

**TOWNSHIP OF WANTAGE  
ORDINANCE #2017-3**

**AN ORDINANCE TO RELEASE AND EXTINGUISH THE  
RIGHT OF THE PUBLIC ON A PORTION OF BLACK DIRT ROAD**

**WHEREAS**, Black Dirt Road, a portion of which is unimproved, is a right of way and/or paper street located within the Township of Wantage in the County of Sussex which was previously created for public use; and

**WHEREAS**, the Township Committee of the Township of Wantage believes that the public interest would be best served by abandoning, vacating, releasing and extinguishing any and all public rights which the Township may have in and to the portion of Black Dirt Road from Lot 3.02 in Block 34 and Lot 1.04 in Block 30 to the existing northerly right of way line of the existing cul-de-sac on Black Dirt Road as more particularly described in Schedule A attached hereto; and

**WHEREAS**, upon successful adoption of this Vacation Ordinance, the area vacated will be conveyed to the property owner of Lot 1.04 in Block 30; and

**WHEREAS**, the owner of Lot 3.02 in Block 34 has delivered or has committed to deliver a Quit Claim Deed to the Township relinquishing any right it has, if any, in the portion of Black Dirt Road being vacated to the center line of the portion of the road adjacent to its property; and

**WHEREAS**, it has been demonstrated that the portion of Black Dirt Road described in this Ordinance is not needed for public use and would not prevent police and emergency vehicles from accessing adjacent properties; and

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Wantage that:

**Section 1.** That portion of the right-of-way of Black Dirt Road described on Schedule "A" annexed and incorporated in this Ordinance be vacated and the public rights in the road extinguished, excepting all rights and privileges currently possessed by public utilities, as defined in N.J.S.A. 48:2-13, and by any cable television company as defined 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 or under the road to be vacated.

**Section 2.** The portion of Black Dirt Road being vacated shall be added to Lot 1.04 in Block 30.

### **Section 3.**

1. After being introduced and having passed a first reading, this Ordinance shall be published at least once not less than ten (10) days prior to the time fixed for further consideration for final passage.
2. At least one (1) week prior to the time fixed for further consideration of this Ordinance for final passage, a copy thereof, together with notice of its introduction and the time and place when and where the Ordinance will be further considered for final passage, shall be mailed to every person whose lands are contiguous to the vacated portion of Black Dirt Road as described on Schedule "A" and to all other persons the Township Committee reasonably believes are the owners of lands that may be affected by this Ordinance. The Township Clerk shall mail said notice in accordance with N.J.S.A. 40:49-6.

**Section 4.** Copies of this Ordinance shall be on file in the Office of the Township Clerk and are available for inspection. The Township Clerk shall, within sixty (60) days of the effective date of this Ordinance, file a copy of this Ordinance certified by her under seal of the Township to be a true copy thereof, together with a copy of the proof of publication thereof, with the Clerk of Sussex County.

**Section 5.** It is the interest of the Township Committee to vacate the aforementioned interests the public may have in the right of way, and to provide that all interest in the right of way, in its "as is" condition, be conveyed to the adjoining property owners.

**Section 6.** The Mayor and Township Clerk are authorized and directed to execute any documents as may be required to complete the transfer of whatever interest the public may have had, now vacated, in the property described above.

**Section 7.** If any part of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portion of the Ordinance. Any Ordinance or portion thereof that may be inconsistent with the Ordinance is hereby repealed to the extent of the inconsistency.

**Section 8. Effective Date.** This Ordinance shall take effect in the time and manner prescribed by law.

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Jonathan Morris, Mayor  
Township of Wantage

ATTEST:

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Debra Millikin, Acting Municipal Clerk  
Township of Wantage

## **NOTICE OF INTRODUCTION**

Notice is hereby given that the foregoing Ordinance was submitted in writing at a meeting of the Mayor and Committee of the Township of Wantage in the County of Sussex, New Jersey held on the 26<sup>th</sup> day of January, 2017. Introduced and read by title and passed on the first reading and that the said Township Committee will further consider the same for the second reading and final passage thereof at a meeting to be held on the 23<sup>rd</sup> day of February, 2017 at 7:00 p.m. in the evening prevailing time at the Township of Wantage Municipal Building, 888 State Highway Route 23, Wantage, New Jersey, at which time and place a public hearing will be held thereon by the Township Committee and all persons and citizens in interest shall have an opportunity to be heard concerning same.

The purpose of the above Ordinance is to vacate a portion of Black Dirt Road as described in the Ordinance.

A copy of the Ordinance is available to any member of the general public, at no cost at the Township of Wantage Municipal Building, 888 State Highway Route 23, Augusta, New Jersey, office of the Township Clerk, during regular business hours.

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Debra Millikin, Acting Municipal Clerk  
Township of Wantage