

TOWNSHIP OF EVESHAM

ORDINANCE NO. 26-9-2004

**ACCEPTING DEED CONVEYING ROADWAY EASEMENT
AND ASSIGNMENT OF ROADWAY EASEMENT FOR
BARTON RUN BOULEVARD**

WHEREAS, Orleans Corporation (hereinafter "Orleans") was the developer of certain phases of the Barton Run subdivision, lying between Tuckerton Road and Taunton Road within the Township of Evesham (hereinafter "Township"); and

WHEREAS, Orleans was required to provide various roadways to the Township pursuant to Planning Board approvals for the subdivision, including Planning Board Resolution 90-32A; and

WHEREAS, Kings Mill Equities, LLC has presented a Deed Conveying Roadway Easement, over part of Block 44, Lot 16, and Orleans Construction Corporation provided an Assignment of Roadway Easement, over part of Block 44, Lot 10.02 (f/k/a 10B) for Barton Run Boulevard; and

WHEREAS, the Township desires to accept said Dedication and record same with the County Clerk.

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

Section One: The Township of Evesham hereby accepts the attached Deed Conveying Roadway Easement and the Assignment of Roadway Easement, respectively, for Barton Run Boulevard. The Mayor, Township Clerk and Township Attorney are hereby authorized to take all steps necessary to finalize these documents and file same with the County Clerk.

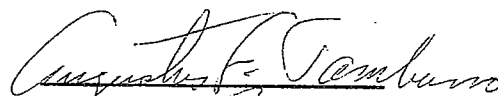
Section Two: All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

Section Three: 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 and the remainder of this ordinance shall be deemed valid and effective.

Section Four: This ordinance shall become effective upon final passage and publication according to law.

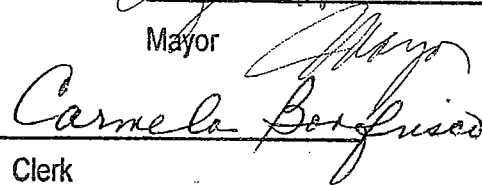
Adopted on second and final reading on

SEPTEMBER 21, 2004.



