

**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 CHEVY LANE**

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, Chevy Lane in the Township of Lakewood is a paper street and remains unimproved; and

WHEREAS, Chevy Lane hereinafter described has been determined to be unnecessary for public use; and

WHEREAS, the Lakewood Township Planning Board originally approved a subdivision on this street for a 43 unit townhouse development. The subdivision map was filed in the Ocean County Clerk's Office on August 4, 2013 as Map No. J-3251 thereby creating 43 townhouse unit lots, 4 open space lots and the Chevy Lane right-of-way; and

WHEREAS, the developer of the project, Captain Hooks, LLC, returned to the Planning Board and received approval to re-subdivide the tract, reducing the number of townhouses and converting Chevy Lane into a private roadway to be maintained by a homeowners' association pursuant to Planning Board application SD 1356B; and

WHEREAS, the Chevy Lane right-of-way under private ownership and maintenance of a homeowners' association shall be constructed in accordance with Residential Site Improvement Standards (RSIS) and shall be maintained by the homeowners' association being created pursuant to the New Jersey Department of Community Affairs approval; and

WHEREAS, the Township Committee is in favor the vacation of Chevy Lane to permit the construction thereof by Captain Hooks, LLC, the developer of the aforementioned project in accordance with the amended subdivision approval as set forth above; 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 Chevy Lane as described herein below 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 Chevy Lane being vacated is annexed hereto as Exhibit A, "Metes and Bounds Description of Chevy Lane to be Vacated, Lakewood Township, Ocean County, New Jersey" prepared by FWH Associates, P.A. dated July 18, 2018.

SECTION 2. This vacation of Chevy Lane is specifically contingent upon the developer, Captain Hooks, LLC, the applicant on SD 1356B, or any assignee thereof, constructing Chevy Lane as a private roadway to be maintained by a homeowners' association being created pursuant to said subdivision application.

SECTION 3. 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 4. 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 5. 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 6. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 7. 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 8. 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 **January 24, 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 7:30 p.m. on **February 7, 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 _____ at 7:30 P.M., at the Municipal Building, located at 231 Third Street, Lakewood, NJ 08701.


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