

**TOWNSHIP OF MOORESTOWN**

**ORDINANCE NO. 20-2016**

**AUTHORIZING VACATION OF A PORTION OF TIVER AVENUE**

**BE IT HEREBY ORDAINED** by the Township Council of the Township of Moorestown, in the County of Burlington, State of New Jersey, as follows:

Section 1. The Township Council hereby makes the following declarations:

(a) N.J.S.A. 40:67-1.b states that a municipal Governing Body may vacate any public street, highway, lane or alley or any part thereof.

(b) It is hereby determined, declared and recited that Tiver Avenue, specifically that section of Tiver Avenue that is located between Main Street and East Prospect (or what is now known as Upper Oldershaw Avenue), and more particularly described in a certain legal description attached hereto as Schedule "A," is no longer needed for the purpose of public streets, highways or alleys, and that the best interest of the public will be served by vacating and releasing the public rights therein arising from the dedication or acceptance thereof or public use thereof.

(c) The Township Council desires to vacate a portion of Tiver Avenue as hereinafter described in attached Schedule "A."

(d) The Township Council hereby declares that no properties shall be landlocked.

Section 2. A portion of Tiver Avenue, that is located between Main Street and East Prospect (or what is now known as Upper Oldershaw Avenue), as more particularly described above and in the aforesaid legal description, is hereby vacated and abandoned as a public street, highway or alley of the Township of Moorestown and the public rights arising from the dedication or acceptance of public rights and use of the land included within the area described are hereby released, vacated and extinguished.

The ownership for the vacated right-of-way shall vest in the owners of:

Block 6400, Lot 23

Block 6506, Lot 1

Block 6400, Lot 24

Block 6506, Lot 11

Section 3. In accordance with N.J.S.A. 40:67-1.b., there is hereby reserved from said vacation the rights of any public utility company, cable television company or fiber optic and/or other communication provider which the Township may authorize to maintain, repair and replace any existing facilities located within the entire right-of-way of said road, together with the right of ingress and egress over and upon the same in order to carry out such purposes. In addition, there is hereby reserved from said vacation the continuation of existing municipal easement rights for the placement of underground water and sewer utilities.

Section 4. The Township Council hereby directs the Township Clerk to file a copy of this Ordinance pursuant to the provisions of N.J.S.A. 40:67-21.

Section 5. All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

Section 6. This Ordinance shall take effect upon final passage and publication according to law.

**NOTICE AND CERTIFICATION**

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 November 28, 2016. This ordinance will be further considered for final passage by the Township Council at a meeting to be held at the Town Hall, Council Chamber, 111 West Second Street, Moorestown, New Jersey on December 12, 2016 at 7:30 pm 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 in said Municipal Building to any member of the general public who shall request such copies.

Patricia L. Hunt, RMC  
Township Clerk