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SCOTT M. COLABELLA, COUNTY CLERK  
OCEAN COUNTY, NEW JERSEY



# State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION  
NATURAL & HISTORIC RESOURCES  
Office of Engineering & Construction

CHRIS CHRISTIE  
*Governor*

BOB MARTIN  
*Commissioner*

KIM GUADAGNO  
*Lt. Governor*

Prepared by:

  
David C. Apy  
Assistant Attorney General

## ADMINISTRATIVE ORDER NO. 2014-017

WHEREAS, beginning on October 28, 2012, and continuing through October 30, 2012, Superstorm Sandy struck the State of New Jersey, causing unprecedented damage and destruction; and

WHEREAS, oceanfront and other flood-prone communities lacking the benefits of flood hazard risk reduction measures experienced significantly more catastrophic damage than did surrounding communities that had such protective measures; and

WHEREAS, by Executive Order No. 104, dated October 27, 2012, Governor Christie declared and proclaimed that a State of Emergency exists in the State of New Jersey; and

WHEREAS, Executive Order No. 104 remains in effect; and

WHEREAS, by Executive Order No. 140, dated September 25, 2013, Governor Christie declared that the continued absence of flood hazard risk reduction measures in coastal communities creates an imminent threat to life, property, and the health, safety, and welfare of those communities; and

WHEREAS, N.J.S.A. 12:3-64 empowers the New Jersey Department of Environmental Protection to enter upon and take property in advance of making compensation therefor where for any reason it cannot acquire the property by agreement with the owner; and

WHEREAS, in Executive Order No. 140 Governor Christie declared that the New Jersey Department of Environmental Protection should rely on the statutory powers of N.J.S.A. 12:3-64 whenever it deems it appropriate to ensure the construction of flood hazard risk reduction measures; and

WHEREAS, in Executive Order No. 140 Governor Christie ordered and directed the New Jersey Department of Environmental Protection, through its Office of Flood Hazard Risk Reduction Measures, to lead and coordinate the acquisition of the necessary interests in real

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property to undertake flood hazard risk reduction measures; and

WHEREAS, in Executive Order No. 140 Governor Christie ordered and directed that no municipality, county, or any other agency or political subdivision of this State shall enact or enforce any order, rule, regulation, ordinance, or resolution, which will or might in any way conflict with any of the provisions of that Order, or which will in any way interfere with or impede its achievement; and

WHEREAS, Executive Order No. 140 remains in effect; and

WHEREAS, the State and the United States Army Corps of Engineers signed a Project Partnership Agreement (PPA) on July 10, 2014 for the Barnegat Inlet to Little Egg Inlet, Long Beach Island, New Jersey Hurricane and Storm Damage Reduction Project (the Project) for the construction, operation, and maintenance of the Project; and

WHEREAS, the State is the Non-Federal Sponsor for the Project pursuant to the PPA and is responsible for obtaining necessary real estate interests; and

WHEREAS, on July 25, 2014, the United States Army Corps of Engineers formally issued a Notice to Proceed with acquisition of all necessary real estate for the project; and

WHEREAS, the United States Army Corps of Engineers, in coordination with the State of New Jersey, is scheduled to begin construction of the Project on Long Beach Island in or about January, 2015; and

WHEREAS, prior to construction, the United States Army Corps of Engineers requires that the State provide the easements and/or other real property interests that are necessary to construct and maintain the Project; and

WHEREAS, if the State does not obtain all required easements and/or other real property interests in Long Beach Township, the United States Army Corps of Engineers cannot construct the flood hazard reduction measures in Long Beach Township, Ship Bottom, Surf City, or Beach Haven; and

WHEREAS, the Project's design includes a dune and a renourished beach which will extend ocean ward beyond the mean high tide water line, and will thereby extend into certain riparian areas over which a riparian grant is held; and

WHEREAS, the real estate property interest over the riparian grant that is required for the Project is depicted on the attached map shown in *Exhibit A*; and