Mayor

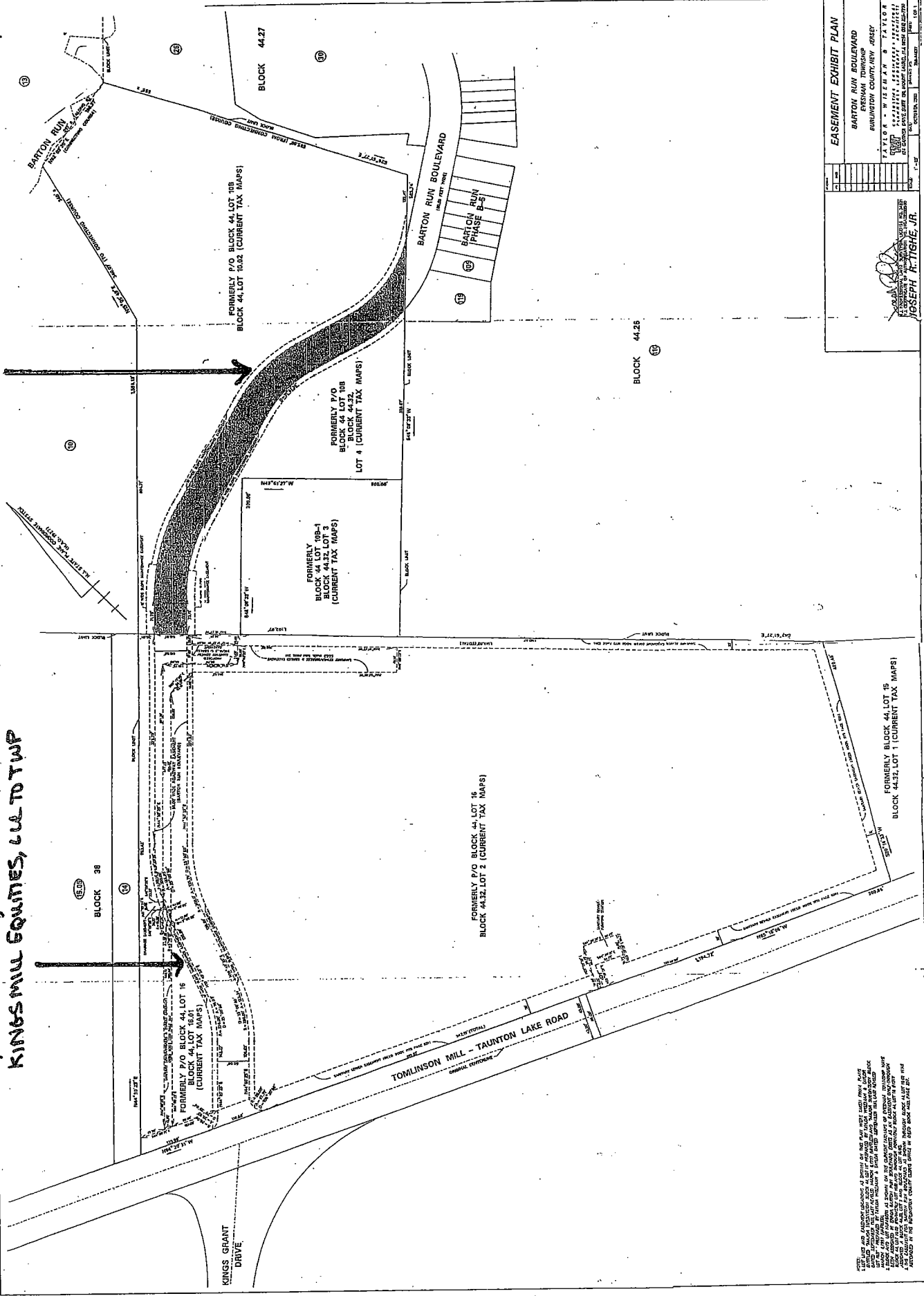
Attest



Clerk

ASSIGNMENT OF ROADWAY EST. 1.
 P/O BLOCK 44, LOT 10.02 (F/K/A 10B)
 ORLEANS CONSTRUCTION CORP. TO TWP.

DEED CONVEYING
 ROADWAY EASEMENT
 P/O BLOCK 44, LOT 16
 KINGS MILL EQUITIES, LLC TO TWP



EASEMENT EXHIBIT PLAN

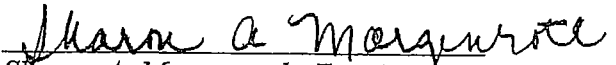
BARTON RUN BOULEVARD
 EYESHAM TOWNSHIP
 BURLINGTON COUNTY, NEW JERSEY

TAYLOR, W. WISEMAN & TAYLOR
 ATTORNEYS AT LAW
 1000 W. WISSEMAN AVENUE
 SUITE 200
 BURLINGTON, NEW JERSEY 08016-1200
 PHONE: 609.261.1200
 FAX: 609.261.1201
 OCTOBER 2002

JOSEPH F. TSIGHE, JR.
 COUNTY CLERK
 1000 W. WISSEMAN AVENUE
 SUITE 200
 BURLINGTON, NEW JERSEY 08016-1200
 PHONE: 609.261.1200
 FAX: 609.261.1201

THIS PLAN AND EASEMENT GRANTING AS SHOWN ON THIS PLAN MUST BE USED IN CONJUNCTION WITH THE DEED CONVEYING ROADWAY EASEMENT P/O BLOCK 44, LOT 16, KINGS MILL EQUITIES, LLC TO TWP, DATED OCTOBER 2, 2002, AND THE DEED CONVEYING ROADWAY EASEMENT P/O BLOCK 44, LOT 10.02 (F/K/A 10B), ORLEANS CONSTRUCTION CORP. TO TWP, DATED OCTOBER 2, 2002, BOTH OF WHICH ARE FILED IN THE OFFICE OF THE COUNTY CLERK OF BURLINGTON COUNTY, NEW JERSEY, ON OCTOBER 2, 2002. THIS PLAN IS A PART OF THE DEED CONVEYING ROADWAY EASEMENT P/O BLOCK 44, LOT 16, KINGS MILL EQUITIES, LLC TO TWP, DATED OCTOBER 2, 2002, AND IS SUBJECT TO THE TERMS AND CONDITIONS SET FORTH THEREIN.

Prepared By:


Sharon A. Morgenroth, Esquire

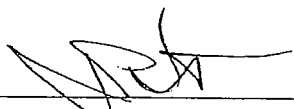
DEED CONVEYING ROADWAY EASEMENT

This Deed is made as of May 5, 2004 between KINGS MILL EQUITIES, LLC, a New Jersey limited liability company, whose address is 17000 Horizon Way, Mount Laurel, New Jersey 08054 referred to as the Grantor, and EVESHAM TOWNSHIP, a New Jersey Municipal Corporation, whose address is 984 Tuckerton Road, Marlton, New Jersey 08053, referred to as the Grantee.

1. **Transfer of Ownership.** The Grantor grants a roadway easement over the property described below to the Grantee. This transfer is made for the sum of \$1.00. The Grantor acknowledges receipt of this money.
2. **Tax Map Reference.** (N.J.S.A. 46:15-1.1) Municipality of Evesham, Burlington County, Part of Block 44, Lot 16.
3. **Property.** The property consists of land in the Township of Evesham, County of Burlington and State of New Jersey. The legal description of the roadway easement is attached hereto as Exhibit "A".
4. **Promises by Grantor.** The Grantor promises that the Grantor has done no act to encumber the Property. This promise is called a "covenant as to grantor's acts" (N.J.S.A. 46:4-6). This promise means that the Grantor has not allowed anyone else to obtain any legal rights which affect the Property (such as making a mortgage or allowing a judgment to be entered against the Grantor).
5. **Purpose.** The purpose of this Deed is to satisfy the condition of the Subdivision Approvals for Barton Run, to convey a roadway easement over an existing improved road commonly known as Barton Run Boulevard to the Township of Evesham for public access, travel and municipal roadway operation and maintenance.
6. **Signatures.** This Deed is signed and attested to by its proper corporate officers as of the date at the top of this page.

KINGS MILL EQUITIES, LLC

By: _____


John P. Silvestri
Managing Member



#14697

DESCRIPTION OF PROPERTY

Barton Run Boulevard
Roadway Easement Dedication

ALL THAT CERTAIN tract or parcel of land situate in the Township of Evesham, the County of Burlington and the State of New Jersey being more particularly described as follows:

BEGINNING at a point in the northeasterly line of Tomlinson's Mill – Taunton Lake Road, County Route 619 (as measured 43.00 feet perpendicularly from the original centerline) said point being South $64^{\circ} 30' 31''$ East, 135.96 feet from the division line between Block 38, Lot 14 and Block 44, Lot 16.01, as shown on a plan entitled "Easement Exhibit Plan Barton Run Boulevard" prepared by Taylor, Wiseman & Taylor, dated October, 2003 and from said beginning point runs; Thence, along the northwesterly side of the 60.00 foot wide right-of-way easement the following six courses: on a curve to the left having a radius of 25.00 feet through a central angle of $70^{\circ} 39' 04''$ (1) Northeastwardly, an arc distance of 30.83 feet to a point of tangency; Thence, (2) North $44^{\circ} 50' 25''$ East, 145.27 feet to a point of curvature; Thence, on a curve to the left having a radius of 220.00 feet through a central angle of $25^{\circ} 00' 50''$ (3) Northeastwardly, an arc distance of 96.05 feet to a point of tangency; Thence, (4) North $19^{\circ} 49' 35''$ East, 138.88 feet to a point of curvature; Thence, on a curve to the right having a radius of 380.00 feet through a central angle of $25^{\circ} 00' 50''$ (5) Northeastwardly, an arc distance of 165.90 feet to a point of tangency; Thence, (6) North $44^{\circ} 50' 25''$ East, 399.28 feet to a point in the southwesterly line of Barton Run Boulevard Easement as recorded in deed book 4403, page 237, said point being North $43^{\circ} 51' 27''$ West, 156.06 feet from the northwesterly corner of Block 44.32, Lot 3 (formerly known as Block 44, Lot 10B-1); Thence along said southwesterly

