

ORDINANCE NO. 2023 -

**TOWNSHIP OF MIDDLETOWN
COUNTY OF MONMOUTH**

**ORDINANCE AMENDING ORDINANCE NO. 2022-3344 AUTHORIZING GRANTING
OF CERTAIN DEEDS OF EASEMENT UPON PORTIONS OF TOWNSHIP-OWNED
PROPERTY PURSUANT TO THE RARITAN BAY AND SANDY HOOK BAY,
HURRICANE AND STORM DAMAGE REDUCTION PROJECT, PORT MONMOUTH,
NEW JERSEY, PHASE II (CONTRACT 5)**

WHEREAS, the Township of Middletown (the "**Township**") recognizes that coastal storm damage and tide-induced flooding in Port Monmouth is a significant concern that threatens safety of life and property of the citizens of Middletown and the State of New Jersey; and,

WHEREAS, the Township and the State of New Jersey ("**State**") desire to participate with each other and the United States Army Corps of Engineers to construct the Raritan Bay and Sandy Hook Bay, Hurricane and Storm Damage Reduction Project, Port Monmouth, New Jersey, Phase II, as defined in the January 31, 2014 Project Partnership Agreement, executed between the New Jersey Department of Environmental Protection and the United States Army Corps of Engineers (the "**Project**"); and

WHEREAS, in order to accomplish Phase II (Contract 5), the Township and the State require deeds of easement upon portions of certain real property owned by Township, which were approved by way of Ordinance No. 2022-3344 (the "**Easements**"); and

WHEREAS, on December 19, 2022, pursuant to Ordinance No. 2022-3361, the Township authorized the purchase of real property known as Block 136, Lot 5 owned by the Estate of Thomas Kelso, Jr. (the "**Kelso Property**"), a portion of which is required to complete the Project; and

WHEREAS, the Township and the State have determined that an amendment to the Easements is necessary to grant a flood protection levee easement and a temporary work area easement on the Kelso Property to the State to complete Phase II (Contract 5); and

WHEREAS, the Easements granted by way of Ordinance No. 2022-3344 are hereby amended and superseded as provided in **Exhibit A** attached hereto, which adds a flood protection levee easement and a temporary work area easement on the Kelso Property; and

WHEREAS, conveyance of the flood protection levee easement and temporary work area easement on the Kelso Property shall be completed by way of execution of a (1) Deed of Dedication and Perpetual Flood Protection Levee Easement, attached hereto as **Exhibit B**, and a (2) Temporary Work Area Easement, attached hereto as **Exhibit C**, all of which are in substantially final form, subject to the final review and approval of the Township Attorney; and

WHEREAS, N.J.S.A. 40A:12-13(b)(1) authorizes the Township to convey an easement upon its real property to any department or political subdivision of the State pursuant to duly adopted ordinance.

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 preamble are hereby incorporated as if fully restated.
2. The Mayor and Township Clerk are hereby authorized to execute the deeds of easement attached hereto as **Exhibits B and C**, subject to the final review and approval of the Township Attorney.
3. The Mayor, Township Clerk, Township Attorney, and Township Administrator are hereby authorized and directed to execute and file any and all such documents and undertake any and all such actions as may be reasonably necessary to effectuate the terms hereof.
4. All ordinances and resolutions, and parts of ordinances and resolutions, and specifically Ordinance No. 2022-3344, which are inconsistent with provisions of this ordinance shall be, and are hereby, repealed to the extent of any such inconsistency.
5. This Ordinance shall take effect upon passage and publication in accordance with law.

EXHIBIT A

Exhibit A

**Description of Perpetual Flood Protection Levee Easement – Port Monmouth Phase II-
Contract 5**

A permanent easement to construct and maintain a flood protection levee across portions of Block 136, Lots 3, 5 & 6, and the rights-of-way of Broadway and Port Monmouth Road, as shown on the map titled "Perpetual Flood Protection Levee Easement – Port Monmouth – Phase II-Contract 5," located in the Twp. of Middletown, Monmouth County, New Jersey.

<u>BLOCK</u>	<u>LOT</u>	<u>AREA (acres)</u>
136	3	3.3815
136	5	0.090
136	6	0.222
Broadway		0.025
Port Monmouth Rd.		0.214

Exhibit A

Description of Temporary Work Area Easement – Port Monmouth Phase II-Contract 5

A Temporary Work Area Easement across portions of Block 133, Lot 1.01; Block 136, Lots 3, 5 & 6; Block 139, Lot 6.02; and the rights-of-way of Broadway, Brainard Ave., Griggs Ave., Main Street, Park Ave., and Port Monmouth Rd., as needed to construct the various features within Contract 5 of the Raritan Bay and Sandy Hook Bay Hurricane and Storm Damage Reduction Project, as shown on the map titled “Temporary Work Area Easement – Port Monmouth – Phase II-Contract 5,” located in the Twp. of Middletown, Monmouth County, New Jersey.

<u>BLOCK</u>	<u>LOT</u>	<u>AREA (acres)</u>
133	1.01	0.061
136	3	1.4689
136	5	0.159
136	6	0.441
139	6.02	0.130
Broadway		0.015
Brainard Ave.		0.0215
Griggs Ave.		0.034
Main Street		0.2314
Park Ave.		0.007
Port Monmouth Rd.		1.067

Exhibit A

Description of Perpetual Pipeline Easement – Port Monmouth Phase II-Contract 5

A permanent easement to construct and maintain a pipeline across portions of Block 133, Lot 1.01, and the rights-of-way of Brainard Ave. and Main Street, as shown on the map titled, "Perpetual Pipeline Easement – Port Monmouth – Phase II-Contract 5," located in the Twp. of Middletown, Monmouth County, New Jersey.

<u>BLOCK</u>	<u>LOT</u>	<u>AREA (acres)</u>
133	1.01	0.080
Brainard Ave.		0.0306
Main Street		0.0431

Exhibit A

Description of Perpetual Drainage Ditch Easement – Port Monmouth Phase II-Contract 5

A permanent easement to construct and maintain a drainage ditch across the rights-of-way of Griggs Avenue and Port Monmouth Road, Block 136, Lots 3 & 6, and Block 139, Lot 6.02, as shown on the map titled, "Port Monmouth Contract 5 Easements and Parcels" dated 7/30/2020 and prepared by U.S. Army Corps of Engineers New York District, and thereby the right to discharge water through said drainage ditch onto the land of the Grantor.

<u>BLOCK</u>	<u>LOT</u>	<u>AREA (acres)</u>
136	3	0.704
136	6	0.056
139	6.02	0.231
Griggs Avenue		0.057
Port Monmouth Road		0.004

EXHIBIT B

Prepared by:
Brian M. Nelson, Esq.

**DEED OF DEDICATION AND PERPETUAL
FLOOD PROTECTION LEVEE EASEMENT**

THIS DEED OF DEDICATION AND PERPETUAL FLOOD PROTECTION LEVEE
EASEMENT is made this day of _____ 2023

BY AND BETWEEN

THE TOWNSHIP OF MIDDLETOWN, a Municipal Corporation of the State
of New Jersey whose post office address is Municipal Clerk, 1
Kings Highway, Middletown, New Jersey 07748-2085, referred to
herein as Grantor,

AND

THE STATE OF NEW JERSEY, whose address is 401 East State Street,
Trenton, New Jersey 08625, referred to herein as the Grantee,

WITNESSETH

WHEREAS, the Grantor is the owner of that certain tract of
land, located in the Township of Middletown, County of Monmouth,
State of New Jersey, and identified as **Block 136, Lot 5** on the
official tax map of the Township of Middletown, hereinafter the
"Property," and Grantor holds the requisite interests to grant
this Deed of Easement; and,

WHEREAS, the Grantee recognizes that coastal storm damage
and tide-induced flooding in Port Monmouth, Township of
Middletown, New Jersey is a significant concern that threatens
safety, of life and property, of the Grantor and of all of the
citizens of the State; and,

WHEREAS, the Grantee desires to participate with the United
States Army Corps of Engineers to construct the Raritan Bay and
Sandy Hook Bay, Hurricane and Storm Damage Reduction Project,
Port Monmouth, New Jersey, as defined in the January 31, 2014
Project Partnership Agreement, executed between the New Jersey
Department of Environmental Protection ("Department") and the
United States Army Corps of Engineers, hereinafter "Project";

and,

WHEREAS, Phase II of the Project is comprised of five separate construction contracts which include the following project components: two pump stations, a tidegate, three road closure gates, concrete floodwalls, levees, road raisings along portions of Port Monmouth Road and Route 36, and wetland mitigation; and,

WHEREAS, as part of the Project, permanent maintenance access ramps will be constructed to provide for the future operation and maintenance of the Project; and,

WHEREAS, in order to accomplish the work necessary for contract 5 of the Project, Grantee needs a Perpetual Flood Protection Levee Easement on a portion of said Property herein described; and,

WHEREAS, the United States Army Corps of Engineers and/or State of New Jersey will not participate in the Project unless the Grantee acquires all real property interests needed for the Project; and,

WHEREAS, the Township of Middletown shall consider this Deed of Easement in establishing the full assessed value of any lands subject to such restrictions; and,

WHEREAS, the Grantor desires to cooperate in allowing the Project to take place on all or a portion of said Property; and,

WHEREAS, the Project will consist of a levee being constructed on a portion of the Property; and,

WHEREAS, the Grantor acknowledges that it will benefit from the successful implementation of the Project.

NOW, THEREFORE, in consideration for the benefits to be received by the Grantor from the successful implementation of the Project, the Grantor grants and conveys to Grantee an irrevocable, assignable, perpetual and permanent easement as set forth herein:

GRANT OF EASEMENT: A perpetual and assignable right and easement for the Raritan Bay and Sandy Hook Bay, Hurricane and Storm Damage Reduction Project, Port Monmouth, New Jersey, Phase II, in, on, over and across that portion of the Property described as **Block 136, Lot 5** as shown on the survey attached as Exhibit

A, and as described in the metes and bounds description attached as Exhibit B to construct, maintain, repair, operate, patrol and replace a flood protection floodwall including all appurtenances thereto; reserving, however, to the owners, their heirs and assigns, all such rights and privileges in the land as may be used without interfering with or abridging the rights and easement hereby acquired; subject, however, to existing easements for public roads and highways, public utilities, railroads and pipelines.

Duration of Easement: The easement granted hereby shall be in perpetuity, and in the event that the Township of Middletown or the State of New Jersey shall become merged with any other geographical entity or entities, or in any way dissolve, the easement granted hereby shall run in favor of surviving entities or successor. The covenants, terms, conditions and restrictions of this Deed of Easement shall be binding upon, and inure to the benefit of the parties hereto and their respective personal representatives, heirs, successors and assigns and shall continue as a servitude running in perpetuity with the land.

Character of Property: Notwithstanding the foregoing, nothing herein is intended or shall be deemed to change the overall character of the Property as property owned by the Grant or; nothing herein shall be deemed to grant to the Grantee or otherwise permit the Grantee or any other person to cross over or use any part of the Property which is not within the Easement Area; nothing herein is intended or shall be deemed to alter the boundary lines or setback lines of the Property.

By the acceptance of this Deed of Easement, the Township agrees, to the extent allowed by applicable law, that the Lands burdened by the easement herein described shall not be excluded from the calculation of minimum square footage requirements when construing applications under the Zoning Ordinance of the Municipality.

Miscellaneous:

1. The Township of Middletown covenants that, in the event it sells, transfers or otherwise disposes of the Property in whole or in part on which the easement is located that the Township of Middletown will reserve to itself an easement covering the exact same area and along the exact same terms as are being conveyed to the Department in this Deed of Dedication and Perpetual Flood Protection Levee Easement.

2. The enforcement of the terms of this Easement shall be at the discretion of the Grantee and any forbearance by Grantee to exercise their rights under this Easement in the event of any violation by Grantor shall not be deemed or construed to be a waiver by Grantee of such term or of any subsequent violation or of any of Grantee's rights under this Easement. No delay or omission by Grantee in the exercise of any right or remedy upon any violation by Grantor shall impair such rights or remedies or be construed as a waiver of such rights or remedies.

3. The interpretation and performance of this Deed of Easement shall be governed by the laws of the State of New Jersey.

4. If any provision of this Deed of Easement or the application thereof to any person or circumstance is found to be invalid, the remainder of the provisions of this Easement or the application of such provision to persons or circumstances other than those to which it is found to be invalid, as the case may be, shall not be affected thereby.

5. Any notice, demand, request, consent, approval or communication under this Deed of Easement shall be sent by regular first-class mail, postage prepaid and by Certified Mail, Return Receipt Requested, addressed to the mailing addresses set forth above or any other address of which the relocating party shall notify the other, in writing.

6. The captions in this Deed of Easement have been inserted solely for convenience of reference and are not a part of this instrument and shall have no effect upon its construction or interpretation.

7. Structures not part of the Project are not authorized.

8. Grantor represents and warrants it holds the requisite ownership interest and authority to execute this Deed of Easement; and has made this Deed of Easement for the full and actual consideration as set forth herein.

9. This Deed may be executed in counterparts by the respective Parties, which together will constitute the original Deed.

[Signature Pages to Follow]

IN WITNESS WHEREOF, with the parties understanding and agreeing to the above, they do hereby place their signatures on the date at the top of the first page.

Accepted by the
TOWNSHIP OF MIDDLETOWN, GRANTOR

Witnessed by:

BY: _____
Anthony S. Perry
Mayor

NOTARY PUBLIC OF THE
STATE OF NEW JERSEY

Date _____

I CERTIFY that on _____, 2023, Mayor Anthony S. Perry personally came before me and this person acknowledged under oath, to my satisfaction that this person;

- 1) is named in and personally signed this Deed of Easement; and
- 2) signed, sealed and delivered this Deed of Easement as his official act and deed.

Accepted by the
STATE OF NEW JERSEY, GRANTEE

Witnessed by:

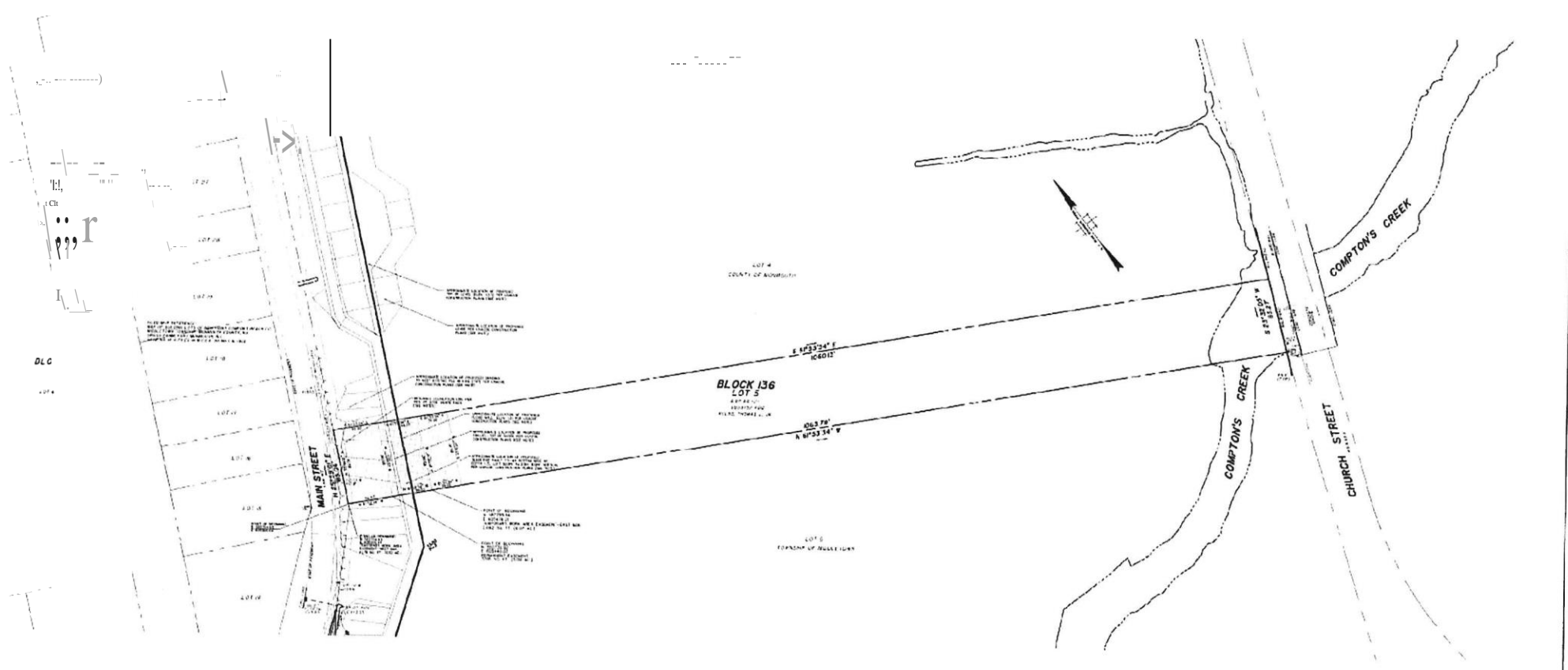
BY: _____
Dennis Reinknecht
Director
Office of Resilience Engineering
& Construction

NOTARY PUBLIC OF THE
STATE OF NEW JERSEY

I CERTIFY that on _____, 2023, Dennis Reinknecht personally came before me and this person acknowledged under oath, to my satisfaction that this person;

- 1) is named in and personally signed this Deed of Easement; and
- 2) signed, sealed and delivered this Deed of Easement as his official act and deed.

EXHIBIT A

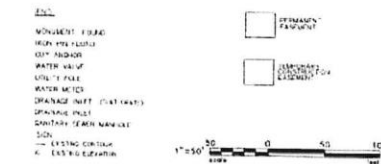


DLC
4074

LOT 4
COUNTY OF MONMOUTH

BLOCK 136
LOT 5
COUNTY OF MONMOUTH

LOT 5
COUNTY OF MONMOUTH



THIS PLAN IS SUBMITTED TO THE BOARD OF ENGINEERS AND SURVEYORS FOR REVIEW AND APPROVAL. THE BOARD HAS REVIEWED THE PLAN AND HAS FOUND THAT IT CONFORMS WITH THE REQUIREMENTS OF THE BOARD. THE BOARD'S REVIEW IS LIMITED TO THE TECHNICAL ASPECTS OF THE PLAN AND DOES NOT CONSTITUTE A GUARANTEE OF THE ACCURACY OF THE INFORMATION PROVIDED. THE USER OF THIS PLAN SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR VERIFYING THE ACCURACY OF ALL INFORMATION PROVIDED.

