

**ORDINANCE #2026-08**

**AN ORDINANCE OF THE BOROUGH OF SURF CITY,  
COUNTY OF OCEAN, STATE OF NEW JERSEY,  
VACATING ALL OF THE RIGHT, TITLE, AND INTEREST  
OF THE BOROUGH OF SURF CITY IN A RIPARIAN  
GRANT ON A PORTION OF BLOCK 64, LOT 40**

**WHEREAS**, in 1966 the Borough of Surf City (hereinafter "Borough") acquired a riparian grant covering claims that traversed Borough owned properties, as well as privately held properties in the Borough; and

**WHEREAS**, Michael J. Linkewich and Kelly A. Linkewich (hereinafter "Property Owners") are the owners of property known and designated as Block 64, Lot 40 as shown on the Tax Map of the Borough of Surf City and commonly known as 294 North Second Street (hereinafter "property"); and

**WHEREAS**, a portion of the property is also part of the same premises conveyed to the Borough by riparian grant from the State of New Jersey resulting in a tidelands claim on the property; and

**WHEREAS**, the limits of property included in the grant from the State of New Jersey exceeded the boundaries of municipally owned properties resulting in potential tidelands claims by the Borough on privately owned properties; and

**WHEREAS**, the property owners have requested that the Borough vacate the riparian grant which covers a portion of the subject property;

**NOW THEREFORE BE IT ORDAINED** by the governing body of the Borough of Surf City, County of Ocean and State of New Jersey, as follows:

**SECTION 1.** There is hereby vacated all of the right, title, and interest for all public usages and purposes in that portion of the property known as Block 64, Lot 40 conveyed to the Borough by riparian grant from the State of New Jersey which was recorded May 11, 1966 in the Ocean County Clerk's Office in Book 2584 Page 425 in accordance with the provisions of

DASTI, McGUICKIN,  
McNICHOLS, CONNORS  
ANTHONY & BUCKLEY

COUNSELLORS AT LAW

620 WEST LACEY ROAD  
FORKED RIVER, N.J. 08731

N.J.S.A. 40A:12-13 et seq, a copy of which is attached hereto and made a part hereof as Schedule "A".

**SECTION 2.** At least one (1) week prior to the time fixed for further consideration for final passage of this ordinance, a copy hereof, together with a notice stating the introduction of the ordinance on first reading and the time and place when and where the ordinance will be considered for final passage, shall be mailed to every person whose lands may be affected by the adoption of the ordinance.

**SECTION 3.** This ordinance shall be published at least once in an official newspaper of the Borough of Surf City at least ten (10) days prior to the time fixed for consideration of the final passage of the ordinance.

**SECTION 4.** The Borough Clerk, if this ordinance is adopted on final reading, shall submit a certified copy of this ordinance, together with proof of publication, to the Ocean County Clerk's Office for recording in the Book of Vacations.

**SECTION 5.** This ordinance shall take effect after the second reading and publication as required by law.

**SECTION 6.** A copy of Schedule A as referenced herein shall be kept on file and made available for public inspection in the Municipal Clerk's Office during normal business hours.

**SECTION 7.** Michael J. Linkewich and Kelly A. Linkewich shall be responsible for the payment of all attorney's fees, engineering fees, publication costs, and filing fees, incurred by the Borough of Surf City (as outlined in the agreement) in regard to this vacation.

**SECTION 8.** That the Mayor and Municipal Clerk are hereby authorized to execute any and all documents necessary to vacate and/or transfer title to the property owners.

DASTI, McGUCKIN,  
McNICHOLS, CONNORS  
ANTHONY & BUCKLEY  
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**SECTION 9.** All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

**SECTION 10.** This ordinance shall take effect after second reading and publication as required by law.

**NOTICE**

**NOTICE IS HEREBY GIVEN** that the forgoing Ordinance was introduced and passed by the Borough Council on first reading at a meeting of the Borough Council of the Borough of Surf City held on the 11th day of February, 2026, and will be considered for second reading and final passage at a meeting of the Borough Council to be held on the 11th day of March, 2026, at 7:00 p.m. at the Municipal Building, located at 813 Long Beach Boulevard, Surf City, New Jersey, at which time and place any person desiring to be heard upon the same will be given the opportunity to be so heard.

