

AN ORDINANCE PROVIDING FOR THE TERMINATION AND EXTINGUISHMENT OF THE CITY OF VINELAND'S INTEREST BY WAY OF EASEMENT DATED DECEMBER 5, 1947, IN HAVING THE RIGHT, NO LONGER NEEDED BY THE CITY, TO CONSTRUCT AND MAINTAIN CERTAIN ELECTRIC UTILITY RELATED IMPROVEMENTS ALONG A DESIGNATED STRIP OF LAND LOCATED IN AND ON WHAT IS CURRENTLY BLOCK 2104, LOT 95 ON THE CITY TAX MAP AND TO AUTHORIZE THE MAYOR AND CLERK OF THE CITY OF VINELAND TO EXECUTE, AND FILE AND RECORD WITH THE CLERK OF CUMBERLAND COUNTY A QUITCLAIM DEED QUITCLAIMING TO THE CURRENT OWNERS OF BLOCK 2104, LOT 95 THE CITY'S INTERESTS ARISING OUT OF THE AFORESAID EASEMENT

WHEREAS, the former Borough of Vineland (now, City of Vineland) by deed of easement dated December 5, 1947, recorded in the Clerk's Office of Cumberland County on December 8, 1947, in Book 662 of Deeds, Page 454 etc. (**Exhibit A** attached) was granted, in consideration of ONE DOLLAR (\$1.00) AND OTHER GOOD AND VALUABLE CONSIDERATION, by the then owner of that real property now known as Block 2104, Lot 95 on the tax map of the City of Vineland, current parcel address being 700 N. Delsea Drive, Vineland, New Jersey, the right and easement, along a strip of that property (hereinafter "the easement property"), as described in the aforesaid deed of easement, to construct and maintain a line or lines for the transmission of electric energy, with all necessary poles, wires, cables and other related equipment; and

WHEREAS, the City of Vineland has not, for many years, following acquisition of the subject easement in 1947, undertaken any development upon or use of same as permitted by the terms of the deed of easement, has no plans for such development or use, has no known utility equipment or facilities upon or below the surface of the subject property and, therefore, considers the easement property no longer needed for the public purpose for which it was originally acquired and limited; and

WHEREAS, the current owner of Block 2104, Lot 95, BK 47 LLC of Marlton, New Jersey is the owner of the Kia and Subaru automobile dealership that presently share space in nearby premises on North Delsea Drive, and has plans for the development of Block 2105, Lot 95 as a new location for its Subaru dealership; and

WHEREAS, BK 47 LLC, noting that Block 2104, Lot 95 had formerly been the site of an oil company, which had undergone environmental remediation and is now suitable for development, has requested, given that the easement property is no longer needed for a public purpose, the City of Vineland undertake proceedings to terminate the subject easement; and

WHEREAS, the subject easement was acquired by deed of easement granted to the City of Vineland's predecessor, Borough of Vineland, for nominal consideration and subject to the express limitations of its use for electric energy transmission lines and facilities, which use and purpose is no longer practical or needed; and

WHEREAS, N.J.S.A. 40A:12-5, in pertinent part, provides that a municipality, such as the City of Vineland, which has acquired an interest in property, for a nominal consideration, that is subject to limitations as to its use and can no longer be used for the purposes for which it was acquired, may, in such case, offer or re-convey its interest in such property to the original grantors or their successors; and

WHEREAS, the City has determined that it is in its best interests to release Block 2104, Lot 95 from the encumbrance of an easement that no longer serves its intended purpose, is of no value to the City and simply interferes with clear title to and the beneficial development of a commercial lot in a location now suitable for such development, and to that end, and pursuant to the Local Lands and Building Law, N.J.S.A 40A: 12-1 et. seq. and by this Ordinance deem the City's interests in the subject easement property terminated and extinguished and therefore authorize the Mayor and City Clerk to execute and file and record with the Clerk of Cumberland County a Quitclaim Deed (**Exhibit B** attached) quitclaiming to the current owner of Block 2104, Lot 95, whatever interest the City may have in and to and arising from the aforesaid deed of easement, it being the intent of the City of Vineland that the current owners of Block 2104, Lot 95, being the successors in interest and title to the owners of that property who originally conveyed the deed of easement to the former Borough of Vineland, (now being the City of Vineland), may, thereafter, convey said lands free and clear of the encumbrance of the deed of easement, aforesaid, dated December 5, 1947.

