

TOWNSHIP OF MANALAPAN

ORDINANCE NO. 2020-03

**AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
MANALAPAN VACATING ALL RIGHT, TITLE AND INTEREST IN AND TO A
PORTION OF A CERTAIN RIGHT-OF-WAY DEDICATION OVER AND
THROUGH LOT 4 IN BLOCK 30, LOCATED ON SOBECHKO ROAD**

WHEREAS, Lot 4 in Block 30 on the Tax Assessment Map of the Township is a parcel to be rezoned and developed as part of an inclusionary residential development to be known as Pinebrook Crossing, pursuant to the Township's affordable housing plan approved in the Township's declaratory judgment action captioned In the Matter of the Application of the Township of Manalapan, Docket No.: L-2518-15 ("the Mt. Laurel litigation"); and

WHEREAS, as part of the aforesaid affordable housing plan, Lot 4 in Block 30 will be rezoned, along with other parcels, to permit the aforesaid development; and

WHEREAS, Lot 4 in Block 30 is currently encumbered by a 35' wide right-of-way dedication (measured from the center-line of the roadway), where the Township of Manalapan typically only requires 30' wide right-of-way dedication from center-line; and

WHEREAS, the aforesaid 35' right-of-way dedication was granted to the Township of Manalapan in a Deed dated April 10, 1978, and recorded in the office of the Monmouth County Clerk in Book 4115 at Page 70, et. seq.; and

WHEREAS, the aforesaid 35' wide right-of-way dedication has never been fully utilized by the Township and the Township Engineer has advised and the Township

Committee finds that the 35' wide right-of-way dedication is not necessary and that a 30' wide right-of-way dedication is sufficient for public use;

NOW, THEREFORE BE IT ORDAINED by the Township Committee of the Township of Manalapan, County of Monmouth in the State of New Jersey, as follows:

SECTION I. (a) There is hereby vacated all of the right, title and interest of the public for all public usages and purposes in and to the 35' right-of-way dedication along Lot 4 in Block 30, as dedicated by the aforesaid Deed; however, the Township does hereby expressly reserve and except from the vacation all rights and privileges now possessed by public utilities as defined in R.S. 48:2-13 and by any cable television company as defined in the "Cable Television Act," P.L. 1972, c. 186, (C.48:5A-1, et. seq.) to maintain, repair and replace their existing facilities in, adjacent to, over or under the street, highway, lane, alley, square, place or park or any part thereof, being vacated by the provisions of this Ordinance. The Township does hereby further expressly reserve and except from the vacation all easements of record including, but not limited to, sewer, drainage and utility easements. (b) Any development of Lot 4 in Block 30 shall be required to include a 30' wide right-of-way dedication.

SECTION II. At least one 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 the record owner of Lot 4 in Block 30.

SECTION III. This Ordinance shall be published at least once in the official newspaper of the Township at least ten (10) days prior to the time fixed for consideration of the final passage of this Ordinance.

SECTION IV. The Township Clerk, if this Ordinance is adopted on final reading, shall submit a certified copy of this Ordinance, together with proof of publication, to the Monmouth County Clerk's Office for recording in the Book of Road Vacations.

SECTION V. This Ordinance shall take effect upon its passage and publication as required by law.

NOTICE OF PUBLIC HEARING

The Ordinance published herewith was Introduced and approved at a meeting of the Township Committee of the Township of Manalapan held on [January 29, 2020](#) and will be further considered for final passage after a Public Hearing thereon before the Township Committee of the Township of Manalapan during a meeting to be held on [February 12, 2020](#) at the Municipal Complex, 120 Route 522 and Taylors Mills Road, Manalapan, New Jersey at [7:30 p.m.](#) or as soon thereafter as the matter may be reached, or at any meeting to which that meeting may be adjourned, at which time any and all persons who may be interested therein will be given an opportunity to be heard.

The proposed Ordinance in its entirety is on file in the Municipal Clerk's Office and copies may be obtained without charge between the hours of 8:30 a.m. and 4:30 p.m. Monday through Friday. A complete copy may also be obtained from the Manalapan Township web-site www.mtnj.org by clicking on the Ordinance title listed on the Agenda posted for the Township Committee meeting of [February 12, 2020](#).

Regina Preteroti, RMC
Municipal Clerk