ORDINANCE 07-24
BOROUGH OF DUNELLEN

AN ORDINANCE RELEASING, EXTINGUISHING AND VACATING THE DEDICATION OF THE LAND AS A PUBLIC INTEREST IN THAT PORTION OF OLD SOUTH AVENUE BETWEEN GROVE STREET AND SOUTH AVENUE IN THE BOROUGH OF DUNELLEN, IN THE COUNTY OF MIDDLESEX AND THE STATE OF NEW JERSEY.

BE IT ORDAINED by the Mayor and Council of the Borough of Dunellen, in the County of Middlesex and the State of New Jersey, as follows:

1. Any dedication of lands as a public street within the boundaries of that portion of Old South Avenue, in the Borough of Dunellen, County of Middlesex and State of New Jersey, as more particularly described in Schedule "A," annexed hereto and made a part hereof, is hereby rejected, released, extinguished and forever vacated. The Mayor and Council hereby find that the public would be better served by releasing the dedicated land.

2. A perpetual easement is hereby reserved pursuant to the provisions of N.J.S.A. 40:67-1 (b) for the benefit of public utility companies as defined in N.J.S.A 48:2-13 and for any cable television companies as defined in the "Cable Television Act" N.J.S.A. 48:5A-1, for the purpose of maintaining, repairing and replacing existing facilities in, adjacent to, over and under the premises being herein vacated.

3. Where consistent with the context in which used in this ordinance, words importing the singular shall include the plural; words importing the plural shall include the singular; and, words importing one gender shall include all genders.

4. Should any provisions of this ordinance be inconsistent with the provisions of any prior ordinances, the inconsistent provisions of such prior ordinances are hereby repealed, but only to the extent of the inconsistencies.

5. In the event that any provision of this ordinance, or the application thereof to any person or circumstance is declared invalid by a court of competent jurisdiction, such declaration of invalidity shall not affect any other provision or application of this ordinance which may be given effect, and, to realize this intent, the provisions and applications of this ordinance are declared to be severable.

6. This ordinance shall be effective immediately upon final adoption, approval and publication in accordance with law.