

ORDINANCE NO. 17-11

AN ORDINANCE TO ACCEPT  
CERTAIN DEDICATIONS AND  
EASEMENTS IN CONNECTION WITH  
SOUTH GLEN ESTATES, SECTIONS  
IIA and IIB

WHEREAS, N.J.S.A. 40:67-1(b) authorizes the Governing Body of every municipality to make, amend, repeal and enforce ordinances to accept any street dedicated to public use, and thereafter, improve and maintain the same; and

WHEREAS, N.J.S.A. 40A: 12-4 authorizes any municipality to acquire easements; and

WHEREAS, N.J.S.A. 40A:12-5 requires that the acquisition of easements by municipalities be accomplished by ordinance; and

WHEREAS, the streets known as Claremont Terrace, Skyline Terrace and Huckleberry Court, and a portion of the street known as South Glen Road in the Borough of Kinnelon have been dedicated to public use by Michael Felkay ("Developer") by Deed of Dedication dated February 11, 1993 and recorded in the Morris County Clerk's Office at Deed Book 3764, Page 155 on May 4, 1993; and

WHEREAS, a portion of the street known as South Glen Road in the Borough of Kinnelon has been dedicated to public use by the Developer by Deed of Dedication dated February 11, 1993 and recorded in the Morris County Clerk's Office at Deed Book 3764, Page 211 on May 4, 1993; and

WHEREAS, the street known as Julia Terrace in the Borough of Kinnelon has been dedicated to public use by the Developer by Deed of Dedication dated August 10, 1995 and recorded in the Morris County Clerk's Office at Deed Book 4262, Page 203 on October 4, 1995;

and

WHEREAS, the street known as Thomas Road in the Borough of Kinnelon has been dedicated to public use by the Developer by Deed of Dedication dated August 10, 1995 and recorded in the Morris County Clerk's Office at Deed Book 4262, Page 207 on October 4, 1995; and

WHEREAS, a temporary cul-de-sac included on the street known as Julia Terrace in the Borough of Kinnelon has been dedicated to public use by the Developer by Deed of Dedication dated August 10, 1995 and recorded in the Morris County Clerk's Office at Deed Book 4262, Page 227 on October 4, 1995; and

WHEREAS, a temporary cul-de-sac included at the terminus of the street known as South Glen Road in the Borough of Kinnelon has been dedicated to public use by the Developer by Deed of Dedication dated March 9, 1993 and recorded in the Morris County Clerk's Office at Deed Book 3763, Page 256 on May 3, 1993; and

WHEREAS, an emergency access road beyond the terminus of the temporary cul-de-sac on the street known as South Glen Road has been dedicated to public use by the Developer by Deed of Dedication, dated February 11, 1993 and recorded in the Morris County Clerk's Office at Deed Book 3764, Page 130 on May 4, 1993; and

WHEREAS, a drainage easement for a portion of Block 300.03, Lots 3, 5 and 6 in the Borough of Kinnelon has been granted to the Borough by the Developer by Grant of Easement, dated February 11, 1993 and recorded in the Morris County Clerk's Office at Deed Book 3763, Page 288 on May 3, 1993; and

WHEREAS, a detention basin and drainage easement for a portion of Block 300.06, Lot 15 and a portion of Block 30.01, Lot 46 in the Borough of Kinnelon has been granted to the Borough by the Developer by Grant of Easement, dated March 9, 1993 and recorded in the

Morris County Clerk's Office at Deed Book 3763, Page 265 on May 3, 1993; and

WHEREAS, a drainage easement for a portion of Block 300.04, Lot 1 and Block 300, Lot 1 in the Borough of Kinnelon has been granted to the Borough by the Developer by Grant of Easement, dated August 9, 1995 and recorded in the Morris County Clerk's Office at Deed Book 4262, Page 219 on October 4, 1995; and

WHEREAS, a drainage easement for a portion of Block 300.05, Lot 8 and Block 300, Lot 1 in the Borough of Kinnelon has been granted to the Borough by the Developer by Grant of Easement, dated August 9, 1995 and recorded in the Morris County Clerk's Office at Deed Book 4262, Page 211 on October 4, 1995; and

WHEREAS, in reports dated November 11, 2004, and December 13, 2004, the Borough Engineer has certified that the improvements constructed or installed by the Developer, including the six dedicated streets, have been inspected and approved by him as satisfactorily completed.

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Borough of Kinnelon, County of Morris, State of New Jersey as follows:

SECTION 1. The dedication of Claremont Terrace, Skyline Terrace, Huckleberry Court and a portion of South Glen Road for use as public streets is hereby accepted.

SECTION 2. The dedication of Julia Terrace for use as a public street is hereby accepted.

SECTION 3. The dedication of Thomas Road for use as a public street is hereby accepted.

SECTION 4. The dedication of a temporary cul-de-sac on Julia Terrace for use as a public street is hereby accepted.

SECTION 5. The dedication of a temporary cul-de-sac included at the terminus of South

Glen Road for use as a public street is hereby accepted.

SECTION 6. The dedication of an emergency access road beyond the terminus of the temporary cul-de-sac on the street known as South Glen Road in the Borough of Kinnelon, as set forth in a certain Deed of Dedication dated February 11, 1993 and recorded in the Morris County Clerk's Office at Deed. Book 3764, Page 130 on May 4, 1993 is hereby accepted.

SECTION 7. The grant of a drainage easement across a portion of Block 300.03, Lots 3, 5 and 6 in the Borough of Kinnelon, as set forth in a certain Grant of Easement dated February 11, 1993 and recorded in the Morris County Clerk's Office at Deed Book 3763, Page 288 on May 3, 1993, is hereby accepted.

SECTION 8. The grant of a detention basin and drainage easement across a portion of Block 300.06, Lot 15 and a portion of Block 300.01, Lot 46 in the Borough of Kinnelon, as set forth in a certain Grant of Easement dated March 9, 1993 and recorded in the Morris County Clerk's Office at Deed Book 3763, Page 265 on May 3, 1993, is hereby accepted.

SECTION 9. The grant of a drainage easement across a portion of Block 300.04, Lot 1 and Block 300, Lot 1 in the Borough of Kinnelon, as set forth in a certain Grant of Easement dated August 9, 1995 and recorded in the Morris County Clerk's Office at Deed Book 4262, Page 219 on October 4, 1995, is hereby accepted.

SECTION 10. The grant of a drainage easement across a portion of Block 300.05, Lot 8 and Block 300, Lot 1 in the Borough of Kinnelon, as set forth in a certain Grant of Easement dated August 9, 1995 and recorded in the Morris County Clerk's Office at Deed Book 4262, Page 211 on October 4, 1995, is hereby accepted.

SECTION 11. All ordinances of the Borough of Kinnelon which are inconsistent with the provisions of this Ordinance are hereby repealed as to the extent of such inconsistency.

SECTION 12. If any section, subsection, 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 portion of this Ordinance.

SECTION 13. This Ordinance shall take effect immediately upon final passage, approval and publication as provided by law.

ATTEST:

BOROUGH OF KINNELON

Elizabeth M. Sebrowski, Borough Clerk

Robert W. Collins,  
Mayor

#### CERTIFICATION

I, Elizabeth M. Sebrowski, Borough Clerk of the Borough of Kinnelon, County of Morris, State of New Jersey, do hereby certify the foregoing to be a true copy of an Ordinance introduced, read by title and passed on the first reading at a regular meeting of the Borough held on October 20, 2011 and adopted by the Governing Body at a regular meeting of the Borough held on November 17, 2011.

Elizabeth M. Sebrowski, R.M.C., Borough Clerk