

ORDINANCE NO. 17 -2024

**GREENWICH TOWNSHIP
GLOUCESTER COUNTY**

**ORDINANCE VACATING THE PAPER STREET KNOWN AS FAIRMOUNT AVENUE
WITHIN THE TOWNSHIP OF GREENWICH,
COUNTY OF GLOUCESTER, STATE OF NEW JERSEY**

WHEREAS, there a paper street between Block 109, Lot 5 and Block 108, Lot 4 within the Township of Greenwich known as Fairmont Avenue as shown on the official Tax Map of the Township of Greenwich; and

WHEREAS, Fairmont Avenue is an unimproved street which serves no public purpose and the opening of said street would require large expenditures of public funds and would be of no special benefit; and

WHEREAS, the entirety of Fairmont Avenue is not open to the public for the purpose of vehicular traffic nor publicly maintained as a street. Therefore, this Ordinance is not subject to review by the Commissioner of the New Jersey Department of Transportation with regard to the traffic regulations thereon pursuant to N.J.S.A. 39:4-8; and

WHEREAS, N.J.S.A. 40:67-1(b) and N.J.S.A. 67:19 empowers the governing body of a municipality to make, amend, repeal and enforce ordinances to vacate any public street, including the vacation of any portion of a public street and to vacate any street or any part thereof dedicated to public use but not accepted by the municipality, whether or not the same, or any part, has been actually opened or improved; and

WHEREAS, the Mayor and Council of the Township of Greenwich have determined that Fairmont Avenue is not needed by the general public as a public thoroughfare or for any other public use and that the public interest will be best served by abandoning, vacating,

releasing and extinguishing any and all public rights which the Township of Greenwich may have in Fairmount Avenue; and

WHEREAS, title to Fairmount Avenue shall be apportioned to adjacent property owners in accordance with law; and

NOW, THEREFORE, BE IT ORDAINED by the Township of Greenwich as following:

SECTION 1. The public rights and interests in the paper street between Block 109, Lot 5 and Block 108, Lot 4 within the Township of Greenwich known as Fairmont Avenue as shown on the official Tax Map of the Township of Greenwich are hereby abandoned, vacated, released and extinguished; and

SECTION 2. Title to the street designed as Fairmount Avenue (between Block 109, Lot 5 and Block 108, Lot 4) shall be apportioned to the adjacent property owners in accordance with law.

SECTION 3. Pursuant to N.J.S.A. 40:67-1(b) all public easements, rights and interests to Fairmount Avenue are hereby abandoned, vacated, released and extinguished except for easements, rights and privileges now possessed by public utilities as defined by N.J.S.A. 48:2-13 and by any cable television company as defined in 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; and

SECTION 4. Pursuant to N.J.S.A. 67-21, the Township Clerk shall within sixty (60) days after this Ordinance becomes effective, file a copy of this Ordinance, certified by her, under the

seal of the Township of Greenwich, to be a true copy of such Ordinance, together with a copy of proof of publication, if publication be required, in the office where conveyances of land are recorded in the County of Gloucester and such certified copy shall be recorded in a book with proper index to be provided for this purpose and entitled "Vacations".

SECTION 5. After introduction, this Ordinance shall be referred to the Planning Board of the Township of Greenwich for review and comment pursuant to N.J.S.A. 40:55D-26,-32 and -33, since vacation of a public street or portion thereof constitutes a change to the official map of the Township of Greenwich and the closing of public streets, albeit, paper unimproved streets.

SECTION 6. At least seven (7) days prior to the time fixed for consideration of this Ordinance for final passage, a copy of this Ordinance together with notice of its introduction and the time and place of when and where the Ordinance will be further considered for final passage, shall be given by the Township Clerk to the owners of all real property whose land may be affected by this Ordinance or any assessment which may be made in pursuance thereof so far as same may be ascertained, directed to his last known post office address. At least ten (10) days prior to the time fixed for the consideration of this Ordinance for final passage, a copy of this Ordinance, together with a notice of its introduction and time and place when and where the Ordinance will be further considered for final passage, shall be published at least once in a newspaper published and circulated in the Township of Greenwich. This is the notice required by N.J.S.A. 40:67-19 and N.J.S.A. 40:49-6.

SECTION 7. This Ordinance shall take effect twenty (20) days after adoption and publication as required by law.

INTRODUCTION: August 19, 2024

| Council | Motion | Second | Ayes | Nays | Abstain | Absent |
|-------------------------|---------------|---------------|-------------|-------------|----------------|---------------|
| Councilman Chila | | | | | | |
| Councilman DiMenna | | | | | | |
| Councilman Nastase | | | | | | |
| Councilwoman Tranquillo | | | | | | |
| Mayor Giovannitti | | | | | | |

TOWNSHIP OF GREENWICH

By: _____
Vincent Giovannitti, Mayor

I, Holly Tropea, do hereby attest the above Ordinance 17-2024 was introduced at a meeting of the Mayor and Council of the Township of Greenwich on August 19, 2024. A public hearing will occur on September 16, 2024 at 7:00 P.M.

ATTEST:

Holly Tropea, RMC, CMR
Municipal Clerk

ADOPTION: September 16, 2024

| Council | Motion | Second | Ayes | Nays | Abstain | Absent |
|-------------------------|---------------|---------------|-------------|-------------|----------------|---------------|
| Councilman Chila | | | | | | |
| Councilman DiMenna | | | | | | |
| Councilman Nastase | | | | | | |
| Councilwoman Tranquillo | | | | | | |
| Mayor Giovannitti | | | | | | |

I, Holly Tropea, do hereby attest the above Ordinance 17-2024 was adopted at a meeting of the Mayor and Council of the Township of Greenwich on September 16, 2024 after a public hearing which was scheduled for September 16, 2024. Said Ordinance shall take effect in accordance with the law.

ATTEST:

Holly Tropea, RMC, CMR
Municipal Clerk

On this _____ day of _____ 2024, I hereby approve the above Ordinance **17-2024**.

Vincent Giovannitti
Mayor