

NOTICE OF PENDING ORDINANCE

ORDINANCE NO. 10-1312

The ordinance published herewith was introduced and passed upon first reading at a meeting of the Borough Council of the Borough of Tinton Falls, in the County of Monmouth, State of New Jersey, held on December 7, 2010. This Ordinance will be further considered for adoption, after the public hearing is held thereon, at a meeting of the Borough Council to be held on Tuesday, December 21, 2010, located in the Municipal Building, 556 Tinton Avenue, Tinton Falls, New Jersey, beginning at 7:30 o'clock P.M. During the week prior to and up to and including the date of such meeting, copies of said Ordinance will be made available in the Clerk's Office to the members of the general public who shall request the same.

MAUREEN L. MURPHY, BOROUGH CLERK

AN ORDINANCE RELEASING, EXTINGUISHING AND VACATING THE RIGHTS OF VARIOUS EASEMENTS AND A RIGHT-OF-WAY EXTENSION ASSOCIATED WITH THE PROPOSED DEVELOPMENT OF BLOCK 120, LOTS 37.02 AND 37.04 IN THE BOROUGH OF TINTON FALLS.

WHEREAS, Block 120, Lots 37.02 and 37.04 in the Borough of Tinton Falls (the "Property") was previously approved for the development of a Technology Center with office, research and related uses containing approximately 475,000 square feet of office space floor area with proposed access from Tornillo Way and West Park Avenue; and

WHEREAS, the land use approvals for the proposed Technology Center necessitated the preparation and filing of various easements and a proposed right-of-way extension of Tornillo Way to service the Property; and

WHEREAS, the proposed Technology Center was abandoned prior to construction by its developer; and

WHEREAS, in November of 2010 Clean Jersey Solar, LLC and Tinton Falls Active Adult, LLC, obtained minor subdivision approval and a use variance for the Property to allow for the installation of a solar farm on a ninety-seven (97) acre lot consisting of approximately 70,002 solar panels with the remaining lot to be developed as a multi-unit residential use (collectively, the "Project"); and

WHEREAS, the current Project does not require certain filed easements set forth herein and the extension of Tornillo Way which was necessitated by the prior proposed Technology Center, is no longer necessary and not need for public purposes to service the Project; and

WHEREAS, the Borough Engineer has reviewed the proposed instruments to be vacated, released and extinguished and has found them to be acceptable and consistent with the intentions of the Borough of Tinton Falls Board of Adjustments; and

WHEREAS, it is in the best interest of the general public and the Borough of Tinton Falls to vacate the extension of Tornillo Way and those easements set forth herein necessitated by the prior proposed use of the Property that are no longer necessary to service the newly approved Project; and

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED by the Borough Council of the Borough of Tinton Falls as follows:

All public rights and interests to the instruments set forth herein below, are hereby vacated, released and extinguished except for all rights and privileges now possessed by public utilities, as defined in N.J.S.A. 48:2-13, and by the cable television company, as defined in the "Cable Television Act," N.J.S.A. 48:5A-1 et. seq.

- 1) Access Easement filed in Deed Book 8046, Page 1369.
- 2) Drainage Easement filed in Deed Book 8046, Page 1415.
- 3) Sanitary Sewer Easement filed in Deed Book 8046, Page 1500.
- 4) Deed of Shade Tree Easement filed in Deed Book 8046, Page 1546.
- 5) Deed of Sight Triangle Easement filed in Deed Book 8046, Page 1535.
- 6) Temporary Cul-de-Sac Easement filed in Deed Book 8046, Page 1527.
- 7) Tornillo Way Extension filed in Map Number 283-3 and Filed Map Number 285-

Metes and Bounds descriptions for the above-referenced instruments to be vacated are attached hereto and incorporated as Exhibit A and made a part of the within Ordinance.

BE IT FURTHER ORDAINED, that the Business Administrator, Mayor, Borough Clerk and Director of Law be and hereby are authorized to execute all documents necessary to effectuate the releasing, vacating and extinguishing of the above-referenced instruments.

BE IT 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 to adjudicated, and the remainder of the Ordinance shall be deemed valid and effective.

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

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