

ORDINANCE NO. 3598

AN ORDINANCE RELEASING, EXTINGUISHING AND VACATING THE RIGHTS OF THE PUBLIC IN A PORTION OF STREET KNOWN AS WINSLOW AVENUE IN THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY

SUMMARY

An ordinance releasing, extinguishing and vacating a portion of a street known as Winslow Avenue in conjunction with Docket #PLN 2005-0028 and a resolution adopted on November 2, 2005 by the Planning Board recommending the vacation of a portion of Winslow Avenue as one of the conditions for granting minor subdivision approval for the premises known as Block 200, Lots 26-32 consisting of 16,814 square feet with 103 feet of frontage, located along 55 Miller Avenue in the R-7 Zone, to request a variance for the subdivision of the existing lot to create two lots, to which Lot "A" is a 6,803 square foot corner lot that contains an existing dwelling and Lot "B" is a 10,011 square foot lot and the applicant proposed to construct a two-family dwelling on lot "B".

WHEREAS, in conjunction with Docket #PLN 2005-0028 and a resolution adopted on November 2, 2005 by the Planning Board recommending the vacation of a portion of Winslow Avenue as one of the conditions for granting minor subdivision approval for the premises known as Block 200, Lots 26-32 consisting of 16,814 square feet with 103 feet of frontage, located along 55 Miller Avenue in the R-7 Zone, to request a variance for the subdivision of the existing lot to create two lots, to which Lot "A" is a 6,803 square foot corner lot that contains an existing dwelling and Lot "B" is a 10,011 square foot lot and the applicant proposed to construct a two-family dwelling on lot "B"; and

WHEREAS, it has been determined by the Township Council as follows:

- (1) That the portion of Winslow Avenue described hereinbelow is not needed for use for public road purposes; and
- (2) That the said portion of Winslow Avenue 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 Franklin that any public easements, right and interest in and to same shall be vacated, released and extinguished;

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey as follows:

SECTION I

All public easements, right and interests to the portion of Winslow Avenue described hereinbelow, are hereby vacated, released and extinguished except for said easements and rights specifically set forth in the description hereinbelow and except for all rights and privileges now possessed by public utilities, as defined in NJSA 48:2-13, and by any Cable Television Company, as defined in the "Cable Television Act," NJSA 48:5A-1 et seq., to maintain, repair and replace their existing facilities in, adjacent to, over or under the street, or any part thereof, to be vacated subject to the conditions described herein, all conditions, unless otherwise noted, shall be satisfied prior to said vacation being effective:

DESCRIPTION OF A PORTION OF WINSLOW AVENUE TO BE VACATED
FRANKLIN TOWNSHIP, SOMERSET COUNTY, NEW JERSEY

Beginning at a point marking the intersection of the northerly sideline of Winslow Avenue (50 feet wide), and the easterly sideline of Miller Avenue (50 feet wide), all as shown on current Tax Map of Franklin Township, Somerset County, New Jersey and running; thence

1. Along said the northerly sideline of Winslow Avenue and along the southerly property line of Lot 29 in Block 200, North 72 degrees, 05 minutes 00 seconds East a distance of 122.03 feet to a point, said point being the southeasterly corner of Lot 29; thence

2. Crossing said Winslow Avenue, South 21 degrees 19 minutes 15 seconds East, 50.09 feet to a point on the southerly side line of Winslow Avenue, said point also being the northeasterly property corner of Lot 34 in Block 198; thence
3. Along said southerly side line of Winslow Avenue, parallel with the first course and along the northerly property line of Lots 34 & 33 in Block 198, South 72 degrees 05 minutes 00 seconds West, 125.00 feet to a point at the intersection of said southerly sideline and the aforesaid easterly sideline of Miller Avenue; thence
4. Crossing said Winslow Avenue, North 17 degrees 55 minutes 00 seconds West, 50.00 feet to the point and place of beginning.

Containing 6,176 square feet of land, more or less.

The above-described parcel in its entirety is subject to a Storm Drainage Easement to Franklin Township.

The above-described parcel in its entirety is also subject to a Sanitary Sewer Easement to the Franklin Township Sewerage Authority.

The above-described parcel in its entirety is also subject to a Blanket Utility Easement to all Public Utilities having utility lines running over, under or through the property.

Above description prepared by the Franklin Township Engineering Department in accordance with a map entitled, "Topographic Survey and Minor Subdivision, 55 Miller Avenue" prepared by B2A Consultants, Hillsborough, New Jersey, dated December 21, 2004, and revised to December 2, 2005. Said map on file in the Franklin Township Engineering Department under Planning Board Docket #2005-0028.

SECTION II

This ordinance shall take effect immediately upon adoption and publication in accordance with law.

ORDINANCE NO. 3598

**THIS IS A TRUE COPY OF AN ORDINANCE ADOPTED BY THE
TOWNSHIP COUNCIL, TOWNSHIP OF FRANKLIN, SOMERSET, NJ**

INTRODUCED:	FEBRUARY 14, 2006
PUBLIC HEARING:	MARCH 14, 2006
ADOPTED:	MARCH 14, 2006
NOTICE OF FINAL ADOPTION:	MARCH 20, 2006
EFFECTIVE DATE:	APRIL 3, 2006

ANN MARIE McCARTHY, TOWNSHIP CLERK