

ORDINANCE NO. 2023-32

AN ORDINANCE OF THE TOWNSHIP OF LITTLE EGG HARBOR, COUNTY OF OCEAN, STATE OF NEW JERSEY, VACATING RIGHT-OF-WAY/ROAD WIDENING EASEMENT ON BLOCK 282.01, LOT 8.02 TO JLCEOB, LLC

WHEREAS, the governing body of the Township of Little Egg Harbor has received a request to vacate all of the right, title and interest of the Township of Little Egg Harbor to a right-of-way/road widening easement consisting of a thirty (30') foot wide easement previously dedicated to the Township for future road widening in 1983 pursuant to filed map G-1271, which easement is bounded by the subject lot as well as Block 287, Lots 3 and 11; and

WHEREAS, the governing body makes the determination that the public will not adversely be affected by the vacation of the Township's interest in the right-of-way/widening easement, which consists of a thirty (30') foot wide access easement dedicated to the Township for future road widening and said easement bounded by the subject lot as well as Block 287, Lots 3 and 11; and

WHEREAS, while Block 287, Lot 11 is landlocked, their existing driveway is located within a portion of the roadway widening easement that will be dedicated to them; and

WHEREAS, Block 282.01, Lot 8.02, is the subject of a recent Little Egg Harbor Township Planning Board approval for a commercial site plan for contractor's offices/showroom/warehouse, as well as mini self-storage and the vacation of the road widening easement will provide buffering at the rear of the site; and

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WHEREAS, N.J.S.A. 40:67-19 provides that if it shall appear to the governing body that the public interest will be better served by releasing those lands or any part thereof from such dedication, the governing body may by ordinance release and extinguish the public right arising from said dedication as to the whole or any part of those lands, and thereupon said lands or the part thereof so released shall be effectually discharged therefrom as though the dedication had not taken place.

NOW, THEREFORE, BE IT ORDAINED, by the governing body of the Township of Little Egg Harbor, County of Ocean, 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 the right-of-way/widening easement, which consists of a thirty (30') foot wide access easement dedicated to the Township for future road widening in 1983 pursuant to filed map G-1271, which easement is bounded by the subject lot as well as Block 287, Lots 3 and 11 , as is set forth on Exhibit 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 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 a 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.

SECTION 2. At least one (1) 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

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considered for final passage, shall be mailed to every person whose lands may be affected by the adoption of the ordinance.

SECTION 3. This ordinance shall be published at least once in an official newspaper of the Township at least ten (10) days prior to the time fixed for consideration of the final passage of the 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 Ocean County Clerk's Office for recording in the Book of Vacations.

SECTION 5. This ordinance shall take effect after second reading and publication as required by law.

SECTION 6. A copy of Exhibit 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. JLCEOB, LLC shall be responsible for the payment of all attorneys' fees, engineering fees, publication costs and filing fees incurred by the Township in regard to this vacation.

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NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed by the Township Committee on first reading at a meeting of the Township Committee of the Township of Little Egg Harbor held on the 14th day of **September, 2023**, and will be considered for second reading and final passage at a regular meeting of the Township Committee to be held on the 12th day of **October, 2023**, at 7:00 p.m., in the Little Egg Harbor Municipal Building located at 665 Radio Road, in Little Egg Harbor Township, New Jersey, at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.

Kelly Lettera, CMC, RMC
Township Clerk
Township of Little Egg Harbor

Blaise Scibetta, MAYOR

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Halm & Cipriani, P.A.
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| YOUR GOALS. OUR MISSION.

September 7, 2023

VIA EMAIL AND REGULAR MAIL

Kelly Lettera, Township Clerk
Township of Little Egg Harbor
665 Radio Avenue
Little Egg Harbor, NJ 08087

RE: T&M File No. LEHT-G2301
Right-of-Way/Road Widening Easement Vacation
Applicant: JLCEOB, LLC
Block 282.01 Lot 8.02
Township of Little Egg Harbor, Ocean County, New Jersey

Dear Mrs. Lettera:

Our office is in receipt of the following documents regarding the above-referenced street vacation:

1. Roadway Widening Easement Vacation request dated April 12, 2023;
2. Deed Description for the Vacation;
3. Schedule 'B' Map for the Vacation.

The requested vacation is for a 30' wide easement dedicated to the Township for future road widening in 1983 pursuant to filed map G-1271. The road widening easement is bounded by the subject lot as well as Block 287 Lots 3 and 11. While Block 287 Lot 11 is a landlocked lot; we note that their existing driveway is located within a portion of the roadway widening easement that will be dedicated to them.

We also note that Block 282.01 Lot 8.02 is the subject of a recent Planning Board approval for a commercial site plan for contractor's offices/showroom/warehouse, as well as mini-self-storage; the vacation of the road widening easement will provide for buffering at the rear of the site.

This office has sent requests to the following entities to elicit comments regarding the proposed vacation:

1. LEH Department of Public Works
2. Verizon (telephone)
3. AT&T Corp. (telephone)
4. New Jersey Natural Gas
5. Comcast Cable
6. Atlantic City Electric
7. Little Egg Harbor MUA

Our office has received comments from the following entities regarding the propose vacation:

1. Little Egg Harbor Municipal Utilities Authority: The MUA does not object to the vacation but requires the applicant to submit for water/sewer approval for the project.

Therefore, we have no objection to the road vacation provided the applicant complies with the following:

1. The applicant pays any required fees associated with the Township's review, including:
 - a. \$250.00 for the application fee.
 - b. \$1,250.00 for the escrow fees (Township Engineer, Planning Board Engineer, and Township Attorney).



September 7, 2023
Sheet 2

TO: Kelly Lettera, Township Clerk
RE: T&M File No. LEHT-G2301
Right-of-Way/Road Widening Easement Vacation
Applicant: JLCEOB, LLC
Block 282.01 Lot 8.02
Township of Little Egg Harbor, Ocean County, New Jersey

2. The applicant pays any outstanding real estate taxes due on Block 282.01 Lot 8.02, as needed.

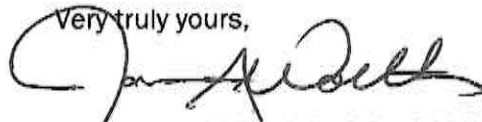
If the Township Committee and Township Planning Board have determined to act favorably upon the application, the applicant must comply with the following:

1. The applicant pays any tax map maintenance fees associated with the road vacation.
2. The applicant shall submit a metes and bounds description for the vacation of this right-of-way to this office for review and approval, prior to final approval of the road vacation by the Township Committee.
3. The applicant shall post the following additional fees with the Township Clerk made payable to the Township of Little Egg Harbor:
 - A sum equal to the costs of preparation of the ordinance to be enacted by the Township Committee in connection with the proposed vacation in excess of the escrow deposit of \$250.00 for the services of the Township Attorney.
 - A sum equal to the costs of advertising such ordinance, which such estimate shall be prepared by the Township Clerk and made available to the applicant.
 - A sum equal to the estimated recording costs of the ordinance to be enacted by the Township Committee. The Township Clerk shall prepare such estimate and make the same available to the applicant.

Please place this item on the next available agenda for the Township Committee's consideration. Please be reminded that prior to final reading and adoption, the Township Clerk's Office should seek the comment of the Planning Board for the vacation request pertaining to any impacts on the traffic and circulation elements of the master plan.

If you have any questions or comments regarding this matter, please do not hesitate to contact me.

Very truly yours,



JASON A. WORTH, P.E., P.P., C.M.E.
TOWNSHIP ENGINEER

JAW:ls

cc: Mayor and Committee Members
Rodney Haines, Township Administrator/CFO
Melanie Appleby, Township Attorney
Robin Schilling, Planning Board Secretary