

AN ORDINANCE OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF MOUNT ARLINGTON, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, VACATING THE PAPER STREET LOCATED ON THE PROPERTY KNOWN AS LAUREL PATH LOCATED IN LAKE ROGERENE BETWEEN ORBEN DRIVE AND ROGERENE WAY CAUSING SAME TO BE ANNEXED TO FOUR (4) ADJACENT PROPERTY OWNERS PROPERTY

WHEREAS, the Mayor and Council for the Borough of Mount Arlington reviewed the Survey of Property, prepared by Caffrey and Associates, Inc., dated October 23, 2012, which is incorporated herein as if set forth at length; and the request of Bernd E. Hefe, Esq., attorney for the adjacent property owners, that the Borough vacate the paper street located on the property known as Laurel Path located in Lake Rogerene between Orben Drive and Rogerene Way, and convey same to the four (4) adjacent property owners more specifically set forth below; and

WHEREAS, Parcel 1, the legal description prepared by Bernard M. Caffrey, Jr., dated October 23, 2012, is incorporated herein as if set forth at length, represents the part of Laurel Path to be vacated by the Borough of Mount Arlington and be annexed to and become part of Block 91, Lot 33; and

WHEREAS, Parcel 2, the legal description prepared by Bernard M. Caffrey, Jr., dated October 23, 2012, is incorporated herein as if set forth at length, represents the part of Laurel Path to be vacated by the Borough of Mount Arlington and be annexed to and become part of Block 90, Lot 1; and

WHEREAS, Parcel 3, the legal description prepared by Bernard M. Caffrey, Jr., dated October 23, 2012, is incorporated herein as if set forth at length, represents the part of Laurel Path to be vacated by the Borough of Mount Arlington and be annexed to and become part of Block 90, Lot 25; and

WHEREAS, Parcel 4, the legal description prepared by Bernard M. Caffrey, Jr., dated October 23, 2012, is incorporated herein as if set forth at length, represents the part of Laurel Path to be vacated by the Borough of Mount Arlington and be annexed to and become part of Block 91, Lot 1; and

WHEREAS, the purpose and intent of this Ordinance is to finalize the effectuation of this conveyance, which upon review of the correspondence and Council Minutes provided by Bernd E. Hefe, Esq., attorney for the adjacent property owners, it appears was previously contemplated by the governing body. The minutes show that the Council discussed this matter in 2003 and correspondence between the property owners and Borough regarding same was

exchanged in 2005. The Council had determined that the municipality could not utilize the paper street based upon the existence of a large boulder/rock ledge located on the path of land and that no fire trucks or municipal vehicles could utilize the path. Subsequently, the municipality sent out correspondence to the adjacent property owners and sought and obtained approval from the property owners to proceed with the vacation. After the correspondence was exchanged in 2005, the property owners were instructed to obtain a survey of the Laurel Path paper street. This was completed on October 23, 2012. The survey adequately and accurately describes the four (4) parcels above; and

WHEREAS, the Mayor and Council for the Borough of Mount Arlington, based upon the totality of the circumstances, determines that the Borough has no interest or reason to maintain the path and it is recommended that the paper street be vacated pursuant to N.J.S.A.40:67-19 and N.J.S.A. 40:67-1(b), which provides a municipality with the ability to enact an Ordinance to vacate its interest in a “paper street” by the adoption of an Ordinance; and

WHEREAS, pursuant to N.J.S.A. 40:67-1(b), it is expressly reserved and excepted from vacation all rights and privileges then possessed by public utilities, as defined in R.S. 48:2-13 and by any cable television company, as defined in the “Cable Television Act,” N.J.A.C. 48:5A-1 et seq., to maintain, repair, and replace their existing facilities in, adjacent to, over or under the street, highway, lane, alley, square, place or park, or any part thereof to be vacated; and

WHEREAS, a certified copy of the Ordinance vacating the street must be filed in the office of the Morris County Clerk in a special book set aside for dedications and vacations; and

WHEREAS, this Ordinance shall be liberally construed and applied to promote its purposes and policies.

BE IT ORDAINED, by the Mayor and Borough Council of the Borough of Mount Arlington, County of Morris, and the State of New Jersey, that the Borough vacate the paper street located on the property known as Laurel Path located in Lake Rogerene between Orben Drive and Rogerene Way and convey same to the four (4) adjacent property owners more specifically set forth above.


SECTION 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed as to 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 separable.

SECTION 4. This Ordinance shall take effect upon final publication as provided by law.

I HEREBY CERTIFY this to be a true and correct Ordinance of the Mayor and Borough Council of the Borough of Mount Arlington, introduced on February 5, 2013 and will be further considered after a Public Hearing held on March 5, 2013 at the Municipal Building at 7:00 P.M.

INTRODUCED: 02/05/13
PUBLISHED:
ATTEST:



Linda DeSantis, RMC, Borough Clerk

BOROUGH OF MOUNT ALRINGTON
COUNTY OF MORRIS
STATE OF NEW JERSEY



Arthur Ondish, Mayor