

ORDINANCE #3-16

ORDINANCE OF THE BOROUGH OF KEYPORT AUTHORIZING THE EXECUTION OF A CONFIRMATORY DEED FOR THE PROPERTY COMMONLY KNOWN AS BLOCK 85, LOT 6, 7 AND 8 ON THE TAX MAP OF THE BOROUGH

WHEREAS, the Borough of Keyport, County of Monmouth (the "**Borough**") is a public body corporate and politic of the State of New Jersey, and

WHEREAS, the Estate of Eloise Schanck is the owner the property commonly known as Block 85, Lots 6, 7 & 8 on the tax map of the Borough, which is also known as 174 Church Street, Keyport, New Jersey (the "**Property**"); and

WHEREAS, the Estate of Eloise Schanck has a contract for the sale of the Property and the purchaser has obtained a title commitment for the Property (the "**Title Commitment**"); and

WHEREAS, the Title Commitment indicates that title to the Property became vested in the Borough by (In Rem) Final Judgment dated October 4, 1962 and recorded on October 15, 1962 in the Monmouth County Clerk's Office Deed Book 3186, Page 426 pursuant to a tax certificate foreclosure action; and

WHEREAS, the Title Commitment also indicates that the Borough transferred title to the Property to David Schanck by deed dated August 25th, 1964 but such deed was apparently never properly recorded; and

WHEREAS, the title insurance company of the purchaser of the Property requires a confirmatory deed to the Property from the Borough in order to issue a title insurance policy for the Property; and

WHEREAS, the Borough, in furtherance of and consistent with the prior transfer of title to David Schanck as authorized by its Resolution #1 of June 24, 1964 and Resolution of July 13, 1964, desires to execute a confirmatory deed in substantially the form attached hereto as **Exhibit "A"** and any associated, required documentation, to ensure the accuracy of the public record with respect to the Property; and

WHEREAS, since the confirmatory deed only corrects an inconsistency in the public record and the grantee bears the cost of the recording fees, no public funds will be required to effectuate the recordation thereof.

WHEREAS, pursuant to the Local Lands and Buildings Law, *N.J.S.A. 40A:12-1 et seq.*, an ordinance is required to authorize the execution of the attached Corrective Deed.

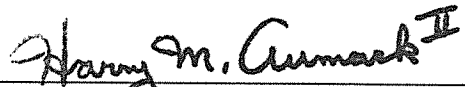
NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of Keyport as follows:

1. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. The Mayor and the Council of the Borough hereby approves the execution, delivery and recording of a confirmatory deed relating to the transfer of the Property.
3. The Borough Administrator is hereby authorized to execute the confirmatory deed in substantially the form attached hereto as **Exhibit "A"**, with such additions, deletions or modifications as may be necessary in consultation with counsel.
4. The Borough Administrator is hereby authorized to take such further actions and to execute such additional and ancillary documents or instruments as may be necessary or desirable to effectuate the intent hereof.
5. If any part of this Ordinance shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Ordinance.
6. This Ordinance shall be in full force and effect from and after its adoption any publication as may be required by law.

Introduced: March 15, 2016
Public Hearing: April 5, 2016
Adopted: April 5, 2016



Valerie T. Heilweil, RMC
Borough Clerk
Borough of Keyport



Harry M. Aumack, II, Mayor
Borough of Keyport

Exhibit A

PREPARED BY:

Denise S. Hofbauer, Esq.
McManimon, Scotland & Baumann, LLC.
75 Livingston Avenue
Roseland, New Jersey 07068

CONFIRMATORY DEED

This Confirmatory Deed is made as of July 25, 1964,

BETWEEN

The **BOROUGH OF KEYPORT**, a Municipal Corporation of the State of New Jersey, having an address of 70 West Front Street, 2nd Floor, Keyport, New Jersey 07735,

referred to as Grantor,

AND

The **DAVID SCHANCK** and those persons claiming by, through or under him by instruments of record, having an address of Ira S. Karlstein, Esq., Substitutionary Administrator of the Estate of Eloise F. Schanck, Karlstein Law Office, 100 Craig Road, Suite 102, Manalapan, New Jersey 07726,

referred to as Grantee.

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

Transfer of Ownership. The Grantor grants and conveys (transfers ownership of) the property described below to the Grantee. The transfer is made for the sum of One (\$1.00) Dollar. The Grantor acknowledges receipt of this money.

Tax Map Reference. (N.J.S.A. 46:15-2.1) Borough of Keyport, Block No. 85, Lot No. 6, 7 & 8.

Property. The property deeded herein consists of all rights, title and interest in the land and any appurtenances located thereon in the Borough of Keyport, County of Monmouth and State of New Jersey. The legal description is:

See Schedule A attached.

BEING THE SAME PREMISES acquired by the Borough of Keyport, a Municipal Corporation, by Final Judgment (In Rem) through an In Rem tax sale certificate foreclosure action entitled "Borough of Keyport v. Block 133, Lot 55, et al", Superior Court of New Jersey, Chancery Division, Monmouth County, Docket No. F-4087-61, in which judgment was filed on October 4, 1962 and recorded in the Monmouth County Clerk's Office on October 15, 1962, in Book 3186, page 426 and which were later conveyed by the Borough to David Schanck in accordance with Resolution #1 of June 22, 1964 and the Resolution of July 13, 1964 of the Mayor and Council of the Borough accepting the bid of David Schanck or Block 85, Lot No. 6, 7 & 8.

This is a Confirmatory Deed confirming the transfer of title from Grantor to David Schanck, as grantee by deed dated July 25, 1964. However, said deed was never recorded in the Monmouth County Clerk's Office.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK;
SIGNATURE PAGE TO FOLLOW]

Signatures. The Grantor signs this Deed as of the date at the top of the first page.

WITNESS:

Borough of Keyport

Witness

By: _____
Harry M. Aumack, II, Mayor

STATE OF NEW JERSEY, COUNTY OF MONMOUTH

SS:

I CERTIFY that on _____, 2016,

Harry M. Aumack, II personally came before me and stated to my satisfaction that:

- (a) this person is Mayor of the Borough of Keyport;
- (b) this Corrective Deed was signed by this person as his voluntary act duly authorized by the Borough of Keyport;
- (c) this person signed this proof to attest to the truth of these facts; and
- (d) the full and actual consideration paid or to be paid for the transfer of title is \$1.00. (Such consideration is defined in N.J.S.A. 46:15-5).

Signed and sworn before me on
_____, 2016

Record & Return To:

SCHEDULE "A"

BEING known as Lots 6, 7 & 8 in Block 85 as shown on the Official Tax Map of the Borough of Keyport entitled, "Tax Map Boro of Keyport, Monmouth County, Municipal Revaluations, Inc., October 1961," filed in the Office of the Collector of Taxes for the Borough of Keyport, reference to which for more particularity is hereby made.

BEGINNING at a point in the easterly side of Osborn Street, said point being the dividing line common between Lots Five (5) and Six (6) as shown on the tax assessment map hereinabove mentioned, and also being the northwest corner of the within described premises; and from thence

(1) Running easterly at a right angle from Osborn Street and along the southerly line of said Lot Five (5) a distance of one hundred (100') feet to a point; thence

(2) Running southerly at a right angle from the first course herein and parallel with Osborn Street a distance of ninety (90') feet to a point; thence

(3) Running westerly at a right angle from the second course, parallel with the first course, and along the northerly line of Lot Nine (9) as shown on the tax assessment map hereinabove mentioned a distance of one hundred (100') feet to a point in the easterly side of Osborn Street, said point being in the dividing line common between Lots Eight (8) and Nine (9) as shown on the tax assessment map hereinabove mentioned; and thence

(4) Running northerly and along the easterly line of Osborn Street a distance of ninety (90') feet to the point or place of BEGINNING, marking the northwest corner of the within described premises.