

**Township of Lawrence
County of Mercer**

Ordinance No. 2385-21

**AN ORDINANCE TO VACATE, RELEASE AND EXTINGUISH ANY AND
ALL DEDICATION OF PUBLIC RIGHTS IN OR TO A CERTAIN PORTION
OF RIGHT OF WAY IN FRONT OF 20 TEXAS AVENUE,
AND AUTHORIZING THE SALE OF THE SAME,
IN THE TOWNSHIP OF LAWRENCE,
COUNTY OF MERCER, STATE OF NEW JERSEY**

WHEREAS, Public Service Electric and Gas Company (PSE&G) received preliminary and final major site plan approval to demolish an existing substation and construct a new substation at 2525 Brunswick Avenue and 20 Texas Avenue, Block 2005, Lots 9 and 10, on the Lawrence Township Tax Maps; and

WHEREAS, the Township Council recognized that the public utility installation such as that proposed by PSE&G for its new substation is viewed as an inherently beneficial use for the Township community; and

WHEREAS, the existing substation was installed in 1958 and PSE&G will be replacing outdated equipment that has reached the end of its useful life to provide increased capacity for electrical service that will satisfy the demands of peak loads and be available for continued commercial and residential development in the Township; and

WHEREAS, PSE&G has requested that the Township vacate an unused portion of the public right-of-way in front of the property known as 20 Texas Avenue of approximately 10 feet wide and containing 1,662 square feet which will be utilized in connection with the substation project; and

WHEREAS, N.J.S.A. 40A:12-13(b)(5) authorizes a private sale of municipal property not needed for public use to a contiguous landowner if there is only one owner of contiguous property, the subject property is less than the size required for development under the prevailing zoning ordinance, and there are no capital improvements on the property; and

WHEREAS, per N.J.S.A. 40A:12-13(b)(5) the consideration must be fair market value; and

WHEREAS, PSE&G is the only owner of contiguous property, the 1,662 square feet portion of the right of way is less than the size required for development under the prevailing zoning ordinance, it contains no capital improvements, and it is not needed for public use; and

WHEREAS, the Township Municipal Assessor has evaluated the 1,662 square feet portion of the

right of way and determined the market value to be \$33,200.00; and

WHEREAS, PSE&G has agreed to compensate the Township based on the market value of the 1,662 square feet portion of the right of way; and

WHEREAS, the Township Council of the Township of Lawrence has determined that the public interest will be best served by vacating this portion of said roadway releasing and extinguishing the public rights in and to such vacation and selling; and

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Lawrence, County of Mercer, State of New Jersey, that:

- A. The 1,662 square feet portion of the right of way in front of the property known as 20 Texas Avenue is not needed for public use.**
- B. Any and all public rights in the 1,662 square feet portion of the right of way in front of the property known as 20 Texas Avenue be and the same are hereby vacated, released and extinguished in and to all or any portion of the right-of-way as particularly described in Schedule A “Metes & Bounds Description 10’ Wide Right-of-Way Vacation from the Township of Lawrence to PSE&G Company” .**
- C. The 1,662 square feet portion of the right of way in front of the property known as 20 Texas Avenue is less than the size required for development under the prevailing zoning ordinance, and there are no capital improvements on the property; and, 20 Texas Avenue, which is owned by PSE&G is the only contiguous landowner**
- D. The sale of the 1,662 square feet portion of the right of way in front of the property known as 20 Texas Avenue to PSE&G for \$33,200.00 is authorized; and further, the Mayor, Township Manager, Township Clerk, and Township Attorney are hereby authorized to execute all documents necessary for the conduct of this public auction and for the conveyance of the property listed herein, including, but not limited to, executing all contracts, Deeds, and other conveyance documents.**
- E. Notwithstanding this Ordinance, and pursuant to N.J.S.A. 40:67-1(b), there is hereby reserved and excepted from said vacation all rights and privileges now possessed by public utilities, as defined in N.J.S.A. 48:2-13, and by any cable television franchise company as defined in the “Cable Television Act” P.L. 1972, c. 186 (N.J.S.A. 48:5A-1 et seq.), to maintain, repair or replace their existing facilities in, adjacent to, over or under any part thereof to be vacated.**

Repealer

All ordinances or parts of same inconsistent with any of the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

Severability

If any section, paragraph, sentence, clause or phrase of this ordinance shall be declared invalid for any reason, the remaining portions of this ordinance shall not be affected thereby and shall remain in full force and effect.

Notification

Immediately upon adoption of this ordinance and publication according to law, the Municipal Clerk shall file a copy of this ordinance with the accompanying Schedule A “Metes & Bounds Description” along with an affidavit of publication with the Mercer County Clerk as required by N.J.S.A. 40:67-21.

Effective Date

This ordinance shall take effect twenty (20) days after final adoption thereof and publication according to law.

Adopted: April 6, 2021

RECORD OF VOTE

COUNCIL	AYE	NAY	PRESENT	ABSENT	ABSTAIN	MOVE	SECOND
Mr. Bobbitt	X					X	
Ms. Lewis					X		
Mr. Powers				X			
Mr. Ryan	X						X
Mayor Kownacki	X						