

CITY OF MILLVILLE
COUNTY OF CUMBERLAND
STATE OF NEW JERSEY

ORDINANCE NO. _____

ORDINANCE OF THE CITY OF MILLVILLE, COUNTY OF CUMBERLAND, STATE OF NEW JERSEY, RELEASING, EXTINGUISHING AND VACATING THE RIGHTS OF THE PUBLIC TO A PORTION OF CERTAIN STREETS AND RIGHTS-OF-WAY LOCATED IN THE CITY OF MILLVILLE KNOWN AS ORANGE STREET

WHEREAS, pursuant to *N.J.S.A.* 40:67-1(b), the City of Millville may, by ordinance, vacate any public street or portion thereof; and

WHEREAS, the Board of Commissioners of the City of Millville, County of Cumberland and State of New Jersey, is of the opinion that the public interest would be best served by abandoning, vacating, releasing and extinguishing any and all public rights which the City may have in and to a portion of a right-of-way and/or street known as Orange Street as shown on Schedule A attached hereto consisting of a map showing "Portion of Orange Street to be vacated;" and

WHEREAS, the paper streets are bounded on either side by private property which properties and their owners are identified on the attached Schedule B ("Adjoining Property Owners"); and

WHEREAS, the Adjoining Property Owners are aware that upon successful adoption of the vacation ordinance, one half of the right-of-way adjacent to their respective property will be transferred to each of the Adjoining Property Owners by operation of law; and

WHEREAS, it has been determined by the Board of Commissioners as follows:

(1) That the portion of the right-of-way and or public street known as Orange Street as shown on Schedule A attached hereto for public road purposes; and

(2) Said portion of the right-of-way and or public street known as Orange Street as shown on Schedule A attached hereto lends itself to higher and better use than for public road purposes and that it is in the best interest of the general public and the City of Millville that the rights and interests in and to same shall as a public right-of-way be vacated, released and extinguished on the terms set forth above; and

WHEREAS, pursuant to *N.J.S.A.* 40:67-1(b) the Board of Commissioners must, by Ordinance, preserve the right of public utilities to maintain, repair and replace their existing utility facilities, including cable television facilities, in, adjacent to, over or under the property or right-of-way to be vacated, and

NOW THEREFORE, BE IT ORDAINED by the Board of Commissioners of the City of Millville, County of Cumberland and State of New Jersey, as follows:

SECTION 1

All public easements, right and interests to portions of the right-of-way and or public street known as Orange Street as shown on Schedule A attached hereto as described hereinbelow are hereby vacated, released and extinguished except for all rights and privileges now possessed by public utilities, as defined in *N.J.S.A.* 48:2-13, and by any Cable Television Company, as defined in the "Cable Television Act," *N.J.S.A.* 48:5A-1 *et seq.*, to maintain, repair and replace their existing facilities in, adjacent to, over or under the

SECOND READING: _____

Moved By _____

Seconded By: _____

<u>VOTING</u>	<u>In Favor</u>	<u>Against</u>	<u>Abstain</u>	<u>Absent</u>
Michael Santiago	_____	_____	_____	_____
W. James Parent	_____	_____	_____	_____
Ashleigh Udalovas	_____	_____	_____	_____
Joseph Pepitone	_____	_____	_____	_____
Bruce Cooper	_____	_____	_____	_____

<u>PROCEDURE</u>	
Approved on First Reading:	August 18, 2020
Published:	August 21, 2020
Approved on Second Reading:	
Published:	
Effective Date:	

CERTIFICATION

I certify that the foregoing is a true copy of a Resolution adopted by the Board of Commissioners, of the City of Millville in the County of Cumberland, at a meeting thereof held on _____, 2020.

Jeanne M. Hitchner, City Clerk

I, Jeanne M. Hitchner, Municipal Clerk of the City of Millville, in the County of Cumberland, and the State of New Jersey, do hereby certify that this is a true copy of Ordinance approved on first reading by the Board of Commissioners on August 18, 2020.

Jeanne M. Hitchner
Jeanne M. Hitchner, RMC
Municipal Clerk



**CONSULTING ENGINEERS • PLANNERS
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Albert A. Fralinger, Jr., PE, PLS & PP
J. Michael Fralinger, Sr. (1957-2009)
Charles M. Fralinger, PLS
Carl R. Gaskill, PE, PLS, PP & CME
Stephen J. Nardelli, PE, PP, CME & CPWM
Barry S. Jones, PLS & PP
Guy M. DeFabrites, PLS & PP
William J. Olbrich, PLS
Matthew Baldino, PE, CME
Corey R. Gaskill, PE, CME & CFM
J. Michael Fralinger, Jr., PE, CME

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Permeability Testing
Septic System Design
Wetlands Delineation
Global Positioning Surveying (GPS)
Geographic Information Systems (GIS)
Planning/Zoning Board Representation
3D Laser Scanning

**DEED DESCRIPTION
VACATION OF A PORTION OF ORANGE STREET**

ALL that certain part and parcel of land situate, lying, and being in the City of Millville, County of Cumberland, State of New Jersey and being more particularly described as follows:

BEGINNING at point of curvature intersecting the southeasterly line of Orange Street (80 feet wide) with the southeasterly line of Wade Boulevard (100 feet wide); said point being North 66° 18' East, 196.95 feet, from the intersection of the said southeasterly line of Orange Street with the northeasterly corner of land of the Millville Board of Education (Block 581, Lot 2); thence

(1) along said southeasterly curved line of Wade Boulevard in a northeasterly direction having a radius of 868.51 feet, an arc distance of 331.00 feet, (Chord = North 52°, 1,336' East, 329.00 feet) to a point for a corner at the intersection of the said southeasterly line of Wade Boulevard with the northwesterly line of Orange Street (portion to be vacated); said line also being the southeasterly line of Lot 1 of Block 575; thence

(2) along said northwesterly line of Orange Street (to be vacated) and along the said southeasterly line of Block 575, Lot 1, North 66° 18' East, 244.50 feet, to a point for a corner at the intersection of the said southeasterly line of Lot 1 of Block 575 with the southwesterly line of Gorton Road (66 feet wide); thence

(3) along said southwesterly line of Gorton Road, South 41° 56' East, 84.23 feet, to a point for a corner at the intersection of the said southwesterly line of Gorton Road with the said southeasterly line of Orange Street (to be vacated); said line also being the northwesterly line of Lot 1 of Block 581; thence

DEED DESCRIPTION
PORTION OF ORANGE STREET

JULY 28, 2020
PAGE 2

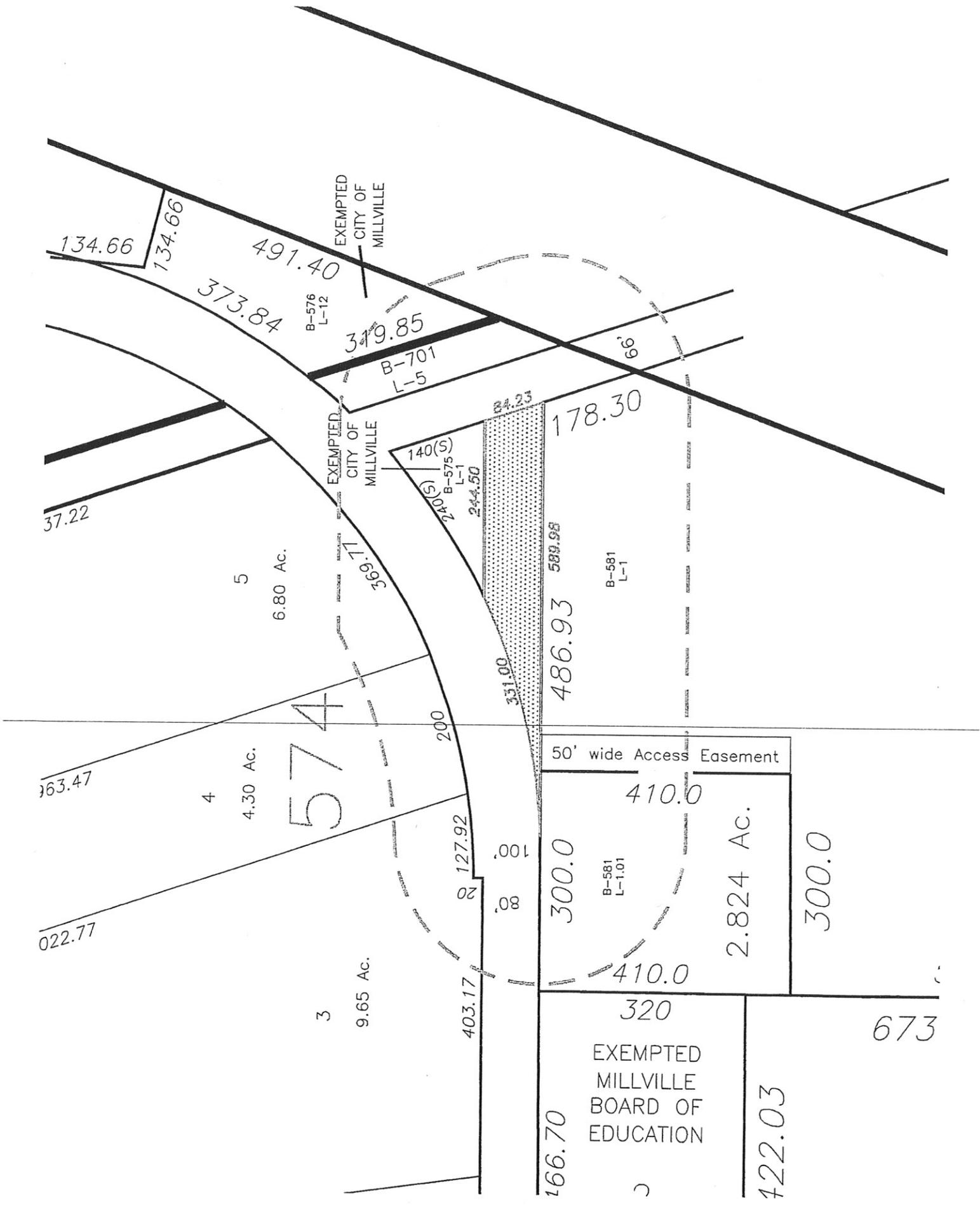
(4) along said southeasterly line of Orange Street (to be vacated) and along the northwesterly line of Lot 1 of Block 581, South $66^{\circ} 18'$ West, 589.98 feet to the Place of Beginning.

