

ORDINANCE NO. 10- 02

AN ORDINANCE OF THE TOWNSHIP OF LACEY, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE AMENDMENT OF AN EASEMENT TO THE COUNTY OF OCEAN IN BLOCK 1000, LOT 1 IN ACCORDANCE WITH N.J.S.A. 40A:12-13.4, ET SEQ.

WHEREAS, N.J.S.A. 40A:12-13.4 authorizes a municipality to transfer real property or any interest therein, including easements to the County in which it is located; and

WHEREAS, the Township of Lacey had previously granted to the County of Ocean an easement located on Block 1000, Lot 1 for the purpose of constructing a bikeway path; and

WHEREAS, the County of Ocean and Lacey Township wish to relocate portions of the easement from its present location on Block 1000, Lot 1, but still located on Block 1000, Lot 1; and

WHEREAS, the governing body believes that the relocation of the aforesaid easement is in the best interest of the Township and the County of Ocean.

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. That the Mayor and Township Committee do hereby authorize the relocation of a portion of the easement for the construction of a bikeway path on Block 1000, Lot 1, as set forth on Schedule A attached hereto and made a part hereof.

SECTION 2. That the Mayor and Clerk are hereby authorized to execute any and all documents necessary for the relocation of the easement which is the subject matter of this ordinance.

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 All ordinances or parts of ordinances inconsistent herewith are hereby repealed.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

SECTION 6. That a certified copy of this ordinance be forwarded to the Ocean County Board of Freeholders.

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 28th day of **January, 2010**, and will be considered for second reading and final passage at a regular meeting of the Township Committee to be held on the 11th day of ~~February~~ **2010**, at ~~8:00~~ **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, CMC, AAE
Township Clerk, Township of Lacey

Prepared by: _____
JOHN C. HALDERMAN, ESQ.

**FIRST AMENDMENT TO DEED OF EASEMENT
FOR CONSTRUCTION AND MAINTENANCE
OF A BIKE PATH**

THIS INDENTURE (the "Amendment") is made as of the _____ day of January, 2010 (the "Effective Date"),

BETWEEN: TOWNSHIP OF LACEY, Municipal; Corporation of the State of New Jersey, having its principal offices located at 818 West Lacey Road, Forked River, New Jersey 08731,

Hereinafter called "Grantor,"

AND: COUNTY OF OCEAN, a Public Corporation of the State of New Jersey, with offices at the Administration Building, 101 Hooper Avenue, Toms River, New Jersey 08753,

Hereinafter called "Grantee,"

WITNESSETH:

WHEREAS, Grantor granted to Grantee a perpetual, permanent 12-foot-wide easement consisting of the right of Grantee to construct and maintain a bikeway by Deed of Easement dated May 7, 2004 (the "Deed of Easement").

WHEREAS, Grantor and Grantee desire to amend the Deed of Easement to relocate a portion of the 12-foot easement.

NOW, THEREFORE, for consideration of One Dollar (\$1.00) lawful money of the United States, paid by the Grantee to the Grantor, and for other good and valuable consideration, it is hereby agreed as follows:

1. The description of the 12-foot wide easement in Paragraph 3 of the Deed of Easement is hereby deleted and the plan showing the relocated 12-foot wide easement attached hereto as Schedule A is substituted in its place.

2. Except as amended by this Amendment, the Deed of Easement shall remain in full force and effect.

IN WITNESS WHEREOF, the Grantor and Grantee have executed this Amendment as of the Effective Date.

TOWNSHIP OF LACEY

ATTEST:

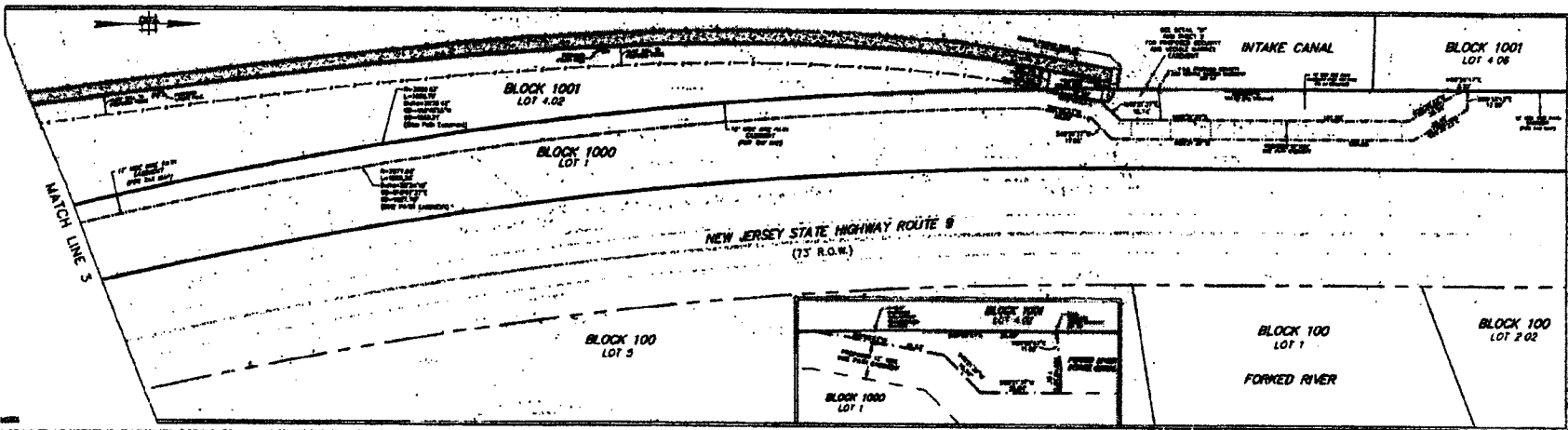
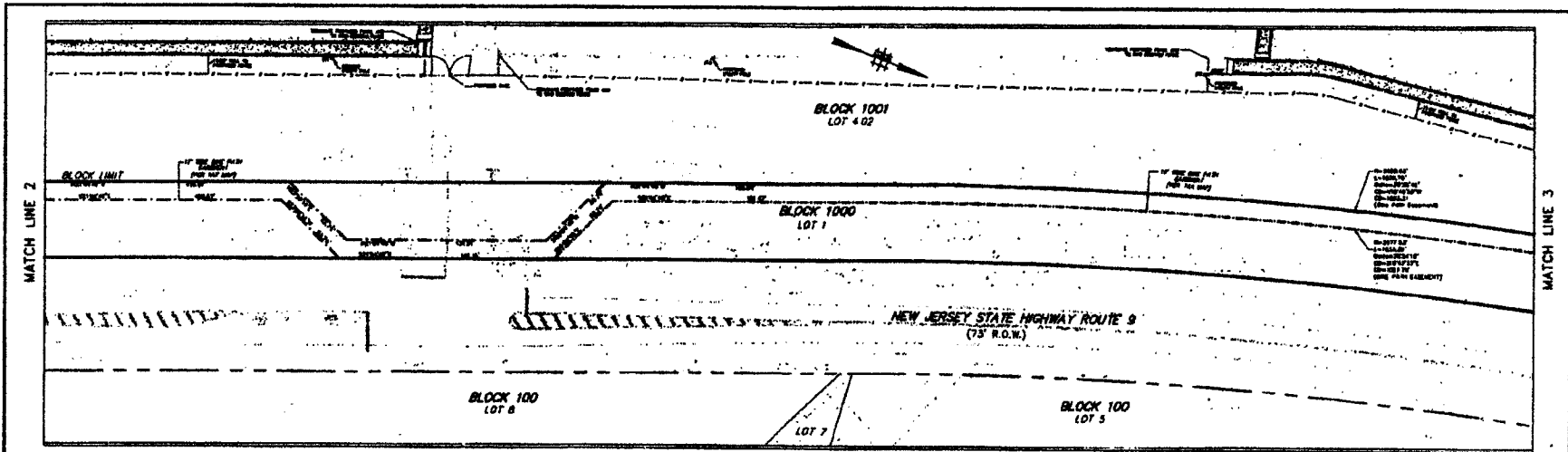
By: _____
GARY QUINN, Mayor

**OCEAN COUNTY BOARD OF
CHOSEN FREEHOLDERS**

ATTEST:

By: _____

SCHEDULE A



1. THE PROPERTY IS SHOWN AS BEING OWNED BY THE STATE OF NEW JERSEY AND IS SUBJECT TO THE EASEMENT OF THE STATE OF NEW JERSEY FOR THE CONSTRUCTION AND MAINTENANCE OF THE HIGHWAY ROUTE 9, 75' R.O.W. AS SHOWN ON THE PLAN.

2. THE PROPERTY IS SHOWN AS BEING OWNED BY THE STATE OF NEW JERSEY AND IS SUBJECT TO THE EASEMENT OF THE STATE OF NEW JERSEY FOR THE CONSTRUCTION AND MAINTENANCE OF THE HIGHWAY ROUTE 9, 75' R.O.W. AS SHOWN ON THE PLAN.

3. THE PROPERTY IS SHOWN AS BEING OWNED BY THE STATE OF NEW JERSEY AND IS SUBJECT TO THE EASEMENT OF THE STATE OF NEW JERSEY FOR THE CONSTRUCTION AND MAINTENANCE OF THE HIGHWAY ROUTE 9, 75' R.O.W. AS SHOWN ON THE PLAN.

4. THE PROPERTY IS SHOWN AS BEING OWNED BY THE STATE OF NEW JERSEY AND IS SUBJECT TO THE EASEMENT OF THE STATE OF NEW JERSEY FOR THE CONSTRUCTION AND MAINTENANCE OF THE HIGHWAY ROUTE 9, 75' R.O.W. AS SHOWN ON THE PLAN.

5. THE PROPERTY IS SHOWN AS BEING OWNED BY THE STATE OF NEW JERSEY AND IS SUBJECT TO THE EASEMENT OF THE STATE OF NEW JERSEY FOR THE CONSTRUCTION AND MAINTENANCE OF THE HIGHWAY ROUTE 9, 75' R.O.W. AS SHOWN ON THE PLAN.

6. THE PROPERTY IS SHOWN AS BEING OWNED BY THE STATE OF NEW JERSEY AND IS SUBJECT TO THE EASEMENT OF THE STATE OF NEW JERSEY FOR THE CONSTRUCTION AND MAINTENANCE OF THE HIGHWAY ROUTE 9, 75' R.O.W. AS SHOWN ON THE PLAN.

7. THE PROPERTY IS SHOWN AS BEING OWNED BY THE STATE OF NEW JERSEY AND IS SUBJECT TO THE EASEMENT OF THE STATE OF NEW JERSEY FOR THE CONSTRUCTION AND MAINTENANCE OF THE HIGHWAY ROUTE 9, 75' R.O.W. AS SHOWN ON THE PLAN.

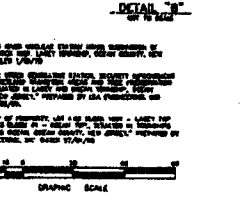
8. THE PROPERTY IS SHOWN AS BEING OWNED BY THE STATE OF NEW JERSEY AND IS SUBJECT TO THE EASEMENT OF THE STATE OF NEW JERSEY FOR THE CONSTRUCTION AND MAINTENANCE OF THE HIGHWAY ROUTE 9, 75' R.O.W. AS SHOWN ON THE PLAN.

9. THE PROPERTY IS SHOWN AS BEING OWNED BY THE STATE OF NEW JERSEY AND IS SUBJECT TO THE EASEMENT OF THE STATE OF NEW JERSEY FOR THE CONSTRUCTION AND MAINTENANCE OF THE HIGHWAY ROUTE 9, 75' R.O.W. AS SHOWN ON THE PLAN.

10. THE PROPERTY IS SHOWN AS BEING OWNED BY THE STATE OF NEW JERSEY AND IS SUBJECT TO THE EASEMENT OF THE STATE OF NEW JERSEY FOR THE CONSTRUCTION AND MAINTENANCE OF THE HIGHWAY ROUTE 9, 75' R.O.W. AS SHOWN ON THE PLAN.

11. THE PROPERTY IS SHOWN AS BEING OWNED BY THE STATE OF NEW JERSEY AND IS SUBJECT TO THE EASEMENT OF THE STATE OF NEW JERSEY FOR THE CONSTRUCTION AND MAINTENANCE OF THE HIGHWAY ROUTE 9, 75' R.O.W. AS SHOWN ON THE PLAN.

12. THE PROPERTY IS SHOWN AS BEING OWNED BY THE STATE OF NEW JERSEY AND IS SUBJECT TO THE EASEMENT OF THE STATE OF NEW JERSEY FOR THE CONSTRUCTION AND MAINTENANCE OF THE HIGHWAY ROUTE 9, 75' R.O.W. AS SHOWN ON THE PLAN.



LEA BACKGROUNDING, INC.
 FRANK J. BARDINO, P.L.C.
 1000 ...
 ...

NO.	DATE	REVISION	BY	CHECKED	DATE

EASEMENT EXHIBIT FOR
 ASSEMBLY OF VEHICLE BARRIER WALL
 TAX MAP
 P/O LOT 1 BLOCK 1000 (LACEY TURNPIKE)
 P/O LOT 3 BLOCK 1000 (DEAN TURNPIKE)

SECTION 2
 LACEY & DEAN TURNPIKE, DEAN COUNTY, NEW JERSEY
 ...

STATE OF NEW JERSEY_

:

: ss

COUNTY OF OCEAN

:

I CERTIFY that on January 2010

_____, personally came before me and stated under oath to my satisfaction that:

- (a) this person was the subscribing witness to the signing of the attached deed of easement:
- (b) this deed of easement agreement was signed by Gary Quinn, who is the Mayor of the Township of Lacey, the entity named in this easement agreement and was fully authorized to and did execute this easement agreement on its behalf;
- (c) this deed of easement agreement was made for \$1.00 as the full and actual consideration paid or to be paid for the transfer of title. (Such consideration is defined in N.J.S.A. 46:15-5); and
- (d) the subscribing witness signed this proof under oath to attest to the truth of these facts.

Subscribed and sworn to before me

This day of _____, 2010

Notary Public

STATE OF NEW JERSEY_

:

: ss

COUNTY OF OCEAN

:

I CERTIFY that on _____ January 2010
_____, personally came before me and stated under oath to my
satisfaction that:

- (a) this person is the Clerk of the Ocean County Board of Chosen Freeholders,
the corporation named in this document;
- (b) this person is the attesting witness to the signing of this document by the
proper corporate officer who is the Director of the corporation;
- (c) this document was signed and delivered by the corporation as its voluntary act
duly authorized by a proper resolution of its Board of Freeholders;
- (d) this person knows the proper seal of the corporation which was affixed to this
document; and
- (e) this person signed this proof to attest to the truth of these facts.

Subscribed and sworn to before me
This day of _____, 2010

Notary Public