

**DASTI, MURPHY, McGUCKIN, ULAKY,  
KOUTSOURIS & CONNORS**

JERRY J. DASTI, ESQ. [Id. No. 005441973]  
620 West Lacey Road  
Post Office Box 1057  
Forked River, New Jersey 08731  
(609) 971-1010 FAX (609) 971-7093  
Attorneys for Plaintiff, Robbinsville Township

TOWNSHIP OF ROBBINSVILLE, a  
Municipal Corporation in the County of  
Mercer, State of New Jersey, and a Public  
Body Politic,

Plaintiff,

vs.

SPRING GARDEN COUNTRY CLUB,  
INC., A New Jersey Corporation; SETHI  
DEVELOPMENT CORP; TRESTLE &  
ASSOCIATES LIMITED LIABILITY  
COMPANY; NEW JERSEY DEPARTMENT  
OF TRANSPORTATION, and the STATE  
OF NEW JERSEY,

Defendants.

SUPERIOR COURT OF NEW JERSEY  
MERCER COUNTY  
DOCKET NO. MER-L-

CIVIL ACTION

**VERIFIED COMPLAINT  
(CONDEMNATION)**

Plaintiff, the Township of Robbinsville (hereinafter referred to as the "Township"), a  
Municipal Corporation having its office located at 2298 Route 33 in the Township of  
Robbinsville, County of Mercer, State of New Jersey, states as follows:

**FIRST COUNT**

1. Township is a Municipal Corporation in the County of Mercer and State of New Jersey.
2. The Township is authorized by N.J.S.A. 40A:12-1 et seq., and N.J.S.A. 40A:12-7 et seq., to acquire real property and outstanding interests therein, either by purchase, gift, devise, lease, exchange or condemnation. The Township is authorized to proceed pursuant to N.J.S.A.

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COUNSELLORS AT LAW

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20:3-1, et seq. (the "Eminent Domain Act") as amended and supplemented, to acquire a fee simple or such lesser interest in real property as it shall deem necessary.

3. The Township, by Ordinance duly adopted, has determined to acquire land known and designated as Block 28, Lots 14, 16, 51 & 53 and part of Lots 7, 11 & 13, as shown on the official Tax Maps of the Township of Robbinsville. See attached metes and bounds description of the property which is the subject of this acquisition (Schedule A).

4. Representatives of the Township and the Property Owner have in good faith attempted to negotiate a compromise in order to permit the Township to acquire the property through contract negotiations. The negotiations have not been successful. As a result the Township is in need of acquiring the property through the Eminent Domain Act. Attached hereto is Ordinance 2017-34 which has been adopted by the Township Council authorizing the acquisition of the property (Schedule B).

5. The amount of compensation which would have been offered by Plaintiff for the subject property is \$1,400,000.00.

6. The owner of record of the property is Defendant, Spring Garden Country Club, Inc.

7. Other persons and corporations appearing to have an interest in the property, and person and corporations who have or may have a claim to have an interest therein as known to the Township are:

- a.) State of New Jersey may have an interest in the property because of unpaid taxes; and
- b.) New Jersey Department of Transportation is named as a Defendant in this litigation because the said Defendant property owners and the New Jersey Department of Transportation entered into an Airport Safety Improvement Agreement dated February 2, 1998, recorded March 30, 1999 in Mortgage Book 4743 at Page 168.

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- c.) Defendant, Sethi Development Corp., is named as a Defendant in this litigation because said Defendant may have an ownership interest in a portion of the subject property. Upon information and belief, this Defendant may have a contract to purchase a portion of the property which is the subject of this Condemnation proceedings.
- d.) Trestle & Associates Limited Liability Company is named as a Defendant in this litigation because said Defendant may have an ownership interest in a portion of the subject property. Upon information and belief, this Defendant may have a contract to purchase a portion of the property which is the subject of this Condemnation proceedings.

**WHEREFORE**, the Township demands judgment:

- (a) Determining that the Township is authorized to and has duly exercised its power of eminent domain;
- (b) Appointing three (3) residents of the County of Mercer as Condemnation Commissioners to make a just and equitable appraisal of the value of said property and to fix the compensation to be paid for the taking thereof; and
- (c) Directing that notice be given to the Defendants pursuant to law.

