

BOROUGH OF NORWOOD

ORDINANCE NO. 17:14

AN ORDINANCE
VACATING A PORTION OF MOHAWK AVENUE IN
THE BOROUGH OF NORWOOD

WHEREAS, Mohawk Avenue is shown on the Zoning Map and Tax Map of the Borough of Norwood ("Borough") as a public roadway extending in relevant part between Canterbury Road and Lancaster Road; and

WHEREAS, the Mayor and Council finds that a portion of Mohawk Avenue as described in Exhibit A ("Subject Property") was dedicated to public use but was not accepted by the Borough or improved as a public road, and in view of this land's topography and wooded status, and as a part of the Borough's efforts to preserve the woods and open space in the Borough, it appears that this portion of Mohawk Avenue is no longer necessary for use among the Borough's streets and highways; and

WHEREAS, it appears that the public interest would be best served by the adoption of this ordinance releasing and vacating the Subject Property from the dedication to street and public highway use, subject to the terms and conditions stated in this ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough, in accordance with provisions N.J.S.A. 40:67-19 et seq. and N.J.S.A. 40:55D-32, as follows:

SECTION 1: The Subject Property is vacated as a public street, and the rights of the public therein are released and extinguished, except all existing rights and privileges of any 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," P.L. 1972, C. 186 (C48:5A-1) et seq.), the Borough, the Bergen County Utilities Authority, and their successors, to maintain, repair and replace their existing facilities in, adjacent to, over or under the portion of the street that is vacated by this ordinance. This vacation also is subject to the satisfaction of the following conditions before the ordinance is to be recorded:

1. The owners of the properties currently designated as Block 16, Lot 5 and Block 15, Lot 1 on Norwood's tax map, which properties are adjacent to the west and east sides of the Subject Property ("Adjacent Owners"), will pay to the Borough or will reimburse the Borough for all of the fees and costs that the Borough has paid or incurred or will pay or incur for professional fees and costs associated with the preparation of this ordinance; the road vacation process, including the payment

of all advertising and recording fees; and the preparation of recording of the documents referred to in this ordinance, which are to be executed by or on behalf of the Adjacent Owners;

2. The Adjacent Owners will execute any easement necessary for the existing sanitary sewer line that connects to the Borough's sanitary sewer line under Lancaster Road, which will be binding on their heirs and assigns, and will be recorded when this ordinance is recorded; and

3. The Adjacent Owners will sign a Declaration of Restrictive Covenants, which will be binding on their heirs and assigns and will be recorded when this ordinance is recorded, restricting the use of the Subject Property only for open space, free of any structures, buildings, or improvements, except to continue the right to maintain a driveway on the portion of Subject Property now improved with a gravel driveway that provides access for the benefit of the property adjacent to the west side of the Subject Property to and from the improved portion of Lancaster Road.

SECTION 2: The Borough's tax map and zoning map are hereby amended and revised to the extent necessary to delete any reference to any portion of the Subject Property as a part of Mohawk Avenue.

SECTION 3: All ordinances or parts of ordinances that are inconsistent with the provisions of this ordinance are hereby repealed, but only to the extent of any inconsistencies.

SECTION 4: The provisions of this ordinance are severable. If any part or parts of this ordinance is or are declared to be unconstitutional or invalid by any court, the remaining part or parts of this ordinance will remain in full force and effect.

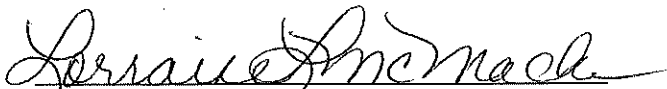
SECTION 5: This ordinance will take effect immediately upon final passage and publication as required by law. This ordinance will be recorded in the appropriate book of road vacations in the County of Bergen, as required by N.J.S.A. 40:67-21.

Introduced and passed first reading: November 8, 2017

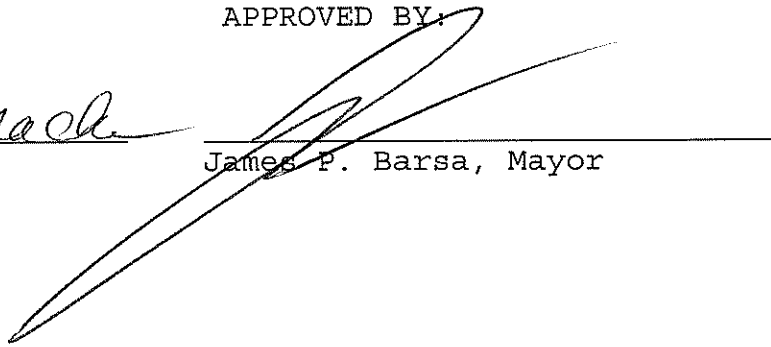
Passed second reading: December 13, 2017

ATTEST:

APPROVED BY:



Lorraine L. McMackin,
Borough Clerk



James P. Barsa, Mayor

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