

**ORDINANCE NO. 2024-14**

**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 291.07, LOT 14.02, 40 OAK LANE, FROM FS PROPERTIES 152 LLC, IN ACCORDANCE WITH N.J.S.A. 40A:12-5(a)(1)**

**WHEREAS**, FS Properties 152 LLC, Grantor, is the owner of Block 291.07, Lot 14.02 (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 291.07, Lot 14.02, also known as 40 Oak Lane from FS Properties 152 LLC 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|ms|h|c**

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

98 East Water Street  
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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 291.07, Lot 14.02, also known as 40 Oak Lane from FS Properties 152 LLC.

**SECTION 3.** All ordinances or parts of ordinances inconsistent herewith are hereby repealed.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 13<sup>th</sup> 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 11<sup>th</sup> 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.

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\_\_\_\_\_  
**KELLY LETTERA, CMC, RMC**

Township Clerk

Township of Little Egg Harbor

\_\_\_\_\_  
Blaise Scibetta, MAYOR

Prepared by: \_\_\_\_\_  
MELANIE SZUBA APPLEBY, ESQ.

**GRANT OF EASEMENT**

**THIS GRANT OF EASEMENT** made this \_\_\_\_\_ day of \_\_\_\_\_, 2024,

**BETWEEN:**      **FS PROPERTIES 152 LLC**, P.O. Box 379, Beverly, NJ 08010

Hercinafter 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,

Hercinafter 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 1,224 square feet more or less in and along a portion of property located at **40 Oak Lane, known as Block 291.07, Lot 14.02**, 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, Scaled and Delivered  
in the presence of:

\_\_\_\_\_  
By: \_\_\_\_\_, Grantor  
FS PROPERTIES 152 LLC

STATE OF \_\_\_\_\_, COUNTY OF \_\_\_\_\_ SS:

I CERTIFY that on \_\_\_\_\_, 2024, \_\_\_\_\_ personally came before me and this person acknowledged under oath, to my satisfaction, that:

- (a) this person is \_\_\_\_\_ the Secretary of \_\_\_\_\_, the Corporation described in the foregoing documents;
- (b) This person is the attesting witness to the signing of the said documents by the Proper Corporate Officer who is \_\_\_\_\_, the \_\_\_\_\_, President of the Corporation;
- (c) The documents were signed and delivered by the corporation as its voluntary act duly authorized by a proper corporate resolution; signed this document as the proper corporate officer who is \_\_\_\_\_, the \_\_\_\_\_ of the Corporation;
- (d) This person knows the proper seal of the Corporation which was affixed to said documents; and
- (e) This person signed this acknowledgement to attest to the truth of these facts.

**r|m|s|h|c**  
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\_\_\_\_\_  
(print name and title below signature)

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 14.02 IN BLOCK 291.07, LITTLE EGG HARBOR TOWNSHIP, OCEAN COUNTY, NEW JERSEY

All that certain easement parcel of land being a portion of Lot 14.02 in Block 291.07 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 14.02 IN BLOCK 291.07,"* 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 easterly 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 14.02 with Lot 14.01 in Block 291.07 and running thence:

1. South 85 degrees 25 minutes 29 seconds East, along the common property boundary line of Lot 14.02 with Lot 14.01 in Block 291.07, a distance of 10.88 feet to a point; thence.
2. South 04 degrees 34 minutes 31 seconds West, along the sidewalk easement line being hereby established, as shown on the aforesaid map, a distance of 57.80 feet to a point of curvature; thence.
3. Continuing along the sidewalk easement line being hereby established, as shown on the aforesaid map, on a curve to the left, having a radius of 300.00 feet, a central angle of 10 degrees 06 minutes 00 seconds, a chord bearing of South 00 degrees 28 minutes 29 seconds East and distance of 52.81 feet, an arc distance of 52.88 feet to a point; thence.
4. South 05 degrees 31 minutes 29 seconds East, continuing along the sidewalk easement line being hereby established, as shown on the aforesaid map, a distance of 6.82 feet to a point; thence.
5. South 32 degrees 25 minutes 34 seconds West, along the existing northerly R.O.W. line of Oak Lane (variable width R.O.W.), a distance of 18.08 feet to a point on a curve; thence.
6. Along the existing easterly R.O.W. line of Oak Lane (variable width R.O.W.), on a curve to the right, having a radius of 1,075.00 feet, a central angle of 07 degrees 06 minutes 48 seconds, a chord bearing of North 01 degrees 01 minutes 07 seconds East and distance of 133.38 feet. an arc distance of 133.46 feet to the point and place of BEGINNING.

Containing 1,224 Square Feet in area.

It being the intention to describe all that sidewalk easement located over a portion of Lot 14.02 in Block 291.07 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.



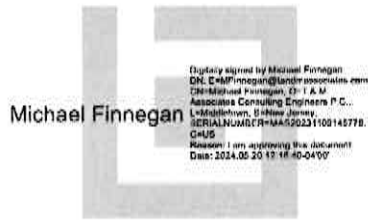
LEHT-01931

MAY 17, 2024

**DESCRIPTION OF SIDEWALK EASEMENT, PORTION OF LOT 14.02 IN BLOCK 291.07,  
LITTLE EGG HARBOR TOWNSHIP, OCEAN COUNTY, NEW JERSEY**

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;



Description Prepared by:

T&M ASSOCIATES

MICHAEL S. FINNEGAN, P.L.S.  
LIC. NO. GS34851



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BL 291.07.docx



