

RECORDING INFORMATION SHEET

ESSEX COUNTY REGISTER'S OFFICE
HALL OF RECORDS , ROOM 130
465 MARTIN LUTHER KING Jr. Blvd
NEWARK NJ 07102

INSTRUMENT NUMBER:

9003337

DOCUMENT TYPE :

VACATION OF STREET**Official Use Only**

CAROLE A. GRAVES, REGISTER
ESSEX COUNTY, NJ

INSTRUMENT NUMBER
9003337

RECORDED ON
January 22, 2009 01:52 pm
BOOK:12175 PAGE:2396

AC

Return Address (for recorded documents)

TRENK-DIPASQUALE

ATTORNEYS AT LAW

347 MT.PLEASANT AVE STE 300

WEST ORANGE NJ 07052

No. Of Pages (excluding Summary Sheet)

9

Recording Fee (excluding Transfer Tax)

\$70.00

Realty Transfer Tax

\$0.00

Amount Charged (Check # 19944)

\$120.00

Municipality

WEST ORANGE

Parcel Information**Block****Lot****First Party Name**

FUNDUS ROAD

Second Party Name

WEST ORANGE,TOWNSHIP OF

Additional Information (Official Use Only)

MAIL COPY _____

NO COPY _____

ENVELOPE _____

ADDITIONAL STAMPINGS _____

***** DO NOT REMOVE THIS PAGE. *****
COVER SHEET (DOCUMENT SUMMARY FORM) IS PART OF ESSEX COUNTY FILING RECORD
***** RETAIN THIS PAGE FOR FUTURE REFERENCE. *****

**AN ORDINANCE RELEASING, EXTINGUISHING AND
VACATING THE RIGHTS OF THE PUBLIC IN A PORTION OF THE
STREET KNOWN AS FUNDUS ROAD, TOWNSHIP OF WEST ORANGE
COUNTY OF ESSEX AND STATE OF NEW JERSEY**

An ordinance releasing, extinguishing and vacating a portion of the street known as Fundus Road in conjunction with the proposed development of the property located at 464 Eagle Rock Avenue, West Orange, New Jersey, also known as Block 153.13, Lots 30, 31, 32 & 33 on the Tax Map of the Township of West Orange (the "Property").

WHEREAS, in conjunction with the proposed development of the Property the vacation of Fundus Road will allow for the Property to be increased in size by 190.65' x 25' at the western border as required by the Resolution of the Board of Adjustment of the Township of West Orange adopted on November 29, 2007; and

WHEREAS, it has been determined by the Township Council, after due investigation and consideration as follows:

- (1) that the portion of Fundus Road described hereinbelow is not needed for use for public road purposes; and
- (2) that the said portion of Fundus Road lends itself to higher and better use than for public road purposes and that it is in the best interest of the general public and the Township of West Orange that any public easements, right and interest in and to same shall be vacated, released and extinguished;

NOW, THEREFORE, BE IT HEREBY ORDERED by the Township Council of the Township of West Orange, County of Essex, and State of New Jersey as follows:

SECTION 1

All public easements, rights and interests to the portion of Fundus Road described hereinbelow, are hereby vacated, released and extinguished except for said easements and rights specifically set forth in the description hereinbelow:

**DESCRIPTION OF A PORTION OF FUNDUS ROAD
TO BE VACATED BY TOWNSHIP OF WEST ORANGE,
COUNTY OF ESSEX, STATE OF NEW JERSEY**

BEGINNING at a point on the present Southerly sideline of Eagle Rock Avenue where the same is intersected by the Easterly line of Fundus Road.

