



STATE OF NEW JERSEY
Board of Public Utilities
44 South Clinton Avenue, 1st Floor
Post Office Box 350
Trenton, New Jersey 08625-0350
www.nj.gov/bpu/

DIVISION OF CLEAN ENERGY

IN THE MATTER OF THE PETITION OF OCEAN WIND,)
LLC PURSUANT TO N.J.S.A. 48:3-87.1(f) FOR A)
DETERMINATION THAT EASEMENTS ACROSS GREEN)
ACRES-RESTRICTED PROPERTIES AND CONSENTS)
NEEDED FOR CERTAIN ENVIRONMENTAL PERMITS)
IN, AND WITH RESPECT TO, THE CITY OF OCEAN)
CITY ARE REASONABLY NECESSARY FOR THE)
CONSTRUCTION OR OPERATION OF THE OCEAN)
WIND 1 QUALIFIED OFFSHORE WIND PROJECT)

**ORDER GRANTING THE
TAKING OF EASEMENTS**

DOCKET NO. QO22020041

Parties of Record:

Gregory Eisenstark, Esq., Cozen O'Connor on behalf of
Ocean Wind LLC

Brian O. Lipman, Esq., Director, New Jersey Division of Rate Counsel

Jay A. Gillian, Mayor of Ocean City, New Jersey

Dorothy F. McCrosson, Esq., McCrosson & Stanton, P.C. as Ocean City Solicitor

Melissa Rasner, Municipal Clerk of Ocean City

BY THE BOARD:

By this Order, the New Jersey Board of Public Utilities ("Board") memorializes certain findings and conclusions in its Order dated September 28, 2022 in this matter ("September 28 Order"). This Order will effectuate Ocean Wind LLC's ("Ocean Wind") acquisition of certain easements as set forth in the Petition in this matter and as approved in the September 28 Order. Once this Order is recorded, Ocean Wind shall be the legal or record owner of these easements in accordance with N.J.S.A. 48:3-87.1(f)(2).

BACKGROUND

On February 2, 2022, Ocean Wind filed a petition ("Petition") with the Board pursuant to N.J.S.A. 48:3-87.1(f), seeking the Board's determination that certain easements across Green Acres-restricted properties owned by the City of Ocean City, New Jersey ("Ocean City"), and that certain municipal consents needed for particular environmental permits in or with respect to Ocean City, are reasonably necessary for the construction or operation of their Qualified Offshore Wind Project, Ocean Wind I.

On February 23, 2022, the Board retained the Petition for hearing and, pursuant to N.J.S.A. 48:2-32, designated President Fiordaliso as the presiding officer authorized to rule on all motions that arise during the pendency of these proceedings and to modify any schedules that may be set as necessary to secure a just and expeditious determination of the issues. The remainder of the procedural history of this matter is set forth in the September 28 Order and is incorporated by reference herein.

In the September 28 Order, the Board approved all of the relief Ocean Wind requested in the Petition, including the determination that the requested rights of way and easements (the "Easements") upon, across, and under Ocean City-owned Green Acres restricted properties identified on the Official Tax Map of Ocean City as Block 611.11, Lots 137 and 145, Block 3500, Lot 1 (including riparian grant), and Block 3350.01, Lot 17 (collectively, the "Properties") are reasonably necessary for the construction or operation of the Project.

Pursuant to N.J.S.A. 48:3-87.1(f)(2), a Board Order approving the Easements "shall be recorded by the appropriate county recording officer at the request of the qualified offshore wind project or open access offshore wind transmission facility." This Order is being executed so that Ocean Wind may record it with the County of Cape May recording office.

ORDER

1. The Board, having determined in its September 28 Order, that the Easements are reasonably necessary for the construction or operation of the Project, the Board **hereby approves** the acquisition of the requested Easements, approximately 30 feet in width, for the construction, reconstruction, installation, operation, maintenance, inspection, patrolling, decommissioning, replacement and repair of a certain onshore export cable and associated equipment and facilities upon, across, and under the Properties, totaling 0.647 acres, as follows:
 - a. Block 611.11, Lots 137 and 145, Block 3500, Lot 1 (including riparian grant): A permanent right of way and easement totaling 0.579 acres, designated as "Proposed Diversion Area" as shown on a drawing dated April 14, 2022 (one page), a copy of which is annexed hereto as Exhibit A along with a legal description.
 - b. Block 3350.01, Lot 17: A permanent right of way and easement totaling 0.068 acres, designated as "Proposed Permanent Easement" as shown on a drawing dated December 8, 2021 (one page), a copy of which is annexed hereto as Exhibit B along with a legal description.
2. Given that the Properties are Green Acres-restricted and preserved for recreation and conservation purposes, Ocean Wind, upon recording this executed Order, shall be considered the legal or record owner of the property interest and shall have the right to possess and enter upon the Easements;
3. Pursuant to N.J.S.A. 48:3-87.1(f)(2), Ocean Wind shall be responsible for the restoration and maintenance of the Easements;
4. Pursuant to N.J.S.A. 48:3-87.1(f)(2), Ocean Wind shall pay Ocean City the fair market value for the Easements. If the parties cannot reach an agreement as to the fair market value of the Easements, Ocean Wind shall file an action in the Superior Court of New Jersey pursuant to the procedures set forth in the "Eminent Domain Act of 1971," N.J.S.A. 20:3-1 et seq. for the determination of the fair market value of the Easements; and

5. This Order shall be recorded in the Cape May County recorder's office as required by N.J.S.A. 46:26A-2q. and N.J.S.A. 48:3-87.1(f)(2).

THEREFORE, IT IS SO ORDERED.

DATED: _____

BOARD OF PUBLIC UTILITIES

By:

Joseph L. Fiordaliso,
President

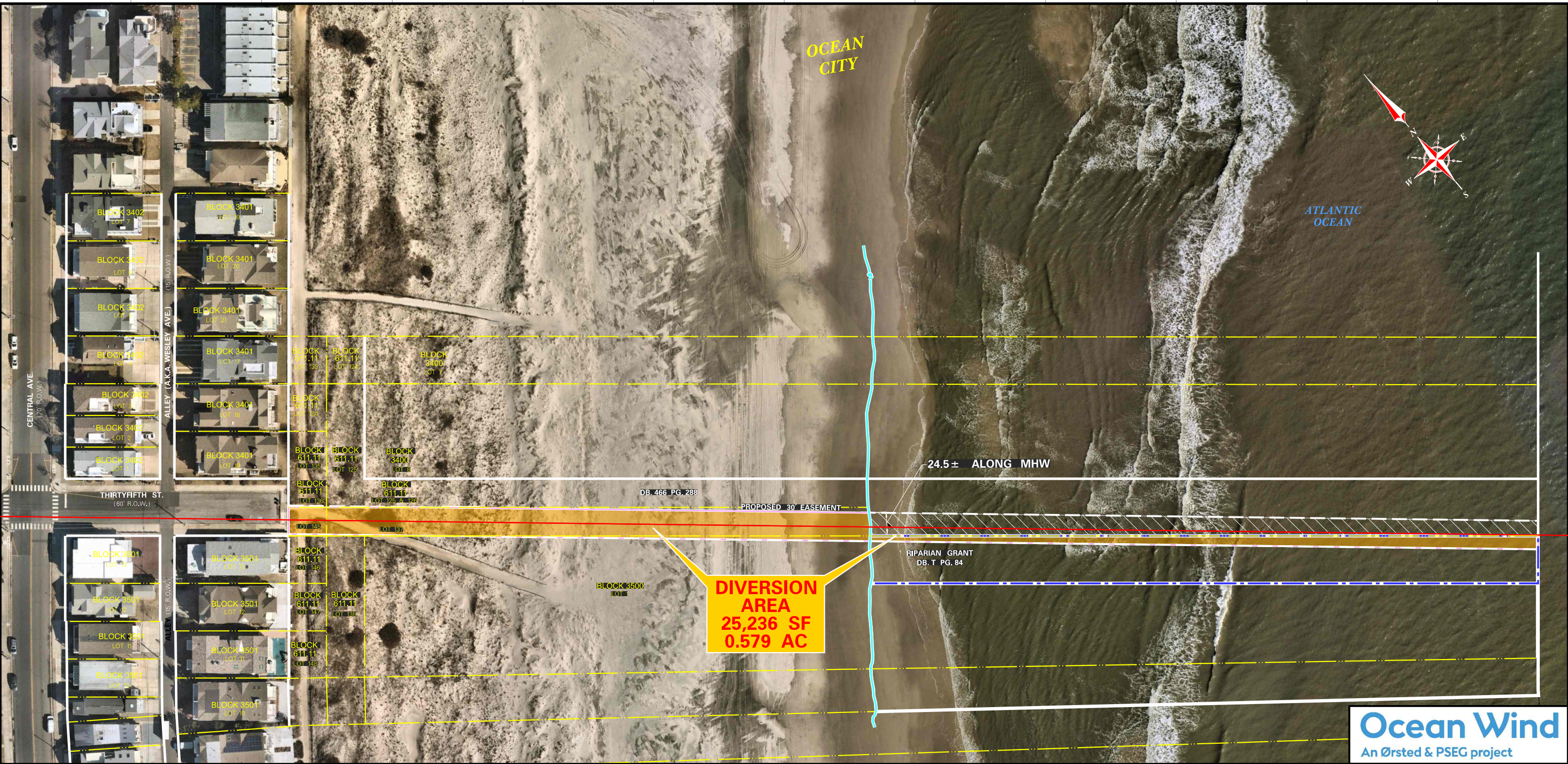
Mary-Anna Holden,
Commissioner

Dianne Solomon,
Commissioner

Robert M. Gordon,
Commissioner

Dr. Zenon Christodoulou,
Commissioner

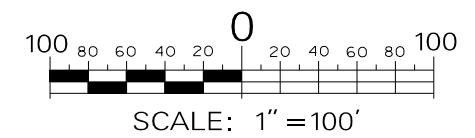
Attest: _____
Carmen D. Diaz, Acting Secretary



LEGEND NOT ALL ITEMS ARE TO SCALE

- PROJECT ROUTE
- TAX BLOCK LINE
- TAX LOT LINE
- MEAN HIGH WATER LINE
- 30FT WIDE PROPOSED EASEMENT/LICENSE
- PROPOSED DIVERSION AREA
- RIPARIAN GRANT
- TIDELANDS LICENSE TO BE ACQUIRED

| DIVERSION AREAS TABLE | |
|---|----------------------------------|
| BLOCK 611.11 LOT 145 | 1,139.58 SF 0.026 AC |
| BLOCK 611.11 LOT 137 | 15,766.88 SF 0.362 AC |
| BLOCK 3500 LOT 1 (INCLUDING RIPARIAN GRANT) | 8,329.40 SF 0.191 AC |
| TOTAL AREA | 25,235.87 SF 0.579 AC |



Ocean Wind
An Ørsted & PSEG project

| NO. | DATE | DESCRIPTION | MP | MDR |
|-----|---------|-----------------------|----|-----|
| 1 | 4/14/22 | UPDATED EASEMENT AREA | | |

REVISION

PSEG SERVICES CORPORATION
CORPORATE HEADQUARTERS
80 Park Plaza T6B
Newark, N.J. 07102-4194
Email: surveying@pseg.com

**DIVERSION AREA
ACROSS THE PROPERTY
OF OCEAN CITY**
BLOCK 611.11 LOTS 137, & 145
BLOCK 3500 LOT 1
(INCLUDING RIPARIAN GRANT)

OCEAN CITY CAPE MAY CO., N.J.
EASEMENT EXHIBIT
DRAWN: MP CHECKED: BSG SCALE: AS SHOWN
DATE: 04-13-2022 EXAMINED: MDR AUTH: Pr J-19048



**CONSULTING ENGINEERS • PLANNERS
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Corporate Office:

629 Shiloh Pike • Bridgeton • New Jersey • 08302

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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
Robert A. Mulford, III, PE, CME
Corey R. Gaskill, PE, CME
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

**GREEN ACRES DIVERSION DESCRIPTION
PART OF BLOCK 611.11. LOTS 137 and 145
PART OF BLOCK 3500 LOT 1
MARCH 23, 2022**

ALL that certain tract or parcel of land situate, in the City of Ocean City, County of Cape May County, State of New Jersey and being more in particularly described as follows:

BEGINNING at a point for a corner in the southeasterly line of Thirty-Fifth Street (60 feet wide); said point being North 39° 49' 59" East, 1.75 feet, from the northeasterly corner of land of N/F Joseph and Pamela Balkovec (Block 3501 Lot 14); (said beginning point having NJPCS NAD '83 (11) values of North 151,402.41 feet and East 460,729.80 feet GRID) and from said beginning point ground distances and in said bearing system running; thence

(1) along said southeasterly line, North 39° 49' 59" East, 28.25 feet, to a point for a corner; thence

(2) along southwesterly line of land of N/F John A. Jr and Linda A. Hammond (Block 611.11 Lots 125, 126 and 136), South 50° 10' 01" East, 144.42 feet, to a point for a corner; thence

(3) over and through land of the City of Ocean City (Block 611.11 Lot 137), South 49° 28' 15" East, 466.48 feet, to a point for a corner, in the highwater line (elevation 1.62); thence

(4) over and through said Thirty-Fifth Street, along said highwater line, in a southwesterly direction, various courses thereof, approximately 24.5 feet (tie line = South 36° 43' 36" West, 24.37 feet), to a point for a corner; thence

(5) along northeasterly line of land of the City of Ocean City (Block 3500 Lot 1), South 50° 10' 01" East, 702.84 feet, to a point for a corner in the Commissioner's Exterior Line; thence

**DIVERSION DESCRIPTION
GREEN ACRES****FEBRUARY 25, 2022
PAGE 2 of 2**

(6) along said Commissioner's Exterior Line, South 39° 49' 59" West, 14.23 feet, to a point for a corner; thence

(7) over and through said land of the City of Ocean City (Block 3500 Lot 1), North 49° 28' 15" West, 703.20 feet, to a point for a corner in the said highwater mark; thence

(8) still over through said City of Ocean City (Block 3500 Lot 1), along said highwater line, in a northeasterly direction, various courses thereof, approximately 5.7 feet (tie line = North 42° 54' 10" East, 5.69 feet), to a point for a corner; thence

(9) along the southwesterly line of land of the City of Ocean City (Block 611.11 Lot 137), North 50° 10' 01" West, 468.19 feet, to a point for an angle point; thence

(10) over and through said land of the City of Ocean City (Block 611.11 Lots 137 and 148), North 49° 28' 15" West, 144.00 feet, to the Place of Beginning.

CONTAINING 23,965 square feet (0.549 acre) of land, to be the same, more or less.

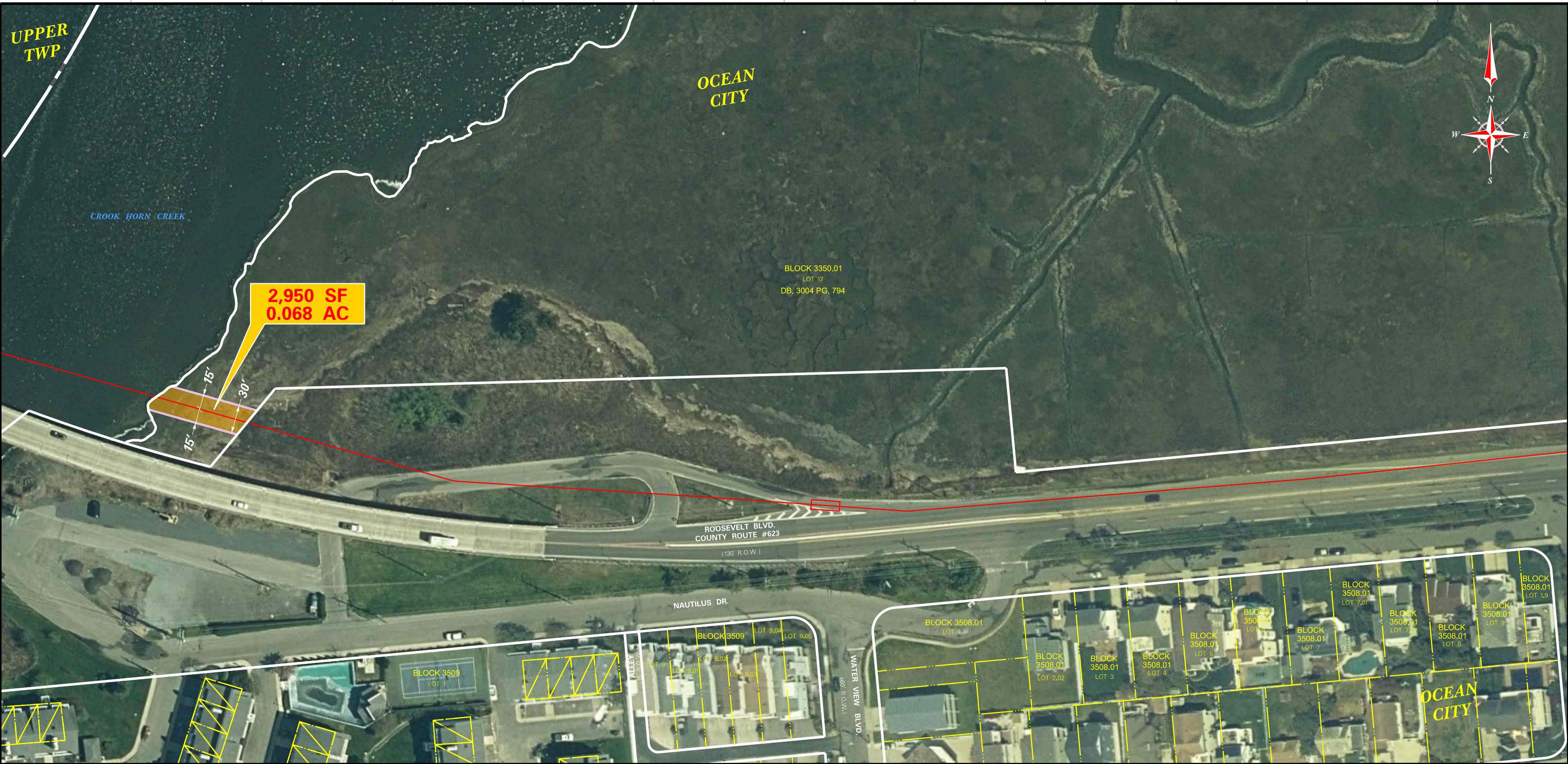
BEING over a part of Lots 137 and 145 of Block 611.11 and Lot 1 of Block 3500, as shown on the City of Ocean City Tax Assessment Map.

THE HEREINABOVE description was prepared in accordance with a map titled "Green Acres Diversion Survey Prepared for Ocean Wind" by Fralinger Engineering PA dated February 25, 2022.



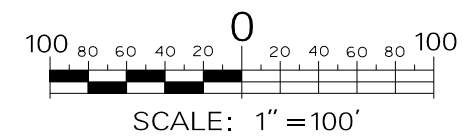
William J. Orlich Jr.
Professional Land Surveyor
New Jersey License No. 24GS04324600
Date: March 23, 2022
Comm. No.: 30500.06

WJO/



**2,950 SF
0.068 AC**

| LEGEND <small>NOT ALL ITEMS ARE TO SCALE</small> | |
|--|-------------------------------|
| | = PROJECT ROUTE |
| | = MUNICIPAL LINE |
| | = TAX BLOCK LINE & NUMBER |
| | = TAX LOT LINE & NUMBER |
| | = UTILITY EASEMENTS |
| | = PROPOSED PERMANENT EASEMENT |



| | | | | | |
|-----|----------|----------|---|-----|-----|
| NO. | DATE | REVISION | DESCRIPTION | CCK | MDR |
| 1 | 02/08/21 | | REVISED PROPERTY BOUNDARIES AND PROPOSED EASEMENT | | |
| 2 | | | | | |

PSEG
Services Corporation
CORPORATE HEADQUARTERS
80 Park Plaza T6B
Newark, N.J. 07102-4194
Email: surveying@pseg.com

**PERMANENT EASEMENT
ACROSS THE PROPERTY
OF OCEAN CITY**

BLOCK 3350.01 LOT 17

OCEAN CITY CAPE MAY CO., N.J.

EASEMENT EXHIBIT

DRAWN: CCK CHECKED: BSG SCALE: AS SHOWN
DATE: 09-20-2021 EXAMINED: MDR AUTH: Pr J-19048



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

**GREEN ACRES DIVERSION DESCRIPTION
PART OF BLOCK 3350.01 LOT 17
MARCH 23, 2022**

ALL that certain tract or parcel of land situate, in the City of Ocean City, County of Cape May County, State of New Jersey and being more in particularly described as follows:

BEGINNING at a point within the bounds of the land now or formerly of now or formerly of City of Ocean City (Tax Lot 17, Block 3350.01), said beginning point being distant the following two (2) courses from the most southwesterly corner of said lands of the City of Ocean City and being the intersection of the northerly line of Roosevelt Boulevard (Cape May County Route 623; Variable Width Right-of-Way per tax map) with the Mean High Water line along the easterly line of Crook Horn Creek:

A. Along said northerly line of Roosevelt Boulevard on a curve to the left having a radius of 1,830.00 feet, an arc length of 93.20 feet, turning a central angle of 2° 55' 05", having a chord bearing of South 74° 30' 24" East, a chord distance of 93.19 feet to a point in the same, said point also being the terminus of Course #7 as described in Deed Book 1121, Page 606, thence;

B. Continuing along said northerly line of Roosevelt Boulevard, North 39° 40' 06" East, a distance of 43.98 feet, to the true point of BEGINNING, having New Jersey State Plane Coordinate System Grid Values [NAD 1983 (2011)] of North: 152,815.02 feet, East: 456,408.78 feet, running thence on the ground in NAD 1983 (2011) N.J.S.P.C.S. bearing base the following (4) courses:

(1) over and through said lands of the City of Ocean City, North 74° 12' 40" West, 97.13 feet to the intersection of the same with the aforementioned Mean High Water Line along the easterly side of Crook Horn Creek, thence;

(2) along said Mean High Water Line, in a northeasterly direction various course thereof, approximately 37 feet, (tie line North 44° 58' 00" East, 34.36 feet to a point in line of the same; thence

**DIVERSION DESCRIPTION
GREEN ACRES**

**March 23, 2022
PAGE 2 of 2**

(3) over and through said lands of the City of Ocean City being parallel with and 30 feet northerly at right angles to Course #1, South 74° 12' 40" East, a distance of 93.66 feet to the intersection of the same with the said line of Roosevelt Boulevard, thence;

(4) Along said line of Roosevelt Boulevard, South 39° 40' 06" West, 32.81 feet, to the Place of Beginning.

CONTAINING 2,950 square feet (0.068 acre) of land, to be the same, more or less.

BEING over a part of Lot 17 of Block 3350.01, as shown on the City of Ocean City Tax Assessment Map.

THE HEREINABOVE description was prepared in accordance with a map titled "Green Acres Diversion Survey Prepared for Ocean Wind" by Fralinger Engineering PA dated March 23, 2022.



Digitally signed by
William J. Olbrich, Jr.
Date: 2022.04.28
16:01:53 -04'00'

William J. Olbrich Jr.
Professional Land Surveyor
New Jersey License No. 24GS04324600
Date: March 23, 2022
Comm. No.: 30500.06

WJO/