

AN ORDINANCE RELEASING, EXTINGUISHING AND VACATING THE RIGHTS OF A 25' WIDE UTILITY EASEMENT LOCATED IN COLONIAL WOODS NORTH MAJOR SUBDIVISION SHOWN ON FILED MAP #4518 FILED IN THE ESSEX COUNTY REGISTERS OFFICE ON JULY 30, 2007 RUNNING ALONG THE REAR OF LOTS 12.23, 12.24, 12.25, 12.26 AND 12.27 IN BLOCK 173, TOWNSHIP OF WEST ORANGE, COUNTY OF ESSEX AND STATE OF NEW JERSEY

An ordinance releasing, extinguishing and vacating the 25-foot-wide-utility easement located along the rear of lots 12.23, 12.24, 12.25, 12.26 and 12.27 in Block 173 on the Tax Map of the Township of West Orange, Essex County, N.J., which became of record as part of the "Colonial Woods North Major Subdivision Plat," dated January 18, 2007 and filed in the Essex County Registers Office on July 30, 2007 as Map 4518 (the "Property").

WHEREAS, RNC Developers, Inc. ("RNC") is the owner of property on the Colonial Woods Drive extension in the Township of West Orange ("Township"); and

WHEREAS, there exists a 25-foot-wide Utility Easement presently encumbering the rear of Lots 12.23, 12.24, 12.25, 12.25 and 12.27 in Block 173 on the Colonial Woods Drive extension ("Easement"); and

WHEREAS, the purpose of the Easement was to contain certain sanitary sewer lines and storm drain lines in that Easement area; and

WHEREAS, the aforementioned utilities have been eliminated with modifications to the utilities within the street right-of-way; and

WHEREAS, the Township's Engineer has determined that the Easement is of no use to the Township; and

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

- (1) that the 25-foot-wide utility easement described hereinbelow is no longer necessary because the utilities were relocated into the street right-of-way; and
- (2) 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 I

All public easements, rights and interests to the 25' wide utility easement running along the rear of lots 12.23, 12.24, 12.25, 12.26 and 12.27 in Block 173 on the Tax Map of the Township of West Orange, Essex County, N.J., which became of record as part of the "Colonial Woods North Major Subdivision Plat," filed in the Essex County Registers Office on July 30, 2007 as Map 4518, described herein and attached hereto as Exhibit A, are hereby vacated, released and extinguished except for said easements and rights specifically set forth in the description hereinbelow:

DESCRIPTION OF 25' WIDE UTILITY EASEMENT RUNNING ALONG THE REAR OF LOTS 12.23, 12.24, 12.25, 12.26 AND 12.27 IN BLOCK 173 TOWNSHIP OF WEST ORANGE ESSEX COUNTY, NEW JERSEY

BEGINNING at a point on the Easterly sideline of Nance Road Extension (50' wide) said point also being on the Northerly line of Public Service Electric and Gas Row (150' wide) said point is located on the Southerly outside tract line of Colonial Woods North Major Subdivision, said Major Subdivision was prepared by GC Stewart Associates Dated January 18, 2007 and filed in the Essex County Registers office on July 30, 2007 as map No. 4518.

Thence (1) running along said Southerly outside tract line of Colonial Woods North Major Subdivision and Northerly sideline of PSE&G ROW and rear lot line of lots 12.23, 12.24, 12.25, 12.26 and 12.27 South 71 degrees 54 minutes 50 seconds East, 495.54 feet to a point on the Westerly end of a 18' wide utility easement partially located on Lot 12.23.

Thence (2) along said Westerly edge of said 18' wide utility easement North 18 degrees 05 minutes 10 seconds East, 25.00 feet to the Northerly side of said 25' wide utility easement.

Thence (3) running along said Northerly line of 25' utility easement and along the rear of lots 12.23, 12.24, 12.25, 12.26 and 12.27 North 71 degrees 54 minutes 50 seconds West, 514.95 feet to the aforesaid Easterly sideline of Nance Road Extension.

Thence (4) running along the Easterly Sideline of Nance Road Extension on a curve curving to the left having a radius of 75' a central angle of 19 degrees 33 minutes 25 seconds a length of 25.60 a chord bearing of South 17 degrees 48 minutes 59 seconds East 25.48' to a point;

Thence (5) still along same, South 27 degrees 35 minutes 42 seconds East 6.25 feet to the POINT AND PLACE OF BEGINNING.

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

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 IV

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 V

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

Karen J. Carnevale, R.M.C.

Mayor Robert D. Parisi

Michelle Casalino, Council President

Introduced : June 9, 2020

Adopted : June 23, 2020

Legislative History

This Ordinance vacates the utility easement depicted on the Map annexed hereto as Exhibit “A”. The purpose of the Easement was to contain certain sanitary sewer lines and storm drain lines in that Easement area. The Easement is no longer necessary because the utilities have been eliminated with modifications to the utilities within the street right-of-way.