

**TOWNSHIP OF RARITAN
COUNTY OF HUNTERDON, NEW JERSEY**

ORDINANCE #18-34

**AN ORDINANCE VACATING A SIGHT EASEMENT IN
ACCORDANCE WITH RARITAN TOWNSHIP PLANNING BOARD
RESOLUTION 11-2018 ENTITLED "RESOLUTION
MEMORIALIZING MODIFICATION OF CONDITION OF PRIOR
APPROVAL TO ALLOW ELIMINATION OF A SIGHT EASEMENT"**

WHEREAS, Fred Beans Imports of Flemington, LLC ("Fred Beans") is the lessee of a 10.258-acre lot known as Block 80, Lot 5 of the Tax Map of the Township of Raritan ("Property"); and

WHEREAS, there exists two sight triangles on the Property, Sight Easement #1 and Sight Easement #2 which were required by way of Raritan Township Planning Board ("Planning Board") Resolution 08-92 entitled "Conditional Use and Preliminary & Final Site Plan Block 80, Lots 4 & 5;" and

WHEREAS, the metes and bounds for Sight Easement #1 and Sight Easement #2, prepared by Errol Melnick, P.L.S. of Van Cleef Engineering Associates, was recorded at the Hunterdon County Clerk's office at Book 1078 Page 0571 (and attached hereto as Exhibit "A"); and

WHEREAS, in 2017 Fred Beans received approval from the Raritan Township Zoning Board of Adjustment, by way of Resolution 2017-24, for the placement of a monument sign on the Property in an area located within Sight Easement #2 on the condition that the Planning Board modify its prior approval to allow the elimination of Sight Easement #2 and the Raritan Township Committee's ("Township Committee's") vacation of same; and

WHEREAS, in 2018 the Planning Board eliminated the condition of Planning Board Resolution 08-92 that required Sight Easement #2 through the adoption of Resolution 11-2018 entitled a "Resolution Memorializing Modification of Condition of Prior Approval to Allow Elimination of a Sight Easement;" and

WHEREAS, as a factual matter, the portion of Route 202 directly in front of the Property has been reconstructed as a divided highway at this location and the access from the Property to Route 202 is right lane only in/out; and

WHEREAS, in adopting Resolution 11-2018 the Planning Board found that "the purposes of requiring Sight Easement #2 - to ensure visibility along Route 202 for vehicles making left turns - is no longer applicable because Route 202 is a right lane only in/out roadway;" and

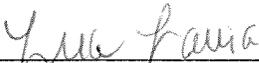
WHEREAS, the Township Committee concurs with the Planning Board that, due to new traffic patterns related to the Property, Sight Easement #2 is no longer needed.

NOW, THEREFORE, BE IT ORDAINED, that the Township Committee of the Township of Raritan, County of Hunterdon, State of New Jersey, does hereby ordain the following:

1. Sight Easement #2 as required by Planning Board Resolution 08-92 and modified by Planning Board Resolution 11-2018, the metes and bounds of which are recorded at the Hunterdon County Clerk's office at Book 1078 Page 0571 and attached hereto as Exhibit "A" is hereby released, extinguished and vacated.
2. The Township clerk shall, within sixty (60) days of the effective date of this Ordinance, file a copy of this ordinance certified by her under the seal of the Township, to be a true copy thereof, in the office of the Clerk of the County of Hunterdon.
3. If any article, section, subsection, paragraph, phrase or sentence is, for any reason, held to be unconstitutional or invalid, said article, section, subsection, paragraph, phrase or sentence shall be deemed severable.
4. This Ordinance shall become effective upon final passage and publication according to law.

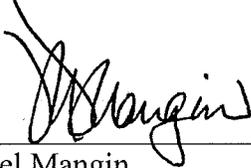
DATE ADOPTED: November 20, 2018

ATTEST:



Lisa Fania, RMC
Township Clerk

**TOWNSHIP COMMITTEE OF
THE TOWNSHIP OF RARITAN**



Michael Mangin
Mayor

Exhibit “A”

Notes and Remarks Description
30' x 100' Right Assessments
Block 80, Lot 5
Parlatan Township, Mercer County, New Jersey

Block Parameter #1

Beginning at a point in the generally right-of-way line of New Jersey State Highway Route 21 and U.S. Route 201 (48.08' from road survey baseline), said point distant 211.50' measured northerly along the said generally right-of-way line from the most southerly corner of Block 80, Lot 5 and from said point running:
thence (1) along the said easterly right-of-way line, North 02°43'17" West, 100.00' to a point;
thence (2) North 87°16'43" East, 10.00' to a point;
thence (3) South 13°58'40" West, 104.40' to the point and place of beginning.
Containing a calculated area of 1,503 square feet.

Block Parameter #2

Beginning at a point in the generally right-of-way line of New Jersey State Highway Route 21 and U.S. Route 201 (48.08' from road survey baseline), said point distant 152.21' measured northerly from the most southerly corner of Block 80, Lot 5 and from said point running:
thence (1) along the said easterly right-of-way line, North 02°43'17" West, 100.00' to a point;
thence (2) South 19°23'16" East, 104.40' to a point;
thence (3) South 97°15'43" West, 20.00' to the point and place of beginning.
Containing a calculated area of 1,500 square feet.

This description is in accordance with Parlatan Township Planning Board Resolution #8-92, dated March 10, 1992.


Van Cleet
Professional Engineer
Van Cleet Engineering Associates
P.E. No. 30334223
E.H./JG
8/11/92
9117NMD3

Rev. 8/26/92: Pct Township Engineer