

DEED OF EASEMENT AND RIGHT-OF-WAY

THIS INDENTURE, made this ___ day of April, 2024, by and between **OCEANSIDE BUILDERS INC.** with offices at 763 Park Avenue, Middletown Township (Belford), County of Monmouth, and State of New Jersey, 07718 hereinafter referred to as "Grantor:"

AND

MIDDLETOWN TOWNSHIP, a municipal corporation of the State of New Jersey, One Kings Highway, Middletown, New Jersey 07748, hereinafter referred to as "Grantee."

WITNESSETH::

The Grantor, in consideration of the sum of One (\$1.00) Dollar, the receipt of which is hereby acknowledged, does hereby give, grant and convey unto the Grantee, its successors and assigns forever, an easement and a free uninterrupted and unobstructed right-of-way, under, across, and over the property of the Grantor, situate in the Township of Middletown, County of Monmouth, and State of New Jersey, and more particularly described in **Schedule "A"** attached hereto and made a part hereof.

Being and intended to describe a portion of Lots 10.01, 10.02 and 10.03, Block 74 situated between the centerline of Atlantic Avenue and the centerline of Walling Place, and a line parallel thereto each and five (5) feet therefrom.

Being and intended to convey an additional five feet of right-of-way to the Township of Middletown for road purposes.

Together with the right of the grantee, its successors and assigns to go on said easement with necessary labor, equipment, vehicles and material at any and all times for the purposes of constructing, maintaining, repairing, renewing, enlarging or replacing the aforesaid road and for doing anything necessary, useful or convenient for the enjoyment of the easement herein granted.

Said easement and right-of-way shall include the right to: construct, relocate etc., ditches, clear, construct slope, grade, fill, topsoil, seed, plant trees, shrubs and maintain same, stabilize soil, prevent erosion etc., relocate and maintain utilities.

TO HAVE AND TO HOLD the above granted easement and right-of-way unto the said Grantee, its successors and assigns forever.

This grant and easement shall at all times be deemed to be and shall be a continuing covenant running with the land and shall be binding upon and in favor of the successors and assigns of the respective parties hereto.

The Grantor herein reserves the right to cross the easement herein described provided that no new driveway or road access is constructed without the prior approval of the Municipal

Engineer.

Grantor does covenant with the said Grantee that it is lawfully seized of the land upon which said easement and right-of-way is granted and has good and lawful right to convey any part thereof.

And the Grantor does covenant with the said Grantee as follows:

1. That the said Grantor has good and marketable title to the premises detailed in **Schedule "A"** attached hereto and made a part hereof and has the right to convey said easement.
2. That the Grantee shall quietly enjoy the said easement without disturbance and interference.
3. That the said easement is free and clear from encumbrances.

PROMISES BY GRANTOR. The Grantor promises that the Grantor has done no act to encumber the property. This promise is called a "covenant as to grantor's acts" (N.J.S.A. 46:4-6). This promise means that the Grantor has not allowed anyone else to obtain any legal rights which affect the property (such as by making a mortgage or allowing a judgment to be entered against the Grantor).

IN WITNESS WHEREOF, the Grantor has hereunto set his/her hand and seal the day and year first above written.

IN WITNESS WHEREOF, the said Grantor has caused these presents to be signed and sealed the day and year first above written.

OCEANSIDE BUILDERS INC.

By: _____
David Whitman, President

STATE OF NEW JERSEY
COUNTY OF MONMOUTH SS:

I CERTIFY that on April ___ 2024 , David Whitman, personally came before me and acknowledged under oath, to my satisfaction, that:

(a) this person is the President of **OCEANSIDE BUILDERS INC.** , the corporation named in this Deed;

(b) this Deed was signed and delivered by the corporation as its voluntary act duly authorized by a proper resolution of its Board of Directors;

(d) this person knows the proper seal of the corporation which was affixed to this Deed;

(e) this person signed this document to attest to the truth of these facts; and

(f) the full and actual consideration paid or to be paid for the granting of this easement is the sum of \$1.00. (Such consideration is defined in N.J.S.A. 46:15-5.)

Signed and sworn to before me
on April _____ 2024.

JEFFREY B. GALE
Attorney-at-Law of New Jersey

Schedule "A"

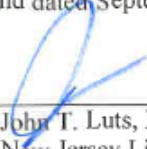
DEED DESCRIPTION FOR A ROAD WIDENING EASMENT OVER A PORTION OF PROPERTY KNOWN AS LOTS 10.01, 10.02 AND 10.03 IN BLOCK 74 AS SHOWN ON OR ABOUT TO BE SHOWN ON THE OFFICIAL TAX MAP OF THE TOWNSHIP OF MIDDLETOWN, MONMOUTH COUNTY, NEW JERSEY

BEGINNING at a point in the division line between Lot 8 on the west and Lot 10.01 on the east, where said line meets the southerly Right of Way line of Walling Place as shown on a certain map entitled: "Minor Subdivision Plat for Property Known As Lot 10 in Block 74, Township of Middletown, Monmouth County – New Jersey," Prepared by Yorkanis & White, Inc. and dated May 9, 2023; thence:

1. Along the aforementioned Right of Way line, South 87 degrees 05 minutes 50 seconds East a distance of 102.84 feet to the intersection of the southerly Right of Way line of Walling Place and the westerly Right of Way line of Atlantic Avenue, thence:
2. Along the aforementioned Right of Way line, South 03 degrees 09 minutes 10 seconds West a distance of 164.97 feet to the division line between Lot 10.03 on the north and Lot 11 on the south, thence:
3. Along the aforementioned division line, North 85 degrees 23 minutes 11 seconds West a distance of 5.00 feet to a point, thence:
4. Through Lots 10.03, 10.02 and 10.01, in that order, the following two (2) courses, North 03 degrees 09 minutes 10 seconds East a distance of 159.82 feet to an easement corner, thence:
5. North 87 degrees 05 minutes 50 seconds West a distance of 97.84 feet to the division line between Lot 8 on the west and Lot 10.01 on the east, aforesaid, thence:
6. Along the aforementioned division line, North 03 degrees 09 minutes 10 seconds East a distance of 5.00 feet to the point or place of BEGINNING.

Containing 1,314 more or less square feet of land.

This description was prepared by Yorkanis & White, Inc., Professional Land Surveyors, 23 Village Court, Hazlet, New Jersey, 07730, in accordance with their plat entitled: "Minor Subdivision Plat for Property Known As Lot 10 in Block 74, Township of Middletown, Monmouth County – New Jersey," Prepared by Yorkanis & White, Inc. and dated May 9, 2023, and from digital data supplied by Kennedy Consulting Engineers, LLC., as shown on a certain map entitled: "Minor Subdivision Plans, Oceanside Builders, Inc. Lot 10 in Block 74, Township of Middletown, Monmouth County – New Jersey, Tax Map Sheet 2 – Last Revised 12/31/2020," Prepared by Kennedy Consulting Engineers, LLC and dated September 28, 2023, last revised to March 5, 2024.


John T. Luts, PLS
New Jersey License No. GS43220

(23009-Road Widening.DESC.doc)