

TOWNSHIP OF MONTVILLE

ORDINANCE NO. 2023 - 07

AN ORDINANCE OF THE TOWNSHIP OF MONTVILLE, COUNTY OF MORRIS, STATE OF NEW JERSEY AUTHORIZING THE VACATION OF A PAPER ROAD KNOWN AS CEDAR POINT PLACE BY THE TOWNSHIP OF MONTVILLE

WHEREAS, there exists in the Township of Montville, Morris County, New Jersey, a paper road known as Cedar Point Place as shown on the Official Tax Map of the Township of Montville; and

WHEREAS, a request for the Township to vacate the right of way has been made and is more fully described in the metes and bounds description and tax map, attached hereto collectively as **Exhibit A**; and

WHEREAS, the Township's Engineer has reviewed the request, the tax map and the metes and bounds description; and

WHEREAS, the aforementioned right-of-way is to be vacated; and

WHEREAS, upon examination of the request to vacate, the Township Engineer does recommend that the Cedar Point Place right-of-way may be vacated by the Township; and

WHEREAS, the Township Committee of the Township of Montville does hereby determine that the aforementioned right-of-way has never been needed as a municipal roadway and will not be needed as a municipal roadway; and

WHEREAS, the Township Committee of the Township of Montville does hereby determine that vacation of the aforementioned Cedar Point Place right-of-way will serve the public interest; and

WHEREAS, N.J.S.A. 40:67-19 authorizes the Township to release and extinguish the public's rights in said Cedar Point Place.

BE IT ORDAINED, by the Township Committee of the Township of Montville, in the County of Morris, and State of New Jersey, as follows:

1. The public rights and interests in a right-of-way known as Cedar Point Place, as more fully described in **Exhibit A**, attached hereto, is hereby vacated, abandoned and released by the Township of Montville.
2. By virtue of such release of such dedication, the Township's interest in the land, as a matter of law, is extinguished and abandoned.
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 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 Cedar Point Place (a list which shall be provided by the Engineering Department).
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 Montville, 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 MONTVILLE
COUNTY OF MORRIS
STATE OF NEW JERSEY**

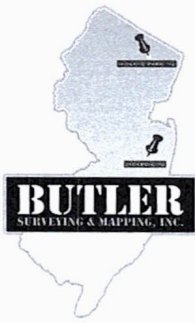


Stacy Sullivan-Gruca, Township Clerk



Matthew S. Kayne, Mayor

Introduction: 3/28/2023
Public Hearing: 4/11/2023
Adoption: 4/11/2023



BUTLER SURVEYING & MAPPING, INC

~PROUDLY SERVING ALL 21 NJ COUNTIES~
LAND SURVEYING RECORDS SINCE 1978

MAIN OFFICE:
41-A PROSPECT STREET
MIDLAND PARK NJ, 07432

OFFICE: (201)-389-3339
CELL: (201)-390-0740
E: INFO@BUTLERSM.COM

**METES AND BOUNDS-EASEMENT VACATION
ACROSS A PORTION OF TAX LOT 14 BLOCK 95
5 MORRIS PLACE
TOWNSHIP OF MONTVILLE
MORRIS COUNTY, NEW JERSEY**

BEGINNING AT A POINT ON THE EASTERLY LINE OF MORRIS PLACE (20 FEET WIDE), WHERE THE SAME IS INTERSECTED BY THE SOUTHERLY LINE OF CEDAR POINT PLACE (WIDTH VARIES) AS SHOWN ON A CERTAIN FILED MAP ENTITLED, "PROPERTY OF L. HARRY RUSSELL, TOWACO NJ" FILED IN THE MORRIS COUNTY CLERK'S OFFICE ON JANUARY 13, 1915 AS MAP NO. 497, AND FROM SAID POINT RUNNING; THENCE

- 1) ALONG SAID SOUTHERLY LINE OF CEDAR POINT PLACE, NORTH 83 DEGREES 15 MINUTES 00 SECONDS EAST, A DISTANCE OF 101.56 FEET TO THE EASTERLY TERMINUS OF THE SAME; THENCE
- 2) ALONG SAID EASTERLY TERMINUS OF CEDAR POINT PLACE, NORTH 29 DEGREES 28 MINUTES 00 SECONDS WEST, A DISTANCE OF 21.45 FEET TO THE NORTHERLY LINE OF CEDAR POINT PLACE; THENCE
- 3) ALONG THE SAME, THE FOLLOWING THREE COURSES, SOUTH 53 DEGREES 17 MINUTES 48 SECONDS WEST, A DISTANCE OF 22.91 FEET TO A POINT; THENCE
- 4) NORTH 81 DEGREES 06 MINUTES 00 SECONDS WEST, A DISTANCE OF 43.20 FEET TO A POINT; THENCE
- 5) SOUTH 83 DEGREES 15 MINUTES 00 SECONDS WEST, A DISTANCE OF 31.83 FEET TO A POINT WHERE THE EASTERLY LINE OF MORRIS PLACE WOULD INTERSECT THE NORTHERLY LINE OF CEDAR POINT PLACE; THENCE
- 6) ALONG SAID EXTENDED LINE, SOUTH 06 DEGREES 45 MINUTES 00 SECONDS EAST, A DISTANCE OF 20.00 FEET TO THE POINT AND PLACE OF BEGINNING.

