TOWNSHIP OF LUMBERTON, NEW JERSEY

ORDINANCE NO. 2016 - 11

AN ORDINANCE OF THE TOWNSHIP OF LUMBERTON VACATING AN UNNAMED PAPER STREET ADJACENT TO BLOCK 1801, LOT 3

WHEREAS, the Township of Lumberton has from time to time, vacated portions of roadways which no longer serve as a public use; and

WHEREAS, the Township of Lumberton received a request to vacate an unnamed paper street, perpendicular to Main Street as it has never served a public use and would increase the side yard of an adjacent resident increasing the value of the lot and the assessment for tax purposes; and

WHEREAS, the lands adjacent to the paper street are dedicated open space therefore eliminating the need to split the street between two or more land owners; and

WHEREAS, the Township Committee believes it is in the best interest of the adjacent resident to vacate this unnamed street; and

WHEREAS, this vacation will not land lock any other parcel; and

WHEREAS, N.J.S.A. 40:60-28 permits the sale by the municipality of a vacated street by private sale to an adjoining property owner at such price as it shall deem fair and just; and

WHEREAS, the Township Committee determined the appropriate price for this parcel to be the costs associated by the Township for legal fees and engineering costs to effectuate the purpose of vacating the street and recording a new deed with the County of Burlington, so that other taxpayers are not financially affected by this request; and

WHEREAS, the property owner of Block 1801, Lot 3 on the Tax Map of the Township of Lumberton agreed to accept the land and the cost of such dedication estimated at approximately $2,000.00 and posted an escrow with the municipality for the same.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, by the Township Committee of the Township of Lumberton, in the County of Burlington, as follows:

1. The Township Committee of the Township of Lumberton hereby vacates the unnamed paper street to the north of Block 1801, Lot 3 and to the South and Township property at Block 19.23, Lot 16 to the North in the Township of Lumberton, and as reflected on the Legal Description attached hereto and incorporated herein.

2. The public rights, interests and obligations of the aforementioned property, more particularly described on said Legal Description attached hereto, are hereby vacated, abandoned and released.

3. The property described herein and vacated by this Ordinance shall be added to and become part of the adjoining property at Block 1801, Lot 3 of the Tax Map of the Township of Lumberton only.

4. The property owner at Block 1801, Lot 3 on the Tax Map of the Township of Lumberton shall pay all reasonable Township costs for the vacation of said land including legal fees, preparation of the legal description, deed and recording of the same with the County of Burlington.

5. The lot line between the consolidated parcels at Block 19.55, Lots 4 and 5.02 shall be removed at the update of the tax map.

6. In accordance with the provisions of N.J.S.A. 40:67-1, as amended by P.L. 1985, c.241, although none is believed to exist, there is hereby reserved from said vacation the rights of any public utility company or cable television company to maintain repair and replace any existing facilities located within the entire right-of-way of said road, together with the right of ingress and egress over and upon the same in order to carry out such purposes.

7. The Mayor, Township Administrator and Township Clerk are authorized to execute any and all documents necessary to effectuate the purpose of this Ordinance upon approval of those documents by the Township Solicitor.

Section Two. Repealer, Severability and Effective Date.

A. Repealer. Any and all Ordinances inconsistent with the terms of this Ordinance are hereby repealed to the extent of any such inconsistencies.

B. Severability. In the event that any clause, section, paragraph or sentence of this Ordinance is deemed to be invalid or unenforceable for any reason, then the Township Committee hereby declares its intent that the balance of the Ordinance not affected by said invalidity shall remain in full force and effect to the extent that it allows the Township to meet the goals of the Ordinance.

C. Effective Date. This Ordinance shall take effect upon proper passage in accordance with the law.

LUMBERTON TOWNSHIP COMMITTEE

ACTION ON INTRODUCTION:

Motion made by: Committeeman Conway
Motion seconded by: Committeeman Dinneen

VOTE:

Committeeman Conway:	**Yes**	No	Abstain	Not Present
Committeeman Dinneen:	**Yes**	No	Abstain	Not Present
Committeeman Jackson:	**Yes**	No	Abstain	Not Present
Committeeman Mansdoerfer:	**Yes**	No	Abstain	Not Present
Mayor Earlen:	**Yes**	No	Abstain	Not Present

ACTION ON ADOPTION (after public hearing)

Motion made by: _____
Motion seconded by: _____

VOTE:

Committeeman Conway:	Yes	No	Abstain	Not Present
Committeeman Dinneen:	Yes	No	Abstain	Not Present
Committeeman Jackson:	Yes	No	Abstain	Not Present
Committeeman Mansdoerfer:	Yes	No	Abstain	Not Present
Mayor Earlen:	Yes	No	Abstain	Not Present

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CERTIFICATION

I HEREBY CERTIFY that the foregoing is a true copy of the ordinance that was introduced after first reading at a meeting of the Lumberton Township Committee held on November 21, 2016 and adopted after a public hearing at a meeting of the Lumberton Township Committee held on December 13, 2016.

Debra L. Shaw-Blemings, RMC
Township Clerk

Introduced: November 22, 2016
Published: November 29, 2016
Hearing: December 13, 2016
Adopted:
Published: