

MOORESTOWNTOWNSHIP

ORDINANCE NO. 37-2011

AUTHORIZING VACATION OF A PORTION OF SPRUCE AVENUE

WHEREAS, the Township Council of the Township of Moorestown ("Township") desires to vacate all public right and interest of a portion of Spruce Avenue in accord with the legal descriptions attached hereto, prepared by James R. Datz, Professional Land Surveyor, dated March 10, 2010, which vacates a portion of Spruce Avenue to the property of Martin J. and Rachel M. Lawler at Block 4104, Lot 18, a portion of Spruce Avenue to the property of Barbara Payn at Block 4104, Lot 19, a portion of Spruce Avenue to the property of Eric P. and Jessica Johnson at Block 4106, Lot 1 and a portion of Spruce Avenue to the property of Michael Rubcich and Ana M. Cafengiu at Block 4106, Lot 11.

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, abandons and releases a portion of Spruce Avenue to neighboring Block 4104, Lots 18 and 19 and neighboring Block 4106, Lots 1 and 11, as further explained above and more specifically set forth on the attached legal descriptions prepared by James R. Datz, P.L.S. and attached hereto, and subject to a four (4) foot wide pedestrian access easement over, under and across each of said Lots.

Section 2. 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. All rights and privileges now possessed by any public utility or cable television company, to maintain, repair and/or replace their existing facilities in, adjacent, over or under said portion of Spruce Avenue are hereby expressly reserved and excepted from this vacation.

Section 4. Repealer. Any Ordinances inconsistent with this ordinance are hereby repealed to the extent of its inconsistency.

Section 5. 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 6. Effective date. This Ordinance shall take effect upon proper passage in accordance with the law.

Section 7. Filing. This Ordinance shall be filed with the County Clerk within 60 days of passage in accord with the law.

Section 8. This Ordinance shall be known as Ordinance 37-2011.

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 April 26, 2010. This ordinance will be further considered for final passage by the Township Council at a meeting to be held in the Auditorium of the William Allen Middle School, 801 North Stanwick Road, Moorestown, NJ on May 10, 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

March 10, 2010
Revised April 23, 2010
File No. A-730-007-004

Alaimo Group
200 High Street
Mount Holly, New Jersey 08060

Proposed Legal Description
Vacation of Northerly Half of Spruce Avenue
to Block 4104, Lot 18
Moorestown Township
to
Martin J. & Rachel M. Lawler

ALL THAT CERTAIN tract or parcel of land as shown on a plan prepared by Alaimo Group Consulting Engineers entitled "Vacation of Spruce Avenue Plan of Survey, Block 4104, Lot 18" dated February 23, 2010 last revised April 23, 2010 situate in the Township of Moorestown, County of Burlington and State of New Jersey, and is more particularly described as follows:

BEGINNING at a point and corner to Lot 18 and 19, Block 4104 lying on the northerly right-of-way line of Spruce Avenue (50' wide) as shown on the Moorestown Tax Assessment Map, thence extending from said beginning point

- 1) North 72 degrees 37 minutes 45 seconds East, 135.00 feet along said right-of-way line to a point on the westerly right-of-way line of North Washington Avenue (50' wide), thence along the same
- 2) South 17 degrees 22 minutes 15 seconds East, 25.00 feet to a point on the centerline of Spruce Avenue, thence along said centerline
- 3) South 72 degrees 37 minutes 45 seconds West, 135.00 feet to a point, thence
- 4) North 17 degrees 22 minutes 15 seconds West, 25.00 feet to the point and place of beginning.

CONTAINING within said bounds 3,375.00 square feet or 0.077 acres be the same more or less.

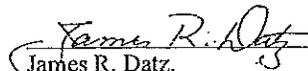
Subject to a 2 foot pedestrian access easement more particularly described as follows:

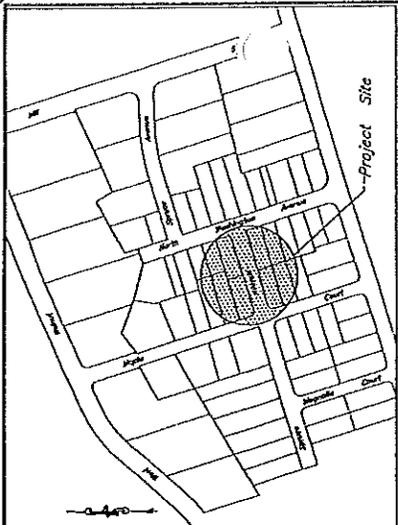
- A) Beginning at a point at the end of Course No. 2 of the above description South 72 degrees 37 minutes 45 seconds West, 135.00 feet to a point, thence
- B) North 17 degrees 22 minutes 15 seconds West, 2.00 feet to a point, thence

- C) North 72 degrees 37 minutes 45 seconds East, 135.00 feet to a point, thence
- D) South 17 degrees 22 minutes 15 seconds East, 2.00 feet to the point and place of beginning.

CONTAINING within said easement area 270 square feet, be the same more or less.

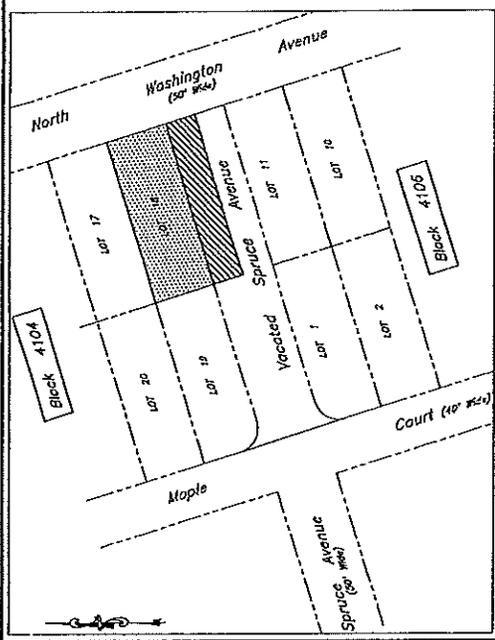
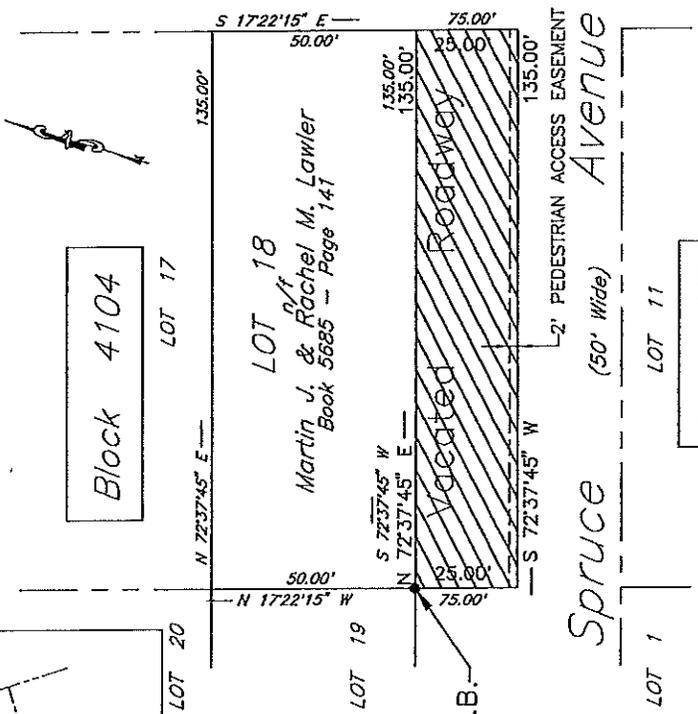
The above described parcels are subject to certain easements and their respective utility companies for the repair, replacement, and maintenance of any existing overhead and underground utilities.


James R. Datz,
Professional Land Surveyor
N.J. License No. 24GS03671900



SITE PLAN
SCALE: 1" = 400'

N. Washington Avenue
(50' Wide)



LOCATION MAP
SCALE: 1" = 100'

Lot 18 Tabulation

| | |
|-----------------------------|----------------------------------|
| Lot 18 Acreage | 0.155 Ac./2750.00 Sq. Ft. |
| + Spruce Avenue Vacatlon | 0.077 Ac./1375.00 Sq. Ft. |
| Total Lot 18 Acreage | 0.232 Ac./4125.00 Sq. Ft. |

2' WIDE PEDESTRIAN ACCESS EASEMENT | 270.00 Sq. Ft.

