

ORDINANCE NO. 17-23

AN ORDINANCE TO VACATE AND EXTINGUISH ANY AND ALL PUBLIC RIGHTS TO A PORTION OF THE SHIPPENPORT ROAD RIGHT-OF-WAY ALONG LOT 5 IN BLOCK 11102 KNOWN AS 100 MT. ARLINGTON BOULEVARD, IN THE TOWNSHIP OF ROXBURY, COUNTY OF MORRIS AND STATE OF NEW JERSEY

WHEREAS, there exists in the Township of Roxbury (“Township”) a certain portion of an unimproved right-of-way along Lot 5 in Block 11102, more commonly known as 100 Mt. Arlington Boulevard, on the Township’s Official Tax Maps; and

WHEREAS, the public necessity and general welfare of the inhabitants of the Township do not require that the unimproved right-of-way as described herein below be opened and maintained as a public street; and

WHEREAS, the Township Council is of the opinion that the release and extinguishment of the public rights and interests in the above-described right-of-way is in the public’s best interest.

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 following unimproved right-of-way described on Schedule A attached hereto and made a part hereof, and located along Lot 5, Block 11102 and more commonly known as 100 Mt. Arlington Boulevard 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 held by the adjacent property owner or owners thereof free and discharged from any public rights, as if said public rights had never existed.

Section 2. Any and all rights and privileges now possessed by public utilities, including 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, adjacent to, over and under the streets 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 newspaper at least once not less than 10 days prior to the time fixed for further consideration and final 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 Official 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 the 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 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 proof of 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: November 14, 2023

ADOPTED: December 12, 2023

Attest:



Amy E. Rhead, RMC
Township Clerk

EFFECTIVE: January 8, 2024

SCHEDULE A



June 11, 2008
Revised March 16, 2009
Revised September 21, 2009
Revised December 21, 2009

Project No. 030134516

LEGAL DESCRIPTION
SHIPPENPORT ROAD VACATION
PARCEL 6
TOWNSHIP OF ROXBURY
MORRIS COUNTY, NEW JERSEY

All that certain land and premises situate, lying and being a portion of Shippenport Road, in the Township of Roxbury, in the County of Morris and the State of New Jersey and more particularly described as follows:

Parcel 6 as indicated on a map entitled, "General Property Parcel Map, Shippenport Road improvement, Villages at Roxbury, Roxbury Township, Morris County, New Jersey", dated September 26, 2005, revised through December 21, 2009, prepared by Schoor DePalma (now known as CMX) and to be filed in the Morris County Clerk's Office;

Parcel 6, including specifically all the land and premises located at about Station 1+94.33 (Shippenport Road base line stationing), and being more particularly described as follows:


Beginning at the intersection of the existing Easterly sideline with the Proposed Easterly sideline of Shippenport Road at station 1+73.90, set 22.00 feet Easterly from the Shippenport Road baseline, as laid down on the aforementioned map and running; thence,

1. Along the existing Easterly sideline of Shippenport Road, South 14 degrees 11 minutes 00 seconds East, 29.57 feet more or less to the Southerly line of Lot 5; thence,
2. Along said Southerly line, South 64 degrees 30 minutes 00 seconds West, 1.49 feet more or less to a point on a curve in the aforementioned proposed Easterly sideline; thence,
3. Along said proposed Easterly sideline, on a curve to the right having a radius of 328.00 feet, and an arc length of 9.47 feet more or less to a point of tangency set 22.00 feet Easterly at right angles to the aforementioned baseline at station 1+94.33; thence,
4. Along the same, North 11 degrees 07 minutes 45 seconds West, 20.43 feet to the point and place of beginning.

Containing 23 square feet of land more or less as described herein.

Together with all right, title and interest that the owner may have in Shippenport Road, contiguous to the above described premises.

Subject to all existing easements, rights-of-way and reservations of record.


Glen J. Lloyd, P.L.S.
N.J. Professional Land Surveyor
New Jersey License No. GS37598

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WORKING TOGETHER FOR A BETTER TOMORROW®

