

**TOWNSHIP OF ANDOVER
SUSSEX COUNTY, NEW JERSEY**

ORDINANCE #2021-08

**AN ORDINANCE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX,
AND STATE OF NEW JERSEY ACCEPTING DEDICATION OF A FIFTY (50)
FOOT RIGHT OF WAY FOR A PORTION OF LOURDES COURT**

WHEREAS, Guarda Enterprises, LLC ('Applicant') applied for and received final major subdivision approval ('Subdivision Approval') for the property now or formerly designated on the Municipal Tax Map of the Township of Andover as Block 69, Lot 6.02; and

WHEREAS, the terms and conditions of the Subdivision Approval are memorialized in the Andover Township Planning Board's ('Planning Board') Resolution No. 02-15 adopted by the Planning Board on July 1, 2002; and

WHEREAS, the Applicant at a January 12, 2004 public meeting of the Planning Board applied for ('2004 Application') approval of, among other things, its plan to construct a roadway ('Roadway') in a manner consistent with its Subdivision Approval; and

WHEREAS, the Planning Board on January 12, 2004 adopted Resolution No. 04-5, approving the Applicant's 2004 Application, finding the 2004 Application to be in conformance with the Applicant's original Subdivision Approval; and

WHEREAS, the Planning Board in Resolution No. 04-5 conditioned its approval of the 2004 Application upon the Applicant's obtaining the Township Engineer's approval of the improvements to be completed in accordance with the 2004 Application; and

WHEREAS, the Applicant, having completed construction of the Roadway and the Township Engineer having inspected all of the improvements made by the Applicant in connection with the subdivision, including construction of the Roadway, and having approved same; and

WHEREAS, the Township Engineer, having recommended that the Township Committee accept and formally dedicate to the Township of Andover the Roadway, a fifty (50) foot right of way, for a portion of Lourdes Court, and all associated improvements; and

WHEREAS, pursuant to the Municipal Land Use Law, the Applicant is required in connection with this dedication of the right of way to post with the Township a maintenance guarantee ('Guarantee') in the amount of fifteen percent (15%) of the cost of the improvements being released; and

WHEREAS, the Township Engineer has determined that fifteen percent (15%) of the cost of the improvements being released is equivalent to nine thousand dollars (\$9,000) in connection with this dedication of the right of way; and

WHEREAS, the Applicant has satisfactorily posted with the Township a maintenance guarantee in the amount of nine thousand dollars (\$9,000); and

WHEREAS, the Mayor and Committee of the Township of Andover hereby accept the dedication of the right of way described in the following Legal Description.

Attached.

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

SECTION 1. The Township of Andover hereby accepts the portions of land identifying Lourdes Court Right of Way, and as more specifically described in the Legal Description referenced above.

SECTION 2. The Township's acceptance of the portions of land described in the Legal Description referenced above shall not be deemed a dedication or acceptance of the public roadways until such improvements are approved by the Municipal Engineer, and said improvements are accepted by the Township Committee simultaneous with the release of the developer's performance guarantee.

SECTION 3. The Township Clerk shall within sixty (60) days after such Ordinance becomes effective file a certified copy of the Ordinance accepting the dedication of the street with the office of the County Clerk in a special book set aside for dedications and vacations, pursuant to N.J.S.A. 40:67-21.

SECTION 4. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 5. If any section, subsection, paragraph, sentence or any part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance not directly involved in the controversy in which such judgment shall have been rendered.

SECTION 6. This Ordinance shall take effect immediately upon final passage, approval, and publication as required by law.

SECTION 7. This Ordinance may be renumbered for codification purposes.

NOTICE OF PENDING ORDINANCE

PUBLIC NOTICE is hereby given that the foregoing Ordinance was introduced and passed at first reading at a Regular Meeting of the Township Committee of the Township of Andover held on June 3, 2021. A public hearing regarding same will be held at a meeting scheduled for July 15, 2021, beginning at 7:00PM to be held in person at the Municipal Building, 134 Newton-Sparta Road, Newton, NJ 07860.

All persons interested both for and against said ordinance shall be given an opportunity to be heard concerning same. A full copy of the ordinance is available on the Township's official website www.andovertwp.org, or may be obtained in print from the Municipal Clerk's office during regular business hours.

Patricia L. Bussow, RMC
Administrator/Municipal Clerk