

ORDINANCE NO. 02-2013

**ORDINANCE VACATING AN EASEMENT FROM ROCKY GLEN WAY
TO OLD MOUNTAIN ROAD
IN THE TOWNSHIP OF TEWKSBURY, COUNTY
OF HUNTERDON AND STATE OF NEW JERSEY**

WHEREAS, there exists in the Township of Tewksbury ("Township") a fifty foot (50') wide municipal easement located on Lot 106.04 in Block 51, that was created in connection with a subdivision approved in 1987 by the Township's Planning Board; and

WHEREAS, the easement was imposed by the Board with the understanding that the Township would retain the ability to determine its future use; and

WHEREAS, the easement has never been used by the Township and the Township has no intention of ever so using said easement; and

WHEREAS, the Tewksbury Township Committee does hereby further determine that the aforementioned Easement as set forth in the description attached hereto as Schedule "A" is no longer needed for public purposes; and

WHEREAS, the Township would now prefer to vacate the easement as described in Schedule "A" attached hereto; and

WHEREAS, N.J.S.A. 40:67-19 authorizes the municipality to release and extinguish the public's rights arising from the granting of an easement.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Tewksbury, Hunterdon County, New Jersey, as follows:

SECTION A

1. The rights of the public and the Township of Tewksbury in and to the Easement as listed above and as more particularly described in Schedule "A" attached hereto are hereby extinguished and vacated.

2. At least one week prior to the time fixed for the consideration of this Ordinance for final passage, a copy thereof, together with a notice of the introduction thereof and the time

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Adopted

and place when and where the Ordinance will be further considered for final passage, shall be mailed to every person whose land may be affected by this Ordinance so far as may be ascertained. Said notices shall be mailed by the Township Clerk in accordance with the provisions of N.J.S.A. 40:49-6.

3. The Township Clerk shall, within sixty (60) days of the effective date of this Ordinance, file a copy of this Ordinance certified by her under the seal of the municipality, to be a true copy thereof, together with proof of publication thereof, in the office of the Clerk of the County of Hunterdon in accordance with the provisions of N.J.S.A. 40:67-21.

SECTION B

All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistencies.

SECTION C

If any article, section, subsection, paragraph, phrase or sentence is, for any reason, held to be unconstitutional or invalid, said article, section, subsection, paragraph, phrase or sentence shall be deemed severable.

SECTION D

This Ordinance shall take effect immediately upon final publication as provided by law.

ATTEST:

TOWNSHIP OF TEWKSBURY COMMITTEE

Roberta Brassard, Clerk

By: _____
Louis DiMare, Mayor