

ORDINANCE 2171

AN ORDINANCE AUTHORIZING THE VACATION OF A PORTION OF SMITH STREET IN THE BOROUGH OF SOUTH PLAINFIELD WHICH ABUTS LOT 3 IN BLOCK 399 AND LOT 8 IN BLOCK 346 AS SHOWN ON THE BOROUGH OF SOUTH PLAINFIELD TAX MAP.

WHEREAS, there exists a paper street known as Smith Street in the Borough of South Plainfield, a portion of which abuts Lot 3 in Block 399 and Lot 8 in Block 346 as shown on the Borough of South Plainfield Tax Map (hereinafter "portion of Smith Street"); and

WHEREAS, the portion of Smith Street to be vacated runs 50 feet north from the southwest corner of Kosciusco Avenue and Smith Street to a point, then 100 feet west along the northerly border of Smith Street to a point, then 50 feet south to the southerly border of Smith Street to a point, then 100 feet east to the point and place of beginning consisting of 5,000 square feet; and

WHEREAS, because the portion of Smith Street is not needed for street purposes, the Borough Council has decided to vacate same with certain conditions.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of South Plainfield, County of Middlesex, State of New Jersey as follows:

1. A portion of Smith Street is not needed for street purposes, and the public interest would be better served by the release of the declared land;
2. The rights of the public and the Borough of South Plainfield in and to the portion of Smith Street are hereby released, extinguished and vacated;
3. 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, any cable television company as defined in the "Cable Television Act", N.J.S.A. 48:5-1, et seq.;
4. Subject to the reservations in this Ordinance, the land being vacated shall accrue and revert back to the owners of Lot 3, Block 399 and Lot 8, Block 346 as shown on the Borough of South Plainfield Tax Map;
5. At least seven days prior to the time fixed for 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 effected by this Ordinance as far as it may be ascertained. Said notices shall be mailed by the Borough Clerk in accordance with the provisions of N.J.S.A. 40:49-6 and published at least ten days prior to public hearing;
6. The Borough Clerk shall, within 60 days of the effective date of this Ordinance, file a copy of this Ordinance certified by her under the seal of the Borough, to be a true copy thereof, together with the proof of publication thereof, in the Office of the Clerk of the County of Middlesex, in accordance with the provisions of N.J.S.A. 40:67-21;

7. 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; and

8. This Ordinance shall become effective upon final passage and publication according to law.