

ORDINANCE # 2020-006

An Ordinance Of The Township Of Lakewood, County Of Ocean, State Of New Jersey, Releasing, Extinguishing And Vacating The Rights Of The Public To An Unnamed Paper Street Located Off River Avenue As Depicted On Tax Map Sheet 85 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, an unnamed paper street located to the west of River Avenue between Lot 14 in Block 420.01 and Lot 16 in Block 420 as depicted on Tax Map Sheet 85 in the Township of Lakewood is a paper street and remains unimproved; and

WHEREAS, this unnamed paper street located to the west of River Avenue as depicted on Tax Sheet 85 and described in the attached Exhibit A has been determined to be unnecessary for public use; and

WHEREAS, the property owners that have frontage on this unnamed paper street located to the west of River Avenue as depicted on Tax Map Sheet 85, River Avenue Development, LLC (the owner of Block 420.01 Lot 14), and Prospect Professional Center, LLC (owner of Block 420.01 Lot 23), have requested this vacation; and the owners of Block 420 Lot 16 and Block 420.01 Lot 12 (Kimball Medical Center/RWJ Barnabas) consent to this proposed vacation; and

WHEREAS, by Memorandum dated January 29, 2020, Ally Morris, the Lakewood Township Planning Board Administrator, supports the vacation of an unnamed paper street located to the west of River Avenue as depicted on Tax Map Sheet 85 described in the attached Exhibit A; and

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

- (1) That an unnamed paper street located to the west of River Avenue as depicted on Tax Map Sheet 85 described in the attached Exhibit A is not needed for public road purposes; and
- (2) That an unnamed paper street located to the west of River Avenue as depicted on Tax Map Sheet 85 lends 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;

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 an unnamed paper street as depicted on Tax Map Sheet 85 as described in the attached Exhibit A 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.

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.

EXHIBIT A

Description of a portion of an unnamed roadway, a 200 foot long by 40 foot wide unimproved right of way to be vacated, as shown on the Lakewood Township Tax Map sheet 85, and being more particularly described as follows:

Beginning at a point in the southeasterly corner of Block 420.01, Lot 14 and running

1. West along the southerly line of said Lot 14 and Block 420.01 Lot 12, a distance of 200 ft. to the southwesterly corner of said Lot 12; thence
2. Running south a distance of 40 ft. to the northerly line of Block 420 Lot 16; thence
3. Running east along the northerly line of said Lot 16, a distance of 200 ft. to the northeasterly corner of said Lot 16; thence
4. Running north along the westerly right of way line of River Avenue, a distance of 40 ft. to the point and place of beginning.