

ORDINANCE NO. 17-11
INTRODUCTION DATE: 12-06-17
ADOPTION DATE: 12-20-17

**AN ORDINANCE VACATING A PORTION OF THE RIGHT-OF-WAY OF WITCHES
HOLLOW ROAD IN THE TOWNSHIP OF MILLSTONE TO THE COUNTY OF
MONMOUTH**

BE IT ORDAINED by the Township Committee of the Township of Millstone, County of Monmouth and State of New Jersey, as follows:

I

WHEREAS, a portion of the right-of-way of Witches Hollow Road is unimproved; and

WHEREAS, this right-of-way is adjacent to Block 13, Lot 4 owned by the County of Monmouth upon which is located the Perrineville Lake Park; and

WHEREAS, the right-of-way is described in Exhibit “A” attached hereto; and

WHEREAS, the Township Committee is of the opinion that the right-of-way is not needed for public purposes and can be vacated; and

WHEREAS, N.J.S.A. 40:49-6, 40:67-1b, 40:67-19 and 40:67-21 provide the means whereby a municipality may vacate a street or part thereof.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Millstone that the right-of-way for Witches Hollow Road as described in Exhibit “A” attached hereto is hereby vacated.

BE IT FURTHER ORDAINED that the effect of this Ordinance shall be to vacate all public rights to the right-of-way as depicted in Exhibit “A” attached hereto, except any rights or privileges now possessed by public utilities, as defined in N.J.S.A. 48:2-13, 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 portion of the right-of-way to be vacated hereby.

BE IT FURTHER ORDAINED that the Township Clerk is hereby authorized and directed to do the following:

1. Publish a copy of this Ordinance in an official newspaper of the municipality, together with a notice of the introduction thereof and the time and place when and where this Ordinance will further be considered for final passage, such publication to be at least ten (10) days prior to the time fixed for further consideration of this Ordinance for final passage.

2. Send, by certified mail, return receipt requested a copy of this Ordinance, together with the notice of the introduction thereof, the time and place when and where this Ordinance will be considered for final passage to the County Clerk for the County of Monmouth, Hall of Records, 1 East Main Street, Freehold, New Jersey 07728 and a copy by regular mail, to Allen Weiss, Esq., Special Monmouth County Counsel, 2105 West County Line Road, Jackson, New Jersey 08527.

3. Publish in an official newspaper of the municipality notice of the passage of this Ordinance by title.

4. Within sixty (60) days after this Ordinance becomes effective, record a copy of this Ordinance, certified by the Township Clerk to be a true copy, under the seal of the Township of Millstone, together with a copy of the proof of publication thereof, in the Office of the County Clerk, to be recorded in a book entitled "Vacations".

II

Since this Ordinance is not legislative in nature, it need not be codified in the "Revised General Ordinances of the Township of Millstone".

III

This Ordinance shall take effect upon adoption and publication according to law.

EXPLANATORY STATEMENT:

This Ordinance vacates the unimproved portion of Witches Hollow Road adjacent to a Monmouth County park, known as the Perrineville Lake Park.