WHEREAS, to date, the owner of the riparian grant in Long Beach Township, whose

last-known name and subject interest are attached hereto as *Exhibit B*, has not transferred to the State the real property interests necessary for the construction of the Project, thereby jeopardizing construction of the Project in not only Long Beach Township, but also Ship Bottom, Surf City, and Beach Haven, and threatening the public health, safety, and welfare of all such communities on Long Beach Island; and

WHEREAS, there is an immediate need for flood hazard risk reduction measures and the State has not been able to obtain the necessary real property interest from the riparian grant owner; and

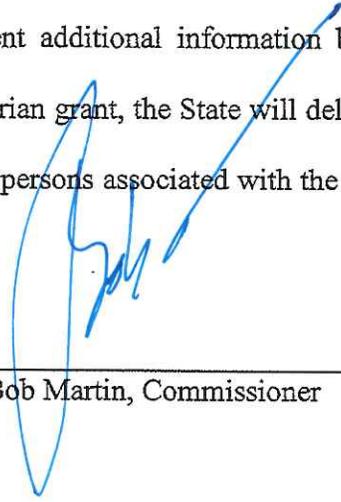
WHEREAS, the immediate acquisition of the real property interest described in *Exhibit B* is necessary to commence construction of the Project on Long Beach Island, as well as to the continued protection of the public health, safety, and welfare of the communities on Long Beach Island; and

NOW THEREFORE, I, Bob Martin, Commissioner of the New Jersey Department of Environmental Protection, by virtue of the powers vested in me by the Constitution and statutes of this State, as well as the authority conferred on me by Executive Order No. 140, do hereby declare and order as follows:

1. A map depicting the real property interest taken pursuant to this Administrative Order is attached hereto as *Exhibit A*; and
2. The New Jersey Department of Environmental Protection Office of Flood Hazard Risk Reduction Measures hereby immediately enters upon and takes the real property interest in the parcel set forth in *Exhibit B*; and
3. The nature of the real property interest taken pursuant to this Administrative Order shall conform with the interest described in the Form Deed of Easement attached hereto as *Exhibit C*; and
4. Appraisals and good faith negotiations for any compensation due to the riparian grant owner for the interest taken shall be undertaken in a manner not inconsistent with the procedures set out in the New Jersey Eminent Domain Act, N.J.S.A. 20:3-1 et seq. and applicable case law within a reasonable amount of time.

THIS ORDER shall take effect immediately. All other Administrative Orders or portions thereof that are inconsistent herewith are hereby superseded or repealed to the extent of the inconsistency. To the extent practicable, a copy of this Order shall be delivered by certified and regular mail to the property owner detailed in *Exhibit B*. To further effectuate notice, this Order and the information contained in its exhibits shall also be published in the newspapers of record, Asbury Park Press and Beach Haven Times. To the extent additional information becomes available to the State about the ownership of the subject riparian grant, the State will deliver this Order by certified and regular mail to all new addresses and persons associated with the updated information.

Dated: 10/10/2014

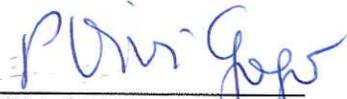
By:   
\_\_\_\_\_  
Bob Martin, Commissioner

STATE OF NEW JERSEY  
COUNTY OF Mercer SS.:

I CERTIFY that on October 10, 2014,

Bob Martin, Commissioner of the New Jersey Department of Environmental Protection, personally came before me and this person acknowledged under oath, to my satisfaction that this person:

- 1) is named in and personally signed this Administrative Order; and
- 2) signed, sealed and delivered this Administrative Order as his act and deed.

