

ORDINANCE NO. 2023 - 13

AN ORDINANCE TO RELEASE, VACATE AND EXTINGUISH ANY AND ALL PUBLIC RIGHTS IN AND TO THE UNIMPROVED EXTENSION OF CORNELL STREET RIGHT-OF-WAY.

WHEREAS by inquiry on November 2, 2022, Mark McCleary (“Petitioner”), owner of 416 Ithaca Street, Block 1701, Lot 12 on the City of Vineland Tax Map, requested that the City take such measures as would allow Petitioner to secure ownership of an unimproved approximately 60’ x 100’ right-of-way (“subject R.O.W.”), which serves as an extension of E. Cornell Street, same being located between Block 1701, Lot 12 and Block 1701, Lot 11, (see portion of City Tax Map, Schedule “A” attached) it being Petitioner’s stated purpose to construct a residential garage in connection with his use of his residential property at Lot 12; and

WHEREAS, a departmental survey was conducted to determine whether the subject R.O.W. is not needed for future Departmental or City Use or otherwise should be retained by the City, with responses establishing that the subject R.O.W. property is not needed for public use; and

WHEREAS, The City Tax Assessor has noted that the subject R.O.W. property is not a lot with an assessed value given its status as an extension of E. Cornell Street, there is no deed or other record of ownership relating to the R.O.W. property and that, other than Petitioner, the only other contiguous property owners are Noemi Cordero and Alexis Cardona of 464 Ithaca Street, Vineland, New Jersey, Block 1701, Lot 11; and

WHEREAS, the City Supervising Planner has observed that, although ordinarily the vacation of a right-of-way may result in the right-of-way being divided to the centerline between abutting property owners, the whole of the subject R.O.W. property was taken off the contiguous property at Block 1701, Lot 12 (what is now Petitioner’s property) in connection with what is known as the Cornell Heights subdivision approval granted by the City Planning Board on December 10, 1969, thereby allowing for the R.O.W. property, if approved for vacation, to be vacated in its entirety to Petitioner’s property at Block 1701, Lot 12; provided, however, that in light of the fact that the R.O.W. extension of Cornell Street was a component of the City’s Master Plan of Streets, that Master Plan of Streets would need to be amended upon a formal request submitted to the City Planning Board, upon payment of applicable fee and giving of Notice to affected properties by certified mail;

NOW THEREFORE BE IT ORDAINED BY COUNCIL OF THE CITY OF VINELAND as follows:

1. The statements of the preamble, hereinabove, are incorporated herein as though fully set forth herein;
2. The City hereby approves vacation of the subject R.O.W. property, as shown on the portion of the City Tax Map, Schedule “A” attached, with all public rights therein extinguished; subject to and conditioned upon, however, Petitioners submitting, with payment of an applicable fee, a formal request to the City Planning Board for amendment of the Master Plan of Streets, reflecting removal of the vacated subject R.O.W. as a component of the Master Plan of Streets, same hereby being a condition of approval of vacating the subject R.O.W., without which such vacation cannot become effective; and further provided, however, that all rights and privileges, if any, 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, P.L. 1972, c. 186, to maintain, repair and replace their existing facilities in, adjacent to, over or under the street, highway, lane, alley, square, place or park, or any part thereof, to be vacated, are expressly reserved and excepted from the vacation set forth above;

CITY OF VINELAND, NJ

- Petitioners, in addition to payment of such fees and costs associated with application for and approval and processing of an amendment of the City's Master Plan of Streets, shall bear any and all such other costs associated with the vacation of the subject R.O.W., including the cost of publication of this Ordinance and any survey for and preparation of a metes and bounds legal description, and shall prepare and cause to be recorded an all-inclusive deed incorporating/combining Petitioners property at Block 1701, Lot 12 with the property contained within the subject vacated R.O.W., under such conditions as may be directed by the City Planning Board.

This Ordinance shall take effect upon adoption and publication according to Law.

