

ORDINANCE NO. 2009-34

**AN ORDINANCE OF THE TOWNSHIP OF BARNEGAT,
COUNTY OF OCEAN, STATE OF NEW JERSEY,
ACCEPTING CERTAIN ROADWAYS AND STREETS
WITHIN THE PHEASANT RUN DEVELOPMENT**

WHEREAS, the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey (the "Township"), has been advised by the Township Engineer that all streets and roads located within the Pheasant Run Development ("Pheasant Run") have been constructed in accordance with the Township's Land Use Ordinances and in accordance with Resolutions of approval granted by the Barnegat Township Planning Board; and

WHEREAS, the streets and roads located within Pheasant Run which are to be accepted by the Township are described as follows:

Refer to attached list of streets in Pheasant Run.
(A total of 17 streets are being accepted); and

WHEREAS, the Homeowners Association of Pheasant Run has requested that the Township accept the aforementioned streets; and

WHEREAS, consistent with the provisions of the Public Offering Statement (POS), the Pheasant Run Homeowners Association has voted in the affirmative to dedicate all of the streets and roads in the Township of Barnegat located within Pheasant Run; and

WHEREAS, the Township is permitted and authorized to accept the streets and roadways in accordance with the provisions of N.J.S.A. 40:67-23.7:

NOW THEREFORE BE IT ORDAINED the 19th day of October, 2009 by the Township Committee of the Township of Barnegat, County of Ocean, and State of New Jersey, as follows:

SECTION 1. The Township hereby accepts, for use by the general public, the aforementioned streets and roads located within Pheasant Run. The Township acknowledges that the streets and roads conform to the Township's specifications for public streets and roads as set

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forth in the Township's Lane Use Ordinances and have been constructed in accordance with the approvals granted by the Township Planning Board.

SECTION 2. The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions.

SECTION 3. Any Ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

SECTION 4. This Ordinance shall take effect after second reading and publication in an official newspaper as required by law.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced and passed by the Township Committee of Barnegat on first reading at a meeting held on the **19th** day of **October, 2009**. The Ordinance will be considered for second and final reading at a meeting of the Township Committee which is scheduled for the **2nd** day of **November, 2009** at **6:30 p.m.**, or as soon thereafter as the matter may be reached, at the Municipal Building located at 900 West Bay Avenue, Barnegat, New Jersey, at which time the public is invited to ask questions, raise objections, or provide public comment with regard to the proposed adoption of this Ordinance.

Kathleen T. West, RMC
Municipal Clerk

Prepared by:
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NOTICE PROVISION

The Township is considering adopting an Ordinance accepting all streets and roads located within the Pheasant Run Development for use by the public and to be maintained by the Township. The streets and roads have been constructed in accordance with the Township's specifications and have been approved by the Township Engineer. The streets and roads to be accepted by the Township are known as:

Refer to attached list of streets in Pheasant Run.
(A total of 17 streets are being accepted)

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