

**ORDINANCE 2011 - 5**

**AN ORDINANCE PROVIDING FOR THE VACATION OF A CERTAIN PAPER STREET AND RIGHT-OF-WAY LOCATED ON THE NORTHERLY SIDE OF WEST BAY AVENUE, EAST OF THE INTERSECTION WITH BARNEGAT BOULEVARD NORTH**

**WHEREAS**, the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey, is of the opinion that the public interest would be best served by abandoning, vacating, releasing and extinguishing any and all public rights which the Township may have in and to a right-of-way and/or paper street located on the northerly side of West Bay Avenue, east of the intersection with Barnegat Bay North as shown on the Barnegat Township Tax Map Sheet 85. The unnamed street is bounded by Lots 1 and 7, Block 164 to the north and east and Lots 10 and 11, Block 164.01 to the north and west, all located in Barnegat Township, Ocean County, New Jersey;

**WHEREAS**, the Township Committee has received a letter from the adjoining property owner, 886 West Bay Avenue, LLC, requesting the vacation of the aforementioned property, which vacation would be implemented by the Township at the sole cost and expense of the aforementioned property owner;

**WHEREAS**, The aforementioned property owner is aware that upon successful adoption of the vacation ordinance, one half of the area to be vacated will be thereby conveyed to each of the adjoining property owners;

**DASTI, MURPHY  
McGUCKIN, ULAKY,  
CHERKOS & CONNORS**

COUNSELLORS AT LAW

620 WEST LACEY ROAD  
P.O. BOX 1057  
FORKED RIVER, N.J. 08731

**WHEREAS**, the aforementioned property owner, 886 West Bay Avenue, LLC has agreed to reimburse the Township for all reasonable professional fees expended with regard to the vacation of the aforementioned right-of-way and/or paper street.

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

**SECTION 1.** The public rights and interests are hereby vacated with respect to a certain right-of-way and/or paper street, which is more specifically described as follow:

The vacation of an unnamed street located on the northerly side of West Bay Avenue just east of the intersection with Barnegat Boulevard North and shown on Barnegat Township Tax Map Sheet 85. The unnamed street is bounded by Lots 1 and 7, Block 164 to the north and east and Lots 10 and 11, Block 164.01 to the north and west. Attached is a copy of Tax Map Sheet 85 for your reference.

**SECTION 2.** Be it further ordained that all the rights of any and all public utilities and/or cable television companies are hereby expressly reserved and excepted from this vacation.

**SECTION 3.** It is the intent of the Township Committee of Barnegat to vacate the aforementioned interests that the public may have in the property, and to provide that the property shall be conveyed, in its “as is” condition, to the adjoining property owners for no further consideration.

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**SECTION 4:** All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

**SECTION 5:** If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions.

**SECTION 6:** This ordinance shall take effect after second reading and publication as required by Law.

#### **CERTIFICATION**

**NOTICE IS HEREBY GIVEN** that the foregoing Ordinance was introduced and passed on the first reading by the Township Committee of Barnegat, County of Ocean, State of New Jersey on **February 7, 2011**. The Ordinance will be considered for second and final reading at a meeting of the Township Committee on **March 7, 2011, at 6:30 p.m.**, or as soon thereafter as the matter may be reached and considered, at the Municipal Building located at 900 West Bay Avenue, Barnegat, New Jersey. At that 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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Kathleen T. West, RMC  
Municipal Clerk

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CHERKOS & CONNORS**

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Prepared by:  
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**ORDINANCE NO. 2010 - \_\_\_\_\_**

**AN ORDINANCE PROVIDING FOR THE VACATION OF A CERTAIN PAPER STREET AND RIGHT-OF-WAY LOCATED ON THE NORTHERLY SIDE OF WEST BAY AVENUE, EAST OF THE INTERSECTION WITH BARNEGAT BOULEVARD NORTH**

The Township of Barnegat introduced the above ordinance at its **August 16, 2010** meeting. The Ordinance authorizes the abandoning, vacating, releasing and extinguishing of any and all public rights which the Township may have in and to a right-of-way and/or paper street located on the northerly side of West Bay Avenue, east of the intersection with Barnegat Bay North as shown in the Barnegat Township Tax Map Sheet 85. The ordinance will be considered on second and final reading at the **September 7, 2010** meeting of the Township Committee. All meetings are held at the Municipal Building located at 900 West Bay Avenue, Barnegat, New Jersey, commencing at 6:30 p.m. Copies of all Ordinances are available at no cost at the Municipal Clerk's Office located at 900 West Bay Avenue, Barnegat, New Jersey, Monday through Friday from 8:30 a.m. to 4:30 p.m.

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KATHLEEN T. WEST  
Municipal Clerk  
Township of Barnegat

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CHERKOS & CONNORS**

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JJD:faw[Barnegat Ordinances 2010]

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