**CHRISTINE HANNEMANN, RMC/CMC**  
**Borough Clerk/Administrator, Borough of Surf City**

DASTI, McGUICKIN,  
McNICHOLS, CONNORS  
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# SCHEDULE

“A”

The State of New Jersey

To all to whom these Presents shall come or may concern, Greeting:

Whereas, the State of New Jersey owns the lands now or formerly under tidewater hereinafter described:

And Whereas, the Division of Resource Development in the Department of Conservation and Economic Development, as established by Chapter 448, Laws of 1948, as amended, succeeded to the powers and duties of the Division of Navigation in the Department of Conservation:

And Whereas, BOROUGH OF SURF CITY, a municipal corporation of the State of New Jersey, having its principal office at the Borough Hall, in the Borough of Surf City, in the County of Ocean and State of New Jersey, and also having the consent of various owners or having served six-months notice on various owners pursuant to Revised Statute 12:3-23, who respectively represent themselves to be the owner of the lands fronting on

Barnegat Bay in the Borough of Surf City in the County of Ocean and State of New Jersey, which lie above the high-water mark and in front of which the lands hereinafter described are situate, has applied to the Department of Conservation and Economic Development, Division of Resource Development, for a grant of said lands now or formerly under water and to have it fix the boundaries thereof and determine the price or compensation to be paid therefor, and the covenants, conditions and limitations of said grant:

And Whereas, a majority of the members of the Resource Development Council of the Division of Resource Development having due regard to the interests of navigation and of the State, have approved the grant of the lands now or formerly under tidewater hereinafter described upon the covenants, conditions and limitations herein set forth, and have fixed the sum of FIVE THOUSAND EIGHT HUNDRED SEVENTY and NO HUNDREDTHS DOLLARS (\$5,870.00) as the price or reasonable compensation to be paid to the State for said lands:

Now, Therefore, the State of New Jersey, acting by and through the Division of Resource Development in the Department of Conservation and Economic Development, the Governor and the Commissioner of Conservation and Economic Development and a majority of the members of the Resource Development Council in the Division of Resource Development approving, in consideration of the premisses, the covenants, conditions and limitations herein contained, and of the said sum above set forth duly paid by the grantee to the State, the receipt whereof is hereby acknowledged, does hereby grant, bargain, sell and convey, unto the said BOROUGH OF SURF CITY, a municipal corporation of the State of New Jersey

and to its successors and assigns forever—ALL that tract

Dec 5/11/66 2584 p 425

of land flowed by tidewater situate in the Borough of Surf City, in the County of Ocean and State of New Jersey, fronting on, abutting and partially within lands acquired by the grantee herein by six (6) deeds dated and recorded in the Ocean County Clerk's office as follows:

- (1) June 12, 1940, Deed Book #1076 at Pages #302, etc.
- (2) January 27, 1944, Deed Book #1148 at Pages #71, etc.
- (3) December 30, 1938, Deed Book #1047 at Pages #254, etc.
- (4) October 20, 1948, Deed Book #1320 at Pages #417, etc.
- (5) March 18, 1953, Deed Book #1481 at Pages #334, etc.
- (6) December 13, 1952, Deed Book #1429 at Pages #13, etc.

and also fronting on, abutting and within lands owned by others and being more particularly shown hatched and cross hatched on the map attached hereto and made part hereof. The Borough of Surf City has either obtained the consent of the various owners or has served upon such owners six months notice as prescribed by New Jersey Statutes Annotated 12:3-9 and 12:3-23. Said purported owners, the source of their ownership, and date of consent or date of service of the six months notice is indicated on the map attached hereto and made part hereof.

Said tract of land intended to be granted herein extends to the Pierhead Line herein established in Barnegat Bay the several courses and distances of said lands as shown within the dash lines on the map attached hereto and made part hereof.

Frontage involved measures approximately 645 feet along Bulkhead Line herein established.

Area involved measures approximately two (2) acres.

