

Borough of North Caldwell
Ordinance No. O-6-14

AN ORDINANCE TO VACATE BIRCH AVENUE IN THE
BOROUGH OF NORTH CALDWELL, COUNTY OF ESSEX,
STATE OF NEW JERSEY.

WHEREAS, it appears to the Mayor and Council of the Borough of North Caldwell that the public interest will be better served by vacating that portion of land, Birch Avenue, designated as a potential street, described below; and

WHEREAS, Birch Avenue has been dedicated but has not been used by the public or improved by the Borough of North Caldwell;

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of North Caldwell, County of Essex, State of New Jersey as follows:

1. That, subject to the utility easements reserved hereby, Birch Avenue is hereby vacated as a public street, and the right, title, and interest of the public and the Borough of North Caldwell in and to said street specifically for use as a thoroughfare be and the same is hereby released, extinguished, and discharged, to wit, that land of the Borough of North Caldwell described as follows:

BEGINNING at a point along the Northeasterly line of Spruce Road South $46^{\circ} 16' 29''$ East, 8° feet from the common property line of Block 1406, Lots 24 and 23 and running thence

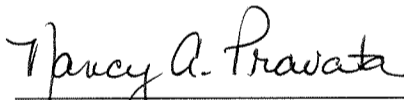
- (1) Along a curve to the left with a radius of 40.00 feet, a central angle of 89° chord bearing of North $89^{\circ} 14' 10''$ East; thence
- (2) Along the sideline of Block 1406, Lot 23, and Birch Avenue North $44^{\circ} 04' 00''$ East, 187.40 feet; thence
- (3) Along a line, South $45^{\circ} 19' 00''$ East, 50 feet; thence
- (4) Along the sideline of Block 1404, Lot 1 and Birch Avenue South $44^{\circ} 04' 00''$ West, 187.40 feet to a point on a curve; thence
- (5) Along a curve to the left with a radius of 40.00 feet and central angle of $89^{\circ} 39' 40''$ to a point on the Northeasterly sideline of Spruce road; thence
- (6) Along said sideline of Spruce Road North $46^{\circ} 16' 20''$ West, 130.48 feet to the place of BEGINNING

2. Excepted from the foregoing vacation of Birch Avenue as a public street are utility easements for storm sewers, sanitary sewers, water lines, and all other utility easements covering the entire present right-of-way of Birch Avenue, which are specifically reserved by the Borough herein.
3. Pursuant to N.J.S.A. 40:60-28, the Borough of North Caldwell reserves the right to make a private sale and conveyance of the land, designated as Birch Avenue, to an adjoining property owner/owners at a price deemed just and fair by the Borough.
4. This ordinance shall take effect upon adoption and publication as required by law.


Introduced: June 10, 2014

Approved: July 22, 2014

Attest:



Nancy A. Pravata,
Borough Clerk



Joseph H. Alessi,
Mayor

I hereby certify the foregoing to be a true copy of action taken by the Mayor and Council at a Regular Meeting held on July 22, 2014.

Nancy A. Pravata, Borough Clerk