

ORDINANCE NO. 4-12 AN ORDINANCE TO ACCEPT THE DEDICATION OF THE REAGAN WAY AND VARIOUS EASEMENTS IN CONNECTION WITH TSA DEVELOPMENT (REAGAN WAY) KINNELON PLANNING BOARD APPLICATION #739

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 street known as Reagan Way, in the Borough of Kinnelon, has been dedicated to public use by TSA Development ("Developer") and/or are currently in use and accepted by the filing of the Final Subdivision Plat in the Morris County Clerk's Office; and

WHEREAS, various easements for Drainage, Sight Triangles or other easements, Rights of Way or improvements were included on the Final Subdivision Plat by the Developer, which has been recorded in the Morris County Clerk's Office; and

WHEREAS, in reports the Borough Engineer has certified that the improvements constructed or installed by the Developer, including the dedicated street, has 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 Reagan Way, in the Borough of Kinnelon, as set forth in a certain Subdivision Plat recorded in the Morris County Clerk's Office, for use as public street is hereby accepted.

SECTION 2. SEVERABILITY. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court or federal or

state agency of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

SECTION 3. INCONSISTENT ORDINANCES. Ordinances, resolutions, and regulations or parts of ordinances, resolutions, and regulations inconsistent herewith, are hereby repealed to the extent of such inconsistency.

SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect upon passage and publication according to law.

ATTEST:

BOROUGH OF KINNELON

Elizabeth M. Sebrowski, Borough Clerk

Robert 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 _____, 2012 and adopted by the Governing Body at a regular meeting of the Borough held on _____, 2012.

Elizabeth M. Sebrowski, Borough Clerk