

RESOLUTION NO. 2021-285

A RESOLUTION ACCEPTING AND APPROVING AN INDENTURE FOR THE DEDICATION OF A SIDEWALK EASEMENT, BY INSTRUMENT CONTAINING A MAP AND LEGAL DESCRIPTION OF THE EASEMENT, AND AUTHORIZING THE RECORDING OF THE INSTRUMENT BY OHM GANESHAY NAMAHA, LLC, A NEW JERSEY LIMITED LIABILITY COMPANY, SUBJECT TO, AND IN ACCORDANCE WITH, THE PROVISIONS OF THE NEW JERSEY MUNICIPAL LAND USE LAW.

WHEREAS, OHM GANESHAY NAMAHA, LLC, a New Jersey Limited Liability Company, (hereinafter "Applicant") applied to the Planning Board of the City of Vineland for site plan approval and of a project involving the proposed development of a Dunkin Restaurant on premises located on the westerly side of South Lincoln Avenue, identified on the Tax Map of the City of Vineland as Lot 25.01 in Block 5223; and

WHEREAS, a condition of Vineland Planning Board approval of the Applicant's site plan Application requires the applicant to provide a perpetual easement to, and in favor of, the City of Vineland in respect to a sidewalk proposed to be developed in conjunction with the Dunkin Restaurant, located on Applicant's property along the frontage of S. Lincoln Avenue, a public street which abuts Applicant's property; and

WHEREAS, an instrument entitled "Public Sidewalk Easement", presented by the Applicant, in the form of which is hereby approved and accepted, represents adequate dedication, and is otherwise sufficient to satisfy the said condition of City of Vineland Planning Board approval of, and associated with, the intended development of the Dunkin Restaurant by the Applicant.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Vineland that the Public Sidewalk Easement proposed by the Applicant, constitutes an adequate dedication of a

sidewalk easement to, and in favor of, the City of Vineland, and is otherwise sufficient to satisfy the condition of approval imposed by the City of Vineland Planning Board.

BE IT FURTHER RESOLVED that the Applicant is hereby authorized to record, in the Office of the Clerk of the County of Cumberland, the said Public Sidewalk Easement, which is hereby approved and accepted.

BE IT FURTHER RESOLVED, however, that this Resolution does not constitute final acceptance of dedication, which is reserved for consideration in accordance with N.J.S.A. 40:55D-53(j) as set forth in the New Jersey Municipal Land Use Law.

Adopted: \_\_\_\_\_, 2021

\_\_\_\_\_  
DR. ELIZABETH ARTHUR  
President of City Council

ATTEST:

\_\_\_\_\_  
KEITH PETROSKY, RMC  
City Clerk

PREPARED BY:  
MICHAEL J. GRUCCIO, ESQ.  
Michael Gruccio Law Limited Liability Company  
727 Landis Avenue, Suite 2  
Vineland, NJ 08360  
856-457-7705

## PUBLIC SIDEWALK EASEMENT

THIS INSTRUMENT is made on the 14th day of May, 2021,

THIS EASEMENT DEED is given by OHM GANESHAY NAMAHA, LLC, a New Jersey Limited Liability Company, having an address of 6 Edgewood Drive, Pittsgrove, NJ 08318 (called "Grantor") and is given and otherwise granted to the CITY OF VINELAND, a New Jersey Municipal Corporation, whose post office address is 640 E. Wood Street, P. O. Box 1508, Vineland, NJ, 083620-1508 (called "Grantee").

1. GRANT OF EASEMENT: Grantor grants an easement described below to Grantee.
2. CONSIDERATION: Grantee has paid One Dollar (\$1.00) (called "consideration") to Grantor for the Easement. Grantor has received the full consideration from the Grantee.
3. KIND OF EASEMENT: Grantor grants an easement for the purpose of construction, improving, operating and maintaining a public sidewalk over and across the property subject to the easement. The easement shall include the right to construct, install and maintain a sidewalk within and on the easement for public use.
4. EASEMENT DESCRIPTION: The Tax map reference of the property subject to the easement constitutes part of Lot 25.01 in Block 5223 on the Tax Map of the City of Vineland, Cumberland County, New Jersey.

The lands so dedicated in the way of a Sidewalk Easement hereunder are particularly described in, or depicted on and by the following documents, attached hereto and made a part hereof as follows.

- ◆ Exhibit "A" – Metes and Bounds Description entitled "Deed Description 5 Foot-Wide Sidewalk Easement Block 5223, Lot 25.01"
- ◆ Exhibit "B" – Plan entitled "Sidewalk Easement.)

5. BENEFIT: The easement described above is a perpetual public easement.

6. NO WARRANTIES: The Grantor grants the easement by what is commonly known as a quitclaim or bargain and sale deed under new Jersey Law (N.J.S.A. 46:5-1 to 5-9). The Grantor makes no promises that the Grantee will receive good title to the easement or that the easement is free from other claims.

7. RECITAL: The Grantor's signature on this Deed results from the following history of ownership, claim or authority:

BEING part of the lands and premises, title to which vested in OHM GANESHAY NAMAHA, LLC., a New Jersey Limited Liability Company, the Grantor herein, by Deed dated May 18, 2021, executed and delivered by LINCOLN SHOPPING CENTER, LLC, which Deed is intended to be recorded in the Office of the Clerk of the County of Cumberland on forthwith.

8. EXCEPTIONS: Grantee agrees to take title to the easement subject to easements and restrictions of record.

SIGNATURES: Grantor signs and seals this Deed as of the date of the first page. If the Grantor is a corporation, this Deed is signed and attested to by its proper Managing Member.

WITNESSED BY:

OHM GANESHAY NAMAHA, LLC  
A New Jersey Limited Liability  
Company

*Michael J. Grucco*  
\_\_\_\_\_  
*M. Grucco*  
\_\_\_\_\_

BY: *Ashwin Chaudhary*  
ASHWIN CHAUDHARY  
Member

BY: *R. A. Chaudhary*  
RAMABEN CHAUDHARI,  
Member

STATE OF NEW JERSEY : SS:  
COUNTY OF CUMBERLAND :

I certify that on the 18th day of May, 2021, ASHWIN CHAUDHARY, in his capacity as a Member of OHM GANESHEY NAMAHA, LLC, a New Jersey Limited Liability Company, personally came before me and stated to my satisfaction that:

A. This person is named in, and personally signed this document, as a Member of the Limited Liability Company; and

B. This person executed this document as his own act as a Member of the Limited Liability Company.

JUDITH BLACK  
NOTARY PUBLIC  
STATE OF NEW JERSEY  
MY COMMISSION EXPIRES DEC. 10, 2022

  
NOTARY PUBLIC

STATE OF NEW JERSEY : SS:  
COUNTY OF CUMBERLAND :

I certify that on the 18th day of May, 2021, RAMABEN CHAUDHARI, in her capacity as a Member of OHM GANESHEY NAMAHA, LLC, a New Jersey Limited Liability Company, personally came before me and stated to my satisfaction that:

A. This person is named in, and personally signed this document, as a Member of the Limited Liability Company; and

B. This person executed this document as her own act as a Member of the Limited Liability Company.

JUDITH BLACK  
NOTARY PUBLIC  
STATE OF NEW JERSEY  
MY COMMISSION EXPIRES DEC. 10, 2022

  
NOTARY PUBLIC

<p style="text-align: center;"><b>PUBLIC SIDEWALK EASEMENT</b></p>	<p>Dated: May 18, 2021</p>
<p>OHM GANESHAY NAMAHA, LLC, A New Jersey Limited Liability Company</p> <p style="text-align: center;">TO</p> <p>THE CITY OF VINELAND, a New Jersey Municipal Corporation</p>	<p style="text-align: center;">RECORD AND RETURN TO:</p> <p style="text-align: center;">Michael J. Gruccio, Esq. Michael Gruccio Law Limited Liability Company 727 Landis Avenue, Suite 2 Vineland, NJ 08360</p>



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Albert A. Fralinger, Jr., PE, PLS & PP  
J. Michael Fralinger, Sr. (1957-2009)  
Charles M. Fralinger, PLS  
Carl R. Gaskill, PE, PLS, PP & CME  
Stephen J. Nardelli, PE, PP, CME & CPWM  
Barry S. Jones, PLS & PP  
Guy M. DeFabrites, PLS & PP  
William J. Olbrich, PLS  
Matthew Baldino, PE, CME  
Corey R. Gaskill, PE, CME & CFM  
J. Michael Fralinger, Jr., PE, CME

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Septic System Design  
Wetlands Delineation  
Global Positioning Surveying (GPS)  
Geographic Information Systems (GIS)  
Planning/Zoning Board Representation  
3D Laser Scanning

**EXHIBIT A**

**DEED DESCRIPTION  
5 FOOT-WIDE SIDEWALK EASEMENT  
BLOCK 5223, LOT 25.01**

ALL that certain part and parcel of land situate, lying, and being in the City of Vineland, County of Cumberland, State of New Jersey and being more particularly described as follows:

BEGINNING at a nail and washer set for a corner in the northwesterly line of South Lincoln Avenue (County Route No. 655, width varies); said nail and washer being the division line between Lots 25.01 and Lot 26.01 of Block 5223; thence

(1) along said division line, North 48° 48' 52" West, 5.00 feet, to a nail and washer set for a corner; thence

(2) over the lands of the grantor (Block 5223, Lot 25.01), North 41° 20' 20" East, 174.96 feet, to a point for a corner at a point of curvature; thence

