

ORDINANCE NO. 0-15-19

TOWNSHIP MEETING DATE October 27, 2015

ORDINANCE VACATING A PORTION OF A SANITARY SEWER EASEMENT ON BLOCK 72.01, LOT 9 AND AUTHORIZING THE SALE OF THE EASEMENT INTEREST TO THE PROPERTY OWNERS BY PRIVATE SALE PURSUANT TO N.J.S.A. 40A:12-13(b)(4), TOWNSHIP OF FREEHOLD, MONMOUTH COUNTY, NEW JERSEY.

BE IT ORDAINED by the Township Committee of the Township of Freehold, County of Monmouth and State of New Jersey as follows:

I

WHEREAS, Jimmy and Nancy Santiago (hereafter "Property Owners") are the owners of Block 72.01, Lot 9, located at 142 Hibernia Way, Freehold Township; and

WHEREAS, the Property Owners purchased the property on June 3, 2005; and

WHEREAS, a 25 foot wide sanitary sewer easement has existed on the property since 1964 as shown on the Map of Juniper Farms, Section 4, dated June 1964 and filed in the Monmouth County Clerk's office on February 23, 1965 as Case No. 78, Sheet 18 and also shown on Freehold Township Tax Map Sheet 29; and

WHEREAS, a sanitary sewer pipe has never been installed and subsequent land development adjacent to the easement has rendered future use of the existing sanitary sewer easement unnecessary; and

WHEREAS, the Property Owners would like to construct certain improvements on their property; and

WHEREAS, it is necessary for a portion of the 25 foot wide sanitary sewer easement to be vacated to accommodate the improvements; and

WHEREAS, N.J.S.A. 40A:12-13(b)(4) allows for the private sale of an easement when it is no longer needed for public purposes; and

WHEREAS, the Township Tax Assessor will determine the value of the portion of the easement area to be vacated, and the Property Owners will purchase the easement area from Freehold Township; and

WHEREAS, the portion of the existing sanitary sewer easement the Township will vacate is described in the metes and bounds description attached hereto as Exhibit A.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Freehold that the portion of the existing sanitary sewer easement on Block 72.01, Lot 9 described in Exhibit A is hereby vacated.

BE IT FURTHER ORDAINED that the Mayor and Township Clerk are authorized to execute any and all documents necessary to effectuate the vacation, sale and transfer of the portion of the existing sanitary sewer easement area described in Exhibit A in return for payment from the Property Owners.

BE IT FURTHER ORDAINED by the Township Committee of the Township of Freehold that such conveyance will be made subject to easements and restrictions of record, if any, zoning ordinances, environmental factors such as, but not limited to wetlands, and such state of facts

as an accurate title search and accurate survey would disclose. If the Township is unable to convey the above described title, the purchaser may refuse to proceed with settlement of title and no damages shall be assessable against either party.

BE IT FURTHER ORDAINED that in compliance with N.J.S.A. 40A:12-13, a notice of this sale and a metes and bounds description of the Property, be posted by the Township Clerk on the bulletin board in the Municipal Building and published in an official newspaper of the municipality within five (5) days of the adoption of this Ordinance.

BE IT FURTHER ORDAINED that the Township Clerk is hereby authorized and directed to do the following:

1. Publish a copy of this Ordinance in an official newspaper of the municipality, together with a notice of the introduction thereof and the time and place when and where this Ordinance will further be considered for final passage, such publication to be at least 10 days prior to the time fixed for further consideration of this Ordinance for final passage.

2. Send, by certified mail, return receipt requested, a copy of this Ordinance, together with the notice of the introduction thereof, the time and place when and where this Ordinance will be considered for final passage to Jimmy and Nancy Santiago, 142 Hibernia Way, Freehold, New Jersey 07728.

BE IT FURTHER ORDAINED that the Township Clerk is hereby directed to file the following documents with the Director of the Division of Local Government Services in the Department of Community Affairs at P.O. Box 800, Trenton, New Jersey 08625-0800:

1. A true copy of this Ordinance.
2. Affidavit verifying the publication of the aforementioned notice.
3. Affidavit of the Township Clerk verifying the posting of the aforementioned notice in the Municipal Building.

II

Since this Ordinance is not legislative in nature, it need not be codified in the "Revised General Ordinances of the Township of Freehold".

III

This Ordinance shall take effect upon adoption and publication according to law.

EXPLANATORY STATEMENT:

This Ordinance vacates a portion of a sanitary sewer easement on Block 72.01, Lot 9, located at 142 Hibernia Way and authorizing the sale of the easement interest to the Property Owners by private sale.



**PORTION OF A 25' WIDE SANITARY SEWER EASEMENT TO BE VACATED
LOT 9, BLOCK 72.01
FREEHOLD TOWNSHIP, MONMOUTH COUNTY, NEW JERSEY**

All that certain tract or parcel of land situate in the Township of Freehold, County of Monmouth, State of New Jersey, being a portion of a 25' wide Sanitary Sewer Easement on Lot 9, Block 72.01 to be vacated, said tract being more particularly bounded and described as follows;

Beginning at a point being the northerly most corner of both Lot 8 and Lot 9 in Block 72.01, (f.k.a. Block 72-1, Lot 9) said point also being distant three hundred and two and eighteen hundredths feet (302.18') from the intersection of the common property line between Lots 8 and 9 with the right-of-way line of Hibernia Way as shown on a Map of Juniper Farms, Section 4, situated in the Township of Freehold, Monmouth County, New Jersey, prepared for U.S. Homes & Development Corporation, dated June 1964 and duly filed in the Monmouth County Clerk's Office on February 23, 1965 as Case 78, Sheet 18 and also as shown on Freehold Township Tax Map Sheet 29, and running thence;

1. SOUTH 72 DEGREES 33 MINUTES 20 SECONDS EAST, A DISTANCE OF 326.40' TO A POINT AT THE NORTHEAST CORNER OF SAID LOT 9 ALSO BEING THE NORTHWEST CORNER OF THE LOT 10, BLOCK 72.01; THENCE
2. RUNNING ALONG THE COMMON LINE OF LOTS 9 AND 10, SOUTH 27 DEGREES 53 MINUTES WEST, A DISTANCE OF 25.42' TO A POINT ON THE COMMON LINE BETWEEN LOTS 9 AND 10; THENCE
3. RUNNING THROUGH LOT 9, NORTH 72 DEGREES 33 MINUTES 20 SECONDS WEST, A DISTANCE OF 269.66' TO A POINT ON THE COMMON LINE BETWEEN LOTS 8 AND 9; THENCE
4. RUNNING ALONG SAID COMMON LINE, NORTH 27 DEGREES 42 MINUTES 24 SECONDS WEST, A DISTANCE OF 28.24' TO THE POINT AND PLACE OF BEGINNING.

CONTAINING 7,788 SQUARE FEET, MORE OR LESS

Being the intention to describe a portion of an existing 25' wide Sanitary Sewer Easement, being located on Lot 9, Block 72.01 to be vacated, as shown on the above described map and Freehold Township Tax Map.

TIMOTHY P. WHITE, PE, LS
NJ Professional Engineer & Land Surveyor
License No. 24GB42576

DATE