

ORDINANCE NO. 1177-2022

AN ORDINANCE OF THE TOWNSHIP OF CLINTON, IN HUNTERDON COUNTY VACATING AND EXTINGUISHING THE PUBLIC RIGHTS TO A PORTION OF WASHINGTON STREET BETWEEN WEST STREET AND CENTER STREET PURSUANT TO N.J.S.A. 40A:40-67

WHEREAS, pursuant to N.J.S.A. 40:67-1(b) and N.J.S.A. 40:67-19, the Township of Clinton may, by ordinance, vacate any public street or portion thereof, whether or not the same, or any part thereof has been improved, that is no longer needed for public use; and

WHEREAS, the Township of Clinton (“Township”) desires to vacate a portion of Washington Street extending between West Street and Center Street in order to facilitate the redevelopment of the former municipal building, also known as the “Fox-Seals” building, as shown on the attached Exhibit A, a sketch of the property, and Exhibit B, the metes and bounds description of the property; and

WHEREAS, the right-of-way is bounded on either side by private property, which properties are identified on Exhibit A as Block 50, Lot 29, and Block 53, Lot 3; and

WHEREAS, the Township has determined that it has no need for this portion of the right-of-way on Washington Street; and

WHEREAS, the adjoining property owners of Block 50, Lot 29, and Block 53, Lot 3 are aware that upon successful adoption of the vacation ordinance, one half of the vacated right-of-way adjacent to their respective property will be transferred to each of the adjoining property owners by operation of law and underlying property rights; and

WHEREAS, the vacation undertaken herein requires the reservation of an easement to allow the Township of Clinton, public utilities, and cable television companies to continue to access the area being vacated due to existing rights; and

WHEREAS, the Township has determined that it is in the best interests of the Township to vacate the aforementioned portion of Washington Street;

NOW THEREFORE, BE IT ORDAINED by the Mayor and Council of the Township of Clinton, in Hunterdon County, New Jersey as follows:

Section 1. Preamble Incorporated. The statements and findings set forth in the preamble above are hereby incorporated as if fully restated herein.

Section 2. Vacation of Street. Pursuant to *N.J.S.A. 40:67-1(b)* and other applicable laws, the Township hereby vacates its interest in the right-of-way referred to above and described more fully in the sketch attached hereto as Exhibit “A” and description attached hereto as Exhibit “B,” prepared by Hatch Mott MacDonald and dated August 1, 2022, and any interest

held in the property is hereby returned to the adjacent property owners in accordance with law and underlying property rights.

The vacation and disavowal of any interest in the portion of Washington Street, in accordance with *N.J.S.A. 40:67-1(b)*, is conditioned upon the reservation of the existing rights and privileges of public utilities, as defined in *N.J.S.A. 48:2-13*, and by any and cable television company as defined in *N.J.S.A. 48:5A-1 et seq.*, to maintain, repair and replace their existing facilities in, adjacent to, over, or under the portion of Washington Street being vacated by this Ordinance.

Section 3. Publication of Notice. In accordance with *N.J.S.A. 40:49-6*, the Township Clerk shall publish notice of this ordinance at least once not less than ten days prior to the time fixed for public hearing and consideration for final passage. Further, at least one week prior to the time fixed for public hearing and consideration for final passage, a copy of this ordinance together with a notice of the introduction and the time and place when and where the ordinance will be further considered for final passage, shall be mailed to every person whose land may be affected by this vacation ordinance, so far as may be ascertained.

Section 3. Authority to Implement Terms of the Ordinance. The Mayor, Administrator, Clerk, Township Attorney, and other appropriate staff and officials are hereby authorized and directed to prepare any and all such documents and undertake any and all such acts as may be needed to implement the terms hereof, in accordance with the stipulations set forth in Section 2 hereinabove.

Section 4. Repealer. All ordinances and resolutions or parts thereof inconsistent with this ordinance are repealed.

Section 5. Severability. If any paragraph, section, subsection, sentence, sentence clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court or administrative agency of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision of such holding and shall not affect the validity of the remaining paragraphs or sections hereof.

