

**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 FISH ROAD, 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, certain portions of Fish Road, in the Township of Lakewood are paper streets and remains unimproved; and

WHEREAS, a portion of Fish Road hereinafter described have been determined to be unnecessary for public use; and

WHEREAS, by Interoffice Memorandum dated October 22, 2015 from Ally Morris, the Lakewood Township Planning Board Administrator supported the vacation of a certain portion of Fish Road hereinafter described; and

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

- (1) That the portion of Fish Road described herein below is not needed for public road purposes; and
- (2) That the said portion of Fish Road 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 a portion of Fish Road 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 the portions of apportion of Fish Road being vacated:

Vacation of a Portion of Fish Road - Parcel 4611V22-A

Parcel 4611V22-A; **Beginning at a point** of intersection of the Northerly line of Fish Road (50 foot right of way and unimproved) with the existing Westerly line Shorrock Street (50 foot right of way and unimproved) and from said beginning point running; thence,

- (1) Across Fish Road along the prolongation of the Westerly line of Shorrock Street, S. $04^{\circ} 08' 43''$ E. (calculated), a distance of 50.00 feet (calculated) to the Southerly line of Fish Road; thence,
- (2) Along the Southerly line of Fish Road, S. $85^{\circ} 51' 17''$ W. (calculated), a distance of 13.63 feet (calculated) to a point on the Northerly right of way line of New Jersey State Highway Route 70; thence,
- (3) Along the Northerly right of way line of New Jersey State Highway Route 70, N. $04^{\circ} 45' 16''$ W. (calculated), a distance of 6.58 feet (calculated) to a point of curvature along said right of way line; thence,
- (4) Continuing along the Northerly right of way line of New Jersey State Highway Route 70, Northeastwardly on a curve to the right, having a Radius of 137.00 feet (calculated) and an arc length of 44.11 feet (calculated), to a point on the Northerly line of Fish Road; thence,
- (5) Along the existing Northerly line of Fish Road, N. $85^{\circ} 51' 17''$ E. (calculated), a distance of 7.12 feet (calculated), to the **Point and Place of Beginning**.

Said Parcel 4611V22-A contains an area of 0.014 acres or 594 square feet, more or less.

Vacation of a Portion Fish Road - Parcel 4611V22-B

Parcel 4611V22-B; **Beginning at a point** of intersection of the Northerly line of Fish Road (50 foot right of way and unimproved) with the existing Easterly line Shorrock Street (50 foot right of way and unimproved) and from said beginning point running; thence,

- (1) Along the Northerly line of Fish Road, N. $85^{\circ} 51' 17''$ E. (calculated), a distance of 476.37 feet (calculated), to point on the Westerly line of Old Toms River Road (width varies and unimproved); thence,
- (2) Crossing Fish Road, along the prolongation of the Westerly line of Old Toms River Road, S. $46^{\circ} 29' 39''$ E. (calculated), a distance of 29.95 feet (calculated) to a point along said line; thence,
- (3) Continuing across Fish Road, S. $02^{\circ} 56' 12''$ E. (calculated), a distance of 27.87 feet (calculated) to a point along the Southerly line of Fish Road; thence,

- (4) Along the Southerly line of Fish Road, S. 85° 51' 17" W. (calculated), a distance of 495.95 feet (calculated) to a point of intersection of said line with the Easterly line of Shorrock Street; thence,
- (5) Across Fish Road along the prolongation of the Easterly line of Shorrock Street, N. 04° 08' 43" W. (calculated), a distance of 50.00 feet (calculated), to the **Point and Place of Beginning**.

Said Parcel 4611V22-B contains an area of 0.565 acres or 24,596 square feet, more or less.

Fish Road and Shorrock Street are shown on filed map of Pine Forest Manor Section C, filed as Map B-88 and recorded on August 2, 1920 in the Ocean County Clerk's Office, New Jersey and map of Pine Forest Manor Section C-1, filed as Map A-152 and recorded on June 29, 1921 in the Ocean County Clerk's Office, New Jersey.

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 **27th day of October, 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 **December 1, 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, CMR
Township Clerk