

Introduction: 12/3/15

Pub Hearing: 12/17/15

Effective: 1/17/16

TOWNSHIP OF MAHWAH
ORDINANCE NO. 1772

AN ORDINANCE TO ALLOW FOR THE VACATION OF A
DRAINAGE EASEMENT IN THE TOWNSHIP OF MAHWAH,
COUNTY OF BERGEN, STATE OF NEW JERSEY

WHEREAS, there is a drainage easement on the property located at Block 139, Lot 3, commonly known as 1400 MacArthur Boulevard on the official tax map of the Township of Mahwah; and

WHEREAS, the aforesaid drainage easement is identified on Filed Map No. 8561; and

WHEREAS, the contract purchaser of the premises has requested that the drainage easement identified on Filed Map 8561 be vacated; and

WHEREAS, the contract purchaser has indicated that no improvements have been made in the area of the Filed Map 8561 drainage easement and drainage facilities have been constructed and presently exist in the area of a Drainage Easement dated September 30, 1994 and recorded in the Office of the Bergen County Clerk on November 9, 1994 in Book 7745, Page 914.

WHEREAS, the Township Engineer has reviewed the request and has indicated that the vacation of the drainage easement on Filed Map No. 8561 would be appropriate; and

WHEREAS, the Township Council, after due investigation and consideration, has determined that the nature and use of the public use of the Filed Map 8561 drainage easement is such as to warrant the vacation of it as described in this ordinance and that the vacation would relieve the public from maintaining said easement and the vacation would benefit the health, welfare and public safety of the citizens of the Township of Mahwah.

NOW, THEREFORE, be it ordained by the Township Council of the Township of Mahwah as follows:

Section I. That the drainage easement identified on Filed Map No. 8561 is hereby vacated and the public rights in and to such easement are hereby released and extinguished.

Section II. The Official Map of the Township of Mahwah is hereby amended to indicate that the drainage easement identified on Filed Map 8561 is vacated.

Section III. The drainage easement identified on Filed Map 8561 is hereby vacated as a public easement, and the rights of the public therein are hereby released and extinguished, except all rights and privileges then possessed by Public Utilities, as defined in N.J.S.A. 48:2-13, any by any cable television company as defined in the "Cable Television Act", P.L. 1972, c. 186 (N.J.S.A. 48:5A-1 et seq.), the Township of Mahwah and their successors to maintain, repair and replace existing facilities in, adjacent to, over or under the aforesaid drainage easement.

Section IV. **Severability and Repealer**

- (A) If any provision or portion of a provision of this ordinance is held to be unconstitutional, preempted by federal or state law, or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the ordinance shall not be invalidated.
- (B) All ordinance or parts of ordinances which are inconsistent with any provisions of this ordinance are hereby repealed as to the extent of such inconsistencies.

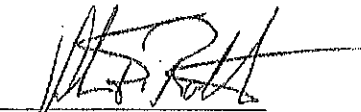
Section V. This Ordinance shall take effect upon the publication as required by law.

Ordinance No. 1772

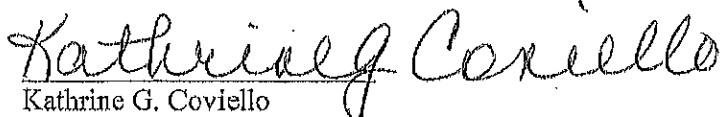
Page: 3

Dated: January 5, 2016

Attest



John F. Roth
Council President



Kathrine G. Coviello
Municipal Clerk

I, Kathrine G. Coviello, Municipal Clerk of the Township of Mahwah, hereby certify that the within Ordinance was passed and adopted at a meeting of the Township Council held on the 17th day of December, 2015.



Kathrine G. Coviello, RMC/CMC/MMC
Municipal Clerk