

**AN ORDINANCE OF THE TOWNSHIP OF
LAKEWOOD, COUNTY OF OCEAN, STATE OF NEW
JERSEY, RELEASING, EXTINGUISHING AND
VACATING THE RIGHTS OF THE PUBLIC OF A
PORTION OF A PAPER STREET KNOWN AS
HORTON AVENUE, IN THE TOWNSHIP OF
LAKEWOOD**

WHEREAS, pursuant to N.J.S.A. 40:67-1b 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, a certain portion of Horton Avenue, in the Township of Lakewood is a paper street and remains unimproved; and

WHEREAS, this portion of Horton Avenue hereinafter described has been determined to be unnecessary for public use; and

WHEREAS, by memo dated August 22, 2016, the Lakewood Township Planning Board Administrator supported the vacation of the portion of Horton Avenue hereinafter described; and

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

- (1) That the portion of Horton Avenue described herein below is not needed for public road purposes; and
- (2) That the said portion of Horton Avenue 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. 40:67-1b, 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 the portion Horton Avenue as described herein below are hereby vacated, released and extinguished except for: (1) rights and privileges now possessed by the Township of Lakewood to maintain drainage facilities

specifically set forth in the description herein below and (2) 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 a portion of Horton Avenue a 50 foot wide, unimproved right of way to be vacated, as shown on the Lakewood Township Tax Map sheet 137, and being more particularly described as follows:

Beginning at a point in the northerly lot line of Lot 1.01 Block 1009, said point also being in the westerly line of Horton Avenue, thence:

- 1) Southerly along the westerly line of Horton Avenue for a distance of 182' to the end of Horton Avenue within Lot 1.01 Block 1009, thence;
- 2) Easterly across Horton Avenue, a 50 foot unimproved right of way, at a right angle to a point in the easterly line of Horton Avenue, thence;
- 3) Northerly along the easterly line of Horton Avenue for a distance of 182', to a point at the northerly lot line of Lot 1.01 Lot 1009, thence;
- 4) Westerly across Horton Avenue to the point and place of beginning.

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 **1st day of September, 2016**, 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 **October 6, 2016**. 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
Township Clerk