This grant is made with the understanding that the lands herein described and conveyed shall not be used for the purpose of ingress in or egress from a lagoon or bayou lying inshore of the aforesaid granted lands ~~which are shown on the map attached hereto and made part hereof until such permission is authorized, and upon payment of such additional compensation and upon such other terms as shall be fixed by said Department of Conservation and Economic Development, Division of Resource Development, or its successors.~~ as are shown on the map attached hereto and made part hereof until such permission is authorized, and upon payment of such additional compensation and upon such other terms as shall be fixed by said Department of Conservation and Economic Development, Division of Resource Development, or its successors.

This grant is made subject to the limitations that neither the grantee herein nor its successors or assigns shall exclude the tideswaters from the lands above described nor fill in, erect a pier or piers or otherwise improve or develop the same, nor appropriate the said lands now or formerly under water to its own exclusive use, until a permit therefor shall have been issued to it for that purpose. The grantee shall prepare plans and specifications for any intended improvement, filling in, or development of the said lands, and submit same to the Department of Conservation and Economic Development, Division of Resource Development for its approval, as a prerequisite to the issuance of any such permit.

This grant of riparian lands, until such time as the tideswaters shall be excluded therefrom by filling or other development of the same as herein permitted, is made subject to the natural rights of the public to the use of the waters flowing over the same and to temporarily anchor thereon. This reservation shall cease as to any lands thus improved and shall not be construed to include the right in the public to approach, venture upon, or to make use of any such improvement.

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*Provided, that the State of New Jersey, by its Department of Conservation and Economic Development, Division of Resource Development, or any other lawful authority, may, from time to time, change the exterior lines for solid filling and for piers, and fix the same further from the shore than formerly, even though such action may affect the lands hereby granted, whenever the State may deem it necessary in the interest of navigation so to do; and if such exterior lines shall be placed out farther from the shore than formerly, then the party or parties claiming under this instrument may, within such period as may be fixed by the State, either through said Department of Conservation and Economic Development, Division of Resource Development, or any other lawful authority, have the exclusive right to apply for and receive a lease or grant of the additional land under water lying between the present exterior lines above described and the new exterior line or lines that may hereafter be fixed, upon payment of such additional rental or compensation, and upon such terms as shall be fixed by said Department of Conservation and Economic Development, Division of Resource Development, or other lawful authority, under any present or future law of this State; such additional land to be used for solid filling or for piers as directed by the said Department of Conservation and Economic Development, Division of Resource Development, or its successors, or other lawful authority, under any present or future law of this State.*

*And Also Provided, that the State of New Jersey may grant or lease any of the lands of the State lying in front of the exterior line for solid filling or piers mentioned or referred to herein, for the cultivation of oysters or other fish, or for any other purpose, provided that such grant or lease shall not operate to interfere with the reasonable use of and access by water to the lands under water hereby granted, and with the free and uninterrupted navigation between said lands under water and the main channel of the said **BARNEGAT BAY.***

*And Also Provided, that this grant is made upon the condition and limitation: that if the said **BOROUGH OF SURF CITY**, a municipal corporation of the State of New Jersey, has not obtained the consent of the owners or has not served six (6) months notice on the owners or <sup>is not the owner</sup> of any parts of the upland adjoining the land now or formerly under tidewater hereby granted on the date of issuance of this grant, then and in that event, this grant and all of the covenants herein on the part of the State shall be void to the extent that the said **BOROUGH OF SURF CITY**, a municipal corporation of the State of New Jersey, has not obtained the consent of the owners or has not served six (6) months notice on the owners or <sup>is not the owner</sup> of such parts of said upland on said date. <sup>itself</sup>*

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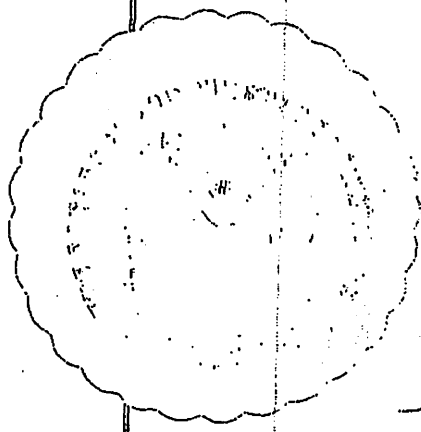
**And Also Provided,** that if the exterior line for solid filling (bulkhead line) and the exterior line for piers (pierhead line) or either of said lines, now established, or lines that may be hereafter established by the Department of Conservation and Economic Development, Division of Resource Development, or other lawful authority, of the State of New Jersey, shall be hereafter changed by the action of the authorities of the United States Government, no claim or claims therefor shall be made against the State of New Jersey by reason of such change.

**Together** with all and singular the hereditaments and appurtenances therunto belonging.

**To have and to hold** all and singular the above granted and described lands now or formerly under water and premises, subject to the terms, conditions and limitations aforesaid unto the said **BOROUGH OF SURF CITY,** a municipal corporation of the State of New Jersey **its successors** and assigns forever.

In Witness Whereof, the State of New Jersey has caused these presents to be signed by the Governor, the Commissioner of Conservation and Economic Development, the Director of the Division of Resource Development of the Department of Conservation and Economic Development, and a majority of the Resource Development Council, and has caused the Great Seal of the State of New Jersey to be hereunto affixed, and has caused these acts to be attested by the Attorney General and the Secretary of State this 3rd

day of May 1966



*[Signature]*  
Governor

RICHARD J. HUGHES

*[Signature]*  
Commissioner of Conservation and Economic Development

ROBERT A. ROE

*[Signature]*  
Director of Resource Development

KENNETH H. CREVELING

*[Signature]*  
Jerome J. McCabe  
Acting Director

Members of the Resource Development Council:

*[Signature]*  
O. V. Swisher

*[Signature]*  
W. B. O'Heary

*[Signature]*  
Mark Anton

*[Signature]*  
S. G. Smoyer

*[Signature]*  
Ambrose P. Parr

*[Signature]*  
Henry T. Wietana

*[Signature]*  
J. Nevins McBride

ATTEST:

*[Signature]*  
Secretary of State

ROBERT J. BURKHARDT

ATTEST:

*[Signature]*  
Attorney General

ARTHUR J. SILLS

STATE OF NEW JERSEY, }  
COUNTY OF MERCER } ss:

Be it Remembered, that on this 4th day of May, Nineteen Hundred and Sixty-six before me, the subscriber, a Notary Public of New Jersey, personally appeared Robert J. Burkhardt who being by me duly sworn on his oath, says that he is the Secretary of State of the State of New Jersey, the grantor named in the foregoing instrument; that he well knows the Great Seal of the State of New Jersey; that the seal affixed to said instrument is said seal and was thereto affixed by him as his act and deed and as the act and deed of the said grantor; that on the date of the execution of the said instrument, Richard J. Hughes was the Governor of the State of New Jersey, Robert A. Roe was the Commissioner of Conservation and Economic Development, Arthur J. Sills was the Attorney General, and O. V. Swisher, W. E. O'Leary, Mark Anton, S. G. Smoyer, Ambrose P. Parr, Henry T. Wietsma, J. Nevins McBride

were members of the Resource Development Council and constituted a majority thereof; that he well knows their signatures; and that the said instrument was signed by the Governor, the Commissioner of Conservation and Economic Development and a majority of the members of the Resource Development Council, as their act and deed and as the act and deed of the said grantor; that said instrument was attested by the Attorney General and by the subscriber.

Sworn and subscribed before me at Trenton the date aforesaid

*[Signature]*

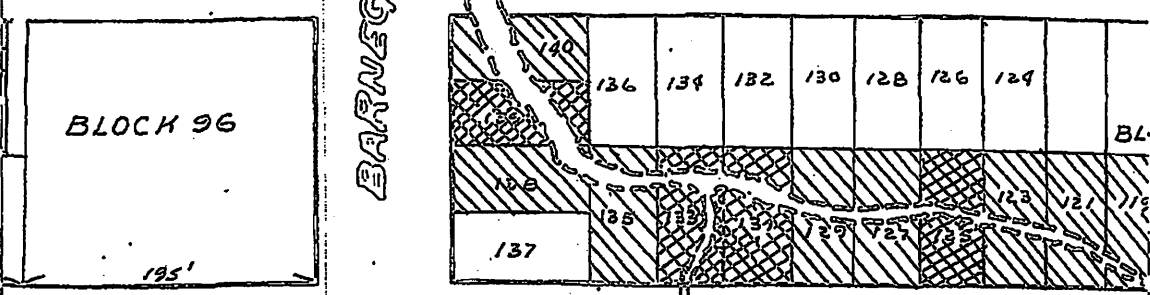
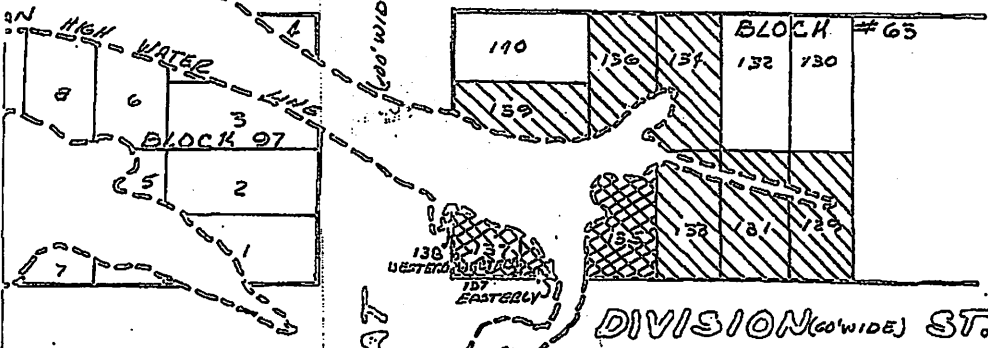
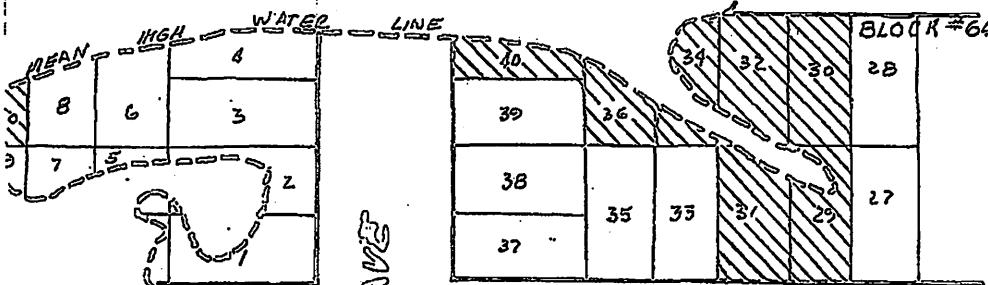
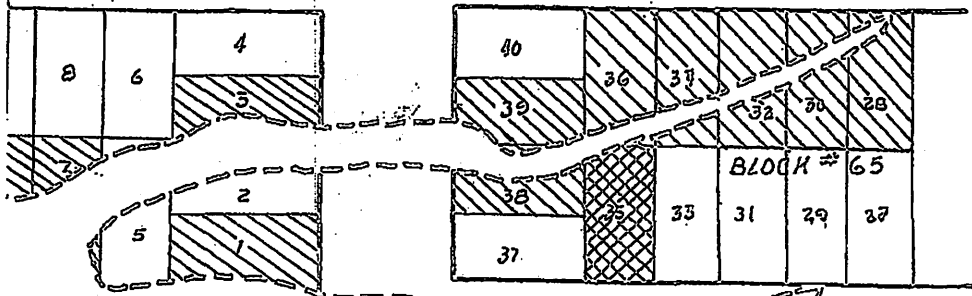
FRANK J. CAHILL  
NOTARY PUBLIC OF N. J.  
My Commission Expires May 28, 1969

*[Signature]*  
Secretary of State  
Robert J. Burkhardt



THE FOL  
BOROUGH  
THE BO  
THE BO

LOT #	PUR
117	BERNAL
119	ELIZABETH
121	RICHARD
123	ELLEN
125	WILLIAM
127	ALBERT
129	DALE H.
131	JOHN W.
133	GEORGE
135	WILLIAM
137	ROSE MA
139	THEODORE
141	EDWIN
143	LEONARD
145	JOHN A.
147	FRANK
149	HARRY
151	EDWARD
153	THADDEUS
155	ALBERT
157	ANTONY
159	WALTER
161	FRANK
163	EDWIN
165	BERNARD
167	HENRY
169	SAMUEL
171	FRANK
173	BLANCHE
175	WILLIAM
177	ARTHUR
179	DOMENIC
181	RICHARD



N 1ST (60' WIDE) ST.

