ORDINANCE #3–2018

AN ORDINANCE OF THE TOWNSHIP OF MOUNT OLIVE, COUNTY OF MORRIS, STATE OF NEW JERSEY, VACATING A PORTION OF THIRD STREET BY THE TOWNSHIP

WHEREAS, there exists in the Township of Mount Olive (“Township”) a certain “paper street” known as Third Street on the Official Tax Map of the Township; and

WHEREAS, the Township received a request from Kevin and Linda Amatucci, who own Block 2905, Lot 4, to vacate the portion of Third Street between Block 2905, Lot 4 and Block 2906, Lot 2, which portion is more fully described in the metes and bounds description attached hereto as Exhibit A; and

WHEREAS, the request has been reviewed by the Township Engineer, who has determined that such portion of Third Street was never needed for municipal purposes and will no longer be needed for municipal purposes, and does not object to the Township vacating such portion of Third Street; and

WHEREAS, the Township has determined that the vacation of such portion of Third Street is in the best interest of the Township; and

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

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

1. The public rights and interests in the portion of Third Street, as more fully described in Exhibit A, attached hereto, are hereby vacated, abandoned and released by the Township of Mount Olive.
2. By virtue of such release of such dedication, as a matter of law, the land becomes the property of the respective contiguous land owners.
3. The appropriate Township officials are hereby authorized to execute any collateral documents necessary to effectuate the purposes of this Ordinance.
4. It is the Township’s understanding that there are no rights and privileges possessed by public utilities within the proposed area to be vacated. To the extent that public utilities possess any rights and privileges within the vacated property, 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.) any and all rights to maintain, repair and replace facilities, in, adjacent to, over or under the aforementioned portions of said roadway, are hereby expressly reserved from vacation.
5. In accordance with N.J.S.A. 40:67-19 and 40:49-6, 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 provided to the owners of all real property, as shown on the current tax map duplicates, located adjacent to Third Street.
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 Passaic 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.
7. All costs relating to this Ordinance must be paid by the property owner.
BE IT FURTHER ORDAINED, that 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; and

BE IT FURTHER ORDAINED, that if any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance; and

BE IT FURTHER ORDAINED that this Ordinance shall take effect immediately upon final passage, approval, and publication as required by law.

Introduced:  
Adopted:  
Effective Date:

TOWNSHIP OF MOUNT OLIVE

Joe Nicastro, Township Council President

ATTEST:

Michelle Masser, Township Clerk