

AN ORDINANCE RELEASING, EXTINGUISHING AND VACATING THE RIGHTS OF THE TOWNSHIP IN SEWER EASEMENT LOCATED ON LOT 7, BLOCK 1, TOWNSHIP OF WEST ORANGE, COUNTY OF ESSEX AND STATE OF NEW JERSEY

An ordinance releasing, extinguishing and vacating the sewer easement located across lots 7 and 9 as depicted on the map entitled “Revised Map, Silver Spring East, Township of West Orange, Essex County, N.J., filed on December 13, 1950 in the Essex County Register’s Office as Map No. 1747” now known as Block 1, Lot 7 on the Tax Maps of the Township of West Orange (Formerly Lots 7 and 9, Block 1) commonly known as 190 South Valley Road Township of West Orange, New Jersey, (the “Property”).

WHEREAS, on December 13, 1950, the Township of West Orange (“Township”) was granted a sewer easement along the Property (“Easement”); and

WHEREAS, the Township’s Engineer has determined that the Easement is of no use to the Township; and

WHEREAS, it has been determined by the Township Council, after due investigation and consideration as follows:

- (1) that the sewer easement described hereinbelow is no longer necessary because sewers were never constructed and properties along South Valley Road and Hillside Terrace as depicted on the “Revised Map, Silver Spring East” are sewerred to those respective streets; and
- (2) that it is in the best interest of the general public and the Township of West Orange that any public easements, right and interest in and to same shall be vacated, released and extinguished;

NOW, THEREFORE, BE IT HEREBY ORDERED by the Township Council of the Township of West Orange, County of Essex, and State of New Jersey as follows:

SECTION I

All public easements, rights and interests to the sewer easement in Lot 7, Block 1, commonly known as 190 South Valley Road, West Orange, New Jersey described hereinbelow, are hereby vacated, released and extinguished except for said easements and rights specifically set forth in the description hereinbelow:

**DESCRIPTION OF
SEWER EASEMENT
LOCATED ON LOT 7, BLOCK 1
TOWNSHIP OF WEST ORANGE
ESSEX COUNTY, NEW JERSEY**

Through and along Lot 7 and Lot 9 as depicted on the map entitled “Revised Map, Silver Spring East, Township of West Orange, Essex County, N.J., filed on December 13, 1950 in the Essex County Register’s Office as Map No. 1747”, attached hereto as Exhibit A and made a part hereof.

SECTION II

Specifically reserved and excepted from the vacation which is described in Section I above are all rights and privileges now possessed by public utilities, as defined in N.J.S.A. 48:2-13, for existing overhead lines and underground telephone lines and any other utilities that are in, adjacent to, over or under the street, and by any Cable Television Company, as defined in the “Cable Television Act”, N.J.S.A. 48:5A-1 et seq., to maintain, repair and replace their existing facilities in, adjacent to, over or under the street, or any part thereof.

SECTION III

The Township Clerk shall, within sixty (60) days after the effective date of this Ordinance, file a copy of the within Ordinance, certified by her, under the seal of the Township of West Orange, to be a true copy, together with proof of publication, in the Office of the Register of Deeds of the County of Essex, all in accordance with N.J.S.A. 40:67-21.

SECTION IV

Any and all Ordinances or parts of Ordinances inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION V

This Ordinance shall take effect immediately upon adoption and publication in accordance with law.

Michelle Casalino
Council President

Robert D. Parisi
Mayor

Karen J. Carnevale, R.M.C., Municipal Clerk

Introduced: January 21, 2020

Adopted: February 4, 2020

Legislative History

This Ordinance vacates the sewer easement depicted on the “Revised Map, Silver Spring East” annexed hereto as Exhibit “A”. The easement is no longer necessary because sewers were never constructed and properties along South Valley Road and Hillside Terrace as depicted on the “Revised Map, Silver Spring East” are sewered to those respective streets.