

**TOWNSHIP OF MANALAPAN  
ORDINANCE NO. 2010 - 14**

**AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF  
MANALAPAN, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY,  
MODIFYING THE TERMS AND CONDITIONS OF A CERTAIN EASEMENT  
DEDICATED TO THE TOWNSHIP BY THE FILING OF “AMENDED FINAL PLAT OF  
FOREST HILLS ESTATES”, PERTAINING TO LOTS 154-181 IN BLOCK 2904 ON  
THE TAX ASSESSMENT MAP OF THE TOWNSHIP OF MANALAPAN.**

**WHEREAS**, the Tax Assessment Map of the Township of Manalapan, at page 10.01, indicates the existence of a “drainage and conservation easement” dedicated to the Township of Manalapan along the rear property lines of Lots 154 through 181 in Block 2904; and

**WHEREAS**, a title search has determined that the aforesaid “drainage and conservation easement” was created by dedication on a filed map entitled “Amended Final Plat of Forest Hills Estates”, which was filed in the Monmouth County Clerk’s Office on March 23, 1989 in case 231, sheet 13; and

**WHEREAS**, the existence of a drainage and conservation easement severely restricts the use of the area covered by the easement and precludes the construction of any structures; including fences therein; and

**WHEREAS**, the Township Committee has reviewed the records of the Manalapan Township Planning Board and finds that the intention of the planning board with respect to the area long the rear property line along Lots 154 through 181 in Block 2904 was to provide a buffer from the adjoining property, which is located in another municipality, on which industrial uses were located; and

**WHEREAS**, the Township Committee hereby determines that the dedication of a “drainage and conservation easement” on the aforesaid amended final plat was an error and that the area should have been identified as a buffer easement only; and

**WHEREAS**, the New Jersey Department of Environmental Protection has confirmed that its records do not indicate the presence of any state mandated conservation or drainage easement on the properties in question; and

**WHEREAS**, the Township Committee hereby finds that the continued maintenance of a “drainage and conservation easement” is unnecessary and unduly burdensome on the property owners effected thereby;

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

Section 1. The appropriate officials of the Township of Manalapan be and are hereby authorized to execute, deliver and record in the Office of the County Clerk, any documents and instruments necessary for the purpose of modifying the existing “drainage and conservation easement” pertaining to Lots 154 through 181 in block 2904 on the tax assessment map of the Township of Manalapan so as to retain only a buffer easement over the areas in question.

Section 2. All Ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

Section 3. 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, impair or invalidate the remainder of this Ordinance.

Section 4. This Ordinance shall effect upon its passage and publication according to law.

## 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 August 11, 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 September 1, 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. A complete copy may also be obtained from Manalapan Township Website [www.twp.manalapan.nj.us](http://www.twp.manalapan.nj.us) by clicking on the Ordinance title listed on the Agenda posted for the Township Committee meeting of [September 1](#), 2010.

REGINA PRETEROTI, Acting Municipal Clerk

I, REGINA PRETEROTI, Acting Clerk of the Township of Manalapan, do hereby certify Ordinance No. 2010-14 entitled, an Ordinance of the Township Committee of the Township of Manalapan, in the County of Monmouth, State of New Jersey, modifying the terms and conditions of a certain easement dedicated to the township by the filing of “amended final plat of Forest Hills Estates” pertaining to Lots 154-181 in Block 2904 on the tax assessment map of the Township of Manalapan, as a true copy as adopted by the Township Committee on \_\_\_\_\_, 2010.

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REGINA PRETEROTI, Municipal Clerk