

**WEST DEPTFORD TOWNSHIP**

**ORDINANCE 2022-03**

**ORDINANCE OF THE MAYOR AND COMMITTEE OF THE TOWNSHIP OF WEST  
DEPTFORD VACATING LEONARD AVENUE IN THE TOWNSHIP OF WEST  
DEPTFORD, COUNTY OF GLOUCESTER, STATE OF NEW JERSEY**

**WHEREAS**, the Mayor and Committee of the Township of West Deptford have determined that it is in the best interests of the residents of the Township of West Deptford to vacate the following public street, more specifically described below:

**STREET NAME**

Leonard Avenue

**LOCATION**

Crown Point Road

**WHEREAS**, vacation of a public street, road, highway or part thereof, may be authorized by the municipal governing body, by Ordinance, pursuant to N.J.S.A. 40:67-1, et. seq., when there is no longer any need for the use of said area by the public; and

**WHEREAS**, N.J.S.A. 40:67-19 allows a municipality to authorize, by ordinance, the release and extinguishment of the public rights arising from the dedication of a land as a public street as to the whole or any part of the land, however any rights and privileges possessed by public utilities and cable television companies to maintain, repair and replace their existing utility facilities in, adjacent to, over or under the property are expressly reserved and excepted from vacation pursuant to N.J.S.A. 40:67-1, et seq.

**NOW, THEREFORE, BE IT ORDAINED**, by the Mayor and Township Committee of the Township of West Deptford, in the County of Gloucester and State of New Jersey, and it is hereby enacted and ordained by the authority of same as follows:

**Section 1**

1. Pursuant to N.J.S.A. §40:67-19, et seq., all public rights and interests in, along, upon the public streets, roads, highways or parts thereof, more particularly described below, is hereby vacated, surrendered and extinguished.

2. This Ordinance vacates no other portion of the streets/roads, except that portion set forth as follows:

(See LEGAL DESCRIPTION attached as Exhibit A)

3. Expressly reserved and excepted from this vacation Ordinance are all rights and privileges heretofore 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 foregoing premises or above the same.

4. Once the street/roads have been vacated, then it is in the Township's best interests in and to the said streets/roads described herein to be released. To the extent that any portion(s) of the underlying vacated areas do not transfer automatically to the adjacent property owners by operation of law, the Township Committee hereby authorizes the conveyance of said underlying area(s) to the adjoining property owner(s) of Block 333, Lots 1 and 2, by Deed, for nominal consideration (\$1.00), pursuant to N.J.S.A. 40:67-19, et. seq., N.J.S.A. 40:60-28, and/or N.J.S.A. 40A:12-13(b)(5), so that these portions may be combined with and become part of the said adjacent properties.

5. The Township Clerk shall, within sixty (60) days of the effective date of this Ordinance, file a copy hereof, certified by the Clerk, under seal of the Township, to be a true and exact copy of the Ordinance, together with a copy of the proof of publication thereof, in the Office of the Gloucester County Clerk for recordation in the County's Book of "Dedications and Vacations" pursuant to N.J.S.A. 40:67-21.

6. The Township Clerk shall publish this Ordinance, after introduction and passage at a first reading, at least once, not less than ten (10) days instead of one (1) week prior to the time fixed for further consideration for final passage pursuant to N.J.S.A. 40:49-6.

7. The Township Clerk shall, at least one (1) week prior to the time fixed for final passage of such Ordinance, mail a copy thereof, together with a Notice of the 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 or any assessment which may be made in pursuance thereof, pursuant to N.J.S.A. 40:49-6.

**Section 2. Repealer**

All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistencies.

**Section 3. Severability**

Each section of this Ordinance is an independent section, and the holding of any section or part thereof to be unconstitutional, void or ineffective, shall not be deemed to affect the validity or constitutionality of any other sections or parts hereof.

**TOWNSHIP OF WEST DEPTFORD**

  
JAMES P. MEHAFFEY, Mayor

Attest:

  
LEE ANN DEHART, Registered Municipal Clerk

**INTRODUCED** at a meeting of the Township Committee of the Township of West Deptford, held on March 16, 2022.

ROLL CALL VOTE				
	AYES	NAYS	ABSTAIN	ABSENT
James Mehafeey	/			
Megan Kerr	/			
Ashley Morrell	/			
Adam Reid	/			
James Robinson	/			
<b>TALLY:</b>	5			

**ADOPTED** at a meeting of the Township Committee of the Township of West Deptford, held on April 20, 2022.

ROLL CALL VOTE				
	AYES	NAYS	ABSTAIN	ABSENT
James Mehaffey	/			
Megan Kerr	/			
Ashley Morell	/			
Adam Reid				/
James Robinson	/			
<b>TALLY:</b>	4			/