

ORDINANCE #2024-030

AN 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 EDGECOMB AVENUE, IN THE TOWNSHIP OF LAKEWOOD

WHEREAS, pursuant to N.J.S.A. 40:67-1b 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, a certain portion of Edgcomb Avenue in the Township of Lakewood is a paper street and remains unimproved; and

WHEREAS, this portion of Edgcomb Avenue hereinafter described and depicted on the attached maps has been determined to be unnecessary for public use; and

WHEREAS, both Ally Morris, P.P., of the Lakewood Township Planning Board Department and Jeffery Staiger, P.E., Township Engineer, support the vacation of the portion of Edgcomb Avenue hereinafter described; and

WHEREAS, Congregation Sanz of Lakewood is now the owner of all properties fronting, touching or abutting this portion of Edgcomb Avenue and has requested this street vacation; and

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

1. That the portion of Edgcomb Avenue described hereinbelow and as depicted on the attached maps and metes and bounds description is not needed for public road purposes; and
2. That the said portion of Edgcomb Avenue 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. 40:67-1b, 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 the portion Edgcomb Avenue 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 a portion of Edgecomb Avenue is depicted on the attached maps and Metes and bounds description dated November 21, 2023 prepared by Christopher J. Bouffard, PLS, attached hereto.

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.

Introduced: August 15, 2024

Adoption: September 12, 2024

CERTIFICATION

I, Lauren Kirkman, Township Clerk of the Township of Lakewood, do hereby certify the foregoing to be a true and exact copy of the ordinance which was adopted by the Township Committee of the Township of Lakewood at a meeting held on **September 12, 2024** at 5:30 P.M.,



Lauren Kirkman, RMC CMR
Township Clerk