

1EXPLANATION: This Ordinance vacates all of the Township of Hillsborough's right, title and interest in and to that portion of the former Falcon Road traversing Block 141, Lot 9 as shown on the Tax Map of the Township of Hillsborough.

ORDINANCE NO. 2006-16

AN ORDINANCE VACATING THAT PORTION OF THE FORMER FALCON ROAD TRAVERSING BLOCK 141, LOT 9 AS SHOWN ON THE TAX MAP OF THE TOWNSHIP OF HILLSBOROUGH.

WHEREAS, there exists in the Township of Hillsborough, Somerset County, New Jersey, a road formerly part of the former Falcon Road, as shown on the Official Tax Map of the Township of Hillsborough; and

WHEREAS, a request to vacate that portion of the former Falcon Road traversing Block 141, Lot 9 as shown on the Tax Map of the Township of Hillsborough was made; and

WHEREAS, that portion of the former Falcon Road traversing Lot 9 in Block 141 as shown on the Tax Map of the Township of Hillsborough, and as more fully described on "Minor Subdivision Plan, Lots 9 & 16, Block 141, 273 N.J.S.H. Route U.S. 206, Township of Hillsborough, Somerset County, New Jersey", prepared by Control Point Associates, Inc., dated July 22, 2004, last revised September 9, 2004; and

WHEREAS, the aforesaid portion of the former Falcon Road to be vacated is subject to certain requirements and obligations of the property owner of Block 141, Lot 16, as established by the Township Committee and the Board of Adjustment of the Township of Hillsborough; and

WHEREAS, the Township Committee of the Township of Hillsborough does hereby determine that the portion of the former Old Falcon Road traversing Block 141, Lot 9 as described on Exhibit A and depicted on Exhibit B 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 the former Falcon Road.

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

SECTION I. 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 the former Falcon Road traversing Block 141, Lot 9, as described by metes and bounds on attached Exhibit A, prepared by Control Point Associates, Inc., dated September 22, 2004, and as depicted on the "Minor Subdivision Plan, Lots 9 & 16, Block 141, 273 N.J.S.H. Route U.S. 206, Township of Hillsborough, Somerset County, New Jersey", attached as Exhibit B, also prepared by Control Point Associates, Inc., dated July 22, 2004, last revised September 9, 2004, are hereby extinguished and vacated.

SECTION II. This portion of the former Falcon Road is no longer necessary for a public purpose because of the realignment of Falcon Road. The retention of the portion to be vacated 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 owner of Block 141, Lot 16.

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

SECTION V. 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", N.J.S.A. 48:5A-1 et seq.

SECTION VI. 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 VII. 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 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.

This ordinance shall take effect upon final adoption and publication according to law.

Introduced: 4/25/06
Intro. Notice: 5/4/06
Public Hearing: 5/23/06
Adopted: 5/23/06
Adoption Notice: 6/1/06

ATTEST:

**HILLSBOROUGH TOWNSHIP
COMMITTEE:**

Kevin P. Davis, Clerk/ Administrator

Carl Suraci, Mayor

I, Kevin P. Davis, Township Clerk of the Township of Hillsborough in the County of Somerset do hereby certify that the foregoing ordinance is a true and correct copy of an ordinance duly adopted by the Township Committee of the Township of Hillsborough at a regular meeting held on the 23rd day of May 2006.

In Witness Whereof, I have hereunto set my hand and affixed the seal of the Township this 24th day of May 2006.
