CITY OF MILLVILLE
COUNTY OF CUMBERLAND
STATE OF NEW JERSEY

ORDINANCE NO._____

ORDINANCE OF THE CITY OF MILLVILLE, COUNTY OF CUMBERLAND, STATE OF NEW JERSEY, RELEASING, EXTINGUISHING AND VACATING THE RIGHTS OF THE PUBLIC TO A PORTION OF CERTAIN STREETS AND RIGHTS-OF-WAY LOCATED IN THE CITY OF MILLVILLE KNOWN AS ORANGE STREET

WHEREAS, pursuant to *N.J.S.A.* 40:67-1(b), the City of Millville may, by ordinance, vacate any public street or portion thereof ; and

WHEREAS, the Board of Commissioners of the City of Millville, County of Cumberland and State of New Jersey, is of the opinion that the public interest would be best served by abandoning, vacating, releasing and extinguishing any and all public rights which the City may have in and to a portion of a right-of-way and/or street known as Orange Street as shown on Schedule A attached hereto consisting of a map showing "Portion of Orange Street to be vacated;" and

WHEREAS, the paper streets are bounded on either side by private property which properties and their owners are identified on the attached Schedule B ("Adjoining Property Owners"); and

WHEREAS, the Adjoining Property Owners are aware that upon successful adoption of the vacation ordinance, one half of the right-of-way adjacent to their respective property will be transferred to each of the Adjoining Property Owners by operation of law; and

WHEREAS, it has been determined by the Board of Commissioners as follows:

(1) That the portion of the right-of-way and/or public street known as Orange Street as shown on Schedule A attached hereto for public road purposes; and

(2) Said portion of the right-of-way and/or public street known as Orange Street as shown on Schedule A attached hereto lends itself to higher and better use than for public road purposes and that it is in the best interest of the general public and the City of Millville that the rights and interests in and to same shall as a public right-of-way be vacated, released and extinguished on the terms set forth above; and

WHEREAS, pursuant to *N.J.S.A.* 40:67-1(b) the Board of Commissioners must, by Ordinance, preserve the right of public utilities to maintain, repair and replace their existing utility facilities, including cable television facilities, in, adjacent to, over or under the property or right-of-way to be vacated; and

NOW THEREFORE, BE IT ORDAINED by the Board of Commissioners of the City of Millville, County of Cumberland and State of New Jersey, as follows:

SECTION 1

All public easements, right and interests to portions of the right-of-way and/or public street known as Orange Street as shown on Schedule A attached hereto as described hereinbelow are hereby vacated, released and extinguished except for all rights and 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 street, or any part thereof, to be vacated subject to the conditions described herein; all conditions unless otherwise noted, shall be satisfied prior to said vacation being effective.

Description of the portions of Orange Street, Millville, New Jersey being vacated: See Schedule A attached hereto.

SECTION 2

The City Clerk shall publish this ordinance, after being introduced and having passed a first reading, at least once not less than ten (10) days instead of one (1) week prior to the time fixed for further consideration for final passage, pursuant to *N.J.S.A.* 40:49-6.

SECTION 3

It is the intent of the Board of Commissioners of the City of Millville to vacate the aforementioned interests that the public may have in the property, and to provide that the property shall be conveyed, in its "as is" condition, to the adjoining property owners for no further consideration.

SECTION 4

The City Clerk shall, at least one (1) week prior to the time fixed for final passage of such ordinance, mail a copy thereof, together with a notice of the introduction thereof, and the time and place when and where the ordinance will be further considered for final passage, to every person whose lands may be affected by the ordinance or any assessment which may be made in pursuance thereof, pursuant to *N.J.S.A.* 40:49-6.

SECTION 5

The City Clerk shall within sixty (60) days after such ordinance becomes effective file a certified copy of the ordinance vacating the street with the office of the County Clerk in a special book set aside for dedications and vacations, pursuant to *N.J.S.A.* 40:67-21.

SECTION 6

All ordinances or parts of ordinances inconsistent

herewith are hereby repealed to the extent of such inconsistency.

SECTION 7

If any section, subsection, paragraph, sentence or any part of this ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance not directly involved in the controversy in which such judgment shall have been rendered.

SECOND 8

This ordinance shall take effect twenty (20) days from the time of its final passage in accordance with *N.J.S.A.* 40:74-4.

FIRST READING: _____

Moved By: _____
Seconded By: _____

VOTING	In Favor	Against	Abstain	Absent
Michael Santiago				
W. James Parent				
Ashleigh Udalovas				
Joseph Pepitone				
Bruce Cooper				

SECOND READING: _____

Moved By: _____
Seconded By: _____

VOTING	In Favor	Against	Abstain	Absent
Michael Santiago				
W. James Parent				
Ashleigh Udalovas				
Joseph Pepitone				
Bruce Cooper				

CERTIFICATION

I certify that the foregoing is a true copy of a Resolution adopted by the Board of Commissioners, of the City of Millville in the County of Cumberland, at a meeting thereof held on _____, 2020.

_____
Jeanne M. Hitchner, City Clerk