

ORDINANCE #1441

ORDINANCE OF THE TOWNSHIP OF HADDON, COUNTY OF CAMDEN, AND STATE OF NEW JERSEY VACATING, RELEASING AND EXTINGUISHING PUBLIC RIGHTS OF A FIVE (5) FOOT WIDE PORTION TO THE SOUTHERLY SIDE OF THE PAPER STREET KNOWN AS NORTH BOUNDARY LANE, CONSISTING OF AN AREA OF 718 SQUARE FEET, WITHIN THE TOWNSHIP OF HADDON, SUBJECT TO CERTAIN TERMS AND CONDITIONS

WHEREAS, there exists in the Township of Haddon (“Township”), County of Camden, State of New Jersey a paper street known as North Boundary Lane having width of twenty-five (25) feet and which was created for purposes of maintaining, repairing and/or replacing an existing municipal water main; and

WHEREAS, the owner of the adjacent residential property at Block 20.13, Lot 14 (“Requestor”), as same is shown on the Tax Map of the Township of Haddon, and more particularly described as 301 West Park Boulevard, has requested the Township to vacate a five (5) foot-wide portion of the North Boundary Lane paper street on the southerly side, which area consists of 718 square feet, in order to eliminate minor encroachments from the Requestor’s residential property on the aforementioned paper street, including portions of the dwelling and an accessory deck; and

WHEREAS, the matter has been referred to the Governing Body and its appropriate professionals, who have recommended that the Township proceed with the requested partial vacation because the aforementioned encroachments have existed for many years and constitute a cloud on title on the Requestor’s property and the municipal water main can still be maintained, repaired or replaced by the Township of Haddon, subject to the conditions set forth hereinafter; and

WHEREAS, the proposed area of partial vacation is shown on the attached survey and is more particularly described on the attached metes and bounds description (attached hereto as Exhibit “A”); and

WHEREAS, N.J.S.A. 40:67-19 authorizes a municipality by ordinance to release and extinguish any portion of the public’s rights arising from a dedication of a roadway; and

WHEREAS, ownership of the five (5) foot wide portion of the North Boundary Lane paper street on the southerly side shall be transferred through this vacation to the owner of Block 20.13, Lot 14, as aforementioned, for nominal consideration, subject to the conditions hereinafter; and

WHEREAS, Requestor has agreed to eliminate encroachments from other residential accessory structures sited off their real property, including elimination of an existing fence on North Boundary Lane and relocation of an existing shed that encroaches on Block 20.13, Lot 15;

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Board of Commissioners of the Township of Haddon, County of Camden, State of New Jersey, as follows:

SECTION 1:

A. The rights of the public and the Township of Haddon in and to that portion of North Boundary Lane located directly adjacent to real properties at Block 20.13, Lot 14, as same is more particularly described in the metes and bounds description and survey, prepared by Ewing Associates, dated 9/27/22, attached hereto as Exhibit “A”, is hereby extinguished and vacated.

B. All rights and privileges now possessed by the Township of Haddon to maintain, repair and/or replace the existing water main in, adjacent, over or under the vacated portion of North Boundary Lane as described in Exhibit “A” hereto are hereby expressly reserved and excepted from this vacation.

C. The owner(s) of Block 20.13, Lot 14 shall, within 30 days of the adoption of this Ordinance, eliminate encroachments from other residential accessory structures sited off their real property, including elimination of an existing fence on North Boundary Lane and relocation of an existing shed that encroaches on Block 20.13, Lot 15 as shown on Exhibit “B” attached hereto;

D. At least one week prior to the time fixed for the consideration of this Ordinance for final passage, a copy thereof, together with notice of the introduction thereof and the time and place when and where the Ordinance will be further considered for final passage, shall be mailed to every person whose land may be affected by this Ordinance so far as may be ascertained. Said notices shall be mailed by the Township Clerk in accordance with the provisions of N.J.S.A. 40:49-6.

E. Once the portion of the unimproved paper street known as North Boundary Lane as described in Exhibit “A” hereto has been vacated, then the Township’s interests in and to the said portion of the unimproved paper street shall be released, except as set forth in Section 1B above. To the extent that any portion(s) of the underlying vacated area does not transfer automatically to the owner of Block 20.13, Lot 14, the Township hereby authorizes the conveyance of said underlying area(s) for nominal consideration, pursuant to N.J.S.A. 40:67-19, *et seq.*,

N.J.S.A. 40:60-28 and N.J.S.A. 40A:12-13(b)(5), so that the portion may be combined with and become part of the said Block 20.13, Lot 14, as more fully set forth herein.

F. The Township Clerk shall, within sixty (60) days of the effective date of this Ordinance, file a copy hereof, certified by the Clerk, under seal of the Township, to be a true and exact copy of the Ordinance, together with a copy of the proof of publication thereof, in the Office of the Camden County Clerk for recordation in the County's Book of "Vacations," pursuant to N.J.S.A. 40:67-21.

G. The owner(s) of Block 20.13, Lot 14 shall have prepared and submit to the Township Attorney of Haddon Township, Stuart Platt, Esq., of the The Platt Law Group, P.C., a Deed of Consolidation for review and approval and then recordation with the Camden County Clerk.

SECTION 2:

All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistencies.

SECTION 3:

If any article, section, subsection, paragraph, phrase or sentence is, for any reason, held to be unconstitutional or invalid, said article, section, subsection, paragraph, phrase or sentence shall be deemed severable.

SECTION 4:

This Ordinance shall take effect immediately upon final publication as provided by law.

THE TOWNSHIP OF HADDON

BY: _____
RANDALL W. TEAGUE, MAYOR

BY: _____
JAMES MULROY, COMMISSIONER

BY: _____
RYAN LINHART, COMMISSIONER

Introduced: 5/23/2023
Adopted: 6/27/2023

ATTEST:

DAWN PENNOCK, RMC - TOWNSHIP CLERK

The foregoing Ordinance was adopted by the Mayor and Commissioners after the second reading and public hearing, at the regular meeting held on June 27, 2023.

DAWN M. PENNOCK, TOWNSHIP CLERK

EXHIBIT "A"

EXHIBIT “B”