

**TOWNSHIP OF MOORESTOWN**

**AMENDED**

**ORDINANCE NO. 18-2006**

**AN ORDINANCE OF THE TOWNSHIP OF MOORESTOWN TO RELEASE, VACATE AND EXTINGUISH ANY AND ALL PUBLIC RIGHTS IN AND TO A PORTION OF A FIFTY FOOT STRIP OF LAND RUNNING FROM BORTON LANDING ROAD TO LINDEN STREET AND ACCEPTING AN INTEREST IN A FIFTY FOOT WIDE RIGHT OF WAY EASEMENT AND STORMWATER DRAINAGE EASEMENT**

**WHEREAS**, the Township Council is of the opinion as recommended by the Planning Board, that the public interest will be served by abandoning, vacating, releasing and extinguishing any and all public rights which the Township may have in and to the right of way easement over a strip of land fifty feet (50') in width described in the deed of dedication filed in the Burlington County Clerk's Office in Book of Deeds 1534, Page 557, on May 8, 1963, which dedication was never formally accepted; and

**WHEREAS**, the Planning Board has recommended that the Township Council accept a fifty foot (50') wide right of way easement running from Borton Landing Road northwestwardly to Linden Street and a stormwater drainage easement in Block 5800, Lot 49.

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

**Section 1.** The public rights and interest in the right of way easement contained in the deed of dedication recorded in the Burlington County Clerk's Office on May 8, 1963, in Book of Deeds 1534, Page 557, is hereby vacated, abandoned and released in that portion of the right of way as described in Exhibit A attached hereto and incorporated herein, which is a description prepared by Joseph R. Tighe, Jr., dated March 3, 2003.

**Section 2.** The Township accepts an interest in an access easement shown in the final subdivision plan approved by the Planning Board for the Wexford II development, which final subdivision plan, prepared by Taylor, Wiseman and Taylor, was filed in the Burlington County Clerk's Office on April 11, 2005 as Map No. 4144506. The fifty foot (50') wide right of way easement is described in Exhibit B attached hereto and incorporated herein, which is a description prepared by Joseph R. Tighe, Jr., dated March 3, 2003, revised to July 20, 2006.

**Section 3.** The Township accepts the stormwater drainage easement as required by the Planning Board as a condition of the subdivision approval granted for the Wexford II development. The stormwater drainage easement is described in

Exhibit C attached hereto and incorporated herein, which is a description prepared by Joseph R. Tighe, Jr. dated May 9, 2003, revised to January 26, 2005.

**Section 4.** The Mayor and the Township Clerk are authorized to sign the access easement and stormwater drainage easements.

**Section 5.** Orleans at Moorestown, LLC shall be responsible for all legal, engineer and advertising costs associated with the vacation of the right of way.

**Section 6.** The Township Clerk shall, within sixty (60) days of the effective date of this Ordinance file a copy hereof, certified by the Clerk, and the seal of the Township, to be a true and exact copy of the Ordinance, together with the copy of the proof of publication thereof, in the Office of the Burlington County Clerk for recording in the County’s Book of “Vacation,” pursuant to N.J.S.A. 40:67-21.

**Section 7.** Repealer. Any and all other ordinances inconsistent with any of the terms and provisions of this ordinance are hereby repealed to the extent of such inconsistencies.

**Section 8.** Severability. In the event that any section or paragraph, clause, phrase, term, provision, or part of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid or unenforceable for any reason, such judgment shall not effect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the section, paragraph, clause, term, provision, or part thereof directly involved in the controversy in such judgment, shall be rendered.

**Section 9.** Effective Date. This ordinance shall take effect upon proper publication and in accordance with law.

**Section 10.** Short Title. This Ordinance shall be known as Ordinance 18-2006.

CERTIFICATION

I hereby certify that Ordinance No. 18-2006 was introduced and adopted on first reading by the Township Council at a meeting held on July 24, 2006. On August 14, 2006, Ordinance 18-2006 was heard on second reading at which time the public hearing was opened and continued until September 11, 2006. On September 11, 2006, Ordinance 18-2006 was amended and approved for final adoption by the Township Council of the Township of Moorestown.

VOTE:	
ABERANT	YES
ROCCATO	YES
MILLER	YES
SEGAL	YES
ERON	YES

Patricia L. Hunt, RMC  
Township Clerk