**TOWNSHIP OF MULLICA**

 **ORDINANCE NO. 06-2025**

**AN ORDINANCE ENTITLED "AN ORDINANCE TO VACATE AND RELEASE FROM DEDICATION A PORTION OF FOURTH AVENUE, A PAPER STREET, ALONG THE PROPERTIES DESIGNATED AS BLOCK 6702, LOTS 6, 7 AND 8; BLOCK 6701, LOTS 5 AND 6, IN THE TOWNSHIP OF MULLICA, COUNTY OF ATLANTIC AND STATE OF NEW JERSEY”**

**NOTICE OF PENDING ORDINANCE**

The ordinance published herewith was introduced and passed upon first reading at a meeting of the Township Committee of the Township of Mullica, in the County of Atlantic, New Jersey, held April 29, 2025. It will be further considered for final passage after public hearing thereon, at a meeting of said Township Committee to be held at the Mullica School Library 500 Elwood Road in said Township on May 27, 2025 at 7:00 p.m. and during the week prior to and including the date of such meeting, copies of said ordinance will be made available at the Clerk's Office in said Municipal Building to the members of the general public who shall request same.

**WHEREAS** N.J.S.A. 40:67-1(b) authorizes Municipalities to vacate public streets in the public interest; and

**WHEREAS** an application having been made by property owners to the Mullica Township Planning Board, based upon a recommendation from the Mullica Township Planning Board, it has been determined by the Mullica Township Committee as follows:

1. The portion of Fourth Avenue described below is a "paper street" marked on a map or plat recorded with the Township of Mullica that shows the existence of an intended public right of way (the “Area to be Vacated”).

2. It has been confirmed by the Township Engineer that the Township of Mullica does not hold title to that portion of the Area to be Vacated.

3. The Area to be Vacated has not been physically improved, does not provide public access, and is not needed for public road purposes.

4. The said portion of the Area to be Vacated lends itself to higher and better use than for public road purposes and that it is in the best interest of the general public and the Township of Mullica that any public easements, rights, and interests in and to same shall be vacated, released, and extinguished.

5. The Township Engineer has confirmed that the right – of - way proposed to be vacated based on the Tax Map Sheet #67 the property frontage along Fourth Avenue from approximately 225 linear feet northeast of New York Avenue to approximately 1,000 linear feet of northeast of New York Avenue is 750 feet. (Fourth Avenue between New York and Rhodie Island Avenue)

6. The property designated on the official Township Tax Map as Block 6702, Lots 6, 7 and 8 abutting the area to be vacated and to which the title to the right – of – way will revert upon vacation is currently owned by John Sarappa.

7. The property designated on the official Township Tax Map as Block 6701, Lots 5 and 6 abutting the area to be vacated and to which the title to the right – of – way will revert upon vacation is currently owned by Whitetail Farms, LLC.

**BE IT ORDAINED** BY THE TOWNSHIP COMMITTEE, OF THE TOWNSHIP OF MULLICA, COUNTY OF ATLANTIC AND STATE OF NEW JERSEY, that

**SECTION 1.** DESCRIPTION OF THE PORTION OF THE AREA TO BE VACATED:

All that certain tract or parcel of land located in the Township of Mullica, County of Atlantic, New Jersey BEING DESIGNATED AS that portion of Fourth Avenue shown cross-hatched on Sheet 67 of the Official Tax Map of Mullica Township, New Jersey attached hereto and incorporated herein (the Fourth Avenue Vacation Area”).

**SECTION 2.** A PORTION OF PUBLIC RIGHT OF WAY IS TO BE VACATED SUBJECT TO STATUTORY PRESERVATION OF EASEMENTS:

1. Subject to the conditions set forth herein, the rights of the public in and to a portion of the Unimproved Street, identified as the Fourth Avenue Vacation Area, is hereby released, extinguished, and vacated 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 and under the street, or any part thereof, to be vacated subject to the conditions described herein, all conditions herein, unless otherwise noted, shall be satisfied prior to said vacation being effective.
2. One-half of the Fourth Avenue 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 designated as Block 6701, Lots 5 and 6***,*** on the Official Tax Map of the Township of Mullica.
3. The remaining one-half of the Fourth Avenue 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 designated as Block 6702, Lots 6,7, and 8on the Official Tax Map of the Township of Mullica.

**SECTION 3.** STATUTORY PUBLICATION AND NOTICE:

A. The Municipal Clerk is directed to publish notice of the introduction of this Ordinance pursuant to N.J.S.A. 40:49-2; provided, however, that notice as to such introduction and the time and place when and where the Ordinance will be further considered for public hearing and final passage, shall be made, pursuant to N.J.S.A. 40:49-6, at least ten (10) days prior to the public hearing and adoption hereof.

B. At least seven (7) days prior to the time affixed for the consideration of this Ordinance for final passage, a copy thereof, together with a notice of the introduction thereof at a time and place when and where the Ordinance will be further considered for final passage, shall be mailed to every person whose land may be affected by this Ordinance insofar as has been ascertained by the Tax Assessor. Said notices shall be made by the Township Clerk to the record owners of:

 2320 Fourth Avenue Mullica Township NJ

 Block 6701, Lots 5

 2310 Fourth Avenue Mullica Township NJ

 Block 6701, Lot 6

2331 Fourth Avenue Mullica Township NJ

Block 6702, Lot 6,

2310 Weekstown Road Mullica Township NJ

Block 6702 Lots 7 & 8

C. Within sixty (60) days after adoption of this ordinance, the Township Clerk is authorized and directed to cause a certified copy of this ordinance to be filed with the office of the Atlantic County Register of Deeds and to the Municipal Tax Assessor.

**SECTION 4.** FEES AND COSTS TO BE PAID BY BENEFICIAL OWNER(S)

All fees and costs associated with preparation and publication of this ordinance shall be paid by the applicant who applied to the Mullica Township Planning Board. All such fees, costs, and expenses shall be payable from an escrow account deposited with the Mullica Township Planning Board.

**SECTION 5.** REPEALER CLAUSE.

All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistencies.

**SECTION 6.** EFFECTIVE DATE.

This Ordinance shall take effect upon final passage and publication in accordance with New Jersey law.

Introduced: April 29, 2025

Adopted: May 27, 2025

DAWN M STOLLENWERK

ACTING MUNICIPAL CLERK