DIVISION (60' WIDE) ST.

S 1ST (60' WIDE) ST.

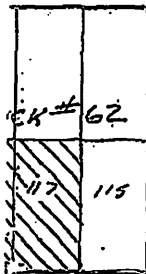
2581, 433

2584 484

9116

OWNING LISTING CONSISTS OF VARIOUS OWNERS, OTHER THAN THE  
 THEIR SOURCE OF TITLE & DATE OF EITHER CONSENT OBTAINED BY  
 OUGH OR DATE OF SERVICE OF THE SIX MONTHS NOTICE SERVED BY  
 OUGH.

REPORTED OWNER	DEEP BOOK	PAGE	DATE	DATE OF CONSENT	DATE OF SERVICE OF SIX MONTHS NOTICE
<b>BLOCK #62</b>					
BLACKMAN AND HILDRED C. BLACKMAN, HIS WIFE	2023	250	11/2/59	7/2/64	
ETH A. HLAVKA	1910	202	7/8/58	12/10/64	
R. HLAVKA	1910	295	7/2/58	11/30/64	
LOZO & WILLIAM R. LOZO, HER HUSBAND	2304	55	4/5/64	12/7/64	
DOWNER & MARGUERITE R. DOWNER, HIS WIFE & MARGUERITE ROYCE	1925	97	9/13/56		10/2/64 10/13/64
ORIENTE AND LILLIAN ORIENTE, HIS WIFE	2048	89	1959	12/31/63	
EPPLER AND JANE B. EPPLER, HIS WIFE	1059	225	11/1/57	12/5/63	
GLDING	1067	313	12/20/57		10/25/64
SIGMUND & MARGARET ANN SIGMUND, HIS WIFE	2259	119	10/22/62	11/17/64	
JOHNSON & ANNA JOHNSON, HIS WIFE				6/2/64	
HOWANSHI & JOSEPH S. HOWANSHI, HIS HUSBAND	1066	73	11/1/57	7/30/64	
<b>BLOCK #63</b>					
NARUSHEF & MARY NARUSHEF, HIS WIFE	2061	28	11/7/59	12/6/63	
CHESTER & ANNE C. CHESTER, HIS WIFE	2030	430	11/1/60	3/30/64	
TAMOWSH & INA TAMOWSHI, HIS WIFE	2055	275	1/18/60	12/9/63	
FLOON & ELEANOR FLOON, HIS WIFE	1976	70	4/25/59		9/25/64 10/8/64
AM JOSEPH MANSFIELD & KATH ERINE DONOHOE MANSFIELD, HIS WIFE	1932	406	10/17/58		
H. HENRICHSON	2394	355	5/25/64	9/26/64	
ERICO & ANNA FEDERICO, HIS WIFE	1957	175	12/5/58	12/16/63	
<b>BLOCK #64</b>					
BERRY & LEONORA BERRY, HIS WIFE, WILLIAM W. WHITSON & HIS WIFE	2409	7	7/17/64	2/3/64	
DUNN & HERTAY DUNN, HIS WIFE	2211	350	3/1/62	1/21/64	
R. NEES AND RUTH M. NEES, HIS WIFE	2042	300	10/29/59	7/6/64	
S. A. WHITAKER & MARCELLA WHITAKER, HIS WIFE	2211	347	3/1/62	1/31/64	
ORIENTE & LILLIAN ORIENTE, HIS WIFE	3192	415	12/11/61	12/31/63	
P. CAPP & IRENE J. CAPP, HIS WIFE	2095	475	12/30/59	7/2/64	
I. CONNOR, JR & NEVA S. CONNOR, HIS WIFE	2201	113	2/6/62	2/1/64	
<b>BLOCK #65</b>					
CRANMER	2114	263	11/28/60	5/3/64	
FALK & MARY FALK, HIS WIFE	2110	350	11/10/60	5/23/64	
EDT F. MILLER & KATHERINE S. MILLER, HIS WIFE	2123	370	12/5/60	9/5/64	
MEYERS & DOROTHY MEYERS, HIS WIFE	2302	100	3/11/64		9/25/64
ERICO & ANNA FEDERICO, HIS WIFE	2037	155	11/30/59	5/22/64	
P. HODGSON & CAROL ANN HODGSON, HIS WIFE	2440	35	11/3/64	12/21/64	
<b>BLOCK #98</b>					
P. HENDALL & HAROLD S. HENDALL, HER HUSBAND	2411	03	7/25/64	7/29/64	
<b>BLOCK #99</b>					
M'DEVITT	2431	197	7/18/64	9/26/64	
SUSSMAN & LILLIAN SUSSMAN, HIS WIFE	2453	493		11/11/64	
SPODOPORD AND ROSE SPODOPORD, HIS WIFE	2446	260	11/23/64	11/23/64	
STELLENMAN & TRINA STELLENMAN	2454	149		12/15/64	



STATE OF NEW JERSEY  
 DEPARTMENT OF CONSERVATION  
 AND ECONOMIC DEVELOPMENT  
 DIVISION OF RESOURCE DEVELOPMENT  
 MAP SHOWING  
 LANDS UNDER TIDE-WATER SITUATE  
 IN THE BOROUGH OF SURF CITY  
 IN THE COUNTY OF OCEAN  
 GRANTED TO  
 BOROUGH OF SURF CITY, A  
 MUNICIPAL CORP. OF THE STATE OF NEW  
 JERSEY

MAY 3, 1966

COMPUTED & DRAWN BY: R. REINKE N. J. ENG. LIC. NO. 61  
 CHECKED & APPROVED BY: SCOTT STUDDO N. J. ENG. LIC. NO. 65 N. J. ENG. LIC. NO. 117 CHIEF NAVIGATION

2584 484

2584 PAGE 133

Photostated  
Micro-filmed  
Indexed

STATE OF NEW JERSEY  
DEPARTMENT OF CONSERVATION  
AND ECONOMIC DEVELOPMENT

DIVISION OF RESOURCE  
DEVELOPMENT

Recorded in Liber. J-5

Vol. #165, etc.

THE STATE OF NEW JERSEY  
TO

BOROUGH OF SURF CITY, a  
municipal corporation of the  
State of New Jersey

Grant

Dated May 3, 19 66

THIS CONVEYANCE SHOULD BE RE-  
CORDED IN THE DEED RECORD AT  
THE CLERK'S OFFICE IN THE COUNTY  
IN WHICH THE LANDS ARE SITUATE.

17<sup>00</sup> ch. B.W.B.

RECORDED  
IN COUNTY CLERK'S  
OFFICE

1966 MAY 11 AM 11 35

Book 2584  
OF - 426  
CLERK  
Edward K. Bunday

2584 435

**AN ORDINANCE OF THE BOROUGH OF SURF CITY,  
COUNTY OF OCEAN, STATE OF NEW JERSEY,  
VACATING ALL OF THE RIGHT, TITLE, AND INTEREST  
OF THE BOROUGH OF SURF CITY IN A RIPARIAN  
GRANT ON A PORTION OF BLOCK 64, LOT 40**

The Borough of Surf City introduced the above ordinance at its \_\_\_\_\_, 2026 meeting. The Ordinance is vacating all of the right, title, and interest of the Borough of Surf City in a riparian grant on a portion of block 64, lot 40. The Ordinance will be considered on second and final reading at the \_\_\_\_\_, 2026 meeting of the governing body. All meetings are held at the Municipal Building located at 813 Long Beach Boulevard, Surf City, New Jersey, commencing at 7:00 p.m. Copies of all Ordinances are available at no cost at the Municipal Clerk's Office located at 813 Long Beach Boulevard, Surf City, New Jersey, Monday through Friday from 9:00 a.m. to 4:30 p.m.

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**CHRISTINE HANNEMANN,**  
Borough Clerk/Administrator  
Borough of Surf City

DASTI, McGUCKIN,  
McNICHOLS, CONNORS  
ANTHONY & BUCKLEY

COUNSELLORS AT LAW

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