Passed first reading:

Passed final reading:

President of Council

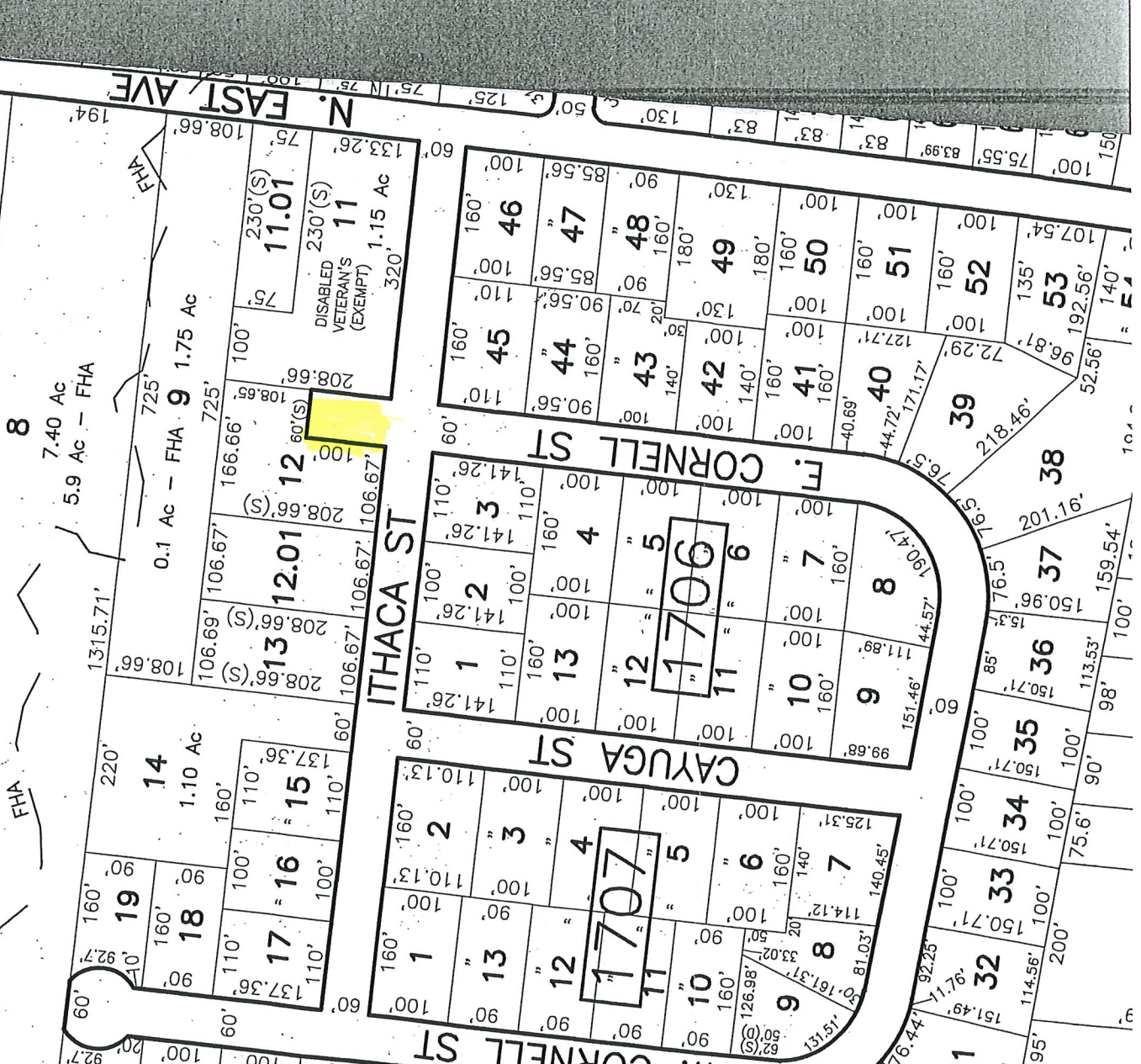
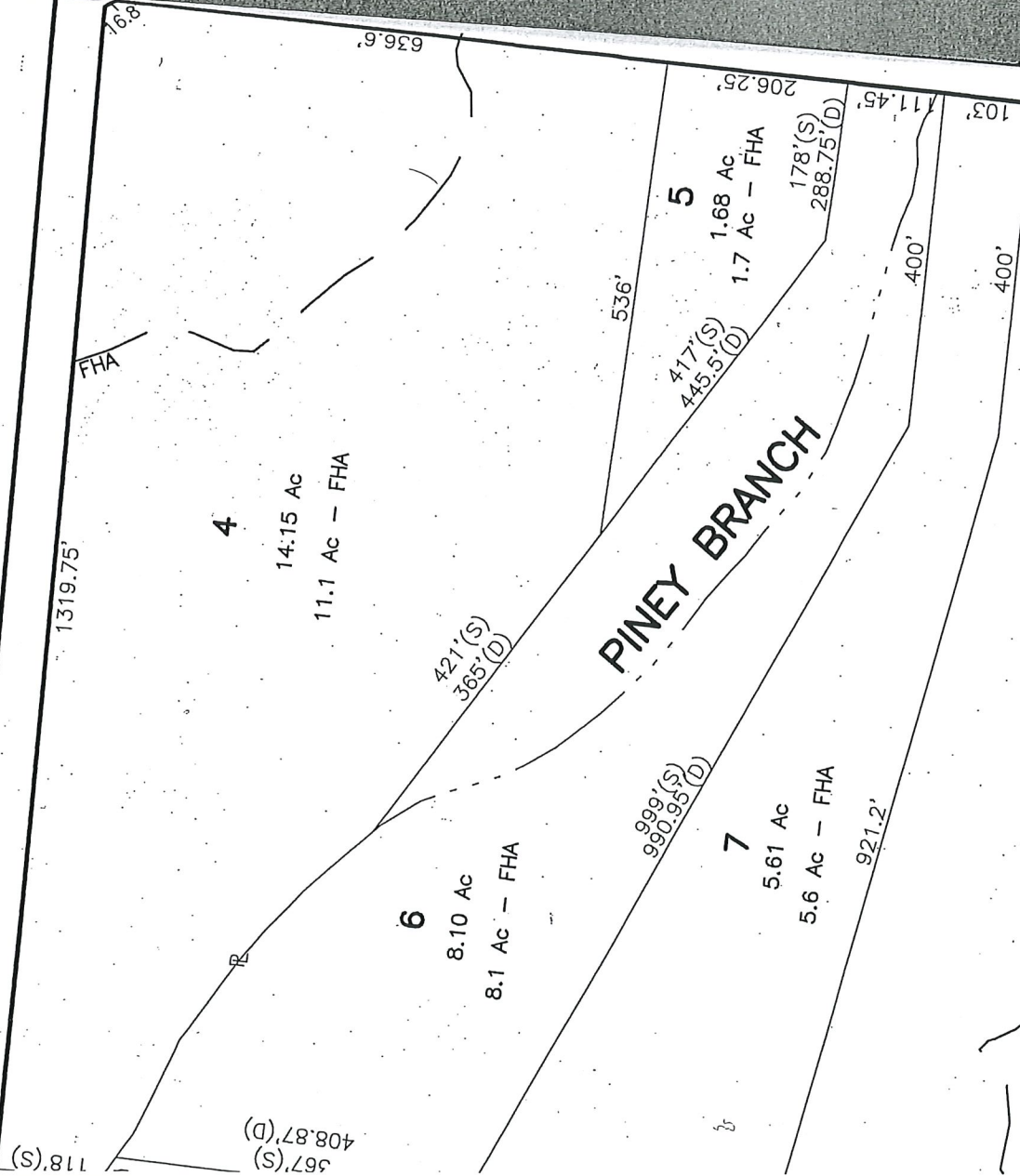
Approved by the Mayor:

Mayor

ATTEST:

City Clerk

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**Resolution
of the
City of Vineland Planning Board
Cumberland County
New Jersey**

RESOLUTION NO. 6571

WHEREAS, Mark McCleary of 416 Ithaca Street, New Jersey have applied to the City of Vineland Planning Board for revision to the Master Plan of Streets Extensions. The applicant seeks revision to the Master Plan of Streets Extensions for property located at Block 1701, Lot 12, Tax Sheet # 17 on the Municipal Tax Map of the City of Vineland and more commonly known as the Master Plan of Street Extension of Cornell Street, Vineland, New; and

WHEREAS, this application was heard by the City of Vineland Planning Board at its regular meeting of April 12, 2023; and

WHEREAS, the applicant seeks revision to the Master Plan of Streets Extensions of Block 1701 Lot 12 to allow the owner of 416 Ithaca Street to secure ownership of the unimproved right of way that exists between Lots 11 and 12 ; and

WHEREAS, the Board is in receipt of the following documents which were incorporated as fact:

- (a) A formal request for amendment to the Master Plan of Streets as referenced in City Ordinance 2023-13.

Prepared by:

Nathan Van Embden, Esquire
21 E. Main Street, PO Box 428
Millville, NJ 08332

- (b) City of Vineland Planning Report prepared by Ryan Headley, Principal Engineer, dated March 15, 2023;
- (c) City of Vineland Ordinance No. 2023-13;
- (d) Survey prepared by Erik F. Valentin, PLS of Ewing Associates dated January 30, 2023;
- (e) Portion of tax map; and

WHEREAS, the Board, at that meeting, carefully considered the application submitted as well as the testimony of the applicant and evidence presented as follows:

1. John Penberthy, Esquire appeared on behalf of the applicant requesting revision of the Master Plan.
2. Mark McCleary is the owner of lot 12 which borders the undeveloped extension of Cornell Street.
3. Ryan Headley, principal planner of the City of Vineland, testified that the extension of Cornell Street has been on the Master Plan of Streets for some time and is unlikely to be developed as a result of wetlands. He also advised the extension of Cornell Street would extend into a flood zone which is impractical. He said he had no objection to the change to the map. He also noted that the City Council had already heard this application and rendered a Resolution 2023-13 approving the vacation of that right of way.
4. The meeting was opened to the public and closed without comment; and

WHEREAS, the Board, after hearing the testimony and reviewing the application and evidence submitted, made the following findings of facts and conclusions of law:

1. The applicant is the owner of Block 1701 , Lot 12, Tax Map Sheet #17 on the Municipal Tax Map of the City of Vineland and more commonly known as 416 Ithaca Street, Vineland, New Jersey.
2. The applicant seeks revision to the Master Plan of Streets Extensions of Block 1701 Lot 12 to allow the owner of 416 Ithaca Street to secure ownership of the unimproved right of way that is between Lots 11 and 12.
3. The applicant's property was the original source of the entire right of way and in the 1969 Master Plan of Streets. Accordingly, any vacation of the Master Plan of Streets Extension of Block 1701 Lot 12 would devolve to the original source rather than be split evenly between adjacent property owners pursuant to the testimony of Ryan Headley, principal planner.

WHEREAS, the City of Vineland Planning Board, on a motion for approval, granted Revision to the Mater Plan of Street Extensions by extinguishment of any public rights in and to the unimproved extension of the Cornell Street right of way to the applicant, by a vote of 7-0; and

WHEREAS, this Resolution is intended to memorialize the foregoing decision of the City of Vineland Planning Board of April 12, 2023.

NOW, THEREFORE, BE IT RESOLVED, by the Planning Board of the City of Vineland on this 10th day of May 2023 that the application of Mark McCleary for Revision to the Mater Plan of Street Extensions as applied for by the applicants, is hereby granted.

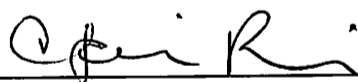
ROLL CALL

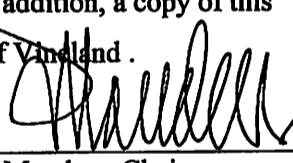
Motion to Approve:

Seconded:

MEMBER	YEA	NAY	ABSENT	ABSTAINED	EXCUSED
Mayor Anthony Fanucci, Class I					
Robert Odorizzi, Mayor's Representative, Class II	X				
Nilsa Rosario, Class II			X		
David Acosta, Councilperson, Class III					X
Chairman David Manders, Class IV					
ViceChairman, Michael Pantalone, Class IV	X				
Stephen Plevins, Class IV	X				
John Casadia, Class, IV			X		
Samuel Fiocchi, Class IV			X		
Sandy Velez, Class IV			X		
Doug Menz, Alt. I	X				
David Catalana, Alt, II	X				

AND BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to the applicant and to all who request a copy for a reasonable fee. In addition, a copy of this Resolution shall be filed in the Office of the Clerk of the City of Vineland .

By: 
Yasmin Ricketts, Board Secretary

By: 
David Manders, Chairman

Dated: 5/10/23

CERTIFICATION

The foregoing is a true copy of a Resolution adopted by the Planning Board of the City of Vineland at a meeting of May 10, 2023 memorializing action taken by the Board at a regular meeting of the Board held on April 12, 2023.


Yasmin Ricketts, Board Secretary