

ORDINANCE NO.: 20-29
INTRODUCTION DATE: 08-19-2020
ADOPTION DATE: 09-02-2020

**ORDINANCE AUTHORIZING THE EXCHANGE OF EASEMENT INTERESTS ON
BLOCK 62, LOT 15.08 (2 SAWMILL POND ROAD), MILLSTONE TOWNSHIP**

WHEREAS, there currently exists a conservation easement on a portion of Block 62, Lot 15.08, known as 2 Sawmill Pond Road (hereafter "Property") which was conveyed to the Township of Millstone (hereafter "Township") in 1990 (hereafter "Existing Conservation Easement"); and

WHEREAS, certain improvements were installed within the Existing Conservation Easement; and

WHEREAS, it is necessary for the Existing Conservation Easement to be reconfigured so that the improvements are not located within a conservation easement; and

WHEREAS, in order to accomplish the reconfiguration of the Existing Conservation Easement, the property owners (hereafter "Owners") will convey an easement to the Township for new conservation easement areas and the Township will convey to the Owners its interest for the portion of the Existing Conservation Easement where the improvements are located; and

WHEREAS, the new conservation easement areas the Owners will convey to the Township are described in attached Schedule A; and

WHEREAS, the portion of the Existing Conservation Easement which the Township will relinquish is described in attached Schedule B; and

WHEREAS, N.J.S.A. 40A:12-16 allows a municipality to exchange property interests when it is in the public interest to do so; and

WHEREAS, the Township Tax Assessor has evaluated the easements pursuant to the direction contained in N.J.S.A. 40A:12-16 and has concluded that the new easement areas the Township will be receiving are of greater value than the easement area it is relinquishing.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Millstone as follows:

1. The value of the new easement areas the Township will be receiving is of greater value than the easement area it is relinquishing, based upon the evaluation of the Tax Assessor pursuant to N.J.S.A. 40A:12-16.

2. The Mayor and Township Clerk are hereby authorized to execute a Deed releasing a portion of the Existing Conservation Easement, as described in Schedule B, conditioned upon:

(a) The Owners of the Property conveying to the Township a valid and marketable title to the property interest described in Schedule A.

(b) The Owners having three (3) Conservation Easement markers installed to the reasonable satisfaction of the Township Engineer, all as depicted on a certain sketch prepared by Crest Engineering Associates dated May 7, 2020.

3. The Township Attorney and all other Township officials are hereby authorized to take any and all action reasonable and necessary in order to conclude the exchange of easements as described herein.

BE IT FURTHER ORDAINED by the Township Committee of the Township of Millstone that this Ordinance shall take effect upon adoption, publication according to law.

EXPLANATORY STATEMENT: This Ordinance authorizes the exchange of easement areas on Block 62, Lot 15.08.

CREST

Engineering Associates Inc.

May 15, 2020
File No. 6349

Description of Lands situated on Lot-15.08 in Block-62, Millstone Township, Monmouth County, New Jersey to be dedicated to Millstone Township for Conservation and Buffer Easement purposes.

Tract 1:

BEGINNING at a point in the northerly line of Sawmill Pond Road (50 ft. R.O.W.) said point bearing the following three courses along said northerly line of Sawmill Pond Road from the terminus of a transition curve having a 25.00 foot radius, connecting the southwesterly line of Stage Coach Road (variable R.O.W.) with said northerly line of Sawmill Pond Road and running; A) along a curve to the right having a radius of 100.00 feet, an arc length of 70.93 feet to a point; thence B) South 78° 19' 10" West 172.59 feet to a point of curvature; thence C) along a curve to the left having a radius of 150.00 feet, an arc length of 107.34 feet to said Beginning point and running; thence

- a) Along the aforementioned northerly line of Sawmill Pond Road South 37° 19' 10" West, 245.00 feet to a point; thence

Traversing the subject property the following three courses:

- b) North 16° 14' 13" East, 125.91 feet to a point; thence
c) North 51° 05' 24" East, 102.07 feet to a point in a point; thence
d) North 73° 49' 13" East, 35.30 feet to the point and place of BEGINNING.

