

**ORD.#26-2020** Ordinance of the Township of Mount Olive, in the County of Morris and State of New Jersey, Vacating Various Township Rights-Of-Way In Connection With the Acquisition of the Turkey Brook Extension (Block 7600, Lots 3-11 and 13-19)

**CLERK:**

Delivered to Mayor:

Date: 12/9/2020

Time: 9:15 am

Signed: Susan Gouveia  
Deputy Township Clerk  
Susan Gouveia

**MAYOR:**

Action by Mayor:

Approved: ✓

Date: 12-9-20

Vetoed:       

Date:                     

(Reasons for which Mayor has withheld approval of Ordinance, item or part Thereof.)

Signed: R  
Mayor

**CLERK:**

Returned:

Date: 12/9/20

Time: 9:25 am

Not returned with in (10) days

Date:                       
Signed: Susan Gouveia  
Deputy Township Clerk

**ORD.#26-2020**

**ORDINANCE OF THE TOWNSHIP OF MOUNT OLIVE, IN THE  
COUNTY OF MORRIS AND STATE OF NEW JERSEY, VACATING  
VARIOUS TOWNSHIP RIGHTS-OF-WAY IN CONNECTION WITH THE  
ACQUISITION OF THE TURKEY BROOK EXTENSION (BLOCK 7600,  
LOTS 3-11 AND 13-19)**

**WHEREAS**, pursuant to Ordinance 11-2020 adopted on April 28, 2020, the Township of Mount Olive ("Township") entered into a contract to purchase 17.93 acres of vacant land designated as Block 7600, Lots 3-11 and 13-19 on the official Township tax maps, for the purpose of open space preservation; and

**WHEREAS**, to complete the transaction, it is necessary for the Township to vacate the 50-foot-wide unimproved right of way known as "Charles Court," an unnamed 25-foot-wide unimproved right of way and a 20-foot-wide unimproved right of way, which rights of way are more fully described in the metes and bounds descriptions attached hereto as **Exhibit A**;

**WHEREAS**, the proposed vacation of the rights of way have been reviewed by the Township Engineer, who has determined that the rights of way were never needed for municipal purposes and will no longer be needed for municipal purposes, and does not object to the Township vacating such rights of way; and

**WHEREAS**, the Township has determined that the vacation of such rights of way are 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 rights of way.

**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 rights of way, as more fully described in **Exhibit A** attached hereto, are hereby vacated, abandoned and released by the Township.
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 Charles Court and said rights of way.
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.

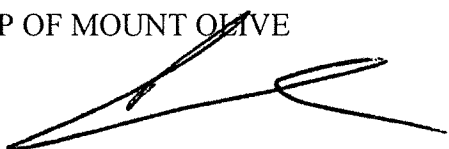
**BE IT FURTHER ORDAINED**, that all ordinances of the Township of Mount Olive that are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency; and

**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: 11/10/2020  
Adopted: 12/8/2020  
Effective Date: 1/1/2020

TOWNSHIP OF MOUNT OLIVE

  
\_\_\_\_\_  
Joe Nicastro, Township Council President

ATTEST: 12/8/2020

  
\_\_\_\_\_  
Susan Gouveia, Deputy Township Clerk