

**EXPLANATION:** This Ordinance authorizes the vacation of an old Right-of-Way along Montgomery Road becoming part of Lot 9 in Block 167.

**ORDINANCE 2008–35**

**AN ORDINANCE AUTHORIZING THE VACATION OF  
AN OLD RIGHT-OF-WAY ALONG MONTGOMERY  
ROAD BECOMING PART OF LOT 9 IN BLOCK 167.**

**WHEREAS,** the Township of Hillsborough is the owner of Lot 9 in Block 167 (“Property”); and

**WHEREAS,** a Right-of-Way, which was never vacated when the County of Somerset realigned the bridge on Montgomery Road over the Neshanic River, was disclosed when the Township purchased the Property; and

**WHEREAS,** the Township seeks reimbursement for a portion of the purchase price for the Property from the State of New Jersey, Green Acres Program; and

**WHEREAS,** the Green Acres staff recommends that the old Right-of-Way, shown on the attached “Road Vacation Map, Lot 9 in Block 167, Hillsborough Township, Somerset County, New Jersey”, dated April 28, 2008 (Exhibit A), and the attached metes and bounds description, dated May 8, 2008 (Exhibit B), both prepared by John Cilo Jr. Associates, be vacated and become part of Lot 9 in Block 167; and

**WHEREAS,** because the Township no longer needs the Right-of-Way for street purposes, the Township Committee desires to vacate that portion of the Right-of-Way along Montgomery Road described on Exhibits A and B, becoming part of Lot 9 in Block 167.

**NOW, THEREFORE, BE IT ORDAINED** by the Township Committee of the Township of Hillsborough, Somerset County, New Jersey, as follows:

1. The rights of the public and the Township of Hillsborough in and to the old Right-of-Way along Montgomery Road as shown on attached Exhibit A and described in the metes and bounds attached as Exhibit B, are hereby extinguished and vacated.
2. The old Right-of-Way is no longer necessary for street purposes.
3. The land being vacated shall accrue and revert back to Lot 9 in Block 167.
4. This Ordinance shall become effective upon the adoption and recording of this Ordinance with the Somerset County Clerk's Office.
5. Expressly reserved and excepted from this vacation Ordinance are all rights and privileges heretofore possessed by public utilities as defined in N.J.S.A. 48:2-13 and any cable television company as defined in the "Cable Television Act", N.J.S.A. 48:5A-1 et seq.
6. At least seven (7) days prior to the time fixed for the consideration of this Ordinance for final passage, a copy of this Ordinance, together with a notice of its 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 Ordinance so far as may be ascertained. Said notices shall be mailed by the Township Clerk in accordance with the provisions of N.J.S.A. 40:49-6.
7. The Township Clerk shall, within sixty (60) days of the effective date of this Ordinance, file a copy of this Ordinance certified by him under the seal of the Township, to be a true copy thereof, together with proof of publication thereof, in the office of the Clerk of the County of Somerset, in accordance with the provisions of N.J.S.A. 40:67-21.
8. The Township Mayor and Clerk are hereby authorized to sign a Quitclaim Deed.
9. If any article, section, subsection, paragraph, phrase or sentence is, for any reason, held to be unconstitutional or invalid, said article, section, subsection, paragraph, phrase or sentence shall be deemed severable.

**ATTEST:**

**HILLSBOROUGH TOWNSHIP  
COMMITTEE**

By: \_\_\_\_\_  
Kevin P. Davis, Clerk

By: \_\_\_\_\_  
Anthony Ferrera, Mayor

*Introduced: August 26, 2008*  
*Published: September 4, 2008*  
*Public Hearing: September 23, 2008*  
*Adopted: September 23, 2008*  
*Published: October 2, 2008*