

**LAFAYETTE TOWNSHIP
SUSSEX COUNTY, NEW JERSEY**

ORDINANCE 2011-12

AN ORDINANCE TO RELEASE AND EXTINGUISH THE
RIGHT OF THE PUBLIC ON A PORTION OF FOX HILL ROAD

WHEREAS, the Township Committee of the Township of Lafayette has determined, after a hearing and the consideration of documentary evidence, including, but not limited to, the fact that on December 19, 1989, the Lafayette Township Committee adopted a resolution to temporarily close Fox Hill Road for a period of six (6) months from Beaver Run Road to Spreen Road; and

WHEREAS, it has been demonstrated that a portion of Fox Hill Road has been essentially blocked off since 1989 to prevent the dumping of debris and to limit trespassers from utilizing the road to gain access to private property contiguous to Fox Hill Road; and

WHEREAS, it has been demonstrated that the portion of Fox Hill Road described in this ordinance is not needed for public use and would not prevent police and emergency vehicles from accessing properties on that portion of Fox Hill Road that is not vacated; and

WHEREAS, this vacation and the adoption of this ordinance is contingent on the owner of Block 25, Lots 2Q, 4.01, 4.01Q and Block 30, Lot 6, commonly known as 283 Beaver Run Road, to grant to the Township an Easement to permit access to the road by police, emergency vehicles, the Township DPW and such other persons or entities the Township Committee, from time to time, in its reasonable discretion may authorize.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Lafayette that a portion of Fox Hill Road described by the metes and bounds on Schedule "A" attached be, subject to the terms and conditions that follow, vacated.

Section 1. That portion of the right-of-way of Fox Hill Road described on Schedule "A" annexed and incorporated in this ordinance consisting of 1.75 acres be vacated and the public rights in the road extinguished.

Section 2.

1. After being introduced and having passed a first reading, this ordinance shall be published at least once not less than ten (10) days prior to the time fixed for further consideration for final passage.
2. At least one (1) week prior to the time fixed for further consideration of this ordinance for final passage, a copy thereof, together with notice of its introduction and the time and place when and where the ordinance will be further considered for final passage, shall be mailed to every person, whose lands are contiguous to the vacated portion of Fox Hill Road as described on Schedule "A" or to all other persons the Township Committee reasonably believes are the owners of lands that may be affected by this ordinance. The Township Clerk shall mail said notice in accordance with N.J.S.A. 40:49-6.
3. As a condition precedent to the final passage of this ordinance, the current owners of Block 25, Lots 2Q, 4.01, 4.01Q and Block 30, Lot 6, commonly known as 283 Beaver Run Road, shall grant, in a form acceptable to the Lafayette Township attorney, an Easement to allow police, emergency vehicles, the Township of Lafayette DPW and such other persons or entities the Lafayette Township Committee may, from time to time in its reasonable discretion, may authorize.

Section 3. The Mayor and Township Clerk are authorized and directed to execute any documents as may be required to complete the transfer of whatever interest the public may have had, now vacated, in the property described above.

Section 4. Severability. If any part of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portion of the ordinance. Any ordinance or portion thereof that may be inconsistent with the ordinance is hereby repealed to the extent of the inconsistency.

Section 5. Effective Date. This ordinance shall take effect in the time and manner prescribed by law.

NOTICE

The above Ordinance was introduced and passed at first reading by the Lafayette Township Committee at a meeting held on July 5, 2011 and after publication and a public hearing was finally adopted by the Lafayette Township Committee at a meeting held on August 2, 2011.

Mayor:

Municipal Clerk: