

ORDINANCE NO. 3641

AN ORDINANCE RELEASING, EXTINGUISHING AND VACATING THE RIGHTS OF THE PUBLIC IN A PORTION OF STREET KNOWN AS GREELEY STREET 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 Greeley Street in conjunction with the proposed development of property (Block 523.03, Lot 35.03) adjacent to Greeley Street with a 7,200 square foot retail center as per the new Retail Overlay Zone. The vacation of Greeley Street would allow for greater flexibility in designing the appropriate site plan in accordance with Township standards.

WHEREAS, in conjunction with the proposed development of property (Block 523.03, Lot 35.03) adjacent to Greeley Street with a 7,200 square foot retail center as per the new Retail Overlay Zone; and

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

- (1) That the portion of Greeley Street described hereinbelow is not needed for use for public road purposes; and
- (2) That the said portion of Greeley Street 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 Sinclair Boulevard 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 GREELEY STREET
TO BE VACATED BETWEEN ELIZABETH AVENUE AND ITS WESTERLY TERMINUS
FRANKLIN TOWNSHIP, SOMERSET COUNTY, NEW JERSEY**

Beginning at the intersection of the westerly sideline of Elizabeth Avenue (41.5 feet wide – Somerset County Route 621), and the southerly sideline of Greeley Street (50 feet wide), all shown on current Tax Map of Franklin Township, Somerset County, New Jersey and running; thence

1. Along said southerly sideline of Greeley Street and along the northerly property line of Lot 35.03 in Block 523.02, North 62 degrees, 56 minutes 00 seconds West a distance of 198.32 feet to a point, said point being the most northwesterly corner of Lot 35.03; thence
2. Crossing said Greeley Street and along the easterly property line of Lot 35.02 in Block 523.03, North 27 degrees 04 minutes 00 seconds East a distance of 50 feet to a point, said point being the most southwesterly corner of Lot 66 in Block 523.03; thence
3. Along the northerly line of Greeley Street, fifty distant and parallel with the first course and along the southerly property lines of Lots 66, 65, 64, 63, 62 in Block 523.03, South

62 degrees 56 minutes 00 seconds East, 198.50 feet to a point on the aforesaid westerly sideline of Elizabeth Avenue (Somerset County Route 621); thence

4. Crossing said Greeley Street, South 27 degrees 10 minutes 00 seconds West, 50.00 feet to the point and place of beginning.

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, "Revised Map of Boulevard Plaza located at south Bound Brook, Somerset County, New Jersey", prepared by H.C. Emburgh, C.E., Plainfield, N.J., dated 1916 and filed in the Somerset County Clerk's Office on January 9, 1917.

SECTION II

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

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

INTRODUCED:	September 26, 2006
PUBLIC HEARING:	October 24, 2006
ADOPTED:	
NOTICE OF FINAL ADOPTION:	
EFFECTIVE DATE:	

ANN MARIE McCARTHY, TOWNSHIP CLERK