

*****ADOPTED DECEMBER 29, 2009*****

DELANCO TOWNSHIP

ORDINANCE NO. 2009-18

**VACATING UNIMPROVED
PORTION OF DELAWARE AVENUE**

WHEREAS, the Township Committee of the Township of Delanco (“Township”) previously adopted Ordinance 2001-8 accepting a 50’ -wide portion of Delaware Avenue that is unimproved and contains a dirt cartway of limited width; and

WHEREAS, thereafter the Township determined that additional land was required to complete Delaware Avenue from the end-point of Delaware Avenue as accepted by the 2001 Ordinance to its intersection with the last house on Delaware Avenue, 323 Delaware Avenue, Block 1208, Lot 6; and

WHEREAS, the Township filed litigation under Delanco Township v. 325 Delaware Avenue, LLC, BUR-L-3609-05 in order to obtain this additional land; and

WHEREAS, the Township and 325 Delaware Avenue, LLC settled the litigation on terms to provide emergency access to the Township and to provide alternative access to 323 Delaware Avenue by means of a 20’ wide access easement; and

WHEREAS, as part of that settlement, the Township agreed to vacate its interest from a portion of the unimproved section of Delaware Avenue, specifically commencing along the Northern property line of 327 Delaware Avenue at Block 1208, Lot 4 and along the remainder of Delaware Avenue to the South, as reflected on Exhibit “A” attached hereto.

NOW, THEREFORE, BE IT HEREBY ORDAINED by the Township Committee of the Township of Delanco as follows:

Section 1. The Township of Delanco hereby vacates a portion of the unimproved section of Delaware Avenue specifically commencing along the Northern property line of 327 Delaware Avenue at Block 1208, Lot 4 and along the remainder of Delaware Avenue to the South, as reflected on Exhibit “A” attached hereto.

Section 2. This Ordinance is contingent upon the simultaneous filing with the County Clerk of an Access Easement by 325 Delaware Avenue, LLC in favor of the owner of 323 Delaware Avenue, which easement shall run with the land and inure to the property owner of 323 Delaware Avenue and its successors in interest.

Section 3. Repealer. Any Ordinances inconsistent with this ordinance are hereby repealed to the extent of its inconsistency.

Section 4. Severability. If any provision of this Ordinance is deemed unlawful by a Court is found to be contrary to law by a court of competent jurisdiction, such provision shall be of no force or effect; but the remainder of this Agreement shall continue in full force and effect.

Section 5. Effective date. This Ordinance shall take effect upon proper passage in accordance with the law.