

ORDINANCE NO. 3792

AN ORDINANCE OF THE TOWNSHIP OF FRANKLIN, SOMERSET COUNTY AUTHORIZING THE CONVEYANCE OF CERTAIN TOWNSHIP-OWNED LANDS LOCATED ON A PORTION OF BLOCK 285, LOT 11 TO FORTUNATO BENTIVOGLIO AND ELEONORA BENTIVOGLIO, IN EXCHANGE FOR THE CONVEYANCE AND DEDICATION, TO THE TOWNSHIP FROM FORTUNATO BENTIVOGLIO AND ELEONORA BENTIVOGLIO, OF A RIGHT-OF-WAY IN CONNECTION WITH A PORTION OF BLOCK 285, LOT 12.

SUMMARY

An Ordinance authorizing the conveyance of a five (5) foot strip of Township-owned land located on a portion of Block 285, Lot 11 to the owners of 49 Belmar Street, Block 285, Lot 12, Fortunato Bentivoglio and Eleonora Bentivoglio, husband and wife, in exchange for their conveyance and dedication, to the Township, of a five (5) foot strip of Right-of-Way in connection with their property located at 49 Belmar Street, again, Block 285, Lot 12.

WHEREAS, the Township of Franklin is the owner of real property known and designated as Lot 11, Block 285 on the Tax map of the Township of Franklin, County of Somerset, New Jersey (the "Township Property"); and,

WHEREAS, Fortunato Bentivoglio and Eleonora Bentivoglio, husband and wife, are the owners of property located at 49 Belmar Street, Block 285, Lot 12 on the Tax map of the Township of Franklin, County of Somerset, New Jersey (the "Bentivoglio Property"); and,

WHEREAS, Fortunato Bentivoglio and Eleonora Bentivoglio, as the owners of the Bentivoglio Property, experience difficulties with traffic constantly passing over the Bentivoglio Property due to the fact that the current Right-of-Way on Lovers Lane is only 18 feet wide, and due to the fact that the existing pavement thereof encroaches onto the Bentivoglio Property; and,

WHEREAS, in order to rectify the aforementioned concerns, Fortunato Bentivoglio and Eleonora Bentivoglio, as the owners of the Bentivoglio Property, have proposed a land "swap", whereby they would widen Lovers Lane by five (5) feet on the Bentivoglio Property and dedicate same to the Township (the "Bentivoglio Swap Parcel"), in exchange for a conveyance to them, from the Township, of a five (5) foot strip of Township owned land located on the Township Property (the "Township Swap Parcel"); and,

WHEREAS, the mutual conveyances of the Bentivoglio Swap Parcel and the Township Swap Parcel are adjudged fair and equitable, and would not adversely effect either the front setback of the Bentivoglio Property on Lovers Lane in the R-10 Zone, or the 100 foot lot frontage minimum for the Township Property in that Zone, therefore not adversely affecting the Township's ability to sell the Township Property as a conforming lot in the future; and,

WHEREAS, the Township Council, after reviewing the foregoing at both its June 6, 2002 Work Session and in connection with the introduction and adoption of this Ordinance, has determined that it is in the public interest to approve of the land "swap", whereby the Bentivoglio's would widen Lovers Lane and dedicate the Bentivoglio Swap Parcel to the Township, in exchange for the Township's conveyance to them of the Township Swap Parcel; and,

WHEREAS, the Township of Franklin hereby grants and conveys (transfer ownership of) a five (5) foot wide portion of Block 285, Lot No. 11, Belmar Street, to the Bentivoglio's under the terms and conditions herein set forth, and contemporaneously approves of the Township's acceptance of a conveyance and dedication, to the Township, of a five (5) foot wide portion of Right-of-Way in connection with the Bentivoglio Property located at 49 Belmar Street, Block 285, Lot 12, under the terms and conditions herein set forth.

NOW, THEREFORE, BE IT HEREBY ORDAINED AND ENACTED by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey as follows:

SECTION I

The Township authorizes the conveyance of the Township Swap Parcel, as defined above, to Fortunato Bentivoglio and Eleonora Bentivoglio, husband and wife, and the Township Attorney is hereby authorized and directed to prepare such documents as are required to effectuate the conveyance as aforesaid. The Mayor of the Township be and is authorized and directed to execute such documents as are required to effectuate the conveyance.

SECTION II

The Township approves the widening of Lovers Lane and dedication of the Bentivoglio Swap Parcel, as defined above, as a public Right-of-Way from Fortunato Bentivoglio and Eleonora Bentivoglio, husband and wife, and the Township Attorney is hereby authorized and directed to prepare such documents as are required to effectuate the acceptance and dedication, as aforesaid. The Mayor of the Township be and is authorized and directed to execute such documents as are required to effectuate the acceptance and dedication.

SECTION III

Each clause, section or subsection of this ordinance shall be deemed a separate provision to the intent that if any such clause, section or subsection should be declared invalid, the remainder of the ordinance shall not be affected.

BE IT FURTHER ORDAINED that this Ordinance shall take effect following adoption and publication in a time and manner prescribed by law.

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Introduced:	October 14, 2008
Public Hearing:	November 10, 2008
Adoption:	November 10, 2008
Notice of Adoption:	November 19, 2008
Effective Date:	November 30, 2008

Ann Marie McCarthy, Township Clerk