

ORDINANCE NO. 2012 -21

ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING ACQUISITION OF A PORTION OF LOT 22.01, BLOCK 165 AS SHOWN IN THE OFFICIAL TAX MAPS OF THE TOWNSHIP OF BARNEGAT, NEW JERSEY, FROM BURPROP, LLC.

WHEREAS, the Township of Barnegat, County of Ocean, State of New Jersey (the "Township") has been utilizing a portion of Lot 22.01, Block 165, Barnegat Township, New Jersey, for roadway purposes; and

WHEREAS, it has been determined that the property be utilized by the Township affecting Lot 22.01, Block 165 is owned by and assessed to Burprop, LLC.; and

WHEREAS, the Township has entered into negotiations with the aforementioned property owner for the acquisition of a portion of Lot 22.01, Block 165, the metes and bounds description of which is attached hereto and made a part hereof; and

WHEREAS, the Township has entered into a letter agreement with the property owner dated July 10, 2012 which calls for a purchase price of \$40,000.00. A copy of the fully executed letter agreement is on file at the office of the Township Clerk and can be reviewed by the public during normal business hours; and

**DASTI, MURPHY
McGUCKIN, ULAKY,
CHERKOS & CONNORS**

COUNSELLORS AT LAW

620 WEST LACEY ROAD
P.O. BOX 1057
FORKED RIVER, N.J. 08731

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

SECTION 1. The Township authorizes the acquisition of a portion of Lot 22.01, Block 165, Barnegat Township, New Jersey, the metes and bounds description of which is attached hereto and made a part hereof, including any and all improvements thereon, for and in consideration of \$40,000.00. The acquisition will be in accordance with the letter agreement between the Township and the property owner dated July 10, 2012, a true copy of which is on file at the office of the Township Clerk and can be reviewed during normal business hours.

SECTION 2. The Township authorizes and directs the Mayor, Township Clerk, Township Administrator and the Township's professional staff to undertake any and all necessary steps in order to implement the intent of this Ordinance, and to meet all of the Township's obligations as set forth in the letter agreement.

SECTION 3. Severability. The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

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SECTION 4. Repealer. Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

SECTION 5. Effective Date. This Ordinance shall take effect upon publication in an official newspaper of the Township, as required by and in conformance with law.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced and passed by the Township Committee of Barnegat on first reading at a meeting held on the 20th **day of August, 2012 at 6:30 p.m.** The Ordinance will be considered for second and final reading at a meeting of the Township Committee which is scheduled for the 18th **day of September, 2012, at 6:30 p.m.,** or as soon thereafter as the matter may be reached, at the Municipal Building located at 900 West Bay Avenue, Barnegat, New Jersey, at which time the public is invited to ask questions, raise objections, or provide public comment with regard to the proposed adoption of this Ordinance.



SHARON L. AUER, ACTING TOWNSHIP CLERK

Prepared by:

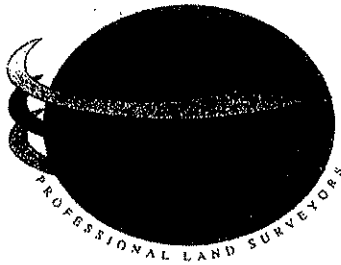
DASTI, MURPHY, McGUCKIN, ULAKY,
CHERKOS & CONNORS
Forked River, New Jersey 08731

JJD/faw[Barnegat Ordinances 2012 - GL-20052]
[Barnegat Burr Street Encroachment - GL-19430]

DASTI, MURPHY
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CHERKOS & CONNORS

COUNSELLORS AT LAW

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FORKED RIVER, N.J. 08731



DPK CONSULTING LLC

PROFESSIONAL LAND SURVEYORS

Dated July 24, 2012
Job No. 11-4899

All that certain lot, piece or parcel of land situated, lying and being in the Township of Barnegat, County of Ocean and State of New Jersey.

BEING KNOWN as a portion of Lot 22.01 in Block 165 as shown on the Official Tax Map of the Township of Barnegat, County of Ocean and State of New Jersey

BEING DESCRIBED in accordance with a map entitled, "Lot Consolidation and Minor Subdivision Plan, Tax Map Lots 22 & 22.01, Block 165, Railroad Avenue & Burr Street, Township of Barnegat, Ocean County, New Jersey," prepared by DPK Consulting L.L.C., dated February 13, 2012.