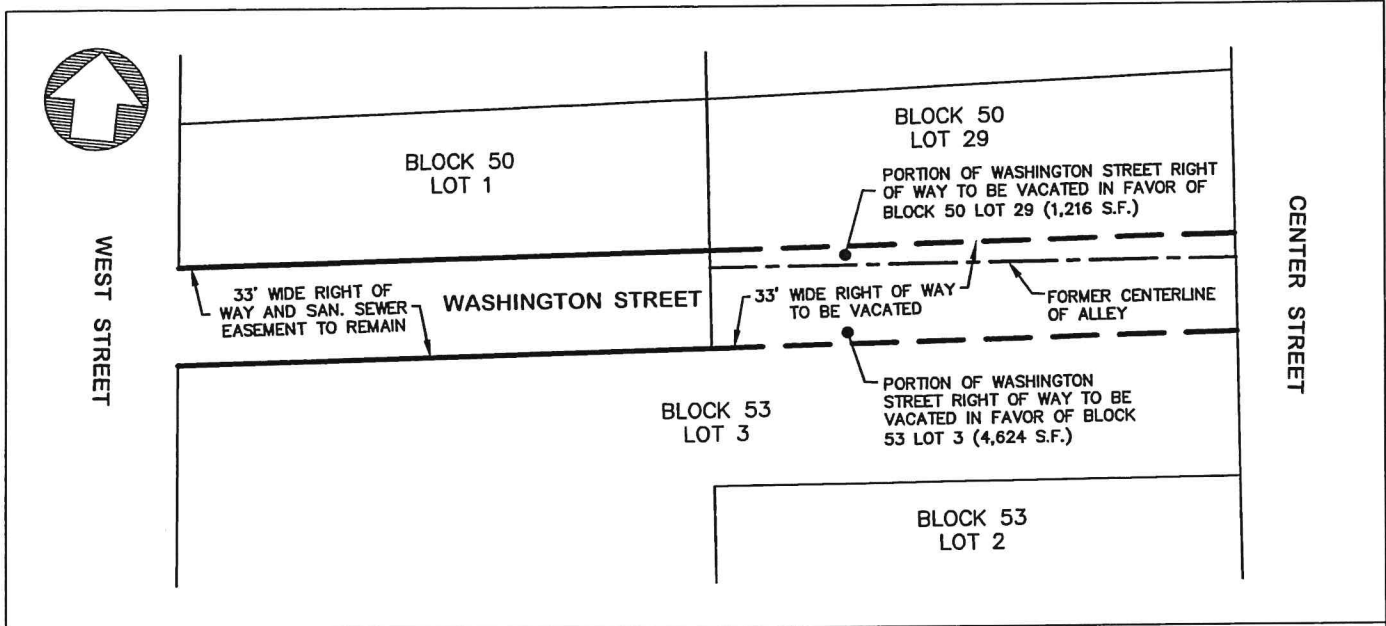
Section 6. Effective Date. This ordinance shall take effect upon its passage and publication and in accordance with all applicable statutory requirements. In addition, the Township Clerk shall record a certified copy of this Ordinance, together with proof of publication, within sixty (60) days of the Ordinance's effective date, in the Hunterdon County Book of "Vacations," as required by *N.J.S.A. 40:67-21*.

Carla Conner, Township Clerk

Brian Mullay, Mayor

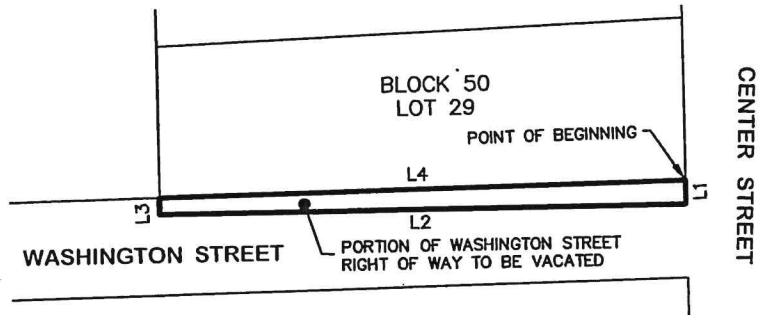
Introduced: September 28, 2022
Adopted: _____, 2022

EXHIBIT A



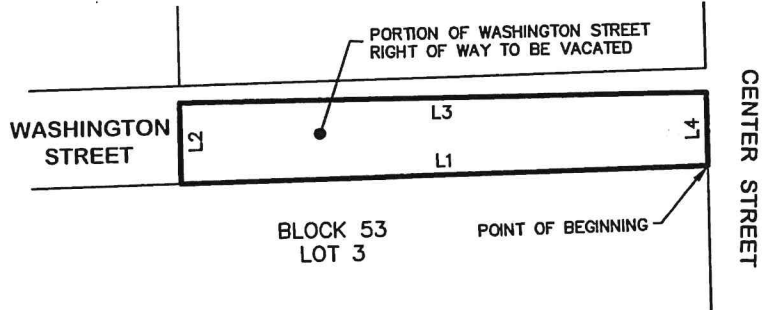
**BLOCK 50 LOT 29
ROW VACATION LINE TABLE**

