

TOWNSHIP OF HAMILTON

ORDINANCE NO.: # 1814-2016

AN ORDINANCE TO VACATE THE FOLLOWING PUBLIC STREET SITUATE IN THE TOWNSHIP OF HAMILTON, COUNTY OF ATLANTIC AND STATE OF NEW JERSEY AND TO RELEASE AND RELINQUISH THE PUBLIC RIGHTS THEREIN, A PORTION OF THIRTY-SECOND (32<sup>ND</sup>) AVENUE, AND REPEALING ALL ORDINANCES HERETOFORE ADOPTED, THE PROVISIONS OF WHICH ARE INCONSISTENT HEREIN

WHEREAS, a request has been made to vacate a certain portion of Thirty-Second (32<sup>nd</sup>) Avenue, a paper street, hereinafter described, which is presently a dedicated but unimproved and unaccepted municipal street; and

WHEREAS, the subject request has been made by Michele Upton, an individual owning adjacent land to Thirty-Second (32<sup>nd</sup>) Avenue; and

WHEREAS, the Township Committee for the Township of Hamilton has determined that the public interest will be better served by releasing the affected lands from any and all public rights therein and thereto pursuant to N.J.S.A. 40:67-19.

**NOW, THEREFORE, BE IT ORDAINED** by the Township Committee of the Township of Hamilton, County of Atlantic, State of New Jersey that:

**SECTION 1.**

The following herein-described streets and/or alley and portions thereof are hereby vacated, subject to any existing easements:

All that certain tract or parcel of land, situate in the Township of Hamilton, County of Atlantic, State of New Jersey and being further described and bounded as follows:

That portion of Thirty-Second (32<sup>nd</sup>) Avenue beginning on the Westerly edge of Sheppard Avenue to the Easterly edge of Casale Boulevard, being those lands which abut Block 426, Lots 1 & 2 and Block 431, Lot 1, as shown on Sheet 14 of the Tax Map for the Township of Hamilton.

**SECTION 2.**

That the public rights arising from any dedication, actual or implied, of the streets and/or alley mentioned above, and indicated on copies of maps filed in the offices of the Township Clerk, as aforesaid, be and the same are hereby released and extinguished.

**SECTION 3.**

That any costs including publication fees or engineering expenses incurred incident to the vacating of the aforementioned and above named street, shall be paid by the person or persons in whose favor the streets are being vacated.

**SECTION 4.**

The Township Clerk shall immediately after final passage and publication of this Ordinance make and file in the Office of the Clerk of Atlantic County a copy of this Ordinance together with a copy of the Proof of Publication hereof duly certified by her, under the corporate seal of the Township of Hamilton for record, as required by law.

**SECTION 5. Severability and Effectiveness Clause.**

1. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional, invalid, or unenforceable by a court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.
2. Any Ordinance inconsistent with the terms of this Ordinance is hereby repealed to the extent of such inconsistency.

**SECTION 6. Effective Date.**

This Ordinance shall take effect upon its final passage and publication, as provided by law.

TOWNSHIP COMMITTEE OF THE  
TOWNSHIP OF HAMILTON,  
COUNTY OF ATLANTIC and  
STATE OF NEW JERSEY

ATTEST:

\_\_\_\_\_  
Rita Martino, RMC, CMR  
Deputy Township Clerk

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Roger J. Silva, Mayor

ROLL CALL: GATTO  
GUISHARD  
KURTZ  
SCHENKER  
SILVA

ORDINANCE #1814- 2016 INTRODUCED AND PASSED FIRST READING February 1, 2016

ORDINANCE # \_\_\_\_\_ - 2016 ADOPTED \_\_\_\_\_, 2016