

ORDINANCE NO. 3-12 AN ORDINANCE TO ACCEPT CERTAIN DEDICATIONS AND EASEMENTS IN CONNECTION WITH SOUTH GLEN ESTATES, SECTION 3 (CENTEX)

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 50-Foot Right of Way on South Glen Road, in the Borough of Kinnelon has been dedicated to public use by The Miklos Felkay Family Limited Partnership (“Developer”) by Deed of Dedication dated April 17, 2003, and recorded in the Morris County Clerk’s Office at Deed Book 05828, Page 060 on April 24, 2003; and

WHEREAS, the 50-Foot Right of Way on Andrew Lane, in the Borough of Kinnelon has been dedicated to public use by The Miklos Felkay Family Limited Partnership by Deed of Dedication dated April 17, 2003, and recorded in the Morris County Clerk’s Office at Deed Book 05828, Page 068 on April 24, 2003; and

WHEREAS, the 50-Foot Right of Way on Felkay Court, in the Borough of Kinnelon has been dedicated to public use by The Miklos Felkay Family Limited Partnership by Deed of Dedication dated April 17, 2003, and recorded in the Morris County Clerk’s Office at Deed Book 05828, Page 073 on April 24, 2003; and

WHEREAS, the 50-Foot Right of Way on San Filippo Way, in the Borough of Kinnelon has been dedicated to public use by The Miklos Felkay Family Limited Partnership by Deed of Dedication dated April 17, 2003, and recorded in the Morris County Clerk’s Office at Deed Book 05828, Page 078 on April 24, 2003; and

WHEREAS, the 50-Foot Right of Way on Nicholas Drive, in the Borough of Kinnelon has been dedicated to public use by The Miklos Felkay Family Limited Partnership by Deed of Dedication dated April 17, 2003, and recorded in the Morris County Clerk's Office at Deed Book 05828, Page 083 on April 24, 2003; and

WHEREAS, an easement for underground water storage has been granted by the Developer to the Borough of Kinnelon and presently designated as a portion of Block 300.08, Lot 17 by Grant of Easement, dated April 17, 2003 and recorded in the Morris County Clerk's Office at Deed Book 05828, Page 088 on April 24, 2003; and

WHEREAS, an easement for underground water storage has been granted by the Developer to the Borough of Kinnelon and presently designated as a portion of Block 300.08, Lot 1 by Grant of Easement, dated April 17, 2003 and recorded in the Morris County Clerk's Office at Deed Book 05828, Page 095 on April 24, 2003; and

WHEREAS, an easement for detention basin and drainage for a portion of Block 300.08, Lots 4 and 5 has been granted by the Developer to the Borough of Kinnelon by Grant of Easement, dated April 17, 2003 and recorded in the Morris County Clerk's Office at Deed Book 05828, Page 102 on April 24, 2003; and

WHEREAS, an easement for detention basin and drainage for a portion of Block 30.01, Lots 49 and 50 has been granted by the Developer to the Borough of Kinnelon by Grant of Easement, dated April 17, 2003 and recorded in the Morris County Clerk's Office at Deed Book 05828, Page 111 on April 24, 2003; and

WHEREAS, an easement for detention basin and drainage for a portion of Block 300.08, Lots 13 and 14 has been granted by the Developer to the Borough of Kinnelon by Grant of Easement, dated April 17, 2003 and recorded in the Morris County Clerk's Office at Deed Book 05828, Page 120 on April 24, 2003; and

WHEREAS, an easement for detention basin and drainage for a portion of Block 30.01, Lots 59 and 60 has been granted by the Developer to the Borough of Kinnelon by Grant of

Easement, dated April 17, 2003 and recorded in the Morris County Clerk's Office at Deed Book 05828, Page 129 on April 24, 2003; and

WHEREAS, an easement for detention basin and drainage for a portion of Block 30.01, Lots 62 and 63 has been granted by the Developer to the Borough of Kinnelon by Grant of Easement, dated April 17, 2003 and recorded in the Morris County Clerk's Office at Deed Book 05828, Page 138 on April 24, 2003; and

WHEREAS, an easement for detention basin and drainage for a portion of Block 30.01, Lots 69 and 70 has been granted by the Developer to the Borough of Kinnelon by Grant of Easement, dated April 17, 2003 and recorded in the Morris County Clerk's Office at Deed Book 05828, Page 147 on April 24, 2003; and

WHEREAS, an easement for detention basin and drainage for a portion of Block 30.01, Lots 75 and 76 has been granted by the Developer to the Borough of Kinnelon by Grant of Easement, dated April 17, 2003 and recorded in the Morris County Clerk's Office at Deed Book 05828, Page 156 on April 24, 2003; and

WHEREAS, an easement for Clear Sight for a portion of Block 300.08, Lot 18 has been granted by the Developer to the Borough of Kinnelon by Grant of Easement, dated April 17, 2003 and recorded in the Morris County Clerk's Office at Deed Book 05828, Page 165 on April 24, 2003; and

WHEREAS, an easement for Clear Sight for a portion of Block 300.08, Lot 1 has been granted by the Developer to the Borough of Kinnelon by Grant of Easement, dated April 17, 2003 and recorded in the Morris County Clerk's Office at Deed Book 05828, Page 172 on April 24, 2003; and

WHEREAS, an easement for Clear Sight for a portion of Block 30.01, Lot 48 has been granted by the Developer to the Borough of Kinnelon by Grant of Easement, dated April 17, 2003 and recorded in the Morris County Clerk's Office at Deed Book 05828, Page 179 on April 24, 2003; and

WHEREAS, an easement for Clear Sight for a portion of Block 300.08, Lot 8 has been granted by the Developer to the Borough of Kinnelon by Grant of Easement, dated April 17, 2003 and recorded in the Morris County Clerk's Office at Deed Book 05828, Page 186 on April 24, 2003; and

WHEREAS, an easement for Clear Sight for a portion of Block 300.08, Lot 26 has been granted by the Developer to the Borough of Kinnelon by Grant of Easement, dated April 17, 2003 and recorded in the Morris County Clerk's Office at Deed Book 05828, Page 193 on April 24, 2003; and

WHEREAS, an easement for Clear Sight for a portion of Block 300.07, Lot 8 has been granted by the Developer to the Borough of Kinnelon by Grant of Easement, dated April 17, 2003 and recorded in the Morris County Clerk's Office at Deed Book 05828, Page 200 on April 24, 2003; and

WHEREAS, an easement for Drainage for a portion of Block 300.08, Lot 18 has been granted by the Developer to the Borough of Kinnelon by Grant of Easement, dated April 17, 2003 and recorded in the Morris County Clerk's Office at Deed Book 05828, Page 207 on April 24, 2003; and

WHEREAS, an easement for Drainage for a portion of Block 30.01, Lots 55 and 56 has been granted by the Developer to the Borough of Kinnelon by Grant of Easement, dated April 17, 2003 and recorded in the Morris County Clerk's Office at Deed Book 05828, Page 215 on April 24, 2003; and

WHEREAS, an easement for Drainage for a portion of Block 30.01, Lot 49 has been granted by the Developer to the Borough of Kinnelon by Grant of Easement, dated April 17, 2003 and recorded in the Morris County Clerk's Office at Deed Book 05828, Page 223 on April 24, 2003; and

WHEREAS, an easement for Drainage for a portion of Block 300, Lot 1 has been granted by the Developer to the Borough of Kinnelon by Grant of Easement, dated April 17,

2003 and recorded in the Morris County Clerk's Office at Deed Book 05828, Page 231 on April 24, 2003; and

WHEREAS, an easement for Drainage for a portion of Block 300.08, Lot 17 has been granted by the Developer to the Borough of Kinnelon by Grant of Easement, dated April 17, 2003 and recorded in the Morris County Clerk's Office at Deed Book 05828, Page 239 on April 24, 2003; and

WHEREAS, an easement for Drainage for a portion of Block 300.08, Lots 7 and 8 has been granted by the Developer to the Borough of Kinnelon by Grant of Easement, dated April 17, 2003 and recorded in the Morris County Clerk's Office at Deed Book 05828, Page 247 on April 24, 2003; and

WHEREAS, an easement for Drainage for a portion of Block 300.07, Lot 4 has been granted by the Developer to the Borough of Kinnelon by Grant of Easement, dated April 17, 2003 and recorded in the Morris County Clerk's Office at Deed Book 05828, Page 255 on April 24, 2003; and

WHEREAS, an easement for Drainage for a portion of Block 300.07, Lot 8 has been granted by the Developer to the Borough of Kinnelon by Grant of Easement, dated April 17, 2003 and recorded in the Morris County Clerk's Office at Deed Book 05828, Page 263 on April 24, 2003; and

WHEREAS, an easement for Drainage for a portion of Block 300.08, Lot 11 has been granted by the Developer to the Borough of Kinnelon by Grant of Easement, dated April 17, 2003 and recorded in the Morris County Clerk's Office at Deed Book 05828, Page 271 on April 24, 2003; and

WHEREAS, an easement for Drainage for a portion of Block 300.08, Lot 9 has been granted by the Developer to the Borough of Kinnelon by Grant of Easement, dated April 17, 2003 and recorded in the Morris County Clerk's Office at Deed Book 05828, Page 279 on April 24, 2003; and

WHEREAS, an easement for Drainage for a portion of Block 300.07, Lot 5 has been granted by the Developer to the Borough of Kinnelon by Grant of Easement, dated April 17, 2003 and recorded in the Morris County Clerk's Office at Deed Book 05828, Page 287 on April 24, 2003; and

WHEREAS, an easement for Emergency access beyond terminus of the cul-de-sac of Block 30.01, Lot 48 has been granted by Michael Felkay to the Borough of Kinnelon by Grant of Easement, 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, in reports the Borough engineer has certified that the improvements constructed or installed by the Developer, including the 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 the 50-Foot Right of Way of South Glen Road, in the Borough of Kinnelon, as set forth in a certain Deed of Dedication dated April 17, 2003, and recorded in the Morris County Clerk's Office at Deed Book 05828, Page 060 on April 24, 2003, for use as public street is hereby accepted.

SECTION 2. The dedication of the 50-Foot Right of Way of Andrew Lane, in the Borough of Kinnelon, as set forth in a certain Deed of Dedication dated April 17, 2003, and recorded in the Morris County Clerk's Office at Deed Book 05828, Page 068 on April 24, 2003, for use as public street is hereby accepted.

SECTION 3. The dedication of the 50-Foot Right of Way of Felkay Court, in the Borough of Kinnelon, as set forth in a certain Deed of Dedication dated April 17, 2003, and recorded in the Morris County Clerk's Office at Deed Book 05828, Page 073 on April 24, 2003, for use as public street is hereby accepted.

SECTION 4. The dedication of the 50-Foot Right of Way of San Filippo Way, in the Borough of Kinnelon, as set forth in a certain Deed of Dedication dated April 17, 2003, and

recorded in the Morris County Clerk's Office at Deed Book 05828, Page 078 on April 24, 2003, for use as public street is hereby accepted.

SECTION 5. The dedication of the 50-Foot Right of Way of Nicholas Drive, in the Borough of Kinnelon, as set forth in a certain Deed of Dedication dated April 17, 2003, and recorded in the Morris County Clerk's Office at Deed Book 05828, Page 083 on April 24, 2003, for use as public street is hereby accepted.

SECTION 6. The dedication of an easement for underground water storage on a portion of Block 300.08, Lot 17, in the Borough of Kinnelon, as set forth in a certain Grant of Easement dated April 17, 2003, and recorded in the Morris County Clerk's Office at Deed Book 05828, Page 088 on April 24, 2003, is hereby accepted.

SECTION 7. The dedication of an easement for underground water storage on a portion of Block 300.08, Lot 1, in the Borough of Kinnelon, as set forth in a certain Grant of Easement dated April 17, 2003, and recorded in the Morris County Clerk's Office at Deed Book 05828, Page 095 on April 24, 2003, is hereby accepted.

SECTION 8. The dedication of an easement for detention basin and drainage on a portion of Block 300.08, Lots 4 and 5, in the Borough of Kinnelon, as set forth in a certain Grant of Easement dated April 17, 2003, and recorded in the Morris County Clerk's Office at Deed Book 05828, Page 102 on April 24, 2003, is hereby accepted.

SECTION 9. The dedication of an easement for detention basin and drainage on a portion of Block 30.01, Lots 49 and 50, in the Borough of Kinnelon, as set forth in a certain Grant of Easement dated April 17, 2003, and recorded in the Morris County Clerk's Office at Deed Book 05828, Page 111 on April 24, 2003, is hereby accepted.

SECTION 10. The dedication of an easement for detention basin and drainage on a portion of Block 300.08, Lots 13 and 14, in the Borough of Kinnelon, as set forth in a certain Grant of Easement dated April 17, 2003, and recorded in the Morris County Clerk's Office at Deed Book 05828, Page 120 on April 24, 2003, is hereby accepted.

SECTION 11. The dedication of an easement for detention basin and drainage on a portion of Block 30.01, Lots 59 and 60, in the Borough of Kinnelon, as set forth in a certain Grant of Easement dated April 17, 2003, and recorded in the Morris County Clerk's Office at Deed Book 05828, Page 129 on April 24, 2003, is hereby accepted.

SECTION 12. The dedication of an easement for detention basin and drainage on a portion of Block 30.01, Lots 62 and 63, in the Borough of Kinnelon, as set forth in a certain Grant of Easement dated April 17, 2003, and recorded in the Morris County Clerk's Office at Deed Book 05828, Page 138 on April 24, 2003, is hereby accepted.

SECTION 13. The dedication of an easement for detention basin and drainage on a portion of Block 30.01, Lots 69 and 70, in the Borough of Kinnelon, as set forth in a certain Grant of Easement dated April 17, 2003, and recorded in the Morris County Clerk's Office at Deed Book 05828, Page 147 on April 24, 2003, is hereby accepted.

SECTION 14. The dedication of an easement for detention basin and drainage on a portion of Block 30.01, Lots 75 and 76, in the Borough of Kinnelon, as set forth in a certain Grant of Easement dated April 17, 2003, and recorded in the Morris County Clerk's Office at Deed Book 05828, Page 156 on April 24, 2003, is hereby accepted.

SECTION 15. The dedication of an easement for Clear Sight on a portion of Block 300.08, Lot 18, in the Borough of Kinnelon, as set forth in a certain Grant of Easement dated April 17, 2003, and recorded in the Morris County Clerk's Office at Deed Book 05828, Page 165 on April 24, 2003, is hereby accepted.

SECTION 16. The dedication of an easement for Clear Sight on a portion of Block 300.08, Lot 1, in the Borough of Kinnelon, as set forth in a certain Grant of Easement dated April 17, 2003, and recorded in the Morris County Clerk's Office at Deed Book 05828, Page 172 on April 24, 2003, is hereby accepted.

SECTION 17. The dedication of an easement for Clear Sight on a portion of Block 30.01, Lot 48, in the Borough of Kinnelon, as set forth in a certain Grant of Easement dated April 17,

2003, and recorded in the Morris County Clerk's Office at Deed Book 05828, Page 179 on April 24, 2003, is hereby accepted.

SECTION 18. The dedication of an easement for Clear Sight on a portion of Block 300.08, Lot 8, in the Borough of Kinnelon, as set forth in a certain Grant of Easement dated April 17, 2003, and recorded in the Morris County Clerk's Office at Deed Book 05828, Page 186 on April 24, 2003, is hereby accepted.

SECTION 19. The dedication of an easement for Clear Sight on a portion of Block 300.08, Lot 26, in the Borough of Kinnelon, as set forth in a certain Grant of Easement dated April 17, 2003, and recorded in the Morris County Clerk's Office at Deed Book 05828, Page 193 on April 24, 2003, is hereby accepted.

SECTION 20. The dedication of an easement for Clear Sight on a portion of Block 300.07, Lot 8, in the Borough of Kinnelon, as set forth in a certain Grant of Easement dated April 17, 2003, and recorded in the Morris County Clerk's Office at Deed Book 05828, Page 200 on April 24, 2003, is hereby accepted.

SECTION 21. The dedication of an easement for Drainage on a portion of Block 300.08, Lot 18, in the Borough of Kinnelon, as set forth in a certain Grant of Easement dated April 17, 2003, and recorded in the Morris County Clerk's Office at Deed Book 05828, Page 207 on April 24, 2003, is hereby accepted.

SECTION 22. The dedication of an easement for Drainage on a portion of Block 30.01, Lots 55 and 56, in the Borough of Kinnelon, as set forth in a certain Grant of Easement dated April 17, 2003, and recorded in the Morris County Clerk's Office at Deed Book 05828, Page 215 on April 24, 2003, is hereby accepted.

SECTION 23. The dedication of an easement for Drainage on a portion of Block 30.01, Lot 49, in the Borough of Kinnelon, as set forth in a certain Grant of Easement dated April 17, 2003, and recorded in the Morris County Clerk's Office at Deed Book 05828, Page 223 on April 24, 2003, is hereby accepted.

SECTION 24. The dedication of an easement for Drainage on a portion of Block 300, Lot 1, in the Borough of Kinnelon, as set forth in a certain Grant of Easement dated April 17, 2003, and recorded in the Morris County Clerk's Office at Deed Book 05828, Page 231 on April 24, 2003, is hereby accepted.

SECTION 25. The dedication of an easement for Drainage on a portion of Block 300.08, Lot 17, in the Borough of Kinnelon, as set forth in a certain Grant of Easement dated April 17, 2003, and recorded in the Morris County Clerk's Office at Deed Book 05828, Page 239 on April 24, 2003, is hereby accepted.

SECTION 26. The dedication of an easement for Drainage on a portion of Block 300.08, Lots 7 and 8, in the Borough of Kinnelon, as set forth in a certain Grant of Easement dated April 17, 2003, and recorded in the Morris County Clerk's Office at Deed Book 05828, Page 247 on April 24, 2003, is hereby accepted.

SECTION 27. The dedication of an easement for Drainage on a portion of Block 300.07, Lot 4, in the Borough of Kinnelon, as set forth in a certain Grant of Easement dated April 17, 2003, and recorded in the Morris County Clerk's Office at Deed Book 05828, Page 255 on April 24, 2003, is hereby accepted.

SECTION 28. The dedication of an easement for Drainage on a portion of Block 300.07, Lot 8, in the Borough of Kinnelon, as set forth in a certain Grant of Easement dated April 17, 2003, and recorded in the Morris County Clerk's Office at Deed Book 05828, Page 263 on April 24, 2003, is hereby accepted.

SECTION 29. The dedication of an easement for Drainage on a portion of Block 300.08, Lot 11, in the Borough of Kinnelon, as set forth in a certain Grant of Easement dated April 17, 2003, and recorded in the Morris County Clerk's Office at Deed Book 05828, Page 271 on April 24, 2003, is hereby accepted.

SECTION 30. The dedication of an easement for Drainage on a portion of Block 300.08, Lot 9, in the Borough of Kinnelon, as set forth in a certain Grant of Easement dated April 17, 2003,

and recorded in the Morris County Clerk's Office at Deed Book 05828, Page 279 on April 24, 2003, is hereby accepted.

SECTION 31. The dedication of an easement for Drainage on a portion of Block 300.07, Lot 5, in the Borough of Kinnelon, as set forth in a certain Grant of Easement dated April 17, 2003, and recorded in the Morris County Clerk's Office at Deed Book 05828, Page 287 on April 24, 2003, is hereby accepted.

SECTION 32. The dedication of an easement for emergency access beyond terminus of the cul-de-sac of Block 30.01, Lot 48, 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 33. 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 34. 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 35. 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