Thence (1) running along the Easterly sideline of Fundus Road South 37 degrees 37 minutes 00 seconds West, 191.87 feet to a point;

Thence (2) crossing Fundus Road North 52 degrees 23 minutes 00 seconds West, 50.00 feet to the Westerly sideline of Fundus Road;

Thence (3) running along the Westerly sideline of Fundus Road North 37 degrees 37 minutes 00 seconds East, 189.15 feet to the aforesaid Southerly sideline, Eagle Rock Avenue;

Thence (4) running along the Southerly sideline of Eagle Rock Avenue, South 56 degrees 13 minutes 00 seconds East, 35.67 feet to an angle in same;

Thence (5) still along same, South 53 degrees 43 minutes 00 seconds West, 14.42 feet to the POINT and PLACE OF BEGINNING

Containing 9,537 square feet

SECTION II

Specifically reserved and excepted from the vacation which is described in Section I above are all rights and privileges now possessed by public utilities, as defined in N.J.S.A. 48:2-13, for existing overhead lines and underground telephone lines and any other utilities that are in, adjacent to, over or under the street, 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 street, or any part thereof.

SECTION III

Specifically reserved and excepted from the vacation which is described in Section I above are sufficient lands and property to allow a fifteen (15) foot wide water line easement in favor of New Jersey-American Water Company, more fully described in Exhibit "A" annexed hereto.

SECTION IV

Specifically reserved and excepted from the vacation described in Section I above is a reservation for a five (5) foot wide pedestrian sidewalk and public access easement more fully described in Exhibit "B" annexed hereto.

SECTION VI

The Township Clerk shall, within sixty (60) days after the effective date of this Ordinance, file a copy of the within Ordinance, certified by her, under the seal of the Township of West Orange, to be a true copy, together with proof of publication, in the Office of the Register of Deeds of the County of Essex, all in accordance with N.J.S.A. 40:67-21.

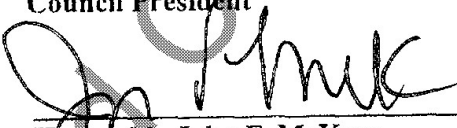
SECTION VII

Any and all Ordinances or parts of Ordinances inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION VII

This Ordinance shall take effect immediately upon adoption and publication in accordance with law.

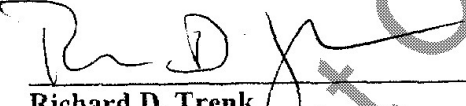

Honorable Renard E. Barnes
Council President


Honorable John F. McKeon
Mayor

Dated: October 21, 2008

Adopted: November 25, 2008

Approved as to form on the basis of the facts provided:


Richard D. Trenk
Township Attorney

F:\WPDOCS\N-Z\WORANGE\ORDINCE\Vacating Fundus Road.doc

I, JoAnn Behar, Deputy Clerk of the Township of West Orange, in the County of Essex, do hereby certify that the foregoing is a true copy an Ordinance adopted by the Township Council at a meeting held on November 25, 2008

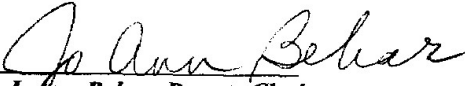

JoAnn Behar, Deputy Clerk

EXHIBIT A

Not Certified Copy



Fells Professional Building
320 Runnymede Road PO Box 86 Essex Fells, N.J. 07021 (973) 226-0141 Fax (973) 226-3061

**DESCRIPTION OF A 15-FOOT WIDE WATER LINE EASEMENT
TO NEW JERSEY AMERICAN WATER COMPANY
FUNDUS ROAD, WEST ORANGE, NEW JERSEY**

BEGINNING at a point in the present Southerly sideline of Eagle Rock Avenue where the same is intersected by the centerline of Fundus Road.

Thence (1) running along the Southerly right of way line of Eagle Rock Avenue, South 56 degrees 13 minutes 00 seconds East, 10.61 feet to an angle point in same;

Thence (2) still along same, South 53 degrees 43 minutes 00 seconds East, 4.42 feet to a point;

Thence (3) running through Fundus Road parallel to the centerline and 15.00 feet measured at right angles easterly therefrom, South 37 degrees 37 minutes 00 seconds West, 191.64 feet to the Southerly terminus of the vacation of Fundus Road;

Thence (4) running along the Southerly terminus of said Fundus Road, North 52 degrees 23 minutes 00 seconds West, 15.00 feet to the centerline thereof;

Thence (5) running along the centerline of Fundus Road, North 37 degrees 37 minutes 00 seconds East, 190.83 feet to the POINT AND PLACE OF BEGINNING

Affidavit of Publication

STATE OF NEW JERSEY
COUNTY OF ESSEX

SS:

Chrisma Leon of the *West Orange Chronicle*, being
duly sworn according to law, states on oath, that a notice of
which the annexed is a true copy, was published in the *West
Orange Chronicle*, a public newspaper published at West
Orange, New Jersey, in its issue of **November 13, 2008**
making **1** insertion in all.

Sworn and subscribed before me this 13th day of

November, 2008.

Notary Public of New Jersey

NANCY J. WORRALL
A NOTARY PUBLIC OF NEW JERSEY
My Commission Expires May 19, 2009

WEST ORANGE

ORDINANCE UNDER CONSIDERATION

PUBLIC NOTICE is hereby given that at a regular meeting of the Township Council of the Township of West Orange, N.J., held on Tuesday evening October 21, 2008 and passed on first reading and ordered advertised according to law, to come up for second and final consideration at the meeting of the Township Council to be held on Tuesday November 25, 2008 Evening at 7:00 o'clock P.M. in the Municipal Building, 66 Main Street, West Orange, N.J., at which time and place a public hearing will be held and an opportunity given to all persons in favor of or opposed to the said ordinance to present their views in connection with the same.

ORDINANCE #2185-08 AN ORDINANCE RELEASING, EXTINGUISHING AND VACATING THE RIGHTS OF THE PUBLIC IN A PORTION OF THE STREET KNOWN AS FUNDUS ROAD, TOWNSHIP OF WEST ORANGE, COUNTY OF ESSEX AND STATE OF NEW JERSEY

An ordinance releasing, extinguishing and vacating a portion of the street known as Fundus Road in conjunction with the proposed development of the property located at 464 Eagle Rock Avenue, West Orange, New Jersey, also known as Block 153.13, Lots 30, 31, 32 & 33 on the Tax Map of the Township of West Orange (the "Property").

WHEREAS, in conjunction with the proposed development of the Property the vacation of Fundus Road will allow for the Property to be increased in size by 190.65' x 25' at the western border as required by the Resolution of the Board of Adjustment of the Township of West Orange adopted on November 29, 2007; and

WHEREAS, it has been determined by the Township Council, after due investigation and consideration as follows:

- (1) that the portion of Fundus Road described hereinbelow is not needed for use for public road purposes; and
- (2) that the said portion of Fundus Road lends itself to higher and better use than for public road purposes and that it is in the best interest of the general public and the Township of West Orange that any public easements, right and interest in and to same shall be vacated, released and extinguished;

NOW, THEREFORE, BE IT HEREBY ORDERED by the Township Council of the Township of West Orange, County of Essex, and State of New Jersey as follows:

SECTION 1

All public easements, rights and interests to the portion of Fundus Road described hereinbelow, are hereby vacated, released and extinguished except for said easements and rights specifically set forth in the description hereinbelow:

DESCRIPTION OF A PORTION OF FUNDUS ROAD TO BE VACATED BY TOWNSHIP OF WEST ORANGE, COUNTY OF ESSEX, STATE OF NEW JERSEY

BEGINNING at a point on the present Southerly sideline of Eagle Rock Avenue where the same is intersected by the Easterly line of Fundus Road.

