

ORDINANCE NO. 13-2015

AN ORDINANCE TO VACATE, RELEASE AND EXTINGUISH ANY AND ALL PUBLIC RIGHTS IN AND TO THE CUL-DE-SAC PORTION OF THE BUCKLEY WAY ON BLOCK 23, LOT 1.

WHEREAS, the Board of Adjustment of the Borough of Morris Plains ("Board") granted variance relief pursuant to N.J.S.A. 40:55D-70d(1) and d(4), bulk variance relief and preliminary and final site plan approval with design waivers to CSH Morris Plains, LLC, ("Developer") as set forth in Morris Plains Board of Adjustment Resolution No. 15-02, adopted March 23, 2015 ("Resolution"); and

WHEREAS, as a condition of the approval granted by the Board in the Resolution, the Developer has requested that the Borough Council determine the existing right-of-way for cul-de-sac purposes along the easterly property line, recorded on November 14, 1984 in Book 2760, Page 340 in the Morris County Clerk's Office is no longer needed for public use and that the recorded right-of-way easement be vacated and extinguished; and

WHEREAS, the Borough Council of the Borough of Morris Plains is of the opinion that the existing right-of-way for cul-de-sac purposes is no longer needed for public cul-de-sac purposes and the public interest will be best served by abandoning, vacating, releasing and extinguishing any and all public rights the Borough may have in and to the following described portion of The Buckley Way; 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:

The public rights and interests in and to the portion of The Buckley Way within the Borough of Morris Plains on Block 23, Lot 1, as set forth in the legal description annexed hereto as Schedule A 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:

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 3:

The Mayor and Borough Clerk are hereby authorized and directed to execute a Deed confirming the extinguishment of the easement recorded on November 14, 1984 in Book 2760, Page 340 in the Morris County Clerk's Office in a form approved by the Borough Attorney and the Borough Engineer.

Section 4:

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 5:

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

Adopted: July 16, 2015

/s/ Frank J. Druetzler