

**ORDINANCE NO. 3-14 AN ORDINANCE TO RELEASE, VACATE AND EXTINGUISH ANY AND ALL PUBLIC RIGHTS IN AND TO A PORTION OF SAW MILL ROAD IN THE BOROUGH OF KINNELON**

**WHEREAS**, Saw Mill Road was granted to the County of Morris pursuant to the Morris County Road Return, recorded in the Office of the Morris County Clerk in Book A on Page 209, 210 (1791) (hereinafter, the "Street"); and

**WHEREAS**, on October 22, 2014, via Resolution Number 49, (a copy of which is attached hereto), the Morris County Board of Chosen Freeholders, vacated the county's interest in a portion of the Street, pursuant to N.J.S.A. 27:16-28, and all interest therein has devolved to the Borough of Kinnelon pursuant to the same statute; and

**WHEREAS**, the Borough of Kinnelon is of the opinion that the Street is no longer necessary for public use and public interest will best be served by abandoning, vacating, releasing and extinguishing any and all public rights which the Borough of Kinnelon may have in and to the "Street".

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

1. The public rights and interests of a portion of Saw Mill Road, particularly described as follows are hereby vacated, abandoned and released.
2. Public notice shall be provided pursuant to N.J.S.A. 4:49-6.
3. A copy of this ordinance shall be recorded by the Borough Clerk pursuant to N.J.S.A. 40:67-21 in the Office of the Morris County Clerk.
3. This ordinance shall become effective twenty (20) days after final passage.

**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.

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resolutions, and regulations or parts of ordinances, resolutions, and regulations inconsistent herewith, are hereby repealed to the extent of such inconsistency.

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

ATTEST:

BOROUGH OF KINNELON

\_\_\_\_\_  
Karen Iuele, Deputy Borough Clerk

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Robert Collins, Mayor

**CERTIFICATION**

I, Karen Iuele, Deputy 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 \_\_\_\_\_, 2014 and adopted by the Governing Body at a regular meeting of the Borough held on \_\_\_\_\_, 2014.

\_\_\_\_\_  
Karen Iuele, Deputy Borough Clerk

BOARD OF CHOSEN FREEHOLDERS  
MORRIS COUNTY, NEW JERSEY

RESOLUTION NO.: 49

ADOPTED: October 22, 2014

WHEREAS, pursuant to N.J.S.A. 27:16-28, the Board of Chosen Freeholders ("Freeholders") may discontinue, by a Freeholder resolution, any road or portion thereof owned or under the control of Morris County ("County") as a County road; and

WHEREAS, by letter dated August 15, 2014, Borough of Kinnelon ("Kinnelon") Assessor Robert I. Edgar, on behalf of Kinnelon Mayor Robert W. Collins, advised the County that Kinnelon is in favor of the County taking the necessary steps to discontinue the County road return which is located on Kinnelon property known as old Block 89, Lot 126.01, new Block 57101, Lot 119, 135 Saw Mill Road, Kinnelon, New Jersey; and

WHEREAS, the Freeholders are desirous of discontinuing that portion of the County owned road return as it is situated and located on the aforescribed Kinnelon property; and

WHEREAS, Joy Ho Family Trust, L.L.C., the owner of the aforescribed Kinnelon property, supports the County's discontinuance of the road return which will devolve to Kinnelon.

**NOW THEREFORE BE IT RESOLVED**, by the Board of Chosen Freeholders of the County of Morris, State of New Jersey as follows:


1. Pursuant to N.J.S.A. 27:16-28, the Freeholders declare that the portion the County owned road that is situated and/or located on the Kinnelon property known as old Block 89, Lot 126.01, new Block 57101, Lot 119, 135 Saw Mill Road, Kinnelon, New Jersey shall be discontinued as a County road, and that the County shall and does relinquish all jurisdiction over and responsibility for the construction, reconstruction, repair and maintenance thereof.

2. Upon adoption of this Resolution, the Clerk of the Board of Chosen Freeholders ("Clerk of the Board") shall prepare a certified copy of the Resolution and shall cause such certified copy to be served upon the Kinnelon Clerk within ten (10) days from the date of passage of the Resolution.

3. The Clerk of the Board shall also file a certified copy of the Freeholder Resolution in the office of the Morris County Clerk ("County Clerk"), who shall record and index the Freeholder Resolution in the road records of the County Clerk's office

4. The within resolution shall take effect upon final passage and publication in accordance with law.

I hereby certify the above to be a true copy of a resolution adopted by the Board of Chosen Freeholders of the County of Morris at a regular meeting held October 22, 2014.

  
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Diane M. Ketchum, Clerk of the Board  
of Chosen Freeholders of the County of Morris