

**TOWNSHIP OF MONTGOMERY  
SOMERSET COUNTY, NEW JERSEY**

**ORDINANCE #23-1705**

**AN ORDINANCE RELEASING, EXTINGUISHING AND VACATING THE RIGHTS OF THE TOWNSHIP IN EMERGENCY ACCESS AND UTILITY EASEMENT RIGHTS LOCATED ON LOTS 46 and 77, BLOCK 34001, TOWNSHIP MONTGOMERY, COUNTY OF SOMERSET, STATE OF NEW JERSEY**

An ordinance releasing, extinguishing and vacating the emergency access and utility easement rights located across lots 46 and 77, Block 34001 on the Tax Maps of the Township of Montgomery (the "Property").

**WHEREAS**, the Township of Montgomery ("Township") was granted an easement for municipal purposes including public roadway access, utility access and emergency access across a portion of Block 34001, Lot 46, by deed of easement dated October 6, 1999 and modified on January 29, 2000 ("First Deed"); and

**WHEREAS**, the Township was granted an easement for municipal purposes including utility access and emergency access across a portion of Block 34001, Lot 77, by deed of easement dated October 6, 1999 and modified on January 29, 2000 ("Second Deed"); and

**WHEREAS**, the property owner of Block 34001, Lots 46 and 77 has received approval from the Montgomery Planning Board to develop the Property, together with adjoining lots under the same ownership; and

**WHEREAS**, it has been determined that the development of the Property together with the adjoining lots will obviate the necessity for the easements granted by the First Deed and the Second Deed and new utility and access rights will be deeded to the Township; and

**WHEREAS**, the Township has determined with respect to Deed 1, that the Township has alternate means of emergency access to the property identified on the Tax Map of the Township of Montgomery as Block 34001, Lot 57 by means of U.S. Highway Route 206, a public right-of-way, or otherwise; and

**WHEREAS**, it has been determined by the Township Committee, after due investigation and consideration as follows: (1) that the utility easements described hereinbelow were never constructed and are no longer necessary because the location of the utility lines will be changed as part of the overall development of the Property and the adjoining lots; (2) the emergency access easements are no longer needed as they were never utilized and the Township has alternated means of emergency access to the property identified on the Tax Map of the Township of Montgomery as Block 34001, Lot 57 by means of U.S. Highway Route 206, a public right-of-way, or otherwise; (3) the public roadway access is no longer needed because the roadway was never constructed and a proposed loop road will be constructed to connect Route 518 and 206 instead; and (4) that it is in the best interest of the general public and the Township of Montgomery that any public easements, right and interest in and to the Property shall be vacated, released and extinguished once the new utility easements and roadway dedications are completed.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Montgomery, County of Somerset, and State of New Jersey as follows:

**SECTION I**

All public easements, rights and interests to the access and utility easement in Lots 46 and 77, Block 34001, described hereinbelow, are hereby vacated, released and extinguished:

**DESCRIPTION OF  
EASEMENTS  
LOCATED ON LOTS 46 AND 77, BLOCK 34001  
TOWNSHIP OF MONTGOMERY  
SOMERSET COUNTY, NEW JERSEY**

(Tax Lot 77, Block 34001):

BEGINNING at a point in the southerly line of Lot 56, Block 34001, said point being at the northwesterly corner of Lot 78, Block 34001 (as shown on the Montgomery Township Tax Records) said point also being measured North 72 degrees 36 minutes 35 seconds West 726.18 feet from concrete monument in the westerly line of New Jersey State Highway Route 206 (66.00 feet wide), said concrete monument also being the southeasterly corner of Lot 79, Block 34001 and running; thence

- (1) Along the westerly line of said Lot 78, Block 34001 South 17 degrees 01 minutes 15 seconds East 719.91 feet to a point in the northerly line of Lot 57, Block 34001; thence
- (2) Along the said northerly line of said Lot 57, Block 34001 South 89 degrees 26 minutes 04 seconds West 1,045.81 feet to a point in the southeasterly corner of said Lot 46, Block 34001; thence
- (3) Along the easterly line of said Lot 46, Block 34001 North 16 degrees 22 minutes 23 seconds East 1,042.47 feet to a point in the southwesterly corner of said Lot 56, Block 34001; thence along the said southerly line of Lot 56, Block 34001 South 72 degrees 36 minutes 35 seconds East 1,008.68 feet to the point and place of BEGINNING.

TOGETHER WITH:

As to Lot 46.01 (A portion of Lot 46 Block 34001)

BEGINNING at a concrete monument set on the southerly line of Georgetown-Franklin Turnpike (a.k.a Blawenburg - Rocky Hill Road, a.k.a County Route 518-66 foot wide Right-of-Way), said point being located the following two (2) courses from a concrete monument set at the northerly corner of Lot 46, Block 34001:

- a) Along a curve to the left, having a radius of 3581.62 feet, turning a central angle of 02 degrees - 24 minutes - 20 seconds, an arc length of 150.37 feet, the chord of which bears South 72 degrees - 31 minutes - 25 seconds East, a chord distance of 150.36 feet to an iron bar with cap set, thence;
- b) South 73 degrees - 43 minutes - 35 seconds East, a distance of 230.92 feet to the point of beginning and from said beginning point running, thence;

1. Along the southerly line of the aforementioned Georgetown-Franklin Turnpike, South 73 degrees - 43 minutes - 35 seconds East, a distance of 411.64 feet to a point at the northerly corner of Lot 51 (N/F lands of Gerald L. Cooper - Deed Book 1951, Page 568), Block 34001, thence;
2. Along the westerly line of said Lot 51, Block 34001, South 16 degrees - 16 minutes - 25 seconds West, a distance of 220.00 feet to a point on the northerly corner of Lot 56 (N/F lands of CGEM Group, L.L.C. - Deed Book 5530, Page 3464 – Tract 1), Block 34001, thence;
3. Along the westerly line of said Lot 56, Block 34001, South 16 degrees - 31 minutes - 25 seconds West, a distance of 491.53 feet to a point at the existing northerly corner of Lot 77 (N/F lands of CGEM Group, L.L.C. - Deed Book 5530, Page 3460 - Tract 2), Block 34001, thence; through Lot 46 (N/F lands of John W. Drake - Deed Book 2288, Page 508), Block 34001 the following four (4) courses:
4. South 89 degrees - 26 minutes - 04 seconds West, a distance of 33.21 feet to a point, thence;
5. Along a curve to the left, having a radius of 730.00 feet, turning a central angle of 14 degrees - 05 minutes - 08 seconds, an arc length of 179.46 feet, the chord of which bears North 07 degrees - 38 minutes - 08 seconds West, a chord distance of 179.01 feet to an iron bar with cap set, thence;
6. North 14 degrees - 40 minutes - 42 seconds West, a distance of 593.10 feet to an iron bar with cap set, thence;
7. North 16 degrees – 08 minutes – 36 seconds East, a distance of 48.85 feet to the point and place of BEGINNING.

This description is prepared with reference to a map entitled "Minor Subdivision Plat, Madison Marquette, Georgetown-Franklin Turnpike, Lot 46, Block 34001, Township of Montgomery, Somerset County, State of New Jersey", prepared by Control Point Associates, Inc. dated May 31, 2006, last revised June 16, 2006 as revision number 1, about to be filed in the Somerset County Clerk's Office.

**AND ALSO INCLUDING THE FOLLOWING:**

Beginning at a point at the northerly corner of Lot 77 (N/F Lands of CGEM Group, L.L.C. – Deed Book 5530, Page 3460 – Tract 2), Block 34001, said point being the westerly corner of Lot 56 (N/F) Lands of CGEM Group L.L.C. – Deed Book 5530, Page 3464 – Tract 1), Block 34001, said point also being located the following four courses from a concrete monument set at the northerly corner of Lot 46 (N/F Lands of John W. Drake – Deed Book 2288, Page 508), Block 34001:

- A) Along a curve to the left, having a radius of 3581.62 feet, turning a central angle of 02 degrees – 24 minutes – 20 seconds, an arc length of 150.37 feet, the chord of which bears south 72 degrees – 31 minutes – 25 seconds east, a chord distance of 150.36 feet to an iron bar with cap set, thence;
- B) South 73 degrees – 43 minutes – 35 seconds east, a distance of 642.56 feet to a point at the northerly corner of Lot 51, Block 34001, thence;
- C) Along the westerly line of said Lot 51, Block 34001, south 16 degrees – 16 minutes – 25 seconds west, a distance of 220.00 feet to a point at the northerly corner of Lot 56, Block 34001, thence;

- D) Along the westerly line of said Lot 56, Block 34001, south 16 degrees – 31 minutes – 25 seconds west, a distance of 491.53 feet to the point of beginning and from said beginning point running thence;
1. Along the westerly line of Lot 77, Block 34001, south 16 degrees – 31 minutes – 25 second west, a distance of 222.69 feet to an iron bar with cap set, thence; through Lot 46, Block 34001 the following two (2) courses;
  2. Along a curve to the left, having a radius of 730.00 feet, turning a central angle of 16 degrees – 57 minutes – 57 seconds, an arc length of 216.62 feet, the chord of which bears north 07 degrees – 53 minutes – 25 seconds east, a chord distance of 215.37 feet to a point, thence;
  3. North 89 degrees – 26 minutes – 04 seconds east, a distance of 33.21 feet to a point and place of beginning.

Containing 2,390 square feet or 0.055 acre.

This description is prepared with reference to a map entitled “Minor Subdivision Plat, Madison Marquette, Georgetown-Franklin Turnpike, Lot 46, Block 34001, Township of Montgomery, Somerset County, State of New Jersey”, prepared by Control Point Associates, Inc. dated May 31, 2006, last revised November 8, 2006 as revision number 4, about to be filed in the Somerset County Clerk’s Office.

## **SECTION II**

Specifically reserved and excepted from the vacation which is described in Section I above are all rights and privileges now possessed by public utilities, as defined in N.J.S.A. 48:2-13, for existing overhead lines and underground telephone lines and any other utilities that are in, adjacent to, over or under the street, 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 or under the street, or any part thereof.

## **SECTION III**

The Township Clerk shall, within sixty (60) days after the effective date of this Ordinance, file a copy of the within Ordinance, certified by the Clerk, under the seal of the Township of Montgomery, to be a true copy, together with proof of publication, in the Office of the Register of Deeds of the County of Somerset, all in accordance with N.J.S.A. 40:67-21.

## **SECTION IV**

Any and all Ordinances or parts of Ordinances inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

## **SECTION V**

This Ordinance shall take effect upon adoption and publication in accordance with law.

**ATTEST:**

**TOWNSHIP OF MONTGOMERY  
COUNTY OF SOMERSET**

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Lisa Fania, RMC  
Township Clerk

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Devra Keenan  
Mayor