

HAMPTON BOROUGH
HUNTERDON COUNTY, NJ

PLEASE TAKE NOTICE that the following Ordinance No. 04-2021 was introduced at a meeting of the Borough Council of the Borough of Hampton, in the County of Hunterdon, New Jersey held on the 22nd day of February, 2021 and passed on first reading. This Ordinance No. 04-2021 was finally adopted after public hearing held at a meeting of the Borough Council at the Borough Hall, One Wells Avenue in said Borough on the 12th day of April, 2021.

ORDINANCE #04-2021
ORDINANCE RELEASING, EXTINGUISHING AND VACATING THE
RIGHTS OF THE PUBLIC IN A PORTION OF PAPER STREETS AND
ALLEY WAYS

WHEREAS, there exists in the Borough of Hampton unimproved paper streets known as Alleys between New Street and Foss Avenue, as shown on the Official Tax Map of Hampton (the “Unimproved Streets”) that serves no public purpose, requires unwarranted Borough maintenance costs, and needs to be vacated; and

WHEREAS, the entirety of Unimproved Streets is neither open to the public for the purposes of vehicular traffic nor publicly maintained as a street; therefore, this vacation ordinance is not subject to review by the Commissioner of the New Jersey Department of Transportation with regard to the traffic regulations thereon pursuant to N.J.S.A. 39:4-8; and

WHEREAS, N.J.S.A. 40:67-1b and N.J.S.A. 40:67-19 empowers the governing body of a municipality to make, amend, repeal and enforce ordinances to vacate any public street, including the vacation of any portion of any public street, and to vacate any street, or any part thereof, dedicated to public use but not accepted by the municipality, whether or not the same, or any part, has been actually opened or improved; and

WHEREAS, the Mayor and Council of the Borough of Hampton, have considered evidence that the Unimproved Streets and Alley Ways to be vacated are not needed by the general public as a public thoroughfare and lends itself to higher and better use than as and for a public thoroughfare and for use by the general public, and the public interest will best be served by abandoning, vacating, releasing and extinguishing any and all public rights which the Borough may have in and to the below described Unimproved Streets and Alley Ways; and

WHEREAS, the portion of the Unimproved Street to be vacated known as the alley between beginning at Charlestown Road at Block 1, Lots 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 12.01, 12.02 and 12.03, and where it ceases in the direction of South Street at Block 1, Lots 9 and 9.02, as depicted on the Tax Map of the Borough of Hampton attached hereto as Exhibit A (hereafter the area to be vacated shall be referred to as the “Charlestown Road Vacation Area”); and

WHEREAS, the public right-of-way to be vacated shall revert to the corresponding property owners of the property, each getting a portion, identified as Block 1, Lots 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 12.01, 12.02 and 12.03; and

WHEREAS, the portion of the Unimproved Street to be vacated known as the alley, between New Street and Foss Avenue, beginning at Moore Street at Block 9, Lots 7 and 9, and where it ceases in the direction of New Street at Block 9, Lots 1 and 3, as depicted on the Tax Map of the Borough of Hampton attached hereto as Exhibit A (hereafter the area to be vacated shall be referred to as the “Moore Street Vacation Area”); and

WHEREAS, the public right-of-way to be vacated shall revert to the corresponding property owners of the property, each getting a portion, identified as Block 9, Lots 1, 2, 3, 4, 5, 7, 9, and 12, and

WHEREAS, the portion of the Unimproved Street to be vacated known as the alley, between New Street and Foss Avenue, beginning at Madeline Street at Block 10, Lot 3, and where it ceases in the direction of Moore Street at Block 10, Lots 5 and 15, as depicted on the Tax Map of the Borough of Hampton attached hereto as Exhibit A (hereafter the area to be vacated shall be referred to as the “Madeline Street Vacation Area”); and

WHEREAS, the public right-of-way to be vacated shall revert to the corresponding property owners of the property, each getting a portion, identified as Block 10, Lots 1, 3, 5, 12 and 15; and

WHEREAS, the Mayor and Council of the Borough of Hampton have determined that the vacation of the public right-of-way being a portion of the Unimproved Streets identified as Charlestown Road Vacation Area, Moore Street Vacation Area, and Madeline Street Vacation Area will better serve the public interest.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Mayor and Council of the Borough of Hampton, County of Hunterdon and State of New Jersey as follows:

SECTION 1. Subject to the conditions set forth herein, the rights of the public in and to a portion of the Unimproved Streets, identified as Charlestown Road Vacation Area, Moore Street Vacation Area, and Madeline Street Vacation Area, is hereby released, extinguished and vacated.

SECTION 2. The Charlestown Road Vacation Area, being a portion of the Unimproved Streets, which is hereby vacated, shall revert to the owners of, and shall merge, consolidate with, and become a part of the property identified as New Street, Block 1, Lots 2, 3, 4, 5, 6, 7 and 8; and Foss Street, Block 1, Lots 10, 11, 12, 12.01, 12.02 and 12.03, on the Official Tax Map of the Borough of Hampton.

SECTION 3. The Moore Street Vacation Area, being a portion of the Unimproved Streets, which is hereby vacated, shall revert to the owner of, and shall merge, consolidate with, and become a part of the property identified as New Street, Block 9, Lots 1, and 3; Moore Street, Block 9, Lots 2, 7, and 9; East Main Street, Block 9, Lots 4 and 5; and Foss Street, Block 9, Lot 12, on the Official Tax Map of the Borough of Hampton.

SECTION 4. The Madeline Street Vacation Area, being a portion of the Unimproved Streets, which is hereby vacated, shall revert to the owner of, and shall merge, consolidate with, and become a part of the property identified as New Street, Block 10, Lots 1 and 5; Madeline Street, Block 10, Lot 3; Foss Street, Block 12, Lot 12; and Moore Street, Block 10, Lot 15, on the Official Tax Map of the Borough of Hampton.

SECTION 5. Pursuant to N.J.S.A. 40:67-1b. all public easements, right and interests to the portions of the Unimproved Street described herein below, are hereby vacated, released and extinguished except for said easements and rights specifically set forth in the description herein below and except for all rights and privileges now possessed by public utilities, as defined in N.J.S.A. 48:2-13, and by any Cable Television Company, as defined in the “Cable Television Act,” N.J.S.A. 48:5A-1, et seq., to maintain, repair and replace their existing facilities in, adjacent to, over or under the street, or any part thereof, to be vacated subject to the conditions described herein, all conditions, unless otherwise noted, shall be satisfied prior to the said vacation being effective.

SECTION 6. Pursuant to N.J.S.A. 40:67-21, the Borough Clerk shall within sixty (60) days after this Ordinance becomes effective file a copy of this Ordinance, certified by her, under the seal of the Borough of Hampton, to be a true copy of such Ordinance, together with a copy of proof of

publication, if publication be required, in the office where conveyances of lands are recorded in Hunterdon County and such certified copy shall be recorded in a book with proper index to be provided for the purpose and entitled "Vacations."

SECTION 7. After introduction, this Ordinance shall be referred to the Hampton Borough Planning Board for review and comment pursuant to N.J.S.A. 40:55D-26, -32, and -33, since vacation of a public street or portion thereof constitutes a change to the official map of Hampton Borough, Hunterdon County and the closing of a public street, albeit a paper unimproved street.

SECTION 8. 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 given by the Borough Clerk to the owners of all real property, as shown on the current tax map duplicates, to be located within 200 feet in all directions of the T Charlestown Road Vacation Area, Moore Street Vacation Area, and Madeline Street Vacation Area between New Street and Foss Avenue. At least ten (10) days prior to the time fixed for the consideration of this Ordinance for final passage, a copy of this Ordinance, together with the notice of its introduction and the time and place when and where the Ordinance will be further considered for final passage, shall be published at least once in a newspaper published and circulated in the Township. This is the notice required by N.J.S.A. 40:67-19 and N.J.S.A. 40:49-6.

SECTION 9. All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

SECTION 10. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 11. This ordinance shall become effectively immediately upon final adoption and publication in accordance with the laws of the State of New Jersey.

Linda Leidner, RMC
Municipal Clerk