

ORDINANCE 2024-3

ORDINANCE AUTHORIZING AN EASEMENT VACATION AND SWAP INVOLVING BLOCK 22, LOT 18 (f/k/a LOTS 11, 12, 13, 14)

WHEREAS, the Township of Colts Neck (“Township”) Planning Board (“Planning Board”) granted Preliminary and Final Major Site Plan Approval to Colts Neck Building Associates, LLC (“CNBA”) by adoption of a resolution on November 9, 2004, permitting construction of residential townhomes (the “Prior Approval”) at property identified as Block 22, Lot 18 (f/k/a Lots 11, 12, 13, 14) on the Township Tax Map (“Property”); and

WHEREAS, the Planning Board subsequently granted CNBA Preliminary and Final Major Site Plan Approval With Variances and Design Standard Waivers by adoption of a resolution dated December 14, 2021 permitting construction of an inclusionary residential development at the Property, and by resolution dated December 12, 2023 (“Current Approval”), which supersedes the Prior Approval; and

WHEREAS, pursuant to the Prior Approval, CNBA conveyed certain easement rights to the Township; and

WHEREAS, the Current Approval’s building and improvement layout differs from the Prior Approval, requiring modifications to the easement rights previously conveyed to the Township; and

WHEREAS, pursuant to the conditions of the Current Approval, CNBA must amend and record the easement rights granted to the Township; and

WHEREAS, CNBA now requests that the Township vacate certain easement rights that it was granted pursuant to the Prior Approval, as set forth in the description attached hereto as Exhibits A, A-1 and A-2, in exchange for CNBA granting deeds of easement over the Property as set forth in the description attached hereto as Exhibits B, B-1 and B-2; and

WHEREAS, the Township Engineer has approved the descriptions contained in Exhibits A-1 and A-2 and Exhibits B-1 and B-2 from an engineering standpoint; and

WHEREAS, the Township’s Tax Assessor has certified that the “full and fair value” of the easements to be exchanged under the foregoing easement swap are equal; and


WHEREAS, N.J.S.A. 40A:12-16 authorizes the Township to approve an easement swap by duly adopted ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Colts Neck, 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 to execute Deeds vacating, extinguishing and terminating the easements over the property described in Exhibits A, A-1, and A-2 in exchange for Deeds granting to the Township Easements over the property described in Exhibits B, B-1, and B-2. The form and substance of the Deeds have been reviewed and approved by the Planning Board Attorney and Engineer.
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.

I, Trina Lindsey, hereby certify the Ordinance foregoing to be a true copy of an Ordinance introduced by the Township Committee of Colts Neck Township on the 10th day of January. A public hearing will be held on January 31, 2024, 7:00 p.m. Town Hall, 1 Veterans Way.


Frank Rizzuto, Mayor


Trina Lindsey, Municipal Clerk

RECORD OF VOTE										
	First Reading					Second Reading				
	January 10, 2024					January 31, 2024				
	M S	Yes	No	NV	Ab	M S	Yes	No	NV	Ab
Mayor Rizzuto		X					X			
Deputy Mayor Buss		X					X			
Viola	M	X				M	X			
Bartolomeo		X				S	X			
Fitzpatrick	S	X					X			
M - Moved	S - Seconded	X - indicates vote			NV - Not Voting			Ab - Absent		