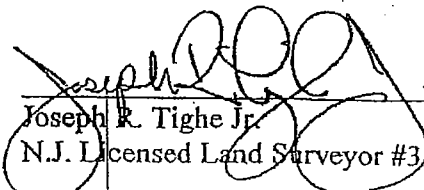


line (7) South 43° 51' 27" East, 60.01 feet to a point corner to the same; Thence, along southeasterly side of the aforementioned 60.00 foot wide right-of-way easement the following six courses: (8) South 44° 50' 25" West, 397.92 feet to a point of curvature; Thence, on a curve to the left having a radius of 320.00 feet through a central angle of 25° 00' 50" (9) Southwestwardly, an arc distance of 139.70 feet to a point of tangency; Thence, (10) South 19° 49' 35" West, 138.88 feet to a point of curvature; Thence, on a curve to the right having a radius of 280.00 feet through a central angle of 25° 00' 50" (11) Southwestwardly, an arc distance of 122.24 feet to a point of tangency; Thence, (12) South 44° 50' 25" West, 106.65 feet to a point of curvature; Thence, on a curve to the left having a radius of 25.00 feet through a central angle of 109° 20' 56" (13) Southeastwardly, an arc distance of 47.71 to a point in the aforementioned northeasterly line of Tomlinson's Mill - Taunton Lake Road; Thence, along said northeasterly line (14) North 64° 30' 31" West, 116.58 feet to the point and place of beginning.

SAID ABOVE DESCRIBED Easement being a 60.00 foot wide right-of-way easement.

Rev. February 6, 2004
October 22, 2003

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Joseph R. Tighe Jr.
N.J. Licensed Land Surveyor #34881

STATE OF NJ
COUNTY OF BURLINGTON SS.

On this, the 5 day of May, 2004, before me, a notary public, the undersigned officer, personally appeared John P. Silvestri who acknowledged himself/herself to be the Managing Member of Kings Mill Equities, L.L.C. a Managing Member limited liability company, and that he/she as such, being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of Kings Mill Equities, L.L.C.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

Carol Ann Iosca
Notary Public

[Seal]

My commission expires:

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CAROL ANN IOSCA
NOTARY PUBLIC OF NEW JERSEY
MY COMMISSION EXPIRES AUG. 26, 2008

ASSIGNMENT OF ROADWAY EASEMENT

THIS ASSIGNMENT OF ROADWAY EASEMENT ("Assignment") is made as of the ____ day of _____, 2004, by ORLEANS CONSTRUCTION CORPORATION, a Pennsylvania corporation, having an address of 3333 Street Road, One Greenwood Square, Bensalem, Pennsylvania 19020 ("Grantor") and EVESHAM TOWNSHIP, a New Jersey Municipal Corporation, having an address of 984 Tuckerton Road, Marlton, New Jersey 08053 ("Grantee").

WITNESSETH

WHEREAS, Grantor and Evesham Municipal Utilities Authorities, a public body corporate and politic, having a mailing address of P.O. Box 467, Marlton, New Jersey 08053 are parties to that certain Easement for Permanent Right-of-Way dated July 1, 1992 (the "Easement") and recorded in the County Clerk's Office of Burlington County in Deed Book 4403, beginning at Page 237 over certain real property described therein (the "Property"); and

WHEREAS, Grantor has constructed an extension to Barton Run Boulevard on the Property in accordance with time frames set forth in the Easement, and

WHEREAS, Grantor desires to assign, dedicate, transfer and convey its right, title, interest and obligations in and related to the Easement and the improvements constructed thereon (collectively the Easement and improvements constructed thereon are herein referred to as the "Easement") to Grantee, and Grantee desires to accept and assume all of Grantor's right, title, interest and obligations in and related to the Easement; and

WHEREAS, the Tax Map reference (N.J.S.A. 46:15-1.1), is Municipality of Evesham Township, Burlington County, Part of Block 44, Lot 10.02 (f/k/a 10B).

NOW, THEREFORE, in consideration of the above premises and for other good and valuable consideration, the mutual receipt and legal sufficiency of which are hereby acknowledged, the parties hereto intending to be legally bound agree as follows:

1. Grantor, for One Dollar (\$1.00) paid by Grantee, receipt of which is hereby acknowledged, sells, assigns, transfers, conveys and sets over to Grantee all of Grantor's right, title, interest and obligations in and related to the Easement. Grantee hereby accepts the assignment and assumes all of Grantor's right, title, interest and obligations in and related to the Easement.

