

ORDINANCE NO: #19-10

AN ORDINANCE VACATING AMERICAN LEGION DRIVE AND RE-NAMING THE WATERFRONT PARK ACCESS ROAD AMERICAN LEGION DRIVE

WHEREAS, there exists in the Borough of Keyport, Monmouth County, State of New Jersey, a road known as American Legion Drive, as shown on the Official Tax Map of the Borough of Keyport; and

WHEREAS, said American Legion Drive was within the footprint of the old Waterfront Park area and is no longer in existence; and

WHEREAS, the aforesaid American Legion Drive is to be vacated; and

WHEREAS, the Mayor and Council of the Borough has determined that American Legion Drive will no longer be needed for public purposes; and

WHEREAS, *N.J.S.A. 40:67-19* authorizes the Borough to release and extinguish the public's right, and the rights of the Borough in American Legion Drive; and

WHEREAS, pursuant to *N.J.S.A. 40:67-1(k)*, the governing body of every municipality may make, amend, repeal and enforce ordinances providing for the naming and changing the names of streets and highways ; and

WHEREAS, the Mayor and Council of the Borough have also determined that the current Waterfront Park access road which is currently unnamed shall be given the name "American Legion Drive" to continue the Borough's honoring of the American Legion.

NOW THEREFORE, BE IT ENACTED by the Mayor and Council of the Borough of Keyport that:

Subject to the conditions set forth below, the right of the public and the Borough of Keyport in and to the roadway currently known as American Legion Drive are hereby extinguished and vacated; and

The current Waterfront Park access road which is currently unnamed is hereby given the name "American Legion Drive"; and

Expressly reserved and excepted from this vacation, pursuant to *N.J.S.A. 40:67-1(b)*, are all of the rights and privileges now possessed by public utilities and cable television companies to maintain and repair their existing facilities adjacent to, over and under the street or public place to be vacated.

At least seven (7) days prior to the time fixed for the consideration of this Ordinance for final passage, a copy of this Ordinance, together with a notice of its introduction and the time and place when and where the Ordinance will be further considered for final passage, shall be mailed to every person whose land may be affected by this Ordinance so far as may be ascertained. Said notices shall be mailed by the Borough Clerk in accordance with the provisions of *N.J.S.A. 40:49-6*.

The Borough Clerk shall, within sixty (60) days of the effective date of this Ordinance, file a copy of this Ordinance certified by the Clerk under the seal of the Borough, to be a true copy thereof, together with proof of publication thereof, in the office of the Clerk of the County of Monmouth, in accordance with the provisions of *N.J.S.A. 40:67-21*.

If any part or parts of the Ordinance are for any reason held to be invalid, such adjudication shall not affect the validity of the remaining portions of this Ordinance.

All Ordinances or parts of Ordinances which are inconsistent herewith are repealed, but only to the extent of such inconsistency.

This Ordinance shall become effective immediately upon its final passage and recording of this Ordinance with the Monmouth County Clerk's Office.

Introduced: December 7, 2010
Public Hearing: December 21, 2010
Adopted: December 21, 2010

Valerie T. Heilweil, RMC
Borough Clerk
Borough of Keyport

Robert J. Bergen, Mayor
Borough of Keyport