

ORDINANCE 25-2023

**ORDINANCE VACATING DEE DRIVE RIGHT-OF-WAY IN THE BOROUGH OF HOPATCONG, COUNTY OF SUSSEX
AND STATE OF NEW JERSEY**

WHEREAS, there exists in the Borough of Hopatcong a road known as Dee Drive; and

WHEREAS, the Borough wishes to release and extinguish the public's rights or whatever ownership rights it has in and to said section of the existing right-of-way with the exception of an easement retaining a right to maintain the existing water main; and

WHEREAS, the Hopatcong Borough Council does hereby determine that the aforementioned right-of-way as depicted on Schedule A attached is no longer needed for public purposes; and

WHEREAS, N.J.S.A. 40:67-19 authorizes the municipality to release and extinguish the public's rights arising from a dedication of a street or right-of-way.

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Hopatcong, Sussex County, New Jersey, as follows:

SECTION A

1. The rights of the Borough of Hopatcong to use as a Public Road or Right of Way, whatever they may be, in and to the portion of Dee Drive as depicted in Schedule "A" and described as the portion of Dee Drive between Oakwood Road and Eugene Place is hereby extinguished and vacated with the exception the reservations herein;

2. The Borough of Hopatcong retains an easement over the entire vacated area for the maintenance of the existing water main.

3. At least one week prior to the time fixed for the consideration of this Ordinance for final passage, 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, shall be mailed to every person whose land may be affected by this Ordinance so far as may be ascertained. Said notices shall be mailed by the Borough Clerk in accordance with the provisions of N.J.S.A. 40:49-6.

4. The Borough Clerk shall, within sixty (60) days of the effective date of this Ordinance, file a copy of this Ordinance certified by her 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 Sussex in accordance with the provisions of N.J.S.A. 40:67-22.

SECTION B

The Mayor and Clerk are authorized to execute Deeds effectuating this vacation.

SECTION C

All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistencies.

SECTION D

If any article, section, subsection, paragraph, phrase or sentence is, for any reason, held to be unconstitutional or invalid, said article, section, subsection, paragraph, phrase or sentence shall be deemed severable.

SECTION E

This Ordinance shall take effect immediately upon final publication as provided by law.

ATTEST:

BOROUGH OF HOPATCONG



VALERIE EGAN, CLERK



MICHAÉL FRANCIS, MAYOR

Introduced: 10/4/2023

Adopted: 10/18/2023

LEGAL NOTICE OF FINAL ADOPTION

NOTICE is hereby given that the above Ordinance was introduced and passed on first reading at a meeting of the Borough Council of the Borough of Hopatcong, in the County of Sussex, State of New Jersey, held in the municipal building on the 4th day of October 2023, and the same came up for final passage at a meeting of the said Borough Council on the 18th day of October 2023 at which time, after persons interested were given an opportunity to be heard concerning said ordinance, the same was passed and will be in full force in the Borough according to law. By order of the Borough Council of the Borough of Hopatcong, County of Sussex and State of New Jersey.



Valerie A. Egan, Municipal Clerk