

ORDINANCE # 9-19

ORDINANCE VACATING A ROADWAY EASEMENT ACROSS PORTIONS OF BLOCK 21, LOTS 6, 8, 10, & 11 PURSUANT TO *N.J.S.A. 40:67-1 ET SEQ.*

WHEREAS, the Borough of Keyport (the "**Borough**") is a public body corporate and politic of the State of New Jersey; and

WHEREAS, *N.J.S.A. 40:67-1, et seq.* (the "**Act**") authorizes the Council of the Borough (the "**Council**"), by ordinance, to vacate, release and extinguish the public's right in any portion of a public street, highway, lane or alley, and any portion of a property dedicated as a public street, where the public interest will be better served by releasing those lands or any part thereof from such dedication; and

WHEREAS, a roadway easement across portions of Block 21, Lots 6, 8, 10 & 11 on the Borough tax map has been dedicated for use as a public right of way, as more fully described in the map attached hereto as Exhibit A (the "**Site**"); and

WHEREAS, the right of way on the Site is not needed for public use, and the Borough has determined that vacation of the Site would be in the best interests of the community; and

WHEREAS, the Council now desires to take such steps as are necessary to vacate the public's right and interest in the Site, provided, however, that all rights and privileges 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, highway, lane, alley, square, place or park, or any part thereof, to be vacated, are expressly reserved and excepted from the vacation; and

WHEREAS, the Council seeks to additionally authorize the execution of a quitclaim deed or any other document required to effect the vacation of the Site; and

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Keyport, County of Monmouth, New Jersey, as follows:

Section 1. The foregoing recitals are hereby incorporated as if set forth in full herein.

Section 2. In accordance with the provisions of the Act, the Council hereby vacates the Site and releases such property from the dedication of the land for a public street and extinguishes the public right arising from such dedication; provided however, that all rights and privileges 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, highway, lane, alley, square, place or park, or any part thereof, to be vacated, are expressly reserved and excepted from the vacation set forth above.

Section 3. The introduction of this Ordinance shall be advertised pursuant to *N.J.S.A. 40:49-2*; provided, however, that notice as to introduction and public hearing shall be made, pursuant to *N.J.S.A. 40:49-6*, at least ten (10) days prior to the public hearing and adoption hereof.

Section 4. Notice of the introduction of this Ordinance and the time and place when and where this Ordinance will be further considered for public hearing and final passage, including a copy of this Ordinance, shall be mailed to every person whose lands may be affected by this Ordinance, so far as same may be ascertained, directed to the last known post-office address, in accordance with the provisions of *N.J.S.A. 40:49-6*.

Section 5. Within 60 days after adoption of this Ordinance, the Borough Clerk shall cause this Ordinance, certified by her, under the seal of the municipality to be filed in the office wherein conveyances of lands are recorded in the County of Monmouth.

Section 6. This Ordinance shall take effect as provided by law.

Introduced: April 2, 2019
Public Hearing: May 7, 2019
Adopted: May 7, 2019


Valerie T. Heilweil, RMC, CMR
Borough Clerk, Borough of Keyport


Collette J. Kennedy, Mayor
Borough of Keyport

EXHIBIT A

MAP OF VACATED PORTION OF BLOCK 21, LOTS 6, 8, 10 & 11

