

**ORDINANCE NO. 2021-08
VACATING A PORTION OF
6th AVENUE (traversing Block 251, Lots 1.02&3,
& Block 254, Lot 5)**

**RESOLUTION OF APPROVAL 2021-08
PLANNING BOARD, TOWNSHIP OF LITTLE EGG HARBOR**

WHEREAS, on April 8, 2021, the Mayor and Township Committee passed, on first reading, Ordinance No. 2021-08 (attached hereto and incorporated herein by reference) which provides for the vacation of the Township's interest in the portion of 6th Avenue that traverses Block 251, lots 1.02 & 3, and Block 254, lot 5; said Ordinance is scheduled for final adoption upon second reading and public hearing on May 13, 2021; and

WHEREAS, said Ordinance has been referred to the Planning Board of Little Egg Harbor Township, in accordance with the permissive advisory powers of the planning board set forth in NJSA 40:55D-25(b)(3) and Township Code Section 299-15; and

WHEREAS, the Planning Board of Little Egg Harbor Township has fully examined Township Ordinance No. 2021-08 and approves the same for adoption by the governing body of the Township of Little Egg Harbor, there being no adverse impact upon any zoning or planning application or approval pending or previously approved by the Board, nor upon the Master Plan of the Township of Little Egg Harbor.

NOW, THEREFORE, BE IT RESOLVED, by the Little Egg Harbor Township Planning Board that Township Ordinance No. 2021-08 be and hereby is approved for adoption by the Mayor & Township Committee of the Township of Little Egg Harbor.

BE IT FURTHER RESOLVED, that the Little Egg Harbor Township Planning Board hereby recommends the adoption of the Township Ordinance No. 2021-08 without further comment.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that certified copies of this Resolution shall be forwarded to the Mayor & Township Committee, and to the Township Clerk.


GEORGE GARBARAVAGE, Chairman

CERTIFICATION

I, **Robin Schilling**, Secretary of the Little Egg Harbor Township Planning Board, certify that the foregoing Resolution was duly adopted at a meeting held on May 6, 2021, a quorum being present and voting in the majority.


Robin Schilling, Board Secretary

ORDINANCE NO. 2021 – 08

AN ORDINANCE OF THE TOWNSHIP OF LITTLE EGG HARBOR, COUNTY OF OCEAN, STATE OF NEW JERSEY, VACATING ALL OF THE RIGHT, TITLE AND INTEREST OF THE TOWNSHIP IN A PORTION OF 6th AVENUE, OFF COUNTY ROUTE 539, THAT TRAVERSES BLOCK 251, LOTS 1.02 & 3, BLOCK 254, LOT 5.

WHEREAS, the governing body of the Township of Little Egg Harbor has been requested to vacate all of the right, title and interest of the Township in a portion of 6th Avenue, off County Route 539, that traverses Block 251, Lots 1.02 & 3, Block 254, Lot 5; and

WHEREAS, the governing body makes the determination that the public will not adversely be affected by the vacation of the Township's interest in a portion of 6th Avenue, off County Route 539, that traverses Block 251, Lots 1.02 & 3, Block 254, Lot 5, pursuant to N.J.S.A. 40:49-6 and N.J.S.A. 40:67-19.

NOW, THEREFORE, BE IT ORDAINED, by the governing body of the Township of Little Egg Harbor, County of Ocean, State of New Jersey, as follows:

SECTION 1. There is hereby vacated all of the right, title and interest of the public for all public usages and purposes in and to that portion of 6th Avenue, off County Route 539, that traverses Block 251, Lots 1.02 & 3, Block 254, Lot 5, as is set forth on Exhibit A, attached hereto and made a part hereof. However, the Township does hereby expressly reserve and except from the vacation all rights and privileges now possessed by public utilities, as defined in R.S. 48:2-13, and by cable television company, as defined in the "Cable Television Act," P.L. 1972, c. 186, (C. 48:5A-1, et seq.), to maintain, repair and replace their existing facilities in, adjacent to, over or under the street, highway, lane, alley, square, place or park, or any part thereof, being vacated by the provisions of this ordinance.

rmsh/c

Rothstein, Mandell, Strohm,
Halm & Cipriani, P.A.
ATTORNEYS AT LAW

150 Airport Road
Suite 600
Lakewood, NJ 08701

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SECTION 2. At least one (1) week prior to the time fixed for further consideration for final passage of this ordinance, a copy hereof, together with a notice stating the introduction of the ordinance on first reading and the time and place when and where the ordinance will be considered for final passage, shall be mailed to every person whose lands may be affected by the adoption of the ordinance.

SECTION 3. This ordinance shall be published at least once in an official newspaper of the Township at least ten (10) days prior to the time fixed for consideration of the final passage of the ordinance.

SECTION 4. The Township Clerk, if this ordinance is adopted on final reading, shall submit a certified copy of this ordinance, together with proof of publication, to the Ocean County Clerk's Office for recording in the Book of Vacations.

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

SECTION 6. A copy of Exhibit A as referenced herein shall be kept on file and made available for public inspection in the Township Clerk's Office during normal business hours.

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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 Little Egg Harbor held on the 8th day of **April, 2021**, and will be considered for second and final passage at a meeting of the Township Committee to be held on the 13th day of **May, 2021**, at 7:00 p.m. at the Municipal Building located at 665 Radio Road, Little Egg Harbor, 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.

Susan M. Farrell, RMC, Deputy Municipal Clerk
Township of Little Egg Harbor

Introduction

Stevens: yes Crea: yes Gormley: yes Scibetta: yes Kehm: yes

Second Reading & Adoption

Stevens: _____ Crea: _____ Gormley: _____ Scibetta: _____ Kehm: _____

rimshlc

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