



702971

SEP 06 2005
m/s

7040

TOWNSHIP OF WALL

ORDINANCE 23-2005

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL VACATING AN UNIMPROVED ROAD LOCATED OFF OF NORTH MARCONI ROAD - BLOCK 114, LOT 4.04

WHEREAS, the Township Committee of the Township of Wall has been requested to vacate all of the right, title and interest of the Township in an unimproved road located off of North Marconi Road as described in Schedule A attached hereto;

and

WHEREAS, the Township Committee makes a determination that the public will not adversely be affected by the vacation of the Township's interest in the unimproved road located in Block 114, Lot 4.04.

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Wall, in the County of Monmouth and State of New Jersey, as follows:

Section 1. There is hereby vacated all of the right, title and interest of the public for all public usages and purposes in and to that portion of an unimproved road located in Block 114, Lot 4.04, as is set forth on Schedule A attached hereto and made a part hereof; however, the Township does hereby expressly reserve and except from the vacation all rights and privileges now possessed by public utilities as defined in R.S.48:2-13 and by any cable television company as defined in the "Cable Television Act," P.L. 1972, c. 186, (C48:5A-1, *et seq.*) to maintain, repair and replace their existing facilities in, adjacent to, over or under the street, highway, lane, alley, square, place or park or any part thereof, being vacated by the provisions of this Ordinance.

Section 2. At least one week prior to the time fixed for further consideration for final passage of this Ordinance, a copy hereof together with a notice stating the

M CLAIR FRENCH, CTY
MONMOUTH COUNTY, NJ

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TDT \$8.00

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introduction of the Ordinance on first reading and the time and place when and where the Ordinance will be considered for final passage shall be mailed to every person whose lands may be affected by the adoption of this Ordinance.

Section 3. This Ordinance shall be published at least once in the official newspaper of the Township at least ten (10) days prior to the time affixed for consideration of the final passage of this Ordinance.

Section 4. The Township Clerk, if this Ordinance is adopted on final reading, shall submit a certified copy of this Ordinance, together with proof of publication, to the Monmouth County Clerk's Office for recording in the Book of Vacations.

Section 5. This Ordinance shall take effect after second reading and publication as required by law.

Section 6. A copy of Schedule A as referenced herein shall be kept on file and made available for public inspection in the Township Clerk's office during normal business hours.

Section 7. All Ordinances, or parts thereof, inconsistent with the provisions of this Ordinance be and the same are hereby repealed to the extent of such inconsistency.

Section 8. Should any section, paragraph, clause or other portion of this Ordinance be adjudged by a Court of competent jurisdiction to be invalid, such judgment shall not affect or impair the remainder of this Ordinance.

NOTICE

Notice is hereby given that the foregoing Ordinance was introduced and passed on first reading by the Township Committee on the Township of Wall on July 13, 2005 and further be considered for final passage and adopted at the Wall Township Municipal Building, 2700 Allaire Road, Wall, New Jersey on August 10, 2005, at 7:30 p.m., or as soon thereafter as the matter can be reached on the agenda, at which time and place all persons interested therein shall be given an opportunity to be heard, and during the week prior to and up to including the date of such meeting, copies of said Ordinance will be made available at the Clerk's Office in the Township of Wall, Town Hall, to members of the general public who shall request the same.

LORRAINE KUBACZ, RMC
Township Clerk

I HEREBY CERTIFY THIS IS A TRUE
COPY OF ORDINANCE No. 23-2005
WHICH WAS FINALLY ADOPTED
BY THE TOWNSHIP COMMITTEE
OF THE TOWNSHIP OF WALL
ON 8/10/05.

Lorraine Kubacz
TOWNSHIP CLERK

R/R
Twp of Wall
PO Box 1168
Wall, NJ 07719-
1168

Chg. 52



**Legal Description
Of an
Unimproved Road to be Vacated
Situate on a Portion of Lot 4.04, Block 114
Township of Wall
Monmouth County, New Jersey**

Richard V. Kenderian, PE, PP
Michael G. Zilinski, PLS, PP *Retired*
Stephen P. Atkins, PE
Robert F. Yuro, PE, PP
John R. Martinez, PE, PP
Errol Melnick, PLS

Daniel L. Miller, CLA
Brian Leff, CLA, PP
Ruth Ann Sadankas
Mark A. Whitaker, PE

BEGINNING AT A POINT in the westerly line of North Marconi Road (a.k.a. Old Mill Road) (40' ROW). Said point being N 11° 55' 40" W along the westerly line of North Marconi Road (a.k.a. Old Mill Road) a distance of 442.39 feet from the intersection of the northerly line of Marconi Road (50' ROW) extended with the aforesaid westerly line of North Marconi Road (a.k.a. Old Mill Road) extended; and running

1. S 89° 12' 48" W through a portion of Lot 4.04, Block 114 a distance of 142.43 feet to a point; thence
2. N 31° 48' 20" E along the common line of Lots 4.04 and 2, Block 114 a distance of 47.48 feet to a point; thence
3. N 89° 12' 48" E through a portion of Lot 4.04, Block 114 a distance of 142.43 feet to a point in the westerly line of North Marconi Road (a.k.a. Old Mill Road); thence
4. S 31° 48' 20" W along the westerly line of North Marconi Road (a.k.a. Old Mill Road) a distance of 47.48 feet to **THE POINT AND PLACE OF BEGINNING.**

Containing 5,697 square feet or 0.131 acres

Subject to easements and restrictions of records, if any

The above description represents the Unimproved Road as shown on a map entitled "Major Subdivision Plan of Tax Map Lot 4, Block 114 and Tax Map Lot 1, Block 87, Township of Wall, Monmouth County, New Jersey", filed in Case No. 298, Sheet 2 on 4-29-05.

Prepared by:

John F. Kile
Professional Land Surveyor
New Jersey License No. 43223

Corporate Headquarters

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