

ORDINANCE NO. 17-08
INTRODUCTION DATE: 05-17-17
ADOPTION DATE: 06-07-17

**ORDINANCE VACATING EASEMENTS, RIGHT-OF-WAY DEDICATION,
DEVELOPER'S AGREEMENT AND ASSIGNMENT AND ASSUMPTION
AGREEMENT RELATING TO BLOCK 55, LOT 4.02, SUBDIVIDED INTO LOTS 4.24,
4.25, 4.26, 4.27 AND 4.28, IF ACQUIRED BY NJDEP**

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 Subdivision No. P03-33F located on Olde Noah Hunt Road, Block 55, Lot 4.02, resulting in new subdivided lots 4.24, 4.25, 4.26, 4.27 and 4.28, the “Subdivided Property”, the following easements and right-of-way dedication were recorded in the Monmouth County Clerk’s Office on November 15, 2005:

1. Deed of Drainage Easement for Block 55, Lot 4.26, recorded in Book OR 8511, Page 2135.
2. Deed of Drainage Easement for Block 55, Lot 4.28, recorded in Book OR 8511, Page 2138.
3. Deed of Conservation Easement for Block 55, Lots 4.24 through 4.28, recorded in Book OR 8511, Page 2141.
4. Deed of Sight Triangle Easement for Block 55, Lot 4.28, recorded in Book OR 8511, Page 2153.
5. Deed of Sight Triangle Easement for Block 55, Lot 4.24, recorded in Book OR 8511, Page 2156.
6. Right-of-Way Dedication Deed for Block 55, Lot 4.02 for a 10 foot wide roadway dedication, recorded in Book OR 8511, Page 2159; and

WHEREAS, a Developer's Agreement was entered into between the Township of Millstone and William D. McNeill and recorded in the Monmouth County Clerk's office on February 17, 2005 in Book OR 8439, Page 124; and

WHEREAS, William D. McNeill conveyed the Subdivided Property to Kheder & Sons, LLC and executed an Assignment and Assumption of All Development Approvals, Cash Fees and Developer's Agreement which was recorded in the Monmouth County Clerk's office on February 22, 2012 in Book OR 8933, Page 8729; and

WHEREAS, the aforementioned Deeds recorded on November 15, 2005, the Developer's Agreement recorded on February 17, 2005 and the Assignment and Assumption of All Development Approvals, Cash Fees and Developer's Agreement recorded on February 22, 2012 are collectively referred to as "Property Interests"; and

WHEREAS, in March, 2016, Kheder & Sons, LLC conveyed the Subdivided Property to Hayam LLC; and

WHEREAS, Hayam LLC has entered into a Purchase Agreement with the State of New Jersey, Department of Environmental Protection (NJDEP) to sell the Subdivided Property to NJDEP Green Acres; and

WHEREAS, the use of the property shall be permanently restricted to open space and/or passive recreation pursuant to Green Acres restrictions; and

WHEREAS, NJDEP has requested that the above referenced Property Interests be extinguished after it takes ownership of the property; and

WHEREAS, all of the Property Interests existed to service the property as a residential subdivision project; but are no longer needed or useful if owned by NJDEP.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Millstone that **if and only if** NJDEP takes ownership of the Subdivided Property, the Township declares that the Property Interests are not needed for public use and it hereby vacates, abandons and extinguishes the Property Interests represented by the following recorded documents:

1. Deed of Drainage Easement for Block 55, Lot 4.26, recorded in Book OR 8511, Page 2135.
2. Deed of Drainage Easement for Block 55, Lot 4.28, recorded in Book OR 8511, Page 2138.
3. Deed of Conservation Easement for Block 55, Lots 4.24 through 4.28, recorded in Book OR 8511, Page 2141.
4. Deed of Sight Triangle Easement for Block 55, Lot 4.28, recorded in Book OR 8511, Page 2153.
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6. Right-of-Way Dedication Deed for Block 55, Lot 4.02 for a 10 foot wide roadway dedication, recorded in Book OR 8511, Page 2159.
7. Developer's Agreement between William D. McNeill and the Township of Millstone, recorded in Book OR 8439, Page 124.
8. Assignment and Assumption of All Development Approvals, Cash Fees and Developer's Agreement recorded in Book OR 8933, Page 8729.

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.

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 extinguishes the Property Interests represented by the above recorded documents, if and only if the Subject Property is purchased by NJDEP.