

**BOROUGH OF SUSSEX
COUNTY OF SUSSEX
ORDINANCE NO. 2023-22**

AN ORDINANCE VACATING THE RIGHTS OF THE PUBLIC IN A PORTION OF A PAPER STREET KNOWN AS WILLOW STREET IN THE BOROUGH OF SUSSEX

WHEREAS, the Borough of Sussex has received a request to vacate a portion of a paper street known as Willow Street; and

WHEREAS, N.J.S.A. 40:67-1b and N.J.S.A. 40:67-19 empower the governing body of a municipality to make, amend, repeal and enforce ordinances to vacate any public street, including the vacation of any portion of any public street, and to vacate any street, or any part thereof, dedicated to public use but not accepted by the municipality, whether or not the same, or any part, has been actually opened or improved; and

WHEREAS, the Borough Council determined that the portion of the Willow Street to be vacated is not needed by the general public, and the public interest will best be served by abandoning, vacating, releasing and extinguishing any and all public rights which the Borough may have in and to the portion of the Willow Street described in Exhibit A attached hereto.

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

SECTION 1. Subject to the conditions set forth herein, a portion of Willow Street consisting of 2,597 square feet, and more particularly described in the metes and bounds description attached hereto as Exhibit A and the survey attached hereto as Exhibit B, is hereby vacated.

SECTION 2. Pursuant to N.J.S.A. 40:67-1b, all public easements, right and interests to the portion of Willow Street described herein, are hereby vacated, released and extinguished except for said easements and rights specifically set forth in the description hereinbelow and any rights and easements which the Borough of Sussex has, whether or not of record, and except for 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 street, or any part thereof, to be vacated.

SECTION 3. This Ordinance shall be published in the manner required by NJSA 40:49-2, except that after being introduced and having passed a first reading, it shall be published at least once not less than 10 days instead of one week prior to the time fixed for further consideration for final passage.

SECTION 4. At least seven days prior to the time fixed for further consideration for final passage of this Ordinance, a copy hereof, together with notice of the introduction hereof, and the time and place where this Ordinance will be further considered for final passage, shall be mailed to every person whose lands may be affected by this Ordinance at his, her its or their last known post office address.

SECTION 5. The Borough Clerk shall, within 60 days after this Ordinance becomes effective, file a certified copy thereof, under the seal of the Borough of Sussex, together with a copy of the proof of publication thereof, in the Sussex County Clerk's Office in accordance with the provisions of NJSA 40:67-21.

SECTION 6. The Mayor and Borough Clerk are hereby authorized to execute any documents as may be required in order to effectuate the vacation of the portion of Willow Street described in Exhibit A.

SECTION 7. All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 8. This Ordinance shall take effect after publication and passage according to law.

Attest:

Antoinette Smith, Borough Clerk

Edward Meyer, Mayor

NOTICE

NOTICE IS HEREBY GIVEN that the attached Ordinance 2023-22 was introduced at a regular meeting of the Mayor and Council of the Borough of Sussex, Sussex County, New Jersey, held on August 15, 2023 and passed on first reading, and that such Ordinance was further considered for final passage and adoption at the regular meeting of the Mayor and Council held on October 03, 2023 at Borough Hall, 2 Main Street, in the Borough of Sussex at 7:00 p.m. and via the internet, and after all persons present were given the opportunity to be heard concerning the same, it was finally passed and adopted and will be in full force and effect according to law.

Antoinette Smith, RMC