

1EXPLANATION: This Ordinance vacates portions of Hamilton Road adjacent to Parcel V-9, being a portion of the former Right-of-Way of Hamilton Road to be vacated and annexed to Lot 2A in Block 198 [now known as Lot 35 in Block 183.05]; Parcel V-10, being a portion of the former Right-of-Way of Hamilton Road to be vacated and annexed to Lot 17 in Block 183D [now known as Lot 17 in Block 183.05]; and Parcel V-11, being a portion of the former Right-of-Way of Hamilton Road to be vacated and annexed to Lot 18 in Block 183D [now known as Lot 18 in Block 183.05] as shown on the Tax Map of the Township of Hillsborough, and authorizes the Mayor and Clerk to sign Quitclaim Deeds.

ORDINANCE NO. 2008-21

AN ORDINANCE VACATING PORTIONS OF HAMILTON ROAD ADJACENT TO PARCEL V-9, BEING A PORTION OF THE FORMER RIGHT-OF-WAY OF HAMILTON ROAD TO BE VACATED AND ANNEXED TO LOT 2A IN BLOCK 198 [NOW KNOWN AS LOT 35 IN BLOCK 183.05]; PARCEL V-10, BEING A PORTION OF THE FORMER RIGHT-OF-WAY OF HAMILTON ROAD TO BE VACATED AND ANNEXED TO LOT 17 IN BLOCK 183D [NOW KNOWN AS LOT 17 IN BLOCK 183.05]; AND PARCEL V-11, BEING A PORTION OF THE FORMER RIGHT-OF-WAY OF HAMILTON ROAD TO BE VACATED AND ANNEXED TO LOT 18 IN BLOCK 183D [NOW KNOWN AS LOT 18 IN BLOCK 183.05] AS SHOWN ON THE TAX MAP OF THE TOWNSHIP OF HILLSBOROUGH, AND AUTHORIZING THE MAYOR AND CLERK TO SIGN QUITCLAIM DEEDS.

WHEREAS, on November 22, 2000, the Township Committee of the Township of Hillsborough adopted Ordinance No. 2000-36, vacating portions of Hamilton Road in the Township of Hillsborough; and

WHEREAS, upon adoption, that Ordinance was not recorded with the Somerset County Clerk's Office as required by law; and

WHEREAS, it is the desire of the Township Committee of the Township of Hillsborough to ratify and confirm the action taken by the Township Committee through Ordinance No. 2000-36 by adopting this Ordinance; and

WHEREAS, the tax lot designations referred to in Ordinance No. 2000-36 have been revised to reflect the current tax lot designations; and

WHEREAS, there was a realignment of Amwell Road and Hamilton Road affecting Parcel V-9 with that property to be annexed to Lot 2A in Block 198 [now known as Lot 35 in Block 183.05]; Parcel V-10 with that property to be annexed to Lot 17 in Block 183D [now known as Lot 17 in Block 183.05]; and Parcel V-11 with that property to be annexed to Lot 18 in Block 183D [now known as Lot 18 in Block 183.05] as shown on the Tax Map of the Township of Hillsborough; and

WHEREAS, said realignment was performed for safety purposes and was accomplished by vacating certain portions of former Hamilton Road Right-of-Way; and

WHEREAS, all motor vehicle traffic on Hamilton Road now follows this realignment; and

WHEREAS, the portions of Hamilton Road to be vacated are no longer needed for public use, serve no practical purpose to retain and provide unnecessary liability exposure to the Township.

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

SECTION I. The portions of Hamilton Road adjacent to Parcel V-9 will be annexed to Lot 2A in Block 198 [now known as Lot 35 in Block 183.05]; Parcel V-10 will be annexed to Lot 17 in Block 183D [now known as Lot 17 in Block 183.05]; and Parcel V-11 will be annexed to Lot 18 in Block 183D [now known as Lot 18 in Block 183.05], consisting of a total of .189 acres, are no longer needed or a benefit to the general public.

SECTION II. The Township of Hillsborough, by adoption of this Ordinance, does hereby vacate, extinguish, terminate and forever eliminates any rights of the general public to the roadway described in Section I above, subject to any utility easements. Said vacation is in accordance with N.J.S.A. 40:67-1 which states that a governing body of a municipality may adopt an Ordinance to vacate any public street. The aforesaid portion of Hamilton Road described in Section I and Exhibits A, B and C attached hereto, are no longer utilized because of the realignment of Amwell and Hamilton Roads. The retention of the portion to be vacated as delineated hereinabove serves no public purpose, is of no benefit to the public and creates unnecessary liability exposure to the Township.

SECTION III. The land being vacated shall accrue and revert to the land of the adjacent property owners as set forth on the Vacation Map prepared by Keller & Kirkpatrick, Inc., dated, November, 1997, last revised October 11, 2000, attached hereto as Schedule D.

SECTION IV. Expressly reserved and excepted from this vacation Ordinance are all rights and privileges heretofore possessed by public utilities as defined in N.J.S.A. 48:2-13 and any cable television company as defined in the "Cable Television Act", P.L. 1972 C.186.

SECTION V. 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 VI. The Township Clerk shall, within sixty (60) days of the effective date of this Ordinance, file a copy of this Ordinance certified by him 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 VII. This Ordinance authorizes the Mayor and Clerk to execute Quitclaim Deeds to the property owners adjoining the portions of Hamilton Road that are being vacated.

SECTION VIII. 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 IX. 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

Anthony Ferrera, Mayor

Introduced: 05/13/08

Published: 05/22/08

Public Hearing: 6/10/08

Adopted: 6/10/08

Published: 6/19/08



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March 26, 1998
Revised October 11, 2000
Project Number 940303

DESCRIPTION OF VACATION PARCEL V-9, BEING A PORTION OF THE FORMER RIGHT-OF-WAY OF HAMILTON ROAD TO BE VACATED BY THE TOWNSHIP OF HILLSBOROUGH AND ANNEXED TO LOT 2A, BLOCK 198, OWNED BY CAROL G. TIMKO, ET AL

Parcel V-9, as indicated on a certain map or revisions thereof which may occur from time to time, entitled "Realignment of Amwell Road (including Millstone River Road and Hamilton Road), Vacation Map, Township of Hillsborough, Borough of Millstone, Somerset County, New Jersey", dated November, 1997, revised to October 11, 2000, scales as noted, as prepared by Keller & Kirkpatrick, Inc., Parsippany, New Jersey, said map being on file in the Somerset County Engineer's office.

Parcel V-9, including specifically all the land and premises located at about Station 24 + 25 (relocated Hamilton Road baseline stationing), bounded on the north by the southerly line of lands to be vacated to Thomas Pietryk, et ux and Ye Jong Hong, married; on the east by the westerly line of Road "A"; on the south by the southerly line of Old Hamilton Road; on the west by the line of a cul-de-sac at the end of existing Hamilton Road; as laid down on the aforesaid map; containing 0.099 acres of land, more or less.

This description being prepared by the office of Keller & Kirkpatrick, Inc., Parsippany, New Jersey, in accordance with said parcel map.

Werner A. Mall, P.L.S.
Professional Land Surveyor License No. 37201

WAM:slh
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06/11/03





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March 26, 1998
Revised October 11, 2000
Project Number 940303

DESCRIPTION OF VACATION PARCEL V-10, BEING A PORTION OF THE FORMER RIGHT-OF-WAY OF HAMILTON ROAD TO BE VACATED BY THE TOWNSHIP OF HILLSBOROUGH AND ANNEXED TO LOT 17, BLOCK 183D, OWNED BY YE JONG HONG, MARRIED

Parcel V-10, as indicated on a certain map or revisions thereof which may occur from time to time, entitled "Realignment of Amwell Road (including Millstone River Road and Hamilton Road), Vacation Map, Township of Hillsborough, Borough of Millstone, Somerset County, New Jersey", dated November, 1997, revised to October 11, 2000, scales as noted, as prepared by Keller & Kirkpatrick, Inc., Parsippany, New Jersey, said map being on file in the Somerset County Engineer's office.

Parcel V-10, including specifically all the land and premises located at about Station 24+50 (relocated Hamilton Road baseline stationing), bounded on the north by the northerly line of Old Hamilton Road; on the east by the westerly line of Road "A"; on the south by the northerly line of lands to be vacated to Caroline G. Timko, et al; on the west by the line of lands now or formerly of Thomas Pietryk, et ux, extended in a southerly direction; as laid down of the aforesaid map; containing 0.068 acres of land, more or less.

This description being prepared by the office of Keller & Kirkpatrick, Inc., Parsippany, New Jersey, in accordance with said parcel map.

Werner A. Mall, P.L.S.
Professional Land Surveyor License No. 37201

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March 26, 1998
Revised October 11, 2000
Project Number 940303

DESCRIPTION OF VACATION PARCEL V-11, BEING A PORTION OF THE FORMER RIGHT-OF-WAY OF HAMILTON ROAD TO BE VACATED BY THE TOWNSHIP OF HILLSBOROUGH AND ANNEXED TO LOT 18, BLOCK 183D, OWNED BY THOMAS PIETRYK, ET UX

Parcel V-11, as indicated on a certain map or revisions thereof which may occur from time to time, entitled "Realignment of Amwell Road (including Millstone River Road and Hamilton Road), Vacation Map, Township of Hillsborough, Borough of Millstone, Somerset County, New Jersey", dated November, 1997, revised to October 11, 2000, scales as noted, as prepared by Keller & Kirkpatrick, Inc., Parsippany, New Jersey, said map being on file in the Somerset County Engineer's office.

Parcel V-11, including specifically all the land and premises located at about Station 23+50 (relocated Hamilton Road baseline stationing), bounded on the north by the northerly line of Old Hamilton Road; on the east by the line of lands now or formerly of Ye Jong Hong, married, extended in a southerly direction; on the south by the northerly line of lands to be vacated to Caroline G. Timko, et al; on the west by the easterly line of a cul-de-sac at the end of existing Hamilton Road; as laid down on the aforesaid map; containing 0.022 acres of land, more or less.

This description being prepared by the office of Keller & Kirkpatrick, Inc., Parsippany, New Jersey, in accordance with said parcel map.

Werner A. Mall, P.L.S.
Professional Land Surveyor License No. 37201

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