BY: JOHN J. DZIEWIAN
REGISTERED PROFESSIONAL ENGINEER AND SURVEYOR
STATE OF NEW JERSEY
NO. 12345
DATE: 10/15/2022

CONTRACT 5			
REVISIONS			
NO.	DATE	DESCRIPTION	BY
1	10/15/2022	REVISED FOR CONSTRUCTION	JJD
2	10/20/2022	REVISED FOR SUBMITTAL	JJD
3	10/25/2022	REVISED FOR PERMITS	JJD

PROPERTY SURVEY	
FOR NON-UTILITY FLOOD CONTROL PROJECT	
BLOCK 136 LOT 5, CONTRACT 5	
MIDDLEBORO TOWNSHIP	
SOMERSET COUNTY, STATE OF NEW JERSEY	
JOHN J. DZIEWIAN REGISTERED PROFESSIONAL ENGINEER AND SURVEYOR STATE OF NEW JERSEY NO. 12345	
DATE	10/15/2022
SCALE	1" = 50'

EXHIBIT B



**STATE OF NEW JERSEY, NEW YORK DISTRICT CORPS OF ENGINEERS,
TOWNSHIP OF MIDDLETOWN, PORT MONMOUTH FLOOD CONTROL PROJECT**

CONTRACTS

Description of Perpetual Flood Protection Levee Easement

A permanent easement to construct and maintain a flood protection levee, in an area of 0.09 acres, more or less, across **Lot 5 in Block 136**, as shown on the property survey titled, "Port Monmouth Flood Control Project, Block 136 Lot 5, (Contract 5), Middletown Township, Monmouth County, State of New Jersey" dated 5/20/2020, with a latest revision date of 1/6/2022 and prepared by Najarian Associates.

More particularly described in the following metes and bounds description:

BEGINNING at a point having NJSPC of N 582730.92 E 605440.03 in the southerly line of Lot 5 in Block 136, said point being 50.32 feet on a course of South 61 degrees 53 minutes 34 seconds East from a point in the northeasterly line of Main Street (41.5' right of way) being at the dividing line between Lot 6 in Block 136 and Lot 5 in Block 136 and running thence:

- 1) North 25 degrees 58 minutes 07 seconds East, a distance of 85.06 feet to a point, thence
- 2) South 61 degrees 53 minutes 34 seconds East, a distance of 44.53 feet to a point, thence
- 3) South 25 degrees 58 minutes 07 seconds West, a distance of 85.06 feet to a point, thence
- 4) North 61 degrees 53 minutes 34 seconds West a distance of 44.53 feet to the **Point or Place of Beginning**.

Subject permanent flood protection levee easement contains 3785 square feet, or 0.09 acres of land within said bounds.

The distances and bearings used herein are based on the New Jersey State Plane Coordinate System (NJSPCS) North American Datum 1983 (NAD83) .

Subject to conditions, restrictions, and easements of record, except those that have expired by their own limitations.

DESIGNED BY SCIENCE - ENGINEERED FOR RESULTS

One Industrial Way West, Eatontown, NJ 07724
(732) 389-0220

1807 Grand Central Avenue, Lavallette, NJ 08735
(732) 250-6702

NAJARIAN.com

N

SEAL


PROFESSIONAL LAND SURVEYOR'S SIGNATURE

04/20/11
DATE

John J. Dziemian

GS37582

PROFESSIONAL LAND SURVEYOR'S NAME AND LICENSE NUMBER

One Industrial Way West, Eatontown, NJ 07724 732-389-0220

PROFESSIONAL LAND SURVEYOR'S ADDRESS AND PHONE NUMBER

EXHIBIT C

Prepared by:
Brian M. Nelson, Esq

TEMPORARY WORK AREA EASEMENT

THIS TEMPORARY WORK AREA EASEMENT is made this day of
_____2023

BY AND BETWEEN

THE TOWNSHIP OF MIDDLETOWN, a Municipal Corporation of the State of New Jersey whose post office address is Municipal Clerk, 1 Kings Highway, Middletown, New Jersey 07748-2085, referred to herein as Grantor,

AND

THE STATE OF NEW JERSEY, whose address is 401 East State Street, Trenton, New Jersey 08625, referred to herein as the Grantee,

WITNESSETH

IN CONSIDERATION OF the promises and mutual covenants herein contained and the benefits the project provides, the parties hereto agree as follows:

WHEREAS, Grantor is the owner of that certain tract of land, located in the Township of Middletown, County of Monmouth, State of New Jersey, and identified as **Block 136, Lot 5** on the official tax map of the Township of Middletown, hereinafter the "Property", and Grantor holds the requisite interest to grant this temporary work area easement; and,

WHEREAS, the Grantee recognizes that coastal storm damage and tide-induced flooding in Port Monmouth, Township of Middletown, New Jersey is a significant concern that threatens safety of life and Property, of the Grantor and of all of the citizens of the State; and,

WHEREAS, the Grantee desires to participate with the United States Army Corps of Engineers to construct the Raritan Bay and Sandy Hook Bay, Hurricane and Storm Damage Reduction Project, Port Monmouth, New Jersey, as defined in the January 31, 2014 Project Partnership Agreement, executed between the New Jersey Department of Environmental Protection ("Department") and the United States Army Corps of Engineers, hereinafter "Project"; and,