2. The purpose of this Assignment is to satisfy the condition of the Subdivision Approvals for Barton Run to convey the roadway easement commonly known as Barton Run Boulevard to the Township of Evesham for public access and roadway operation and maintenance.

3. The provisions of this Assignment shall be binding upon and shall inure to the benefit of the parties and their respective heirs, personal representatives, successors and assigns. This Assignment is the full and complete agreement of the parties hereto and shall not be modified except by an agreement, in writing, signed by the party against whom enforcement of any such modification is sought.

4. This Assignment shall be governed by and construed in accordance with the laws of the State of New Jersey.

IN WITNESS WHEREOF, the parties hereto have caused this Assignment of Roadway Easement to be duly executed as of the day and year first above written.

Grantor:

ORLEANS CONSTRUCTION
CORPORATION

By: Michael Karmatz, Vice-President
Name: MICHAEL KARMAZ

Grantee:

EVESHAM TOWNSHIP

By: _____
Name: _____

STATE OF New Jersey :
COUNTY OF Camden : SS.

On this the 29 day of April, 2004, before me, a Notary Public, personally appeared Michael Hamaty known to me (or satisfactorily proven) to be the Vice President of Orleans Construction Corporation, the Grantor named in the foregoing instrument, who I am satisfied is the person who signed the within instrument and he acknowledged that he signed and delivered such in his capacity as aforesaid, being authorized to do so, and that the within instrument is the voluntary act and deed of such entity.

Barbara A. Weiss
Notary Public
BARBARA A. WEISS
NOTARY PUBLIC OF NEW JERSEY
Commission Expires 4/28/2007

STATE OF _____ :
COUNTY OF _____ : SS.

On this the _____ day of _____, 2004, before me, a Notary Public, personally appeared _____ who is the Mayor of Evesham Township, a municipality of the State of New Jersey, who I am satisfied is the person who signed the within instrument, and he/she acknowledged that he/she signed and delivered same as the Mayor of Evesham Township and that the within instrument is the voluntary act and deed of Evesham Township, authorized by virtue of a Resolution of the Mayor and Council of Evesham Township.

Notary Public



TAYLOR WISEMAN & TAYLOR

CONSULTING ENGINEERS • SURVEYORS • PLANNERS

308 FELLOWSHIP ROAD MT. LAUREL, NEW JERSEY 08054 609-235-7200 FAX 609-722-9250

1901 - 1991
90
Years of
Experience

#14697

Joseph P. Wiseman, PE, PP, President
George W. Hoff, PE, PP, Sec. Treas.
Frederic P. Taylor, PE, PP, Vice Pres.
Richard J. Caracciolo, LS, PP, Vice Pres.
William R. Dinnymaden, Jr., PE, PP, Vice Pres.
James M. Stevens, PE, Vice Pres.

DESCRIPTION OF ROADWAY

Portion of Barton Run Boulevard
Block 44, Lot 10-B

John J. Applegate, LS, PP
John T. Butler, LS, PP
Lawrence Beach, PE, LS
Richard J. DeShan, Computer
Armen S. Fratz, PE
Richard A. Rodia, PE

ALL THAT CERTAIN 60.00 foot wide roadway situate in the
Township of Evesham, County of Burlington and State of New Jersey

being more particularly described as follows:

BEGINNING at a point in the northwesterly line of Block 44 Lot
10A, said point being on a course of N. 46° 08' 33" E., distant
326.67 feet along said Lot 10A from the easterly-most corner of
Block 44 Lot 10B-1 as illustrated on a plan entitled "Major
Subdivision, Block 44 Lot 10B" prepared by Taylor, Wiseman and
Taylor (Dwg. No. 344-14697B) dated September 1991 and from said
beginning point runs; thence, through Block 44 Lot 10B the following
six courses: on curve to the right having a radius of 280.00 feet
and a central angle of 20° 13' 19" (1) Northwestwardly, an arc
distance of 98.82 feet to a point of tangency; thence (2) N. 73° 58'
16" W., 113.33 feet to a point of curvature; thence, along a curve
to the left having a radius of 220.00 feet and a central angle of
31° 51' 24" (3) Southwestwardly, an arc distance of 122.52 feet to a
point of tangency; thence (4) S. 74° 10' 20" W., 224.88 feet to a
point of curvature; thence, along a curve to the left having a
radius of 300.00 feet and a central angle of 29° 19' 55" (5)
Southwestwardly, an arc distance of 153.58 feet to a point of

Robert Arnesen, PE, PP
Robert M. Ballard, LS
Edward A. Barnes, LS, PP
Edward P. Brady, PE
George Burkholder, CLA
Michael P. Burns, LS
Frederic J. Carr, PE
Arnold R. Conover, LS, PP
John R. DePalma, LS, PP
Ervin A. Doane, LS
Anna K. Easton, PE
Joseph A. Ellenberg, LS
George H. Gutzang, LS
Robert R. Higgins, Jr., LS, PP
Thomas M. Howell, PE
Gary L. Johnson, PE
Frederic A. Kaplan, PE
Donald L. MacKay, LS
Richard W. McGuire, PE, LS, PP
Donald F. Miano, CLA, PP
John F. Musenka, LS
Layne M. Ruelle, LS
Robert A. Ryan, LS, PP
William G. Scott, PE
Gary W. Sheppard, PE, LS
R. D. Stabile, PE
Edward T. Tebeau, PE

Associates
Mary D. Bateman, LS, PP
Richard J. Salvadorelli, PE, LS, AAEE
David L. Taylor, PE, LS
William H. Taylor, PE, LS, PP

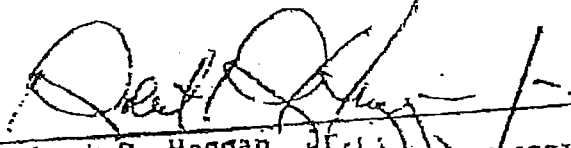
Regional Offices
Burlington, NJ - 609-388-2001
Mt. Laurel, NJ - 609-273-0073
FAX 609-273-8233
Morris, NJ - 908-329-8400
FAX 908-329-8344
New Republic, NJ - 609-892-8483
FAX 609-892-8871
New Castle, DE - 302-322-6200
FAX 302-322-6514

EXHIBIT A-1

NEW 4-03 PG 24-8

tangency; thence (6) S. 44° 50' 25" W, 73.11 feet to a point in the northeasterly line of Block 44 Lot 16, said point being on a course of N. 43° 51' 27" W, distant 96.05 feet along said Lot 16 from the westerly-most corner of Block 44 Lot 10B-1; thence, along said Lot 16 (7) N. 43° 51' 27" W, 60.01 feet to a point; thence, continuing through Block 44 Lot 10B the following six courses: (8) N. 44° 50' 25" E, 71.75 feet to a point of curvature; thence, along a curve to the right having a radius of 360.00 feet and a central angle of 29° 19' 55" (9) Northeastwardly, an arc distance of 184.30 feet to a point of tangency; thence (10) N. 74° 10' 20" E, 224.88 feet to a point of curvature; thence, along a curve to the right having a radius of 280.00 feet and a central angle of 31° 51' 24" (11) Southeastwardly, an arc distance of 155.68 feet to a point of tangency; thence (12) S. 73° 58' 16" E, 113.33 feet to a point of curvature; thence, along a curve to the left having a radius of 220.00 feet and a central angle of 48° 20' 00" (13) Northeastwardly, an arc distance of 185.59 feet to a point in the aforementioned northwesterly line of Block 44 Lot 10A; thence, along the same (14) S. 46° 08' 33" W, 134.66 feet to the point and place of beginning.

SAID ABOVE DESCRIBED 60.00 foot wide roadway containing within said bounds 1.172 acres.


Robert R. Heggan, Jr.
N.J. Licensed Land Surveyor #34031

December 31, 1991
tmc - Q352p

EXHIBIT A-2

004403 PG244

**ASSIGNMENT OF
ROADWAY EASEMENT**

by

**ORLEANS CONSTRUCTION
CORPORATION,**

Grantor

and

EVESHAM TOWNSHIP,

Grantee.

Date:

Record and Return to: