

AN ORDINANCE AUTHORIZING THE VACATION OF A PORTION OF AN
EASEMENT ACROSS BLOCK 8.03, LOT 5.19 ON THE TAX MAPS OF THE
TOWNSHIP OF HOLMDEL 2017-22

WHEREAS, the Township of Holmdel (“Township”) holds an easement (the “Easement”) to portions of Block 8.03, Lot 5.19 on the Tax Maps of the Township of Holmdel, commonly known as 18 Duncan Drive, Holmdel, County of Monmouth, State of New Jersey (the “Property”); and

WHEREAS, the Easement was established by way of subdivision map entitled “Final Plat, Map Of Heather Hill, Section – V, Perthshire, Situate In Township of Holmdel, Monmouth County, N.J.,” as filed in the Monmouth County Clerk’s Office on June 27, 1967 in Case Number 88, Sheet 28; and

WHEREAS; the current owner of the Property has petitioned the Township for a modification to the Easement pursuant to Holmdel Township Ordinance 30-58(j), to remove a 754.40 sq. ft. portion of the Easement, as depicted on the metes and bounds description titled “Vacated Conservation Easement Area,” as attached hereto as “Exhibit A” and incorporated by reference (the “Portion Area”); and

WHEREAS, in consultation with the Township Engineer, the Township has considered the circumstances and finds that it is no longer desirable to maintain the Easement over the Portion Area; and

WHEREAS, the Easement over the Portion Area shall not be sold for less than its fair market value, \$1,000, as calculated by the Township’s Tax Assessor; and

WHEREAS, the Local Buildings and Lands Law, N.J.S.A. 40A:12-13(b)(4) authorizes the Township to extinguish and vacate an easement and to execute a deed confirming same provided that action is authorized by Ordinance; and

WHEREAS, pursuant to N.J.S.A. 40A:12-13(b), the Township Clerk has filed a sworn affidavit verifying the publication of advertisements as required by this section to the Director of the Division of Local Government Services in the Department of Community Affairs.

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

1. The findings set forth in the foregoing preamble are hereby incorporated as if fully restated.
2. The Mayor and Township Clerk are hereby authorized and directed to execute a Deed extinguishing and terminating the Easement over the Portion Area, the form and substance of which shall be subject to the review and approval of the Township Attorney.

3. The Mayor, Township Clerk, Township Attorney, and Township Administrator are hereby authorized and directed to execute and file any and all such documents and undertake any and all such actions as may be reasonably necessary to effectuate the terms hereof.
4. All ordinances and resolutions, and parts of ordinances and resolutions which are inconsistent with provisions of this ordinance shall be, and are hereby, repealed to the extent of any such inconsistency.
5. This Ordinance shall take effect upon passage and publication in accordance with law.

LEGAL NOTICE

The foregoing ordinance was introduced and passed on the first reading at a meeting of the Township Committee of the Township of Holmdel held on November 28, 2017 and will be considered for final passage and adoption at a meeting of said Township Committee to be held on December 12, 2017 at Township Hall, 4 Crawfords Corner Road, Holmdel, NJ at 7:30 PM at which time and place all persons desiring to be heard thereon will be given full opportunity.

Gregory Buontempo, Mayor

Attest:
Maureen Doloughy, RMC
Township Clerk