

**HOPATCONG BOROUGH
ORDINANCE #32-2014**

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

WHEREAS, there exists in the Borough of Hopatcong David Road and Beverly Road with a forty foot right-of-way, which is adjacent to property on the Hopatcong Borough Tax Map known as Lot 1 Block 10407 and is more particularly described in accordance with Schedule A, attached hereto; and

WHEREAS, the Borough wishes 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 with the exception of retaining a right to discharge storm water run off; and

WHEREAS, the Hopatcong Borough Council does hereby determine that the aforementioned portion of right-of-way as described in accordance with Schedule A attached, is no longer needed for public purposes, except to the extent of retaining the right to discharge storm water; and

WHEREAS, the Borough shall retain the remaining David Road and Beverly Road right-of-way for use as a municipal roadway and the right to discharge storm water run off onto the vacated portion; 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 David Road and Beverly Road as depicted in Schedule "A" as "area to be added to Lot, 623.4 square feet" and further described in the attached Schedule "B," is hereby extinguished and vacated with the exception of the Borough's right to discharge storm water run off onto the vacated portion;

2. The remaining David Road and Beverly Road as depicted in Schedule "A" is retained as a municipal right-of-way.

3. 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.

4. 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 September 17, 2014, at 7:30 PM 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 October 1, 2014, at 7:30 PM, or as soon thereafter as the Borough Council may hear this Ordinance at the Municipal Building, 111 River Styx Road, Hopatcong, New Jersey, at which time all persons interested may appear for or against the passage of said Ordinance.

Catherine Gleason, Municipal Clerk

ATTEST:

BOROUGH OF HOPATCONG

CATHERINE GLEASON, CLERK

SYLVIA PETILLO, MAYOR

DATED:

SCHEDULE A

Description of Vacated Right-of-Way

SCHEDULE B

**Description of Land to Be Annexed to
Lot 1 Block 10407**