

ORDINANCE 2017-08

ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, PARTIALLY VACATING A PORTION OF CHATHAM STREET

WHEREAS, on July 9, 2009, the Township of Chatham, County of Morris, State of New Jersey, adopted Ordinance 2009-13, which partially vacated, for public street purposes only, a portion of Chatham Street as described in that Ordinance; and

WHEREAS, the Township has constructed a paved bike path ten (10) feet in width through said portion of Chatham Street; and

WHEREAS, the Township retained title to the street and the right to use it as a bike path and for vehicular access to the paved portion of Chatham Street in adjoining Borough of Chatham, and to a Township Pump Station for emergency and maintenance purposes; and

WHEREAS, Paragraph 2 of Ordinance 2009-13 provides the following reservation:

All rights and privileges possessed by public utilities, as defined by R.S. 48:2-13, and by any cable television company, as defined in the Cable Television Act, P.L. 1972, c.186 (N.J.S.A. 48:5A-1 et seq.) to maintain, repair and replace facilities, in adjacent to, over or under Chatham Street are hereby expressly reserved from vacation

; and

WHEREAS, Ordinance 2009-13 was recorded with the Morris County Clerk's office on August 21, 2009 in ORDV-OR Book 21379, beginning at Page 1283; and

WHEREAS, historically, a portion of the Chatham Street right-of-way had been utilized, and remains utilized, as a lawn and driveway area serving the property located at 37 Rose Terrace (Block 92, Lot 8), which is situated at the corner of Rose Terrace and Chatham Street; and

WHEREAS, by reason of the vacation of Chatham Street for public street purposes, Lot 8 has lost access to Rose Terrace via a public street; and

WHEREAS, for the purpose of retaining public street access to Rose Terrace without the necessity of reconfiguring the existing driveway, the present owner of Lot 8 has requested the Township to fully vacate, for the benefit of Lot 8, a portion of Chatham Street lying between (i) the Lot 8 property line, and (ii) a line located between Lot 8 and the center line of the bike path, which line is parallel to, and 15 feet distant from, the center line of the bike path, which area to be vacated contains 2472 sq. ft. and is shown on a plan entitled "Proposed Right-of-Way Option 3, 37 Rose Terrace, Lot 8, Block 92, Township of Chatham, Morris County, N.J.", prepared by Stewart Surveying & Engineering, LLC, dated 10/15/2016, revised through 12/19/2016 ("Survey"); and

WHEREAS, having considered the proposal, the Township Committee of the Township of Chatham has concluded that the same is reasonable and appropriate, subject to certain conditions as set forth herein.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, as follows:

1. Pursuant to the authority vested in the Township Committee by N.J.S.A. 40:67-19, the Township hereby vacates, in favor of Block 92, Lot 8, that portion of Chatham Street (the "Vacated Area") lying between (i) the Lot 8 property line, and (ii) a line located between Lot 8 and the center line of the bike path, which line is parallel to, and 15 feet distant from, the center line of the bike path, as shown on the Survey attached as Exhibit A, and having the metes and bounds description attached as Exhibit B, subject to the following terms and conditions:
 - A. There is reserved to the Township an easement for the installation and maintenance of utilities within the entirety of the Vacated Area.
 - B. In the event that the Township has to perform work within the Vacated Area consistent with Section 1.A above, the Township may perform same at its own cost and expense but without the necessity of repairing or restoring the Vacated Area.
 - C. All rights and privileges possessed by public utilities, as defined by R.S. 48:2-13, and by any cable television company, as defined in the Cable Television Act, P.L. 1972, c.186 (N.J.S.A. 48:5A-1 et seq.) to maintain, repair and replace facilities, in adjacent to, over or under the Vacated Area are hereby expressly reserved from vacation.
 - D. The owner of Lot 8 shall reimburse to the Township all advertising expenses and professional fees incurred by the Township in connection with the adoption of this Ordinance.
 - E. Future subdivision of Lot 8 shall be prohibited to the extent any proposed subdivision requires one or more dimensional variances under the Township zoning regulations in effect at the time of any proposed subdivision.
 - F. The foregoing conditions shall be confirmed in a written agreement between the owner of Lot 8 and the Township, which shall be recorded in the Morris County Clerk's office.
2. The Mayor and Clerk are authorized to execute such documents, if any, as may be necessary to effectuate such purpose.
3. This Ordinance shall take effect and be recorded in the Office of the Morris County Clerk in accordance with law.

Introduced: April 6, 2017

Adopted: April 20, 2017

Attest:

TOWNSHIP OF CHATHAM, COUNTY OF
MORRIS, STATE OF NEW JERSEY

BY: _____
Karen M. Swartz, Deputy Mayor

Gregory J. LaConte, Clerk

Metes and Bound Description of Vacated Area

**DESCRIPTION OF RIGHT OF WAY VACATION
A PORTION OF CHATHAM STREET RIGHT OF WAY TO
LOT 8 BLOCK 92 TOWNSHIP OF CHATHAM, MORRIS COUNTY, NEW JERSEY**

Beginning at an iron pipe found at the point of curvature in the southerly line of Chatham Street, 50 feet wide, said point being distant 27.21 feet from the intersection of said southerly line of Chatham Street with the easterly line of Rose Terrace, 50 feet wide, both extended and from the beginning point running; thence

1. On a curve to the left, with a radius of 40.88 feet, an arc length of 47.34 feet, a chord of South 82 degrees 02 minutes 35 seconds West, a distance of 44.74 feet, an angle of 66 degrees 20 minutes 59 seconds, to a point of tangency in said easterly line of Rose Terrace marked by an iron pin & cap set; thence
2. North 48 degrees 52 minutes 08 seconds East, a distance of 69.92 feet to a point; thence
3. South 30 degrees 44 minutes 58 seconds East, a distance of 54.27 feet to a point; thence
4. South 64 degrees 47 minutes 00 seconds East, a distance of 99.78 feet to a point; thence
5. South 37 degrees 38 minutes 00 seconds West, a distance of 9.41 feet to an iron pin & cap set in said southerly line of Chatham Street; thence
6. North 64 degrees 47 minutes 00 seconds West, a distance of 133.34 feet to the point and place of BEGINNING.

Containing 2,472 sq.ft./0.057 acres

Alfred A. Stewart, Jr. P.E., P.L.S.

New Jersey Professional Engineer and Land Surveyor License Number 24GB03588300