

CITY OF BORDENTOWN

ORDINANCE 2013-05

ORDINANCE VACATING A PREVIOUSLY UNVACATED SEGMENT OF RAILROAD AVENUE (A LANDLOCKED PAPER STREET) ADJACENT TO BLOCK 1601, LOT 2 AND THE CONRAIL RAILROAD RIGHT-OF-WAY WITHIN THE CITY OF BORDENTOWN

WHEREAS, Railroad Avenue was a paper street according to historical Conrail Plans and the Tax Maps of the City of Bordentown running from Spring Street and extending between Conrail's railroad right-of-way and the westerly boundaries of Block 1301, Lot 1 and Block 1601, Lot 2; and

WHEREAS, Block 1301, Lot 1 is commonly known as 1 Spring Street and is improved with a three (3) story brick structure that was constructed in 1881 and utilized as a sewing factory; and

WHEREAS, Block 1601, Lot 2 adjoins Block 1301, Lot 1 to the south and is currently utilized for recreational purposes by City residents which parcel is currently known as "Spring Street Park"; and

WHEREAS, Block 1601, Lot 2 is currently owned by Ocean Spray Cranberries, Inc. ("Ocean Spray") but will shortly be dedicated to the City pursuant to a Land Exchange and Conveyance Agreement between Ocean Spray and the City; and

WHEREAS, the Board of Commissioners of the City of Bordentown adopted an Ordinance on February 14, 1953 that purports to vacate Railroad Avenue extending in a northerly direction from the paper street's intersection with Spring Street; and

WHEREAS, the Ordinance was recorded in the Burlington County Clerks' Office on February 20, 1953 in Roadway Vacation Book 2, p. 70; and

WHEREAS, based upon a review of the metes and bounds description contained in the Ordinance some sixty (60) years after it was adopted and recorded, it appears that the roadway vacation involved that segment of the paper street running to the north of Spring Street and to the west of Block 1301, Lot 1 but omitted the segment running to the west of Block 1601, Lot 2 which is utilized by the City as Spring Street Park; and

WHEREAS, it is logical to assume in hindsight that the foregoing was done in error because the segment of the roadway adjacent to Block 1601, Lot 2 leaves the paper street landlocked and useless for the future creation of a municipal street; and

WHEREAS, the purpose of this Ordinance is to address and rectify this situation to make it clear that the segment of Railroad Avenue, a paper street, adjoining the westerly boundary of Block 1601, Lot 2 and the easterly boundary of the railroad right-of-way are likewise vacated; and

WHEREAS, a copy of a Plan that depicts the portion of Railroad Avenue that was previously vacated to the west of Block 1301, Lot 1 and the segment of the paper street to the west of Block 1601, Lot 2 for which no documentation of road vacation can be found which segment is intended to be vacated by this Ordinance is attached hereto as Exhibit "A" which is incorporated herein by reference as if set forth herein at length.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the City of Bordentown, in the County of Burlington and State of New Jersey as follows:

1. Subject to the reservation(s) set forth in Paragraph 2 (below), the landlocked segment of Railroad Avenue (a paper street) that adjoins the westerly boundary of Block 1601, Lot 2 and the easterly boundary of the Conrail railroad right-of-way that is more particularly described in Exhibit "A" is hereby vacated and adjacent property owners are hereby vested with such title ownership in the vacated roadway segment as may be provided by law.
2. The roadway vacation provided herein expressly reserves and preserves such rights as may exist for the installation and maintenance of all underground and/or overhead utilities unless such rights are vacated by the owners thereof.
3. The Mayor and City Clerk are authorized to execute such documents as may be necessary to carry out the intent and purpose of this Ordinance.
4. All Ordinances or provisions thereof that are inconsistent with this Ordinance shall be and are hereby repealed to the extent of such inconsistency.
5. If any part, clause, phrase, section or subsection of this Ordinance shall be declared invalid by judgment of any court of competent jurisdiction, such part, clause, phrase, section or subsection shall be deemed to be severable from the remainder of this Ordinance.
6. This Ordinance shall take effect after final passage and publication according to law.

First Reading: March 11, 2013
Adopted: May 13, 2013

Exhibit A

