

**ORDINANCE 19-23**

**BOROUGH OF LINCOLN PARK  
NOTICE OF INTRODUCTION**

**NOTICE** is hereby given that the foregoing Ordinance was introduced to pass on first reading at a meeting of the Council of the Borough of Lincoln Park held on August 21, 2023 and ordered published in accordance with the law. Said Ordinance will be considered for final reading and adoption at a meeting of the Borough Council to be held on September 5, 2023 at 7:30 p.m. or as soon thereafter as the Borough Council may hear this Ordinance at the Municipal Building, 34 Chapel Hill Road, Lincoln Park, New Jersey at which time all persons interested may appear for or against the passage of said Ordinance.

**ORDINANCE 19-23**

**ORDINANCE OF THE BOROUGH OF LINCOLN PARK, COUNTY OF MORRIS, STATE OF NEW JERSEY, RELEASING, EXTINGUISHING AND VACATING THE RIGHTS OF THE PUBLIC TO A CERTAIN PAPER STREET AND RIGHT-OF-WAY LOCATED IN THE BOROUGH OF LINCOLN PARK KNOWN AS SERPENTINE DRIVE**

**WHEREAS**, pursuant to N.J.S.A. 40:67-1(b) and N.J.S.A. 40:67-19, the Governing Body of the Borough of Lincoln Park (hereinafter, "Governing Body") may, by ordinance, vacate any public street or portion thereof, dedicated to public use, but not accepted by the Borough, whether or not the same, or any part, has been actually opened or improved; and

**WHEREAS**, there exists in the Borough of Lincoln Park a portion of an unimproved paper street known as Serpentine Drive between Block 85, Lot 14 and Block 91, Lot 5 / Block 91, Lot 1 as shown on the Official Tax Map of Lincoln Park (hereinafter "Unimproved Street") that serves no public purpose, requires unwarranted maintenance costs, and needs to be vacated; and

**WHEREAS**, the entirety of the Unimproved Street, consisting of an area of one hundred ninety feet by twenty-five feet (190' x 25'), which is neither open to the public for the purposes of vehicular traffic nor publicly maintained as a street; therefore, this vacation ordinance is not subject to review by the Commissioner of the New Jersey Department of Transportation with regard to the traffic regulations thereon pursuant to N.J.S.A. 39:4-8; and

**WHEREAS**, the Governing Body is of the opinion that the public interest would be best served by abandoning, vacating, releasing and extinguishing any and all public rights which the Borough may have in and to the right-of-way and/or paper street known as a Serpentine Drive as shown on Exhibit "A" attached hereto; and

**WHEREAS**, the property is bounded on one side by private property owned by Rosario and Karissa LaCorte whose address is 75 Minnehaha Path, also known as Block 85 and Lot 14 on the tax map of the Borough of Lincoln Park; and

**WHEREAS**, the property is bounded on the other side by private property owned by the Scott and Kimberly Greenfield whose address is 61 Minnehaha Path, also known as Block 91, Lot 5 on the tax map of the Borough of Lincoln Park and by public property owned by the Borough of Lincoln Park whose address is 65 Minnehaha Path, also known as Block 91, Lot 1 on the tax map of the Borough of Lincoln Park; and

**WHEREAS**, property owners Rosario and Karissa LaCorte and Scott and Kimberly Greenfield submitted a request to vacate this paper street and agree to incur the costs associated with this request as required by Lincoln Park Borough Code Chapter 185, Article IV, Sections 185-40 and 185-42.

**WHEREAS**, the adjacent property owners are aware, that upon successful adoption of the vacation ordinance, the entire right-of-way between their respective properties will be transferred to them as follows: an area of the size of one hundred twenty feet by twelve and one half feet (190'x 12.5') to Block 85, Lot 14; an area of the size of ninety feet by twelve and one half feet (90' x 12.5') to Block 91, Lot 5; and an area of the size of one hundred feet by twelve and one half feet (100' x 12.5') to Block 91, Lot 1 by operation of law; and

**WHEREAS**, a Quitclaim Deed transferring ownership of the portion of Serpentine Drive being vacated to Rosario and Karissa LaCorte, owners of Block 85, Lot 14 will be prepared upon passage of this ordinance, and

**WHEREAS**, a proposed Quitclaim Deed transferring ownership of the portion of Serpentine Drive being vacated to Scott and Kimberly Greenfield, owners of Block 91, Lot 5 will be prepared upon passage of this ordinance, and

**WHEREAS**, a proposed Quitclaim Deed transferring ownership of the portion of Serpentine Drive being vacated to the Borough of Lincoln Park, owners of Block 91, Lot 1 will be prepared upon passage of this ordinance, and

**WHEREAS**, pursuant to N.J.S.A. 40:67-1(b), the Governing Body must, by Ordinance, preserve the right of public utilities to maintain, repair and replace their existing utility facilities, including cable television facilities, in, adjacent to, over, or under the property or right-of-way to be vacated; and

**NOW, THEREFORE, BE IT ORDAINED**, by the Governing Body of the Borough of Lincoln Park as follows:

**SECTION 1.** All public easements, right and interests to portion of right-of-way and/or paper street known as Serpentine Drive as shown on Exhibit "A" attached hereto as described herein below are hereby vacated, released and extinguished except for all rights and privileges now possessed by public utilities, as defined in N.J.S.A. 48:2-13, and by any Cable Television Company, as defined in the "Cable Television Act," N.J.S.A. 48:5A-1 et seq., to maintain, repair and replace their existing facilities in, adjacent to, over or under the street, or any part thereof, to be vacated subject to the conditions described herein; all conditions, unless otherwise noted, shall be satisfied prior to said vacation being effective.

**SECTION 2.** The Borough Clerk shall publish, this ordinance, after being introduced and having passed a first reading, at least once not less than ten (10) days instead of one (1) week prior to the time fixed for further consideration for final passage, pursuant to N.J.S.A. 40:49-6.

**SECTION 3.** It is the intent of the Governing Body of the Borough of Lincoln Park to vacate the aforementioned interests that the public may have in the property, and to provide that the property shall be conveyed in its "as is" condition to the adjoining property owners (Block 85, Lot 14, Block 91, Lot 5 and Block 91, Lot1) for no further consideration.

**SECTION 4.** The Borough Clerk shall, at least one (1) week prior to the time fixed for final passage of such ordinance, mail 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, to every person whose lands may be affected by the ordinance or any assessment which may be made in pursuance thereof, pursuant to N.J.S.A. 40:49-6.

**SECTION 5.** The Borough Clerk shall within sixty (60) days after such ordinance becomes effective file a certified copy of the ordinance vacating the street with the office of the County Clerk in a special book set aside for dedications and vacations, pursuant to N.J.S.A. 40:67-21.

**SECTION 6.** All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

**SECTION 7.** If any section, subsection, paragraph, sentence or any part of this ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance not directly involved in the controversy in which such judgment shall have been rendered.

**SECTION 8.** The Mayor and Clerk are authorized to execute Deeds effectuating this vacation.

**SECTION 9.** This Ordinance shall take effect upon final passage and publication in accordance with law.

ATTEST:

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Andrew Seise, Council President

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Courtney Fitzpatrick, RMC,CMC,MMC,CMR  
Borough Clerk  
Borough of Lincoln Park

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Mayor Dr. David Runfeldt

**INTRODUCED:**

**August 21, 2023**

**PUBLISHED IN DAILY RECORD:**

**August 22, 2023**

**PUBLIC HEARING AND ADOPTION:**

**September 5, 2023**

**PUBLISHED IN DAILY RECORD:**

**September 6, 2023**

**EFFECTIVE:**

**September 25, 2023**