**DASTI, MURPHY, McGUCKIN, ULAKY,  
KOUTSOURIS & CONNORS**  
Attorneys for Plaintiff, Township of Robbinsville

Dated: November 28, 2018

BY:   
JERRY J DASTI, ESQUIRE


**DASTI, MURPHY  
McGUCKIN, ULAKY,  
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**DESIGNATION OF TRIAL COUNSEL**

Pursuant to Rule 4:25-4, Jerry J. Dasti, Esquire is hereby designated as trial counsel for the Plaintiff in this matter.

**DASTI, MURPHY, McGUCKIN, ULAKY,  
KOUTSOURIS & CONNORS**  
Attorneys for Plaintiff, Township of Robbinsville

Dated: November 28, 2018

BY:   
\_\_\_\_\_  
JERRY J DASTI, ESQUIRE

**R. 4:5-1 CERTIFICATION**

It is hereby certified that to the best of Plaintiff's knowledge, the matter in controversy is not the subject matter of any other pending or anticipated litigation in any court or any arbitration proceeding, and that there are no other parties who should be joined in this action.

**DASTI, MURPHY, McGUCKIN, ULAKY,  
KOUTSOURIS & CONNORS**  
Attorneys for Plaintiff, Township of Robbinsville

Dated: November 28, 2018

BY:   
\_\_\_\_\_  
JERRY J DASTI, ESQUIRE

**DASTI, MURPHY  
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**VERIFICATION**

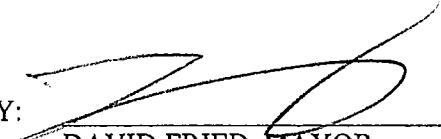
I, David Fried, Mayor, of full age, do hereby certify as follows:

1. I am the Mayor of the Township of Robbinsville, the Plaintiff in this action.
2. I have read the Complaint in this action and am familiar with its contents. The matters alleged in the Complaint are true to my personal knowledge, except that the allegations contained in paragraphs 5 and 6 are true to the best of my knowledge, information and belief, based upon information received from the Township Tax Collector's Office and upon a title report obtained for the acquisition of the property.
3. I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

**TOWNSHIP OF ROBBINSVILLE**

Dated: ~~October~~, 2018

11/26/18

BY:   
DAVID FRIED, MAYOR

**DASTI, MURPHY  
McGUCKIN, ULAKY,  
KOUTSOURIS & CONNORS**  
  
COUNSELLORS AT LAW  
  
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# **SCHEDULE A**



**BANC3**, Inc.  
 Consulting Engineers  
 www.banc3.com

■ Engineers  
 ■ Surveyors  
 ■ Construction Managers  
 ■ Information Technology

300 Alexander Park, Suite 350  
 Princeton, NJ 08540  
 609.759.1900 phone  
 609.919-9022 fax

**LEGAL DESCRIPTION  
 OF PROPOSED LOT 7.01, BLOCK 28  
 FORMERLY BLOCK 28, LOTS 12, 14, 16, 51, & 53, & PART OF LOTS 7, 11, & 13  
 TOWNSHIP OF ROBBINSVILLE  
 COUNTY OF MERCER, NEW JERSEY**

**ALL THAT CERTAIN** tract, piece of land and premises situate in the Township of Robbinsville, County of Mercer and State of New Jersey and being more particularly described as follows:

**BEGINNING** at a point on the southerly right of way line of Sharon Road (R.O.W. Varies), said point being the common corner of Lot 7 and Lot 3.02, Block 28 (End of 30<sup>th</sup> course in Deed Book 2790, Page 112), and running, thence;

1. South 82 degrees 38 minutes 00 seconds East, a distance of 1,153.14 feet to a monument set on the corner of proposed Lot 9.01, thence;
2. South 07 degrees 22 minutes 00 seconds West, along the common line of proposed Lot 9.01, a distance of 781.81 feet to a monument set, thence;
3. South 84 degrees 19 minutes 23 seconds East, a distance of 4,447.04 feet to a monument set on a point of cusp on the westerly right of way of Spring Garden Road (50' R.O.W.), thence;
4. Along a curve, curving to the right, having a radius of 548.70 feet, an arc length of 202.75 feet, a delta angle of 21 degrees 10 minutes 16 seconds, a chord bearing of South 81 degrees 29 minutes 36 seconds West, and a chord distance of 201.60 feet to a point of tangency, thence;
5. North 87 degrees 55 minutes 15 seconds West, along Spring Garden Road, a distance of 139.96 feet to a point of curvature, thence;
6. Along a curve, curving to the left, having a radius of 546.70 feet, an arc length of 865.91 feet, a delta angle of 90 degrees 45 minutes 00 seconds, a chord bearing of South 46 degrees 42 minutes 15 seconds West, and a chord distance of 778.19 feet to a point of tangency, thence;
7. South 01 degrees 19 minutes 45 seconds West, along Spring Garden Road, a distance of 93.98 feet to an angle point, thence;
8. South 01 degrees 02 minutes 15 seconds East, along Spring Garden Road, a distance of 888.54 feet to an angle point, thence;



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9. South 01 degrees 59 minutes 45 seconds West, along Spring Garden Road, a distance of 255.44 feet to a point on the common corner of Lot 15, thence;
10. North 88 degrees 00 minutes 15 seconds West, along the common line of Lot 15, a distance of 200.00 feet to a point, thence;
11. South 01 degrees 59 minutes 45 seconds West, along the common line of Lots 15 & 74, a distance of 407.00 feet to a point on the common corner of Lot 74, thence;
12. South 88 degrees 00 minutes 15 seconds East, along the common line of Lot 74, a distance of 200.00 feet to a point on the westerly line of Spring Garden Road, thence;
13. South 01 degrees 59 minutes 45 seconds West, along Spring Garden Road, a distance of 387.17 feet to a point of curvature, thence;
14. Along a curve, curving to the right, having a radius of 200.00 feet, an arc length of 211.21 feet, a delta angle of 60 degrees 30 minutes 26 seconds, a chord bearing of South 32 degrees 14 minutes 58 seconds West, and a chord distance of 201.53 feet to a point of tangency, thence;
15. South 62 degrees 30 minutes 15 seconds West, along Spring Garden Road, a distance of 385.34 feet to a point on the common line of Lot 17, thence;
16. North 44 degrees 29 minutes 45 seconds West, along the common line of Lots 17, 22, 23, 24, 62, & 25, a distance of 986.95 feet to a point on the common corner of Lots 25 & 26, thence;
17. North 05 degrees 47 minutes 45 seconds West, along the common line of Lot 26, a distance of 134.05 feet to a point on the common corner of Lots 26 & 27, thence;
18. North 41 degrees 07 minutes 45 seconds West, along the common line of Lots 27-33, a distance of 818.57 feet to a point on the common corner of Lot 33, thence;
19. North 89 degrees 19 minutes 45 seconds West, along the common line of Lots 33 & 34, a distance of 311.68 feet to a point, thence;
20. North 06 degrees 17 minutes 45 seconds West, a distance of 23.40 feet to a point, thence;
21. South 18 degrees 43 minutes 45 seconds West, a distance of 25.01 feet to a point on the common corner of Lots 34 & 63, thence;
22. North 39 degrees 16 minutes 15 seconds West, along the common line of Lots 63, 64, 66, & 67, a distance of 431.48 feet to a point on the common corner of Lot 67, thence;
23. North 27 degrees 43 minutes 45 seconds East, along the common line of Lots 67-71, a distance of 640.00 feet to a point on the common corner of Lot 71, thence;





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24. North 20 degrees 12 minutes 33 seconds West, along the common line of Lots 71-73, a distance of 493.34 feet to a point on the common corner of Lot 73, thence;
25. North 39 degrees 38 minutes 00 seconds West, along the common line of Lot 73, a distance of 90.00 feet to a point on the common corner of Lot 73, thence;
26. North 82 degrees 38 minutes 00 seconds West, along the common line of Lot 73, crossing over the right of way of Richardson Road (50' R.O.W.), & also along the common line of Lots 4-8, Block 28.11, a distance of 977.50 feet to a point on the common corner of Lot 4, Block 28.11, thence;
27. South 76 degrees 41 minutes 23 seconds West, along the common line of Lots 3-4, Block 28.11, a distance of 158.90 feet to a point on the common corner of Lot 3, Block 28.11, thence;
28. South 56 degrees 00 minutes 45 seconds West, along the common line of Lot 3, Block 28.11, a distance of 118.74 feet to a point on the common corner of Lots 2, 3, & 9, Block 28.11, thence;
29. North 55 degrees 52 minutes 52 seconds West, along the common line of Lots 9-15, Block 28.11, a distance of 1,166.78 feet to a point on the common corner of Lot 15, Block 28.11, & Lot 77, Block 28, thence;
30. North 72 degrees 47 minutes 15 seconds West, along the common line of Lot 77, Block 28, a distance of 703.07 feet to a point on the common corner of Lots 77 & 3.02, Block 28, thence;
31. North 45 degrees 38 minutes 14 seconds East, along the common line of Lot 3.02, Block 28, a distance of 752.76 feet to the point and **PLACE OF BEGINNING**.

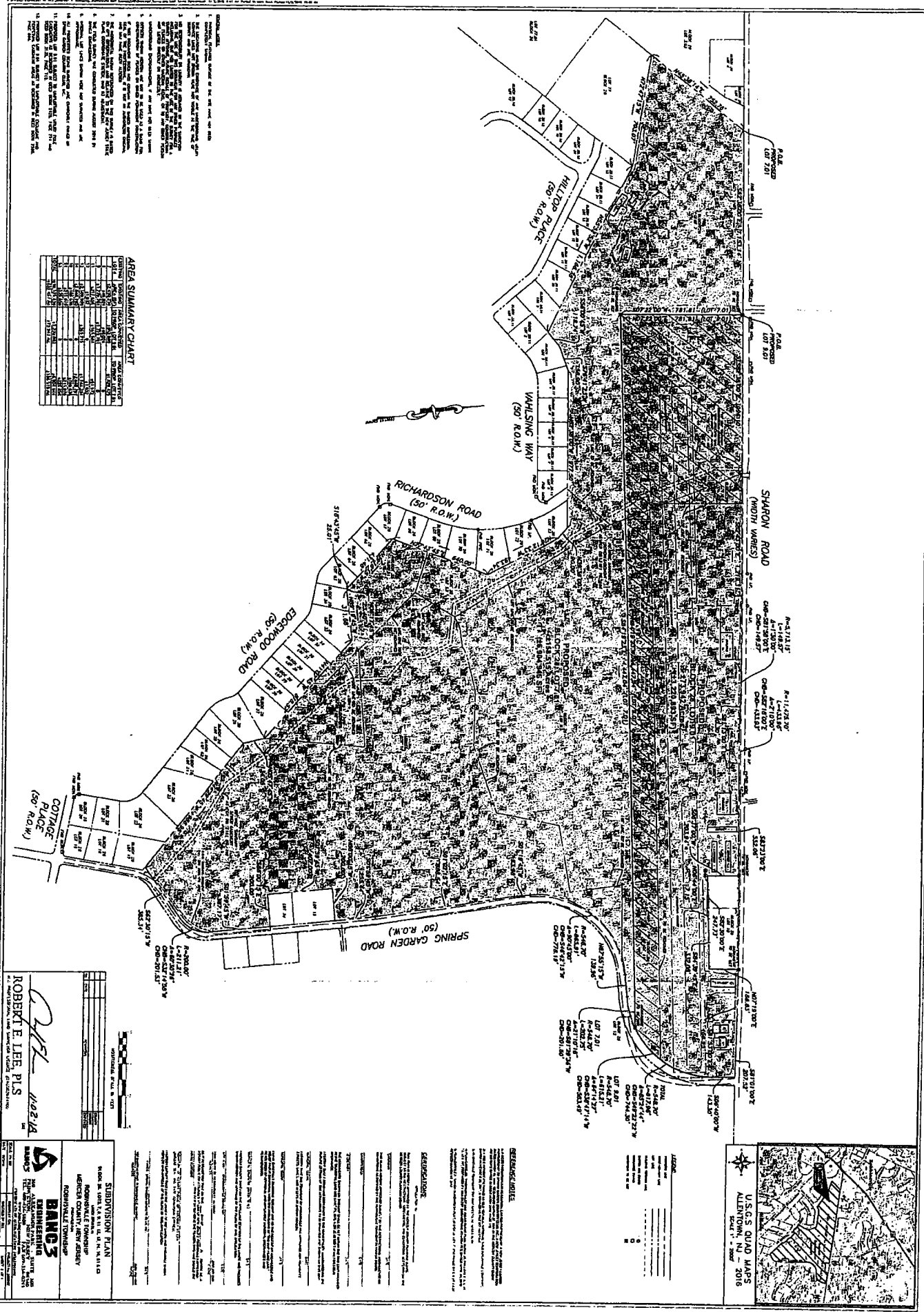
CONTAINING Within Said Bounds, ±158.515 Acres (±6,904,946 Square Feet) of land, more or less.

