

ORDINANCE NO. 03-2025

AN ORDINANCE OF THE BOROUGH COUNCIL OF THE BOROUGH OF THE SEA BRIGHT, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY, AUTHORIZING CONVEYANCE OF AN EASEMENT ON CERTAIN NON-CONFORMING LAND OWNED BY THE BOROUGH OF SEA BRIGHT TO CONTIGUOUS PROPERTY OWNER PURSUANT TO A PRIVATE SALE IN ACCORDANCE WITH N.J.S.A. 40A:12-13(b)(5).

WHEREAS, N.J.S.A. 40A:12-13(b)(5) provides that a municipality may sell real property not needed for public use to the owner of contiguous property without capital improvements thereon under certain conditions; and

WHEREAS, the definition of “sale” in the Local Lands and Buildings Law includes the conveyance of an easement per N.J.S.A. 40A:12-2(i); and

WHEREAS, the Borough Council has found that a portion of Block 23, Lot 1 (hereafter “The Property”) is a parcel of land owned by the Borough, which is not needed for public use; and

WHEREAS, the Property itself is not being conveyed, but rather a maintenance easement (The “Easement”) only as hereafter defined and restricted which cannot be developed and has no value as developable property is being conveyed; and

WHEREAS, the Property subject to the Easement is as shown highlighted on Exhibit A hereto, being land easterly of Block 22, Lot 4.01; and

WHEREAS, the purpose of the Easement would be to convey the ability to use the area under conditions and the obligation to maintain the area; and

WHEREAS, the sale of the Easement is subject to the conditions stated in the attached Schedule A (Deed of Easement); and

WHEREAS, the sale will be made subject to compensation as stated herein, plus all expenses incurred by the Borough, in consideration for the grant of easement on the Property;

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Sea Bright, in the County of Monmouth, and State of New Jersey, as follows:

SECTION ONE. Within five (5) days following final enactment of this Ordinance, the Borough Clerk shall post on the regular Borough Hall bulletin board and advertise in a newspaper circulating in the Borough, a notice setting forth the following information as to the sale of a maintenance easement on a portion of Block 23, Lot 1 on the Borough of Sea Bright Tax Map, whose sale is hereby authorized. A copy of this notice shall be mailed by certified mail by the Borough Clerk to all contiguous property owners of the property being offered for sale within the aforesaid five (5) day period.

**PUBLIC NOTICE
BOROUGH OF SEA BRIGHT - MONMOUTH COUNTY**

TAKE NOTICE that by an ordinance of the Borough of Sea Bright adopted pursuant to N.J.S.A. 40A:12-13(b)(5) on February 18, 2025, the Borough of Sea Bright offers for sale an easement to

use the following property to contiguous property owners under the following terms and conditions:

- a) Easement offered for Sale: a maintenance easement on a portion of Block 23, Lot 1 of the Borough of Sea Bright Tax Map lying easterly of Block 22, Lot 4.01 and as shown on the attached Exhibit A;
- b) Minimum Price: \$1.00;
- c) All offers must be made within twenty (20) days following this advertisement at not less than the minimum price above;
- d) Deed of Easement Restriction: The Property will have no further development including, but not limited to any expansion onto the Property of any building on Block 22, Lot 4.01. There will be no permanent structures placed on the Property, except a fence compliant with Borough ordinance requirements may be placed on the Property.
- e) The sale is made subject to all restrictions, covenants, restrictions and conditions of record, and the easement is non-exclusive. Nothing in this sale shall affect the right to lawful occupancy or use of the Property by any municipal or private utility to occupy or use the Property as lawfully occupied or used by it;
- f) The easement is irrevocable by the Borough, except in the case of a material breach of the terms of the Deed of Easement or this Ordinance, and will transfer with change of ownership of the contiguous lot held by the holders/grantees of the easement;
- g) Any contiguous property owner desiring to make an offer for the purchase of the easement being offered for sale herein shall, within twenty (20) days following advertisement of this notice or a receipt of a mailed copy of this notice, make an offer in writing by certified mail addressed to the Borough Council c/o Borough Clerk, Borough of Sea Bright, 1099 Ocean Avenue, Sea Bright, NJ 07760 at no less than the minimum price set forth hereinabove. **All bids must be received no later than 12:00 p.m. on March 18, 2025, all bids must be marked "Sealed Bid Enclosed";**
- h) The Borough Council of the Borough of Sea Bright reserves the right to reject any and all offers, and shall accept or reject any offer within thirty (30) days of the advertisement of this public notice. If the Borough Council fails to accept or reject any offer within the aforesaid time period, all offers will be deemed rejected. Where there is more than one owner with real property contiguous to the property being offered for sale, the subject property will be sold to the highest bidder or offerer from among all such owners submitting an offer as provided for herein.
- i) A metes and bounds description must be provided by the successful bidder within twenty (20) days after the acceptance of the offer by the Borough Council;
- j) In addition to the purchase or offer price, it shall be the responsibility of the successful bidder to pay at closing the advertisement and mailing costs in connection with this sale and the Borough Attorney's fee for the sale and all other expenses associated with the sale; and

- k) The Borough Clerk shall file with the Director, Division of Local Government Services in the Department of Community Affairs, a sworn affidavit verifying publication of advertisement as required by this ordinance.

SECTION TWO. All terms and conditions stated on the Public Notice in Section One and in the attached Schedule A (Deed of Easement) apply to the sale of the easement.

SECTION THREE. The appropriate Borough officials of the Borough of Sea Bright be and are hereby authorized to execute and deliver contracts, deeds and any other documents and instruments for the purpose of conveying the easement after the sale, subject to the following additional terms with reference to the sale thereof:

(a) The subject easement shall be sold subject to such facts as an accurate survey or physical inspection may disclose, zoning ordinance and regulations, easements and restrictions of record. No representations of any kind have been made by the Borough of Sea Bright as to the condition of lands, as The Easement being sold in present condition "as is".

(b) Purchaser shall reimburse the Borough for all legal and engineering fees, including legal and publication fees incurred by the Borough in connection with the sale of the Easement and with reference to the preparation and execution of the Deed, and all other documents (including this Ordinance) that may be required to effectuate the conveyance of the Easement from the Borough of Sea Bright. The purchaser shall be responsible for paying its own attorney's fees as well as title search, title policy and survey costs and shall pay all fees including recording and transfer fees for the deed and any and all other documents that may be recorded or filed in order to effectuate such conveyance. A metes and bounds description of the property may be prepared by a licensed New Jersey land surveyor or engineer, and obtained at purchaser's sole cost and expense.

SECTION FOUR. All Ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION FIVE. Should any section, paragraph, clause or other portion of this Ordinance be adjudged by a Court of competent jurisdiction to be invalid, such judgment shall not affect or impair the remainder of this Ordinance.

SECTION SIX. This Ordinance shall take effect upon its passage and publication according to law.

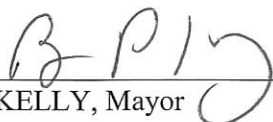
I HEREBY CERTIFY this to be a true and correct Ordinance of the Mayor and Borough Council of the Borough of Sea Bright, introduced on January 21, 2025 and will be further considered after a Public Hearing held on February 18, 2025 in the Municipal Building at 1099 Ocean Avenue at 7:00 p.m.

INTRODUCED: January 21, 2025
PUBLIC HEARING: February 18, 2025
ADOPTED: February 18, 2025

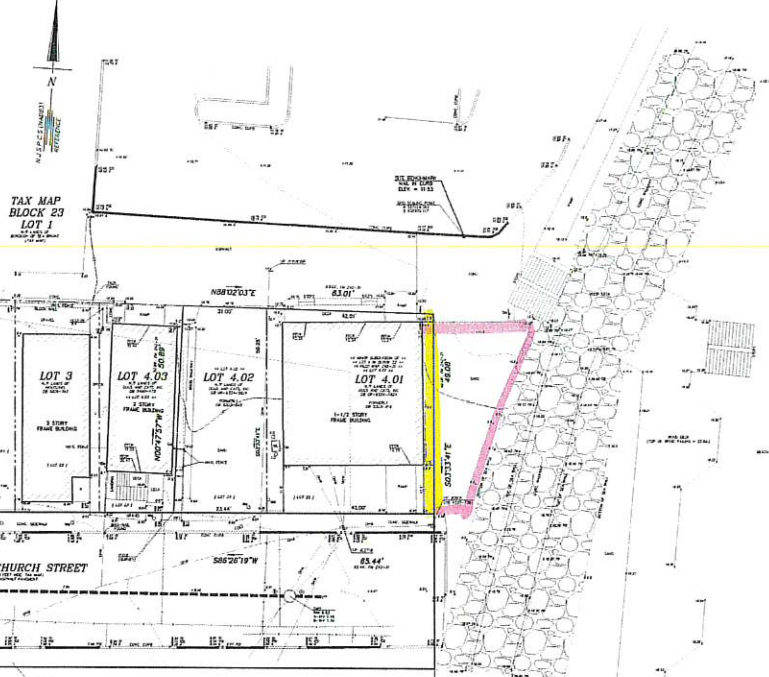
Witness:


CHRISTINE PFEIFFER, CLERK

BOROUGH OF SEA BRIGHT


BRIAN P. KELLY, Mayor

- GENERAL NOTES:**
1. BY CONTRACTUAL AGREEMENT, THE ORIGINAL SURVEY FOR THIS SURVEY IS ON THE MAPS SURVEYED BY OTHER SURVEYORS. THIS SURVEY HAS BEEN RECORDED TO THE LAND RECORDS OF THE COUNTY OF MONMOUTH AND IS SUBJECT TO THE DECISION OF THE COUNTY BOARD OF TAXATION.
 2. LOCAL DEPARTMENT OF THE COUNTY OF MONMOUTH HAS BEEN ADVISED THAT THE SURVEY IS ON THE MAPS SURVEYED BY OTHER SURVEYORS.
 3. BY CONTRACTUAL AGREEMENT, THE SEWER MAIN LINE HAS BEEN LOCATED BY THE CONTRACTOR AND IS NOT SHOWN ON THIS SURVEY.
 4. BY CONTRACTUAL AGREEMENT, THE WATER MAIN LINE HAS BEEN LOCATED BY THE CONTRACTOR AND IS NOT SHOWN ON THIS SURVEY.
 5. BY CONTRACTUAL AGREEMENT, THE SEWER MAIN LINE HAS BEEN LOCATED BY THE CONTRACTOR AND IS NOT SHOWN ON THIS SURVEY.
 6. BY CONTRACTUAL AGREEMENT, THE WATER MAIN LINE HAS BEEN LOCATED BY THE CONTRACTOR AND IS NOT SHOWN ON THIS SURVEY.
 7. BY CONTRACTUAL AGREEMENT, THE SEWER MAIN LINE HAS BEEN LOCATED BY THE CONTRACTOR AND IS NOT SHOWN ON THIS SURVEY.
 8. BY CONTRACTUAL AGREEMENT, THE WATER MAIN LINE HAS BEEN LOCATED BY THE CONTRACTOR AND IS NOT SHOWN ON THIS SURVEY.
 9. BY CONTRACTUAL AGREEMENT, THE SEWER MAIN LINE HAS BEEN LOCATED BY THE CONTRACTOR AND IS NOT SHOWN ON THIS SURVEY.
 10. BY CONTRACTUAL AGREEMENT, THE WATER MAIN LINE HAS BEEN LOCATED BY THE CONTRACTOR AND IS NOT SHOWN ON THIS SURVEY.



- NOTES:**
1. THE LINES FROM THE ORIGINAL SURVEY WITH AN ORIGINAL LAND GRANT BY THE BUREAU OF LAND RECORDS OF MONMOUTH COUNTY.
 2. THE SURVEY MAP IS SUBJECT TO THE DECISION OF THE COUNTY BOARD OF TAXATION AND IS NOT SUBJECT TO THE DECISION OF ANY OTHER AGENCY.
 3. UNLESS OTHERWISE NOTED ON THIS MAP, ALL DIMENSIONS AND BEARINGS ARE AS SHOWN ON THIS MAP AND ARE NOT TO BE CONSIDERED AS GUARANTEES OF ACCURACY.
 4. THE PROPERTY IS SUBJECT TO EASEMENTS OF RECORD.
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LEGEND:

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67	Boundary of 1897
68	Boundary of 1898
69	Boundary of 1899
70	Boundary of 1900

~ 2.5' wide strip
Property

THIS SURVEY MAP IS CERTIFIED TO:
 LMP HOLDINGS LLC
 BOUNDARIES LLC A NEW JERSEY LIMITED LIABILITY COMPANY
 MARK W. FOLLINGER ESQ
 FIRST JERSEY TITLE SERVICES, INC. AS ISSUING AGENT FOR OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY
 GOSW & GATE, INC.
 LOCKSTEIN & LOCKSTEIN, ESQS.

1	7/25/19	CERTIFICATION & NEW FILED FOR	J.F.E.
	NO.	DATE	
BOUNDARY & TOPOGRAPHICAL SURVEY MAP OF PROPERTY KNOWN AS			
LOTS 4.01 & 4.02 IN BLOCK 22			
BOROUGH OF SEA BRIGHT			
MONMOUTH COUNTY - NEW JERSEY			
YORKMAN & WHITE, INC. PROFESSIONAL LAND SURVEYORS & ENGINEERS OFFICE: 2010 FISHBURN AVENUE, SUITE 100, SEA BRIGHT, NJ 08088 PHONE: (732) 381-0001			DATE: 7/25/19 SHEET: 1 OF 1 JOB NO.: 1903-01-01
JOHN T. LOTS MONMOUTH COUNTY SURVEYOR			DATE: 7/25/19 SHEET: 1 OF 1 JOB NO.: 1903-01-01
1903			