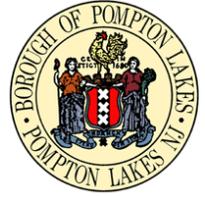


# BOROUGH OF POMPTON LAKES PASSAIC COUNTY, NEW JERSEY



## ORDINANCE NO. 24-29

### AN ORDINANCE OF THE BOROUGH OF POMPTON LAKES, COUNTY OF PASSAIC, STATE OF NEW JERSEY VACATING A PORTION OF THE RIGHT OF WAY DESIGNATED AS LOCUST STREET IN THE BOROUGH OF POMPTON LAKES BETWEEN LAURA STREET AND GROVE STREET

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

**WHEREAS**, pursuant to *N.J.S.A. 40:67-1, et seq.*, the governing body of the Borough (the “**Borough Council**”) 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**, Locust Street is a public right of way in the Borough extending from Ringwood Avenue to Laura Street; and

**WHEREAS**, the Borough has determined that vacation of a portion of Locust Street between Laura Street and Grove Street would be 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.*, with the right of entry and easement, in accordance with applicable law, for the entire length and total width of said portion of the public street to be vacated for the purpose of accomplishing the removal, relocation, relaying, rebuilding, reconstructing, or maintaining their respective water, sewer, electric, gas, telephone and cable utilities and appurtenances, now laid or to be laid, within the above described public street to be vacated. Any and all such easement rights and privileges shall continue until such time when the easement reservation is no longer needed due to the proposed relocation, removal and/or abandonment of any and all existing utilities and said easement rights and privileges are terminated and extinguished.

**NOW, THEREFORE, BE IT ORDAINED** by the Borough Council of the Borough of Pompton Lakes, County of Passaic, State of New Jersey, as follows:

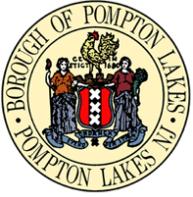
**Section 1.** The aforementioned recitals are incorporated herein as though fully set forth at length.

**Section 2.** In accordance with the provisions of *N.J.S.A. 40:67-1, et seq.*, the Borough Council hereby vacates that portion of Locust Street between Laura Street and Grove Street as set forth in detail in the meets and bounds description and as laid out in the attached map, both attached hereto as Exhibit A and releases such property from the dedication of the land for a public street and extinguishes the public right arising from such dedication; 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, *N.J.S.A. 48:5A-1, et seq.*, with the right of entry and easement, in accordance with applicable law, for the entire length and total width of said portion of the public street to be vacated for the purpose of accomplishing the removal, relocation, relaying, rebuilding, reconstructing, or maintaining their respective water, sewer, electric, gas, telephone and cable utilities and appurtenances, now laid or to be laid, within the above described public street to be vacated. Any and all such easement rights and privileges shall continue until such time when the easement reservation is no longer needed due to the proposed relocation, removal and/or abandonment of any and all existing utilities and said easement rights and privileges are terminated and extinguished.

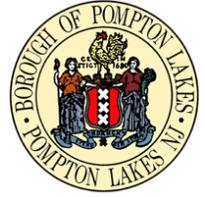
**Section 3.** The vacated portion of Locust Street, described herein and as indicated on Exhibit A attached hereto, from the centerline hereby transfers to the adjoining properties by operation of law, subject to the exception of the rights stipulated in Section 2 above.

**Section 4.** The introduction of this Ordinance shall be advertised pursuant to *N.J.S.A. 40:49-2*; provided, however, that notice as to 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.

**Section 5.** Notice of the introduction of this Ordinance and the time and place when and where this Ordinance will be further considered for public hearing and final passage, including a copy of this Ordinance, shall be mailed to every person whose lands may be affected by this Ordinance, so far as same may be ascertained, directed to the last known post-office address, in accordance with the provisions of *N.J.S.A. 40:49-6*.



# BOROUGH OF POMPTON LAKES PASSAIC COUNTY, NEW JERSEY



**Section 6.** Any and all fees associated with the consideration and/or completions of the public right of way vacation request are to be paid by the property owner(s) who makes this request. These expenses include but are not limited to engineering fees, attorney fees, survey fees, publication and mailing expenses, recording fees and tax map revision fees.

**Section 7.** Within sixty (60) days after adoption of this Ordinance, the Borough Clerk shall cause this Ordinance, certified under the seal of the Borough, to be filed in the office wherein conveyances of lands are recorded in the County of Passaic.

**Section 8.** This Ordinance shall take effect upon final passage and publication in accordance with the laws of the State of New Jersey.

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Elizabeth Brandsness, R.M.C., Municipal Clerk

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Michael Serra, Mayor

## **NOTICE OF PENDING ORDINANCE:**

**NOTICE IS HEREBY GIVEN**, that the above Ordinance was introduced and passed on first reading at the Regular Meeting of the Mayor and Borough Council of the Borough of Pompton Lakes, in the County of Passaic, and State of New Jersey, held in the Municipal Building on the 12<sup>th</sup> day of June 2024, and same came up for final passage at the regular meeting of the Mayor and Borough Council held on the 26<sup>nd</sup> day of June 2024, at which time, after persons interested were given the opportunity to be heard concerning said Ordinance, the same was passed and will be in full force and effect in the Borough of Pompton Lakes after adopted by the Mayor or in accordance with the law.

Elizabeth Brandsness, R.M.C.  
Municipal Clerk