WHEREAS, Phase II is comprised of five separate construction contracts which include the following project components: two pump stations, a tidegate, three road closure gates, concrete floodwalls, levees, road raisings along portions of Port Monmouth Road and Route 36, and wetland mitigation; and,

WHEREAS, in order to accomplish the work necessary for contract 5 of the Project, among other things, the Grantee needs a temporary work area easement on a portion of said Property to construct the Project herein described; and,

WHEREAS, the Grantor desires to cooperate in allowing the Project to take place on a portion of said Property; and,

NOW, THEREFORE, in consideration for the benefits to be received by the Grantor from the successful implementation of the Project, the mutual covenants herein contained, the Grantor grants, bargains, sells, releases, transfers and conveys to Grantee, their successors and assigns, an irrevocable, assignable, Right-of-Way for temporary work area as set forth herein:

GRANT OF EASEMENT: A temporary easement and right-of-way in, on, over and across that portion of the Property described as Block 136, Lot 5 as shown on the survey attached as Exhibit A, and as described in the metes and bounds description attached as Exhibit B, beginning on August 1, 2023 and terminating on March 31, 2026, or when construction activities are completed, whichever is later, for use by the Grantee and their successors and assigns as a work area, including the right to move, store, and remove equipment and supplies, and erect and remove temporary structures on the land and to perform any other work necessary and incident to the construction of the Raritan Bay and Sandy Hook Bay, Hurricane and Storm Damage Reduction Project, Port Monmouth, New Jersey, together with the right to trim, cut, fell, and remove therefrom all trees, underbrush, obstructions, and any other vegetation, structures, or obstacles within the limits of the right-of-way; reserving, however, to the landowners, their heirs and assigns, all such rights and privileges as may be used without interfering with or abridging the rights and easement hereby acquired; subject, however, to existing easements for public roads and highways, public utilities, railroads and pipelines.

CHARACTER OF PROPERTY: Notwithstanding the foregoing, nothing herein is intended or shall be deemed to change the overall character of the Property; nothing herein shall be deemed to grant to the Grantee or otherwise permit the Grantee or any other person to cross over or use any part of the Property which is not within the Temporary Work Area; nothing herein is intended or shall be

deemed to alter the boundary lines or setback lines of the Property.

MISCELLANEOUS :

1. The Township of Middletown covenants that, in the event it sells, transfers or otherwise disposes of the Property in whole or in part on which the easement is located that the Township of Middletown will reserve to itself an easement covering the exact same area and along the exact same terms as are being conveyed to the Department in this Temporary Work Area Easement to the extent that this Temporary Work Area Easement has not expired.

2. The enforcement of the terms of this temporary work area easement shall be at the discretion of the Grantee and any forbearance by the Grantee to exercise its rights under this temporary work area easement in the event of any violation by Grantor shall not be deemed or construed to be a waiver by the Grantee of such term or of any subsequent violation or of any of Grantee's rights under this temporary work area easement. No delay or omission by the Grantee in the exercise of any right or remedy upon any violation by Grantor shall impair such rights or remedies or be construed as a waiver of such rights or remedies.

3. The interpretation and performance of this temporary work area easement shall be governed by the laws of the State of New Jersey.

4. If any provision of this temporary work area easement or the application thereof to any person or circumstance is found to be invalid, the remainder of the provisions of this temporary work area easement or the application of such provision to persons or circumstances other than those to which it is found to be invalid, as the case may be, shall not be affected thereby.

5. Any notice, demand, request, consent, approval or communication under this temporary work area easement shall be sent by regular first-class mail, postage prepaid and by Certified Mail, Return Receipt Requested, addressed to the mailing addresses set forth above or any other address of which the relocating party shall notify the other, in writing.

6. No provision of this temporary work area easement shall be construed against or interpreted to the disadvantage of any of the parties, the parties acknowledging herein that this temporary work area easement shall be construed that they have jointly participated in the drafting and preparation of this instrument.

7. The captions in this temporary work area easement have been inserted solely for convenience of reference and are not a part of this instrument and shall have no effect upon its construction or interpretation.

8. Grantee shall at all times keep the Property, except as permitted herein, free of any work-related debris on the Property. The Property shall be restored to the pre-existing conditions at the conclusion of the initial work and after any subsequent disturbance. Grantee shall complete all work in a prompt and diligent manner.

9. Should the construction of the Project be complete prior to the period specified above, Grantee shall have the right to terminate this temporary work area easement by written notice.

10. This temporary work area easement may be executed in counterparts by the respective Parties, which together will constitute the original instrument.

[Signature Pages to Follow]

IN WITNESS WHEREOF, with the parties understanding and agreeing to the above, they do hereby place their signatures on the date at the top of the first page.

Accepted by the
TOWNSHIP OF MIDDLETOWN, GRANTOR

Witnessed by:

BY: _____
Anthony S. Perry
Mayor

NOTARY PUBLIC OF THE
STATE OF NEW JERSEY

Date _____

I CERTIFY that on _____, 2023, Mayor Anthony S. Perry personally came before me and this person acknowledged under oath, to my satisfaction that this person;

- 1) is named in and personally signed this Deed of Easement; and
- 2) signed, sealed and delivered this Deed of Easement as his official act and deed.