Containing 6,244 square feet, more or less.

Tract 2:

BEGINNING at a point in the northerly line of Sawmill Pond Road (50 ft. R.O.W.) said point bearing the following five courses along said northerly line of Sawmill Pond Road from the terminus of a transition curve having a 25.00 foot radius, connecting the southwesterly line of Stage Coach Road (variable R.O.W.) with said northerly line of Sawmill Pond Road and running; A) along a curve to the right having a radius of 100.00 feet, an arc length of 70.93 feet to a point; thence B) South 78° 19' 10" West 172.59 feet to a point of curvature; thence C) along a curve to the left having a radius of 150.00 feet, an arc length of 107.34 feet to a point of tangency; thence D) South 37° 19' 10" West 245.00 feet to a point of curvature; thence E) along a curve to the right having a radius of 140.00 feet, an arc length of 18.33 feet to said Beginning point and running; thence

□ 100 Rike Drive
Millstone Township, NJ 08535
Ph 609-448-5550 · Fax 609-448-2157

crestnj@crestengineering.net
www.crestengineering.net

□ 12 Robbins Parkway
Toms River, NJ 08753
Ph 732-244-0888 · Fax 732-244-0788

- a) Along the aforementioned northerly line of Sawmill Pond Road South $44^{\circ} 49' 10''$ West, 75.70 feet to a point marking the beginning of a 40.0 foot wide Drainage Easement; thence
- Traversing the subject property the following three courses:
- b) Along the northwesterly line of said Drainage Easement North $45^{\circ} 27' 11''$ West, 37.32 feet to a point; thence
- c) North $48^{\circ} 04' 11''$ East, 49.70 feet to a point in a point; thence
- d) South $82^{\circ} 27' 30''$ East, 43.36 feet to the point and place of BEGINNING.

Containing 2,232 square feet, more or less.

This description is made in accordance with a map entitled "Conservation and Buffer Easement Relocation Plan, Lot-15.08, Block-62, Township of Millstone, Monmouth County, New Jersey" dated May 7, 2020 and prepared by Crest Engineering Associates Inc..

Peter R. Eshewsky, PLS
N.J. Professional Land Surveyor No. 34001

CREST

Engineering Associates Inc.

May 15, 2020

File No. 6349

Description of Lands situated on Lot-15.08 in Block-62, Millstone Township, Monmouth County, currently dedicated to Millstone Township for Conservation and Buffer Easement purposes to be included as usable area available to the owners of said Lot-15.08 in Block-62.

BEGINNING at a point in the northerly line of Sawmill Pond Road (50 ft. R.O.W.) said point marking the easterly property corner of Lot-15.07 Block-62 and the southerly corner of the subject property and running the following two courses; A) Along said northerly line of Sawmill Pond Road, along a curve to the left having a radius of 140.00 feet, an arc length of 39.34 feet to a point; thence B) passing through the subject property and along the Conservation and Buffer Easement dedicated to Millstone Township situated on the subject property, North 32° 03' 13" West 159.40 feet to said Beginning point and running; thence

Traversing the Conservation and Buffer Easement dedicated to Millstone Township situated on the subject property, the following four courses:

- a) North 32° 03' 13" West 43.83 feet to a point; thence
- b) North 45° 33' 05" East, 192.20 feet to a point; thence
- c) South 45° 25' 52" East, 42.99 feet to a point; thence
- d) South 46° 33' 05" West, 202.35 feet to the point and place of BEGINNING.

Containing 8,476 square feet, more or less.

This description is made in accordance with a map entitled "Conservation and Buffer Easement Relocation Plan, Lot-15.08, Block-62, Township of Millstone, Monmouth County, New Jersey" dated May 7, 2020 and prepared by Crest Engineering Associates Inc.

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