

HOPATCONG BOROUGH

ORDINANCE #05-2016

**ORDINANCE PARTIALLY VACATING A PORTION OF
SQUAW TRAIL RIGHT-OF-WAY
IN THE BOROUGH OF HOPATCONG,
COUNTY OF SUSSEX AND STATE OF NEW JERSEY**

WHEREAS, there exists in the Borough of Hopatcong Squaw Trail; and

WHEREAS, the adjoining property owners have made application for the Borough to release and extinguish the public's rights or whatever ownership rights it has in and to said section of the existing right-of-way; and

WHEREAS, the Hopatcong Borough Council does hereby determine that the aforementioned portion of right-of-way as depicted on Schedule A attached is no longer needed for public purposes; and

WHEREAS, N.J.S.A. 40:67-19 authorizes the municipality to release and extinguish the public's rights arising from a dedication of a street or right-of-way.

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Hopatcong, Sussex County, New Jersey, as follows:

SECTION A

1. The rights of the public and the Borough of Hopatcong, whatever they may be, in and to the portion of Squaw Trail as depicted in Schedule "A" and generally described as an area of Squaw Trail 8 feet wide by 141.5 feet long is hereby extinguished and vacated subject to the Borough of Hopatcong retaining an easement to discharge stormwater and runoff onto and through the vacated area. The area to be vacated is more specifically described in the metes and bounds description attached hereto as Schedule "B". Further, the remaining portion of Squaw Trail is retained as a municipal right-of-way.

2. At least one week prior to the time fixed for the consideration of this Ordinance for final passage, a copy thereof, together with a notice of the introduction thereof 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 Borough Clerk in accordance with the provisions of N.J.S.A. 40:49-6.

3. The Borough Clerk shall, within sixty (60) days of the effective date of this Ordinance, file a copy of this Ordinance certified by her under the seal of the municipality, to be

a true copy thereof, together with proof of publication thereof, in the office of the Clerk of the County of Sussex in accordance with the provisions of N.J.S.A. 40:67-21.

SECTION B

The Mayor and Clerk are authorized to execute Deeds effectuating this vacation.

SECTION C

All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistencies.

SECTION D

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 E

This Ordinance shall take effect immediately upon final publication as provided by law.

NOTICE

NOTICE is hereby given that the foregoing Ordinance was introduced to pass on first reading at a regular meeting of the Council of the Borough of Hopatcong held on February 17, 2016, at 7:30p.m., and ordered published in accordance with the law. Said Ordinance will be considered for final reading and adoption at a regular meeting of the Borough Council to be held on March 2, 2016, at 7:30 p.m., or as soon thereafter as the Borough Council may hear this Ordinance at the Municipal Building, 111 River Styx Road, Hopatcong, New Jersey 07843, at which time all persons interested may appear for or against the passage of said Ordinance.

Catherine Schultz, RMC

CERTIFICATION

I, Catherine Schultz, Clerk of the Borough of Hopatcong, do hereby certify that the Borough of Hopatcong Council duly adopted the foregoing Ordinance on the 2nd day of March, 2016.

Catherine Schultz, RMC

Introduced: February 17, 2016

Adopted: March 2, 2016

SCHEDULE A

Description of Vacated Right-of-Way