

*****ADOPTED MAY 1, 2017*****

DELANCO TOWNSHIP

ORDINANCE NO. 2017-9

**VACATING PORTION
OF PRINCETON AVENUE**

WHEREAS, the property at 2800 Colgate Avenue has a property at Block 306, Lots 1 and 1.01 (the "Property") that abuts an unimproved Right-of-Way ("ROW") referred to as Princeton Avenue; and

WHEREAS, the area behind the Property is open space and will not be developed per State and local requirements;

WHEREAS, the Property owner has historically used a portion of the ROW as its property, which was inadvertent and in accord with their understanding of their property boundaries; and

WHEREAS, the Property owner seeks to install a new garage-type building on the Property, and in pursuing that construction, determined the property line and ROW discrepancy; and

WHEREAS, the Property owner and has requested that the Township vacate a portion of the ROW to allow their continued use of the Property; and

WHEREAS, the Township has reviewed the request and the portion of ROW in question and has determined that this is an unimproved paper street, with no plan for paving or utilization as a public street, and as such it is not needed for public use; and

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 Princeton Avenue to neighboring Block 306, Lots 1 and 1.01, which portion is set forth on the attached plan.

Section 2. The Township of Delanco expressly reserves and excepts from vacation all rights and privileges possessed by public utilities, as defined in N.J.S.A. 48:2-13 and related statutes, 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 their existing facilities in, adjacent to, over or under the affected streets, or any part thereof, to be vacated. Further, any public improvements such as sewer or water lines underlying the street or right of way area being vacated by this Ordinance, if any, are reserved out and subject to an easement for continued right of access for maintenance, improvement and/or repair. This vacation shall further be subject to all easements, declarations and restrictions of record.

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repealed to the extent of its inconsistency.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.

Section 6. Filing. This Ordinance shall be filed with the County Clerk within 60 days of passage in accord with the law.