

**ORDINANCE 2013-18 OF THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN,
AND STATE OF NEW JERSEY, VACATING THE IMPROVED STREET KNOWN AS
PINEDGE COURT**

WHEREAS, there exists in the Township of Berlin, County of Camden, State of New Jersey an improved street known as Pinedge Court as shown on the Official Tax Map of the Township of Berlin; and

WHEREAS, N.J.S.A. 40:67-1 authorizes a municipality by ordinance to release and extinguish the public's rights in property dedicated as a public street where the public interest will be better served by releasing those lands or any parts thereof from such dedication; and

WHEREAS, Pinedge Associates, LLC is the owner of the real estate adjoining Pinedge Court also known as Block 2601, Lots 1 and 5 on the Official Tax Map of the Township of Berlin and has requested that the Township of Berlin vacate Pinedge Court; and

WHEREAS, the Township Engineer in his letter of November 13, 2013 has recommended the vacation of Pinedge Court located between Block 2601, Lots 1 and 5 with the vacated Pinedge Court being conveyed and transferred to the adjacent property owner, Pinedge Associates, LLC; and

WHEREAS, by operation of law the vacated Pinedge Court shall be conveyed to the adjoining property owner, Pinedge Associates, LLC; and

WHEREAS, Pinedge Court being vacated is to be conveyed to Pinedge Associates, LLC, the adjoining owner of Block 2601, Lots 1 and 5 is more particularly described by metes and bounds description prepared by Key Engineers attached hereto as Exhibit "A;" and

WHEREAS, the Mayor and Township Council of the Township of Berlin do hereby determined that Pinedge Court is no longer needed for public purposes; and

WHEREAS, the Mayor and Township Council of the Township of Berlin do hereby determine that the vacation of Pinedge Court will better serve the public interest; and

WHEREAS, the ownership of Pinedge Court shall be transferred to the adjacent property owner, Pinedge Associates, LLC, the owner of Block 2601, Lots 1 and 5, respectively for nominal consideration; and

WHEREAS, a Quitclaim Deed transferring ownership of Pinedge Court is attached hereto as Exhibit "B;" and

WHEREAS, the Mayor and Township Council of the Township of Berlin finds it to be in the best interest of the Township and its citizens to vacate the improved street known as Pinedge Court to be transferred to the adjacent property owner, Pinedge Associates, LLC, the owner of Block 2601, Lots 1 and 5.

NOW THEREFORE, be it Ordained by the Mayor and Township Council of the Township of Berlin, County of Camden, State of New Jersey, as follows:

1. Pursuant to N.J.S.A. 40:67-1 and subject to the conditions set forth herein, the rights of the public in and to the public street known as Pinedge Court, more specifically described in Schedule A, attached hereto, which is located between Block 2601, Lots 1 and 5, is hereby released, extinguished and vacated.

2. Pinedge Court is herein vacated and shall be transferred to the owner of and merge and become part of adjacent Block 2601, Lots 1 and 5, respectively.

3. The Mayor and Township Clerk of the Township of Berlin are hereby authorized and directed to sign and execute the Quitclaim Deed in the form attached hereto as Exhibit "B" transferring Pinedge Court to the adjacent property owner, Pinedge Associates, LLC, owner of Block 2601, Lots 1 and 5 in "AS-IS" condition.

4. Expressly reserved and accepted 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 telephone 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.

5. As a condition of this street vacation, Pinedge Associates, LLC agrees to own, operate and maintain the sanitary sewer main, manholes and appurtenances which are located within the right-of-way of Pinedge Court to be vacated.

6. This Ordinance shall be referred to the Berlin Township Planning Board for review and comment pursuant to Section 32 of the Municipal Land Use Law as an amendment to the official map of Berlin Township.

7. At least seven (7) days prior to the time fixed for consideration of this Ordinance for final passage, a copy of this Ordinance, together with a notice of its introduction and the time and place when and where the Ordinance will be further considered for final passage, shall be given by the Township Clerk to the owners of all real property, as shown on the current tax map duplicates, to be located within 200 feet in all directions of Pinedge Court. At least ten (10) days prior to the time fixed for consideration of this Ordinance for final passage, a copy of this Ordinance, together with a notice of its introduction and the time and place when and where the Ordinance will be further considered for final passage, shall be published at least once in a newspaper published and circulated in the Township.

8. 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 Camden in the Book of Vacations, in accordance with the provisions of N.J.S.A. 40:67-21.

9. Pinedge Associates, LLC shall be responsible for all legal, engineering, advertising, and recording costs associated with the vacation of Pinedge Court.

10. If the provision of any section, subsection, paragraph, subdivision, or clause of this Ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this Ordinance.

11. This Ordinance shall take effect immediately upon final passage and publication in accordance with law.

Introduced: November 25, 2013

Notice is hereby given that the foregoing Ordinance was introduced and passed upon first reading at a meeting of the Mayor and Council of the Township of Berlin, Camden County, New Jersey on November 25, 2013 and the same was ordered published pursuant to statute. Said ordinance will be further considered for final adoption at a meeting of the Mayor and Council of the Township of Berlin on December 16, 2013 at 6:30 p.m. at the Berlin Township Municipal Hall, 135 Route 73 South, West Berlin, NJ.

Catherine Underwood
Township Clerk