Subject to restrictions & easements of record, if any.

The above description was written pursuant to a survey titled "Subdivision Plan, Block 28, Lots 7, 8, 9, 11, 12, 13, 14, 16, 51 & 53, Lands Situate in Robbinsville Township, Mercer County, New Jersey, Prepared For Robbinsville Township", Dated 10/30/18, Prepared by Banc3 Engineering (300 Alexander Park, Suite 350, Princeton, NJ), & Marked as Job Number 2000567.

Legal Description  
 Proposed Lot 7.01  
 Banc3 #2000567

Robert E. Lee, PLS  
 New Jersey Professional Land Surveyor  
 License No. 24GS03674100



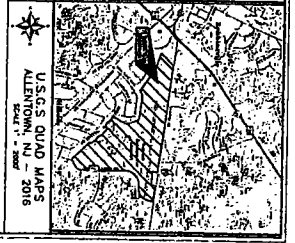
1. The boundaries of the lots shown on this map are based on the survey of the land shown on this map.
2. The bearings and distances of the boundaries of the lots shown on this map are based on the survey of the land shown on this map.
3. The area of the lots shown on this map is based on the survey of the land shown on this map.
4. The location of the lots shown on this map is based on the survey of the land shown on this map.
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7. The location of the encroachments shown on this map is based on the survey of the land shown on this map.
8. The location of the improvements shown on this map is based on the survey of the land shown on this map.
9. The location of the utilities shown on this map is based on the survey of the land shown on this map.
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**AREA SUMMARY CHART**

LOT NO.	ACRES	SQ. FT.	PERCENT
1	0.12	8,100	0.12
2	0.15	10,350	0.15
3	0.18	12,420	0.18
4	0.21	14,490	0.21
5	0.24	16,560	0.24
6	0.27	18,630	0.27
7	0.30	20,700	0.30
8	0.33	22,770	0.33
9	0.36	24,840	0.36
10	0.39	26,910	0.39
11	0.42	28,980	0.42
12	0.45	31,050	0.45
13	0.48	33,120	0.48
14	0.51	35,190	0.51
15	0.54	37,260	0.54
16	0.57	39,330	0.57
17	0.60	41,400	0.60
18	0.63	43,470	0.63
19	0.66	45,540	0.66
20	0.69	47,610	0.69
21	0.72	49,680	0.72
22	0.75	51,750	0.75
23	0.78	53,820	0.78
24	0.81	55,890	0.81
25	0.84	57,960	0.84
26	0.87	60,030	0.87
27	0.90	62,100	0.90
28	0.93	64,170	0.93
29	0.96	66,240	0.96
30	0.99	68,310	0.99
31	1.02	70,380	1.02
32	1.05	72,450	1.05
33	1.08	74,520	1.08
34	1.11	76,590	1.11
35	1.14	78,660	1.14
36	1.17	80,730	1.17
37	1.20	82,800	1.20
38	1.23	84,870	1.23
39	1.26	86,940	1.26
40	1.29	89,010	1.29
41	1.32	91,080	1.32
42	1.35	93,150	1.35
43	1.38	95,220	1.38
44	1.41	97,290	1.41
45	1.44	99,360	1.44
46	1.47	101,430	1.47
47	1.50	103,500	1.50
48	1.53	105,570	1.53
49	1.56	107,640	1.56
50	1.59	109,710	1.59
51	1.62	111,780	1.62
52	1.65	113,850	1.65
53	1.68	115,920	1.68
54	1.71	117,990	1.71
55	1.74	120,060	1.74
56	1.77	122,130	1.77
57	1.80	124,200	1.80
58	1.83	126,270	1.83
59	1.86	128,340	1.86
60	1.89	130,410	1.89
61	1.92	132,480	1.92
62	1.95	134,550	1.95
63	1.98	136,620	1.98
64	2.01	138,690	2.01
65	2.04	140,760	2.04
66	2.07	142,830	2.07
67	2.10	144,900	2.10
68	2.13	146,970	2.13
69	2.16	149,040	2.16
70	2.19	151,110	2.19
71	2.22	153,180	2.22
72	2.25	155,250	2.25
73	2.28	157,320	2.28
74	2.31	159,390	2.31
75	2.34	161,460	2.34
76	2.37	163,530	2.37
77	2.40	165,600	2.40
78	2.43	167,670	2.43
79	2.46	169,740	2.46
80	2.49	171,810	2.49
81	2.52	173,880	2.52
82	2.55	175,950	2.55
83	2.58	178,020	2.58
84	2.61	180,090	2.61
85	2.64	182,160	2.64
86	2.67	184,230	2.67
87	2.70	186,300	2.70
88	2.73	188,370	2.73
89	2.76	190,440	2.76
90	2.79	192,510	2.79
91	2.82	194,580	2.82
92	2.85	196,650	2.85
93	2.88	198,720	2.88
94	2.91	200,790	2.91
95	2.94	202,860	2.94
96	2.97	204,930	2.97
97	3.00	207,000	3.00
98	3.03	209,070	3.03
99	3.06	211,140	3.06
100	3.09	213,210	3.09

ROBERT E. LEE, PLS  
 11/22/18

**BANGS**  
 SUBDIVISION PLAN  
 BLOCK 24, LOT 1 & 2, A. B. H. S. 1114  
 MORRISTOWN TOWNSHIP  
 MORRISTOWN, NEW JERSEY  
 MORRISTOWN TOWNSHIP  
 MORRISTOWN, NEW JERSEY



**LEGEND**

- Proposed Road
- Proposed Easement
- Proposed Encroachment
- Proposed Improvement
- Proposed Utility
- Proposed Other Feature

**GENERAL NOTES**

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# **SCHEDULE B**

Township of Robbinsville  
County of Mercer

Ordinance 2017-34

**ORDINANCE OF THE TOWNSHIP OF ROBBINSVILLE, COUNTY OF MERCER,  
STATE OF NEW JERSEY AUTHORIZING THE ACQUISITION OF REAL  
PROPERTIES BY NEGOTIATION, PURCHASE, CONDEMNATION OR EMINENT  
DOMAIN, FOR PROPERTY KNOWN AS BLOCK 28, LOTS 7, 8, 11-14, 16, 51 AND 53,  
A/K/A 106 SHARON ROAD, TOWNSHIP OF ROBBINSVILLE, NEW JERSEY**

**WHEREAS**, the Mayor and the Township Council of the Township of Robbinsville, County of Mercer, State of New Jersey (hereinafter referred to as the “Township”) have concluded that it is necessary, desirable and appropriate for the Township to undertake acquisition of property known and designated as Block 28, Lots 7, 8, 11-14, 16, 51 and 53, AKA 106 Sharon Road, Township of Robbinsville, County of Mercer, New Jersey; and

**WHEREAS**, certain property which the Township believes it must acquire is currently in private ownership; and

**WHEREAS**, by adoption of this Ordinance the Township authorizes the taking of a fee acquisition of property which is currently privately owned, by condemnation/eminent domain so that the Township and other entities or agents acting on behalf of the Township shall have access onto, over and through said privately owned real property for the purpose of open space and recreation; and

**WHEREAS**, the Township further finds that public use and purpose would be served for the benefit of the Township and surrounding communities by acquiring the aforesaid property, including, but not limited to, the promotion, protection, and preservation of the public health, safety and welfare of the Township and its inhabitants by the acquisition of certain interests in said real property for additional safety and protection; and

