

BOROUGH OF HILLSDALE
ORDINANCE NO. 20-09
(Adoption)

AN ORDINANCE TO RELEASE, VACATE AND EXTINGUISH ANY AND ALL PUBLIC RIGHTS IN AND TO A PORTION OF CHESTNUT STREET IN THE BOROUGH OF HILLSDALE SUBJECT TO RESERVING CERTAIN EASEMENTS

WHEREAS, N.J.S.A. 40:67-1, et seq. (the “Act”) authorizes the Governing Body of the Borough of Hillsdale (the “Borough”), by ordinance, to vacate, release and extinguish the public’s rights in any portion of a public street, highway, lane or alley, and any portion of a property dedicated as a public street, where the public interest will be better served by releasing those lands or any part thereof from such dedication; and

WHEREAS, a portion of Chestnut Street is an unimproved, “paper” street in the Borough (the “Street”), which could be vacated in order to create a desirable building lot for donation pursuant to the mandate of the Borough’s Affordable Housing Settlement; and

WHEREAS, the Borough desires to undertake the roadway vacation of a portion of Chestnut Street, as more fully described in the metes and bounds description attached hereto as Exhibit A, and combine it with the current Borough-owned Lot 7 in Block 717, which has been designated for donation to Habitat for Humanity; and

WHEREAS, vacating a portion of the Street would allow Habitat for Humanity to utilize a larger building lot and addressing concerns expressed by area residents as to lot area and would preclude Chestnut Street from being made a through street; and

WHEREAS, the Borough would retain a sanitary and storm sewer easement over the vacated street, and utility easements for gas, water and overhead wires, which easements must remain in place to serve the residents of Hillsdale, as specified on Exhibit B; and

WHEREAS, the sections of the “Street” to be donated is as set forth more specifically in a metes and bounds description attached as Exhibit “A” entitled, “Proposed Street Vacation Chestnut Street, Borough of Hillsdale, County of Bergen, State of New Jersey,” prepared by Christopher P. Statile, P.A. Borough Engineer, and as shown on a plan entitled “Right-of-Way to be Vacated” prepared by Christopher P. Statile, P.A. and dated April 7, 2020, a copy of which is attached as Exhibit “B” (“the Property”); and

WHEREAS, the Borough of Hillsdale is of the opinion that the described portions of the “Street” is no longer necessary for public use and public interest will best be served by abandoning, vacating, releasing and extinguishing any and all public rights which the Borough of Hillsdale may have in and to the “Street”; and

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Borough of Hillsdale, County of Bergen, State of New Jersey, as follows:

1. The public rights and interests of a portion of Chestnut Street, particularly described on Exhibit A and attached hereto are hereby vacated, abandoned and released, subject to retaining access and maintenance easements substantially in the form attached hereto, subject to the Borough and public utility providers retaining the following as more specifically set forth on Exhibit B:
 - a. Municipal Sanitary Sewer
 - b. Suez Water Main
 - c. Municipal Storm Drainage
 - d. Public Service Electric and Gas Utilities
 - e. CCVT Providers
2. Public notice shall be provided pursuant to N.J.S.A. 40:49-6.
3. A copy of this ordinance shall be recorded by the Borough Clerk in the Office of the Bergen County Clerk, pursuant to N.J.S.A. 40:67-21.
4. This ordinance shall become effective twenty (20) days after final passage.

All Ordinances of parts of Ordinances inconsistent herewith are hereby repealed as to such inconsistencies only.

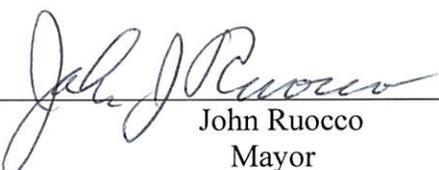
In the event that any word, phrase, clause, section or provision of this Ordinance is found by any Court of competent jurisdiction to be unenforceable, illegal or unconstitutional, such word, phrase, clause or provision shall be severable from the balance of this Ordinance and the remainder of this Ordinance shall remain in full force and effect.

This Ordinance shall take effect upon passage and publication as provided by Law.

Council member	Motion	Second	Yes	No	Absent	Abstain	Recuse
DeRosa, Anthony			X				
Escobar, John			X				
Horvath, Zoltan	X		X				
Lundy, Abby			X				
Pizzella, Frank		X	X				
Trochimiuk, Janetta			X				
Ruocco, John							

Adopted: August 11, 2020

Attest: 
 Denise Kohan
 Municipal Clerk


 John Ruocco
 Mayor