

TOWNSHIP OF MOORESTOWN

ORDINANCE NO. 15-2006

**ORDINANCE AUTHORIZING THE VACATION OF A PAPER STREET KNOWN AS
GARDNERS DRIVE**

WHEREAS, the Township Council of the Township of Moorestown, Burlington County, New Jersey has determined that it is in the best interest of the Township to vacate a portion of Gardners Drive, a paper street, and allow it to revert to the adjoining property owners; and

WHEREAS, vacation of a public street, or part thereof, which has not been opened by the municipality, may be authorized by the municipal governing body by Ordinance pursuant to N.J.S.A. 40:67-19, et seq., when there is no longer any need for the use of said area by the public; and

WHEREAS, Strawbridge Lake Associates, a New Jersey general partnership, and Robert and Karen Jaffe are the adjoining land owners to whom the vacated street shall revert and are in agreement with the vacation of said street.

NOW, THEREFORE, BE IT ORDAINED, by the Township Council of the Township of Moorestown, Burlington County and State of New Jersey, as follows:

1. Pursuant to N.J.S.A. 40:67-19, et seq., all public right and interest in Gardners Drive, a paper street, particularly described on Schedule "A" attached hereto is hereby vacated, abandoned, and released as follows:
2. Pursuant to the aforesaid statute, one-half of the width of the vacated street shall be conveyed by Quitclaim Deed to each of the adjoining properties to wit: Block 3401, Lots 26-27, 29-35, owned by Strawbridge Lake Associates, a New Jersey general partnership, which will acquire that portion of the vacated Gardners Drive as particularly described on Schedule "B" attached hereto; and Block 3401, Lot 25 owned by Robert and Karen Jaffe, which will acquire that portion of the vacated Gardners Drive as particularly described on Schedule "C" attached hereto.
3. All rights and privileges now possessed by any public utility or cable television company, to maintain, repair and/or replace their existing facilities in, adjacent, over or under Gardners Drive are hereby expressly reserved and excepted from this vacation.
4. All ordinances or parts of ordinances which are inconsistent with this ordinance are repealed as to their inconsistencies only.
5. Once the unimproved paper street has been vacated, then the Township's interests in and to the said unimproved paper street shall be released. To the extent that any portion(s) of the underlying vacated area does not transfer automatically to the adjacent property owners by operation of law,

the Township hereby authorizes the conveyance of said underlying area(s) to the adjoining property owner(s) by Deed, for nominal consideration, pursuant to N.J.S.A. 40:67-19, et seq., N.J.S.A. 40:60-28, and N.J.S.A. 40A:12-13(b)(5), so that these portions may be combined with and become a part of the said adjacent properties.

6. The Grantees shall be responsible for all legal, engineering and advertising costs associated with the vacation of Gardners Drive.
7. The Township Clerk shall, within sixty (60) days of the effective date of this Ordinance, file a copy hereof, certified by the Clerk, under seal of the Township, to be a true and exact copy of the Ordinance, together with a copy of the proof of publication thereof, in the Office of the Burlington County Clerk for recordation in the County's Book of "Vacations," pursuant to N.J.S.A. 40:67-21.

This ordinance shall take effect twenty (20) days after publication of final adoption.

This Ordinance shall be known as Ordinance 15-2006.

NOTICE

The ordinance published herewith was introduced and passed upon first reading at a meeting of the Township Council of the Township of Moorestown, County of Burlington, State of New Jersey, held on July 10, 2006. This ordinance will be further considered for final passage by the Township Council at a meeting to be held in the Council Chambers of Moorestown Township, 111 West Second Street, Moorestown, NJ on August 14, 2006 at 8pm or at any time and place to which such meeting may be adjourned. All persons interested will be given the opportunity to be heard concerning such ordinance. During the week prior to and including the date of such further consideration, copies will be made available at the Municipal Clerk's Office in said Municipal Building to any member of the general public who shall request such copies.

Patricia L. Hunt, RMC
Township Clerk