



Legislation Details (With Text)

File #: 23-0060 **Version:** 1 **Name:** Ordinance: Vacation of Tichenor Lane
Type: Ordinance **Status:** Adopted
File created: 1/11/2023 **In control:** Engineering
On agenda: 4/5/2023 **Final action:** 5/3/2023
Title: AN ORDINANCE PROVIDING FOR THE VACATION OF A PORTION OF TICHENOR'S LANE, AS LAID OUT, TWENTY (20) FEET IN WIDTH AND BEGINNING AT THE SOUTHERLY LINE OF MILLER STREET TO ITS TERMINUS, PURSUANT TO N.J.S.A. 40:67-1 (EAST WARD).
Sponsors: Council of the Whole
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Date	Ver.	Action By	Action	Result
5/3/2023	1	Municipal Council	Close on Public Hearing and Adopt	Pass
4/19/2023	1	Municipal Council	Adopt on First Reading	Pass
4/5/2023	1	Municipal Council	Advance to First Reading	Pass

AN ORDINANCE PROVIDING FOR THE VACATION OF A PORTION OF TICHENOR'S LANE, AS LAID OUT, TWENTY (20) FEET IN WIDTH AND BEGINNING AT THE SOUTHERLY LINE OF MILLER STREET TO ITS TERMINUS, PURSUANT TO N.J.S.A. 40:67-1 (EAST WARD).

WHEREAS, the City of Newark (the "City") does possess Right-of Way through all public streets located within the City; and

WHEREAS, the City is authorized pursuant to N.J.S.A. 40:67-1 et seq. to establish, change the grade of or vacate any public street, highway, lane or alley, or any part thereof at the discretion of the City; and

WHEREAS, Miller St. Property, LLC owns the properties located at 175 Tichenor Lane and 139 Tichenor Lane, and 203 Miller St, LLC owns the property located at 199-201 Miller Street, which are commonly known on the Official Tax Map of the City of Newark, as Block 1178, Lots 15, 16, and 17 ("Private Properties"); and

WHEREAS, a portion of Tichenor Lane ("City Property") is a right-of-way owned by the City, is abandoned and adjacent to the Private Properties; and

WHEREAS, Ronald Conklin, the Sole Managing Member of Miller St. Property, LLC and 203 Miller St, LLC, owners of the Private Properties has been maintaining the City Property and as a result submitted a request to the Department of Engineering to vacate the City Property, a portion of Tichenor Lane and obtain a lot line adjustment; and

WHEREAS, the City has determined that the aforementioned portion of Tichenor Lane, City Property, as set forth in Exhibit "A", is no longer needed for public purposes; and

WHEREAS, the City desires to vacate the portion of Tichenor Lane, City Property, pursuant to the request and as illustrated in Exhibit A; and

WHEREAS, part of the City Property to be vacated touches the adjacent property located at 195 Miller Street and commonly known on the Official Tax Map of the City of Newark, as Block 1178, Lot 14, which is owned by Mario Vega Sanchez; and

WHEREAS, the Department of Engineering has no objections to the street vacation.

NOW, THEREFORE, BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF NEWARK, NEW JERSEY, THAT:

Section 1. All that portion, part and parcel of Tichenor's Lane, twenty (20) feet in width as laid out on the Map of the Commissioners and Exhibit A, attached hereto, beginning at the southerly line of Miller Street, south to its terminus, shall be vacated as a public street or public right-of-way reserving and excepting any and all rights and privileges possessed by the City of Newark and for so long as they continue to exist at this location, the rights of any public utilities as defined in R.S. 48:2-13 and by any cable television company as defined in the "Cable Television Act", P.L 1972 c. 186, with the right of entry and easement, in accordance with applicable law, for the entire length and total width of said portion of the public street or public right of way to be vacated for the purpose of accomplishing the removal, relocation, relaying, rebuilding, reconstructing, or maintaining their respective water, sewer, electric, gas, telephone and cable utilities and appurtenances, now laid or to be laid, within the above described public street to be vacated. Any and all such easement rights and privileges shall continue until such time when the easement reservation is no longer needed due to the proposed relocation, removal and/or abandonment of any and all existing utilities and said easement rights and privileges are terminated and extinguished. The erection, construction, or placing of any building, vault, or structure upon or within the above described easement reservation prior to said termination and release of said easement rights and privileges is prohibited and contrary to this ordinance. All as is shown on a map prepared under the direction of the Municipal Council, which map is hereto attached as Exhibit A and made a part hereof, and a copy, is on file in the office of the Acting Director of the Department of Engineering.

Section 2. A map dated, September 21, 2022, prepared in support of the partial vacation of Tichenor's Lane, a copy of which is attached hereto and made part hereof, is on file in the office of the Acting Director of the Department of Engineering.

Section 3. The portion of Tichenor Lane, as indicated on Exhibit A attached hereto, is hereby vacated and released from dedication of land for a public street and public rights in accordance with N.J.S.A. 40:67-1 et seq.

Section 4. By vacating the portion of Tichenor Lane as a public street or right-of- way, the City hereby quitclaims any and all rights (with the exception of the rights stipulated in Section 1 above), title and interest in the bed and vacated right-of-way of the portion of Tichenor Lane to Mario Vega Sanchez, Miller St Property, LLC, and 203 Miller St, LLC (collectively "Owners"), the Owners of the adjoining parcels, 195 Miller Street, 175 Tichenor Lane, 139 Tichenor Lane, and 199-201 Miller Street (Block 1178 Lots 14, 15, 16, and 17).

Section 5. The Owners shall be responsible for any and all fees associated with the consideration and/or completions of the public right-of-way vacation request. These expenses include, but are not limited to, engineering fees, attorney fees, survey fees, publication and mailing expenses, advertising, recording fees and tax map revisions fees.

Section 6. Within sixty (60) days after the adoption of this Ordinance, the Acting City Clerk shall cause this Ordinance, together with a copy of the proof of publication thereof, to be filed with the Essex County Register of Deeds and Mortgages for recordation in the County's Book of "Vacations", pursuant to N.J.S.A. 40:67-21.

Section 7. All publication and notice requirements of this Ordinance are subject to N.J.S.A. 40:49-6.

Section 8. This Ordinance is adopted under and by virtue of the provisions of N.J.S.A. 40:67-1, et seq. and N.J.S.A. 40A:12A-10.

Section 9. This Ordinance shall take effect upon final passage and publication in accordance with the laws of the State of New Jersey.

STATEMENT

This Ordinance vacates a portion of Tichenor Lane within the City of Newark, beginning at the southerly line of Miller Street, south to its terminus, and quitclaims any and all rights (with the exception of the right stipulated in Section 1 above), title and interest in the bed and vacated right-of-way of such portion of Tichenor Lane to the owners of the adjoining properties located at 195 Miller Street, 175 Tichenor Lane, 139 Tichenor Lane, and 199-201 Miller Street (Block 1178 Lots 14, 15, 16, and 17) (East Ward).