  
\_\_\_\_\_  
NOTARY PUBLIC OF THE  
STATE OF NEW JERSEY

**PARASKEVI VIVI GOGO**  
ID # 2067904  
NOTARY PUBLIC  
STATE OF NEW JERSEY  
My Commission Expires November 1, 2019

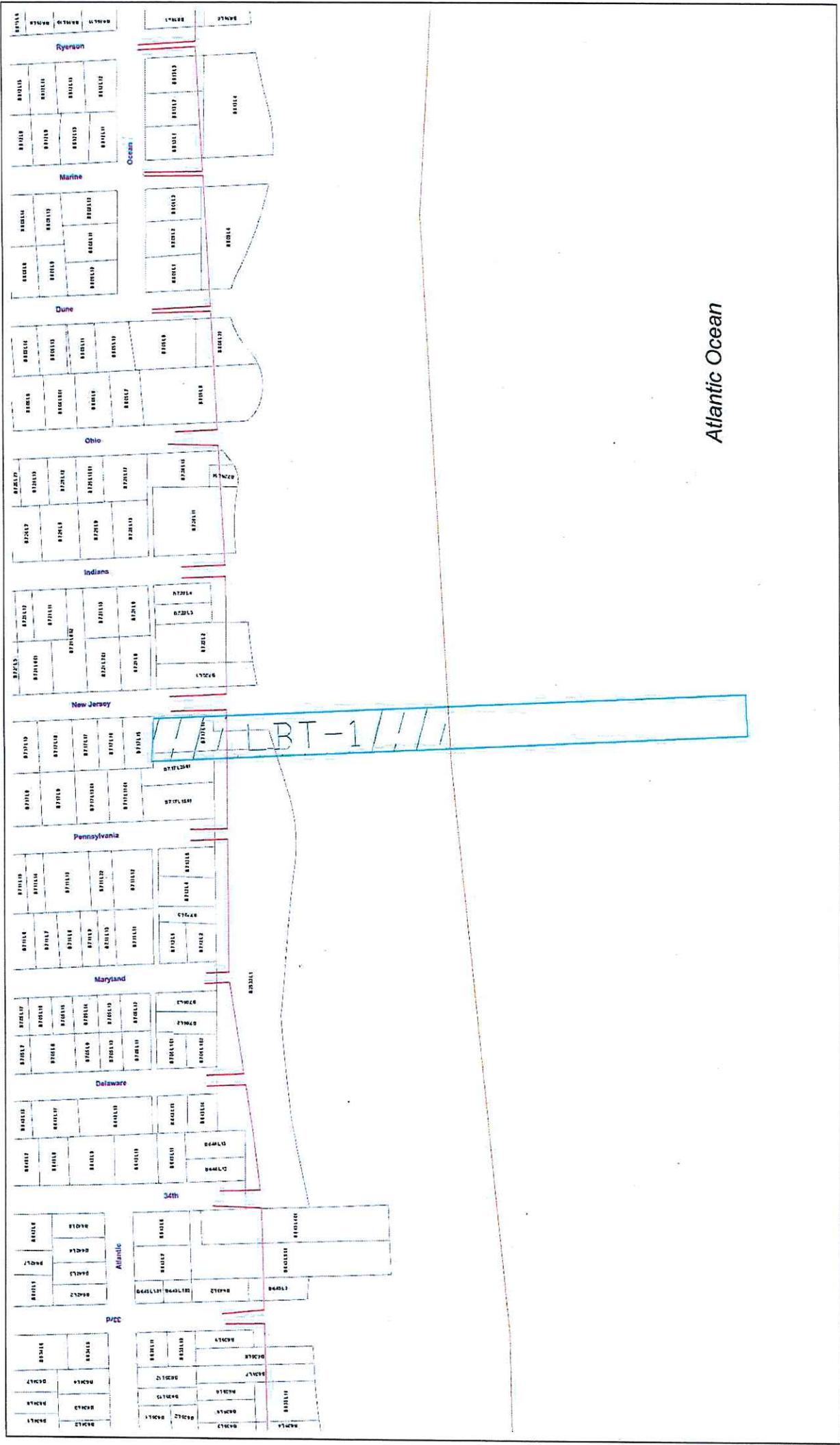
# EXHIBIT A

Long Beach Township Riparian Grant Information

Tag	Grantee	Date Issued	LIBER	Page	Acres
LBT-1	Long Beach Pier & Amusement Co.	2/20/1922	C-1	371	0.88