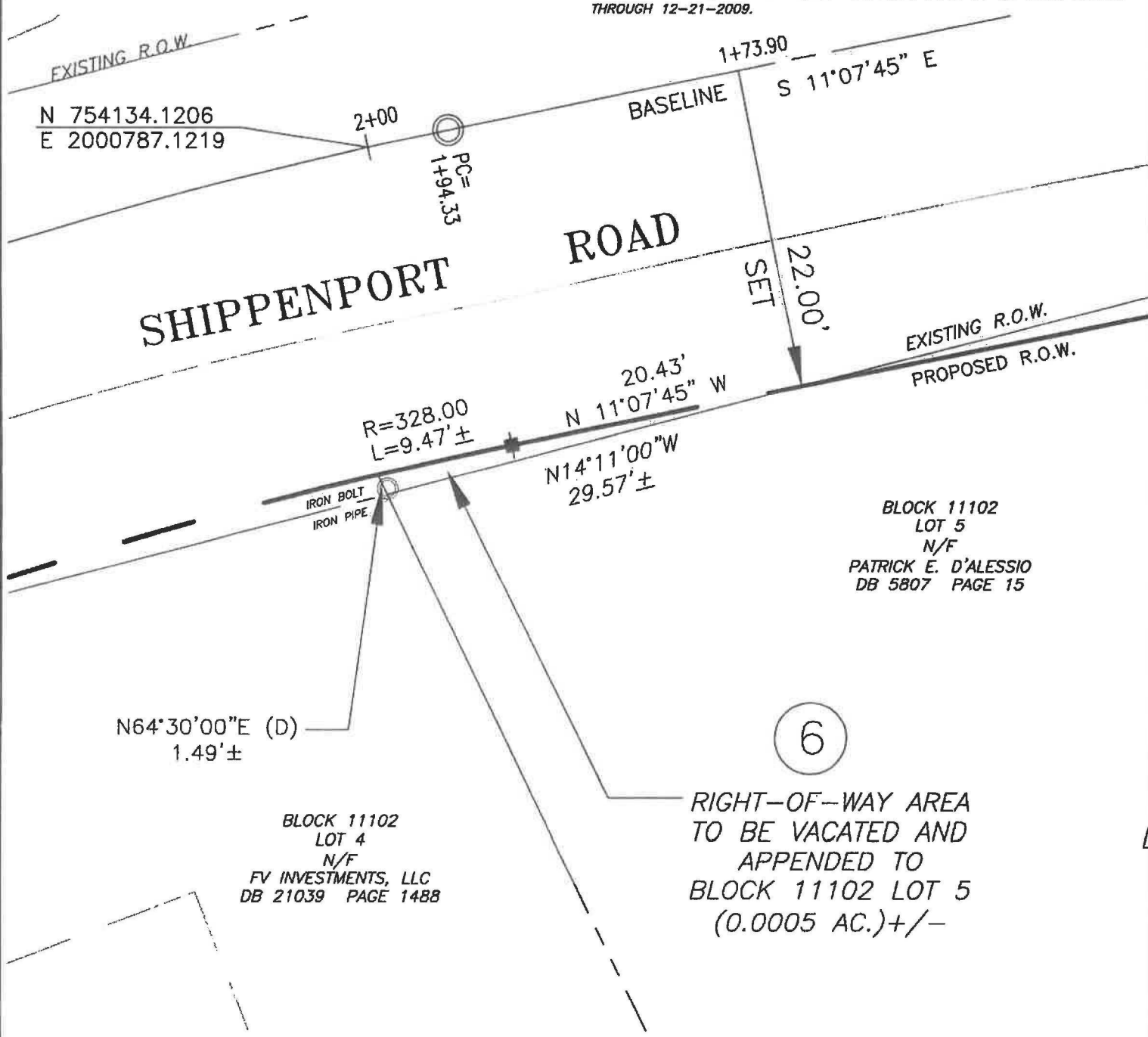
20 WATERVIEW BOULEVARD | PO Box 5245 | PARSIPPANY, NJ 07054-6245
TEL 973.299.7970 | FAX 973.334.5588 | WWW.CMXENGINEERING.COM

NEW JERSEY PENNSYLVANIA NEW YORK MARYLAND FLORIDA

NOTES:

1. EXISTING RIGHT OF WAY OF SHIPPENPORT ROAD AS SHOWN HEREON IS IN ACCORDANCE WITH A FIELD SURVEY PERFORMED BY SCHOOR DEPALMA IN 2003.
2. EXISTING FEATURES SHOWN HEREON PER AERIAL PHOTOGRAPHY AND SUPPLEMENTED BY FIELD WORK PERFORMED BY SCHOOR DEPALMA.
3. SUBJECT TO EASEMENTS AND RIGHTS OF WAY OF RECORD.
4. INDIVIDUAL LOT LINES SHOWN HEREON COMPILED FROM DEEDS OF RECORD AND ARE SUBJECT TO AN ACCURATE FIELD SURVEY. (D) INDICATES DEED BASED BEARING OR DISTANCE.
5. REFERENCE MAP: "GENERAL PROPERTY PARCEL MAP, SHIPPENPORT ROAD IMPROVEMENT, VILLAGES AT ROXBURY, ROXBURY TOWNSHIP, MORRIS COUNTY, NEW JERSEY" PREPARED BY SCHOOR DEPALMA, DATED 09-26-2005, REVISED THROUGH 12-21-2009.

NAD 27



BLOCK 11102
LOT 5
N/F
PATRICK E. D'ALESSIO
DB 5807 PAGE 15

BLOCK 11102
LOT 4
N/F
FV INVESTMENTS, LLC
DB 21039 PAGE 1488

RIGHT-OF-WAY AREA
TO BE VACATED AND
APPENDED TO
BLOCK 11102 LOT 5
(0.0005 AC.)+/-

LEGEND

- PROPOSED RIGHT OF WAY
- PARCEL NUMBER
- EASEMENT NUMBER
- PROPOSED CONC. MONUMENT

NOTE: CMX IS FORMERLY KNOWN AS SCHOOR DEPALMA.

SHIPPENPORT ROAD VACATION MAP
VILLAGES AT ROXBURY
BLOCK 11102, LOT 5
TWP OF ROXBURY, MORRIS COUNTY, NEW JERSEY

GLEN J. LLOYD
PROFESSIONAL LAND SURVEYOR, N.J. LIC. No. GS37598

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Cert. of Authorization 24GA27926200
20 WATERVIEW BOULEVARD
P.O. BOX 5245 PARSIPPANY, NJ 07054
TEL (973)299-7970 FAX (973)334-5588

12-21-09	REVISE GPPM DATE
9-21-09	REVISED PER REVIEW LETTER DATED 9-21-09
3-13-09	ADJUST R.O.W.
DATE	REVISION

SCALE	DATE	DRAWN BY	DES. BY	FILE NO.	CHECKED BY
1"=10'	5/30/2008	PFF	PFF	030134516	GJL