

ORDINANCE NO. 15- 23

AN ORDINANCE TO VACATE AND EXTINGUISH ANY AND ALL PUBLIC RIGHTS IN AND TO CRYSTAL COURT LOCATED IN THE TOWNSHIP OF ROXBURY, COUNTY OF MORRIS AND STATE OF NEW JERSEY

WHEREAS, there exists in the Township of Roxbury (hereinafter “Township”) a right-of-way known as Crystal Court 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 Crystal Court be maintained as a public road; 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 Crystal Court and reserving a 33-foot access easement for the benefit of the owner of Block 9603, Lot 9.01 as hereinafter described in Schedule A.

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 the right-of-way more commonly known as Crystal Court, as more particularly described on the Tax Maps of the Township of Roxbury be and the same are 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, except for an access easement reserved for the owner of Block 9603, Lot 9.01 as hereinafter set forth in Schedule A.

Section 2. Any and all rights and privileges now possessed by public utilities, including the Township 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 street or portions thereof, hereby vacated be and the same are hereby expressly reserved and excepted from said vacation.

Section 3. The Township hereby reserves a 33-foot wide access easement for the benefit of the owner of Block 9603, Lot 9.01, as hereinafter set forth in Schedule A. The purpose of the access easement is to provide said owner, their successors and/or assigns such rights as may be required for the construction, maintenance, repair and use of the easement area as described herein. The access easement shall serve as a perpetual non-exclusive right-of-way and easement over, upon and across the easement area for ingress to and egress from Block 9603, Lot 9.01. The access easement does not convey the right to park vehicles in or otherwise block or obstruct the easement area, except in connection with maintenance, repairs, alterations or improvements performed in accordance with the provisions hereof.

Section 4. 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 5. 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 6. 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 7. 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 8. 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 9. This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

INTRODUCED: November 14, 2023

ADOPTED: December 12, 2023

Attest:



Amy E. Rhead, RMC
Township Clerk

EFFECTIVE DATE: January 8, 2024

SCHEDULE A

