

**COUNTY OF SUSSEX
TOWNSHIP OF MONTAGUE
ORDINANCE 2022-07**

**AN ORDINANCE OF THE TOWNSHIP OF MONTAGUE, COUNTY OF SUSSEX, STATE OF
NEW JERSEY, RELEASING, EXTINGUISHING, AND VACATING THE RIGHTS OF THE
PUBLIC TO A PORTION OF A PAPER STREET KNOWN AS REINHARDT ROAD IN THE
TOWNSHIP OF MONTAGUE**

WHEREAS, pursuant to N.J.S.A. 40:67-1(b) and N.J.S.A. 40:67-19, the Township Committee of the Township of Montague may, by ordinance, vacate any public street or portion thereof, dedicated to public use, in order to serve the interest of the Township; and:

WHEREAS, the Township of Montague has no need for a portion of Reinhardt Road, between Block 9, Lot 19, and Block 8, Lot 6; and

WHEREAS, the Municipal Engineer, Harold Pellow & Associates, has performed a survey to provide a legal description of the paper street being vacated; and

WHEREAS, it has been determined by the Township Committee of the Township of Montague as follows:

1. The portion of Reinhardt Road described herein is not needed for public road purposes; and
2. It is in the best interest of the general public and the Township of Montague that the rights and interests in and to same shall as a public right of way be vacated, released and extinguished; and

WHEREAS, pursuant to N.J.S.A. 40:67-1(b) the Township Committee must, by Ordinance, preserve the right of public utilities to maintain, repair and replace their existing utility facilities, including cable television facilities, in adjacent to, over, or under the property or right-of-way to be vacated.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Montague, in the County of Sussex and State of New Jersey, as follows:

SECTION 1. All public easements, right and interests to a portion of Reinhardt Road between Block 9, Lot 19, and Block 8, Lot 6, as legally described in Schedule "A" and depicted in Schedule "B", are hereby vacated, released, and extinguished 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. 48:5-A-1, et. seq., to maintain, repair and replace their existing facilities in, adjacent to, over or under any 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.

SECTION 2. The Municipal Clerk shall publish this ordinance, together with Schedule "A" and Schedule "B," after being introduced and having passed a first reading, at least once not less than ten (10) days prior to the time fixed for further consideration for final passage, pursuant to N.J.S.A. 40:49-6.

SECTION 3. The Municipal Clerk shall, at least one (1) week prior to the time fixed for final passage of such ordinance, mail a copy thereof, together with Schedule "A" and Schedule "B," and with a notice of introduction thereof, and the time and place when and where the ordinance will be further considered for final passage, to every person whose lands may be affected by the ordinance of any assessment which may be made in pursuance thereof, pursuant to N.J.S.A. 40:49-6.

SECTION 4. The Municipal Clerk shall within sixty (60) days after such ordinance becomes effective file a certified copy of the ordinance vacating the street with the office of the County Clerk in a special book set aside for dedications and vacations, pursuant to N.J.S.A. 40:67-21.

SECTION 5. Codification. This Ordinance may be renumbered for codification purposes.


SECTION 6. Inconsistency. All Ordinances of the Township of Montague which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 7. Partial Invalidity. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

SECTION 8. Effective Date. This Ordinance shall take effect immediately following adoption and publication as required by law.

Adopted: May 10, 2022

ATTEST:


Eileen DeFabiis, RMC/CMR


Richard E. Innella, Mayor

RECORD OF COMMITTEE VOTES				
<u>COMMITTEE MEMBER</u>	<u>AYES</u>	<u>NAYES</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
JOSEPH KRUMPFER	X			
JAMES LEDONNE	X			
FRED MERUSI	X			
GEORGE ZITONE				X
MAYOR RICHARD INNELLA	X			