

# Ordinance 2024-10

BOROUGH OF HIGHTSTOWN  
COUNTY OF MERCER  
STATE OF NEW JERSEY

## **ORDINANCE OF THE BOROUGH OF HIGHTSTOWN, COUNTY OF MERCER, VACATING A PORTION OF THE MECHANIC STREET RIGHT OF WAY SOUTH OF BANK STREET TO BE COMBINED WITH NEW LOT 1.01 IN BLOCK 30**

**WHEREAS**, the governing body of the Borough of Hightstown (the “**Borough**”) is authorized to determine whether certain property located within the Borough is in need of redevelopment under the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 *et seq.* (the “**Redevelopment Law**”); and

**WHEREAS**, in accordance with the criteria set forth in the Redevelopment Law, the Borough designated the properties known as Block 54, Lots 6-10, 13, 14.01, 16.01 & 23; Block 40, Lots 14-28; Block 33, Lots 1-30 & 32-36; Block 30, Lots 1-13; Block 28, Lots 56 & 57; and Block 21, Lots 1-14, 20 & 26; Block 8, Lots 12-14; and Block 18, Lots 8-12 on the Borough’s official tax map (collectively, the “**Redevelopment Area**”), as an “area in need of redevelopment”; and

**WHEREAS**, by Ordinance 2020-04, adopted on August 3, 2020, the Borough Council adopted a new redevelopment plan titled the “Bank Street Redevelopment Plan,” dated July 20, 2020 (together with any further amendments thereto, the “**Redevelopment Plan**”), applicable to the portion of the Redevelopment Area known as “Sub Area I (Bank Street),” as expanded; and

**WHEREAS**, the Borough and 3PRC, LLC (the “**Redeveloper**”) are about to enter into a redevelopment agreement (the “**Redevelopment Agreement**”), pursuant to which the Redeveloper will redevelop the portion of the Redevelopment Area consisting of: (i) Block 30, Lot 1.01 (comprised of a portion of former Lot 1, and former Lots 2-7, 10 and 11, and a portion of former lot 12 in Block 30); (ii) Block 21, Lot 1.01 (comprised of former Lots 1-13, 20 & 26 in Block 21); (iii) Block 21, Lot 14; and (iv) Block 8, Lot 12 on the Borough’s official tax map (collectively, the “**Project Area**”), which constitutes part of Sub-Area I (Bank Street), as expanded; and

**WHEREAS**, in accordance with the Redevelopment Agreement, the Redeveloper will construct, on the Project Area, a project including a maximum of 343 rental apartments and 43 townhomes, together with associated parking and other infrastructure improvements and appurtenances, and/or other optional structures (collectively, the “**Project**”); and

**WHEREAS**, in accordance with and as part of the subdivision application submitted by the Redeveloper and approved by the Hightstown Borough Planning Board (the “**Planning Board**”) pursuant to Resolution No. 2023-10, a portion of Lot 1 and Lots 2 through 7 and 10, 11, and a portion of Lot 12 in Block 30 on the official tax map of the Borough of Hightstown were consolidated to create new “Tract B,” as depicted on the Subdivision Plat, which was redesignated by the Borough Tax Assessor as Block 30, Lot 1.01 on the Borough’s tax map; and

**WHEREAS**, the Planning Board also approved the vacation of a portion of the Mechanic Street right-of-way lying south of Bank Street and situated adjacent to new Lot 1.01 in Block 30, which said portion of Mechanic Street is described in **Exhibit A** attached hereto and depicted in **Exhibit B** hereto (the “**Vacated Area**”), with the Vacated Area being combined with and incorporated into Block 30, Lot 1.01; and

**WHEREAS**, in accordance with the Redevelopment Plan, the vacation of the Vacated Area will be subject to the provision, by the Redeveloper to the Borough, of an access easement permitting adequate public utilities and public access to the Project’s parking garage and an alternate access for the Hightstown Engine Company; and

**WHEREAS**, the aforesaid access easement is set forth on the Subdivision Plat approved by the Planning Board as a “40’ wide Access and Utility Esmt.,” which depicts therein existing utility improvements, as well as potable water and storm sewer infrastructure to be installed by the Redeveloper, thereby establishing the dual purpose (access and utilities) of the easement; and

**WHEREAS**, *N.J.S.A.* 40A:12A-8f and 40:67-1 *et seq.* permit the Borough to close and vacate its interest in streets where necessary for projects such as the Project.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Borough Council of the Borough of Hightstown, in the County of Mercer, State of New Jersey, as follows:

**Section 1.** The aforementioned recitals are incorporated herein as though fully set forth at length

**Section 2.** The Vacated Area is hereby vacated in accordance with Planning Board Resolution No. 2023-10, with the Vacated Area being combined with new Lot 1.01 in Block 30; provided, however, that all rights and privileges 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, P.L.1972, c. 186, to maintain, repair and replace their existing facilities in, adjacent to, over or under the street, highway, lane, alley, square, place or park, or any part thereof, to be vacated, are expressly reserved and excepted from the vacation set forth above.

**Section 3.** The Mayor is hereby authorized and directed to execute any and all documents necessary to convey any remaining fee interest in the Vacated Area, surviving the consolidation of the Vacated Area with new Lot 1.01 in Block 30, to the Redeveloper.

**Section 4.** The Borough Clerk is hereby authorized and directed to: (i) publish notice of the introduction of this ordinance pursuant to *N.J.S.A.* 40:49-2; provided, however, that notice as to such introduction and public hearing shall be made, pursuant to *N.J.S.A.* 40:49-6, at least ten (10) days prior to the public hearing and adoption hereof; and (ii) to mail, at least one week prior to the public hearing and adoption hereof, a copy of the notice referenced in subsection (i) hereof to every person whose lands may be affected by this ordinance.

**Section 5.** Within sixty (60) days after adoption of this ordinance, the Borough Clerk is authorized and directed to cause a certified copy of this Ordinance to be filed with the Clerk of Mercer County, pursuant to *N.J.S.A.* 40:67-2.

**Section 6.** This ordinance shall take effect in accordance with all applicable laws and upon the Borough and the Redeveloper executing the Redevelopment Agreement, whichever shall later occur.

Introduction: June 17, 2024

Adoption:

ATTEST:

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MARGARET RIGGIO  
MUNICIPAL CLERK

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SUSAN BLUTH  
MAYOR

## **Exhibit A**

### **Description of Vacated Area**

**DESCRIPTION OF PROPERTY  
BOROUGH OF HIGHTSTOWN  
MERCER COUNTY, NEW JERSEY**

**MECHANIC STREET VACATION  
PROJECT NO. 16001094B  
SEPTEMBER 8, 2023  
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All that certain lot, tract or parcel of land situate, lying and being in the Borough of Hightstown, in the County of Mercer and the State of New Jersey, and being and being a portion of Mechanic Street (50' wide right of way) to be vacated and combine with Lot 1.01, Block 30, as shown on a map entitled "Minor Subdivision for PRC Hightstown, Block 21, Lots 1-3, 20, 21 & 26, Block 30. Lots 1-7 & 10-13, Boro. of Hightstown, Mercer County, New Jersey", prepared by Colliers Engineering & Design, dated August 10, 2020 and revised through September 8, 2023, and being more particularly bounded and described as follows:

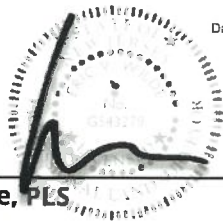
**BEGINNING** at the intersection of the southerly right of way line of Bank Street (45' wide right of way) with the easterly right of way line of Mechanic Street (50' wide right of way), and running, thence –

1. **S 13° 32' 03" W, 184.66 feet**, along the aforesaid easterly right of way line of Mechanic Street, to the southerly terminus of the same, thence –
2. **N 72° 20' 20" W, 50.13 feet**, along the aforesaid southerly terminus of Mechanic Street, to the westerly right of way line of Mechanic Street, thence –
3. **N 13° 32' 03" E, 180.95 feet**, along the aforesaid westerly right of way line of Mechanic Street, to the aforesaid southerly right of way line of Bank Street, thence –
4. **S 76° 35' 19" E, 50.00 feet**, along the aforesaid southerly right of way line of Bank Street, to the Point and Place of **BEGINNING**.

**CONTAINING:** 9,140 square feet or 0.210 acres of land more or less.

**SUBJECT TO:** to all easements, restrictions, reservations, agreements, covenants and rights of way of record.

The foregoing description was prepared by the undersigned surveyor for the firm of Colliers Engineering & Design and is based on the aforesaid Minor Subdivision.



Digitally signed by Eric Wilde  
Date: 2023.09.11 13:50:11-04'00'

**Eric V. Wilde, PLS**  
New Jersey Professional Land Surveyor  
License Number GS43279

September 11, 2023

**Date:**

**Exhibit B**

**Map of Vacated Area**

