

ORDINANCE #1181

AN ORDINANCE VACATING A PORTION OF NEPTUNE AVENUE, IN THE BOROUGH OF DEAL PURSUANT TO N.J.S.A. 40:67-1 et seq.

WHEREAS, *N.J.S.A. 40:67-1, et seq.* (the “**Act**”) authorizes a the Board of Commissioners of the Borough of Deal (the “Borough”), by ordinance, to 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, the Borough has determined that vacation of a portion of Neptune Avenue, including, but not limited to, an undeveloped portion of the Neptune Avenue Right of Way would be in the best interests of the community; and

WHEREAS, the Borough has determined that a portion of said Neptune Avenue, including, but not limited to, an undeveloped portion of the Neptune Avenue Right of Way is no longer needed for public use as the Borough has no plans or interest in developing the undeveloped portion of the Neptune Avenue Right of Way.

NOW, THEREFORE, BE IT ORDAINED, by the Board of Commissioners of the Borough of Deal, County of Monmouth, State of New Jersey, as follows:

1. The rights of the public and the Borough of Deal, whatever they may be, in and to an Neptune Avenue, including, but not limited to, an undeveloped portion of the Neptune Avenue Right of Way except the Borough shall retain easement rights to maintain the existing storm water infrastructure located with the Neptune Avenue Right of Way as described herein below are hereby vacated, released and extinguished.

Description of the portion of Neptune Avenue being vacated:

Beginning at a point, said point being the intersection of the Easterly right-of-way line of Monmouth Terrace (100' R.O.W.) extended, and the Southerly right-of-way line of Neptune Avenue (70' RO. W.) and running thence;

1. Northeasterly along the Easterly right-of-way line of Monmouth Terrace (100' R.O.W.) extended, on a course of N24 °04 'E a distance of 5 8' to a point, and running thence;
2. Southeasterly on a course of S67°30'E a distance of 125' to a point, and running thence;

3. Southwesterly on a course of S24°04'W a distance of 58' to a point in the Southerly right-of-way line of Neptune Avenue (70' R.O.W.), and running thence;
4. Northwesterly on a course of N67°30'W along the Southerly right-of-way line of Neptune Avenue (70' R.O.W.) a distance of 125' to a point, said point being the POINT AND PLACE OF BEGINNING.

Containing 7,250 S.F.± or 0.17 Acres.±

2. The Borough 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.
3. The Borough 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.
4. The Borough 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.
5. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.
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.
7. This Ordinance shall take effect upon final passage and publication in accordance with law.

Introduced by Commissioner Simhon on November 9, 2018
Seconded by Mayor Cohen
Roll Call: Ayes 3; Cohen, Ades & Simhon

Motion to Adopt by Commissioner Simhon on December 12, 2018
Seconded by Commissioner Ades
Roll Call: Ayes 3; Cohen, Ades & Simhon