

ORDINANCE NO. 2-2014

AN ORDINANCE TO VACATE, RELEASE AND EXTINGUISH ANY AND ALL PUBLIC RIGHTS IN AND TO THE PORTION OF BRYCE WAY ADJOINING BLOCK 182, LOT 12 AND BLOCK 171, LOT 14, SUBJECT TO THE RESERVATION TO THE BOROUGH OF A UTILITY EASEMENTS WITHIN SAID PORTIONS OF BRYCE WAY AND TO AMEND THE TAX MAP OF THE BOROUGH CONSISTENT THEREWITH.

WHEREAS, the Borough Council of the Borough of Morris Plains is of the opinion that the public interest will be best served by abandoning, vacating, releasing and extinguishing any and all public rights in and to the following described portions of Bryce Way, subject to the reservation to the Borough of a utility easement for water, sanitary sewer and other utilities and public purposes; and

WHEREAS, the Borough Council is also desirous of amending the Tax Map of the Borough to reflect the foregoing vacation.

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Morris Plains, Morris County, New Jersey, they being the Governing Body thereof, as follows:

Section 1:

Subject to and expressly contingent upon the reservation of a utility easement to the Borough of Morris Plains, as set forth in Section 2 herein, the public rights and interests in and to the portions of Bryce Way within the Borough of Morris Plains adjoining Block 182, Lot 12 and Block 171, Lot 14, as set forth in the legal descriptions annexed hereto as Schedules A and B annexed hereto and made a part hereof, be and they hereby are vacated, abandoned and released for street and/or public right-of-way purposes.

**Section 2:**

The Borough hereby expressly reserves to the Borough of Morris Plains and excepts from this vacation, a varying width utility easement for water, sanitary sewer and force main, storm sewer and other utility and public purposes along the portions of Bryce Way to be vacated, through Block 182, Lot 12 and Block 171, Lot 14, as set forth in the legal description annexed hereto as Schedule C annexed hereto and made a part hereof.

**Section 3:**

Any and all rights and privileges possessed by public utilities and by any cable television company on, over and across the described portions of Bryce Way are also hereby expressly reserved and excepted from this vacation.

**Section 4:**

Tax Map Sheets 17 & 18 of the Borough of Morris Plains be and they hereby are amended and revised to reflect the vacation of the foregoing portions of Bryce Way, the increased lot areas of Block 182, Lot 12 and Block 171, Lot 14 affected by the vacation as described in Schedules A & B, and the reservation of the utility easement to the Borough as described in Schedule C annexed hereto and made a part hereof.

**Section 5:**

The Mayor and Borough Clerk are hereby authorized and directed to execute a Deed confirming the reservation of the Utility Easement to the Borough in a form approved by the Borough Attorney and the Borough Engineer, and the Borough Attorney is authorized and directed to record said deed in the Office of the Morris County Clerk.

**Section 6:**

Upon receipt of the recorded Deed confirming the reserved Utility Easement, the Borough Clerk is hereby authorized and directed to record a certified copy of this ordinance in the Office of the Morris County Clerk.

**Section 7:**

This Ordinance shall take effect immediately after final passage and publication in accordance with law.

Introduced: January 16, 2014  
Adopted: March 6, 2014

/s/ Frank J. Druetzler

**DMC ASSOCIATES, INC. LAND SURVEYORS**

211 Main Street, Butler, New Jersey 07405

Phone: 973-838-9187 Fax: 973-838-4389 Email: [info@dmcsurveying.com](mailto:info@dmcsurveying.com)

December 2, 2013

Revised: January 6, 2014

**SCHEDULE A**

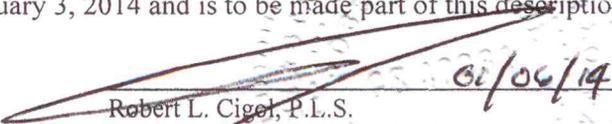
**RE: PROPOSED R.O.W VACATION OF BRYCE WAY  
BOROUGH OF MORRIS PLAINS, MORRIS COUNTY, NEW JERSEY  
DMC JOB NO.: 1310042**

The purpose of this description is to describe a portion of Bryce Way to be vacated and annexed to Lot 12, Block 182, lands now or formerly of M.E. Rolph and K.A. Cazzetto known as 50 Malapardis Road, Borough of Morris Plains, Morris County, New Jersey and being more particularly described as follows:

Beginning at a point located in the centerline of Bryce Way, formerly known as Ridge Road. Said beginning point being located along the following courses from a found concrete monument located at the most southeasterly corner of Lot 21 in Block 171 as shown on a map entitled "Final Plat for Harrison Hills" dated November 18, 1986 and filed in the Morris County Clerk's Office as Map No. 4623:

- A. From said monument South 26 degrees 05 minutes 00 seconds West for a distance of 25.00 feet to a point in the centerline of Bryce Way, thence;
  - B. Along the centerline of Bryce Way North 63 degrees 55 minutes 00 seconds West for a distance of 5.93 feet to the point and place of beginning and running, thence;
- (1) Along the former centerline of Bryce Way, formerly Ridge Road, South 63 degrees 55 minutes 00 seconds East for a distance of 75.60 feet to a point, thence;
  - (2) Continuing along the former centerline of Bryce Way South 13 degrees 07 minutes 00 seconds East for a distance of 108.28 feet to a point on the northerly R.O.W. line of Malapardis Road, thence;
  - (3) Along the northerly R.O.W. line of Malapardis Road on a curve to the left, having a radius of 286.62 feet, having a central angle of 05 degrees 01 minutes 53 seconds, having a chord bearing and distance of South 70 degrees 23 minutes 56 seconds West 25.16 feet for a total arc length of 25.17 feet to a point, thence;
  - (4) Leaving said R.O.W. line and on a line parallel to the second course herein described North 13 degrees 07 minutes 00 seconds West for a distance of 99.25 feet to a point, thence;
  - (5) On line parallel to the first course herein described North 63 degrees 55 minutes 00 seconds West for a distance of 63.73 feet to a point, thence;
  - (6) North 26 degrees 05 minutes 00 seconds East for a distance of 25.00 feet to the point and place of beginning herein described.
- Said lands are subject to a Utility Easement under the lands of the vacated portion of Bryce Way
  - Containing 4,331.06 +/- Sq. Ft.

The above description is in accordance with a survey prepared by DMC Associates, Inc. Land Surveyors dated November 5, 2013 and revised thru January 3, 2014 and is to be made part of this description.

  
Robert L. Cigel, P.L.S.  
N.J. License No. 24GS04026100  
Certificate of Authorization No. 24GA27919000

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December 2, 2013

Revised: January 3, 2014

**SCHEDULE B**

**RE: PROPOSED R.O.W. VACATION (BRYCE WAY)  
BOROUGH OF MORRIS PLAINS, MORRIS COUNTY, NEW JERSEY  
DMC JOB NO.: 1310042**

The purpose of this description is to describe a portion of Bryce Way to be vacated and annexed to Lot 14, Block 171, lands now of The Borough of Morris Plains, located in The Borough of Morris Plains, Morris County, New Jersey. Said lands being more particularly described as follows:

Beginning at a point marked by a found concrete monument located on the northeasterly R.O.W. line of Bryce Way, formerly known as Ridge Road. Said monument being located at the most southeasterly corner of Lot 21 in Block 171 as shown on a map entitled "Final Plat for Harrison Hills" dated November 18, 1986 and filed in the Morris County Clerk's Office as Map Number 4623 and running thence;

