

ORDINANCE #1676

AN ORDINANCE OF THE BOROUGH OF KEANSBURG, COUNTY OF MONMOUTH, NEW JERSEY VACATING CENTRAL AVENUE IN ITS ENTIRETY AND VACATING A PORTION OF CHARLES AVENUE AND VACATING A PORTION OF MAPLEWOOD AVENUE; ALSO PERMITTING THE ACQUISITION OF APPROXIMATELY 9,000 SQUARE FEET OF BLOCK 1, LOT 1 OF THE BOROUGH OF KEANSBURG FOR THE PURPOSE OF RELOCATING THE VACATED CENTRAL AVENUE.

WHEREAS, there exists a roadway in the Borough of Keansburg which is named Central Avenue and said street currently runs through and bisects property along Waackaack Creek owned by one person; and

WHEREAS, Central Avenue runs between Charles Avenue and Maplewood Avenue in the Borough of Keansburg; and

WHEREAS, the Borough Engineer has reviewed the proposal to relocate the existing Central Avenue and is supportive having a relocated Central Avenue between Charles Avenue and Maplewood Avenue; and

WHEREAS, N.J.S.A. 40:67-1 authorizes a municipality by ordinance to release and extinguish the public's rights in property dedicated as a public street where the public interest will be better served by releasing those lands or any parts thereof from such dedication; and

WHEREAS, the vacation of the entire Central Avenue and the vacation of that portion of Charles Avenue and Maplewood Avenues from their current location at the termination at the current Central Avenue to their termination at the relocated Central Avenue; and

WHEREAS, the Governing Body of the Borough of Keansburg concur in the position of the Borough Engineer that the relocation of Central avenue will better serve the public interest; and

WHEREAS, the owner of Block 1 Lot 1 on the tax map of the Borough of Keansburg is prepared to transfer the ownership of land to provide for the relocation of Central Avenue. He is also willing to pay all costs in the relocation and finalizing the relocated street in accordance with the standards of the Borough for improved streets and in accordance with the direction of the Borough Engineer; and

WHEREAS, Pursuant to N.J.S.A. 40:49-6, a municipality must publish ordinances authorizing vacations or dedications of land in the manner required by N.J.S.A. 40:49-2, except that every such ordinance, after being introduced and having passed a first reading, shall be published at least once not less than ten (10) days instead of one week prior to the time fixed for further consideration for final passage, and , at least one week prior to the time fixed for final passage, a copy of such ordinance, together with a notice of the introduction thereof and the time and place when and where the ordinance shall be considered for final passage shall be mailed to every person whose lands may be affected by the ordinance; and

WHEREAS, Pursuant to N.J.S.A. 40: 67-21, whenever any street is vacated, the municipal clerk must record a copy of the ordinance, within sixty (60) days of its effective date, in the County Book entitled "Vacations".

NOW THEREFORE BE IT ORDAINED by the Mayor and Council of the Borough of Keansburg, County of Monmouth, State of New Jersey, as follows:

SECTION 1. Pursuant to N.J.S.A. 40:67-1 and subject to the conditions set forth herein, the rights of the public in and to the public street know as Central Avenue and the portions of Charles Avenue and Maplewood Avenue as shown on the site plan prepared for Bayside Manor Development by James E. Kennedy of Kennedy Consulting Engineers and attached hereto and made a part of this Ordinance, are hereby released, extinguished and vacated subject to the following conditions.

- a. A new Central Avenue shall be located between Charles Avenue and Maplewood Avenue on a portion of Block 1, Lot 1 of the Keansburg tax map.
- b. The property for that purpose shall be deeded to the Borough from the existing owner.
- c. Any public utilities currently located along the current Central Avenue shall be relocated by the owner of Block 1, Lot 1 at his cost.
- d. If, for any reason, any utility cannot be relocated the a perpetual easement, is reserved for the benefit of public utility companies for the purpose of ingress and egress over and upon the same in order to maintain, repair or replace existing utility facilities, if any, including water lines, gas lines and telephone, electric and cable television wires and poles which may be located beneath the surface of the foregoing premises or above the same.
- e. The relocated Central Avenue shall be constructed by the owner of Block 1 and Lot 1. In accordance with the standards of the Borough for an improved road and shall be constructed under the direction of the Borough Engineer.
- f. The property the new Central Avenue shall be constructed on shall be deeded to the Borough by the current owner.

SECTION 2. 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 a notice of its introduction and the time and place when and where the Ordinance will be further considered for final passage, shall be given by the Municipal Clerk to the owners of property whose lands may be affected by the Ordinance.

SECTION 3. At least ten (10) days prior to the time fixed for consideration of this Ordinance for final passage, a copy of this Ordinance together with a notice of its introduction and the 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 Borough of Keansburg.

SECTION 4. The Municipal Clerk shall, within sixty (60) days of the effective date of this Ordinance, file a copy of this Ordinance certified by him under the seal of the Borough to be a true copy thereof, together with proof of publication thereof, in the office of the Clerk of the County of Monmouth, in accordance with the provisions of N.J.S.A. 40:67-21.

SECTION 5. If the provision of any section, subsection, paragraph, subdivision, or clause of this Ordinance the remainder of any section, subsection, paragraph, subdivision or clause of this Ordinance.

SECTION 6. This Ordinance shall take effect immediately upon final passage and publication in accordance with law.