

**ORDINANCE 2005-28**

**AN ORDINANCE VACATING PORTIONS OF SECOND STREET ADJACENT TO BLOCK 44, LOT 1 AND BLOCK 145, LOT 1 ON THE HILLSBOROUGH TOWNSHIP TAX MAP IN THE TOWNSHIP OF HILLSBOROUGH, COUNTY OF SOMERSET, STATE OF NEW JERSEY.**

**WHEREAS**, on March 2, 2005, the Hillsborough Township Board of Adjustment approved a variance (BA-04-02) to permit Scott Lutzky to construct a single family dwelling on Block 44, Lots 2 and 3; and

**WHEREAS**, a condition of that variance is to obtain Township Committee approval to use a portion of Second Street for access; and

**WHEREAS**, Second Street is currently improved from Equator Avenue to Hall Avenue and Hall Avenue is improved from Fifth Street to Second Street leaving no direct access to the subject property from a public street; and

**WHEREAS**, it is the opinion of the Township Planner and the Assistant Township Engineer that Second Street would be the most direct route and least disruptive to surrounding properties affecting only Block 44, Lot 1 and Block 145, Lot 1.

**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:** Subject to the conditions set forth below, the portion of Second Street adjacent to Block 44, Lot 1 and Block 145, Lot 1, is hereby extinguished and vacated.

**SECTION II:** 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 notice shall be mailed by the Township Clerk at the cost and expense of the owner of Block 44, Lots 2 and 3 in accordance with the provisions of N.J.S.A. 40:49-6.

**SECTION III:** 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 and correct 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 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 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