

**BOROUGH OF PEAPACK AND GLADSTONE
SOMERSET COUNTY, NEW JERSEY**

ORDINANCE NO. 1092-2020

AN ORDINANCE VACATING A CERTAIN PORTION OF PARK AVENUE IN THE BOROUGH OF PEAPACK AND GLADSTONE AND JOINING THE LAND SO VACATED AS PART AND PARCEL OF LIBERTY PARK

WHEREAS, pursuant to N.J.S.A. 40:67-1(b), the governing body of a municipality may by ordinance vacate any public street or any part thereof; and

WHEREAS, pursuant to N.J.S.A. 40:67-1(a), the governing body of a municipality is also empowered to ascertain and establish the boundaries of all streets and public places in the municipality; and

WHEREAS, pursuant to N.J.S.A. 40:61-1(a) et seq., the governing body of a municipality may acquire, lay out, improve, embellish and maintain public parks, squares, open spaces, and places for public resort and recreation, and also streets, avenues, boulevards and parkways leading to and connecting the same, as it may deem advisable, and extend and enlarge the same, or any of them; and for such purposes, acquire, in fee or less estate, and by gift, devise, purchase or condemnation, any real estate, improved or unimproved, or interest therein suitable therefor; and

WHEREAS, the governing body of the Borough of Peapack and Gladstone (hereinafter "Borough") has determined that Liberty Park, located in the center of the Borough, is an important and integral piece of public property providing intrinsic environmental, aesthetic and recreational benefits to the residents of the Borough, and

WHEREAS, the governing body of the Borough has determined that Liberty Park is also of considerable historical and cultural significance to the residents of the Borough inasmuch as one hundred years ago in 1920, the land was dedicated and opened as a public park soon after the conclusion of World War I in honor of those who had fought in that war; and

WHEREAS, it has been determined that Liberty Park is aging and in need of repairs and upgrades and towards that end, the Borough Council has undertaken the project of substantially rehabilitating, renovating and improving Liberty Park; and

WHEREAS, the Borough has determined that a vital component to improving Liberty Park is to join the main park property with the Borough's public properties across Park Avenue including, but not necessarily limited to, the parcels of land containing the existing and long-standing Scout Cabin as well as the Tot Lot and surrounding land; and

WHEREAS, in order to connect these public properties into one continuous and open piece of land for the benefit and enjoyment of the citizens of the Borough, the governing body has determined that vacating a certain portion of Park Avenue in the Borough will accomplish this goal, with minimal or no impact to any surrounding properties, noting that the adjoining properties are public lands; and

WHEREAS, the governing body having considered the vacation of a portion of Park Avenue, so that said land may become part of Liberty Park and thereby connect the existing park land with the Borough's Scout Cabin, Tot Lot and adjoining open land, and having determined it to be in the best interests of the Borough and its residents to do so;

NOW THEREFORE BE IT ORDAINED by the Mayor and Council of the Borough of Peapack and Gladstone, in the County of Somerset and State of New Jersey, as follows:

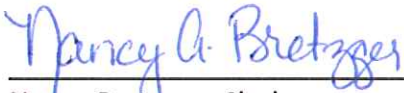
1. Any dedication of lands as a public street within the boundaries of that portion of Park Avenue, in the Borough of Peapack and Gladstone, County of Somerset and State of New Jersey, as more particularly described in Schedule "A", annexed hereto and made a part hereof, is hereby rejected, released, extinguished and vacated. The Mayor and Council hereby find that the public would be better served by releasing the dedicated land for other public purposes as set forth herein.
2. A perpetual easement is hereby reserved pursuant to the provisions of N.J.S.A. 40:67-1 (b) for the benefit of public utility companies as defined in N.J.S.A. 48:2-13 and for any cable television companies as defined in the "Cable Television Act" N.J.S.A. 48:5A-1 et seq., for the purpose of maintaining, repairing and replacing their existing facilities in, adjacent to, over and under the premises being herein vacated.
3. The entire portion of Park Avenue so vacated is hereby accepted and joined as part of Liberty Park; and the boundaries of Liberty Park are hereby extended and enlarged to include the land so vacated.
4. Pursuant to N.J.S.A. 40:67-2, a copy of this ordinance establishing the boundaries, laying out, accepting the dedication of, extending or changing the location or portion thereof of Park Avenue and or Liberty Park, together with a map showing the location, bounds and dimensions thereof, shall, after the passage of this ordinance, be filed in the office of the Somerset County Clerk or such other office where the conveyances of lands are recorded in Somerset County.
4. Should any provisions of this ordinance be inconsistent with the provisions of any prior ordinances, the inconsistent provisions of such prior ordinances are hereby repealed, but only to the extent of the inconsistencies.

5. In the event that any provision of this ordinance, or the application thereof to any person or circumstance is declared invalid by a court of competent jurisdiction, such declaration of invalidity shall not affect any other provision or application of this ordinance which may be given effect, and, to realize this intent, the provisions and applications of this ordinance are declared to be severable.


6. This Ordinance shall take effect immediately upon: (i) adoption; and (ii) publication in accordance with the laws of the State of New Jersey.

Introduced: May 26, 2020

Adopted: June 23, 2020



Nancy Bretzger, Clerk



Gregory J. Skinner, Mayor

DMC ASSOCIATES, INC. LAND SURVEYORS

211 Main Street, Butler, New Jersey 07405

Phone: 973-838-9187 Fax: 973-838-4389 Email: info@dmcsurveying.com

May 29, 2020

RE: 181 Main Street

Tax Lot 2, Block 23

Borough of Peapack-Gladstone

County of Somerset, State of New Jersey

DMC No.: 1812032

The purpose of this description is to describe the new lot configuration of Tax Lot 2, Block 23, A.K.A. 181 Main Street, that now includes a portion of a vacated roadway known as Park Avenue, which was annexed to Lot 2, Block 23, and being described as follows:

All that certain tract of land and premises situated and lying in the Borough of Peapack-Gladstone, County of Somerset, State of New Jersey.

Beginning at a point on the Southwesterly R.O.W. line of Main Street, A.K.A. Somerset County Route 512, said point also being the point of intersection of the Southeasterly R.O.W. line of Park Avenue and the Southwesterly R.O.W. line of Main Street. Said point also having a new Jersey State Plane Coordinate of North 686295.9945 East 447633.8079, and running thence;

- (1) Along the Southwesterly R.O.W. line of Main Street, South 41 degrees 22 minutes 51 seconds East for a distance of 227.31 feet to a point of curvature, thence;
- (2) Continuing along the Southwesterly R.O.W. line of Main Street on a curve to the right having a radius of 912.00 feet, having a central angle of 23 degrees 26 minutes 00 seconds, having a chord bearing and distance of South 29 degrees 39 minutes 51 seconds East 370.40 feet, for a total arc length of 373.00 feet to a point, thence;
- (3) Along a common line with Lands n/f Clayton Amerman, Inc., Tax Lot 3, Block 23, South 73 degrees 47 minutes 27 seconds West for a distance of 359.91 feet to a point on the Northeasterly R.O.W. line of N.J.D.O.T. Erie-Lackawanna Railway Co., thence;
- (4) Along the Northeasterly R.O.W. line of N.J.D.O.T. Erie-Lackawanna Railway Co., on a curve to the left, having a radius of 3,399.78 feet, having a central angle of 07 degrees 42 minutes 45 seconds, having a chord bearing and distance of North 34 degrees 36 minutes 36 seconds West 457.30 feet for a total arc length of 457.65 feet to a point on the Southeasterly R.O.W. line of Park Avenue, a 30.00 feet wide R.O.W., thence;
- (5) Partly Along the Southeasterly R.O.W. line of Park Avenue, North 51 degrees 27 minutes 27 seconds East for a distance of 37.08 feet to a point now forming the point of intersection of the Southeasterly R.O.W. line of Park Avenue with the Northeasterly R.O.W. line of Lackawanna Street, thence;
- (6) Partly along the Northeasterly R.O.W. line of Lackawanna Street, North 41 degrees 22 minutes 51 seconds West for a distance of 30.04 feet to a point, thence;

