

**TOWNSHIP OF HILLSIDE
ORDINANCE NUMBER O-21-08**

**AN ORDINANCE PROVIDING FOR THE VACATION OF A PORTION OF
BAKER STREET AND ELMWOOD STREET PURSUANT TO N.J.S.A. 40:67-1 ET SEQ.**

WHEREAS, the Township of Hillside has received approval for a Green Acres matching grant under the Multi Parks Improvement Project for Central Avenue Park “the Grant”); and

WHEREAS, part of the recreational space to be improved is located within a public right of way, namely portions of Elmwood Street and Baker Street. The Green Acres Program has requested that portions of Baker and Elmwood Street be vacated; and

WHEREAS, *N.J.S.A. 40:67-1 et seq.* authorizes the Township Council of the Township of Hillside to vacate any public street, highway, lane or alley; and

WHEREAS, by virtue of affirmative consent hereunder, the Township of Hillside agrees that the public interest will be better served by the rehabilitation of Central Avenue Park and sees no detriment to vacating the portion of Baker and Elmwood Streets as requested; and

WHEREAS, the Township Engineers have no objections to the street vacation.

NOW THEREFORE BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HILLSIDE THAT:

Section 1. The portion of Elmwood Street and Baker Street which traverses Central Avenue Park as described below and identified on the Tax Map of the Township of Hillside hereto shall be vacated as a public street or right of way to provide for rehabilitation of Central Avenue Park using Green Acres funds under the grant. The vacation of these street shall reserve and except any and all rights and privileges possessed by the Township of Hillside and for so long as they continue to exist at these locations, the rights of any 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* with the right of entry and easement for the entire length and total width of said portion of the public street to be vacated for the purpose of accomplishing the removal, relocation, relaying, rebuilding, reconstructing or maintaining their respective water, sewer, electric, gas, telephone and cable utilities and appurtenances now laid or to be laid within the portion of the streets to be vacated. All easement rights and privileges shall continue until such time when the easement reservation is no longer needed due to the proposed relocation, removal and/or abandonment of any and all existing utilities and said easement rights and privileges are terminated and extinguished.

Section 2. Baker Street and Elmwood Street, indicated below and as identified on the Tax Map attached hereto, are hereby vacated, and released from dedication of land for a public street and public rights in accordance with *N.J.S.A. 40:67-1 et seq.* **The vacated streets are described as follows:**

BAKER STREET

That portion of Baker Street (50 feet in width) running between Blocks 909 and 910, approximately 500.96 feet on the westerly sideline and approximately 473 feet on the easterly sideline and terminating at the intersection of Clifford Street and Central Avenue.

ELMWOOD STREET

That portion of Elmwood Street (50 feet in width) running between the Easterly and Westerly sidelines of Block 910, lot 12; Block 911, Lot 22, Block 916, Lot 6 and Block 917, Lot 1 and terminating at the intersection point of with South State Street

Section 3. Within sixty (60) days after the adoption of this Ordinance, the Acting Township Clerk shall cause this Ordinance to be filed with the Union County Register of Deeds and Mortgages.

Section 4. All publication and notice requirements of this Ordinance are subject to *N.J.S.A. 40:49-6*.

Section 5. This Ordinance is adopted under the provisions of *N.J.S.A. 40:67-1(b)* and shall take effect upon final passage and publication in accordance with the laws of the State of New Jersey.

First Reading and Introduction: June 8, 2021


MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT	EXCUSED
X		DeAugustine	X				
		Epps	X				
		Hyatt	X				
	X	Mobley	X				
		Mondella	X				
		Cook, VP	X				
		Freedman, CP	X				

PUBLIC HEARING: July 20, 2021

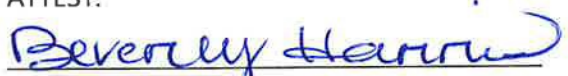
MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT	EXCUSED
X		DeAugustine	X				
		Epps	X				
		Hyatt	X				
		Mobley	X				
		Mondella	X				
	X	Cook, VP	X				
		Freedman, CP	X				


FINAL ADOPTION: July 20, 2021

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT	EXCUSED
X		DeAugustine	X				
		Epps	X				
		Hyatt	X				
		Mobley	X				
		Mondella	X				
	X	Cook, VP	X				
		Freedman, CP	X				


 Gerald Pateesh Freedman, Council President

ATTEST:


 Beverly Harris, Acting Township Clerk

Approved: 


 Dahlia O. Vertreese, Mayor

7-26-2021
 Date

Vetoed: _____

Returned to the Township Clerk with the following statement of objections:

