

TOWNSHIP OF PEQUANNOCK

ORDINANCE NO. 2022-02

**AN ORDINANCE TO VACATE A PUBLIC RIGHT OF WAY KNOWN AS A PORTION OF
MOUNTAIN AVENUE IN THE TOWNSHIP OF PEQUANNOCK**

WHEREAS, Mountain Avenue was dedicated as a public right of way by virtue of said street being historically used as a public traveled road and as a conveyancing reference; and

WHEREAS, a portion of lands, more specifically described below, formerly dedicated as a portion of Mountain Avenue ceased to be utilized by the public after the construction of Interstate Highway Route 287 and the relocation of Mountain Avenue by the State of New Jersey; and

WHEREAS, a portion of the area formerly constituting Mountain Avenue prior to the relocation serves as access to property known as 231 Mountain Avenue and shown on the Tax Map as Lot 3 Block 1102 and effectively is the driveway to this property; and

WHEREAS, the portion to be vacated is shown on a survey entitled; "Vacation Exhibit of the Former Location of Mountain Avenue to 231 Mountain Avenue, Township of Pequannock, Morris County, New Jersey" dated October 22, 2020, prepared by DMC Associates, Inc. Land Surveyors; and

WHEREAS, the owners of 231 Mountain Avenue have requested that the Township vacate the public rights to the now relocated portion of Mountain Avenue that serves as their driveway to allow them to improve and maintain the area as their driveway and the Township Engineer has reviewed the request and determined that there is no potential public need for this property; and

WHEREAS, the Township Council finds that this portion of Mountain Avenue serves no public purpose and is not required for street, road or public right of way purposes and it is deemed in the public interest that this portion of Mountain Avenue be vacated.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Pequannock, in the County of Morris and State of New Jersey, as follows:

Section 1. The following portion of the formerly dedicated Mountain Avenue shall be vacated and all municipal right, title and interest in this portion shall be vacated:

Description of Portion of Mountain Avenue being vacated

All that certain tract of land and premises situated and lying in the Township of Pequannock, County of Morris, State of New Jersey being more particularly described as follows;

Beginning at point on the relocated R.O.W. line of Mountain Avenue, 66.00 feet wide R.O.W., said point having a New Jersey State Plane Coordinate of North 778956.0877, East 541356.1602, and running thence;

- (1) Along the newly realigned R.O.W. of Mountain Avenue on a curve to the left, having a radius of 194.50 feet, having a central angle of 21 degrees 51 minutes 13 seconds, having a chord bearing and distance of South 36 degrees 40 minutes 53 seconds West 73.74 feet, for a total arc length of 74.19 feet to a point, thence;

- (2) On a line being the former Southerly R.O.W. line of Mountain Avenue, North 25 degrees 45 minutes 16 seconds East for a distance of 30.75 feet to a point of curvature, thence;
- (3) On a curve to the left, having a radius of 10.00 feet, having a central angle of 61 degrees 26 minutes 37 seconds, having a chord bearing and distance of North 04 degrees 58 minutes 02 seconds West 10.22 feet, for a total arc length of 10.72 feet to a point of compound curvature, thence;
- (4) Continuing along the Southerly R.O.W. line of Mountain Avenue on a curve to the left, having a radius of 30.00 feet, having a central angle of 58 degrees 13 minutes 29 seconds, having a chord bearing and distance of North 64 degrees 48 minutes 05 seconds West 29.19 feet, for a total arc length of 30.49 feet to a point of tangency, thence;
- (5) South 86 degrees 05 minutes 11 seconds West for a distance of 87.74 feet to a point marked by a found iron pipe, thence;
- (6) Continuing along the Southerly R.O.W. line of the former Mountain Avenue location, South 53 degrees 06 minutes 11 seconds West for a distance of 124.75 feet to a point on the Southeasterly R.O.W. line of Interstate Highway Route 287, thence;
- (7) Along the Southeasterly R.O.W. line of Interstate Highway Route 287, North 40 degrees 55 minutes 41 seconds East for a distance of 138.55 feet to a point, thence;
- (8) Partly along the lands of Interstate Highway Route 287, North 84 degrees 59 minutes 18 seconds East for a distance of 84.36 feet to a point, thence;
- (9) On a new line between Tax Lot 2 and Tax Lot 3 in Block 1102, South 72 degrees 25 minutes 19 seconds East for a distance of 73.93 feet to the point and place of beginning as herein described.

being 6,071 +/- square feet or 0.14 +/- Acres.

Section 2. That the vacation of the above property shall in no way affect any private rights which may exist at the time of passage and adoption of this Ordinance.

Section 3. That pursuant to law, all rights and privileges possessed by any public utility are hereby reserved and exempted from the effects of this Ordinance.

Section 4. That a copy of this Ordinance by the Township Clerk together with a certified copy of the proof of publication thereof shall be filed in the office of the Morris County Clerk according to law.

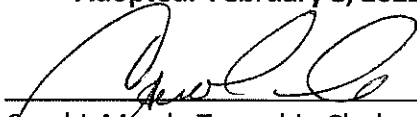
Section 5. If any section or provision of this Ordinance shall be held invalid in any Court of competent jurisdiction, the same shall not affect the other sections or provisions of this Ordinance, except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

Section 6. All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed to the extent of such inconsistency.

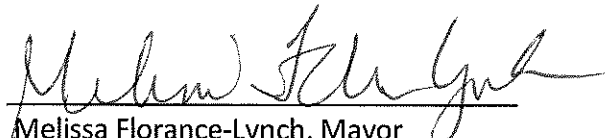
Section 7. This Ordinance shall take effect immediately after final passage and publication in the manner provided by law.

Introduced: January 25, 2022

Adopted: February 8, 2022



Carol J. Marsh, Township Clerk



Melissa Florance-Lynch, Mayor

