

**CITY OF SEA ISLE CITY  
NEW JERSEY**

**ORDINANCE NO. 1647 (2019)**

**AN ORDINANCE TO AMEND THE REVISED  
GENERAL ORDINANCES OF THE CITY OF SEA ISLE CITY  
RELEASING, EXTINGUISHING, AND VACATING THE DEED OF EASEMENT (DRAINAGE)  
DATED MARCH 30, 2000, RECORDED IN DEED BOOK 2851, PAGE 0605 ON APRIL 5, 2000, IN  
THE CAPE MAY COUNTY CLERK'S OFFICE**

**WHEREAS**, a prior project required an Easement (Drainage) on the south side, Unit South, of 4426 Venicean Road Condominium located at 4426 Venicean Road, Sea Isle City, New Jersey 08243; and

**WHEREAS**, a Deed of Easement (Drainage) was entered into between Sea Structures, LLC, grantor and the City of Sea Isle City (the "City"), grantee on March 30, 2000 and was recorded in the Cape May County Clerk's Office in Deed Book 2851, Page 0605 on April 5, 2000, for property located at 4426 Venicean Road, Sea Isle City, NJ 08243 (the "Property"); and

**WHEREAS**, certain litigation has resulted by the owners of 4426 Venicean Road against the City in the Superior Court of New Jersey, Cape May County Docket No.: CPM-L-134-13, 4426 Venicean Road Condominium Association, et al v. City of Sea Isle City, et al; and

**WHEREAS**, the City has determined to redirect the storm water drainage from the outfall pipe at 4426 Venicean Road to a different drainage location; and

**WHEREAS**, the City has determined that the Easement necessitated by the prior drainage project is no longer necessary and not needed for the public purposes and that it is in the best interest of the general public and the City of Sea Isle City to release, extinguish, and vacate the Deed of Easement on the Property as it is no longer necessary and serves no public purpose; and

**WHEREAS**, the City desires to enter into a Release of Easement Agreement attached hereto and made a part of the within Ordinance; and

**WHEREAS**, the City has reviewed the proposed Easement to be released, extinguished, and vacated and has found it to be acceptable and consistent with the intentions of the City of Sea Isle City; and

**WHEREAS**, the City shall release, extinguish, and vacate the Deed of Easement for the drainage across said property; and

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Sea Isle City, County of Cape May and State of New Jersey as follows:

It is determined that with the redirection of drainage away from the out fall pipe located on the south property line of 4426 Venicean Road there no longer is a public purpose for said Easement.

**BE IT FURTHER ORDAINED**, all public rights and interests to the instrument set forth herein below, are hereby released, extinguished, and vacated except for all rights and privileges now possessed by public utilities, as defined in N.J.S.A. 48:2-13, and by the cable television company, as defined in the Cable Television Act, N.J.S.A. 48:5A-1 et. seq.

1. Deed of Easement (Drainage) filed in Deed Book 2851, Page 0605.

**BE IT FURTHER ORDAINED**, that the Business Administrator, Mayor, City Clerk and Director of Law be and hereby are authorized to execute all documents necessary to effectuate the releasing, extinguishing, and vacating of the above referenced instruments.

**SECTION III. Severability.** If for any reason any section of this Ordinance shall be declared illegal by any Court of competent jurisdiction, the remaining section of the Ordinance shall remain in full force and effect, notwithstanding.

**SECTION IV. Repealer.** Any Ordinance or provision thereof inconsistent with this Ordinance is hereby repealed to the extent of such inconsistency.

**SECTION V. Publication.** This Ordinance shall take effect immediately upon the adoption and publication in accordance with the law.

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J.B. Feeley, Council President

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Mayor Leonard C. Desiderio

I HEREBY CERTIFY THAT the foregoing ordinance was duly passed by the City Council of the City of Sea Isle City, New Jersey on first reading at the regular meeting of said Council held on the 10<sup>th</sup> day of December, 2019 and will be taken up for second reading, public hearing and final passage at the regular meeting of said Council held on the 14<sup>th</sup> day of January, 2020, in City Hall, 3<sup>rd</sup> Floor Council Chambers, 233 JFK Blvd., Sea Isle City, New Jersey at 10:00 a.m.

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Shannon D. Romano, Municipal Clerk