

ORDINANCE NO. 2024-08

AN ORDINANCE RELEASING, EXTINGUISHING AND VACATING THE RIGHTS OF THE PUBLIC IN A PORTIONS OF CLAWSON STREET, BROOK AVENUE, AND FIELD AVENUE IN THE TOWNSHIP OF PISCATAWAY, COUNTY OF MIDDLESEX AND STATE OF NEW JERSEY

WHEREAS, N.J.S.A. 40:67-1 et seq authorizes a municipality to vacate the public interest in any public street, highway, land or alley, or any part thereof; and

WHEREAS, N.J.S.A. 40:67-19 states that where there has been a dedication of lands as a public street or highway or public place and the same has not been accepted or opened by the municipality, and where it shall appear to the governing body that the public interest will be better served by releasing those lands, the governing body may, by ordinance release and extinguish the public right arising from the dedication; and

WHEREAS, Brook Avenue is a forty (40) foot wide unimproved road bound by Baekeland Avenue on its westerly side and Clawson Street on its easterly side; and

WHEREAS, the portion of Brook Avenue to be vacated is from the intersection of Clawson Street to a point 975.81 feet in the easterly direction, measured along the southerly edge of Brook Avenue, as shown in the map attached hereto as Schedule A; and

WHEREAS, Field Avenue is a forty (40) foot wide unimproved road bound by Baekeland Avenue on its westerly side and Clawson Street on its easterly side; and

WHEREAS, the portion of Field Avenue to be vacated is from the intersection of Clawson Street to a point 153.96 feet in the easterly direction, measured along the southerly edge of Field Avenue, as show in the map attached hereto as Schedule A; and

WHEREAS, the Township has not developed and does not intend to develop or open those portions of Brook Avenue and Field Avenue paper streets; and

WHEREAS, pursuant to N.J.S.A. 40:60-28, a municipality may vacate a portion of an improved road no longer needed for public use, and if the owner of the fee of said land, may make a private sale of and convey the lands so vacated to the adjoining property owners at such price as it deems fair and just; and

WHEREAS, the Township no longer needs a substantial portion of Clawson Street for public use and wishes to vacate same and convey same to the adjoining property owners; and

WHEREAS, the portion of Clawson Street to be vacated is from its terminus at the Conrail Port Reading Railroad property to 220.95 feet from its terminus at Baekeland Avenue, as shown in the map attached hereto as Schedule A; and

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WHEREAS, the Township Council does hereby determine that the aforementioned portions of Brook Avenue, Field Avenue, and Clawson Street are no longer needed for public purposes; and

BE IT THEREFORE ORDAINED by the Township Council of the Township of Piscataway, County of Middlesex, State of New Jersey, that the rights of the public and the Township of Piscataway in and to those portions of Brook Avenue and Field Avenue, described above and on the map attached hereto as Schedule A are hereby released and extinguished; and

BE IT FURTHER ORDAINED that the Township vacates public use of the portion of Clawson Street as described above and on the map attached hereto as Schedule A, and the Township is authorized to negotiate the conveyance of the vacated portion of Clawson Street to the adjoining property owners at a fair and just price; and

BE IT FURTHER ORDAINED that at least one (1) week prior to the time affixed for the consideration of this Ordinance for final passage, a copy thereof, together with a notice of the introduction thereof and the time and the 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 Township Clerk in accordance with the provisions of N.J.S.A. 40:49-6.

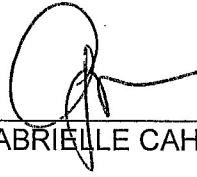
AND BE IT FURTHER ORDAINED that the Township Clerk shall, within sixty (60) days of the effective date of this Ordinance, file a copy of this Ordinance, certified by the Clerk under the seal of the Township, to be a true copy thereof, together with proof of publication thereof, in the Office of the Clerk of the County of Middlesex, in accordance with the provisions of N.J.S.A. 40:67-21.

If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect, and to this end the provisions of this Ordinance are hereby declared severable.

All other ordinances in conflict or inconsistent with this Ordinance are hereby repealed, to the extent of such conflict or inconsistency. In the event of any inconsistencies between the provisions of this Ordinance and any prior Ordinance of the Township, the provision hereof shall be determined to govern. All other parts, portions and provisions of the Ordinances of the Township are hereby ratified and confirmed, except where inconsistent with the terms hereof.

This Ordinance shall take effect immediately upon second reading, final passage and publication as required by law.

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GABRIELLE CAHILL, President of Township Council

Attest:



MELISSA A. SEADER, Township Clerk

Adopted, First Reading:

January 2, 2024

Publication Date:

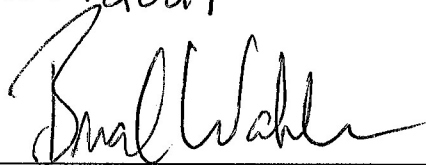
January 5, 2024

Adopted, Second Reading:

march 5, 2024

Publication Date:

March 10, 2024



BRIAN C. WAHLER, Mayor

Date: 3/6/2024

CERTIFIED AS TO FORM AND LEGALITY:



RAJVIR GOOMER, Director of Law

Statement of Purpose

An Ordinance to authorize the vacation of portions Brook Avenue (paper street), Field Avenue (paper street), and Clawson Street within the Township of Piscataway.