NOW, THEREFORE, BE IT ORDAINED the Mayor and Council of the City of Vineland, as follows:

1. The statements of the preamble are incorporated herein by this reference.
2. It is hereby determined and declared that the rights and easement provided by the aforesaid deed of easement dated December 5, 1947, and recorded in the County Clerk's office on December 8, 1947, be and the same are no longer of use to and serve no public purpose for the City of Vineland and the City's interests in same are therefore deemed terminated and extinguished;
3. The Mayor and Clerk of the City of Vineland be and they are hereby authorized and directed to execute a Quitclaim Deed essentially in the form and content set forth in **Exhibit B** attached, with same to be duly filed and recorded with the Clerk of Cumberland County.
4. As a condition of final passage of this Ordinance and execution of the subject Quitclaim Deed, BK 47 LLC, as the party having requested extinguishment and termination of the subject Utility Easement, shall reimburse the City of Vineland its costs, including legal fees, associated with such extinguishment and termination of the Easement.

This Ordinance shall take effect upon adoption and publication according to Law.

Passed first reading:

Passed final reading:

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President of Council

Approved by the Mayor:

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Mayor

ATTEST:

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City Clerk

# **EXHIBIT A**

RECEIVED of the BOROUGH OF VINELAND, a Municipal Corporation of the State of New Jersey, ONE DOLLAR (\$1.00) AND OTHER GOOD AND VALUABLE CONSIDERATION, in consideration of which ANDREW SOLOWEX and STELLA SOLOWEX, his wife, of the Township of Landis, County of Cumberland and State of New Jersey, hereby grant and convey unto said BOROUGH OF VINELAND, A Municipal Corporation of New Jersey, its successors and assigns forever, the right and easement to construct and maintain a line or lines for the transmission of electric energy for any and all purposes for which electric energy is now or hereafter may be used, with all necessary poles, wires, cables, fixtures and appliances, including guy wires, stubs, anchors and brace poles, and a telegraph and telephone line or lines, through, over and along a private right of way nineteen feet wide and 1188.03 feet in depth to be called Stella Lane and through, over and along a strip of reserved land adjacent northerly thereto one foot wide and 1188.03 feet in depth shown on a drawing by James J. Mense, Borough Engineer, a copy of which is attached hereto and made a part hereof.

COMPRISE the northerly twenty feet of a certain parcel of land owned by us and situate in the Township of Landis, County of Cumberland and State of New Jersey, described as follows, to wit:

BEGINNING at a point in the center of Malaga Road at the distance of nine hundred and ninety one and thirty-two hundredths (991.32) feet or sixty and eight hundredths (60.08) rods north of the intersection of the centers of said Malaga Road and Almond Road; thence (1) North eighty-two degrees West eleven hundred and eighty-two and three hundredths (1188.03) feet to a point; thence (2) North eight degrees East two hundred and seven (207) feet to a point; thence (3) South eighty-two degrees East,

PHILIP L. UFFMAN  
ATTORNEY AT LAW  
VINELAND, NEW JERSEY

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eleven hundred and eighty-two and three hundredths (1182.03) feet to the center of said Malaga Road; thence (4) along the center of same South eight degrees West two hundred and seven (207) feet to the place of Beginning.

COMPRISING the easterly portion of the land conveyed to the grantors hereof by Dowler and Mann, Inc., by deed dated January 17, 1930 and recorded in the Clerk's office of Cumberland County on the 3rd day of February, 1930, in Book 474 of Deeds, pages 17 &c.

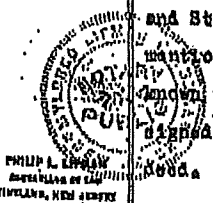
Together with the right to fell or trim any trees along said line or lines wherever the same may be necessary in order to erect, construct, operate or maintain said line or lines, free and clear obstructions, or which may endanger the safety or interfere with the use of said poles, wires, cables or fixtures, with the privilege to add or take from line or lines, poles, wires, cables or fixtures, from time to time.

