

## ORDINANCE 2023:12

### ORDINANCE OF THE BOROUGH OF SOMERDALE RELEASING, EXTINGUISHING AND VACATING THE RIGHTS OF THE PUBLIC IN A PAPER STREET KNOWN AS HEMLOCK AVENUE.

**Whereas**, the exists within the Borough of Somerdale an unimproved paper street known as Hemlock Avenue; and

**Whereas**, this street serves no public purpose, requires unwarranted maintenance and liability for the Borough and needs to be vacated; and

**Whereas**, the street to be vacated is neither open to the public for the purpose of vehicular traffic nor publicly maintained as a street; and

**Whereas**, NJSA 40:67-1(b) and NJSA 40:67-19 empowers the governing body to vacate any public street; and

**Whereas**, Borough Council has determined that the street to be vacated is not needed by the general public as a public thoroughfare and has a better use than a public thoroughfare and that the public interest will be best served by vacating the street and extinguishing all public rights which the Borough may have in and to the street to be vacated; and

**Whereas**, title to the street to be vacated shall be apportioned to adjacent property owners.

Now, **THEREFORE BE IT ORDAINED**, by the Mayor and Council of the Borough of Somerdale, County of Camden, State of New Jersey that:

1. Subject to the conditions set forth herein, the rights of the public in and to the street to be vacated, as more particularly articulated in Exhibit "A" hereto, are hereby released, extinguished and vacated.
2. Title to the street vacated shall be apportioned to adjacent property owners in accordance with the law.
3. Pursuant to NJSA 40:67-1(b), all public easements, rights and interests to the street to be vacated, as more particularly delineated in Exhibit "A" hereto, are hereby vacated, released and extinguished except for said easements and rights specifically set forth herein and except for all rights and privileges now possessed by public utilities and by any cable television company to maintain, repair and replace their existing facilities in, adjacent to, over and under the street to be vacated.
4. The Borough Clerk shall, within 60 days after the effective date of this ordinance, file a copy of this ordinance, certified by her, under the Seal of the Borough, to be a true copy of such ordinance, together with a Proof of Publication in the Office of the Camden County Clerk and such certified copies shall be recorded in a book with proper index provided for such purposes and entitled "Vacations."

5. After introduction, this Ordinance shall be referred to the Planning Board of Borough of Somerdale for review and comment pursuant to N.J.S.A. 40:SSd-26,32, and -33, since vacation of a public street or portion thereof constitutes a change to the official map of the Borough of Somerdale, Camden County and the closing of public streets albeit paper unimproved streets.
6. At least seven (7) days prior to the time fixed for the consideration of this Ordinance for final passage, a copy of this Ordinance, together with a notice of its introduction and the time and place when and where the Ordinance will be further considered for final passage, shall be given by the Borough Clerk to the owners of all real property whose lands may be affected by this Ordinance or any assessment which may be made in pursuance thereof, so far as the same may be ascertained, directed to his last known post-office address. At least ten (10) days prior to the time fixed for the consideration of this Ordinance for final passage, a copy of this Ordinance, together with a notice of its introduction and the time and place when and where the Ordinance will be further considered for final passage, shall be published at least once in a newspaper published and circulated in the Borough of Somerdale. This is the notice required by N.J.S.A. 40:67-19 and N.J.S.A. 40:49-6.
7. 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.
8. All ordinances or parts of ordinances inconsistent herewith are hereby repealed as to such inconsistencies.
9. This Ordinance shall take effect upon final publication as provided by law.

Introduced: November 8, 2023

Adopted: December 27, 2023

Attest:

BOROUGH OF SOMERDALE

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Michele Miller, RMC

I, Michele Miller, Borough Clerk of the Borough of Somerdale, County of Camden, hereby certify the foregoing to be true copy of an Ordinance adopted by the Borough Council at a duly convened meeting held on December 27, 2023.

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MICHELE MILLER, RMC, BOROUGH CLERK