

**ORDINANCE NO. 14-2022**

**AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER IN THE COUNTY OF MORRIS AND STATE OF NEW JERSEY VACATING A PORTION OF THE CEDAR KNOLLS ROAD RIGHT-OF-WAY (DESIGNATED AS LOT 12 IN BLOCK 2201 AS SET FORTH ON THE TAX MAP OF THE TOWNSHIP OF HANOVER) ADJACENT TO 201 CEDAR KNOLLS ROAD WHICH RIGHT-OF-WAY IS NO LONGER NEEDED OR NECESSARY FOR PUBLIC USE BY THE TOWNSHIP AND FURTHER AUTHORIZING ITS CONVEYANCE TO STEVEN AND STACEY VAN SEGGERN**

**WHEREAS**, the Township of Hanover is the owner of an undeveloped portion of the Cedar Knolls Road right-of-way designated as Lot 12 in Block 2201 as set forth on the Tax Map of the Township of Hanover which right-of-way is adjacent to property located at 201 Cedar Knolls Road and also known as Lot 1 in Block 2201; and

**WHEREAS**, the right-of-way is of no value to the Township nor has the Township any interest or need in utilizing the undeveloped land, and for all practical purposes may be a liability; and

**WHEREAS**, the Township and Steven and Stacey Van Seggern (hereinafter referred to as "the Van Seggers"), the owners of property at 201 Cedar Knolls Road have recognized that for many years the Van Seggers and their predecessors have benefited in utilizing a portion of the undeveloped right-of-way for parking and other purposes and the Township, as a matter of good will, has maintained the area in question at no compensation or charge to the Van Seggers; and

**WHEREAS**, in accordance with the recommendation of the Township Engineer, the Township Committee has determined that it is appropriate for it to

vacate and deed a portion of the undeveloped portion of the right-of-way (Block 2201, Lot 12) to Van Seggern for \$1.00 on the basis that Van Seggern will maintain the vacated right-of-way and utilize it in connection with their property subject to utility easement across the tract to be conveyed to Lot 1 in Block 2201 the rights and privileges that may now be possessed by public utilities and by any cable television company to maintain, repair and replace their existing facilities in, adjacent to, over or under the area to be vacated; and

**WHEREAS**, for the purpose of vacating and conveying a portion of the undeveloped right-of-way adjacent to Lot 1 in Block 2201, the Township prepared a survey and metes and bounds description entitled "Description of Land Located in the Township of Hanover in the County of Morris and State of New Jersey Being The Southwest 25 Feet of the Old Cedar Knolls Right-of-Way In Front of Lot 1, Block 2201 Also Known as 201 Cedar Knolls Road" which survey were prepared by Frederick C. Meola, P.E., L.S., a land surveyor licensed by the State of New Jersey, dated August, 2, 2018 and revised May 17, 2019, and which description was prepared by Frederick C. Meola, P.E., L.S., dated May 28, 2019; and

**WHEREAS**, N.J.S.A. 40:67-1b provides that a municipality may release and extinguish the public's rights from a dedication of a street or right-of-way.

**NOW, THEREFORE, BE IT ORDAINED**, by the Township Committee of the Township of Hanover in the County of Morris and State of New Jersey as follows:

**Section 1.** The Township hereby vacates and authorizes the conveyance of a portion of the undeveloped Cedar Knolls Road right-of-way, which is part of a parcel designated as Lot 12 in Block 2201 on the Township's tax maps, to the adjacent property owners Steven and Stacey

Van Seggern, the owners of property at 201 Cedar Knolls Road in the Whippany Section of the Township, identified as Lot 1 in Block 2201 on the Township's tax maps. The conveyance shall be in accordance with the survey and metes and bounds description entitled "Description of Land Located in the Township of Hanover in the County of Morris and State of New Jersey Being the Southwest 25 Feet of the Old Cedar Knolls Right-of-Way In Front of Lot 1, Block 2201 Also Known as 201 Cedar Knolls Road" which survey and description were prepared by Frederick C. Meola, P.E., L.S., a land surveyor licensed by the State of New Jersey, with the survey dated August 2, 2018, revised to May 17, and the description dated May 28, 2019, which conveyance is authorized in accordance with the provisions of N.J.S.A. 40:67-1b. The Survey description is attached hereto and made a part of this Ordinance as if set forth in full as Exhibit "A". A copy of the Survey Map is on file in the Business Administrator's office for public inspection during normal business hours Mondays through Thursdays between 8:00 a.m. and 4:30 p.m. and on Fridays between 8:00 a.m. and 1:00 p.m.

**Section 2.** The rights of the public and the Township of Hanover, whatever they may be, in and to a portion of Lot 12 in Block 2201 as described in the attached survey and metes and bounds description are hereby extinguished and vacated. Expressly reserved and excepted from this vacation are all rights and privileges now possessed by public utilities, as defined in R.S. 48:2-13, and by any cable television company, as defined in the "Cable Television Act," P.L. 1972, c. 186 (C. 48:5A-1 et seq.), to maintain, repair and replace their existing facilities in, adjacent to, over or under the area to be vacated. This shall include all recorded easements.

**Section 3.** The Township Attorney is hereby authorized and directed to prepare a Quit Claim Deed and Agreement and easement to be executed by and between the Township and the Van Seggerns. All maintenance responsibility with respect to a portion of Lot 12 in Block 2201 will be the responsibility of the Van Seggerns and their successors and assigns.

**Section 4.** The Mayor and Township Clerk are authorized and directed to execute all documents prepared by the Township Attorney on behalf of the Township in order to effectuate the vacation and conveyance.

**Section 5.** The Township Clerk shall publish this ordinance, after being introduced and having passed at first reading, at least once not less than ten (10) days instead of one (1) week prior to the time fixed for further consideration for final passage, pursuant to N.J.S.A. 40:49-6.

**Section 6.** The Township Clerk shall, at least one (1) week prior to the time fixed for final passage of such ordinance, mail a copy thereof, together with a notice of the introduction thereof, and the time and place when and where the ordinance will be further considered for final passage, to

every person whose lands may be affected by the ordinance or any assessment which may be made in pursuance thereof, pursuant to N.J.S.A. 40:49-6.

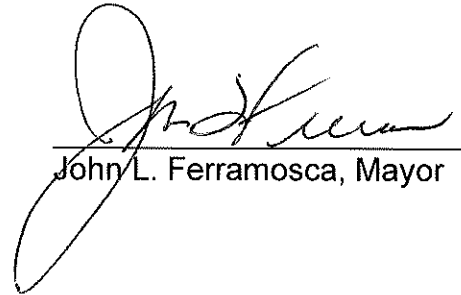
**Section 7.** The Township Clerk shall, within sixty (60) days of the effective date of this ordinance, file a copy of this ordinance certified under the seal of the municipality, to be a true copy thereof, together with proof of publication thereof, in the Office of the Clerk of the County of Morris in accordance with the provisions of N.J.S.A. 40:67-21.

**Section 8.** This ordinance shall take effect in accordance with law.

ATTEST:

TOWNSHIP COMMITTEE  
TOWNSHIP OF HANOVER  
COUNTY OF MORRIS  
STATE OF NEW JERSEY

  
\_\_\_\_\_  
Krista M. DiGiorgio, Township Clerk

  
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John L. Ferramosca, Mayor

INTRODUCTION DATE: April 14, 2022  
ADOPTION DATE: May 12, 2022