

ORDINANCE NO. 3662

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

SUMMARY

An Ordinance releasing, extinguishing and vacating a portion of a street known as Adams Street in conjunction with Docket #PLN2006-0019, Whiterock Partners, LLC as a conditional approval of the subdivision.

WHEREAS, on September 20, 2006, the Franklin Township Planning Board approved a subdivision for Whiterock Partners, LLC and as a condition of said approval, the applicant agreed to pursue the vacation of a portion of Adams Street, including the dedication of a proposed utility easement; and

WHEREAS, the Planning Board strongly recommended that the Township of Franklin vacate the Adams Street right-of-way and permit the construction of the cul-de-sac in the remainder of the Adams Street right-of-way adjoining Cedar Avenue as proposed by Whiterock Partners, LLC; and

WHEREAS, if said Adams Street right-of-way is vacated the property will have a 100 foot frontage on Elizabeth Avenue and if said vacation is not granted the property will have a 75 foot frontage on Elizabeth Avenue, both frontages are under the minimum required 105 feet thereby requiring a variance, which was granted as part of the subdivision approval;

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

1. That the portion of Adams Street described hereinbelow is not needed for use for public road purposes; and
2. That the said portion of Adams 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, rights and interests 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, rights and interests to the portion of Adams Street 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 N.J.S.A. 48:2-13, and by any cable television company, as defined in the "Cable Television Act," N.J.S.A. 48:5A-1 et seq., to maintain, repair and replace their existing facilities in, adjacent to, over and under the street, or any part thereof, to be vacated subject to the conditions described herein, all conditions herein, unless otherwise noted, shall be satisfied prior to said vacation being effective:

**DESCRIPTION OF A PORTION OF ADAMS STREET
TO BE VACATED FROM ELIZABETH AVENUE
TO A POINT 321 FEET EASTERLY,
FRANKLIN TOWNSHIP, SOMERSET COUNTY, NEW JERSEY**

Beginning at the intersection of the easterly sideline of Elizabeth Avenue (66 feet wide – Somerset County Route 621), and the northerly sideline of Adams Street (50 feet wide), all as shown on current Tax Map of Franklin Township, Somerset County, New Jersey and running; thence

1. Along said northerly sideline of Adams Street and along the southerly property line of Lots 1, 45, 44, 43, 42, 41, 40, 39, 38 and 37 in Block 483, South 65 degrees, 43 minutes 00 seconds East, a distance of 321.00 feet to a point; thence
2. Crossing said Adams Street, South 24 degrees, 17 minutes 00 seconds West a distance of 50.00 feet to a point, said point being along the northerly property line of Lot 17 in Block 486; thence
3. Along the southerly line of Adams Street, fifty distant and parallel with the first course and along the northerly property lines of Lots 17, 16, 15, 14, 13, 12, 11, 10, 9, and 6 in Block 486, North 65 degrees 43 minutes 00 seconds West, 321.00 feet to a point on the aforesaid easterly sideline of Elizabeth Avenue (Somerset County Route 621); thence
4. Crossing said Adams Street, North 24 degrees 17 minutes 00 seconds East, 50.00 feet to the point and place of beginning.

Containing 16,050 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 the following maps; "Revised Map of Boulevard Plaza located at South Bound Brook, Somerset County, New Jersey", prepared by H.C. Van Emburgh, C.E., Plainfield, N.J., dated 1916 and filed in the Somerset County Clerk's Office on January 9, 1917 and "Preliminary Major Subdivision, Adams Street, Franklin Township, Somerset County, New Jersey", prepared by Goodland & Clearwater, Inc., Middlesex, N.J., dated December 4, 2005 and revised to August 29, 2006.

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:	February 13, 2007
Public Hearing:	March 13, 2007
Adopted:	March 13, 2007
Notice of Final Adoption:	March 19, 2007
Effective:	April 2, 2007

Ann Marie McCarthy, Township Clerk