

**\*\*\*ADOPTED FEBRUARY 4, 2019\*\*\***

**DELANCO TOWNSHIP**

**ORDINANCE NO. 2019-2**

**AFFIRMING VACATION  
OF HICKORY ALLEY**

**WHEREAS**, there is a certain alley within the Township of Delanco referred to as Hickory Alley, which runs parallel to Hickory Street and to the rear of properties facing Hickory Street and Laurel Street; and

**WHEREAS**, by Ordinance No. 1969-9, the Township Committee vacated Hickory Alley; and

**WHEREAS**, upon information and belief that Ordinance was not recorded, and only one deed of properties in the area seems to reflect the vacation and the gaining of 50% of the alley to the center line; and

**WHEREAS**, in addition, there are numerous other “encroachments” on what was Hickory Alley; and

**WHEREAS**, to ensure that there is no confusion with regard to the status of Hickory Alley, the Township Committee of the Township of Delanco desires to affirm the vacation of Hickory Alley and file this Ordinance with the office of the Burlington County Clerk.

**WHEREAS**, the Township has further reviewed this alley and has determined that this is an unimproved paper street, with no plan for paving or utilization as a public street, and as such it is not needed for public use. The vacation will transfer ownership to all abutting property owners to the centerline of the alley; and

**NOW, THEREFORE, BE IT HEREBY ORDAINED** by the Township Committee of the Township of Delanco as follows:

Section 1. The Township of Delanco hereby vacates and affirms the prior vacation by Ordinance 1969-8 of Hickory Alley. Hickory Alley runs parallel to Hickory Street and is to the rear property line of properties facing Hickory Street and Laurel Street. Hickory Alley is further depicted on the highlighted tax map attached hereto. Ownership will transfer to all abutting property owners to the centerline of the alley.

Section 2. The Township of Delanco expressly reserves and excepts from vacation all rights and privileges possessed by public utilities, as defined in N.J.S.A. 48:2-13 and related statutes, 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 affected streets, or any part thereof, to be vacated. Further, any public improvements such as sewer or water lines underlying the street or right of way area being vacated by this

Ordinance, if any, are reserved out and subject to an easement for continued right of access for maintenance, improvement and/or repair. This vacation shall further be subject to all easements, declarations and restrictions of record.

Section 3. Repealer. Any Ordinances inconsistent with this ordinance are hereby repealed to the extent of its inconsistency.

Section 4. Severability. If any provision of this Ordinance is deemed unlawful by a Court is found to be contrary to law by a court of competent jurisdiction, such provision shall be of no force or effect; but the remainder of this Agreement shall continue in full force and effect.

Section 5. Effective date. This Ordinance shall take effect upon proper passage in accordance with the law.

Section 6. Filing. This Ordinance shall be filed with the County Clerk within 60 days of passage in accord with the law.