HAMPTON BOROUGH
COUNTY OF HUNTERDON
ORDINANCE 11-2026

NOTICE is hereby given that the following Ordinance was Introduced by title on first reading at a regular meeting of the Borough Council of the Borough of Hampton held on September 21 2026 and ordered published in accordance with the law. Said Ordinance was to be considered for final reading, Public Hearing and Adoption at a regular meeting of the Hampton Borough Council to be held on October 19, 2026 at 6:30p.m, however the Public Hearing and Adoption has been rescheduled to November 16, 2026 at 6:30pm or as soon thereafter due to extra time needed to complete the requirements for adoption. The meeting will be held at the Municipal Building, 1 Wells Avenue, Hampton, New Jersey, at which time all persons interested may appear for or against the passage of said ordinance.

AN ORDINANCE
VACATING CERTAIN UNOPENED, UNIMPROVED AND UNUSED PAPER STREETS, LANES, ALLEYS AND RIGHTS-OF-WAY WITHIN THE BOROUGH OF HAMPTON THAT ARE NOT REQUIRED FOR PRESENT OR REASONABLY FORESEEABLE MUNICIPAL PURPOSES

WHEREAS, the Borough Council of the Borough of Hampton, County of Hunterdon, State of New Jersey, is authorized pursuant to N.J.S.A. 40:67-1(b) to establish, change the grade of, and vacate any public street, highway, lane or alley, or any part thereof, and to vacate streets, highways, lanes, alleys and other areas dedicated to public use but not accepted by the municipality, whether or not the same have actually been opened or improved; and

WHEREAS, N.J.S.A. 40:67-19 further authorizes a municipality, by ordinance and following notice and hearing, to release and extinguish the public rights arising from the dedication of lands as a public street, highway, square or public place where the lands have not been accepted or opened by the municipality and where the public interest will be better served by releasing the lands from the dedication; and

WHEREAS, the Borough of Hampton contains certain streets, lanes, alleys and rights-of-way shown on subdivision maps, tax maps, filed maps, deeds or other instruments which were dedicated or reserved for public use but which have never been opened, constructed, improved or accepted by the Borough, or which have ceased to serve any public transportation, access, drainage, emergency access or other municipal purpose; and

WHEREAS, certain of these unopened and unimproved rights-of-way, commonly referred to as "paper streets," "paper roads," "paper lanes" or "paper alleys," are not presently used by the public and, following review by the Borough Engineer and Borough Solicitor, have been determined not to be necessary for any present or reasonably foreseeable municipal purpose; and

WHEREAS, the continued existence of such unused paper streets and alleyways may create uncertainty concerning property ownership, title, development rights, maintenance responsibilities, access rights and municipal obligations without providing a corresponding public benefit; and

WHEREAS, the Borough Council has determined that the public interest will be better served by vacating those specific unopened and unimproved streets, lanes, alleys and rights-of-way identified in **Exhibit A** attached hereto and incorporated herein, subject to the reservations, exceptions and conditions contained in this Ordinance; and

WHEREAS, prior to final adoption, the Borough Engineer and Borough Solicitor shall verify the location, status, dimensions, ownership interests, utility facilities, drainage facilities, access rights and other encumbrances affecting each right-of-way identified in **Exhibit A**; and

WHEREAS, the Borough Council intends that no portion of a public street, highway, lane or alley presently required for public vehicular or pedestrian circulation, emergency access, drainage, stormwater management, utility purposes, public infrastructure, or other legitimate municipal purpose shall be vacated pursuant to this Ordinance; and

WHEREAS, the Borough Council further intends that the vacation of any right-of-way pursuant to this Ordinance shall not impair, terminate or otherwise adversely affect any right, easement or privilege lawfully possessed by a public utility or cable television company to maintain, repair, replace or otherwise operate existing facilities located in, adjacent to, over or under the right-of-way being vacated; and

WHEREAS, Hampton Borough Director of Public Works, Alan Brower, has reviewed all properties listed in **Exhibit A** and found there are no current or future need for the alleys; and

WHEREAS, the Borough Council has caused notice of its intention to consider this Ordinance to be provided and intends to conduct the public hearing required by applicable law prior to final adoption.

