

TOWNSHIP OF CINNAMINSON

ORDINANCE 2024 – 4

ORDINANCE VACATING, RELEASING AND EXTINGUISHING ANY AND ALL PUBLIC RIGHTS TO THE PAPER STREET KNOWN AS BERRY STREET LOCATED BETWEEN BLOCK 301 LOT 1 AND BLOCK 302 LOT 1 AND CONSISTING OF .21 ACRES, WITHIN THE TOWNSHIP OF CINNAMINSON, SUBJECT TO CERTAIN TERMS AND CONDITIONS

WHEREAS, there exists in the Township of Cinnaminson (“Township”), County of Burlington, State of New Jersey a paper street known as Berry Street as shown on the Official Tax Map of the Township of Cinnaminson; and

WHEREAS, there has been a request for the Township vacate the land known as Berry Street which is located directly between and adjacent to real properties at Block 301 Lot 1 and Block 302 Lot 1 as same is shown on the Tax Map of the Township of Cinnaminson in order to consolidate these lots under the common ownership of Colonial Land Enterprises LLC; and

WHEREAS, the matter has been referred to the Governing Body and its appropriate professionals, who have recommended that the Township proceed with the requested vacation since the aforementioned paper street, as more particularly described on the attached survey and metes and bounds description (attached hereto as Exhibit “A”), is not needed by the Township for public purposes; and

WHEREAS, the Governing Body does hereby determine that Berry Street as described in Exhibit “A” is no longer needed for public purposes; and

WHEREAS, N.J.S.A. 40:67-19 authorizes a municipality by ordinance to release and extinguish the public’s rights arising from a dedication of a roadway; and

WHEREAS, ownership of the land being vacated shall be transferred to Commercial Land Enterprises, LLC, as aforementioned, for nominal consideration, but subject to the requirement that Colonial Land Enterprises, LLC file a Deed of Consolidation and other requirements contained in this Ordinance.

WHEREAS, a Quitclaim Deed transferring ownership of Berry Street being vacated shall be executed to and in favor of Colonial Land Enterprises, LLC in accordance herewith.

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

Section 1:

A. The rights of the public and the Township of Cinnaminson in and to the street currently known as Berry Street, located directly between Block 302 Lot 1 and Block 301 Lot 1, as same is more particularly described in Exhibit “A” hereto, is hereby extinguished and vacated.

B. Pursuant to N.J.S.A. 40:67-17, the land known as Berry Street shall be conveyed by Quitclaim Deed to Colonial Land Enterprises, LLC.

C. 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 and under Berry Street as described in Exhibit "A" hereto are hereby expressly reserved and excepted from this vacation.

D. At least one week prior to the time fixed for the consideration of this Ordinance for final passage, a copy thereof, together with notice of the introduction thereof and the time and place when and where the Ordinance will be further considered for final passage, shall be mailed to every person whose land may be affected by this Ordinance so far as may be ascertained. Said notices shall be mailed by the Township Clerk in accordance with the provisions of N.J.S.A. 40:49-6.

E. Once the unimproved paper street known as Berry Street as described in Exhibit "A" hereto has been vacated, then the Township's interests in the unimproved paper street shall be released. To the extent that any portion(s) of the underlying vacated area does not transfer automatically to Colonial Land Enterprises, LLC, the Township hereby authorizes the conveyance of said underlying area(s) for nominal consideration, pursuant to N.J.S.A. 40:67-19, et seq., N.J.S.A. 40:60-28 and N.J.S.A. 40A:12-13(b)(5), so that the portion may be combined with and become part of the adjoining properties in the ownership of the property by Colonial Land Enterprises as more fully set forth herein.

F. Colonial Land Enterprises, LLC shall file a Deed of Consolidation;

G. Colonial Land Enterprises, LLC shall be responsible for all legal, engineering, advertising and recording costs, if any, associated with this vacation.

H. The Township Clerk shall, within sixty (60) days of the effective date of this Ordinance, file a copy hereof, certified by the Clerk, under seal of the Township, to be a true and exact copy of the Ordinance, together with a copy of the proof of publication thereof, in the Office of the Burlington County Clerk for recordation in the County's Book of "Vacations," pursuant to N.J.S.A. 40:67-21.

Section 2:

All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistencies.

Section 3:

If any article, section, subsection, paragraph, phrase or sentence is, for any reason, held to be unconstitutional or invalid, said article, section, subsection, paragraph, phrase or sentence shall be deemed severable.

Section 4:

This Ordinance shall take effect immediately upon final publication as provided by law.

ATTEST:

TOWNSHIP OF CINNAMINSON

Lisa A. Passione, RMC
Township Clerk

By: _____
Paul Conda, Mayor

I, Lisa A. Passione, Clerk of the Township of Cinnaminson, County of Burlington, State of New Jersey hereby certify that the ordinance entitled above was adopted following second reading and public hearing at a regular meeting of the Cinnaminson Township Committee on _____, 2024 held in the municipal building, 1621 Riverton Road, Cinnaminson, New Jersey.

The foregoing Ordinance was introduced by the Township Committee at the regular meeting held on March 18, 2024. This Ordinance will be considered for adoption on final reading and public hearing to be held on April 15, 2024, at 6:30 P.M. in the Cinnaminson Township Municipal Offices, Municipal Building, 1621 Riverton Road, Cinnaminson, New Jersey. The purpose of this Ordinance is to authorize the vacation of the paper street known as Berry Street directly between and adjacent to Block 302 Lot 1 and Block 301 Lot 1, as identified on the Tax Map of the Township of Cinnaminson.