

**TOWNSHIP OF MOUNT HOLLY
BURLINGTON COUNTY, NEW JERSEY**

ORDINANCE NO. 2022-16

**VACATION OF RIGHT-OF-WAY
REFERRED TO AS A
PORTION OF WALL STREET**

WHEREAS, Wall Street is a Township right-of-way within and under the control and jurisdiction of the Township of Mount Holly; and

WHEREAS, the Township is undertaking improvements to Mill Dam Park and as part of that project, the State Green Acres program is requiring vacation of a portion of Wall Street in conformance with the project plans and prior to the commencement of construction on the project; and

WHEREAS, a “Sketch Showing Vacation of Wall Street” has been prepared by John M. Dura, PLS, of Environmental Resolutions, Inc. dated September 8, 2022, which references vacation of a portion of Wall Street “from a point 214’ +/- east of Pine Street eastwardly 238’ +/- to its dead end” (a copy of which is attached hereto as Exhibit A); and

WHEREAS, a legal description captioned “Description of Property – Wall Street Vacation, Block 86, Lot 23” prepared by Environmental Resolutions, Inc. and dated September 8, 2022 further describes the area of the vacation and is attached hereto as Exhibit B; and

WHEREAS, the Township finds that the portion of Wall Street referred to above is not needed for public use, that the vacation is part of an overall plan for the project as referred to above, and that the vacation is beneficial to the interests of the Township as the land comprising the vacated right-of-way is surrounded by Township park land will become part of the overall park project; and

WHEREAS, the Township is authorized under N.J.S.A. 40:67-1 to vacate municipal right-of-way and desires to undertake this partial vacation.

NOW, THEREFORE, BE IT HEREBY ORDAINED by the Township Council of the Township of Mount Holly as follows:

Section 1. The Township of Mount Holly, hereby vacates a portion of Wall Street in accord with the “Sketch Showing Vacation of Wall Street”, prepared by John M. Dura, PLS, of Environmental Resolutions, Inc. dated September 8, 2022, referencing a vacation of a portion of Wall Street “from a point 214’ +/- east of Pine Street eastwardly 238’ +/- to its dead end” (a copy of which is attached hereto as Exhibit A).

Section 2. The Township expressly reserves and excepts from vacation all rights and privileges possessed by public utilities, as defined in N.J.S.A. 48:2-13 and related statutes, and by any cable television company, as defined in the Cable Television Act, N.J.S.A. 48:5A-1, et

seq., to maintain, repair and replace their existing facilities in, adjacent to, over or under the affected streets, or any part thereof, to be vacated. Further, any public improvements such as sewer or water lines underlying the right of way area being vacated by this Ordinance, if any, are reserved out and subject to an easement for continued right of access for maintenance, improvement and/or repair. This vacation shall further be subject to all easements, declarations and restrictions of record.

Section 3. Repealer. Any Ordinances inconsistent with this ordinance are hereby repealed to the extent of its inconsistency.

Section 4. Severability. If any provision of this Ordinance is deemed unlawful by a Court is found to be contrary to law by a court of competent jurisdiction, such provision shall be of no force or effect; but the remainder of this Agreement shall continue in full force and effect.

Section 5. Effective date. This Ordinance shall take effect upon proper passage in accordance with the law.

Section 6. Filing. This Ordinance shall be filed with the County Clerk within 60 days of passage in accord with the law.

First Reading: October 3, 2022

Councilmember	Motion	2 nd	Yea	Nay	Recuse	Abstain	Absent
L. Brown	X		X				
J. Codianni		X	X				
T. Astor			X				
C. Banks			X				
J. Jones			X				

Second Reading: November 14, 2022

Councilmember	Motion	2 nd	Yea	Nay	Recuse	Abstain	Absent
L. Brown		X	X				
J. Codianni			X				
T. Astor			X				
C. Banks	X		X				
J. Jones			X				

TOWNSHIP OF MOUNT HOLLY

 JASON JONES, Mayor

Attest:

SHERRY L. MARNELL, RMC, Township Clerk

PUBLIC NOTICE

NOTICE is hereby given that the foregoing Ordinance was introduced and passed at a meeting of the Township Council of the Township of Mount Holly, County of Burlington, State of New Jersey, held on the 3rd day of October, 2022, and will be considered for final passage after a public hearing at a meeting of the Township Council of the Township of Mount Holly to be held on the 14th day of November, 2022.

SHERRY L. MARNELL, Township Clerk

I HEREBY CERTIFY that the foregoing Ordinance was approved for final adoption by Mayor and Township Council of the Township of Mount Holly, County of Burlington, State of New Jersey, at a regular meeting on the 14th day of November, 2022.

SHERRY L. MARNELL, Township Clerk