**WHEREAS**, the Township is authorized by the New Jersey State Constitution, N.J.S.A. 40A:12-5(a), N.J.S.A. 20:3-1, *et seq.*, and/or any other provision of applicable law to proceed with acquiring certain property interests by condemnation/eminent domain as long as just compensation is paid for the same.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and the Township Council of the Township of Robbinsville, County of Mercer and State of New Jersey as follows:

1. **RECITALS INCORPORATED**: The above recitals are incorporated into this section of the Ordinance as if specifically set forth at length herein.
2. **SPECIFIC FINDINGS**: The Mayor and Township Council find that the acquisition will promote and protect the health, safety, and welfare of residents of the Township, and further find that any purchase or taking by eminent domain of any and all property interests necessary for the same are all in the furtherance of a public use and purpose.
3. **AUTHORIZE CONDEMNATION**: The Mayor and the Township Council specially authorize any and all necessary and appropriate actions by Township

Township of Robbinsville  
County of Mercer

Ordinance 2017-34

officials including the Mayor, Township Clerk, Township Attorney, and/or Special Condemnation Attorney, in conjunction with the New Jersey Department of Environmental Protection and/or any other appropriate State or Federal entity, for the taking and obtaining of certain property interests in the properties as set forth herein through negotiation, purchase, or condemnation/ eminent domain, including, but not limited to, the hiring of any experts, engaging the services of land surveyors, title insurance companies, appraisers, and any other professional whose services are necessary or appropriate to implement the purposes of this Ordinance, the making of any offer by the Township to the property owner(s) in the full amount of the appraised value of the property interest that the Township seeks to acquire in said property, and to negotiate in good faith with the record owner(s) of the property for its voluntary acquisition in accordance with N.J.S.A. 20:3-6, and in the event that the negotiations for the voluntary acquisition of the property interest are unsuccessful for any reason to commence a condemnation action by the filing of a Verified Complaint and Declaration of Taking, depositing the estimated just compensation with the Clerk of the Superior Court, filing a Lis Pendens, and taking any and all other actions of any administrative or other nature necessary to complete the process contemplated by this Ordinance.

4. **IDENTIFICATION OF PROPERTY**: The properties for which a taking of property interests is authorized by negotiation, purchase, or condemnation/ eminent domain pursuant to this Ordinance are located in the Municipality and listed on the Municipality tax map, the legal descriptions of which is attached as **Exhibit A** to this Ordinance and specifically incorporated into this Ordinance by reference. The property interests to be acquired are irrevocable, perpetual, permanent easements and acquisition of certain parcels in fee, in the properties identified herein.
5. **OFFICIALS AUTHORIZED**: All appropriate officials of the Municipality, including, but not limited, to the Mayor, Municipal Clerk, Municipal Attorney, Special Condemnation Attorney, and any and all experts or others acting on behalf of the Municipality are authorized by this Ordinance to sign any and all documentation and take any and all action necessary to effectuate the purposes and intention of this Ordinance.
6. **PURCHASE OF PROPERTY**: If a determination is made by a majority vote of the Township Council that the purchase of the property is more appropriate than the obtaining said property interest through condemnation/ eminent domain, then all appropriate officials of the Township, including, but not limited to, the Mayor, Municipal Clerk, Municipal Attorney, and Special Condemnation Attorney are authorized by this Ordinance to sign any and all documentation to effectuate the purchase of the property interests by the Township.
7. **REPEALER**: All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency only.
8. **SEVERABILITY**: If any section, paragraph, subdivision, subsection, clause, or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply

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only to the section, paragraph, subdivision, subsection, clause, or provision declared invalid and the remainder of this Ordinance shall remain in full force and effect and shall be enforceable.

9. **EFFECTIVE DATE**: This Ordinance shall take effect immediately upon final adoption, publication, and 20-day waiting period after Mayor's Signature as required by law.

PASSED: 11/30/17

ADOPTED: 12/17/17

  
\_\_\_\_\_  
Michele Seigfried, Municipal Clerk

  
\_\_\_\_\_  
David Fried, Mayor