IN WITNESS WHEREOF, We have hereunto set our hands and affixed our seals this 5<sup>th</sup> day of December, 1947.

SIGNED, SEALED and DELIVERED : Andrew Soloway,  
Andrew Soloway  
IN THE PRESENCE OF : Stella Soloway,  
Stella Soloway  
Myrland L. Lushness

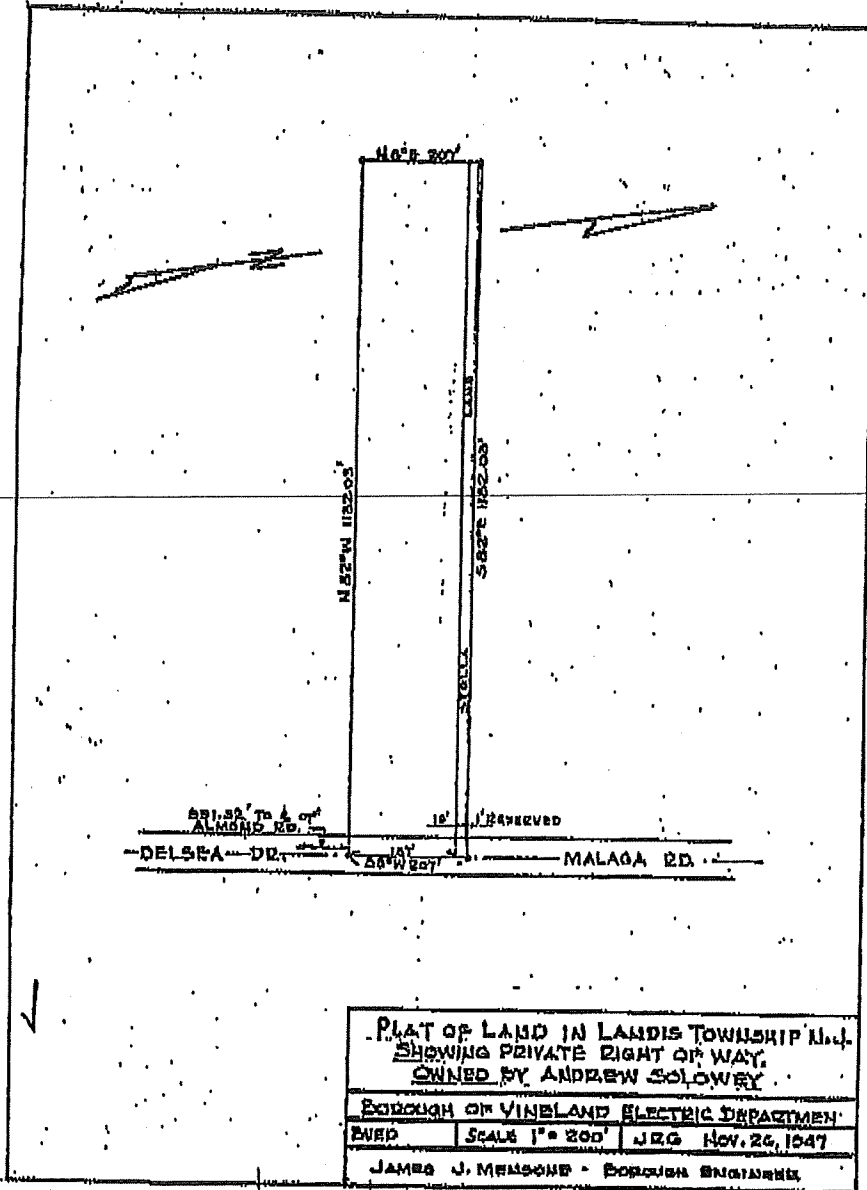
STATE OF NEW JERSEY :  
COUNTY OF CUMBERLAND : SS.

BE IT REMEMBERED, that on this 5<sup>th</sup> day of December, 1947, before me the subscriber, personally appeared Andrew Soloway and Stella Soloway, his wife, who I am satisfied are the grantors mentioned in the above Deed or conveyance, and I having first made known to them the contents thereof, they acknowledged that they signed, sealed and delivered the same as their voluntary act and deed. All of which is hereby certified.