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Hampton, County of Hunterdon, State of New Jersey, as follows:

SECTION 1. Statutory Authority.

This Ordinance is adopted pursuant to N.J.S.A. 40:67-1(b), N.J.S.A. 40:67-19, N.J.S.A. 40:49-2 and N.J.S.A. 40:49-6, together with all other applicable provisions of New Jersey law.

SECTION 2. Definitions.

For purposes of this Ordinance:

A. **"Borough"** means the Borough of Hampton, Hunterdon County, New Jersey.

B. **"Paper Street" or "Paper Right-of-Way"** means a street, road, lane, alley or other right-of-way dedicated, reserved or shown for public use on a filed map, subdivision map, deed, tax map or other instrument which has not been opened, constructed or accepted for public use by the Borough, or which is otherwise determined by the Borough not to be necessary for a present or reasonably foreseeable municipal purpose.

C. **"Vacation"** means the release and extinguishment of the public rights possessed by the Borough and the public in and to the right-of-way described in the applicable exhibit to this Ordinance, subject to all express reservations and exceptions contained herein.

SECTION 3. Rights-of-Way Vacated.

Pursuant to N.J.S.A. 40:67-1(b) and N.J.S.A. 40:67-19, the Borough hereby vacates, releases and extinguishes all public right, title and interest of the Borough and the public in and to those portions of the streets, roads, lanes, alleys and rights-of-way specifically identified and described in **Exhibit A**, attached hereto and incorporated herein.

Each vacation shall be limited strictly to the land and right-of-way described in the applicable survey, filed-map reference and/or metes-and-bounds description contained in or incorporated into **Exhibit A**.

No street, road, lane, alley or right-of-way not specifically identified in **Exhibit A** shall be deemed vacated by this Ordinance.

SECTION 4. Finding of No Present or Reasonably Foreseeable Municipal Use.

The Borough Council hereby finds, based upon the review and recommendations of the Borough Engineer, Borough Administrator, Department of Public Works and Borough Solicitor, as applicable, that each right-of-way identified in **Exhibit A**:

1. has not been opened or improved as a public street, road, lane or alley, or is otherwise no longer used for public roadway purposes;

2. is not presently required for municipal vehicular or pedestrian circulation;

3. is not required for present or reasonably foreseeable emergency access;

4. is not required for present or reasonably foreseeable drainage or stormwater management purposes;

5. is not required for present or reasonably foreseeable public utility or municipal infrastructure purposes, except for rights expressly reserved by this Ordinance;

6. is not necessary to implement the Borough's current transportation system, official map, capital improvement program or other municipal infrastructure plan; and

7. may be released from public dedication without adversely affecting the public health, safety and welfare.

The Borough Council, therefore, determines that the public interest will be better served by vacating the rights-of-way identified in **Exhibit A** than by retaining them as unused paper streets or alleyways.

SECTION 5. Utility and Cable Television Reservations.

Notwithstanding any other provision of this Ordinance, there are expressly reserved and excepted from the vacation effected hereby all rights and privileges possessed by 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 (N.J.S.A. 48:5A-1, et seq.), to maintain, repair, replace and otherwise lawfully operate existing facilities located in, adjacent to, over or under any street, highway, lane, alley or right-of-way vacated pursuant to this Ordinance.

Nothing contained herein shall be construed to terminate or impair any valid utility easement or other lawful easement existing independently of the public right-of-way being vacated.

SECTION 6. Drainage, Stormwater and Access Rights.

Nothing in this Ordinance shall be construed to extinguish any separately held easement, drainage right, stormwater management right, access easement, conservation restriction, deed restriction or other private or public property interest unless such interest is expressly identified and extinguished pursuant to a separate lawful instrument or proceeding.

Where the Borough Engineer determines that a drainage, stormwater, emergency-access or other municipal easement is necessary to protect the public health, safety or welfare, such easement shall be expressly reserved from the vacation and identified on **Exhibit A**.

SECTION 7. County and State Rights.

