

## **TOWNSHIP OF HAINESPORT**

### **ORDINANCE NO 2016-15-11**

#### **VACATING PORTION OF GREENWOOD AVENUE**

**WHEREAS**, the Joint Land Use Review Board of the Township of Hainesport (the “Board”) previously adopted Resolution No. 2015-08 approving a Preliminary and Final Site Plan involving Block 58.01, Lots 1-6 and Block 62.01, Lot 1 (to be consolidated into one lot known as Block 62.01, Lot 1), located at 1462 Route 38 (the “Property”), owned by the applicant, Hainesport Enterprise, Inc., for the construction of a new 13,000 square foot building and other site improvements for its Hainesport Auto and Truck repair facility; and

**WHEREAS**, said Site Plan Approval required the vacation of a portion of Greenwood Avenue; and

**WHEREAS**, the Township Committee of the Township of Hainesport (the “Township”) desires to vacate a portion of Greenwood Avenue in accord with the Board’s Site Plan Approval and the Roadway Vacation Exhibit, dated 07/11/16, last revised 10/24/16, and Legal Descriptions, dated 10/18/16, attached hereto, prepared by Anthony F. DiRosa, PE, PLS, CME, which vacate a portion of Greenwood Avenue to the Property of Hainesport Enterprises, Inc., and a portion of Greenwood Avenue to properties known as Block 61.01, Lots 4, 6, 11 and 12; and Block 57.01, Lots 7, 8, 9 and 10; and

**WHEREAS**, the Township Committee finds that this is an unimproved paper street, with no plan for paving or utilization as a public street, and as such it is not needed for public use; and

**NOW, THEREFORE, BE IT HEREBY ORDAINED** by the Township Committee of the Township of Hainesport as follows:

Section 1. The Township of Hainesport hereby vacates a portion of Greenwood Avenue to neighboring Block 62.01, Lot 1; Block 58.01, Lots 1, 2, 3, 4, 5 and 6 (to be consolidated into one lot known as Block 62.01, Lot 1) all owned by Hainesport Enterprises, Inc. and to Block 61.01, Lots 4 and 6; and Block 57.01, Lots 7, 8, 9, 10, 11 & 12, owned by various property owners, as further explained above and more specifically set forth on the attached Roadway Vacation Exhibit and Legal Descriptions, prepared by Anthony F. DiRosa, PE, PLA, CME and attached hereto.

Section 2. The Township of Hainesport expressly reserves and excepts from vacation all rights and privileges possessed by public utilities, as defined in N.J.S.A. 48:2-13 and related statutes, and by any cable television company, as defined in the Cable Television Act, N.J.S.A. 48:5A-1, et seq., to maintain, repair and replace their existing facilities in, adjacent to, over or under the affected streets, or any part thereof, to be vacated. Further, any public improvements such as sewer or water lines underlying the street or right of way area being vacated by this Ordinance, if any, are reserved out and subject to an easement for continued right of access for maintenance, improvement and/or repair. This vacation shall further be subject to all easements, declarations and restrictions of record.

Section 3. Repealer. Any Ordinances inconsistent with this ordinance are hereby repealed to the extent of its inconsistency.

Section 4. Severability. If any provision of this Ordinance is deemed unlawful by a Court is found to be contrary to law by a court of competent jurisdiction, such provision shall be of no force or effect; but the remainder of this Agreement shall continue in full force and effect.

Section 5. Effective date. This Ordinance shall take effect upon proper passage in accordance with the law.

Section 6. Filing. This Ordinance shall be filed with the County Clerk within 60 days of passage in accord with the law.

## NOTICE OF PUBLIC HEARING

### HAINESPORT TOWNSHIP ORDINANCE NO. 2016-15-11

### VACATING PORTION OF GREENWOOD AVENUE

The Ordinance published herewith was introduced and passed upon first reading at the regular meeting of the Township Committee of the Township of Hainesport held on November 14, 2016. It will be further considered for final passage after a public hearing at the regular meeting to be held on December 13, 2016 at the Municipal Building, One Hainesport Centre, Hainesport, New Jersey at 7:30 P.M. at which time and place any persons desiring to be heard upon the same will be given an opportunity to be heard. During the week prior to and up to and including the date of such meeting or further consideration, copies of said Ordinance in its entirety may be obtained from the Township Clerk.

Dated:

\_\_\_\_\_  
Leo F. Selb, R.M.C.  
Township Clerk

	Motion	Second	Ayes	Nays	Abstention	Absent
Krollfeifer		X	X			
Porto			X			
Fitzpatrick			X			
Dickinson			X			
Clauss	X		X			

**NOTICE OF FINAL PASSAGE**

**HAINESPORT TOWNSHIP**

**ORDINANCE NO. 2016-15-11**

**VACATING PORTION  
OF GREENWOOD AVENUE**

Notice is hereby given that Ordinance 2016-15-11 as entitled above has been finally adopted on final reading by the governing body of Hainesport Township after a public hearing at a meeting held on December 13, 2016. Said Ordinance shall take effect in accordance with law.

ATTEST:

Dated: \_\_\_\_\_

\_\_\_\_\_

Leo F. Selb, Jr.

Township Administrator/Clerk

ACKNOWLEDGEMENT OF

APPROVAL BY:

Dated: \_\_\_\_\_

\_\_\_\_\_

Michael Dickinson

Mayor of Hainesport Township

	Motion	Second	Ayes	Nays	Abstention	Absent
Krollfeifer		X	X			
Porto			X			
Fitzpatrick			X			
Dickinson			X			
Clauss	X		X			

Introduced: November 14, 2016

First Publication: November 23, 2016

Adoption: December 13, 2016

Final Publication: December 25, 2016

