

**ORDINANCE 2186**

**AN ORDINANCE VACATING THE BOROUGH'S AUTHORITY AND CONTROL  
OVER TEXAS AVENUE IN THE BOROUGH OF SOUTH PLAINFIELD,  
MIDDLESEX COUNTY, NEW JERSEY**

**WHEREAS**, Texas Avenue is a right-of-way depicted on the Borough's current Tax Map; and

**WHEREAS**, 150 Durham Realty, LLC is a developer who wishes to develop Lot 11, Block 525 which it owns, and which property is immediately to the south of Texas Avenue; and

**WHEREAS**, the Borough believes there is no public benefit to continuing Texas Avenue; and

**WHEREAS**, Texas Avenue is primarily an unpaved road, with a small portion of pavement; and

**WHEREAS**, 150 Durham Realty, LLC has entered into a Developer's Agreement with the Borough pursuant to which the Borough has agreed to vacate its rights to Texas Avenue, with the Developer agreeing to pay the Borough for that portion of Texas Avenue which has been paved; and

**WHEREAS**, the paved portion of Durham Avenue has been appraised by Russell K. Sterling at a value of \$4,200.00, which amount the Developer has agreed to pay to the Borough; and

**WHEREAS**, the Developer has obtained all necessary unappealable land development approvals necessary for the development of the property in accordance with the agreement of the Borough; and

**WHEREAS**, Buckstin Associates, which owns the property to the north of Texas Avenue, has provided a waiver of any rights to any of the land within the bed of Texas Avenue; 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 the dedication of a street;

**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. The rights of the public and the Borough of South Plainfield in and to Texas Avenue as described more particularly in the attached Schedule A are hereby extinguished and vacated;

2. 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 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.

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