

ORDINANCE 2021-17

*Borough of Metuchen
County of Middlesex
State of New Jersey*

**ORDINANCE RELEASING, EXTINGUISHING AND VACATING THE RIGHTS
OF THE BOROUGH OF METUCHEN IN AND TO THAT CERTAIN TEN (10)
FOOT WIDE STORM WATER DRAINAGE EASEMENT LOCATED ON
BLOCK 208, LOT 73.02 ON THE TAX MAPS OF THE BOROUGH OF
METUCHEN, COMMONLY KNOWN AS 34 TULSA AVENUE**

WHEREAS, a ten (10) foot wide storm water drainage easement consisting of approximately seven hundred seventy-nine (779) square feet exists on Block 208, Lot 73.02 on the Tax Maps of the Borough of Metuchen, commonly known as 34 Tulsa Avenue, and was recorded in the Middlesex County Clerk's Office in Deed Book 1206 at page 364; and

WHEREAS, by way of letter dated April 26, 2021, the owner of the property located as Block 208, Lots 5.7, 73.02, 73.05 and 124 on the Tax Maps of the Borough of Metuchen, commonly known as 34 Tulsa Avenue requested that the Borough release, extinguish, and vacate all rights, interests and entitlements it has in the ten (10) foot wide storm water drainage easement; and

WHEREAS, in consultation with the Borough Engineer and the Public Works Director, the Borough of Metuchen has determined that the ten (10) foot wide easement for storm water drainage located on 34 Tulsa Avenue is no longer necessary to the Borough of Metuchen and the vacation of the ten (10) foot wide storm drainage easements has no detriment to the intent and/or function of the existing storm drainage in the Borough of Metuchen; and

WHEREAS, the property owner has submitted to the Borough of Metuchen a "Plan of Storm Drainage Easement Vacation" dated May 26, 2021 which delineates the storm drainage easement sought to be vacated which has been reviewed and approved by the Borough Engineer, a copy of which is attached hereto and incorporated herein; and

WHEREAS, in consultation with the Borough Tax Assessor, the Borough has determined that the fair market value of the vacation of the easement on the property is nine thousand eight hundred and sixty-seven dollars (\$9,867.00); and

WHEREAS, the property owner has agreed to make a payment to the Borough in exchange for the vacation of the storm water drainage easement in the amount of nine thousand eight hundred and sixty-seven dollars (\$9,867.00) plus two thousand five hundred dollars (\$2,500.00) to reimburse the Borough its associated cost in the review and vacation for a total amount of twelve thousand three hundred sixty-seven dollars (\$12,367.000); and

WHEREAS, the Council of the Borough of Metuchen has determined that in light of the fact that the easement is no longer necessary to the Borough of Metuchen and that the vacation has no detriment to the Borough, it is in the best interest of the Borough to grant the property owner’s request to vacate the easement under the conditions set forth above.

NOW THEREFORE BE IT ORDAINED by the Council of the Borough of Metuchen, County of Middlesex, that it hereby releases, extinguishes and forever vacates all rights, interests, and entitlements in the ten (10) foot wide easement consisting of approximately seven hundred seventy-nine (779) square feet for storm water drainage on portions of Block 208, Lot 73.02 in the Borough of Metuchen, commonly known as 34 Tulsa Avenue, and recorded in the Middlesex County Clerk’s Office in Deed Book 1206 at Page 364 and set forth in the “Plan of Storm Drainage Easement Vacation” attached hereto; and

BE IT FURTHER ORDAINED by the Mayor and Council that all remaining easements not amended or referenced herein, including but not limited to the fifteen (15) foot wide stormwater easement shown on the Tax Map, Sheet Number 71 shall not be affected thereby and shall remain in full force and effect.

BE IT FURTHER ORDAINED by the Mayor and Council that if any section, subsection, paragraph, sentence, clause or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance, which shall continue in full force and effect, and to this end, the provisions of this Ordinance are hereby declared to be severable; and

BE IT FURTHER ORDAINED by the Mayor and Council that this ordinance shall become effective immediately upon final passage and publication as provided by law.

Introduction: August 23, 2021
 Date of Publication: August 26, 2021

COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB	
DELIA	X				KOSKOSKI	X				
HIRSCH	X				RASMUSSEN	X				
KANDEL	X				RUBIN	X				
MOTION	KOSKOSKI				SECOND	RASMUSSEN				
X – INDICATES VOTE				AB- ABSENT			NV- NOT VOTING			

I hereby certify the foregoing to be a true copy of an ordinance introduced by the Borough Council of the Borough of Metuchen, Middlesex County, New Jersey at a regular meeting held on August 23, 2021.

Deborah Zupan
Acting Borough Clerk

Adopted: September 13, 2021
Date of Publication: September 16, 2021

COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB
DELIA	X				KOSKOSKI	X			
HIRSCH	X				RASMUSSEN	X			
KANDEL	X				RUBIN	X			
MOTION	KOSKOSKI			SECOND			RASMUSSEN		
X – INDICATES VOTE			AB- ABSENT			NV- NOT VOTING			

I hereby certify the foregoing to be a true copy of an ordinance adopted by the Borough Council of the Borough of Metuchen, Middlesex County, New Jersey at a regular meeting held on September 13, 2021.

Deborah Zupan
Acting Borough Clerk

ATTEST:

BOROUGH OF METUCHEN

Deborah Zupan
Acting Borough Clerk

By: _____
Jonathan M. Busch
Mayor