

08-04
TOWNSHIP OF MONTCLAIR

**ORDINANCE VACATING A PORTION OF PLEASANT WAY AND RELINQUISHING,
EXTINGUISHING AND DISCHARGING ALL RIGHTS OF THE TOWNSHIP OF
MONTCLAIR IN AND TO SUCH PORTION OF SAID STREET**

January 22, 2008

WHEREAS, the Township of Montclair has received a request for the vacation of an unimproved portion of Pleasant Way extending south of the intersection of Pleasant Way and Rosedale Avenue; and

WHEREAS, the Township has determined that the subject portion of Pleasant Way is not needed for use as a public street or for any other public purpose; and

WHEREAS, N.J.S.A. 40:67-19 allows a municipality to release and extinguish public rights in any dedicated street or highway where the public interest would be better served by releasing said rights; and

WHEREAS, the vacation and disavowal of any interest in the subject portion of Pleasant Way is limited to the rights of the adjoining property owners at Block 3409 Lot 29 and Block 3409 Lot 1 who have been given written notice of the introduction of this Ordinance in accordance with N.J.S.A. 40:49-6; and

WHEREAS, the vacation undertaken herein requires the reservation of an easement to allow the Township of Montclair to continue to access the area being vacated in order to repair and maintain an existing sanitary sewer line; and

WHEREAS, The Township Council has determined that it is in the best interest of the Township that the aforesaid portion of Pleasant Way be formally vacated and thereby released from

its prior dedication for use as a public street and any other public purposes, except as otherwise set forth herein; now therefore

BE IT ORDAINED by the Council of the Township of Montclair, in the County of Essex, that the Township hereby vacates its interest in that portion of Pleasant Way referred to above and described more fully in the Legal Description attached hereto as Exhibit “A” and depicted on the excerpt of the Township Tax Map attached hereto as Exhibit “B”, and any interest held in said property is hereby released to the adjacent property owners as follows: (1) 25 feet to the former centerline of Pleasant Way to the adjacent property owner at Block 3409 Lot 29, and (2) 25 feet to the former centerline of Pleasant Way to the adjacent property owner at Block 3409 Lot 1.

BE IT FURTHER ORDAINED that the Township’s vacation and disavowal of any interest in the subject portion of Pleasant Way is conditioned upon, and subject to, the reservation of an access and maintenance easement in favor of the Township of Montclair, and its successors and assigns, to maintain, repair, improve or replace all existing improvements in the vacated street, including but not limited to, the existing sanitary sewer line, and to install and maintain any future improvements deemed necessary by the Township Council; and

BE IT FURTHER ORDAINED 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 the “Cable Television Act,” N.J.S.A. 48:5A-1 et seq., to maintain, repair and replace existing facilities in, adjacent to, over or under the vacated portion of Pleasant Way are expressly reserved and excepted from vacation; and

BE IT FURTHER ORDAINED that the Township Clerk shall file a certified copy of this Ordinance with the Register of Essex County in order to record such vacation as required by law.

RECORD OF COUNCIL VOTE											
COUNCILORS	YES	NO	ABS	N.V.	AB	COUNCILORS	YES	NO	ABS	N.V.	AB
Freier						Mayor Remsen					
Lang						Schlager					
Mattox						Tobin					
Deputy Mayor Michaelson											
X - Indicate Vote ABS - Abstain N.V. - Not Voting AB - Absent											

I HEREBY CERTIFY the foregoing to be a true copy of an ordinance adopted as introduced by the Council of the Township of Montclair, in the County of Essex, at its meeting held on _____, 2008.

Linda S. Wanat
Clerk of the Township of Montclair, N.J.