ORDINANCE NO. 2024-30

AN ORDINANCE OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN AND STATE OF NEW JERSEY, AUTHORIZING VACATION OF A PORTION OF THOREAU AVENUE, BLOCK 210.01, LOT 34

WHEREAS, pursuant to N.J.S.A. 40:67-1(b) and N.J.S.A. 40:67-19, the Township Committee may, by ordinance, vacate any public street or portion thereof, dedicated to public use, but not accepted by the Township, whether or not the same, or any port, has been actually opened or improved; and

WHEREAS, the Township has received an application for a partial street vacation related to a portion of Thoreau Avenue, Block 210.01, Lot 34 on the Tax Map of the Township of Barnegat. The Township Engineer has received and reviewed the street vacation and has issued a review memorandum dated October 15, 2024 recommending vacation, which is attached hereto and made a part hereof; and

WHEREAS, the Metes and Bounds description is attached hereto as Exhibit A, which provides for the description of the vacation of the area to be vacated as well as a reservation of a portion to remain under ownership of the Township of Barnegat; and

WHEREAS, pursuant to N.J.S.A. 40:67-1(b), the Township Committee must, by Ordinance, preserve the right of public utilities to maintain, repair and replace their existing utility facilities, including cable television facilities, in, adjacent to, over, or under the property or right-of-way to be vacated; and

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. All public easements, right and interests to portions of right-of-way and/or papers streets known as Thoreau Avenue, being at the point of intersection of the northerly line of Thoreau Avenue with the easterly line of New Jersey State Route

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9 formerly known as the northeast corner of Atlantic City Boulevard and Pacific Avenue shown on Map #B-700 filed in the office of the Ocean County Clerk and more fully set forth in the Metes and Bounds description attached hereto as Exhibit A affecting Block 210.01, Lot 34.

SECTION 2. The Township Clerk shall publish, this ordinance, after being introduced and having passed a first reading, at least once not less than ten (10) days instead of one (1) week prior to the time fixed for further consideration for final passage, shall be published at least once in a newspaper published and circulated in the Township, pursuant to N.J.S.A. 40:49-6.

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 adjacent property owners for no consideration.

SECTION 4. At least seven (7) days prior to the time fixed for the consideration of this Ordinance for final passage, a copy of this Ordinance, together with a notice of its and time and place when and where the Ordinance will be further considered for final passage, shall be given by the Township Clerk to the owners of all real property, as shown on the current tax map duplicates, to be located within 200 feet in all directions of Thoreau Avenue in the area vacated as shown in Exhibit A pursuant to N.J.S.A. 40:67-19 and N.J.S.A. 40:49-6.

SECTION 5. The Township Clerk shall within sixty (60) days after such ordinance becomes effective file a certified copy of the ordinance vacating the street with the office of the County Clerk in a special book set aside for dedications and vacations, pursuant to N.J.S.A. 40:67-21.

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SECTION 6. After introduction, this Ordinance shall be referred to the Barnegat Township Planning Board for review and comment pursuant to N.J.S.A. 40:55D-26, N.J.S.A. 40:55D-32, and N.J.S.A. 40:55D-33, since vacation of a public street or portion thereof constitutes a change to the official map of Barnegat Township, Ocean County and the closing of a public street, albeit a paper unimproved street.

SECTION 7. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 8. If any section, subsection, paragraph, sentence or any part of this ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance not directly involved in the controversy in which such judgment shall have been rendered.

SECTION 9. This Ordinance shall take effect upon final passage and publication in accordance with the law.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed by the Township Committee on first reading at a meeting of the Township Committee of the Township of Barnegat on the **7th day of November, 2024**, and will be considered for second and final passage at a meeting of the Township Committee to be held on the **3rd day of December, 2024, at 10:00 AM** at the Municipal Building located at 900 West Bay Avenue, Barnegat, New Jersey, at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.

Donna M. Manno, RMC
Municipal Clerk

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