

**ORDINANCE OF THE TOWNSHIP OF LAKEWOOD,  
COUNTY OF OCEAN, STATE OF NEW JERSEY,  
RELEASING, EXTINGUISHING AND VACATING THE  
RIGHTS OF THE PUBLIC TO A PORTION OF KENNEDY  
BOULEVARD EAST AND A PORTION OF (OLD) BROOK  
ROAD, SAID PORTIONS BEING AN UNDEVELOPED  
SECTION OF STREET AT THE EASTERN TERMINIUS OF  
KENNEDY BOULEVARD EAST IN THE TOWNSHIP OF  
LAKEWOOD**

**WHEREAS**, pursuant to N.J.S.A. 40:67-1(b) and N.J.S.A. 40:67-19, the Township Committee may, by ordinance, vacate any public street or portion thereof, dedicated to public use, but not accepted by the Township, whether or not the same, or any part, has been actually opened or improved; and

**WHEREAS**, certain portions of Kennedy Boulevard East and (Old) Brook Road in the Township of Lakewood is a partially undeveloped street and remains unimproved; and

**WHEREAS**, portions of Kennedy Boulevard East and (Old) Brook Road hereinafter described have been determined to be unnecessary for public use; and

**WHEREAS**, portions hereinafter described East of Brook Road may be vacated and returned to the owner of Lots 6 and 7 in Block 175 and with the Township of Lakewood retaining a 50 ft. right of way with the remaining portion not vacated of Kennedy Boulevard East for any potential future roadway; and

**WHEREAS**, it has been determined by the Township Committee as follows:

(1) That these portions of Kennedy Boulevard East and (Old) Brook Road described herein are not needed for public road purposes; and

(2) Said portions of Kennedy Boulevard East and (Old) Brook Road lend itself to higher and better use than for public road purposes and that it is in the best interest of the general public and the Township of Lakewood that the rights and interests in and to same shall as a public right of way be vacated, released and extinguished; and

**WHEREAS**, pursuant to N.J.S.A. 40:67-1(b), the Township Committee must, by Ordinance, preserve the right of public utilities to maintain, repair and replace their existing utility facilities, including cable television facilities, in, adjacent to, over, or under the property or right-of-way to be vacated; and

**WHEREAS**, the owners and also the contract purchasers of Lots 6 & 7 in Block 175, in requesting these vacations and accepting same have agreed to construct a linear park on a 70 foot wide portion of the Right of Way known as Kennedy Boulevard East, consistent with a 120 ft. wide right of way from Brook Road west to New Jersey Southern Branch Main Stem (Conrail). Said proposed linear park would commence to the east and tie in with the Lakewood Township Park to the east of Brook Road and would incorporate a bike path as well as active and passive areas to be designed and developed in conjunction with Lakewood Township professionals and departments. The development of this park would be at the cost and expense of the property owners/contract purchasers of Lots 6 and 7 in Block 175 and be further subject of an agreement incorporating the specific terms of development of said park. The Township, for its part, in permitting the proposed vacation and accepting the proposed development of the linear park, agrees that the utilization of a portion of Kennedy Boulevard East from the New Jersey Southern Branch Main Stem easterly to Brook Road shall, instead of being further utilized as a public right of way, shall be utilized as a public linear park.

**NOW, THEREFORE, BE IT ORDAINED**, by the Township Committee of the Township of Lakewood, County of Ocean, State of New Jersey, as follows:

**SECTION 1.** All public easements, right and interests to a portion of Kennedy Boulevard East and (Old) Brook Road as described hereinbelow are hereby vacated, released and extinguished except for all rights and privileges now 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," N.J.S.A. 48:5A-1 et seq., to maintain, repair and replace their existing facilities in, adjacent to, over or under the street, or any part thereof, to be vacated subject to the conditions described herein; all conditions, unless otherwise noted, shall be satisfied prior to said vacation being effective.

Description of the portions of a portion of Kennedy Boulevard East and a portion of (Old) Brook Road, Lakewood Township, being vacated:

See attached metes and bounds description prepared by FWH Associates, P.A., by William P. Schemel, P.L.S., dated November 14, 2017.

The Mayor is authorized enter into and the Township Clerk to attest to an agreement for the development of a linear park with the owner/contract purchaser of Lot 6 and 7 in Block 175 to be developed in accordance with said agreement and as developed and approved by the Lakewood Township professionals and departments.

**SECTION 2.** The Township Clerk shall publish, this ordinance, after being introduced and having passed a first reading, at least once not less than ten (10) days

instead of one (1) week prior to the time fixed for further consideration for final passage, pursuant to N.J.S.A. 40:49-6.

**SECTION 3.** The Township Clerk shall, at least one (1) week prior to the time fixed for final passage of such ordinance, mail a copy thereof, together with a notice of the introduction thereof, and the time and place when and where the ordinance will be further considered for final passage, to every person whose lands may be affected by the ordinance or any assessment which may be made in pursuance thereof, pursuant to N.J.S.A. 40:49-6.

**SECTION 4.** The Township Clerk shall within sixty (60) days after such ordinance becomes effective file a certified copy of the ordinance vacating the street with the office of the County Clerk in a special book set aside for dedications and vacations, pursuant to N.J.S.A. 40:67-21.

**SECTION 5.** All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

**SECTION 6.** If any section, subsection, paragraph, sentence or any part of this ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance not directly involved in the controversy in which such judgment shall have been rendered.

**SECTION 7.** This Ordinance shall take effect upon final passage and publication in accordance with law.

### **NOTICE**

**PUBLIC NOTICE** is hereby given that the foregoing ordinance was introduced at a meeting of the Township Committee of the Township of Lakewood, in the County of Ocean and State of New Jersey on the **7<sup>th</sup> day of December, 2017**, and was then read for the first time. The said Ordinance will be further considered for final passage by the Township Committee in the Town Hall at 7:30 p.m. on **December 21, 2017**. At such time and place or any time or place to which said meeting may be adjourned, all persons interested will be given an opportunity to be heard concerning said ordinance.

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Kathryn Hutchinson, RMC  
Township Clerk