- (7) Along a line formerly being the Northwesterly R.O.W. line of Park Avenue, now being the common line between Tax Lot 2, Block 23 and Tax Lot 12, Block 22, North 51 degrees 27 minutes 27 seconds East for a distance of 195.38 feet to a point forming the new point of intersection of the Northwesterly and Southwesterly R.O.W. lines of Park Avenue as established by the partial vacation of Park Avenue, thence;
- (8) Along the new Southwesterly R.O.W. line of Park Avenue, South 38 degrees 32 minutes 33 seconds East for a distance of 30.00 feet to a point, thence;
- (9) Along the Southeasterly R.O.W. line of Park Avenue, North 51 degrees 27 minutes 27 seconds East for a distance of 116.49 feet to the point and place of beginning as herein described.

This description is in accordance with a survey prepared of Tax Lot 2, Block 23, by DMC Associates, Inc. Land Surveyors dated July 05, 2017 and revised through May 28, 2020, and a roadway vacation exhibit of Park Avenue dated May 28, 2020.

Being known and designated as Lot 2 in Block 23 on the current Tax Assessment map of the Borough of Peapack-Gladstone.

Being more commonly known as 181 Main Street, Peapack-Gladstone, New Jersey.

Robert L. Cigol, P.L.S.
N.J. License No. 24GS04026100
Certificate of Authorization No. 24GA27919000

DMC ASSOCIATES, INC. LAND SURVEYORS

211 Main Street, Butler, New Jersey 07405

Phone: 973-838-9187 Fax: 973-838-4389 Email: info@dmcsurveying.com

May 28, 2020

**RE: Proposed Roadway Vacation of
A Portion of Park Avenue,
Borough of Peapack & Gladstone, County of Somerset, NJ
DMC No.: 1812032**

The purpose of this description is to describe the vacation of a 5,839.11+/- square feet portion of the public roadway known as Park Avenue, a 30.00 feet wide R.O.W. to be annexed to the Lands of the Borough of Peapack and Gladstone known as Lot 2 in Block 23 on the current tax assessment map. Said area of vacation being more particularly described as follows:

Beginning at the point of intersection formed by the northeasterly R.O.W. line of Lackawanna Street, a 36 feet wide R.O.W. and the northwesterly R.O.W. line of Park Avenue, a 30 feet wide R.O.W. Said beginning point having New Jersey State Plane Coordinates of N: 686125.1356 E: 447371.1884 is also the most southwesterly corner of Lot 12 in Block 22 as illustrated on the current tax assessment map and running thence:

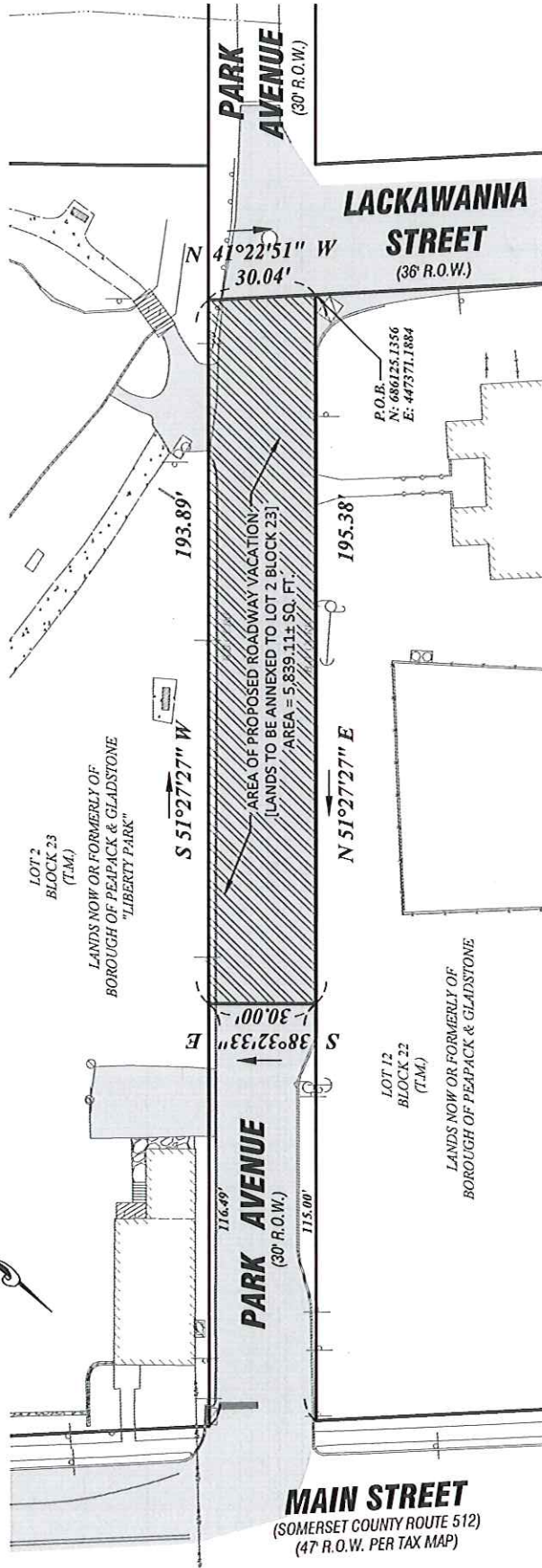
- (1) Along the northwesterly R.O.W. line of Park Avenue, North 51 degrees 27 minutes 27 seconds East for a distance of 195.38 feet to a point, thence;
 - (2) On a line through the R.O.W. of Park Avenue, South 38 degrees 32 minutes 33 seconds East for a distance of 30.00 feet to a point on the southeasterly R.O.W. line of Park Avenue, thence;
 - (3) Along the southeasterly R.O.W. line of Park Avenue, South 51 degrees 27 minutes 27 seconds West for a distance of 193.89 feet to a point at the projected intersection with the northeasterly R.O.W. line of Lackawanna Street, thence;
 - (4) On a line through the R.O.W. of Park Avenue, North 41 degrees 22 minutes 51 seconds West for a distance of 30.04 feet to the point and place of beginning herein described.
- Area of Vacated Roadway to be annexed to Lot 2 in Block 23 = 5,839.11+/- Sq. Ft.

The above description is in accordance with a Map Entitled: "Proposed Roadway Vacation of a Portion of Park Avenue, Borough of Peapack – Gladstone, Somerset County, New Jersey" prepared by DMC Associates, Inc. Land Surveyors dated May 28, 2020.

Robert L. Cigol, P.L.S.
N.J. License No. 24GS04026100
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MAP REFERENCE:

Existing conditions shown herein are based on a Map Entitled "Topographic Survey of Liberty Park, Lot 2 Block 23, A.K.A. 181 Main Street and Lot 12, Block 22, A.K.A. 2 Park Avenue, Borough of Peapack-Gladstone, Somerset County, New Jersey" dated July 3, 2017 and revised through January 11, 2019.

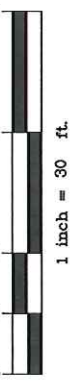


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PROPOSED ROADWAY VACATION

OF A PORTION OF PARK AVENUE
 BOROUGH OF PEAPACK & GLADSTONE,
 SOMERSET COUNTY, NEW JERSEY



ROBERT L. CIGOL, N.J.P.L.S. No. 24GS04026100
 CERTIFICATE OF AUTHORIZATION No. 24GA27919000

DRAWN BY: ZM
 SCALE: 1" = 30'
 DATE: 05/29/2020
 SHEET NO.: 1 OF 1
 DMC NO.: 1812032