

87-04

ORDINANCE NO.

AN ORDINANCE TO VACATE A PORTION OF GREENWOOD AVENUE

WHEREAS, the Township of South Brunswick has or is about to enter into several agreements with the Trustees of Princeton University, the State of New Jersey and Wm. Flemer's Sons, Inc., for the transfer of certain property rights between the parties that will result in significant open space parcels being held by the Township and the State of New Jersey; and

WHEREAS, certain property located at Block 99, Lot 3.011 is to be donated to the State of New Jersey and the Township of South Brunswick jointly, for use as open space; and


WHEREAS, this property is encumbered by the right-of-way for Greenwood Avenue, a portion of which shall be converted to open space; and

WHEREAS, in order for this parcel to be dedicated to the State of New Jersey and the Township of South Brunswick jointly and maintained as open space, the right-of-way should be vacated so that clear title can pass when it is conveyed;

NOW THEREFORE BE IT ORDAINED by the Township of South Brunswick, County of Middlesex, State of New Jersey that:

- I. A portion of the right-of-way for Greenwood Avenue situated in South Brunswick Township, County of Middlesex and State of New Jersey, which is more particularly described in Exhibit A attached hereto and made a part hereof ("Vacated Property"), be and is hereby vacated, and all public rights therein extinguished, subject, however, to the reservations set forth below.
- II. South Brunswick Township, pursuant to N.J.S.A. 40:67-19, for itself, its successors and assigns, reserves unto itself the right to construct, install, build, operate, maintain, use, repair, replace and relocate public utilities, including but not limited to cable television facilities, within the Vacated Property, which it may, at any time hereafter, deem necessary for the public health, safety, convenience and welfare.
- III. South Brunswick Township further reserves unto itself the right to use, maintain, repair, replace and relocate all existing utilities owned or controlled by it located in, adjacent to, upon or through said Vacated Property.
- IV. Adoption of this ordinance shall not affect the balance of Greenwood Avenue, which shall remain a public street owned and maintained by South Brunswick Township.
- V. Adoption of this ordinance shall not impair or extinguish any easements granted by the Township, either alone or in combination with others, to the Trustees of Princeton University for Drainage, Driveway and/or Pedestrian Trail purposes.
- VI. Once finally adopted, the Township Clerk shall send a certified copy of this Ordinance, together with a copy of the proof of publication thereof, to the Middlesex County Clerk, Register of Deeds and Mortgages, and to the New Jersey Department of Transportation.
- VII. If any clause, sentence, paragraph, section or part of this ordinance or any other codes or ordinances incorporated herein shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which said judgment shall have been rendered.
- VIII. This ordinance shall become effective twenty (20) days after its final passage.

The above ordinance was introduced and passed on first reading at a regular meeting of the Township Council of the Township of South Brunswick held on November 15, 2004, and will be considered on second and final reading and final passage at a regular meeting of the Township Council of the Township of South Brunswick to be held at the Municipal Building, Monmouth Junction, New Jersey, at 7:30 p.m. on December 14, 2004, at which time and place any person having an interest therein will be given an opportunity to be heard.


Township Clerk
11/15/04

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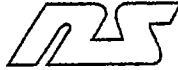
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Township Clerk



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Phone: (609) 243-0428
Fax: (609) 987-0005

NASSAU SURVEYING
Division of Van Note-Harvey Associates, P.C.
Land Surveyors
777 Alexander Road
P.O. Box 3227
Princeton, New Jersey 08543-3227

<http://www.vannoteharvey.com>
E-mail: vnha@aol.com

Order No. 34328-430-11
South Brunswick Township Tax Map
Sheet 35
Portion of Greenwood Avenue

DESCRIPTION OF A PORTION OF A
GREENWOOD AVENUE AS SHOWN ON
SHEET 35 OF THE SOUTH BRUNSWICK
TOWNSHIP TAX MAP SITUATE LYING
AND BEING IN THE TOWNSHIP OF
SOUTH BRUNSWICK, COUNTY OF
MIDDLESEX, STATE OF NEW JERSEY

