

**STILLWATER TOWNSHIP
SUSSEX COUNTY**

ORDINANCE 2023-31

AN ORDINANCE PROVIDING FOR THE VACATION OF A
PORTION OF A PUBLIC STREET KNOWN AS ROSE COURT,
IN THE TOWNSHIP OF STILLWATER, COUNTY OF
SUSSEX, STATE OF NEW JERSEY

WHEREAS, there was dedicated to public use a portion of a certain street known as Kill Drive which is more particularly described on Schedule A attached hereto and made a part hereof;

WHEREAS, the same has not been accepted or opened by the municipality; and

WHEREAS, the use of said Rose Court for public purposes and the maintenance of same as a public street would cause a financial burden on the Township without any beneficial return to the public; and

WHEREAS, it appears to the governing body that the public interest will be better served by releasing those lands from such dedication;

NOW, THEREFORE BE IT ORDAINED, by the Township Committee of the Township of Stillwater as follows:

1. The rights of the public in the public street known as Rose Court and such public easement as may exist therein are hereby distinguished and vacated.
2. Expressly reserved and accepted from this vacation ordinance are all rights and privileges possessed by public utilities as defined in N.J.S.A. 48:2-13 and any cable television company as defined in the "Cable Television Act", N.J.S.A. 48:5A-1 et seq., to maintain or repair their existing facilities adjacent to, over and under the street to be

vacated. A perpetual easement, if the same is required, is reserved for the benefit of public utility companies for the purpose of ingress and egress over and upon the same in order to maintain, repair or replace existing utility facilities, if any, including water lines, gas lines, and telephone, electric and cable television wires and poles which may be located beneath the surface of the vacated road.

3. 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 the seal of the Township to be a true copy thereof, together with proof of publication thereof, in the Office of the Clerk of the County of Sussex in the Book of Vacations in accordance with the provisions of N.J.S.A. 40:67-21.

Severability. If any provision of this ordinance or the application of this ordinance to any person or circumstances is held invalid, the remainder of this ordinance shall not be affected and shall remain in full force and effect.

Repealer. All ordinances or parts of ordinances or resolutions inconsistent or in opposition to the provisions of this ordinance are hereby repealed in their entirety.

Effective Date. This ordinance shall take effect after publication and passage according to law.

ATTEST:

Lynda Knott, Municipal Clerk

Lisa Chammings, Mayor

Introduced: December 5, 2023

Adopted:

NOTICE

Take notice that the above entitled ordinance was passed on first reading in the Township Committee of the Township of Stillwater at a regular meeting held on December 5, 2023, and will be considered on second reading after public hearing at a regular meeting of the Stillwater Township Committee to be held on December 19, 2023 at 7:00 p.m. at the Municipal Building, Stillwater, New Jersey.

Lynda Knott, Municipal Clerk