

**TOWNSHIP OF HAMILTON
ORDINANCE NO.: #1839-2017**

**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 ORCHARD STREET,
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 Orchard Street - formerly known as Cherry Street - hereinafter described, which is presently a dedicated but unimproved municipal street; and

WHEREAS, the subject request has been made by Matthew Lyons, an individual owning adjacent land to Orchard Street; 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 Orchard Street beginning on the Northerly line of Orchard Street where same is intersected by the Westerly line of Fourth Avenue being those portions of Orchard Street between Block 26, Lots 2 and 3 and Block 18, Lots 9 and 10, as shown on Sheet 1 of the Official Tax Map for the Township of Hamilton. This vacation excludes the portion of Orchard Street between Block 26, Lot 1 and Block 18, Lot 11.

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

, Mayor

COMMITTEE MEMBER	MOTION	YES	NO	ABSTAIN	ABSENT
GUISHARD					
KURTZ					
LINK					
SCHENKER					
SILVA					

FIRST READING AND INTRODUCTION: January 3, 2017

FINAL READING AND ADOPTION: