

**TOWNSHIP OF RARITAN**  
**COUNTY OF HUNTERDON, NEW JERSEY**

**ORDINANCE #16-07**

**AN ORDINANCE AUTHORIZING AND APPROVING THE VACATION, RELEASE AND EXTINGUISHMENT OF THE PUBLIC RIGHTS-OF-WAY IDENTIFIED AS A PORTION OF BARLEY SHEAF ROAD KNOWN AS THE BARLEY SHEAF ROAD EXTENSION**

**WHEREAS**, there exists in the Township of Raritan a public right-of-way identified as a portion of Barley Sheaf Road, also known as the Barley Sheaf Road Extension (the “Barley Sheaf Extension”); and

**WHEREAS**, N.J.S.A. 67-1(b) and N.J.S.A. 40:67-19 authorize a municipality, by ordinance, to vacate, release and extinguish the public’s rights in any portion of a public street, highway, lane or alley, and any portion of property dedicated as a public street, where the public interest will be better served by releasing those lands or any part thereof from such dedication; and

**WHEREAS**, the Township Engineer has recommended the vacation of the Barley Sheaf Extension for public safety purposes; and

**WHEREAS**, the portion of Barley Sheaf Road to be vacated, released and extinguished is more particularly described by metes and bounds description entitled “Right-Of-Way Vacation Description-Schedule A, Portion of Barley Sheaf Road, through a portion of Block 79.12, Lot 1 and Block 77.09, Lot 47 and Lot 48, Raritan Township, Hunterdon County, New Jersey” attached hereto as Exhibit A, and as delineated on a map entitled “Plan for Barley Sheaf Road Vacation (Portion), Raritan Township, Hunterdon County, New Jersey”, attached hereto as Exhibit B (hereinafter the area to be vacated shall be referred to as the “Road Vacation Area”); and

**WHEREAS**, the Township Committee of the Township of Raritan does hereby determine that the public right-of-way being a portion of Barley Sheaf Road, also known as the Barley Sheaf Extension, is no longer needed for public purposes; and

**WHEREAS**, the Township Committee of the Township of Raritan does hereby determine that the vacation, release and extinguishment of the public rights-of-way to the Barley Sheaf Extension, will better serve the public interest by promoting public safety.

**NOW, THEREFORE, BE IT ORDAINED** by the Township Committee of the Township of Raritan, County of Hunterdon, State of New Jersey, as follows:

1. Subject to the conditions set forth herein, the right of the public in and to the Barley Sheaf Extension are hereby released, extinguished and vacated.

2. The Road Vacation Area shall be conveyed to the owners of, and shall merge, consolidate with, and become a part of the adjacent properties identified as Block 77.09, Lots 47 and 48, and Block 79.12, Lot 1 as more particularly shown on the Official Map of the Township of Raritan, as set forth below; and

3. Title to the lands vacated hereby shall revert to the fee simple property owners of the adjacent properties as follows:

A. The public rights in and to that portion of the Road Vacation Area indicated by crosshatch on Schedule B shall be extinguished, released and vacated, and that portion shall be conveyed to the owners of Block 79.12, Lot 1; and

B. The public rights in and to that portion of the Road Vacation Area indicated by crosshatch on Schedule B shall be extinguished, released and vacated, and that portion shall be conveyed to the owners Block 77.09, Lot 48.

4. 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., to maintain, repair or replace existing utility facilities, if any, in, adjacent to, over or under the street, highway, lane, alley, square, place or park, or any part thereof, to be vacated.

5. After introduction, this Ordinance shall be referred to the Planning Board of the Township of Raritan for review and comment pursuant to N.J.S.A. 40:55D-26, since the closing of a public street constitutes a change to the official zoning map pursuant N.J.S.A. 40:55D-32 and-33.

6. 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 shall be considered for final passage, shall be given by the Township Clerk by certified mail, return receipt requested, to the owners of all real property located within 200 feet in all directions of the subject property, as shown on the current Raritan Township Tax Map.

7. At least ten (10) days prior to the time fixed for final passage of this Ordinance, a copy of this Ordinance, together with a notice of its introduction and the time and place when it shall be further considered for final passage, shall be published at least once in a newspaper published and circulated in the Township, or printed in the county and circulating in the Township as required by N.J.S.A. 40:49-6.

8. The Township Clerk shall, within 60 days of the effective date of this Ordinance, file a copy of this Ordinance, certified under the seal of the Township to be a true copy thereof, together with proof of publication thereof, on the office of the Clerk of the County of Hunterdon in the book of vacations, in accordance with the provisions of N.J.S.A. 40:67-1.

9. Prior to adoption of this Ordinance, notice shall be given to the County of Hunterdon and the Township of East Amwell as required by N.J.S.A. 3:4-8.

10. After passage and final adoption, the Township Clerk shall send a copy of this Ordinance to the Commissioner of the New Jersey Department of Transportation as required by N.J.S.A. 3-4:8.

11. This ordinance shall take effect upon final passage, adoption and publication according to law, and the recording of this Ordinance in the Office of the Hunterdon County Clerk.

12. If any section or provision of this Ordinance shall be declared invalid or unconstitutional by a court of competent jurisdiction, the same shall not affect the other sections or provisions of this Ordinance, except so far as the section or provision so declared invalid shall be

ATTEST:

TOWNSHIP COMMITTEE OF THE  
TOWNSHIP OF RARITAN

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Rose Sollena, RMC/CMC  
Township Clerk

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Karen Gilbert  
Mayor

**NOTICE OF PENDING ORDINANCE**

**PLEASE TAKE NOTICE** that the foregoing Ordinance was introduced at a Township Committee Meeting by the Township Committee of the Township of Raritan on April 19, 2016, the same was then ordered to be published according to law with a public hearing and a vote scheduled for the meeting of May 17, 2016 beginning at 7:00 p.m. at the Municipal Building, One Municipal Drive, Flemington, New Jersey at which time all interested persons will be heard.

Rose Sollena, RMC/CMC  
Township Clerk

Roll Call	Moved	Seconded	Ayes	Nays	Abstain	Absent
Richard Chen, Committee Member			X			
Michael Mangin, Deputy Mayor	X		X			
Craig O'Brien, Committee Member			X			
Lou Reiner, Committee Member		X	X			
Karen Gilbert, Mayor			X			

