

Ordinance # 2012-9

An Ordinance of the Township Committee of the Township of Ocean, County of Ocean, State of New Jersey, Vacating all Right, Title and Interest of the Township of Ocean with Respect to a Portion of "Street 4" as Shown on the Official Tax Maps of Ocean Township.

**SECTION I: PURPOSE**

**WHEREAS**, the Township of Ocean is shown as the owner of a certain right of way within the municipality, commonly known as "Street 4", which contains an existing 20 foot wide width; and

**WHEREAS**, said Street 4 is roughly 100 feet in length from its intersection with Grand Bay Harbor Drive and its' terminus at Block 220, Lot 10 as shown on the official tax maps of Ocean Township; and

**WHEREAS**, said right of way known as "Street 4" has never been accepted for use by the municipality and likewise has never been opened by the municipality; and

**WHEREAS**, N.J.S.A. 40:67-19 authorizes municipalities to vacate all right, title and interest a municipality may have in public right of ways which have not been accepted or opened by the municipality if same is in the public interest; and

**WHEREAS**, the Township Committee has determined that it is in the public interest to release these lands from their potential use as a right of way; and

**WHEREAS**, the property in question is more further defined in the attached exhibits and metes and bounds descriptions, for "Parcel A" and "Parcel B", prepared by T&M Associates dated April 20, 2012; and

**WHEREAS**, said descriptions of each parcel represent ½ width of the right of way, with Parcel A to be conveyed to the owner in fee of Block 220, Lot 10, the Grand

Bay Harbor Condominium Association and Parcel B to be conveyed to Charles and Nancy Puleo, the owners of Lot 1 in Block 219; and

**WHEREAS**, the respective parties referenced herein adjoin said "Street 4" and the parcels being vacated and conveyed to same represent ½ width of the subject property in accordance with the legal descriptions attached hereto.

**NOW THEREFORE BE IT ORDAINED** by the Township of Ocean, County of Ocean, State of New Jersey as follows:

1. The Township of Ocean hereby vacates all right, title and interest the Township of Ocean may have in "Street 4" as shown on the official tax maps of the Township of Ocean which street contains dimensions of 10 feet in width by 100 feet in length and hereby conveys ½ of said right of way to the owners of Lot 10, in Block 220, and more particularly described as Parcel A in the metes and bounds description attached hereto as prepared by Michael S. Finnegan, a professional surveyor of the State of New Jersey of April 20, 2012 and Parcel B to be conveyed to Charles and Nancy Puleo in accordance with a metes and bounds description prepared by Michael S. Finnegan, a professional land surveyor of the State of New Jersey dated April 20, 2012.

**BE IT FURTHER ORDAINED** that pursuant to N.J.S.A. 40:67-21, the Township Clerk be and she is hereby directed, within 60 days after the effective date of this Ordinance, to file a copy of such Ordinance certified by her, under the seal of the municipality, to be a true copy of such Ordinance, together with a copy of the Proof of Publication, in the office wherein conveyances of land are recorded in the

County in which the municipality is situated and such certified copy shall be recorded in a book with proper index be provided for the purpose and entitled "Vacations".

**BE IT FURTHER ORDAINED** that pursuant to N.J.S.A. 40:49-6, at least ten days prior to the date fixed for the final passage of this Ordinance, instead of one week, a copy hereof, together with notice of the introduction and the time and place where the Ordinance will be further considered for final passage shall be mailed to the owners of Lot 1 in Block 219 and the owners of Lot 10 in Block 220, and furthermore, notice of said Ordinance shall be published at least once, not less than 10 days, instead of one week, prior to the time fixed for further consideration for final passage.

## **SECTION II: SEVERABILITY**

If any section, subsection, clause, phrase, any ordinances or parts of ordinances inconsistent herewith are hereby repealed.

## **SECTION III: EFFECTIVE DATE**

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

## **NOTICE**

**NOTICE IS HEREBY GIVEN** that the foregoing Ordinance was introduced and passed by the Township Committee of the Township of Ocean on first reading at a meeting held on the 26<sup>th</sup> day of April, 2012. The Ordinance will be considered for

second and final reading at a meeting of the Township Committee which is scheduled for the 14<sup>th</sup> day of June, 2012, at 6:30 p.m., or as soon thereafter as the matter may be reached, at the Municipal Building located at 50 Railroad Avenue, Waretown, New Jersey, at which time the public is invited to ask questions, raise objections, or provide public comment with regard to the proposed adoption of this Ordinance.

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Diane Ambrosio, RMC  
TOWNSHIP CLERK

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