

TOWNSHIP OF MOORESTOWN

ORDINANCE NO. 17-2023

**AN ORDINANCE AFFIRMING VACATION
OF A PORTION OF GLEN AVENUE**

WHEREAS, there is a certain street within the Township of Moorestown (herein the “Township”) referred to as Glen Avenue, which intersects with Foster Road; and

WHEREAS, a portion of Glen Avenue, as shown in Sheet 2 of the Tax Map of the Township of Moorestown and more particularly described in the legal description attached hereto as **Exhibit A**, was previously improved as a street to service individual lots created as part of an industrial development; and

WHEREAS, by Ordinance No. 1995-02, the Township Committee vacated a portion of Glen Avenue; and

WHEREAS, upon information and belief, said Ordinance No. 1995-02 was not recorded with the County Clerk; and

WHEREAS, to ensure that there is no confusion with regard to the status of the aforementioned portion of Glen Avenue, the Township Committee of the Township of Moorestown desires to affirm the vacation of the portion Glen Avenue and file this Ordinance with the Office of the Burlington County Clerk; and

WHEREAS, the Township further reviewed this portion of Glen Avenue and has determined that it is not needed for public use. The vacation will transfer ownership to all adjacent property owners to the extent their respective frontages are along said portion of Glen Avenue.

NOW, THEREFORE, BE IT HEREBY ORDAINED by the Township Committee of the Township of Moorestown as follows:

Section 1. The Township of Moorestown hereby vacates and affirms the prior vacation by Ordinance 1995-02 of the portion of Glen Avenue as shown on Sheet 2 of the Tax Map of the Township of Moorestown and as more particularly described in the legal description attached hereto as **Exhibit A**. Ownership will revert to all adjacent landowners to the extent the respective frontages along said portion of Glen Avenue herein vacated.

Section 2. The aforesaid portion of Glen Avenue described in Section 1 hereof is hereby vacated and abandoned as a public street or road of the Township of Moorestown and the public rights arising from the dedication or public use of same are hereby released, vacated, abandoned and extinguished, provided that all rights and privileges currently possessed by public utilities as defined in N.J.S.A. 48:2-13, and by any cable television company, as defined in N.J.S.A. 48:5A-1

et. seq., to maintain, repair and replace their existing facilities in, adjacent to, over, or under the said portion of Glen Avenue are expressly reserved and expected from any such vacation, abandonment, release and extinction as provided by N.J.S.A. 40:67.1(b) and any successor laws thereto.

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 Burlington County Clerk within 60 days of passage in accord with the law.

CERTIFICATION

I, Patricia L. Hunt, Township Clerk, hereby certify that the attached is a true and correct copy of Ordinance No. 17-2023 which was introduced and adopted on first reading on August 21, 2023 and heard on second reading and was duly adopted by the Township Council of the Township of Moorestown, County of Burlington, State of New Jersey at a meeting of the Township Council held on September 11, 2023.

<u>VOTE:</u>	
GILLESPIE	YES
MAMMARELLA	YES
LAW	YES
VAN DYKEN	ABSENT
ZIPIN	YES

Patricia L. Hunt, RMC
Township Clerk

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May 28, 2002

REVISED

LEGAL DESCRIPTION

PORTION OF GLEN AVENUE TO BE VACATED

TOWNSHIP OF MOORESTOWN

BURLINGTON COUNTY, NEW JERSEY

BEGINNING at a point in the northeasterly line of Glen Avenue (66 feet wide) at its westerly end, said point being in the line of lands now or formerly of the Township of Moorestown (Tax Map Lot 5, Block 502) and at the southwesterly corner of lands of Glenview Properties (Tax Map Lot 3, Block 802), and runs:

- (1) Along said northeasterly line of Glen Avenue, South 50°06'20" East, 373.30 feet to a point of curvature; thence
- (2) Northeastwardly, along an arc, curving to the left with a radius of 30 feet, the arc distance of 47.12 feet to a point of tangency and in the southwesterly line of Whittendale Drive (66 feet wide); thence
- (3) Along the extended southwesterly line of Whittendale Drive, South 39°53'40" West, 96.00 feet to a point in the southwesterly line of Glen Avenue; thence
- (4) Along said line of Glen Avenue, and along other lands of Glenview Properties (Tax Map Lots 9 and 10, Block 801), North 50°06'20" West, 404.44 feet to a point at the westerly end of Glen Avenue and in the aforesaid lands of the Township of Moorestown; thence
- (5) Along said Township lands, North 40°53'00" East, 66.01 feet to the PLACE OF BEGINNING.

CONTAINING within said bounds 0.616 ACRES of land.

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EXHIBIT A