

ORDINANCE OF THE BOROUGH OF KEYPORT, COUNTY OF MONMOUTH, NEW JERSEY, VACATING A PORTION OF THE RIGHT OF WAY OF WASHINGTON STREET WITHIN THE BOROUGH OF KEYPORT AS SET FORTH HEREIN

WHEREAS, the Borough of Keyport (the “**Borough**”) is a public body corporate and politic, and a municipal corporation of, the State of New Jersey; and

WHEREAS, pursuant to N.J.S.A. 40:67-1, *et seq.*, the Borough may, by ordinance, vacate, release and extinguish the public’s rights in any portion of a public street, highway, lane or alley, and any portion of a property dedicated as a public street, where the public interest will be better served by releasing those lands or any part thereof from such dedication; and

WHEREAS, the Borough desires to vacate a portion of the right of way at Washington Street within the Borough, and as designated on the tax map of the same, and as more fully described and set forth on the attached Exhibit A (the “**Vacated Area**”), and to allow, by operation of applicable law, the conveyance of such interest to the adjacent property owner(s); and

WHEREAS, the Borough has determined that the vacation of the Vacated Area is in the best interests of the community, provided that all rights and privileges possessed by public utilities, as defined in *N.J.S.A. 48:2-13*, and by any cable television company, as defined in the Cable Television Act, *N.J.S.A. 48:5A-1, et seq.*, to maintain, repair and replace their existing facilities in, adjacent to, over or under the street to be vacated, are expressly reserved and excepted from the vacation; and

WHEREAS, the within vacation and conveyance of the Vacated Area is expressly contemplated by a Resolution of Approval of the Keyport Planning Board, adopted December 12, 2018, in connection with redevelopment projects undertaken by Mariner’s Village at Keyport, LLC 357 West Front Street, LLC, and the Borough Council now desires to effectuate said vacation and conveyance, all as aforesaid; and

NOW, THEREFORE, BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF KEYPORT, COUNTY OF MONMOUTH, NEW JERSEY, AS FOLLOWS:

Section 1. The recitals are incorporated herein as though fully set forth herein.

Section 2. The Borough hereby vacates the Vacated Area, as described on the attached Exhibit A and as discussed above; provided, however, that all rights and privileges possessed by public utilities, as defined in *N.J.S.A. 48:2-13*, and by any cable television company, as defined in the Cable Television Act, P.L.1972, c. 186, 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, to be vacated, are expressly reserved and excepted from the vacation set forth above.

Section 3. The Mayor and Business Administrator are hereby authorized and directed to take such steps and execute such documents, if any, as are necessary for the Borough to vacate the Vacated Area in a manner consistent with the provisions of this Ordinance.

Section 4. The Clerk of the Borough is hereby authorized and directed to: (i) publish notice of the introduction of this Ordinance pursuant to *N.J.S.A. 40:49-2*; provided, however, that notice as to such introduction and public hearing shall be made, pursuant to *N.J.S.A. 40:49-6*, at least ten (10) days prior to the public hearing and adoption hereof; and (ii) to mail, at least one week prior to the public hearing and adoption hereof, a notice to every person whose lands may be affected by this Ordinance.

Section 5. Within sixty (60) days after adoption of this Ordinance, the Borough Clerk is authorized and directed to cause a certified copy of this Ordinance to be filed with the Clerk of Monmouth County, pursuant to *N.J.S.A. 40:67-2*.

Section 6. This Ordinance shall take effect according to applicable law.

Introduced: February 15, 2022
Public Hearing:
Adopted:

Michele Clark, RMC
Borough Clerk

Collette J. Kennedy, Mayor

Exhibit A

Survey and Description of Vacated Area