

**AN ORDINANCE TO VACATE, RELEASE AND EXTINGUISH THE PUBLIC RIGHT
TO A PORTION OF ELMWOOD AVENUE IN THE TOWNSHIP OF WEST ORANGE
FROM ROOSEVELT AVENUE TO GARFIELD AVENUE**

BE IT ORDAINED by the Township Council of the Township of West Orange and County of Essex,
State of New Jersey, as follows:

SECTION I: That portion of Elmwood Avenue from Roosevelt Avenue to Garfield Avenue, as hereinafter described, is hereby vacated, and any and all public rights therein are hereby released and extinguished.

Beginning at the intersection of the northerly sideline of Elmwood Avenue and the westerly sideline of Roosevelt Avenue, 50 feet wide, alongside Block 172.10, Lot 2, as shown on the Tax Maps of the Township of West Orange, thence:

1. North 63 degrees 23 minutes 00 seconds West, 280 feet to the easterly sideline of Garfield Avenue, thence
2. South 26 degrees 37 minutes 00 seconds West, 50 feet to the southerly line of Elmwood Avenue, thence
3. South 63 degrees 23 minutes 00 seconds East, 280 feet to the westerly line of Roosevelt Avenue, thence
4. North 26 degrees 37 minutes 00 seconds, 50 feet to the point and place of beginning.
Containing 14,000 square feet.

SECTION II: The vacated portions of Elmwood Avenue shall revert and be annexed to the adjoining parcels as described below.

- A. Beginning at the intersection of the northerly sideline of Elmwood Avenue and the westerly sideline of Roosevelt Avenue, thence:
 1. North 63 degrees 23 minutes 00 seconds West, 140 feet, then
 2. South 26 degrees 37 minutes 00 seconds West, 25 feet, thence
 3. South 63 degrees 23 minutes 00 seconds East, 140 feet, thence
 4. North 26 degrees 37 minutes 00 seconds East, 25 feet to the point and place of beginning.

Containing 3,500 square feet.

To revert and be annexed to Block 172.10, Lot 2 as shown on the Tax Maps of the Township of West Orange and commonly known as 100 Roosevelt Avenue.

B. Beginning at the intersection of the southerly sideline of Elmwood Avenue and the westerly sideline of Roosevelt Avenue, thence:

1. North 63 degrees 23 minutes 0 seconds West, 140 feet, thence
2. North 26 degrees 37 minutes 00 seconds East, 25 feet, thence
3. South 63 degrees 23 minutes 00 seconds East, 140 feet, thence
4. South 26 degrees 37 minutes 00 seconds West, 25 feet to the point and place of beginning.

Containing 3,500 square feet.

To revert and be annexed to Block 172.05, Lot 8 as shown on the Tax Maps of the Township of West Orange and commonly known as 102 Roosevelt Avenue.

SECTION III. A 10 foot wide drainage easement shall be established within the vacated portions of Elmwood Avenue that revert to Block 172.10, Lot 2 and Block 172.05, Lot 8 as follows:

A. Beginning at the intersection of the new dividing line between Lot 2 in Block 172.10 and Lot 8 in Block 172.05 and the westerly sideline of Elmwood Avenue and proceeding:

1. West along the dividing line one hundred and forty (140) feet; thence
2. North on a perpendicular to the dividing line ten (10) feet; thence
3. East and parallel with the dividing line one hundred forty (140) feet to the extended westerly line of Elmwood Avenue; thence
4. South along the westerly line of Elmwood Avenue ten (10) feet to the point and place of beginning.

Being a ten (10) foot drainage and utility easement.

Containing 1,400 square feet within Block 172.10, Lot 2 commonly known as 100 Roosevelt Ave.

B. Beginning at the intersection of the new dividing line between Lot 2 in Block 172.10 and Lot 8 in Block 172.05 and the westerly sideline of Elmwood Avenue and proceeding:

1. West along the dividing line one hundred and forty (140) feet; thence

2. South on a perpendicular to the dividing line ten (10) feet; thence
3. East and parallel with the dividing line one hundred forty (140) feet to the extended westerly line of Elmwood Avenue; thence
4. North along the westerly line of Elmwood Avenue ten (10) feet to the point and place of beginning.

Being a ten (10) foot drainage and utility easement.

Containing 1,400 square feet within Block 172.05, Lot 8 commonly known as 102 Roosevelt Ave.

SECTION IV. It is the purpose of this Ordinance to abandon, release and extinguish the public rights, including any right to build a public roadway, in Elmwood Avenue between Roosevelt Avenue and Garfield Avenue. The northerly half of the vacated right of way alongside Block 172.10, Lot 2 shall revert and be annexed to that lot subject to a 10 foot wide drainage and utility easement along the new southerly line of that lot. The southerly half of the vacated right of way alongside Block 172.05, Lot 8 shall revert and be annexed to that lot subject to a 10 foot wide drainage and utility easement along the new northerly line of that lot.

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 ordinance inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION VII. This ordinance shall take effect upon final passage and after publication in accordance with law.

KAREN J. CARNEVALE, R.M.C.

ROBERT PARISI, MAYOR

Introduced: November 27, 2018

SUSAN McCARTNEY, COUNCIL PRESIDENT

Adopted: December 11, 2018

LEGISLATIVE HISTORY

This Ordinance vacates Elmwood Avenue between Roosevelt Avenue and Garfield Avenue which is a paper street. The vacation of the right of way releases and extinguishes any and all public rights to this portion of Elmwood Avenue including barring the right to build a public road within the vacated right of way. Although this portion of Elmwood Avenue will be vacated, access to property owned by the Township of West Orange that could previously be accessed through Elmwood Avenue may still be accessed through other public rights of way including Garfield Avenue and Mt. Vernon Avenue. The vacated section of the Elmwood Avenue right of way between Roosevelt Avenue and Garfield Avenue will revert to the adjoining property owners which includes the Township of West Orange and the owners of Block 172.10, Lot 2 and Block 172.05, Lot 8 commonly known as 100 Roosevelt Avenue and 102 Roosevelt Avenue respectively. Since a stream currently exists in a portion of vacated Elmwood Avenue a 20 foot wide easement will be created around the centerline of the vacated right of way for drainage and future utility purposes.