(3) still over same curving to the left and northwesterly having a radius of 15.00 feet an arc distance of 23.60 feet (Chord = North 03° 44' 16" West, 21.24 feet), to a point for a corner; thence

(4) still over same, North 41° 11' 08" East, 5.00 feet, to a point for a corner; thence

(5) along a curve connecting entrance to Lot 25.02 of Block 5223 with the northwesterly line of said South Lincoln Avenue, curving to the right and southeasterly having a radius of 20.00 feet an arc distance of 31.47 feet (Chord = South 03° 44' 16" East, 28.32 feet), to an iron bar set for a corner at a point of tangency; thence

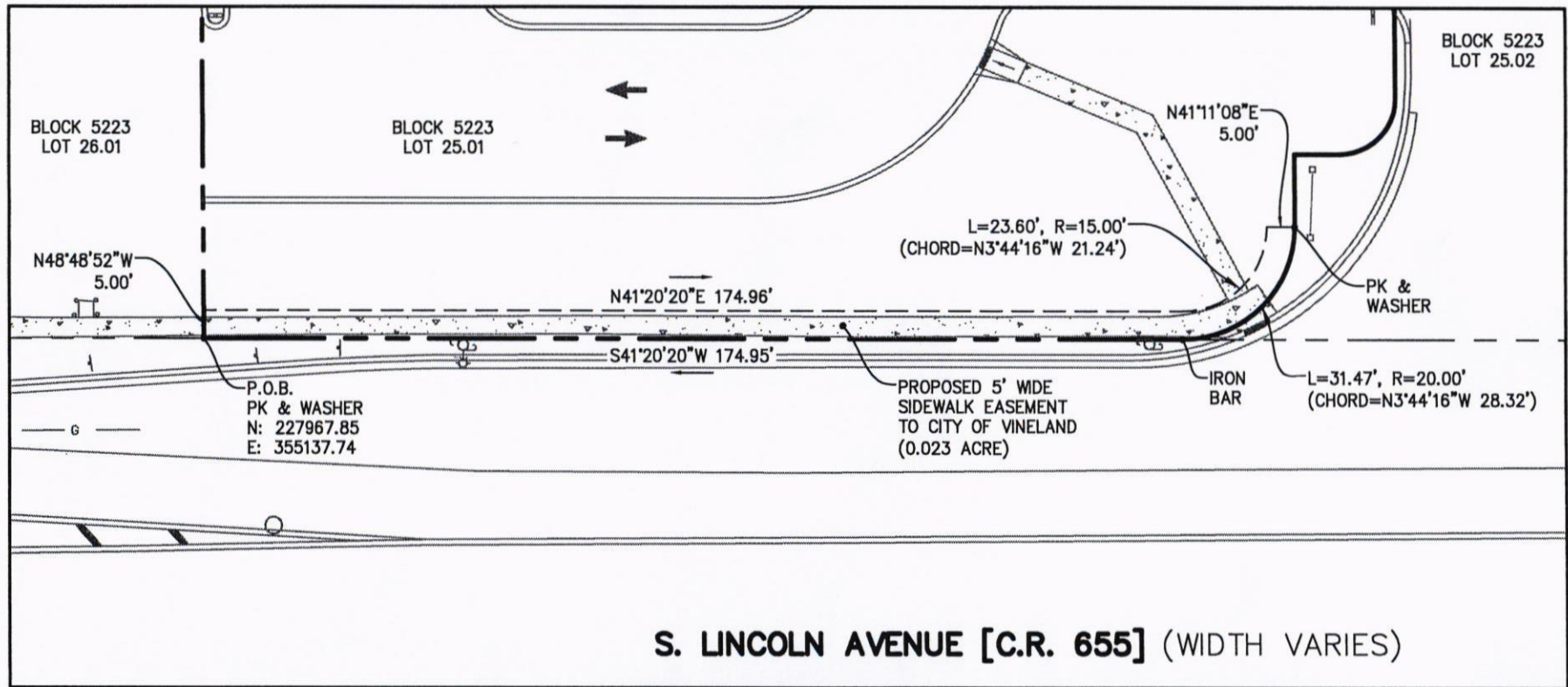
(6) still along said South Lincoln Avenue, South 41° 20' 20" West, 174.95 feet, to the Place of Beginning.

CONTAINING 0.023 of an acre of land to be the same, more or less.  
BEING known as a 5 foot-wide sidewalk easement over Part of Lot 25.01 of Block 5223,  
as shown on the City of Vineland Tax Assessment Map.



Guy M. DeFabrites  
Professional Land Surveyor  
New Jersey License No. 34843  
Date: January 12, 2021  
Comm. No.: 28969.04





SIDEWALK EASEMENT

(SCALE: 1"=30')

EXHIBIT B