

**MOORESTOWN TOWNSHIP**

**ORDINANCE NO. 10-2010**

**VACATING PORTION OF ASHLEY COURT  
AND ACCEPTING DEDICATION**

**WHEREAS**, the Moorestown Township Planning Board (“Planning Board”) previously adopted Resolution No. PB-2009-08 approving a Preliminary and Final Major Subdivision involving Block 5800, Lot 24 (also referred to as 104 Ashley Court), owned by the applicants, Beverly and Thomas Tranovich; and

**WHEREAS**, said Resolution required compliance with a number of conditions, including the Planning Board Engineer’s review letter of November 24, 2009; and

**WHEREAS**, said review letter required the vacation of a portion of Ashley Court in accord with the approved subdivision plans and dedication of land from the Tranovichs to the Township for the reconfiguration of Ashley Court; and

**WHEREAS**, the Tranovich’s surveyor, Stantec Consulting Services, Inc., prepared legal descriptions, dated May 7, 2010, attached hereto and incorporated herein by reference, to: (1) vacate a portion of Ashley Court to Block 5800, Lot 24.01, (2) vacate a portion of Ashley Court to Block 5800, Lot 23, and (3) dedicate a portion of Block 5800, Lot 24 to the Township for the reconfiguration of Ashley Court; and

**WHEREAS**, the legal descriptions have been reviewed and approved by Nancy Jamanow, P.E., Planning Board Engineer; and

**WHEREAS**, the Township Council of the Township of Moorestown (“Township”) desires to vacate a portion of Ashley Court and accept dedicated land in return for reconfiguration of Ashley Court in accord with the conditions of the Planning Board approval and the legal descriptions attached hereto.

**NOW, THEREFORE, BE IT HEREBY ORDAINED** by the Township Council of the Township of Moorestown as follows:

Section 1. The Township of Moorestown hereby vacates a portion of Ashley Court to neighboring Block 5800, Lots 23 and 24.01 respectively, and accepts a portion of Block 5800, Lot 24 for the reconfiguration of Ashley Court, as further explained above and more specifically set forth on the attached legal descriptions attached hereto.

Section 2. This Ordinance is contingent upon the perfection of the other conditions of approval associated with the above-referenced approval, and in the event the Preliminary and Final Major Subdivisions is not perfected within the timeline provided under the Municipal Land Use Law or such extensions granted thereto, this Ordinance shall be void and of no force and effect. Further, any public improvements such as sewer or water lines underlying the street or right of way area being vacated by this Ordinance, if any, are reserved out and subject to an easement for continued right of access for maintenance, improvement and/or repair.

Section 3. Repealer. Any Ordinances inconsistent with this ordinance are hereby repealed to the extent of its inconsistency.

Section 4. Severability. If any provision of this Ordinance is deemed unlawful by a Court is found to be contrary to law by a court of competent jurisdiction, such provision shall be of no force or effect; but the remainder of this Agreement shall continue in full force and effect.

Section 5. Effective date. This Ordinance shall take effect upon proper passage in accordance with the law.

Section 6. Filing. This Ordinance shall be filed with the County Clerk within 60 days of passage in accord with the law.

Section 7. Short Title. This Ordinance shall be known as Ordinance 10-2010.

#### NOTICE

The ordinance published herewith was introduced and passed upon first reading at a meeting of the Township Council of the Township of Moorestown, County of Burlington, State of New Jersey, held on June 14, 2010. This ordinance will be further considered for final passage by the Township Council at a meeting to be held in the Media Center of the William Allen Middle School, 801 North Stanwick Road, Moorestown, NJ on June 28, 2010 at 7:30pm or at any time and place to which such meeting may be adjourned. All persons interested will be given the opportunity to be heard concerning such ordinance. During the week prior to and including the date of such further consideration, copies will be made available at the Municipal Clerk's Office to any member of the general public who shall request such copies.

Patricia L. Hunt, RMC  
Township Clerk