METES AND BOUNDS DESCRIPTION RIGHT OF WAY DEDICATION

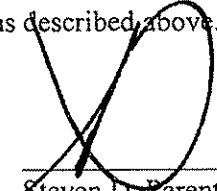
BEGINNING at a nail with shiner, identified "DPK Consulting," set at the intersection of the southwesterly sideline of Burr Street, 33 feet wide per Tax Map, with the westerly sideline of Railroad Avenue, 40 feet wide per Tax Map and Ordinance adopted April 7, 1966, and runs thence:

- Course 1. Along Railroad Avenue, South $21^{\circ} 52' 19''$ West 234.70 feet, to a nail with shiner, identified as aforesaid, set in the line of lands now or formerly of Schmidt, described in Deed Book 5585 at Page 218; thence
- Course 2. Along the same, North $63^{\circ} 58' 20''$ West 18.09 feet, to a concrete monument, identified "DPK Consulting," set in the new westerly sideline of Railroad Avenue (N.B. this course reversed passes over a concrete monument, marked "T", found 117.29 from its beginning; this course extended passes over an iron bar with cap, identified "DPK Consulting," set at a point formerly occupied by a concrete monument, marked "T", as reestablished from a map entitled "Union Township, Ocean County, New Jersey, Survey Map of Westerly Line of Lands of Central Railroad of New Jersey (Former Tuckerton Railroad) between W. Bay Avenue & Burr Street," prepared by Ernst, Ernst & Lissenden, dated July 20, 1965, at a distance of 31.72 feet from its terminus); thence
- Course 3. By a new line through lands of Burprop, LLC, described in Deed Book 14490 at Page 880, and along the new westerly sideline of Railroad Avenue, North $16^{\circ} 22' 22''$ East 239.33 feet, to an X-cut set in the face of concrete curbing in the southerly sideline of Burr Street (N.B. this course

passes over concrete monuments, identified as aforesaid, set at distances of 119.67 feet and 236.33 feet from its beginning); thence

Course 4. Along the same, South 61° 19' 28" East 41.27 feet, to the point and place of BEGINNING. (N.B. this course reversed passes over an iron bar with cap, identified as aforesaid, set at a distance of 8.76 feet from its beginning and a concrete monument found 107.59 feet from its beginning)

Containing 6,945 square feet more or less of land as described above.



Steven D. Parent
Professional Land Surveyor
N.J. License No. 24GS036900

Township of Barnegat

COUNTY OF OCEAN

900 WEST BAY AVENUE
BARNEGAT, NEW JERSEY 08005-1298
Email: clerk@barnegat.net

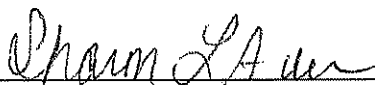


MUNICIPAL OFFICES: (609) 698-0080
FAX #: (609) 698-7980
Visit Our Website: www.barnegat.net

September 19, 2012

CERTIFICATION

I, Sharon L. Auer, Acting Municipal Clerk of the Township of Barnegat, County of Ocean, State of New Jersey do hereby certify by my hand and seal that the foregoing Ordinance namely, Ordinance #2012-21 entitled An Ordinance authorizing the acquisition of Lot 22.01, Block 165 as shown in the official Tax Maps of the Township of Barnegat from Burprop, LLC was introduced and passed on the 20th day of August, 2012 and finally adopted after Public Hearing at their regular meeting held on the 18th day of September, 2012 in the Municipal Court Room, 900 West Bay Avenue, Barnegat, NJ and will take effect 20 days after publication in the Township newspaper.



Sharon L. Auer, Acting Municipal Clerk

DASTI, MURPHY, McGUICKIN, ULAKY, CHERKOS & CONNORS

GEORGE F. MURPHY, JR. † B
JERRY J. DASTI
GREGORY P. McGUICKIN
ROBERT E. ULAKY † >
RUSSELL P. CHERKOS
CHRISTOPHER J. CONNORS
O. NICHOLAS MONACO † □
CHRISTOPHER K. KOUTSOURIS T

A Professional Corporation
COUNSELLORS AT LAW
THE CLOCK TOWER BUILDING
620 WEST LACEY ROAD
POST OFFICE BOX 1057
FORKED RIVER, NEW JERSEY 08731

E-MAIL: FORKEDRIVER@DMMLLAWFIRM.COM

WRITER'S E-MAIL: jdasti@dmmlawfirm.com

Fed I.D. #22-3450668

TELEPHONE NUMBERS

(609) 971-1010
(609) 693-4100
(732) 349-2446
(732) 295-3000
(609) 489-0101
(609) 918-1292

FACSIMILE NUMBERS

(609) 971-7093
(609) 489-0102
(732) 349-1590

Real Estate: (609) 971-6176

† CERTIFIED CIVIL TRIAL ATTY
‡ MEMBER, NATIONAL ACADEMY OF
ELDER LAW ATTORNEYS, INC

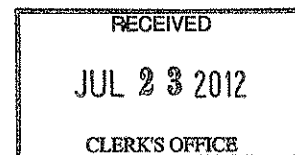
B MEMBER NJ AND FLA BAR
> MEMBER NJ AND PA BAR
T MEMBER NJ AND NY BAR
◊ RULE 1:40 QUALIFIED MEDIATOR

July 20, 2012

PLEASE REFER TO:

Barnegat – Burr Street
Encroachment – (GL#19430)

David Breeden, Administrator
Township of Barnegat
900 West Bay Avenue
Barnegat, New Jersey 08005



Dear Mr. Breeden:

I enclose a copy of a letter dated July 10, 2012 which has been countersigned and accepted by the property owner. I will order a title search of the property. Thereafter, I will prepare an Ordinance for consideration by the Township Committee. The Ordinance would authorize a purchase of portion of Lot 22.01, Block 165 for \$40,000.00.

By copy of this letter, I suggest that John Hess' office begin the necessary paperwork to subdivide Lot 22.01 in accordance with the prior surveys prepared by his office. I would like to have a metes and bounds description of the area which is the subject of the acquisition.

In the event that you have any questions, or we can be of additional assistance concerning this matter, please do not hesitate to contact our office.

Very truly yours,

JERRY J. DASTI

JJD/lh

Enclosure

cc: Sharon Auer, Acting Township Clerk (w/enclosure)
John Hess, P.E. (w/enclosure)

DASTI, MURPHY, McGUICKIN, ULAKY, CHERKOS & CONNORS

GEORGE F. MURPHY, JR. † B
JERRY J. DASTI
GREGORY P. McGUICKIN
ROBERT E. ULAKY † >
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CHRISTOPHER K. KOUTSOURIS T

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POST OFFICE BOX 1057
FORKED RIVER, NEW JERSEY 08731

E-MAIL: FORKEDRIVER@DMMLAWFIRM.COM

WRITER'S E-MAIL: jdasti@dmmlawfirm.com

Fed I.D. #22-3450668

TELEPHONE NUMBERS

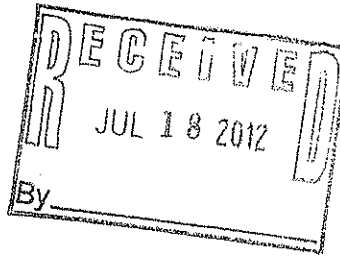
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(609) 918-1292

FACSIMILE NUMBERS

(609) 971-7093
(609) 489-0102
(732) 349-1590

Real Estate: (609) 971-6176

July 10, 2012



PLEASE REFER TO:

Barnegat - Burr Street
Encroachment - (GL#19430)

Carl Van Thulin
c/o of Burprop LLC
6511 Long Beach Boulevard
Brant Beach, New Jersey 08008

Dear Mr. Thulin:

As you are aware this office represents the Township of Barnegat. As we have discussed, the Township offers to purchase a portion of Block 165, Lot 22.01 from Burprop LLC. Our agreed upon offer to purchase is \$40,000.00. The amount of Lot 22.01 which will be purchased by the Township is that portion which is presently encumbered by the roadway which has previously been paved by the Township.

I enclose a copy of the Survey prepared by Steven D. Parent dated December 7, 2010 for your review and consideration. The Township intends to subdivide the portion of the property it is buying. That subdivision will of course be at the Township's sole cost and expense. The remainder of the property will be affixed to and combined with existing Lot 22.

This offer is of course subject to clear title being conveyed to the Township. In addition, the Township will need your consent to execute any and all applications to the Planning Board in order to obtain subdivision approval.

If you agree, on behalf of the property owner, to the above arrangement, please sign the copy of the letter which is enclosed herein and return it to our office. A self-addressed stamped envelope is enclosed.

Carl Van Thulin
July 10, 2012
Page 2 of 2

Upon receipt of your signed consent, we will order the title search and begin the minor subdivision approval. We anticipate that closing of title will take place in approximately sixty (60) days.

