

**ORDINANCE
TOWNSHIP OF FRANKLIN**

**VACATING PART OF HAWTHORNE AVENUE
O-19-08**

WHEREAS, owners of adjacent property on the tax map of the Township of Franklin situated near Hawthorne Avenue (unimproved) lying between an unimproved section of 1st Avenue and Harding Highway (a/k/a U.S. Route 40), have requested the Township Committee authorize the vacation of that portion of Hawthorne Avenue adjacent to the aforementioned premises; and

WHEREAS, the same property owners have agreed to pay all engineering, legal and recording costs incurred by the Township in connection with vacating said premises; and

WHEREAS, it is determined to be in the public interest to vacate all right, title and interest in that part of Hawthorne Avenue (unimproved) lying between an unimproved section of 1st Avenue and Harding Avenue (a/k/a U.S. Route 40); and

WHEREAS, the Township Committee has determined that the part of Hawthorne Avenue (unimproved) lying between an unimproved section of 1st Avenue and Harding Highway (a/k/a U.S. Route 40) to be vacated is not needed for public use nor for use by Franklin Township.

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Franklin, County of Gloucester, State of New Jersey, as follows:

Section 1. That all right, title and interest of the Township of Franklin, County of Gloucester in that part of Hawthorne Avenue (unimproved) lying between an unimproved section of 1st Avenue and Harding Highway (a/k/a U.S. Route 40) in the Township of Franklin, is hereby vacated.

Section 2. All rights and privileges possessed, if any, at the time of this Ordinance by public utilities as defined in N.J.S.A. 48:2-13 shall be expressly reserved and excepted from vacation so that the said utilities may maintain, repair and replace their existing facilities in, adjacent to, over or under the street, highway, lane alley, square, place or park or any part thereof to be vacated.

Section 3. The Franklin Township Engineer is authorized to prepare the necessary legal descriptions for use in the preparation of the necessary deeds.

Section 4. The Franklin Township Solicitor is authorized to prepare the necessary deeds to effectuate the vacation.

Section 5. Any Ordinance or parts of Ordinances inconsistent with the provisions of this Ordinance be and the same are hereby repealed.

Section 6. This Ordinance shall take effect immediately upon passage and publication in accordance with the Laws of the State of New Jersey.

Section 7. The Municipal Clerk shall file a certified copy of this Ordinance in the County Clerk's Office to be indexed under "vacations." Within 60 days of the Ordinance becoming effective.

Introduced: May 6, 2008

	PFROMMER	MATTEI	MERCKX	PETSCH	SCAVELLI
YES					
NO					
ABSTAIN					
ABSENT					

Public Hearing Held:

Adopted:

	PFROMMER	MATTEI	MERCKX	PETSCH	SCAVELLI
YES					
NO					
NO					
ABSTAIN					

NOTICE

The above ordinance was introduced and passed on first reading at the meeting of the Township Committee of the Township of Franklin in the County of Gloucester held on the 6th day of May, 2007 and will be considered for final passage at a meeting to be held by the Township Committee at 8 p.m. on the day of _____, 2008 at which time and place any person interested will be given an opportunity to be heard.

FRANK SCAVELLI, Mayor

ATTEST:

CAROLYN TOY, Clerk

CERTIFICATION

I, CAROLYN TOY, Clerk of the Township of Franklin, County of Gloucester, do hereby certify that the foregoing ordinance was introduced at a regular meeting of the Township of Franklin held on Tuesday, May 6, 2008, and thereafter duly advertised in the legal newspaper of the Township at least 10 days prior to it being considered for final passage and adoption at a subsequent meeting to be held on Tuesday, _____, 2008, at which time any person interested therein will be given an opportunity to be heard.

CAROLYN TOY, Clerk