Accepted by the
STATE OF NEW JERSEY, GRANTEE

Witnessed by:

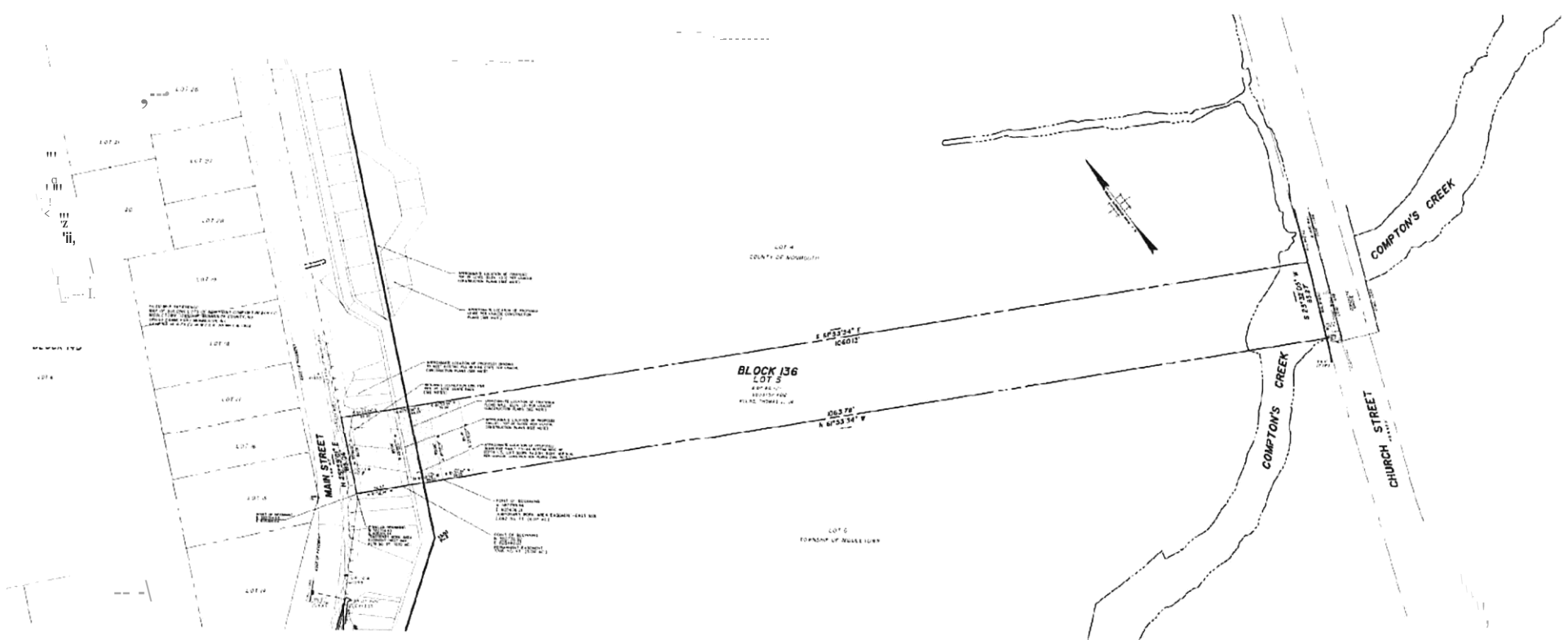
BY: _____
Dennis Reinknecht
Director
Office of Resilience Engineering
& Construction

NOTARY PUBLIC OF THE
STATE OF NEW JERSEY

I CERTIFY that on _____, 2023, Dennis Reinknecht personally came before me and this person acknowledged under oath, to my satisfaction that this person:

- 1) is named in and personally signed this Deed of Easement; and
- 2) signed, sealed and delivered this Deed of Easement as his official act and deed.

EXHIBIT A



**BLOCK 136
LOT 5**

LOT 5
TOWNSHIP OF BUSSY TOWN

PROPERTY SURVEY FOR THE PROPOSED
CONTRACT 5
REVISIONS
1. 10/15/2007
2. 12/15/2007
3. 1/15/2008

WORKMENT FOUR
IRON PIPE CULVERT
CITY ANCHOR
WATER MAIN
GUY WIRE
WATER MAIN
DRAINAGE INLET (PLANTER)
DRAINAGE INLET
DRAINAGE TRENCH MANHOLE
SON
— EXISTING CULVERT
A EXISTING ELEVATION



CONTRACT 5 REVISIONS			
1	10/15/2007	REVISED CIVIL PLAN SETTING 10/17/07	JW
2	12/15/2007	REVISED INTERESTED PARTIES (MAY BEVER)	JW
3	1/15/2008	REVISED INTERESTED PARTIES (MAY BEVER)	JW

PROPERTY SURVEY			
TOPIC: WOODLAWN FLOOD CONTROL PROJECT			
BLOCK 136 LOT 5, CONTRACT 5			
WOODLAWN TOWNSHIP			
ANDOVER COUNTY, STATE OF NEW JERSEY			
 JOHN J. DZIEMIAN SURVEYOR		 Najarian ENGINEERING, INC.	

