

BOROUGH OF ALLENHURST

ORDINANCE #2019-09

AN ORDINANCE VACATING A PORTION OF LAKE DRIVE, IN THE BOROUGH OF ALLENHURST, COUNTY OF MONMOUTH.

Offered By: Mayor McLaughlin

Seconded By: Comm. Bolan

SECTION I

WHEREAS, a portion of Lake Drive located in Railroad Plaza Park has always been unimproved land; and

WHEREAS, said right-of-way to be vacated is designated as that portion of Lake Drive between Corlies Avenue and Spier Avenue as shown on the Borough of Allenhurst Tax Map; and

WHEREAS, the aforesaid portion of Lake Drive to be vacated is more particularly described in the meets and bounds description attached hereto as Exhibit A; and

WHEREAS, the Governing Body is of the opinion that this portion of Lake Drive is not needed for public purposes and can be vacated to address the needs of the community; and

WHEREAS, N.J.S.A. 40:49-6, N.J.S.A. 40:67-1b, N.J.S.A. 40:67-19, N.J.S.A. 40:67-21 provides the means whereby a municipality may vacate a street or part thereof.

NOW THEREFORE, BE IT ORDAINED by the Governing Body of the Borough of Allenhurst, County of Monmouth, State of New Jersey, that the statements contained in the foregoing preamble be and are hereby incorporated into this Agreement as if more fully set forth herein at length; and

BE IT FURTHER ORDAINED that the portion of Lake Drive between Corlies Avenue and Spier Avenue as more particularly described in the meets and bounds description attached hereto as Exhibit A be and is hereby vacated; and

BE IT FURTHER ORDAINED that the effect of this Ordinance shall be to vacate all public rights to the street as depicted in Exhibit A attached hereto, except any rights or privileges now 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 portion of the street to be vacated hereby; and

BE IT FURTHER ORDAINED that the Borough Clerk is hereby authorized and directed to do the following:

1. Publish a copy of this Ordinance in an official newspaper of the municipality, together with a notice of the introduction thereof and the time and place when and where this ordinance will further be considered for final passage, such publication to be at least ten (10) days prior to the time fixed for further consideration of this Ordinance for final passage.
2. Send, by certified mail, return receipt requested a copy of this Ordinance, together with the notice of the introduction thereof, the time and place when and where this Ordinance will be considered for final passage to the County Clerk for the County of Monmouth, Hall of Records, 1 East Main Street, Freehold, New Jersey 07728 and a copy by regular mail to Allen Weiss, Esq. Special Monmouth County Counsel, 2105 West County Line Road, Jackson, New Jersey 08527.
3. Publish in an official newspaper of the municipality notice of the passage of this

Ordinance by title.

4. Within sixty (60) days after this Ordinance becomes effective, record a copy of this Ordinance, certified by the Borough Clerk to be a true copy, under the seal of the Borough of Allenhurst, together with a copy of the proof of publication thereof, in the office of the County Clerk, to be recorded in a book entitled Vacations.

SECTION II

Since this Ordinance is not legislative in nature, it need not be codified in the Code of the Borough of Allenhurst.

SECTION III

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

EXPLANATORY STATEMENT:

This Ordinance vacates the unimproved portion of Lake Drive in Railroad Plaza Park located between Corlies Avenue and Spier Avenue.

LEON S. AVAKIAN, INC. *Consulting Engineers*

788 WAYSIDE ROAD • NEPTUNE, NEW JERSEY 07753

LEON S. AVAKIAN, P.E., P.L.S. (1953-2004)
PETER R. AVAKIAN, P.E., P.L.S., P.P.
MEHRYAR SHAFAI, P.E., P.P.
GREGORY S. BLASH, P.E., P.P.
LOUIS J. LOBOSCO, P.E., P.P.
GERALD J. FREDA, P.E., P.P.
WILLIAM D. PECK, P.E., P.P.
RICHARD PICATAGI, L.L.A., P.P.
JENNIFER C. BEAHM, P.P., AICP

SCHEDULE "A"

Description of a portion of Lake Drive
Borough of Allenhurst, Monmouth County, New Jersey
to be vacated

Being known and designated as that portion of Lake Drive (40' R.O.W.) between Corlies Avenue and Spier Avenue as shown on the Borough of Allenhurst Tax Map, and being more particularly described as follows:

Beginning at a point in the northerly line of Corlies Avenue (60' R.O.W.) said point being 80 feet more or less westerly from the intersection of said northerly line of Corlies Avenue and the westerly line of the New York & Long Branch Railroad (101' R.O.W.), and proceeding:

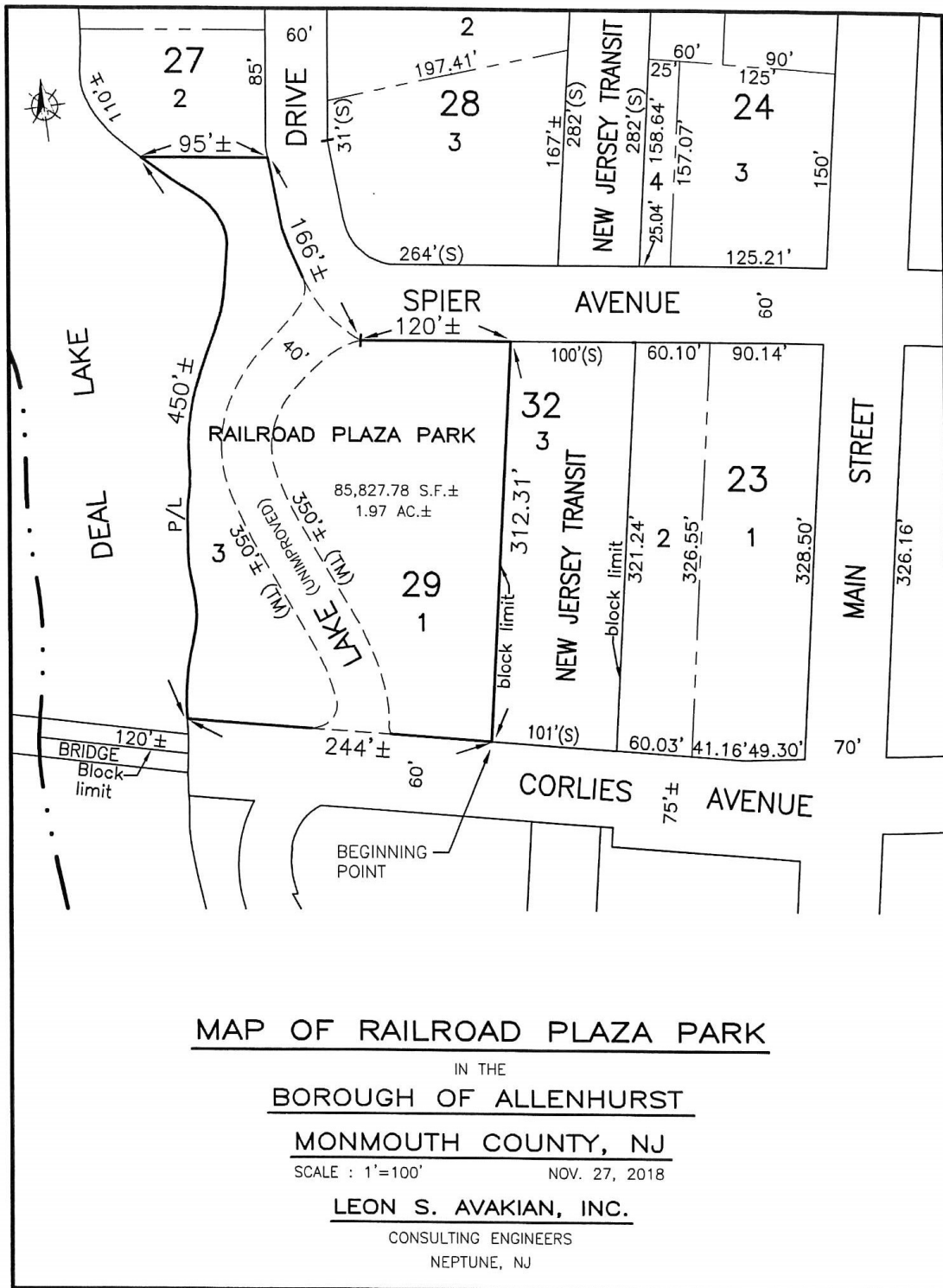
1. Northerly along the westerly line of Lot 1 in Block 29 on curve to the left, then on a tangent, then on a curve to right a total distance of 350 feet more or less to a point in the southerly line of Spier Avenue (60' R.O.W.); thence
2. Westerly along the southerly line of Spier Avenue on a curve to the right a distance of 46 feet more or less; thence
3. Southerly along the easterly line of Lot 3 in Block 27 on curve to the left, then on a tangent, then on a curve to right a total distance of 350 feet more or less to a point in the northerly line of Corlies Avenue (60' R.O.W.); thence
4. Easterly along the northerly line of Corlies Avenue a distance of 44 feet more or less to a point; said point being the POINT OR PLACE OF BEGINNING.



Peter R. Avakian, P.E., L.S., P.P.
N.J. License No. 28142

PHONE (732) 922-9229

FAX (732) 922-0044



There were no public comments.

VOTE: Comm. McLoughlin AYE; Comm. Bolan AYE; Mayor McLaughlin AYE

APPROVED: August 13, 2019

ADOPTED: September 10, 2019

I, Donna M. Campagna, Borough Clerk/Administrator, do hereby certify this to be a true and exact copy of a Ordinance Adopted by the Board of Commissioners of the Borough of Allenhurst, County of Monmouth, State of New Jersey, at a meeting held on September 10, 2019.

Donna M. Campagna
Borough Clerk/Administrator