

**BERNARDSVILLE BOROUGH
ORDINANCE #2024-2000**

**AN ORDINANCE VACATING A PORTION OF BERNARDS AVENUE WHICH IS
OUTSIDE THE PAVED ROADWAY AND SIDEWALK AREA AND WHICH IS
NECESSARY FOR THE CONSTRUCTION OF THE AFFORDABLE HOUSING
DEVELOPMENT AT 63 BERNARDS AVENUE**

WHEREAS, *N.J.S.A.* 40:67-1 authorizes the governing body to make ordinances to vacate any public street, highway, lane or alley, or any part thereof; and

WHEREAS, a portion of Bernards Avenue adjacent to Lot 12, Block 102, is needed for the construction of the affordable housing development at 63 Bernards Avenue; and

WHEREAS, the area to be vacated is outside of the paved roadway and beyond the newly-installed sidewalk; and

WHEREAS, the Mayor and Council find that the public interest will best be served by abandoning, vacating, releasing and extinguishing any and all public rights which the Borough may have to that portion of Bernards Avenue described in Exhibit “A” and depicted on Exhibit “B”, both of which are attached hereto and incorporated herein by reference.

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

Section 1. The public right is hereby released and extinguished in that portion of Bernards Avenue described in detail in the metes and bounds description Exhibit “A” which is attached hereto and incorporated herein by reference, and which is depicted on the excerpt from the Amended Preliminary/Final Major Site Plan prepared by Shore Point Engineering, dated March 28, 2023, which is attached hereto as Exhibit “B” and which is incorporated herein by reference.

Section 2. In accordance with the requirements of *N.J.S.A. 40:67-1*, this ordinance expressly reserves and excepts from 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 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 paper streets being vacated.

Section 3. In accordance with the requirements of *N.J.S.A. 40:49-6* this ordinance after being introduced and having passed on first reading shall be published 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. At least one week prior to such time fixed for further consideration for final passage, a copy of this ordinance, 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, shall be mailed to every person whose lands may be affected by the ordinance so far as the same may be ascertained directed to his or her last known post office address. Failure to mail the notice herein provided for shall not invalidate this ordinance.

Section 4. Within sixty (60) days after this Ordinance becomes effective, the Borough Clerk shall file a copy of this Ordinance, certified by her under the seal of the Borough to be a true copy of this Ordinance, together with a copy of the proof of publication thereof in the Somerset County Clerk's office, to be recorded in a book entitled "Vacations."

Section 5. This ordinance shall become effective immediately upon final passage and publication as required by law.

COUNCIL OF THE BOROUGH OF
BERNARDSVILLE IN THE COUNTY
OF SOMERSET

ATTEST:

Anthony Suriano
Anthony Suriano, Borough Clerk

By: Mary Jane Canose
Mary Jane Canose, Mayor

Introduction: May 28, 2024
1st Publication: June 6, 2024 (at least 10 days prior to 2d reading)
Notices Sent: June 11, 2024 (at least 1 week prior to 2d reading)
Public Hearing and Adoption: PH June 24, 2024
2nd Publication: June 27, 2024
Filing with County Clerk: June 27, 2024

**PROPOSED VACATION
OF A PORTION OF BERNARDS AVENUE
ADJACENT TO LOT 12 – BLOCK 102
BERNARDSVILLE, SOMERSET COUNTY, N.J.**

BEGINNING in the northerly line of Bernards Avenue at a point therein distant 97.40 feet northwesterly from the westerly line of Grove Street

(1) South 57 degrees 05 minutes 35 seconds West along the proposed right of way, 70.08 feet. Thence

(2) North 32 degrees 28 minutes 47 seconds West along the westerly line of Bernards Avenue, 51.40 feet, as shown on map entitled, "Map of Property of Prout & Bowers known as Bernards Terrace at Bernardsville, Somerset County, N.J.", filed in the Somerset County Clerk's office on November 7, 1900 as Map No. 135. Thence

(3) South 86 degrees 30 minutes 00 seconds West along the northerly line of Bernards Avenue as shown on said map, 86.60 feet to the point and place of BEGINNING.

The foregoing description is drawn in accordance with an Amended Preliminary/Final Major Site Plan made by Shore Point Engineering, P.O. Box257, Manasquan, N.J. 08736, dated March 28, 2023, Project No. RPM-214

EXHIBIT A