2-ftc
11 1510 J-Zb1 JJ

EXHIBIT B



**STATE OF NEW JERSEY, NEW YORK DISTRICT CORPS OF ENGINEERS,
TOWNSHIP OF MIDDLETOWN, PORT MONMOUTH FLOOD CONTROL PROJECT**

CONTRACTS

Description of Temporary Work Area Easement-East Side

A temporary easement to construct the Port Monmouth Flood Control Project, in an area of 0.07 acres, more or less, across **Lot 5 in Block 136**, as shown on the property survey titled, "Port Monmouth Flood Control Project, Block 136 Lot 5, Contract 5, Middletown Township, Monmouth County, State of New Jersey" dated 5/20/2020, with a latest revision date of 1/6/2022 and prepared by Najarian Associates.

More particularly described in the following metes and bounds description:

BEGINNING at a point having NJSPC of N582709.94 E605479.31 in the southerly line of Lot 5 in Block 136, said point being 94.85 feet on a course of South 61 degrees 53 minutes 34 seconds East from a point in the northeasterly line of Main Street (41.5' right of way) being at the dividing line between Lot 6 in Block 136 and Lot 5 in Block 136 and running thence:

- 1) North 25 degrees 58 minutes 07 seconds East, a distance of 85.06 feet to a point, thence
- 2) Along the northerly line of Lot 5 in Block 136 South 61 degrees 53 minutes 34 seconds East, a distance of 34.02 feet to a point, thence
- 3) South 25 degrees 58 minutes 07 seconds West, a distance of 85.06 feet to a point, thence
- 4) Along the southerly line of Lot 5 in Block 136 North 61 degrees 53 minutes 34 seconds West a distance of 34.02 feet to the **Point or Place of Beginning**.

Subject temporary work area easement contains 2892 square feet, or 0.07 acres of land within said bounds.

The distances and bearings used herein are based on the New Jersey State Plane Coordinate System (NJSPCS) North American Datum 1983 (NAD83).

Subject to conditions, restrictions, and easements of record, except those that have expired by their own limitations.

DESIGNED BY SCIENCE - ENGINEERED FOR RESULTS

One Industrial Way West, Eatontown, NJ 07724
(732) 389-0220

1807 Grand Central Avenue, Lavallette, NJ 08735
(732) 250-6702

NAJARIAN.com

N

SEAL



PROFESSIONAL LAND SURVEYOR'S SIGNATURE

04/20/21.

DATE

John J. Dziemian

GS37582

PROFESSIONAL LAND SURVEYOR'S NAME AND LICENSE NUMBER

One Industrial Way West, Eatontown, NJ 07724

732-389-0220

PROFESSIONAL LAND SURVEYOR'S ADDRESS AND PHONE NUMBER



**STATE OF NEW JERSEY, NEW YORK DISTRICT CORPS OF ENGINEERS,
TOWNSHIP OF MIDDLETOWN, PORT MONMOUTH FLOOD CONTROL PROJECT**

CONTRACTS

Description of Temporary Work Area Easement-West Side

A temporary easement to construct the Port Monmouth Flood Control project, in an area of 0.10 acres, more or less, across **Lot 5 in Block 136**, as shown on the property survey titled, "Port Monmouth Flood Control Project, Block 136 Lot 5, Contract 5, Middletown Township, Monmouth County, State of New Jersey" dated 5/20/2020, with a latest revision date of 1/6/2022 and prepared by Najarian Associates.

More particularly described in the following metes and bounds description:

BEGINNING at a point having NJSPC of N582754.63 E605395.64 in the easterly line of Main Street (41.5' right of way) being at the dividing line between Lot 6 in Block 136 and Lot 5 in Block 136 and running thence:

- 1) Along the easterly line of Main Street North 25 degrees 59 minutes 01 seconds East, a distance of 85.06 feet to a point, thence
- 2) Along the northerly line of Lot 5 in Block 136 South 61 degrees 53 minutes 34 seconds East, a distance of 50.30 feet to a point, thence
- 3) South 25 degrees 58 minutes 07 seconds West, a distance of 85.06 feet to a point, thence
- 4) Along the southerly line of Lot 5 in Block 136 North 61 degrees 53 minutes 34 seconds West a distance of 50.32 feet to the **Point or Place of Beginning**.

Subject temporary work area easement contains 4276 square feet, or 0.10 acres of land within said bounds.

The distances and bearings used herein are based on the New Jersey State Plane Coordinate System (NJSPCS) North American Datum 1983 (NAD83).

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