

O2021-15

ORDINANCE OF THE BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY AUTHORIZING THE VACATION OF CERTAIN PAPER STREETS (PORTIONS OF LOCKER STREET, WAVE STREET, PEARLE STREET, BERKELEY AVENUE, NAUTILUS STREET, OAK STREET, MAPLE STREET, WALNUT STREET, SPRUCE STREET, PINE STREET, POPLAR STREET, CHERRY STREET) MORE SPECIFICALLY DESCRIBED ON THE ATTACHED “SCHEDULE A.”

WHEREAS, the Borough Council of the Borough of Beachwood, Ocean County, New Jersey, has determined that it is in the best interest of the Borough to vacate portions of various dedicated but not accepted or opened streets, and allow said portions to revert to the adjoining property owners; and

WHEREAS, the vacation of public streets, or parts thereof, which have not been accepted or 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 adjoining land owners to whom each partially vacated street shall revert have been notified of the partial vacation of said street.

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Beachwood, Ocean County, State of New Jersey, as follows:

1. Pursuant to N.J.S.A. 40:67-19, et seq., all public right and interest in certain properties, more specifically described in “Schedule A” annexed to this Ordinance are hereby vacated.
2. Pursuant to the aforesaid statute, one-half of the width of the vacated portion of the street shall be conveyed by operation of law to each of the adjoining properties described in “Schedule A.”
3. All rights and privileges now possessed by any public utility or cable television company, to maintain, repair and/or replace their existing facilities in, adjacent, over or under the properties described in “Schedule A” are hereby expressly reserved and excepted from this vacation.
4. All ordinances or parts of ordinances which are inconsistent with this ordinance are repealed as to their inconsistencies only.
5. Once the unopened and unaccepted portions of the streets have been vacated, then the Borough’s interest in and to the said dedicated streets shall be released.
6. Attached as “Schedule B” (B-1 through B-4) is a reduced copy of a portion of the tax map showing the affected streets. A larger sized copy of “Schedule B” (B-1 through B-4) is available for inspection during normal business hours at the Office of the Borough Clerk located in Borough Hall, 1600 Pinewald Road, Beachwood, New Jersey.
7. 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, in the Office of the Ocean County Clerk for recording in the County’s Book of “Vacations,” pursuant to N.J.S.A. 40:67-21.

This Ordinance shall take effect twenty (20) days after publication of final adoption.

This Ordinance shall be known as Ordinance 21-15.

VOTE ON INTRODUCTION December 1, 2021

| COUNCIL PERSON | MOTION | SECOND | AYES | NAYS | ABSTAIN | ABSENT |
|----------------|--------|--------|------|------|---------|--------|
| Cairns | | X | X | | | |
| Clayton | | | | | | X |
| Feeney | X | | X | | | |
| Komsa | | | X | | | |
| LaCrosse | | | | | | X |
| Zakar | | | X | | | |

KATHRYN HUTCHINSON, Municipal Clerk
Borough of Beachwood

NOTICE

The Ordinance published herewith was introduced and passed upon first reading at a meeting of the Borough Council of the Borough of Beachwood, Ocean County, New Jersey, held on the 1st day of December 2021. It will be further considered for final passage by the Borough Council at a meeting to be held at the Beachwood Municipal Complex, 1600 Pinewald Avenue, Beachwood, New Jersey, on the 15th day of December, 2021 at 7:00 p.m., or at any time and place to which such meeting may be adjourned. All persons interested will be given the opportunity to be heard concerning such Ordinance. During the week prior to and including the date of such further consideration, copies of said Ordinance will be made available at the Clerk's Office within Borough Hall to the members of the general public who shall request the same.

KATHRYN HUTCHINSON, Borough Clerk

VOTE ON PUBLIC HEARING/ADOPTION

| COUNCIL PERSON | MOTION | SECOND | AYES | NAYS | ABSTAIN | ABSENT |
|----------------|--------|--------|------|------|---------|--------|
| Cairns | | | X | | | |
| Clayton | | | X | | | |
| Feeney | | | X | | | |
| Komsa | | | X | | | |
| LaCrosse | | X | X | | | |
| Zakar | X | | X | | | |

CERTIFICATION

I, Kathryn Hutchinson, Municipal Clerk of the Borough of Beachwood, do hereby certify the foregoing to be a true and exact copy of the ordinance which was adopted by the Borough Council of the Borough of Beachwood at a regularly scheduled meeting held on December 15, 2021 at 7:00 P.M., at the Municipal Building, located at 1600 Pinewald Road, Beachwood, New Jersey.

Kathryn Hutchinson, RMC, CMC
Municipal Clerk - Borough of Beachwood

Ronald Roma Jr.
Mayor