

MOORESTOWN TOWNSHIP

ORDINANCE NO. 5-2010

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 two foot (2’) 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 Any Ordinances inconsistent with this ordinance are hereby repealed to the extent of its inconsistency.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 5-2010.

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 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