# **EXHIBIT B**

Riparian Grant Map - Long Beach Township, NJ



Long Beach Township Riparian Grant Information			
Top	Overview	Date Issued	Page
LBT-1	Long Beach Fire & Assessment Co.	2/28/10/22	C-1 3/1 0.00

Legend

-  Riparian Grant
-  Grant within Project Footprint
-  USACE Upper Work Limit
-  USACE Lower Work Limit
-  Local Roads
-  Long Beach Township Parcels

SCALE  
1 inch = 75 feet

# EXHIBIT C

Prepared by:  
State of New Jersey  
Office of the Attorney General  
R.J. Hughes Justice Complex  
25 Market Street, P.O. Box 112  
Trenton, New Jersey 08625

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**DEED OF DEDICATION AND PERPETUAL STORM  
DAMAGE REDUCTION EASEMENT**

THIS DEED OF DEDICATION AND PERPETUAL STORM DAMAGE REDUCTION  
EASEMENT is made this \_\_\_\_\_ day of \_\_\_\_\_ 2014 BY AND

BETWEEN

whose address is

referred to herein as Grantor,

AND

**TOWNSHIP OF LONG BEACH**, a Municipal Corporation of the State of  
New Jersey whose post office address is Municipal Clerk, 6805  
Long Beach Boulevard, Brant Beach, New Jersey, 08008, **AND THE  
STATE OF NEW JERSEY** referred to herein collectively as the  
Grantees,

**WITNESSETH**

**WHEREAS**, Grantor is the owner of that certain tract of  
land, located in the Township of Long Beach, County of Ocean,  
State of New Jersey, and identified as the **riparian grant** listed  
in Appendix A and on the attached map in Appendix B, hereinafter  
the "Property," and Grantor holds the requisite interest to  
grant this Deed of Easement; and

**WHEREAS**, the Grantees recognize that the beach at the  
Township of Long Beach, New Jersey is subject to constant  
erosion and degradation, thereby destroying a valuable natural  
resource and threatening the safety and property of the Grantor  
and of all of the citizens of the State; and,

**WHEREAS**, the Grantees desire to participate with each other  
and the United States Army Corps of Engineers to construct the  
**Barnegat Inlet to Little Egg Inlet - Long Beach Island Hurricane  
and Storm Reduction Project**, as defined in the July 10, 2014  
Project Partnership Agreement between the Department of the Army  
and the State of New Jersey, hereinafter "Project"; and,

**WHEREAS**, construction of the Project includes periodic  
renourishment, which may be performed solely by the Grantees or  
in conjunction with the United States Army Corps of Engineers;  
and,

**WHEREAS**, in order to accomplish part of the Project, Grantees need a Perpetual Storm Damage Reduction Easement on portions of said Property herein described; and,

**WHEREAS**, the United States Army Corps of Engineers and/or State of New Jersey will not participate in the Project unless the Grantees acquire the real property interest herein described in all real property needed for the Project; and,

**WHEREAS**, the Township of Long Beach shall consider this Deed of Easement in establishing the full assessed value of any lands subject to such restriction; and

**WHEREAS**, the Grantor desires to cooperate in allowing the Project to take place on a portion of said Property; and,

**WHEREAS**, the Grantor acknowledges that it will benefit from the successful implementation of the Project; and,

**WHEREAS**, the Grantor acknowledges that after successful implementation of the Project the beach and dune are still subject to the forces of nature which can result in both erosion and accretion of the beach and dune; and,

**NOW, THEREFORE**, in consideration for the benefits to be received by the Grantor from the successful implementation of the Project, the Grantor grants and conveys to Grantees an irrevocable, assignable, perpetual and permanent easement as set forth herein:

**GRANT OF EASEMENT:** A perpetual and assignable easement and right-of-way for the Barnegat Inlet to Little Egg Inlet - Long Beach Island Hurricane and Storm Reduction Project, in, on, over and across that land of the Property described as the riparian grant listed in **Appendix A** as shown on the attached map in **Appendix B** for the Blocks and Lots listed above for use by the State of New Jersey and the Township of Long Beach, their representatives, agents, contractors and assigns to:

- a. Construct, preserve, patrol, operate, maintain, repair, rehabilitate, and replace a public beach, dune system, and other erosion control and storm damage reduction measures together with appurtenances thereto, including the right to deposit sand, to accomplish any alterations of the contours on said land, to construct berms and dunes, and to nourish and re-nourish periodically;
- b. Move, temporarily store and remove equipment and supplies;
- c. Erect and remove temporary structures;
- d. Perform any other work necessary and incident to the construction, periodic renourishment, and maintenance of the Barnegat Inlet to Little Egg Inlet - Long Beach Island Hurricane and Storm Reduction Project together with the right of public use and access;
- e. Post signs and plant vegetation on said dunes and berms;
- f. Erect, maintain, and remove silt screens and snow fences;
- g. Facilitate preservation of dune and vegetation through the limitation of public access to dune areas;

h. Trim, cut, fell, and remove from said land all trees, underbrush, debris, obstructions, and any other vegetation, structures, and obstacles within the limits of the easement;

The easement reserves to the Grantor, the Grantor's heirs, successors and assigns the right to construct a private dune overwalk structure in accordance with any applicable Federal, State, or local laws or regulations, provided that such structure shall not violate the integrity of the dune in shape, dimension, or function. Prior approval of the plans and specifications for such structures must be obtained from the Township of Long Beach and the State of New Jersey. Such structures are to be considered subordinate to the construction, operation, maintenance, repair, rehabilitation, and replacement of the project. The easement reserves to the Grantor, the Grantor's heirs, successors, and assigns all such rights and privileges as may be used and enjoyed without interfering with or abridging the rights and easements hereby conveyed to the Grantees, subject however to existing easements for utilities and pipelines, existing public highways, existing paved public roads and existing public streets. Grantor hereby expressly agrees not to grade or excavate within the easement area or to place therein any structure or material other than a dune walkover as referenced above without prior approval of the plans and specifications for said activities from the Township of Long Beach, the State of New Jersey and/or any applicable Federal agency, as required.

**Duration of Easement:** The easement granted hereby shall be in perpetuity, and in the event that the Township of Long Beach or the State of New Jersey shall become merged with any other geopolitical entity or entities, the easement granted hereby shall run in favor of surviving entities. The covenants, terms, conditions and restrictions of this Deed of Easement shall be binding upon, and inure to the benefit of the parties hereto and their respective personal representatives, heirs, successors and assigns and shall continue as a servitude running in perpetuity with the land.

**Municipality to Maintain Beach:** The Municipality agrees, consistent with all Federal, State and local statutes and regulations, that at all times it shall use its best, good-faith efforts to cause the beach area abutting Grantor's lands to be maintained, consistent with any applicable Federal, State or local laws or regulations, notwithstanding any action or inaction of the State of New Jersey, Department of Environmental Protection or the United States Army Corps of Engineers to maintain the beach area.

**Character of Property:** Notwithstanding the foregoing, nothing herein is intended or shall be deemed to change the overall character of the Property as private property; nothing herein shall be deemed to grant to the Grantees or otherwise permit the Grantees or any other person to cross over or use any part of the Property which is not within the Easement Area; nothing herein is intended or shall be deemed to alter the boundary lines or setback lines of the Property.

By the acceptance of this Deed of Easement, the Municipality agrees, to the extent allowed by applicable law, that the lands burdened by the easement herein described shall not be excluded from the calculation of minimum square footage requirements when

construing applications under the Zoning Ordinance of the Municipality.

