

**MONROE TOWNSHIP, MIDDLESEX COUNTY**

**ORDINANCE NO.: O-12-2017-030**

**ORDINANCE OF THE MONROE TOWNSHIP COUNCIL  
ACCEPTING A BLANKET DEED OF WATER AND SEWER EASEMENT  
FROM THE VERDE GROUP, LLC,  
ON LOTS 10 AND 11.01 IN BLOCK 4;  
LOT 12.01 IN BLOCK 5; AND  
LOT 37 IN BLOCK 6  
OF THE TAX MAP OF THE TOWNSHIP OF MONROE**

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**WHEREAS**, the Verde Group, LLC, is the owner of real property in Monroe Township, which has been approved for development by the Monroe Township Board of Adjustment pursuant to resolution BA-5125-16 (the "Gateway Project"); and

**WHEREAS**, the Verde Group, LLC has dedicated a blanket easement for the installation and maintenance of Water and Sanitary Sewer lines and appurtenance facilities located in the roadways, walkways, common driveways and parking areas of the Gateway Project, a mixed Use Development located at Applegarth and Bentley Roads and Route 33 identified on the Tax Maps of the Township of Monroe, at Lots 10 and 11.01 in Block 4; Lot 12.01 in Block 5; and Lot 37 in Block 6; and

**WHEREAS**, the Monroe Township Utility Department has reviewed the metes and bounds descriptions and maps for the Blanket Water and Sewer Easement Deed and has found the same to be in conformity with the approved development and recommends acceptance of the Blanket Water and Sewer Easement Deed; and

**WHEREAS**, the Township Attorney has reviewed the attached Blanket Water and Sewer Easement Deed and found it to be legally sufficient; and

**WHEREAS**, the Township Council has determined that accepting the aforesaid Blanket Water and Sewer Easement Deed is in the public interest;

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Township of Monroe, County of Middlesex, State of New Jersey, as follows:

**SECTION 1.** The Mayor, Township Clerk and Township Attorney are hereby authorized and directed to take all steps and execute any documents which are reasonably necessary to accept the Blanket Water and Sewer Easement Deed from the Verde Group, LLC

**SECTION 2.** All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

**SECTION 3.** If any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudged, and the remainder of the Ordinance shall be deemed valid and effective.

**SECTION 4.** This Ordinance shall take effect upon final passage and publication as provided by law.

**SO ORDAINED** as aforesaid.

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STEPHEN DALINA, Council President

<b>RECORDED VOTE – INTRODUCTION – December 4, 2017</b>						
<b>COUNCIL</b>	<b>MOTION</b>	<b>SECOND</b>	<b>AYE</b>	<b>NAY</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
<b>Councilman Baskin</b>						
<b>Councilwoman Cohen</b>						
<b>Councilman Leibowitz</b>						
<b>Council V. President Schneider</b>						
<b>Council President Dalina</b>						

**NOTICE**

Notice is hereby given that the foregoing Ordinance was introduced and passed on first reading at a meeting of the Monroe Township Council held on December 4, 2017. Said Ordinance will again be read and considered for final passage at the next scheduled meeting of the Monroe Township Council to be held on December 27, 2017 at 7:00 p.m. at the Monroe Township Municipal Building, 1 Municipal Plaza, Monroe Township, New Jersey 08831. At said time and place all persons having an interest in the foregoing Ordinance will be granted an opportunity to be heard concerning the same prior to consideration for final passage by the Council.

\_\_\_\_\_  
PATRICIA REID, Township Clerk

<b>RECORDED VOTE – SECOND READING &amp; FINAL ADOPTION– December 27, 2017</b>						
<b>COUNCIL</b>	<b>MOTION</b>	<b>SECOND</b>	<b>AYE</b>	<b>NAY</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
<b>Councilman Baskin</b>						
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**MAYORAL APPROVAL**

By virtue of the Optional Municipal Charter Law of 1950 and Chapter 3, Section 19 of the Code of the Township of Monroe, my approval of this Ordinance is effected by the affixing of my signature hereto.

\_\_\_\_\_  
GERALD W. TAMBURRO, Mayor

Date signed: \_\_\_\_\_

Todd Greene

Todd D. Greene  
Attorney at Law, State of New Jersey

DEED OF EASEMENT

THIS DEED, made on this 20<sup>th</sup> day of April 2016; between  
The Verde Group, LLC with offices at 1260 South River Road Cranbury, NJ 08512 referred to  
as the "GRANTOR", and

The Township of Monroe, a public body corporate and politic of the Township of  
Monroe, County of Middlesex, and the State of New Jersey with its principal offices at 143  
Union Valley Road, Monroe Township, New Jersey, 08831, in the Township of Monroe,  
County of Middlesex and State of New Jersey, referred to as the "TOWNSHIP",

WITNESSETH:

That the GRANTOR, in consideration of less than ONE HUNDRED (\$100.00)  
DOLLARS, the receipt of which is hereby acknowledged, does hereby grant and convey to the  
TOWNSHIP an easement across the property in the Township of Monroe, County of  
Middlesex, and State of New Jersey, being part of the premises designated as The Gateway  
Project- A Mixed Use Development located at Applegarth and Bentley Roads and Route 33 on  
Blocks 4;5;6 Lots 10, 11.01, and 12.01; 14.01; and 37

The easement herein granted and conveyed by the GRANTOR to the TOWNSHIP gives  
the TOWNSHIP the right (a) to construct, maintain, replace or supplement its sanitary  
sewer/water lines and appurtenant facilities up to and including sanitary sewer lateral cleanouts  
and curb stops located under and along the roads, walkways common driveways and/or  
common parking areas located or to be located within said premises generally along the center  
of such roads and/or extending ten feet behind curb to ten feet behind curb across such roads,  
walkways and all common driveways and common parking areas and (b) to have free access to  
and rights granted hereby, without need of notice, insofar as such right of access is necessary to  
the proper use of any right granted herein, on the condition that the township, after doing work  
on the premises, shall restore the premises substantially to its original condition, to the extent  
possible.

With respect to the easement herein granted, the Grantor, its successors and assigns,  
shall have the right to use of said premises, but agrees to be limited as follows:

- (1) No obstruction or encumbrance, physical or otherwise, shall be placed in or about  
the said premises that will obstruct the township's purpose as expressed herein.
- (2) Fencing may be erected, and pedestrian walkways constructed, as approved by the  
township, provided the Grantor or its successor is responsible for all costs  
associated with removal and/or reinstallation of the fencing and/or pedestrian  
walkway, if and when it becomes necessary for the township to work within the  
easement.

IN WITNESS WHEREOF, the said GRANTOR has hereunto set his hand and seal  
the day and year first above written.

WITNESS/ATTEST:

Tolly Ochsner  
Print name and title


GRANTOR:

By: Tolly Ochsner  
Todd Ochsner, Managing Member

STATE OF NEW JERSEY )  
COUNTY OF MIDDLESEX ) SS.

I CERTIFY that on 20<sup>th</sup> of April, 2016, Todd Ochsner **Managing Member** of The Verde Group, LLC, personally came before me and acknowledged under oath, to my satisfaction, that this person (or, if more than one, each person):

- (a) is named in and personally signed this document; and
- (b) signed, sealed and delivered this document as his or her act and deed; and
- (c) the full and actual consideration paid or to be paid for the grant of easement is less than \$100.00.

  
(Print Name of Notary Public below signature)

**EDWARD L. SZCZEPANIK**  
ID # 63749  
NOTARY PUBLIC  
STATE OF NEW JERSEY  
My Commission Expires March 1, 2019