

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH
OF SPRING LAKE, COUNTY OF MONMOUTH, STATE OF NEW
JERSEY VACATING PARK PLACE**

WHEREAS, there exists in the Borough of Spring Lake, and unimproved but accepted right of way identified as Park Place; and

WHEREAS, the vacation of a public street, or part thereof, which has not been opened by the municipality, may be authorized by the municipal governing body by Ordinance pursuant to N.J.S.A. 40:67-19, et seq., when there is no longer any need for the use of said area by the public; and

WHEREAS, the Borough Council of the Borough of Spring Lake, County of Monmouth, State of New Jersey has determined that the Park Place right of way is not needed for public use or other public purpose; and

WHEREAS, the Borough Council has determined that the public interest would be served by vacating the entire length of the Park Place right of way, extending from Third Avenue to Monroe Avenue.

NOW THEREFORE, BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF SPRING LAKE, IN THE COUNTY OF MONMOUTH, and STATE OF NEW JERSEY as follows:

SECTION 1.

Park Place is hereby declared not needed for public use.

SECTION 2.

Pursuant to NJSA 40:67-19, et seq., the Borough of Spring Lake hereby vacates, releases, discharges and extinguishes all rights to the entire public street and right of way known as Park Place, extending between Third Avenue and Monroe Avenue, except for all rights and privileges now possessed by public utilities, as defined in NJSA 48:2-13, and by any Cable Television Company, as defined in the "Cable Television Act", NJSA 48:5A-1 et seq., to maintain, repair and replace their existing facilities in, adjacent to, over or under the street, or any part thereof, to be vacated, which rights are herein expressly reserved.

SECTION 3.

Pursuant to N.J.S.A. 40:67-19, et seq., upon vacation of Park Place, one half of the width of the vacated street shall be conveyed to each of the adjoining properties, being Block 153 Lot 1, owned by the Borough of Spring Lake,, Block 152 Lot 5, owned by Robert and Virginia Cox, and Block 152 Lot 6, owned by Charles and Anne Benz.

SECTION 4.

To the extent that any portion(s) of the underlying vacated area do not transfer automatically to the adjacent property owners by operation of law, the Borough hereby authorizes the conveyance of said underlying area(s) to the adjoining owner(s) by Deed, for nominal consideration, pursuant to N.J.S.A. 40:67-19, et seq., N.J.S.A. 40:60-28, and N.J.S.A. 40A:12-13(b)(5), so that these portions may be combined with and become a part of the said adjacent properties.

SECTION 5.

This Ordinance shall take effect upon publication as provided by law. The Borough Clerk shall, within sixty (60) days of the effective date of this Ordinance, file a copy hereof, certified by the Clerk, under seal of the Borough to be a true and exact copy of the ordinance, together with a copy of the proof of publication thereof, with the office of the Monmouth County Clerk for recordation in the County's Book of "Vacations", pursuant to N.J.S.A. 40:67-21.


INTRODUCED: January 26, 2009

ADOPTED: February 9, 2009

APPROVED:


JENNIFER NAUGHTON, Mayor

Attest:


JANE L. GILLESPIE, BOROUGH CLERK