

**BOROUGH OF OLD TAPPAN
ORDINANCE 1171-20**

**ORDINANCE VACATING A PORTION OF
THE FOREST AVENUE RIGHT OF WAY**

WHEREAS, there exists a right of way in the Borough of Old Tappan for the terminus of a cul-de-sac for Forest Avenue; and

WHEREAS, Forest Avenue was subsequently redesigned and the proposed cul-de-sac terminus was relocated; and

WHEREAS, the redesign of Forest Avenue has made the proposed undeveloped terminus adjacent to Block 2101 – Lot 12 unnecessary ; and

WHEREAS, the Borough wishes to extinguish the public's rights and whatever ownership rights the Borough has in and to said section of the existing right-of-way; and

WHEREAS, the Mayor and Council of the Borough of Old Tappan does hereby determine that the aforementioned portion of the right-of-way, as described in accordance with Schedule A attached, is no longer needed for public purposes; and

WHEREAS, the Borough shall retain the remaining Forest Avenue right-of-way for use as a municipal roadway; 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; and

WHEREAS, The Borough has offered to sell the proposed vacated area to adjacent property owners and the owners of Lot 12 in Block 2101 have agreed to purchase the vacated area for a total of Two Thousand Five Hundred (\$2,500.00) Dollars

NOW THEREFORE BE IT ORDAINED, by the Borough Council of the Borough of Old Tappan, Bergen County, New Jersey as follows:

SECTION A:

1. The rights of the public and the Borough of Old Tappan, whatever they may be, in and in the portion of Forest Avenue as set forth in Schedule "A" are hereby extinguished and vacated;
2. At least one (1) 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.
3. 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 Bergen 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.