CONTAINING 0.687 of an acre of land to be the same, more or less.

BEING known as a vacation of a Portion of Orange Street to be added to Lot 1 of Block 581, as shown on the City of Millville Tax Assessment Map.



Guy M. DeFabrites
Professional Land Surveyor
New Jersey License No. 34843
Date: July 28, 2020
Comm. No.: 29428.05



134.66

134.66

491.40

EXEMPTED
CITY OF
MILLVILLE

B-576
L-12

373.84

319.85

B-701
L-5

37.22

5
6.80 Ac.

EXEMPTED
CITY OF
MILLVILLE

369.11

140(S)
B-575
L-1

84.23

178.30

B-581
L-1

244.50

331.00

486.93

50' wide Access Easement

163.47

4
4.30 Ac.

574

200

410.0

1022.77

3
9.65 Ac.

127.92

80
100

300.0

B-581
L-1.01

2.824 Ac.

403.17

410.0

300.0

166.70

EXEMPTED
MILLVILLE
BOARD OF
EDUCATION

422.03

320

673

40:55D-12. Notice of applications. Notice pursuant to subsections a., b., d., e., f., g. and h. of this section shall be given by the applicant unless a particular municipal officer is so designated by ordinance; provided that nothing contained herein shall prevent the applicant from giving such notice if he so desires. Notice pursuant to subsections a., b., d., e., f., g. and h. of this section shall be given at least 10 days prior to the date of the hearing.

a. Public notice of a hearing shall be given for an extension of approvals for five or more years under subsection d. of section 37 of P.L.1975, e.291 (C.40:55D-49) and subsection b. of section 40 of P.L.1975, e.291 (C.40:55D-52); for modification or elimination of a significant condition or conditions in a memorializing resolution in any situation wherein the application for development for which the memorializing resolution is proposed for adoption required public notice, and for any other applications for development, with the following exceptions: (1) conventional site plan review pursuant to section 34 of P.L.1975, e.291 (C.40:55D-46), (2) minor subdivisions pursuant to section 35 of P.L.1975, e.291 (C.40:55D-47) or (3) final approval pursuant to section 38 of P.L.1975, e.291 (C.40:55D-50); notwithstanding the foregoing, the governing body may by ordinance require public notice for such categories of site plan review as may be specified by ordinance, for appeals of determinations of administrative officers pursuant to subsection a. of section 57 of P.L.1975, e.291 (C.40:55D-70), and for requests for interpretation pursuant to subsection b. of section 57 of P.L.1975, e.291 (C.40:55D-70). Public notice shall also be given in the event that relief is requested pursuant to section 47 or 63 of P.L.1975, e.291 (C.40:55D-60 or C.40:55D-76) as part of an application for development otherwise excepted herein from public notice.

In addition, public notice shall be given by a public entity seeking to erect an outdoor advertising sign on land owned or controlled by a public entity as required pursuant to section 22 of P.L.1975, e.291 (C.40:55D-31) or, if so provided by ordinance adopted pursuant to subsection g. of section 29.1 of P.L.1975, e.291 (C.40:55D-39), by a private entity seeking to erect an outdoor advertising sign on public land or on land owned by a private entity.

Public notice shall be given by publication in the official newspaper of the municipality, if there be one, or in a newspaper of general circulation in the municipality.

b. Except as provided in paragraph (2) of subsection h. of this section, notice of a hearing requiring public notice pursuant to subsection a. of this section shall be given to the owners of all real property as shown on the current tax duplicate, located in the State and within 200 feet in all directions of the property which is the subject of such hearing; provided that this requirement shall be deemed satisfied by notice to the (1) condominium association, in the case of any unit owner whose unit has a unit above or below it, or (2) horizontal property regime, in the case of any co-owner whose apartment has an apartment above or below it. Notice shall be given by: (1) serving a copy thereof on the property owner as shown on the said current tax duplicate, or his agent in charge of the property, or (2) mailing a copy thereof by certified mail to the property owner at his address as shown on the said current tax duplicate.

Notice to a partnership owner may be made by service upon any partner. Notice to a corporate owner may be made by service upon its president, a vice president, secretary or other person authorized by appointment or by law to accept service on behalf of the corporation. Notice to a condominium association, horizontal

property regime, community trust or homeowners' association, because of its ownership of common elements or areas located within 200 feet of the property which is the subject of the hearing, may be made in the same manner as to a corporation without further notice to unit owners, co-owners, or homeowners on a record of such common elements or areas.

c. Upon the written request of an applicant, the administrative officer of a municipality shall, within seven days, make and certify a list from said current tax duplicates of names and addresses of owners to whom the applicant is required to give notice pursuant to subsection b. of this section. In addition, the administrative officer shall include on the list the names, addresses and positions of those persons who, not less than seven days prior to the date on which the applicant requested the list, have registered to receive notice pursuant to subsection b. of this section. The applicant shall be entitled to rely upon the information contained in such list, and failure to give notice to any owner, to any public utility, cable television company, or local utility or to any military facility commander not on the list shall not invalidate any hearing or proceeding. A sum not to exceed \$0.25 per name, or \$10.00, whichever is greater, may be charged for such list.

d. Notice of hearings on applications for development involving property located within 200 feet of an adjoining municipality shall be given by personal service or certified mail to the clerk of such municipality.

e. Notice shall be given by personal service or certified mail to the county planning board of a hearing on an application for development of property adjacent to an existing county road or proposed road shown on the official county map or on the county master plan, adjoining other county land or situated within 200 feet of a municipal boundary.

f. Notice shall be given by personal service or certified mail to the Commissioner of Transportation of a hearing on an application for development of property adjacent to a State highway.

g. Notice shall be given by personal service or certified mail to the State Planning Commission of a hearing on an application for development of property which exceeds 150 acres or 500 dwelling units. The notice shall include a copy of any maps or documents required to be on file with the municipal clerk pursuant to subsection b. of section 6 of P.L. 1975, e. 291 (C. 40:55D-10).

h. Notice of hearings on applications for approval of a major subdivision or a site plan not defined as a minor site plan under this act requiring public notice pursuant to subsection a. of this section shall be given: (1) in the case of a public utility, cable television company or local utility which possesses a right-of-way or easement within the municipality and which has registered with the municipality in accordance with section 5 of P.L. 1991, e.412 (C.40:55D-12.1), by (i) serving a copy of the notice to the person whose name appears on the registration form on a copy thereof by certified mail to the person whose name appears on the registration form at the address shown on that form; (2) in the case of a military facility which has registered with the municipality and which is situated within 3,000 feet in all directions of the property which is the subject of the hearing, by (i) serving a copy of the notice on the military facility commander whose name appears on the registration form or (ii) mailing a copy thereof by certified mail to the military facility commander at the address shown on that form.

i. The applicant shall file an affidavit of proof of service with the municipal agency holding the hearing on the application for development in the event that the applicant is required to give notice pursuant to this section.

j. Notice pursuant to subsections d., e., f., g. and h. of this section shall not be deemed to be required, unless public notice pursuant to subsection a. and notice pursuant to subsection b. of this section are required.

PROPERTY ID	PROPERTY LOCATION	CLASS	OWNERS NAME & ADDRESS	
574 3	700 ORANGE ST	1	GAUEDELLI ENTERPRISES INC 202 S WADE BLVD MILLVILLE NJ	08332
574 4	716 ORANGE ST HANKS SAUCE	4B	MYRTLE PACKAGING LLC 210 HAGAN RD CLERMONT NJ	08210
574 4 X	716 ORANGE ST HANKS SAUCE	15F	MYRTLE PACKAGING LLC 210 HAGAN RD CLERMONT NJ	08210
574 5	724 ORANGE ST	4A	SURFSIDE SEAFOOD PRODUCTS LLC PO BOX 692, 1773 MAIN ST PORT NORRIS NJ	08349
574 5 X	724 ORANGE ST SURFSIDE SEAFOOD	15F	SURFSIDE SEAFOOD PRODUCTS LLC PO BOX 692, 1773 MAIN ST PORT NORRIS NJ	08349
575 1	ORANGE ST TRIANGLE PIECE	15C	CITY OF MILLVILLE PO BOX 609 MILLVILLE NJ	08332.0609
576 12	1515 WADE BLVD S	15C	CITY OF MILLVILLE PO BOX 609 MILLVILLE NJ	08332.0609
581 1	725 ORANGE ST	1	719 ORANGE STREET LLC 1620 BEAR BRANCH COURT VINELAND NJ	08361
581 1.01	719 ORANGE ST CONSOLIDATED INDSTRL	4A	OATLY US OPERATIONS & SUPPLY INC 220 E 42ND ST STE 409A NEW YORK NY	10017
701 5	ROUTE 55/WADE	5A	WINCHESTER & WESTERN RAILROAD CO 1660 S BURLINGTON RD BRIDGETON, N J	08302

NOTIFICATION LIST WITHIN 200 FEET OF BLOCK: N/A LOT: N/A

PLEASE NOTIFY ALL THOSE THAT ARE CHECKED BELOW:

MUNICIPAL ROADS



City of Millville Board of Commissioners
c/o City Clerk
PO Box 609
Millville, N.J. 08332-0609

COUNTY ROADS



Robert Brewer, Planning Board Director
Cumberland County Planning Board
County Complex
800 E Commerce St
Bridgeton, N.J. 08302

STATE HIGHWAYS



State of NJDOT
ROW Dept - 4th Floor
PO Box 616
Trenton, N.J. 08625-0616

MAURICE RIVER



NJDEP
Bureau of Coastal & Land Use Compliance & Enforcement
Mail Code 401-04C
401 East State Street
PO Box 420
Trenton, NJ 08625-0420

MUNICIPAL LINES



City of Vineland Council
c/o City Clerk
PO Box 1508
Vineland, N.J. 08362-1508



Lawrence Township
c/o Township Clerk
357 S Main St
Cedarville, N.J. 08311



Commercial Township City Hall
c/o Township Clerk
1768 E Main St
Port Norris NJ 08349



Deerfield Township Municipal Bldg
c/o Township Clerk
PO Box 350
Rosenhayn, N.J. 08352-0350



Maurice River Township
c/o Township Clerk
PO Box 218
Leesburg, N.J. 08327-0218



Fairfield Township
c/o Township Clerk
PO Box 240
Fairton, N.J. 08320-0240



Downe Township
c/o Township Clerk
PO Box 569
Newport, N.J. 08345-0569



ASSESSOR'S OFFICE

CITY OF MILLVILLE
UTILITY LIST

All of the following utility companies must be notified:

Atlantic City Electric
5100 Harding Hwy
Mays Landing NJ 08330

Comcast Cable
1846 NW Boulevard
Vineland NJ 08360

South Jersey Gas
Corporate Office
1 SJ Plaza Rte 54
Folsom NJ 08037

Verizon
ROW Dept
~~10 Tansboro Road~~
Berlin NJ 08009-1907

City of Millville Water Utility
Supervisor
PO Box 609
Millville NJ 08332

City of Millville Sewer Utility
Supervisor
PO Box 609
Millville NJ 08332