

**ROCKAWAY TOWNSHIP
MORRIS COUNTY, NEW JERSEY**

ORDINANCE# 23-04

**AN ORDINANCE GRANTING TO PONDVIEW ESTATES, INC. A
SIGN EASEMENT WITHIN THE ROCKAWAY TOWNSHIP
RIGHT-OF-WAY AT THE INTERSECTION OF PONDVIEW DRIVE
AND UNION TURNPIKE**

WHEREAS, N.J.S.A. 40A:12-4 authorizes a municipality to convey an interest in real property; and

WHEREAS, N.J.S.A. 40A:12-5 requires that the conveyance of an interest in real property, such as an easement, by municipalities be accomplished by ordinance; and

WHEREAS, Pondview Estates, Inc. ("Pondview") is the developer of a mixed use inclusionary development of certain lands and premises in the Township, more particularly described as Block 11501, Lots 24, 29, 41, 45, 46 and 47 and Block 11502, Lot 2, on the Official Tax Map of the Township (the "Pondview Development"); and

WHEREAS, Pondview Drive serves as the main entrance to the Pondview Development; and

WHEREAS, the Township desires to permit Pondview to locate a sign within the Easement Area as depicted and described in detail on a drawing entitled "Pondview Drive Entrance Sign Location Plan", Exhibit A, prepared by Bowman Consulting and is submitted herewith and made a part hereof by reference; and

WHEREAS, the Easement Area is an approximately 442.7 square feet, landlocked parcel located within the municipal right-of-way at the intersection of Pondview Drive and Union Turnpike in the Township of Rockaway (the "Township") which is more particularly described in words in the metes and bounds description set forth in the body of the easement; and

WHEREAS, in addition to the forgoing cited statutes, pursuant to the Local Lands and Buildings Law, N.J.S.A. 40A:12-1 et seq. (the "LLBL"), specifically, N.J.S.A. 40A:12-13(b)(5), a municipality may, by ordinance, authorize the private sale of real property, or interest therein, less than the minimum size required for development under the municipal zoning ordinance and without capital improvements thereon to the owner of real property contiguous to the real property being conveyed; and

WHEREAS, the Township Council has determined that the Easement Area is not needed for public use; and

WHEREAS, based on the recommendation of the Township Engineer, the Easement Area is located within a municipal right-of-way area less than the minimum size required for zoning and the Easement Area is without capital improvements thereon; and

WHEREAS, pursuant to a jurisdictional agreement between Pondview, the Township and the New Jersey Department of Transportation, Pondview is responsible for roadway maintenance of the municipal right-of-way at the intersection of Pondview Drive and Union Turnpike; and

WHEREAS, the Pondview Development, inclusive of the municipal right-of-way at the intersection of Pondview Drive and Union Turnpike, is adjacent to the Easement Area and, therefore, Pondview is the owner of real property contiguous to the Easement Area; and

WHEREAS, Pondview has agreed to be perpetually responsible for any landscaping features in and around the Easement Area in accordance with reasonable requirements of the Township.

NOW THEREFORE BE IT ORDAINED by the Township Council of the Township of Rockaway as follows:

Section 1. The foregoing recitals are incorporated by reference as if set forth fully herein.

Section 2. Township of Rockaway hereby accepts and authorizes the Mayor to sign the Deed of Easement for the Easement Area located within the municipal right-of-way at the intersection of Pondview Drive and Union Turnpike as depicted and described in detail on Exhibit A attached hereto, which is made a part hereof by reference. Pondview shall record the Deed of Easement along with Exhibit A in the Office of the County Clerk at its sole cost and expense.

SECTION 3. If any section, paragraph, article, subdivision, clause or provision of this Ordinance is, for any reason, held to be unconstitutional or otherwise invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

SECTION 4. All ordinances, resolutions and regulations or parts thereof inconsistent herewith hereby repealed to the extent of such inconsistency.

SECTION 5. Having passed a first reading, this Ordinance shall be published in the manner required by N.J.S.A. 40:49-6, at least once not less than ten (10) days prior to the time fixed for further consideration for final passage.

SECTION 6. Pursuant to N.J.S.A. 40:49-6, at least one week prior to the time fixed for final passage, a copy of the Ordinance, together with notice of the introduction, including

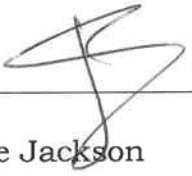
time and place fixed for final passage, shall be mailed to every person whose land may be affected by the Ordinance.

SECTION 7. The Township Clerk shall, within sixty (60) days after the Ordinance becomes effective, file a certified copy thereof, under the seal of the Township of Rockaway, together with a copy of the proof of publication thereof, in the Office of the Clerk of Morris County, pursuant to N.J.S.A. 40:67-21.

SECTION 8. This Ordinance shall become effective after final passage and approval in accordance with law.


Howard Kritz
Council President


Everett Falt, RMC
Township Clerk


Joe Jackson
Mayor

APPROVED

VETO (SEE ATTACHED STATEMENT)

ORDINANCE 23-04

INTRODUCED: JAN 03, 2023

MOTION: QUINN

SECOND: NOON

ROLL CALL AYE FRIEDLANDER, D. BROOKES, SACKETT, R. BROOKES,
SALBERG, VP QUINN, PRESIDENT KRITZ

NAY NONE

ADVERTISED: JAN 6, 2023

FINAL ADOPTION JAN 17, 2023

MOTION QUINN

SECOND R. BROOKES

ROLL CALL AYE FRIEDLANDER, NOON, D. BROOKES, SACKETT, R.
BROOKES, SALBERG, WOJTOWICZ, VP QUINN, PRESIDENT KRITZ

NAY NONE

ADVERTISED JAN 20, 2023