

LEGAL NOTICE – TO BE ADVERTISED IN THE MOST COST EFFECTIVE MANNER AS POSSIBLE

NOTICE OF INTRODUCTION

This Ordinance #1994 published herewith was introduced and passed upon first reading at the regular meeting of the Borough Council of the Borough of South Plainfield held on October 21, 2013. It will be further considered for final passage after a public hearing to be held on November 12, 2013, at the Municipal Building, 2480 Plainfield Avenue, South Plainfield, NJ at 7:00 p.m. or as soon thereafter as the matter may be heard, at which time and place any persons desire to be heard upon the same will be given an opportunity to be heard. Copies are available free of charge at the Municipal Clerk's Office prior to the public hearing. This ordinance shall take effect immediately after final passage and publication and upon the 20 day period of limitation pursuant to law.

Amy Antonides, RMC/CMC
Municipal Clerk

ORDINANCE NO. 1994

**AN ORDINANCE VACATING THE BOROUGH'S AUTHORITY
AND CONTROL OVER A PORTION OF CAROL PLACE IN THE BOROUGH OF
SOUTH PLAINFIELD, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY,
AND AUTHORIZING ITS SALE OF SURPLUS MUNICIPAL PROPERTY
PURSUANT TO N.J.S.A. 40A:12-13.**

WHEREAS, there exists within the Borough of South Plainfield, County of Middlesex, State of New Jersey, a "paper street" known as Carol place, as shown the Official Tax Map of the Borough; and

WHEREAS, a request has been made for the Borough to vacate its authority and control over a portion of Carol Place adjacent to Block 84, Lot 10, having a width of fifty (50') feet of frontage on Park Avenue and a depth of one hundred (100') feet, the land area being approximately 5,000 sq. ft.; and

WHEREAS, the Borough Council has determined such property is no longer needed for public use, is surplus property, is less than the minimum size required for development, and has no capital improvements; and

WHEREAS, the Borough does not have any intention to construct a road to be known as Carol Place, and vacating the authority and control will allow one of the contiguous property owners to expand its building, increasing the tax basis for such property, and said owner has offered the Borough payment of \$32,500.00 for such vacation; and

WHEREAS, N.J.S.A. 40:67-19 authorizes the Borough to release and extinguish public rights, and the rights of the Borough, arising from a dedication of the road;

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

1. The rights of the public and the Borough of South Plainfield in and to the portion of Carol Place adjacent to the property known as Block 84, Lot 10, having a width of

fifty (50') feet of frontage on Park Avenue, and a depth of one hundred (100') feet, the land area being approximately 5,000 sq. ft. are hereby extinguished and vacated;

2. At least one week prior to the time affixed for consideration of this Ordinance for final passage, a copy thereof, together with a notice of introduction thereof that a time and place when and where the Ordinance will be further considered for final passage, should be mailed to every person whose land may be affected by this Ordinance insofar as it may be ascertained. Said notices shall be made by the Borough Clerk to the owners of Block 84, Lot 10 and Block 6, Lot 10; and

3. The Borough Clerk shall, within 60 days of the effective date of this Ordinance, file copies of this Ordinance certified by her under the seal of the Borough to be a true copy thereof, together with 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.

4. The Mayor and Council declare the Property to be surplus and not needed for public use;

5. If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance, and they shall remain in full force and effect;

6. In the event of any inconsistencies between the provisions of this Ordinance and any other Ordinance of the Borough of South Plainfield, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the Revised General Ordinance of the Borough of South Plainfield are hereby ratified and confirmed, except where inconsistent with the terms hereof.

This Ordinance shall take effect upon final passage and publication in accordance with New Jersey law.