

**THE TOWNSHIP OF EWING  
COUNTY OF MERCER, NEW JERSEY  
ORDINANCE NO. 13-35**

1st Reading 8/13/13

Date to Mayor 9/12/13

2nd Reading &  
Public Hearing 9/10/13

Date Returned \_\_\_\_\_

Date Adopted:  
9/10/13

Date Resubmitted to Council \_\_\_\_\_

Effective Date:  
9/30/13

Approved as to Form of Legality  
\_\_\_\_\_

AN ORDINANCE OF THE TOWNSHIP OF EWING, COUNTY OF MERCER, STATE OF NEW JERSEY, VACATING THE UNNAMED ALLEY WAY RUNNING BETWEEN NORTH OLDEN AVENUE EXTENSION AND THE PORTION OF OLD OLDEN AVENUE KNOWN AS "SHORT OLDEN AVENUE" IN THE TOWNSHIP OF EWING

First Reading

MEMBER	AYE	NAY	ABS	NV	RES	SEC
Baxter	X					
Keyes-Maloney	X				X	
Schroth	X					X
Wollert	X					
Hyser	X					

Second Reading

MEMBER	AYE	NAY	ABS	NV	RES	SEC
Baxter	X					
Keyes-Maloney	X					
Schroth	X				X	
Wollert	X					X
Hyser	X					

By \_\_\_\_\_ Date \_\_\_\_\_ Accepted \_\_\_\_\_ Rejected \_\_\_\_\_  
Mayor

Reconsidered  
By Council \_\_\_\_\_ Override Vote YEA \_\_\_\_\_ NAY \_\_\_\_\_

\_\_\_\_\_  
President of the Council

\_\_\_\_\_  
Municipal Clerk

TOWNSHIP OF EWING  
ORDINANCE NO. 13-35

AN ORDINANCE OF THE TOWNSHIP OF EWING, COUNTY OF MERCER, STATE OF NEW JERSEY, VACATING THE UNNAMED ALLEY WAY BETWEEN NORTH OLDEN AVENUE EXTENSION AND THE PORTION OF OLD OLDEN AVENUE KNOWN AS "SHORT OLDEN AVENUE" IN THE TOWNSHIP OF EWING

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WHEREAS, pursuant to N.J.S.A. 40:67-1(b), the Township Council may, by ordinance, establish, change the grade of or vacate any public street, highway, lane or alley, or any part thereof; and,

WHEREAS, pursuant to N.J.S.A. 40:67-1(b), the Township Council must, by ordinance, preserve the public utilities' right to maintain, repair and replace their existing utility facilities, including cable television facilities, in, adjacent to, over, or under the property to be vacated.

WHEREAS, investigation has revealed that the owners of the Block 18, Lots 18, 19, 20 and 21, which occupies the entire easterly side of the alley between North Olden Avenue Extension and Short Olden Avenue, are also the owners of Block 18, Lot 17, also known as, 1420 Short Olden Avenue, which occupies the entire westerly side of the alley between North Olden Avenue Extension and Short Olden Avenue.

WHEREAS, it is the opinion of the Traffic Bureau that alleyway serves no police purpose and has created an unsafe condition whereby drivers are using it as a cut through to avoid waiting for the traffic signal at Princeton Avenue and Olden Avenue and that it should therefore be vacated and ownership reverted to the owner of the adjacent properties for closure.

NOW THEREFORE BE IT ORDAINED, by the Council of the Township of Ewing, in the County of Mercer, State of New Jersey, as follows:

1. The alley way that runs north and south between North Olden Avenue Extension and the portion of Old Olden Avenue known as Short Olden Avenue in the Township of Ewing, as more particularly shown on the Tax Map of the Township of Ewing as that unnamed alleyway running between Block 18, Lot 17 and Block 18, Lots 18, 19, 20, and 21, is hereby vacated, and the portions thereof divided and conveyed to the adjoining property owners 50-50 in accordance with the law; and
2. 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," N.J.S.A. 48:5A-1 et seq., to maintain, repair and replace facilities, in, adjacent to, over or under the alley way are hereby expressly reserved from vacation;
3. The Municipal Clerk shall publish, this ordinance, after being introduced and having passed a first reading, at least once not less than ten (10) days instead of one (1) week prior to the time fixed for further consideration for final passage, pursuant to N.J.S.A. 40:49-6;
4. The Municipal Clerk shall, at least one (1) week prior to the time fixed for final passage of such ordinance, mail a copy thereof, together with a notice of the introduction thereof, and the time and place when and where the ordinance will be further considered for final passage, to every person whose lands may be affected by the ordinance or any assessment which may be made in pursuance thereof, pursuant to N.J.S.A. 40:49-6; and,
5. The Municipal Clerk shall within sixty (60) days after such ordinance becomes effective file a certified copy of the ordinance vacating the streets along with proof of publication thereof with the office of the County Clerk in a special book set aside for vacations, pursuant to N.J.S.A. 40:67-21.

Section 1. This Ordinance shall take effect after final passage and publication according to law.

**STATEMENT**

This Ordinance vacates the unnamed alley way located between North Olden Avenue Extension and the portion of Old Olden Avenue known as Short Olden Avenue located in the Township of Ewing, pursuant to N.J.S.A. 40:67-1(b).