ORDINANCE 2026-26

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF COLTS NECK TOWNSHIP, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY TO VACATE A TOWNSHIP OWNED RIGHT OF WAY ON LAKEVIEW TERRACE

WHEREAS, pursuant to N.J.S.A. 40:67-1(b) and N.J.S.A. 40:67-19, the Township Committee may, by ordinance, vacate any public street or portion thereof, dedicated to public use, but not accepted by the Township, whether or not the same, or any part, has been actually opened or improved; and,

WHEREAS, the Township Committee of Colts Neck Township (the "Township"), is of the opinion that the public interest would be best served by abandoning, vacating, releasing and extinguishing any and all public rights which the Township may have in a portion of Lakeview Terrace (the "right of way") in Colts Neck which is described in detail in the metes and boundaries description attached to this ordinance and made an exhibit to the same as "Exhibit A"; and

WHEREAS, the right of way is bounded by private property which properties and their owners shall be identified and notified of the Township's desire to vacate said right of way in advance of the Ordinance's second reading; and,

WHEREAS, the matter has been referred to the Township Planner, who has recommended that the Township proceed with the vacation since the aforementioned right of way is not needed by the Township for public purposes; and,

WHEREAS, pursuant to N.J.S.A. 40:67-1(b), the Township Committee must, by Ordinance, preserve the right of public utilities to maintain, repair and replace their existing utility facilities, including and sanitary sewer, water or other utilities, in, adjacent to, over, or under the property or right-of-way to be vacated; and,

WHEREAS, N.J.S.A. 40:67-19 authorizes a municipality by ordinance to release and extinguish the public's rights arising from a dedication of a roadway.

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of Colts Neck Township of Colts Neck Township, in the County of Monmouth and State of New Jersey, as follows:

SECTION 1.

A. The rights of the public and Colts Neck Township in and to that portion of Lakeview Terrace as identified in Exhibit A and herein referred to as "the right of way" are hereby extinguished and vacated, with the exception of the retention of a maintenance and utility easement; and,

B. It is the intent of the Township to vacate the aforementioned interests that the public may have in the property, and to provide that the property shall be conveyed, in its "as is" condition, to the adjoining property owners for no further consideration beyond the costs set forth herein; and,

C. Pursuant to N.J.S.A. 40:67-21, the Township Clerk shall within sixty (60) days after this Ordinance becomes effective file a copy of this Ordinance, certified by him, under the seal of the Township, to be a true copy of such Ordinance, together with a copy of proof of publication, if publication be required, in the office where conveyances of lands are recorded in Monmouth County and such certified copy shall be recorded in a book with proper index to be provided for the purpose and entitled "Vacations."

D. At least seven (7) days prior to the time fixed for the consideration of this Ordinance for final passage, a copy of this Ordinance, together with a notice of its introduction and the time and place when and where the Ordinance will be further considered for final passage, shall be given by the Township Clerk to the owners of all real property, as shown on the current tax map duplicates, to be located within 200 feet in all directions of the right of way. At least ten (10) days prior to the time fixed for the consideration of this Ordinance for final passage, a copy of this Ordinance, together with the notice of its introduction and the time and place when and where the Ordinance will be further considered for final passage, shall be published on the Township's website dedicated to legal notices. This is the notice required by N.J.S.A. 40:67-19, N.J.S.A. 40:49-6, and N.J.S.A. 35:3-2.

SECTION 2. Severability

If any section, paragraph, subsection, clause, or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudged and the remainder of this ordinance shall be deemed valid and effective.

SECTION 3. Repealer.

The remainder of all other sections and subsections of the aforementioned ordinance not specifically amended by this ordinance shall remain in full force and effect.

SECTION 4. Inconsistent Ordinance

All ordinances or parts thereof inconsistent with the provisions of this ordinance are hereby repealed as to such inconsistency.

SECTION 5.

This ordinance shall take effect immediately upon passage, publication and filing according to law.

The foregoing Ordinance was introduced and passed on the first reading at the meeting of the Township Committee of Colts Neck Township on October 28, 2026 and duly adopted by the Township Committee of Colts Neck Township after public hearing on November 12, 2026.



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Brian O'Malley, RMC
Municipal Clerk

RECORD OF VOTE										
	First Reading					Second Reading				
	October 28, 2026					November 12, 2026				
	M	S	Yes	No	NV	Ab	M	S	Yes	No	NV	Ab
Mayor Viola			X						X			
Deputy Mayor Buzzetta			X					S	X			
Rizzuto	M		X						X			
Torchia Buss	S		X					M	X			
Tobia			X						X			
M - Moved S - Seconded X - indicates vote NV - Not Voting Ab - Absent												