

**ORDINANCE NO. 3685**

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

**SUMMARY**

An Ordinance releasing, extinguishing and vacating a portion of streets known as Girard Avenue and Clifton Street in connection with the conveyance of properties to Habitat for Humanity.

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

1. That the portions of Girard Avenue and Clifton Street described hereinbelow are not needed for use for public road purposes; and
2. That the said portions of Girard Avenue and Clifton Street lend themselves 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 portions of Girard Avenue and Clifton 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:

**DEED DESCRIPTION**

**VACATION OF A PORTION OF GIRARD AVENUE TO BE MERGED WITH LOT 36.01,  
BLOCK 308, FRANKLIN TOWNSHIP, SOMERSET COUNTY, NJ**

**BEGINNING** at a point located at the centerline intersection of Clifton Street and Girard Avenue both 40' wide right of ways per filed map #78A; thence

- (1) Along the centerline of Girard Avenue N 47° 32' E, a distance of 141.60'; thence
- (2) N 42° 28' W, a distance of 20.00'; thence
- (3) Along the existing northwesterly sideline of Girard Avenue, S 47° 32' W, a distance of 142.66'; thence
- (4) S 45° 29' E, a distance of 20.03' to the point and place of **BEGINNING**

Containing a calculated area of 2842.62 sq. ft.

The above described is in accordance with a drawing prepared by John Cilo, Jr. Associates entitled Road Vacation Map, Girard Avenue and Clifton Street, Franklin Township, Somerset County, New Jersey dated March 1, 2007 marked as file 17233D.

**DEED DESCRIPTION**

**VACATION OF A PORTION OF GIRARD AVENUE TO BE MERGED WITH LOT 37.01,  
BLOCK 308, FRANKLIN TOWNSHIP, SOMERSET COUNTY, NJ**

**BEGINNING** at a point located at the centerline intersection of Clifton Street and Girard Avenue both 40' wide right of ways per filed map #78A; thence

- (5) Along the centerline of Girard Avenue N 47° 32' W, a distance of 126.43'; thence
- (6) N 42° 28' W, a distance of 20.00'; thence
- (7) Along the existing northeasterly sideline of Girard Avenue, S 47° 32' W, a distance of 125.38'; thence
- (8) S 45° 29' E, a distance of 20.03' to the point and place of BEGINNING

Containing a calculated area of 2518.09 sq. ft.

The above described is in accordance with a drawing prepared by John Cilo, Jr. Associates entitled Road Vacation Map, Girard Avenue and Clifton Street, Franklin Township, Somerset County, New Jersey dated March 1, 2007 marked as file 17233D.

DEED DESCRIPTION  
VACATION OF A PORTION OF GIRARD AVENUE TO BE MERGED WITH LOT 1,  
BLOCK 309, FRANKLIN TOWNSHIP, SOMERSET COUNTY, NJ

BEGINNING at a point on the existing northeasterly sideline of Clifton Street, a 40' wide right of way per filed map #78A said point being the southeasterly corner of Lot 1, Block 309 (Lot 404 on Filed Map #78A); thence

S 47° 32' W, a distance of 20.03' to a point in the centerline of Clifton Street; thence

Along said centerline of Clifton Street N 45° 29' W, a distance of 120.17' to a point located at the center line intersection of Clifton Street and Girard Avenue (a 40' wide right of way per filed map #78A); thence

- (1) Along said centerline of Girard Avenue, N 47° 32' E, a distance of 141.60'; thence
- (2) S 42° 28' E, a distance of 20.00' to a point on the existing southerly sideline of Girard Avenue; thence
- (3) Along said existing sideline of Girard Avenue, S 47° 32' W, a distance of 120.52'; thence
- (4) Along the existing southwesterly sideline of Clifton Street S 45° 29' E, a distance of 100.14' to the point and place of BEGINNING.

Containing a calculated area of 4842.31 sq. ft.

The above described is in accordance with a drawing prepared by John Cilo, Jr. Associates entitled Road Vacation Map, Girard Avenue and Clifton Street, Franklin Township, Somerset County, New Jersey dated March 1, 2007 marked as file 17233D.

DEED DESCRIPTION  
VACATION OF CLIFTON STREET GIRARD AVENUE PORTION TO BE MERGED WITH  
LOT 7, BLOCK 307, FRANKLIN TOWNSHIP, SOMERSET COUNTY, NJ

BEGINNING at a point on the existing southeasterly sideline of Clifton Street, a 40' wide right of way per filed map #78A said point being the northeasterly corner of Lot 7, Block 307 (Lot 433 on Filed Map #78A); thence

- (1) N 47° 32' E, a distance of 20.03' to a point in the centerline of Clifton Street; thence
- (2) Along said centerline of Clifton Street, N 45° 29' W, a distance of 120.17' to a point located at the centerline intersection of Clifton Street and Girard Avenue (a 40' wide right of way per filed map #78A); thence
- (3) Along said centerline of Girard Avenue, S 47° 32' W, a distance of 126.43'; thence
- (4) S 42° 28' E, a distance of 20.00' to a point on the existing southerly sideline of Girard Avenue, said point being the southwesterly corner of Lot 7 (Lot 433 filed map); thence

(5) Along the existing sideline of Girard Avenue S 47° 32' E, a distance of 107.46'; thence

(6) Along the existing southwesterly sideline of Clifton Street S 45° 29' E, a distance of 100.14' to the point and place of BEGINNING.

Containing a calculated area of 4541.95 sq. ft.

The above described is in accordance with a drawing prepared by John Cilo, Jr. Associates entitled Road Vacation Map, Girard Avenue and Clifton Street, Franklin Township, Somerset County, New Jersey dated March 1, 2007 marked as file 17233D.

The above-described parcels in their entirety are subject to a Storm Drainage Easement to Franklin Township.

The above-described parcels in their entirety are also subject to a Sanitary Sewer Easement to the Franklin Township Sewerage Authority.

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

## **SECTION II**

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

### **ORDINANCE NO. 3685**

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

Introduced:	March 27, 2007
Public Hearing:	April 24, 2007
Adopted:	April 24, 2007
Notice of Final Adoption:	April 30, 2007
Effective:	May 14, 2007

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Ann Marie McCarthy, Township Clerk