| | | | | | |
|--|---|--|--|--|--|
| ALAIMO GROUP Consulting Engineers NJDCA 246A27886400 200 HIGH STREET 2 MARKET STREET MOUNT HOLLY, N.J. PATERSON, N.J. | PLAN SCALE: 1" = 30' | VACATION OF SPRUCE AVENUE PLAN of SURVEY BLOCK 4104 - LOT 18 | CLIENT: MOORESTOWN TOWNSHIP PROJECT LOCATION: MOORESTOWN TOWNSHIP BURLINGTON COUNTY NEW JERSEY | DATE: 2/23/2010 DESIGNED BY: - DRAWN BY: WJFL CHECKED BY: WJFL CONTRACT NO.: - CONT. NO.: TDC | SHEET 1 FILE NO.: - |
| | REVISIONS PEDESTRIAN ACCESS EASEMENT DATE BY 4-23-10 WJ | APPROVED: James R. Datz LAND SURVEYOR NEW JERSEY LICENSE NO. 2460087180 | SCALE: AS NOTED | PROJECT NO.: A-0750-007-004 CONTRACT NO.: - | FILE NO.: - |

March 10, 2010
Revised April 23, 2010
File No. A-730-007-004

Alaimo Group
200 High Street
Mount Holly, New Jersey 08060

Proposed Legal Description
Vacation of Southerly Half of Spruce Avenue
to Block 4106, Lot 1
to
Eric P. and Jessica Johnson

ALL THAT CERTAIN tract or parcel of land as shown on a plan prepared by Alaimo Group Consulting Engineers entitled "Vacation of Spruce Avenue Plan of Survey, Block 4106, Lot 1" dated February 23, 2010 last revised April 23, 2010 situate in the Township of Moorestown, County of Burlington and State of New Jersey, and is more particularly described as follows:

BEGINNING at a point and corner to Lots 1 and 11, Block 4106, lying on the southerly right-of-way line of Spruce Avenue (50' wide) as shown on the Moorestown Township Tax Assessment Map, thence extending from said beginning point along said right-of-way line of Spruce Avenue

- 1) South 72 degrees 37 minutes 45 seconds West, 115.00 feet to a point of curvature of a 20 foot radius connecting the southerly right-of-way line of Spruce Avenue and the easterly right-of-way line of Maple Court (40' wide), thence
- 2) On a curve curving to the left having a radius of 20.00 feet, an arc length of 31.42 feet, a delta angle of 90 degrees 00 minutes 00 seconds, a chord bearing and distance of South 27 degrees 37 minutes 45 seconds West, 28.28 feet to a point of tangency, thence
- 3) North 17 degrees 22 minutes 15 seconds West, 45.00 feet to a point on the centerline of Spruce Avenue, thence along said centerline
- 4) North 72 degrees 37 minutes 45 seconds East, 135.00 feet to a point in the same, thence
- 5) South 17 degrees 22 minutes 15 seconds East, 25.00 feet to the point and place of beginning.

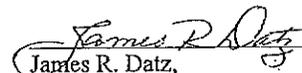
CONTAINING within said bounds 3,460.84 square feet of land or 0.079 acres be the same more or less.

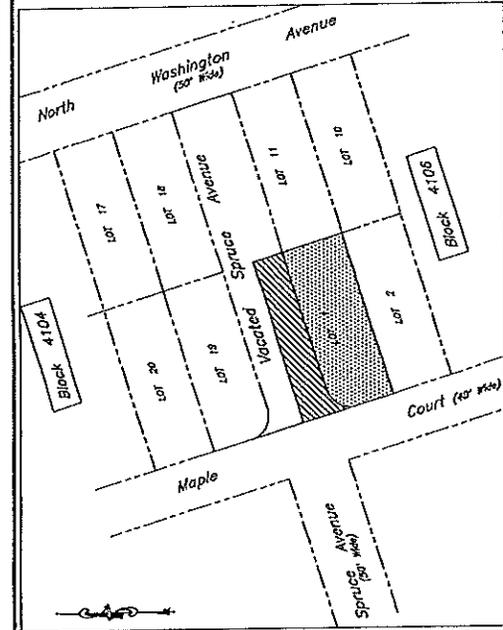
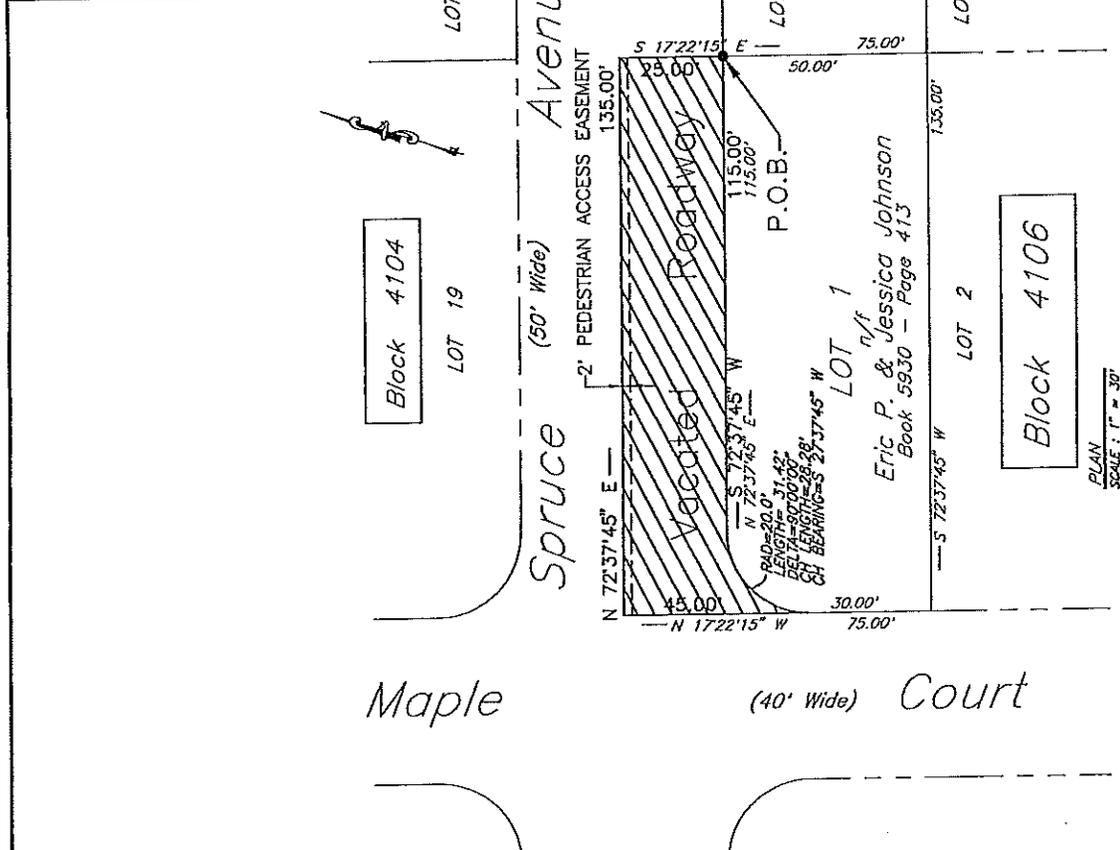
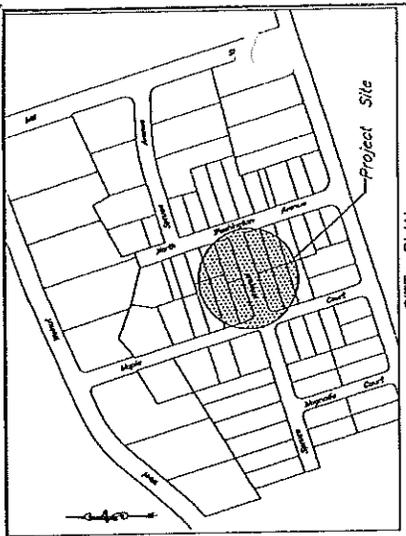
Subject to a 2 foot wide pedestrian access easement more particularly described as follows:

- A) Beginning at a point at the end of the third course of the above description North 72 degrees 37 minutes 45 seconds East, 135.00 feet to a point, thence
- B) South 17 degrees 22 minutes 15 seconds East, 2.00 feet to a point, thence
- C) South 72 degrees 37 minutes 45 seconds West, 135.00 feet to a point, thence
- D) North 17 degrees 22 minutes 15 seconds West, 2.00 feet to the point and place of beginning.

CONTAINING within said easement area 270 square feet of land be the same more or less.

The above described parcels are subject to certain easements and their respective utility companies for the repair, replacement, and maintenance of any existing overhead and underground utilities.


