

**ORDINANCE  
TOWNSHIP OF FRANKLIN**

**VACATING ALL RIGHT, TITLE AND INTEREST OF THE TOWNSHIP OF  
FRANKLIN, COUNTY OF GLOUCESTER IN PORTIONS OF WALNUT STREET  
BETWEEN BALSAM COURT AND BROADWAY, ALL OF LOCUST STREET,  
POPLAR STREET BETWEEN MALAGA LAKE BOULEVARD AND BROADWAY,  
ALL OF 5<sup>TH</sup> STREET BETWEEN BALSAM COURT AND BROADWAY AND  
ALL OF BROADWAY BETWEEN MALAGA LAKE BOULEVARD AND  
WEST 3<sup>RD</sup> STREET**

**O-17B -11**

**WHEREAS**, the Township has received the report of the land use subcommittee of the Township indicating that it would be appropriate to vacate all title which the Township may have in portions of Walnut Street between Balsam Court and Broadway, All of Locust Street, Poplar Street between Malaga Lake Boulevard and Broadway, All of 5<sup>th</sup> Street between Balsam Court and Broadway and all of Broadway between Malaga Lake Boulevard and West 3<sup>rd</sup> Street; and

**WHEREAS**, it appears that these portions of said streets and roads were designated on an old filed map; and

**WHEREAS**, the Township Committee believes that it would be in the best interest of the Township of Franklin to vacate a portion of said roads to the extent that it ever had any right, title or interest in said streets and to allow Walnut Street between Balsam Court and Broadway, All of Locust Street, Poplar Street between Malaga Lake Boulevard and Broadway, All of 5<sup>th</sup> Street between Balsam Court and Broadway and all of Broadway between Malaga Lake Boulevard and West 3<sup>rd</sup> Street to the extent that it is contiguous with Block 4807, Lot 1, Block 4810, Lot 7, Block 4809, Lot 1 to be merged with said lands now or to be owned by Roselake, LLC; and

**WHEREAS**, the Township Committee has determined that the aforementioned streets to be vacated are not needed for public use or for use by Franklin Township.

**NOW, THEREFORE, BE IT ORDAINED**, by the Township Committee of the Township of Franklin, County of Gloucester, State of New Jersey as follows:

Section 1. That all right, title and interest in the Township of Franklin, County of Gloucester in the aforementioned Streets and Roads to the extent that it exists and to the extent that the Township of Franklin ever had any right, title or interest in and to Walnut Street between Balsam Court and Broadway, All of Locust Street, Poplar Street between Malaga Lake Boulevard and Broadway, All of 5<sup>th</sup> Street between Balsam Court and Broadway and all of Broadway between Malaga Lake Boulevard and West 3<sup>rd</sup> Street be and is hereby vacated. The vacated roadways are depicted in the map attached hereto and made a part hereof.

Section 2. All rights and privileges possessed, if any, at the time of this Ordinance by public utilities as defined in N.J.S.A. 48:2-13 shall be expressly reserved and excepted from vacation so that the said utilities may 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 to be vacated;

Section 3. Any Ordinance or parts of Ordinances inconsistent with the provisions of this Ordinance be and the same are hereby repealed;

Section 4. This Ordinance shall take effect immediately upon passage and publication in accordance with the Laws of the State of New Jersey and filing with the County Clerk pursuant to N.J.S.A. 40:67-21.

ATTEST:

TOWNSHIP OF FRANKLIN

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CAROLYN K. TOY, CLERK

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PATRICK DOUGHERTY, MAYOR

**CERTIFICATION**

I, CAROLYN K. TOY, Clerk of the Township of Franklin, County of Gloucester, do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the Township of Franklin held on Wednesday, November 9, 2011 and thereafter duly advertised in the legal newspaper of the Township at least ten (10) days prior to it being considered for final passage and adoption at a subsequent meeting to be held on Tuesday, December 13, 2011, at which time any person interested therein will be given an opportunity to be heard.

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CAROLYN K. TOY, CLERK