

Ordinance #2003-985

AN ORDINANCE RELEASING, EXTINGUISHING AND VACATING THE PUBLIC INTEREST ARISING FROM AND DEDICATION OF LAND WITHIN THE BOUNDARIES OF FOLEY PLACE FOR ITS ENTIRE LENGTH AND THAT PORTION OF WHALLEY AVENUE TO THE NORTH OF WILHOUSKY STREET, IN THE BOROUGH OF MANVILLE, IN THE COUNTY OF SOMERSET, AND STATE OF NEW JERSEY

BE IT ORDAINED by the Mayor and Council of the Borough of Manville, in the County of Somerset and State of New Jersey, as follows:

1. Any dedication of land as a public street within the boundaries of Foley Place for its entire length and that portion of Whalley Avenue to the north of Wilhousky Street, in the Borough of Manville, County of Somerset and State of New Jersey, is hereby rejected, released, extinguished and forever vacated.
2. A perpetual easement is hereby reserved pursuant to the provisions of N.J.S.A. 40:67-1(b) for the benefit of public utility companies as defined in N.J.S.A. 48:2-13, and for any cable television companies as defined in the "Cable Television Act" N.J.S.A. 48:5A-1, for the purpose of maintaining, repairing and replacing existing facilities in, adjacent to, over and under the premises being herein vacated.
3. Where consistent with the context in which used in this ordinance, words importing the singular shall include the plural; words Where consistent with the context in which used in this Ordinance, words importing the singular shall include the plural; words importing the plural shall include the singular; and words importing one gender shall include all other genders.
4. Should any provision of this Ordinance be inconsistent with the provisions of any prior Ordinances, the inconsistent provisions of such prior Ordinances are hereby repealed, but only to the extent of the inconsistencies.
5. In the event that any provision of this Ordinance, or the application thereof to any person or circumstance is declared invalid by a court of competent jurisdiction, such declaration of invalidity shall not affect any other provision or application of this Ordinance which may be given effect, and to realize this intent, the provisions and applications of this Ordinance are declared to be severable.

6. This Ordinance shall be effective immediately upon final adoption, approval and publication in accordance with law.

Borough of Manville

Angelo Corradino, Mayor

ATTEST:

Philip E. Petrone, Borough Clerk

STATEMENT OF PURPOSE

The purpose of this Ordinance is to vacate Foley Place for its entire length and that portion of Whalley Avenue to the north of Wilhousky Street.

ORDINANCE #2003-985

FIRST READING:

Introduced	Seconded	Council	Yes	No	Abstain	Absent
		ALLAN	√			
	√	ASHER	√			
		PETROCK				√
		POLAK	√			
		WEISS	√			
√		WIERZBA	√			
		MAYOR CORRADINO				

PASSED this 29th day of July, 2003.

Attest:

Philip E. Petrone, Borough Clerk

SECOND READING:

Introduced	Seconded	Council	Yes	No	Abstain	Absent
		ALLAN	√			
		ASHER	√			
√		PETROCK	√			
		POLAK	√			
	√	WEISS	√			
		WIERZBA	√			
		MAYOR CORRADINO				

PASSED this 11th day of August, 2003.

Attest:

Philip E. Petrone, Borough Clerk