

ORDINANCE NO. 8-2020

ORDINANCE OF THE TOWNSHIP OF ABERDEEN AUTHORIZING THE SALE AND TRANSFER OF A PORTION OF CERTAIN PROPERTY COMMONLY KNOWN AS 9 WATER STREET, ALSO SHOWN AS LOTS NO. 1 AND 2 IN BLOCK 34, ON THE OFFICIAL TAX MAPS OF THE TOWNSHIP OF ABERDEEN, MONMOUTH COUNTY, STATE OF NEW JERSEY, THE ACCEPTANCE OF A ROAD WIDENING EASEMENT AND APPURTENANCES OVER AND THROUGH PORTIONS OF THE SUBJECT PROPERTY, AND THE SETTLEMENT OF LITIGATION

WHEREAS, there is a pending suit against the Township of Aberdeen (the “Township”), Docket No. MON-C-122-19, by Susan Peck f/k/a Susan Hom (“Ms. Peck”), for the acquisition of the property commonly known as 9 Water Street, also shown as Lots No. 1 and 2 in Block 34 on the Official Tax Map of the Township of Aberdeen (the “Property”) under the claims of adverse possession and constructive trust; and

WHEREAS, Ms. Peck seeks to settle the pending suit, Docket No. MON-C-122-19, with a sale and transfer of the Property claimed by the Township; and

WHEREAS, the Township seeks a road widening easement (the “Road Widening Easement”) over and through portions of the Property for the preservation of public health, safety and welfare; and

WHEREAS, Ms. Peck is desirous in purchasing to certain lands on Lots No. 1 and 2 of the Property, claimed by the Township and the Township is willing to sell and transfer the Property subject to easements already of record; and

WHEREAS, the Township and Ms. Peck have entered into a final Consent Judgment, attached hereto as Exhibit “A”, documenting the reciprocal sell and transfer of the Property and the Road Widening Easement.

NOW THEREFORE BE IT ORDAINED by the Township Council of the Township of Aberdeen, County of Monmouth, State of New Jersey, as follows:

SECTION 1. In accordance with the authorization provided by the Local Land and Buildings Law under N.J.S.A. 40A:12-13 et seq., the Township is hereby authorized to sell and transfer the Property to Ms. Peck.

SECTION 2. In accordance with the authorization provided by the Local Land and Buildings Law under N.J.S.A. 40A:12-1 et seq., the Township is hereby authorized to accept the Road Widening Easement, subject to lawful conditions, restrictions, and limitations of use as placed upon municipal governing bodies.

SECTION 3. The Township finds that the Road Widening Easement is needed for the public purpose of continued maintenance, construction, operation, and repair of a public roadway and hereby authorizes the Township to accept the Road Widening Easement.

SECTION 4. The Mayor, Township Manager, Township Attorney, Municipal Clerk and other staff and professionals as required are hereby authorized to execute such deeds, easements, and other documents which are or may become necessary or useful to effectuate the purposes of this Ordinance.

SECTION 5. The Municipal Clerk shall record this Ordinance with the County of Monmouth for the purposes of title clarity.

SECTION 6. If any section, paragraph, subdivision, clause, or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause, or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

SECTION 7. All ordinances or parts of ordinances inconsistent with or in conflict with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 8. This Ordinance shall take effect after final passage and adoption according to the law.

Karen Ventura, Township Clerk

Fred Tagliarini, Mayor

EXHIBIT A