

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: August 5, 2024

ATTEST:


MARGARET RIGGIO
MUNICIPAL CLERK


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
PAGE 1 | 1**

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:

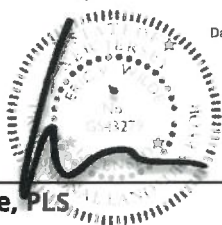
BEGINNING at the intersection of the southerly right of way line of Bank Street (45' wide right of way) with the easterly right of way line of Mechanic Street (50' wide right of way), and running, thence –

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



LOCATION MAP
MADISON, WISCONSIN

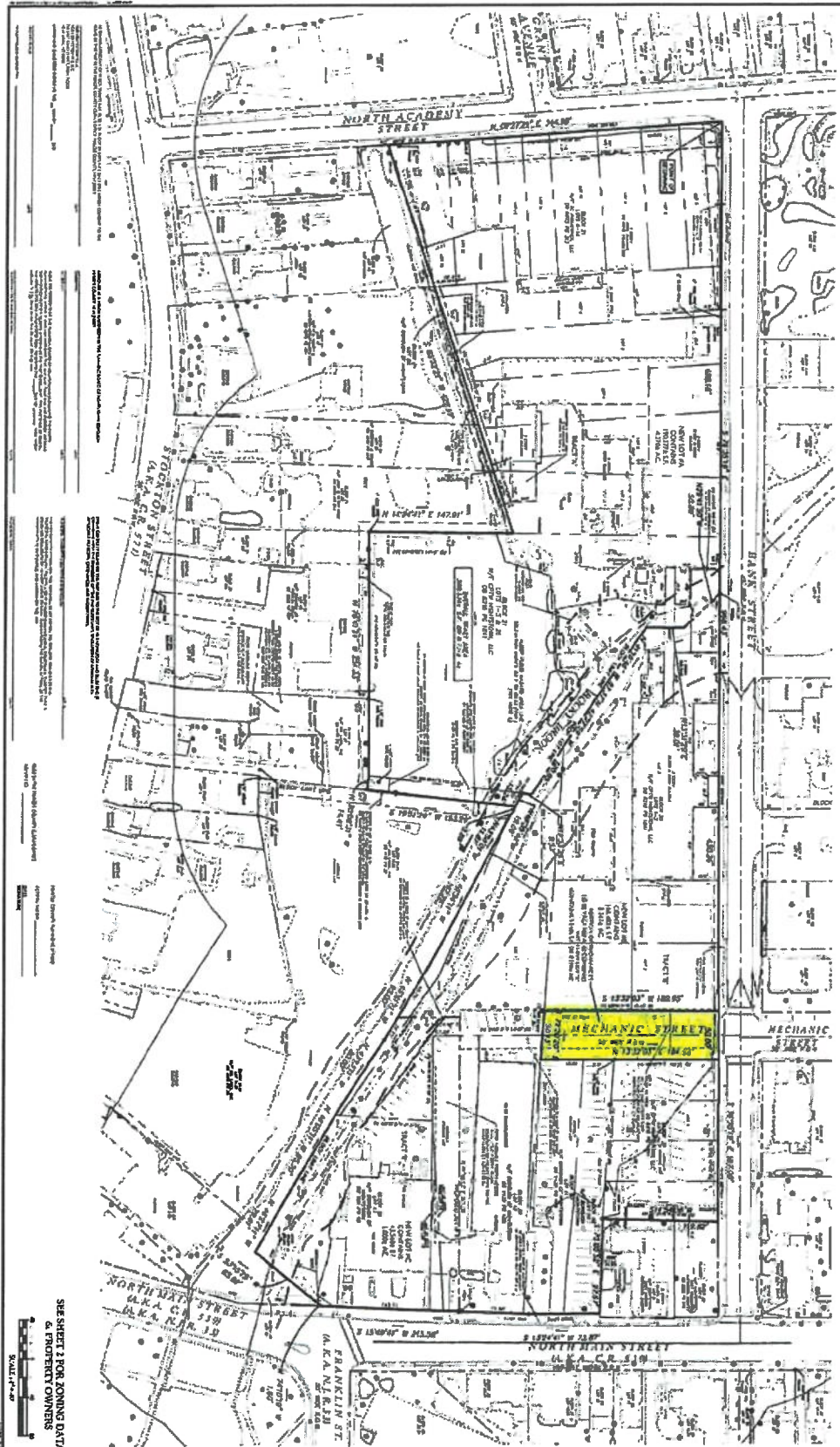
GENERAL NOTES

1. THIS PLAN IS A PRELIMINARY PLAN AND IS NOT TO BE USED FOR CONSTRUCTION.
2. THE CITY ENGINEER HAS REVIEWED THIS PLAN AND HAS ISSUED THIS PERMIT UNDER THE PROVISIONS OF THE CITY OF MADISON ORDINANCE 20.01.
3. THE PERMITTEE SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE APPROPRIATE AGENCIES.
4. THE PERMITTEE SHALL BE RESPONSIBLE FOR MAINTAINING ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
5. THE PERMITTEE SHALL BE RESPONSIBLE FOR RESTORING ALL AREAS TO ORIGINAL OR BETTER CONDITION AFTER THE WORK IS COMPLETED.
6. THE PERMITTEE SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE APPROPRIATE AGENCIES.
7. THE PERMITTEE SHALL BE RESPONSIBLE FOR MAINTAINING ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
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10. THE PERMITTEE SHALL BE RESPONSIBLE FOR MAINTAINING ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
11. THE PERMITTEE SHALL BE RESPONSIBLE FOR RESTORING ALL AREAS TO ORIGINAL OR BETTER CONDITION AFTER THE WORK IS COMPLETED.

SCHEDULE OF CONSTRUCTION	
DATE	DESCRIPTION

SCHEDULE OF CONSTRUCTION	
DATE	DESCRIPTION

SCHEDULE OF CONSTRUCTION	
DATE	DESCRIPTION



SEE SHEET 1 FOR ZONING DATA
& PROPERTY OWNERS

Scale: 1" = 40'

	MASER ENGINEERING & ARCHITECTURE 1000 W. MOUNTAIN VIEW AVENUE MADISON, WISCONSIN 53706 TEL: 608.261.1234 FAX: 608.261.1235 WWW.MASER-ENGINEERING.COM
	PROJECT NO. 2024-10 SHEET NO. 1 OF 2
BLOCK 11 LOTS 14, 15, 16, 17, 18, 19 HOOD OF HIGHTSTOWN CITY OF MADISON WISCONSIN	MINOR SUBDIVISION FOR PAC HIGHTSTOWN
DATE: 10/15/24 DRAWN BY: [Signature] CHECKED BY: [Signature]	CITY OF MADISON ENGINEER OF PUBLIC WORKS [Signature] DATE: 10/15/24