

ORDINANCE No. 2024-7

**ORDINANCE AUTHORIZING A PARTIAL DRAINAGE EASEMENT VACATION
AND SWAP INVOLVING BLOCK 7.02, LOT 35.05 COMMONLY KNOWN AS
3 PREAKNESS WAY**

WHEREAS, the Colts Neck Planning Board (“Planning Board”) granted Preliminary and Final Major Subdivision Approval to John Kling by adoption of a Resolution on April 13, 2021, permitting a seven lot single family subdivision at property identified as Block 7.02, Lots 34.01 and 34.12 on the Township Tax Map (“Property”); and

WHEREAS, the Final Major Subdivision Approval was perfected and certain drainage easements were dedicated to Colts Neck Township by filing the “Final Plat Major Subdivision, Block 7.02, Lots 34.01 and 34.13 – Tax Map Sheet No. 1.01, Township of Colts Neck, Monmouth County, New Jersey,” prepared by Kurtz Engineers, Planners, Land Surveyors dated November 11, 2021 revised February 8, 2022 with the Office of the Monmouth County Clerk on April 26, 2022 in Case Number 323-21; and

WHEREAS, said Drainage Easements were also dedicated to Colts Neck Township by recording a Deed of Drainage Easement dated February 28, 2022 recorded in the Office of the Monmouth County Clerk on March 29, 2022 in Book OR-9587, Page 1211; and

WHEREAS, the current property owner of Block 7.02, Lot 35.05 commonly known as 3 Preakness Way now requests that the stormwater bubble basin be relocated and the Township vacate portions drainage easement rights that it was granted pursuant to the Final Plat and Deed of Drainage Easement, as set forth in the Partial Release of Drainage Easement attached hereto as Exhibit A, in exchange for granting a new drainage easement over the Property as set forth in the Deed of Drainage Easement attached hereto as Exhibit B; and

WHEREAS, The Colts Neck Township Committee reviewed the requested easement swap on March 8, 2023 and expressed no objection to the relocation of the stormwater bubble basin, and

WHEREAS, the Township Engineer has approved the descriptions contained in Exhibits A and B from an engineering standpoint; and

WHEREAS, the Township’s Tax Assessor has certified that the “full and fair value” of the easements to be exchanged under the foregoing easement swap are equal; and

WHEREAS, N.J.S.A. 40A:12-16 authorizes the Township to approve an easement swap by duly adopted ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Colts Neck, County of Monmouth, State of New Jersey, as follows:

1. The findings set forth in the foregoing preamble are hereby incorporated as if fully restated.
2. The Mayor and Township Clerk are hereby authorized to execute Deeds vacating, extinguishing and terminating the easements over the property described in Exhibit A, in exchange for a Deed granting to the Township a new Drainage Easement over the property described in Exhibit B. The form and substance of the Deeds have been reviewed and approved by the Planning Board Attorney, Engineer, and Planner.
3. The Mayor, Township Clerk, Township Attorney, and Township Administrator are hereby authorized and directed to execute and file any and all such documents and undertake any and all such actions as may be reasonably necessary to effectuate the terms hereof.
4. All ordinances and resolutions, and parts of ordinances and resolutions which are inconsistent with provisions of this ordinance shall be, and are hereby, repealed to the extent of any such inconsistency.

5. This Ordinance shall take effect upon passage and publication in accordance with law.

I hereby certify the Ordinance foregoing to be a true copy of an Ordinance introduced by the Township Committee of Colts Neck Township on the 10th day of January 2024. A public hearing will be held on January 31, 2024, 7:00 p.m. Town Hall, 1 Veterans Way.


Frank Rizzuto, Mayor


Trina Lindsey, Municipal Clerk

RECORD OF VOTE										
	First Reading					Second Reading				
	January 10, 2024					January 31, 2024				
	M S	Yes	No	NV	Ab	M S	Yes	No	NV	Ab
Mayor Rizzuto		X					X			
Deputy Mayor Buss	S	X				M	X			
Viola		X					X			
Bartolomeo	M	X				S	X			
Fitzpatrick		X					X			
M - Moved	S - Seconded	X - indicates vote			NV - Not Voting			Ab - Absent		