

ORDINANCE NO. 14-2020

**ORDINANCE PARTIALLY VACATING NESTOR STREET
RIGHT-OF-WAY IN THE BOROUGH OF FRANKLIN,
COUNTY OF SUSSEX AND STATE OF NEW JERSEY**

WHEREAS, there exists in the Borough of Franklin Nestor Street; and

WHEREAS, the Borough wishes to release and extinguish the public's rights or whatever ownership rights it has in and to a section of the existing right-of-way with the exception of retaining a right to plow snow and discharge storm water run off; and

WHEREAS, the Franklin Borough Council does hereby determine that the aforementioned right-of-way as depicted on Schedule A attached 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 or right-of-way.

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Franklin, Sussex County, New Jersey, as follows:

SECTION A

1. The rights of the public and the Borough of Franklin, whatever they may be, in and to the portion of Nestor Street as depicted in Schedule "A" is hereby extinguished and vacated with the exception the reservations herein;

2. The remaining portion of Nestor Street is retained as a municipal right-of-way.

3. The Borough of Franklin reserves an easement to plow snow onto the vacated area and the right to discharge stormwater and runoff onto and through the vacated area.

4. 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 Borough Clerk in accordance with the provisions of N.J.S.A. 40:49-6.

5. The Borough 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 Sussex in accordance with the provisions of N.J.S.A. 40:67-21.

SECTION B

The Mayor and Clerk are authorized to execute Deeds effectuating this vacation.

SECTION C

All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistencies.

SECTION D

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 E

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

ATTEST:

BOROUGH OF FRANKLIN


DARLENE J. TREMONT, CLERK


JOHN M. SOWDEN IV, MAYOR

DATED: November 10, 2020

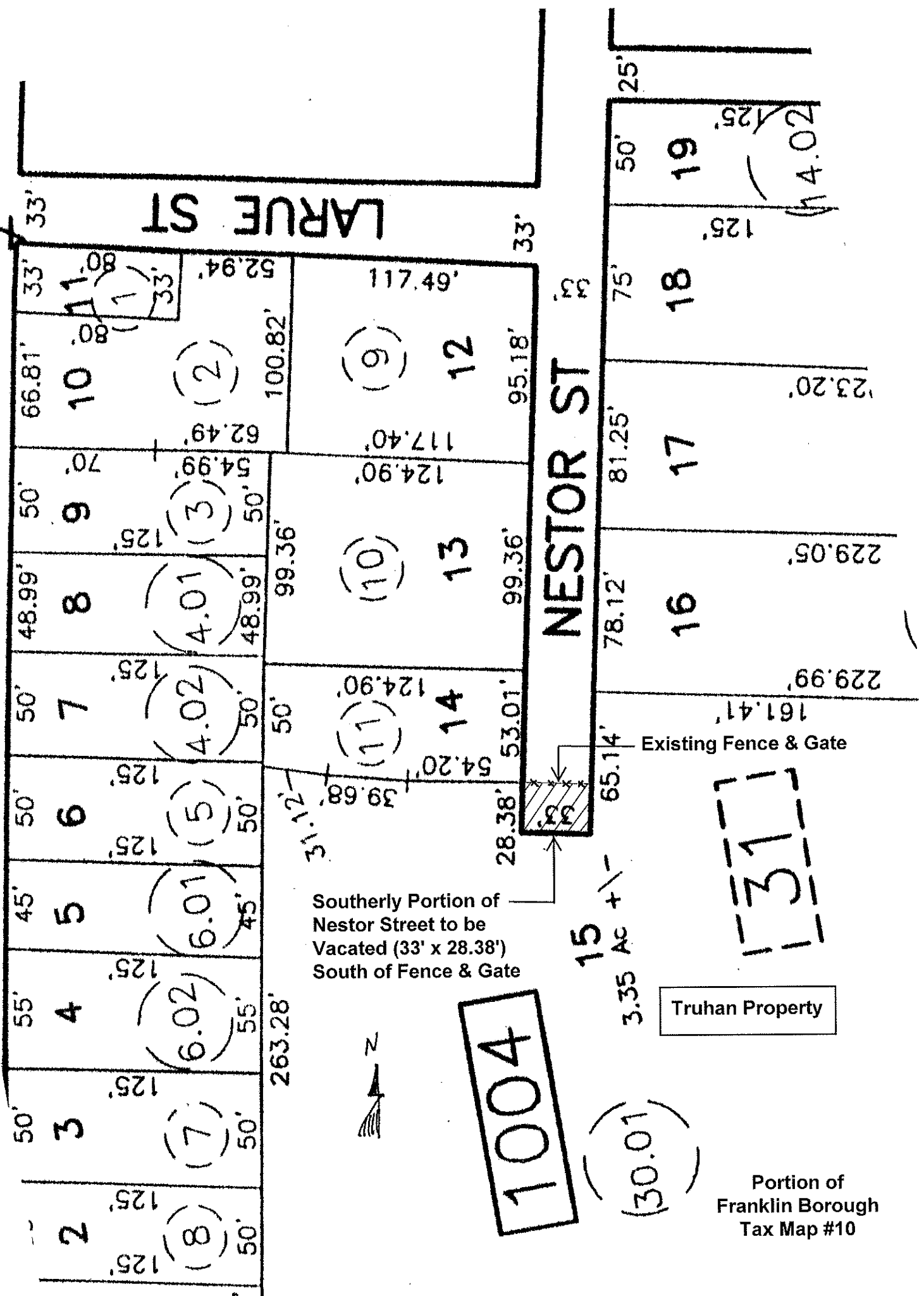
SCHEDULE A

Description of Vacated Right-of-Way

**Southerly Portion of
Nestor Street to be
Vacated (33' x 28.38')
South of Fence & Gate**

LARUE ST

NESTOR ST



1004

Truhan Property

Portion of Franklin Borough Tax Map #10

NOTICE

TAKE NOTICE that the above entitled Ordinance #14-2020 was introduced at a regular meeting of the Borough Council of the Borough of Franklin on October 27, 2020 and will be considered for final passage after public hearing at a regular meeting of the Borough Council of the Borough of Franklin to be held on November 10, 2020 at 7:00 p.m. in the Municipal Building, 46 Main Street, Franklin, New Jersey.



Darlene J. Tremont, Municipal Clerk

CERTIFICATION

I, Darlene J. Tremont, Clerk of the Borough of Franklin, do hereby certify that the Borough of Franklin Council duly adopted the foregoing Ordinance on the 10th day of November, 2020.



Darlene J. Tremont, Municipal Clerk



John M. Sowden IV, Mayor

Introduced: October 27, 2020

Adopted: November 10, 2020

RECORD OF COUNCIL VOTES-FIRST READING					Move	2nd
COUNCIL MEMBER	AYES	NAYES	ABSTAIN	ABSENT		
CONCETTO FORMICA	X				X	
JOSEPH LIMON	X					
JOHN POSTAS COUNCIL PRESIDENT	X					X
STEPHEN SKELLENGER	X					
GILBERT SNYDER	X					
STEPHAN ZYDON, JR.	X					
MAYOR SOWDEN, IV (Tie Only)						

RECORD OF COUNCIL VOTES-SECOND READING					Move	2nd
COUNCIL MEMBER	AYES	NAYES	ABSTAIN	ABSENT		
CONCETTO FORMICA	X				X	
JOSEPH LIMON	X					
JOHN POSTAS COUNCIL PRESIDENT	X					X
STEPHEN SKELLENGER	X					
GILBERT SNYDER	X					
STEPHAN ZYDON, JR.	X					
MAYOR SOWDEN, IV (Tie Only)						

**BOROUGH OF FRANKLIN
LEGAL NOTICE**

ORDINANCE No. 14-2020

**ORDINANCE PARTIALLY VACATING NESTOR STREET
RIGHT-OF-WAY IN THE BOROUGH OF FRANKLIN,
COUNTY OF SUSSEX AND STATE OF NEW JERSEY**

NOTICE is hereby given that the above Ordinance was introduced and passed on first reading at a meeting of the Borough Council of the Borough of Franklin, in the County of Sussex, State of New Jersey, held in the Borough Municipal Building, 46 Main Street, Franklin, NJ, on the 27th day of October, 2020, and the same came up for final passage at a meeting of the said Borough Council on the 10th day of November, 2020, at which time, after persons interested were given an opportunity to be heard concerning said ordinance, the same was passed and will be in full force in the Borough according to law by order of the Borough Council of the Borough of Franklin, County of Sussex and State of New Jersey.



Darlene J. Tremont, Municipal Clerk