THE INTENT OF THIS DESCRIPTION IS TO VACATE ANY PORTION OF CEDAR POINT PLACE THAT LIES EASTERLY OF MORRIS PLACE (EXTENDED), AS SHOWN ON THE ABOVE REFERENCED FILED MAP NO. 497

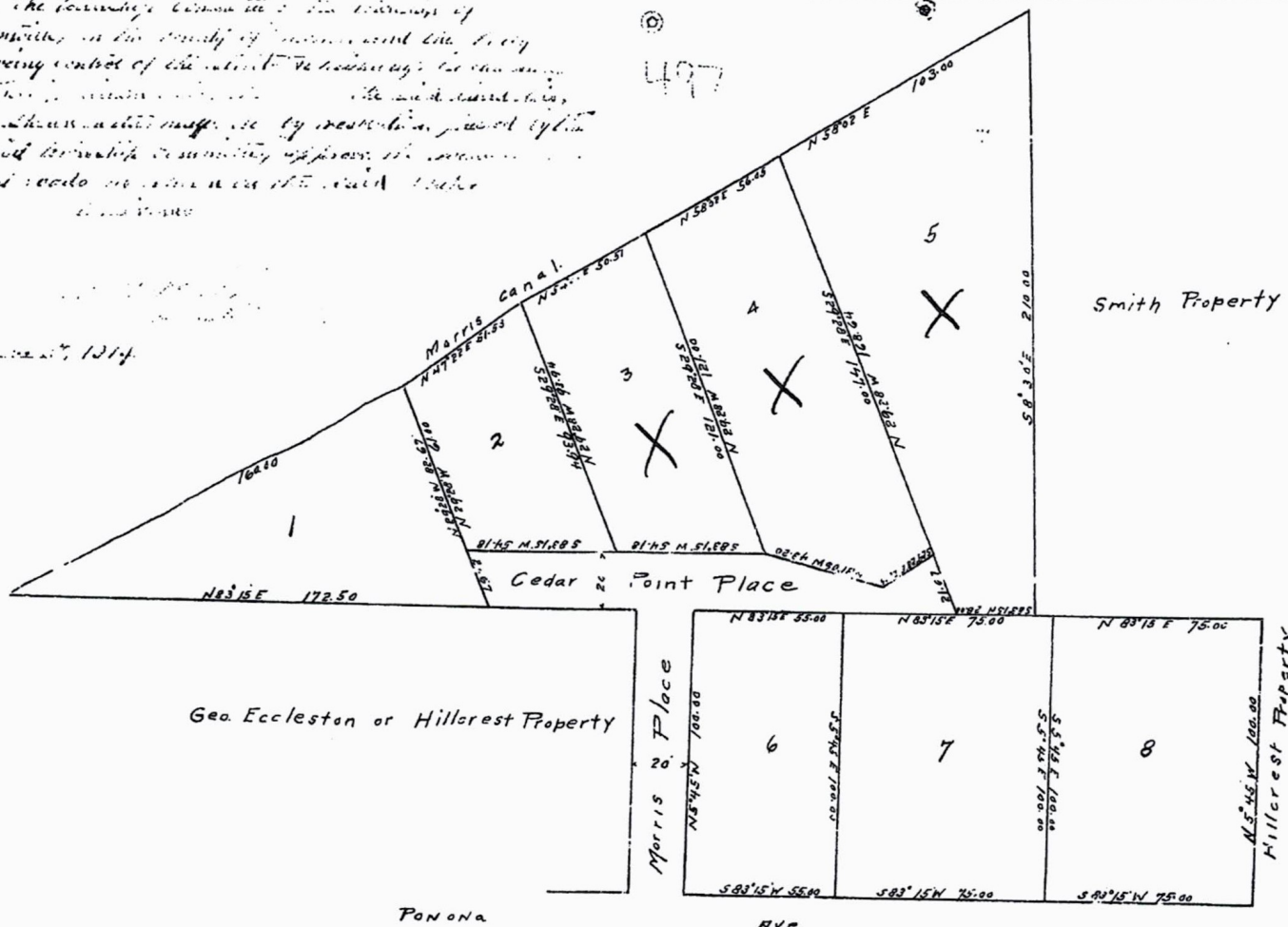
SAID DESCRIPTION IS IN ACCORDANCE WITH A SURVEY MADE BY BUTLER SURVEYING AND MAPPING, INC., DATED MARCH 13, 2023

John J Butler,
Professional Land Surveyor,
N.J. Lic. No. 43267

To the boundary committee of the township of
 Lincoln, in the county of Lincoln and the City
 having control of the water to be conveyed to the
 water works in the city of Lincoln, Kansas, and
 to the water works in the city of Lincoln, Kansas,
 do hereby certify that the above described
 water works in the city of Lincoln, Kansas,
 and also the water works in the city of Lincoln,
 Kansas, are the property of the City of Lincoln,
 Kansas.

497

June 27, 1914



Property of Geo. Eccleston Hillcrest
L. Harry Russell
 Town of
 N.J.
 scale 3/4" = 110.50' AUG 1912
 Edmund Jacobus

FM# 497
 Filed 11/13/1915

