

ORD.#4-2012

**AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP
OF MOUNT OLIVE, COUNTY OF MORRIS, STATE OF NEW JERSEY
VACATING A PORTION OF SOUTH ROSE LANE**

WHEREAS, there exists in the Township of Mount Olive, Morris County, New Jersey, a certain “paper street” know as South Rose Lane as shown on the Official Tax Map of the Township of Mount Olive; and

WHEREAS, a request to vacate a certain portion of South Rose Lane was made by the property owners of Block 3207, Lot 3 with said portion being more fully described in the metes and bounds description, attached hereto as **Exhibit A**; and

WHEREAS, the aforementioned portion of the subject roadway is to be vacated subject to certain requirements, obligations and restrictions as established herein by the Township Council of the Township of Mount Olive; and

WHEREAS, the Township Council of the Township of Mount Olive does hereby determine that the aforementioned portion of South Rose Lane was never needed for municipal purposes and will no longer be needed for municipal purposes; and

WHEREAS, the Township Council of the Township of Mount Olive does hereby determine that vacation of the aforementioned portion of South Rose Lane will better serve the public interest; and

WHEREAS, N.J.S.A. 40:67-19 authorizes the Township to release and extinguish the public’s rights in said portion of South Rose Lane.

NOW THEREFORE BE IT ORDAINED, the Township Council of the Township of Mount Olive, County of Morris, and State of New Jersey as follows:

SECTION 1. The public rights and interests in a certain portion of South Rose Lane, as more fully described in **Exhibit A** referred to and attached herein is hereby vacated, abandoned and released.

SECTION 2. By virtue of such release of such dedication, the land, as a matter of law, becomes the property of the respective contiguous land owners, owners of Block 3207, Lot 3.

SECTION 3. The appropriate municipal officials are hereby authorized to execute any collateral documents necessary to effectuate the purposes of this vacation ordinance.

SECTION 4. All rights and privileges possessed by public utilities, as defined by R. S. 48:2-13, and by any cable television company, as defined in the Cable Television Act, P.L. 1972, c.186 (N.J.S.A. 48:5A-1 et seq.) to maintain, repair and replace facilities, in,

adjacent to, over or under the aforementioned portions of said roadway, are hereby expressly reserved from vacation.

SECTION 5. 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 aforementioned Lot and Block. This is the notice required by N.J.S.A. 40:67-19 and 40:49-6.

SECTION 6. The Township Clerk shall within sixty (60) days after such ordinance becomes effective, file a copy of said ordinance together with a copy of proof of publication thereof with the Clerk of Morris County so that same may be recorded and the County Clerk shall comply in all respects with the requirements of N.J.S.A.40:67-21.

SECTION 7. All ordinances of the Township of Mount Olive which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 8. If any section, subsection, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid by any court or competent jurisdiction, such decision shall not affect the remaining portion of this ordinance.

SECTION 9. This Ordinance may be renumbered for purposes of codification.

SECTION 10. This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

TOWNSHIP OF MOUNT OLIVE

Alex Roman, Council President

ATTEST:

Lisa Lashway, Township Clerk

EXHIBIT A

**METES AND BOUNDS DESCRIPTION OF A
PORTION OF SOUTH ROSE LANE TO BE VACATED**

**South Rose Lane (30-foot Wide) (Unimproved)
Township of Mount Olive, Morris County, NJ**

Being known and designed as a portion of South Rose Lane (30" wide) as shown on a plan entitled "Stonwald Park, Budd Lake, NJ, Mrs. E.C. Oppenheim – Owner" dated March 28, 1921 and filed in the Morris County Clerk's Office on March 24, 1922 as map No. 582 and being described as follows:

BEGINNING at a point on the southeasterly sideline of South Rose Lane at the easterly terminus of the current paper street, said point being the termination of Course #2 and the beginning of Course #3 as recited in the Township of Mount Olive Ordinance #37-1990, said Ordinance previously vacated a portion of South Rose Lane, said point also being on the common dividing line between Block 3207, Lot 2 and Lot 3, and from said beginning point running, thence;

- 1) Along the southeasterly sideline of South Rose Lane, South 36 degrees 57 minutes 00 seconds West a distance of 104.02 feet to a point, said point intended to be the common corner between lands now or formerly S & S Real Estate Inc., Block 3207 Lot 3 and lands now or formerly the Township of Mount Olive, Block 3207 Lot 12 (also being the common corner to Filed Map Lots 175 and 186), thence;
- 2) Crossing South Rose Lane at a right angle, North 53 degrees 03 minutes 00 seconds West a distance of 30.00 feet to a point on the northwesterly sideline of South Rose Lane, thence;
- 3) Along said northwesterly sideline, North 36 degrees 57 minutes 00 seconds East a distance of 104.02 feet to the former terminus of South Rose Lane as previously vacated, thence;
- 4) Crossing South Rose Lane and running along the former terminus of same, said course being Course #3 as recited in Ordinance #37-1990, South 53 degrees 03 minutes 00 seconds East a distance of 30.00 feet to the POINT AND PLACE OF BEGINNING.

Containing a calculated area of 3,121 square feet or 0.072 acres of land, more or less.

The bearing system utilized herein is based upon Filed Map #582 – Stonwald Park.

Subject to such facts as may be revealed by a current Boundary Survey.

Subject to covenants, restrictions and/or easements either written or implied.