affidavit, visit the Division of Taxation website at: https://www.state.nj.us/treasury/taxation/lpt/localtax.shtml