

**TOWNSHIP OF FRANKLIN**  
**O-5-2020**

**ORDINANCE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF  
GLOUCESTER, STATE OF NEW JERSEY, RELEASING,  
EXTINGUISHING AND VACATING THE RIGHTS OF THE  
PUBLIC IN A PORTION OF PAPER STREETS**

**WHEREAS**, there exists in the Township of Franklin a portion of an unimproved paper street known as Franklin Street between Delsea Drive and Marshall Mill Road, as shown on the Official Tax Map of Franklin (the “Unimproved Street”) that serves no public purpose, requires unwarranted Township maintenance costs, and needs to be vacated; and

**WHEREAS**, there exists in the Township of Franklin a portion of an unimproved paper street known as Normandy Street between 2<sup>nd</sup> Avenue and Marshall Mill Road, as shown on the Official Tax Map of Franklin (the “Unimproved Street”) that serves no public purpose, requires unwarranted Township maintenance costs, and needs to be vacated; and

**WHEREAS**, there exists in the Township of Franklin a portion of an unimproved paper street known as Market Street between 2<sup>nd</sup> Avenue and where it ceases in the direction of Marshall Mill Road at Block 5701 Lot 1, as shown on the Official Tax Map of Franklin (the “Unimproved Street”) that serves no public purpose, requires unwarranted Township maintenance costs, and needs to be vacated; and

**WHEREAS**, the entirety of Unimproved Street, including the portion to be vacated, is neither open to the public for the purposes of vehicular traffic nor publicly maintained as a street; therefore, this vacation ordinance is not subject to review by the Commissioner of the New Jersey Department of Transportation with regard to the traffic regulations thereon pursuant to N.J.S.A. 39:4-8; and

**WHEREAS**, N.J.S.A 40:67-1b. and N.J.S.A 40:67-19 empowers the governing body of a municipality to make, amend, repeal and enforce ordinances to vacate any public street, including the vacation of any portion of any public street, and to vacate any street, or any part thereof, dedicated to public use but not accepted by the municipality, whether or not the same, or any part, has been actually opened or improved; and

**WHEREAS**, the Planning Board of Franklin Township has recommended to the Township Council the vacation of the public right-of-way being a portion of the Unimproved Streets; and

**WHEREAS**, the Township Council of the Township of Franklin has considered evidence that the portion of the Unimproved Street to be vacated is not needed by the general public as a public thoroughfare and lends itself to higher and better use than as and for a public thoroughfare and for use by the general public, and the public interest will best be served by abandoning, vacating, releasing and extinguishing any and all public rights which the Township may have in and to the below described portion of the Unimproved Street; and

**WHEREAS**, the portion of the Unimproved Street to be vacated known as Normandy Avenue, between the vacated 2<sup>nd</sup> Avenue (coordinates N 81’38’15” E. 924.89’) and Marshall Mill Road, as shown on the Official Tax Map of Franklin attached here as **Exhibit A** (hereafter the area to be vacated shall be referred to as the “Normandy Avenue Road Vacation Area”); and

**WHEREAS**, the portion of the Unimproved Street to be vacated known as Market Street between 2<sup>nd</sup> Avenue (coordinates N 81’38’15” E. 924.89’) and where it ceases in the direction of Marshall Mill Road at Block 5701 Lot 1 as depicted on the Tax Map of the Township of Franklin attached hereto as **Exhibit A** (hereafter the area to be vacated shall be referred to as the “Market Street Road Vacation Area”); and

**WHEREAS**, the public right-of-way to be vacated shall revert to the corresponding property owner of the property identified as Block 5012, Lot 1, and

**WHEREAS**, the Township Council of the Township of Franklin does determine that the public right-of-way being a portion of the Unimproved Streets is no longer needed for public purposes; and

**WHEREAS**, the Township Council of the Township of Franklin does determine that the vacation of the public right-of-way being a portion of the Unimproved Streets identified as Normandy Street Vacation Area and Market Street Vacation Area will better serve the public interest; and

**WHEREAS**, the Township Council of the Township of Franklin finds it to be in the best interests of the Township and its citizenry to vacate the public right-of-way with the Township's property interests reverting to the owners of Lots as more particularly described herein.

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

1. Subject to the conditions set forth herein, the rights of the public in and to a portion of the Unimproved Streets, identified as Normandy Street Vacation Area and Market Street Vacation Area on **Exhibit A**, is hereby released, extinguished and vacated.
2. The Normandy Street Vacation Area, being a portion of the Unimproved Street, which is hereby vacated, shall revert to the owner of, and shall merge, consolidate with, and become a part of the property identified as Block 5012, Lot 1, on the Official Tax Map of the Township of Franklin.
3. The Market Street Vacation Area, being a portion of the Unimproved Street, which is hereby vacated, shall revert to the owner of, and shall merge, consolidate with, and become a part of the property identified as Block 5012, Lot 1, on the Official Tax Map of the Township of Franklin.
4. Pursuant to N.J.S.A. 40:67-1b. all public easements, right and interests to the portions of the Unimproved Street described hereinbelow, are hereby vacated, released and extinguished except for said easements and rights specifically set forth in the description hereinbelow and except for all rights and privileges now possessed by public utilities, as defined in N.J.S.A. 48:2-13, 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, to be vacated subject to the conditions described herein, all conditions, unless otherwise noted, shall be satisfied prior to the said vacation being effective.
5. Pursuant to N.J.S.A. 40:67-21, the Township Clerk shall within 60 days after this ordinance becomes effective file a copy of this ordinance, certified by her, under the seal of the Township of Franklin, to be a true copy of such ordinance, together with a copy of proof of publication, if publication be required, in the office where conveyances of lands are recorded in Gloucester County and such certified copy shall be recorded in a book with proper index to be provided for the purpose and entitled "Vacations."
6. After introduction, this Ordinance shall be referred to the Franklin Township Planning Board for review and comment pursuant to N.J.S.A. 40:55D-26, -32, and -33, since vacation of a public street or portion thereof constitutes a change to the official map of Franklin Township, Gloucester County and the closing of a public street, albeit a paper unimproved street.
7. At least seven (7) days prior to the time fixed for the consideration of this Ordinance for final passage, a copy of this Ordinance, together with a notice of its introduction and the time and place when and where the Ordinance will be further considered for final passage, shall be given by the Township Clerk to the owners of all real property, as shown on the current tax map duplicates, to be located within 200 feet in all directions of the Normandy Street Vacation Area (Block 5012, Lot 1) and the Market Street Vacation Area (Block 5012 Lot 1). At least ten (10) days prior to the time fixed for the consideration of this Ordinance for final passage, a copy of this Ordinance, together with the a notice of its introduction and the time and place when and where the Ordinance will be further considered for final passage, shall be published at least once in a newspaper published and circulated in the Township. This is the notice required by N.J.S.A. 40:67-19 and N.J.S.A. 40:49-6.

8. This Ordinance shall take effect upon final passage, adoption and publication according to law, and the recording of this Ordinance with the Gloucester County Clerk's Office.
9. If any article, section, subsection, paragraph, phrase or sentence is, for any reason, held to be unconstitutional or invalid, said article, section, subsection, paragraph, phrase or sentence shall be deemed severable.

Attest:

Township of Franklin

\_\_\_\_\_  
BARBARA FREIJOMIL, RMC

\_\_\_\_\_  
MAYOR JOHN BRUNO

### CERTIFICATION

I, Barbara Freijomil, Clerk of the Township of Franklin, County of Gloucester, do hereby certify that the foregoing Ordinance was introduced at the meeting of the Township of Franklin held on March 10, 2020 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 April 14, 2020, at which time any person interested therein will be given an opportunity to be heard.

\_\_\_\_\_  
BARBARA FREIJOMIL  
Township Clerk

Introduced March 10, 2020

<b>Name</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
Flaim				
Deegan				
Petsch-Wilson				
Doyle				
Mayor Bruno				

Adopted April 14, 2020

<b>Name</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
Flaim				
Deegan				
Petsch-Wilson				
Doyle				
Mayor Bruno				