Nothing in this Ordinance shall be construed to vacate, alter, diminish or otherwise affect any right-of-way, easement or jurisdiction belonging to Hunterdon County, the State of New Jersey, the New Jersey Department of Transportation or any other governmental entity.

The Borough Clerk and Borough Engineer are authorized and directed to confirm, prior to final adoption, that no right-of-way proposed for vacation is subject to county or State jurisdiction.

SECTION 8. Effect Upon Underlying Ownership.

The vacation authorized by this Ordinance shall constitute the release and extinguishment of the public rights arising from the dedication or acceptance of the rights-of-way identified in **Exhibit A**, to the extent provided by applicable law.

The Borough makes no representation or warranty by adoption of this Ordinance concerning the ownership of the underlying fee title to any vacated right-of-way.

The ownership of any land underlying a vacated right-of-way shall be determined by the applicable chain of title, deeds, filed maps, dedications, applicable law and other competent evidence of title.

Nothing herein shall be construed as a conveyance by the Borough of any fee interest that the Borough does not own.

SECTION 9. No Warranty of Title.

The vacation of any right-of-way pursuant to this Ordinance shall be made without warranty of title and without representation by the Borough concerning the existence, priority, validity or enforceability of any private easement, lien, mortgage, restriction, covenant, encumbrance or other interest affecting the property.

SECTION 10. Survey and Title Documentation.

Prior to final adoption of this Ordinance, the Borough Engineer and Borough Solicitor shall review the proposed vacations and, where appropriate, shall prepare or approve:

A. a survey or plan identifying each right-of-way proposed to be vacated;

B. a metes-and-bounds description or other legally sufficient description of each portion to be vacated;

C. the applicable tax map, filed-map or subdivision-map reference;

D. the tax block and lot numbers of affected properties;

E. the location of known utilities, drainage facilities and other public infrastructure;

F. the identity of affected adjoining property owners; and

G. a determination concerning any public, private, utility, drainage, access or other easements that must be retained.

The Borough Engineer and Borough Attorney may revise Exhibit A prior to final adoption to correct survey, title, block-and-lot, metes-and-bounds or other technical information without altering the substantive intent of this Ordinance.

SECTION 11. Notice and Public Hearing.

The Borough Clerk is hereby authorized and directed to comply with all notice, publication and hearing requirements applicable to the vacation of public streets, lanes and alleys, including the requirements of N.J.S.A. 40:49-6.

The public hearing on this Ordinance shall be conducted at the date, time and place specified in the public notice for final consideration of the Ordinance.

All persons affected by the proposed vacations shall have an opportunity to be heard concerning the Ordinance in accordance with applicable law.

SECTION 12. Costs.

To the extent permitted by law, any person or property owner requesting the vacation of a particular right-of-way shall be responsible for the Borough's reasonable legal, engineering, title-search, survey, publication, recording and administrative expenses incurred in connection with that requested vacation.

The Borough Council may require payment or escrow of such expenses before final adoption or recording of documents associated with the vacation.

Nothing herein shall require a property owner to pay costs where the Borough independently initiates a vacation for a municipal purpose.

SECTION 13. Recording.

Upon the effective date of this Ordinance, the Borough Clerk shall cause a certified copy of this Ordinance, together with proof of publication where required, to be filed and recorded in the office of the Hunterdon County Clerk in accordance with N.J.S.A. 40:67-21.

The Borough Clerk shall also cause the Borough's tax maps, official records and other applicable municipal records to be updated to reflect the vacations effected by this Ordinance.

SECTION 14. Official Map and Municipal Records.

Following the effective date of this Ordinance, the Borough Engineer and Borough Clerk are authorized and directed to make appropriate revisions to Borough maps, roadway inventories, tax-map references and other municipal records to reflect the vacation of the rights-of-way identified in **Exhibit A**.

SECTION 15. No General Vacation.

This Ordinance shall not be interpreted as a general or blanket vacation of all paper streets, paper roads, lanes, alleys or other unopened rights-of-way within the Borough.

Only those rights-of-way specifically identified and legally described in **Exhibit A** are vacated.

Any additional paper street, lane, alley or right-of-way subsequently determined to be unnecessary for municipal purposes shall require separate review and, where appropriate, separate legislative action by the Borough Council.

SECTION 16. Severability.

If any section, subsection, paragraph, sentence, clause or provision of this Ordinance, or the application thereof to any person or circumstance, shall be adjudged invalid by a court of competent jurisdiction, such adjudication shall not affect the validity of the remaining portions of this Ordinance, which shall remain in full force and effect.

SECTION 17. Repealer.

All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency

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SECTION 18. Effective Date.

This Ordinance shall take effect upon final passage, approval and publication in the manner provided by law, and upon satisfaction of all applicable statutory requirements.

Linda Leidner, RMC
Borough Clerk

Todd Shaner, Mayor

EXHIBIT A

PAPER STREETS, LANES, ALLEYS AND RIGHTS-OF-WAY TO BE VACATED

The following rights-of-way are hereby identified for vacation pursuant to this Ordinance:

1. [NAME OF PAPER STREET / ALLEY]
Location: Strip behind Trailer Park - Lackawanna Street
Filed Map/Plan:
Block(s): 13
Lot(s): 1.02
Width: 142.4 x 115.30 x 251.46 (Triangle
Length:
Approximate Area: 17,821
Metes and Bounds:
See attached survey and legal description prepared by R.W. Lee Associates, P.L.S., dated 01/25/1985, attached hereto as **Exhibit A-1**.
Retained Easements:

2. [NAME OF PAPER STREET / ALLEY]
Location: Lackawanna -Trailer Park (Henry Hicks)
Filed Map/Plan:
Block(s): 13
Lot(s): 1
Width: 215.46
Length: 407.32
Approximate Area: 2.01 acres
Metes and Bounds:
See attached survey and legal description prepared by R.W. Lee Associates, P.L.S., dated 01/25/1985, attached hereto as **Exhibit A-2**.
Retained Easements:

3. [NAME OF PAPER STREET / ALLEY]
Location: Alley between the Masin Family properties – Railroad Avenue
Filed Map/Plan: Sheet 2 – R.W. Lee Associates
Block(s): 13
Lot(s): 11.01 and 11
Width: 12 feet
Length: 200.9 feet

Approximate Area: 2,411 sq. ft

Metes and Bounds:

See attached survey and legal description prepared by _____, P.L.S., dated _____, attached hereto as **Exhibit A-3**.

Retained Easements:_____

4. [NAME OF PAPER STREET / ALLEY]

Location: Alley between the Masin Family properties

Filed Map/Plan: Sheet 2 – 01/25/1985

Block(s): 13

Lot(s): 11 and 11.01

Width: 12 feet

Length: 200.9 feet

Approximate Area:2,411

Metes and Bounds:

See attached survey and legal description prepared by R.W. Lee Associates, P.L.S., dated 01/25/1985, attached hereto as **Exhibit A-4**.

Retained Easements:_____

5. [NAME OF PAPER STREET / ALLEY]

Location: 14’ Alley on Lower Skillman Street

Filed Map/Plan: _____

Block(s): 24

Lot(s): 19 and 20

Width: 14 feet

Length: 292.71 feet

Approximate Area: _____

Metes and Bounds:

See attached survey and legal description prepared by _____, P.L.S., dated _____, attached hereto as **Exhibit A-5**.

Retained Easements:_____

6. [NAME OF PAPER STREET / ALLEY]

Location: 19’ Alley next to Sherlock Residence

Filed Map/Plan: Sheet 2 – R.W. Lee Associates

Block(s): 24

Lot(s): 19

Width: 14 feet

Length: 292.76 feet

Approximate Area: 4,098.69

Metes and Bounds:
See attached survey and legal description prepared by _____, P.L.S., dated _____, attached hereto as **Exhibit A-6**.
Retained Easements:_____

7. [NAME OF PAPER STREET / ALLEY]
Location: 19' Alley next to Sherlock Residence _____
Filed Map/Plan: _____
Block(s): 24_____
Lot(s): 20_____
Width: _____
Length: _____
Approximate Area: _____
Metes and Bounds:
See attached survey and legal description prepared by _____, P.L.S., dated _____, attached hereto as **Exhibit A-7**.
Retained Easements:_____