In the event that you have any questions or we can be of additional assistance, please do not hesitate to contact our office.

Very truly yours,



JERRY J. DASTI

JJD/faw
Enclosure

cc: David Breeden, Administrator (via e-mail)
Sharon Auer, Township Clerk (via e-mail)

On behalf of Burprop LLC I agree to the above agreement of sale to sell a portion of Lot 22.01, Block 165 to the Township of Barnegat.



CARL VAN THULIN

Township of Barnegat

COUNTY OF OCEAN

900 WEST BAY AVENUE
BARNEGAT, NEW JERSEY 08005-1298
Email: clerk@barnegat.net



MUNICIPAL OFFICES: (609) 698-0080
FAX #: (609) 698-7980
Visit Our Website: www.barnegat.net

TOWNSHIP OF BARNEGAT

The Beacon

THURSDAY, AUG. 23, 2012

NOTICE IS HEREBY GIVEN that Ordinance 2012-19 An Ordinance of the Township of Barnegat, County of Ocean, State of New Jersey establishing amending and supplementing Chapter 17 of the Barnegat Township Code entitled "Vehicles & Traffic" was introduced and passed on first reading at the regular meeting of the Barnegat Township Committee held on the 20th day of August, 2012, and will be considered for second reading and final passage at a regular meeting of the Barnegat Township Committee on the 18th day of September, 2012 at 6:30pm at the Municipal Complex, 900 West Bay Ave, Barnegat, NJ

NOTICE IS HEREBY GIVEN that Ordinance 2012-20 An Ordinance of the Township of Barnegat County of Ocean, State of New Jersey amending and supplementing the General Code Book Chapter 36 Entitled "Brush, Weeds, Obnoxious Growth" was introduced and passed on first reading at the regular meeting of the Barnegat Township Committee held on the 20th day of August, 2012, and will be considered for second reading and final passage at a regular meeting of the Barnegat Township Committee on the 18th day of September, 2012 at 6:30 pm at the Municipal Complex, 900 West Bay Ave, Barnegat, NJ

NOTICE IS HEREBY GIVEN that Ordinance 2012-21 An Ordinance authorizing acquisition of a portion of Lot 22.01 Block 165 as shown in the Official Tax Maps of the Township of Barnegat from Burprop, LLC was introduced and passed at the regular meeting of the Barnegat Township Committee held on the 20th day of August, 2012, and will be considered for second reading and final passage at a regular meeting of the Barnegat Township Committee on the 18th day of September, 2012 at 6:30 pm at the Municipal Complex, 900 West Bay Ave, Barnegat, NJ

NOTICE IS HEREBY GIVEN that Ordinance 2012-22 An Ordinance approving and adopting the Zoning Map which incorporates the revisions for the lots in Ocean Acres, Phase 3, from Residential Conservation (RC) Zone to Residential High (RH) Zone was introduced and passed at the regular meeting of the Township of Barnegat on the 20th day of August, 2012, and will be considered for second reading and final passage at a regular meeting of the Barnegat Township Committee on the 15th day of October, 2012 at 6:30 pm at the Municipal Complex, 900 West Bay Ave, Barnegat, NJ

NOTICE IS HEREBY GIVEN that Ordinance 2012-23 An Ordinance cancelling certain unfunded appropriation balances heretofore provided for various General Capital Projects totaling \$85,000.00 and reappropriating such unfunded appropriation balances for various General Capital Improvements and to reappropriate the sum of \$85,000.00 to pay the cost thereof was introduced and passed at the regular meeting of the Barnegat Township Committee held on the 20th day of August, 2012, and will be considered for second reading and final passage at a regular meeting of the Barnegat Township Committee on the 18th day of September, 2012 at 6:30 pm at the Municipal Complex, 900 West Bay Ave, Barnegat, NJ

NOTICE IS HEREBY GIVEN that Ordinance 2012-24 An Ordinance establishing revised Water and Sewer connection fees as required by State Statute was introduced and passed at the regular meeting of the Barnegat Township Committee held on the 20th day of August, 2012, and will be considered for second reading and final passage at a regular meeting of the Barnegat Township Committee on the 18th day of September, 2012 at 6:30 pm at the Municipal Complex, 900 West Bay Ave, Barnegat, NJ (\$50.44) 609659