LINE	BEARING	DISTANCE
L1	S06° 13' 20"E	8.06
L2	S84° 09' 01"W	176.79
L3	N06° 12' 36"W	5.69
L4	N83° 22' 50"E	176.79



**BLOCK 53 LOT 3
ROW VACATION LINE TABLE**

LINE	BEARING	DISTANCE
L1	S83° 22' 50"W	176.99
L2	N06° 13' 00"W	27.31
L3	N84° 09' 01"E	177.00
L4	S06° 10' 31"E	24.93



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THIS DOCUMENT IS ISSUED FOR THE PARTY WHICH COMMISSIONED IT AND FOR SPECIFIC PURPOSES CONNECTED WITH THE CAPTIONED PROJECT ONLY. IT SHOULD NOT BE RELIED UPON BY ANY OTHER PARTY OR USED FOR ANY OTHER PURPOSE. WE ACCEPT NO RESPONSIBILITY FOR THE CONSEQUENCES OF THIS DOCUMENT BEING RELIED UPON BY ANY OTHER PARTY, OR BEING USED FOR ANY OTHER PURPOSE, OR CONTAINING ANY ERROR OR OMISSION WHICH IS DUE TO AN ERROR OR OMISSION IN DATA SUPPLIED TO US BY OTHER PARTIES.

Title
**RIGHT OF WAY VACATION SKETCH
 PORTION OF WASHINGTON STREET
 BLOCK 53 LOT 3 & BLOCK 50 LOT 29
 TOWNSHIP OF CLINTON
 HUNTERDON COUNTY, NEW JERSEY**

M M

MOTT
 MACDONALD

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 Iselin NJ 08830-4112
 United States of America
 Certificate No. 24GA28016600

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Date	Drawn	Checked	Approved	Scale at ANSI A	Drawing Number	Status	Rev
8/1/2022	C.A.	W.D.	W.D.	1"=60'	247992	-	0



EXHIBIT B

111 Wood Avenue South
Iselin, NJ 08830-4112
United States of America
800-832-3272

August 1, 2022

Project Number 247992

Right of way Vacation Description
Portion of Washington Street
Adjacent to Lot 29 in Block 50 and Lot 3 in Block 53
Clinton Township, Hunterdon County, New Jersey

Being the easterly half of a portion of Washington Street (33 feet wide) between West Street and Center Street in the Township of Clinton, Hunterdon County, New Jersey; beginning at Center Street and extending west 177 feet, more or less, to a new line created by extending the dividing line between Lots 29 & 1 in Block 50 across Washington Street to the northerly line of Lot 3 in Block 53.

The resulting vacated right of way is to be apportioned to the adjacent lots and divided along the centerline of a former alley described in a deed from Trimmer Dilts to the Township of Clinton, filed April 7, 1967 in Deed Book 709 page 469, and is more particularly described in the following 2 tracts;

Tract 1 – Portion of Washington Street to be vacated in favor of Lot 29 in Block 50

BEGINNING at a point in the most southeasterly corner of Lot 29, and running thence

1. Along the westerly line of Center Street, South 06 degrees 13 minutes 20 seconds East, a distance of 8.06 feet to a point; thence
2. Along the centerline of the aforementioned alley, South 84 degrees 09 minutes 01 seconds West, a distance of 176.79 feet to a point; thence
3. Along the new easterly line of Washington Street, North 06 degrees 12 minutes 36 seconds West, a distance of 5.69 feet to a point; thence



111 Wood Avenue South
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United States of America
800-832-3272

4. Along the southerly line of Lot 29, North 83 degrees 22 minutes 50 seconds East, a distance of 176.79 feet to the point and place of BEGINNING.

Containing an area of 1,216 square feet (0.028 acres) of land, more or less.

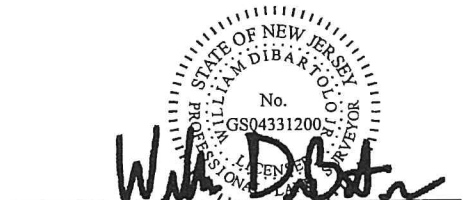
Tract 2 – Portion of Washington Street to be vacated in favor of Lot 3 in Block 53

BEGINNING at a point in the most northeasterly corner of Lot 3, and running thence

1. Along the northerly line of Lot 3, South 83 degrees 22 minutes 50 seconds West, a distance of 176.99 feet to a point; thence
2. Along the new easterly line of Washington Street, North 06 degrees 13 minutes 00 seconds West, a distance of 27.31 feet to a point; thence
3. Along the centerline of the aforementioned alley, North 84 degrees 09 minutes 01 seconds East, a distance of 177.00 feet to a point; thence
4. Along the westerly line of Center Street, South 06 degrees 10 minutes 31 seconds East, a distance of 24.93 feet to the point and place of BEGINNING.

Containing an area of 4,624 square feet (0.106 acres) of land, more or less.

The above descriptions were prepared based upon a survey by Mott MacDonald and pursuant to a Redevelopment Ordinance for Lot 3 in Block 53 approved by the Township of Clinton.



The seal is circular with the text 'STATE OF NEW JERSEY' at the top, 'WILLIAM A. DiBARTOLO' around the inner edge, and 'PROFESSIONAL ENGINEER' around the outer edge. In the center, it says 'No. GS04331200'. A signature 'William A. DiBartolo' is written across the seal.

William A. DiBartolo Jr., PLS
NJ License #24GS4331200