

TOWNSHIP OF WALL

ORDINANCE NO. 4-2017

ORDINANCE OF THE TOWNSHIP OF WALL VACATING A PORTION OF VIRGINIA AVENUE

WHEREAS, there exists in the Township of Wall ("Township"), County of Monmouth, State of New Jersey a paper street known as Virginia Avenue as shown on the Official Tax Map of the Township of Wall; and

WHEREAS, there has been a request to have the Township vacate a portion of Virginia Avenue contiguous to Block 762.01, Lot 10 and Block 770, Lot 1 on the tax map of the Township of Wall; and

WHEREAS, the matter has been referred to the Township Engineer, who has recommended that the Township proceed with the vacation since the aforementioned portion of the roadway as more particularly set forth in the attached metes and bounds description attached as Exhibit "A" is not needed by the Township for public purposes, except with regard to the sanitary easement described in Exhibit "A"; and

WHEREAS, by operation of law the vacated portion of Virginia Avenue shall be conveyed to the adjoining property owners; Kevin Gosney, owner of Block 770, Lot 1 and Timothy and Allison McGrath, owners of Block 762.01, Lot 10; and

WHEREAS, Timothy and Allison McGrath, owners of Block 762.01, Lot 10 shall receive the half of the portion of Virginia Avenue closest to Block 762.01, Lot 10 ; and

WHEREAS, Kevin Gosney, owner of Block 770, Lot 1 shall receive the remaining half of the portion of Virginia Avenue;

WHEREAS, the Governing Body does hereby determine that the aforementioned portion of Virginia Avenue is no longer needed for public purposes; and

WHEREAS, N.J.S.A. 40:67-19 authorizes a municipality by ordinance to release and extinguish the public's rights arising from a dedication of a roadway; and

WHEREAS, the ownership of the portion of Virginia Avenue being vacated shall be transferred to Kevin Gosney, owner of Block 770, Lot 1 and Timothy and Allison McGrath, owners of Block 762.01, Lot 10, for nominal consideration; and

WHEREAS, a Quitclaim Deed transferring ownership of the portion of Virginia Avenue being vacated to Timothy and Allison McGrath, owners of Block 762.01, Lot 10, is attached hereto as Exhibit "B;" and

WHEREAS, a Quitclaim Deed transferring ownership of the portion of Virginia Avenue being vacated to Kevin Gosney, owner of Block 770, Lot 1, is attached hereto as Exhibit "C;" and

WHEREAS, the Township is desirous of retaining a utility easement over the portion being vacated;

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Wall as follows:

SECTION 1.

A. The rights of the public and the Township of Wall in and to that portion of Virginia Avenue contiguous to Block 762.01, Lot 10 and Block 770, Lot 1 as more particularly set forth in the attached metes and bounds description is hereby extinguished and vacated, with the exception of the retention of a maintenance and utility easement.

B. Pursuant to the aforesaid statute, half of the portion of Virginia Avenue closest to Block 762.01, Lot 10 as more particularly set forth in the attached metes and bounds description shall be conveyed by Quitclaim Deed to Block 762.01, Lot 10, which is owned by Timothy and Allison McGrath, who shall acquire that portion.

C. Pursuant to the aforesaid statute, the other half of the portion of Virginia Avenue farthest from Block 762.01, Lot 10 as more particularly set forth in the attached metes and bounds description shall be conveyed by Quitclaim Deed to Block 770, Lot 1, which is owned by Kevin Gosney, who shall acquire that portion.

D. All rights and privileges now possessed by any public utility or cable television company, to maintain, repair and/or replace their existing facilities in, adjacent, over or under the vacated portion of Virginia Avenue are hereby expressly reserved and excepted from this vacation.

E. At least one week prior to the time fixed for the consideration of this Ordinance for final passage, a copy thereof, together with a notice of the introduction thereof and the time and place when and where the Ordinance will be further considered for final passage, shall be mailed to every person whose land may be affected by this Ordinance so far as may be ascertained. Said notices shall be mailed by the Township Clerk in accordance with the provisions of N.J.S.A. 40:49-6.

F. Once the unimproved paper street has been vacated, then the Township's interests in and to the said unimproved paper street shall be released. To the extent that any portion(s) of the underlying vacated area does not transfer automatically to the owners of Block 762.01, Lot 10 and Block 770, Lot 1, respectively by operation of law, the Township hereby authorizes the conveyance of said underlying area(s) to Timothy and Allison McGrath, owners of Block 762.01, Lot 10, and Kevin Gosney, owner of Block 770, Lot 1, by Deed, for nominal consideration, pursuant to N.J.S.A. 40:67-19, *et seq.*, N.J.S.A. 40:60-28 and N.J.S.A. 40A:12-13(b)(5), so that the portion may be combined with and become part of the aforementioned Blocks and Lots.

G. Kevin Gosney and Timothy and Allison McGrath shall be responsible for all legal, engineering, advertising and recording costs, if any, associated with this vacation.

H. The Township Clerk shall, within sixty (60) days of the effective date of this Ordinance, file a copy hereof, certified by the Clerk, under seal of the Township, to be a true and exact copy of the Ordinance, together with a copy of the proof of publication thereof, in the Office of the Monmouth County Clerk for recordation pursuant to N.J.S.A. 40:67-21.

Section 2. All Ordinances, or parts thereof, inconsistent with the provisions of this Ordinance, be and the same are hereby repealed to the extent of such inconsistency.

Section 3. The Mayor, Clerk, and such other Township officials are hereby authorized to take such ministerial actions as are necessary to effectuate the purposes of this Ordinance.

Section 4. Should any section, paragraph, clause or any 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 5. This Ordinance shall take effect upon final passage and publication as provided by law.

Introduced: April 26, 2017

Adopted: May 24, 2017

Attest: 
Roberta M. Lang, RMC
Township Clerk

Attest: 
Dominick DiRocco,
Mayor



**DESCRIPTION OF
TRACT 2
A PORTION OF THE PROPOSED VIRGINIA AVENUE VACATION
TOWNSHIP OF WALL
MONMOUTH COUNTY, NEW JERSEY**

All the certain parcel of land, being the eastern 25 foot wide portion, measured from the centerline, of a proposed road vacation of Virginia Avenue (formerly 55' wide right of way, Unimproved), situated in the Township of Wall, Monmouth County, New Jersey, and being more particularly bounded and described as follows:

Beginning at a point on the existing centerline of Virginia Avenue (presently 55' wide right of way, Unimproved), as shown on a map entitled, "Final Map, Section I, Governour's Crossing, In The Township Of Wall, Monmouth County New Jersey" dated August 15, 1986, last revised November 3, 1986 and filed in the Monmouth County Clerk's Office on November 5, 1986 as case No. 212-28, said point being the following 2 courses from a concrete monument found at the northerly terminus of a curve connecting the northerly line of Virginia Avenue (presently 55' wide right of way, Unimproved) with the southerly line of Governour's Crossing (60 foot wide right of way);

- A. N 31° 51' 49" E, a distance of 4.47 feet to a point, thence;
- B. S 58° 08' 11" E, a distance of 46.88 feet to the true point a place of beginning and from said point running, thence;
- 1. S 58° 08' 11" E, a distance of 25.00 feet to a point of intersection of the existing southerly line of Pacific Avenue (50' wide R.O.W.) with the existing northerly line of Lot 1, lock 765 to a point, thence;
- 2. S 31° 51' 49" W, a distance of 250.00 feet along the existing northerly line of Lot 1, Block 765 and the northerly line of Adams Street (50' Wide per tax map) to a point on the previously vacated portion of Virginia Avenue (55' R.O.W. per tax map) vacated per Ordinance number 16-2005 as cited in Deed Book OR-8473, Page 1455, thence;
- 3. N 58° 08' 11" W, a distance of 25.00 feet along the northerly line of the previously vacated portion of Virginia Avenue (55' R.O.W. Per tax map) to a point on the existing centerline of Virginia Avenue, thence;
- 4. N 31° 51' 49" E, a distance of 250.00 feet to the point and place of beginning.

Containing 6,250 square feet or 0.143 acres.

SUBJECT TO:

- A. Any restrictions, covenants or easements, unrecorded, recorded or implied and any rights of the public.
- B. Any existing utilities

Being intended to describe a parcel being the eastern 6,250 s.f. portion identified as Tract #2 as shown on a plan entitled, "Vacation of a Portion of Virginia Avenue Lot 10, Block 762.01 Lot 1, Block 770 Situated in the Township of Wall, Monmouth County New Jersey" by French & Parrello Associates dated February 6, 2017, revised April 25, 2017.

Thomas J. Erle, P.L.S.
Professional Land Surveyor
N.J. License No. 24GS03583400

Deed

This Deed is made on _____

BETWEEN

Township of Wall

whose post office address is

Wall Township Municipal Building, 2700 Allaire Road, Wall, New Jersey 07719

referred to as the Grantor,

AND

Timothy and Allison McGrath, husband and wife,

whose post office address is

3043 Grover's Crossing Wall Township, NJ 07719

referred to as the Grantee.

The words "Grantor" and "Grantee" shall mean all Grantors and all Grantees listed above.

- 1. Transfer of Ownership.** The Grantor grants and conveys (transfers ownership of) the property (called the "Property") described below to the Grantee. This transfer is made for the sum of **one dollar (\$1.00) and other consideration described in the ordinance vacating a portion of Virginia Avenue.**

The Grantor acknowledges receipt of this money.

- 2. Tax Map Reference** (N.J.S.A. 46:26A-3) Municipality WALL **To become a part of** Block No. **762.01** Lot No. **10.**

- 3. Property** The Property consists of the land and all the building and structures on the land in the **Township of Wall** County of **Monmouth** and State of New Jersey.

Please see attached Legal Description annexed hereto and made part hereof.

The street address of the Property is:

3043 Grover's Crossing Wall Township, NJ 07719

- 4. Type of Deed.** This Deed is called a Quitclaim Deed. The Grantor makes no promises as to ownership or title, but simply transfers whatever interest the Grantor has to the Grantee.

- 5. Signatures.** The Grantor signs this Deed as of the date at the top of the first page. If the Grantor is a corporation, this Deed is signed and attested to by its proper corporate officers and its corporate seal is affixed.

(Print name below each signature)

Witnessed or Attested by:

_____(Seal)
Township of Wall

STATE OF NEW JERSEY, COUNTY OF _____ SS:

I CERTIFY that on _____

_____ personally came before me and stated to my satisfaction that this person (or if more than one, each person):

- was the maker of the attached Deed;
- was authorized to and did execute this Deed as _____ of _____ the entity named in this Deed; and
- executed this Deed as the act of the entity, in his or her capacity as personal representative of the deceased owner.

Print name and title below signature

Prepared by: Micci J. Weiss, Esq. _____	(For Recorders Use Only)
---	--------------------------

Deed

This Deed is made on _____
BETWEEN
Township of Wall

whose post office address is
**Wall Township Municipal Building, 2700 Allaire
Road, Wall, New Jersey 07719**
referred to as the Grantor,
AND
Kevin Gosney,

whose post office address is

referred to as the Grantee.

The words "Grantor" and "Grantee" shall mean all Grantors and all Grantees listed above.

1. **Transfer of Ownership.** The Grantor grants and conveys (transfers ownership of) the property (called the "Property") described below to the Grantee. This transfer is made for the sum of **one dollar (\$1.00) and other consideration described in the ordinance vacating a portion of Virginia Avenue.**

The Grantor acknowledges receipt of this money.

2. **Tax Map Reference** (N.J.S.A. 46:26A-3) Municipality WALL **To become a part of** Block No. **770** Lot No. **1.**
3. **Property** The Property consists of the land and all the building and structures on the land in the **Township of Wall** County of **Monmouth** and State of New Jersey.
Please see attached Legal Description annexed hereto and made part hereof.

The street address of the Property is:

4. 3401 Adams Street
5. **Type of Deed.** This Deed is called a Quitclaim Deed. The Grantor makes no promises as to ownership or title, but simply transfers whatever interest the Grantor has to the Grantee.
6. **Signatures.** The Grantor signs this Deed as of the date at the top of the first page. If the Grantor is a corporation, this Deed is signed and attested to by its proper corporate officers and its corporate seal is affixed.

(Print name below each signature)

Witnessed or Attested by:

(Seal)
Township of Wall

STATE OF NEW JERSEY, COUNTY OF _____SS:

I CERTIFY that on _____
_____ personally came before me and stated to my satisfaction that this person (or if more than one, each person):

- (a) was the maker of the attached Deed;
 - (b) was authorized to and did execute this Deed as _____ of _____ the entity named in this Deed;
- and
- (c) executed this Deed as the act of the entity, in his or her capacity as personal representative of the deceased owner.

Print name and title below signature

Prepared by: Micci J. Weiss, Esq. _____

(For Recorders Use Only)