*Original filed
w/2012-19*

cc: TC
DB
JH
JD

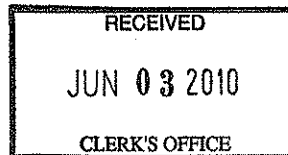
WAT
my file
2012-21

ROBERT J. KISS

COUNSELOR AT LAW
2216 LONG BEACH BOULEVARD
P O BOX 548
SURF CITY, NJ 08008

PHONE (609) 361-1118 FAX (609) 361-2302

robertjkissesq@yahoo.com



May 26, 2010

CERTIFIED MAIL with RETURN RECEIPT

Mr. Jeffrey Melchiondo
Mayor and Council Members of Barnegat
900 West Bay Avenue
Barnegat, NJ 08005-1298

RE: Block 165 Lot 22.01

Dear Mayor Melchiondo and Council Members:

I represent Burprop LLC which is the owner of the above property.

My client recently had the property surveyed and discovered that a significant portion of their property has been paved over. A copy is provided for your engineers review.

Kindly take the appropriate steps to remove the paving materials from my client's property.

Thank you for your attention in this matter.

Very truly yours,

Robert J. Kiss, Esq.

RJK/tlmc
Encl.

C: Carl Van Thulins/Purprop LLC

DEED BOOK 63, PAGE 245 BEARINGS



N 64°03'57" W 49.74' (S)
N 63° W 50' (D)

DEED BOOK 5585, PAGE 220

LOT 21

LOT 22
DEED BOOK 10182, PAGE 371

N 21°47'18" E 238.88' (S)
N 22° E 237' (D)

LOT 22.01
11,909.1 S.F.
(0.27 ACRES)

S 22°00'00" W 237.00' (D & S)

RAILROAD AVENUE (40')

S 63° E 50' (D)
S 62°01'15" E 50.78' (S)

BURR STREET (33')

0.24 IN SPIKE FOUND

- NOTES:
- DEEDS REFERENCED:
BOOK 63, PAGE 245 (LOT 22.01, BLOCK 165)
BOOK 10182, PAGE 0371 (LOT 22, BLOCK 165)
BOOK 5585, PAGE 220 (LOT 21, BLOCK 165)
BOOK 16665, PAGE 996 (LOT 23, BLOCK 165)
BOOK 12127, PAGE 618 (LOT 24, BLOCK 165)
 - 37.3% OF THE LOT HAS BEEN PAVED.



DEEDS AS SHOWN HEREON ARE NOT TO BE USED FOR CONSTRUCTION OF ANY STRUCTURES OR OTHER PERMANENT STRUCTURES.
THIS CERTIFICATION IS MADE ONLY TO THE EXTENT OF THE INFORMATION AND/OR MATERIALS PROVIDED TO THE SURVEYOR AND IS ASSIGNED FOR USE OF SURVEY FOR LAND OTHER THAN FOR THE SURVEY DOES NOT WARRANT TO IDENTIFY OR REPRESENT THE SURVEYOR'S LIABILITY AS SHOWN HEREON.
THIS SURVEY IS SUBJECT TO SUCH FACTS AS A SURVEYOR CAN ASCERTAIN FROM REVELATION.

- LEGEND-
- = REMNANT FOUND
 - ✕ = SPIKE FOUND
 - D = DEED
 - S = SURVEY
 - POB = POINT OF BEGINNING
 - CL = CENTERLINE
 - E/P = EDGE OF PAVEMENT

CERTIFIED TO:
BURRSTADT, LLC
CHICAGO TITLE INSURANCE COMPANY
ROBERT J. KISS, ESQ.

REVISIONS

<p>HORN, TYSON & YODER, INC. CONSULTING ENGINEERS, SURVEYORS-PLANNERS CERTIFICATE 240627951700 - ISSUED JULY 1, 2002 8510 LONG BEACH BOULEVARD, LONG BEACH TOWNSHIP, NEW JERSEY 08008-3424 PHONE (609) 492-5050 FAX (609) 492-4169</p>		<p>MAP SHOWING SURVEY OF: LOT 22.01, BLOCK 165 TAX MAP SHEET # 99 BARNEGAT TOWNSHIP OCEAN COUNTY, NEW JERSEY</p>	
<p>JOHN L. YODER P.E. 18058, P.P. 1068</p>	<p>ROBERT G. de BLOIS P.L.S. 35357</p>	<p>JAMES D. BRZDOWSKI P.E. GE44223</p>	<p>SCALE: 1"=20' DRAWN BY: KAK DATE: 8/12/2009</p>
<p>JN: 09-090</p>		<p>SHEET 1</p>	<p>OF 1</p>