

O: 2014-01

ORDINANCE VACATING A PORTION OF CULKIN STREET, IN THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN AND STATE OF NEW JERSEY

WHEREAS, there exists in the Town of Phillipsburg a roadway/alley known as Culkin Street; and

WHEREAS, a portion of Culkin Street encroaches upon an existing building and there has been a request to have the Town vacate said portion in order to remove the encroachment, said portion being more particularly described in accordance with the description set forth in Schedule A, annexed hereto; and

WHEREAS, the matter has been referred to the Town Engineer who has recommended that the Town proceed with the vacation since the portion of the roadway/alley is not needed by the Town, but to retain an easement for future utilities; and

WHEREAS, the Town Council does hereby determine that the aforementioned portion of the roadway/alley as set forth in the description attached hereto as Schedule "A" is no longer needed for public purposes; and

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

WHEREAS, the Town is desirous of retaining a utility easement over the portion being vacated, which retention of the utility easement is described in accordance with the description set forth in Schedule "B" attached hereto.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Phillipsburg, Warren County, New Jersey, as follows:

SECTION A

1. The rights of the public and the Town of Phillipsburg in and to the portion of Culkin Street as described in the attached Schedule “A” is hereby extinguished and vacated, subject to retention by the Town of Phillipsburg of a utility easement set forth in Schedule “B” attached hereto and made a part hereof.

2. At least one week prior to the time fixed for the consideration of this Ordinance for final passage, 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, 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 Town Clerk in accordance with the provisions of N.J.S.A. 40:49-6.

3. The Town Clerk shall, within sixty (60) days of the effective date of this Ordinance, file a copy of this Ordinance certified by her under the seal of the municipality, to be a true copy thereof, together with proof of publication thereof, in the office of the Clerk of the County of Warren in accordance with the provisions of N.J.S.A. 40:67-21.

SECTION B

All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistencies.

SECTION C

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.

SECTION D

This Ordinance shall take effect immediately upon final publication as provided by law.

ATTEST:

TOWN OF PHILLIPSBURG

VICTORIA L. KLEINER,
Acting Municipal Clerk

HARRY L. WYANT
Mayor

DATED:

CERTIFICATION

I, Victoria L. Kleiner, Acting Municipal Clerk for the Town of Phillipsburg, do hereby certify that the foregoing is a true copy of an Ordinance duly adopted by the Town Council at their January 07, 2014 meeting.

VICTORIA L. KLEINER,
Acting Municipal Clerk

SCHEDULE A

**Attached Description of Culkin Street Road Vacation,
Town of Phillipsburg, Warren County, New Jersey**

SCHEDULE B

Description of Utility Easement