

ORDINANCE NO. 2024-3417

TOWNSHIP OF MIDDLETOWN
COUNTY OF MONMOUTH

ORDINANCE AUTHORIZING ACCEPTANCE OF DEED OF EASEMENT
AND RIGHT-OF-WAY AND DEED OF SIGHT TRIANGLE EASEMENT
OVER A PORTION OF BLOCK 74, LOTS 10.01, 10.02 AND 10.03
(ATLANTIC AVENUE)

WHEREAS, on May 1, 2024, pursuant to Planning Board Resolution No. 2023-106, the Township of Middletown (the "**Township**") Planning Board granted Minor Subdivision Approval to Oceanside Builders, Inc. with the condition that it provide the Township with a five-foot-wide Right-of-Way and a Sight Triangle Easement; and

WHEREAS, N.J.S.A. 40A:12-4(a) authorizes municipalities to acquire interests in real property, including easements, and N.J.S.A. 40A:12-5(a) requires the acquisition of such interests be authorized by ordinance; and

WHEREAS, the Township Attorney and Engineer have reviewed the proposed form of Deed of Easement and Right-of-Way covering +/- 0.030 acre (1,314 square feet) portion of Block 74, Lots 10.01, 10.02 and 10.03, and the accompanying property description prepared by Yorkanis & White, Inc. dated May 9, 2023, and recommend acceptance of the same; and

WHEREAS, the Township Attorney and Engineer have reviewed the proposed form of Deed of Sight Triangle Easement covering a +/- 0.0287 acre (1,250 square feet) portion of Block 74, Lot 10.01, and the accompanying property description prepared by Yorkanis & White, Inc. dated May 9, 2023, and recommend acceptance of the same.

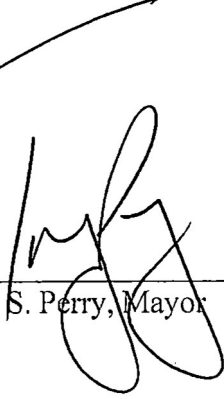
NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Middletown, County of Monmouth, State of New Jersey, as follows:

1. The findings set forth in the foregoing recitals are hereby incorporated as if fully restated herein.
2. The Mayor and Township Clerk are hereby authorized to accept the Deed of Easement and Right-of-Way attached hereto as **Exhibit A** subject to the final review and approval of the Township Attorney and Township Engineer.
3. The Mayor and Township Clerk are hereby authorized to accept the Deed of Sight Triangle Easement attached hereto as **Exhibit B** subject to the final review and approval of the Township Attorney and Township Engineer.
4. The Mayor, Township Clerk, Township Attorney, and Township Administrator are hereby authorized and directed to execute and file all such documents and undertake all actions as may be reasonably necessary to effectuate the acquisition of the easements authorized herein.
5. All ordinances and resolutions, and parts of ordinances and resolutions, which are inconsistent with provisions of this ordinance shall be, and are hereby, repealed to the extent of any such inconsistency.

6. This Ordinance shall take effect upon passage and publication in accordance with law.

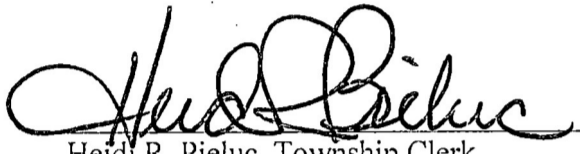
PASSED ON FIRST READING: May 20, 2024

PASSED AND APPROVED: June 10, 2024



Anthony S. Perry, Mayor

ATTEST:



Heidi R. Pieluc, Township Clerk