

TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY

ORDINANCE #2009-22

AN ORDINANCE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY TO RELEASE, VACATE AND EXTINGUISH ANY AND ALL PUBLIC RIGHTS IN AND TO A CERTAIN PORTION OF LAKE SHORE DRIVE IN THE TOWNSHIP OF ANDOVER KNOWN AS BLOCK 74, LOT 22.02

WHEREAS, the Township of Andover is the owner of a certain road right-of-way, the legal description of such property is attached hereto as **Exhibit A**; and

WHEREAS, there are no existing or contemplated roadways on the aforementioned right-of-way; and

WHEREAS, N.J.S.A.40:67-19 states in pertinent parts that:

“Whenever there shall have been a dedication of lands... as a public place and the same has not been...opened by the Municipality and it shall appear to the governing body that the public interest will be better served by releasing those lands...from such dedication, the governing body may by ordinance release and extinguish the public right arising from said dedication as to the whole or any part of those lands and thereupon said lands...shall be effectually discharged therefrom as though the dedication had not taken place; but only after notice of the intention of the governing body to consider any such ordinance, and a hearing thereon...”; and

WHEREAS, the Township Committee of the Township of Andover in the County of Sussex, State of New Jersey is of the opinion that the public interest will best be served by abandoning, vacating, releasing and extinguishing the aforesaid right-of-way as described in **Exhibit A**.

NOW THEREFORE BE IT ORDAINED, the Township Committee of the Township of Andover, County of Sussex, State of New Jersey as follows:

1. The public rights and interests in the right-of-way more fully described in **Exhibit A** referred to and attached herein is hereby vacated, abandoned and released.
2. By virtue of such release of such dedication, the lands, as a matter of law, become the property of the respective underlying land owners.
3. The appropriate municipal officials are hereby authorized to execute any collateral documents necessary to effectuate the purposes of this vacation ordinance.
4. All rights and privileges possessed by public utilities, 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.) to maintain, repair and replace facilities, in, adjacent to, over or under the aforementioned right-of-way, are hereby expressly reserved from vacation.
5. The Township Clerk shall within thirty (30) 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 Sussex 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; and

BE IT FURTHER ORDAINED, that all ordinances of the Township of Andover, 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.

ATTEST:

**TOWNSHIP OF ANDOVER
COUNTY OF SUSSEX
STATE OF NEW JERSEY**

Vita Thompson, Clerk

By: _____
Robert Smith, Mayor

INTRODUCED: May 11, 2009
ADOPTED: June 08, 2009
CERTIFIED: June 09, 2009

EFFECTIVE DATE: June 12, 2009

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WHEREAS, there are no existing or contemplated roadways on the aforementioned right-of-way; and

WHEREAS, N.J.S.A.40:67-19 states in pertinent parts that:

“Whenever there shall have been a dedication of lands... as a public place and the same has not been...opened by the Municipality and it shall appear to the governing body that the public interest will be better served by releasing those lands...from such dedication, the governing body may by ordinance release and extinguish the public right arising from said dedication as to the whole or any part of those lands and thereupon said lands...shall be effectually discharged therefrom as though the dedication had not taken place; but only after notice of the intention of the governing body to consider any such ordinance, and a hearing thereon...”; and

WHEREAS, the Township Committee of the Township of Andover in the County of Sussex, State of New Jersey is of the opinion that the public interest will best be served by abandoning, vacating, releasing and extinguishing the aforesaid right-of-way as described in **Exhibit A**.

NOW THEREFORE BE IT ORDAINED, the Township Committee of the Township of Andover, County of Sussex, State of New Jersey as follows:

1. The public rights and interests in the right-of-way more fully described in **Exhibit A** referred to and attached herein is hereby vacated, abandoned and released.
2. By virtue of such release of such dedication, the lands, as a matter of law, become the property of the respective underlying land owners.
3. The appropriate municipal officials are hereby authorized to execute any collateral documents necessary to effectuate the purposes of this vacation ordinance.
4. All rights and privileges possessed by public utilities, 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.) to maintain, repair and replace facilities, in, adjacent to, over or under the aforementioned right-of-way, are hereby expressly reserved from vacation.

5. The Township Clerk shall within thirty (30) 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 Sussex 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; and

BE IT FURTHER ORDAINED, that all ordinances of the Township of Andover, 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.

NOTICE OF PENDING ORDINANCE

PUBLIC NOTICE is hereby given that the foregoing Ordinance was introduced and passed at first reading at a Regular Meeting of the Township Committee of the Township of Andover held on May 11, 2009. A public hearing regarding same will be held at a meeting scheduled for June 8, 2009 beginning at 7:30 P.M., at the Municipal Building, 134 Newton-Sparta Road, Andover Township, NJ, at which time all persons interested both for and against said ordinance shall be given an opportunity to be heard concerning same.

Vita Thompson, R.M.C.
Municipal Clerk

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ANY AND ALL PUBLIC RIGHTS IN AND TO A CERTAIN
PORTION OF LAKE SHORE DRIVE IN THE TOWNSHIP OF
ANDOVER KNOWN AS BLOCK 74, LOT 22.02**

NOTICE OF FINAL ADOPTION

NOTICE is hereby given that the above entitled ordinance was introduced and passed on first reading at a meeting of the Township Committee of the Township of Andover held at the Municipal Building on the 11th day of May 2009. The same came up for final adoption at a meeting of the Township Committee of the Township of Andover held at the Municipal Building on the 08th day of June 2009, and, after all persons present were given an opportunity to be heard concerning same, it was finally passed and adopted and will be in full force in the Township according to law.

Vita Thompson, R.M.C.
Municipal Clerk