

**ORDINANCE 2005-22**

**AN ORDINANCE VACATING PORTIONS OF ORCHARD DRIVE ADJACENT TO LOTS 17B, 17, 18, 19.01 AND 19.02 IN BLOCK 147 ON THE HILLSBOROUGH TOWNSHIP TAX MAP IN THE TOWNSHIP OF HILLSBOROUGH, COUNTY OF SOMERSET, STATE OF NEW JERSEY.**

**WHEREAS**, on August 10, 1993, the Township Committee of the Township of Hillsborough adopted Ordinance number 1993-27 vacating portions of Orchard Drive 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 number 1993-27 by adopting this Ordinance; and

**WHEREAS**, the tax lot designations referred to in Ordinance number 1993-27 have been revised to reflect the current tax lot designation; and

**WHEREAS**, there was a realignment of Orchard Drive taking it further away from Lot 17B, 17, 18, 19.01 and 19.02 in Block 147 on the Hillsborough Township Tax Map; and

**WHEREAS**, said realignment was performed for safety purposes and was accomplished by providing a 300 foot radius turn where previously a hazardous ninety degree bend existed ; and

**WHEREAS**, the improvement was dedicated and constructed by the developer of Orchard Hill West; and

**WHEREAS**, all motor vehicle traffic on Orchard Drive now follows this realignment; and

**WHEREAS**, the portions of Orchard Drive to be vacated are no longer needed for public use, serve no practical purpose to retain and provides unnecessary liability exposure to the Township.

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

**SECTION I:** The portion of Orchard Drive adjacent to Lot 17B, 17, 18, 19.01 and 19.02 in Block 147 consisting of .669 acres and being of various widths and a curved length of 571.77 feet located in the Township of Hillsborough is 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 eliminate any rights of the general public to the roadway delineated in Section I hereinabove 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 make an Ordinance to vacate any public street. The aforesaid portion of Orchard Drive described in Section I and Exhibits A, B, C, D and E

attached hereto are no longer utilized because of the realignment of Orchard Drive. 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 portion of Orchard Drive as described in Section I now being vacated, extinguished, terminated and forever eliminated by this Ordinance is described as set forth in Schedules A, B, C, D and E attached.

**SECTION IV** The lands being vacated described in Exhibits A, B, C, D and E shall accrue and revert to the lands of the adjacent property owners of Lots 17B, 17, 18, 19.01 and 19.02 in Block 147 as set forth in the map attached hereto as Schedule F.

**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 by any cable television company and defined in the "Cable Television Act" (P.L. 1972 C186).

**SECTION VI:** This Ordinance shall take effect upon its adoption, passage and publication according to law.

ATTEST:

HILLSBOROUGH TOWNSHIP

By: \_\_\_\_\_  
Kevin P. Davis, RMC Township Clerk

By: \_\_\_\_\_  
Robert C. Wagner, Jr., Mayor

I Ann Marie Fuccello, Deputy 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 14<sup>th</sup> day of June 2005.

In Witness Whereof, I have hereunto set my hand and affixed the seal of the Township this 22<sup>nd</sup> day of June 2005.

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