

**AN ORDINANCE RELEASING, EXTINGUISHING AND VACATING
THE RIGHTS OF THE PUBLIC AT A VARIABLE WIDTH-60' RIGHT OF WAY
KNOWN AS MUNICIPAL PLAZA TOWNSHIP OF WEST ORANGE,
COUNTY OF ESSEX AND STATE OF NEW JERSEY**

WHEREAS, the vacating of a public right of way is governed by New Jersey Statute at N.J.S.A. 40:67-1; and

WHEREAS, the Township of West Orange (the "Township") maintains a public easement, rights and interest in a variable width sixty-foot (60') public right of way known as Municipal Plaza, as described herein; and

WHEREAS, it has been determined by the Township Council, after due investigation and consideration as follows:

- (1) that the variable width- 60-ft public right-of-way known as Municipal Plaza is not needed for use for public road purposes; and
- (2) that the said variable width- 60-ft public right-of-way known as Municipal Plaza lends itself to higher and better use than for public road purposes and that it is in the best interest of the general public and the Township of West Orange that any public easements, right and interest in and to same shall be vacated, released, and extinguished;

and

WHEREAS, the Township's vacation of the variable width- 60-ft public right-of-way known as Municipal Plaza shall not include easements, rights, privileges, and access required for public utilities and cable companies to maintain, repair, replace their existing facilities in, adjacent to, over or under the street, or any part thereof.

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE, in the County of Essex, State of New Jersey, that Aal public easements, rights and interests in the variable width- 60-ft right-of-way known as Municipal Plaza described, as follows:

Beginning at a point on the southerly right-of-way line of Mount Pleasant Avenue (a.k.a. County Route No. 660)(variable right-of-way width), said point being South 60 degrees 55 minutes 00 seconds East, a distance of 129.95 feet from the intersection of said line of Mount Pleasant Avenue with the Southerly right-of-way line of Gaston Avenue (50' right-of-way); thence

1. On said right-of-way line of Mount Pleasant Avenue, South 63 degrees 53 minutes 35 seconds East, a distance of 192.12 feet to a point on the easterly right-of-way line of Municipal Plaza; thence
2. On the vacated easterly right-of-way line of Municipal Plaza, South 12 degrees 30 minutes 00 seconds East, a distance of 469.96 feet to a point on same; thence
3. South 68 degrees 28 minutes 37 seconds East, a distance of 27.61 feet to a point; thence
4. South 22 degrees 38 minutes 35 seconds West, a distance of 22.67 feet to a point; thence
5. South 75 degrees 09 minutes 48 seconds West, a distance of 69.89 feet to a point on the vacated westerly right-of-line of Municipal Plaza; thence
6. On the vacated westerly right-of-line of Municipal Plaza, North 12 degrees 30 minutes 00 seconds West, a distance of 426.21 feet to a point of curvature on same; thence
7. On a curve, curving to the left in a northwesterly direction having a radius of 268.00 feet, an arc length of 226.47 feet and an interior angle of 48 degrees 25 minutes 00 seconds, (having a cord bearing of North 36 degrees 42 minutes 30 seconds West and a chord distance of 219.79 feet) to the point and place of the beginning.

Containing 34,559 S.F. or 0.793 Acres of land more or less

are hereby vacated, released and extinguished except for said easements and rights specifically in the description hereinbelow; and

BE IT FURTHER ORDAINED that all rights and privileges now possessed by public utilities, as defined in N.J.S.A. 48:2-13, for existing aboveground and underground utilities and any other utilities that are in, adjacent to, over or under the street, and by any Cable Television Company, as defined in the "Cable Television Act", N.J.S.A 48:5A-1 et seq., to maintain, repair, replace their existing facilities

in, adjacent to, over or under the street, or any part thereof, shall be reserved and excepted from the vacation as described herein; and

BE IT FURTHER ORDAINED the Township Clerk is hereby authorized and instructed to, within sixty (60) days after the effective date of this Ordinance, file a copy of the within Ordinance, certified by her, under the seal of the Township of West Orange, to be true copy, together with proof of publication, in the Office of the Register of Deeds of the County of Essex, all in accordance with N.J.S.A 40:67-21; and

BE IT FURTHER ORDAINED that all ordinances that are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency; and

BE IT FURTHER ORDAINED that if any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon final passage and publication in accordance with the law.

Karen J. Carnevale, R.M.C.

Susan McCartney, Mayor

Introduced: February 7, 2023

Tammy Williams, Council President

Adopted: February 21, 2023