

ORDINANCE 2020-04

ORDINANCE OF THE BOROUGH OF SURF CITY, COUNTY OF OCEAN, STATE OF NEW JERSEY, VACATING ALL RIGHT, TITLE AND INTEREST OF THE BOROUGH OF SURF CITY IN A TWENTY (20') FOOT ALLEY LYING BETWEEN LOTS 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, 18, 20 & 21, BLOCK 53, WHICH ALLEY IS LOCATED BETWEEN 21ST STREET AND 22ND STREET AND DESIGNATED AS LOT 22 BLOCK 53 ON THE TAX RECORDS OF THE BOROUGH OF SURF CITY.

WHEREAS, N.J.S.A. 40:67-1 et seq., authorizes a municipality to vacate the public interest in any public street, highway, lane or alley, or any part thereof; and

WHEREAS, N.J.S.A. 40:67-19 provides that where there has been a dedication of lands as a public place and same has not been accepted or opened by the municipality, the governing body may, by Ordinance, release and extinguish the public right arising from the dedication ; and

WHEREAS, the Mayor and Council of the Borough of Surf City finds and determines that the twenty foot (20') alleyway, as further and particularly described in Section 3 of this Ordinance, is not needed for any public purpose and that the public will not be adversely affected by the vacation of the municipality's interest and that the public interest therein should be vacated and extinguished.

NOW, THEREFORE BE IT ORDAINED, by the governing body of the Borough of Surf City, County of Ocean, State of New Jersey in accordance with the aforesaid Recitals, which are incorporated herein by reference as if set forth fully therein, does hereby vacate the certain alleyway as follows:

Section 1. Statement of Purpose

The purpose of the Ordinance is to vacate a twenty foot (20') unnamed alleyway lying between Lots in 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 18, 20 & 21, Block 53 as designated on the official tax map of the Borough of Surf City.

Section 2. Statutory Authority

This Ordinance is enacted pursuant to and in accordance with the authorization set forth in N.J.S.A. 40:67-1 et seq.

Section 3. Findings and Vacation

The twenty foot (20') alleyway located in the Borough of Surf City, Ocean County, New Jersey, referenced as "Private Drive" on a certain map or plan titled "Resubdivision of Block 63 Surf City, New Jersey, A. Raymond, Owner" made by Thomas J. Taylor, P.E. and L.S. , March 5, 1937, and duly filed in the Office of the Ocean County Clerk at Toms River, New Jersey on May 25, 1937 as Map E-227; being further described in the legal description set forth as Schedule "A" prepared by William J. Berg, PLS, attached hereto and made a part hereof and being further designated as Lot 22 Block 53 on the tax records of Surf City Borough shall be and is hereby vacated by the Borough of Surf City, subject to covenants, restrictions and/or easements specifically as hereinafter set forth; except those that have expired by their own limitations. The ownership of the vacated alleyway shall vest in the owners of Lots 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 18, 20 & 21, Block 53, if fee ownership to the ten (10') foot currently located in the "Private Drive", as aforementioned is not already included in the fee title, being the lots adjoining the alleyway; each to own to the center of the alleyway, ten (10') feet, along the width of the respective adjoining lot.

Section 4. Covenants, Restrictions and Easements

Pursuant to N.J.S.A. 40:67-1 et seq., and the description set forth in Section 3 above, the vacation is subject to any covenants, restrictions and/or easements, except those that have expired by their own limitation. The vacation is subject to any and all covenants, restrictions and easements including any and all rights and privileges possessed by public utilities, as defined in N.J.S.A. 49:2-13 and any cable television company as defined in N.J.S.A. 48:5A-1, et seq. to maintain repair and replace their existing facilities in, adjacent to, over or under the alleyway and any part thereof to be vacated, as set forth in Section 3, above. The vacation is subject to an easement by and between the owners of Lots 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 18, 20 & 21, Block 53 on the Official Tax Map of the Borough of Surf City, Ocean County, New Jersey, their tenants, assigns and guests, for access and egress from their respective homes, passageway between Long Beach Boulevard and Ocean Terrace; access and egress to and from the rear of their respective houses, garages and sheds abutting said alley; and subject to the alleyway remaining unobstructed without any parking being permitted within said alleyway.

Section 5. Notice to Affected Property Owners

At least one (1) week prior to the time fixed for further consideration for final passage of this ordinance, a copy hereof, together with a notice stating the introduction of the ordinance on first reading and the time and place when and where the ordinance will be considered for final passage, shall be mailed to every person whose lands may be affected by the adoption of the ordinance.

Section 6. Publication

This ordinance shall be published at least once in an official newspaper of the municipality at least ten (10) days prior to the time fixed for consideration of the final passage of the ordinance.

Section 7. Recordation

Within sixty (60) days of the effective date of the Ordinance, the Municipal Clerk shall file a certified true copy of the Ordinance and a copy of the proof of publication with the Office of the Ocean County Clerk.

Section 8. Repealer

All ordinances or parts of ordinances, inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

Section 9. Severability

If any word, phrase, clause, section, or provision of this ordinance shall be found by any Court of competent jurisdiction to be unenforceable; illegal or unconstitutional, such word, phrase, clause, section or provision shall be severable from the balance of the ordinance and the remainder of the ordinance shall remain in full force and effect.

Section 10. Public Inspection of Ordinance

A copy of this ordinance together with Schedule A, as referenced herein, shall be kept on file and made available for public inspection in the municipal clerk's office during normal business hours.

Section 11. Effective date

This ordinance shall take effect after final adoption and publication as required by law.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced and passed by the Borough Council of Surf City Borough on first reading at a meeting held on the 13th day of March, 2020. The Ordinance will be considered for second and final reading at a meeting of the Borough Council which is scheduled for the 13th of May, 2020 at 7:30 p.m., or as soon thereafter as the matter may be reached, at the Municipal Building located at 813 Long Beach Boulevard, Surf City, 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.

CHRISTINEHANNEMANN, RMC/CMR/QPA

Municipal Clerk
Borough of Surf City

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The Borough of Surf City introduced the above ordinance at its March 11, 2020 meeting. The Ordinance vacates all right, title and interest of the Borough of Surf City in a Twenty (20') foot alley lying between Lots 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 18, 20 & 21, Block 53, which alley is located between 21st Street and 22nd Street and designated as Lot 22 Block 56 on the Tax Records of the Borough of Surf City. The ordinance will be considered on second and final reading at the May 13, 2020 meeting of the governing body. All meetings are held at the Municipal Building located at 813 Long Beach Boulevard, Surf City, New Jersey, commencing at 7:30 p.m. Copies of all Ordinances are available at no cost at the Municipal Clerk's Office located at 813 Long Beach Boulevard, Surf City, New Jersey, Monday through Friday from 9:00 a.m. to 4:30 p.m. or on the Borough website, www.surfcitynj.org/savethetrip.

CHRISTINE HANNEMANN

Municipal Clerk
Borough of Surf City