

**ORDINANCE OF THE TOWNSHIP OF LAKEWOOD, COUNTY OF OCEAN, STATE OF NEW JERSEY, RELEASING, EXTINGUISHING AND VACATING THE RIGHTS OF THE PUBLIC TO A PAPER STREET KNOWN AS LINWOOD AVENUE (ALSO REFERRED TO AS LINWOOD DRIVE), 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**, Linwood Avenue (also referred to as Linwood Drive), in the Township of Lakewood is a paper street and remains unimproved; and

**WHEREAS**, Linwood Avenue (also referred to as Linwood Drive), described in the attached Exhibit A has been determined to be unnecessary for public use; and

**WHEREAS**, the only property owner that has frontage on Linwood Avenue (also referred to as Linwood Drive), Kiryas Chaim Estates, LLC, the owner of Block 190.04, Lot 8.01 has requested this vacation; and

**WHEREAS**, by Memorandum dated February 5, 2019 Ally Morris, the Lakewood Township Planning Board Administrator, supports the vacation of Linwood Avenue (also referred to as Linwood Drive), described in the attached Exhibit A; and

**WHEREAS**, Township Engineer Jeffrey Staiger supports the vacation of Linwood Avenue (also referred to as Linwood Drive), provided the sidewalk, shade tree and utility easements which run along Ridge Avenue are extended across the portion which is proposed to be vacated; and

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

- (1) That Linwood Avenue (also referred to as Linwood Drive), described in the attached Exhibit A is not needed for public road purposes; and
- (2) That the Linwood Avenue (also referred to as Linwood Drive), 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, provided that the sidewalk, shade tree and utility easements which run along Ridge Avenue are extended across the portion to be vacated.

**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 Linwood Avenue (also referred to as Linwood Drive), as described in the attached Exhibit A are hereby vacated, released and extinguished except for the sidewalk, shade tree and utility easements which run along Ridge Avenue shall be extended across the portion of Linwood Avenue (also referred to as Linwood Drive) vacated, and 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.

**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 **March 28, 2019**, 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 6:00 P.M. on **April 17, 2019**. 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.

  
Kathryn Hutchinson, RMC, CMC, CMR, RPPS  
Township Clerk

**CERTIFICATION**

I, Kathryn Hutchinson, Township Clerk of the Township of Lakewood, do hereby certify the foregoing to be a true and exact copy of the ordinance which was adopted by the Township Committee of the Township of Lakewood at a meeting held on **April 17, 2019** at 6:00 P.M., at the Municipal Building, located at 231 Third Street, Lakewood, NJ 08701.

  
Kathryn Hutchinson, RMC, CMC, CMR, RPPS  
Township Clerk

## Exhibit A

Description of a portion of Linwood Avenue (also referred to as Linwood Drive), a 50 foot wide unimproved right of way to be vacated, as shown on the Lakewood Township Tax Map sheet 58, and being more particularly described as follows:

Beginning at Linwood Drive's southeasterly intersection with the southerly lot line of Lot 8.01, Block 190.04, said point also being in the northerly of Ridge Avenue, thence:

- 1) Northerly along the easterly line of Linwood Drive for approximately 149 feet to a point in the northerly terminus of Linwood Drive, said point also being along a boundary line of Lot 8.01, Lot 190.04, thence;
- 2) Westerly along the northerly terminus of Linwood Drive for 50 feet, to a point in the westerly line of Linwood Drive, said point also being along a boundary line of Lot 8.01, Lot 190.04, thence;
- 3) Southerly along the westerly side of Linwood Drive for approximately 144 feet, to a point in the northerly line of Ridge Avenue, said point also being in the southerly lot line of Lot 8.01, Block 190.04, thence;
- 4) Easterly across the right-of-way of Linwood Drive for 50 feet to a point in the easterly line of Linwood Drive, to the point and place of beginning.

Said description of Linwood Drive generally in accordance with the "Boundary & Topographic Survey of Block 190.04 Lot 8.01 Ridge Avenue" prepared by Newlines Engineering & Survey, Christopher J. Bouffard, P.L.S., dated 1/8/19.