Thence (1) running along the Easterly sideline of Fundus Road South 37 degrees 37 minutes 00 seconds West, 191.87 feet to a point;

Thence (2) crossing Fundus Road North 52 degrees 23 minutes 00 seconds West, 50.00 feet to the Westerly sideline of Fundus Road;

Thence (3) running along the Westerly sideline of Fundus Road North 37 degrees 37 minutes 00 seconds East, 189.15 feet to the aforesaid Southerly sideline, Eagle Rock Avenue;

Thence (4) running along the Southerly sideline of Eagle Rock Avenue South 56 degrees 13 minutes 00 seconds East, 35.67 feet to an angle in same;

Thence (5) still along same, South 53 degrees 43 minutes 00 seconds West, 14.42 feet to the POINT and PLACE OF BEGINNING

Containing 9,537 square feet

SECTION II

Specifically reserved and excepted from the vacation which is described in Section I above are all rights and privileges now possessed by public utilities, as defined in N.J.S.A. 48-2-13, for existing overhead lines and underground telephone lines and any other utilities that are in, adjacent to, over or under the street, 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 street, or any part thereof.

SECTION III

Specifically reserved and excepted from the vacation which is described in Section I above are sufficient lands and property to allow a fifteen (15) foot wide water line easement in favor of New Jersey-American Water Company, more fully described in Exhibit "A" annexed hereto.

SECTION IV

Specifically reserved and excepted from the vacation described in Section I above is a reservation for a five (5) foot wide pedestrian sidewalk and public access easement more fully described in Exhibit "B" annexed hereto.

SECTION V

The Township Clerk shall, within sixty (60) days after the effective date of this Ordinance, file a copy of the within Ordinance, certified by her, under the seal of the Township of West Orange, to be a true copy, together with proof of publication, in the Office of the Register of Deeds of the County of Essex, all in accordance with N.J.S.A. 40:67-21.

SECTION VI

Any and all Ordinances or parts of Ordinances inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION VII

This Ordinance shall take effect immediately upon adoption and publication in accordance with law.

EXHIBIT A

DESCRIPTION OF A 15 FOOT WIDE WATER LINE EASEMENT TO NEW JERSEY AMERICAN WATER COMPANY, FUNDUS ROAD, WEST ORANGE, NEW JERSEY

BEGINNING at a point in the present Southerly sideline of Eagle Rock Avenue where the same is intersected by the centerline of Fundus Road.

Thence (1) running along the Southerly right of way line of Eagle Rock Avenue, South 56 degrees 13 minutes 00 seconds East, 10.61 feet to an angle point in same.

Thence (2) still along same, South 53 degrees 43 minutes 00 seconds East, 4.42 feet to a point;

Thence (3) running through Fundus Road parallel to the centerline and 15.00 feet measured at right angles easterly therefrom, South 37 degrees 37 minutes 00 seconds West 191.64 feet to the Southerly terminus of the vacation of Fundus Road.

Thence (4) running along the Southerly terminus of said Fundus Road, North 52 degrees 23 minutes 00 seconds West, 15.00 feet to the centerline thereof.

Thence (5) running along the centerline of Fundus Road, North 37 degrees 37 minutes 00 seconds East, 190.83 feet to the POINT AND PLACE OF BEGINNING.

EXHIBIT B

DESCRIPTION OF A 5-FOOT WIDE SIDEWALK EASEMENT THROUGH FUNDUS ROAD, TOWNSHIP OF WEST ORANGE, STATE OF NEW JERSEY

BEGINNING at a point in the present Southerly sideline of Eagle Rock Avenue where the same is intersected by the centerline of Fundus Road.

Thence (1) running along the centerline of Fundus Road, South 37 degrees 37 minutes 00 seconds West, 190.83 feet to the Southerly terminus of the vacated portion of Fundus Road.

Thence (2) running along the Southerly terminus of the vacated portion of Fundus Road, North 52 degrees 23 minutes 00 seconds West, 5.00 to a point.

Thence (3) running through Fundus Road, parallel to the centerline and 5.00 feet Westerly as measured at right angles therefrom North 37 degrees 37 minutes 00 seconds East, 190.50 feet to the aforesaid Southerly sideline of Eagle Rock Avenue.

Thence (4) running along the Southerly sideline of Eagle Rock Avenue, South 56 degrees 13 minutes 00 seconds East, 5.01 feet to the POINT AND PLACE OF BEGINNING.

E225972 WOC Nov. 13, 2008 (\$92.88)