

**ORDINANCE
TOWNSHIP OF FRANKLIN**

**VACATING ALL RIGHT, TITLE AND INTEREST OF THE TOWNSHIP OF FRANKLIN,
COUNTY OF GLOUCESTER IN SIXTH STREET**

O-7-09

WHEREAS, the Township has been attempting to preserve the property commonly known as the Alvino Farm through the Farmland Preservation Program, said property is located in the Township of Franklin and being designated on the tax maps as Block 5701, Lot 14; and

WHEREAS, said property is presently owned by Linda Mattola and Joanne Williams who obtained said property by Deed dated June 17, 2005 from Cecilia Alvino; and

WHEREAS, based upon the legal description attached to said Deed, reference is made to Sixth Street, which is not presently designated on the tax maps or the official map of the Township of Franklin; and

WHEREAS, it appears that Sixth Street was designated on an old filed map filed by the late Steven Backer Land in Franklin Township, Gloucester County, New Jersey, now owned by the Malaga Realty and Development Company, 302-304 Broadway, New York; and

WHEREAS, it appears that there is a discrepancy in the acreage by virtue of the fact that Sixth Street was created by 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 Sixth Street to the extent that it ever had any right, title or interest in Sixth Street and to allow Sixth Street, to the extent that it contiguous with Block 5701, Lot 14 to be merged with Block 5701, Lot 14; and

WHEREAS, the Township Committee has determined that the portion of Sixth Street to be vacated is 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 Sixth Street 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 Sixth Street which the Township may have had by virtue of the filed map of Steven Backer Land in Franklin Township, Gloucester County, New Jersey, now or formerly owned by Malaga Realty and Development Company, 302-204 Broadway, New York, be and is hereby vacated

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

CAROLYN K. TOY, CLERK

JOSEPH C. PETSCH, 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 Tuesday, June 9, 2009 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, July 14, 2009, at which time any person interested therein will be given an opportunity to be heard.

CAROLYN K. TOY, CLERK