

ORDINANCE NO. 17-07
INTRODUCTION DATE: 05-17-17
ADOPTION DATE:

**ORDINANCE VACATING A PORTION OF OLDE NOAH HUNT ROAD CONSISTING
OF A 10 FOOT RIGHT-OF-WAY AND VACATING MCNEILL DRIVE, TOWNSHIP
OF MILLSTONE, MONMOUTH COUNTY, NEW JERSEY**

BE IT ORDAINED by the Township Committee of the Township of Millstone, (“Township”) County of Monmouth and State of New Jersey as follows:

I

WHEREAS, in connection with a subdivision known as Ivanhoe Brook, Section 3, Block 55, Lot 4.02, (“Property”) resulting in 5 new residential lots (“Subdivided Property”), an additional 10 feet of right-of-way along Olde Noah Hunt Road was conveyed to the Township increasing the 25 feet of right-of-way shown on the subdivision map to 35 feet; and

WHEREAS, a deed for the 10 foot right-of-way was recorded in the Monmouth County Clerk’s Office on November 15, 2005 in Book OR 8511, Page 2159; and

WHEREAS, the filed subdivision map for Ivanhoe Brook Estates, Section 3 dedicated to the Township an internal roadway/cul-de-sac known as McNeill Drive; and

WHEREAS, the subdivision was never developed; and

WHEREAS, the current owner has entered into a Purchase Agreement conveying the Subdivided Property to the State of New Jersey, Department of Environmental Protection (“NJDEP”); and

WHEREAS, once conveyed to NJDEP, the use of the Property will be permanently restricted to open space and/or passive recreation pursuant to Green Acres restrictions; and

WHEREAS, the NJDEP has requested that the Township vacate the 10 foot wide right-of-way and the internal roadway, McNeill Drive, referenced above and as reflected on the filed subdivision map; and

WHEREAS, the Township Engineer has confirmed that the existing 25 foot right-of-way is sufficient and the additional 10 feet is not needed; and

WHEREAS, the portion of Olde Noah Hunt Road consisting of the 10 foot right-of-way that is to be vacated is described in the metes and bounds description attached hereto as Schedule A; and

WHEREAS, it is the determination of the Township governing body that there no longer exists the need for the internal roadway, McNeill Drive, nor for the additional 10 foot right-of-way since the Property will be owned by NJDEP and used as open space and/or passive recreation; and

WHEREAS, N.J.S.A. 40:67-1b, 40:67-19 and 40:67-21 provide the means whereby a municipality may vacate any street or part thereof.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Millstone that, **subject to the condition set forth below**, the 10 feet of right-of-way that was conveyed to the Township of Millstone, and as described on the attached Schedule A, and the internal roadway reflected on the filed subdivision map as McNeill Drive, are hereby vacated.

BE IT FURTHER ORDAINED that the effect of this Ordinance shall be to vacate all public rights to McNeill Drive and the portion of the right-of-way described on Schedule A.

BE IT FURTHER ORDAINED that this Ordinance **SHALL TAKE EFFECT ONLY** upon New Jersey Department of Environmental Protection becoming the fee simple owner of the Subdivided Property otherwise, this Ordinance shall be **VOID** and of no effect.

BE IT FURTHER ORDAINED that the Township Clerk is hereby authorized and directed to do the following:

1. Publish a copy of this Ordinance in an official newspaper of the municipality, together with a notice of the introduction thereof and the time and place when and where this Ordinance will further be considered for final passage, such publication to be at least 10 days prior to the time fixed for further consideration of this Ordinance for final passage.

2. Send, by certified mail, return receipt requested, a copy of this Ordinance, together with the notice of the introduction thereof, the time and place when and where this Ordinance will be considered for final passage, as well as a copy of Schedule A attached hereto, to the property owner of record.

3. Publish in an official newspaper of this municipality notice of the passage of this Ordinance by title.

4. Within 60 days after this Ordinance becomes effective, file a copy of this Ordinance, certified by the Township Clerk to be a true copy, under the seal of the Township of Millstone,

together with a copy of the proof of publication thereof, in the office of the County Clerk, to be recorded in a book entitled “Vacations”.

II

Since this Ordinance is not legislative in nature, it need not be codified in the “Revised General Ordinances of the Township of Millstone.”

III

This Ordinance shall take effect, **subject to the condition set forth above**, upon adoption and publication according to law.

EXPLANATORY STATEMENT: This Ordinance vacates, if and only if the subject property is purchased by NJDEP, a portion of Olde Noah Hunt Road consisting of a 10 foot right-of-way that was conveyed to Millstone Township in 2005 and is not needed, and further vacates, if and only if the subject property is purchased by NJDEP, the internal roadway reflected on the filed subdivision map as McNeill Drive.

PDS

PROPERTY DEVELOPMENT SURVEYING, L.L.C.

700 HOOPER AVENUE • TOMS RIVER, NEW JERSEY 08753 • (732) 244-6500 • FAX (732) 244-0813

JAMES MCCONNELL, P.E.S.
PRESIDENT

JAMES A. PEDULLA, P.E.S.
VICE PRESIDENT

PDS Ref. #22024
December 23, 2004
Revised August 29, 2005

Description Of
A Proposed 10' Wide
Right Of Way Dedication
Being A Portion Of
Tax Map Lot 4.02, Block 55
Millstone Township, Monmouth County, New Jersey

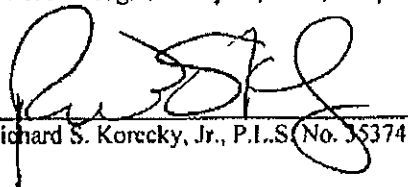
All that certain lot, tract or parcel of land situate and lying in the Township of Millstone, County of Monmouth and the State of New Jersey, and being more particularly bounded and described as follows:

Beginning at a point in the existing westerly line of Olde Noah Hunt Road (25 feet offset centerline), said point being the southeasterly corner of Lot 4.02 in Block 55, and running; thence,

- 1) S 62° 14' 30" W, a distance of 10.00 feet to a monument to be set in the proposed westerly line of Olde Noah Hunt Road (35 feet offset centerline); thence,
- 2) In a northerly direction, in and along said line, following a curve bearing to the left having a radius of 1,190.00 feet, an arc length of 288.81 feet (chord = N 36° 09' 46" W, 288.10 feet) to a monument to be set at the point of tangency; thence,
- 3) N 43° 06' 56" W, still along said line, a distance of 712.40 feet to a point; thence,
- 4) N 18° 56' 28" E, a distance of 2.48 feet to a point in the aforementioned existing line of Olde Noah Hunt Road; thence,
- 5) S 44° 24' 55" E, in and along said line, a distance of 24.16 feet to a point; thence,
- 6) S 59° 31' 29" E, still along said line, a distance of 19.18 feet to a point; thence,
- 7) S 44° 24' 55" E, still along said line, a distance of 81.14 feet to a point; thence,
- 8) S 43° 06' 56" E, still along said line, a distance of 589.89 feet to a point of curvature; thence,
- 9) In a southerly direction, still along said line, following a curve bearing to the right, having a radius of 1,200.00 feet, an arc length of 291.49 feet to the point and place of beginning.

Containing 9,696 Square Feet (0.22 Acres).

Being in accordance with a map entitled "Final Plat - Major Subdivision for Ivanhoe Brook Estates - Section 3" prepared by Property Development Surveying, marked as Project No. 22024, dated June 18, 2002, revised through January 25, 2005, and pending filing in the Monmouth County Clerk's Office.


Richard S. Korecky, Jr., P.L.S. (No. 35374)

LAND SURVEYING