

**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 6<sup>th</sup> 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 6<sup>th</sup> 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 6<sup>th</sup> 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 6<sup>th</sup> 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.

**r|m|s|h|c**  
Rothstein, Mandell, Strohm,  
Halm & Cipriani, P.A.  
ATTORNEYS AT LAW

150 Airport Road  
Suite 600  
Lakewood, NJ 08701

o: 732.363.0777  
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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 **8<sup>th</sup>** 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 **8<sup>th</sup>** day of **July, 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

**April 8, 2021**

**Motion to Introduce: Crea**

**Second: Scibetta**

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

**May 13, 2021**

**Motion to Carry: Stevens**

**Second: Crea**

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

**June 10, 2021**

**Motion to Carry: Crea**

**Second: Gormley**

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

**July 8, 2021**

**Motion to Adopt:**

**Second:**

Stevens: \_\_\_\_\_ Crea: \_\_\_\_\_ Gormley: \_\_\_\_\_ Scibetta: \_\_\_\_\_ Kehm: \_\_\_\_\_

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