

**A CHRONOLOGICAL HISTORY OF BLOCK 79 LOT 1.01
WILDWOOD CREST, NEW JERSEY**

1. On or about December 30, 1963, Block 79 Lot 1.01 was acquired by the Borough of Wildwood Crest via deed issued by S. McLoughlin, Jr., as Trustee for the City of Philadelphia for a purchase price of \$16,000. A copy of the deed is annexed hereto as Exhibit "F". A portion of this parcel abuts Sunset Lake and a portion of the parcel abuts a tract of land located in the Township of Lower, now known as Block 820 Lot 2.05.

2. This is graphically depicted on Exhibits "A" & "B", respectively.

3. On or about April 2, 1964, a corrective deed was filed by S. McLoughlin, Jr. This deed also transfers Block 79 Lot 1.02 to the Borough of Wildwood Crest. Lot 1.02 abuts Sunset Lake. Lot 1.01 does not. This deed is attached as Exhibit "H" and recites the identical consideration, \$16,000. This parcel is actually part of Sunset Lake as is more clearly depicted on Exhibit "C".

4. Thereafter, on or about September 4, 1964, a document entitled "Agreement and Restrictions" was recorded in the Office of the Clerk of the County of Cape May by and between the Borough of Wildwood Crest and the State of New Jersey Commissioner of the Department of Conservation and Economic Development. A copy of this document is attached as Exhibit "I".

5. This document, Exhibit "I", provides that the sum of \$8,000 is for the acquisition of the premises known as Block 79 lot 1.02. It **does not provide any funding** for the acquisition of Lot 1.01, nor is Lot 1.01 described in the document. **Lot 1.02 is described in specific detail in a manner that tracks, word for word, the description said forth in Exhibit "H".**

6. Attached as Exhibit "J" is a plan of lands of the West Jersey and Seashore Railroad Line between Rambler Road and the Borough line of the Borough of Wildwood Crest. This document is dated December 12, 1958. Said map was revised on August 1, 1963 to show the area of riparian grant to be acquired by the Borough of Wildwood Crest

under the Green Acres Program (this area referenced on the map is what is now known as Block 79 Lot 1.02)

7. Exhibit "J" clearly indicates that Block 79 Lot 1.02 was to be acquired by the Borough of Wildwood Crest through the Green Acres program.
8. Exhibit "J" also depicts block 79 Lot 1.01; however, there is **no indication** that it is, or was, intended to be acquired for Green Acres purposes.
9. On November 29, 1983, the Borough of Wildwood Crest issued an easement across the southerly portion of the property known as Block 79 Lot 1.01 to Mariner Inn Inc. for access purposes; thus, this portion of the subject parcel was legally encumbered.
10. **Said Easement was and is currently used, actively and notoriously, for a period of approximately 36 years. A copy of the easement is annexed hereto as Exhibit "M". The issuance and use of said easement is absolutely inconsistent with an intent to dedicate this parcel for conservation or recreation purposes in connection with the Green Acres Program.**
11. As aforesaid, attached as Exhibits "A" and "B" are aerial photographs provided by the Borough Tax Assessor graphically portraying portions of Block 79 Lot 1.01.
12. **Exhibit "B" depicts the portion Block 79 Lot 1.01, that abuts the Lower Township parcel, which has a total area of approximately 0.4 acres and a perimeter of approximately 1,678.5 feet. It was never intended that this parcel be utilized for Green Acres purposes since it is not part of Sunset Park.**
13. Exhibit "A", page 2, depicts the portion of Block 79 Lot 1.01 that abuts Lot 1.02. This section has a total land area of approximately 2.47 acres and a perimeter of 4,435.1 feet.

14. In or about October 2002, Kevin Yecco, the then Borough Clerk, was communicating with representatives from the Green Acres Program regarding the Declaration of Encumbrance/Recreation and Open Space Inventory. This inventory is commonly called the "ROSI".

15. Annexed as Exhibit "E" is a correspondence from Bruce Bechtloff of the Green Acres Program to Kevin Yecco, with attached inventory list comprising the "ROSI". **This correspondence and listing appear to be the heart of the problem. A portion of Block 79 Lot 1.01 is listed in inventory consisting of a total of approximately 1.462 acres. The actual size of the parcel is approximately 2.87 acres. It appears that the intention was to exclude the portion on which the Borough had previously granted an easement; however, it would have been helpful to clearly indicate that only "a portion" of the property was being encumbered on the "ROSI", however, this did not occur.**

16. **In any event, any inclusion of the remnant parcel consisting of .4 acres (that was encumbered by the easement for over 20 years at that point in time), was absolutely made in error for obvious reasons. i.e. the Borough had already made a legal commitment, via a recorded document, to utilize this parcel as a "servient tenement" for the purposes of the aforementioned easement.**

17. On June 5, 2019, the Borough entered into a new easement agreement with 8100 Bayview, LLC relative to Block 79 Lot 1.01, **which greatly reduced the scope of the easement.** Previously the easement was broader in scope, in order to service a commercial tavern and restaurant. The current easement is reduced in scope to accommodate two (2) driveways, which will service four (4) residential units on site.

18. Subsequent to the issuance of the easement referenced in paragraph 17 above, representatives from the Green Acres Program raised the question as to the prior encumbrance of the subject parcel, thus necessitating this application for "removal" of same from the "ROSI".

19. In conclusion, the proposed action is necessary to correct an erroneous listing, by implication, of this portion of Block 79 Lot 1.01 on the ROSI.