

ORDINANCE NO. 12-23

AN ORDINANCE TO VACATE AND EXTINGUISH ANY AND ALL PUBLIC RIGHTS IN AND TO A 20' WIDE UTILITY EASEMENT ON THE SOUTHWESTERLY SIDE OF BLOCK 8101, LOT 12, MORE COMMONLY KNOWN AS 29 CONKLING ROAD, IN THE TOWNSHIP OF ROXBURY, COUNTY OF MORRIS AND STATE OF NEW JERSEY

WHEREAS, there exists in the Township of Roxbury (“Township”) a 20’ wide utility easement on the southwesterly side of Block 8101, Lot 12, on the Township’s Official Tax Map; and

WHEREAS, the public necessity and general welfare of the inhabitants of the Township do not require that said utility easement be maintained for utility purposes; and

WHEREAS, the Township Council of the Township of Roxbury, in the County of Morris and State of New Jersey is of the opinion that the public interest will be best served by vacating, releasing and extinguishing any and all public rights which the Township may have to said utility easement as hereinafter described.

NOW, THEREFORE, BE IT ORDAINED, by the Township Council of the Township of Roxbury, in the County of Morris and State of New Jersey, as follows:

Section 1. The public rights and interests of a utility easement on the southwesterly side of Block 8101, Lot 12, more commonly known as 29 Conkling Road, in the Township of Roxbury and more particularly described in Schedule “A” attached hereto and made a part hereof be and the same is hereby vacated and the public rights therein be and the same are hereby forever extinguished and the said lands referred to shall be unencumbered by public rights as if said public rights had never existed.

Section 2. Any and all rights and privileges now possessed by public utilities as defined in 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 existing facilities in and adjacent to, over and under the easement or portions thereof, hereby vacated be and the same are hereby expressly reserved and excepted from said vacation.

Section 3. The Township Clerk shall, after the introduction and passage of this Ordinance on first reading, publish a copy of the Ordinance in the Township's official newspapers at least once and not less than ten (10) days prior to the time fixed for further consideration and passage pursuant to N.J.S.A. 40:49-6. The Township Clerk shall mail a copy of the Ordinance, along with a notice of its introduction, to the contiguous property owners as shown on the Tax Maps of the Township of Roxbury. Said notice shall be mailed by certified mail, return receipt requested and shall indicate the time and place when the Ordinance will be further considered for final passage by the Township Council.

Section 4. A notice of passage of this Ordinance shall be published by the Township Clerk in accordance with the requirements of N.J.S.A. 40:49-2.

Section 5. The Township Clerk shall, within sixty (60) days after this Ordinance becomes effective, file a certified copy thereof under the seal of the Township of Roxbury, together with a copy of the publication thereof in the Office of the Clerk of Morris County.

Section 6. All ordinances of the Township of Roxbury which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency.

Section 7. 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.

Section 8. This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

INTRODUCED: October 24, 2023

ADOPTED: November 28, 2023

Attest:



Amy E. Rhead, RMC
Township Clerk

EFFECTIVE DATE: December 21, 2023

SCHEDULE 'A'

**DESCRIPTION OF A 20' WIDE UTILITY EASEMENT
THROUGH BLOCK 8101 – LOT 12 TO BE VACATED IN
THE TOWNSHIP OF ROXBURY, MORRIS COUNTY, NEW JERSEY**

BEGINNING at a point on the northwesterly side line of Conkling Road and in the first line of the whole tract of which this is a part, said whole tract being known as the second tract of land conveyed by Lulu C Baker, et al. to Roxbury Construction Company, dated December 20, 1962, recorded January 3, 1963, in Deed Book 1858, page 390, said point being distant 30.00 feet measured along said first line on a bearing of, North 40 degrees 12 minutes and 49 seconds West from the beginning corner of this said whole tract, and from said beginning point runs; thence,

- 1) North 40 degrees 12 minutes 49 seconds West, 230.00 feet, thence,
- 2) North 49 degrees 5 minutes 46 seconds East, 20.00 feet; thence,
- 3) South 40 degrees 12 minutes 49 seconds East, 230.00 feet, thence,
- 4) South 49 degrees 5 minutes 46 seconds West, 20.00 feet, to the place of beginning.

Containing 4,600 square feet

Block 8101
Lot 1

20' Utility Easement
To Be Vacated

Block 8101
Lot 11

Block 8101
Lot 12

Block 8101
Lot 13

29 Conkling
Road

31 Conkling
Road

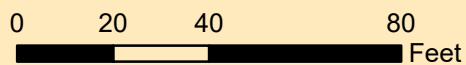
CONKLING RD

LINCOLN DR

Block 8002
Lot 8



TOWNSHIP OF ROXBURY
ENGINEERING DEPARTMENT
1715 ROUTE 46, LEDGEWOOD, NJ 07852
PHONE: (973) 448-2018 FAX: (973) 448-2119



October 18, 2023