- (1) Along the northeasterly R.O.W. line of Bryce Way, formerly Ridge Road, South 63 degrees 55 minutes 00 seconds East for a distance of 81.54 feet to an angle point in said R.O.W. line, thence;
- (2) Continuing along the northeasterly R.O.W. line of Bryce Way South 13 degrees 07 minutes 00 seconds East for a distance of 119.51 feet to a point on the northwesterly R.O.W. line of Malapardis Road, a 50.00 feet wide R.O.W., thence;
- (3) Along the northwesterly R.O.W. line of Malapardis Road on a curve to the left, having a radius of 286.62 feet, having a central angle of 05 degrees 00 minutes 03 seconds, having a chord bearing and distance of South 75 degrees 24 minutes 54 seconds West 25.01 feet for a total arc length of 25.02 feet to a point thence;
- (4) Along the centerline of Bryce Way, formerly Ridge Road, North 13 degrees 07 minutes 00 seconds West for a distance of 108.28 feet to an angle point, thence;
- (5) Continuing along the centerline of Bryce Way North 63 degrees 55 minutes 00 seconds West for a distance of 69.67 feet to a point, thence;
- (6) North 26 degrees 05 minutes 00 seconds East for a distance of 25.00 feet to the point and place of beginning herein described.

Containing 4,732.96 +/- Sq. Ft.

- Subject to a Utility Easement
- Subject to a Driveway Easement

The above description is in accordance with a survey prepared by DMC Associates, Inc. Land Surveyors dated November 5, 2013 and is to be made part of this description.

  
Robert L. Cigol, P.L.S.  
N.J. License No. 24GS04026100  
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December 2, 2013

Revised: January 3, 2014

**SCHEDULE C**

**RE: PROPOSED UTILITY EASEMENT (BRYCE WAY)  
BOROUGH OF MORRIS PLAINS, MORRIS COUNTY, NEW JERSEY  
DMC JOB NO.: 1310042**

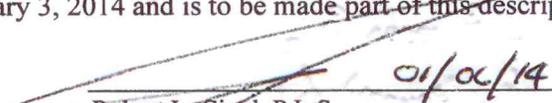
The purpose of this description is to describe a Utility Easement located within a vacated section of Bryce Way, formerly known as Ridge Road, located in the Borough of Morris Plains and being more particularly described as follows:

Beginning at a point in the roadway known as Bryce Way. Said point being located South 26 degrees 05 minutes 00 seconds West 11.46 feet from a concrete monument found at the most southeasterly corner of Lot 21 in Block 171 as shown on a map entitled "Final Plat for Harrison Hills" dated November 18, 1986 and filed in the Morris County Clerk's Office as Map No. 4623 and running, thence;

- (1) On a line thru the lands of the Borough of Morris Plains known as Lot 14 in Block 171 South 62 degrees 22 minutes 55 seconds East for a distance of 18.52 feet to a point, thence;
- (2) South 56 degrees 48 minutes 12 seconds East for a distance of 19.36 feet to a point, thence;
- (3) South 45 degrees 29 minutes 07 seconds East for a distance of 33.68 feet to a point, thence;
- (4) On a line being the former centerline of Bryce Way South 13 degrees 07 minutes 00 seconds East for a distance of 108.28 feet to a point on the northerly R.O.W. line of Malapardis Road, thence;
- (5) Along the northerly R.O.W. line of Malapardis Road, on a curve to the left, having a radius of 286.62 feet, having a central angle of 02 degrees 00 minutes 24 seconds, having a chord bearing and distance of South 71 degrees 54 minutes 41 seconds West 10.04 feet for a total arc length of 10.04 feet to a point, thence;
- (6) Leaving said centerline and along a line parallel to the fourth course North 13 degrees 07 minutes 00 seconds West for a distance of 70.21 feet to a point, thence;
- (7) North 34 degrees 06 minutes 48 seconds West for a distance of 61.36 feet to a point, thence
- (8) North 63 degrees 55 minutes 00 seconds West for a distance of 39.22 feet to a point, thence;
- (9) North 26 degrees 05 minutes 00 seconds East for a distance of 6.00 feet to a point in the centerline of Bryce Way, thence;
- (10) Along the centerline of Bryce Way South 63 degrees 55 minutes 00 seconds East for a distance of 5.93 feet to a point, thence;
- (11) North 26 degrees 05 minutes 00 seconds East for a distance of 13.54 feet the point and place of beginning herein described.

- Containing 2,594.76 +/- Sq. Ft.

The above description is in accordance with a survey prepared by DMC Associates, Inc. Land Surveyors dated November 5, 2013 and revised thru January 3, 2014 and is to be made part of this description.

  
Robert L. Cigol, P.L.S.  
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