ORDINANCE 2015-08

AN ORDINANCE OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY AUTHORIZING THE EXECUTION AND ACCEPTANCE OF AN EASEMENT FOR PURPOSES OF ENFORCING THE TOWNSHIP'S ORDINANCE PROVIDING FOR "NO PARKING" AND/OR "NO STOPPING OR STANDING" ON A PORTION OF COLSON TERRACE AS WELL AS ON THE EASEMENT PREMISES.

WHEREAS, All for DOE, LLC ("Grantor") is the owner of certain property located in the Township of Hardyston, Sussex County, New Jersey, at Block 36, Lot 44.01, known as 4 Colson Terrace as shown on the Official Tax Map of the Township of Hardyston; and

WHEREAS, there is loading and unloading of vehicles by auto carriers on Colson Terrace; and

WHEREAS, this loading and unloading of vehicles by auto carriers on Colson Terrace threatens to impede in the future, the ability of fire trucks and ambulances to leave their facilities on Colson Terrace and respond to emergency and fire calls; and

WHEREAS, the Township of Hardyston has adopted, or will take measures to adopt, an Ordinance providing for "No Parking" and/or "No Stopping or Standing" zone on both sides of Colson Terrace from 220 feet from the intersection of New Jersey State Highway Route 23 and Colson Terrace to the end of Colson Terrace; and

WHEREAS, part of the Grantor's premises on Colson Terrace are paved and merge into Colson Terrace as to make Colson Terrace and that portion of the Grantor's premises that is paved indistinguishable; and

WHEREAS, Raymond Ganz, the owner of All for DOE, LLC, has agreed to

cooperate with the Township in its efforts to curtail the unloading of auto carriers on Colson Terrace by providing an easement to the Township to allow the Township to enforce its Ordinance providing for "No Parking" and/or "No Stopping or Standing" on both sides of Colson Terrace from 220 feet from the intersection of New Jersey State Highway Route 23 and Colson Terrace to the end of Colson Terrace not only on this portion of Colson Terrace but also on that part of Grantor's premises on Colson Terrace that are paved and merge into Colson Terrace ("easement premises") and as set forth on the easement and annexed legal description attached hereto as Exhibit A; and

WHEREAS, the Township of Hardyston wishes to execute and accept the easement.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Hardyston, in the County of Sussex, and State of New Jersey, as follows:

SECTION 1. The easement and annexed legal description attached hereto as Exhibit A, which has been approved by the Township Attorney and Township Engineer for form and legal description is hereby accepted by the Township of Hardyston.

SECTION 2. The Mayor of the Township of Hardyston is hereby authorized to execute the aforementioned attached Easement on behalf of the Township of Hardyston.

SECTION 3. All ordinances of the Township of Hardyston which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 4. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid by any court of competent jurisdiction, such decision shall not affect the remaining portions of this ordinance.

SECTION 5. This ordinance may be renumbered for purposes of codification.

ATTEST: TOWNSHIP OF HARDYSTON

_____   _____
Jane Bakalarczyk, Clerk   Carl Miller, Mayor

NOTICE

PLEASE TAKE NOTICE that notice is hereby given that the above ordinance was introduced and passed at the regular meeting of the Hardyston Township Council held at the Municipal Building, 149 Wheatsworth Road, Hardyston, New Jersey, on March 11, 2015. The same came up for final adoption at a meeting of the Township Council of the Township of Hardyston held on March 25, 2015, and after all persons present were given the opportunity to be heard concerning the same, it was finally passed, adopted and will be in full force and effect in the Township according to law.

                                             Jane Bakalarczyk, RMC/CMC
                                             Municipal Clerk