

**MANSFIELD TOWNSHIP
BURLINGTON COUNTY**

ORDINANCE 2023-6

**AN ORDINANCE VACATING AND EXTINGUISHING
THE PUBLIC RIGHTS OF PARTS OF HEDDING ROAD/MANSFIELD ROAD WEST,
SUBJECT TO DEDICATION AND ACCEPTANCE OF RELOCATED HEDDING
ROAD/MANSFIELD ROAD WEST AFTER CONSTRUCTION OF THE ELION
INDUSTRIAL PROJECT IN THE TOWNSHIP OF MANSFIELD, COUNTY OF
BURLINGTON AND STATE OF NEW JERSEY**

BE IT ORDAINED by the Township Committee of the Township of Mansfield, in the County of Burlington and State of New Jersey, as follows:

SECTION ONE: N.J.S. 40:67-1 permits the governing body of every municipality to make, amend, repeal and enforce ordinances to vacate any portion of any public street, highway, lane, or alley.

SECTION TWO: The Township Committee of the Township of Mansfield hereby makes the following determinations and declarations with regard to parts of Hedding Road/Mansfield Road West in Mansfield Township, Burlington County:

(a) By adoption of Ordinance 2020-11, the Mansfield Township Committee adopted the “Redevelopment Plan for Route 206 and Mansfield Road West: Southeast Corner, Block 30, Lots 9.02, 10, 11, 12 and 13.02” for the Township of Mansfield, Burlington County, New Jersey, dated June 22, 2020.

(b) By adoption of Resolution 2020-11-5, the Mansfield Township Committee designated Elion Acq, LLC (now EP Mansfield, LLC) as Redeveloper of the Route 206 and Mansfield Road West: Southeast Corner, Block 30, Lots 9.02, 10, 11, 12 and 13.02 Redevelopment Area and authorizing execution of a Redevelopment Agreement with the redeveloper.

(c) As part of the Redevelopment Plan and Redevelopment Agreement aforesaid, and the Planning Board approvals for the project, the Redeveloper was required to construct and relocate a portion of Hedding Road/Mansfield Road West to connect to Mansfield Road East at the traffic signal on Route 206 to create a T intersection and eliminate the existing unsignalized connection of Hedding Road/Mansfield Road West at Route 206.

(d) The construction of the project requires portions of Hedding Road/Mansfield Road West to be vacated, subject to the dedication and acceptance of the new relocated Hedding Road/Mansfield Road West as a public road, after it is constructed by the Redeveloper, to connect to Mansfield Road East at the Route 206 intersection.

(e) The portions of Hedding Road/Mansfield Road West to be vacated herein serve no appreciable purpose and are not needed for the purposes of public streets, roads, alleys, rights-of-way, or public safety, since the relocated Hedding Road/Mansfield Road West will be constructed by the Redeveloper and will replace the vacated portions of Hedding Road/Mansfield Road West.

(f) The best interest of the public and the residents of Mansfield Township, for traffic safety, will be served by vacating and extinguishing the public rights herein arising from dedication and a public use of Hedding Road/Mansfield Road West, subject to the dedication and acceptance of the relocated Hedding Road/Mansfield Road West after construction by the Redeveloper.

SECTION THREE: The following portions of Hedding Road/Mansfield Road West as described below are hereby vacated and abandoned as a public street, road, alley and right-of-way

in the Township of Mansfield, and the public rights arising from the dedication or public use thereof are hereby released, vacated and extinguished:

(a) To the record owner of Block 4, Lot 10.01, approximately 1,401 square feet of land, be the same more or less, as shown on the legal description attached hereto and made a part of this Ordinance as Exhibit A.

(b) To the record owner of Block 4, Lot 11, approximately 9,396 square feet of land, be the same more or less, as shown on the legal description attached hereto and made a part of this Ordinance as Exhibit B.

(c) To the record owner of Block 30.01, Lot 1, approximately 9,545 square feet of land, be the same more or less, as shown on the legal description attached hereto and made a part of this Ordinance as Exhibit C.

SECTION FOUR: The ownership of the portions of Hedding Road/Mansfield Road West herein vacated as shown on Exhibits A, B and C, shall vest in the record owners of the properties above.

SECTION FIVE: This Ordinance shall not be deemed to extinguish, affect or alter any rights that exist as of the date hereof for the benefit of public utility companies for the purpose of ingress or egress over and upon same in order to maintain, repair or replace existing utility facilities, pursuant to statute, which may be located beneath the surface of the foregoing described premises or above the same, as of the effective date of this Ordinance.

SECTION SIX: This Ordinance shall NOT take effect unless and until (a) the relocated part of Hedding Road/Mansfield Road West to replace the parts of Hedding Road/Mansfield Road West vacated by this Ordinance is constructed by the Redeveloper; (b) a Deed of Dedication for the relocated portion of Hedding Road/Mansfield Road West is executed and delivered to the Township; and (c) the Deed of Dedication is accepted by Resolution of the Mansfield Township Committee after release of the performance guarantee for the construction of the relocated portion of Hedding Road/Mansfield Road West, subject to the required maintenance guarantee.

REPEALER, SEVERABILITY AND EFFECTIVE DATE

- A. Any and all Ordinances and provisions thereof inconsistent with the provisions of this Ordinance shall be and are hereby repealed to the extent of such inconsistency
- B. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision and the remainder of this ordinance shall be deemed valid and effective.
- C. This Ordinance shall take effect immediately upon final passage and publication according to law.

I, LINDA SEMUS, RMC, CMR, Municipal Clerk of Mansfield Township, County of Burlington, State of New Jersey do hereby certify the foregoing to be a true and accurate copy of the Ordinance which was introduced by the Township Committee of the Township of Mansfield, County of Burlington, State of New Jersey on May 15, 2023 and is scheduled for second reading, public hearing and final adoption by the Township Committee, on June 21, 2023 at 7:00 PM.

LINDA SEMUS, RMC, CMR
Municipal Clerk

Introduced: 5-15-23 Adopted: