

**TOWNSHIP OF CLINTON
ORDINANCE NO. 1124-18**

**AN ORDINANCE OF THE TOWNSHIP OF CLINTON IN
HUNTERDON COUNTY, NEW JERSEY ACCEPTING THE
REDEDICATION OF A PREVIOUSLY VACATED
PORTION OF CENTER STREET IN ACCORDANCE WITH
ORDINANCE NO. 1070-15 AND PURSUANT TO N.J.S.A.
40A:12-1 *ET SEQ.***

BE IT ORDAINED by the Mayor and Council of the Township of Clinton in Hunterdon County, New Jersey as follows:

Section 1. Findings. Prior Vacation of Public Rights in a Portion of Center Street.

The Mayor and Council hereby determine:

A. On August 12, 2015, the Township adopted Ordinance 1070-15, which established that a portion of Center Street as more particularly described in Schedule "A" attached hereto and made a part hereof, was no long needed for public travel and that the public interest was served by releasing and vacating any public rights with respect to said portion of Center Street. The ordinance included conditional reversion rights, which provided that if at any time the portion of the then-existing one-story restaurant structure located within the area encompassed by Schedule "A" was removed, the property owner, its heirs, successor and assigns, would be required to rededicate the property described in Schedule "A" to the Township of Clinton.

B. On June 14, 2017, Clinton Point LLC, sold Block 76, Lot 2 in the Township of Clinton and County of Hunterdon, which included the property described in Schedule "A," to 2017 RTE 31 Clinton LLC. Sometime thereafter, 2017 Route 31 Clinton LLC received approval to develop a bank on said property, and thereafter removed the one-story restaurant structure, which triggered the requirement to rededicate the property described in Schedule "A" to the Township of Clinton.

C. The property owner, 2017 RTE 31 Clinton LLC, has made the required rededication.

D. Accepting the rededication of the property described in Schedule “A” is in the best interests of the Township and will further the public health, safety, and general welfare.

Section 2. Description of Rededicated Portion of Center Street. The portion of Center Street rededicated and accepted herein is identified and set forth in Schedule “A” attached hereto and made a part hereof.

Section 3. Acceptance of Rededication. Pursuant to *N.J.S.A. 40A:12-1 et seq.*, the Township hereby accepts the rededication by 2017 RTE 31 Clinton LLC, a New Jersey limited liability company, having an address of 194 Mount Airy Road, Basking Ridge, New Jersey 07920, of a \pm .045-acre strip of land as more particularly set forth in the metes and bounds description attached hereto as Schedule “A” and shown on an ALTA/NSPS Land Title Survey entitled “Lot 2, Block 76, 190 Center Street, Township of Clinton, County of Hunterdon, State of New Jersey,” dated August 29, 2016.

Section 4. Repealer. All ordinances and resolutions or parts thereof inconsistent with this ordinance are repealed.

Section 5. Severability. If any section, paragraph, subsection, clause or provision of this ordinance shall be adjudged by the court to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudged and the remainder of this ordinance shall be valid and enforceable.

Section 6. Effective Date. This ordinance shall take effect upon final adoption and publication and in accordance with law.

ATTEST:

Carla Conner, Township Clerk

John Higgins, Mayor


Introduced: September 12, 2018

MASON, GRIFFIN & PIERSON

A PROFESSIONAL CORPORATION
COUNSELLORS AT LAW

MEMORANDUM

To: Clinton Mayor and Council

From: Lucille E. Davy, Esq. 
Office of the Clinton Township Attorney

Date: September 6, 2018

**Re: Ordinance to Accept Rededication of
Previously Vacated Portion of Center Street**

In 2015, pursuant to ordinance #1070-15, the Township vacated a small portion of Center Street, which included a reverter provision that if the then-existing one-story restaurant (Country Griddle) was removed from the property, the vacated portion of the street would be rededicated to the Township. In 2017, the property was sold to 2017 RTE 31 Clinton LLC, which obtained approval to build a bank on the property. Although the restaurant was subsequently removed, thereby triggering triggered the reversion requirement, the rededication was never completed.

Last week as 2017 RTE 31 Clinton LLC was preparing to sell the property to Chase Bank, the title company determined that the rededication had to be made as part of the sale of the property. The attorney for 2017 RTE 31 Clinton LLC provided us with an acceptable deed dedicating the property back to the Township. Pursuant to the New Jersey Local Lands and Buildings Law, however, the Council needs to accept the property by ordinance to complete the conveyance. Attached is an ordinance authorizing acceptance of the rededicated property.

Please do not hesitate to contact me at (609) 436-1213 or l.davy@mpglaw.com with any questions.

cc: Jesse Landon, Administrator
Carla Conner, Clerk