James R. Datz,
Professional Land Surveyor
N.J. License No. 24GS03671900



Lot 1 Tabulation

| | |
|-------------------------|------------------------------------|
| Lot 1 Area | 0.153 Ac / 6664.16 Sq. Ft. |
| Spruce Avenue Vacated | 0.079 Ac / 3460.84 Sq. Ft. |
| Total Lot 1 Area | 0.232 Ac / 10125.00 Sq. Ft. |

2' WIDE PEDESTRIAN ACCESS EASEMENT 270.00 Sq. Ft.

| | | | | | | | |
|---|--|---|--|---|--|---|--|
| ALAIMO GROUP Consulting Engineers NJDCA 24GA2798400 200 HIGH STREET 2 MARKET STREET MOUNT HOLLY, N.J. PATRICKSON, N.J. | | VACATION OF SPRUCE AVENUE PLAN of SURVEY BLOCK 4106 - LOT 1 SCALE: AS NOTED | | MOORESTOWN TOWNSHIP PROJECT LOCATION: MOORESTOWN TOWNSHIP BURLINGTON COUNTY NEW JERSEY | | SHEET 1 FILE NO.: | |
| DATE: 2/23/2010 DESIGNED BY: | | CLIENT: | | DRAWN BY: WFL CHECKED BY: TDC | | CONTRACT NO.: CONT. NO. | |
| REVISIONS PEDESTRIAN ACCESS EASEMENT | | DATE 4-23-10 | | BY | | APPROVED: <i>James R. Datz</i> James R. Datz LAND SURVEYOR NEW JERSEY LICENSE NO. 24C050571600 | |

March 10, 2010
Revised April 23, 2010
File No. A-730-007-004

Alaimo Group
200 High Street
Mount Holly, New Jersey 08060

Proposed Legal Description
Vacation of Northerly Half of Spruce Avenue
to Block 4104, Lot 19
to
Barbara H. Payn

ALL THAT CERTAIN tract or parcel of land as shown on a plan prepared by Alaimo Group Consulting Engineers entitled "Vacation of Spruce Avenue Plan of Survey, Block 4104, Lot 19" dated February 23, 2010 last revised April 23, 2010 situate in the Township of Moorestown, County of Burlington and State of New Jersey, and is more particularly described as follows:

BEGINNING at a point and corner to Lots 18 and 19, Block 4104 lying on the northerly right-of-way line of Spruce Avenue (50' wide) as shown on the Moorestown Township Tax Assessment Map, thence extending from said beginning point.

- 1) South 17 degrees 22 minutes 15 seconds East, 25.00 feet to a point on the centerline of Spruce Avenue, thence along said centerline
- 2) South 72 degrees 37 minutes 45 seconds West, 135.00 feet to a point, thence
- 3) North 17 degrees 22 minutes 15 seconds West, 45.00 feet to a point of curvature of a 20 foot radius connecting the easterly right-of-way line of Maple Court (40' wide) with the northerly right-of-way line of Spruce Avenue (50' wide), thence
- 4) On a curve curving to the left, a radius of 20.00 feet, arc length of 31.42 feet, delta angle of 90 degrees 00 minutes 00 seconds, chord bearing and distance of South 62 degrees 22 minutes 15 seconds East, 28.28 feet to a point of tangency, thence along said right-of-way line of Spruce Avenue
- 5) North 72 degrees 37 minutes 45 seconds East, 115.00 feet to the point and place of beginning

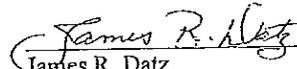
CONTAINING within said bounds 3,460.84 square feet or 0.079 acres, be the same more or less.

