

ORDINANCE NO. 2024-04

ORDINANCE OF THE TOWNSHIP OF LITTLE EGG HARBOR, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE ACQUISITION OF A PERMANENT EASEMENT ON A PORTION OF BLOCK 290, LOT 29, 17 OAK LANE, FROM JOHN M. DAVOREN, IN ACCORDANCE WITH N.J.S.A. 40A:12-5(a)(1)

WHEREAS, John M. Davoren, Grantor, is the owner of Block 290, Lot 29 (the “Property”); and

WHEREAS, the Township (Grantee) desires a permanent easement upon the Property to construct, use, maintain and/or replace a public sidewalk and related infrastructure; and

WHEREAS, Township requires a permanent easement on Grantor’s Property to construct, use, maintain and/or replace a public sidewalk and related infrastructure; and

WHEREAS, said project is part of the Oak Avenue Pedestrian Safety Improvement Project; and

WHEREAS, N.J.S.A. 40A:12-5(a)(1) authorizes the Township to acquire an interest in real property by ordinance; and

WHEREAS, the Township of Little Egg Harbor desires to acquire a permanent easement along a portion of Block 290, Lot 29, also known as 17 Oak Lane from John M. Davoren for the purpose to construct, use, maintain and/or replace a public sidewalk and related infrastructure upon Grantor’s Property.

NOW, THEREFORE, BE IT ORDAINED by the governing body of the Township of Little Egg Harbor, County of Ocean, State of New Jersey as follows:

SECTION 1. That in accordance with the provisions of N.J.S.A. 40A: 12-5(a)(1), the governing body does hereby authorize the acquisition of a Permanent Easement, attached hereto and made a part hereof as Schedule A, and is subject to approval of form by the Township Attorney and the Township Engineer.

r|m|s|h|c
Rothstein, Mandell, Strohm,
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ATTORNEYS AT LAW

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SECTION 2. That the Mayor and Township Clerk are hereby authorized to execute any and all documents necessary for the acquisition of a Permanent Easement along a portion of Block 290, Lot 29, also known as 17 Oak Lane from John M. Davoren.

SECTION 3. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 5. This ordinance shall take effect after second reading and publication as required by law.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed by the Township Committee on first reading at a meeting of the Township Committee of the Township of Little Egg Harbor held on the **13th** day of **June, 2024**, and will be considered for second and final passage at a meeting of the Township Committee to be held on the **11th** day of **July, 2024**, at **7:30 p.m.** at the Municipal Building located at 665 Radio Road, Little Egg Harbor, New Jersey, at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.

KELLY LETTERA, CMC, RMC
Township Clerk
Township of Little Egg Harbor

r|m|sh|c

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Blaise Scibetta, MAYOR

Prepared by: MELANIE SZUBA APPLEBY, ESQ.

GRANT OF EASEMENT

THIS GRANT OF EASEMENT made this _____ day of _____, 2024,

BETWEEN: **JOHN M. DAVOREN**, 17 Oak Lane, Little Egg Harbor, New Jersey, 08087,

 Hereinafter called "Grantor,"

AND: **TOWNSHIP OF LITTLE EGG HARBOR**, a municipal corporation of the
State of New Jersey, having its principal offices located at 665 Radio Road,
Little Egg Harbor, New Jersey 08087,

 Hereinafter called "Grantee,"

W I T N E S S E T H:

That the said Grantor, for and in consideration of **ONE AND NO/100 (\$1.00) DOLLARS**, does grant and convey unto the said Grantee, its successors and assigns:

ALL that right-of-way and perpetual easement ("permanent easement") consisting of approximately 415 square feet more or less in and along a portion of property located at **17 Oak Lane, known as Block 290, Lot 29**, on the Tax Map of the Township of Little Egg Harbor, for the construction, use, maintenance and replacement of a public sidewalk and related infrastructure.

The Grantor does hereby grant to the Grantee and the perpetual right to construct, maintain and replace sidewalk and related infrastructure and the further right to do all things proper, necessary for or incidental to the location, construction and maintenance of said sidewalk and/or related infrastructure.

TO HAVE AND TO HOLD the same forever for the use of said Grantee, its successors and assigns.

Said permanent easement lies in and along premises of the Grantor in the Township of Little Egg Harbor, County of Ocean and State of New Jersey, more particularly described on the attached Schedule A.

The Grantee shall have the perpetual right to patrol, inspect, redesign, rebuild or alter said sidewalk system as the Grantee may at any time determine necessary. Together also with the right from time to time to remove or clear and keep clear any and all vegetation,



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overgrowth, structures and other obstructions upon said right-of-way, together also with the right of entry upon the Grantor's said lands for all the purposes as aforesaid.

The Grantor hereby covenants with the Grantee that the Grantor is lawfully seized and possessed of the real estate above described and that Grantor has a good and lawful right to convey it or any part thereof.

IN WITNESS WHEREOF, the said Grantor have hereunto set their hands and seal the day and year first above written.

Signed, Sealed and Delivered
in the presence of:

By: _____, Grantor
JOHN M. DAVOREN

STATE OF _____, COUNTY OF _____ SS:
I CERTIFY that on _____, 2024,

_____ personally came before me and acknowledged under oath, to my satisfaction, that this person (or if more than one, each person):

- (a) was the maker of the attached instrument; and
- (b) executed this instrument as his or her own act.

(print name and title below signature)

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RECORD AND RETURN TO:

Melanie Szuba Appleby, Esq.
Rothstein, Mandell, Strohm, Halm & Cipriani, PA
98 E. Water Street
Toms River, NJ 08753



EXHIBIT A

LEHT-01931

MAY 17, 2024

DESCRIPTION OF SIDEWALK EASEMENT, PORTION OF LOT 29 IN BLOCK 290, LITTLE EGG HARBOR TOWNSHIP, OCEAN COUNTY, NEW JERSEY

All that certain easement parcel of land being a portion of Lot 29 in Block 290 located in Little Egg Harbor Township, County of Ocean, New Jersey being hereby established as a sidewalk easement as shown on the attached exhibit map entitled, "TOWNSHIP OF LITTLE EGG HARBOR, PEDESTRIAN SAFETY IMPROVEMENTS TO OAK LANE, TOWNSHIP OF LITTLE EGG HARBOR, OCEAN COUNTY, NEW JERSEY, EXHIBIT MAP SHOWING SIDEWALK EASEMENT, PORTION OF LOT 29 IN BLOCK 290," prepared by Michael S. Finnegan, P.L.S., T&M Associates, dated May 17, 2024. Said sidewalk easement being more particularly described as follows:

BEGINNING at a point on the existing westerly right-of-way (R.O.W.) line of Oak Lane (variable width R.O.W.), said point being the intersection of said R.O.W line with the common property boundary line of Lot 29 with Lot 1 in Block 290 and running thence:

1. South 04 degrees 34 minutes 31 seconds West, along the existing westerly R.O.W. line of Oak Lane, a distance of 80.00 feet to a point; thence
2. North 85 degrees 25 minutes 29 seconds West, along the common property boundary line of Lot 29 with Lot 28 in Block 290, a distance of 5.27 feet to a point; thence.
3. North 04 degrees 41 minutes 57 seconds East, along the sidewalk easement line being hereby established, as shown on the aforesaid map, a distance of 80.00 feet to a point; thence.
4. South 85 degrees 25 minutes 29 seconds East, along the common property boundary line of Lot 29 with Lot 1 in Block 290, a distance of 5.10 feet to the point and place of BEGINNING.

Containing 415 Square Feet in area.

It being the intention to describe all that sidewalk easement located over a portion of Lot 29 in Block 290 being hereby established. Said sidewalk easement shall include the permanent right to construct, maintain and replace sidewalk and related infrastructure located or about to be located along and within said easement area.

The aforementioned *Exhibit Map* is made part of this description and is attached hereto as Schedule "B."

SUBJECT, HOWEVER, to any easements, recorded or unrecorded, affecting the herein described premises;

Digitally signed by Michael Finnegan
 DN: cn=Michael Finnegan, o=T&M Associates, ou=Professional Land Surveyors, email=m.finnegan@tandmass.com, c=US
 Reason: I am approving this document
 Date: 2024.05.17 12:27:37-0400

Description Prepared by:

T&M ASSOCIATES

MICHAEL S. FINNEGAN, P.L.S.
L.I.C. NO. GS34851



G:\Projects\LEHT\01931\Right of Way\Descriptions\LEHT-01931 - Sidewalk Easement Description Portion of LT 29 BL 290.docx

EXHIBIT B

