

ORDINANCE NO. 3-2014

AN ORDINANCE AUTHORIZING AN AMENDED PARKING AND DRIVEWAY
EASEMENT
WITHIN BRYCE WAY, AN UNIMPROVED RIGHT OF WAY,
TO MICHAEL E. ROLPH AND KARA CAZZETTO,
RELATING TO THE USE AND OCCUPANCY OF PREMISES
LOCATED AT BLOCK 182, LOT 12,
COMMONLY KNOWN AS 50 MALAPARDIS ROAD.

WHEREAS, in conjunction with a 2004 Morris Plains Board of Adjustment approval, the Borough Council previously granted an access and parking easement on, over and across the unimproved right-of-way known and designated as Bryce Way to the owners of property located at 50 Malapardis Road, Morris Plains, which easement was recorded in the Morris County Clerk's Office on January 3, 2005 in Book 06238, Page 163; and

WHEREAS, the Borough Council and the owners of 50 Malapardis Road are desirous of amending and revising the previously granted and recorded access and parking easement, in conjunction with the Borough Council's vacation of portions of the unimproved right-of-way known as Bryce Way, occurring simultaneously with the grant of this amended and revised easement.

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

Section 1:

That the conveyance of an amended easement on, over and across a portion of the public right-of-way of Bryce Way as described in Schedule A annexed hereto and made a part hereof, to Michael E. Rolph and Kara Cazzetto, owners of Block 182, Lot 12 for driveway and parking purposes associated with the use and occupancy of Block 182, Lot 12 be and the same is hereby approved subject to the terms and conditions set forth in the Amended Deed of Easement from the Borough of Morris Plains to Grantees.

Section 2.

The Mayor and Clerk are hereby authorized and directed to execute the Amended Deed of Easement and any and all other documents necessary to effectuate the purpose of said amended easement, in the form approved by the Borough Attorney.

Section 3.

If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be invalid by Court of competent jurisdiction to be invalid, such a decision shall not affect the validity of the remaining portions of this Ordinances.

Section 4:

This Ordinance shall take effect immediately after final passage and publication as provided by 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

SCHEDULE A

December 2, 2013

Revised: January 3, 2014

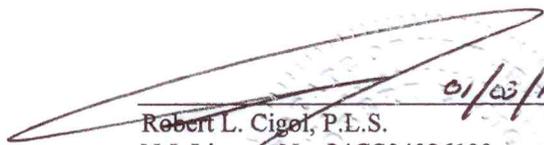
**RE: PROPOSED DRIVEWAY EASEMENT (BRYCE WAY)
BOROUGH OF MORRIS PLAINS, MORRIS COUNTY, NEW JERSEY
DMC JOB NO.: 1310042**

The purpose of this description is to describe a Driveway Easement located on the lands of the Borough of Morris Plains for the benefit of lands now or formerly of M.E. Rolph and K. A. Cassetto known as 50 Malapardis Road, Lot 12, Block 182 and being more particularly described as follows:

Beginning at a point on the northerly R.O.W. line of Malapardis Road, a 50.00 feet wide R.O.W. Said point being located along the following courses from a found concrete 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 No. 4623:

- A. From said monument South 63 degrees 55 minutes 00 seconds East for a distance of 81.54 feet to a point, thence;
 - B. South 13 degrees 07 minutes 00 seconds East for a distance of 119.51 feet to the point of beginning of said easement and running, thence;
 - (1) 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 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;
 - (2) Partly along the former centerline of Bryce Way North 13 degrees 07 minutes 00 seconds West for a distance of 65.15 feet to a point, thence;
 - (3) On a line thru the lands of the Borough of Morris Plains North 70 degrees 03 minutes 00 seconds East for a distance of 25.18 feet to a point, thence;
 - (4) Still on a line thru the lands of the Borough of Morris Plains and parallel to the second course herein described South 13 degrees 07 minutes 00 seconds East for a distance of 67.51 feet to the point and place of beginning herein described.
- Said easement containing 1,653.75 +/- 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.E.S.
N.J. License No. 24GS04026100
Certificate of Authorization No. 24GA27919000

01/03/14