

## **BOROUGH OF EATONTOWN – NOTICE OF ORDINANCE ADOPTION**

NOTICE is hereby given that **Ordinance 13-2023** - Ordinance of the Borough of Eatontown Entitled "**AN ORDINANCE VACATING CONSERVATION AND DRAINAGE EASEMENT OF BLOCK 4002, LOT 22.01**" was passed after a public hearing at the regular meeting of May 24, 2023 by the Governing Body of the Borough of Eatontown, at 47 Broad Street, Eatontown, NJ 07724. Borough of Eatontown - Julie Martin, RMC, Borough Clerk

### **ORDINANCE 13-2023**

#### **BOROUGH OF EATONTOWN**

#### **COUNTY OF MONMOUTH, STATE OF NEW JERSEY**

#### **AN ORDINANCE VACATING CONSERVATION AND DRAINAGE EASEMENT OF BLOCK 4002, LOT 22.01**

**WHEREAS**, under the Local Land and Buildings Law, N.J.S.A. 40A:12-1 et. seq., the Borough of Eatontown (the "Borough") is required to convey real property or any interest in real property through the adoption of an ordinance; and

**WHEREAS**, a Drainage/Conservation Easement was created on the property identified as Block 4002, Lot 22.01, f/k/a Block 4002, Lots 22&23 (the "Property") in favor of the Borough of Eatontown as part of a major subdivision application dating back to 1986 and as a condition of Variance and Site Plan approval granted by the Eatontown Planning Board to the property owner, Shaare Tefilah Ben Moshe, Inc. (the "Synagogue") for the initial construction of the synagogue in 2008, a modified Drainage and Conservation Easement (the "Easement") was filed with the County Clerk in favor of the Borough; and

**WHEREAS**, the Eatontown Planning Board granted Amended Preliminary and Final Major Site Plan Approval to construct an addition to the existing synagogue including associated site improvements on April 4, 2022; and

**WHEREAS**, the Planning Board requested that the Borough vacate the Easement because both the Synagogue's expert and the NJDEP concurred that the Easement was not serving any real purpose on the Synagogue's property and would remain in place on the neighboring property; and

**WHEREAS**, the Borough Council finds it to be in the best interests of the Borough and its residents to vacate the Easement as recommended by the Planning Board to allow for the expansion of the Synagogue as approved.

**NOW, THEREFORE, BE IT ORDAINED**, by the Borough Council of the Borough of Eatontown, County of Monmouth and State of New Jersey, that it hereby authorizes the vacation of the Drainage and Conservation Easement on Block 4002, Lot 22.1 and the Mayor is authorized to execute the Vacation of Conservation Easement as between the Borough of Eatontown and Congregation Shaare Tefilah Ben Moshe, Inc. in a form approved by the Borough Attorney.

**IT IS FURTHER ORDAINED**, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

**IT IS FURTHER ORDAINED** that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

**IT IS FURTHER ORDAINED** that this Ordinance shall take effect upon passage and publication in accordance with applicable law.