

TOWNSHIP OF FLORENCE

ORDINANCE NO. 2012-25

AN ORDINANCE OF THE TOWNSHIP OF FLORENCE, COUNTY OF BURLINGTON, STATE OF NEW JERSEY TO VACATE A CERTAIN ALLEYWAY IN FAVOR OF THE CREATION OF A UTILITY EASEMENT AS DESCRIBED HEREIN ON LANDS SITUATED ON PROPERTY KNOWN AS BLOCK 30, LOTS 1.01, 1.02, 1.03, 2.01, 2.02 and 3 INCLUSIVE LOCATED NEAR SEAMAN DRIVE AND WEST FIFTH STREET

WHEREAS, the Township of Florence has no need for continual conveyance upon a certain alleyway located on Block 30, Lots 1.01, 1.02, 1.03, 2.01, 2.02 and 3; and

WHEREAS, the alleyway has been effectively closed for many years and is currently quietly enjoyed by the individual property owners abutting it; and

WHEREAS, since there does exist a dead-end water main that services abutting properties to this alleyway, and

WHEREAS, the Township of Florence intends to continue the use of the water main and may make any other modifications or installations in the area that serve the needs of the water and sewer utility and or stormwater collection system in the township; and

WHEREAS, N.J.S.A. 40:67-1(b) permits the Florence Township Council to vacate any public street or any portion of any public street in order to serve the interests of the Township; and

WHEREAS, the Township Council has determined that there is no longer any need to maintain said alley, and

WHEREAS, the Township Engineer, Maser Consulting has performed a survey to provide legal descriptions of the alley being vacated and reserved as a utility easement, and those survey descriptions are made part of this ordinance as Schedule attachments A, B, C, D and E;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Township Council of the Township of Florence, County of Burlington, State of New Jersey as follows:

ARTICLE I. AUTHORIZATION OF ALLEYWAY VACATION. The Township Council of the Township of Florence hereby vacates the following alleyway:

1. That twenty foot wide alley which runs from the West side of Seaman Drive (formerly Winter Street) West for a distance of five hundred feet and ending at Block 156.05 Lot 2.

ARTICLE II. RESERVATION OF RIGHTS. Pursuant to the provisions of N.J.S.A. 40:67-1(b), the Township Council reserves from said vacation the rights of the Township's Water and Sewer and or Public Works Departments to maintain, repair, and replace any existing facilities located within the entire alleyway and to the owners of the properties no structure may be erected on the land of the alleyway. Fences may be permitted

with the understanding that removal may result out of any municipal utility work. The Township shall not be responsible for any damage done to any fence as a result of its removal and re-installation.

ARTICLE III. REPEALER, SEVERABILITY AND EFFECTIVE DATE.

- A. Repealer. Any and all Ordinances inconsistent with the terms of this Ordinance are hereby repealed to the extent of any such inconsistencies.
- B. Severability. In the event that any clause, section, paragraph or sentence of this Ordinance is deemed to be invalid or unenforceable for any reason, then the Township Council hereby declares its intent that the balance of the Ordinance not affected by said invalidity shall remain in full force and effect to the extent that it allows the Township to meet the goals of the Ordinance.
- C. Effective Date. This Ordinance shall take effect upon proper passage and publication in accordance with the law.

Jerry Sandusky
Council President

Joy M. Weiler, RMC/MMC
Township Clerk

Take Notice that the Ordinance identified above has been adopted on first reading by the Township Council of the Township of Florence, County of Burlington, State of New Jersey, at a meeting held on September 5, 2012. It will be considered for final passage after a public hearing to be held on September 19, 2012, at 8:00 P.M. in the Municipal Complex, Council Chambers, 711 Broad Street, Florence, New Jersey.

Copies of the full ordinance are on file with the Township Clerk of the Township of Florence in the Municipal Complex. Copies may be obtained at no charge on request and a copy is posted on the municipal bulletin board in the Municipal Complex at 711 Broad Street, Florence, New Jersey.