**Miscellaneous:**

1. The enforcement of the terms of this Easement shall be at the discretion of the Grantees and any forbearance by Grantees to exercise their rights under this Easement in the event of any violation by Grantor shall not be deemed or construed to be a waiver by Grantees of such term or of any subsequent violation or of any of Grantees rights under this Easement. No delay or omission by Grantees in the exercise of any right or remedy upon any violation by Grantor shall impair such rights or remedies or be construed as a waiver of such rights or remedies.
2. The interpretation and performance of this Deed of Easement shall be governed by the laws of the State of New Jersey.
3. If any provision of this Deed of Easement or the application thereof to any person or circumstance is found to be invalid, the remainder of the provisions of this Easement or the application of such provision to persons or circumstances other than those to which it is found to be invalid, as the case may be, shall not be affected thereby.
4. Any notice, demand, request, consent, approval or communication under this Deed of Easement shall be sent by regular first class mail, postage prepaid and by Certified Mail, Return Receipt Requested, addressed to the mailing addresses set forth above or any other address of which the relocating party shall notify the other, in writing.
5. The captions in this Deed of Easement have been inserted solely for convenience of reference and are not a part of this instrument and shall have no effect upon its construction or interpretation.
6. Structures not preexisting or part of the project are not authorized.
7. Grantor represents and warrants he/she/it holds the requisite ownership interest and authority to execute this Deed of Easement; and has made this Deed of Easement for the full and actual consideration as set forth herein.
8. This Deed may be executed in counterparts by the respective Parties, which together will constitute the original Deed.

IN WITNESS WHEREOF, with the parties understanding and agreeing to the above, they do hereby place their signatures on the date at the top of the first page.

Accepted by the  
**PROPERTY OWNER, GRANTOR**

Witnessed by:

\_\_\_\_\_  
GRANTOR

\_\_\_\_\_  
NOTARY PUBLIC OF THE  
STATE OF NEW JERSEY

Date \_\_\_\_\_

STATE OF NEW JERSEY

COUNTY OF \_\_\_\_\_ SS.:

I CERTIFY that on \_\_\_\_\_ 2013,

[INSERT GRANTOR(S) NAME(S)]

personally came before me and this person acknowledged under oath, to my satisfaction that this person (or if more than one, each person);

- 1) is named in and personally signed this Deed of Easement; and
- 2) signed, sealed and delivered this Deed of Easement as his or her act and deed.

\_\_\_\_\_  
NOTARY PUBLIC OF THE  
STATE OF NEW JERSEY

Accepted by the  
**TOWNSHIP OF LONG BEACH, GRANTEE**

Witnessed by:

BY: \_\_\_\_\_  
JOSEPH MANCINI  
Mayor

\_\_\_\_\_  
NOTARY PUBLIC OF THE  
STATE OF NEW JERSEY

Date \_\_\_\_\_

Accepted by the  
**STATE OF NEW JERSEY, GRANTEE**

Witnessed by:

BY: \_\_\_\_\_  
Dave Rosenblatt  
Administrator  
Office of Flood Risk Reduction Measures

