

ORDINANCE NO. 13-02
INTRODUCTION DATE: 03-20-13
ADOPTION DATE:

**ORDINANCE VACATING A PORTION OF HALKA WAY, TOWNSHIP OF
MILLSTONE, MONMOUTH COUNTY, NEW JERSEY**

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 Halka Way, between Backbone Hill Road and Equine Run is a half mile long narrow (10'-12' wide) gravel/dirt, two lane roadway within the 33' public right-of-way; and

WHEREAS, this portion of the roadway is uneven and washes out due to rain; and

WHEREAS, there are no residences or driveways located along this portion of the roadway, and there are no above ground or underground utilities; and

WHEREAS, the roadway is not wide enough for two way traffic and because of its condition, it is rarely used by any vehicular or pedestrian traffic; and

WHEREAS, the roadway is in immediate need of repair and the the cost of repairs would exceed \$700,000.00; and

WHEREAS, the Township Committee has determined to vacate this portion of the roadway; and

WHEREAS, N.J.S.A. 40:67-1b provides the means whereby a municipality may vacate any street or part thereof.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Millstone that the portion of Halka Way between Backbone Hill Road and Equine Run, as described on the attached Schedule A be vacated.

BE IT FURTHER ORDAINED that the effect of this Ordinance shall be to vacate all public rights to the portion of the right-of-way described on Schedule A except all rights and privileges, if any, 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 ACable 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 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, as well as a copy of Schedule A attached hereto, to the following respective property owners:
 - a. Block 39.01, Lots 17 and 45, and Block 40, Lot 6, Jaime Halka and Kate Posten, as Trustees of the 2012 Halka Nurseries Trust Dated December 26, 2012 and Their Successors and Assigns, 60 Stillhouse Road, Millstone, New Jersey.
 - b. Block 40, Lot 7.01, Margaret A. Hughes, 66 Backbone Hill Road, Millstone, New Jersey.
3. Publish in an official newspaper of this municipality notice of the passage of this Ordinance by title.
4. Within 60 days after this Ordinance becomes effective, file 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 a portion of Halka Way between Backbone Hill Road and Equine Run.