

**ORDINANCE NO. 2022-04**

**AN ORDINANCE OF THE TOWNSHIP OF LITTLE EGG HARBOR, COUNTY OF OCEAN, STATE OF NEW JERSEY, VACATING ALL RIGHTS, TITLE AND INTEREST TO AN EXISTING EASEMENT UPON BLOCK 325.113, LOT 1 ALSO KNOWN AS 17 WALKILL ROAD AND ACCEPTING A NEW 10.00' WIDE STORM DRAINAGE EASEMENT ACROSS SAID PROPERTY**

**WHEREAS**, the “Final Map of Great Bay Estates, Section 4-E, Little Egg Harbor Township, Ocean County, New Jersey” filed in the Ocean County Clerk’s Office on March 19, 1971 as Map No. G-78 shows a 10.00’ wide storm drainage easement across Block 325.113, Lot 1; and

**WHEREAS**, Map No. G-78 indicates an inaccurate location of the easement across the property, as the Township’s drainage improvements are actually in a different area on the lot owned by John and Kathleen Webster; and

**WHEREAS**, the property owners, Kathleen and John Webster, agree to grant the Township a 10’ wide Storm Drainage Easement, as indicated by the legal description prepared by Robert L. Cigol, P.L.S. of DMC Associates Inc., Land Surveyors on February 4, 2022, said legal description and survey attached to the proposed Easement (Exhibit A to this ordinance) in exchange for the Township agreeing to vacate all of the right, title and interest of the Township in any easement created pursuant to the “Final Map of Great Bay Estates, Section 4-E, Little Egg Harbor Township, Ocean County, New Jersey” filed in the Ocean County Clerk’s Office on March 19, 1971 as Map No. G-78, which shows a 10.00’ wide storm drainage easement across Block 325.113, Lot 1 in a different area; and



Rothstein, Mandell, Strohm,  
Halm & Cipriani, P.A.  
ATTORNEYS AT LAW

98 East Water Street  
Toms River, NJ 08753

o: 732.363.0777  
f: 732.905.6555

**WHEREAS**, this exchange of property interests is in the best interest of the Township so as to properly locate the storm drainage easement and is authorized pursuant to N.J.S.A. 40A:12-16 of the Local Lands and Buildings Law.

**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 the Township agrees to vacate all of the right, title and interest of the Township in any easement created pursuant to the “Final Map of Great Bay Estates, Section 4-E, Little Egg Harbor Township, Ocean County, New Jersey” filed in the Ocean County Clerk’s Office on March 19, 1971 as Map No. G-78, which shows a 10.00’ wide storm drainage easement across Block 325.113, Lot 1.

**SECTION 2.** That the Township’s agreement to vacate the 10.00’ wide Storm Drainage Easement located on Map No. G-78 on Block 325.113, Lot 1, is specifically conditioned upon the property owners, John and Kathleen Webster, agreeing to grant a new 10’ wide Storm Drainage Easement, as indicated by the legal description prepared by Robert L. Cigol, P.L.S. of DMC Associates Inc., Land Surveyors on February 4, 2022, said legal description and survey attached to the proposed Easement (Exhibit A to this ordinance), which is accepted by the Township as of the effective date of this ordinance.

**SECTION 3.** That the Township does hereby expressly reserve and except from the vacations all rights and privileges now possessed by public utilities, as defined in R.S. 48:2-13, and by any cable television company, as defined in the “Cable Television Act,” P.L. 1972, c. 186, (C. 48:5A-1, et set.), to maintain, repair and replace their existing facilities in, adjacent to, over or under the street, highway, lane, alley square, place or park, or any part thereof, being vacated by the provisions of this ordinance.

**r|m|s|h|c**

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**SECTION 4.** At least one (1) week prior to the time fixed for further consideration for final passage of this ordinance, a copy hereof, together with a notice stating the introduction of the ordinance on first reading and the time and place when and where the ordinance will be considered for final passage, shall be mailed to every person whose lands may be affected by the adoption of the ordinance.

**SECTION 5.** The ordinance shall be published at least once in an official newspaper of the Township of Little Egg Harbor at least ten (10) days prior to the time fixed for consideration of the final passage of the ordinance.

**SECTION 4.** The Township Clerk, if this ordinance is adopted on final reading, shall submit a certified copy of this ordinance, together with proof of publication, to the Ocean County Clerk's Office for recording.

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

**SECTION 6.** A copy of Exhibit A as referenced herein shall be kept on file and made available for public inspection in the Township Clerk's Office during normal business hours.

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**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 **14<sup>th</sup> day of April, 2022**, and will be considered for second and final passage at a meeting of the Township Committee to be held on the **12<sup>th</sup> day of May, 2012**, at 7:00 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.

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

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Halm & Cipriani, P.A.  
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Prepared by:   
Melanie Szuba Appleby, Esq.

**STORM DRAINAGE EASEMENT**

**THIS GRANT OF EASEMENT** made this \_\_\_\_\_ day of \_\_\_\_\_, 2022,

**BETWEEN:**     **JOHN & KATHY WEBSTER**, 17 Walkill Rd., Little Egg Harbor Township, NJ 08087,

Hereinafter called “Grantor,”

**AND:**           **LITTLE EGG HARBOR TOWNSHIP**, a municipal corporation of the State of New Jersey, having its principal offices located at 665 Radio Road, Little Egg Harbor Township, NJ 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 an easement, upon the that section of the property known as 17 Walkill Rd, Block 325.113, Lot 1 on the Tax Map of Little Egg Harbor Township being subject to the drainage easement hereinafter described. It is the intention of this easement to grant to the Grantee the right to use the Grantor’s property for the purpose of a 10.00’ wide storm drainage easement as delineated on the attached Schedule A (legal description) and Schedule B (map), both of which are attached hereto and incorporated herein.

Said property to be subject to the storm drainage easement lies in and along premises of the Grantor in Little Egg Harbor Township, County of Ocean and State of New Jersey and represents 300± square feet intended to be dedicated as a storm drainage easement pursuant to the Final Map of Great Bay Estates, Section 4-F, Little Egg Harbor Township, New Jersey, filed in the Ocean County Clerk’s Office on March 19, 1971 as Map No. H-78.

The permanent easement hereby granted shall include all that right of perpetual easement (permanent easement) over the section of Block 325.113, Lot 1 for a drainage easement, together with the right to maintain existing drainage pipe and outfall, as well as trim, cut, and remove

therefrom any trees, underbrush, obstructions and other vegetation, structures, or obstacles within the limits of the easement.

The Grantor hereby covenants with the Little Egg Harbor Township 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.

Said drainage easement shall commence on the day and year executed by the Grantors, as set forth above.

Subject to the Grantee's exercise of the rights granted herein, the Grantor may use the lands within the limits of the easement, provided that such use shall not interfere with, limit or obstruct the exercise of any rights by the Grantee.

The consideration hereinabove agreed as payment for the permanent easement is to be considered full and final payment to Grantor, their successors, assigns, tenants, lessees or anyone acting in their behalf, for the grant of the permanent easement as herein described.

This instrument contains the entire agreement between the parties. The terms of this instrument and the attached Exhibits which are made a part hereof, shall be binding upon the parties, their respective successors and/or assigns. Any oral representation or modifications concerning this instrument shall be of no force and effect. Any modification of this instrument must be in writing and must be signed by both parties.

This easement is granted conditioned upon the vacation by the Township of all rights, title and interest in one (1) existing 10' wide drainage easement indicated upon Block 325.113, Lot 1, also known as 17 Walkill Road, as noted on the "Final Map of Great Bay Estates, Section 4-E, Little Egg Harbor Township, Ocean County, New Jersey" filed in the Ocean County Clerk's Office on March 19, 1971 as Map No. G-78.

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:

Bruce A. Moran

By: John Webster, Grantor  
JOHN WEBSTER

By: Kathy Webster, Grantor  
KATHY WEBSTER

STATE OF NEW JERSEY, COUNTY OF

SS:

I CERTIFY that on April 8, 2022,

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

- (a) is named in and personally signed this document; and
- (b) signed, sealed and delivered this document as his or her act and deed.
- (c) made this Storm Drainage Easement for \$1.00 as full and actual consideration paid or to be paid for the grant.

Tricia Blair  
TRICIA BLAIR  
NOTARY PUBLIC OF NEW JERSEY  
My Commission Expires 4/12/2022  
(print name and title below signature)

RECORD AND RETURN TO:

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

# Schedule A

## DMC ASSOCIATES, INC. LAND SURVEYORS

211 Main Street, Butler, New Jersey 07405

Phone: 973-838-9187 Fax: 973-838-4389 Email: [info@dmcsurveying.com](mailto:info@dmcsurveying.com)

February 4, 2022

**RE: Proposed Storm Drainage Easement**  
**Lot 1 Block 325.113 – 17 Walkill Road**  
**Township of Little Egg Harbor, County of Ocean, NJ**  
**DMC No.: 2201048**

The purpose of this description is to describe a 10.00 feet wide Storm Drainage Easement over the lands of Lot 1 in Block 325.113 on the current tax assessment map of the Township of Little Egg Harbor. Said easement area being more particularly described as follows:

Beginning at a point on the southeasterly R.O.W. line of Walkill Road, a 50.00 feet wide R.O.W. Said beginning point being southwesterly distant 30.00 feet from the common corner between Lot 1 and Lot 2 in Block 325.113 as illustrated on the current tax assessment map. Said beginning point also being located 101.01 feet southwesterly from the point of intersection with the southwesterly R.O.W. line of Ramapo Road and running thence;

- (1) Leaving the southeasterly R.O.W. line of Walkill Road and through the lands of Lot 1 in Block 325.113, South 62 degrees 05 minutes 00 seconds East for a distance of 30.00 feet to a point on the northwesterly line of a Lagoon, thence;
  - (2) Along the northwesterly line of a Lagoon, South 27 degrees 55 minutes 00 seconds West for a distance of 10.00 feet to a point, thence;
  - (3) Through the lands of Lot 1 in Block 325.113, North 62 degrees 05 minutes 00 seconds West for a distance of 30.00 feet to a point in the southeasterly R.O.W. line of Walkill Road, thence;
  - (4) Along the southeasterly R.O.W. line of Walkill Road, North 27 degrees 55 minutes 00 seconds East for a distance of 10.00 feet to the point and place of beginning herein described.
- Easement Area = 300+/- Sq. Ft.

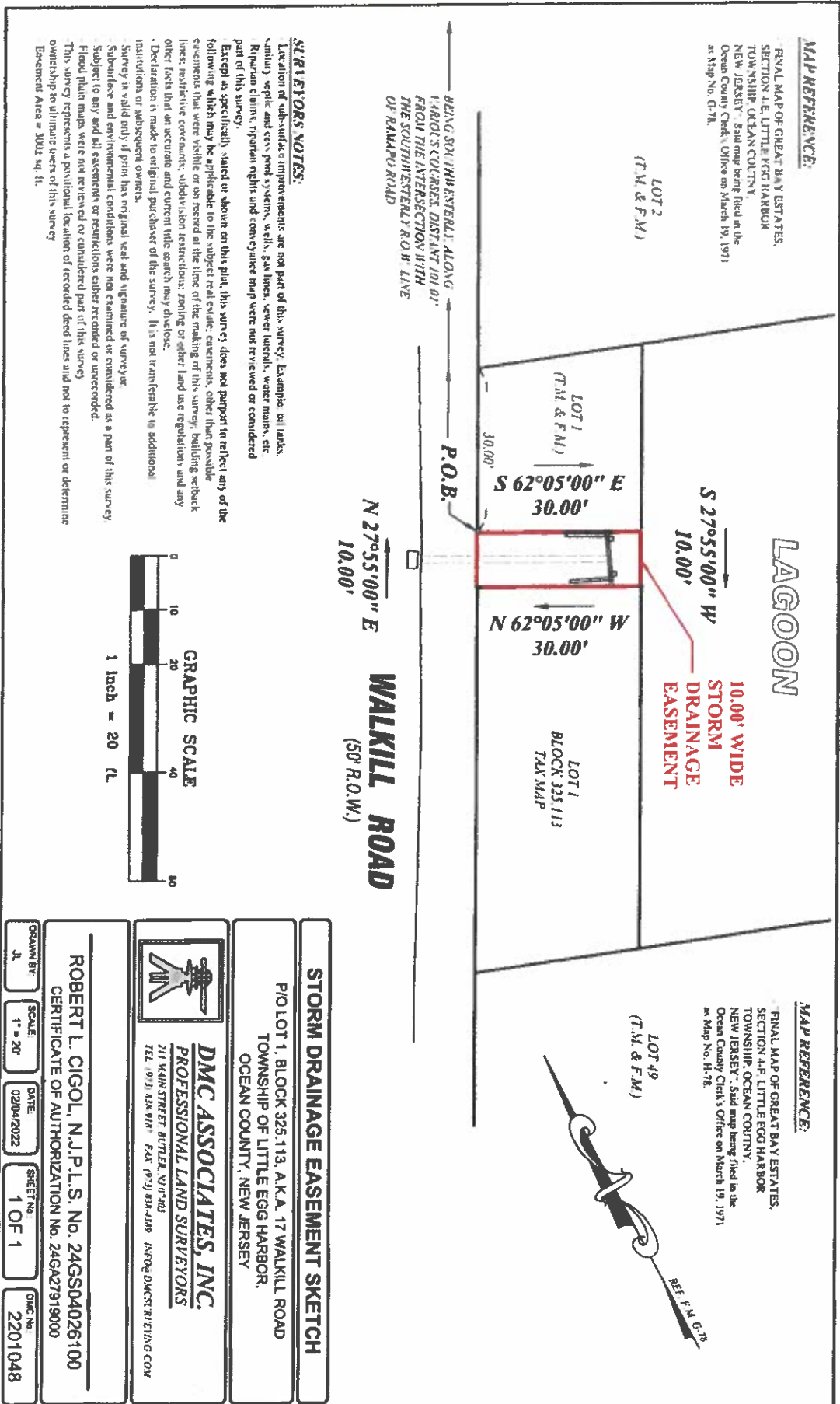
The above description is in accordance with a map entitled "Storm Drainage Easement Sketch, p/o Lot 1, Block 325.113, a.k.a. 17 Walkill Road, Township of Little Egg Harbor, Ocean County, New Jersey" prepared by DMC Associates, Inc. Land Surveyors dated February 4, 2022.

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Robert L. Cigol, P.L.S.  
N.J. License No. 24GS04026100  
Certificate of Authorization No. 24GA27919000



# Schedule B



**MAP REFERENCE:**

FINAL MAP OF GREAT BAY ESTATES, SECTION 4.E, LITTLE EGGS HARBOR TOWNSHIP, OCEAN COUNTY, NEW JERSEY. Said map being filed in the Ocean County Clerk's Office on March 19, 1971 as Map No. G-76.

**MAP REFERENCE:**

FINAL MAP OF GREAT BAY ESTATES, SECTION 4.F, LITTLE EGGS HARBOR TOWNSHIP, OCEAN COUNTY, NEW JERSEY. Said map being filed in the Ocean County Clerk's Office on March 19, 1971 as Map No. H-78.

**STAKEYOTORS NOTES:**

Location of subsurface improvements are not part of this survey. Example: oil tank, utility, septic and cess pool systems, wells, gas lines, sewer laterals, water mains, etc. Riparian claims, riparian rights and conveyance map were not reviewed or considered part of this survey.

Except as specifically stated or shown on this plan, this survey does not purport to reflect any of the following which may be applicable to the subject real estate: easements, other than possible easements that were visible or on record at the time of the making of this survey; building setback lines; restrictive covenants; subdivision restrictions; zoning or other land use regulations and any other facts that an accurate and current title search may disclose.

Declaration is made to original purchaser of the survey. It is not transferable to additional institutions or subsequent owners.

Survey is valid only if prior has original seal and signature of surveyor.

Subsurface and environmental conditions were not examined or considered as a part of this survey. Subject to any and all easements or restrictions either recorded or unrecorded.

Flood plain maps were not reviewed or considered part of this survey.

This survey represents a positional location of recorded deed lines and not to represent or determine ownership to ultimate users of this survey.

Basement Area = 3002 sq. ft.



**STORM DRAINAGE EASEMENT SKETCH**

P/O LOT 1, BLOCK 325.113, A.K.A. 17 WALKKILL ROAD  
TOWNSHIP OF LITTLE EGGS HARBOR,  
OCEAN COUNTY, NEW JERSEY



**DMC ASSOCIATES, INC.**  
**PROFESSIONAL LAND SURVEYORS**  
211 MAIN STREET BUTLER NJ 07825  
TEL: (973) 324-8111 FAX: (973) 824-4249 INFO@DMCSURVEYING.COM

**ROBERT L. CIGOL, N.J.P.L.S. No. 24GSD04026100**  
CERTIFICATE OF AUTHORIZATION No. 24GA27919000

|                 |                    |                     |                |                 |
|-----------------|--------------------|---------------------|----------------|-----------------|
| DRAWN BY:<br>JL | SCALE:<br>1" = 20' | DATE:<br>02/04/2022 | SHEET NO. OF 1 | DMC No. 2201048 |
|-----------------|--------------------|---------------------|----------------|-----------------|