

TOWNSHIP OF WALL

ORDINANCE NO. 2-2020

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL AUTHORIZING A SANITARY SEWER EASEMENT SWAP INVOLVING BLOCK 78, LOT 1 AND LOT 2 ON THE TAX MAPS OF THE TOWNSHIP OF WALL

WHEREAS, the prior owners of Block 78, Lot 1 and Lot 2 on the Tax Maps of the Township of Wall, commonly known as 1726 & 1732 NJS Highway 35, Township of Wall, County of Monmouth, State of New Jersey (the "Property") conveyed to the Township of Wall ("Wall") two sanitary sewer easements over portions of the Property, by deeds: (i) dated January 3, 1975, and recorded on January 9, 1975 at Deed Book 3912, Page 160 in the Monmouth County Clerk's Office, and; (ii) dated January 2, 1975 and recorded on January 13, 1975 at Deed Book OR-3912, Page 528 in the Monmouth County Clerk's Office; and

WHEREAS, the current owner of the Property, Route 35 Wall Realty, LLC (the "Owner") applied for and obtained preliminary and final site plan approval with bulk variance relief approval from the Wall Township Planning Board permitting construction of a shopping center on the Property (the "Approval"); and

WHEREAS, in order to effectuate the improvements contemplated in the Approval, the Owner requested that Wall extinguish the existing sanitary sewer easements copies of which are attached hereto as Exhibit B and Exhibit C, in exchange for the Owner granting a Deed of Access and Sanitary Sewer Easement to the Township over a portion of the Property as provided in the description and exhibit attached hereto as Exhibit D; and

WHEREAS, A proposed Deed of Vacation extinguishing the existing sanitary sewer easements is attached hereto as Exhibit A.

WHEREAS, the Township Engineer has approved the legal description and exhibit attached hereto as Exhibit D from an engineering standpoint; and

WHEREAS, the existing sanitary sewer lines and related utilities will be decommissioned and removed by Owner in accordance with the Approval, and the Owner represented to the Township that same can be removed without harm to the public; 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.

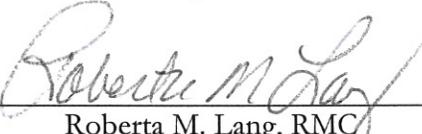
NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Wall, County of Monmouth, State of New Jersey, as follows:

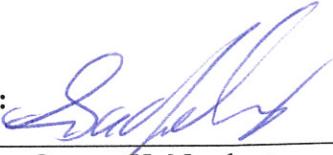
1. The findings set forth in the foregoing preamble are hereby incorporated as if fully restated.

2. The Mayor and Township Clerk are hereby authorized to execute a Deed (Exhibit A)
 - A. extinguishing and terminating the easements set forth in Exhibit B and Exhibit C, in exchange for a Deed of Access and Sanitary Sewer Easement as described and depicted in Exhibit D. The form and substance of the deeds 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.

Introduced: February 26, 2020

Adopted: March 25, 2020

Attest: 
Roberta M. Lang, RMC
Township Clerk

Approve: 
George K. Newberry
Mayor

TOWNSHIP OF WALL

NOTICE AND SUMMARY OF ORDINANCE NO. 2-2020

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL AUTHORIZING A SANITARY SEWER EASEMENT SWAP INVOLVING BLOCK 78, LOT 1 AND LOT 2 ON THE TAX MAPS OF THE TOWNSHIP OF WALL

The purpose of this Ordinance is to authorize a sanitary sewer easement swap involving Block 78 Lots 1 and 2.

Notice is hereby given that the foregoing Ordinance was introduced and passed on first reading by the Township Committee of the Township of Wall on **February 26, 2020**, and further be considered for final passage and adoption at the Wall Township Municipal Building, 2700 Allaire Road, Wall, New Jersey, on **March 25, 2020** at 7:30 p.m., or as soon thereafter as the matter can be reached on the agenda, at which time and place all persons interested therein shall be given an opportunity to be heard, and during the week prior to and up to and including the date of such meeting, copies of said Ordinance will be made available at the Clerk's Office in the Township of Wall, Town Hall, to members of the general public who shall request the same or on our website www.wallnj.com under Legal Notices.

Roberta M .Lang, RMC
Municipal Clerk