

**TOWNSHIP OF HAMILTON**

**ORDINANCE NO.: #1855-2017**

**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 ODESSA 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 Odessa Avenue (50 feet wide right of way, unimproved); and

**WHEREAS**, the subject request has been made by Daniel L. Jassby, an individual owning adjacent land to Odessa 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:

**DESCRIPTION** of all those certain tracts or parcels of land, being a portion of Odessa Avenue (50 feet wide right of way, unimproved) situated in the Township of Hamilton, County of Atlantic, State of New Jersey, and being more particularly described as follows:

**BEGINNING** at a point being the intersection of the Northwesterly line of Odessa Avenue (50 feet wide, unimproved) and the Northeasterly line of Drosera Street (33 feet wide) as shown on the Tax Map of the Township of Hamilton and extending thence;

- 1) N 41°53'15" E, along the Northwesterly line of Odessa Avenue, a distance of 496.84 feet to a point in the Southwesterly line of Tilton Road (60 feet wide); thence
- 2) S 1626'46" E, along the Southwesterly line of Tilton Road, a distance of 58.75 feet to a point in the Southeasterly line of Odessa Avenue; thence
- 3) S 41°53'15" W, along the Southeasterly line of Odessa Avenue, a distance of 466.00 feet to a point in the Northeasterly line of Drosera Street; thence
- 4) N 4806'45" W, along the Northeasterly line of Drosera Street, a distance of 50.00 feet to the point and place of BEGINNING.

Containing 0.5526 acres (24,073 square feet).

**SUBJECT TO** any existing utilities, along with any restrictions, covenants or easements, unrecorded, recorded or implied and any rights of the public.

**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  
Township Clerk

\_\_\_\_\_  
John Kurtz, Mayor

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

FIRST READING AND INTRODUCTION:  
FINAL READING AND ADOPTION: