

ORDINANCE NO. 12 -2019

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF LOGAN
VACATING FERRY ROAD (AKA STATE HIGHWAY ROUTE 324) IN THE TOWNSHIP OF
LOGAN, COUNTY OF GLOUCESTER, STATE OF NEW JERSEY**

WHEREAS, on January 8, 2018, the State of New Jersey Legislature passed Act S-3556/A-5266 de-designating Ferry Road (a/k/a State Highway Route 324) between mileposts 0.00 and 0.95. This Act was signed into law by the Governor on January 15, 2018; and

WHEREAS, the portion of the roadway which is approximately 0.95 miles long is bounded on both sides by land owned and occupied by American Atlantic (Weeks Marine); and

WHEREAS, American Atlantic also owns the land at the terminus of the roadway, therefore, all of the land surrounding this section of the roadway no longer serves any public purpose; and

WHEREAS, the Mayor and Council of the Township of Logan have determined that it is in the best interests of the residents of the Township to vacate the following public street, road, highway or part thereof, more specifically described below:

<u>STREET NAME</u>	<u>LOCATION</u>
Ferry Road (a/k/a SH Route 324)	Milepost 0.00 to 0.95

WHEREAS, vacation of a public street, road, highway or part thereof, may be authorized by the municipal governing body, by Ordinance, pursuant to N.J.S.A. 40:67-1, et. seq., when there is no longer any need for the use of said area by the public; and

WHEREAS, N.J.S.A. 40:67-19 allows a municipality to authorize, by ordinance, the release and extinguishment of the public rights arising from the dedication of a land as a public street as to the whole or any part of the land, however any rights and privileges possessed by public utilities and cable television companies to maintain, repair and replace their existing utility facilities in, adjacent to, over or under the property are expressly reserved and excepted from vacation pursuant to N.J.S.A. 40:67-1, et seq.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Township of Logan, in the County of Gloucester and State of New Jersey, and it is hereby enacted and ordained by the authority of same as follows:

Section 1

1. Pursuant to N.J.S.A. §40:67-19, et seq., all public rights and interests in, along, upon the public streets, roads, highways or parts thereof, more particularly described below, is hereby vacated, surrendered and extinguished.

2. This Ordinance vacates no other portion of the streets/roads, except that portion set forth and described as follows:

STREET NAME

Ferry Road (a/k/a SH Route 324)

LOCATION

Milepost 0.00 to 0.95

3. Expressly reserved and excepted from this vacation Ordinance are all rights and privileges heretofore possessed by public utilities as defined in N.J.S.A. 48:2-13, and any cable television company as defined in the "Cable Television Act," N.J.S.A. 48:5A-1, et seq., to maintain or repair their existing facilities adjacent to, over and under the street to be vacated. A perpetual easement, if the same is required, 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.

4. Once the street/roads have been vacated, then it is in the Township's best interest in and to the said streets/roads described herein to be released. To the extent that any portion(s) of the underlying vacated areas do not transfer automatically to the adjacent property owners by operation of law, the Township Council hereby authorizes the conveyance of said underlying area(s) to the adjoining property owner(s) by Deed, for nominal consideration (\$1.00), pursuant to N.J.S.A. 40:67-19, et. seq., N.J.S.A. 40:60-28, and/or N.J.S.A. 40A:12-13(b)(5), so that these portions may be combined with and become part of the said adjacent properties.

5. The Township Clerk shall, within sixty (60) days of the effective date of this Ordinance, file a copy hereof, certified by the Clerk, under seal of the Township, to be a true and exact copy of the Ordinance, together with a copy of the proof of publication thereof, in the Office of the Gloucester County Clerk for recordation in the County's Book of "Dedications and Vacations" pursuant to N.J.S.A. 40:67-21.

6. The Township Clerk shall publish this Ordinance, after introduction and passage at 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.

7. 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 2.

Severability.

Should any section, clause sentence, phrase or provision of this Ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

Section 3.

Repealer.

All prior Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistencies.

Section 4.

When effective.

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

TOWNSHIP OF LOGAN

BY:


FRANK W. MINOR, Mayor


ATTEST:


LINDA L. OSWALD, Municipal Clerk

First Reading: September 3, 2019
Second Reading: September 17, 2019
Adopted: September 17, 2019

NOTICE

The Foregoing Ordinance was introduced at a regular meeting of the Mayor and Council of the Township of Logan, in the County of Gloucester and State of New Jersey, held on the 3rd day of September, 2019. It will be further considered for final passage, after public hearing hereon, at a meeting of said Mayor and Council to be held at the Township Building of Logan, 125 Main Street, Bridgeport, New Jersey on the 17th day of September, 2019 at 7:00 P.M at which time any person who is interested thereon would be given the opportunity to be heard. During the week prior to and up to and including the date of such meeting, copies of said Ordinance will be made available at the Clerk's office, 125 Main Street, Bridgeport, New Jersey to the members of the general public who shall request the same.


LINDA L. OSWALD, Municipal Clerk