HOPATCONG BOROUGH

ORDINANCE 01-2018

ORDINANCE PARTIALLY VACATING A PORTION OF PURDUE 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 Purdue Trail; 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 an easement granting access to nearby property owners with a deeded right of access to Lake Hopatcong and 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 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 Purdue Trail as depicted in Schedule “A” and described as the portion of Purdue Trail between the intersection of Upsala Trail and Swarthmore Trail and more specifically the road frontage of Block 40320, Lots 1, 2, and 3 are hereby extinguished and vacated with the exception the reservations herein;

2. The remaining portion of Purdue Trail is retained as a municipal right-of-way.

3. The Borough of Hopatcong reserves an easement to discharge stormwater and runoff onto and through the vacated area.

4. 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.
5. 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.

ATTEST: BOROUGH OF HOPATCONG

CATHERINE SCHULTZ, CLERK MICHAEL FRANCIS, MAYOR

DATED:
SCHEDULE A

Description of Vacated Right-of-Way