

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MANALAPAN, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY, AUTHORIZING THE VACATION OF ALL OF THE PUBLIC RIGHT, TITLE AND INTEREST OF THE TOWNSHIP OF MANALAPAN IN A PORTION OF FARM TREE ROAD.

Ordinance No. 2010-13

WHEREAS, the Township Committee of the Township of Manalapan has been requested to vacate all of the right, title and interest of the Township in a portion of Farm Tree Road as described in Schedule A attached hereto; and

WHEREAS, the portion of Farm Tree Road to be vacated is contiguous to only one property known as Lot 46 in Block 20.03 and, therefore, upon the adoption and recording of this street vacation ordinance, title to the vacated portion of the roadway will revert to and become a part of Lot 46 in Block 20.03; and

WHEREAS, the Township Committee hereby makes a determination that the public will not adversely be affected by the vacation of the Township's interest in the aforesaid portion of Farm Tree Road which has never been part of the improved portion of the roadway;

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

Section 1. There is hereby vacated all of the right, title and interest of the public for all public usages and purposes in and to that portion of Farm Tree Road as is set forth on Schedule A attached hereto and made a part hereof; 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.

Section 2. 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 every person whose lands may be affected by the adoption of this Ordinance.

Section 3. 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 4. 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 5. This Ordinance shall take effect after second reading and publication as required by law.

Section 6. A copy of Schedule A as referenced herein shall be kept on file and made available for public inspection in the Township Clerk's office during normal business hours.

Section 7. All Ordinances, or parts thereof, inconsistent with the provisions of this Ordinance be and the same are hereby repealed to the extent of such inconsistency.

Section 8. 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.

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 July 14, 2010 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 August 11, 2010 at the Municipal Complex, 120 Route 522 and Taylors Mills Road, Manalapan, New Jersey at 8:00 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 Thursday.

ROSE ANN WEEDEN, Municipal Clerk