

ORDINANCE #01-2016 (As Amended)
AN ORDINANCE AUTHORIZING THE
VACATION OF A PORTION OF BELLEVUE PLACE
BOROUGH OF SEA BRIGHT

WHEREAS, the property owner at 3 Atlantic Way, Lot 10 in Block 29 on the tax assessment map, has requested that the Borough vacate a portion of Bellevue Place adjacent to his property; and

WHEREAS, the Borough of Sea Bright had vacated another portion of Bellevue Place in 1997 which was adjacent to 1 Atlantic Way; and

WHEREAS, the property known as Bellevue Place has never been utilized by the Borough for a public street and therefore pursuant to N.J.S.A.40:67-19 the Mayor and Council have determined that the public interest will be better served by releasing these lands and extinguishing the public right to this property in that, among other things, it will increase the tax base for the Borough and will not vacate or eliminate the end of street public access; and

WHEREAS, the Borough Attorney has advised the Mayor and Council that it is not able to legally sell the property, leaving vacation as the only option with regard to disposing of the property; and

WHEREAS, pursuant to N.J.S.A. 40:49-6, after introduction and passage on first reading, notice of this ordinance shall be published at least once, not less than 10 days prior to the hearing when the ordinance shall be considered for final passage and at least one week prior to consideration for final passage a copy of the ordinance and notice of introduction shall be mailed to every party whose lands are affected by this ordinance; and

WHEREAS, it is the intent of the Ordinance to vacate a portion of the right of way known as Bellevue Place, as set forth in the metes and bounds description in this ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Sea Bright, as follows:

SECTION ONE:

Pursuant to the authority granted by N.J.S.A.40:67-19, the following portion of Bellevue Place in the Borough of Sea Bright is hereby vacated:

**METES AND BOUNDS DESCRIPTION OF
A PORTION OF BELLEVUE PLACE,
A MUNICIPAL RIGHT OF WAY TO BE VACATED
BOROUGH OF SEA BRIGHT, MONMOUTH COUNTY, NEW JERSEY**

Commencing at a point on the northerly line of Atlantic Way, said point being distant 402.97 feet westerly measured along the northerly line of Atlantic Way from the westerly line of Ocean Avenue which is the true point and place of beginning thence;

- 1) N 83° 15' 00" W a distance of 34.60 feet to a point thence;
- 2) Northerly along the bulkhead N 03° 43' 14" E a distance of 37.55 feet to a point thence;
- 3) S 83° 15' 00" E a distance of 36.60 feet to a point thence;
- 4) S 06° 45' 00" W a distance of 37.50 Feet to the true point and place of beginning.

Containing 1,334.13 S.F. or 0.030 Acres

SECTION TWO:

All costs and expenses incidental to the preparation, introduction, passage, publication and recording of this ordinance, including preparation and mailing of any and all notices related to the Ordinance upon property owners whose property is affected by the proposed vacated Bellevue Place and publication of shall be borne and paid for by Timothy J. Parker.

SECTION THREE:

This Ordinance shall be recorded in the office of the Monmouth County Clerk after its passage. Upon filing with the Monmouth County Clerk, title to the vacated portion of Bellevue Place shall merge with and become part of Lot 10 in Block 29.

SECTION FOUR:

This Ordinance shall be subject to the following:

1. In the event the utilities, if any, presently located under the right of way being vacated hereunder, are not moved to another location, an easement in perpetuity is reserved for the benefit of the Borough of Sea Bright and all public utility companies, including any cable television company as defined in the "Cable Television Act" (N.J.S.A. 48:5A-1 et seq.) for the purpose of ingress and egress over and upon the area subject to this vacation ordinance in order to maintain, repair or replace existing utility facilities including water lines, sewer lines, gas lines and telephone, electrical and cable television wires and poles which may be located either beneath or above the surface of the area subject to this vacation ordinance.
2. The act of vacating the indentified portion of Bellevue Place shall not vacate or eliminate the end of street public access.

SECTION FIVE:

If any section, paragraph provision of this Ordinance shall be adjudged invalid, such adjudication shall not affect the validity of the remaining sections, paragraphs or provisions of this Ordinance, which shall otherwise remain in full force and effect.

SECTION SIX:

This Ordinance shall take effect upon final passage and publication as required by law.

SECTION SEVEN:

All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed.

I HEREBY CERTIFY this to be a true and correct Ordinance of the Mayor and Borough Council of the Borough of Sea Bright, introduced on January 19, 2016 and will be further considered after a Public Hearing held on February 2, 2016 at the Municipal Building at 7:00 pm.

INTRODUCED: January 19, 2016
PUBLIC HEARING: February 2, 2016
ADOPTED: February 2, 2016

Witness


CHRISTINE PFEIFFER, CLERK

BOROUGH OF SEA BRIGHT,


DINA LONG, Mayor