

**ORDINANCE NO. 2023-28**

**AN ORDINANCE OF THE TOWNSHIP OF STAFFORD,  
COUNTY OF OCEAN, STATE OF NEW JERSEY,  
AUTHORIZING THE ACCEPTANCE OF AN EASEMENT  
THROUGH A PORTION OF BLOCK 147.53, LOT 177.**

**WHEREAS**, Mr. Stephen M. Carson and Ms. Arlene V. Carson (hereinafter “Former Property Owners” or “Grantors”) were the owner of Block 147.53, Lot 177 at time Easement was made on May 21, 2018 and recorded in the Ocean County Clerk’s Office on June 26, 2018, in Book 17156, Page 1140 et seq.. Attached hereto as Exhibit “A”; and

**WHEREAS**, the Township of Stafford (“Township”) has requested a 5-foot-wide drainage easement over a portion of the Property from Grantors; and

**WHEREAS**, Claudio Andaloro (hereinafter “Current Property Owner”) signed an easement letter with the Township of Stafford, dated July 21, 2023, reaffirming and acknowledging the Township’s drainage easement in Block 147.53, Lot 177. Attached hereto as Exhibit “B”; and

**WHEREAS**, Grantors have agreed to grant the easement, which is authorized to be acquired by the Township pursuant to N.J.S.A. 40A:12-4.

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

**SECTION 1.** The Governing Body hereby authorizes and approves the acquisition for the purchase price of \$1.00 from Mr. Stephen M. Carson and Ms. Arlene V. Carson which was previously received, acknowledged and recorded, and from Claudio Andaloro a perpetual drainage easement in and along a portion of property known as Block 147.53, Lot 177 on the Tax Map of the Township of Stafford. The easement is attached hereto and incorporated herein as Exhibits “A” and “B”.

**SECTION 2.** That the Mayor is hereby authorized and directed to execute any and all such documents providing for the Township's acquisition of interest in the Property and to undertake any and all such acts as may be necessary to effectuate the terms hereof, subject to the Township Attorney's approval of the form and substance of said documents.

**SECTION 3.** 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 4.** 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 on first reading at a regular meeting of the Township Council of the Township of Stafford, in the County of Ocean, State of New Jersey, held on **August 22, 2023**, and will be considered for second reading and final passage at the regular meeting of said Governing Body to be held on the **12<sup>th</sup> day of September, 2023**, at 7:00 P.M., or as soon thereafter as this matter can be reached, at the meeting room of the Municipal Building located at 260 East Bay Avenue, Manahawkin, New Jersey, at which time all persons interested shall be given an opportunity to be heard concerning this ordinance.



**SUSAN FARRELL, RMC  
TOWNSHIP CLERK  
TOWNSHIP OF STAFFORD**



OCEAN COUNTY CLERK'S OFFICE  
RECORDING DOCUMENT  
COVER SHEET

SCOTT M. COLABELLA  
OCEAN COUNTY CLERK  
P.O. BOX 2191  
TOMS RIVER, NJ 08754-2191  
(732) 929-2110  
www.oceancountyclerk.com

3



INSTR # 2018061756  
OR BK 17156 PG 1140  
RECORDED 06/26/2018 08:32:57 AM  
SCOTT M. COLABELLA, COUNTY CLERK  
OCEAN COUNTY, NEW JERSEY

OFFICIAL USE ONLY

DATE OF DOCUMENT: (Enter Date as follows:00/00/0000) <b>05/21/2018</b>	
TYPE OF DOCUMENT: (Select Doc Type from Drop-Down Box) <b>EASEMENTS</b>	
FIRST PARTY NAME: (Enter Last Name, First Name) Carson, Stephen	SECOND PARTY NAME: (Enter Last Name, First Name) Carson, Arlene
ALL ADDITIONAL PARTIES: (Enter Last Name, First Name) <b>Stafford Twp</b>	RETURN NAME AND ADDRESS: Stafford Township 260 East Bay Avenue Manahawkin, NJ 08050

THE FOLLOWING SECTION IS REQUIRED FOR DEEDS ONLY

BLOCK:	LOT:		
MUNICIPALITY: (Select Municipality from Drop-Down Box)			
CONSIDERATION:			
MAILING ADDRESS OF GRANTEE: (Enter Street Address, Town, State, Zip Code)			
Street Address	Town	State	Zip

THE FOLLOWING SECTION IS FOR  
ORIGINAL MORTGAGE BOOKING & PAGING INFORMATION FOR ASSIGNMENTS, RELEASES,  
SATISFACTIONS, DISCHARGES & OTHER ORIGINAL MORTGAGE AGREEMENTS ONLY

ORIGINAL BOOK:	ORIGINAL PAGE:
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OCEAN COUNTY CLERK'S OFFICE RECORDING DOCUMENT COVER SHEET

Please do not detach this page from the original document as it  
contains important recording information and is part of the permanent record.

⑥ 8-cash-KMB

Book17156/Page1140

Prepared By:

Jerry J. Dasti, Esq.

PERMANENT EASEMENT AND RIGHT-OF-WAY AGREEMENT

IN CONSIDERATION OF One Dollar and No Cents (\$1.00) paid to the undersigned, Stephen M. Carson and Arlene V. Carson, 19 Benedict Crescent, Basking Ridge, NJ 07920, regarding 2004 Mill Creek Road, a/k/a Block 147.53, Lot 177, Stafford Township, by the Township of Stafford, a body politic, (hereinafter referred to as the "Grantee"), with a business office at 260 East Bay Avenue, Manahawkin, NJ 08050 the receipt and sufficiency of which is hereby acknowledged, the undersigned Grantor, does hereby grant, sell and convey unto said Grantee, its successors and assigns, forever, an easement and right-of-way in, upon, under, and through the lands and premises being in the Township of Stafford, County of Ocean, State of New Jersey, more specifically described in the description which is attached hereto and labeled "Exhibit A".

This easement and right-of-way shall include the right to excavate, construct, install, maintain, operate, renew, repair, replace and remove storm water utility pipes and lines, and valves and other facilities and appurtenances in, upon, under and through said easement and right-of-way, together with the right to maintain, repair, and replace the roadway, together with the right to enter in and upon said lands and premises in order to obtain access to said easement and right-of-way, without notice to the Grantor, for all foregoing purposes, on the condition that the surface of the land shall be restored by the Grantee, as nearly as practicable to the same condition as it may have been prior to the undertaking of any such work. The easement shall be of the sole benefit of the Township of Stafford, and its successors and assigns.

The Grantor further agrees not to erect, or cause or permit to be erected, installed or placed upon, in, under or through the easement and right-of-way herein described, any building or structure which would impede the use of the easement by the Grantee herein, unless required by a governmental entity or pursuant to a site development application. The Grantor will, however, provide two weeks written notice to the Township Administrator of the Grantee, at the business offices which are more specifically set forth hereinabove, of any intent to cross the roadway, pipe or pipes, line or lines, to be located within the easement, other than in the normal course of traffic.

The Grantee hereby agrees to hold harmless and indemnify the Grantor from any damages to person or property as a result of the Grantee's utilization of the easement area. Proof of appropriate insurance shall be provided by the Grantee to the Grantor on an annual basis. The Grantee also agrees not to allow any lien or other encumbrance to affect the property described in Exhibit A.

The Grantor further warrants, covenants and represents that it is lawfully possessed of said lands.

The Grantee herein shall be responsible for obtaining all permits required and shall be responsible for compliance with any ordinance, statute, law or regulation issued or to be issued by any Governmental Agency having jurisdiction over the easement with respect to the Grantee's use of the easement. The Grantee shall be responsible for complete restoration of the area subsequent to any construction with the easement area. It is furthermore acknowledged between the parties that the easement and right-of-way herein granted to the Grantee is for roadway, utility, and access purposes. This easement is provided solely to the Grantee/Authority as a private easement and is not intended to grant rights to the general public.



JOHN H. ALLGAIR, P.E., P.P. (1983-2001)  
DAVID J. SAMUEL, P.E., P.P.  
JOHN J. STEFANI, P.E., L.S., P.P.  
JAY B. CORNELL, P.E., P.P.  
MICHAEL J. McCLELLAND, P.E., P.P.  
GREGORY R. VALES, P.E., P.P.

TIMOTHY W. GILLEN, P.E., P.P.  
BRUCE M. KOCH, P.E., P.P.  
BEHRAM TURAN, P.E.  
TREVOR J. TAYLOR, P.E., P.P.  
LOUIS J. FLOSKONKA, P.E.

HSF00003

February 20, 2017

**Description of Drainage Easement  
Part of Tax Lots 177 and 178 Block 147.53  
Stafford Township, Ocean County, New Jersey**


Description of a 10.00' foot wide strip of land being a portion of Tax Lots 177 and 178 in Block 147.53, situated, lying and being in the Township of Stafford, County of Ocean, State of New Jersey and being more particularly described as follows:

BEGINNING at an iron pin found on the southerly line of Mill Creek Road (60 foot wide Right-of-Way), said point being the common front corner of Tax Lots 177 and 178 in Block 147.53 and from said point of BEGINNING proceeding; thence,

- 1) Southeasterly, along the southerly line of Mill Creek Road, along a curve to the left, having a radius of 430.00' feet, an arc length of 5.00 feet, a delta angle of  $00^{\circ} 39' 58''$ , a chord bearing of South  $59^{\circ} 16' 06''$  East and a chord distance of 5.00 feet to a point; thence,
- 2) Through said Tax Lot 178 in Block 147.53, South  $31^{\circ} 03' 55''$  West, a distance of 80.00' feet to a point on the southwesterly line of Tax Lot 178 in Block 147.53; thence,
- 3) Northwesterly, along the southerly line of Tax Lots 178 and 177 in Block 147.53, along a curve to the right, having a radius of 510.00' feet, an arc length of 10.00 feet, a delta angle of  $01^{\circ} 07' 24''$ , a chord bearing of North  $58^{\circ} 56' 06''$  West and a chord distance of 10.00 feet to a point; thence,
- 4) Through said Tax Lot 177 in Block 147.53, North  $31^{\circ} 03' 55''$  East, a distance of 80.00' feet to a point on the said southerly line of Mill Creek Road; thence,
- 5) Southeasterly, along said southerly line of Mill Creek Road, along a curve to the left, having a radius of 430.00' feet, an arc length of 5.00 feet, a delta angle of  $00^{\circ} 39' 58''$ , a chord bearing of South  $58^{\circ} 36' 07''$  East and a chord distance of 5.00 feet to the Point and Place of BEGINNING.

Containing 800 square feet (0.018 acres) of land and being subject to any easements or restrictions of record.

The Easement as hereinbefore described being and intended to be that as shown on a certain map entitled "Sketch of Easement, Part of Lots 177 & 178 Block 147.53, Stafford Township, Ocean County, NJ", prepared by Michael J. McGurl, CME Associates 1460 Route 9 South, Howell, New Jersey dated February 20, 2018.

  
Michael J. McGurl  
Professional Land Surveyor  
NJ License No. 38338

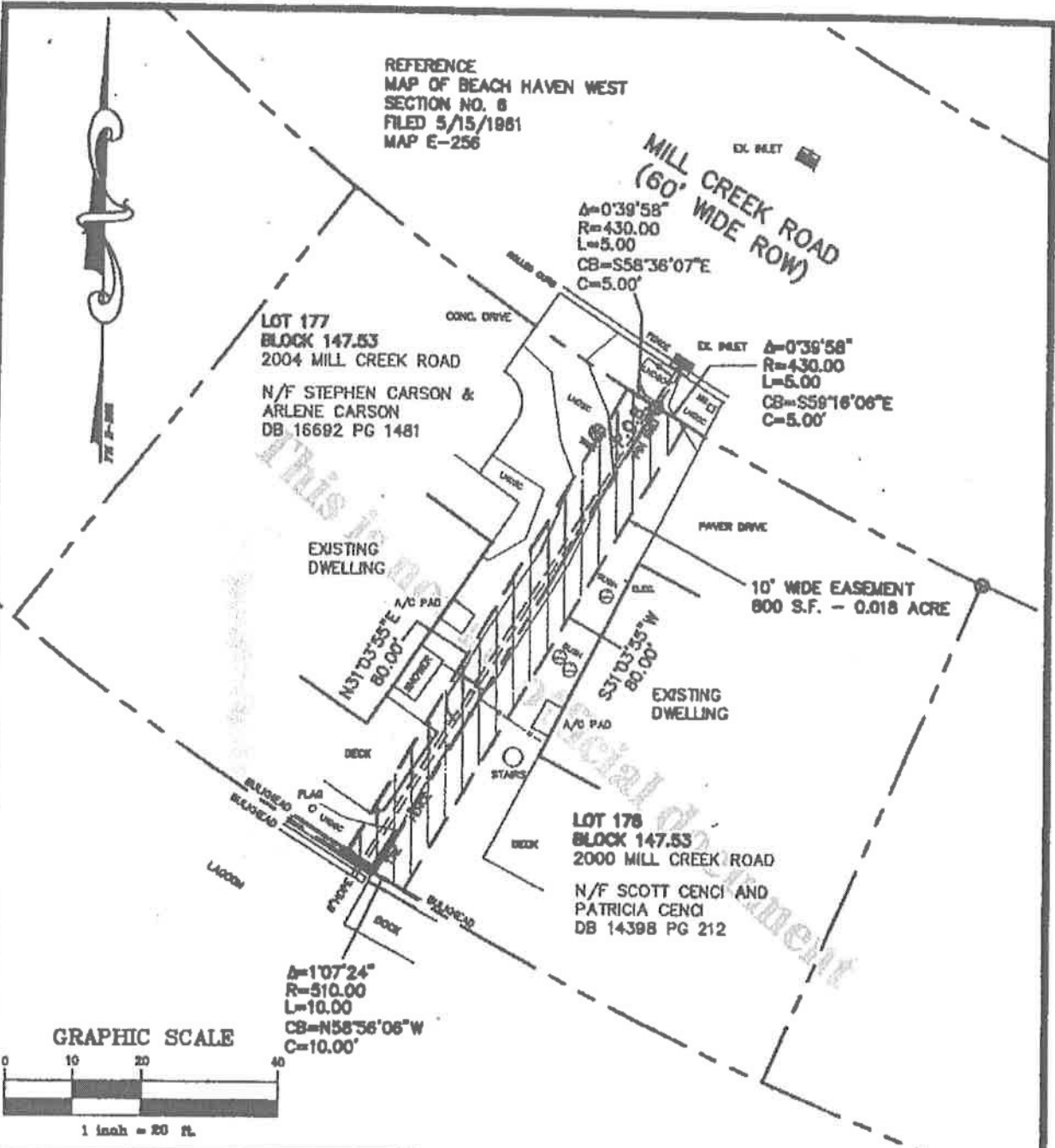
mjm/qli

G:\sdskproj\Stafford Easement-L177and178B147.53\Description Lot 177 and 178 Block 147.53.doc

CONSULTING AND MUNICIPAL ENGINEERS

1460 ROUTE 9 SOUTH, HOWELL, NEW JERSEY 07731 — (732) 482-7400 — FAX: (732) 409-0756





REFERENCE  
MAP OF BEACH HAVEN WEST  
SECTION NO. 8  
FILED 5/15/1981  
MAP E-256

MILL CREEK ROAD  
(60' WIDE ROW)

LOT 177  
BLOCK 147.53  
2004 MILL CREEK ROAD  
N/F STEPHEN CARSON &  
ARLENE CARSON  
DB 16692 PG 1481

Δ=0°39'58"  
R=430.00  
L=5.00  
CB=S58°16'06"E  
C=5.00'

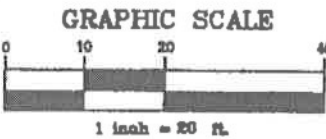
EXISTING DWELLING

10' WIDE EASEMENT  
800 S.F. - 0.018 ACRE

EXISTING DWELLING

LOT 178  
BLOCK 147.53  
2000 MILL CREEK ROAD  
N/F SCOTT CENCI AND  
PATRICIA CENCI  
DB 14398 PG 212

Δ=1°07'24"  
R=510.00  
L=10.00  
CB=N58°36'08"W  
C=10.00'



SKETCH OF EASEMENT  
PART OF TAX LOTS 177 & 178 BLOCK 147.53

STAFFORD TOWNSHIP      OCEAN COUNTY, NJ

**CONSULTING AND MUNICIPAL ENGINEERS**

1000 BUCKINGHAM AVENUE, PHILADELPHIA, PENN. 19104-3000      2000 BROADWAY, NEW YORK, N.Y. 10007-1001

<b>JOHN H. ALDAR, P.E., P.F.</b> <small>REGISTERED PROFESSIONAL ENGINEER</small>	<b>DAVID J. DANIEL, P.E., P.F.</b> <small>REGISTERED PROFESSIONAL ENGINEER</small>	<b>JOHN J. SERRINO, P.E., L.L. &amp; P.F.</b> <small>REGISTERED PROFESSIONAL ENGINEER AND LANDSCAPE ARCHITECT</small>
<b>JIM B. CORNELL, P.E., P.F.</b> <small>REGISTERED PROFESSIONAL ENGINEER</small>	<b>NICHOLAS J. MCGILLIAND, P.E., P.F.</b> <small>REGISTERED PROFESSIONAL ENGINEER</small>	<b>CHRISTOPHER R. WELSH, P.E., P.F.</b> <small>REGISTERED PROFESSIONAL ENGINEER</small>

DATE: 2/20/18      DRAWN BY: QTL      CHECKED BY: MJM      SCALE: 1"=20'      FILE NO: SF00003

**MICHAEL J. MCGURL**  
ALL RIGHTS RESERVED FOR U.C. NO. 20038

The easement and right-of-way herein granted shall run with the lands and shall be binding on the parties hereto, their heirs, and successors in title or interest in perpetuity.

In all references herein to any parties, persons, entities or corporations, the use of any particular gender or the plural or singular number is intended to include the appropriate gender or number as the text of this Agreement may require.

Wherever in this Agreement any party shall be designated or referred to by name or general reference, such designation is intended to and shall have the same effect as if the words "heirs, executors, administrators, personal or legal representatives, and successors" had been inserted after each and every such designation.

IN WITNESS WHEREOF, the Grantor and Grantee have caused these presents to be signed and attested by their proper corporate officers and their corporate seal to be hereto affixed the day and year set forth below.

Dated: 5/21/18

GRANTOR:

Stephen M. Carson  
STEPHEN M. CARSON

Arlene V. Carson  
ARLENE V. CARSON

WITNESS:

Jacelin D. Hayes

GRANTEE:

TOWNSHIP OF STAFFORD

James Moran  
JAMES MORAN  
TOWNSHIP ADMINISTRATOR

WITNESS

Linda Martin  
LINDA MARTIN  
ACTING TOWNSHIP CLERK

STATE OF NEW JERSEY, COUNTY OF ... SS:

I CERTIFY that on *21st of May*, 2018, Stephen M. Carson and Arlene V. Carson, H/W personally came before me and stated to my satisfaction that this person (or if more than one, each person):

- (a) This person is the person named in and personally signed this Deed; and
- (b) Signed, sealed and delivered this Deed as his or her act and deed; and
- (c) This deed of easement 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).

Signed and sworn to before me on *21st of May*, 2018

*Barbara...*  
Notary Public, *my commission expires 1/30/23*  
State of New Jersey

THIS IS NOT AN EASEMENT

STATE OF NEW JERSEY, COUNTY OF OCEAN SS:

I CERTIFY that on *5/31*, 2018 JAMES MORAN, TOWNSHIP ADMINISTRATOR AND LINDA MARTIN, ACTING TOWNSHIP CLERK personally came before me and stated to my satisfaction that this person (or if more than one, each person):

- (a) this person is the person named in and personally signed this Deed; and
- (b) signed, sealed and delivered this Deed as his or her act and deed; and
- (c) this deed of easement 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 NJSA 46:15-5).

Signed and sworn to before me on *May 31*, 2018

*Bridget Haldenwang*  
Notary Public of New Jersey

~~RECORD AND RETURN:  
Dasti, Murphy, McGuckin,  
Ulaky, Koutsouris and Connors PC  
620 W. Lacey Road, PO Box 1057  
Forked River, NJ 08731~~

BRIDGET HALDENWANG  
NOTARY PUBLIC OF NEW JERSEY  
MY COMMISSION EXPIRES AUGUST 14, 2022  
ID# 2456834



Introduction: August 22, 2023

Motion to Introduce: <i>Otte</i>	Second: <i>Mower</i>	Roll Call:	Esposito	<i>absent</i>
			Henken	<i>absent</i>
			Krier	<i>yes</i>
			Otte	<i>yes</i>
			Mower	<i>yes</i>
			Steadman	<i>yes</i>
			Myhre	<i>yes</i>

Adoption: September 12, 2023

Motion to Adopt: <i>Steadman</i>	Second: <i>Otte</i>	Roll Call:	Esposito	<i>absent</i>
			Henken	<i>yes</i>
			Krier	<i>yes</i>
			Otte	<i>yes</i>
			Mower	<i>yes</i>
			Steadman	<i>yes</i>
			Myhre	<i>yes</i>

**CERTIFICATION**

I, **SUSAN M. FARRELL**, Municipal Clerk of the Township of Stafford, do hereby certify that the foregoing Ordinance was duly adopted on second reading and public comment by the Stafford Township Governing Body at their meeting held on the 12<sup>th</sup> day of Sept, 2023.

*Susan M. Farrell*

Susan M. Farrell, RMC  
Municipal Clerk, Stafford Township  
Ordinance No. 2023-28