

ORDINANCE #2025-

AN ORDINANCE OF THE BOROUGH COUNCIL OF THE BOROUGH OF KEYPORT, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY AMENDING BOROUGH CODE CHAPTER XVI (STREETS, SIDEWALKS AND SANITATION) BY ADDING SECTION 16-9 TO PROVIDE POLICIES AND PROCEDURES REGARDING STREET VACATION REQUESTS

WHEREAS, the Borough of Keyport, in the County of Monmouth, New Jersey (the "**Borough**"), a public body corporate and politic of the State of New Jersey, desires to amend Chapter XVI to add a new section providing policies and procedures for street vacation requests; and

WHEREAS, N.J.S.A. 40:67-1 et seq. authorizes the Borough to adopt Ordinances regarding the vacation of any street, highway, lane or alley, or any part thereof.

NOW THEREFORE BE IT ORDAINED, by the Borough Council of the Borough of Keyport, in the County of Monmouth, State of New Jersey, as follows:

Section 1. Chapter XVI of the Borough Code is hereby amended to add a new section providing policies and procedures for street vacation requests as follows:

§16-9. POLICIES AND PROCEDURES REGARDING STREET VACATION REQUESTS

§16-9.1 Application.

All requests for street vacations shall be made in writing, and addressed to the Mayor and Borough Council, and filed with the Borough Clerk for consideration at any Borough Council meeting as soon as reasonably practicable. Said request must include an identification of the applicant's property, and a depiction of the premises to be vacated, the refundable escrow deposit as set forth in Section 16-9.2, and a list of all owners of adjacent property, with current mailing addresses. The applicant shall provide notice of the application and meeting date mailed at least ten (10) days in advance of the meeting date to all owners of adjacent property, and shall provide proof of such notice to the Borough Clerk.

§16-9.2 Refundable Escrow Deposit.

- a. **Refundable Escrow Fee Required.** The applicant must post a refundable escrow deposit with the Borough to defray costs and professional fees incurred by the Borough in the course of reviewing said request. The escrow deposit shall be \$2,500.
- b. All actual costs and expenses incurred by the Borough with regard to the consideration and/or adoption of any street vacation ordinance shall be paid from the escrow deposit, including but not limited to all professional fees (including but not limited to attorney and engineer fees), publication costs, recording fees, and certified mail fees. Any unused escrow

balance shall be refundable. Any actual costs which exceed said escrow shall be billable to applicant, with prior notice.

§16-9.3 Initial Review.

The applicant shall be notified of the date the matter is to be initially considered during a public meeting by the governing body and may address the governing body at that time. The governing body shall, by motion, either deny the request or instruct the Borough professionals and personnel to proceed with the detailed review of the application and drafting of an Ordinance to approve the street vacation. If the request is denied, the applicant shall be notified in writing of the decision of the Borough Council, and to the extent practicable, of the reasons therefor.

§16-9.4 Referral for Recommendations from Departments.

Upon the governing body's motion to proceed with the street vacation request, the request and supporting documentation shall be forwarded to the Borough Administrator, the Department of Public Works, the Borough Attorney, the Borough Engineer, the Borough Police Department, and such other governmental agencies and utilities as are deemed advisable by the governing body, for recommendation and report. The request shall also be referred to the Borough Planning Board for a review of any potential land use issues pursuant to N.J.S.A. 40:55D-25(b)(3), and any other issues that may be identified by the governing body or the Board. Any reports and recommendations issued in response thereto shall be filed with the Borough Clerk and forwarded to the governing body for further consideration at any Borough Council meeting.

§16-9.5 Document Preparation.

The Borough Attorney shall prepare the appropriate ordinance, and any legal documents necessary to implement any street vacation ordinance as directed by the governing body, along with any legal notices required by N.J.S.A. 40:67-1 et seq. The Borough Clerk will record the ordinance following adoption, and such other legal documents as are required, with the county clerk. The Borough Engineer shall prepare a legal description of the street(s) or easement(s) to be vacated to be included in the text of said ordinance, and upon adoption of same, shall provide any tax map revision necessitated thereby.

§16-9.6 Additional Provisions.

The obligation of the Borough with regard to the adopted vacation ordinance shall cease with its recording of same with the county clerk's office and updating of its tax map. In the event that the applicant or the adjacent property owners who may receive an interest in the vacated area wish to have a deed prepared evidencing the property vacated, such deed shall be the obligation of the owner acquiring title to said portion of the vacated premises. In the event that any such deed is prepared, it shall describe, by metes and bounds, the original property, including within the description that portion of the vacated premises being

incorporated with the owner's original land holdings. The deed shall contain a reference to the new tax lot number created and assigned to the combined lot and the vacation area as determined by the Borough Assessor. It shall also include a reference to the survey map upon which the deed description is based and a reference to the ordinance number vacating the premises. The deed shall be transferred by the owner to themselves.

Section 2. This Ordinance shall take effect upon adoption and publication according to law.

Section 3. If any part of this Ordinance shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Ordinance.

Introduced: July 1, 2025
Public Hearing: August 19, 2025
Adopted:

Michele Clark, RMC
Borough Clerk

Mayor Rose P. Araneo
Borough of Keyport