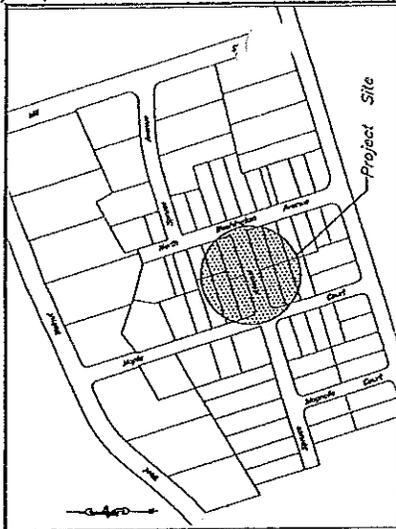
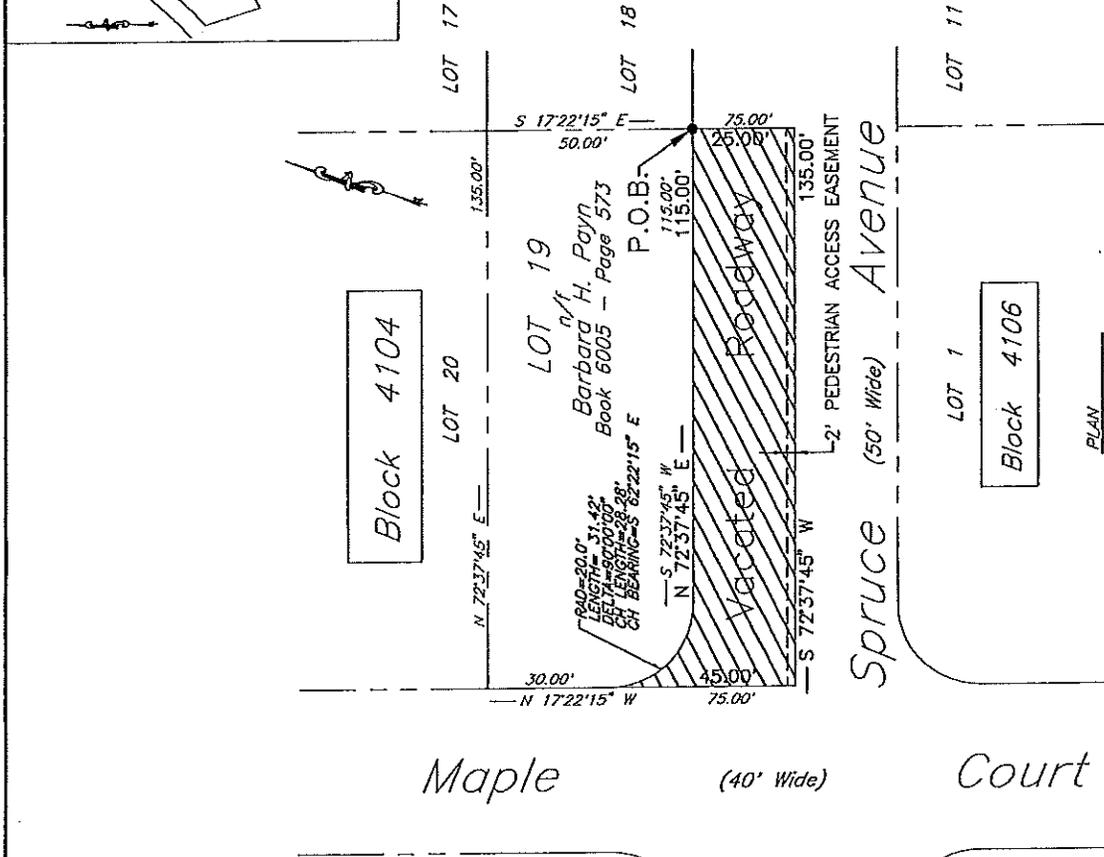
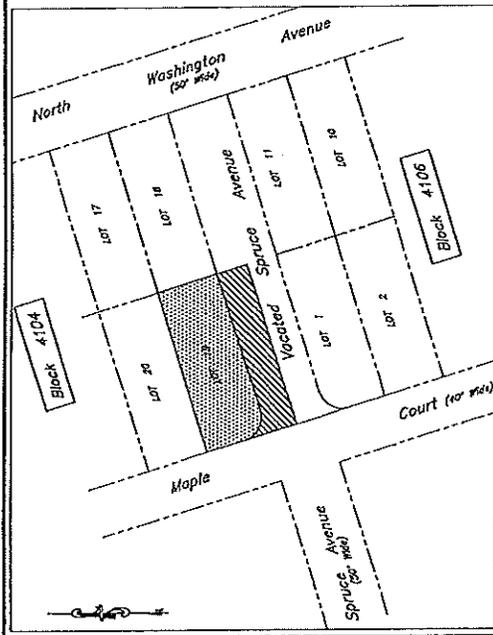
Subject to a 2 foot wide pedestrian access easement more particularly described as follows:

- A) Beginning at a point at the end of the first course of the above description South 72 degrees 37 minutes 45 seconds West, 135.00 feet to a point, thence
- B) North 17 degrees 22 minutes 15 seconds West, 2.00 feet to a point, thence
- C) North 72 degrees 37 minutes 45 seconds East, 135.00 feet to a point, thence
- D) South 17 degrees 22 minutes 15 seconds East, 2.00 feet to the point and place of beginning.

