

**BOROUGH OF LODI
INTRODUCTION NOTICE
ORDINANCE # 2023-23**

NOTICE IS HEREBY GIVEN that the following proposed ordinance was introduced and passed on first reading at a meeting of the Borough Council of the Borough of Lodi, County of Bergen, State of New Jersey, held on September 19, 2023, and that said ordinance will be taken up for further consideration for final passage at the meeting of said Borough Council to be held at its meeting room in the Borough Hall in Lodi, N.J. on October 17, 2023 at 7:00 P.M., or as soon thereafter as said matter can be reached, at which time and place all persons who may be interested therein will be given the opportunity to be heard concerning the same. A copy of this ordinance has been posted on the bulletin board upon which public notices are customarily posted in the Borough Hall of the Borough of Lodi, N.J. and a copy is available up to and including the time of such meeting to the members of the general public of the Borough who shall request such copies, at the Office of the Borough Clerk in said Borough Hall in Lodi, N.J.

Rebecca Paladino, RMC
Borough Clerk

**ORDINANCE # 2023-23
BOROUGH OF LODI
COUNTY OF BERGEN
STATE OF NEW JERSEY**

**AN ORDINANCE VACATING A PORTION OF RICHMOND STREET
BETWEEN BLOCK 24, LOT 20 AND BLOCK 25, LOT 17, ON THE TAX
ASSESSMENT MAP OF THE BOROUGH OF LODI**

WHEREAS, Richmond Street in the Borough of Lodi is a public thoroughfare under the jurisdiction and control of the Borough of Lodi; and

WHEREAS, The Borough of Lodi has determined that a portion of Richmond Street between Block 24, Lot 20 and Block 25, Lot 17, on the tax assessment map of the Borough of Lodi, more particularly described on the Metes and Bounds description prepared by Colliers Engineering & Design dated August 31, 2023 attached hereto as Exhibit A, and as further depicted on the Survey prepared by Colliers Engineering and Design dated August 31, 2023 attached hereto as Exhibit B ("Portion of Richmond Street") is unnecessary to the Borough jurisdiction as a public street; and

WHEREAS, N.J.S.A. 40:67-1(b) provides that the governing body of any municipality may: "vacate any public street, highway, lane or alley, or any part thereof;" and

WHEREAS, the Borough Alternate Engineer Colliers Engineering & Design has recommended that the Portion of Richmond Street as defined herein be discontinued as a public road and that the Borough of Lodi relinquish all jurisdiction over the responsibility for the construction, reconstruction, repair and maintenance of the Portion of Richmond Street as a public street; and

WHEREAS, the Borough of Lodi has determined that vacating the Portion of Richmond Street would be beneficial to the public welfare; and

WHEREAS, the vacation of the Portion of Richmond Street will be subject to a reservation of rights for existing utilities, if any, to remain and be services in the vacated Portion of Richmond Street unless the utilities choose to remove and relocate them.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of Lodi as follows:

Section 1. Pursuant to the provisions of N.J.S.A. 40:67-1(b) and N.J.S.A. 40:67-19, and it having been determined that the Portion of Richmond Street is not needed for any public purpose as a public street and that the vacation of same would be in the public interest, the Borough of Lodi hereby vacated, releases and extinguishes any and all Borough-held or public rights in and to the Portion of Richmond Street as defined herein.

Section 2. This vacation is subject to a reservation of all rights and privileges currently possessed by the public utilities, as defined in R.S. 48:2-13, and by any cable television company, as defined in the "Cable Television Act," P.L. 1972, c. 186 (C. 48:5A-1 et seq.), to maintain, repair and replace their existing facilities in, adjacent to, over or under the aforesaid land. All of the aforesaid rights shall be unaffected by this instrument.

Section 3. Upon passage of this Ordinance on first reading, pursuant to N.J.S.A. 40:49-2 and N.J.S.A. 40:49-6, the Borough shall cause this ordinance to be published in a newspaper published and circulated within the municipality, if there be one, and if not, in a newspaper printed in the county and circulated in the municipality, once, not less than ten days prior to the time fixed for second reading. The Borough shall also provide individualized notice by certified and regular mail to the owners of all parcels adjacent to the Portion of Richmond Street.

Section 4. Upon adoption of this Ordinance and publication thereof, title to the land which theretofore was lying within the area of the legal right of way of the Portion of Richmond Street, as depicted on the survey and as described in the metes and bounds descriptions attached hereto, shall revert

to and vest in the adjacent owner(s) of the legal title thereto which is the Borough of Lodi as owner of Block 24, Lot 20 to the north west; and the Borough of Lodi as owner of Block 25, Lot 17 to the south east.

Section 5. Pursuant to N.J.S.A. 40:67-21, upon final passage after second reading, the Borough Clerk shall, within sixty days after the effective date of the Ordinance, file a certified copy of the Ordinance with proof of publication in the office of the Bergen County Clerk who shall record and index the same in the Bergen County road vacation book.

Section 6. Effect of Invalidation. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section 7. Repeal of inconsistent ordinances. All ordinances or parts of ordinances of the Borough of Lodi which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

Section 8. Effective date. This ordinance shall take effect ten (10) days after passage and publication as required by law.