

ORDINANCE NO. - 2008-29

**AN ORDINANCE OF THE TOWNSHIP OF LACEY,
COUNTY OF OCEAN, STATE OF NEW JERSEY,
VACATING ALL OF THE RIGHT, TITLE AND
INTEREST OF THE TOWNSHIP OF LACEY IN A
DRAINAGE EASEMENT LOCATED ON BLOCK
362, LOT 16**

WHEREAS, the governing body of the Township of Lacey has been requested to vacate all of the right, title and interest of the Township in a drainage easement located on Block 362, Lot 16; and

WHEREAS, this request has come from the property owners of Block 362, Lot 16; and

WHEREAS, the Director of Public Works has reviewed the easement location and determined the easement is not needed for storm water drainage by the Township; and

WHEREAS, the governing body has agreed to authorize the vacation of all of the right, title and interest of the Township in a drainage easement located on Block 362, Lot 16; and

WHEREAS, the governing body makes the determination that the public will not adversely be affected by the vacation of the Township's interest in the drainage easement located on Block 362, Lot 16.

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

SECTION 1. There is hereby vacated all of the right, title and interest of the public for all public usages and purposes in and to the drainage easement located on Block 362, Lot 16, as is set forth on Schedule A attached hereto and made a part hereof. However, the Township does hereby expressly reserve and except from the vacation 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 seq.*), 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.

SECTION 2. 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 3. This ordinance shall be published at least once in an official newspaper of the Township of Lacey at least ten (10) days prior to the time fixed for consideration of the final passage of the ordinance.

SECTION 4. The vacation of the Township's interest in the drainage easement located on Block 362, Lot 16 is specifically conditioned upon the property owners of Block 362, Lot 16 paying all costs associated with the vacation of the easement including engineering costs, legal costs and publication and recording fees.

SECTION 5. The Township Clerk shall submit a certified copy of this ordinance, together with proof of publication, to the Ocean County Clerk's Office for recording in the Book of Vacations within sixty (60) days of the receipt of the new drainage easement from the property owners and the payment of all fees to the Township by the property owners.

SECTION 6. This ordinance shall take effect after second reading and publication as required by law.

SECTION 7. A copy of Schedule 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.

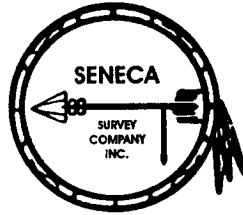
NOTICE

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 Lacey held on the **25th day of September, 2008** and will be considered for second reading and final passage at a regular meeting of the Township Committee to be held on the **9th day of October, 2008**, at 7:00 p.m., at the Municipal Building located on Lacey Road in Forked River, 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.

Veronica Laureigh
Municipal Clerk

SENECA SURVEY COMPANY, INC.
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1470 Route 88 West - Brick, New Jersey 08724

Project No. 02-27546

**PROPERTY DESCRIPTION FOR VACATED AREA OF PART OF A 20 FOOT WIDE
EASEMENT AND FIRE STATION**

All that certain lot, tract, or parcel of land and premises, situate, lying and being in the Township of Lacey, County of Ocean and State of New Jersey, more particularly described as follows:

Beginning at a point in the southwesterly line of Capstan Drive, (60 feet wide), said point being in the division line of Lots 16 and 17 in Block "A" as shown on a filed map hereinafter mentioned and from said Beginning Point running; thence

1. Along said division line, South 20 degrees 30 minutes 00 seconds West, 100.00 feet to a point in the northeasterly mean high waterline of Main Lagoon; thence
2. Along same, North 69 degrees 30 minutes 00 seconds West, 10.00 feet to a point in said northeasterly mean high waterline of Main Lagoon; thence
3. Running through said Lot 16, North 20 degrees 30 minutes 00 seconds East, 100.00 feet to a point in said southwesterly line of Capstan Drive; thence
4. Along same, South 69 degrees 30 minutes 00 seconds East, 10.00 feet to a point in said southwesterly line of Capstan Drive, said point being the Point and Place of Beginning.

Being known and designated as westerly one half part of a 20 foot wide Easement and Fire Station extending through the easterly part of Lot 16 in Block A as shown as shown on a certain map entitled, "Map Of Sunrise Beach, First Lagoon Section, Sheet 1, Lacey Township, Ocean County, N.J.," and filed in the Ocean County Clerk's Office on May 3, 1956 as Map number B-18.

The above referenced easement contains 1,000 square feet and extends through the easterly part of Lot 16 in Block 362 as shown on the Official Tax Maps of the Township of Lacey, Ocean County, New Jersey.

The above description was drawn in accordance with a survey prepared by Seneca Survey Company, Inc., Frank J. Ernst, P.L.S., dated October 18, 2002.


James J. Kahn, P.L.S. #34486