

TOWNSHIP OF WALL**ORDINANCE NO. 25 - 2006**

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY, AUTHORIZING THE EXCHANGE OF CERTAIN MUNICIPAL PROPERTY IN ACCORDANCE WITH N.J.S.A. 40A:12-16.

WHEREAS, the Township of Wall is the contract purchaser of Lot 25.05 in Block 805, which property is contiguous to Lot 39 in Block 805; and

WHEREAS, in furtherance of a settlement of litigation known as Sunnyside Manor, Inc. v. Township of Wall and Board of Adjustment of the Township of Wall, Lot 39 in Block 805 is proposed to be the subject of a subdivision creating proposed Lots 1, 2, 3 and 4 as set forth on Exhibit A, attached hereto and made a part hereof; and

WHEREAS, that portion of Lot 25.05 in Block 805 shown as to "be conveyed to Proposed Lot 1" on Exhibit A is undersized and cannot be developed; and

WHEREAS, it has been determined by the Township that there is no public purpose for the Township to retain that portion of Lot 25.05 and that it may be exchanged with the contract purchaser of Lot 39 in Block 805; and

WHEREAS, in consideration for the conveyance by the Township of the aforesaid part of Lot 25.05, the contract purchaser of Lot 39 in Block 805 will grant a conservation easement to the Township requiring that portion of Lot 39 shown as "Proposed Lot 2" on Exhibit A to be maintained and conserved in its natural state; and

WHEREAS, N.J.S.A. 40A:12-16 authorizes, the exchange of municipal property when the governing body determines that the property to be conveyed to the Township is at least of equal value to the property to be conveyed by the Township;

and that the property to be conveyed to the Township is more advantageous for public use than the property being conveyed by the Township; and

WHEREAS, the Township Committee has determined that the aforesaid portion of Block 805, Lot 39 is at least of equal value to the aforesaid portion of Block 805, Lot 25.05 which will be conveyed by the Township, and that the acceptance of a conservation easement on that portion of Block 805, Lot 39 is more advantageous for public use; and

WHEREAS, the aforesaid exchange will effectuate the provisions of the Consent Order of settlement entered in the Sunnyside Manor, Inc. v. Township of Wall and Board of Adjustment of the Township of Wall litigation;

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

Section 1. Subject to the Township's acquisition of title to Lot 25.05 in Block 805 and subject to the acquisition of title to Lot 39 in Block 805 by Sunnyside Manor, Inc., the Township shall convey that part of Lot 25.05 shown as to "be conveyed to Proposed Lot 1" to Sunnyside Manor, Inc., said property to be added to and become a part of Proposed Lot 1 as shown on Exhibit A, attached hereto.

Section 2. Simultaneously, Sunnyside Manor, Inc. shall convey to the Township a conservation easement in a form acceptable to the Township, which conservation easement shall pertain to that portion of Lot 39 in Block 805 shown as "Proposed Lot 2" on Exhibit A, attached hereto.

Section 3. All Ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

Section 4. Should any section, paragraph, clause or other portion of this Ordinance be adjudged by a Court of competent jurisdiction to be invalid, such judgment shall not affect or impair the remainder of this Ordinance.

Section 5. This Ordinance shall effect upon its passage and publication according to law.

Section 6. Upon the passage of this ordinance, the appropriate Township Officials are authorized to prepare and execute all necessary documents to effectuate the property exchange.

NOTICE

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 July 12, 2006, and further be considered for final passage and adoption at the Wall Township Municipal Building, 2700 Allaire Road, Wall, New Jersey on November 21, 2006 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.

LORRAINE KUBACZ
Township Clerk

BLOCK 805

LOT 25.05

RIDGEWOOD ROAD

PART OF LOT 25.05
BE CONVERTED TO
PROPOSED LOT 1

PROPOSED LOT 1
280,099 sq. ft. ±

R-60
PROPOSED LOT 3
60,107 SQ. FT. ±

R-60
PROPOSED LOT 4
60,165 SQ. FT. ±

PROPOSED LOT 2
51,755 SQ. FT. ±

LOT 38

LOT 41

NOTE:
THE SITE LAYOUT AND BUILDING DEPICTED ARE FOR DISCUSSION AND SITE PROGRAMMING PURPOSES ONLY. BUILDING DESIGN AND SITE LAYOUT DETAILS ARE SUBJECT TO CHANGE AT SUCH TIME AS A SITE PLAN APPLICATION IS PREPARED FOR SUBMISSION TO THE APPROPRIATE REGULATORY AGENCIES.

ZONING CRITERIA DEPICTED: MUCC CONGREGATE CARE ZONE

CRITERIA	REQUIREMENTS (CONGREGATE CARE)
LOT AREA	4 ACRES.
DENSITY	20 DU*/ACRE
BUILDING COVERAGE	45 %
IMPERVIOUS COVERAGE	45 %
FLOOR AREA RATIO	0.35
BUILDING HEIGHT	33 FEET
FRONT SETBACK	100 FEET
BUILD. SETBACK TO RESIDENTIAL USE	85 FEET
SIDE SETBACK	30 FEET
REAR SETBACK	30 FEET
SETBACK TO PARKING	15 FEET
SETBACK TO INTERNAL ROAD	25 FEET
BUFFER TO RESIDENTIAL ZONE/USE	50 FEET

EXHIBIT 'A'

Nelson Engineering Associates, Inc.

ROBERT A. NELSON, P.E.

DATE: 11/15/2010

SHEET 1 OF 1