CONTAINING within said easement area 270 square feet of land be the same more or less.

The above described parcels are subject to certain easements and their respective utility companies for the repair, replacement, and maintenance of any existing overhead and underground utilities.


James R. Datz,
Professional Land Surveyor
N.J. License No. 24GS03671900



Lot 19 Tabulation

| | |
|------------------------|------------------------------|
| Lot 19 Area | 0.153 Ac./2664.16 Sq. Ft. |
| Spruce Avenue Location | 0.079 Ac./1460.64 Sq. Ft. |
| Total Lot 19 Area | 10.239 Ac./210125.00 Sq. Ft. |

2' WIDE PEDESTRIAN ACCESS EASEMENT 1,270.00 Sq. Ft.

| | | | | |
|--|--|--|---|-------------------------|
| ALAIMO GROUP Consulting Engineers NJDCA 24GA27988400 250 HIGH STREET MOUNT HOLLY, N.J. PATTERSON, N.J. | VACATION OF SPRUCE AVENUE PLAN OF SURVEY BLOCK 4104 - LOT 19 | CLIENT: MOORESTOWN TOWNSHIP MOORESTOWN TOWNSHIP BURLINGTON COUNTY NEW JERSEY | DATE: 2/23/2010 PREPARED BY: DRAWN BY: CHECKED BY: TDC | SHEET 1 FILE NO.: |
| | SCALE: AS NOTED | PROJECT NO.: A-0730-0017-004 CONTRACT NO.: CONT. NO. | PROJECT LOCATION: MOORESTOWN TOWNSHIP BURLINGTON COUNTY NEW JERSEY | CHECKED BY: TDC |

APPROVED: *James R. Datz*
James R. Datz
 LAND SURVEYOR
 NEW JERSEY LICENSE NO. 24G50087-900

DATE: *4/16/10*



| REVISIONS | DATE | BY |
|----------------------------|---------|----|
| PEDESTRIAN ACCESS EASEMENT | 4-23-10 | WR |

March 10, 2010
Revised April 23, 2010
File No. A-730-007-004

Alaimo Group
200 High Street
Mount Holly, New Jersey 08060

Proposed Legal Description
Vacation of the Southerly Half of Spruce Avenue
Block 4106, Lot 11
Moorestown Township
to
Michael Rubcich and Ana M. Cafengiu

ALL THAT CERTAIN tract or parcel of land as shown on a plan prepared by Alaimo Group Consulting Engineers entitled "Vacation of Spruce Avenue, Plan of Survey, Block 4106, Lot 11" dated February 23, 2010 last revised April 23, 2010 situate in the Township of Moorestown, County of Burlington and State of New Jersey, and is more particularly described as follows:

BEGINNING at a corner and intersection of the southerly right-of-way line of Spruce Avenue (50' wide) and the westerly right-of-way line of North Washington Avenue (50' wide), thence extending from the beginning point

- 1) South 72 degrees 37 minutes 45 seconds West, 135.00 feet to a point and division line of Lots 11 and 1, Block 4106 as shown on the Moorestown Township Tax Assessment Map, thence
- 2) North 17 degrees 22 minutes 15 seconds West, 25.00 feet to a point on the centerline of Spruce Avenue, thence along said centerline
- 3) North 72 degrees 37 minutes 45 seconds East, 135.00 feet to a point, thence
- 4) South 17 degrees 22 minutes 15 seconds East, 25.00 feet to the point and place of beginning.

CONTAINING within said bounds 3,375.00 square feet or 0.077 acres be the same more or less.

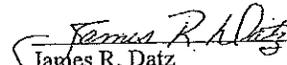
Subject to a two (2) foot pedestrian access easement more particularly described as follows:

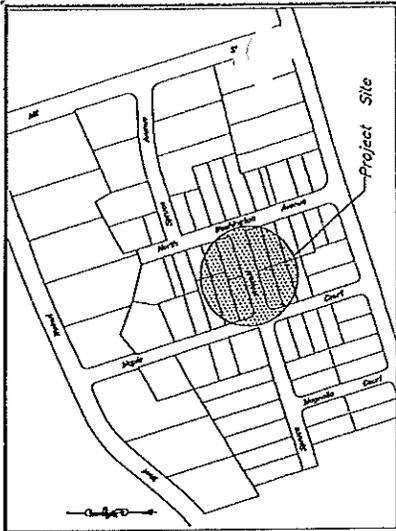
- A) Beginning at a point at the end of Course No. 2 of the above description North 72 degrees 37 minutes 45 seconds East, 135.00 feet to a point, thence

- B) South 17 degrees 22 minutes 15 seconds East, 2.00 feet to a point, thence
- C) South 72 degrees 37 minutes 45 seconds West, 135.00 feet to a point, thence
- D) North 17 degrees 22 minutes 15 seconds West, 2.00 feet to the point and place of beginning.

CONTAINING within said bounds 270 square feet, be the same more or less.

The above described parcels are subject to certain easements and their respective utilities companies for the repair, replacement, and maintenance of any existing overhead and underground utilities.


James R. Datz
Professional Land Surveyor
N.J. License No. 24GS03671900



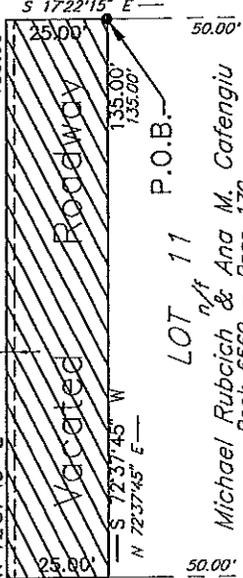
N. Washington Avenue
(50' Wide)

Block 4104

LOT 18

Spruce Avenue
(50' Wide)

2' PEDESTRIAN ACCESS EASEMENT
135.00'



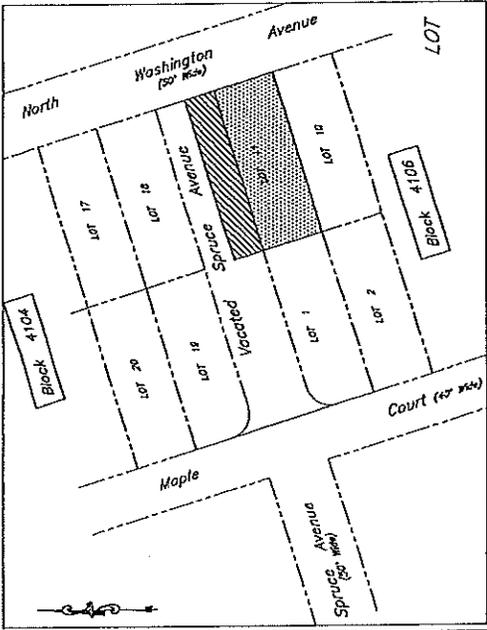
LOT 11

n/f
Michael Rubcich & Ana M. Cafengiu
Book 6560 - Page 170

LOT 10

Block 4106

PLAN
SCALE: 1" = 30'



Lot 11 Tabulation

| | |
|------------------------------------|---------------------------|
| Lot 11 Area | 0.155 AC/6760.00 Sq. Ft. |
| + Spruce Avenue Vacated | 10.077 AC/3372.00 Sq. Ft. |
| Total Lot 11 Area | 0.232 AC/10132.00 Sq. Ft. |
| 2' WIDE PEDESTRIAN ACCESS EASEMENT | 270.00 Sq. Ft. |

| | | | | | |
|-------------------|--|--------------|-----------|-----------|-----|
| CLIENT: | MOORESTOWN TOWNSHIP | DATE: | 2/23/2010 | SHEET: | 1 |
| PROJECT LOCATION: | MOORESTOWN TOWNSHIP BURLINGTON COUNTY NEW JERSEY | DESIGNED BY: | | DRAWN BY: | WFL |
| CONTRACT NO.: | | CHECKED BY: | | FILE NO.: | |
| CONT. NO.: | TDC | | | | |

| | |
|---------------------------|---------------------------------------|
| VACATION OF SPRUCE AVENUE | PLAN of SURVEY BLOCK 4106 - LOT 11 |
| SCALE: | AS NOTED |

ALAIMO GROUP
Consulting Engineers
NJDC 24GA2788400
300 HIGH STREET
2 MARKET STREET
MOUNT HOLLY, N.J.
PATERSON, N.J.



| REVISIONS | DATE | BY |
|----------------------------|---------|-----|
| PEDESTRIAN ACCESS EASEMENT | 4-23-10 | WFL |

APPROVER: *James R. Datz* DATE: 4/22/10
James R. Datz
LAND SURVEYOR
NEW JERSEY LICENSE NO. 24620087100