September 13, 2004

Description of Portion of Greenwood Avenue to be Vacated which is more particularly described as follows:

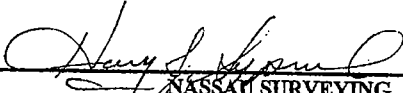
BEGINNING at a **POINT** in the northerly line of South Brunswick Township Tax Lot 3.011, Block 99, said point being the southeasterly corner of Lot 18, said point also being the southwesterly terminus of existing Greenwood Avenue, 50 feet wide right-of-way and from said **BEGINNING POINT** running, thence;

- (1) Along the existing right-of-way of said Greenwood Avenue, the following two courses; N 13 degrees 18 minutes 11 seconds E, 299.47 feet to a point, thence;
- (2) N 15 degrees 13 minutes 02 seconds E, 50.00 feet to a point, thence;
- (3) Crossing over said Greenwood Avenue, S 74 degrees 46 minutes 58 seconds E, 50.00 feet to a point in the existing easterly right-of-way line of Greenwood Avenue, thence;
- (4) Along said easterly right-of-way line of Greenwood Avenue the following two courses; S 15 degrees 13 minutes 02 seconds W, 49.34 feet to a point, thence;
- (5) S 13 degrees 18 minutes 11 seconds W, 299.91 feet to a point, thence;
- (6) Along the existing southerly terminus of Greenwood Avenue, N 75 degrees 01 minute 58 seconds W, 50.02 feet to the **POINT** and **PLACE** of **BEGINNING**.

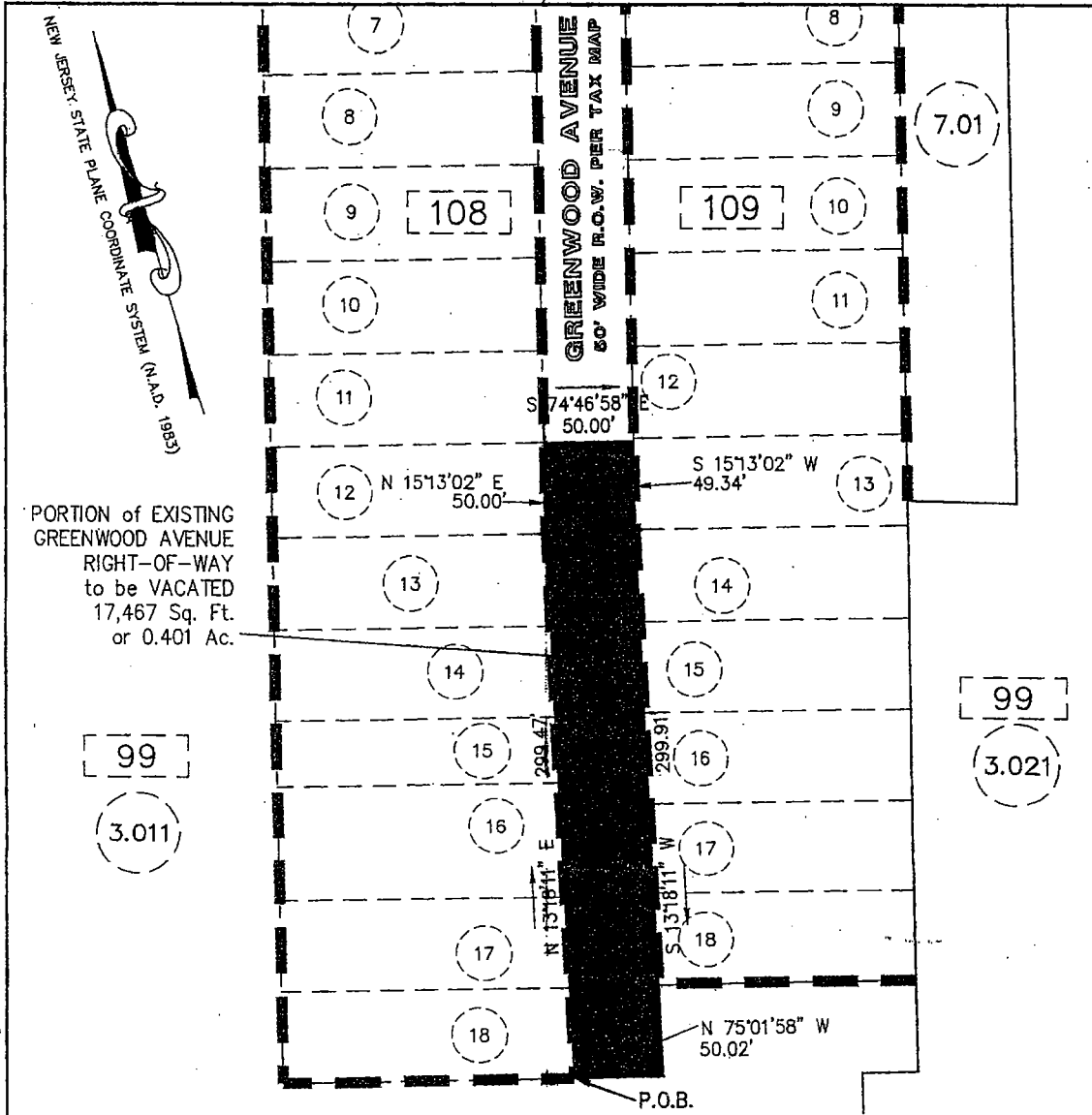
Containing 17,469 square feet or 0.401 acres of land more or less.

