

1EXPLANATION: This Ordinance vacates all of the Township of Hillsborough's right, title and interest in and to that portion of Gerber Avenue and Kass Avenue adjacent to and to be merged with Block 71, Lot 1.01 on the Tax Map of the Township of Hillsborough.

ORDINANCE NO. 2006-33

AN ORDINANCE VACATING ALL OF THE TOWNSHIP OF HILLSBOROUGH'S RIGHT, TITLE AND INTEREST IN AND TO THAT PORTION OF GERBER AVENUE AND KASS AVENUE ADJACENT TO AND TO BE MERGED WITH BLOCK 71, LOT 1.01 ON THE TAX MAP OF THE TOWNSHIP OF HILLSBOROUGH.

WHEREAS, there exists in the Township of Hillsborough, Somerset County, New Jersey, two (2) roads known as Gerber Avenue and Kass Avenue, as shown on the Official Tax Map of the Township of Hillsborough; and

WHEREAS, a request to vacate that portion of Gerber Avenue and Kass Avenue adjacent to and to be merged with Block 71, Lot 1.01 on the Tax Map of the Township of Hillsborough was made; and

WHEREAS, that portion of Gerber Avenue and Kass Avenue described in metes and bounds description on attached Exhibit A is being vacated and merged with Block 71, Lot 1.01, as shown on the Tax Map of the Township of Hillsborough, and as more fully described on a plan titled "Township Road Vacation Exhibit", prepared by The Reynolds Group Inc., 626 North Thompson Street, Raritan, New Jersey 08869, dated November 16, 2005, attached as Exhibit B; and

WHEREAS, the aforesaid portion of Gerber Avenue and Kass 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 Gerber Avenue and Kass 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 Gerber Avenue and Kass 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 Gerber Avenue and Kass Avenue, as described by metes and bounds description attached as Exhibit A, prepared by The Reynolds Group Inc., 626 North Thompson Street, Raritan, New Jersey 08869, dated November 22, 2005, and as depicted on a plan titled "Township Road Vacation Exhibit", prepared by The Reynolds Group Inc., 626 North Thompson Street, Raritan, New Jersey 08869, dated November 16, 2005, attached as Exhibit B, are hereby extinguished and vacated.

SECTION 2. The land being vacated shall be merged with the land of the adjacent property owner of Block 71, Lot 1.01.

SECTION 3. 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, repair their existing facilities adjacent to, over and under the street or public place to be vacated.

SECTION 4. 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 5. 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 6. 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 7. This Ordinance shall become effective upon the adoption and recording of this Ordinance with the Somerset County Clerk's Office.

*Introduced: 8/8/06
Intro. Notice: 8/17/06
Public Hearing: 9/26/06
Adopted: 9/26/06
Adoption Notice: 10/5/06*

ATTEST:

HILLSBOROUGH TOWNSHIP COMMITTEE

Kevin P. Davis, Clerk

Carl Suraci, Mayor