

1EXPLANATION: This Ordinance vacates all of the Township of Hillsborough's right, title and interest in and to that portion of Wilson Avenue situated between Harrison and Madison Streets, all of which are paper streets, in order to merge Block 139, Lot 1 with Block 128, Lot 1 on the Tax Map of the Township of Hillsborough.

ORDINANCE NO. 2010-30

AN ORDINANCE VACATING ALL OF THE TOWNSHIP OF HILLSBOROUGH'S RIGHT, TITLE AND INTEREST IN AND TO THAT PROTION OF WILSON AVENUE SITUATED BETWEEN HARRISON AND MADISON STREETS, ALL OF WHICH ARE PAPER STREETS, IN ORDER TO MERGE BLOCK 139, LOT 1 WITH BLOCK 128, LOT 1 ON THE TAX MAP OF THE TOWNSHIP OF HILLSBOROUGH.

WHEREAS, there exists in the Township of Hillsborough, Somerset County, New Jersey, a road known as Wilson Avenue, as shown on the Official Tax Map of the Township of Hillsborough; and

WHEREAS, a request was made to vacate that portion of Wilson Avenue between Harrison and Madison Streets, all of which are paper streets, in order to merge Block 139, Lot 1 with Block 128, Lot 1 on the Tax Map of the Township of Hillsborough; and

WHEREAS, that portion of Wilson Avenue described in "Metes and Bounds Description of a Portion of Wilson Avenue to be Vacated by the Township of Hillsborough, Somerset County, New Jersey, located at Madison Street", dated August 30, 2010, is attached as Exhibit A, and is being vacated, as shown on the Tax Map of the Township of Hillsborough, and as more fully described on a plan titled "Right of Way Vacation Plan for a Portion of Wilson Avenue and Lot Merger Plan for Block 139, Lot 1 and Block 128, Lot 1", prepared by Christopher A. Melick, P.L.S., 602 Boozer Lane, Hillsborough, New Jersey 08844, dated July 20, 2010, last revised September 10, 2010, which is attached as Exhibit B; and

WHEREAS, the merger of the vacated portion of Wilson Avenue with Block 128, Lot 1 and Block 139, Lot 1, as described in "Metes and Bounds Description of Merged Lot 1, Block

128, Lot 1, Block 139 and the 8,000 square foot portion of Wilson Avenue that was Vacated by the Township of Hillsborough, Somerset County, New Jersey”, dated July 20, 2010, is attached as Exhibit C and as more fully depicted on Exhibit B; and

WHEREAS, the aforesaid portion of Wilson Avenue is to be vacated subject to certain requirements, obligations and restrictions as established by the Township Committee of the Township of Hillsborough; and

WHEREAS, the Township Committee of the Township of Hillsborough does hereby determine that the portion of Wilson Avenue described herein on Exhibit A will no longer be needed for public purposes; and

WHEREAS, N.J.S.A. 40:67-19 authorizes the Township to release and extinguish the public’s rights, and the rights of the Township in a portion of Wilson Avenue.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Hillsborough, Somerset County, New Jersey, as follows:

SECTION 1. Subject to the conditions set forth below, the rights of the public and the Township of Hillsborough in and to a portion of the roadway known as Wilson Avenue, as described by metes and bounds description attached as Exhibit A, and as depicted on a plan titled “Right of Way Vacation Plan for a Portion of Wilson Avenue and Lot Merger Plan for Block 139, Lot 1 and Block 128, Lot 1”, attached as Exhibit B, both prepared by Christopher A. Melick, P.L.S., 602 Boozer Lane, Hillsborough, New Jersey 08844, are hereby extinguished and vacated.

SECTION 2. The land being vacated shall be merged with Block 128, Lot 1 and Block 139, Lot 1 and, after vacation to be known as Block 139, Lot 1.01, a Deed of Consolidation shall be prepared by the owner of the merged lot. The Deed of Consolidation shall specifically recite that the merged lot shall not be further subdivided. The Deed of Consolidation shall be presented to the Township Attorney for review and approval. After the Township Attorney reviews and approves of the Deed of Consolidation, the property owner shall record same and provide a recorded copy to the Township Clerk, Tax Assessor and Township Attorney.

SECTION 3. The merged lot described in Section 2 above and on Exhibit C shall not be further subdivided.

SECTION 4. Expressly reserved and excepted from this vacation are all of the rights and privileges now possessed by public utilities and cable television companies to maintain and repair their existing facilities adjacent to, over and under the street or public place to be vacated.

SECTION 5. 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 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.

SECTION 6. 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 Somerset, in accordance with the provisions of N.J.S.A. 40:67-21.

SECTION 7. The Mayor and Clerk are hereby authorized to sign a Quitclaim Deed conveying the vacated portion of Wilson Avenue to the owner of Block 139, Lot 1 and Block 128, Lot 1.

SECTION 8. 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 9. This Ordinance shall become effective upon the adoption and recording of this Ordinance with the Somerset County Clerk's Office.

ATTEST:

HILLSBOROUGH TOWNSHIP

Kevin P. Davis, Clerk

Frank DelCore, Mayor

Introduced: 09/28/10

Published: 10/07/10

Public Hearing: 11/09/10

Adopted: 11/09/10

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Add to Code Book for Sale: 11/10/10