The above described Greenwood Avenue Right-of-Way Vacation being shown on a plan entitled, "Plan Showing Proposed Right-of-Way Vacation of a Portion of Greenwood Avenue" situate in South Brunswick Township, Middlesex County, New Jersey, Scale 1" = 60' dated July 28, 2004, prepared by Van Note-Harvey Associates P.C., Land Surveyors, 777 Alexander Road, Princeton, New Jersey, 08540.

According to a legal description by Nassau Surveying, a Division of Van Note-Harvey Associates, P.C., Land Surveyors, 777 Alexander Road, Princeton, New Jersey, 08540.



 NASSAU SURVEYING
 DIVISION OF VAN NOTE-HARVEY ASSOCIATES, P.C.
 HARRY J. SYPNIEWSKI
 NEW JERSEY PROFESSIONAL LAND SURVEYOR #20808



SOUTH BRUNSWICK TOWNSHIP TAX MAP REFERENCE:
SHEET 35, PORTION OF GREENWOOD AVENUE

REFERENCE PLAN:

"PLAN SHOWING LANDS OF WM. FLEMER'S SONS, INC. TO BE ACQUIRED BY STATE OF NEW JERSEY, GREEN ACRES PROGRAM and SOUTH BRUNSWICK TOWNSHIP, SITUATE IN SOUTH BRUNSWICK TOWNSHIP, MIDDLESEX COUNTY, N.J., SCALE: 1"=100', JULY 27, 2004", PREPARED BY VAN NOTE-HARVEY ASSOCIATES, P.C., ORDER No. 34328-400-11..

GRAPHIC SCALE



(IN FEET)
1 inch = 80 ft.

				van note-harvey associates, p.c. consulting engineers, planners & land surveyors 777 Alexander Road • Princeton, NJ 08540 1600 Broadway, Ste. 203 • Westfield, NJ 08993 49 East Hill Rd., P.O. 240 • Long Valley, NJ 07833 211 North Moh Street • Cape May Court House, NJ 08210	
1.	REVISE ESMT BOUNDARY	9/15/04	DMK	PLAN SHOWING PROPOSED RIGHT-OF-WAY VACATION OF A PORTION OF GREENWOOD AVENUE SITUATED IN SOUTH BRUNSWICK TOWNSHIP MIDDLESEX COUNTY, N.J. SCALE: 1" = 80' JULY 28, 2004	
REV.	DESCRIPTION	DATE	DRN. BY		
 HARRY J. STEINHILBER NEW JERSEY PROFESSIONAL LAND SURVEYOR No. 28998			8/30/04	DATE SIGNED	Drawn By: D.M.K. Field Book: 34328 Order No.: -430 Checked By: -11 File Drawer: South Brunswick Township Sheet No.: 1