

ORDINANCE 2013-13

**ORDINANCE OF THE COMMITTEE OF THE TOWNSHIP OF
BARNEGAT, COUNTY OF OCEAN, STATE OF NEW JERSEY
PROVIDING FOR THE VACATION OF A PORTION OF A CERTAIN
RIGHT-OF-WAY AND PAPER STREET WITHIN A PORTION OF MIRRO
AVENUE, PICASSO AVENUE, CHERRY STREET AND MONET STREET
BARNEGAT TOWNSHIP, NEW JERSEY**

WHEREAS, the Township Committee of the Township of Barnegat, County of Ocean, and 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 within a portion of Mirro Avenue, Picasso Avenue, Cherry Street and Monet Street, Barnegat, New Jersey, a legal description of which is attached hereto as "Schedule A"; and

WHEREAS, the Township Committee acknowledges that an application for preliminary and final major subdivision approval has been granted by the Barnegat Township Planning Board pursuant to Resolution P-2012-12, adopted on April 24, 2012, and memorialized by the Planning Board on May 22, 2012, which requires as a condition of approval the vacation of the aforementioned right-of-way and/or paper streets; and

WHEREAS, the Township Committee has received a memorandum with attachments dated July 31, 2012 from John J. Hess, P.E. Consulting Engineer for the Township, indicating that the Township and his office have no objection to vacating the paper streets referenced herein above; and

WHEREAS, the property owner of the area surrounding the paper streets, R. Stone & Company, Inc. has requested the vacation of the paper streets in order to comply with a condition in the aforementioned Planning Board Resolution; and

WHEREAS, the applicant has agreed to reimburse the Township for all professional fees incurred with regard to the vacation of the paper streets including professional fees and publication costs.

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

SECTION 1. The public rights and interests are hereby vacated with respect to that portion of Mirro Avenue, Picasso Avenue, Cherry Street and Monet Street, which is more specifically set forth in the metes and bounds description which is attached hereto as "Schedule A".

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

SECTION 3. The various parts, sections and clauses of this Ordinance are hereby declared to be severable, 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 4. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 5. This ordinance shall take effect after second reading and publication as required by law.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced and passed on first reading by the Township Committee of Barnegat, County of Ocean, State of New Jersey on July 15, 2013. The Ordinance will be considered for second and final reading at a meeting of the Township Committee on August 19, 2013, at 6:30 PM 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 comments with regard to the proposed adoption of this Ordinance.

Sharon L. Auer, Acting Township Clerk

SCHEDULE A

1. The portion of Mirro Avenue located to the east of the easterly line of Cherry Street.
2. The portion of Picasso Avenue located to the east of the easterly line of Cherry Street
3. The portion of Cherry Street bounded by the southerly line of Blocks 184/185 and the northerly line of Blocks 176/177.
4. The entire length of Monet Street.

In accordance with a colored tax map as prepared by the Township Consulting Engineer which is on file at the office of the Township Clerk and can be reviewed by the public during normal business hours.