

ORDINANCE NO. 2023- 40

AN ORDINANCE TO VACATE THE PORTION OF THE PREVIOUSLY DEDICATED ROADWAY KNOWN AS LILAC DRIVE, LOCATED ON THE NORTHERLY SIDE OF W. WALNUT ROAD, IN THE CITY OF VINELAND, COUNTY OF CUMBERLAND AND STATE OF NEW JERSEY

WHEREAS, Walnut 554 Holdings L.L.C., the owner of property designated on the City of Vineland Tax Map as Lot 40 and Lot 41 in Block 4801, as depicted on Sheet 48 on the City of Vineland Tax Map, has, by Petition in writing, requested the City of Vineland to vacate, release and extinguish that portion of the previously dedicated roadway known as Lilac Drive, situate on the northerly side of W. Walnut Road in the City of Vineland, which portion of Lilac Drive, effectively separates Lot 40 from Lot 41 in Block 4801, such that, upon vacation, title to area of the roadway, shall vest in the abutting property owner, on either side, namely Petitioner Walnut 554 Holdings L.L.C., discharged of, and otherwise free, of the public easement which heretofore existed by virtue of the prior dedication of the roadway; and

WHEREAS, elimination of this portion of Lilac Drive, by vacation, would not be detrimental, in any respect, to the development prospects with respect to Petitioner's property (Lot 40 and Lot 41 in Block 4801); and

WHEREAS, this portion of Lilac Drive, located on the northerly side of W. Walnut Road, as previously dedicated, presently serves no public purpose, and is substantially certain to serve no public purpose in the future given its close proximity to, and incursion of the roadway into regulated Freshwater Wetlands and Freshwater Wetlands Transition Areas; and

WHEREAS, the vacation of said portion of Lilac Drive, located on the northerly side of W. Walnut Road, as requested by the Petitioner, appears to be, in all respects, reasonable, appropriate and proper, particularly in light of the facts and circumstances set forth as aforesaid.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF VINELAND:

1. That the previously dedicated portion of Lilac Drive, located on the northerly side of W. Walnut Road, as more particularly described in the attached Schedule "A," be and the same is hereby vacated, and all public rights therein extinguished, subject, however, to reservations hereinafter set forth.

2. Upon vacation, as ordained hereby, title to the vacated roadway, as described in the attached Schedule "A," shall vest in the abutting property owner, on either side of the roadway, namely, Petitioner Walnut 554 Holdings L.L.C., discharged and otherwise free of, the public easement which heretofore existed by virtue of the prior dedication of the roadway.

3. That vacation ordained hereby shall not affect any rights or privileges held by, or previously granted to, any utility companies in and to the areas described in the attached Schedule "A."

4. This Ordinance shall take effect upon its publication as provided by law.

Passed on First Reading _____, 2023

Passed on Final Reading _____, 2023

Approved by Mayor _____, 2023

ATTEST:

KEITH PETROSKY, City Clerk

DR. ELIZABETH ARTHUR, President

ANTHONY R. FANUCCI, Mayor

SCHEDULE A

BEGINNING at a point in the center of Walnut Road at the distance of two hundred seventy-three and twenty-six hundredths (273.26) feet Eastwardly from the first angle East of Delsea Drive, said point being at the distance of one hundred (100) feet Eastwardly from the Southeasterly corner of lands belonging, now or formerly, to Earl Shipton, thence

(1) North thirty-two degrees West, six hundred seventy and one hundredth (670.01) feet to a corner in the arc of a circle with a radius of fifty (50) feet; thence

(2) Along said arc Northwardly and to the right, two hundred twenty-five and sixty-two hundredths (225.62) feet to the point of tangency with a line parallel with and distant sixty (60) feet Eastwardly from the first described course in this conveyance; thence

(3) South thirty-two degrees East, seven hundred nineteen (719) feet to the center of Walnut Road; thence

(4) Along the center of Walnut Road, South fifty-eight degrees West sixty (60) feet to the Place of Beginning.

CONTAINING 1.097 acres of land more or less.