

ORDINANCE #2022-4

**ORDINANCE OF THE BOROUGH OF KEYPORT, COUNTY OF
MONMOUTH, NEW JERSEY, VACATING A PORTION OF THE RIGHT
OF WAY OF WASHINGTON STREET WITHIN THE BOROUGH OF
KEYPORT AS SET FORTH HEREIN**

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

WHEREAS, pursuant to N.J.S.A. 40:67-1, *et seq.*, the Borough may, by ordinance, vacate, release and extinguish the public’s rights 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, the Borough desires to vacate a portion of the right of way at Washington Street within the Borough, and as designated on the tax map of the same, and as more fully described and set forth on the attached Exhibit A (the “**Vacated Area**”), and to allow, by operation of applicable law, the conveyance of such interest to the adjacent property owner(s); and

WHEREAS, the Borough has determined that the vacation of the Vacated Area is in the best interests of the community, provided 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 to be vacated, are expressly reserved and excepted from the vacation; and

WHEREAS, the within vacation and conveyance of the Vacated Area is expressly contemplated by a Resolution of Approval of the Keyport Planning Board, adopted December 12, 2018, in connection with redevelopment projects undertaken by Mariner’s Village at Keyport, LLC 357 West Front Street, LLC, and the Borough Council now desires to effectuate said vacation and conveyance, all as aforesaid; 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 recitals are incorporated herein as though fully set forth herein.

Section 2. The Borough hereby vacates the Vacated Area, as described on the attached Exhibit A and as discussed above; 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, P.L.1972, c. 186, 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 Mayor and Business Administrator are hereby authorized and directed to take such steps and execute such documents, if any, as are necessary for the Borough to vacate the Vacated Area in a manner consistent with the provisions of this Ordinance.

Section 4. The Clerk of the Borough is hereby authorized and directed to: (i) publish notice of the introduction of this Ordinance pursuant to *N.J.S.A. 40:49-2*; provided, however, that notice as to such 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; and (ii) to mail, at least one week prior to the public hearing and adoption hereof, a notice to every person whose lands may be affected by this Ordinance.

Section 5. Within sixty (60) days after adoption of this Ordinance, the Borough Clerk is authorized and directed to cause a certified copy of this Ordinance to be filed with the Clerk of Monmouth County, pursuant to *N.J.S.A. 40:67-2*.

Section 6. This Ordinance shall take effect according to applicable law.

Introduced: February 15, 2022
Public Hearing: May 17, 2022
Adopted: May 17, 2022



Michele Clark, RMC
Borough Clerk



Collette J. Kennedy, Mayor

Exhibit A

Survey and Description of Vacated Area

July 27, 2017

MGP-131

LEGAL DESCRIPTION
PORTION OF WASHINGTON STREET
TO BE VACATED
SITUATED IN

BOROUGH OF KEYPORT, MONMOUTH COUNTY, NEW JERSEY

All that certain tract, lot or parcel of land and premises situate, lying and being in the Borough of Keyport, in the County of Monmouth, and the State of New Jersey.

Being known as and more particularly shown on "Right of Way Vacation Plan, p/o Washington Street..." prepared by MidAtlantic Engineering Partners, LLC, and dated July 25, 2017.

BEGINNING at a point formed by the intersection of the northerly line of North West First Street (30' Right of Way) and the easterly line of Washington Street (50' Right of Way); thence

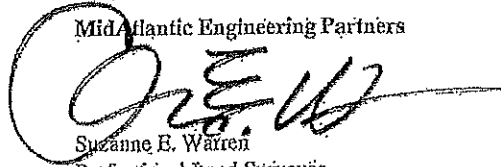
1. North 82 degrees 26 minutes 26 seconds West, a distance of 50.00 feet to a point on the westerly right of way line of Washington Street; thence
2. On said westerly line, North 07 degrees 33 minutes 34 seconds East, a distance of 100.60 feet to a point on northerly terminus line of Washington Street; thence
3. On said terminus line, South 81 degrees 45 minutes 23 seconds East, a distance of 50.00 feet to the easterly right of way line of Washington Street; thence
4. On the easterly right of way line of Washington Street, South 07 degrees 33 minutes 34 seconds West, a distance of 100.00 feet to the point and place of **BEGINNING**.

Containing 5,015 S.F. or 0.12 Acres of land more or less.

Also being known as a portion of Washington Street on the official Tax Map of the Borough of Keyport, Monmouth County, State of New Jersey

Prepared By:

MidAtlantic Engineering Partners



Suzanne E. Warren
Professional Land Surveyor
New Jersey License No. G538979

