

ORDINANCE NO. 2016-28

**ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF
BARNEGAT, COUNTY OF OCEAN, STATE OF NEW JERSEY
PROVIDING FOR THE VACATION OF A PORTION OF CERTAIN
RIGHT-OF-WAYS AND PAPER STREETS LOCATED WITHIN
BARNEGAT TOWNSHIP, OCEAN COUNTY, NEW JERSEY**

WHEREAS, the Township Council of the Township of Barnegat, County of Ocean, State of New Jersey, (hereinafter referred to as the "Township") is of the opinion that certain 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 location with a portion of Barnegat Township, Ocean County, New Jersey, known on the Tax Map as "Burns Place" of the Township, a legal description of which is attached hereto and made a part hereof; and

WHEREAS, Patterson Surveying & Engineering Company, LLC, has prepared a legal description of the property to be vacated, in accordance with a survey prepared by Patterson Surveying & Engineering Company, LLC, revised through October 14, 2014 and an easement exhibit dated July 21, 2016, a copy of which is attached hereto; and

NOW, THEREFORE, BE IT ORDAINED by the Mayor and 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 the portion of the right-of-ways and paper streets, as described in the legal description prepared by Patterson Surveying & Engineering Company, LLC, dated October 14, 2014 and an easement exhibit dated July 21, 2016, a copy of which is attached hereto.

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. A portion of the area will be conveyed and consolidated with adjoining Lot 1 in accordance with a Lot Consolidation Deed to be executed by the property owner and duly filed with the Ocean County Clerk's office in Toms River, New Jersey.

SECTION 4. Severability. The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

SECTION 5. Repealer. Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

SECTION 6. Effective Date. This Ordinance shall take effect upon publication in the official newspaper of the Township, as required by and in conformance with law.

NOTICE

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 **October 4, 2016 at 6:30 p.m.**, or as soon thereafter as the matter may be reached and considered, at the Barnegat Township Municipal Building located at 900 West Bay Avenue, Barnegat, New Jersey. The Ordinance will be considered for second and final reading at a meeting of the Township Committee on **November 1, 2016, at 6:30 p.m.**, or as soon thereafter as the matter may be reached and considered, at the Barnegat Township 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.

MICHELE RIVERS, RMC, Township Clerk