

**THE BOROUGH OF RIVERTON
BURLINGTON COUNTY**

ORDINANCE NO. 2009-7

**ORDINANCE TO RELEASE, VACATE AND EXTINGUISH ANY
AND ALL PUBLIC RIGHTS IN A PORTION OF MAIN STREET
BETWEEN THE NORTHERLY LINE OF BANK AVENUE AND
THE RIVER WALL AT THE EDGE OF THE DELAWARE RIVER
IN THE BOROUGH OF RIVERTON, COUNTY OF BURLINGTON,
STATE OF NEW JERSEY**

WHEREAS, the Burlington County Board of Chosen Freeholders had previously vacated the northerly end of Main Street in the Borough of Riverton between the northerly line of Bank Avenue and the River Wall for a distance of approximately 120 feet, which was previously a County road, by Resolution dated April 10, 1969 (attached hereto); and

WHEREAS, the Mayor and Council of the Borough of Riverton had previously vacated and extinguished the public rights in a portion of Main Street between the northerly line of Bank Avenue and the River Wall at the edge of the Delaware River, which was adopted at the request of the Riverton Yacht Club by Ordinance dated July 10, 1969 (attached hereto); and

WHEREAS, the Riverton Yacht Club has been occupying the subject area encompassed by the County and Borough Resolutions as a private parking lot; and

WHEREAS, it appears that the aforesaid Borough 1969 Ordinance was never filed with the Burlington County Clerk Register of Deeds as required by Statute; and

WHEREAS, it is the desire of both the Borough of Riverton and the Riverton Yacht Club to effectuate the intent of the prior Borough Ordinance, which vacated any and all rights of the Borough to whatever portion of Main Street was vacated to them by the County; and

WHEREAS, the Riverton Yacht Club has offered to bear any and all costs of the introduction and passage of this Ordinance including, but not limited to, the recording of same; and

WHEREAS, the Riverton Yacht Club has obtained the attached survey from Robins Associates, dated May 5, 2009, of the tract or parcel of land to be vacated,

NOW THEREFORE BE IT ORDAINED AND ESTABLISHED by the Mayor and the Council of the Borough of Riverton, County of Burlington, State of New Jersey, as follows:

- I. The public rights and interest of the portion of the Northerly Terminus of Main Street between the Northerly line of Bank Avenue and the high water line of the Delaware River are hereby vacated, abandoned and released:

All that certain tract or parcel of land, situated in the Borough of Riverton, County of Burlington, State of New Jersey, more particularly described as follows:

Beginning at a monument at the intersection of the Northerly Line of Bank Avenue and Southwesterly Line of Main Street (70 feet wide) in the line of Lot 3, Block 306 being distant 576.1 feet in a Northwesterly direction from the intersection of the Northwesterly line of Second Street and the Southwesterly line of Main Street

Thence 1) North 69 degrees 45 minutes 00 seconds East a distance of 70.0 feet to a monument in the line of Lot 5 Block 401, being in the Northeasterly line of Main Street

Thence 2) Along the line of Lot 5 Block 401, North 20 degrees 20 minutes 00 seconds West a distance of 115 feet more or less to a point in the High Water Line (at the River Wall) of the Delaware River

Thence 3) Along the said High Water Line in a Southwesterly direction various courses and distances to a point in the line of Lot 3 Block 306

Thence 4) Along the line of Lot 3 Block 306, South 20 degrees 20 minutes 00 seconds East a distance of 120 feet more or less to the point and place of beginning

Being the portion of Main Street that the Board of Chosen Freeholders of the County of Burlington had vacated to the Borough of Riverton, and which the Borough had attempted to vacate to the Riverton Yacht Club in July, 1969.

II. The following described rights of public utilities and CATV companies are hereby expressly reserved and excepted from this vacation:

Any sewer easement on or about the above described property including but not limited to Block 401, Lot 14.

III. The Riverton Yacht Club will bear all costs including, but not limited to, all professional fees and clerical fees relative to the recording of any easements in favor of the Borough of Riverton of the above described property as well as the recording fee for this ordinance.

IV. This ordinance becomes effective 20 days after final passage and publication according to law.

ATTEST:

BOROUGH OF RIVERTON

By: _____

Mary Longbottom,
Borough Clerk

By: _____

Robert Martin,
Mayor

CERTIFICATE OF CLERK

I, Mary Longbottom, Municipal Clerk of the Borough of Riverton, County of Burlington and State of New Jersey, do hereby **CERTIFY** that the foregoing to be a true and correct copy of an Ordinance introduced and passed by the Borough Council at a meeting of said Council held June 10, 2009, and said Ordinance was finally adopted at a regular meeting of the Borough Council held July 8, 2009, after a public hearing.

Mary Longbottom, RMC
Municipal Clerk

RECORDED VOTE	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
DANIEL	_____	_____	_____	_____
BROWN	_____	_____	_____	_____
CAIRNS-WELLS	_____	_____	_____	_____
MR. SMYTH	_____	_____	_____	_____
KINZLER	_____	_____	_____	_____
CESARETTI	_____	_____	_____	_____
MAYOR (TIE)	_____	_____	_____	_____