

**ORDINANCE OF THE TOWNSHIP OF LAKEWOOD,
COUNTY OF OCEAN, STATE OF NEW JERSEY,
RELEASING, EXTINGUISHING AND VACATING THE
RIGHTS OF THE PUBLIC TO A PORTION OF NEWPORT
AVENUE, SAID PORTIONS BEING SOUTH OF
BELLEVUE AVENUE AND NORTH OF WENSTROM
AVENUE 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, a certain portion of Newport Avenue in the Township of Lakewood is a partially undeveloped street; and

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

WHEREAS, a 25 foot portion of Newport Avenue South of Bellevue Avenue and North of Wenstrom Avenue, hereinafter described, may be vacated and returned to the owner of Lots 1 and 10 in Block 498, and with the Township of Lakewood retaining a 50 ft. right of way with the remaining portion not vacated of Newport Avenue for future roadway reconstruction by the owners of Block 498 Lots 1 and 10, and Block 496 Lot 2, to wit: Bellevue Estates, LLC and Newport Estates, LLC, respectively; and

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

(1) That the portion of Newport Avenue described herein are not needed for public road purposes; and

(2) Said portion of Newport 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. 40:67-1(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; and

WHEREAS, the owners and/or the contract purchasers of Block 498 Lots 1 and 10, and Block 496 Lot 2, Bellevue Estates, LLC and Newport Estates, LLC, respectively,

in requesting this vacation and accepting same have agreed to reconstruct and relocate the Newport Avenue roadway to RSIS standards and line same up with the northern portion of Newport Avenue, north of Bellevue Avenue. The development of this reconstructed roadway would be at the cost and expense of the property owners/contract purchasers of Block 498 Lots 1 and 10, and Block 496 Lot 2, Bellevue Estates, LLC and Newport Estates, LLC, respectively.

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 a portion of Newport Avenue as described hereinbelow 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 the portions of a portion of Newport Avenue, Lakewood Township, being vacated:

See attached plans and metes and bounds description prepared by Charles Surmonte, P.E. & L.S., N.J. License # 35885, dated March 13, 2018.

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 **July 12, 2018**, 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 **August 16, 2018**. 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 **August 16, 2018** 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