

**TOWNSHIP OF WANTAGE
ORDINANCE #03-2021**

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

WHEREAS, Gemmer 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, upon successful adoption of this Vacation Ordinance, one half of the area to be vacated would be conveyed to the adjoining property owner; and

WHEREAS, it has been demonstrated that the portion of Gemmer 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 Gemmer 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 Gemmer Road being vacated shall be added to Lot 11 in Block 143 and Lot 3.01 Block 142 which abuts both sides of the portion of Gemmer Road being vacated.

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 Gemmer 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. All costs, if any, connected with title reports, appraisal reports, attorneys fees, professional consulting fees and any other costs necessary for the vacation of the dedication shall be paid by the adjoining property owner.

Section 7. 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 8. 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 9. Effective Date. This Ordinance shall take effect in the time and manner prescribed by law.

William Gaechter, Mayor
Township of Wantage

ATTEST:

Michael Restel, Acting Municipal Clerk
Township of Wantage

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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 25 day of February 2021. 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 11 day of March, 2021 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 Gemmer 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.

Michael Restel, Acting Municipal Clerk
Township of Wantage