Myrland L. Lushness  
A Notary Public of N. J.

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PLAT OF LAND IN LANDIS TOWNSHIP N.J.  
 SHOWING PRIVATE RIGHT OF WAY  
 OWNED BY ANDREW SOLOWAY

BOROUGH OF VINELAND ELECTRIC DEPARTMENT		
ENVD	SCALE 1" = 200'	J.R.G. NOV. 26, 1947
JAMES J. MANSOUR - BOROUGH ENGINEER		

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FORM 682 457

25650 D E B <i>[Signature]</i>	ANDREW SOLOVEY and SHELIA SOLOVEY, his wife, -to- GEORGE DE TIBBARD, a Municipal Corp. of H. J.	DATED: December 5 <sup>th</sup> , 1947	RECEIVED IN THE OFFICE OF THE CLERK OF THE COURT OF GENERAL SESSIONS, N. J. AT 8:15 A. M. IN WALTON OFFICE AT THE FORE ROOM AND ENTERED IN BOOK 652 OF DEEDS. <i>[Signature]</i> CLERK OF COURT COUNTY CLERK
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*[Signature]*  
 Commissioner of Law  
 and Justice  
 Trenton, N. J.  
 DEC 8 1947

# **EXHIBIT B**



Prepared by:

\_\_\_\_\_  
MICHAEL E. BENSON, ESQUIRE

**QUITCLAIM DEED**

This Deed is made on \_\_\_\_\_, 2019

**BETWEEN**

**CITY OF VINELAND, a municipal corporation of the State of New Jersey**

whose address is 640 E. Wood Street, Vineland, New Jersey, 08362

referred to as the Grantor,

**AND**

**BK 47 LLC**

whose address is 325 N. Route 73, Suite B, Marlton, New Jersey, 08053

referred to as the Grantee.

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

WHEREAS the Grantees' predecessors in title, Andrew Solowey and Stella Solowey, his wife, on December 5, 1947, made and executed a certain Deed granting to the Grantor (formerly Borough of Vineland) an easement across the property known as Tax Lot 95 in Block 2104 on the Tax Map of the City of Vineland in the County of Cumberland and State of New Jersey which Deed of Easement was recorded in the office of the Clerk of Cumberland County on December 8, 1947, in Book 662, Page 454; and

WHEREAS the Grantor, by authorization of City of Vineland Ordinance No. 2019 - \_\_\_\_\_, desires to release to the Grantee all its rights, title, and interest in and to and arising out of the said Deed of Easement dated December 5, 1947.

WITNESSETH: That in consideration of ONE DOLLAR (\$1.00), the receipt of which is acknowledged by Grantor, the Grantor does remise, release and forever quitclaim to the Grantee and its heirs and assigns all of Grantor's rights, title and interest in, to and arising from the Deed of Easement dated December 5, 1947, it being the intent of Grantor that henceforth the following described premises:

Block 2104, Lot 95 on the Tax Map of the City of Vineland and as more fully described in the aforesaid Deed of Easement, attached as Schedule "A".

may be conveyed free and clear of the encumbrance of Deed of Easement dated December 5, 1947.

**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.

**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.

Witnessed by:

\_\_\_\_\_  
\_\_\_\_\_  
(Seal)

STATE OF NEW JERSEY, COUNTY OF CUMBERLAND      SS.:

I CERTIFY that on \_\_\_\_\_, 2019, \_\_\_\_\_ 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) executed this deed as his or her own act; and,

(c) made this Deed for **\$1.00** as the full and actual consideration paid or to be paid for the transfer of title. (Such consideration is defined in N.J.S.A. 46:15-5.)

\_\_\_\_\_  
(Print name and title below signature)

<b>QUITCLAIM DEED</b>	<i>Dated:</i> _____, 2019
<b>CITY OF VINELAND, a municipal corporation of the State of New Jersey</b> <i>Grantor</i>	<i>Record and return to:</i>
<b>to</b>	
<b>BK 47 LLC</b> <i>Grantee.</i>	