

**ORDINANCE 2004 21**

**AN ORDINANCE VACATING THAT PORTION OF LINCOLN AVENUE ADJACENT TO BLOCK 118, LOT 2 AND BLOCK 113, LOT 1 ON THE TAX MAP OF THE TOWNSHIP OF HILLSBOROUGH.**

**WHEREAS**, there exists in the Township of Hillsborough, Somerset County, New Jersey, a road known as Lincoln Avenue, as shown on the Official Tax Map of the Township of Hillsborough; and

**WHEREAS**, a request to vacate that portion of Lincoln Avenue adjacent to Block 118, Lot 2 and Block 113, Lot 1 on the Tax Map of the Township of Hillsborough was made; and

**WHEREAS**, that portion of Lincoln Avenue described in metes and bounds on Exhibit A is being vacated in order to consolidate Lot 2 in Block 118 and Lot 1 in Block 113 as shown on the Tax Map of the Township of Hillsborough, and as more fully described on an Easement and Vacation Plan prepared by Parker Engineering & Surveying, P.C., 370 East Main Street, Somerville, New Jersey 08876, dated March 22, 2004 (and such plans may be further revised through the date this Ordinance is adopted); and

**WHEREAS**, the aforesaid portion of Lincoln Avenue is to be vacated subject to certain requirements and obligations of the property owner of Block 118, Lot 2 and Block 113, Lot 1 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 Lincoln Avenue described herein on Exhibits A and 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 Lincoln Avenue.

**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 Lincoln Avenue, as described by metes and bounds on attached Exhibit A, prepared by Parker Engineering & Surveying, P.C., last revised February 24, 2004, and as depicted on the Easement and Vacation Map attached as Exhibit B, also prepared by Parker Engineering & Surveying, P.C., dated March 22, 2004, are hereby extinguished and vacated.

**SECTION II.** This Ordinance shall become effective upon the last to occur of the following events:

1. Upon the adoption and recording of this Ordinance with the Somerset County Clerk's Office.
2. The recording of a Deed of Consolidation consolidating Lot 2, Block 118 and Lot 1, Block 113.

3. The recording of a Driveway Easement and Maintenance Agreement.
4. The recording of a Conservation Easement.
5. The payment of all fees and costs by the owner of Lot 2, Block 118 and Lot 1, Block 113 incurred by the Township of Hillsborough related to this matter.

**SECTION III.** At lease 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 Acting Clerk at the cost and expense of the owner of Block 118, Lot 2 and Block 113, Lot 1 in accordance with the provisions of N.J.S.A. 40:49-6.

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

ATTEST:

HILLSBOROUGH TOWNSHIP

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

By: \_\_\_\_\_  
Steven N. Sireci, Mayor