\_\_\_\_\_  
NOTARY PUBLIC OF THE  
STATE OF NEW JERSEY

Date \_\_\_\_\_

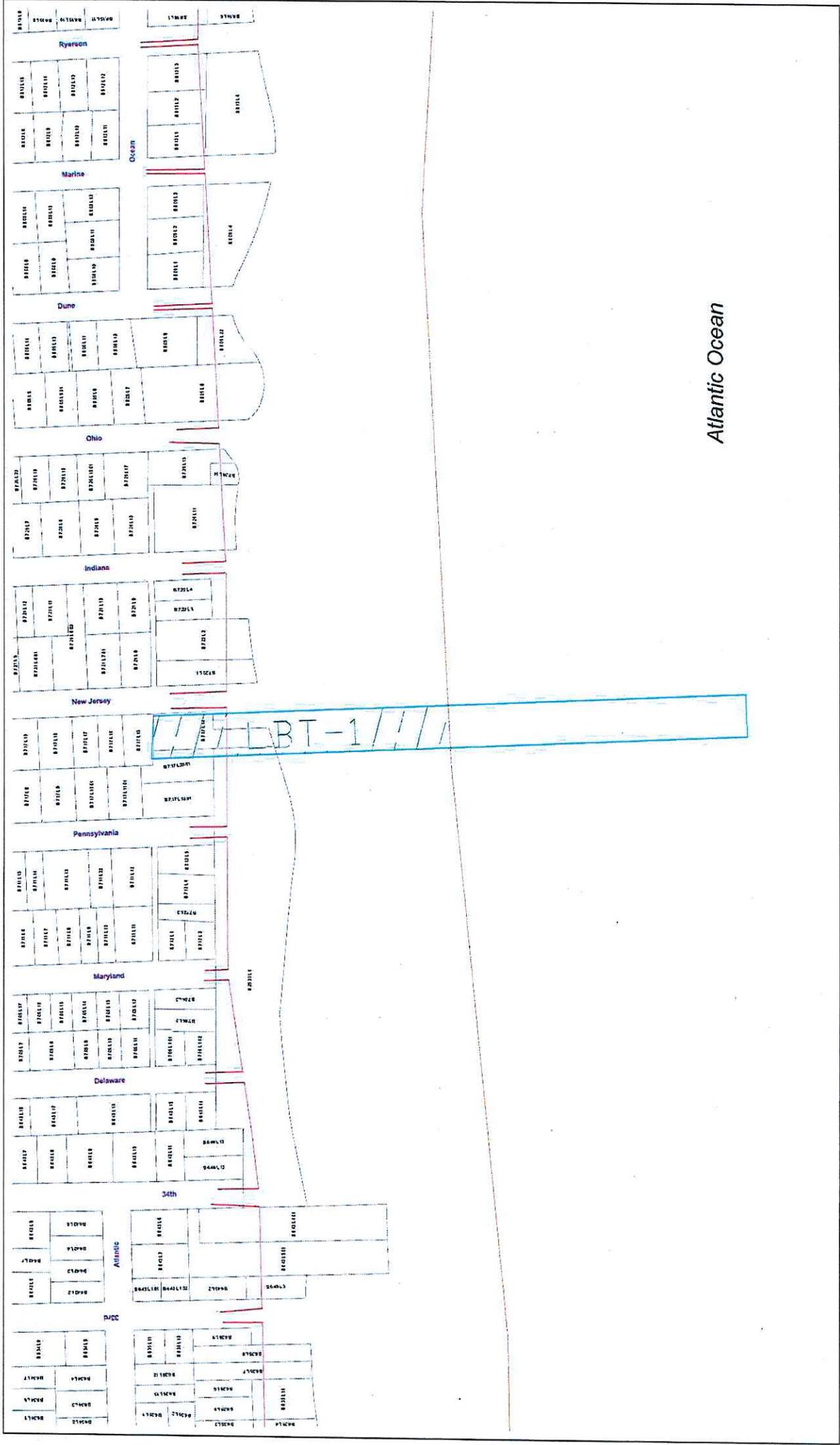
# Appendix A

Long Beach Township Riparian Grant Information

Tag	Grantee	Date Issued	LIBER	Page	Acres
LBT-1	Long Beach Pier & Amusement Co.	2/20/1922	C-1	371	0.88

# Appendix B

# Riparian Grant Map - Long Beach Township, NJ



## Legend

- SCALE**  
1 inch = 75 feet
- Riparian Grant
- USACE Upper Work Limit
- Local Roads
- USACE Lower Work Limit
- Long Beach Township Parcels
- Grant within Project Footprint

Long Beach Township Riparian Grant Information				
Map	Project	User	Page	Scale
LBT-1	Long Beach Pier & Enhancement Co.	2821022	371	0.69