

**LONG HILL TOWNSHIP
ORDINANCE 398-17**

AN ORDINANCE VACATING A PORTION OF MERCER STREET

WHEREAS, *N.J.S.A.* 40:67-1 authorizes the governing body to make ordinances to vacate any public street, highway, lane or alley, or any part thereof; and

WHEREAS, the Township Committee finds that the public interest will best be served by abandoning, vacating, releasing and extinguishing any and all public rights which the Township may have in that portion of Mercer Street described below in Section 1 below; and

WHEREAS, that portion of Mercer Street being vacated by this ordinance is a “paper street” which has never been accepted or opened by the Township; and

WHEREAS, the Township Committee referred this proposed street vacation to the Planning Board for its review; and

WHEREAS, the Planning Board has no objection to the vacation;

NOW THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Long Hill in the County of Morris, State of New Jersey as follows:

Section 1. The public right is hereby released and extinguished in that portion of Mercer Street beginning at the easterly sideline Warren Avenue and then proceeding in an easterly direction to its terminus at the western boundary of Lot 17, in Block 11401.

Section 2. In accordance with the requirements of *N.J.S.A.* 40:67-1, this ordinance expressly reserves and excepts from vacation 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.*) as well as the Township of Long Hill to

maintain, repair and replace their existing facilities in, adjacent to, over or under the portion of Mercer Street to be vacated.

Section 3. In accordance with the requirements of *N.J.S.A. 40:49-6* this ordinance after being introduced and having passed on first reading shall be published at least once not less than ten (10) days instead of one (1) week prior to the time fixed for further consideration for final passage. At least one week prior to such time fixed for further consideration for final passage, a copy of this ordinance, 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 lands may be affected by the ordinance so far as the same may be ascertained directed to his or her last known post office address. Failure to mail the notice herein provided for shall not invalidate this ordinance.

Section 5. Within sixty (60) days after this Ordinance becomes effective, the Township Clerk shall file a copy of this Ordinance, certified by her under the seal of the Township to be a true copy of this Ordinance, together with a copy of the proof of publication thereof in the Morris County Clerk's office, to be recorded in a book entitled "Vacations."

Section 6. This ordinance shall become effective immediately upon final passage and publication as required by law.

NOTICE

The foregoing ordinance having been introduced and passed on first reading by the Township Committee of the Township of Long Hill, in the County of Morris on Wednesday, March 22, 2017 will be considered for final passage and adoption at a public hearing held at a meeting beginning at 7:30 p.m. on Wednesday, April 26, 2017 at the Municipal Building, 915 Valley Road, Gillette, New Jersey when and where or at such time and place to which said meeting may be adjourned, all persons interested will be given an opportunity to be heard concerning said ordinance.

Deborah Brooks, CMR, RCM
Township Clerk

Introduction:

1st Publication: March 22, 2017 (at least 10 days prior to 2d reading)

Notices Sent: April 4, 2017 (at least 1 week prior to 2d reading)

Public Hearing and Adoption: April 26, 2017

2nd Publication: May 4, 2017

Filing with County Clerk: