

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 OF DOCTOR SZOLD WAY AS DEPICTED ON TAX MAP SHEET 126 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 off of Doctor Szold Way as depicted on Tax Map Sheet 126 in the Township of Lakewood is a paper street and remains unimproved; and

WHEREAS, an unnamed paper street located off of Doctor Szold Way as depicted on Tax Sheet 126 described in the attached Exhibit A has been determined to be unnecessary for public use; and

WHEREAS, a property owner that has frontage on an unnamed paper street located off of Doctor Szold Way as depicted on Tax Map Sheet 126, Shaul Halpern, the owner of Block 548 Lot 92, has requested this vacation; and

WHEREAS, by Memorandum dated January 24, 2019 Ally Morris, the Lakewood Township Planning Board Administrator, supports the vacation of an unnamed paper street located off of Doctor Szold Way as depicted on Tax Map Sheet 126 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 off of Doctor Szold Way as depicted on Tax Map Sheet 126 described in the attached Exhibit A is not needed for public road purposes; and
- (2) That an unnamed paper street located off of Doctor Szold Way as depicted on Tax Map Sheet 126 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 126 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.

NOTICE

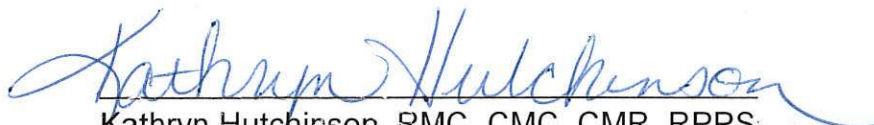
PUBLIC NOTICE is hereby given that the foregoing Ordinance was introduced at a meeting of the Township Committee of the Township of Lakewood, in the County of Ocean and State of New Jersey on **March 28, 2019**, and was then read for the first time. The said Ordinance will be further considered for final passage by the Township Committee in the Town Hall at 6:00 P.M. on **May 30, 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 **May 30, 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 an unnamed roadway, a 16 foot wide unimproved right of way to be vacated, as shown on the Lakewood Township Tax Map sheet 126, and being more particularly described as follows:

Beginning at the southeasterly corner of Lot 90, Block 548.03, said point also being in the easterly line of Doctor Szold Way and the northerly line of the unnamed roadway, an unimproved right of way, thence:

- 1) Westerly along the northerly line of the unnamed roadway for 340 feet to a point in the easterly line of Boulder Way, said point also being the southwesterly corner of Lot 90, Block 548.03, thence;
- 2) Southerly across the unnamed roadway for 16 feet, to a point in the southerly line of the unnamed roadway, said point also being in the northerly edge of Lot 268, Block 548, thence;
- 3) Easterly along the southerly side of the unnamed roadway for 340 feet, to a point in the westerly line of Doctor Szold Way, said point also being the northeasterly corner of Lot 92, Block 548, thence;
- 4) Northerly across the unnamed roadway for 16 feet to a point in the northerly line of the unnamed roadway, to the point and place of beginning.

